

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



July 25, 2001

CSS LETTER NO: 01-20

TO: ALL IV-D DIRECTORS
 ALL DISTRICT ATTORNEYS
 ALL COUNTY ADMINISTRATIVE OFFICERS
 BOARDS OF SUPERVISORS

SUBJECT: CUSTOMER INQUIRY RESPONSE

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

Title 22, Chapter 10, Article 2 of the California Code of Regulations, defines a complaint as an unresolved oral or written dispute and requires the local child support agency (LCSA) to investigate and provide a written response to complaints made by a custodial party and/or non-custodial parent within thirty (30) calendar days of receiving the complaint. The purpose of this letter is to clarify procedures that LCSAs should follow to resolve inquiries and disputes before they become complaints.

Responding to Inquires and Disputes from Custodial Parties and Non-Custodial Parents

Most inquiries and disputes should be resolved quickly and informally without the need to access the complaint resolution process. The LCSA shall respond verbally, electronically, or in writing to any inquiry or dispute from a custodial party or non-custodial parent concerning a child support case within three (3) business days after receiving the contact. Additionally, the LCSA must attempt to immediately resolve inquiries when a custodial party or non-custodial parent is on site and respond to telephone inquires within one (1) business day of receiving the contact. Line staff or supervisors may be involved in responding to customer issues at any point in the issue resolution process.

Whenever the LCSA does not respond to an inquiry or dispute within three (3) business days, the LCSA must mail the custodial party or non-custodial parent a Request For Complaint Resolution form (LCR001) and information describing the complaint resolution process, no later than five (5) business days from the date of the inquiry or dispute.

Resolving Customer Inquires or Disputes

Some inquires and disputes may take more than three (3) business days to resolve. When more than three (3) business days are required to resolve an inquiry or dispute, the LCSA must provide the customer with an acknowledgment of the inquiry or dispute, describe what action is being undertaken to address the inquiry or dispute, and provide a date when the custodial party and/or non-custodial parent may expect a response.

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In addition, the LCSA shall provide the custodial party and/or non-custodial parent information describing the Ombudsperson Program, complaint resolution, and State Hearing processes.

The complaint resolution process is driven by the custodial party and/or non-custodial parent. That is, the custodial party and/or non-custodial parent may access the complaint resolution process at any point they are dissatisfied with the LCSA response. If the custodial party and/or non-custodial parent express dissatisfaction with the resolution or response to their inquiry or dispute, the LCSA shall provide the customer with a Request For Complaint Resolution form (LCR001) and information describing the complaint resolution process.

Although a custodial party or non-custodial parent may elect to continue to work informally to resolve an issue or dispute rather than immediately filing for complaint resolution, the customer's right to complaint resolution shall be protected. As such, the effective date of a complaint filed shall be the first day the custodial party and/or non-custodial parent raised the issue to the LCSA. If the custodial party and/or non-custodial parent elects to use the complaint resolution process, the LCSA shall continue its efforts to resolve the custodial party and/or non-custodial parent's inquiry or dispute.

The LCSA shall attempt to resolve all inquiries or disputes, even if the issues are not eligible for the complaint resolution process as described in Title 22, Chapter 10, Article 2 of the California Code of Regulations. If the LCSA has taken all the appropriate steps to resolve an issue that is not eligible for State Hearing and the customer continues to raise the issue, the LCSA shall refer the case to the Ombudsperson. The Ombudsperson shall provide the DCSS with information on the case, including a description of the issue and the LCSA's proposed resolution. The DCSS will review the information and provide the customer with a letter confirming, if appropriate, the LCSA's decision.

Enclosed you will find a fact sheet describing the Ombudsperson Program, complaint resolution, and State Hearing processes. Until the DCSS approved brochures are made available, the LCSA must provide this informational fact sheet to customers when the LCSA has not responded to an inquiry or dispute within three (3) business days or when a customer expresses dissatisfaction with a proposed issue resolution.

As part of our review process for issuance of this letter, we provided a draft copy to select IV-D Directors for comment. The IV-D Directors raised several questions about the letter. We have included a synopsis of their questions along with our responses as part of this letter.

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Please contact Francine Woods, Chief of the Customer and Community Services Branch, at (916) 464-5337 or by email at francine.woods@dcss.ca.gov if you have any questions or concerns.

Sincerely,

CURTIS HOWARD
Assistant Deputy Director
Child Support Division

Enclosure

Questions and Answers

1. **Question:** Why are there different standards for types of "sources" of complaints?

Response: A customer may contact the LCSA in person, by telephone, or in writing. The different response time is consistent with the Department's approach to providing excellent customer service. Customers on-site or on the telephone should have their inquires or disputes responded to as promptly as possible. Additionally, customers that call and leave a phone message should expect a response within one-business day. The response may be, "We will have to perform an audit of you case records to correctly answer your question and that will require(#) days. Would you like to have me call you or would you like to come in for us to discuss the results of our case review on (Date)?"

2. **Question:** What constitutes a response?

Response: A response can be in the form of a face-to-face conversation, a letter, a telephone call, email, etc. This is the counties opportunity to resolve the issue or dispute before it becomes a complaint. Counties should respond in the most efficient manner.

3. **Question:** When an attorney represents a person, do the same time frames for responding to inquiries or disputes apply?

Response: Yes. Customers represented by attorneys are not exempt from the complaint resolution process. Inquires or disputes raised by an attorney representing a client should be treated exactly the same as if the inquiry or dispute was raised directly by the customer.

4. **Question:** What type of documentation will the counties have to keep on responses to inquiries and will DCSS track compliance with the provisions of this letter?

