



COUNTY OF LOS ANGELES CHILD SUPPORT ADVISORY BOARD

Los Angeles County
Board of Supervisors

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2008

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David Jetton

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California Department of Child Support Services

Mary Lawrence

Franchise Tax Board

Debbie Strong

CHILD SUPPORT ADVISORY BOARD MINUTES DECEMBER 11, 2008

Present

2nd District, Pat Miller
3rd District, Lucy T. Eisenberg, Esq., Chair
3rd District, Honey Kessler Amado
4th District, Jean Cohen
4th District, Scarlet Treu
5th District, Reginald Brass
5th District, Susan Speir, Vice Chair

Gene A. Franklin, Sr., CIO
Silvia Valencia, DPSS
Steven J. Golightly, Director, CSSD
Susan Jakubowski, DCFS
David Jetton, Superior Court

Guests

Lori Cruz, CSSD
Jennifer Coultas, CSSD
Wayne Doss, CSSD
Lisa Garrett, CSSD
David Kilgore, CSSD
Larry Silverman, CSSD

Absent

2nd District, Paula Leftwich
Debbie Strong, Franchise Tax Board
Mary Lawrence, DCSS

Staff

Lee Millen, Executive Office, BOS
Andrew Sevrin, Executive Office, BOS

CALL TO ORDER

Chair Eisenberg called the meeting to order at 9:35 a.m. in Room 372, Kenneth Hahn Hall of Administration. Chair Eisenberg welcomed Scarlet Treu, newly appointed 4th District appointee, to the CSAB. Member Treu expressed her interest in participating and contributing to CSAB issues.

APPROVE MINUTES OF SEPTEMBER 25, 2008

On motion of Steven Golightly, seconded by Vice Chair Speir and unanimously carried, the minutes of September 25, 2008, were approved.

BOARD CHAIR'S REPORT – LUCY EISENBERG

Chair Eisenberg welcomed everyone and thanked them for attending the end of year meeting. In response to Chair Eisenberg, CSAB Members concurred in continuing to receive agendas and minutes via e-mail, and staff agreed to provide 10 hard copies at each meeting.

Chair Eisenberg commended CSSD on the successful conversion to the CSE system and reported that effective December 9, 2008, DCSS will withdraw the Phase 1 Corrective Action. Member Miller alluded to a newspaper article in the Los Angeles Times regarding this issue.

In appreciation of Director Steven Golightly's leadership, Chair Eisenberg acknowledged the CSSD's success with a beautiful floral vase arrangement. Director Golightly expressed his appreciation for the commendation and acknowledgement.

REVIEW AND DISCUSS PERFORMANCE MEASURES

Chair Eisenberg referred to the CSSD Monthly Report dated December 4, 2008 and explained that since federal law requires reporting of funds that are funneled into welfare, there are certain measures that are reported to them. Federal Performance Measurements for the past 12 months were reviewed.

Current Support – Disbursement charts show how much is collected and distributed. The Federal minimum percentage is 40% with a goal of 50.6% in Current Support payments. **The 2006-07 percentage was 45.38%; this year's percentage is 48.34%.**

Arrears – The amount of child support owed but not paid. These cases generally no longer have a current support obligation, but payments are still owed. The Federal minimum percentage is 40% with a goal of 50% in Arrears payments. The totals in arrears for the past year have increased. **The 2006-07 percentage was 47.14%; this year's percentage is 49.83%.**

Paternity Established Percentage – A state variable based on Statewide Paternity verification. The percentage goal has been met in that the federal minimum is 50-90%. **The 2006-07 percentage was 82.15%; this year's percentage is 86.89%.**

Child Support Order Cases – The percentage goal has been met in that the federal minimum is 50%. **The 2006-07 percentage was 75.89%; this year's percentage is 76%.**

CSSD has begun to track Performance Measures for Medical Support which will be posted on the next monthly report. David Kilgore, Deputy Executive Director, added that new State and Federal Medical Support measures will be discussed at the next meeting; the State hasn't set a standard percentage as yet.

