

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



June 26, 2007

CSS LETTER: 07-10

ALL IV-D DIRECTORS
 ALL COUNTY ADMINISTRATIVE OFFICERS
 ALL BOARDS OF SUPERVISORS

<u>Reason for this Transmittal</u>
<input type="checkbox"/> State Law or Regulation Change
<input type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order or Settlement Change
<input type="checkbox"/> Clarification requested by One or More Counties
<input checked="" type="checkbox"/> Initiated by DCSS

SUBJECT: PROCEDURES FOR IV-D OVERPAYMENT PROCESSING

The purpose of this letter is to provide Local Child Support Agencies (LCSAs) with the policy for processing and recovering overpayments in IV-D cases after transition to the California Child Support Automated System (CCSAS) Version 2 (V2) occurs. The date of transition to V2 and on-going implementation roll-out will be referred to as V2 post-transition throughout this correspondence and will account for collection transactions that occurred on or after each LCSA converts to V2. Only IV-D transactions that begin on or after V2 post-transition are discussed in this letter. Non IV-D procedures for overpayments will not be addressed in this letter.

Please note the recent V2 receivables issues raised by the pilot LCSAs regarding the inability to adjust out an erroneous receivable in the Child Support Enforcement System (CSE) will not be addressed in this letter. This issue is currently being assessed and resolution to this issue will be provided to the LCSAs in the near future.

This letter describes the procedures for overpayment processing and will explain the following:

- the policy for obtaining permission to recover overpayment(s),
- the procedures for gaining permission to recover overpayment(s),
- the notices used in the permission process for recovering overpayment(s),
- the process for existing repayment agreements, and
- V2 post-transition noncustodial parent (NCP) account receivables.

This letter does not address pre-transition receivables and the transfer or buyout process of LCSA receivables; transactions that began pre-transition but were adjusted after the V2 transition; or overpayments that occur when orders are modified, terminated, or made retroactive and the custodial party (CP) is ordered to repay amounts previously paid by the NCP.

Overpayments most commonly occur to a CP's account balance. Pursuant to federal Policy Interpretation Question (PIQ) 02-01, "...distribution rules for child support collections do not allow a state to recoup an overpayment of support through the intercept of a subsequent child support payment unless the custodial parent agrees."

Federal policy in Office of Child Support Enforcement (OCSE) Action Transmittal (AT) 97-13 and PIQ 02-01 explain that, in IV-D cases if the CP does not respond to letters from the State requesting permission to recover an overpayment, the State may retain the overpayment amount from the next or subsequent support payment(s).

Policy for Obtaining Permission to Recover Overpayment(s)

Permission to recover overpayments must be obtained and documented in writing from the CP before the department can recover overpayments made to the CP. As required by federal PIQ 02-01, the Department of Child Support Services (DCSS) has existing policies to minimize the occurrence of an overpayment. These policies include, but are not limited to, refusing further personal checks when checks are returned to the State due to insufficient funds, requiring certified checks from obligors who have written checks that are returned to the State, and requiring the State Disbursement Unit (SDU) vendor to absorb certain costs when it has caused an error resulting in an overpayment.

DCSS has developed a policy and procedures for recovery of IV-D CP overpayments when they occur. An overpayment may be recovered from the next available support payment(s) **only** if the CP agrees to allow the State to do so. Permission from the CP must be documented written authority allowing the State to recover any payment the parent receives in error. The CP's permission is obtained using the following three forms:

- Overpayment Repayment Agreement (IV-D), DCSS 0161
- Notice of Overpayment (IV-D), DCSS 0162
- Notice of Overpayment and Repayment Agreement (IV-D), DCSS 0163

If the CP does not respond to the overpayment letter(s) requesting permission to recover an overpayment from the subsequent support payment(s), the previously agreed to repayment terms are automatically applied or default consent is applied if there are no existing repayment terms. Default consent is recovery of the overpayment from the last unassigned support payment(s) owed on the case equal to the overpayment amount. Default consent is only valid for a particular overpayment occurrence and does not automatically authorize the recovery of future overpayments.

