CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES
P.O. Box 419064, Rancho Cordova, CA 95741-9064

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
[X] Initiated by DCSS

September 5, 2001

CSSIN LETTER: 01-29

ALL IV-D DIRECTORS

SUBJECT: MATERIALS FROM THE CHILD SUPPORT DIRECTORS ASSOCIATION (CSDA) MEETING

In order to promote effective communication between the Department of Child Support Services (DCSS) and the Local Child Support Agencies (LCSAs), DCSS will compile Department generated material handed out during the open session of each CSDA meeting. The materials will be forwarded to each LCSA to ensure that all Directors receive a complete set of handouts. Enclosed are the handouts from the August 2, 2001CSDA meeting.

When appropriate, DCSS will use this CSSIN letter format for responding to issues raised during the CSDA meeting which require further research or analysis prior to response.

I hope this information will prove to be helpful to all Directors, particularly those Directors who are not able to regularly attend all CSDA meetings.

Sincerely,

/s/Curtis Howard

CURTIS HOWARD
Assistant Deputy Director
Child Support Services Division

Enclosure

DCSS-PR-2001-CTY-0113

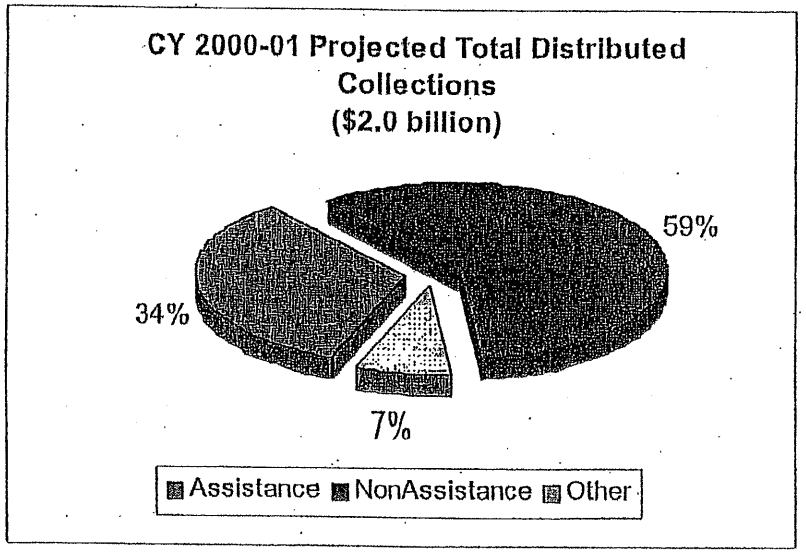
Flex your POWER
DO YOUR PART TO HELP CALIFORNIA SAVE ENERGY
For energy saving tips, visit the DCSS website at www.childsup.cahwnet.gov

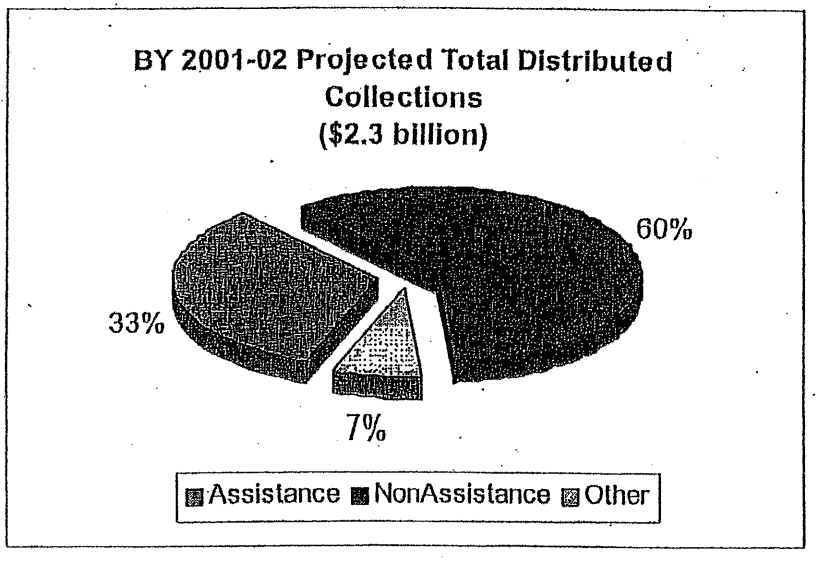
CHILD SUPPORT TOTAL PROJECTED DISTRIBUTED COLLECTIONS FOR FISCAL YEARS 2000-01 and 2001-02

