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April 6, 2020

The Honorable Assembly Member Wendy Carrillo
Member of the Assembly, 51st Assembly District
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0051

Re: AB 2325 (Carrillo) as Introduced on February 14, 2020
Position: Support

Dear Assembly Member Carrillo,

On behalf of the California Association of Certified Family Law Specialists, a non-profit organization with 660 members who are certified as family law specialists by the State Bar of California, Board of Legal Specialization, I write to support Assembly Bill 2325, as introduced.

Prior to 2010, for incarcerated parents who were subject to a child support order, arrears and interest accrued during their period of incarceration unless the parent petitioned the court for a modification of the support order. However, this was not often a realistic alternative for incarcerated parents who were unlikely to know about the modification process. Lack of resources at the local level also compounded this problem, as local child support agencies did not have the means to implement outreach programs to parents incarcerated within their jurisdiction. In the meantime, the arrears balance for the state's incarcerated parents continued to grow, but remained largely uncollectible. This had implications not only for the state's federal child support performance measures, which affected the incentives funding received from the federal government, but also for the rates of recidivism for obligors.

In response to these findings, the Legislature originally created a pilot program – but only through July 1, 2015 and only for cases being enforced by the state child support program – to suspend the obligation to pay child support for the period of time in which an obligor was incarcerated or involuntarily institutionalized, unless the obligor otherwise had the means to pay support while incarcerated or institutionalized. (SB 1355 (Wright), Chap. 495, Stats. 2010.) The Legislature, through AB 610 (Jones-Sawyer), Chap. 629, Stats. 2015, created a second pilot program, effective October 8, 2015, by reinstating the original pilot program until January 1, 2020, and allowing the local child support agencies to administratively adjust orders based on the suspension in the hopes that the expanded pilot program could more successfully reduce uncollectible child support and help noncustodial parents better support their children going forward. That program sunsetted at the start of the year.

AB 2325 would re-enact Section 4007.5 of the *Family Code* and would also require the Department of Child Support Services, in consultation with the Judicial Council, to develop forms to implement these provisions by January 1, 2022. The bill would also require the Department and the Judicial Council to conduct an evaluation of the effectiveness of the administrative adjustment process authorized according to these provisions, as specified.

For these reasons, ACFLS supports AB 2325. ACFLS also believes that the pilot program should be extended indefinitely by removing the sunset provision. This is good law, a similar bill has been extended a few times now, and there is no good reason to have Section 4007.5 of the *Family Code* sunset again on January 1, 2023.

Respectfully submitted,



AVI LEVY, CFLS
Legislative Director, ACFLS