Procedures for Gaining Permission to Recover Overpayment(s)

Overpayment Repayment Agreement (IV-D), DCSS 0161

The CP's permission to recover an overpayment through the intercept of subsequent support payments may be obtained during the IV-D case opening process using the Overpayment Repayment Agreement (IV-D), DCSS 0161. This notice is included in the Case Opening Packet generated by the Child Support Enforcement (CSE) system and sent to all applicants. This notice is used to obtain the CP's permission to retain support payments to repay an overpayment should it occur. The original signed DCSS 0161 is to be placed in the case file. In the near future there will be additional enhancements made to CSE to allow the DCSS 161 to be imaged and stored in the electronic case file within CSE. The CP should retain a copy of the signed DCSS 0161 for his/her records.

The DCSS 0161 is also generated by the CSE system in certain circumstances when an existing case is updated. If a closed case within CSE is reopened, good cause has not been claimed, and the case is not an interstate responding request, CSE generates the Case Opening Packet, which includes a DCSS 0161.

Additionally, if IV-A reports that a good cause claim has been denied or withdrawn and the status is not reflected in CSE, then the CSE:

- updates the good cause indicator to "denied" or "withdrawn",
- updates the family violence indicator to "no", and
- updates the family violence indicator status to "denied" or "not claimed" for the CP and all dependents in the case (only if the pending good cause claim was the reason the family violence indicator was set).
- If the Case Opening Packet has not already been generated, CSE generates the Case Opening Packet, which includes the DCSS 0161.

Upon the receipt of the DCSS 0161, the caseworker will enter the agreement terms into CSE in accordance with the steps outlined in the Modify Participants on an Existing Case Quick Reference Guide. When completed and signed, the DCSS 0161 allows DCSS to withhold a specified amount as instructed by the CP from subsequent support payments to recover the overpayment. This is a proactive approach designed to ensure that the State has obtained permission to recover a CP overpayment that may occur at a future date.

Note: Pursuant to federal PIQ 03-02, a CP can not be denied IV-D services due to the absence of consent on the DCSS 0161.

Notice of Overpayment (IV-D), DCSS 0162

When an overpayment occurs, the CSE will automatically review the electronic case file to verify the overpayment is for a IV-D case, and the CP has a completed and signed DCSS 0161 or DCSS 0163 (see DCSS 0163 section) on file. The CSE then generates the Notice of Overpayment (IV-D) Letter (DCSS 0162) on the sixth calendar day after the overpayment occurrence.

The DCSS 0162 notifies the CP of the overpayment occurrence, confirms the overpayment repayment agreement method previously selected, and allows the CP the option to modify any previous overpayment agreement he/she may have submitted. The CP has 10 calendar days from the date on the DCSS 0162 to return the letter to the LCSA.

If the CP does not return the DCSS 0162 to the LCSA within 10 calendar days from the date on the letter, CSE sets the recovery method for the overpayment to the terms entered on the Case Participant Detail page within CSE.

If the DCSS 0162 is returned to the LCSA within 10 calendar days, the caseworker will review the DCSS 0162 to determine if the CP has requested a different repayment option. If so, the caseworker will manually generate a DCSS 0163 to the CP in order for the CP to change his/her repayment terms. The CP has 10 calendar days from the date on the DCSS 0163 to return the DCSS 0163 to the LCSA. The original completed and signed DCSS 0162 must be retained in the case file.

Note: In order to manually generate a DCSS 0163, there must be documentation in CSE that the DCSS 0162 was generated. If the DCSS 0162 was not generated, the caseworker will not be able to manually generate the DCSS 0163.

Upon receipt of the DCSS 0163, the caseworker will select the appropriate receivable within CSE and enter the agreement terms as specified in the Editing an Overpayment Agreement section of the Software Users Manual contained within CSE. The CSE will apply the agreement terms to the specific receivable.

Additionally, the caseworker will access the Case Participant Detail page within CSE and modify the original agreement terms as specified in the Modify Participants on an Existing Case Quick Reference Guide. This will ensure that the revised repayment terms are also applied to future overpayments. If there is an existing agreement, CSE tracks and collects the overpayment associated with the new agreement separately from the existing agreement(s) or default consent(s) (see Multiple Account Receivables for One CP section). The original completed and signed DCSS 0163 must be retained in the case file after the repayment terms have been entered into CSE by the caseworker. The CP should retain a copy of the signed DCSS 0163 for his/her records.

