

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



August 26, 2004

CSS LETTER: 04-19

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

SUBJECT: WORKLOAD PRIORITIZATION

This letter provides direction to local child support agencies (LCSAs) regarding policy and procedural changes agreed to in discussions between the Department of Child Support Services (DCSS), LCSA Directors, and the Child Support Directors Association (CSDA). The intent of these changes is to assist LCSAs in prioritizing workload in light of the current budget and resource constraints faced by LCSAs.

The following policy and procedural changes are effective as of the date of this letter. Pursuant to Family Code (FC) Section 17306(e), the policy or procedural changes described in this letter supersede any applicable regulations or policy directions currently in force, and shall remain in effect until adoption of new regulatory language or policy directive.

CASE CLOSURE

- The LCSA is not required to send the notice of intent to close to the recipient of services in an interstate case where California is the responding state and the initiating state has requested case closure pursuant to the California Code of Regulations (CCR), Title 22, Section 118203(a)(1) through (15). Case closure regulations currently do not address the sending of the notice of intent to close for interstate cases where California is the responding state, however, DCSS intends to propose an amendment to CCR, Title 22, Section 118203(b) to clarify that the notice of intent to close is not required in this circumstance.

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

- The LCSA is not required to send the notice of intent to close to both the custodial party and the non-custodial parent as stated in CCR, Title 22, Section 118203(b)(4) when a Title IV-D case qualifies for closure pursuant to CCR, Title 22, Section 118203(a)(1) because the family has reconciled. However, the LCSA must continue to send the actual case closure notice to the recipient of services, providing notification that the case is being closed because the family has reconciled and Title IV-D services shall be terminated.

CASE OPENING

The LCSA is not required to open those cases for which an applicant is requesting to establish or enforce an order for retroactive child support for emancipated children and Title IV-D services are not currently provided by an LCSA. For example, the applicant has never received Title IV-D services and is requesting to establish an order for retroactive support for an adult child. This change does not affect CCR, Title 22, Section 118203(c), regarding opening closed cases. This change does not apply to Medically Needy Only, Title IV-A, or Title IV-E referrals.

COMPLAINT RESOLUTION

- The complaint resolution timeframes are extended from 5 business days to 10 business days in the following areas:
 - The LCSA must mail a copy of the completed complaint form, documented from an oral complaint, to the complainant within 10 business days after receiving the oral complaint.
 - The LCSA must acknowledge receipt of the complaint within 10 business days.
 - The complaint investigator shall determine jurisdictional authority to resolve the complaint within 10 business days of the complaint receipt date.
 - The LCSA shall mail the complaint amendment form to the complainant no later than 10 business days after the complaint investigator's discussion with the complainant.
 - If the transferring and receiving LCSAs cannot agree to proper jurisdiction of a transferred complaint, the receiving LCSA shall contact DCSS for jurisdictional determination within 10 business days of receiving the transferred complaint.

- The LCSA shall provide the complaint information report to DCSS within 60 days after the end of each calendar quarter. The previous requirement for this report was 15 business days after the end of each calendar quarter.

COMPLIANCE REVIEWS

The compliance review process has been changed significantly in the past year. The Department has moved to a quarterly process in combination with data reliability reviews, using the same sample of cases and the same web-based Compliance Review Tool for Child Support (CRTCS). LCSAs generally review fewer cases in total, depending on their compliance status. All LCSAs participate in the review conducted in October, covering the past federal fiscal year. Those LCSAs previously out of compliance must review a full, statistically valid sample, while all others review either 25 cases (for counties with fewer than 10,000 total) or 50 cases (all others). For each subsequent quarter, LCSAs will continue to review either 25 or 50 cases, except those scoring 90 percent or higher in the review are exempt from conducting the review until the next October. For example, a small county LCSA that scores at least 90 percent in the October review is exempt from the review requirement until the next October and will have to only review 25 cases for the year. Most LCSAs have benefited from this exemption.

COMPROMISE OF ARREARS – FAMILY REUNIFICATION

- The LCSA may, at the establishment of an arrears only child support order, stipulate to the arrearages and stipulate to a compromise of the assigned arrearages, without processing an application for compromise of assigned arrears if the LCSA has otherwise obtained the information necessary to determine the obligor's eligibility for compromise.

