

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

P.O. Box 419064, Rancho Cordova, CA 95741-9064

June 29, 2001

CSS LETTER NO. 01-17

TO: ALL IV-D DIRECTORS
ALL DISTRICT ATTORNEYS
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY BOARDS OF SUPERVISORS

Reason for this Transmittal

- State Law or Regulation Change
 Federal Law or Regulation Change
 Court Order or Settlement Change
 Clarification requested by One or More Counties
 Initiated by DCSS

SUBJECT: ADOPTION OF EMERGENCY REGULATIONS - COMPLAINT RESOLUTION PROCESS AND STATE HEARING PROCESS

Emergency Regulations

Effective July 1, 2001, the Department of Child Support Services (DCSS) has adopted the following emergency regulations in Title 22 of the California Code of Regulations (CCR):

Chapter 10. Complaint Resolution.

Article 1. Definitions.

Article 2. Local Complaint Resolution.

Article 3. State Hearing.

DCSS has e-mailed advanced copies of the regulations to all IV-D Directors. The emergency regulations may be accessed on the internet after July 12, 2001, at the following web site: <http://ccr.oal.ca.gov>.

Complaint Resolution Implementation

Family Code, Section 17804, requires each local child support agency in California to establish and maintain the child support complaint resolution process defined in Title 22, Chapter 10 of the CCR, as of the date each agency transitions from the Office of the District Attorney. DCSS has determined that a uniform statewide implementation of the complaint resolution process will provide better customer service to the child support population, rather than a segmented implementation as counties complete transition to local child support agencies. DCSS is therefore seeking an amendment to Family Code, Section 17804, that will require all counties to implement the complaint resolution process as of the effective date of the legislation.

DCSS anticipates the amendment to Family Code, Section 17804, will be effective September 2001. DCSS is requesting, and strongly encourages, the cooperation of non-transitioned counties to voluntarily implement the complaint resolution process beginning July 1, 2001, or as soon as possible thereafter. Non-transitioned counties that do not intend to implement the complaint resolution process July 1, 2001, should contact Francine Woods, Chief, Customer and Community Services Branch, at (916) 464-5377, or by email at Francine.Woods@dcss.ca.gov. DCSS will assume that non-transitioned counties that do not contact us will be implementing the complaint resolution process accordingly.

Non-transitioned counties that elect not to implement the complaint resolution process until the effective date of the amendment to Family Code, Section 17804, must continue to follow the Barnes complaint resolution process and any other existing complaint resolution processes required by the Manual of Policies and Procedures until such time as the county implements the new complaint resolution process. All counties must continue sending Barnes notices to custodial parents as currently required.

Complaint Process Time Frame

The complaint resolution regulations require resolution of any complaint within 30 days after the receipt of the complaint. However, the regulations allow the director of the local child support agency to make a one-time 30-day extension if the facts of the specific complaint demand additional time. The local child support agency is required to exercise due diligence in attempting to resolve all complaints within 30 days of the complaint receipt date, and should only take an extension under extraordinary circumstances.

State Hearing Implementation

DCSS has implemented the State Hearing process effective July 1, 2001, as required by Family Code, Section 17801. DCSS has contracted with the California Department of Social Services (CDSS) to be the State Hearing Office that will conduct child support State Hearings. CDSS will submit all proposed hearing decisions to DCSS for final adoption. Complainants are required to exhaust the complaint resolution process prior to requesting a State Hearing.

Required Forms

Local child support agencies are required to use the following forms for the complaint resolution process:

- LCR001 – Request for Complaint Resolution
- LCR002 – Request for Complaint Resolution Acknowledgement
- LCR003 – Complaint Amendment
- LCR004 – Complaint Transfer

LCR005 – Notice of Complaint Resolution Extension

LCR006 – Notice of Complaint Resolution

SH001 – Request for State Hearing

Jet form templates are available for all forms, except forms LCR001 and SH001. DCSS is emailing forms LCR001 and SH001 to all IV-D Directors with the release of this letter. Local child support agencies should photocopy forms LCR001 and SH001 for immediate use. Final forms LCR001 and SH001 will be non-carbon triplicate. DCSS will reproduce and distribute final forms LCR001 and SH001 to local child support agencies as soon as possible.

