

Board Members

Joe Neves, District 1
Richard Valle, District 2 - Chairman
Doug Verboon, District 3 – Vice-Chairman
Rusty Robinson, District 4
Richard Fagundes, District 5



Staff

Kyria Martinez, County Administrative Officer
Diane Freeman, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors

Regular Meeting Agenda

Date: Tuesday, November 21, 2023

Time: 9:00 a.m.

Place: MULTI PURPOSE ROOM, Administration Building 1, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ bosquestions@co.kings.ca.us ❖ website: <https://www.countyofkings.com>

The meeting can be attended on the Internet by clicking this link:

<https://countyofkings.webex.com/countyofkings/j.php?MTID=m044361e1f99b2e8741f6a3f9696f0b8c>

or by sending an email to bosquestions@co.kings.ca.us on the morning of the meeting for an automated email response with the WebEx meeting link information. Members of the public attending via WebEx will have the opportunity to provide public comment during the meeting. Remote WebEx participation for members of the public is provided for convenience only. In the event that the WebEx connection malfunctions or becomes unavailable for any reason, the Board of Supervisors reserves the right to conduct the meeting without remote access.*WebEx will be available for access at 8:50 a.m.*

Members of the public who wish to view/observe the meeting virtually can do so on the internet at:

www.countyofkings.com and click on the “Join Meeting” button or by clicking this link:
<https://youtube.com/live/e0GQFyDOSuk?feature=share>

****Members of the public viewing the meeting through YouTube will not have the ability to provide public comment.**

Members of the public may submit written comments on any matter within the Board’s subject matter jurisdiction, regardless of whether it is on the agenda for the Board’s consideration or action, and those comments may become part of the administrative record of the meeting. Comments will not be read into the record, only the names of who have submitted comments will be read. Written comments should be directed to bosquestions@co.kings.ca.us email by 8:00 a.m. on the morning of the noticed meeting to be included in the record, those comments received after 8:00 a.m. may become part of the record of the next meeting. E-mail is not monitored during the meeting. To submit written by U.S. Mail to: Kings County Board of Supervisors, Attn: Clerk of the Board of Supervisors, County of Kings, 1400 W. Lacey Blvd., Hanford, CA 93230.

- I. 9:00 AM **CALL TO ORDER**
ROLL CALL – Clerk of the Board
INVOCATION – Pastor Tim Brown – First Presbyterian Church - Hanford
PLEDGE OF ALLEGIANCE



II. UNSCHEDULED APPEARANCES

Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.

III. APPROVAL OF MINUTES

- A.** Report out of Closed Session from the regular meeting for November 7, 2023.
- B.** Approval of the minutes from the regular meeting for November 7, 2023.

IV. CONSENT CALENDAR

A. County Counsel:

- 1. Consider approving the Conflict of Interest Code Amendment for the South Fork Kings Groundwater Sustainability Agency as submitted.
- 2. Consider appointing Craig Andrew, Jim Wilson, and Ajay Malik to four-year terms as Trustees of the Tulare Lake Reclamation District No. 761 in lieu of election, to qualify, take office and serve exactly as if elected at a general district election.

B. Probation Department:

- 1. a. Consider approving the purchase of 56 Endurance Lockers and 56 Endurance Nightstands for each youth to store personal belongings from CORTECH Company;
- b. Approve the purchase of 15 institutional chairs and three sofa seats from MODUFORM to create recreational, educational, treatment, visitation and family engagement space within the facility;
- c. Adopt the budget change. **(4/5 vote required)**

C. Public Works Department:

- 1. Consider approving the notice of Award for the construction contract to Agee Construction Corporation to begin the construction contract award process.

D. Sheriff's Office:

- 1. a. Consider authorizing the Sheriff's Office to allow the Deputy Sheriffs' Association to purchase the service handgun for Commander Mark Bevens;
- b. Approve the purchase of a Glock handgun as replacement;
- c. Adopt the budget change. **(4/5 vote required)**

V. REGULAR AGENDA ITEMS

A. Child Support Services – Marie Waite

- 1. Consider approving the Plan of Cooperation with Hanford Community Hospital Adventist Health Hanford to establish paternity retroactively effective from July 1, 2023 through June 30, 2025.

B. District Attorney's Office – Sarah Hacker

- 1. Consider authorizing the advanced step hire of Gabriela Rivera as a District Attorney Investigator II at Salary Range 233.5, Step 5 retroactively effective from November 13, 2023 Pay Period 24-2023.

C. Public Health Department – Rose Mary Rahn/Heather Silva

- 1. a. Consider approving the Child Health and Disability Prevention Program Plan and Budget retroactively effective from July 1, 2023 through June 30, 2024;
- b. Adopt the budget change. **(4/5 vote required)**



VI. BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

- ◆ Board Correspondence
- ◆ Upcoming Events
- ◆ Information on Future Agenda Items

VII. ADJOURNMENT

The next regularly scheduled meeting will be held on Tuesday, November 28, 2023 at 9:00 a.m. in the Multi Purpose Room, entrance is located across the hall from Board Chambers.

FUTURE MEETINGS AND EVENTS

November 28	9:00 AM	Regular Meeting
December 5	9:00 AM	Regular Meeting
December 12	9:00 AM	Regular Meeting
December 12	2:00 PM	Board of Equalization Regular Meeting
December 19	9:00 AM	Regular Meeting

Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.

Board Members

Joe Neves, District 1
Richard Valle, District 2 - Chairman
Doug Verboon, District 3 – Vice-Chairman
Rusty Robinson, District 4
Richard Fagundes, District 5



Staff

Kyria Martinez, County Administrative Officer
Diane Freeman, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors Regular Meeting Action Summary

Date: Tuesday, November 7, 2023
Time: 9:00 a.m.
Place: MULTI PURPOSE ROOM, Administration Building 1, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ bosquestions@co.kings.ca.us ❖ website: <https://www.countyofkings.com>

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I. 9:00 AM CALL TO ORDER

ROLL CALL – Clerk of the Board

INVOCATION – Pastor Orris Whitley – Mt. Olive Baptist Church - Lemoore

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT: JOE NEVES, DOUG VERBOON, RUSTY ROBINSON, RICHARD FAGUNDES

MEMBERS ABSENTE: RICHARD VALLE



II. COUNTY SERVICE AWARDS - Carolyn Leist

Acknowledge employees that have completed various milestones of County Service from the Human Services Agency.

III. UNSCHEDULED APPEARANCES

Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.

Scott Holwell thanked the Board of Supervisors, Administration staff and the Public Works staff for their efforts to implement Operation Greenlight at the Government Center and the continuing support of Veteran's in Kings County. He stated that the following events would be held on Saturday, November 11, 2023 in observance of November 10, 2023 - Veteran's Day - American Legion Post 3 will host their annual Veterans Day Ceremony at Hanford Cemetery at The Tank at 10:00 a.m. with guest speaker CDR. Kristin Findlay, CO, VFA-122; Veterans of Foreign Wars Post 5869 will host their annual Veterans Day Festival at Civic Park in Hanford from 10:00 a.m.-4:00 p.m.; Lemoore 7th Day Adventist Church Veterans Day Salute with Kings County MCL Det. 455 providing color guard will be held at 1035 East Hanford Armona Road at 10:30 a.m. and American Legion Post 100 will host their annual Veterans Day Parade in downtown Lemoore at 6:00 p.m. He stated that his office still has plenty of vouchers available to Veterans, Law Enforcement, First Responders and their families, for the November 18, 2023 boxing event, at Chukchansi Park.

Doug Verboon, Supervisor District 3 stated that the State Water Resources Control Board will host a public forum tonight at 6:00 p.m. at the Hanford Civic Auditorium to provide information on the possibility of the State Water Board taking control of pumping in Kings County and asked all stakeholders to come and make their comments on how this will affect them.

IV. APPROVAL OF MINUTES

A. Report out of Closed Session from the regular meeting for October 31, 2023.

DIANE FREEMAN, COUNTY COUNSEL STATED THAT THE BOARD TOOK NO REPORTABLE ACTION IN CLOSED SESSION AT THEIR OCTOBER 31, 2023 MEETING.

B. Approval of the minutes from the regular meeting for October 31, 2023.

ACTION: APPROVED AS PRESENTED (RF, RR, JN, DV-Aye, RV-Absent)

V. CONSENT CALENDAR

A. Behavioral Health Department:

1. Consider authorizing the exemption from normal vehicle identification for vehicle #54808.

B. Public Health Department:

1. a. Consider allocating a 1.0 Full Time Equivalency Business Application Specialist position into budget unit 411300;
b. Adopt the budget change. **(4/5 vote required)**

C. Public Works Department:

1. Consider approving the Notice of Completion for the Motor Pool Fuel System Upgrades project to provide notice to interested parties that the work has been completed.

D. Sheriff's Office:

1. a. Consider authorizing the Sheriff's Office to purchase a Communications System Analyzer for the Kings County Sheriff's Office Dispatch Center;
b. Adopt the budget change. **(4/5 vote required)**
2. Consider authorizing the purchase of a Conex box and cement slab for storage at the Kings County Coroner's Office.



E. Administration:

1. Consider denying the Claim for Damages filed by the Estate of Jagtar Singh.

ACTION: APPROVED AS PRESENTED (JN, RF, RR, DV-Aye, RV-Absent)

VI.

REGULAR AGENDA ITEMS

A. District Attorney's Office – Sarah Hacker

1. Consider authorizing the District Attorney's Office to apply for the National Victims' Rights Week Community Awareness Projects Funding Opportunity for funding assistance to be used for Victims Rights Week for the period of **April 21, 2024 through** April 27, 2024 ~~through May 3, 2024.~~

ACTION: APPROVED AS PRESENTED (JN, RF, RR, DV-Aye, RV-Absent)

2. a. Consider authorizing the District Attorney to sign and submit the California Office of Emergency Services' Elder Abuse Program grant application for the performance period of January 1, 2024 though December 31, 2024;
- b. Approve the Operational Agreements with the California Highway Patrol, Lemoore Police Department, Kings County Sheriff's Office, Kings County Probation Department, Kings View Behavioral Health Systems, Kings Community Action Organization, Kings County Commission on Aging, Kings County Human Services Agency, Hanford Police Department, and Avenal Police Department for participation in the California Office of Emergency Services' Elder Abuse Program for the performance period of January 1, 2024 though December 31, 2024;
- c. Authorize the District Attorney to sign the Operational Agreements with the California Highway Patrol, Lemoore Police Department, Kings County Sheriff's Office, Kings County Probation Department, Kings View Behavioral Health Systems, Kings Community Action Organization, Kings County Commission on Aging, Kings County Human Services Agency, Hanford Police Department, and Avenal Police Department for participation in the California Office of Emergency Services' Elder Abuse Program for the performance period of January 1, 2024 though December 31, 2024; **[AGMTS 23-185 THRU 23-194]**
- d. Approve the Grant Subaward Certificate of Assurance of Compliance for the California Office of Emergency Services' Elder Abuse Program.

ACTION: APPROVED AS PRESENTED (RF, JN, RR, DV-Aye, RV-Absent)

B. Fire Department – Bill Lynch/Blake Adney

1. Consider approving the Agreement with Gary V. Bufkin Computer Consulting and Associates for a fire permit and record management software system. **[AGMT 23-195]**

ACTION: APPROVED AS PRESENTED (RF, RR, JN, DV-Aye, RV-Absent)

C. Human Resources – Carolyn Leist

1. Consider approving the revised Chapter 6 of the Personnel Rules for the Education Reimbursement Program.

ACTION: APPROVED AS PRESENTED (RF, RR, JN, DV-Aye, RV-Absent)

D. Human Services Agency – Wendy Osikafo/Monica Connor

1. Consider adopting a Resolution proclaiming the month of November 2023 as National Adoption Month in Kings County. **[RESO 23-078]**

ACTION: APPROVED AS PRESENTED (RF, RR, JN, DV-Aye, RV-Absent)



**E. Public Health Department – Rose Mary Rahn/Heather Silva
Fire Department – Bill Lynch/Abraham Valencia**

1. Consider approving an Agreement with Dellavalle Laboratory for water analysis services effective upon execution through June 30, 2026. **[AGMT 23-196]**

ACTION: APPROVED AS PRESENTED (RR, RF, JN, DV-Aye, RV-Absent)

F. Public Works Department – Dominic Tyburski/Natalie Brinson/Mitchel Cabrera

1. Consider dedicating Serentiy Garden to all Kings County employees as a space for mental health awareness, reflection, and respite from daily personal or occupational stressors.

ACTION: APPROVED AS PRESENTED (JN, RF, RR, DV-Aye, RV-Absent)

2. a. Consider adopting a Resolution authorizing an inter-fund loan between the County's General Fund and the County's Fleet Fund for the purchase of a 2023 Vermeer CTX100 Skid Loader and a 2023 Vermeer BC1500 Brush Chipper through Sourcewell;
[RESO 23-079]

- b. Adopt the budget change. **(4/5 vote required)**

ACTION: APPROVED AS PRESENTED (RF, JN, RR, DV-Aye, RV-Absent)

3. Consider approving the Construction Agreement with Harris Development Corporation doing business as HBC Enterprises. **[AGMT 23-197]**

ACTION: APPROVED AS PRESENTED (RF, JN, RR, DV-Aye, RV-Absent)

G. Administration – Kyria Martinez/Megan Vega

1. a. Consider approving the Agreement with Shani Jenkins to replace Marianne Gilbert's Contract Administration and Felony Indigent Defense Contract retroactively effective from October 16, 2023 through June 30, 2024; **[AGMT 23-198]**
b. Approve the Agreement with Jamil Nushwat to replace Shani Jenkin's Felony Indigent Defense Contract retroactively effective from October 16, 2023 through June 30, 2024. **[AGMT 23-199]**

ACTION: APPROVED AS PRESENTED (RR, RF, JN, DV-Aye, RV-Absent)

2. a. Consider appointing a Primary Director to the California State Association of Counties Board of Directors;
b. Appoint an Alternate Director to the California State Association of Counties Board of Directors.

ACTION: APPROVED APPOINTMENT OF RUSTY ROBINSON AS THE PRIMARY DIRECTOR AND DOUG VERBOON AS THE ALTERNATE DIRECTOR AS PRESENTED (JN, RF, RR, DV-Aye, RV-Absent)

VII. 10:00 AM PUBLIC HEARING

A. Community Development Agency – Chuck Kinney/Noelle Tomlinson

1. a. Conduct a public hearing to implement modifications to the California Land Conservation Williamson Act Program;
b. Adopt a Resolution to implement Government Code Section 51244(b) to reduce Williamson Act and Farmland Security Zone contract terms by ten percent;
[RESO 23-080]
c. Find that reducing Williamson Act and Farmland Security Zone contract terms by ten percent is exempt from review under the California Environmental Quality Act.

Vice-Chairman Verboon opened the Public Hearing, no testimony was received and the public hearing was closed. ACTION: APPROVED AS PRESENTED (JN, RF, RR, DV-Aye, RV-Absent)



VIII. BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

Supervisor Robinson stated that he attended a meeting with the Kings River Conservation District manager and met with constituents in Armona to discuss topics that are important to them.

Supervisor Neves stated that he continues to monitor the Corcoran flood waters, attended the West Hills College versus College of Sequoias game, met with staff to discuss the County Legislative platform, attended the West Hills College game, attended the American Legion #100 breakfast, attended the San Joaquin Valley Policy Council meeting, attended the Lemoore High School football game, attended the Lemoore Rotary Club crab feed fundraiser, attended the West Hills College Paramedic advisory meeting, will be attending the West Hills College ground breaking on December 1, 2023 and attended the Maddy Institute development meeting.

Supervisor Verboon stated that he attended the San Joaquin Valley Cross Valley Rail Corridor meeting, and will be attending the California Water Board Sustainable Groundwater Management Act town hall meeting tonight at Hanford Civic Auditorium at 6:00 p.m.

- ◆ **Board Correspondence: Kyria Martinez stated that the Board received correspondence from the California State Controller dated October 25, 2023 regarding an Award to Kings County for Financial Transactions Reporting for Fiscal Year ended June 30, 2022. The Board received the October 2023 Monthly Kings County Investment Pool Transaction Activity Report dated November 1, 2023. The Board received the Monthly Fund Balance Report for the County of Kings for June, July, and August 2023 from the Department of Finance. The Board received the Treasurer's Report of Cash and Investments from the Department of Finance for June, July, and August 2023. The Board received the Kings County Investment Pool Portfolio Management Portfolio Summary for July and August 2023 from the Department of Finance. The Board received correspondence from Ruddell, Bixler, Mauritsen, Evans, Fox & Buss, LLP dated November 3, 2023 regarding the Tulare Lake Resource Conservation District Appointment to Fill a Vacancy.**
- ◆ **Upcoming Events: Kyria Martinez stated that the South Valley Battle of the Badges Blood Drive will be on Tuesday, November 7th through Thursday, November 9th from 9am-2pm at the Old Sheriff's Parking Lot here at our Government Center. Those who participated in the last blood drive on September 7th are eligible to participate in the upcoming Battle of the Badges. The 10th Annual Lemoore Veterans Day Parade is happening November 11, 2023 at 6:00 PM downtown Lemoore. The 11th Annual Veterans Day Festival will be on Nov 11th from 10am-4pm at the Hanford Civic Park. The Avenal Rotary Club together with Central California Food Bank will be distributing food on November 14, 2023 from 10am-12pm through the Avenal Community Center Parking Lot. The Kings County Human Services Agency is organizing the Annual Foster Children's Christmas Toy Drive. May children do not receive a Christmas gift so if you would like to participate in donating unwrapped gifts this year, please contact HSA, at 852-4954, with the number of wish lists you would like to receive by November 15, 2023. Our PIO will be doing an outreach campaign as well and has already sent out a Press Release regarding this. Kings County Child Support Services is organizing their Slipper Sock Drive and collecting slipper socks to donate to senior citizens in Kings County. Donations can be dropped off until December 14, 2023 at Child Support Services, JTO, or KCAO.**



- ◆ Information on Future Agenda Items: **Kyria Martinez stated that the following items would be on a future agenda: Child Support Services - Plan of Cooperation with Adventist Medical Center Hanford to Establish Paternity., County Counsel - Conflict of Interest Code Amendment for South Fok Kings Groundwater Sustainability Agency and Appointment of Trustees to the Tulare Lake Reclamation District No. 761; District Attorney - Advance Step Hire of District Attorney Investigator II; Public Health - Child Health and Disability Prevention Program Plan and Budget; Probation Department - Purchase of Furniture for the Juvenile Branch; Public Works -Kings County Bridge Preventative Maintenance Program – Phase II.**

IX. CLOSED SESSION

- ◆ **Conference with Real Property Negotiator: (1 Case) [Govt. Code Section 54956.8]**
Property: 1426 South Drive
Hanford, CA 93230
Agency Negotiator: Kyria Martinez
Negotiation Parties: Lacey Campus Partners, II LLP
Under Negotiation: Price and Terms of Payment
- ◆ **Conference with Labor Negotiator: [Govt. Code Section 54957.6]**
Negotiators: Kyria Martinez, Sarah Poots
 - General Unit - CLOCEA
 - Supervisor’s Unit - CLOCEA
 - Blue Collar - SEIU
 - Detention Deputy’s Association
 - Firefighter’s Association
 - Deputy Sheriff’s Association
 - Probation Officer’s Association
 - Prosecutor’s Association
 - Unrepresented Management

X. ADJOURNMENT

The Regular Meeting for the Board of Supervisors for Tuesday, November 14, 2023 has been canceled due to Board Members participating in CSAC Annual Meeting.
The next regularly scheduled meeting will be held on Tuesday, November 21, 2023 at 9:00 a.m. in the Multi Purpose Room, entrance is located across the hall from Board Chambers.