MAY 2001 REVISE

The charts below display California's current year (CY) 2000-01 and budget year (BY) 2001-02 child support total collections that are distributed to the state as revenue (**Assistance**), to the families (**NonAssistance**), and to other states and to families for the $50 state disregard payments (**Other**).

- **Assistance Collections ($685 million CY, $744 million BY)** are revenue to the state, which reflects basic collections and new premises. Basic collections ($628 million CY, $684 million BY) are the ongoing efforts of the local child support agencies (LCSA) to collect child support payments from noncustodial parents. New premises ($57 million CY, $59 million BY) are those collections that are associated with new enforcements activities that are above the basic ongoing functions of the LCSA, such as Franchise Tax Board non-tax collections, and demonstration projects.
- **NonAssistance Collections ($1.2 billion CY, $1.4 billion BY)** are collections that are made on behalf of families and sent to them. These collections are comprised of basic collections ($1.2 billion CY, 1.4 billion BY) and new premises ($44 million CY, and $47 million BY).
- **Other Collections ($146 million CY, $158 million BY)** are comprised of assistance ($18 million CY, $20 million BY) and nonassistance ($98 million CY, $110 million BY) collections that are made on behalf of other states. Other collections also include the $50 State Disregard Payment to families ($30 million CY, $28 million BY), which is the first $50 of the current months child support payments collected and passed through to the custodial parents who are receiving assistance.





CHILD SUPPORT TOTAL DISTRIBUTED COLLECTIONS
TREND ANALYSIS
MAY 2001 REVISE

Total child support collections have grown from $1.2 billion in Fiscal Year (FY) 1996-97 to a projected level of $2.3 billion in FY 2001-02. This represents a 89 percent overall growth rate.

The chart below reflects the actual and projected total basic collections and percentage increase by state fiscal years from 1995-96 to 2001-02.