Complaint Resolution And State Hearing Roll-Out Plan

In addition to developing regulations and forms, DCSS has developed brochures and a Complaint Resolution Tracking System that all local child support agencies must use in the complaint resolution and State Hearing process. Enclosed you will find a table that provides counties a status update of the various activities related to the new complaint resolution and State Hearing process.

DCSS Contacts

Questions regarding the implementation of the complaint resolution process or State Hearing process should be directed to Francine Woods, Chief, Customer and Community Services Branch, at (916) 464-5377, or email Francine.Woods@dcss.ca.gov.

Questions regarding jet form templates or forms distribution should be directed to Kristy Johnson, Customer and Community Services Branch, at (916) 464-5219, or email at Kristy.Johnson@dcss.ca.gov.

Policy questions regarding the complaint resolution or State Hearing regulations should be directed to Cindy Cunningham, Policy Branch, at (916) 464-5225 or email at Cindy.Cunningham@dcss.ca.gov.

We understand that it may be difficult to implement all of the various activities related to the new complaint resolution and State Hearing process by July 1, 2001. However, we ask that counties exercise due diligence implementing the statutory and regulatory provisions of the complaint resolution process and State Hearing process as quickly as possible.

Sincerely,

CURTIS L. CHILD
Director

Complaint Resolution and State Hearings Roll-Out Plan

	Task	Status
1	<p><u>Regulations</u> Develop regulations for implementing the local complaint resolution and State Hearing process</p>	<p>The Office of Administrative Law signed the regulations on 6/28/01. The regulations will become effective 7/01/01.</p>
2	<p><u>Training</u> Provide counties with training on the local complaint resolution and State Hearing process.</p>	<p>DCSS will make available web-based and CD ROM training to counties on the complaint resolution and State Hearing process. Counties will receive this training by the week of July 16, 2001.</p>
3.	<p><u>Forms</u> Develop standardized complaint resolution and State Hearing Forms.</p>	<p>DCSS created new complaint resolution and State Hearing forms. The forms are in Jet Form format for consortia compatibility.</p> <p>By July, 2, 2001, DCSS will provide counties with standardized forms that must be used in the local complaint and State Hearing process.</p>
4.	<p><u>Brochures</u> Develop Ombudsman Program, complaint resolution process, and State Hearing process brochures.</p>	<p>DCSS has drafted brochures and educational materials to promote the child support program. The materials are designed so that local child support agencies can include local contact information. Counties will receive the brochures by July 20, 2001.</p>
5.	<p><u>Complaint Resolution Tracking System</u> Develop automated Complaint Resolution Tracking System.</p>	<p>DCSS has developed a web-based Complaint Resolution Tracking System (CRTS) to collect complaint information from all counties. Effective July 2, 2001, counties will be required to use CRTS to collect complaint information.</p> <p>By July 16, 2001, DCSS will make available web-based training on CRTS and have a CRTS Help Desk.</p>
6.	<p><u>Ombudsman</u> Establish an Ombudsman Program in each county to facilitate the resolution of complaints at the earliest possible time.</p>	<p>DCSS provided an overview of the Ombudsman Program at six sites throughout the state.</p>
7.	<p><u>State Hearing</u> Contract, via interagency agreement, with Department of Social Services, State Hearing Office to hear child support State Hearing cases.</p>	<p>DCSS signed an interagency agreement with the Department of Social Services, State Hearing Office to adjudicate child support State Hearings.</p> <p>July -August 2001, DCSS will train the Administrative Law Judges on the child support program and jurisdictional guidelines.</p>
8.	<p><u>County State Hearing Training</u> Train counties on the State Hearing Process.</p>	<p>July -August 2001, the State Hearing Office and DCSS legal staff will visit county hearing sites and train counties on the State Hearing process.</p>

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064 Rancho Cordova, CA 95741-9064

REQUEST FOR COMPLAINT RESOLUTION

FOR AGENCY USE ONLY

LCSA DATE OF RECEIPT

LCSA CASE NUMBER

COMPLAINANT'S NAME (Last)

(First)

(M.I.)