XI. 11:00 AM CALIFORNIA PUBLIC FINANCE AUTHORITY REGULAR MEETING

FUTURE MEETINGS AND EVENTS		
November 14	--	Regular Meeting Canceled due to Board Members participating in CSAC Annual Meeting
November 21	9:00 AM	Regular Meeting
November 28	9:00 AM	Regular Meeting
December 5	9:00 AM	Regular Meeting
December 12	9:00 AM	Regular Meeting
December 12	2:00 PM	Board of Equalization Regular Meeting

Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM November 21, 2023

SUBMITTED BY: County Counsel – Diane Freeman

SUBJECT: CONFLICT OF INTEREST CODE AMENDMENT FOR THE SOUTH FORK
KINGS GROUNDWATER SUSTAINABILITY AGENCY

SUMMARY:

Overview:

The South Fork Kings Groundwater Sustainability Agency modified their existing Conflict of Interest Code and requests approval from the Board of Supervisors as the District's Code reviewing body so it may become effective.

Recommendation:

Approve the Conflict of Interest Code Amendment for the South Fork Kings Groundwater Sustainability Agency as submitted.

Fiscal Impact:

None.

BACKGROUND:

Every California agency is required to adopt and promulgate a conflict of interest code in accordance with the provisions of Government Code § 87300 et seq. Pursuant to Government Code § 87303, a conflict of interest code must be approved by the appropriate code reviewing body before it can become effective. As the South Fork Kings Groundwater Sustainability Agency ("SFKGSA") is a local government agency with jurisdiction wholly within the County, the Board of Supervisors ("Board") is SFKGSA's code reviewing body. (See Government Code § 82011(b).) As such, the Board must approve SFKGSA's conflict of interest code before it can become effective. Toward that end, SFKGSA has submitted its proposed conflict of interest code for the Board's review and approval.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

CONFLICT OF INTEREST CODE FOR THE

South Fork Kings GSA

As Amended __/__/__

The Political Reform Act (Government Code Section 81000, et. seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure requirements, shall constitute the conflict of interest code of **South Fork Kings GSA (Groundwater Sustainability Agency, hereafter "Agency")**.

Individuals holding designated positions shall file their statements of economic interests with the **Agency**, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained at the Agency, which is located at 321 C Street, Lemoore, California.

CONFLICT OF INTEREST CODE FOR THE
SOUTH FORK KINGS GSA

APPENDIX A-Designated Positions

<u>Position</u>	<u>Disclosure Category</u>
General Manager	1
Treasurer	1
General Counsel	1, 2
Consultants/New Positions	*

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Agency may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Agency’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008)

Public Officials Who Manage Public Investments

The following positions are not covered by the code because they must file a statement of economic interests under Government Code Section 87200 and therefore, are listed for informational purposes only:

- Members and Alternates of the Board of Directors

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

CONFLICT-OF-INTEREST CODE FOR THE
SOUTH FORK KINGS GSA

APPENDIX B-Disclosure Categories

1. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources of the type that provide services, supplies, materials, machinery, or equipment of the type utilized by the South Fork Kings GSA.
2. Interests in real property located within the jurisdiction of the Agency, or within two miles of the jurisdictional boundaries of the Agency, or within two miles of any land owned or used by the Agency.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM November 21, 2023

SUBMITTED BY: County Counsel – Diane Freeman

SUBJECT: APPOINTMENT OF TRUSTEES TO THE TULARE LAKE RECLAMATION DISTRICT NO. 761

SUMMARY:

Overview:

The Tulare Lake Reclamation District No. 761 has requested the Kings County Board of Supervisors appoint three (3) Trustees to its District Board in lieu of election pursuant to the provisions of Water Code Section 50740 et. seq.

Recommendation:

Appoint Craig Andrew, Jim Wilson, and Ajay Malik to four-year terms as Trustees of the Tulare Lake Reclamation District No. 761 in lieu of election, to qualify, take office and serve exactly as if elected at a general district election.

Fiscal Impact:

None.

BACKGROUND:

Pursuant to Water Code Section 50740 et seq., when the number of persons filing nomination petitions for election as trustee of a reclamation district does not exceed the number of offices to be filled, the Board of Supervisors must appoint the candidate(s) in lieu of holding the election. The secretary of Tulare Lake Reclamation District No. 761 (“District”) has certified that the District is conducting an election for three (3) trustees and that only three (3) people, Craig Andrew, Jim Wilson, and Ajay Malik, have filed nomination petitions. Accordingly, the District requests that the Kings County Board of Supervisors appoint Mr. Andrew, Mr. Wilson, and Mr. Malik, in lieu of election. Pursuant to Water Code Section 50742, the appointees shall qualify, take office, and serve exactly as if elected at a general district election.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Tulare Lake Reclamation District #761

944 Whitley Avenue, Suite B
Corcoran, CA 93212
(559) 992-8980

Board of Trustees
Carlo Wilcox, President
Craig Andrew, Vice President
Jim Wilson
Mike Sullivan
Dylan Wilson

October 6, 2023

Catherine Venturella (Catherine.Venturella@co.kings.ca.us)
Clerk of the Board
Kings County Board of Supervisors
1400 W. Lacey Boulevard
Hanford, CA 93230

Re: Appointment of Trustees of Tulare Lake Reclamation District No. 761 In Lieu of Election

Dear Madam Clerk:

On September 7, 2023, Tulare Lake Reclamation District No. 761 (“RD 761”) published notice in the *Corcoran Journal* of the 2023 election, notifying the public that RD 761 would elect three Trustees to a term of four years on November 14, 2023. Nomination petitions were due on September 21, 2023, at 5:00 p.m., being the fifty-fourth day before the general district election.

Pursuant to Water Code section 50740, when “the number of nominees does not exceed the number of trustees to be elected and if a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board, an election shall not be held.” I hereby certify that, to date, only three completed nomination petitions were received, nominating Craig Andrew, Jim Wilson, and Ajay Malik for the three Trustee positions. I further certify that, to date, five percent of the voters have not submitted a petition requesting that the general district election be held. Therefore, under Water Code section 50742, “the board of supervisors . . . shall at its next regular meeting appoint to the positions of trustees those persons nominated”

In compliance with Water Code section 50741, notice that the Board of Supervisors will appoint the Trustees and that no election will be held was published in the *Corcoran Journal* on October 5, 2023, in the form attached hereto.

Therefore, I hereby request that the Board of Supervisors, at its meeting on October 17, 2023, appoint Craig Andrew, Jim Wilson, and Ajay Malik as Trustees of RD 761 to four-year terms ending in 2027.

Sincerely,



Staci Wilkins
Board Secretary

Enclosure

NOTICE OF APPOINTMENT IN LIEU OF ELECTION
(Water Code section 50741)

Tulare Lake Reclamation District #761

Notice is hereby given that the general district election set for TUESDAY, NOVEMBER 14, 2023, will not be held because the number of nominees for the position of Trustee does not exceed the number of Trustees to be elected and no petition signed by five percent of the voters requesting that the election be held has been presented. At 5:00 p.m. on the 54th day prior to the general district election, Tulare Lake Reclamation District #761 was in receipt of three nominations for the three Trustee seats to be elected. Therefore, pursuant to Water Code sections 50740-50742, the Board of Supervisors for the County of Kings shall appoint those three nominees for the position of Trustee to the Tulare Lake Reclamation District #761's Board of Trustees at its next regular meeting.

Carlo Wilcox
President of the Board



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM November 21, 2023

SUBMITTED BY: Probation Department – Leonard A. Bakker II/Marc Cerda
SUBJECT: PURCHASE OF FURNITURE FOR THE JUVENILE BRANCH

SUMMARY:

Overview:

The Probation Department is requesting the purchase of 56 Endurance Lockers and 56 Endurance Nightstands from CORTECH Company for the new juvenile custodial facility, Behavioral Rehabilitation Academy-New Chance Hub (BRANCH). The Probation Department is also requesting the purchase of institutional furniture from MODUFORM Company consisting of 15 chairs and 3 sofa seats.

Recommendation:

- a. Approve the purchase of 56 Endurance Lockers and 56 Endurance Nightstands for each youth to store personal belongings from CORTECH Company;
- b. Approve the purchase of 15 institutional chairs and three sofa seats from MODUFORM to create recreational, educational, treatment, visitation and family engagement space within the facility;
- c. Adopt the budget change. (4/5 vote required)

Fiscal Impact:

There is no impact to the General Fund. The cost of these items is \$118,400, which will be funded by the Assembly Bill 178 County Operated Juvenile Facilities allocation. The \$118,400 will be transferred from Fund 100503, Juvenile Justice Realignment Block Grant (SB823), to Budget Unit 233700, Juvenile Secure Track.

BACKGROUND:

In September of 2020, Senate Bill 823 was passed, and transferred the responsibility for treatment and supervision for all youth committed to the California Department of Juvenile Justice (DJJ) to the local counties.

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

PURCHASE OF FURNITURE FOR THE JUVENILE BRANCH

November 21, 2023

Page 2 of 2

SB 823 also required the closure of DJJ by June 30, 2023. Assembly Bill 178 was passed on June 30, 2022 (Juvenile Facilities Improvement Construction Funding), which allowed counties to use the allotted monies to assist in the development of appropriate rehabilitative environments for youth. Funding must be used to modernize facilities to include creating treatment, vocational, educational, recreational, visitation and family engagement space. With new construction of the BRANCH facility through the SB 81 Project, the Probation Department needs to purchase new home-like furnishings to allow the youth to experience the home like environment with less of an institutional feeling.

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only
Date _____
J/E No. _____
Page of _____

(A) New Appropriation

Expenditures:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General Fund	Juvenile Secure Track	Office Equipment & Su	100000	233700	92018	118,400
					TOTAL	118,400

Funding Sources:

FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
JJRBG (SB823)	JJRBG (SB823)	Transfer Out	100503	100503	96000	118,400
					TOTAL	118,400

(B) Budget Transfer:

Transfer From:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred Out
					TOTAL	0

Transfer To:

FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred In
					TOTAL	0

Explanation: (Use additional sheets or expand form for more data entry rows or additional narrative, if needed).

Increase appropriations for the purchase of 56 Endurance lockers, 56 Endurance nightstands, 15 chairs, and 3 sofa seats for the Behavioral Rehabilitation Academy - New Chance Hub (BRANCH). Transfer revenue from 100503-96000 to 233700-89000 (Juvenile Secure Track / Revenue Transfer In).

This item is being presented to the Board on November 21, 2023.

Dept. of Finance Approval _____ Department Head 

Administration Approval  _____ Board Approval _____

BOS meeting date: _____



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM November 21, 2023

SUBMITTED BY: Public Works Department – Dominic Tyburski/Mitchel Cabrera
SUBJECT: KINGS COUNTY BRIDGE PREVENTATIVE MAINTENANCE PROGRAM
PHASE II

SUMMARY:

Overview:

On June 20, 2023, the Board authorized the advertising of the Plans and Specifications for the Bridge Preventative Maintenance Program (BPMP) project with bids due July 19, 2023. The County received two bids with the lowest responsive responsible bidder being determined as Agee Construction Corporation.

Recommendation:

Approve the notice of Award for the construction contract to Agee Construction Corporation to begin the construction contract award process.

Fiscal Impact:

The low bid from Agee Construction Corporation is \$1,656,063. The project is federally funded through the Federal Highway Administration Highway Bridge Program with a reimbursement ratio of 88.53% equaling \$1,466,113. The remainder 11.47% equaling \$189,950 will be provided by the County Road Fund, not impacting the General Fund, as included in the adopted Fiscal Year 2023-24 Budget in Budget Unit 311000 Road Construction and Maintenance.

BACKGROUND:

The State of California developed the BPMP with the purpose of extending the life of local agency bridges by performing certain qualifying items of work classified as preventative maintenance. It is expected that these maintenance functions will reduce the life cycle cost and delay the need for full rehabilitation or replacement. The County has applied for and received funding to develop a BPMP for the one hundred and ten (110) structures currently maintained by County forces. The goal is to utilize the BPMP to extend the life of County

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

KINGS COUNTY BRIDGE PREVENTATIVE MAINTENANCE PROGRAM PHASE II

November 21, 2023

Page 2 of 2

bridges and identify those that are beyond preventative maintenance countermeasures as approved by FHWA, thereby qualifying for additional maintenance or replacement funding.

The project plans and specifications were approved for advertisement on June 20, 2023. The Department of Public Works received two (2) bids all of which were considered responsive and responsible. The bid submitted by Agee Construction Corporation was identified as the lowest bid for the project. The construction agreement will be brought before the board at a future date.

- | | |
|----------------------------------|-------------|
| 1. Agee Construction Corporation | \$1,656,063 |
| 2. American Paving Co. | \$1,810,044 |

***** NOTICE OF AWARD *****

Agee Construction Corporation
PO Box 629
Clovis, CA 93613

AWARD DATE: November 21, 2023

PROJECT DESCRIPTION: Kings County BPMP – Bridge Preventative Maintenance Program

The County of Kings has considered the BID submitted by you for the above described PROJECT in response to its Notice to Contractors and Instruction to Bidders.

You are hereby notified that your BID has been accepted for a total amount of **\$1,656,063.00**.

You are required by the Bid Proposal to execute the Agreement and furnish the required documents including the Contractor's Performance Bond, Payment Bond, Maintenance Bond, and Certificates of Insurance AND BEGIN WORK within ten (10) working days from the date of this Notice to you.

In furnishing the above documents, be advised that they must conform to the requirements set forth on the attached sheet titled "SPECIAL REQUIREMENTS."

If you fail to execute said Agreement and to furnish said Bonds within the required ten (10) working days, the County will be entitled to consider all your rights arising out of the County's acceptance of your BID to be abandoned and will declare a forfeiture of your BID BOND. The County will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the County.

Dated this ____ day of _____ 2023.

County of Kings, California

By: _____
Mitchel Cabrera, P.E.
Chief Engineer
County of Kings Department of Public Works

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged

by _____, this, the ____ day
of _____ 2023.

By: _____

Title: _____



SPECIAL REQUIREMENTS

1. Required Performance, Payment and Maintenance Bonds: The Performance, Payment and Maintenance Bonds shall be in the form prescribed and included in the Agreement. Bonds on any other form will not be accepted.
2. Insurance Certificate Cancellation Clause: The Insurance Certificate cancellation language shall read as follows:

"SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER, THE COUNTY OF KINGS."
3. Insurance Certificate Additional Insured: The Insurance Certificates shall contain a statement to the effect that the Certificated Holder is named Additional Insured and provide all necessary endorsement.
4. The original, or certified copy, of the unrevoked appointment, power of attorney, bylaws, or other instrument authorizing the person who executed the bond to do so for and in behalf of the Owner.
5. A *certified copy* of the certificate of authority of the insurer issued by the California Insurance Commissioner. Contact Lisa.Winfrey@insurance.ca.gov, California Department of Insurance, Corporate Affairs Bureau, 45 Fremont Street, 24th Floor, San Francisco, CA 94105, (415) 538-4463.
6. A certificate from the County Clerk that the certificate of authority has not been surrendered, revoked, canceled, annulled, or suspended, or in the event that it has, that renewed authority has been granted. (To be completed by the County)
7. A financial statement of the assets and liabilities of the insurer to the end of the quarter calendar year prior to 30 days next preceding the date of the execution of the bond, in the form of an officer's certificate as defined in Corporations Code section 173.





COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM November 21, 2023

SUBMITTED BY: Sheriff's Office – David Robinson

SUBJECT: SERVICE HANDGUN PURCHASE

SUMMARY:

Overview:

The Kings County Sheriff's Office is seeking authorization to allow the Deputy Sheriffs' Association to purchase a service handgun for Commander Mark Bevens and authorize the Kings County Sheriff's Office to purchase a handgun as replacement.

Recommendation:

- a. Authorize the Sheriff's Office to allow the Deputy Sheriffs' Association to purchase the service handgun for Commander Mark Bevens;
- b. Approve the purchase of a Glock handgun as replacement;
- c. Adopt the budget change. (4/5 vote required)

Fiscal Impact:

The Deputy Sheriffs' Association will pay replacement value of the handgun, estimated to be a total of \$430. The Kings County Sheriff's Office will purchase a replacement weapon at a cost, not to exceed \$430, to be paid out of Budget Unit 222000.

BACKGROUND:

The Deputy Sheriffs' Association is requesting to purchase a Glock handgun from the Kings County Sheriff's Office. In turn, the Deputy Sheriffs' Association will present the service handgun to Mark Bevens upon his retirement from the Kings County Sheriff's Office. The Kings County Sheriff's Office is asking to purchase a new handgun to replace Mark's service handgun.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only
Date _____
J/E No. _____
Page of _____

(A) New Appropriation

Expenditures:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General	Sheriff-Operations	Firearms	100000	222000	94009	\$430
TOTAL						\$430

Funding Sources:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General	Sheriff - Operations	Other Revenue	100000	222000	88025	\$430
TOTAL						\$430


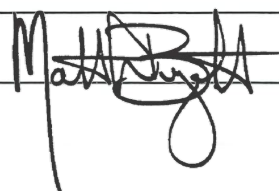
(B) Budget Transfer:

Transfer From:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	AMOUNT TO BE TRANSFERRED OUT
TOTAL						\$0

Transfer To:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	AMOUNT TRANSFERRED IN
TOTAL						\$0

Explanation: (Use additional sheets or expand form for more data entry rows or additional narrative, if needed.)

To move funds from the ARPA expenditures for the purchase of a new capital asset - Conex Box and cement slab for the Coroner's office that was previously approved by the ARPA Committee and the BOS.

Dept. of Finance Approval _____ Department Head  _____
 Administration Approval  _____ Board Approval _____
 BOS meeting date _____



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM November 21, 2023

SUBMITTED BY: Child Support Services – Marie Waite

SUBJECT: PLAN OF COOPERATION WITH ADVENTIST MEDICAL CENTER
HANFORD TO ESTABLISH PATERNITY

SUMMARY:

Overview:

Kings County Child Support Services has a biennial Plan of Cooperation (POC) with Hanford Community Hospital Adventist Health Hanford (AHH). This plan outlines the responsibilities of both parties for securing financial support for minor children, primarily in the determination of establishing parentage of children born to unmarried parents.

Recommendation:

Approve the Plan of Cooperation with Hanford Community Hospital Adventist Health Hanford to establish paternity retroactively effective from July 1, 2023 through June 30, 2025.

Fiscal Impact:

Kings County Child Support Services is 100% funded by the State (34%) and Federal (66%) government. As a result, there will be no impact to the General Fund with this action. The costs for AHH services for Fiscal Year 2023-24 are included in the adopted budget in Budget Unit 326000. The Local Child Support Agency (LCSA) has the responsibility to provide a financial payment on a monthly or quarterly basis of ten dollars (\$10) for every voluntary declaration of parentage (VDOP) that is properly completed and signed, after receiving an approved invoice that provides itemization of the voluntary acknowledgment of parentage services.

BACKGROUND:

The Voluntary Declaration of Parentage program (VDOP) was established in 1995 to comply with a federal mandate that requires the program to operate a single system to provide eligible parents the opportunity to

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

PLAN OF COOPERATION WITH ADVENTIST MEDICAL CENTER HANFORD TO ESTABLISH PATERNITY

November 21, 2023

Page 2 of 2

establish legal parentage, free of charge, for their child by signing a Voluntary Declaration of Parentage. Parentage establishment is done by either obtaining a court order or completing a Voluntary Declaration of Parentage. The Voluntary Declaration of Parentage holds the same legal weight as a court order and is free of charge by authorized agencies such as AHH.

Assembly Bill (AB) 2684, effective January 1, 2020, revised the procedures for establishing and challenging parentage, ensuring that parents and children are treated the same, whether the children are born to same-sex or opposite sex couples. The statute requires the department to expand VDOP to include voluntary declarations of parentage procedures to unmarried couples, including unmarried same-sex couples.

The POC with AHH is to outline the responsibilities and guidelines for securing parentage for minor children born to unmarried parents. The hospital's responsibility is to provide to the unmarried parents a Voluntary Declaration of Parentage and informational materials about the voluntary parentage process.

The POC between AHH and Kings County Child Support Services is retroactively in effect from July 1, 2023, and ends on June 30, 2025. This POC is retroactive as revisions to the review process of different departments were updated and lengthened the review and approval timeframe.