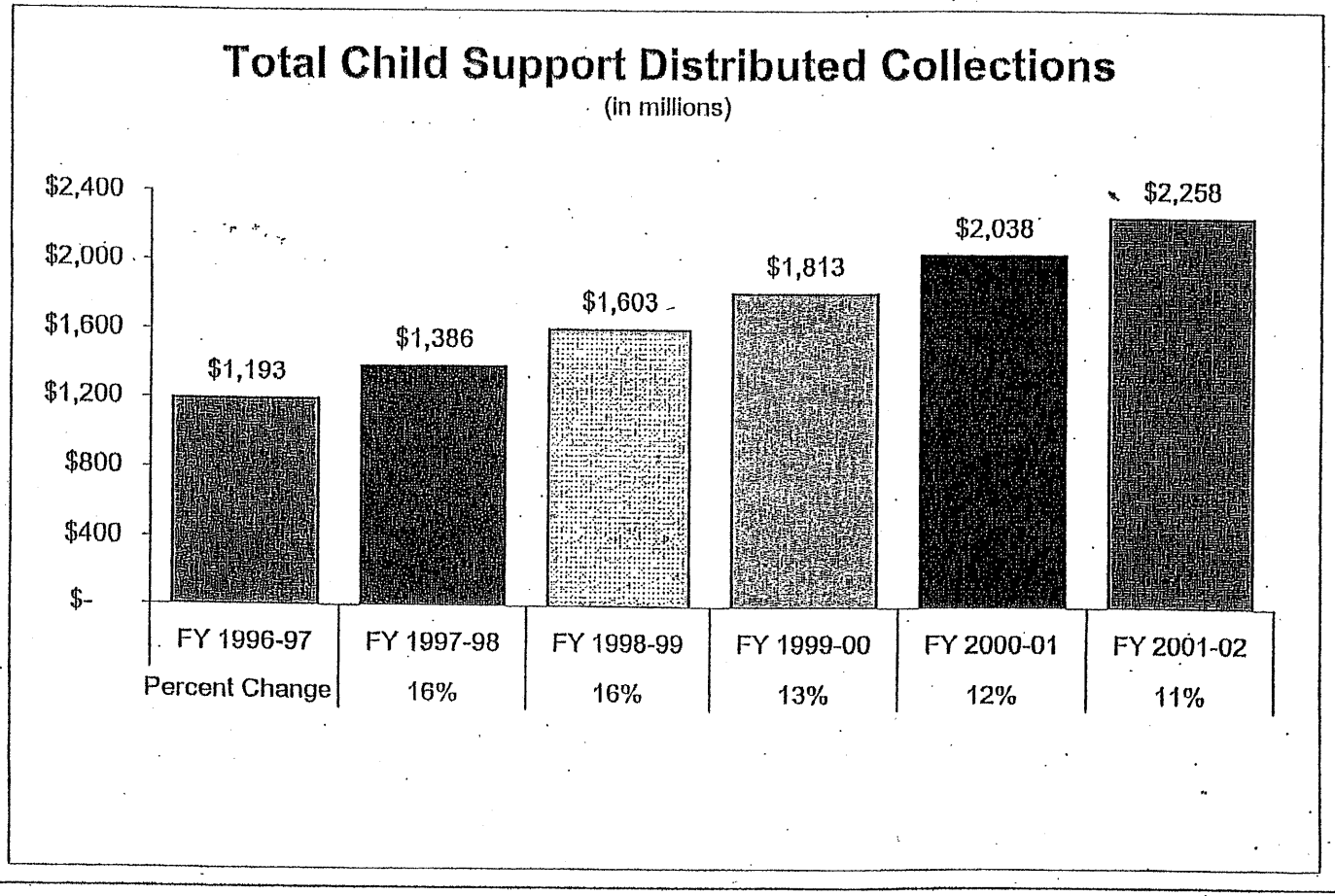
