



County of Orange

California

Michael B. Giancola
County Executive Officer

July 30, 2013

Honorable Thomas J. Borris
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: Follow-Up Response to Open Items, "*Best Interest of the Child*" – *Lost Child Support Costs \$1.3 Billion*

Dear Judge Borris:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Human Resource Services Department, County Counsel, County Executive Office and the Board of Supervisors. If you have any questions, please contact Margaret Cady of the County Executive Office at (714) 834-3646.

Sincerely,

Michael B. Giancola
County Executive Officer

Enclosure

cc: **Orange County Grand Jury Foreman**
Frank Kim, Chief Financial Officer
Mark Denny, Chief Operating Officer
Steve Eldred, Director, Child Support Services
Winnie Hewitt, Chief Deputy Director, Child Support Services
Mark Refowitz, Director, Health Care Agency
Whitney Ayers, Health Care Agency
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COUNTY OF ORANGE

Responses to Findings and Recommendations

2012-13 Grand Jury Report entitled "*Best Interest of the Child*" – *Lost Child Support Costs \$1.3 Billion*

Department of Child Support Services (CSS) and Health Care Agency (HCA)

Follow-Up Response to 5/7/13 Open Item, Recommendation #5

Introductory Comments

On May 7, 2013, the Department of Child Support Services (CSS) and the Health Care Agency (HCA) responding to Grand Jury findings and recommendations included in the report entitled *Best Interest of the Child* – *Lost Child Support Costs \$1.3 Billion*. The County's response to the report indicated that additional time to respond to Recommendation #5 was required.

Grand Jury Recommendation #5:

CSS should form a Parenting Commission composed of following:

- 1. At least one representative from CSS.*
- 2. One member from Court Services – Mediation.*
- 3. One attorney from the Family Law Section of the Orange County Bar.*
- 4. One attorney from Legal Aid.*
- 5. At least one representative from a participating counseling program.*
- 6. One family oriented social worker.*
- 7. One attorney from the Hispanic Section of the Orange County Bar.*
- 8. One representative from Orange County MHSA.*

The Commission should do, among other things:

- 1. Collect money and/or seek commitments from Orange County MHSA. Make the money available to mothers, fathers and children if ordered by the court to get counseling.*
- 2. Monitor counseling programs to determine their effectiveness.*
- 3. Work with other groups that might promote justice between separated mothers and fathers to protect children from the potential devastation of growing up without a father.*
- 4. Promote orders in the family law arena that will likely yield compliance and maximum contact with both parents.*
- 5. Child Support Services should initiate the creation of this commission utilizing part of its County Contribution (\$350,000) in 2011/2012). Future costs should also be borne by CSS.*

(relates to Findings 12, 13, 14, 15, 16, 17 in the original report).

CSS/HCA Original Response to Recommendation #5:

OC CSS Response: The recommendation requires further analysis. CSS will work with its community partners, at the direction of the County Executive Office and the Board of Supervisors, to meet the spirit of this recommendation while respecting all funding and scope



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limitations. A status report will be provided to the Grand Jury six months following the receipt of this response by the Grand Jury.

CSS willingly forms partnerships with County agencies, community-based organizations and other groups with common clients, common issues or interests. Participation in a multi-disciplinary group to support the success of parents is consistent with CSS' mission. Each partnering opportunity must be evaluated frequently for cost-effectiveness, compliance with funding restrictions, and alignment with Board guidance for use of County resources.

1. CSS believes that under current statutory and regulatory restrictions it could not act as a collection conduit or clearinghouse for MHSA funds. Distribution of MHSA funding must follow the planning process as described by HCA.

2. CSS believes that it may not, under current statutory and regulatory limitations, expend CSS program funds to perform an audit function over a counseling program. It does currently perform research on the effectiveness of a variety of interventions and programs on the collection of child support and compliance with child support orders. CSS is likely to continue such research, contingent on funding availability.

3. CSS may work with other groups, both in and outside of government, to support its core mission of establishment and collection of child support. Goals and initiatives beyond that scope are inappropriate uses of program funding.

4. CSS may seek orders to maximize compliance with child support agreements and orders. The goal of seeking orders ensuring 'maximum contact with both parents' is beyond the legal scope of the Department.