In this approach, the LCSA would be required to collect the necessary information to make a determination of the person's eligibility to qualify for a compromise of assigned arrearages, but a non-custodial parent would not be required to file an application for compromise. The necessary information to determine eligibility for compromise is often available from the income and expense form and from information provided by the local welfare department.

- Status of Regulations – The California Department of Social Services (CDSS) is in the process of finalizing a compromise of assigned arrears regulations package. DCSS encourages LCSAs to work with local county welfare departments to delay the submittal of foster care child support referrals for those cases in which it is likely that reunification services will be or are being provided and the parent's gross income does not exceed 300 percent of the federal poverty level.

The CDSS regulations must provide that, where the county child welfare department determines that it is not in the best interest of a child to seek a support order against the parent, the county child welfare department shall refrain from referring the case to the LCSA. The regulations must define those circumstances in which it is not in the best interest of the child to refer the case to the LCSA. In making the determination, the CDSS regulations will provide the following factors for county child welfare departments to consider:

- The parent's ability to meet the requirements of the family reunification plan if the child's case is referred to the LCSA.
- The parent's ability to meet the current and future financial needs of the child if the child's case is referred to the LCSA.

DUPLICATE CASE TRANSFERS

- DCSS recognizes the complexity and resource requirements of the duplicate case transfer (DCT) process. However, duplicate cases present significant customer service problems and will be a major conversion issue in the implementation of the single statewide system. Duplicate cases also inflate the total number of cases, which in turn, negatively impacts California's federal and state performance measures.

LCSAs must continue to reduce both the number of new and existing duplicate cases by following the case transfer policy. Although there was a significant reduction in the number of duplicate cases identified in the August 2002 list, there have been in excess of 20,000 additional duplicate cases opened since August 2002.

LCSAs must develop procedures using the Case Worker Query Tool during case establishment to identify those new cases that have existing cases in other counties and to implement case transfer at that time. In regard to the duplicate cases identified in the August 2002 list, LCSAs must complete the transfer of those cases by December 31, 2004. LCSAs are not required to report to DCSS the percentage reduction of duplicate cases after July 2003.

- DCSS is evaluating the duplicate case transfer policy and is attempting to identify changes to streamline the process to prioritize the workload. DCSS is aware that a DCT workgroup of LCSA staff has met to identify best practices and develop recommendations in processing duplicate case transfers. DCSS will examine the workgroup's findings and disseminate any revisions to the DCT policy via a separate CSS letter.

OMBUDSPERSON

- Ombudspersons may perform other functions such as Complaint Investigator, State Hearing Investigator, and Caseworker.
- The LCSA must file an annual Ombudsperson Report in lieu of the quarterly report previously required. The report shall be submitted as an addendum to the Quality

Assurance and Performance Improvement (QAPI) plan. However, the LCSA should continue to analyze the data to identify ongoing systemic problems.

OUTREACH

- The LCSA is authorized to allocate staff and funding resources, as appropriate, for the purpose of maintaining a minimal outreach program, provided services are accessible to the general public and meet civil rights requirements.
- The LCSA must file an annual Outreach Report that includes the information formerly captured in the Customer Service Plan Quarterly Report. The Customer Service Plan Quarterly Report is now submitted annually as an addendum to the QAPI plan.
- Outreach Coordinator workshops, formerly held on a quarterly basis, will now be held annually using videoconferencing. Specialized workshops introducing critical program information will be offered by DCSS as necessary.

QUALITY ASSURANCE AND PERFORMANCE IMPROVEMENT (QAPI)

- Annual QAPI Plan submittals will be limited to an update, rather than preparation of a complete new plan. The requirement to describe the local QAPI structure has been eliminated unless the LCSA has made changes to the structure in the past year. QAPI Plan updates will consist of an identification of new performance targets and action plans, including a quantitative analysis and estimates of the impact of these actions plans on performance.
- Ongoing monitoring of each LCSA's implementation of action plans will be limited to periodic (at least quarterly) telephone/e-mail contacts or site visits to verify progress and ensure that LCSAs are tracking results and evaluating the effectiveness of their QAPI activities. LCSAs should make use of system reports and other available information, but are not required to submit formal written reports.
- LCSAs will be required to provide information updating the status of their outreach program and customer service activities in their QAPI Plan updates. These updates are in lieu of quarterly outreach and customer services reports previously submitted to DCSS.