This POC has been reviewed and approved by County Counsel as to form.

**KINGS COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES
PLAN OF COOPERATION**

I. PURPOSE

The following Plan of Cooperation is entered between the County of Kings on behalf of the Department of Child Support Services and Hanford Community Hospital a California nonprofit religious corporation dba Adventist Health Hanford, (hereinafter called AHH) for the coordination of their respective efforts and delineation of responsibilities relating to the Title IV-D Program. For the purpose of clarity, the Kings County Department of Child Support Services will be referred to as Local Child Support Agency (hereinafter called LCSA) throughout this Plan of Cooperation. The purpose of this Plan is to establish responsibilities and guidelines for an effective program for the securing of financial support for minor children, including, but not limited to, identification and location of absent parents, determination of paternity of children born out of wedlock, determination of the absent parent's ability to support their minor children, establishment of support obligations and enforcement of support obligations.

II. CONFIDENTIALITY

The use or disclosure of information concerning applicants and recipients will be limited to purposes directly connected with the administration of the State Plan for establishing paternity and establishing, enforcing, and modifying child support obligations pursuant to Federal and State laws and regulations. This includes, but is not necessarily limited to, the release of information obtained in connection with establishing eligibility; determining amounts of assistance; identifying and locating putative or deserting parents; establishing paternity; enforcing support obligations; investigating welfare fraud; and any investigation, prosecution or criminal or civil proceeding conducted in connection with the administration of the State Plan. No information which identifies any applicant or recipient of public assistance by name or address shall be disclosed to any committee or legislative body. The contracting party is responsible for safeguarding all information in accordance with 45 CFR section 303.21, 45 CFR section 303.70, and 26 U.S.C. section 6103 (p) (4).

III. STANDARDS

The parties to this agreement shall maintain an organizational structure and sufficient staff to administer and supervise all the functions for which they are responsible under the State Plan or this Plan of Cooperation. In addition, the parties must meet the standards for program operations in accordance with 45 CFR sections 302 through 303.109 inclusive.

IV. RESPONSIBILITIES

The LCSA may enter cooperative arrangements with outside agencies as necessary to carry out the responsibilities imposed by the State Plan. When such a delegation of duties is made, the LCSA shall be responsible and accountable for the execution of such duties within the county and shall ensure that all such functions are being carried out properly, efficiently, and effectively.

Both parties to this Plan agree to comply with Title IV-D of the Social Security Act, implementing regulations and all Federal and State regulations and requirements promulgated thereunder.

The LCSA shall have the following responsibilities:

1. To provide information, training and any necessary consultation with the AHH staff regarding the voluntary declaration of parentage process;
2. To participate in public awareness activities that may include, but is not limited to, making presentations to any selected target group and/or community groups to ensure the project is publicized within the County; and
3. To provide a financial payment on a monthly or quarterly basis of ten dollars (\$10.00) for every voluntary declaration of parentage (VDOP) properly completed and signed, after receiving an approved invoice that provides itemization of the voluntary acknowledgment of parentage services.

Adventist Health Hanford shall have the following responsibilities:

1. To provide to the unmarried natural mother and father a declaration of parentage (VDOP) and information materials about the voluntary parentage process;
2. To assist the unmarried parents in completing the forms, as necessary;
3. To provide copies of the completed declarations of parentage to the unmarried parents and forward the completed declarations pursuant to the distribution instructions which are as follows: Original to DCSS Parentage Opportunity Program; copy 1 and 2 to the parents; and copy 4 to the LCSA, when requested and
4. To provide proper invoices of the services provided by itemizing the name of the father and date of obtaining the signature and forwarding on a regular basis to the LCSA.

V. FINANCIAL PROVISIONS

The LCSA shall maintain an accounting system and supporting fiscal records adequate to ensure that claims for Federal funds are in accordance with applicable Federal and State requirements. All expenditures, to be eligible for Federal Financial Participation, must be claimed as outlined in 45 CFR section 74, 45 CFR sections 304.1 through 304.95 inclusive, and Manual of Policies and Procedures Division 25.

AHH shall submit to the LCSA a claim for all reimbursable costs associated with the Child Support Program pursuant to this Plan on or before ten (10) working days from the last day of the calendar quarter. All claims must be supported with fiscal records adequate to insure that claims for reimbursement are according to Federal and State requirements and shall retain such records as required by Federal and State regulations.

VI. TERM

This Plan shall begin effective the last date signed, and end effective June 30, 2025. It shall be renewed for additional periods of two years contingent upon written agreement of both parties. Amendments, as evidenced by a writing signed by both parties, may be made at any time including during renewal negotiations.

Should AHH be found deficient in any aspects of performance under this Plan or fail to perform under the agreed standards, AHH will have the responsibility of submitting a proposed corrective action plan to LCSA. The corrective action plan shall identify specific action to be taken to correct the deficient performance areas and be submitted within 45 days after notification of the deficiencies. Should the deficient party fail to present a corrective action plan as required or fail to take appropriate corrective action, this Plan will automatically terminate.

VII. INDEMNIFICATION, INSURANCE, AND ATTORNEYS' FEES

Each party to this Plan (the "indemnifying party") shall hold harmless, indemnify, and defend the other party and its officers, employees, agents, successors, and assigns (collectively, the "indemnitees"), from and against any claims, damages, liabilities, liens, fines, penalties, or costs (including attorneys' fees and costs) (collectively, "claims") arising from the indemnifying party's acts or omissions relating to this Plan, excepting any claims arising from an indemnitee's own gross negligence or willful misconduct. In case of any negligent act or omission, the indemnifying party shall be responsible only to the extent of its own fault.

Each party shall maintain the types of insurance customary and appropriate for such agreements, in the amount necessary to cover its obligations and responsibilities under this Plan, but in no case less than \$2 million per occurrence and \$5 million aggregate. Such insurance may be obtained from an admitted carrier in the state of California with an A.M. Best rating of A:VII or better, a self-insured retainer as permitted by law, participation in a reputable risk pool, or some combination of the foregoing.

In case of any litigation arising from this Plan, the prevailing party shall be entitled to attorneys' fees and costs pursuant to Civil Code Section 1717.

VIII. GENERAL PROVISIONS

All records and documentation shall be maintained in accordance with Federal and State requirements and shall be made available to State and Federal personnel for the purpose of conducting audits of the program.

No waiver of any provision of this Plan shall be valid unless in writing, notwithstanding the passage of time, and no waiver shall be deemed a continuing waiver. This Plan may not be amended except in a writing signed by both parties, and neither party may assign any right or obligation under this Plan without the other party's express written permission.

This Plan represents the complete understanding of the parties with respect to the subject matter hereof. There are no third-party intended beneficiaries of this Plan. This Plan shall not be construed against either party.

The relationship of the parties is that of independent contractors, and neither party has any authority to bind the other party to any obligation unless expressly set forth herein.

Both parties shall comply with all applicable laws in their performance of this Plan, and neither party shall discriminate against any person in the performance of this Plan on any basis prohibited by federal, state, or local law.

If any provision of this Plan is held by a court of competent jurisdiction to be invalid or unenforceable, then the court is authorized and instructed to modify this Plan to reflect the original intent of the parties as closely as possible.

This Plan shall be construed according to California law. Venue for any dispute arising from this Plan shall be proper in Kings County, California, notwithstanding Code of Civil Procedure Section 394 or any other law.

This Plan may be executed in counterparts, each of which shall be deemed an original. This Plan may be executed electronically, and an electronic copy or other facsimile of it shall be treated as an original. The signatories of this Plan represent and warrant their authority to bind their respective parties hereto.

Date: _____

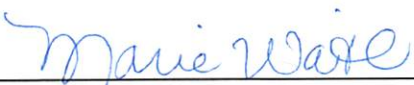
10/31/2023
Date: _____

Signed: _____
Richard Valle
Chairman
Board of Supervisors
Kings County

Signed: 
Timothy Haydock
Chief Financial Officer
Adventist Health Hanford

Date: 10/31/23

Date: _____

Signed: 
Marje Waite
Director
Child Support Services
Kings County

Signed:  10/23/2023
Sarah Poots
RISK Manager
Kings County



AB-2684 Parent and child relationship. (2017-2018)

SHARE THIS:



Date Published: 09/28/2018 09:00 PM

Assembly Bill No. 2684

CHAPTER 876

An act to amend Section 2032.010 of the Code of Civil Procedure, to amend Sections 7541, 7552.5, 7556, 7558, 7604, 7613, 7630, 7635, 7640, 7645, 7646, 7647, 7647.7, 7648, 7649, and 7650 of, to amend the headings of Article 1 (commencing with Section 7630) and Article 1.5 (commencing with Section 7645) of Chapter 4 of Part 3 of Division 12 of, to amend the headings of Chapter 2 (commencing with Section 7550) and Chapter 3 (commencing with Section 7570) of Part 2 of Division 12 of, to amend the heading of Part 2 (commencing with Section 7540) of Division 12 of, to amend, repeal, and add Sections 7570, 7571, 7572, 7573, 7574, 7575, 7576, 7577, 7612, 7644, and 17412 of, to add Sections 7550.5, 7559, 7560, 7562, 7573.5, 7578, 7580, and 7581 to, and to repeal and add Sections 7540, 7550, 7551, 7552, 7554, and 7555 of, the Family Code, and to amend Sections 1635, 1644, 102766, and 102767 of, to amend the heading of Article 4 (commencing with Section 102766) of Chapter 5 of Part 1 of Division 102 of, to amend the heading of Chapter 5 (commencing with Section 102625) of Part 1 of Division 102 of, and to add Sections 1644.1, 1644.2, and 1644.3 to, the Health and Safety Code, relating to parentage.

[Approved by Governor September 28, 2018. Filed with Secretary of State September 28, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2684, Bloom. Parent and child relationship.

(1) The Uniform Parentage Act defines the parent and child relationship as the legal relationship existing between a child and the child's parents, and provides rebuttable presumptions as to the parentage of a child born under certain circumstances. The Uniform Act on Blood Tests to Determine Paternity provides the procedures for the use of genetic testing, as defined, to determine paternity.

This bill would delete the name of the Uniform Act on Blood Tests to Determine Paternity and would revise and recast provisions relating to establishing a parent and child relationship to, among other things, refer instead to genetic testing and parentage. The bill would revise the presumptions and procedures for establishing and challenging parentage based on a genetic or nongenetic relationship with a child, including to modify the procedures for genetic testing for parentage. The bill would authorize the court to apply existing standards for awarding attorney's fees and costs in actions related to marriage and child custody and visitation to awarding fees and costs in actions related to determining a parent and child relationship.

This bill would, beginning on January 1, 2020, modify the procedures and requirements under which a voluntary declaration of parentage may be established and challenged.

(2) Existing law requires the State Department of Public Health to license and regulate tissue banks, which process, store, or distribute human tissue for transplantation into human beings.

This bill would define gamete bank as a tissue bank that collects, processes, stores, or distributes gametes, including a facility that provides reproductive services. The bill would require a gamete bank licensed in this state, for gametes collected on or after January 1, 2020, to collect specified identifying information and medical information, as defined, from a gamete donor, to provide the gamete donor with specified information, and to obtain a declaration from the gamete donor regarding the disclosure or nondisclosure of his or her identity to a child that results from the donation, upon the child turning 18 years of age and requesting the information.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) California has made great strides to ensure that same-sex parents and their children are treated equally under California law, but there are still significant protections denied to same-sex parents, transgender parents, and their children.

(b) The primary purposes of this act are to accomplish all of the following:

(1) Ensure that the parentage provisions of the Family Code treat same-sex parents equally, including the conclusive marital presumption of parentage in Section 7540 of the Family Code, and for parents who conceived children through assisted reproduction, to establish their parentage through a voluntary declaration of parentage.

(2) Update the genetic testing provisions to match current scientific requirements, apply gender neutrality, and codify case law regarding the relevance of genetic testing in cases involving multiple claims of parentage.

(3) Require gamete banks to establish a process for children conceived through donated sperm or eggs to receive nonidentifying medical information at any point in the child's life, and, if the donor agrees, personal identifying information at the child's option after 18 years of age.

(c) The provisions of this act should be interpreted to provide equal treatment to same-sex parents, transgender parents, and their children.

(d) It is not the intent of the Legislature to abrogate case law interpreting the laws amended in this act that is consistent with the purposes of this act, unless it is inconsistent with specific statutory language.

SEC. 2. Section 2032.010 of the Code of Civil Procedure is amended to read:

2032.010. (a) This chapter does not affect genetic testing under Chapter 2 (commencing with Section 7550) of Part 2 of Division 12 of the Family Code.

(b) This chapter does not require the disclosure of the identity of an expert consulted by an attorney in order to make the certification required in an action for professional negligence under Section 411.35.

SEC. 3. The heading of Part 2 (commencing with Section 7540) of Division 12 of the Family Code is amended to read:

PART 2. PRESUMPTION CONCERNING CHILD OF MARRIAGE AND GENETIC TESTING TO DETERMINE PARENTAGE

SEC. 4. Section 7540 of the Family Code is repealed.

SEC. 5. Section 7540 is added to the Family Code, to read:

7540. (a) Except as provided in Section 7541, the child of spouses who cohabited at the time of conception and birth is conclusively presumed to be a child of the marriage.

(b) The conclusive marital presumption in subdivision (a) does not apply if the court determines that the husband of the woman who gave birth was impotent or sterile at the time of conception and that the child was not conceived through assisted reproduction.

SEC. 6. Section 7541 of the Family Code is amended to read:

7541. (a) If the court finds that the spouse who is a presumed parent under Section 7540 is not a genetic parent of the child pursuant to Chapter 2 (commencing with Section 7550), the question of parentage shall be resolved in accordance with all other applicable provisions of this division, including, but not limited to, Section 7612.

(b) An action to challenge the parentage of the spouse who is a presumed parent under Section 7540 shall be filed not later than two years from the child's date of birth and may only be filed by any of the following:

(1) By either spouse.

(2) By a person who is a presumed parent under Section 7611 or by the child, through or by the child's guardian ad litem, to establish the parentage of the person who is a presumed parent under Section 7611.

(c) The petition or motion to challenge a presumption under Section 7540 pursuant to this section shall be supported by a declaration under oath submitted by the moving party stating the factual basis for placing the issue of parentage before the court.

(d) Genetic testing may not be used to challenge parentage, in either of the following cases:

(1) A case that reached final judgment of parentage on or before September 30, 1980.

(2) A case challenging the parentage of a spouse who is a parent pursuant to Section 7962 or subdivision (a) of Section 7613, except to resolve a dispute regarding whether the child was conceived through assisted reproduction.

SEC. 7. The heading of Chapter 2 (commencing with Section 7550) of Part 2 of Division 12 of the Family Code is amended to read:

CHAPTER 2. Genetic Testing to Determine Parentage

SEC. 8. Section 7550 of the Family Code is repealed.

SEC. 9. Section 7550 is added to the Family Code, to read:

7550. This chapter shall govern both of the following:

(a) The genetic testing of a person who either voluntarily submits to genetic testing or is ordered to submit to genetic testing pursuant to an order of a court or local child support agency.

(b) The use of genetic testing in a proceeding to determine parentage.

SEC. 10. Section 7550.5 is added to the Family Code, to read:

7550.5. The following definitions shall apply to this chapter:

(a) "Combined relationship index" means the product of all tested relationship indices.

(b) "Ethnic or racial group" means, for the purpose of genetic testing, a recognized group that a person identifies as the person's ancestry, or part of the ancestry, or that is identified by other information.

(c) "Genetic testing" means any genetic testing that complies with Section 7552.

(d) "Hypothesized genetic relationship" means an asserted genetic relationship between a person and a child.

(e) "Probability of parentage" means, for the ethnic or racial group to which a person alleged to be a parent belongs, the probability that a hypothesized genetic relationship is supported, compared to the probability that a genetic relationship is supported between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship, expressed as a percentage incorporating the combined relationship index and a prior probability.

(f) "Relationship index" means a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship.

SEC. 11. Section 7551 of the Family Code is repealed.

SEC. 12. Section 7551 is added to the Family Code, to read:

7551. (a) Except as provided in subdivisions (b) and (c), in a civil action or proceeding in which parentage is a relevant fact, the court may, upon its own initiative or upon suggestion made by or on behalf of any person who is involved, and shall upon motion of any party to the action or proceeding made at a time so as not to delay the proceedings unduly, order the woman who gave birth, the child, and the alleged genetic parent to submit to genetic testing.

(b) (1) Genetic testing shall not be used for any of the following purposes:

(A) To challenge the parentage of a person who is a parent pursuant to subdivision (a) of Section 7613, except to resolve a dispute whether the child was conceived through assisted reproduction.

(B) To challenge the parentage of a person who is a parent pursuant to Section 7962, except to resolve a dispute whether the gestational carrier surrogate is a genetic parent.

(C) To establish the parentage of a person who is a donor pursuant to subdivision (b) or (c) of Section 7613, except to resolve a dispute whether the child was conceived through assisted reproduction.

(2) If the child has a presumed parent pursuant to Section 7540, a motion for genetic testing is governed by Section 7541.

(3) If the child has a parent whose parentage has been previously established in a judgment, a request for genetic testing shall be governed by Section 7647.7.

(4) A court shall not order genetic testing if the genetic testing would be used to establish the parentage of a person who is prohibited under this division from establishing parentage based on evidence of genetic testing.

(c) A court shall not order in utero genetic testing.

(d) In any case under this division in which genetic testing is ordered, the following shall apply:

(1) If a party refuses to submit to genetic testing, the court may resolve the question of parentage against that party or enforce its order if the rights of others and the interests of justice so require.

(2) The refusal of a party to submit to genetic testing is admissible in evidence in any proceeding to determine parentage.

(3) If two or more persons are subject to court-ordered genetic testing, the court may order that the testing be completed concurrently or sequentially.

(4) Genetic testing of a woman who gave birth to a child is not a condition precedent to the testing of the child and a person whose genetic parentage of the child is being determined. If the woman is unavailable for genetic testing, the court may order genetic testing of the child and each person whose genetic parentage of the child is at issue.

(5) An order under this division for genetic testing is enforceable by contempt.

SEC. 13. Section 7552 of the Family Code is repealed.

SEC. 14. Section 7552 is added to the Family Code, to read:

7552. (a) Genetic testing shall be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by either of the following:

(1) The AABB, formerly known as the American Association of Blood Banks, or a successor organization.

(2) An accrediting body designated by the Secretary of the United States Department of Health and Human Services.

(b) A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each person undergoing genetic testing.

(c) Based on the ethnic or racial group of a person undergoing genetic testing, a testing laboratory shall determine the databases from which to select frequencies for use in calculating a relationship index. If a person or a local child support agency objects to the laboratory's choice, the following rules shall apply:

(1) Not later than 30 days after receipt of the report of the test, the objecting person or local child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.

(2) The person or local child support agency objecting to the choice of laboratories under this subdivision shall do either of the following:

(A) If the requested frequencies are not available to the laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies.

(B) Engage another laboratory to perform the calculations.

(3) The laboratory may use its own statistical estimate if there is a question of which ethnic or racial group is appropriate. The laboratory shall calculate the frequencies using statistics, if available, for any other ethnic or racial group requested.

(d) If, after recalculation of the relationship index pursuant to subdivision (c) using a different ethnic or racial group, genetic testing does not identify a person as a genetic parent of the child, the court may require a person who has been tested to submit to additional genetic testing to identify a genetic parent.

SEC. 15. Section 7552.5 of the Family Code is amended to read:

7552.5. (a) A copy of the results of all genetic testing performed under Section 7551 or 7558 shall be served upon all parties, by any method of service authorized under Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of the Code of Civil Procedure except personal service, no later than 20 days prior to a hearing in which the genetic test results may be admitted into evidence. The genetic test results shall be accompanied by a declaration under penalty of perjury of the custodian of records or other qualified employee of the laboratory that conducted the genetic tests, stating in substance each of the following:

(1) The declarant is the duly authorized custodian of the records or other qualified employee of the laboratory, and has authority to certify the records.