5. CSS believes that the \$350,000 net County contribution is a requirement of County budget practice under the county-wide cost allocation plan (CWCAP). This money is not a discretionary expenditure of CSS, but rather a cost for services provided by the County. Further, it is not clear in the recommendation what 'costs' the Grand Jury foresees, above nominal costs of meetings. Strict restrictions exist on the expenditure of program funds, and do not allow funding of the educational or counseling programs outlined in the report.



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HCA/Behavioral Health Services Response: The recommendation requires further analysis.

If CSS forms a Parenting Commission, HCA will appoint a staff person to participate.

In regards to Commission's duty to collect money and/or seek commitments from OC MHSA, HCA recommends that an individual from CSS or the Commission be appointed by HCA Behavioral Health Director to serve on the MHSA Steering Committee to provide input on allocating additional funding to stressed families.

As mentioned previously in response to finding #12, the decision to allocate Mental Health Services Act (MHSA) funding to a particular program is based on an extensive community planning process. The concept of "collecting money" from the MHSA is misleading. Any decision to allocate funds to a particular project is contingent upon the community planning process resulting in a decision to use MHSA funds for that program. Furthermore, there are guidelines that govern the types of projects for which each MHSA component may be used. There are also guidelines that specify the type of costs that are an allowable use of MHSA funds. For instance, MHSA funding may not be used for court costs.

Thus, the current array of services funded by the MHSA was created based on extensive planning processes. These processes included hundreds of focus groups, community planning meetings, approval by the Orange County MHSA Steering Committee and public hearings held by the Orange County Mental Health Board. As required by statute, MHSA planning process included a diverse group of stakeholders including consumers, family members and representatives of unserved and underserved populations.

It is possible that additional programs that consist of counseling for mothers, fathers, and children could be considered in future MHSA planning processes; however, a decision to fund such a program would have to be made through the required planning process and it would have to fit within the guidelines of an MHSA component.

In regards to the Commission's duty on monitoring counseling programs to determine their effectiveness, it is HCA's opinion that it is not a role of the Commission. Monitoring the effectiveness of a program usually lies in the duties of the County to determine whether a



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contract provider is in compliance of the contractual agreement to provide the intended services to the target population and/or its effectiveness.

County Follow-Up Response to Grand Jury Recommendation #5:

As noted in the response to the original report, CSS believes current statutory and regulatory limitations do not allow child support program funds to be expended to financially support the proposed "Parenting Commission". The Health Care Agency's (HCA) MHSA funds go through an extensive community planning process to determine how these dollars are utilized and funding is generally committed in three year timeframes and the department is currently in the middle of a three year period. As part of the response to the Grand Jury Report, HCA provided a list of eight parenting-focused prevention and early intervention programs that could assist in meeting the needs and intent of the Grand Jury for greater involvement of fathers with children and counseling for parents.

CSS recently concluded extensive research that shows non-custodial parents who cannot pay their ordered support are hindered by identifiable barriers including criminal convictions, educational status, language, low income wages, and unemployment. In 2012, CSS established an on-site Community Resource Center designed to assist parents with linkages to assisting agencies to reduce or eliminate these barriers. As staff work with the parents on removing/reducing barriers, the opportunity for them to make this payment obligation improves. CSS research shows non-custodial parents with high visitation time pay a greater proportion of their child support at 60% or more of their obligation. Those with far less parenting time pay only 40%.

CSS findings since the Board hearing to determine the need for a Board authorized Parenting Commission are described below.



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Status:

In addition to the programs provided by HCA in the report, CSS has identified a significant number of community and County-sponsored entities functioning within Orange County that promote fatherhood and/or a parenting focus (see Exhibit 1). Two examples of County related entities are: Orange County Children's Partnership (OCCP) which promotes health, education, safety, and economic stability for more responsive services to meet the needs of children and families in Orange County communities; and the Families and Communities Together (FaCT) under the Social Services Agency offering 12 Family Resource Centers with counseling, parenting education, case management/family advocacy, domestic violence prevention and treatment, community resources and referrals, and multidisciplinary teams.

CSS believes there is a broad range of support in the community available to fathers who want to improve their parenting skills, engage in counseling with the mother of their child(ren), and that can assist parents in removing barriers that contribute to non-custodial parents inability to pay their child support obligation. In addition, CSS continues to develop a social safety net with over 140 community and government linkages available to customers at CSS offices or online at our website. This list includes information on clothing and food, child care, domestic violence, veteran services, legal services, health services, shelters, employment and educational resources (see Exhibit 2). Since October 2012, our Community Resource Center has served over 5000 customers with 3300 resource linkages made.

