

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

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



September 24, 2003

CSS LETTER: 03-20

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

SUBJECT: PLAN OF COOPERATION

As you know, the Department has prepared a new Plan of Cooperation (POC) for execution by each Local Child Support Agency (LCSA). The POC has been reorganized and reformatted to provide a document that is better organized and more clearly reflects the program responsibilities of the Department of Child Support Services (DCSS) and LCSAs. In addition, the new POC now incorporates the provisions of the Annual Automation Cooperation Agreement (AACA).

Please note that the effective date of the POC is November 1, 2003. The current POC and AACA for each LCSA have been extended through October 31, 2003; therefore, this agreement will take effect at the point the current agreements expire.

Notable changes to the POC include the following:

- As required by state regulation, the term of the POC is now concurrent with the federal fiscal year, and is effective for a one-year period.
- Because of the consolidation of the POC and AACA, LCSAs will now only be required to execute a single agreement annually with DCSS to establish these provisions.
- A provision has been added regarding implementation of the Quality Assurance and Performance Improvement (QAPI) program. Those provisions establish general program requirements and mirror the language included in AB 738 (Jackson), which was recently enacted.

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

DCSS-DR-2003-CTY-0039



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[www.childsup.cahwnet.gov](http://www.childsup.cahwnet.gov)

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With the exception of the changes noted above, the new POC contains essentially the same provisions as those included in the current POC and AACA. As noted above, the primary changes were the reorganization of the documents to eliminate repetition and improve readability.

The POC will require the signature and date of the LCSA director, and must be signed and returned to the Department by November 1, 2003. Please return the signed POC to :

Department of Child Support Services

Attention: Dianira Soto

P.O. Box 419064

Rancho Cordova, California 95741-9064

We would like to thank the Child Support Directors Association for their review of the document and assistance in preparation of the final POC. If you have any questions or concerns regarding this matter, please contact Victor Rea, of the Quality Assurance Branch, at (916) 464-5464 or by e-mail at [victor.rea@dcss.ca.gov](mailto:victor.rea@dcss.ca.gov).

Sincerely,

CURTIS L. CHILD  
Director

Enclosure

STATE OF CALIFORNIA  
HEALTH AND HUMAN SERVICES  
AGENCY

DEPARTMENT OF  
CHILD SUPPORT SERVICES

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PLAN OF  
COOPERATION

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This Plan of Cooperation, hereinafter referred to as the "POC," is entered into between the California Department of Child Support Services, hereinafter referred to as the "Department" and the «County» County Department of Child Support Services, hereinafter referred to as the "Local Agency," pursuant to Family Code §17304 (a).

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## I. PURPOSE

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The purpose of the POC is to define and allocate responsibilities for securing child support including child support establishment, collection and distribution services; medical support; determining paternity; and providing other public services in accordance with the provisions of Title IV -D of the Social Security Act (42 USC §651, et seq.), hereinafter referred to as "Title IV -D," "Title IV-D Program," or "Title IV -D Services."

The POC sets out the responsibilities of the Local Agency for administering Title IV-D services in the county, including, but not limited to:

- Locating noncustodial parents or support obligors
- Determining paternity of children born to unmarried parents
- Assessing the ability of parents to support their minor children
- Establishing and enforcing child support orders
- Enforcing spousal support orders (in conjunction with a child support order or in interstate cases)
- Modifying child support orders
- Establishing, enforcing, and modifying orders to obtain medical support
- Collecting and distributing child support

- Preparing reports and maintaining records

The Local Agency is also required to enter into an Automation Cooperation Agreement (ACA) with the Department. The purpose of the ACA is to set forth Local Agency automation responsibilities and provide automation funding for the Local Agency. Pursuant to Welfare and Institutions Code §10081, the POC incorporates the terms of the ACA.

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## II. DEPARTMENT RESPONSIBILITIES

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The Department is the single State agency whose duty it is to direct, oversee and supervise Title IV-D services. The Department shall be responsible for the following:

- 1) Comply with all Title IV-D provisions and all State and federal laws and regulations.
- 2) Ensure a signed POC is on file with the Department as a condition of disbursement of State and federal funds to the Local Agency, with amendments as deemed necessary by the Department to reflect new or revised State and federal laws, regulations, and directives.
- 3) Develop, adopt, and disseminate directives and regulations to inform the Local Agency and other appropriate county agencies of State and federal law, policies, standards, procedures, and instructions relative to Title IV-D services.
- 4) Establish and maintain systems and procedures to facilitate the Local Agency's administration of the Title IV-D program.
- 5) Allocate funds to the Local Agency to operate the Title IV-D program.
- 6) Impose mandatory penalties on the County for failure of the Local Agency to meet audit or performance-related criteria as specified in state and/or federal regulations.
- 7) Withhold part or all of state and federal funds from the Local Agency as required by Family Code Section 17604, when the

Director considers the Local Agency is failing in a substantial manner to comply with any provision of the POC, Title IV -D, or state or federal laws or regulations.