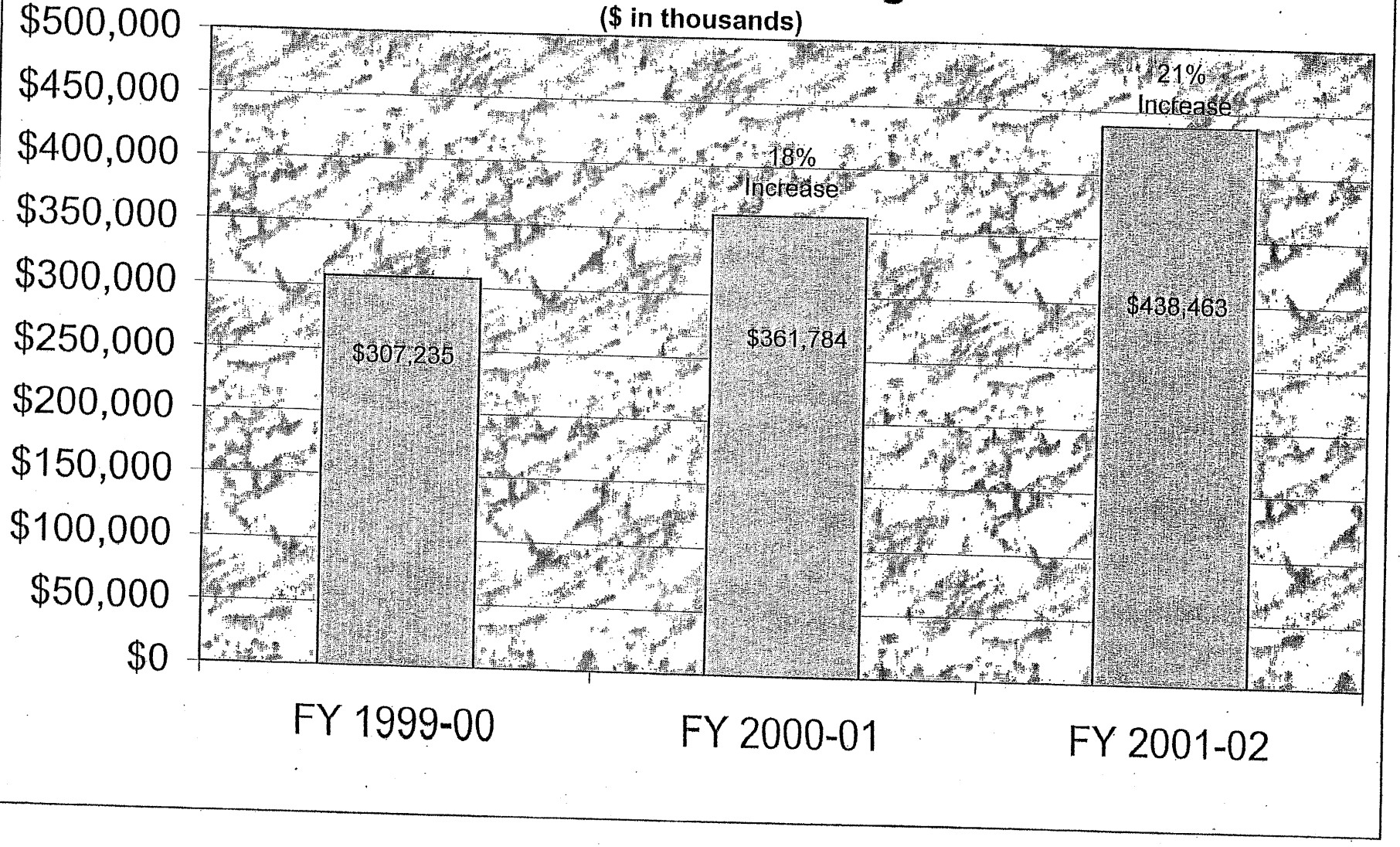


