

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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

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

July 18, 2002

LCSA LETTER: 02-19

ALL IV-D DIRECTORS

SUBJECT: CIVIL RIGHTS COMPLAINT PROCESS

This letter provides instruction relative to the handling of civil rights complaints filed with the child support program. Specifically, this letter announces the appointment of the Department of Child Support Services (DCSS) Civil Rights Officer, clarifies the civil rights complaint process as distinguished from the local child support Complaint Resolution and the State Hearing processes, and provides the status of proposed new civil rights regulations.

Appointment of DCSS Civil Rights Officer

Mr. Norman Lim was appointed as DCSS' Civil Rights Officer. He is responsible for addressing civil rights issues relative to the statewide child support system as well as civil rights issues within DCSS. Mr. Lim came to DCSS from the California Department of Transportation where he served as an Equal Employment Opportunity/Civil Rights Investigator for the past two and one-half years.

The Civil Rights Complaint Process

Federal and State law provides that DCSS and local child support agencies (LCSAs) may not discriminate against a person on the basis of race, color, religion, sex, national origin, disability, marital status, or age. Further, anyone may file a civil rights complaint with the local child support agency (LCSA) or with the U.S. Department of Health and Human Services (USDHHS).

DCSS-AD-2002-ARB-0001



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DCSS promulgated regulations, effective July 1, 2001, which implemented legislation mandating LCSAs to establish a local Complaint Resolution process and the State Hearing process for complaints lodged by individuals. However, civil rights complaints do not fall within the purview of those regulations.

Until civil rights regulations are implemented, civil rights complaints are to be handled as follows:

Each LCSA shall have a Civil Rights Officer act as the initial point of contact for civil rights issues and shall provide Norman Lim with the names and phone numbers of the LCSA Civil Rights Officer within two weeks from the date of receipt of this letter. The Civil Rights Officer shall be responsible for implementing the civil rights program within the agency.

Each LCSA shall designate an employee, typically the Civil Rights Officer, to conduct civil rights complaint investigations. In no case shall an employee be assigned to investigate a complaint involving actions taken by him or her or by an employee under his or her immediate supervision or where that designated employee's responsibilities in another program or capacity within the LCSA may result in a conflict of interest. Civil rights complaints must be filed with the LCSA and/or with the USDHHS within 180 calendar days after the alleged discriminatory act occurred.

To the extent possible, the identity of the complainant will be kept confidential.

Within 15 business days of receipt of a civil rights complaint, the LCSA shall acknowledge the receipt of the complaint in writing.

The receipt date of the complaint means the date when the LCSA initially receives a complaint from a complainant either orally or in writing. An oral civil rights complaint shall be deemed to be received as of the date a civil rights complainant speaks to a LCSA Civil Rights Officer, and provides the information that is necessary to file a written civil rights complaint. In the event the complaint is made orally, the civil rights complainant shall sign the civil rights complaint written by the LCSA Civil Rights Officer on behalf of the complainant.

The LCSA shall determine whether the complaint is appropriate for the civil rights complaint process (i.e. a basis for discrimination exists such as sex, race, disability, etc.; the complaint was timely filed). If the complaint is not appropriate, the LCSA will, whenever possible, refer the discrimination complaint to the appropriate governmental agency. If the complaint is appropriate, an investigation by the LCSA, including any attempted resolution, shall be completed within sixty (60) calendar days following the receipt of the complaint.

In those cases where the LCSA finds that a complaint is not appropriate for the civil rights complaint process and does not require an investigation, within forty (40) calendar days following the receipt of the complaint, the LCSA shall inform the complainant, in writing, that the LCSA will not investigate the complaint since it is not appropriate for the civil rights complaint process, and the reason(s) for the decision.

In those cases that require an investigation, within twenty (20) calendar days following the completion of the investigation, the LCSA shall inform the complainant, in writing, of the results of the investigation, clearly stating the reason for the decision; any corrective action taken or to be taken; his or her right to appeal, and the appeals process.

Appeals may be filed with DCSS within thirty (30) calendar days of the date the LCSA mails its decision. The written request for an appeal shall contain: (1) the reason for the appeal; and (2) the remedy sought. The complainant shall submit a copy of the LCSA's decision with his or her request for an appeal. Upon request, the LCSA shall forward a complete copy of the civil rights complaint file, including but not limited to the civil rights complaint; all correspondence; the investigation report; tape recorded statements; written statements; any corrective action taken; and any other related information to DCSS' Civil Rights Office within 10 business days of the request.

The DCSS' Civil Rights Officer will review the appeal and may require further action. The DCSS will respond to the complainant within sixty (60) calendar days of the date of the receipt of the written request for appeal.

Corrective action may be required as a result of an investigation, compliance review, or other determination by DCSS that an LCSA is not in compliance with these requirements. The LCSA shall implement any corrective action determined necessary within sixty (60) calendar days of the LCSA's completion of an investigation indicating that corrective action is necessary. When an LCSA fails to voluntarily comply with these requirements or with applicable sections of State or federal statutes and regulations, fiscal sanctions or other legal remedies may be invoked.

Civil rights complaint records shall be maintained as specified in Title 22 California Code of Regulations section 111420 et seq. (Records Management).

Future Civil Rights Regulations

The DCSS is currently developing civil rights regulations. As with all regulatory developments, the Child Support Directors Association will have the opportunity for input on the proposed regulations in the next few months.

For additional information regarding the Complaint Resolution and State Hearing processes, please contact Francine Woods, Chief of the Customer and Community

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Services Branch, at (916) 464-5377. For additional information regarding the Civil Rights Complaint process, contact Norman Lim, Civil Rights Officer, at (916) 464-5078.

Sincerely,

JAN SHERWOOD

Deputy Director

Administrative Services Division