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### **III. LOCAL AGENCY PROGRAM RESPONSIBILITIES, OPERATIONS AND PERFORMANCE**

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The Local Agency shall provide all Title IV-D program services within «County» county as directed by the Department and described herein. The Local Agency shall be responsible for providing Title IV-D services at no charge to any individual or agency unless otherwise provided by State or federal laws or regulations.

In fulfilling its Title IV -D responsibilities, the Local Agency shall:

- 1) Comply with all provisions of the POC, Title IV-D of the Social Security Act, and all federal and State laws and regulations.
- 2) Comply with Department directives, policies, procedures, regulations, and instructions.

#### **General Program Operations**

##### Record Maintenance

The Local Agency shall prepare and maintain records for each Title IV-D case that include information necessary for proper and efficient processing of cases in accordance with federal and State laws and regulations for the administration of the Title IV-D program. This includes, but is not limited to the following:

- 1) Applications for child support services.
- 2) Actions to locate and identify noncustodial parents, to establish paternity and to obtain, modify, and enforce support orders, including medical support, and the costs incurred in such

actions. This includes any relevant facts and actions taken by the Local Agency and the results of such action.

- 3) The amounts and sources of support collections and the distribution of these collections.
- 4) All records pertaining to complaint resolution and state hearings.

### Contracting

- 1) With the approval of the Director of the Department, the Local Agency may enter into cooperative arrangements with other County departments to fulfill certain tasks related to Title IV-D services under the POC. The services of private vendors may also be utilized, with the approval of the Director and as permitted by federal and State law. Any task performed by or for the Local Agency directly related to legal advocacy or the preparation of pleadings or other court papers shall be supervised by an active member of the State Bar of California.
- 2) When delegating or contracting out Title IV-D activities to other County departments, public agencies or private vendors, the Local Agency shall retain ultimate responsibility and accountability for such services under written cooperative agreements or contracts approved by the Local Agency Director. The Local Agency shall ensure all delegated or contracted out Title IV-D functions are performed as prescribed by federal and State laws, regulations, and instructions, and the POC.
- 3) The Local Agency shall enter into separate, written plans of cooperation with other county agencies or departments, including the Superior Court, delineating the respective

responsibilities of the Local Agency and the county agency or department for ensuring compliance with the requirements and provisions of Title IV -D and the POC, including, but not limited to, time frames for case processing established by federal and State laws and regulations. The plan of cooperation between the Local Agency and the Superior Court shall specify standards for timely document processing and case calendars as well as establish a procedure for resolving issues arising in connection with Title IV-D case processing. The plan of cooperation shall be written with an effective date and expiration date of the contract, and include the timeframe by which POCs must be renewed and submitted to DCSS for approval, and the timeframe for submitting any revisions or newly executed plans of cooperation.

#### Case Processing

The Local Agency shall:

- 1) Timely suspend all actions on a Title IV-D case when notified by the county welfare department that there is good cause for non-cooperation pursuant to §11477.04 of the Welfare and Institutions Code.
- 2) Timely conduct locate activities, using all appropriate local, State, and federal locate resources, to assist in the location of all noncustodial parents or custodial parties whose whereabouts or assets are unknown.
- 3) Timely seek the establishment of paternity for a minor child when appropriate and work with hospitals to seek voluntary Paternity Opportunity Program (POP) declarations.

- 4) Publicize the availability of the POP program.
- 5) Make available to the public qualified staff to answer questions regarding execution and rescission of POP declarations and the process for establishing paternity.
- 6) Pay hospitals, clinics, or other places of birth all sums required by Family Code §7571(c) for the filing of completed POP declarations.
- 7) Timely establish child support and medical support orders when appropriate.
- 8) Initiate timely and appropriate enforcement actions as required by State and federal laws, regulations, and directives to obtain payment of current and past support in all Title IV-D cases with court orders for child and/or medical support.
- 9) Enforce medical support orders in all Title IV-D cases, as required by federal and State laws, regulations and directives.
- 10) Forward completed State medical insurance forms to the California Department of Health Services (DHS) for all dependent children receiving Medi-Cal benefits.
- 11) Review child support orders when requested by a noncustodial or custodial party, or when the Local Agency becomes aware of a significant change of circumstances, which may affect the support obligation, consistent with state regulations.
- 12) Timely and accurately collect and distribute child support and take all steps necessary to minimize undistributed collections.

- 13) Timely collect and distribute spousal support (where applicable) in accordance with State and federal laws, regulations and directives.
- 14) Timely assist other states and countries in processing Title IV-D cases pursuant to the Uniform Interstate Family Support Act. The Local Agency shall refer Title IV-D cases to the appropriate agency of another county, state, or foreign country, when necessary, and cooperate with such agency by providing sufficient information to act on the case.
- 15) Report to the County welfare department on a timely basis the following information on Title IV -D cases:
  - (a) Support collected on welfare cases.
  - (b) Information critical to the determination or re-determination of eligibility.
  - (c) Information regarding any welfare applicant/recipient who refuses to cooperate with the Local Agency in the establishment or enforcement of child support orders as required by State and federal laws, regulations and directives.
  - (d) Suspected cases of welfare fraud.
- 16) Issue notices on a monthly basis to individuals on whose behalf assigned collections are made or distributed, including the amount and sources of support collected and distributed.
- 17) Issue billing notices on a monthly basis to obligors with support obligations.