(2) A statement that establishes in detail the chain of custody of all genetic samples collected, including the date on which the genetic sample was collected, the identity of each person from whom a genetic sample was collected, the identity of the person who performed or witnessed the collecting of the genetic samples and packaged them for transmission to the laboratory, the date on which the genetic samples were received by the laboratory, the identity of the person who unpacked the samples and forwarded them to the person who performed the laboratory analysis of the genetic sample, and the identification and qualifications of all persons who performed the laboratory analysis and published the results.

(3) A statement that establishes that the procedures used by the laboratory to conduct the tests for which the test results are attached are used in the laboratory's ordinary course of business to ensure accuracy and proper identification of genetic samples.

(4) The genetic test results were prepared at or near the time of completion of the genetic tests by personnel of the business qualified to perform genetic tests in the ordinary course of business.

(b) The genetic test results shall be admitted into evidence at the hearing or trial to establish parentage, without the need for foundation testimony of authenticity and accuracy, unless a written objection to the genetic test results is filed with the court and served on all other parties, by a party no later than five days prior to the hearing or trial in which parentage is at issue.

(c) If a written objection is filed with the court and served on all parties within the time specified in subdivision (b), experts appointed by the court shall be called by the court as witnesses to testify to their findings and are subject to cross-examination by the parties.

SEC. 16. Section 7554 of the Family Code is repealed.

SEC. 17. Section 7554 is added to the Family Code, to read:

7554. (a) If the woman who gave birth to the child is the only other person who is a parent or has a claim to parentage of the child under this division, the court shall find the alleged father or genetic parent who is not a donor under Section 7613 to be a parent of the child if he or she meets any of the following:

(1) Is identified pursuant to Section 7555 as a genetic parent of the child and the identification is not successfully challenged.

(2) Admits parentage in a pleading, when making an appearance, or during a hearing, the court accepts the admission, and the court determines that he or she is a genetic parent of the child.

(3) Declines to submit to genetic testing ordered by the court or a local child support agency, in which case, the court may find that the person is a parent of the child even if he or she denies a genetic relationship with the child.

(4) Is in default after service of process and the court determines the person to be a genetic parent of the child.

(5) Is neither identified nor excluded as a genetic parent by genetic testing and, based on other evidence, the court determines the person to be a genetic parent of the child.

(b) If more than one person other than the woman who gave birth asserts a claim under this division to be the child's parent, parentage shall be determined under provisions of this division.

SEC. 18. Section 7555 of the Family Code is repealed.

SEC. 19. Section 7555 is added to the Family Code, to read:

7555. (a) Subject to a challenge under subdivision (b), a person is identified under this part as a genetic parent of a child if genetic testing complies with this part and the results of the testing disclose both of the following:

(1) The person has at least a 99 percent probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing.

(2) A combined relationship index of at least 100 to 1.

(b) A person identified pursuant to subdivision (a) as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of this chapter that either excludes the person as a genetic parent of the child or identifies another person as a possible genetic parent of the child other than the woman who gave birth to the child or the person challenging parentage.

(c) If more than one person, other than the woman who gave birth to the child, is identified by genetic testing as a possible genetic parent of the child, the court shall order each person to submit to further genetic testing to identify a genetic parent.

SEC. 20. Section 7556 of the Family Code is amended to read:

7556. This part applies to criminal actions subject to the following limitations and provisions:

(a) An order for genetic testing shall be made only upon application of a party or on the court's initiative.

(b) The compensation of the experts, other than an expert witness appointed by the court for the court's needs, shall be paid by the county under order of court. The compensation of an expert witness appointed for the court's needs shall be paid by the court.

(c) The court may direct a verdict of acquittal if the person is found not to be a genetic parent pursuant to Section 7555, otherwise the case shall be submitted for determination upon all the evidence.

SEC. 21. Section 7558 of the Family Code is amended to read:

7558. (a) This section applies only to cases where support enforcement services are being provided by the local child support agency pursuant to Section 17400.

(b) In any civil action or proceeding in which parentage is a relevant fact, and in which the issue of parentage is contested, the local child support agency may issue an administrative order requiring the mother, child, and the alleged father to submit to genetic testing if any of the following conditions exist:

(1) The person alleging parentage has signed a statement under penalty of perjury that sets forth facts that establish a reasonable possibility that the person is the child's genetic parent.

(2) The person denying parentage has signed a statement under penalty of perjury that sets forth facts that establish a reasonable possibility that the person is not a genetic parent of the child.

(3) The alleged father has filed an answer in the action or proceeding in which parentage is a relevant fact and has requested that genetic tests be performed.

(4) The woman who gave birth to the child and the alleged father agree in writing to submit to genetic tests.

(c) Notwithstanding subdivision (b), the local child support agency may not order a person to submit to genetic tests in any of the following instances:

(1) The person has been found to have good cause for failure to cooperate in the determination of parentage pursuant to Section 11477 of the Welfare and Institutions Code.

(2) A case in which more than one person other than the woman who gave birth asserts a claim under this division to be the child's parent.

(3) A case involving a child conceived through assisted reproduction.

(d) The local child support agency shall pay the costs of any genetic tests that are ordered under subdivision (b), subject to the county obtaining a court order for reimbursement from the alleged father if parentage is established pursuant to Section 7553.

(e) This section does not prohibit a person who has been ordered by the local child support agency to submit to genetic tests pursuant to this section from filing a notice of motion with the court in the action or proceeding in which parentage is a relevant fact seeking relief from the local child support agency's order to submit to genetic tests. In that event, the court shall resolve the issue of whether genetic tests should be ordered as provided in Section 7551. When a person refuses to submit to the tests after receipt of the administrative order pursuant to this section and fails to seek relief from the court from the administrative order either prior to the scheduled tests or within 10 days after the tests are scheduled, the court may resolve the question of parentage against that person or enforce the administrative order if the rights of others or the interest of justice so require. Except as provided in subdivision (c), a person's refusal to submit to tests ordered by the local child support agency is admissible in evidence in any proceeding to determine parentage if a notice of motion is not filed within the timeframes specified in this subdivision.

(f) If the original test result is contested, the local child support agency shall order an additional test only upon request and advance payment of the contestant.

(g) The local child support agency shall not order in utero genetic testing.

(h) The local child support agency shall administer this section consistent with federal law.

SEC. 22. Section 7559 is added to the Family Code, to read:

7559. Payment of the cost of initial genetic testing shall be made in advance when agreed to by the parties or ordered by the court pursuant to Section 7640.

SEC. 23. Section 7560 is added to the Family Code, to read:

7560. The court or local child support agency shall order additional genetic testing upon the request of a person who contests the results of the initial testing under Section 7555.

SEC. 24. Section 7562 is added to the Family Code, to read:

7562. If a person seeking genetic testing demonstrates good cause, the court may order genetic testing of a deceased person.

SEC. 25. The heading of Chapter 3 (commencing with Section 7570) of Part 2 of Division 12 of the Family Code is amended to read:

CHAPTER 3. Establishment of Parentage by Voluntary Declaration

SEC. 26. Section 7570 of the Family Code is amended to read:

7570. (a) The Legislature hereby finds and declares as follows:

(1) There is a compelling state interest in establishing paternity for all children. Establishing paternity is the first step toward a child support award, which, in turn, provides children with equal rights and access to benefits, including, but not limited to, social security, health insurance, survivors' benefits, military benefits, and inheritance rights. Knowledge of family medical history is often necessary for correct medical diagnosis and treatment. Additionally, knowing one's father is important to a child's development.

(2) A simple system allowing for establishment of voluntary paternity will result in a significant increase in the ease of establishing paternity, a significant increase in paternity establishment, an increase in the number of children who have greater access to child support and other benefits, and a significant decrease in the time and money required to establish paternity due to the removal of the need for a lengthy and expensive court process to determine and establish paternity and is in the public interest.

(b) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 27. Section 7570 is added to the Family Code, to read:

7570. (a) The Legislature hereby finds and declares as follows:

(1) There is a compelling state interest in establishing parentage for all children. Establishing parentage is the first step toward a child support award, which, in turn, provides children with equal rights and access to benefits, including, but not limited to, social security, health insurance, survivors' benefits, military benefits, and inheritance rights.

(2) A simple administrative system allowing for establishment of voluntary parentage will result in a significant increase in the ease of establishing parentage, a significant increase in parentage establishment, an increase in the number of children who have greater access to child support and other benefits, and a significant decrease in the time and money required to establish parentage due to the removal of the need for a lengthy and expensive court process to determine and establish parentage and is in the public interest.

(b) This section shall become operative on January 1, 2020.

SEC. 28. Section 7571 of the Family Code is amended to read:

7571. (a) On and after January 1, 1995, upon the event of a live birth, prior to an unmarried mother leaving any hospital, the person responsible for registering live births under Section 102405 of the Health and Safety Code shall provide to the natural mother and shall attempt to provide, at the place of birth, to the man identified by the natural mother as the natural father, a voluntary declaration of paternity together with the written materials described in Section 7572. Staff in the hospital shall witness the signatures of parents signing a voluntary declaration of paternity and shall forward the signed declaration to the Department of Child Support Services within 20 days of the date the declaration was signed. A copy of the declaration shall be made available to each of the attesting parents.

(b) No health care provider shall be subject to any civil, criminal, or administrative liability for any negligent act or omission relative to the accuracy of the information provided, or for filing the declaration with the appropriate state or local agencies.

(c) The local child support agency shall pay the sum of ten dollars (\$10) to birthing hospitals and other entities that provide prenatal services for each completed declaration of paternity that is filed with the Department of Child Support Services, provided that the local child support agency and the hospital or other entity providing prenatal services has entered into a written agreement that specifies the terms and conditions for the payment as required by federal law.

(d) If the declaration is not registered by the person responsible for registering live births at the hospital, it may be completed by the attesting parents, notarized, and mailed to the Department of Child Support Services at any time after the child's birth.

(e) Prenatal clinics shall offer prospective parents the opportunity to sign a voluntary declaration of paternity. In order to be paid for their services as provided in subdivision (c), prenatal clinics must ensure that the form is witnessed and forwarded to the Department of Child Support Services within 20 days of the date the declaration was signed.

(f) Declarations shall be made available without charge at all local child support agency offices, offices of local registrars of births and deaths, courts, and county welfare departments within this state. Staff in these offices shall witness the signatures of parents wishing to sign a voluntary declaration of paternity and shall be

responsible for forwarding the signed declaration to the Department of Child Support Services within 20 days of the date the declaration was signed.

(g) The Department of Child Support Services, at its option, may pay the sum of ten dollars (\$10) to local registrars of births and deaths, county welfare departments, or courts for each completed declaration of paternity that is witnessed by staff in these offices and filed with the Department of Child Support Services. In order to receive payment, the Department of Child Support Services and the entity shall enter into a written agreement that specifies the terms and conditions for payment as required by federal law. The Department of Child Support Services shall study the effect of the ten dollar (\$10) payment on obtaining completed voluntary declaration of paternity forms.

(h) The Department of Child Support Services and local child support agencies shall publicize the availability of the declarations. The local child support agency shall make the declaration, together with the written materials described in subdivision (a) of Section 7572, available upon request to any parent and any agency or organization that is required to offer parents the opportunity to sign a voluntary declaration of paternity. The local child support agency shall also provide qualified staff to answer parents' questions regarding the declaration and the process of establishing paternity.

(i) Copies of the declaration and any rescissions filed with the Department of Child Support Services shall be made available only to the parents, the child, the local child support agency, the county welfare department, the county counsel, the State Department of Health Services, and the courts.

(j) Publicly funded or licensed health clinics, pediatric offices, Head Start programs, child care centers, social services providers, prisons, and schools may offer parents the opportunity to sign a voluntary declaration of paternity. In order to be paid for their services as provided in subdivision (c), publicly funded or licensed health clinics, pediatric offices, Head Start programs, child care centers, social services providers, prisons, and schools shall ensure that the form is witnessed and forwarded to the Department of Child Support Services.

(k) Any agency or organization required to offer parents the opportunity to sign a voluntary declaration of paternity shall also identify parents who are willing to sign, but were unavailable when the child was born. The organization shall then contact these parents within 10 days and again offer the parent the opportunity to sign a voluntary declaration of paternity.

(l) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 29. Section 7571 is added to the Family Code, to read:

7571. (a) On and after January 1, 1995, upon the event of a live birth, prior to an unmarried mother or a mother who gave birth to a child conceived through assisted reproduction leaving a hospital, the person responsible for registering live births under Section 102405 of the Health and Safety Code shall provide to the woman giving birth and shall attempt to provide, at the place of birth, to the person identified by the woman giving birth as either the only possible genetic parent other than the woman who gave birth or the intended parent of a child conceived through assisted reproduction, a voluntary declaration of parentage together with the written materials described in Section 7572. Staff in the hospital shall witness the signatures of parents signing a voluntary declaration of parentage and shall forward the signed declaration to the Department of Child Support Services within 20 days of the date the declaration was signed. A copy of the declaration shall be made available to each of the attesting parents.

(b) A health care provider shall not be subject to civil, criminal, or administrative liability for a negligent act or omission relative to the accuracy of the information provided, or for filing the declaration with the appropriate state or local agencies.

(c) The local child support agency shall pay the sum of ten dollars (\$10) to birthing hospitals and other entities that provide prenatal services for each completed declaration of parentage that is filed with the Department of Child Support Services, provided that the local child support agency and the hospital or other entity providing prenatal services has entered into a written agreement that specifies the terms and conditions for the payment as required by federal law.

(d) If the declaration is not registered by the person responsible for registering live births at the hospital, it may be completed by the attesting parents, notarized, and mailed to the Department of Child Support Services at any time after the child's birth.

(e) Prenatal clinics shall offer prospective parents the opportunity to sign a voluntary declaration of parentage. In order to be paid for their services as provided in subdivision (c), prenatal clinics must ensure that the form is

witnessed and forwarded to the Department of Child Support Services within 20 days of the date the declaration was signed.

(f) Declarations shall be made available without charge at all local child support agency offices, offices of local registrars of births and deaths, courts, and county welfare departments within this state. Staff in these offices shall witness the signatures of parents wishing to sign a voluntary declaration of parentage and shall be responsible for forwarding the signed declaration to the Department of Child Support Services within 20 days of the date the declaration was signed.

(g) The Department of Child Support Services, at its option, may pay the sum of ten dollars (\$10) to local registrars of births and deaths, county welfare departments, or courts for each completed declaration of parentage that is witnessed by staff in these offices and filed with the Department of Child Support Services. In order to receive payment, the Department of Child Support Services and the entity shall enter into a written agreement that specifies the terms and conditions for payment as required by federal law. The Department of Child Support Services shall study the effect of the ten dollar (\$10) payment on obtaining completed voluntary declaration of parentage forms.

(h) The Department of Child Support Services and local child support agencies shall publicize the availability of the declarations. The local child support agency shall make the declaration, together with the written materials described in subdivision (a) of Section 7572, available upon request to any parent and any agency or organization that is required to offer parents the opportunity to sign a voluntary declaration of parentage. The local child support agency shall also provide qualified staff to answer parents' questions regarding the declaration and the process of establishing parentage.

(i) Copies of the declaration and any rescissions filed with the Department of Child Support Services shall be made available only to the parents, the child, the local child support agency, the county welfare department, the county counsel, the State Department of Public Health, and the courts.

(j) Publicly funded or licensed health clinics, pediatric offices, Head Start programs, child care centers, social services providers, prisons, and schools may offer parents the opportunity to sign a voluntary declaration of parentage. In order to be paid for their services as provided in subdivision (c), publicly funded or licensed health clinics, pediatric offices, Head Start programs, child care centers, social services providers, prisons, and schools shall ensure that the form is witnessed and forwarded to the Department of Child Support Services.

(k) An agency or organization required to offer parents the opportunity to sign a voluntary declaration of parentage shall also identify parents who are willing to sign, but were unavailable when the child was born. The organization shall then contact these parents within 10 days and again offer the parent the opportunity to sign a voluntary declaration of parentage.

(l) This section shall become operative on January 1, 2020.

SEC. 30. Section 7572 of the Family Code is amended to read:

7572. (a) The Department of Child Support Services, in consultation with the State Department of Health Care Services, the California Association of Hospitals and Health Systems, and other affected health provider organizations, shall work cooperatively to develop written materials to assist providers and parents in complying with this chapter. This written material shall be updated periodically by the Department of Child Support Services to reflect changes in law, procedures, or public need.

(b) The written materials for parents which shall be attached to the form specified in Section 7574 and provided to unmarried parents shall contain the following information:

(1) A signed voluntary declaration of paternity that is filed with the Department of Child Support Services legally establishes paternity.

(2) The legal rights and obligations of both parents and the child that result from the establishment of paternity.

(3) An alleged father's constitutional rights to have the issue of paternity decided by a court; to notice of any hearing on the issue of paternity; to have an opportunity to present his case to the court, including his right to present and cross-examine witnesses; to have an attorney represent him; and to have an attorney appointed to represent him if he cannot afford one in a paternity action filed by a local child support agency.

(4) That by signing the voluntary declaration of paternity, the father is voluntarily waiving his constitutional rights.

(c) Parents shall also be given oral notice of the rights and responsibilities specified in subdivision (b). Oral notice may be accomplished through the use of audio or video recorded programs developed by the Department of Child Support Services to the extent permitted by federal law.

(d) The Department of Child Support Services shall, free of charge, make available to hospitals, clinics, and other places of birth any and all informational and training materials for the program under this chapter, as well as the paternity declaration form. The Department of Child Support Services shall make training available to every participating hospital, clinic, local registrar of births and deaths, and other place of birth no later than June 30, 1999.

(e) The Department of Child Support Services may adopt regulations, including emergency regulations, necessary to implement this chapter.

(f) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 31. Section 7572 is added to the Family Code, to read:

7572. (a) The Department of Child Support Services, in consultation with the State Department of Health Care Services, the California Association of Hospitals and Health Systems, and other affected health provider organizations, shall work cooperatively to develop written materials to assist providers and parents in complying with this chapter. This written material shall be updated periodically by the Department of Child Support Services to reflect changes in law, procedures, or public need.

(b) The written materials for unmarried parents or parents of a child conceived through assisted reproduction that shall be attached to the form specified in Section 7574 and shall contain the following information:

(1) A signed voluntary declaration of parentage that is filed with the Department of Child Support Services legally establishes parentage.

(2) The legal rights and obligations of both parents and the child that result from the establishment of parentage.

(3) An alleged father's constitutional rights to have the issue of parentage decided by a court; to notice of any hearing on the issue of parentage; to have an opportunity to present his case to the court, including his right to present and cross-examine witnesses; to have an attorney represent him; and to have an attorney appointed to represent him if he cannot afford one in a parentage action filed by a local child support agency.

(4) That by signing the voluntary declaration of parentage, the father is voluntarily waiving his constitutional rights.

(c) Parents shall also be given oral notice of the rights and responsibilities specified in subdivision (b). Oral notice may be accomplished through the use of audio or video recorded programs developed by the Department of Child Support Services to the extent permitted by federal law.

(d) The Department of Child Support Services shall, free of charge, make available to hospitals, clinics, and other places of birth any and all informational and training materials for the program under this chapter, as well as the declaration of parentage form. The Department of Child Support Services shall make training available to every participating hospital, clinic, local registrar of births and deaths, and other place of birth no later than June 30, 1999.

(e) The Department of Child Support Services may adopt regulations, including emergency regulations, necessary to implement this chapter.

(f) This section shall become operative on January 1, 2020.

SEC. 32. Section 7573 of the Family Code is amended to read:

7573. (a) Except as provided in Sections 7575, 7576, 7577, and 7612, a completed voluntary declaration of paternity, as described in Section 7574, that has been filed with the Department of Child Support Services shall establish the paternity of a child and shall have the same force and effect as a judgment for paternity issued by a court of competent jurisdiction. The voluntary declaration of paternity shall be recognized as a basis for the establishment of an order for child custody, visitation, or child support.

