

FIRST SUPPLEMENT TO MEMORANDUM 2023-47
New Topics and Priorities (Additional Comment)

The Commission¹ received an additional email comment from Rajesh Sinha, related to the suggestion, discussed on pages 9-12 of the main memorandum, that the Commission study and review California child support laws. The additional comment is attached.

Respectfully submitted,

Kristin Burford
Chief Deputy Director

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

EMAIL FROM RAJESH SINHA
(12/18/23)

Hello Ms. Kristin, I reviewed the document which talks about the topic I brought up.

I would certainly like to join the conf call. Pls do send me the details to join at 9.30 AM on 21st of Dec 2023.

In case I am unable to join, then pls consider the following comments.

The document says the following: -

"Given that the Judicial Council has an ongoing statutory responsibility to review California's child support guidelines and recommend appropriate revisions to achieve compliance with the federal rule, this topic is clearly within the jurisdiction of another state agency. This topic has also recently been considered by the Legislature. **For these reasons, the staff recommends against undertaking work on this topic, absent a specific request or directive from the Legislature.**

Ms. Kristin, the request is from me, an individual, because I have been following child support, laws, guidelines, rules, etc. of all the organizations involved (federal and state including legislature) for the last two and half years. Your website encourages individuals to come up with topics which CLRC may pick up for review/ research. Maéva Marc

Vice President of Advocacy and Policy of Kidango is very much involved in making of such policies which affect the livelihood and upbringing of children in California. Kindango addresses the needs of 48,000 children. Ms. Marc is copied in several of my emails to you. There are others who are seriously involved in making laws but after reading your document, they felt discouraged. Equivocally they all said " Raaj we had indicated before that CLRC is political. It's not meant for the public. Would you really need a legislative spokesperson to help you include this topic in your list.

Ms., Kristin educational institution is one of the pillars of democracy. If it were not, then we wouldn't have been looking at you to pick up this topic. We are talking about 1.1 Million child support cases and 81% of them do not get regular child support for the last several decades despite 100% involvement of JCC, DCSS, LCSA and legislature. Each case is "one child" of the state of California. A state whose GDP is \$3.87Tr and it ranks 5th in the list of nations in the world. Still, we have \$18.1Bn of pending child support arrears. In the last 30 years, since the introduction of federal law 45 CFR 302.56 of reviewing child support policy every four years, California has accomplished this feat only four times and that too quiet irregularly (2005, 2010, 2017 & 2022). The question is,

how many of your staff members have read the May 16th, 2022, Review report of

JCC

how many of you have read the president's executive order E013563, EO12866 & EO 13777

4. how many of you have read the legislative reports of DCSS of 2018 till 2022.
5. how many of you have read the federal register of The Final Rule of OCSE 93492 Federal Register / Vol. 81, No. 244 / Tuesday, December 20, 2016 / Rules and Regulations
6. how many of you have read 18 USC 228,
7. how many of you have read The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193)
8. how many of you have read 1) 42 USC 667, 2) 45 CFR 302.56 3) 45 CFR 301.13

You will be surprised that the authors of Review report of 2017 & 2022 have also not read most of the above items. Therefore, they have not addressed the issues of child support of California in totality (99.99% of legislative members have also not read it; I have interacted with every committee). Yes, I am talking about Ms. Jane Venohr of the Center for Policy Research (jvenohr@centerforpolicyresearch.org). She wrote May 2022 review report and in my email correspondence with her she mentioned that the contract with JCC was only to address The Final Rule reqmt. It was not for the full review of California Child support policy which 45 CFR 302.56 demands. Email copies are available upon request. You may even ask Ms. Anna Maves of JCC(anna.maves@jud.ca.gov). She was copied in that email. JCC called one bidder (Center for Policy Research) and awarded the contract. The focus of the legislature was to somehow make sure that federal funding of \$650M continues by somehow complying with The Final Rule. Therefore, you will not find any mention or reference of the following in the report.

1. President's executive order E013563, EO12866 & EO 13777
2. Legislative reports of DCSS of 2018 till 2022.
3. The federal register of The Final Rule of OCSE
4. 93492 Federal Register / Vol. 81, No. 244 / Tuesday, December 20, 2016 / Rules, and Regulations
5. 18 USC 228,
6. **The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193)**
7. 42 USC 667 & 669 2) 45 CFR 302.56 3) 45 CFR 301.13

If they do mention the above, then they will have to address a plethora of issues which have been lingering since 1992 when the Fam Code 4055 default formula was adopted.

None of the SB343 analysts mentioned SB1055 of 2022 in their analysis of SB343, which states that enforcements have not worked. SB1055 is now a law.

Martin Hoshino, Administrative Director OF Judicial Council signed the Review Report of May 2022 has retired and joined PPIC as CTO. Chairman of JCC also retired in Jan 2023 and joined PPIC as the President. Next child support review report is due in 2026/27. Till then probably the legislature and DCSS will not move on any child support issues. 92% of non-custodial parents are men and that's another reason legislature is so slow on this. Had it been a women issue all legislative members would have been diligently looking at reforms and modifications of the formula.

There is a lot to do in this policy which JCC could not do in their quadrennial review of last 30 years.

CLRC can

- a. come up with a new method of calculating child support (which has not happened in last 30 yrs)
- b. new ways of enforcements
- c. alternative financial support mechanisms for child support (NATO countries have it)
- d. new visitation theory (currently 60% of the cases have ZERO visitation; not addressed by JCC in last 30 yrs)
- e. new education theory for children affected by divorce
- f. addressing issues of custodial parents
- g. ways to minimize \$18B pending arrear.
- h. addressing above mentioned laws and act brought in by President Bill Clinton which are yet to be enforced by California legislature.

The above is an evolving policy. CLRC report will help change the way companies like Center for Policy Research(wrote last three review reports) thinks and writes Review reports of California Child support policy. JCC may ask CLRC to write future quadrennial review report of California child support policy. **Federal govt may adopt your study to implement nationally.** Nationally \$117 B of pending child support arrears are pending. 7M parents are on Passport Denial Program due to arrears. 13 M kids are adversely affected due to nonpayment. **However, California is the worst among all the 50 states and the slowest to adopt federal child support policies. I think it's high time JCC, legislature and DCSS need a helping hand from CLRC to serve California children and parents.**

When one pillar of democracy falls short, then the other pillar should support to make sure people of California do not suffer and make it even. Whether bad, old or new laws,

finally it's the 40M Californians who have to face the music.

I therefore urge you to pick up this topic. You will do a great favor to 1.1M children and about 1.2 M parents.

California has always been a trend setter for the rest of the world.

Regards

Rajesh Sinha