

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



April 4, 2003

CSS LETTER: 03-03

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

SUBJECT: ADOPTION OF PERMANENT REGULATIONS – COMPLAINT
 RESOLUTION AND STATE HEARING PROCESSES

REFERENCE: CSS LETTER NO. 01-17

Permanent Regulations

The Department of Child Support Services (DCSS) has completed the rulemaking process for the Complaint Resolution and State Hearing Processes. Effective July 24, 2002, the following regulations contained in Title 22, Division 13, of the California Code of Regulations (CCR) became permanent:

- Chapter 10. Complaint Resolution.
 - Article 1. Definitions.
 - Article 2. Local Complaint Resolution.
 - Article 3. State Hearing.

The regulations can be accessed at the following website: <http://ccr.oal.ca.gov>.

Amendments to Emergency Regulations

During the rulemaking process, DCSS amended some sections of the regulations based on public comment. The following summarizes substantive amendments to the emergency regulations that affect Local Child Support Agencies (LCSAs).

| <u>Reason for this Transmittal</u> |
|--|
| <input checked="" 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 type="checkbox"/> Initiated by DCSS |

Forms

All of the forms for the Complaint Resolution and State Hearing Processes have been amended. LCSAs must destroy all obsolete forms and begin using the revised forms immediately. LCSAs may contact the DCSS Forms Unit at DCSS_Forms@dcss.ca.gov for the revised forms. Current versions of the forms are as follows:

- LCR001, Request for Complaint Resolution, dated (10/01)
- LCR002, Request for Complaint Resolution Acknowledgement, dated (10/01)
- LCR003, Complaint Amendment, dated (10/01)
- LCR004, Complaint Transfer, dated (10/01)
- LCR005, Notice of Complaint Resolution Extension, dated (10/01)
- LCR006, Notice of Complaint Resolution, dated (10/01)
- SH001, Request for State Hearing, dated (12/01)

Section 120100. General Provisions.

Subparagraph (a)(4) was added to codify in regulation the requirement that all LCSAs enter complaint information in the Complaint Resolution Tracking System (CRTS).

Section 120103. Complaint Investigation.

Subsection (a) was amended to include in regulation the prohibition of an Ombudsperson from serving as a complaint investigator.

Subparagraph (b)(1) was amended to require the LCSA to send prompt notice to the complainant that the complaint cannot be resolved through the complaint resolution process if the complaint falls under one of the categories outlined in Section 120101(a). Subparagraph (b)(1) was further amended to require the LCSA to mail the notice required by Section 120105 immediately, but in no event more than 30 days after the complaint receipt date if the complaint is outside the jurisdiction of the child support program or is one of the issues outlined in Section 120101(a).

Subparagraph (b)(3) was added to require the LCSA to notify the complainant by mail within 30 days of the complaint receipt date if the complaint is not eligible for complaint resolution because the complaint was filed untimely. The amendment expressly does not prohibit the LCSA from trying to assist the complainant to resolve the complaint or other issues that are not subject to the local complaint resolution process.

Section 120104. Complaint Transfer.

Subsection (c) was amended to clarify that in situations where the DCSS must decide which LCSA has jurisdiction for a complaint, if the DCSS determines the jurisdiction for a transferred complaint belongs to the transferring county, the complaint receipt date

shall continue to be the date the LCSA initially received the complaint pursuant to Section 120003, and if the DCSS determines the jurisdiction for the complaint belongs to the receiving county, the complaint receipt date is the date the receiving county received the LCR004 from the transferring county.

Section 120105. Notice of Complaint Resolution/Complaint Extension.

Subsection (a)(2) was amended to add the requirement for the LCSA to document on the "Notice of Complaint Resolution," (LCR006), the reason the LCSA believes the complaint is not eligible for complaint resolution, if applicable, or the reason the complaint resolution cannot be completed by the LCSA.

Subsection (b) was added to allow the director of the LCSA to appoint a designee, and delegate to that designee the authority to grant a one-time extension to the 30-day time limit when the director is unavailable due to absence. This subsection was further amended to require the LCSA to exercise due diligence in attempting to resolve all complaints within 30 days of the complaint receipt date, and to only take an extension under extraordinary circumstances. Subsections (b) and (b)(1) were amended to allow required ministerial actions to be completed by the director's designee in the director's absence.