Mr. Kilgore reported on Federal Fiscal Year 2008-09 Goals: Current Support at 53%; Arrears payment at 55%; Paternity Established cases at 100%; and Child Support Order cases at 80%.

Chair Eisenberg noted that the monthly Customer Service Report is based on when customers call in to the Call Center for help, write a letter or file a complaint at a CSSD office.

In response to Chair Eisenberg, Mr. Kilgore noted that the state just distributed its September CS1257. Vice Chair Speir remarked that while the numbers on the Customer Service Report look good, it may not be indicative of operations because of the lack of information made available to customers on the formal complaint process.

Vice Chair Speir noted that State Hearing numbers have decreased since the County is now trying to resolve cases prior to submittal for State Hearings, and is ensuring that cases forwarded should be heard by the state. In response to Chair Eisenberg, Lori Cruz, Deputy Executive Director, reported that based on reports received, 85% of all current State Hearing decisions are granted in favor of the Department.

In response to Chair Eisenberg, Director Golightly explained that customers call in two different information lines they can access: CSSD's 1-800 number that has pre-conversion information, and the 1-866 number for the Sacramento Call Center that has post-conversion (November 12, 2008) information. Customers usually return to the 1-800 number in that they are not yet comfortable with data received on the new system.

Programmed telephone calls using outbound dialing and recorded messages have alerted clients of the new phone line, which notify clients of court appearances and payments due.

David Kilgore reported that the State does not intend to permanently take over the Call Center; calls are only taken if customers are dissatisfied with information received on the automated system. Also, only four (4) emergency check requests calls were received and processed out of a potential 45,000 cases, and the DCSS commended CSSD for the smooth transition.

In response to Member Cohen, Chair Eisenberg agreed to ask Mary Lawrence, DCSS, and agendaize for discussion the status of incoming payments.

Mr. Kilgore explained that an increase in zero orders in the Order Calculation Method chart is expected to rise because of increased welfare requests by NCPs due to economic hardship, and Presumed Income Orders have continued at a low level. Lisa Garrett, Chief Deputy Director, added that Presumed Income Orders are cases where there is no income and no information on the NCPs, and collection payments are based on minimum wage and a 40-hour work week.

DIRECTOR'S REPORT TO INCLUDE: SUMMARY REPORT ON IMPLEMENTATION OF CONVERSION ON NOVEMBER 12TH; OPERATION MEDICAL SUPPORT PROJECT; FY 2007/2008 PERFORMANCE REPORTS; BUDGET UPDATE; QPC AND CSDA AWARDS

Director Golightly presented a brief history on the Corrective Action Plan Phase 1 imposed

on the County in 2003. Phase 1 was invoked because of low collections and arrears performance, and a high percentage of complaints that resulted in State Hearings.

The Federal performance measures in 1990 indicated an all time low of 28% in collections, and 32% in 2001. For the past 12 months CSSD has been trending in an upward direction in the alluded deficient areas.

The CSSD Federal and State Performance Measurements Monthly Report show the following updates:

- September FY 2008 ended at 48.34% for current support;
- October 2008 is at 51% for current support;
- DCSS goal for current support in 2008 is at 53%;
- Arrears were at a mid-40% and ended with 49.83%, an all-time high; and
- Customer complaints in 2003 were backlogged at 1,400, and now stand at 150-200 per month

In October 2008 an appeal was made to David Maxwell-Jolly, Director, State Department of Child Support Services, to release CSSD from the Corrective Action Plan. A report with commensurate improvements was submitted to his office on October 8, 2008. Director Maxwell-Jolly soon after appeared before the Board of Supervisors on December 9, 2008 to congratulate the County on a successful conversion to the automated system, and to announce the CSSD's release from the Corrective Action Plan; he referred to it as a "double win" for the County. Supervisor Yaroslavsky offered kudos to the CSSD for the dramatic reduction in customer complaints.

Some anticipated economic impacts to CSSD include the DPSS' significant increase in applications for General Relief (GR) and a request by that department for an additional \$26 million for net County costs. Silvia Valencia, DPSS, added that Cal-Works currently has 140,000 recipients, and applications continue to increase significantly. As a result, CSSD expects an increase in NCP searches, while wage assignments are expected to decrease.

