

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



May 30, 2008

CSS LETTER: 08-07

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

SUBJECT: PLAN OF COOPERATION (POC) FOR FEDERAL FISCAL YEAR (FFY)
2008 AND 2009

The Department has prepared the POC for execution by each local child support agency (LCSA). The attached POC reflects the program responsibilities of the Department of Child Support Services (DCSS) and LCSAs.

Notable changes include the following:

- Several items were added or modified under both the DCSS and LCSA responsibility sections to reflect changes resulting from transition to CSE V2 (i.e., data reporting, collection and distribution, billing notices, etc).
- Pursuant to the Deficit Reduction Act of 2005, additional language was added to the "LCSA Responsibility" section under "Case Processing" regarding mandatory review and adjustments of Temporary Aid to Needy Families cases at least once every three years.
- A section titled "Writs and Appeals" was added to provide the Appellate Advisory Committee process to be used by LCSAs when pursuing a writ or appeal of a court's decision in a Title IV-D case.
- The "Confidentiality" section was revised to update and clarify confidentiality provisions.
- The "Automation Cooperation" section was revised to address automation funding and mandatory requirements for the automation of CSE V2.
- The section titled "Provisions for Services to Non-English Speaking Persons" was revised to ensure compliance with updated Civil Rights Act requirements pertaining to limited English proficient speaking persons.

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 “Civil Rights Complaint Procedure” section was revised to clarify and update the process requirements.
- Language was added in the “Nonperformance” section regarding the appeal process for sanctioned LCSAs.
- The “Term and Approval” section was amended to stipulate that, upon expiration, the POC will remain in full force and effect until a new POC is signed by both parties.

The effective date of the POC is June 1, 2008 through September 30, 2009.

The updates to the POC are a result of close collaboration with representatives of the local child support offices.

The POC should be signed and dated by the LCSA Director and returned to the Department by **July 1, 2008**. Please return the signed POC to:

Department of Child Support Services
Attention: Linda Sekany
P.O. Box 419064, MS 30
Rancho Cordova, California 95741-9064

Once the DCSS Director has signed the POC, the LCSA will receive a copy of the signature page.

If you have any questions or concerns regarding this matter, please contact Linda Sekany, Chief of the Quality Assurance and Compromise of Arrears Program Branch, at (916) 464-5860 or by e-mail at linda.sekany@dcss.ca.gov.

Sincerely,

/s/ David Maxwell-Jolly

DAVID MAXWELL-JOLLY
Director

Enclosure

STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES
AGENCY

DEPARTMENT OF
CHILD SUPPORT SERVICES

PLAN OF
COOPERATION

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Family Code § 17304(a) requires the Director of the California Department of Child Support Services (DCSS) to negotiate and enter into cooperative agreements with county agencies, to carry out the State plan for administering the Title IV-D child support program. This Plan of Cooperation, hereinafter referred to as the “POC,” is entered into between the DCSS, hereinafter referred to as the “Department” and the «County» County Department of Child Support Services, hereinafter referred to as the “Local Child Support Agency” (LCSA).

I. PURPOSE

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 United States Code (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 LCSA for administering Title IV-D services in the county, including, but not limited to:

- Locating noncustodial parents (NCPs) 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).
- Modifying child support orders.
- Establishing, enforcing, and modifying orders to obtain medical support.
- Collecting child support.
- Preparing reports and maintaining records.