Response: With the exception of Ombudsperson workload tracking requirements, the DCSS does not intend to collect information regarding LCSA's responses to inquiries and disputes. Issues or disputes raised directly to the LCSA will not be tracked unless the issue enters the complaint resolution process.

5. **Question:** Will requiring a formal written acknowledgement of an issue or dispute, that will take more than three days to resolve, add more work for the caseworkers?

Response: A response can be in the form of a face-to-face conversation, a letter, a telephone call, email, etc. This is the counties opportunity to resolve the issue or dispute before it becomes a complaint. Counties should respond in the most appropriate and efficient manner.

6. **Question:** Will the requirement to provide complaint resolution information imply that the customer is dissatisfied with the fact that the LCSA needs more time?

Response: The complaint resolution process is driven by the customer. In some instances customers will be unfamiliar with or intimidated by the complaint resolution process. Sending information about the complaint process educates the customer on the complaint resolution process, directs them to Ombudsperson for assistance and informs the customer of their right to turn an inquiry into a complaint at any time.

7. **Question:** If an issue has been fully addressed by the LCSA, and the customer keeps raising the issue, which is not subject to State Hearing, what actions will the state take to confirm that the LCSA has complied with the responsibilities?

Response: If the LCSA has resolved an issue that is not eligible for State Hearing and the customer continues to raise the issue, the LCSA should refer the issue or dispute to the lead Ombudsperson. The Ombudsperson should review the LCSA inquiry or dispute and provide DCSS with information on the case, including a description of the issue and the LCSA's proposed resolution. The DCSS will review the information and provide the customer with a letter confirming, if appropriate, the LCSA's decision.

8. **Question:** Will the DCSS complaint resolution and State Hearing brochures have external review to ensure the language is clear, non-bureaucratic and not inflammatory.

Response: The DCSS Ombudsprogram, complaint resolution and State Hearing brochures will be provided to external stakeholders for review.

9. **Question:** This CSS letters notes that a parent's rights to complaint resolution shall be protected if they opt to work with the LCSA rather than going directly to complaint resolution. Is DCSS going to require us to abide by the 90 day statute of limitations? If not, the clock should start when the LCSA has made a final determination. Issues should have closure and a policy for when you can no longer reopen a matter that has been resolved/heard.

Response: This question appears to be mixing responding to or resolving an inquiry or dispute with the complaint resolution and State Hearing process. Several IV-D directors indicated that not all inquiries or disputes should be treated as complaints. Thus, in order to protect the customer's right to file a complaint while allowing the LCSA to resolve an issue or dispute, the 90 day statutory time frame is interpreted in a manner that will not penalize those customers that elect to not immediately enter the complaint resolution process. The Administrative Law Judge would rule on the timeliness of a request for State Hearing as a separate matter and would take into consideration time spent seeking a simple resolution to an issue. The customer's statute of limitations would become a matter for the State Hearing.

10 Question: What about other sources of complaints, e-mail and referrals from legislators and supervisors? What time standard applies?

Response: The LCSA should try and respond to all inquires as promptly as possible, but must respond to all inquires or disputes within three (3) business days.

DEPARTMENT OF CHILD SUPPORT SERVICES

FACT SHEET

OMBUDSPERSON PROGRAM AND COMPLAINT RESOLUTION PROCESS

Your Local Child Support Ombudsperson Program

- Every local child support agency has an Ombudsperson available to provide assistance regarding complaint resolution or State Hearing.
- The Ombudsperson can help you make your complaint with the local child support agency, or request a State Hearing from the State Hearing Office.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot be your representative and will not give you legal advice.**

Every Customer's Right To Complaint Resolution

- If you have a complaint against a local child support agency or the Franchise Tax Board for any action or inaction regarding your child support case, you have the right to request complaint resolution from the local child support agency.
- You can make a complaint in writing by completing and submitting a complaint resolution form to your local child support agency or you can call the local child support agency directly.
- **IMPORTANT: Your request for complaint resolution must be made within 90 days from the date you knew, or should have known, about the subject of your complaint.**
- The local child support agency has 30 days from the date it receives your complaint to give you a written resolution of your complaint. The local child support agency will contact you if it needs more information or time to resolve your complaint.

Please Note: You can request a State Hearing after you have gone through the Complaint Resolution process. See reverse for State Hearing process information.

HELPING TO MAKE IT EASIER FOR YOU

Department of Child Support Services Toll-free Telephone Number 1 (866) 249-0773

(7/1/01)

DEPARTMENT OF CHILD SUPPORT SERVICES

FACT SHEET

CHILD SUPPORT STATE HEARING PROCESS

You Have A Right To A State Hearing

- If the local child support agency **does not** respond to you within 30 days after receiving your complaint, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for a State Hearing must be made within 90 days after you complained to the local child support agency.**
- If the local child support agency **does** respond to you within 30 days after receiving your complaint, and you are not satisfied with the local child support agency's complaint resolution or response, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for a State Hearing must be made within 90 days after you received the local child support agency's written response to your complaint.**
- You can request a State Hearing in writing by sending a Request for State Hearing (form SH001) to the State Hearing Office, or you can call the State Hearing Office at 1 (866) 289-4714.
- The State Hearing Office will let you know the date, time and place of your State Hearing and will provide an interpreter or disability accommodation for you at the hearing if you need one. **IMPORTANT: Not all complaints can be heard at a State Hearing.**

IMPORTANT: State Hearings Will Only Be Granted For The Following Issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or Department of Child Support Services policy letter, including services for the establishment, modification and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly or the amount of child support arrears, as calculated by the local child support agency, is inaccurate.
- The local child support agency's decision to close a child support case.

IMPORTANT: The following issues CANNOT be heard at a State Hearing:

- Child support issues requiring a motion, order to show cause, or appeal in court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody or visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

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