Collections have increased by \$23 million as a result of the economic stimulus checks, and \$3 million from an increase in wage assignments. Further, the CSSD budget has not yet been determined, State penalties for last year were waived, the IT Section has reduced staffing levels, and the anticipated unemployment increases will impact CSSD's caseload.

Summary Report on Implementation of Conversion on November 12th:

CSSD had two goals for the past year: Balancing Conversion and Increasing Performance. The County was scheduled to convert to the statewide system on November 12, 2008, and Larry Silverman, CSSD, led the successful conversion project. The new system is similar to a website with links, pull-down menus and other convenient features. The old system was very static and difficult to navigate. The Federal Certification Team inspected CSSD operations and their findings were highly favorable. State certification was approved by the federal certification team on December 5, 2008.

Operation Medical Support:

The Quality and Productivity Commission approved a one-time grant to the CSSD for

funding a database designed by an outside vendor to track NCP cases with unreported health insurance coverage. In many instances, Medi-Cal was better than the NCP's own medical insurance. The project was a success in finding medical coverage for 5,673 cases, thus saving the County and the State more than \$1.5 million. The contract was not renewed with the vendor.

FY 2007/2008 Performance Reports:

Director Golightly provided a brief review of CSSD's organizational changes intended to balance the department's responsibilities. David Kilgore has replaced Julie Paik as Deputy Director, CSSD, effective November 22, 2008, and is responsible for Divisions 2, 4, and 6 (Commerce, South L.A., and Palmdale). Lori Cruz is now responsible for Divisions 1, 3, and 5 (Encino, West Covina, and Torrance). Susan Widney heads Quality Assurance for computer systems at CSSD.

In response to Chair Eisenberg, Director Golightly reported that Customer Financial Services is responsible for resolving suspended items by the State's Disbursement Unit (*money on hold*), and processes the allocations of unidentifiable collections. Quality and Control Data Analysis analyzes the quality of data operations, and Quality Assurance ensures that computer automated programming remains unaffected by any changes.

Budget Update:

The Governor is expected to release a possible budget notice on or about January 10, 2009. The current economic downturn has resulted in 700 lay-offs in Orange County, Los Angeles County expects some job reductions, DPSS is expected to lower its staffing levels, and Medi-Cal support cut-backs are expected in general supportive services and some Cal-Works programs.

QPC and CSDA awards:

The QPC award acknowledged the Department's efforts in successfully reducing the number of Medi-Cal recipients. CSSD also received the Child Support Director's Association (CSDA) award for outstanding technological progress, specifically for its electronic check-in system which provides on-the-spot client information and has greatly improved customer service.

DCSS REPORT TO INCLUDE: STATUS OF CSE CONVERSION AND FEDERAL CERTIFICATION; BUDGET UPDATE; DCSS STAFFING CHANGES – MARY LAWRENCE

Director Golightly relayed the following information requested of Ms. Lawrence.

DCSS Staffing Changes:

Appointments by the Governor in social services operations in the County and State are:

- David Maxwell-Jolly is the newly appointed Director of Health Care Services effective January 2009
- Jan Sturla, former Orange County Director, is the newly appointed Director of the State DCSS, effective January 2009
- Newly appointed State Chief Counsel is Kathy Hrepich

- Mary Lawrence will continue her role as Regional Administrator, DCSS

Annette Siler, former DCSS Regional Administrator, passed away recently.

SET CSAB MEETING SCHEDULE FOR 2009

Chair Eisenberg inquired whether the CSAB preferred to return to monthly meetings in 2009 or remain bi-monthly. Director Golightly requested a continuance on bi-monthly meetings to allow staff to focus on the CCSAS conversion. The CSAB agreed to defer its review for monthly meetings until June 2009.

On motion of Member Kessler-Amado, seconded by Vice Chair Speir and unanimously carried, the Child Support Advisory Board meetings will be held on a bi-monthly basis, to be reviewed again mid-year.