II. DEPARTMENT RESPONSIBILITIES

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, regulations and directives.
- 2) Ensure a signed POC is on file with the Department as a condition of disbursement of State and federal funds to the LCSA, 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 LCSA and other appropriate county agencies of State and federal law, policies, standards, procedures, and instructions relative to Title IV-D services.
- 4) Hire Regional Administrators to oversee the LCSAs to ensure compliance with all State and federal laws, regulations, and directives.
- 5) Establish and maintain systems and procedures to facilitate the LCSAs administration of the Title IV-D program.
- 6) Allocate funds to the LCSA to operate the Title IV-D program.
- 7) Impose sanctions on the County for failure of the LCSA to meet audit or performance-related criteria as specified in State and federal laws, regulations, and directives.
- 8) Withhold part or all of State and federal funds from the LCSA, after notice to the LCSA, as required by Family Code (FC) § 17604, when the Director of the Department determines the LCSA is failing in a substantial manner to comply with any provision of the POC, Title IV-D, or State or federal laws, regulations, and directives.
- 9) Collect LCSA child support information monthly and annually and compile all the performance-based data, as established by the federal incentive funding system, and FC § 17600.

- 10) Coordinate and oversee data reliability monitoring to ensure LCSAs maintain complete and reliable data in accordance with the standards set forth by the federal incentive funding system.
- 11) In collaboration with LCSAs, work to accurately collect and distribute child support and spousal support payments in accordance with State and federal laws, regulations, and directives, and take all steps necessary to minimize undistributed collections.
- 12) In collaboration with LCSAs, work to compile, maintain, and report complete, accurate and timely financial and statistical information and data required by federal and State laws and regulations.
- 13) Consult with LCSAs on program initiatives, and the development and clarification of program policy in order to adequately assess the local program and workload impacts and to provide clear direction to the LCSAs.
- 14) Respond timely to financial inquiries from LCSA central financial workers relating to the processing of monies, including misidentified or misdirected funds, data entry errors, or distribution problems.
- 15) Develop and implement a comprehensive program to hire and retain qualified staff in all areas of operation.
- 16) Promote an effective statewide child support program and continue to evaluate the child support functions that are best administered and delivered at the State and local level.
- 17) Manage the child support enforcement (CSE) system and maintain the CSE data.
- 18) Provide direction to the LCSAs on the approach for activities and directives regarding LCSA responsibilities for quality assurance and performance improvement, including the timely submission of plans and relevant information.
- 19) Oversee the secure handling and protection of confidential information through administrative, technological, and physical safeguards.

- 20) Work with the Judicial Council to communicate issues of statewide uniformity and LCSA workload priorities regarding local court issues.
- 21) For cases in LCSAs that have transitioned to CSE V2, issue billing statements to the obligor, and monthly collection and distribution notices to the obligee.
- 22) In collaboration with the LCSAs, work to develop an annual business plan for the child support program to continually improve the child support program.

III. LCSA PROGRAM RESPONSIBILITIES, OPERATIONS AND PERFORMANCE

The LCSA shall provide all Title IV-D program services within «County» County as directed by the Department and described herein. The LCSA 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, regulations, and directives.

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

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

General Program Operations

Case Record Maintenance

The LCSA shall prepare and maintain records for each Title IV-D case that includes information necessary for proper and efficient processing of cases in accordance with State and federal laws, regulations, and directives 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) Records created to locate and identify NCPs, 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 LCSA and the results of such action.
- 3) Records pertaining to the amounts and sources of support collections and the distribution of these collections.
- 4) All records pertaining to complaint resolution and state hearings.

Records Retention

All closed Title IV-D case records shall be maintained for a period of four years and four months from the date of case closure, unless the case is subject to an open federal or State audit, civil litigation, or a court order that extends the retention period. If a case is subject to an open federal or State audit, civil litigation, or court order that requires extended retention, the LCSA shall maintain the records that support the case until the audit is complete, the court case is closed, or a court ordered extension of the retention period expires.

