

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 31-206.4

Specific Purpose:

The specific purpose of this section is to require the child's social worker to document in the child's case plan a determination whether it is in the best interest of the child to refer his or her case to the local child support agency and to bring the regulations into compliance with Assembly Bill 1449, Chapter 463, Statutes of 2001 (AB 1449).

Factual Basis:

AB 1449 added language to Family Code Section 17552 that requires the county welfare department to determine whether or not to refer a child's case to the local child support agency. This revision is necessary to ensure that the child's social worker is aware of the new requirement and documents the determination made in the child's case plan. Current Section 31-206.4 is renumbered to 31-206.5 to accommodate the aforementioned adoption.

Section 31-503.1

Specific Purpose:

The specific purpose of this section is to require the child's social worker (if the child is receiving family reunification services) to determine whether or not it is in the child's best interest to have his/her case referred to the local child support agency for child support services.

Factual Basis:

This section is necessary to meet the requirements of Family Code Section 17552(a). Without this section there would be confusion regarding the responsibility of who makes the determination whether or not to refer a child's case to the local child support agency.

Sections 31-503.11 and .12

Specific Purpose:

The specific purpose for these sections is to describe the factors to be considered when determining whether or not to refer a child's case to the local child support agency.

Factual Basis:

Sections 31-503.11 and .12 are necessary to assure that the best interests of children are uniformly determined in a manner consistent with statutory provisions noted under the Family Code Sections 17552(a)(1) and (2).

Section 31-503.2

Specific Purpose:

The specific purpose of this section is to require the child's social worker to inform the county eligibility worker of their determination not to refer the case to the local child support agency in order for the county eligibility worker to take the appropriate action.

Factual Basis:

This section is necessary to assure that the child's social worker provides the county eligibility worker with necessary information in a timely fashion to avoid establishment of a child support case for a parent who is in the process of reunifying with his or her child and opening the case would be contrary to the child's best interests.

Sections 31-503.21 and .211

Specific Purpose:

The specific purpose of these sections is to require the child's social worker to review the decision whether or not to refer a child's case to the local child support agency after every hearing held under Welfare and Institutions Code Section 361.5. If, upon completion of this review, it is determined that referring the child's case to the local child support agency is no longer contrary to the child's best interest, the appropriate county eligibility worker shall be notified to make such referral.

Factual Basis:

Section 31-503.21 is necessary to assure that the child's social worker reviews the decision made as required by Family Code Section 17552(c).

Section 31-503.211 is necessary to assure that the child's social worker is aware of the requirement to refer a child's case to the local child support agency if it is no longer contrary to the child's best interest to have his or her case referred to the local child support agency as required by Family Code Section 17552(c).

Section 31-503.3

Specific Purpose:

The specific purpose of this section is to require the child's social worker to document in the child's case plan the determination made that it is not in the best interest of the child to refer the child's case to the local child support agency.

Factual Basis:

This section is necessary to assure that a social worker documents in a child's case plan that referring the child's case to the local child support agency would be contrary to the child's best interests.

Section 31-503.4

Specific Purpose:

The specific purpose of this section is to inform the child's social worker that he or she may consult with the local child support agency for purposes of determining what actions are in the best interests of the child.

Factual Basis:

This section is necessary to assure that the child's social worker is aware that they may share information regarding the child's best interest with the local child support agency as allowed by Family Code Section 17550(b).

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill (AB) 1449, Chapter 463, Statutes of 2001

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will, if anything, result in minor savings.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.