Subsection (c) was amended to require the LCSA to make at least one last verbal contact with the complainant to try to obtain information required to resolve a complaint. If the results of the verbal contact are unsuccessful, the LCSA must notify the complainant in writing of the information needed to resolve the complaint, and explain that failure of the complainant to provide the information will result in the complaint being closed. If the LCSA does not receive the information necessary to resolve the complaint, the LCSA must send the complainant a "Notice of Complaint Resolution," LCR006, that explains the reason for closing the complaint, no later than 30 days after the complaint receipt date.

Section 120106. Complaint Resolution Process Closure.

This section was amended to permit an LCSA to close a complaint that was transferred pursuant to Section 120104, if the complaint was not returned to the agency pursuant to Section 120104(c).

Section 120107. Maintenance of Complaint Information.

Subsection (e) was amended to require that an LCSA compile and maintain the dates the following additional forms were mailed to the complainant, as applicable:

- LCR003, Complaint Amendment
- LCR004, Complaint Transfer
- LCR005, Notice of Complaint Resolution Extension

Section 120108. Complaint Information Reporting.

This section was amended to change the reporting time for the LCSA to provide a written report of the information specified in subsections (a) through (f) from ten (10) business days to 15 business days after the end of each calendar quarter.

Section 120201. Right to a State Hearing.

Subparagraph (a)(3)(A) was added to specify that state hearing jurisdiction does not extend to arrears issues if there is no dispute as to the accounting of the amount owed, if the complainant is seeking relief from enforcement of the order or amount owed, or if the complainant is seeking credit for payments that were made to someone other than the LCSA.

Subparagraph (a)(3)(B) was added to specify that a complainant is not entitled to request a state hearing and a court review at the same time. The LCSA must notify the State Hearing Office if the complainant or the other party files for a court determination of arrears either before or after a state hearing is requested. Any state hearing that has been requested on the same issues will be dismissed.

Subparagraph (a)(3)(C) was added to specify that the LCSA is not required to give notice to the non-complaining party of a state hearing that concerns the calculation of arrears. However, in order to protect the property rights of the parties, the LCSA is required to send the non-complaining party a copy of any hearing decision, in which the calculation of arrears is at issue, and provide notice of the right to have the arrears issue heard in court. The LCSA is required to redact all confidential information, including the complaining party's address, prior to sending the hearing decision to the non-complaining party.

Subsection (c) was amended to add the provision that only a complaint that was raised in the local complaint resolution process can be raised in a state hearing.

Subparagraph (d)(2)(A) was amended to add the provision that there is a rebuttable presumption that the complainant received a "Notice of Complaint Resolution," LCR006, five (5) business days after the postmark date.

Subparagraph (d)(2)(D) was added to specify an additional time frame from which the 90 days starts to request a state hearing, as being the date the complainant received the "Notice of Complaint Resolution Extension," LCR005, from the LCSA that took an extension pursuant to Section 120105, if the LCSA has not issued a "Notice of Complaint Resolution," LCR006, within 60 days from the complaint receipt date.

Subsection (e) was added to specify that if the LCSA receives a "Request for State Hearing," SH001, directly from a complainant, the LCSA must fax the SH001 to the State Hearing Office by the close of business the following day.

Section 120204. Local Child Support Agency Responsibilities.

Subparagraph (a)(1) was added to require the LCSA to attempt to resolve a complaint to the satisfaction of the complainant during the local complaint resolution process and prior to the state hearing.

Subparagraph (a)(2) was added to require the LCSA to provide the complainant with DCSS-approved informational materials regarding the state hearing process.

Subparagraph (a)(6) was amended to clarify that the LCSA is required to report to the State Hearing Office, any changes in the complainant's address or other circumstances that might affect the conduct of the state hearing.

Subparagraph (a)(7)(B) was amended to clarify that citations or policy as to an action or inaction by the Franchise Tax Board (FTB) must be included in the typewritten position statement.

Subparagraph (a)(7)(D) was amended to clarify that copies of any forms prepared or submitted by the LCSA as part of the complaint resolution process must be included in the position statement.

Subparagraph (a)(8) was amended to require the LCSA to mail the position statement to the State Hearing Office at least (5) business days prior to the scheduled hearing.

Subparagraph (a)(9) was amended to require the LCSA representative to provide a copy of the position statement at the state hearing, and to clarify that the Ombudsperson cannot be the LCSA representative at the hearing.