Contracting to Perform Title IV-D Program Functions

- 1) With prior approval of the Department, the LCSA may enter into cooperative agreements with other county departments to fulfill certain tasks related to Title IV-D services under the POC. As an exception, the services of private vendors may also be utilized with the approval of the Department, and as permitted by State and federal Law. Hardware, software and information technology contractor services in excess of \$500, which include but are not limited to, imaging system components, production printers, servers, imaging systems software upgrades, Integrated Voice Response Units, enhancement or modification of existing application interfaces etc., require prior approval from the Department. In addition, pursuant to Section V, Automation Cooperation, contracts for electronic data processing (EDP) services exceeding \$100,000 must also have prior approval from the Administration for Children and Families via the Department. Any task performed by or for the LCSA, 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. Contracts for the performance of non-program (non Title IV-D) functions such as grounds upkeep or office equipment repair and maintenance do not require Department approval. Additionally, EDP maintenance and operation contracts contain different criteria for approval which is outlined in Section V, Automation Cooperation, of this document.
- 2) When delegating or contracting out Title IV-D activities to other county departments, public agencies or private vendors, the LCSA shall retain ultimate responsibility and accountability for such services under written cooperative agreements or contracts approved by the LCSA Director. The LCSA shall ensure all delegated or contracted out Title IV-D functions are performed as prescribed by State and federal laws, regulations, directives, and the POC.

- 3) The LCSA shall enter into separate, cooperative agreements with other county agencies or departments, including the Superior Court, delineating the respective responsibilities of the LCSA 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 State and federal laws, regulations, and directives. The cooperative agreements between the LCSA 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 cooperative agreements shall be written with an effective date and expiration date of the contract, including the timeframe by which POCs must be renewed and submitted to the Department for approval, and including the timeframe for submitting any revisions or newly executed cooperative agreements.
- 4) The LCSA shall be responsible for requiring certification regarding debarment, suspension, ineligibility, and voluntary exclusion from contractors delegated to perform Title IV-D services in compliance with Executive Order 12549, 45 Code of Federal Regulations (CFR) Part 76, 7 CFR Part 3017, and 44 CFR Part 17, whenever applicable. A contractor providing Title IV-D services must certify by signing an agreement that neither it nor its principals are presently debarred, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the transaction by any Federal department or agency. Where the prospective contractor, as the recipient of federal funds, is unable to certify to any of the statements in the certification, such contractor must attach an explanation to their proposal.

Case Processing

The LCSA shall:

- 1) Suspend all actions on a Title IV-D case when notified by the county welfare department (CWD) that there is good cause for non-cooperation pursuant to Welfare and Institutions Code (WIC) § 11477.04.
- 2) Suspend all actions on a Title IV-D case when requested by the CWD for a case under the jurisdiction of the juvenile court as provided in WIC § 300.
- 3) Conduct locate activities, using all appropriate local, State, and federal locate resources, to assist in the location of all NCPs or

custodial parties (CPs) whose whereabouts or assets are unknown.

- 4) Seek the establishment of paternity for a minor child when appropriate and work with hospitals to seek voluntary declarations of paternity through the Paternity Opportunity Program (POP).
- 5) Publicize the availability of the POP program.
- 6) Make available to the public, qualified staff to answer questions regarding execution and rescission of voluntary declarations of paternity and the process for establishing paternity.
- 7) Pay hospitals, clinics, or other places of birth, all sums required by FC § 7571(c) for the filing of completed voluntary declarations of paternity.
- 8) Establish child support and medical support orders when appropriate.
- 9) Initiate timely and appropriate enforcement actions as required by State and federal laws, regulations, and directives to obtain payment of current and past due support in all Title IV-D cases with court orders for child and/or medical support.
- 10) Enforce medical support orders in all Title IV-D cases, as required by federal and State laws, regulations, and directives.
- 11) Forward completed State medical insurance forms to the California Department of Health Services for all dependent children receiving Medi-Cal benefits.
- 12) Review child support orders when requested by a NCP or CP, or when the LCSA becomes aware of a change of circumstances, which may affect the support obligation. Effective January 1, 2008, review and if appropriate, adjust orders for current Temporary Assistance for Needy Families child support cases every three years.
- 13) In collaboration with the Department, accurately collect and distribute child support and take all steps necessary to minimize undistributed collections.