The Notice of Overpayment and Repayment Agreement (IV-D), DCSS 0163

When an overpayment occurs and the CP does not have a DCSS 0161 or DCSS 0163 on file, the CSE will automatically review the electronic case file to verify the overpayment is for a IV-D case and there is no agreement on file. The CSE then generates the Notice of Overpayment and Repayment Agreement (IV-D), DCSS 0163, on the sixth calendar day after the overpayment occurrence. The CP has 10 calendar days to return the DCSS 0163 to the LCSA.

Upon receipt of the DCSS 0163, the caseworker will select the appropriate receivable within CSE and enter the agreement terms as specified in the Editing an Overpayment Agreement section of the Software Users Manual contained within CSE. The CSE will apply the agreement terms to the specific receivable.

Additionally, the caseworker will access the Case Participant Detail page within CSE and enter the agreement terms as specified in the Modify Participants on an Existing Case Quick Reference Guide. This will ensure that the repayment terms are also applied to future overpayments. The completed and signed DCSS 0163 must be retained in the case file after the information is entered into CSE. The CP should retain a copy of the signed DCSS 0163 for his/her records.

If the CP does not return the DCSS 0163 within 10 calendar days from the date on the notice, CSE sets the recovery method to "default consent." Default consent allows recovery of the overpayment from the last unassigned support payment(s) owed on the case equal to the overpayment amount. Default consent is only valid for a particular overpayment occurrence and does not automatically authorize the recovery of future overpayments.

The Overpayment Agreement is Returned Undeliverable

If the overpayment agreement is returned to the LCSA as undeliverable, the caseworker must scan the return letter barcode into CSE. The CSE will mark the address as invalid, and change the status of the agreement letter to undeliverable. The CSE will check the system for other "active" addresses. If an active address is not found, CSE documents that the next letter sent should be the same form number as the letter that was returned undeliverable. If and when an active address is found, CSE will resend the appropriate letter.

Interstate Cases

When an overpayment occurs in an interstate case, CSE creates a task for the caseworker. The caseworker shall contact the appropriate staff in the initiating jurisdiction and request assistance in the recovery of the California overpayment, following jurisdictional policies and procedures. The caseworker shall enter the agreement terms or default consent as indicated by the initiating jurisdiction into CSE.

Repayment Options on DCSS 0161 and DCSS 0163

The DCSS 0161 and DCSS 0163 contain several repayment options for the CP to choose from. These options have been programmed into CSE. The options are as follows: (1) CP allows DCSS to take a percentage from each support payment, (2) CP allows DCSS to take a dollar amount from each support payment, (3) CP agrees to make monthly payments to DCSS, (4) CP agrees to make one lump sum payment for the entire amount, (5) CP allows DCSS to retain all support payments until the overpayment is paid in full, or (6) CP does not agree to pay back the overpayment requiring DCSS to collect the overpayment amount from the last unassigned support payment(s) owed on the case, up to the amount of the overpayment. If the CP chooses option 1, 2, or 5, CSE deducts the amount entered on the overpayment agreement by the CP from **EACH** of the CP's support payments received until the overpayment is satisfied.

In the event that a CP calls regarding the amounts being deducted from his/her support payment(s), the caseworker must explain to the CP that the amounts documented by the CP on the overpayment agreement is taken from **EACH** of his/her support payment(s) and, if requested, send the CP another DCSS 0163 allowing the CP to modify the repayment amount. However, any payments received, processed, and posted prior to the modification of the overpayment agreement terms will not be reversed. Reversal of a receivable payment could result in additional receivables being created.

Multiple Account Receivables for One CP

In CSE, there can be multiple overpayment receivables and overpayment agreements for the same CP. If there are multiple receivables, CSE tracks and collects the recovery amount for each receivable separately based on the overpayment agreement for that specific receivable. For example, a CP has completed an overpayment agreement letter (DCSS 0161) indicating he/she agrees to allow DCSS to take \$25 from **EACH** of his/her support payments to recover any overpayments that may occur. After submitting the agreement, five separate overpayments occur, a DCSS 0162 form will be sent to the CP for each overpayment occurrence.