- 18) Comply with the Department's procedures for duplicate case transfer.
- 19) Comply with federal and State laws, regulations and directives for case closure.

### **Outreach Program**

The Local Agency shall:

- 1) Make all Title IV-D outreach materials provided by the Department available to the public.
- 2) Initiate outreach programs, at least quarterly, to inform the public of the availability of Title IV-D services to the general public.

### **Ombudsperson Program**

The Local Agency shall:

- 1) Have in place an Ombudsperson who is responsible for the implementation of a program to provide assistance to custodial parties and noncustodial parents, employers and the public on inquiries regarding the child support program, local complaint resolution process and the State hearing process. The Ombudsperson shall be the liaison with the Department for all issues relating to the Ombudsperson program. The Ombudsperson shall review complaint activity, identify systemic

issues, and make recommendations to the Local Agency's IV-D Director for improvement of services to customers.

- 2) Use the Ombudsperson as the designated State Hearing Coordinator for the purpose of managing the hearing schedule, securing the hearing site, contracting and acting as the contact person for the complainant, and being the liaison with the Department of Social Services, State Hearing Office.

### **Complaint Resolution Program and State Hearing Process**

The Local Agency shall maintain a Complaint Resolution program and State Hearing process as set forth in Family Code § 17801 et seq., and as specified in Title 22, Division 13, Chapter 10, of the California Code of Regulations. The Local Agency shall:

- 1) Maintain the complaint resolution process and seek to resolve all complaints within 30 days. Complaint investigators shall contact the customer and attempt to resolve complaints to the satisfaction of the customer, consistent with the statutes, regulations and directives governing the IV-D program.
- 2) Accurately track and report in a timely manner any complaints in the Department's complaint resolution tracking system.
- 3) Work with the Department to facilitate resolution of any complaints as needed.
- 4) Continue to work with customers to resolve issues even if the customer requested a state hearing.

## **Record Maintenance and Data Reporting**

The Local Agency shall:

- 1) Compile, maintain, and report complete, accurate, and timely financial and statistical information and data as required by State and federal laws and regulations and Department directives.
- 2) Report in a timely manner information required by the Department, including, but not limited to:
  - (a) Form CS 34 (Monthly Report of Collections and Distributions) by the 15<sup>th</sup> of each calendar month for the previous month, unless otherwise directed by the Department.
  - (b) Form CS 35 (Assistance Related Distribution/Disbursement Summary Report) by the 15<sup>th</sup> of each calendar month for the previous month, unless otherwise directed by the Department.
  - (c) Form CS 157 (Child Support Enforcement Activities Annual Data & Accounts Receivable) by the 15<sup>th</sup> of October of each calendar year, unless otherwise directed by the Department.
  - (d) Form CS 1257 (Child Support Enforcement Activities Monthly Data and Accounts Receivable) by the 15<sup>th</sup> of each calendar month, for the previous month, unless otherwise directed by the Department.



(e) Form CS 356 (Local Child Support Agency Administrative Expense Claim Schedule and Certification) by the 15<sup>th</sup> of January, April, July, and October, unless otherwise directed by the Department.

- 3) Timely provide any other information or report required by the Department.

### **Data Reliability**

The Local Agency shall:

- 1) Take all steps necessary, including the implementation of required corrective actions, to ensure the accuracy of all data, including data that are submitted to the Department, and compliance with federal and State data reliability standards.
- 2) Support all Department efforts to ensure that data are complete and error free.
- 3) Allow federal and State auditors, including auditors from Department of Finance, Bureau of State Audits, and contract auditors as prescribed by the Department to conduct required audits to assess completeness, reliability, and security of data, and the accuracy of the reporting systems used in calculating the performance indicators.

## **Quality Assurance and Performance Improvement**

The Local Agency shall:

Implement a Quality Assurance and Performance Improvement program, under the direction of the department, that shall include, at a minimum, all of the following:

- 1) An annual planning process that incorporates statewide standards and requirements, and establishes local performance goals that the department and local agency agree are appropriate.
- 2) Implementation of actions necessary to promote the delivery of enhanced program services and improved performance.
- 3) Ongoing self-assessment process that evaluates progress in achieving performance improvement and compliance with program requirements.
- 4) Regular and ongoing oversight by the department, including onsite reviews and the provision of technical assistance.

## **Corrective Action and Performance Improvement Plans**

The Local Agency shall develop and implement a corrective action plan, as required by the Department and/or the federal government, for any area of noncompliance identified by a federal or State audit, or State program or local review or assessment, or resulting from any conditions of program deficiencies including but not limited to the submittal of inaccurate program data.

## **Confidentiality**

The Local Agency shall ensure any use or disclosure of information concerning identification of parents, or information concerning applicants or

recipients will be limited to purposes directly connected with the administration of Title IV-D services for establishing paternity and establishing, enforcing, and modifying child support obligations, including medical support, pursuant to State and federal laws and regulations. This includes:

- 1) Releasing of information obtained in connection with establishing eligibility and determining amounts of assistance.
- 2) Ensuring no information identifying any applicant or recipient of public assistance by name or address shall be disclosed to any committee or legislative body, news media, or advocate groups.
- 3) Complying with the confidentiality provisions of 42 USC §654 (26) (Safeguards Applicable to Confidential Information), Family Code §17212 (Ensuring the Confidentiality of Support Enforcement Records), and Title 22 of the California Code of Regulations, Subchapter 1, Article 5, §111430 - 111440.