- 14) In collaboration with the Department, collect and distribute spousal support (where applicable) in accordance with State and federal laws, regulations, and directives.
- 15) Assist other states and countries in processing Title IV-D cases pursuant to the Uniform Interstate Family Support Act. The LCSA 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.
- 16) Report to the CWD, 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 LCSA 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.
- 17) Until transition to CSE V2, issue billing statements to the obligor, and monthly collection and distribution notices to the obligee.
- 18) Comply with the Department's procedures for duplicate case transfer.
- 19) Comply with State and federal laws, regulations, and directives for case closure.

Outreach Program

- 1) The LCSA shall make all Title IV-D outreach materials provided by the Department available to the public.
- 2) The LCSA shall initiate outreach programs to inform the public of the availability of Title IV-D services to the general public.

Ombudsperson Program

- 1) The LCSA shall have in place an Ombudsperson who is responsible for the implementation of a program to provide

assistance to CPs and NCPs, 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 LCSAs Title IV-D Director for improvement of services to customers.

- 2) The LCSA shall 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 liaison with the State Hearing Office.

Complaint Resolution Program and State Hearing Process

The LCSA shall maintain a Complaint Resolution program and State Hearing process as set forth in FC § 17801 et seq., and as specified in Title 22, Division 13, Chapter 10, of the California Code of Regulations (CCR). The LCSA 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 Title 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.

Writs and Appeals

The LCSA acknowledges that:

- 1) Any decision by an appellate court regarding the conduct of child support can have broad application to State child support policy, all LCSAs, and the Department.
- 2) Any proposal to pursue a writ or appeal of a court's decision in a Title IV-D case, whether pursued by the staff of the LCSA or the Attorney General's

Office on behalf of the LCSA, shall first be reviewed by the Appellate Advisory Committee for a recommendation to the Department. Consistent with the authority established in Family Code § 17304(b), a writ or appeal shall not be filed, unless approved by the Department. However, this provision is not intended to prevent any action by a county counsel, or private counsel hired to act in the same capacity as a county counsel, to defend the county from any action for damages, including sanctions. The LCSA, when informed of such action being taken by the county counsel or private counsel, shall inform the Department when the action is related to a child support matter.

Data Reporting

The LCSA shall:

- 1) To the extent reasonably feasible, based on access to reliable automation systems, report complete, accurate, and timely financial and statistical information and data as required by State and federal laws and regulations and Department directives.
- 2) To the extent reasonably feasible, based on access to reliable automation systems, 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 15th of each calendar month for the previous month, unless otherwise directed by the Department (until such time as the LCSA transitions to CSE V2).
 - (b) Form CS 35 (Assistance Related Distribution/Disbursement Summary Report) by the 15th of each calendar month for the previous month, unless otherwise directed by the Department (until such time as the LCSA transitions to CSE V2).
 - (c) Form CS 157 (Child Support Enforcement Activities Annual Data & Accounts Receivable) by the 15th of October of each calendar year, unless otherwise directed by the Department.
 - (d) Form CS 1257 (Monthly State Performance Report) by the 15th 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 15th 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 Reporting Records Retention

All financial records, supporting documents, statistical documents and other records pertinent to an administrative expense claim shall be maintained for a period of four years and four months commencing on the last day of the quarter in which the costs were claimed, unless the claim is subject to an open federal or State audit, civil litigation, or a court order that extends the retention period. If a claim is subject to an open federal or State audit, civil litigation, or court order that requires extended retention, the LCSA shall maintain the records that support the claim until the audit is complete, the court case is closed, or a court ordered extension of the retention period expires.

Data Reliability

The LCSA 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) Conduct quarterly data reliability reviews and participate in other data reliability efforts consistent with Department directives to ensure the maintenance of complete and reliable data in accordance with the standards set forth by the federal incentive funding system.
- 3) Allow federal and State auditors 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. This includes, but is not limited to, the following:
 - (a) Allow federal and State auditors, including auditors from Department of Finance, Bureau of State Audits, and contract auditors as prescribed by the Department, access to all requested information in order to conduct audits/reviews including, but not limited to, data reliability audits, administrative expenditure claim reviews, and Internal Revenue Service Safeguard reviews.
 - (b) Allow independent auditors, contracted by the county for the purpose of complying with the Single Audit Act Amendments of

1996 and revised OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organization" access to necessary case and financial records (45 CFR §92.26).