CHART 2

General Fund Investment in the Child Support Local Assistance Program



REPORT ON THE STATUS OF CALIFORNIA'S PERFORMANCE
ON FEDERAL PERFORMANCE MEASURES AS OF JULY 2001

PERFORMANCE ON FEDERAL PERFORMANCE MEASURES

PERFORMANCE MEASURE	First Quarter FFY 2001	Second Quarter FFY 2001	Third Quarter FFY 2001	Average of Three Quarters Data	Performance in FFY 2000	Federal Standard or Requirement for Improvement
Paternity Establishment Rate	61.13%	63.00%	63.70%	62.61%	61.30%	90% or improvement of 3% annually
Support Orders Established	69.68%	70.16%	70.94%	70.26%	65.48%	50% or improvement of 5% annually
Collections on Current Support	40.35%	40.21%	42.02%	40.86%	40.12%	40%
Collections on Arrears	36.63%	38.97%	44.58%	40.06%	53.32%	40%
Cost – Effectiveness Ratio	n/a	n/a	n/a	n/a	$3.12	$2.00

SECTION G - PERFORMANCE MEASURES

TABLE 20

COUNTY PERFORMANCE MEASURES SUMMARY
FOR THE QUARTER

	Paternity Establishment Percentage	Cases With Support Orders	Collections on Current Support	Cases with Collections on Arrears	Cost Effectiveness*
STATEWIDE	61.13%	69.68%	40.35%	36.63%	
Alameda	90.22	87.67	53.97	49.52	
Alpine	51.61	81.18	46.62	26.55	
Amador	83.14	88.77	62.50	52.18	
Butte	32.88	65.35	37.87	37.58	
Calaveras	36.89	76.44	28.96	32.44	
Colusa	77.19	85.47	62.71	49.60	
Contra Costa	74.85	62.37	46.97	38.58	
Del Norte	49.83	82.28	49.29	39.22	
El Dorado	90.07	86.93	48.65	43.22	
Fresno	78.40	83.61	40.68	40.31	
Glenn	51.20	85.25	44.13	35.83	
Humboldt	99.46	90.56	55.12	49.86	
Imperial	72.52	83.15	32.28	41.36	
Inyo	73.95	89.78	54.33	41.04	
Kern	78.29	74.02	28.94	39.18	
Kings	86.11	83.63	53.61	42.11	
Lake	40.06	65.56	47.84	42.68	
Lassen	77.27	77.98	59.30	55.66	
Los Angeles	51.20	59.45	31.16	28.51	
Madera	51.36	78.40	50.29	48.72	
Marin	67.67	81.73	59.32	54.60	
Mariposa	69.14	90.11	65.13	50.00	
Mendocino	68.04	80.19	39.03	48.81	
Merced	84.16	86.49	52.73	42.41	
Modoc	42.26	74.45	54.10	43.93	
Mono	44.75	58.27	62.15	52.00	
Monterey	74.88	75.43	47.64	40.63	
Napa	50.50	80.51	32.98	41.21	
Nevada	56.93	81.67	43.79	35.77	
Orange	64.40	76.06	44.50	44.00	
Placer	71.89	78.36	52.71	48.51	
Plumas	80.19	88.93	59.88	46.61	
Riverside	55.51	62.93	36.93	34.94	
Sacramento	52.86	57.48	45.31	42.38	
San Benito	45.44	66.40	43.31	34.81	
San Bernardino	52.15	53.53	35.70	34.14	
San Diego	74.80	83.94	35.87	18.42	
San Francisco	98.80	86.47	58.83	44.26	
San Joaquin	48.45	95.91	58.64	46.34	
San Luis Obispo	106.30	92.67	61.07	47.94	
San Mateo	67.73	83.11	56.63	51.63	
Santa Barbara	66.95	75.23	59.90	52.80	
Santa Clara	65.64	69.58	47.48	42.90	
Santa Cruz	74.11	74.49	49.49	46.73	
Shasta	73.24	82.15	38.96	44.03	
Sierra	101.30	91.08	57.73	46.75	
Siskiyou	75.80	89.32	52.43	43.63	
Solano	76.01	81.77	49.82	42.20	
Sonoma	77.70	86.54	60.44	48.86	
Stanislaus	86.77	80.03	46.25	44.41	
Sutter	72.03	70.55	58.74	48.74	
Tehama	54.15	85.79	40.82	34.54	
Trinity	80.61	78.29	47.15	37.80	
Tulare	70.39	81.67	43.88	37.08	
Tuolumne	69.91	79.06	38.17	30.68	
Ventura	80.05	77.85	44.71	42.29	
Yolo	43.31	76.35	46.69	39.58	
Yuba	43.32	58.02	35.26	21.35	