For each of the occurrences that the CP requests a different repayment option to repay the overpayment, the caseworker must generate a DCSS 0163. The CP should return five separate overpayment agreements (DCSS 0163). On each of the five overpayment agreements (DCSS 0163), the CP has selected a different repayment amount for each of the overpayments: (1) \$20, (2) \$10, (3) \$15, (4) \$30, and (5) \$50. From **EACH** support payment received on behalf of the CP, CSE will deduct the amounts indicated on **EACH** of the overpayment agreements. If the CP receives a \$150 support payment, \$125 will be deducted from the \$150 payment.

From the \$125 dollars that is deducted, \$20 is applied to the first overpayment, \$10 is applied to the second overpayment, \$15 is applied to the third overpayment, \$30 is applied to the fourth overpayment, and \$50 is applied to the fifth overpayment for a total of \$125. The remaining \$25 is passed through to the CP.

When there are multiple receivables for a CP (as discussed above) and the support payment received is less than the amounts to be deducted for the overpayment receivable(s), CSE retains the full amount of the support payment and applies the payment to each of the overpayment receivables, based on the age of receivable. For example, a CP has three overpayment receivables, each for \$25 for a total of \$75. A support payment in the amount of \$52 is received. The CSE will apply \$25 to the oldest overpayment receivable, \$25 to the next oldest receivable, and the remaining \$2 to the next oldest receivable.

The DCSS has revised the current overpayment agreement letters to clearly identify system functionality related to overpayments. The form revisions will be released in two stages. The first revision release is scheduled for version 2.1.1 (May 20, 2007) and clarifies that the amounts for options 1 and 2 (described in the Repayment Options on DCSS 0161 and DCSS 0163 section above) is deducted from each of the CP's support payments. The second revision release is scheduled for version 2.1.2 (June 23, 2007) and clarifies that the amounts deducted from the CP's support payments is deducted for each of his/her overpayments. Additionally, editorial changes were made to the forms to ensure the language is consistent between the three forms.

Existing Receivables where a Repayment Agreement is on File with the LCSA

For existing cases with receivables, the LCSAs should notify their CPs of the new payment mailing address: **State Disbursement Unit, ATTN: Overpayments, P.O. Box 980670, West Sacramento, CA 95798**. This is necessary to ensure the payment is applied to the receivable and not treated as a support payment.

V2 Post-Transition NCP Account Receivables

On occasion the deposit of a collection fails, such as caused by insufficient funds available to cover the transaction. When an associated support payment has already been disbursed from the Child Support Program Trust Fund, prior to the deposit failure, an accounting event is created to recover the failed deposit. This process creates an Accounts Receivable that is covered by the State. Receivables exist until the collection is recovered. Accounts Receivables represent debt owed to the State.

When a NCP's regular payment is received, the collection will be applied towards the NCP's current support, then to arrearages owed (if any). Any amount that exceeds the NCP's current support and arrearages owed will be applied as NCP futures.

CSS Letter: 07-10
June 26, 2007
Page 8

This process is consistent with the Federal and State distribution hierarchy. If the NCP sends in a subsequent regular payment within the same month, after statewide current child support obligations and arrears are satisfied, the collection will be allocated among the NCP's Accounts Receivable balances.

If you have any questions or concerns regarding this matter, please contact the Financial Management Policy Section, at (916) 464-5883.

Sincerely,

/os/ by BILL OTTERBECK

BILL OTTERBECK
Acting Deputy Director
Child Support Services Division

OVERPAYMENT REPAYMENT AGREEMENT

DCSS 0161 (05/02/07)

		DATE	CASE NUMBER
NAME		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP CODE

Sometimes the Department of Child Support Services (DCSS) may send you more money than you should have received. This is called an overpayment. There are many things that may cause an overpayment. An example is when a check that the obligor has written to the DCSS for support is returned for not having enough money in the account. The DCSS must get these overpayments back.