ELECT CHAIR AND VICE-CHAIR FOR CSAB

Nominations were called for the Chair of the Child Support Advisory Board. Member Brass nominated Lucy T. Eisenberg as the Chair of the Board.

Nominations were called for the Vice Chair of the Child Advisory Board. Member Brass nominated Sue Speir as the Vice Chair of the Board.

Nominations were closed.

On motion of Member Brass, seconded by Member Jetton and unanimously carried, the Child Support Advisory Board re-elected Lucy T. Eisenberg as Chair and Sue Speir as Vice Chair.

OVERVIEW OF CONVERSION, INCLUDING PAYMENT MITIGATION; CALL CENTER USAGE; ASSIGNING NEW PIN NUMBERS; INTERFACE WITH WELFARE AND FOSTER CARE; CASE CLOSURES RELATED TO CCSAS; AND BUSINESS PROCESS CHANGES – LARRY SILVERMAN

Larry Silverman reported that the system conversion was virtually seamless and exceeded all expectations. Since 1997 the State of California had not complied with a Federal request to develop and implement a single State-wide child support system, with resulting large fines imposed. In mid-2006, the state began a 17 ½ month phased implementation of CSE.

Pay Mitigation: Mr. Silverman reported that an outreach mailing, which notified clients about the conversion delay, resulted in only four requests for emergency checks. In anticipation of a payment demand, CSSD located a staff member in Sacramento to assist in the payment process.

Call Center Usage/Assigning New PIN Numbers: Mr. Kilgore reported that the State mailed out new PIN (Personal Identification Numbers) numbers to all clients a few days before the system went live. The PIN numbers allow clients to access the State website, the State Call Center, their account information, and to make payments. There was

confusion surrounding the implementation of the PIN numbers; some clients needed help in obtaining or using the number since it was different than the previous PIN number used to access ARS.

The State implemented *Customer Connect*, a web site where clients can view their case data and send e-mail queries. The inquiries become a task, which is in turn sent to a CSSD team who are assigned to answer inquiries within a three day time period. The team operates in the Complaint Resolution Unit, CSSD Ombudsman Section, and has kept up with all inquiries.

Calls made after February 23, 2009, will go directly to the statewide Interactive Voice Response (IVR) system, which will combine the two-pronged system of pre and post-November 12, 2008 information.

Interface with Welfare and Foster Care: The Social Security Act divided public services into several title classes such as IV-A and IV-E. The transfer of data from IV-E (Foster Care Program via DCFS) to IV-A (Tanf Program/Welfare via DPSS) to the CSE database is a current issue; data does not match and creates additional staff work. IV-E data is very critical to CSSD's work output, and the biggest concern is completing staff assignments without excessive manual recalculations.

Lisa Garrett noted that ARS (Access Replacement System), the previous system, and CSE (Child Support Enforcement), the new system, have different methods of counting the amounts owed to Welfare (IV-A). At least six thousand cases identified with an Unreimbursed Assistance Pool (UAP) negative balance showed a positive balance; the Department will need to reimburse the federal government, not the CPs and NCPs. DPSS was asked to conduct a case audit to ensure that the CSE database can be updated correctly. Four CSSD auditors were located in the welfare office to assist in the audit project due to the high data maintenance required. DPSS requested an extension to the end of December due to the size of the project.

Vice Chair Speir requested that a COAP program update be placed on a future agenda, since some important changes have been made to COAP since October 1, 2008.

Case Closures Related to CCSAS: California Child Support Automated System (CCSAS) has been facing a few problems. Case closure does not prevent the system from continuing to charge for payments on terminated accounts. Consequently, cases have been identified that need to be closed and cleared manually.

Lori Cruz noted that CSE has a case closure list that displays the dates of case closure. A printout is generated each month to ensure timely manual closing. Chair Eisenberg requested a printout of data to be distributed at a future meeting.

REVIEW BUSINESS PLAN FOR 2008/2009 – LISA GARRETT

The item was deferred to the February 26, 2009 meeting.