Subparagraph (a)(11) was added to require the LCSA to review a state hearing request to make a preliminary determination of whether the non-complaining party should be noticed of the state hearing to protect his/her rights or interests. Subparagraph (a)(11)(A) was added to require the LCSA to request the State Hearing Office to issue a subpoena for the non-complaining party to appear at the hearing if the LCSA determines the party should receive notice in order to protect the party's rights or interests. Subparagraph (a)(11)(B) was added to require the LCSA to inform the State Hearing Office in advance of the hearing if the LCSA knows the non-complaining party may appear at the hearing. Subparagraph (a)(11)(C) was added to require the LCSA to notify the State Hearing Office of any known domestic violence history or potential violent behavior by the parties. Subparagraph (a)(11)(D) was added to give the State Hearing Office the authority to arrange for one of the parties to appear by telephone whenever possible.

Subsection (c) was amended to require the responsible LCSA to ensure a copy of the position statement is available at the LCSA office where the hearing is to be held, if the

hearing is in another county. The position statement must be at the hearing location at least two (2) business days before the hearing.

Subparagraph (c)(2) was amended to clarify that the LCSA state hearing representative may appear by telephone during a state hearing, and that the LCSA state hearing representative who appears by telephone has all of the same responsibilities as if appearing in person.

Section 120206. State Hearing – General Rules.

Subsection (b) was amended to clarify that personal or telephonic appearance by the complainant or authorized representative, if any, shall be required at the hearing, unless the hearing is a rehearing or further hearing, and the State Hearing Office determines the appearance of the complainant or authorized representative is not necessary.

Subsection (f) was amended to clarify that the issues for hearing are those previously identified by the complainant on the "Request for State Hearing," SH001, or documented by the State Hearing Office from a verbal request for a state hearing, and to specify that only a complaint that was raised in the local complaint resolution process can be raised in a state hearing.

Section 120207. Evidence.

Subsection (f) was added to specify that in determining whether a local child support agency acted properly, where the action or inaction that is the subject of the complaint is discretionary, the standard of review the Administrative Law Judge uses shall be whether the local child support agency's exercise of discretion was arbitrary and capricious.

Section 120210. Postponements and Continuances.

Subparagraph (a)(5) was amended to clarify that a postponement based on the LCSA's failure to provide a position statement or amendment to a position statement may only be sought by the complainant. ***NOTE: The State Hearing Office has advised DCSS that some LCSAs are routinely not providing the position statement to the complainant prior to the hearing thus causing an extraordinary amount of hearing postponements. LCSAs are required to provide the position statement prior to the hearing and should be aware that the lack of a position statement does not guarantee that a hearing will be postponed if the complainant chooses to go forward with the hearing on the scheduled date. The LCSA State Hearing Representative will be required to appear at the hearing as scheduled and explain the LCSA's position regarding the complainant's issue, and the reason for the LCSA's failure to issue the required position statement.***

Repeal of Manual of Policies and Procedures

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Sections 12-712 and 12-1000 through 12-1025 were repealed because the regulatory provisions previously contained in these sections were modified and relocated to Title 22, Division 13, Chapter 10, Article 2 of the California Code of Regulations.

Questions and Answers

To assist LCSAs with the implementation of the Complaint Resolution and State Hearing processes, attached are Questions/Answers (Q&As) that may be helpful. Q&As will be routinely updated and posted on the DCSS's web site at www.dcss.ca.gov.

If you have any questions regarding this letter, please have the Policy Coordinator in your county submit them to the Policy Branch at Policy.Branch@dcss.ca.gov.

Sincerely,

PATRIC B. ASHBY
Deputy Director
Child Support Services Division

Enclosure

Complaint Resolution/State Hearing Questions and Answers

COMPLAINT INTAKE

1. Can anyone file a complaint?

Only the custodial party or noncustodial parent can request complaint resolution.
[Reference: Sections 110147 and 120101(a)]

2. What is the complaint receipt date?

The complaint receipt date is the date that the LCSA receives a request for complaint resolution, either verbally or in writing, whichever occurs first.
[Reference: Section 120003] The complaint receipt date for a transferred complaint is the date the LCSA receives the transferred complaint from another county. *[Reference: Section 120003]*

3. Does the LCSA have to fill out the "Request for Complaint Resolution" (LCR001) if the complainant makes a verbal complaint, or can the information just be entered into the Complaint Resolution Tracking System (CRTS)?