## **Bonding**

The Local Agency shall:

- 1) Provide a surety bond against losses resulting from employee dishonesty for every person who receives funds for disbursement, disburses, handles, or otherwise has access to any Title IV-D funds.
- 2) Establish surety bonds in amounts sufficient to protect the County against loss from employee dishonesty.

- 3) Ensure compliance with these bonding requirements by any other public or private agency where a plan of cooperation or purchase of service agreement is established involving any cash handling and/or accounting function.

Bonding requirements may be satisfied by a county's approved self-bonding or self-insurance program adequate to cover any loss of child support funds from employee dishonesty. In no case shall a self-bonding or self-insurance program reduce or limit the liability of the County or the Local Agency for losses of child support collections. Any self-bonding or self-insurance program shall require an appropriate county official to certify as follows: "This county is self-bonded or self-insured for an amount adequate to cover any loss of child support funds from employee dishonesty."

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## IV. FISCAL ADMINISTRATION

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In accordance with State and federal laws, regulations, and directives, the Local Agency shall carry out the fiscal activities described herein.

### **Accounting and Record Keeping**

The Local Agency shall:

- 1) Have in place and maintain accounting standards and systems consistent with uniform accounting procedures prescribed by federal and State requirements. These standards conform to Generally Accepted Accounting Principles established by the American Institute of Certified Public Accountants.
- 2) Maintain accounting and fiscal record keeping systems sufficient to ensure that claims for available funds are submitted in accordance with applicable State and federal requirements and retain such records as required by applicable State and federal regulations.
- 3) Have policies and procedures to ensure timely tracking and monitoring of expenditures compared to budgeted/allocated amounts.
- 4) Maintain a copy of the SCO approved countywide cost allocation plan as required by OMB Circular A-87 that identifies and describes the methods and procedures established for properly charging costs of administration, services, and training activities;

estimated costs; the basis used for allocating various pools of costs to programs and activities; and such other information necessary to document the county's cost allocation methods and procedures. The county cost allocation plan and claims for federal funds shall conform to Department regulations, procedures, and directives.

### **Separation of Cash Handling and Accounting**

The Local Agency shall adopt and enforce local, federal and State procedures to prevent persons who handle cash receipts of support payments from participating in accounting functions that would allow the misuse of such receipts. This responsibility encompasses the identification of applicable laws and regulations and the establishment of internal controls designed to provide reasonable assurance that the Local Agency complies with established local, federal, and State laws and regulations. The Local Agency must also comply with the State and County Administration Manual, Generally Accepted Government Auditing Standards and Generally Accepted Accounting Principles.

### **Budgeting and Annual Allocation Process**

The Local Agency shall:

- 1) Have mechanisms in place to effectively plan for and develop an annual budget; execute the annual budget in accord with program priorities, appropriate and allowable costs, and reporting requirements; and, track, monitor and adjust, as necessary, expenditures throughout the year to operate within amounts allocated by the Department.

- 2) Build an annual budget that reflects how the Local Agency will spend its child support program allocation for the upcoming SFY.
- 3) Identify and submit in a timely manner to the Department new funding needs for the upcoming budget year through the Budget Display process and/or immediately upon identification of additional needs by submitting in writing to the Deputy Director of Administrative Services Division.
- 4) Submit, upon request from the Department, expenditure projections necessary to assess spending trends and patterns statewide.
- 5) Submit fiscal information necessary to timely and accurately develop the annual Governor's Budget for the Child Support Program.
- 6) Refine the Local Agency's proposed budget plan as necessary to operate within the amounts included within the Department's Final Allocation letter.
- 7) Ensure that an implementation plan is included in the Local Agency's final annual budget for any special funding that is received to accomplish specific tasks.
- 8) Comply with federal and State requirements including Office of Management and Budget (OMB) Circular A-87 requirements to obtain prior written approval for expenditures from the Department for any contracts, purchase orders, or lease agreements associated with program costs that are in excess of \$100,000.
- 9) Obtain prior written approval from the State Controllers Office for:

- (a) Building space.
- (b) Related facilities costs.
- (c) Countywide overhead computed in accordance with the OMB Circular A-87.

## **Reporting**

The Local Agency shall:

- 1) Submit all required data and reports to the Department in accordance with the requirements timeframes established by the Department.
- 2) Allow federal, State, or contract auditors to conduct required audits to assess completeness, reliability, and security of financial data, and the accuracy of the reporting systems used in reporting that data.



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## V. AUTOMATION COOPERATION

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This section defines the Department and Local Agency responsibilities in regard to statewide and interim child support automation activities.