REVIEW DEPARTMENT'S PROGRESS ON IMPLEMENTING GOAL FOUR OF BUSINESS PLAN FOR 2007/2008 – LORI CRUZ

Lori Cruz reported that the Department adopts a Business Plan for each Fiscal Year, and FY 2007-08 had five goals. Goal 4 was to increase accountability for outcomes by implementing CSTATS for all CSSD Bureaus. CSTATS is a program the Department implemented in order to better track statistics by reviewing the outcomes of operations, i.e., on a monthly basis.

Under Goal 4 there are four strategies, each of which were successfully met in the process:

- Consult with the Deputy Directors to select Divisions for implementation for CSTATS (met in May 2008).
- Develop metrics and reporting responsibilities for each Bureau. Each Bureau created a team that met with the Director's goal to determine their own success.
- Evaluate initial implementation program to determine progress of measurable outcomes in relation to performance measures - measuring the right outcome to meet departmental goals.
- Identify Data Team members from each Bureau and/or Division to discuss metrics.

STATUS REPORT ON CRIMINAL PROSECUTION PROJECT – WAYNE DOSS

Wayne Doss, CSSD, reported that soon after Mr. Golightly was appointed Director, he made a commitment to reinvigorate the Criminal Prosecution Division (CPD). Director Golightly indicated that his goal was to send a message to parents who the ability but fail to provide for their children that there are serious consequences. Director Golightly worked closely with Supervisor Knabe and District Attorney Steve Cooley to secure funding for a team of District Attorney Investigators who could execute arrest warrants issued by the court in criminal non-support cases and assist with locate and asset searches. Mr. Doss noted that soon after CSSD separated from the DA's office in 2001 the department lost access to the use of DA investigators because of budget constraints. Thanks to Director Golightly's leadership, the CSSD received the support of the Board of Supervisors for funding to revive the CSSD's criminal prosecution efforts.

In October 2007, Mr. Doss was appointed Head of the unit, with a staff of 4 attorneys, a Head Child Support Officer and 8 Child Support Officers, in addition to the team of 8 DA Investigators. At that time, the unit had a caseload of 2,200 criminal cases; more than half of the cases had outstanding criminal arrest warrants.

Director Golightly set an ambitious goal of increasing total child support collected in criminal cases by 50% over the prior fiscal year. Mr. Doss reported that for the fiscal year ending September 30, 2008, total collections were \$4.3 million, compared to \$2.4 million the prior year. This is an increase just under 80%

Another goal set by Director Golightly was to increase the number of new criminal filings by 50%. Mr. Doss reported that the number of new criminal arraignments actually increased by slightly more than 60% over the prior fiscal year, from 520 to 840. At present, 5 new arraignment cases are calendared each day in the Superior Court. With the consent

and cooperation of the Superior Court, this number will increase to 6 per day beginning in January.

In most cases, defendants who plead or are found guilty are sentenced and placed on probation. The terms of probation typically include a provision that the defendant pay current support according to the terms of the civil or family law order. Probationary terms also include a separate provision for payment on the outstanding arrears.

In place of sentencing, some defendants may qualify for diversion. There are two kinds of diversion, pre-plea and post-plea. Pre-plea diversion is available to a defendant who is willing and capable of paying off the entire civil arrears within two years. In these cases, with the consent of the prosecuting attorney, the defendant can avoid entering a plea to the criminal charge. If the defendant abides by the terms of diversion, the criminal case will be dismissed at the end of the two-year period. If the payments are completely made then criminal charges against the defendant are dropped and there is no criminal record. If the defendant fails to pay, diversion will be terminated and the criminal charge will be reinstated.

A defendant who also cannot pay off all arrears within a two year period but who can pay a significant portion may qualify for post-plea diversion. In this situation, the defendant must enter a plea of "no contest" and, in exchange for agreeing to pay off a substantial amount of the arrears in 2 years, sentencing will be postponed. If the defendant abides by the terms of the post-plea diversion, then at the end of two years he will be permitted to withdraw the plea and the criminal charge will be dismissed. If the defendant fails to follow the post-plea terms as prescribed by the court, diversion will be terminated and he will be sentenced and will likely be placed on probation.