Since the report was issued by the Grand Jury in February 2013, a member of the FY 2012-2013 Grand Jury, who participated in the research and writing of the report, began the process of forming a group called the Orange County Task Force for Children. As of this writing, the group has held three meetings attended by a broad range of community representatives including a CSS Deputy Director to observe and share information as appropriate with the group. Staff from the Health Care Agency, Social Services Agency and Public Defender also attended the meetings. The County agencies offered information on other organizations and potential linkages in line with parenting, counseling and other support services for parents that are available and tie back to the concerns raised in the Grand Jury Report.



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CSS willingly forms partnerships with community-based organizations, County agencies and other groups with common clients, issues or interests. This participation in an effort to better support customers and increase child support payments is consistent with the core mission of CSS to establish and collect child support.

Conclusion:

Orange County has a large number of organizations prepared to assist fathers and mothers in becoming better parents. Many organizations and groups are available to assist with developing parenting skills and assisting parents who need help with meeting the demands of their daily life. Community groups are in place and come together in an effort to make the broader community aware of what is available and create linkages to eliminate duplication.

Based on the funding restrictions and processes for Child Support Services and Health Care Agency, and the additional resources identified within Orange County to serve fathers, mothers, parents, and children, the formation of a Board of Supervisors authorized Parenting Commission is not necessary or appropriate at this time.

Exhibit 1

Health Care Agency's Parenting-Focused Prevention and Early Intervention Programs

- *Children's Support and Parenting Program (CSPP)* – works with entire family with the goals of strengthening the unit, building a supportive network, developing protective factors and resiliency in children.
- *Stop the Cycle Program* – serves families with youth with actual or potential involvement in the juvenile justice system and includes family assessment, group interventions, and referral/linkage to community resources.
- *Youth As Parents* – serves pregnant and parenting youth including fathers at risk of behavioral health problems and their children, and includes case management, parent education, individual and family interventions, referral/linkage to community resources, and parenting workshops.
- *Connect the Tots* – serves families with children 0-6 years who are exhibiting behavioral problems and at increased risk of developing mental illness and experiencing school failure, and includes case management, parent education.
- *Stress Free Families* – serves families that are reported and investigated by Child Protective Services for allegations of child abuse and/or neglect and referred by SSA; offers short term interventions, brief counseling, parent education and training, case management and referral/linkage to community resources.
- *Brighter Futures* - offers services to families with children age 6-13 experiencing social, emotional, and behavioral health issues to reduce isolation and form a supportive network with other families; offers interventions, helps build personal resiliency and healthy relationships between parents and children.
- *Parent Education and Support Services, Parent 2 Parent* – provides a ten week parenting course for any parent or caregiver of a child ages 0-12 in community locations throughout Orange County.
- *Family Support Services Common Sense Parenting* – provides a six week parenting course for any parent or caregiver of a child ages 12-18 in community locations throughout Orange County.

Additional Organizations Promoting Fatherhood and/or Parenting/Family Focus

- *Families and Communities Together (FaCT)* – a partnership between the Social Services Agency and Orangewood Children's Foundation to provide 12 Family Resource Centers in Orange County. Activities include counseling, parenting education, case management/family advocacy, domestic violence prevention and treatment, community resources and referrals, and multidisciplinary team.
- *Orange County Children's Partnership (OCCP)* – comprised of members selected by Board of Supervisors. OCCP is a unified voice that champions health, education, safety, and economic stability by advancing more responsive services that effectively meet the needs of the children and families in Orange County communities.
- *New Leaf* – a program within the Public Defender's Office to provide resource information to customers in common and offer legal guidance on expunging of criminal records.
- *Orange County Veteran's and Military Families Collaborative* – to collaborate and network with agencies and organizations whose focus is providing services to Veterans, military personnel and their families.
- *Help Me Grow* – for networking and collaboration of agencies providing services to children and families in Orange County.
- *2-1-1* – information/referral helpline linking parents to health & human services programs in Orange County
- *The Salvation Army* – provides rehabilitation services to men and women.