The Local Agency shall comply with all State and federal laws, regulations and directives which include, but are not limited to, maintaining an organizational structure and sufficient staff to efficiently and effectively administer and supervise all of the automation functions for which it is responsible under the Title IV-D State Plan and other State and federal automation requirements. In meeting this requirement, the Local Agency shall:

### **Contracts**

The Local Agency shall submit to the Department, prior to execution, all proposed Electronic Data Processing (EDP) contracts for child support exceeding \$100,000. If approved by the Department, the proposed contracts will be forwarded to the Administration for Children and Families for approval. In addition, all contract amendments that exceed the \$100,000 threshold and/or extend the period of performance for more than 60 days, must also be submitted to the Department for prior State and federal approval.

### **Conversion to Consortia System**

The Local Agency shall:

- 1) Cooperate in all interim automation system activities as required by the Department.

- 2) Develop and maintain an interim database of unique statewide case information for submission to the Department who will forward such requests to the Federal Case Registry (FCR). Upon receipt of FCR's response to the Department's request for information, the Department will forward those responses to the Local Agency. This is an interim activity intended to enhance the ability to locate parents and their assets until the California Child Support Automated System (CCSAS) is completed.
  
- 3) Comply with all federal and State laws, regulations and requirements directed by the Department under the Pre-Statewide Interim Systems Management (PRISM) Program, and the consortium agreement which includes, but is not limited to, the following:
  - (a) Maintain a consortium agreement with the \_\_\_\_\_(consortia name)\_\_\_\_\_consortium during the interim period until conversion to the CCSAS.
  
  - (b) Fulfill requirements of the consortium agreement and the Department's interim system governance requirements.
  
  - (c) Submit copy of the signed member county consortium agreement to the Department with the annual submission of the POC.
  
  - (d) Maintain an organizational structure with sufficient staff to efficiently and effectively accomplish all of the Title IV-D automation functions including those established by statute, regulation, Department direction pursuant to those requirements and this agreement.

- (e) Develop and maintain an Operational Recovery Plan and a Business Continuity and Continuation Plan that identifies critical operations, recovery needs and strategies, and test plans necessary to ensure continued operation.
- (f) Ensure daily data backups are maintained.
- (g) Maintain necessary automation infrastructure including, but not limited to, automated system interfaces, local area networks, and other required systems hardware.
- (h) Develop and maintain a local help desk, if appropriate.
- (i) Participate in workgroups as required by the Department.
- (j) Make records available for State and federal automation reviews, assessments, and audits.
- (k) Maintain and operate automated child support systems to ensure the delivery of child support services as directed by the Department and the \_\_\_\_\_(consortia name)\_\_\_\_\_ consortium, including but not limited to Change Control Process and Reporting Requirements.
- (l) Provide necessary Local Agency level automation support and oversight to ensure appropriate project management and the continued maintenance and operation of the Local Agency child support automation system(s).
- (m) Build, test, and maintain local interfaces to any required Department or Local Agency system, consistent with system development and maintenance standards required by the Department.

- (n) Ensure the operation of the child support automation delivery complies with all federal and State laws, regulations, and directives.
- (o) Develop and submit a comprehensive county child support automation work plan inclusive of all approved Local Agency system development or modification work plans. The work plan shall include, but not be limited to, all tasks, timelines, resources, and critical milestones necessary to complete the Local Agency project responsibilities. The plan shall be subject to approval and monitoring by the Department to ensure compliance with all child support automation requirements.
- (p) Submit to the consortium lead for approval, child support automation work/project plans for child support automation system support applications that exceed a duration of 30 days or more, including, but not limited to, the development or modification of application interface systems.
- (q) Adhere to work/project plans and timely report on variances of ten percent or more to cost, project schedule extensions of more than 60 days to milestones, and any changes to work/project plan scope to the Department.
- (r) Comply timely with Department automation requirements and implement automation enhancements approved by the Department.
- (s) Participate, as required, in activities to develop the Department systems (such systems include, but are not limited to, the CCSAS, the Integrated Database, and the

Interim FCR) as required by law. The Local Agency participation shall include the documentation and communication of business technology needs, providing any issues, rules, automation best practices, or changes to the systems being developed, and participating as needed in the design, development, and maintenance requirements definition.

- (t) Submit to the Department all EDP contracts as part of the annual budget process.
- (u) Develop a plan to implement timely Department directed enhancements.
- (v) Reconcile duplicate cases on an on-going basis or as required, to facilitate the implementation of CCSAS, provide more efficient customer service, and benefit federal performance measures.

### **Local Agency Work Plan for Transition to CCSAS**

To facilitate the transition to the CCSAS, the Department shall:

- 1) Plan for future program and automation requirements changes to the statewide child support automation system, including:
  - (a) Develop directives and regulations as necessary to administer Title IV-D automation.
  - (b) Inform appropriate county agencies of federal and State laws, policies, standards, procedures, and instructions relative to the administration of Title IV -D automation.

- 2) Develop standards and processes relating to the operation of automated systems during the interim period.:

The Local Agency shall develop and submit an automation work plan to the Department by the dates specified by the Department. The plan shall describe the actions to be taken by the Local Agency to prepare for transition to CCSAS, as well as implementation of all associated transition activities.