In response to a question from Member Kessler-Amado, Mr. Doss explained that criminal charges for non-payment of child support may be brought under two statutes. Penal Code § 270, often called "failure to provide" is the general criminal statute requiring parents to support their children. It can only be charged in cases where children reside in Los Angeles County. Generally the defendant must not have made any payments within the preceding 12 month period. Penal Code § 166 (a) (4), commonly called "criminal contempt of court" is a specific charge involving violation of a court order. It can be filed in cases where the defendant has failed to make payments for 6 consecutive months. Criminal contempt can be in cases where children live outside Los Angeles, so long as there is an LA County order for support. This is useful in interstate cases. In appropriate cases, CPD attorneys may charge defendants with violating both statutes.

Mr. Doss distributed a chart showing all criminal settings in Superior Court for the fiscal year ending September, 2008. The percentage of settings rose by over 200% from last year. This is attributed in large measure to the successful work of the DA investigators in arresting defendants or citing defendants to appear in court.

Mr. Doss also distributed a handout showing the results of the work of District Attorney Investigators to date. He explained that defendants are only arrested when their bail amount is \$25,000 or more. Because of jail overcrowding, the Sheriff will not book a defendant in a non-violent case if bail is less than \$25,000. Mr. Doss explained that bail on a first warrant issued by the court in CPD cases is set at \$15,000. If a defendant fails to

appear in court for a second time their bail increases to at least \$30,000, which makes them eligible for arrest. In the past year 254 have been booked, 390 have been cited, and 158 turned themselves in.

Director Golightly stressed that these are last-resort cases, and criminal prosecution is only used for high earners who owe hundreds of thousands of dollars and adamantly refuse to pay child support. He lauded Wayne's excellent work with CPD. He pointed out that Los Angeles County is the only county in the State that has a unit that works in conjunction with the District Attorney in investigating and prosecuting these cases.

REPORT ON PILOT PROJECT IN DIVISION 4 RE: DISMISSING CASES WHERE S & C IS NOT SERVED – LORI CRUZ

The item was deferred to the February 26, 2009 meeting.

REPORT ON EXPEDITED MODIFICATION CALENDAR (RE: INCARCERATED/AIDED/SSI CASES) – LORI CRUZ

The item was deferred to the February 26, 2009 meeting.

CUSTOMER SERVICE REPORT – SUE SPEIR

Vice Chair Speir reported that Chair Eisenberg and she were at odds with Customer Service Committee management. They will further review the issue, possibly by creating a sub-committee to the CSAB to address customer service concerns. Identification of systemic issues is still a concern. One of the problems of concern is when an NCP goes on unemployment or disability, and the amount that should be paid is less than 25% of the benefits. For example, the parent can go from a wage assignment to unemployment. In that case the computer system takes 25% of the benefits. This is sometimes a higher amount than what the NCP is supposed to pay.

In one case, when a NCP had a \$100 repayment plan for arrears, the 25% unemployment garnishment yielded a \$400 monthly payment. When the adjustment was made to reduce the 25% unemployment garnishment, the problem was further complicated by one month showing a payment as being too short and the next month showing the payment as too much. There are problems in the system, not only countywide but statewide, as well.

Chair Eisenberg proposed assigning a contact from each Division that can meet every three months with her and Vice Chair Speir in the Sub-Committee meetings.

In response to Director Golightly, whether these issues were related to the new Case Management System, Vice Chair Speir noted that not all cases were automation-based, and a few required analysis. Director Golightly recommended that Larry Silverman be contacted to address concerns and system changes.

Jennifer Coultas noted that it's mandated that the department take 25% of unemployment benefits. The department will modify support obligations if a non-custodial parent becomes

unemployed. The department is able to manually modify the 25% unemployment garnishment in appropriate cases. In general, most NCP's whose unemployment is garnished at 25% do not end up paying more than their prior court order.

PUBLIC COMMENT

There was none.

ADJOURNMENT

Chair Eisenberg declared the meeting adjourned at 12:10 p.m.