TELEPHONE NUMBER

COMPLAINANT'S MAILING ADDRESS

E-MAIL ADDRESS

FAX NUMBER

CITY

COUNTY

STATE

ZIP CODE

DESCRIBE YOUR COMPLAINT:

If you need more room, you may continue on another page and attach it to this form.

COMPLAINANT'S SIGNATURE

DATE

To request complaint resolution, you can either mail this form to the local child support agency you are complaining about, or call the local child support agency to file your complaint verbally.

--THIS SECTION TO BE COMPLETED BY LCSA REPRESENTATIVE--

This request was taken (check one): in person by telephone by letter

LCSA REPRESENTATIVE'S NAME (Print)

LCSA REPRESENTATIVE'S SIGNATURE

DATE

RIGHT TO COMPLAINT RESOLUTION:

- If you have a complaint against a local child support agency or the Franchise Tax Board for any action or inaction regarding your child support case, you have the right to request complaint resolution from the local child support agency.
- You can make a complaint in writing by completing the reverse side of this form, or you can call the local child support agency.
- **IMPORTANT: Your request for complaint resolution must be made within 90 days from the date you knew, or should have known, about the subject of your complaint.**
- The local child support agency has 30 days from the date it receives your complaint to give you with a written resolution of your complaint, unless the local child support agency needs more information or time to resolve your complaint. The local child support agency will contact you if it needs more information or time to resolve your complaint.

RIGHT TO A STATE HEARING:

- If the local child support agency **does not** respond to you within 30 days from receiving your complaint, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for a State Hearing must be made within 90 days after you complained to the local child support agency.**
- If the local child support agency **does** respond to you within 30 days of making your complaint, and you are not satisfied with the local child support agency's complaint resolution or response, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for State Hearing must be made within 90 days after you received the local child support agency's written response to your complaint.**
- You can request a State Hearing in writing by sending a Request for State Hearing (SH001) to the State Hearing Office, or you can call the State Hearing Office at 1-(866) 289-4714.
- The State Hearing Office will let you know the date, time, and place of your State Hearing.
- The State Hearing Office will provide an interpreter or disability accommodation for you at the hearing if you need one.
- **IMPORTANT: Not all complaints can be heard at a State Hearing.**

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- Every local child support agency has an Ombudsperson available to provide assistance regarding complaint resolution and/or State Hearing.
- The Ombudsperson can help you make your complaint with the local child support agency, or request a State Hearing from the State Hearing Office.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot be your representative and will not give you legal advice.**

REQUEST FOR STATE HEARING

YOUR HEARING RIGHTS:

You have the right to request a state hearing if you are not satisfied with the local child support agency's resolution to your complaint, or if the local child support agency has not responded to you or resolved your complaint within 30 days of when you made your complaint. You have only 90 days to request a state hearing. The 90 days starts after you receive the local child support agency's written resolution to your complaint. If the local child support agency has not responded to your complaint in writing, the 90 days starts the day you made your complaint.

TO ASK FOR A STATE HEARING:

- Fill out this form.
- Keep a copy of this form for your records.
- Send this form to:

State Hearing Office
744 P Street, M.S. 19-98
Sacramento, CA 95814

OR

Call toll free: 1-866-289-4714

HEARING REQUEST INFORMATION:

COMPLAINANT NAME (Last)		(First)	(M.I.)	TELEPHONE NUMBER
MAILING ADDRESS			E-MAIL ADDRESS	FAX NUMBER
CITY	COUNTY	STATE	ZIP CODE	

I want a state hearing because:

If you need more space, check here and attach another page.

I need the State to provide me with an interpreter at no cost to me. (A relative or friend cannot interpret for you at the hearing.)

My language or dialect is: _____

I have a disability and need the State to provide me the following reasonable accommodation to participate at my hearing: _____

I want the person named below to represent me at this hearing. I give my permission for this person to have access to my records or attend the hearing for me. (This person can be a friend or relative but cannot interpret for you.)

NAME _____ TELEPHONE NUMBER _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

COMPLAINANT'S SIGNATURE	DATE
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