### **Cooperation with FTB and Vendor**

The Department, as the project owner, and FTB, as the project agent, will develop the CCSAS. The CCSAS shall be operative in all local agencies and shall include the State Case Registry, the State Disbursement Unit and all other necessary databases and interfaces. In developing the CCSAS, the Department will comply with the requirements of Title IV-D of the Social Security Act, the federal regulations that implement Title IV-D, and any other applicable federal regulations and requirements that concern the movement of existing interim automated child support systems towards a single statewide child support automation system. This includes, but is not limited to, the following:

- 1) Assist the California Health and Human Services Agency Data Center and/or FTB with tasks related to child support automation and any State-contracted vendor providing automation services.
- 2) Ensure the CCSAS accurately reflects State and federal law, regulations, and policies governing the Title IV-D services, including system output, forms, and reports.
- 3) Develop statewide standardized forms and reports for the automated system.

- 4) Develop standards and processes related to child support automation that are mandatory throughout the state to ensure uniform operation of the program by the County.

The Local Agency shall cooperate in establishing the CCSAS, including taking steps necessary to facilitate the conversion from any interim systems to the CCSAS, including modifying existing systems as required by the Department.

### **Compliance with CCSAS Requirements**

The Local Agency shall:

- 1) Utilize the CCSAS to process all Title IV-D cases, financial management activities, and administrative functions, including reporting statistical and financial data and caseload management information, at such time when the Department notifies the Local Agency the CCSAS is operational.
- 2) Use only those forms provided by the Department and, at such time when the Department notifies the Local Agency the CCSAS is operational, CCSAS forms.
- 3) Prepare and submit automation funding requests, supported by accurate data, to the Department annually, and/or upon request by the Department in a timely manner.

### **Corrective Action Plans**

The Local Agency shall develop and implement corrective action plans, as required by the Department and/or the federal government for any area of noncompliance or any deficiencies related to automation.

## **Accountability for Automation Funding**

The Local Agency shall:

- 1) Provide accurate and timely requests for automation funding and cooperate in any requested automation cost/benefit analysis or other data gathering for the purpose of determining budgets, funding levels, and automation alternatives.
- 2) Track and monitor county automation expenditures.
- 3) Provide timely and accurate documentation of automation expenses reported on the CS 356 to the Department.



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## VI. CIVIL RIGHTS

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The Department and the Local Agency shall adhere to the following civil rights requirements:

The Local Agency shall have a designated Civil Rights officer to serve as the initial point of contact for civil rights complaints and otherwise implement the civil rights provisions of this POC.

### **Purpose**

The Title IV-D Program shall be operated in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; Title II of the Americans with Disabilities Act of 1990, and other applicable State and federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, ethnic group identification, age, religion, marital status, sex, or disability. Administrative procedures having the effect of subjecting individuals to discriminatory treatment or defeating the objectives of these laws are prohibited.

### **Scope**

The policies and procedures of the Department for complying with applicable civil rights laws and their implementing regulations shall apply to the Local Agency. The Local Agency shall obtain written assurances of compliance from

any vendor, contractor, consultant, or other agency or provider of services participating in the Title IV -D program through agreement with the Local Agency.

### **Dissemination of Information**

The Local Agency shall make available information regarding the provisions of this part and its applicability to the Title IV-D program. This information shall be made available in a manner necessary to apprise individuals of the protections against discrimination assured them by applicable Civil Rights laws and regulations. Posters on nondiscrimination as may be supplied by the Department shall be posted prominently in all Local Agency reception rooms. The name(s), address and telephone number of the person(s) in the Local Agency responsible for investigating complaints shall be posted.

### **Discriminatory Practices Prohibited**

No person shall be subjected to discrimination on the grounds of race, color, national origin, ethnic group identification, age, religion, marital status, sex, or disability. Methods of administration of Title IV -D program services shall not be utilized which have the effect of subjecting individuals to discrimination or defeating or substantially impairing the objectives of protecting civil rights.

- 1) In administering Title IV-D program services, the Local Agency may not, on the basis of race, color, national origin, ethnic group identification, religion, marital status, sex, age, or disability, directly or through contractual, licensing, or other arrangements:
  - (a) Provide services to an individual or group that is different than that provided to others unless necessary to provide otherwise qualified individuals or groups with Title IV-D program services as effective as those provided to others. The exclusion of an individual or group is not prohibited

when Title IV-D program services are limited by federal law or executive order to a specific class of individuals or group.

- (b) Deny an individual any IV-D program services.
- (c) Subject an individual to separate treatment in any matter related to his/her receipt of any IV-D program services.
- (d) Restrict an individual in any way in the receipt of IV-D program services enjoyed by others.
- (e) Treat an individual differently, whether or not he/she satisfies any requirement or condition which individuals must meet in order to be provided IV-D program services.
- (f) Use criteria or methods of administration having the effect of defeating or impairing the objectives of Title IV-D program.
- (g) Deny an individual the opportunity to be a member of an advisory board that is an integral part of any program.

### **Corrective Action Requirements**

The Local Agency shall take positive steps to ensure the Title IV-D program is administered in a manner which does not discriminate on the basis of race, color, national origin, ethnic identification, age, religion, marital status, sex, or disability. This requires the Local Agency to analyze current policies, practices and procedures to determine if any of these policies, practices and procedures result in the unequal delivery of services to applicants or recipients and to take whatever measures are required to provide for equal delivery of Title IV-D program services.