The LCSA must do both. The LCSA must document a verbal complaint on the LCR001 and send a copy to the complainant with five (5) business days.
[Reference: Section 120101(b)(2)(B)]

The LCSA must also enter the complaint information into the CRTS. *[Reference: LCSA Letter 01-18 and Section 120100(a)(4)]*

4. Can the LCSA reject a complaint that does not have enough identifying information?

No. The LCSA must accept and acknowledge all complaints. If the complaint does not have adequate information, the complaint investigator should attempt to obtain the information during discussion with the complainant. If the complaint investigator is unsuccessful in getting necessary information from the complainant, during a discussion, the LCSA must notify the complainant in writing of the information that is necessary to proceed with complaint resolution.
[Reference: Sections 120101(c), 120103(c), 120105(c)]

5. What if the complainant has multiple issues? Does a separate LCR001 need to be completed for each issue?

No. Multiple issues may be included on one form. Within 30 calendar days of receiving the complaint, the LCSA must notify the complainant of complaint

resolution for all issues. The LCSA may send a separate LCR006 for each issue, or combine all issues into one LCR006. *[Reference: Section 120105]*

6. How many days does the LCSA have to send a complaint acknowledgement to the complainant?

The LCSA must mail a "Request for Complaint Acknowledgement" (LCR002) to the complainant within five (5) business days after receiving the complaint. *[Reference: Section 120102]*

7. What if the subject of the complaint is outside the jurisdiction of the child support program?

After the complaint investigator determines the complaint is outside the jurisdiction of the child support program, the LCSA must explain the lack of jurisdiction to the complainant by mailing a Notice of Complaint Resolution (LCR006), within 30 days after receiving the complaint. To the extent possible, the LCSA should refer the complainant to the appropriate agency for assistance. *[Reference: Section 120105]*

8. If the complaint is for an excluded issue, over 90 days, or court action, must the complaint be logged, reported and acknowledged?

Yes, all complaints must be accepted and acknowledged by mailing a "Request for Complaint Resolution Acknowledgement" (LCR002) to the complainant within five (5) business days of the complaint receipt date. *[Reference: Section 120102]*

The LCSA must also enter the complaint information into the CRTS. *[Reference: LCSA Letter 01-18 and Section 120100(a)(4)]*

The LCSA must also explain the circumstances of the complaint not being eligible for complaint resolution in the "Notice of Complaint Resolution" (LCR006). *[Reference: Section 120105]*

9. What if a complainant comes into the office and does not have a child support case in the county, but wants to file a complaint against another county in which the case resides?

If the complainant comes into the office and has not yet filed a complaint, the LCSA should provide the correct county's address or telephone number for the complainant to address the complaint. If the complainant wants to file the complaint with the LCSA regardless of whether they have a case, the LCSA must accept the complaint and transfer the complaint to the appropriate county. *[Reference: Section 120104]*

COMPLAINT INVESTIGATION

1. Can the caseworker be the complaint investigator?

Possibly. The complaint investigator cannot be the individual whose action or inaction is the subject of the complaint. Therefore, if the current caseworker was not the individual responsible for the action or inaction that is the subject of the complaint, the caseworker could be the complaint investigator. *[Reference: Section 120103(a)]*

2. Can the Ombudsperson be the complaint investigator?

No. The Ombudsperson is not directly involved in the complaint resolution process. (Reference: Section 120103(a))

3. What if the complaint investigator talks to the complainant and is able to resolve the complaint verbally on the telephone? Does the LCSA still need to send something in writing to the complainant?

Yes, the LCSA must still send a "Notice of Complaint Resolution" (LCR006) and a blank "Request for State Hearing" (SH001) to the complainant within 30 calendar days of receiving the complaint. *[Reference: Sections 120103(c)(2) and 120105]*

4. What if during the discussion between the complaint investigator and the complainant, the complaint is determined to be an issue completely different from what was written on the complaint form? Does the LCSA have more time to respond to the complaint?

No. The complaint investigator must document the new complaint information on a "Complaint Amendment" form (LCR003) and send a copy to the complainant within five (5) business after the discussion with the complainant. The LCSA must still resolve the complaint within 30 days from the original complaint receipt date. *[Reference: Section 120103(c)(1)]*

COMPLAINT TRANSFER

1. What should the LCSA do when another county should handle the complaint?

After the complaint investigator determines another county has jurisdiction for the complaint, the LCSA must complete and send a "Complaint Transfer" form (LCR004) to the appropriate county within five (5) business days of receiving the complaint. *[Reference: Section 120104(a)(1)]*

The LCSA must also inform the complainant of the complaint transfer by mailing a copy of the “Complaint Transfer” form (LCR004) within five (5) business days after transferring the complaint. *[Reference: Section 120104(a)(2)]*

2. What happens when the LCSA transfers a complaint to another LCSA and the receiving LCSA does not agree that it is responsible for the complaint?