(b) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 33. Section 7573 is added to the Family Code, to read:

7573. (a) The following persons may sign a voluntary declaration of parentage to establish the parentage of the child:

- (1) An unmarried woman who gave birth to the child and another person who is a genetic parent.
- (2) A married or unmarried woman who gave birth to the child and another person who is a parent under Section 7613 of a child conceived through assisted reproduction.

(b) A voluntary declaration of parentage shall be in a record signed by the woman who gave birth to the child and by either the only possible genetic parent other than the woman who gave birth or the intended parent of a child conceived through assisted reproduction, and the signatures shall be attested by a notary or witnessed.

(c) Except as provided by Section 7580, a voluntary declaration of parentage takes effect on the filing of the document with the Department of Child Support Services.

(d) Except as provided in Sections 7573.5, 7575, 7576, 7577, and 7580, a completed voluntary declaration of parentage that complies with this chapter and that has been filed with the Department of Child Support Services is equivalent to a judgment of parentage of the child and confers on the declarant all rights and duties of a parent.

(e) The court shall give full faith and credit to a voluntary declaration of parentage effective in another state if the declaration was in a signed record and otherwise complies with the law of the other state.

(f) This section shall become operative on January 1, 2020.

SEC. 34. Section 7573.5 is added to the Family Code, to read:

7573.5. (a) A voluntary declaration of parentage is void if, at the time of signing, any of the following are true:

- (1) A person other than the woman who gave birth to the child or a person seeking to establish parentage through a voluntary declaration of parentage is a presumed parent under Section 7540 or subdivision (a), (b), or (c) of Section 7611.
- (2) A court has entered a judgment of parentage of the child.
- (3) Another person has signed a valid voluntary declaration of parentage.
- (4) The child has a parent under Section 7613 or 7962 other than the signatories.
- (5) The person seeking to establish parentage is a sperm or ova donor under subdivision (b) or (c) of Section 7613.
- (6) The person seeking to establish parentage asserts that he or she is a parent under Section 7613 and the child was not conceived through assisted reproduction.

(b) In an action in which a party is seeking a determination that a voluntary declaration of parentage is void under this section, notice shall be provided pursuant to Section 7635.

(c) This section shall become operative on January 1, 2020.

SEC. 35. Section 7574 of the Family Code is amended to read:

7574. (a) The voluntary declaration of paternity shall be executed on a form developed by the Department of Child Support Services in consultation with the State Department of Health Services, the California Family Support Council, and child support advocacy groups.

(b) The form described in subdivision (a) shall contain, at a minimum, the following:

- (1) The name and the signature of the mother.
- (2) The name and the signature of the father.
- (3) The name of the child.

(4) The date of birth of the child.

(5) A statement by the mother that she has read and understands the written materials described in Section 7572, that the man who has signed the voluntary declaration of paternity is the only possible father, and that she consents to the establishment of paternity by signing the voluntary declaration of paternity.

(6) A statement by the father that he has read and understands the written materials described in Section 7572, that he understands that by signing the voluntary declaration of paternity he is waiving his rights as described in the written materials, that he is the biological father of the child, and that he consents to the establishment of paternity by signing the voluntary declaration of paternity.

(7) The name and the signature of the person who witnesses the signing of the declaration by the mother and the father.

(c) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 36. Section 7574 is added to the Family Code, to read:

7574. (a) The voluntary declaration of parentage shall be executed on a form developed by the Department of Child Support Services in consultation with the State Department of Public Health and groups addressing child support, child custody, assisted reproduction issues, and lesbian, gay, bisexual, and transgender rights.

(b) The form described in subdivision (a) shall contain, at a minimum, all of the following:

(1) The name and the signature of the woman who gave birth to the child.

(2) The name and the signature of the person seeking to establish parentage.

(3) The name of the child.

(4) The date of birth of the child.

(5) For a voluntary declaration of parentage signed pursuant to paragraph (1) of subdivision (a) of Section 7573, all of the following:

(A) A statement by the woman who gave birth that she is unmarried and understands the written materials described in Section 7572, that the person who is signing the voluntary declaration of parentage is the only possible genetic parent other than the woman who gave birth, that the woman who gave birth consents to the establishment of parentage by the genetic parent signing the voluntary declaration of parentage, and that the woman who gave birth understands that a challenge by a signatory to a valid declaration of parentage is permitted only under limited circumstances and is barred two years after the effective date of the declaration.

(B) A statement by the genetic parent signing the voluntary declaration of parentage that he or she has read and understands the written materials described in Section 7572, understands that by signing the voluntary declaration of parentage he or she is waiving his or her rights as described in the written materials, that he or she is the genetic parent of the child, that he or she consents to the establishment of parentage by signing the voluntary declaration of parentage, that he or she is assuming all the rights and responsibilities of a parent and wishes to be named on the child's birth certificate, and that he or she understands that a challenge by a signatory to a valid declaration of parentage is permitted only under limited circumstances and is barred two years after the effective date of the declaration.

(6) For a voluntary declaration of parentage signed pursuant to paragraph (2) of subdivision (a) of Section 7573, all of the following:

(A) A statement by the woman who gave birth that she has read and understands the written materials described in Section 7572, that the person who is signing the voluntary declaration of parentage is the intended parent of a child conceived through assisted reproduction, that the woman who gave birth consents to the establishment of parentage by the other person signing the voluntary declaration of parentage, and that the woman who gave birth understands that a challenge by a signatory to a valid declaration of parentage is permitted only under limited circumstances and is barred two years after the effective date of the declaration.

(B) A statement that the person seeking to establish parentage has read and understands the written materials described in Section 7572, understands that by signing the voluntary declaration of parentage he

or she is waiving his or her rights as described in the written materials, that he or she is the intended parent of the child conceived through assisted reproduction, that he or she consents to the establishment of parentage by signing the voluntary declaration of parentage, that he or she is assuming all the rights and responsibilities of a parent and wishes to be named on the child's birth certificate, and that he or she understands that a challenge by a signatory to a valid declaration of parentage is permitted only under limited circumstances and is barred two years after the effective date of the declaration.

(7) The name and the signature of the person who witnesses the signing of the declaration.

(c) This section shall become operative on January 1, 2020.

SEC. 37. Section 7575 of the Family Code is amended to read:

7575. (a) Either parent may rescind the voluntary declaration of paternity by filing a rescission form with the Department of Child Support Services within 60 days of the date of execution of the declaration by the attesting father or attesting mother, whichever signature is later, unless a court order for custody, visitation, or child support has been entered in an action in which the signatory seeking to rescind was a party. The Department of Child Support Services shall develop a form to be used by parents to rescind the declaration of paternity and instruction on how to complete and file the rescission with the Department of Child Support Services. The form shall include a declaration under penalty of perjury completed by the person filing the rescission form that certifies that a copy of the rescission form was sent by any form of mail requiring a return receipt to the other person who signed the voluntary declaration of paternity. A copy of the return receipt shall be attached to the rescission form when filed with the Department of Child Support Services. The form and instructions shall be written in simple, easy to understand language and shall be made available at the local family support office and the office of local registrar of births and deaths. The department shall, upon written request, provide to a court or commissioner a copy of any rescission form filed with the department that is relevant to proceedings before the court or commissioner.

(b) (1) Notwithstanding Section 7573, if the court finds that the man who signed the voluntary declaration is not identified as a genetic parent of the child under Section 7555, the court may set aside the voluntary declaration of paternity unless the court determines that denial of the action to set aside the voluntary declaration of paternity is in the best interest of the child, after consideration of all of the following factors:

(A) The age of the child.

(B) The length of time since the execution of the voluntary declaration of paternity by the man who signed the voluntary declaration.

(C) The nature, duration, and quality of any relationship between the man who signed the voluntary declaration and the child, including the duration and frequency of any time periods during which the child and the man who signed the voluntary declaration resided in the same household or enjoyed a parent-child relationship.

(D) The request of the man who signed the voluntary declaration that the parent-child relationship continue.

(E) Notice by the biological father of the child that he does not oppose preservation of the relationship between the man who signed the voluntary declaration and the child.

(F) The benefit or detriment to the child in establishing the biological parentage of the child.

(G) Whether the conduct of the man who signed the voluntary declaration has impaired the ability to ascertain the identity of, or get support from, the biological father.

(H) Additional factors deemed by the court to be relevant to its determination of the best interest of the child.

(2) If the court denies the action, the court shall state on the record the basis for the denial of the action and any supporting facts.

(3) (A) The notice of motion for genetic tests under this section may be filed not later than two years from the date of the child's birth by a local child support agency, the mother, the man who signed the voluntary declaration as the child's father, or in an action to determine the existence or nonexistence of the father and child relationship pursuant to Section 7630 or in any action to establish an order for child custody, visitation, or child support based upon the voluntary declaration of paternity.

(B) The local child support agency's authority under this subdivision is limited to those circumstances where there is a conflict between a voluntary acknowledgment of paternity and a judgment of paternity or a conflict between two or more voluntary acknowledgments of paternity.

(4) The notice of motion for genetic tests pursuant to this section shall be supported by a declaration under oath submitted by the moving party stating the factual basis for putting the issue of paternity before the court.

(c) (1) Nothing in this chapter shall be construed to prejudice or bar the rights of either parent to file an action or motion to set aside the voluntary declaration of paternity on any of the grounds described in, and within the time limits specified in, Section 473 of the Code of Civil Procedure. If the action or motion to set aside a judgment is required to be filed within a specified time period under Section 473 of the Code of Civil Procedure, the period within which the action or motion to set aside the voluntary declaration of paternity must be filed shall commence on the date that the court makes an initial order for custody, visitation, or child support based upon a voluntary declaration of paternity.

(2) The parent or local child support agency seeking to set aside the voluntary declaration of paternity shall have the burden of proof.

(3) Any order for custody, visitation, or child support shall remain in effect until the court determines that the voluntary declaration of paternity should be set aside, subject to the court's power to modify the orders as otherwise provided by law.

(4) Nothing in this section is intended to restrict a court from acting as a court of equity.

(5) If the voluntary declaration of paternity is set aside pursuant to paragraph (1), the court shall order that the mother, child, and alleged father submit to genetic tests pursuant to Chapter 2 (commencing with Section 7550). If the court finds that the person who executed the voluntary declaration of paternity is not identified as the genetic parent of the child under Section 7555, the question of paternity shall be resolved accordingly. If the person who executed the declaration as the father of the child is not excluded as a possible father, the question of paternity shall be resolved as otherwise provided by law. If the person who executed the declaration of paternity is ultimately determined to be the father of the child, any child support that accrued under an order based upon the voluntary declaration of paternity shall remain due and owing.

(6) The Judicial Council shall develop the forms and procedures necessary to effectuate this subdivision.

(d) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 38. Section 7575 is added to the Family Code, to read:

7575. (a) Either parent may rescind the voluntary declaration of parentage by filing a rescission form with the Department of Child Support Services within 60 days of the date of execution of the declaration by the attesting parents, whichever signature is later, unless a court order for custody, visitation, or child support has been entered in an action in which the signatory seeking to rescind was a party. The Department of Child Support Services shall develop a form to be used by parents to rescind the declaration of parentage and instructions on how to complete and file the rescission with the Department of Child Support Services. The form shall include a declaration under penalty of perjury completed by the person filing the rescission form that certifies that a copy of the rescission form was sent by any form of mail requiring a return receipt to the other person who signed the voluntary declaration of parentage. A copy of the return receipt shall be attached to the rescission form when filed with the Department of Child Support Services. The form and instructions shall be written in simple, easy to understand language and shall be made available at the local family support office and the office of local registrar of births and deaths. The department shall, upon written request, provide to a court or commissioner a copy of any rescission form filed with the department that is relevant to proceedings before the court or commissioner.

(b) This section shall become operative on January 1, 2020.

SEC. 39. Section 7576 of the Family Code is amended to read:

7576. The following provisions shall apply for voluntary declarations signed on or before December 31, 1996.

(a) Except as provided in subdivision (d), the child of a woman and a man executing a declaration of paternity under this chapter is conclusively presumed to be the man's child. The presumption under this section has the same force and effect as the presumption under Section 7540.

(b) A voluntary declaration of paternity shall be recognized as the basis for the establishment of an order for child custody or support.

(c) In any action to rebut the presumption created by this section, a voluntary declaration of paternity shall be admissible as evidence to determine paternity of the child named in the voluntary declaration of paternity.

(d) The presumption established by this chapter may be rebutted by any person by requesting blood or genetic tests pursuant to Chapter 2 (commencing with Section 7550). The notice of motion for blood or genetic tests pursuant to this section shall be supported by a declaration under oath submitted by the moving party stating the factual basis for placing the issue of paternity before the court. The notice of motion for blood or genetic tests shall be made within three years from the date of execution of the declaration by the attesting father, or by the attesting mother, whichever signature is later. The two-year statute of limitations specified in subdivision (b) of Section 7541 is inapplicable for purposes of this section.

(e) A presumption under this chapter shall override all statutory presumptions of paternity except a presumption arising under Section 7540 or 7555, or as provided in Section 7612.

(f) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 40. Section 7576 is added to the Family Code, to read:

7576. (a) After the period for rescission provided in Section 7575 expires, but not later than two years after the effective date provided in subdivision (c) of Section 7573 of a voluntary declaration of parentage, a signatory of the voluntary declaration of parentage may commence a proceeding to challenge the declaration on the basis of fraud, duress, or material mistake of fact.

(b) The limitations period provided in subdivision (a) shall not apply if the voluntary declaration of parentage is void under Section 7573.5.

(c) This section shall become operative on January 1, 2020.

SEC. 41. Section 7577 of the Family Code is amended to read:

7577. (a) Notwithstanding Section 7573, a voluntary declaration of paternity that is signed by a minor parent or minor parents shall not establish paternity until 60 days after both parents have reached the age of 18 years or are emancipated, whichever first occurs.

(b) A parent who signs a voluntary declaration of paternity when he or she is a minor may rescind the voluntary declaration of paternity at any time up to 60 days after the parent reaches the age of 18 or becomes emancipated whichever first occurs.

(c) A voluntary declaration of paternity signed by a minor creates a rebuttable presumption of paternity until the date that it establishes paternity as specified in subdivision (a).

(d) A voluntary declaration of paternity signed by a minor shall be admissible as evidence in any civil action to establish paternity of the minor named in the voluntary declaration.

(e) A voluntary declaration of paternity that is signed by a minor shall not be admissible as evidence in a criminal prosecution for violation of Section 261.5 of the Penal Code.

(f) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 42. Section 7577 is added to the Family Code, to read:

7577. The following rules apply in an action to challenge a valid voluntary declaration of parentage brought by a person who is not a signatory to the declaration. This section does not apply to a voluntary declaration of parentage that is void under Section 7573.5.

(a) A person has standing under this section if he or she is an alleged genetic parent who is not a donor under Section 7613, is a presumed parent under Section 7611, or any person who has standing under Section 7630.

(b) The petition challenging a voluntary declaration of parentage pursuant to this section shall be supported by a declaration under oath alleging specific facts to support standing under this section.

(c) If the court holds a hearing to determine standing, the hearing shall be held on an expedited basis. If the person challenging the voluntary declaration of parentage is an alleged genetic parent, genetic testing shall be ordered on an expedited basis.

(d) The action shall be filed not later than two years after the effective date of the declaration. This limitations period shall not apply if the voluntary declaration of parentage is void under Section 7573.5.

(e) Notice shall be provided to the signatories of the declaration and to any person entitled to notice under Section 7635. Any person who asserts a claim to parentage under this division shall be joined in the action.

(f) With respect to whether the voluntary declaration of parentage should be set aside, the person petitioning to set aside the voluntary declaration of parentage shall have the burden of proof by a preponderance of the evidence.

(g) The court may grant the petition to set aside the voluntary declaration of parentage only if the court finds that setting aside the voluntary declaration of parentage is in the best interests of the child, based on consideration of all of the following factors:

(1) The age of the child.

(2) The length of time since the effective date of the voluntary declaration of parentage.

(3) The nature, duration, and quality of any relationship between the person who signed the voluntary declaration of parentage and the child, including the duration and frequency of any time periods during which the child and the person resided in the same household or enjoyed a parent and child relationship.

(4) The request of the person who signed the voluntary declaration of parentage that the parent and child relationship continue.

(5) If the person challenges a voluntary declaration of parentage signed pursuant to paragraph (1) of subdivision (a) of Section 7573, the court shall additionally consider all of the following:

(A) Notice by the genetic parent of the child that the genetic parent does not oppose preservation of the relationship between the person who signed the declaration of parentage and the child.

(B) Whether any conduct of the person who signed the voluntary declaration has impaired the ability to ascertain the identity of, or obtain support from, the genetic parent.

(6) Additional factors deemed by the court to be relevant to its determination of the best interests of the child.

(h) If the voluntary declaration of parentage is challenged by a person who is presumed to be a parent under subdivision (d) of Section 7611, the court's ruling on the petition to set aside the voluntary declaration of parentage shall, in addition to the factors under subdivision (g), also take into account the nature, duration, and quality of the relationship between the petitioning party and the child and the benefit or detriment to the child of continuing that relationship.

(i) If the court denies the petition to set aside the voluntary declaration of parentage, the court shall state on the record the basis for the denial of the action and any supporting facts.

(j) (1) If the court grants the petition to set aside the voluntary declaration of parentage, the court shall adjudicate parentage pursuant to Section 7612.

(2) Any order for custody, visitation, or child support shall remain in effect until the court determines that the voluntary declaration of parentage should be set aside, subject to the court's power to modify the orders as otherwise provided by law.

(k) Nothing in this section shall be construed to prejudice or bar the rights of a person who is not a signatory and has standing under subdivision (a) to file an action or motion to set aside the voluntary declaration of parentage on any of the grounds described in, and within the time limits specified in, Section 473 of the Code of Civil Procedure. If the action or motion to set aside a judgment is required to be filed within a specified time period under Section 473 of the Code of Civil Procedure, the period within which the action or motion to set aside the voluntary declaration of parentage must be filed shall commence on the date that the court makes an initial order for custody, visitation, or child support based upon a voluntary declaration of parentage.

(l) Nothing in this section is intended to restrict a court from acting as a court of equity.

(m) The Judicial Council shall develop the forms and procedures necessary to effectuate this section.

(n) This section shall become operative on January 1, 2020.

SEC. 43. Section 7578 is added to the Family Code, to read:

7578. (a) Every signatory to a voluntary declaration of parentage shall be made a party to a proceeding to challenge the declaration.

(b) By signing a voluntary declaration, a signatory submits to personal jurisdiction in this state in a proceeding to challenge the declaration, effective on the filing of the declaration with the Department of Child Support Services.

(c) The court shall not suspend the legal responsibilities arising from a voluntary declaration of parentage, including the duty to pay child support, during the pendency of a proceeding to challenge the voluntary declaration of parentage, unless the party challenging the declaration shows good cause.

(d) A party challenging a voluntary declaration of parentage has the burden of proof by a preponderance of the evidence.

(e) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued as prescribed in Article 2 (commencing with Section 102725) of Chapter 5 of Part 1 of Division 102 of the Health and Safety Code.

(f) This section shall become operative on January 1, 2020.

SEC. 44. Section 7580 is added to the Family Code, to read:

7580. (a) Notwithstanding subdivision (c) of Section 7573, a voluntary declaration of parentage that is signed by a minor parent or minor parents shall not establish parentage until 60 days after both signatories have reached 18 years of age or are emancipated, whichever first occurs.

(b) A person who signs a voluntary declaration of parentage when he or she is a minor may rescind the voluntary declaration of parentage at any time up to 60 days after the signatory reaches 18 years of age or becomes emancipated, whichever first occurs.

(c) A voluntary declaration of parentage signed by a minor creates a rebuttable presumption for or against parentage until the date that it establishes parentage as specified in subdivision (a).

(d) A voluntary declaration of parentage signed by a minor shall be admissible as evidence in any civil action to establish parentage of the minor named in the voluntary declaration.

(e) A voluntary declaration of parentage that is signed by a minor shall not be admissible as evidence in a criminal prosecution for violation of Section 261.5 of the Penal Code.