## **Compliance Requirements**

The Department shall cooperate with the Local Agency in obtaining compliance with the provisions of this part and shall provide guidance to the Local Agency to obtain compliance. The Local Agency shall maintain complaint records as specified in Title 22 California Code of Regulations §111420 et seq. (Records Management) so as to provide the Department and/or the U.S. Department of Health and Human Services with timely, complete, and accurate compliance reports.

## **Accessibility of Facilities**

The U.S. Department of Justice regulations in 28 CFR Part 35 (Non-discrimination on the Basis of Disability in State and Local Government Services) and in Appendix A of 28 CFR Part 36 (Standards for Accessible Design) and Title 24 of the California Code of Regulations (California Accessibility Regulations) contain the regulations governing accessibility to public buildings and public accommodations for individuals with disabilities. When public areas, such as reception areas, waiting rooms, interview booths, public restrooms, employee restrooms, and public drinking fountains are provided, they shall be accessible to individuals with disabilities and identified by the international symbol of accessibility in compliance with Title 24 of the California Code of Regulations. When parking is provided to the general public, it shall be accessible to individuals with disabilities pursuant to local ordinance and/or Title 24 of the California Code of Regulations.

## **Program Accessibility**

The Local Agency shall:

- 1) Evaluate its policies, practices and procedures to ensure they do not discriminate on the basis of disability.
- 2) Ensure the Title IV -D program is readily accessible to individuals with disabilities.
- 3) Give priority in choosing available methods for meeting the accessibility requirements to those methods offering programs and activities to individuals with disabilities in the most integrated setting appropriate.
- 4) Ensure that in the event structural modifications are required to provide program accessibility, these modifications conform to standards approved by the California Department of General Services, Office of the State Architect, pursuant to Title 24 of the California Code of Regulations and 28 CFR Part 35, and Appendix A of 28 CFR Part 36.
- 5) Provide services at an alternate accessible site when structural modifications are not practical.

## **Auxiliary Aids and Services**

28 CFR §35.160 provides: "(a) A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. (b) (1) A public entity shall furnish appropriate auxiliary aids and services where

necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity. (2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.”

The Local Agency shall provide auxiliary aids and services to provide effective communications to persons with hearing impairments, persons with speech impairments, or persons with vision impairments where necessary to afford such persons an equal opportunity to participate in, and enjoy the benefits and services of programs or activities. Pursuant to 28 CFR §35.104, auxiliary aids and services include, but are not limited to, Braille material, taped text, qualified interpreters, large print materials, telecommunication devices for the deaf (TDDs), and other effective aids and services for persons with hearing impairments, visual impairments, or speech impairments. Compliance with the auxiliary and services requirements can be accomplished through, but not limited to, the use of volunteer services from community organizations.

The Local Agency shall provide an opportunity for individuals with disabilities to request auxiliary aids and services of their choice. The Local Agency shall give primary consideration to the requests of individuals with disabilities.

### **Provisions for Services to Non-English Speaking Persons**

The Local Agency shall:

- 1) Employ a sufficient number of qualified bilingual persons in public contact positions in the Title IV-D program serving a “substantial number of non-English speaking persons.” These qualified bilingual persons shall have the language skills

necessary to communicate effectively and provide the same level of information and services to non-English speaking persons as is provided to the client population at large.

(a) A "substantial number of non-English speaking persons" is defined as members of a group who either do not speak English or who are unable to effectively communicate in English because it is not their native language, and who comprise five percent (5%) or more persons of the people served by the Local Agency.

(b) A "sufficient number of qualified bilingual persons in public contact positions" is defined as the number required to provide the same level of services to non-English speaking persons as is available to English speaking persons seeking such services.

- 2) Provide qualified interpreters on a temporary basis, until a sufficient number of qualified bilingual persons are employed. Such qualified interpreters shall have sufficient knowledge of the terminology used in the Title IV-D program.
- 3) Take whatever steps are necessary to fulfill the staffing requirement including: reassigning current, employed, qualified bilingual persons to public contact positions; providing language training; filling vacancies with qualified, bilingual persons; establishing a recruitment program that includes use of non-English media; and other actions as appropriate.
- 4) Provide bilingual services when the percentage of non-English speaking persons served by the Local Agency in the Title IV-D program is less than five-percent (5%). Services that meet this

requirement include, but are not limited to utilization of qualified interpreters, qualified bilingual persons employed in the Local Agency, qualified interpreters employed by other agencies, telephone-based interpretation services, or community resources.

- 5) Applicants/recipients may provide their own interpreter; however, the Local Agency shall not require them to do so. Only under extenuating circumstances, or at the specific request of the applicant/recipient, shall the Local Agency allow a minor (under age 18) to temporarily act as an interpreter.
- 6) Posted instructional and directional signs in the waiting areas and other places frequented by a substantial number of non-English speaking applicants/recipients shall be translated into the appropriate non-English languages.

