

SUBJECT: Authorizing sunset review of AG's Child Support Enforcement Division

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 5 ayes — Cook, Brady, De La Garza, Puente, Van de Putte
1 nays — Naishtat
1 present, not voting — Goodman
2 absent — H. Cuellar, Williamson

WITNESSES: For — Jack Tucker, Texas Fathers Alliance; Brent Sandbak, Texas Fathers; Robert L. Green Jr., Primary Nurturing Fathers of Texas/Texas Fathers Alliance; Rebecca Tarter; David Burgess, Central Texas Chapter, Texas Fathers for Equal Rights.
Against — None
On — Charles Childress, Office of the Attorney General, Child Support Enforcement Division

BACKGROUND: The Attorney General's Office is the state's designated Title IV agency for child support enforcement. The Child Support Enforcement Division (CSED) has 68 regional offices, over 2,500 employees and established and monitored 35,000 new support orders last year. In fiscal 1993 the Texas child support enforcement program was ranked eighth in the nation for collections.

DIGEST: HB 2323 would subject the Attorney General's Child Support Enforcement Division (CSED) to the sunset review process under Chapter 325, Government Code, Texas Sunset Act, used to review state agencies.
Unless the Legislature reauthorized CSED, the attorney general's involvement in matters relating to child support would expire on September 1, 1997. The legislation would impose on the Attorney General's Office the same duty as a state agency under sunset review.

The bill act would take effect on September 1, 1995.

**SUPPORTERS
SAY:**

The CSED's backlog of cases has more than doubled in the past four years. Despite employing over 2,500 people, the CSED has too often been accused of being an unresponsive bureaucracy tainted by poor administration and poor attitudes among some staff workers. Requiring the CSED to undergo sunset review would provide the Legislature with an opportunity to examine closely the functions of the CSED and ways in which it might operate more effectively and efficiently.

The sunset review process, conducted by the Sunset Advisory Commission, would provide Legislators with an opportunity to consider whether privatization of child support enforcement functions might operate more efficiently and cost-effectively.

Requiring the CSED to undergo sunset review would not violate the separation of powers doctrine. Since the Legislature specifically gave the attorney general the authority to operate the CSED, the Legislature has the right to take the appropriate means necessary to provide appropriate oversight. HB 2323 would not take away any of the attorney general's original authority guaranteed by the state Constitution.

**OPPONENTS
SAY:**

HB 2323 would greatly burden the CSED at a time when it is making significant changes on its own within the division. Currently, the CSED is implementing a complete overhaul of its computer automation system, as required by recent changes at the federal level. A nationally known consulting firm is working with the division to implement the most efficient and cost effective system. These changes would require significant training of staff working throughout the state. The next two years are a critical time for the CSED. A sunset review during this time would likely not yield the same results that would be seen if a review were to occur later, once the new system is operational.

There are many other avenues available to examine the effectiveness of the CSED, apart from sunset review. The CSED is audited on a regular basis by the federal government and state auditors. Currently, there are two state audits occurring in two regional CSED offices. These audits, along with appointment of an interim commission to study child support enforcement

or requesting a review by the comptroller, would all be better ways to review the operation of a separate constitutional office.

Criticisms of CSED are unfounded and may stem from the tremendous caseload of CSED caseworkers. The CSED caseload is one case officer for every 1,000 cases. Many of these cases need extensive attention and verification of facts before the process can start to get a support order in place.

HB 2323 may be the first step towards privatizing child support enforcement functions. The Attorney General's Office has achieved substantial success since taking over child support enforcement activities for the state in the mid 1980s. In fiscal 1994 collections reached \$435 million, a dramatic increase from fiscal 1983 when the program collected \$18 million, the year before child support enforcement was transferred to the office of the attorney general. In 1993 the CSED was able to establish paternity and obtain support orders for 32,202 Texas children. Part of this dramatic success is due to placing child support functions under the authority of the chief law enforcement officer in the state.