When the transferring and receiving LCSA’s cannot agree as to who is responsible for responding to the complaint, the receiving LCSA must contact DCSS for jurisdictional determination within five (5) business days of receiving the transferred complaint. DCSS will make a jurisdictional determination within five (5) business days after being contacted. This does not extend the time for either LCSA to complete complaint resolution. *[Reference: Section 120104(c)]*

3. What is the complaint receipt date when an LCSA receives a transferred complaint from another LCSA?

The complaint receipt date for a transferred complaint is the date the LCSA receives the complaint from another LCSA either by fax or e-mail, whichever occurs first. *[Reference: Sections 120003 and 120104(a)(1)]*

4. How many days does the receiving LCSA have to resolve a transferred complaint?

The receiving LCSA has 30 calendar days from the date it received the transferred complaint to resolve the complaint and send the complainant the “Notice of Complaint Resolution” (LCR006). *[Reference: Section 120105(a) and 120003]*

COMPLAINT RESOLUTION

1. What happens if the LCSA needs additional time to resolve the complaint ?

The LCSA investigator can request a one-time complaint resolution extension from the director of the LCSA. If the extension is granted the LCSA must send a “Notice of Complaint Resolution Extension” (LCR005) along with a blank “Request for State Hearing (SH001) to the complainant within 30 calendar days of the complaint receipt date. When an extension is granted, the LCSA must complete complaint resolution and send the complainant a “Notice of Complaint Resolution” (LCR006) no later than 60 days after the complaint receipt date. *[Reference: Section 120105(b)]*

2. Can the director of the LCSA delegate authority to grant an extension for complaint resolution?

Yes. In the director's absence, his/her designee is permitted to grant a one-time extension for complaint resolution. *[Reference: Section 120105(b)]*

3. What if resolution of the complaint depends on another agency or third party?
Can the LCSA close the complaint?

The LCSA must notify the complainant and the other agency or third party of the action necessary for resolution. The LCSA must facilitate the resolution of the complaint with the other agency or third party until the action required is completed. If the other agency or third party whose participation is needed to fully resolve a complaint is another LCSA, the LCSA must contact the other LCSA during complaint resolution to ensure the complaint is appropriately addressed. Once the required action is completed, the complaint can be closed. *[Reference: Sections 120103(c)(3)(D) and 120106]*

STATE HEARING

1. Can a state hearing be requested on any child support issue?

No. A child support state hearing can be requested when a custodial party or non-custodial parent is dissatisfied with the LCSA's written resolution of a complaint regarding the following: Denial of child support services, child support services not provided, or not provided timely, collection and distribution errors, the LCSA's calculation of arrears, and closure of a child support case. *[Reference: Section 120201]*

2. Does the complainant have to request a state hearing within certain time frames?

Yes. The complainant must request a state hearing within 90 days after the "Notice of Complaint Resolution" (LCR006) is received, or 90 days after making the complaint if the LCSA failed to issue an LCR006. *[Reference: Section 120201(d)]*

3. Who schedules the state hearing and notifies all interested parties?

The State Hearing Office will schedule all hearings and notify all parties of the hearing date, time, and location at least ten (10) days prior to the scheduled hearing. *[Reference: Sections 120202 and 120203]*

4. Can the Ombudsperson be the LCSA state hearing representative?

No. The Ombudsperson may be involved at various times during the complaint resolution and state hearing processes. The Ombudsperson should help complainants navigate through the complaint resolution/state hearing processes, and may help complainants prepare requests for state hearing. *[Reference: Sections 120204(a)(9) and 111542]*

5. Does the LCSA state hearing representative have to be an attorney?

No. The representative is not required to be an attorney. The representative should be familiar with case processing issues that arise, be able to speak to LCSA practice and policy in these areas, and be empowered to enter into binding agreements with the complainant at the hearing if appropriate. [Reference: Section 120204(a)(9)]