(f) This section shall become operative on January 1, 2020.

SEC. 45. Section 7581 is added to the Family Code, to read:

7581. The following provisions shall apply for voluntary declarations signed on or before December 31, 1996.

(a) Except as provided in subdivision (d), the child of a woman and a man executing a declaration of paternity under this chapter is conclusively presumed to be the man's child. The presumption under this section has the same force and effect as the presumption under Section 7540.

(b) A voluntary declaration of paternity shall be recognized as the basis for the establishment of an order for child custody or support.

(c) In an action to rebut the presumption created by this section, a voluntary declaration of paternity shall be admissible as evidence to determine paternity of the child named in the voluntary declaration of paternity.

(d) The presumption established by this section may be rebutted by any person by requesting genetic testing pursuant to Chapter 2 (commencing with Section 7550). The notice of motion for genetic testing pursuant to this section shall be supported by a declaration under oath submitted by the moving party stating the factual basis for placing the issue of paternity before the court. The notice of motion for genetic testing shall be made within

three years from the date of execution of the declaration by the attesting father, or by the attesting mother, whichever signature is later. The two-year statute of limitations specified in subdivision (b) of Section 7541 is inapplicable for purposes of this section.

(e) A presumption under this section shall override all statutory presumptions of paternity, except a presumption arising under Section 7540, a claim made pursuant to Section 7555, or as provided in Section 7612.

(f) This section shall become operative on January 1, 2020.

SEC. 46. Section 7604 of the Family Code is amended to read:

7604. A court may order pendente lite relief consisting of a custody or visitation order pursuant to Part 2 (commencing with Section 3020) of Division 8, if the court finds both of the following:

(a) A parent and child relationship exists pursuant to Section 7540 or 7541.

(b) The custody or visitation order would be in the best interest of the child.

SEC. 47. Section 7612 of the Family Code is amended to read:

7612. (a) Except as provided in Chapter 1 (commencing with Section 7540) and Chapter 3 (commencing with Section 7570) of Part 2, a presumption under Section 7611 is a rebuttable presumption affecting the burden of proof and may be rebutted in an appropriate action only by clear and convincing evidence.

(b) If two or more presumptions arise under Section 7611 that conflict with each other, or if one or more presumptions under Section 7611 conflict with a claim by a person identified as a genetic parent pursuant to Section 7555, the presumption that on the facts is founded on the weightier considerations of policy and logic controls. If one of the presumed parents is also a presumed parent under Section 7540, the presumption arising under Section 7540 may only be rebutted pursuant to Section 7541.

(c) In an appropriate action, a court may find that more than two persons with a claim to parentage under this division are parents if the court finds that recognizing only two parents would be detrimental to the child. In determining detriment to the child, the court shall consider all relevant factors, including, but not limited to, the harm of removing the child from a stable placement with a parent who has fulfilled the child's physical needs and the child's psychological needs for care and affection, and who has assumed that role for a substantial period of time. A finding of detriment to the child does not require a finding of unfitness of any of the parents or persons with a claim to parentage.

(d) Unless a court orders otherwise after making the determination specified in subdivision (c), a presumption under Section 7611 is rebutted by a judgment establishing parentage of the child by another person.

(e) Within two years of the execution of a voluntary declaration of paternity, a person who is presumed to be a parent under Section 7611 may file a petition pursuant to Section 7630 to set aside a voluntary declaration of paternity. The court's ruling on the petition to set aside the voluntary declaration of paternity shall be made taking into account the validity of the voluntary declaration of paternity, the best interests of the child based upon the court's consideration of the factors set forth in subdivision (b) of Section 7575, and the best interests of the child based upon the nature, duration, and quality of the petitioning party's relationship with the child and the benefit or detriment to the child of continuing that relationship. In the event of a conflict between the presumption under Section 7611 and the voluntary declaration of paternity, the weightier considerations of policy and logic shall control.

(f) A voluntary declaration of paternity is invalid if, at the time the declaration was signed, any of the following conditions exist:

(1) The child already had a presumed parent under Section 7540.

(2) The child already had a presumed parent under subdivision (a), (b), or (c) of Section 7611.

(3) The man signing the declaration is a sperm donor, consistent with subdivision (b) of Section 7613.

(g) A person's offer or refusal to sign a voluntary declaration of paternity may be considered as a factor, but shall not be determinative, as to the issue of legal parentage in any proceedings regarding the establishment or termination of parental rights.

(h) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 48. Section 7612 is added to the Family Code, to read:

7612. (a) Except as provided in Chapter 1 (commencing with Section 7540) and Chapter 3 (commencing with Section 7570) of Part 2, a presumption under Section 7611 is a rebuttable presumption affecting the burden of proof and may be rebutted in an appropriate action only by clear and convincing evidence.

(b) If two or more presumptions arise under Section 7611 that conflict with each other, or if one or more presumptions under Section 7611 conflict with a claim by a person identified as a genetic parent pursuant to Section 7555, the presumption that on the facts is founded on the weightier considerations of policy and logic controls. If one of the presumed parents is also a presumed parent under Section 7540, the presumption arising under Section 7540 may only be rebutted pursuant to Section 7541.

(c) In an appropriate action, a court may find that more than two persons with a claim to parentage under this division are parents if the court finds that recognizing only two parents would be detrimental to the child. In determining detriment to the child, the court shall consider all relevant factors, including, but not limited to, the harm of removing the child from a stable placement with a parent who has fulfilled the child's physical needs and the child's psychological needs for care and affection, and who has assumed that role for a substantial period of time. A finding of detriment to the child does not require a finding of unfitness of any of the parents or persons with a claim to parentage.

(d) Unless a court orders otherwise after making the determination specified in subdivision (c), a presumption under Section 7611 is rebutted by a judgment establishing parentage of the child by another person.

(e) A person's offer or refusal to sign a voluntary declaration of parentage may be considered as a factor, but shall not be determinative, as to the issue of legal parentage in a proceeding regarding the establishment or termination of parental rights.

(f) This section shall become operative on January 1, 2020.

SEC. 49. Section 7613 of the Family Code is amended to read:

7613. (a) (1) If a woman conceives through assisted reproduction with semen or ova or both donated by a donor not her spouse, with the consent of another intended parent, that intended parent is treated in law as if he or she were the natural parent of a child thereby conceived. The other intended parent's consent shall be in writing and signed by the other intended parent and the woman conceiving through assisted reproduction.

(2) Failure to consent in writing, as required by paragraph (1), does not preclude the court from finding that the intended parent consented if the court finds by clear and convincing evidence that, prior to the conception of the child, the woman and the intended parent had an oral agreement that the woman and the intended parent would both be parents of the child.

(b) (1) The donor of semen provided to a licensed physician and surgeon or to a licensed sperm bank for use in assisted reproduction by a woman other than the donor's spouse is treated in law as if he were not the natural parent of a child thereby conceived, unless otherwise agreed to in a writing signed by the donor and the woman prior to the conception of the child.

(2) If the semen is not provided to a licensed physician and surgeon or a licensed sperm bank as specified in paragraph (1), the donor of semen for use in assisted reproduction by a woman other than the donor's spouse is treated in law as if he were not the natural parent of a child thereby conceived if either of the following are met:

(A) The donor and the woman agreed in a writing signed prior to conception that the donor would not be a parent.

(B) A court finds by clear and convincing evidence that the child was conceived through assisted reproduction and that, prior to the conception of the child, the woman and the donor had an oral agreement that the donor would not be a parent.

(3) Paragraphs (1) and (2) do not apply to a man who provided semen for use in assisted reproduction by a woman other than the man's spouse pursuant to a written agreement signed by the man and the woman prior to conception of the child stating that they intended for the man to be a parent.

(c) The donor of ova for use in assisted reproduction by a person other than the donor's spouse or nonmarital partner is treated in law as if the donor were not the natural parent of a child thereby conceived unless the court finds satisfactory evidence that the person providing ova and the person intended for the person providing ova to be a parent.

SEC. 50. The heading of Article 1 (commencing with Section 7630) of Chapter 4 of Part 3 of Division 12 of the Family Code is amended to read:

Article 1. Determination of Parent and Child Relationship

SEC. 51. Section 7630 of the Family Code is amended to read:

7630. (a) A child, the child's natural mother, a person presumed to be the child's parent under subdivision (a), (b), or (c) of Section 7611, a person seeking to be adjudicated as a parent or donor under Section 7613, an adoption agency to whom the child has been relinquished, or a prospective adoptive parent of the child may bring an action as follows:

(1) At any time for the purpose of declaring the existence of the parent and child relationship presumed under subdivision (a), (b), or (c) of Section 7611, or established pursuant to Section 7613.

(2) For the purpose of declaring the nonexistence of the parent and child relationship presumed under subdivision (a), (b), or (c) of Section 7611 only if the action is brought within a reasonable time after obtaining knowledge of relevant facts. After the presumption has been rebutted, parentage of the child by another person may be determined in the same action, if that person has been made a party.

(3) At any time for the purpose of declaring the nonexistence of the parent and child relationship of a donor under Section 7613.

(b) Any interested party may bring an action at any time for the purpose of determining the existence or nonexistence of the parent and child relationship presumed under subdivision (d) or (f) of Section 7611.

(c) Except as to cases coming within Chapter 1 (commencing with Section 7540) of Part 2 or when paragraph (2) of subdivision (a) applies, an action to determine parentage may be brought by the child, a personal representative of the child, the Department of Child Support Services, a presumed parent or the personal representative or a parent of that presumed parent if that parent has died or is a minor, or, in cases in which the natural mother is the only presumed parent or an action under Section 300 of the Welfare and Institutions Code or adoption is pending, a man alleged or alleging himself to be the father or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

(d) (1) If a proceeding has been filed under Chapter 2 (commencing with Section 7820) of Part 4, an action under subdivision (a) or (b) shall be consolidated with that proceeding. The parental rights of the presumed parent shall be determined as set forth in Sections 7820 to 7829, inclusive.

(2) If a proceeding pursuant to Section 7662 has been filed under Chapter 5 (commencing with Section 7660), an action under subdivision (c) shall be consolidated with that proceeding. The parental rights of the alleged father shall be determined as set forth in Section 7664.

(3) The consolidated action under paragraph (1) or (2) shall be heard in the court in which the proceeding under Section 7662 or Chapter 2 (commencing with Section 7820) of Part 4 is filed, unless the court finds, by clear and convincing evidence, that transferring the action to the other court poses a substantial hardship to the petitioner. Mere inconvenience does not constitute a sufficient basis for a finding of substantial hardship. If the court determines there is a substantial hardship, the consolidated action shall be heard in the court in which the parentage action is filed.

(e) (1) If any prospective adoptive parent who has physical custody of the child, any licensed California adoption agency that has legal custody of the child or to which the mother proposes to relinquish the child for adoption, or any person whom the mother has designated as the prospective adoptive parent in a written statement executed before a hospital social worker, an adoption service provider, an adoption agency representative, or a notary public, has not been joined as a party to an action to determine the existence of a parent and child relationship under subdivision (a), (b), or (c), or an action for custody by a person claiming to be a parent under this division, the court shall join the prospective adoptive parent or licensed California adoption agency as a party upon application or on its own motion, without the necessity of a motion for joinder. A joined party shall not be required to pay a fee in connection with this action.

(2) If a person brings an action to determine parentage and custody of a child who he or she has reason to believe is in the physical or legal custody of an adoption agency, or of one or more persons other than the child's parent who are prospective adoptive parents, he or she shall serve his or her entire pleading on, and give notice of all proceedings to, the adoption agency or the prospective adoptive parents, or both.

(f) A party to an assisted reproduction agreement may bring an action at any time to establish a parent and child relationship consistent with the intent expressed in that assisted reproduction agreement.

(g) (1) In an action to determine the existence of the parent and child relationship brought pursuant to subdivision (b), if the child's other parent has died and there are no existing court orders or pending court actions involving custody or guardianship of the child, then the persons having physical custody of the child shall be served with notice of the proceeding at least 15 days prior to the hearing, either by mail or in any manner authorized by the court. If any person identified as having physical custody of the child cannot be located, the court shall prescribe the manner of giving notice.

(2) If known to the person bringing the parentage action, relatives within the second degree of the child shall be given notice of the proceeding at least 15 days prior to the hearing, either by mail or in any manner authorized by the court. If a person identified as a relative of the second degree of the child cannot be located, or his or her whereabouts are unknown or cannot be ascertained, the court shall prescribe the manner of giving notice, or shall dispense with giving notice to that person.

(3) Proof of notice pursuant to this subdivision shall be filed with the court before the proceeding to determine the existence of the parent and child relationship is heard.

SEC. 52. Section 7635 of the Family Code is amended to read:

7635. (a) The child may, if under the age of 12 years, and shall, if 12 years of age or older, be made a party to the action. If the child is a minor and a party to the action, the child shall be represented by a guardian ad litem appointed by the court. The guardian ad litem need not be represented by counsel if the guardian ad litem is a relative of the child.

(b) A natural parent, each person presumed to be a parent under Section 7611 or 7540, each person who is a parent of the child under Section 7613 or 7962, and each person alleged to be the genetic parent unless precluded under this division from establishing parentage based on genetic testing, shall be given notice of the action in the manner prescribed in Section 7666 and an opportunity to be heard, and shall be made a party if they request to be joined. Appointment of a guardian ad litem shall not be required for a minor who is a parent of the child who is the subject of the petition to establish parental relationship, unless the minor parent is unable to understand the nature of the proceedings or to assist counsel in preparing the case.

(c) The court may align the parties.

(d) In any initial or subsequent proceeding under this chapter where custody of, or visitation with, a minor child is in issue, the court may, if it determines it would be in the best interest of the minor child, appoint private counsel to represent the interests of the minor child pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8.

SEC. 53. Section 7640 of the Family Code is amended to read:

7640. The court may order reasonable fees of counsel, experts, and the child's guardian ad litem, and other costs of the action and pretrial proceedings, including genetic testing, to be paid by the parties, excluding any governmental entity, in proportions and at times determined by the court. The court may apply the standards set forth in Sections 2032 and 7605 in making this determination.

SEC. 54. Section 7644 of the Family Code is amended to read:

7644. (a) Notwithstanding any other law, an action for child custody and support and for other relief as provided in Section 7637 may be filed based upon a voluntary declaration of paternity as provided in Chapter 3 (commencing with Section 7570) of Part 2.

(b) Except as provided in Section 7576, the voluntary declaration of paternity shall be given the same force and effect as a judgment of parentage entered by a court of competent jurisdiction. The court shall make appropriate orders as specified in Section 7637 based upon the voluntary declaration of paternity unless evidence is

presented that the voluntary declaration of paternity has been rescinded by the parties or set aside as provided in Section 7575 of the Family Code.

(c) The Judicial Council shall develop the forms and procedures necessary to implement this section.

(d) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 55. Section 7644 is added to the Family Code, to read:

7644. (a) Notwithstanding any other law, an action for child custody and support and for other relief as provided in Section 7637 may be filed based upon a voluntary declaration of parentage as provided in Chapter 3 (commencing with Section 7570) of Part 2.

(b) Except as provided in Section 7581, the voluntary declaration of parentage shall be given the same force and effect as a judgment of parentage entered by a court of competent jurisdiction. The court shall make appropriate orders as specified in Section 7637 based upon the voluntary declaration of parentage unless evidence is presented that the voluntary declaration of parentage has been rescinded by the parties, set aside as provided in Section 7575, 7576, or 7577, or is void under Section 7573.5.

(c) The Judicial Council shall develop the forms and procedures necessary to implement this section.

(d) This section shall become operative on January 1, 2020.

SEC. 56. The heading of Article 1.5 (commencing with Section 7645) of Chapter 4 of Part 3 of Division 12 of the Family Code is amended to read:

Article 1.5. Setting Aside or Vacating Judgment of Parentage

SEC. 57. Section 7645 of the Family Code is amended to read:

7645. For purposes of this article, the following definitions shall apply:

(a) "Child" means the child of a previously established father or mother, as determined by the superior court in a judgment that is the subject of a motion brought pursuant to this article, or as a matter of law.

(b) "Judgment" means a judgment, order, or decree entered in a court of this state that establishes parentage, including a determination of parentage made pursuant to a petition filed under Section 300, 601, or 602 of the Welfare and Institutions Code. For purposes of this article, "judgment" does not include a judgment in any action for marital dissolution, legal separation, or nullity.

(c) "Previously established father" means a person identified as the father of a child in a judgment that is the subject of a motion brought pursuant to this article.

(d) "Previously established mother" means a person identified as the mother of a child in a judgment that is the subject of a motion brought pursuant to this article.

SEC. 58. Section 7646 of the Family Code is amended to read:

7646. (a) Notwithstanding any other law, a judgment establishing parentage may be set aside or vacated upon a motion by a previously established parent, the child, or the legal representative of any of these persons if genetic testing indicates that the previously established father of a child is not the genetic father of the child. The motion shall be brought within one of the following time periods:

(1) Within a two-year period commencing with the date on which the previously established father knew or should have known of a judgment that established him as the father of the child or commencing with the date the previously established father knew or should have known of the existence of an action to adjudicate the issue of parentage, whichever is first, except as provided in paragraph (2).

(2) In the case of any previously established father who is the legal father as a result of a default judgment as of the effective date of this section, within a two-year period from January 1, 2005, to December 31, 2006, inclusive.

(b) Subdivision (a) does not apply if the child is presumed to be a child of a marriage pursuant to Section 7540, the previously established parent is a parent under Section 7613 or 7962, or the action is barred by paragraph (2) of subdivision (a) of Section 7630.

(c) Reconsideration of a motion brought under paragraph (3) of subdivision (a) may be requested and granted if the following requirements are met:

- (1) The motion was filed with the court between September 24, 2006, and December 31, 2006, inclusive.
- (2) The motion was denied solely on the basis that it was untimely.
- (3) The request for reconsideration of the motion is filed on or before December 31, 2009.

SEC. 59. Section 7647 of the Family Code is amended to read:

7647. (a) A court may grant a motion to set aside or vacate a judgment establishing parentage only if all of the following conditions are met:

- (1) The motion is filed in a court of proper venue.
- (2) The motion contains, at a minimum, all of the following information, if known:
 - (A) The legal name, age, county of residence, and residence address of the child.
 - (B) The names, mailing addresses, and counties of residence, or, if deceased, the date and place of death, of the following persons:
 - (i) The previously established parents and the alleged father of the child.
 - (ii) The guardian of the child, if any.
 - (iii) Any person who has physical custody of the child.
 - (iv) The guardian ad litem of the child, if any, as appointed pursuant to Section 7647.5.
 - (C) A declaration that the person filing the motion believes that the previously established father is not the genetic father of the child, the specific reasons for this belief, and a declaration that the person desires that the motion be granted. The moving party is not required to present evidence of genetic testing indicating that the previously established father is not the genetic father of the child in order to bring this motion pursuant to Section 7646.
 - (D) A declaration that the marital presumption set forth in Section 7540 does not apply and that an action is not barred under paragraph (2) of subdivision (a) of Section 7630.
- (3) The court finds that the previously established father is not a genetic parent pursuant to Section 7555.

(b) The motion shall include a proof of service upon the following persons, excluding the person bringing the motion:

- (1) The parties to the action resulting in the judgment of parentage.
- (2) The local child support agency, if services are being provided to the child pursuant to Title IV-D or IV-E of the Social Security Act (42 U.S.C. Sec. 651 et seq. and 42 U.S.C. Sec. 670 et seq.).
- (3) The child's guardian ad litem, if any.

SEC. 60. Section 7647.7 of the Family Code is amended to read:

7647.7. Any genetic testing used to support the motion to set aside or vacate shall be conducted in accordance with Section 7552. The court shall, at the request of any person authorized to make a motion pursuant to this article, or may upon its own motion, order genetic testing to assist the court in making a determination whether the previously established father is the genetic father of the child.

SEC. 61. Section 7648 of the Family Code is amended to read:

7648. The court may deny the motion to set aside or vacate a judgment establishing parentage if it determines that denial of the motion is in the best interest of the child, after consideration of the following factors:

- (a) The age of the child.
- (b) The length of time since the entry of the judgment establishing parentage.