Quality Assurance and Performance Improvement

The LCSA shall implement a Quality Assurance and Performance Improvement program, under the direction of the Department, which 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 LCSA agree are appropriate.
- 2) Implementation of actions necessary to promote the delivery of enhanced program services and improved performance.
- 3) An 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 LCSA 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 as may be required by the Department pursuant to Family Code § 17602.

Confidentiality

The LCSA shall implement policies and procedures to ensure any access, use or disclosure of confidential child support information, will be limited to purposes described in 42 USC §§ 653a (f), (g) and (h); 45 CFR §§ 302.35, 307.10, 307.11, 307.13 and California Family Code (FC) § 17212. This includes:

- 1) Limiting access to confidential child support information to users authorized by federal and State statutes and regulations for authorized purposes.
- 2) Utilizing the DCSS Information Confidentiality and Protection Clause in any Memorandum of Understanding or contract defining access, use disclosure, and disposal of confidential child support information by third party organizations.

- 3) Ensuring that private information such as name, address, or social security number identifying any applicant or recipient of public assistance shall not be subject to public disclosure to any committee or legislative body, news media, or advocate group.
- 4) Complying with the confidentiality provisions of FC § 17212 (Ensuring the Confidentiality of Support Enforcement Records), and Title 22, CCR, Subchapter 1, Article 5, §§ 111430-111440.

Bonding

The LCSA shall:

- 1) Provide a surety bond against losses resulting from employee dishonesty for every person who has receipt of and/or 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 LCSA 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."

IV. FISCAL ADMINISTRATION

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

Accounting and Record Keeping

The LCSA 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 (GAAP) 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 State Controllers Office approved countywide cost allocation plan as required by Office of Management and Budget (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 other such 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.
- 5) 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.

Separation of Cash Handling and Accounting

The LCSA 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 LCSA complies with established local, federal, and State laws and regulations. The LCSA must also comply with the State and county Administration Manual, Generally Accepted Government Auditing Standards and GAAP.

Budgeting and Annual Allocation Process

The LCSA shall:

- 1) Have mechanisms in place to effectively plan for and develop an annual budget; execute the annual budget in accordance 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 LCSA will spend its child support program allocation for the upcoming State fiscal year.
- 3) Identify and submit to the Department, in a timely manner, new funding needs for the upcoming budget year through the Budget Display process and/or immediately upon identification of additional needs by written submission to the Deputy Director of the 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 LCSAs 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 LCSAs final annual budget for any special funding that is received to accomplish specific tasks.
- 8) Comply with federal and State requirements including 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.

V. AUTOMATION COOPERATION

This section defines LCSA responsibilities in regard to interim and statewide child support automation activities and responsibilities, and the availability of automation funding for the LCSA, pursuant to WIC § 10081.

The LCSA 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 order to receive automation funding, LCSAs must meet California Child Support Automation System (CCSAS) milestones based on work/project plans and comply timely with State CCSAS automation requirements.

LCSAs must meet mandated requirements for the automation of the child support program by providing necessary county level automation support to ensure appropriate project management oversight and continued maintenance and operation of the child support automation system(s) consistent with the State Operational Recovery Plan.

Electronic Data Processing – Maintenance and Operations (EDP- M&O) Contracts

The LCSA shall submit to the Department, prior to execution, all proposed 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.

VI. CIVIL RIGHTS

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

The LCSA shall have a designated Civil Rights officer to serve as the initial point of contact for civil rights complaints and to 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; § 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 that subject individuals to discriminatory treatment or defeat 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 LCSA. The LCSA 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 LCSA.