### **Civil Rights Complaint Procedure**

An individual or authorized representative may file a complaint alleging discriminatory treatment with the Local Agency, or with the U.S. Department of Health and Human Services, within 180 days of the alleged discriminatory act, unless the filing date is extended on appeal by the Department for complaints filed with the Local Agency; or by the U. S. Department of Health and Human Services for complaints filed with that federal agency. With regards to complaints filed with the Local Agency, the extension of time will not exceed 90 days following the expiration of the 180 days. An extension shall only be granted if the individual first obtained knowledge of the facts of the alleged violation after the expiration of 180 days from the date of its alleged occurrence.



- 1) All complaints of discriminatory treatment received by the Department will be referred to the Local Agency for investigation.
- 2) The Local Agency shall not assign an employee to investigate a complaint involving any action taken by him/her, or by any employee under his/her immediate supervision.
- 3) Any corrective action determined to be necessary as a result of an investigation shall be initiated within sixty (60) calendar days following completion of the investigation.
- 4) The Local Agency and the Department are prohibited from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with any right or privilege secured under applicable Civil Rights laws or regulations, or because he/she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing. Wherever possible, the identity of the complainant shall be kept confidential.
- 5) The Local Agency shall inform the complainant of the right to appeal a Local Agency decision to the Department within 30 calendar days of the date of receipt of the Local Agency's decision. Upon filing the initial complaint, the Local Agency shall inform the complainant of the right to file a complaint with the U.S. Department of Health and Human Service within 180 days of the alleged discriminatory act.
- 6) The Local Agency shall conduct further investigation on any complaints on appeal upon the request of the Department within the time specified by the Department.

- 7) The Department shall respond to the complainant's appeal within 60 days.

### **Procedure for Effecting Compliance**

If there appears to be a failure or threatened failure to comply with any of the civil rights provisions of the POC, and, if the noncompliance cannot be corrected by informal means, compliance with this part will be effected by taking appropriate action. Should the Local Agency fail to comply with the requirements of this or any other part of the POC, fiscal sanctions or other legal remedies may be invoked in accordance with, among other provisions, Family Code §17604 or Government Code §§11135 through 11139.

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## VII. GENERAL PROVISIONS

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In fulfilling its Title IV-D responsibilities, the Local Agency shall comply with the requirements described herein.

### **Certification Regarding Lobbying**

The Local Agency, on best information and belief, certifies no federal appropriated funds have been paid or will be paid by, or on behalf of, the Local Agency, to any person for influencing or attempting to influence an officer or employee of any agency; a member of Congress; an officer or employee of Congress; or an employee of a member of Congress in connection with the awarding of any federal contract, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

The Local Agency shall require the language of this certification be included in the award document for sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements), and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The LCSA shall open for inspection, review and/or audit by authorized federal, State, regional, and county officials all Title IV-D records maintained pursuant to the POC.

## **Conflicts with State or Federal Law**

To the extent that any provision of this POC or portion thereof is in conflict with any federal laws and/or State laws, and/or implementing federal regulations and/or State regulations, the laws and/or implementing regulations supercede such provision or portion thereof.

## **Severability**

If any provision of this POC or any portion is adjudged to be invalid by a court of competent jurisdiction, or if any provision of this POC or a portion loses its force or effect as a result of legislative action, that judgment or action does not affect the remainder of the provisions of this POC.

## **Appeal Process**

The local Agency will be permitted to appeal to the Director of the Department or his/her designee and submit a justification for not meeting a requirement in this agreement. The justification must be submitted within 10 working days from the date the Departments' notification letter to the Local Agency is postmarked.

- 1) The Director of the Department or his/her designee shall review the Local Agency's justification and render a decision. There is no formal hearing.
- 2) The Department will notify the Local Agency in writing of the results of the appeal within 30 calendar days of receipt of the appeal.

If the appeal is successful, any funding withheld due to the alleged failure will be reimbursed. If the appeal is not successful, funding will not be

approved until the Local Agency meets established requirements or has an approved corrective action plan.

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**VIII. TERM AND APPROVAL**

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This Plan of Cooperation shall be effective on November 1, 2003 and shall expire on September 30, 2004. It shall be renewed, or the term may be extended upon the same terms each federal fiscal year (October 1 – September 30) contingent upon written agreement of both parties, and shall also be subject to amendment of any performance improvement targets or other specific provisions as deemed necessary by the Department.

The POC shall be signed by the Director of the Local Agency and returned to the Department before November 1, 2003. Failure to sign and return the POC before November 1, 2003 may result in the withholding of part or all of the State and federal funds including incentive funds, or other compliance actions authorized by state or federal law, regulation or policy.

This POC may be modified by a written agreement of the parties if required by changes in State or federal laws, regulations and directives that may occur during the term of the POC.

Failure of the parties to amend the POC to reflect new or revised State and federal laws, regulations and directives does not relieve the Local Agency of the responsibility to act in accordance with those laws, regulations, and requirements.

Dated: \_\_\_\_\_ Dated: \_\_\_\_\_

\_\_\_\_\_  
«FirstName» «LastName», Director  
County of «County» Child Support Services

\_\_\_\_\_  
Curtis L. Child, Director  
Department of Child Support Services

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