How you decide to pay back overpayments that may happen in your case will not change the way your case is handled by the DCSS. Please check the box(es) below to show how you wish to pay back the DCSS for any overpayments that may happen in your case, sign and date the bottom of this notice, and mail this notice to:

- Yes, I agree to pay back overpayments by:
- Allowing the DCSS to take _____ percent from each of my support payments.
 - Allowing the DCSS to take \$ _____ from each of my support payments.
 - Making payments of \$ _____ each month to the DCSS.
 - Making one payment for the total amount of the overpayment.
 - Allowing the DCSS to take all of my support payment(s) until the overpayment is paid in full.
- No, I do not agree to pay back the overpayment by allowing the DCSS to take a portion of my support payments. I understand the DCSS will take my last unassigned support payment(s) that is/are equal to the overpayment in order to get the money back that was over paid to me.

The method you select above will be applied to child support overpayments that you may owe in the future, unless, at the time the overpayment happens, you chose a different repayment method. Please keep a copy of this agreement for your records.

In the future, if an overpayment happens and you need a different way to pay back the overpayment, other than what you marked above, you can request a Notice of Overpayment and Repayment Agreement form (DCSS 0163).

Note: Your agreement to repay the overpayment is optional. Obtaining services from the DCSS does not depend on your agreement to repay the overpayment. If you have more than one overpayment and chose to allow DCSS to deduct a specific amount from your support payments, that amount will be deducted from each of your support payments for each overpayment(s).

If you have any questions regarding this agreement, please contact us at or 1-866-399-4096 TTY (for speech/hearing impaired).

I have read and understand the contents of this notice. I give my permission to the DCSS to take back overpayments in the way I have checked above. I also understand that if I do not check one of the boxes above, the DCSS will take the overpayment amount from my last unassigned support payment(s).

Custodial Party's Signature

Date

RIGHT TO COMPLAINT RESOLUTION:

- If you have a complaint against a local child support agency (LCSA) or the Customer Service Support Center for any action or inaction regarding your child support case, you have the right to request complaint resolution from the LCSA.
- You can make a complaint in writing by completing a Request for Complaint Resolution, DCSS 0001, or you can call the Customer Service Support Center.
- **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 LCSA has 30 days from the date it receives your complaint to give you a written resolution of your complaint, unless the LCSA needs more information or time to resolve your complaint. The LCSA will contact you if it needs more information or time to resolve your complaint.

RIGHT TO A STATE HEARING:

- If the LCSA **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 LCSA.**
- If the LCSA **does** respond to you within 30 days of making your complaint, and you are not satisfied with the LCSA'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 LCSA's written response to your complaint.**
- You can request a State Hearing in writing by sending a Request for State Hearing form (DCSS 0007) to the State Hearing Office, or you can call the State Hearing Office toll free 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 California 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 or Customer Service Support Center employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- An Ombudsperson is available to help you through the complaint resolution and/or State Hearing process.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot represent you at the State Hearing or give you legal advice.**

RIGHT TO COMPLAINT RESOLUTION:

- If you have a complaint against a local child support agency (LCSA) or the Customer Service Support Center for any action or inaction regarding your child support case, you have the right to request complaint resolution from the LCSA.
- You can make a complaint in writing by completing a Request for Complaint Resolution, DCSS 0001, or you can call the Customer Service Support Center.
- **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 LCSA has 30 days from the date it receives your complaint to give you a written resolution of your complaint, unless the LCSA needs more information or time to resolve your complaint. The LCSA will contact you if it needs more information or time to resolve your complaint.

RIGHT TO A STATE HEARING:

- If the LCSA **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 LCSA.**
- If the LCSA **does** respond to you within 30 days of making your complaint, and you are not satisfied with the LCSA'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 LCSA's written response to your complaint.**
- You can request a State Hearing in writing by sending a Request for State Hearing form (DCSS 0007) to the State Hearing Office, or you can call the State Hearing Office toll free 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 California 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 or Customer Service Support Center employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- An Ombudsperson is available to help you through the complaint resolution and/or State Hearing process.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot represent you at the State Hearing or give you legal advice.**

XXXXXXXXXX

CSE Case Number: XXXXXXXXXXXXXXXXXXXX
Noncustodial Parent:
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Court Case Number: XXXXXXXXXXXXXXXXXXXX
Overpayment ID Number:

Dear XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX:

Sometimes the Department of Child Support Services (DCSS) may send you more money than you should have received. This is called an overpayment. XXXXXXXX dollars of the support payment sent to you for the month of XXXXXXXXXXXXXXXX dated XXXXXXXXX in the amount of \$XXXXXXX was an overpayment of support because: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

You are receiving this form for the reason checked below:

- You have not completed the Overpayment and Repayment Agreement form (DCSS 0161).
- You have requested to change the method you previously chose to repay an overpayment.