Dissemination of Information

The LCSA 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 advise individuals of the protections against discrimination assured them by applicable Civil Rights laws and regulations. Posters on nondiscrimination which may be provided by the Department, the California State Personnel Board, or the Federal Equal Employment Opportunity Commission, shall be posted prominently in all LCSA reception areas. In addition, the name(s), address and telephone number of the person(s) in the LCSA responsible for implementing the civil rights provisions of this POC shall be posted.

Discriminatory Practices Prohibited

- 1) 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.
- 2) In administering Title IV-D program services, the LCSA 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 equitable Title IV-D program services 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 Title IV-D program services.
 - (c) Subject an individual to separate treatment in any matter related to his/her receipt of any Title IV-D program services.
 - (d) Restrict an individual in any way in the receipt of Title IV-D program services provided to 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 Title IV-D program services.
 - (f) Use criteria or methods of administration that defeat or impair the objectives of the 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 LCSA 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 LCSA 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 LCSA shall cooperate by complying with the provisions of this part and the Department shall provide guidance to the LCSA to obtain compliance.

The LCSA shall maintain compliance records as specified in Title 22 CCR § 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

Title 28, CFR, Part 35 (Non-discrimination on the Basis of Disability in State and Local Government Services) and Appendix A of Title 28 CFR, Part 36 (Standards for Accessible Design) and Title 24 (California Building Standards Code) of the CCR 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 CCR. 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 CCR.

Program Accessibility

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

Provisions for Services to Non-English Speaking Persons

The LCSA shall:

- 1) Provide effective communication between child support program staff and customers accessing or inquiring about child support services. All persons, including Limited English Proficient (LEP) persons, will be provided equal access to the available services and information about the program. Services must be delivered in ways that recognize individual differences and are sensitive to cultural differences. Effective communication with LEP persons

shall be achieved through bilingual staff or contracted interpreters/translation services and translated written materials.

- 2) 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. The determination of what constitutes “qualified bilingual persons” shall be left to the discretion of the LCSA. However, at a minimum, 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 of the people served by the LCSA.
 - (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.
- 3) 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.
- 4) 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.
- 5) Provide bilingual services when the percentage of non-English speaking persons served by the LCSA in the Title IV-D program is more 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 LCSA, qualified interpreters employed by other agencies, telephone-based interpretation services, or community resources.

- (a) Procedures shall be established by the LCSA for providing effective telephonic and face-to-face communication between staff and non-English speaking persons, including the availability of free interpretive services.
 - (b) Applicants/recipients may provide their own interpreter, however, the LCSA shall not require them to do so. Only under extenuating circumstances, or at the specific request of the applicant/recipient, shall the LCSA allow a minor (under age 18) to temporarily act as an interpreter.
 - (c) Effective procedures shall be established by the LCSA to receive and quickly resolve complaints from non-English speaking persons regarding the availability of interpreters or translated materials.
 - (d) All identified public contact staff shall receive training on appropriate procedures for providing services to non-English speaking persons to ensure that their needs are met.
- 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 LCSA, 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 LCSA; or by the U. S. Department of Health and Human Services for complaints filed with that federal agency. For complaints filed with the LCSA, 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 LCSA for investigation.
- 2) The LCSA 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) The LCSA shall inform the complainant of the right to file a complaint with the U.S. Department of Health and Human Services within 180 days of the alleged discriminatory act.
- 4) The LCSA shall inform the complainant of the right to appeal a LCSA decision to the Department within 30 calendar days of the date of receipt of the LCSAs decision.
- 5) Any corrective action determined to be necessary as a result of an investigation shall be initiated by the LCSA within 60 calendar days after the investigation is complete.
- 6) Upon request by the Department, the LCSA shall conduct further investigation of any complaint on appeal within the time specified by the Department.
- 7) The Department and the LCSA 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.

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 the noncompliance cannot be corrected by informal means, compliance with this part will be effected by taking formal action. If the LCSA fails 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, FC § 17604 or Government Code §§ 11135 - 11139.5.