6. What if the LCSA state hearing representative cannot attend the hearing on the scheduled day?

The LCSA must make arrangements to have a representative attend the hearing on the scheduled day. [Reference: Section 120204(a)(9)]

7. What if the LCSA state hearing representative cannot attend the hearing in another county on the scheduled day?

The LCSA must make arrangements to have a representative present, participate by telephone, or request a representative from the county where the hearing is being held attend on behalf of the responsible LCSA. [Reference: Section 120204(c)]

8. Who can attend a state hearing?

Attendance at a state hearing is limited to the complainant, authorized representative, LCSA representative, FTB representative, certified interpreter, and witnesses relevant to the issue. [Reference: Section 120206(a)]

9. Can the complainant raise other issues at the state hearing that were not part of the original complaint?

No. The issues at the hearing are limited to those issues previously identified in the request for complaint resolution and the "Request for State Hearing" (SH001) and that are eligible to be heard at a state hearing. However, if the reason an issue did not go through complaint resolution is because the complaint investigator failed to contact the complainant to explore the complaint more fully, the ALJ will likely find that the issue is reasonably related to that set forth in the request for complaint resolution and state hearing, and is therefore eligible to be heard. [Reference: Section 120206(f)]

10. What if the complainant or the LCSA needs a witness to attend the hearing or needs copies of documents to use as evidence?

Prior to the hearing, the complainant and the LCSA may request the State Hearing Office to issue a subpoena to require the presence of a witness, or a

subpoena duces tecum to require a witness to produce original or certified copies of documents at the hearing. *[Reference: Section 120208(c)]*

11. Can the complainant review the case record kept at the LCSA office?

During normal business hours, the complainant has the right to examine non-confidential portions of the case record, or non-confidential information the LCSA used to make its decision. *[Reference: Section 120208(a)]*

12. Does the LCSA have to make copies of case record documents for the complainant?

Yes. The LCSA must reproduce without charge, or at a charge not to exceed the cost of reproduction pursuant to Government Code Section 6253, all specific policy materials, including regulations, necessary for a complainant to determine whether a state hearing should be requested, or for the complainant to prepare for a state hearing. *[Reference: Section 120208(b)]*

13. Does the LCSA have to pay for witness fees and mileage?

Yes, if the witness is subpoenaed and appears at the hearing at the request of the LCSA. However, if the witness is subpoenaed and appears at the hearing at the request of the complainant, DCSS will reimburse the fees and mileage for the witness. *[Reference: Sections 120209(a) and (b)]*

14. Can the LCSA and the complainant come to an agreement about any action that needs to occur prior to the state hearing so that a state hearing does not need to be held?

Yes. The complainant may request either an unconditional, or a conditional withdrawal of the state hearing request. A conditional withdrawal requires a signed agreement between the LCSA and complainant that details the actions of both parties to be completed within 30 days. The complainant must communicate any withdrawal to the SHO. *[Reference: Section 120212(c)]*

15. What if the LCSA finds more evidence about the case that is relevant to the hearing decision after the hearing has already occurred?

Information that is submitted after the close of the hearing record will be excluded from the record and will not be taken into consideration prior to the adoption and release of the hearing decision. *[Reference: Section 120215]*

However, all parties have the ability to request a rehearing within 30 calendar days after receipt of the hearing decision for the presentation of new evidence that was not available at the time of the hearing and could change the result of the decision. *[Reference: Section 120220(a), (c), and (e)]*

16. Is the Administrative Law Judge's proposed decision the final hearing decision?

The Administrative Law Judge submits a proposed decision to the Director of DCSS for adoption. The Director has the option of adopting the proposed decision as the final decision, or issuing an alternate decision, or ordering a further hearing. The Director's action is the final decision. *[Reference: Sections 120216 and 120217]*

17. What if the Director doesn't adopt the proposed decision and issues an alternate decision? What decision is valid?

The alternate decision is the final hearing decision. The alternate decision will include a statement of the facts, reference to applicable statutes and regulations, and the reasoning to support the decision. A copy of the proposed decision will be included with the final decision for informational purposes. *[Reference: Sections 120217(a)(2) and 120218(b)]*

18. What action does the LCSA have to take if the final hearing decision rules in favor of the complainant?

Upon receipt of the adopted hearing decision, the LCSA must initiate action to comply with the decision. Within 30 days of receiving the adopted decision, the LCSA must submit a compliance report to DCSS. *[Reference: Section 120221]*