(c) The nature, duration, and quality of any relationship between the previously established father and the child, including the duration and frequency of any time periods during which the child and the previously established father resided in the same household or enjoyed a parent and child relationship.

(d) The request of the previously established father that the parent and child relationship continue.

(e) Notice by the biological father of the child that he does not oppose preservation of the relationship between the previously established father and the child.

(f) The benefit or detriment to the child in establishing the genetic father as the parent of the child.

(g) Whether the conduct of the previously established father has impaired the ability to ascertain the identity of, or get support from, the biological father.

(h) Additional factors deemed by the court to be relevant to its determination of the best interest of the child.

SEC. 62. Section 7649 of the Family Code is amended to read:

7649. This article does not limit the rights and remedies available under any other law with regard to setting aside or vacating a judgment of parentage.

SEC. 63. Section 7650 of the Family Code is amended to read:

7650. (a) Any interested person may bring an action to determine the existence or nonexistence of a mother and child relationship. Insofar as practicable, the provisions of this division applicable to the father and child relationship apply.

(b) A woman is presumed to be the natural mother of a child if the child is in utero after the death of the decedent and the conditions set forth in Section 249.5 of the Probate Code are satisfied.

SEC. 64. Section 17412 of the Family Code is amended to read:

17412. (a) Notwithstanding any other law, an action for child support may be brought by the local child support agency on behalf of a minor child or caretaker parent based upon a voluntary declaration of paternity as provided in Chapter 3 (commencing with Section 7570) of Part 2 of Division 12.

(b) Except as provided in Sections 7576 and 7577, the voluntary declaration of paternity shall be given the same force and effect as a judgment for paternity entered by a court of competent jurisdiction. The court shall make appropriate orders for support of the minor child based upon the voluntary declaration of paternity unless evidence is presented that the voluntary declaration of paternity has been rescinded by the parties or set aside by a court as provided in Section 7575.

(c) The Judicial Council shall develop the forms and procedures necessary to implement this section.

(d) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

SEC. 65. Section 17412 is added to the Family Code, to read:

17412. (a) Notwithstanding any other law, an action for child support may be brought by the local child support agency on behalf of a minor child or caretaker parent based upon a voluntary declaration of parentage as provided in Chapter 3 (commencing with Section 7570) of Part 2 of Division 12.

(b) Except as provided in Sections 7580 and 7581, the voluntary declaration of parentage shall be given the same force and effect as a judgment for parentage entered by a court of competent jurisdiction. The court shall make appropriate orders for support of the minor child based upon the voluntary declaration of parentage unless evidence is presented that the voluntary declaration of parentage has been rescinded by the parties or set aside by a court as provided in Section 7575, 7576, or 7577.

(c) The Judicial Council shall develop the forms and procedures necessary to implement this section.

(d) This section shall become operative on January 1, 2020.

SEC. 66. Section 1635 of the Health and Safety Code is amended to read:

1635. (a) "Department" means the State Department of Public Health.

(b) "Donor" means an individual, living or deceased, from whom tissue is removed.

(c) "Gamete bank" means a tissue bank that collects, processes, stores, or distributes gametes, including a facility that provides professional reproductive services, other than those facilities exempt from tissue bank licensure.

(d) "Person" means an individual, corporation, business trust, estate trust, partnership, association, state or local government, or subdivision or agency thereof, or any other legal entity.

(e) (1) "Tissue" means a human cell, group of cells, including the cornea, sclera, or vitreous humor and other segments of, or the whole eye, bones, skin, arteries, sperm, blood, other fluids, and any other portion of a human body, but shall not include an organ when recovered for transplantation or research purposes.

(2) For purposes of paragraph (1), "organ" means a human kidney, liver, heart, lung, pancreas, intestine (including the esophagus, stomach, small or large intestine, or any portion of the gastrointestinal tract), or vascularized composite allograft, and associated blood vessels recovered from an organ donor during the recovery of the organ.

(f) "Tissue bank" means a place, establishment, or institution that collects, processes, stores, or distributes tissue for transplantation into human beings.

(g) "Transplantation" means the act or process of transferring tissue, including by ingestion, from a donor to the body of the donor or another human being.

SEC. 67. Section 1644 of the Health and Safety Code is amended to read:

1644. (a) For purposes of this chapter, "donor," "person," "tissue," "transplantation," and "department" shall have the meaning as defined for those terms in Section 1635.

(b) For purposes of this chapter, "HIV" shall mean human immunodeficiency virus.

(c) "Identifying information" means the full name of the donor, the donor's date of birth, and the permanent and, if different, current address of the donor at the time of donation.

(d) "Medical information" means information regarding a present illness of the donor, past illness of the donor, and social, genetic, and family history of the donor.

SEC. 68. Section 1644.1 is added to the Health and Safety Code, to read:

1644.1. (a) (1) Except as provided in paragraph (2), a gamete bank licensed in this state shall collect and retain from a gamete donor the donor's identifying information and medical information at the time of the donation. If the gamete bank sends the gametes of a donor to another gamete bank, the sending gamete bank shall forward any identifying information and medical information, including the donor's signed declaration under Section 1644.2 regarding identity disclosure, to the receiving gamete bank and shall no longer be required to retain the information. A receiving gamete bank licensed in this state shall collect and retain the information about the donor and each sending gamete bank.

(2) A gamete bank obtaining gametes for the purpose of clinical utilization within one month from receipt shall not be considered a receiving gamete bank responsible for long-term retention of any identifying information or medical information other than what is typically documented in the medical record, and shall not be responsible for responding to any request under Section 1644.3 other than to identify the sending gamete bank.

(b) This section shall apply only to gametes collected on or after January 1, 2020.

SEC. 69. Section 1644.2 is added to the Health and Safety Code, to read:

1644.2. (a) A gamete bank licensed in this state that collects gametes from a donor shall do both of the following:

(1) Provide the donor with information in a record about the donor's choice regarding identity disclosure.

(2) Obtain a declaration from the donor regarding identity disclosure.

(b) A gamete bank licensed in this state shall give a donor the choice to sign a declaration, attested by a notary or witnessed, that does either of the following:

(1) States that the donor agrees to disclose his or her identity to a child conceived by assisted reproduction with the donor's gametes, on request, once the child attains 18 years of age.

(2) States that the donor does not agree presently to disclose the donor's identity to the child.

(c) A gamete bank licensed in this state shall permit a donor who has signed a declaration under paragraph (2) of subdivision (b) to withdraw the declaration at any time by signing a declaration under paragraph (1) of subdivision (b).

(d) This section shall apply only to gametes collected on or after January 1, 2020.

SEC. 70. Section 1644.3 is added to the Health and Safety Code, to read:

1644.3. (a) On request of a child conceived by assisted reproduction who attains 18 years of age, a gamete bank licensed in this state that collected, stored, or released for use the gametes used in the assisted reproduction shall provide the child with identifying information of the donor who provided the gametes, unless the donor signed and did not withdraw a declaration under paragraph (2) of subdivision (b) of Section 1644.2. If the donor signed and did not withdraw the declaration, the gamete bank shall make a good faith effort to notify the donor, who may elect under subdivision (c) of Section 1644.2 to withdraw the declaration.

(b) Regardless whether a donor signed a declaration under paragraph (2) of subdivision (b) of Section 1644.2, on request from a child conceived by assisted reproduction who attains 18 years of age, or, if the child is a minor, by a parent or guardian of the child, a gamete bank licensed in this state shall provide the child or, if the child is a minor, the parent or guardian of the child, access to nonidentifying medical information provided by the donor.

(c) This section shall apply only to gametes collected on or after January 1, 2020.

SEC. 71. The heading of Chapter 5 (commencing with Section 102625) of Part 1 of Division 102 of the Health and Safety Code is amended to read:

CHAPTER 5. Certificates of Birth Following Adoption, Legitimation, Court Determination of Parentage, and Acknowledgment

SEC. 72. The heading of Article 4 (commencing with Section 102766) of Chapter 5 of Part 1 of Division 102 of the Health and Safety Code is amended to read:

Article 4. Voluntary Declaration of Parentage

SEC. 73. Section 102766 of the Health and Safety Code is amended to read:

102766. (a) When a voluntary declaration of parentage is filed with the State Department of Social Services pursuant to subdivision (d) of Section 7571 of the Family Code, an application may be submitted to the State Registrar requesting that the signatory's name be added to the child's birth certificate.

(b) Upon receipt of the application and payment of the required fee, the State Registrar shall review the application for acceptance for filing and, if accepted, shall establish a new birth certificate for the child in the manner prescribed in Article 1 (commencing with Section 102625), if the original record of birth is on file in the office of the State Registrar.

SEC. 74. Section 102767 of the Health and Safety Code is amended to read:

102767. (a) When a voluntary declaration of parentage is rescinded pursuant to Section 7575 of the Family Code, an application may be submitted to the State Registrar requesting that the signatory's name be removed from the child's birth certificate.

(b) Upon receipt of the application and payment of the required fee, the State Registrar shall establish a new birth certificate for the child in the manner prescribed in Article 1 (commencing with Section 102625), if the original record of birth is on file in the office of the State Registrar.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM November 21, 2023

SUBMITTED BY: District Attorney – Sarah Hacker

SUBJECT: ADVANCE STEP HIRE OF A DISTRICT ATTORNEY INVESTIGATOR II AT SALARY RANGE 233.5, STEP 5

SUMMARY:

Overview:

The District Attorney is requesting to extend a conditional offer of employment to Gabriela Rivera at Salary Range 233.5, Step 5. Board approval is required to hire at this level, as stated in Personnel Rule #13051.

Recommendation:

Authorize the advanced step hire of Gabriela Rivera as a District Attorney Investigator II at Salary Range 233.5, Step 5 retroactively effective from November 13, 2023 Pay Period 24-2023.

Fiscal Impact:

Sufficient funds in budget unit 216000 in the amount of \$89,918 were included in the Adopted Budget for Fiscal Year 2023/24.

BACKGROUND:

Gabriela Rivera is a qualified candidate for District Attorney Investigator II at the Kings County District Attorney's Office. Mrs. Rivera is an experienced law enforcement officer with nearly 14 years of experience. She is currently employed as an Investigator with the Tulare County District Attorney's Office.

Currently, Mrs. Rivera's job duties require her to investigate complex criminal cases including but not limited to homicide, cold case homicide, human trafficking, child abduction, sexual assault, and tactical enforcement operations. Mrs. Rivera is highly regarded by local law enforcement agencies. Mrs. Rivera has served in a leadership role as a corporal and a sergeant supervising a patrol shift and detective sergeant leading the investigation unit at the Avenal Police Department.

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

ADVANCE STEP HIRE OF A DISTRICT ATTORNEY INVESTIGATOR II AT SALARY RANGE 233.5, STEP 5

November 21, 2023

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Additionally, Mrs. Rivera is a qualified Child Forensic Interviewer who is trained to conduct forensic interviews with children who have suffered physical and sexual abuse. Mrs. Rivera is also bilingual in the English and Spanish language. The District Attorney's Office has utilized Mrs. Rivera's translation skills for past interviews.

Mrs. Rivera possesses the professional skills to perform as a top-rated District Attorney Investigator II and it would be appropriate to compensate Mrs. Rivera at Step. 5.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM November 21, 2023

SUBMITTED BY: Department of Public Health – Rose Mary Rahn/Heather Silva
SUBJECT: CHILD HEALTH AND DISABILITY PREVENTION PROGRAM PLAN AND BUDGET

SUMMARY:

Overview:

The Kings County Department of Public Health is requesting approval for the Child Health and Disability Prevention program Plan and Budget. Funding for these services is allocated annually by the State, and Board approval is required for acceptance.

Recommendation:

- a. Approve the Child Health and Disability Prevention Program Plan and Budget retroactively effective from July 1, 2023 through June 30, 2024;
- b. Adopt the budget change. (4/5 vote required)

Fiscal Impact:

The recommended action will increase Federal Aid revenue by \$34,056 in the Fiscal Year 2023-24 adopted County budget unit 419000 – Child Health Disability. This will be offset by the decrease in the use of Health Realignment by \$34,056.

BACKGROUND:

The Child Health and Disability Prevention Program (CHDP) provides access to preventative health assessments for low-income children and youth, with the goal of early detection, diagnosis and treatment of disease and disability. These health assessments are completed by providers who meet the guidelines and have been approved by the local CHDP program. There are currently 19 approved CHDP providers in Kings County.

(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

CHILD HEALTH AND DISABILITY PREVENTION PROGRAM PLAN AND BUDGET

November 21, 2023

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The local CHDP program is tasked with provider recruitment, training, and monitoring, to ensure preventative screenings are done according to CHDP standards. Local program responsibilities also include informing and linking eligible populations and families to CHDP preventative services, providing medical case management of the pediatric fee-for-service Medi-Cal population, preventative dental education for the pediatric Medi-Cal population and dental case management follow up, when needed. The budget that was formulated for this program does not necessarily reflect the entire allocation, as the funding may be based on caseload, the breakdown of Medi-Cal vs. non-Medi-Cal clients, and other funding directives set by the State. The CHDP program is proposed to sunset at the end of this fiscal year.

This item is presented for retroactive approval because the department was provided with the annual funding allocation notice by CHDP on July 1, 2023, which caused delays in preparing the Plan and Budget for review and approval. The allocation letter required submission of the signed documents by September 15, 2023. The department submitted draft documents and was provided with an extension for submission of the documents with the required signatures.

This plan and budget have been reviewed and approved by County Counsel as to form.

JULY 1, 2023

CHDP PROGRAM LETTER: 23-01

TO: CHILD HEALTH & DISABILITY PREVENTION PROGRAM DIRECTORS,
DEPUTY DIRECTORS, MEDICAL CONSULTANTS, AND DEPARTMENT
OF HEALTH CARE SERVICES STAFF

SUBJECT: CHILD HEALTH & DISABILITY PREVENTION PROGRAM FISCAL YEAR
2023-2024 ALLOCATION

The purpose of this letter is to provide Child Health & Disability Prevention (CHDP) programs with their Fiscal Year (FY) 2023-2024 allocation.

This letter serves as each local program's approved state CHDP budget and enables each local program to use this letter to develop its budget. Budget approval letters will not be issued. Detailed budget information may be found in the Integrated Systems of Care Division (ISCD) Plan and Fiscal Guidelines (PFG).

Acceptance of funds constitutes an agreement that the receiving local program and its agency will comply with all federal and state requirements pertaining to the CHDP program and adhere to all applicable policies and procedures set forth by the Department of Health Care Services (DHCS). Periodically, the federal program responsible for oversight of the Medicaid program and related state administrative expenditures will conduct programmatic audits. Finding of a federal audit exception and subsequent liability for repayment of federal Medicaid funds related to the CHDP program audit exception, are the exclusive and sole responsibility of each local program.

Each local program remains responsible for overseeing and tracking its expenditures. An audit file must be maintained. At a minimum this audit file should include:

- » Documentation of required time studies, performed during one or more representative months of the fiscal quarter for each budgeted position claimed under Federal Financial Participation (FFP).
- » Documentation in support of claimed expenditures.
- » Documentation to demonstrate compliance with all federal and state requirements pertaining to the CHDP program, and adherence to all applicable policies and procedures set forth by DHCS.

July 1, 2023

CHDP PROGRAM LETTER 23-01: FISCAL YEAR 2023-2024 ALLOCATION

Page 2 of 5

The audit file must be retained in keeping with the requirements of 42 CFR § 433.32 - Fiscal Policies and Accountability,¹ applicable state and federal law, and local policy. The audit file must be produced to State and Federal entities within seven (7) calendar days of a request.

Budget Reporting Instructions

- » Utilize the CHDP Budget Workbook.
Budget workbooks may be found in the Templates section of the ISCD Budget Portal² and by requested to CHDPprogram@dhcs.ca.gov. Questions regarding the ISCD Budget Portal may be directed to ISCDFiscal@dhcs.ca.gov.
- » Sign electronically using Adobe Acrobat Pro DC Self-signed with Digital ID³ function or DocuSign.⁴
If access to either of these options is not available, scanned signature will be accepted, with the original kept in the local audit file.
- » Submit electronically to the ISCD Budget Portal.
- » Submit only two documents to the ISCD Budget Portal:
 - One Excel version of the CHDP Budget Workbook
and
 - One signed PDF version of the CHDP Budget Workbook
- » Submit only the information requested in the CHDP Budget Workbook. Be prepared to provide ISCD with additional documentation to demonstrate compliance with program requirements, upon request.
- » Submit by **September 15, 2023**.
If all necessary signatures cannot be obtained by this date, submit completed excel workbooks by the deadline and contact CHDPprogram@dhcs.ca.gov to request an extension for submission of required signatures.

CHDP Transition

¹ [https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-C/part-433/subpart-A/section-433.32#p-433.32\(a\)](https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-C/part-433/subpart-A/section-433.32#p-433.32(a))

² <https://iscdbudget.cloudapps.dhcs.ca.gov/>

³ <https://helpx.adobe.com/acrobat/using/digital-ids.html>

⁴ https://support.docuSign.com/s/articles/How-do-I-sign-a-DocuSign-document-Basic-Signing?language=en_US&rsc_301

July 1, 2023

CHDP PROGRAM LETTER 23-01: FISCAL YEAR 2023-2024 ALLOCATION

Page 3 of 5

As announced in CHDP Program Letter and Provider Notices 22-02⁵ and 22-06,⁶ the CHDP program will be discontinued effective July 1, 2024. Information regarding the transition, including opportunities for stakeholder engagement, can be found on the CHDP Transition webpage.⁷ Alternative resources and further information regarding the transition of specific activities to existing delivery systems will be integrated into the CHDP Program webpage⁸ in the coming months.

Contact Information

Questions regarding the ISCD Budget Portal and expenditure invoicing may be directed to: ISCDFiscal@dhcs.ca.gov. All other questions and concerns may be directed to the central program inbox: CHDPprogram@dhcs.ca.gov.