* Data not available

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STATEWIDE	63.00%	70.16%	40.48%	38.96%	
Alameda	90.72	88.15	54.76	50.62	
Alpine	54.55	84.05	40.34	29.06	
Amador	93.58	89.98	61.73	51.59	
Butte	56.99	64.97	39.06	38.80	
Calaveras	37.55	78.02	49.16	37.95	
Colusa	82.98	86.85	60.96	45.81	
Contra Costa	75.70	63.32	48.31	39.29	
Del Norte	52.10	83.89	48.23	39.80	
El Dorado	77.27	87.43	48.50	43.16	
Fresno	79.95	83.67	40.61	39.88	
Glenn	48.31	83.93	50.54	48.09	
Humboldt	102.98	90.26	54.31	49.76	
Imperial	69.15	80.48	33.45	39.72	
Inyo	70.51	91.10	55.04	42.65	
Kern	79.55	73.01	28.12	39.94	
Kings	87.22	84.07	56.10	42.15	
Lake	47.91	67.72	46.66	42.27	
Lassen	81.04	77.02	60.95	53.36	
Los Angeles	52.67	60.74	32.21	29.21	
Madera	49.80	78.46	52.76	48.85	
Marin	67.44	81.34	58.11	55.09	
Mariposa	71.04	90.44	64.61	53.03	
Mendocino	68.96	83.14	40.52	50.70	
Merced	84.94	86.44	53.76	43.79	
Modoc	41.94	75.85	54.54	43.22	
Mono	48.26	59.55	60.69	48.03	
Monterey	82.43	76.57	48.62	40.88	
Napa	51.75	80.91	54.92	45.85	
Nevada	55.91	81.50	42.93	36.10	
Orange	64.48	76.11	45.53	44.78	
Placer	73.98	79.53	52.34	49.20	
Plumas	86.35	91.08	58.33	47.69	
Riverside	57.52	64.47	41.77	37.70	
Sacramento	52.61	57.24	45.58	43.44	
San Benito	44.85	67.48	44.62	39.98	
San Bernardino	59.88	52.94	36.76	34.05	
San Diego	79.42	83.97	28.20	35.08	
San Francisco	83.33	87.64	59.84	44.55	
San Joaquin	49.58	93.17	42.23	48.90	
San Luis Obispo	108.00	93.72	59.93	48.59	
San Mateo	67.23	84.45	58.13	53.40	
Santa Barbara	71.74	76.15	59.69	52.65	
Santa Clara	66.06	69.61	49.85	43.80	
Santa Cruz	71.96	74.77	49.98	45.95	
Shasta	75.35	83.43	39.32	44.85	
Sierra	93.98	92.75	62.39	46.98	
Siskiyou	75.45	89.65	51.85	41.68	
Solano	78.34	82.76	51.12	43.70	
Sonoma	79.50	86.67	59.95	48.17	
Stanislaus	86.12	79.97	46.81	45.43	
Sutter	73.65	71.11	56.84	48.67	
Tehama	53.76	85.30	40.45	35.41	
Trinity	78.26	78.97	45.75	37.69	
Tulare	73.02	82.75	45.60	39.63	
Tuolumne	70.48	79.40	51.13	38.98	
Ventura	79.18	79.26	45.00	43.46	
Yolo	46.71	79.13	46.70	38.02	
Yuba	42.15	59.59	36.88	21.15	

* Data not available

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	Paternity Establishment Percentage	Cases With Support Orders	Collections on Current Support	Cases with Collections on Arrears	Cost Effectiveness a/
STATEWIDE	63.70%	70.94%	42.02%	44.58%	
Alameda	89.42	87.45	54.26	53.41	
Alpine	48.72	85.09	46.13	35.96	
Amador	97.29	89.51	64.58	57.05	
Butte	57.03	65.91	42.74	45.65	
Calaveras	38.25	80.13	48.27	43.38	
Colusa	84.90	85.68	64.04	54.83	
Contra Costa	85.20	68.78	47.70	44.64	
Del Norte	56.60	84.95	49.42	46.44	
El Dorado	78.23	87.97	49.81	48.94	
Fresno	80.41	83.32	44.43	40.90	
Glenn	48.46	83.82	53.44	55.41	
Humboldt	107.10	90.68	54.97	45.70	
Imperial	72.58	81.60	31.00	42.93	
Inyo	73.94	90.36	55.43	47.49	
Kern	79.96	72.40	29.70	45.42	
Kings	88.38	83.45	54.67	47.21	
Lake	52.32	68.41	49.19	47.79	
Lassen	83.34	77.36	60.40	58.87	
Los Angeles	52.56	61.86	31.95	34.46	
Madera	70.04	76.04	45.64	47.41	
Marin	65.54	81.37	61.19	60.02	
Mariposa	77.05	90.43	64.92	58.41	
Mendocino	71.32	84.91	41.47	53.66	
Merced	85.24	86.61	54.16	48.71	
Modoc	47.21	77.96	56.04	53.55	
Mono	49.62	61.33	64.08	54.72	
Monterey	83.79	75.67	50.74	47.38	
Napa	52.24	81.29	55.64	51.14	
Nevada	55.58	82.67	46.30	43.20	
Orange	67.55	76.50	45.73	49.54	
Placer	77.76	80.51	55.57	63.93	
Plumas	89.91	91.50	56.86	50.20	
Riverside	65.39	67.54	40.48	43.93	
Sacramento	54.17	58.03	46.58	49.84	
San Benito	45.64	68.02	45.89	46.02	
San Bernardino	61.89	53.04	36.32	43.22	
San Diego	76.20	84.34	42.84	44.01	
San Francisco	84.04	87.75	59.04	49.41	
San Joaquin	49.04	91.57	40.90	49.59	
San Luis Obispo	104.28	93.84	61.34	54.86	
San Mateo	68.01	85.04	59.29	57.82	
Santa Barbara	77.84	76.68	59.67	58.92	
Santa Clara	66.68	70.06	49.84	49.51	
Santa Cruz	71.60	74.84	50.30	50.88	
Shasta	75.38	84.04	40.51	51.47	
Sierra	91.76	91.90	65.84	50.32	
Siskiyou	78.70	89.60	51.39	48.25	
Solano	81.48	83.68	50.38	49.27	
Sonoma	77.34	86.63	59.43	53.42	
Stanislaus	87.42	80.95	47.11	51.24	
Sutter	76.16	73.08	57.52	55.02	
Tehama	53.03	87.04	43.05	41.14	
Trinity	76.80	80.72	48.23	47.95	
Tulare	79.94	82.49	45.72	43.83	
Tuolumne	73.87	79.36	53.01	46.31	
Ventura	78.45	80.27	46.22	48.47	
Yolo	49.35	80.90	43.61	49.43	
Yuba*	0.00	0.00	0.00	0.00	