TRAINING

Complaint Resolution and State Hearing regulation training delivery, record keeping and report procedural changes:

- New staff should complete Lesson One within 90 days of the employee's start date, rather than within 30 days of employment.
- Although the LCSAs are still required to maintain a record of those employees who attend training sessions and document the completed lesson(s), the LCSA is no longer required to forward these training reports to DCSS. The Mandatory Training Requirement Documentation forms were previously submitted quarterly.

PREVIOUSLY IMPLEMENTED POLICY/PROCEDURAL CHANGES:

A number of steps have already been taken which reduce the LCSA workload and streamline the program. These include changes in the following areas:

INCOME WITHHOLDING

Pursuant to the recently adopted, permanent regulations in CCR, Title 22, Division 13, Chapter 6, Subchapter 6.1, Immediate Enforcement Actions, the LCSA is no longer required to:

- Contact the obligor's employer by phone to discuss non-compliance each time the support payments are not received within 45 days of service of the order.
- File an Order to Show Cause Contempt whenever the employer fails to comply with the income withholding order.

REAL PROPERTY LIENS

- The LCSA is no longer required to obtain a signature from the custodial party when preparing a full satisfaction of judgment as outlined in Section 116132(c), or when preparing a partial satisfaction of judgment as outlined in Section 116132(d).
- The mandate requiring that a signature of the custodial parent be obtained on the satisfaction of judgment and any reference to such a signature on the satisfaction of judgment, has been rescinded due to the changes made to Section 116132(c) and (d). References to the custodial party's refusal to sign a satisfaction contained in Section 116132(f)(2) and Sections 116134(c) are no longer applicable.

REVIEW AND ADJUSTMENT

DCSS issued CSS letter 04-09 on May 6, 2004, notifying counties that LCSAs will not be required to comply with the new Review and Adjustment requirements until the implementation of the California Child Support Automation System (CCSAS). In the interim, the LCSAs are only required to meet the following conditions for Review and Adjustment:

- At least once every three years, the LCSA is required to send notice informing the parties of their right to request a review of their child support order.
- Based upon a request, the LCSA shall seek to adjust the child support order when:
 - There is a change of circumstances which is expected to last more than three months, and which could alter the support amount by at least 20 percent or \$50, whichever is less; or
 - The parties previously stipulated to a support amount below the statewide uniform guideline and are now requesting their order be adjusted to the appropriate amount.
- The LCSA shall proceed with a request for adjustment when there is a need to include a provision for health care in the child support order, pursuant to CCR, Title 22, Section 116114.
- LCSAs may, but are not required to review any case for adjustment if the case has been reviewed for adjustment within the last six months.
- For California cases, the LCSA has a maximum of 180 calendar days from the date of the request, or from the date the non-requesting party is located, to either review the order and obtain an adjusted order or make the determination that the order should not be adjusted.
- For Interstate cases, the LCSA shall within 20 days of receiving the information necessary to conduct the review and determining that a request should be sent to another state, send a request to the state that has continuing, exclusive jurisdiction to modify the order.
- If there is no state with continuing, exclusive jurisdiction to modify the child support order, the LCSA shall transmit a request for registration and modification by the obligee or obligor to the state where the non-requesting party resides.

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- Within 14 calendar days of the issuance of an adjusted order, the LCSA shall send a copy of the adjusted order to the parties.
- Within 14 calendar days of a determination that an adjustment will not be sought, the LCSA shall provide the parties with notice of that determination.
- The date of receipt of the request is now defined as the date the requesting party's complete current income and expense information is provided to the LCSA.

If you have any questions or concerns regarding this letter, please contact Beth Fife, Chief of the Policy Branch, at (916) 464-5055.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Poole".

SANDRA O. POOLE
Deputy Director
Child Support Services Division