Sincerely,

ORIGINAL SIGNED BY CORTNEY MASLYN

Cortney Maslyn, Chief
Integrated Systems of Care Division
Department of Health Care Services

Attachments:

1. FY 2023-24 CHDP Allocation Table

⁵ <https://www.dhcs.ca.gov/services/chdp/Documents/CHDP-Provider-Information-Notice-22-02.pdf>

⁶ <https://www.dhcs.ca.gov/services/chdp/Documents/CHDP-Provider-Info-Notice-22-06.pdf>

⁷ <https://www.dhcs.ca.gov/services/chdp/Pages/CHDP-Transition.aspx>

⁸ <https://www.dhcs.ca.gov/services/chdp>

July 1, 2023

CHDP PROGRAM LETTER 23-01: FISCAL YEAR 2023-2024 ALLOCATION

Page 4 of 5

Attachment 1:
Child Health & Disability Prevention Program
Base Allocation
(07/01/2023 through 06/30/2024)

County/City	State General Funds	Federal Funds	Total Funds
Alameda	356,482	638,755	995, 237
Alpine	22,138	34,431	56,568
Amador	50,133	75,058	125,192
Berkeley	84,043	188,852	272,895
Butte	160,164	268,742	428,907
Calaveras	46,823	64,630	111,453
Colusa	50,062	70,965	121,028
Contra Costa	224,037	586,607	810,644
Del Norte	48,642	93,928	142,570
El Dorado	105,091	155,721	260,811
Fresno	416,419	715,690	1,132,109
Glenn	68,369	107,344	175,713
Humboldt	144,049	282,736	426,785
Imperial	160,084	264,283	424,368
Inyo	31,061	55,528	86,589
Kern	402,303	671,570	1,073,873
Kings	143,923	240,757	384,680
Lake	93,497	146,113	239,610
Lassen	34,771	59,560	94,331
Long Beach	230,963	362,929	593,893
Los Angeles	1,709,068	4,037,778	5,746,845
Madera	142,851	222,634	365,485
Marin	106,915	173,170	280,085
Mariposa	28,884	50,997	79,881
Mendocino	109,686	159,157	268,843
Merced	242,877	433,703	676,580
Modoc	48,313	90,997	139,310
Mono	28,489	42,924	71,413
Monterey	206,155	440,968	647,123
Napa	70,432	109,122	179,554

July 1, 2023

CHDP PROGRAM LETTER 23-01: FISCAL YEAR 2023-2024 ALLOCATION

Page 5 of 5

County/City	State General Funds	Federal Funds	Total Funds
Nevada	69,508	104,436	173,944
Orange	727,925	1,219,355	1,947,280
Pasadena	111,163	220,282	331,446
Placer	127,543	185,612	313,155
Plumas	64,387	128,548	192,934
Riverside	445,805	651,635	1,097,440
Sacramento	422,165	790,207	1,212,372
San Benito	87,986	132,773	220,759
San Bernardino	569,983	955,645	1,525,628
San Diego	580,606	793,034	1,373,640
San Francisco	256,154	444,139	700,293
San Joaquin	278,991	590,280	869,271
San Luis Obispo	126,999	201,663	328,663
San Mateo	198,824	386,275	585,099
Santa Barbara	246,860	351,415	598,275
Santa Clara	338,654	734,790	1,073,444
Santa Cruz	141,389	237,525	378,915
Shasta	125,486	205,918	331,405
Sierra	28,146	57,296	85,441
Siskiyou	34,954	57,498	92,453
Solano	141,484	252,057	393,541
Sonoma	179,796	296,227	476,022
Stanislaus	255,699	449,962	705,660
Sutter	105,986	120,986	226,973
Tehama	89,440	117,603	207,043
Trinity	38,432	55,245	93,676
Tulare	237,940	400,022	637,961
Tuolumne	68,150	117,215	185,365
Ventura	303,401	504,683	808,085
Yolo	102,298	166,897	269,195
Yuba	42,371	71,876	114,247
Total	12,115,250	21,846,750	33,962,000

Child Health and Disability Prevention Program**Budget Workbook Instructions**

1. Detailed instructions for completion and submission of the Child Health & Disability Prevention Program (CHDP) budget can be found within this workbook, the yearly CHDP Allocation Letter, and the Plan & Fiscal Guidelines.
2. Within each sheet of this reporting workbook are cells shaded in yellow. These cells will accept data. Rows may be expanded as needed.
3. Within each sheet of this reporting workbook are cells shaded in grey. These cells will automatically pull data from previously entered information.
4. Budget Submission Instructions
 - Budgets should be submitted to the ISCD Budget Portal by the due date provided in the yearly CHDP Allocation Letter.
 - A budget submission must consist of two documents:
 - I. Reporting Workbook in Excel Format
 - II. Reporting Workbook in Electronically Signed PDF Format
5. Documents submitted to DHCS should be signed by Adobe Acrobat Pro DC Self-signed with Digital ID function or DocuSign. If access to either of these options is not available, please contact your DHCS CHDP Liaison at CHDPprogram@dhcs.ca.gov.
6. Submissions need only include the information requested in the attached CHDP Budget Reporting Workbook. Programs should be prepared to provide ISCD with documentation to demonstrate compliance with program requirements upon request.
7. Programs that are unable to obtain all necessary signatures by Friday, September 15, 2023 are asked to submit their budget in excel format by this date, and contact the program inbox to request an extension for the submission of the required signatures.
8. Questions regarding access to the ISCD Budget Portal and expenditure invoicing may be directed to: ISCDFiscal@dhcs.ca.gov. All other questions may be directed to: CHDP@dhcs.ca.gov.

Child Health and Disability Prevention Program

Agency Information		County/City:	Fiscal Year:
		Kings	2023-24
Street Address:	330 Campus Drive	CHDP Central Email Address:	N/A
City:	Hanford		
Zip Code:	93230		
CHDP Director		CHDP Deputy Director	
Name, Title:	Milton Teske, MD	Name:	Marjorie Batin, SPHN
Phone:	(559) 852-2876	Phone:	(559) 852-4532
Email:	Milton.Teske@co.kings.ca.	Email:	Marjorie.Batin@co.kings.ca.
Clerk of the Board of Supervisors		Health Officer	
Name:	Catherine Venturella	Name:	Milton Teske, MD
Phone:	(559) 852-2370	Phone:	(559) 852-2876
Email:	Catherine.Venturella@co.k	Email:	Milton.Teske@co.kings.ca.
List All CHDP Program Staff			
	Name:	Title:	Email:
1	Vacant	CHN/PHN	N/A
2	Maria Van Beek	Child Health Counselor	Maria.VanBeek@co.kings.ca.us
3	Erik Alba	Office Assistant II	Erik.Alba@co.kings.ca.us
4	Marjorie Batin	SPHN	Marjorie.Batin@co.kings.ca.us
5	Pauline Dominguez	Fiscal Specialist II	Pauline,Dominguez@co.kings.ca.us
6	Czarina Marasigan	Nursing Division Manager	Czarina.Marasigan@co.kings.ca.us
7	Jessica Pannell	Health Educator	Jessica.Pannell@co.kings.ca.us
8			
9			
10			
<i>View additional rows by selecting the "+" to the left. Additional rows may be added above this line.</i>			

State of California—Health and Human Services Department of Health Care Services
Child Health and Disability Prevention Program

Certification Statement	County/City:	Fiscal Year:
	Kings	2023-24

I certify that the CHDP Program will comply with all applicable provisions of Health and Safety Code, Division 106, Part 2, Chapter 3, Article 6 (commencing with Section 124025), Welfare and Institutions Code, Division 9, Part 3, Chapters 7 and 8 (commencing with Section 14000 and 14200), Welfare and Institutions Code Section 16970, and any applicable rules or regulations promulgated by DHCS pursuant to that Article, those Chapters, and that section. I further certify that this CHDP Program will comply with the Integrated Systems of Care Plan and Fiscal Guidelines Manual, including but not limited to, Section 9 Federal Financial Participation. I further certify that this CHDP Program will comply with all federal laws and regulations governing and regulating recipients of funds granted to states for medical assistance pursuant to Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.). I further agree that this CHDP Program may be subject to all sanctions or other remedies applicable if this CHDP Program violates any of the above laws, regulations and policies with which it has certified it will comply.

Milton Teske
Milton Teske, MD., Kings County Health Officer 3D060C84221DE3F3BF53A107BA8564CA readysign **10/25/2023**

CHDP/County Authorized Representative	Signature	Date
Richard Valle, Chair Kings County Board of Supervisors		
Local Governing Body Chairperson Name,	Signature	Date

Child Health and Disability Prevention Program

Base Budget Worksheet								County/City Name:		Fiscal Year:			
								Kings		2023-24			
Column	1A	1B	1	4A	4	5A	5	2A	2	3A	3		
I. Personnel Expenses			Total FTE %	Annual Salary	Total Budget	Enhanced FTE %	Enhanced Total	Non-Enhanced FTE %	Non-Enhanced Total	CHDP %	Total CHDP Budget	Medi-Cal %	Total Medi-Cal Budget
#	Name	Title											
1	Vacant	CHN/PHN	25%	\$77,812	\$19,453	80%	\$15,562	20%	\$3,891	0%	\$0	100%	\$19,453
2	Maria Van Bee	Child Health Counselor	80%	\$46,821	\$37,457	0%	\$0	100%	\$37,457	0%	\$0	100%	\$37,457
3	Erik Alba	Office Assistant II	15%	\$40,636	\$6,095	0%	\$0	100%	\$6,095	0%	\$0	100%	\$6,095
4	Marjorie Batin	SPHN	25%	\$110,219	\$27,555	5%	\$1,378	95%	\$26,177	0%	\$0	100%	\$27,555
5	Pauline Domin	Fiscal Specialist II	10%	\$58,573	\$5,857	0%	\$0	100%	\$5,857	0%	\$0	100%	\$5,857
6	Czarina Marasi	Nursing Division Manager	5%	\$126,714	\$6,336	0%	\$0	100%	\$6,336	0%	\$0	100%	\$6,336
7	Jessica Pannell	Health Educator	10%	\$65,016	\$6,502	0%	\$0	100%	\$6,502	0%	\$0	100%	\$6,502
8	0	0	0%	\$0	\$0	0%	\$0	100%	\$0	0%	\$0	100%	\$0
9	0	0	0%	\$0	\$0	0%	\$0	100%	\$0	0%	\$0	100%	\$0
99	0	0	0%	\$0	\$0	0%	\$0	100%	\$0	0%	\$0	0%	\$0
<i>View additional rows by selecting the "+" to the left.</i>													
Total Net Salaries and Wages					\$109,255		\$16,940		\$92,315		\$0		\$109,255
Staff Benefits (Specify %)			42%		\$45,887		\$7,115		\$38,772		\$0		\$45,887
I. Total Personnel Expenses					\$155,142		\$24,055		\$131,087		\$0		\$155,142
II. Total Operating Expenses (List in Narrative)					\$20,850		\$0		\$20,850		\$0		\$20,850
III. Total Capital Expenses (List in Narrative)					\$0				\$0		\$0		\$0
IV. Indirect Expenses (List in Narrative)													
1.	Internal (Specify %)	15%			\$20,940				\$20,940		\$0		\$20,940
2.	External (Specify %)	0%			\$0				\$0		\$0		\$0
IV. Total Indirect Expenses (List in Narrative)					\$20,940				\$20,940		\$0		\$20,940
V. Total Other Expenses (List in Narrative)					\$0				\$0		\$0		\$0
Budget Grand Total					\$196,932		\$24,055		\$172,877		\$0		\$196,932

I certify that the CHDP Program will comply with all applicable provisions of Health and Safety Code, Division 106, Part 2, Chapter 3, Article 6 (commencing with Section 124025), Welfare and Institutions Code, Division 9, Part 3, Chapters 7 and 8 (commencing with Section 14000 and 14200), Welfare and Institutions Code Section 16970, and any applicable rules or regulations promulgated by DHCS pursuant to that Article, those Chapters, and that section. I further certify that this CHDP Program will comply with the Integrated Systems of Care Plan and Fiscal Guidelines Manual, including but not limited to, Section 9 Federal Financial Participation. I further certify that this CHDP Program will comply with all federal laws and regulations governing and regulating recipients of funds granted to states for medical assistance pursuant to Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.). I further agree that this CHDP Program may be subject to all sanctions or other remedies applicable if this CHDP Program violates any of the above laws, regulations and policies with which it has certified it will comply.

Rose Mary Rahn, Director, Kings County Department of Public Health *Rose Mary Rahn* 10/25/2023
 Authorized CHDP Signor Name, Title Signature Date Budget Summary tables can be found on the "Summary Tables" sheet of this

Child Health and Disability Prevention Program

Base Budget Narrative		County/City Name:	Fiscal Year:
		Kings	2023-24
I. Personnel Expenses Identify and Explain Any Changes in Personnel/Personnel Expenses			
The CHN position has been reduced to 25% FTE, and the position is currently vacant. We are recruiting to fill this position for this last year of the program. In addition, we have removed the OA III and the CHA positions. This is due to a lack of current, defined objectives for the local program, as well as the impending sunset. A Health Educator was added at 10% FTE.			
II. Operating Expenses Identify and Explain All Operating Expense Line Items			
\$20,850 Total Operating Expense includes: Travel (provider site visits, trainings, health fairs, etc.) \$1000; Training \$500; Office Expense/Equipment \$1000; Supplies \$3500; Communications (distributed cost) \$1700; Data Processing \$7500; Utilities (distributed cost) \$4000; Furniture \$300; Postage \$600; Printing \$100; Computer Software \$150; and Special Department Expense \$500.			
III. Capital Expenses Identify and Explain All Capital Expense Line Items			
None			
IV. Indirect Expenses Identify and Explain All Indirect Expense Line Items			
Internal:	15% of Total Personnel Expense.		
External:			
V. Other Expenses Identify and Explain All Other Expense Line Items			

I certify that the Child Health & Disability Prevention Program (CHDP) will comply with all applicable state and federal and state laws and regulations, including all federal laws and regulations governing recipients of federal funds granted to states for medical assistance pursuant to Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.). I further certify that the CHDP will comply with all rules promulgated by DHCS pursuant to these authorities, and that all listed expenses adhere to program goals, scope, and activity requirements. I further agree that this CHDP may be subject to sanctions or other remedies if this CHDP violates any of the above.

Rose Mary Rahn, Director, Kings County Department of Public Health	<i>Rose Mary Rahn</i> <small>990E4008E21399DDE7E1F7CE2152D177 readySign</small>	10/25/2023
Authorized CHDP Signor Name, Title	Signature	Date

Child Health and Disability Prevention Program

County/City Federal Match (Optional) Budget Worksheet				County/City Name:		Fiscal Year:			
				Kings		2023-24			
Column			1A	1B	1	2A	2	3A	3
I. Personnel Expenses			Total Base FTE %	Annual Salary	Total Budget	Enhanced FTE %	Enhanced	Non-Enhanced FTE %	Non-Enhanced
#	Name	Title							
1	0	0	0%	\$0	\$0	0%	\$0	100%	\$0
2	Maria Van Beek	Child Health Counselor	0%	\$0	\$0	0%	\$0	100%	\$0
3	Erik Alba	Office Assistant II	0%	\$0	\$0	0%	\$0	100%	\$0
4	Marjorie Batin	SPHN	0%	\$0	\$0	0%	\$0	100%	\$0
5	Pauline Doming	Fiscal Specialist II	0%	\$0	\$0	0%	\$0	100%	\$0
6	Czarina Marasig	Nursing Division Manager	0%	\$0	\$0	0%	\$0	100%	\$0
7	Jessica Pannell	Health Educator	0%	\$0	\$0	0%	\$0	100%	\$0
8	0	0	0%	\$0	\$0	0%	\$0	100%	\$0
9	0	0	0%	\$0	\$0	0%	\$0	100%	\$0
10	0	0	0%	\$0	\$0	0%	\$0	100%	\$0
<i>View additional rows by selecting the "+" to the left.</i>									
Total Net Salaries and Wages					\$0		\$0		\$0
Staff Benefits (Specify %)		0%			\$0		\$0		\$0
I. Total Personnel Expenses					\$0		\$0		\$0
II. Total Operating Expenses (List in Narrative)					\$0		\$0		\$0
III. Total Capital Expenses (List in Narrative)					\$0				\$0
IV. Indirect Expenses (List in Narrative)									
1.	Internal (Specify %)	0%			\$0				\$0
2.	External (Specify %)	0%			\$0				\$0
IV. Total Indirect Expenses (List in Narrative)					\$0				\$0
V. Total Other Expenses (List in Narrative)					\$0				\$0
Budget Grand Total					\$0		\$0		\$0

I certify that the CHDP Program will comply with all applicable provisions of Health and Safety Code, Division 106, Part 2, Chapter 3, Article 6 (commencing with Section 124025), Welfare and Institutions Code, Division 9, Part 3, Chapters 7 and 8 (commencing with Section 14000 and 14200), Welfare and Institutions Code Section 16970, and any applicable rules or regulations promulgated by DHCS pursuant to that Article, those Chapters, and that section. I further certify that this CHDP Program will comply with the Integrated Systems of Care Plan and Fiscal Guidelines Manual, including but not limited to, Section 9 Federal Financial Participation. I further certify that this CHDP Program will comply with all federal laws and regulations governing and regulating recipients of funds granted to states for medical assistance pursuant to Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.). I further agree that this CHDP Program may be subject to all sanctions or other remedies applicable if this CHDP Program violates any of the above laws, regulations and policies with which it has certified it will comply.

Rose Mary Rahn, Director, Kings County Department of Public Health *Rose Mary Rahn* 10/25/2023
 Authorized CHDP Signor Name, Title Signature Date Budget Summary tables can be found on the "Summary Tables" sheet of this

Child Health and Disability Prevention Program

County/City Federal Match (Optional) Budget Budget Narrative		County/City Name: Kings	Fiscal Year: 2023-24
I. Personnel Expenses Identify and Explain Any Changes in Personnel/Personnel Expenses			
II. Operating Expenses Identify and Explain All Operating Expense Line Items			
III. Capital Expenses Identify and Explain All Capital Expense Line Items			
IV. Indirect Expenses Identify and Explain All Indirect Expense Line Items			
Internal:			
External:			
V. Other Expenses Identify and Explain All Other Expense Line Items			

I certify that the Child Health & Disability Prevention Program (CHDP) will comply with all applicable state and federal and state laws and regulations, including all federal laws and regulations governing recipients of federal funds granted to states for medical assistance pursuant to Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.). I further certify that the CHDP will comply with all rules promulgated by DHCS pursuant to these authorities, and that all listed expenses adhere to program goals, scope, and activity requirements. I further agree that this CHDP may be subject to sanctions or other

Rose Mary Rahn, Director, Kings County Department of Public Health	<i>Rose Mary Rahn</i>	10/25/2023
Authorized CHDP Signor Name, Title	Signature	Date

Child Health and Disability Prevention Program

Budget Summary					County/City:		Fiscal Year:	
					Kings		2023-24	
Funding Source:	Base				County/City-Federal			
	1	4	5	2	3	1	2	3
Category/Line Item	Total Budget	Enhanced	Non-Enhanced	Total CHDP Budget	Total Medi-Cal Budget	Total Budget	Enhanced	Non-Enhanced
I. Total Personnel Expenses	\$155,142	\$24,055	\$131,087	\$0	\$155,142	\$0	\$0	\$0
II. Total Operating Expenses	\$20,850	\$0	\$20,850	\$0	\$20,850	\$0	\$0	\$0
III. Total Capital Expenses	\$0		\$0	\$0	\$0	\$0		\$0
IV. Total Indirect Expenses	\$20,940		\$20,940	\$0	\$20,940	\$0		\$0
V. Total Other Expenses	\$0		\$0	\$0	\$0	\$0		\$0
Budget Grand Total	\$196,932	\$24,055	\$172,877	\$0	\$196,932	\$0	\$0	\$0
	1	4	5	2	3	1	2	3
Source of Funds:	Total Funds	Enhanced	Non-Enhanced	Total CHDP Budget	Total Medi-Cal Budget	Total Funds	Enhanced	Non-Enhanced
State General Funds	\$0			\$0				
Medi-Cal Funds:								
State/County Funds	\$70,521	\$8,614	\$61,907	\$0	\$70,521	\$0	\$0	\$0
Federal Funds (Title XIX)	\$126,391	\$15,438	\$110,952	\$0	\$126,391	\$0	\$0	\$0
Budget Grand Total	\$196,932	\$24,055	\$172,877	\$0	\$196,932	\$0	\$0	\$0

Rose Mary Rahn, Director, Kings County Department of Public Health *Rose Mary Rahn* 10/25/2023

Authorized CHDP Signor Name, Title

Signature

Date

990E4008E21399DDE7E1F7CE2152D177

TEGGY SIGN

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only	
Date	
J/E No.	
Page	of

(A) New Appropriation

Expenditures:			FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
FUND NAME	DEPT. NAME	ACCOUNT NAME				
					TOTAL	

Funding Sources:			FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
FUND NAME	DEPT. NAME	ACCOUNT NAME				
GENERAL	Health - Child Health & Disability	St Aid – MV In-Lieu Realignment		419000/419100	85002	(34,056)
GENERAL	Health - Child Health & Disability	Intergovtl Rev-Fed Grant		419000/419100	86037	34,056
					TOTAL	0

(B) Budget Transfer:

Transfer From:			FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred Out
FUND NAME	DEPT. NAME	ACCOUNT NAME				
					TOTAL	

Transfer To:			FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount Transferred In
FUND NAME	DEPT. NAME	ACCOUNT NAME				
					TOTAL	

Explanation: The recommended action will increase Federal Aid revenue by \$34,056 in the FY 2023-24 adopted County budget unit 419000. This will be offset by the decrease in the use of Health Realignment by \$34,056.

Dept. of Finance Approval _____ Department Head Rose Mary Rahn
990E4008E21399DDE7E1F7CE2152D177 readySign

Administration Approval Domingo C. Cruz Board Approval _____

BOS meeting date: _____