This form tells DCSS how you wish to pay back any overpayment that may occur in your child support case. We are asking you to fill out and return this form, which will constitute a binding agreement.

Please check one of the boxes on the next page that shows how you wish to pay back an overpayment to DCSS. Sign and date the next page of this notice and mail it to the address shown.

(Continued on Next Page)

RIGHT TO COMPLAINT RESOLUTION:

- If you have a complaint against a local child support agency (LCSA) or the Customer Service Support Center for any action or inaction regarding your child support case, you have the right to request complaint resolution from the LCSA.
- You can make a complaint in writing by completing a Request for Complaint Resolution, DCSS 0001, or you can call the Customer Service Support Center.
- **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 LCSA has 30 days from the date it receives your complaint to give you a written resolution of your complaint, unless the LCSA needs more information or time to resolve your complaint. The LCSA will contact you if it needs more information or time to resolve your complaint.

RIGHT TO A STATE HEARING:

- If the LCSA **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 LCSA.**
- If the LCSA **does** respond to you within 30 days of making your complaint, and you are not satisfied with the LCSA'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 LCSA's written response to your complaint.**
- You can request a State Hearing in writing by sending a Request for State Hearing form (DCSS 0007) to the State Hearing Office, or you can call the State Hearing Office toll free 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 California 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 or Customer Service Support Center employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- An Ombudsperson is available to help you through the complaint resolution and/or State Hearing process.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot represent you at the State Hearing or give you legal advice.**

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXX

Case Number: XXXXXXXXXXXXXXXXXXXXXXXX
Overpayment ID Number:

Please check one of the boxes below to show how you will pay back the overpayment. Sign, date and return this notice to the address listed below. If you do not sign, date and return this notice within 10 calendar days and you do not have an overpayment agreement on file, the DCSS will take your last unassigned support payment(s) to get back the overpayment. If you do have an overpayment agreement on file and do not return this notice within 10 calendar days, the repayment method you initially chose will be applied.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX

- Yes, I agree to pay back overpayments by:
 - Allowing the DCSS to take _____ percent from each of my support payments.
 - Allowing the DCSS to take \$ _____ from each of my support payments.
 - Making payments of \$ _____ each month to the DCSS.
 - Making one payment for the total amount of the overpayment.
 - Allowing the DCSS to take all of my support payment(s) until the overpayment is paid in full.
- No, I do not agree to pay back the overpayment by allowing the DCSS take a portion of my support payments. I understand the DCSS will take my last unassigned support payment(s) that is/are equal to the overpayment in order to get the money back that was over paid to me.

If you chose to make payments to DCSS to repay the overpayment, please make your payments payable to the State Disbursement Unit and mail your payments to:

State Disbursement Unit

The method you select above will be applied to this overpayment and to any other future child support overpayments, unless, at the time the overpayment happens, you chose a different repayment method. Please keep a copy of this agreement for your records.

Note: Your agreement to repay the overpayment is optional. Obtaining services from the DCSS does not depend on your agreement to repay the overpayment. If you have more than one overpayment and chose to allow DCSS to deduct a specific amount from your support payments, that amount will be deducted from each of your support payments for each overpayment(s).

If you have any questions regarding the overpayment and/or the agreement for repayment, please call us at @PHONE_CSSC or 1-866-399-4096 TTY (for speech/hearing impaired).

I have read and understand the contents of this notice. I give my permission to the DCSS to take back the overpayment in the way that I have checked above. I also understand that if I do not check one of the boxes above and I do not have an overpayment agreement on file, the DCSS will take the overpayment amount from my last unassigned support payment(s). I understand that if I do have an overpayment agreement on file and fail to return this notice, the DCSS will apply the repayment method I initially chose to get back the overpayment.

CUSTODIAL PARTY'S SIGNATURE

DATE