VII. NONPERFORMANCE

The Department may, at its discretion, withhold State and federal funds for failure to comply with the terms and conditions of this POC.

Any of the following reasons will be cause to withhold funds:

- 1) Failure to submit required reports or requested data.
- 2) Major breach of federal or State program requirements or the requirements of this POC.
- 3) Failure to exceed minimum federal standards on a federal performance measure, including federal data reliability requirements.
- 4) Failure to comply with Section V, Automation Cooperation of this POC.

Prior to the withholding of funds, the Department shall notify the LCSA in writing of the LCSAs failure or breach. The letter shall specifically identify the relevant standard the LCSA failed to meet. The Department shall require the submittal of a corrective action plan by the LCSA within a specified period of time. Failure to provide and fully implement an acceptable corrective action plan within the required time period will be grounds for the Department to begin withholding the penalty from any funds due to the LCSA during the monthly payment process until the LCSA is in compliance, has an approved corrective action plan and is in compliance with that plan. Consistent with the requirements set forth in FC § 17604(f), the Department shall establish and implement a process whereby any LCSA sanctioned by the Department may appeal any sanction and the Department's decision to impose any sanction.

VIII. GENERAL PROVISIONS

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

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion of Contractors

The LCSA certifies, by signing this POC, that neither it nor its principals are presently debarred, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the transaction by any Federal department or agency pursuant to Executive Order 12549, 45 CFR Part 76, 7 CFR Part 3017, and 44 CFR Part 17, whenever applicable. If the LCSA is unable to certify to any of these statements, it must attach an explanation to that effect to the POC at the time of signing.

Certification Regarding Lobbying

The LCSA, on best information and belief, certifies no federal appropriated funds have been paid or will be paid by, or on behalf of, the LCSA, 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 LCSA shall require the language of this certification be included in the award document for sub-awards at all tiers (including subcontracts, sub-grants, 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 supersede 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.

Process for Reconsideration

The LCSA will be permitted to request reconsideration from the Director of the Department or his/her designee and submit a justification for not meeting a requirement in this agreement. This assumes that new or additional information has come to light that was not previously available to either the LCSA or to the Department that could substantially alter the position of the State and subsequently the outcome for the LCSA. The justification must be submitted within 10 working days from the date the Departments' notification letter to the LCSA is postmarked.

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

If the State reconsiders its previous position/decision as a result of the new information, any funding withheld due to the alleged failure will be reimbursed. If the reconsideration process does not change the position of the Department, funding will not be approved until the LCSA meets established requirements or has an approved corrective action plan.

IX. TERM AND APPROVAL

This POC shall be effective on June 1, 2008 and shall expire on September 30, 2009 provided a new POC has been signed by both parties, otherwise, the term will be extended upon the same terms each federal fiscal year (FFY) (October 1 – September 30), for no more than three additional FFYs, until a new POC is signed, and shall also be subject to amendment of any performance improvement goals or other specific provisions as deemed necessary by the Department.

The POC should be signed by the Director of the LCSA and returned to the Department. Failure to sign and return the POC, 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 amended by a written agreement of both parties if required by changes in State or federal laws, regulations, and directives that may occur during the term of the POC. DCSS will communicate with the LCSA regarding any and all obligations under the POC and will, as needed, meet with the LCSA on issues or concerns about the performance of DCSS, and/or LCSA program responsibility, operations, or performance.

Failure of the parties to amend or renew the POC to reflect new or revised State and federal laws, regulations, and directives does not relieve the LCSA of the responsibility to act in accordance with those laws, regulations, and requirements. Therefore, upon expiration of this POC, all provisions shall remain in full force and effect, for no more than three additional FFYs, until such time as both parties have negotiated and executed an amended POC.

Dated: _____ Dated: _____

«FirstName» «LastName», Director
«County» County Department of
Child Support Services

David Maxwell Jolly, Director
Department of Child Support Services

6/3/2008