a/ Data not available
*County has not reported

STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF
CHILD SUPPORT SERVICES
FOR THE QUARTER OF APRIL - JUNE 2001

CHILD SUPPORT SERVICES PROGRAM

APRIL - JUNE 2001*

Third Quarter Federal Fiscal Year

	3rd Quarter FFY 2001 Apr - Jun 01	Previous Qtr FFY 2001 2nd Qtr Jan – Mar 2001	% Change From Previous Qtr	3rd Quarter FFY 2000 Apr – Jun 00	% Change 3rd Qtr FFY 2000 to FFY 2001	FFY 2000
Total Caseload	**2,015,302**	**2,030,650**	**-0.76%**	**2,023,739**	**-0.42%**	**2,027,788**
Current Assistance	554,949	546,432	1.56%	640,312	-13.33%	585,992
Former Assistance	1,072,861	1,119,343	-4.15%	1,018,462	5.34%	1,090,844
Never Assistance	387,492	364,875	6.20%	364,965	6.17%	350,952
Total Collections Distributed	**$647,639,291**	**$476,205,723**	**36.00%**	**$611,725,007**	**5.87%**	**$1,939,998,126**
Current Assistance	$101,540,765	$68,307,110	48.65%	$120,504,861	-15.74%	$349,391,370
Former Assistance	$366,238,681	$252,685,881	44.94%	$329,374,178	11.19%	$1,018,072,284
Never Assistance	$179,859,845	$155,212,732	15.88%	$161,845,969	11.13%	$572,534,471
Current Support Dist.	**$281,946,978**	**$274,253,116**	**2.81%**	**$264,401,898**	**6.64%**	**$1,026,426,645**
Current Assistance	$40,963,591	$39,832,573	2.84%	$45,752,388	-10.47%	$179,697,000
Former Assistance	$133,916,648	$131,004,355	2.22%	$121,973,996	9.79%	$475,154,434
Never Assistance	$107,066,738	$103,416,188	3.53%	$96,675,515	10.75%	$371,575,210
Arrears & Interest Dist.	**$365,692,313**	**$201,952,607**	**81.08%**	**$347,323,109**	**5.29%**	**$913,571,481**
Current Assistance	$60,577,173	$28,474,537	112.74%	$74,752,473	-18.96%	$169,694,370
Former Assistance	$232,322,033	$121,681,526	90.93%	$207,400,182	12.02%	$542,917,850
Never Assistance	$72,793,107	$51,796,544	40.54%	$65,170,453	11.70%	$200,959,261
Paternities Established	**45,014**	**45,197**	**-0.40%**	**51,428**	**-12.47%**	**205,248**
Support Orders Established	**40,133**	**40,924**	**-1.93%**	**44,378**	**-9.57%**	**170,368**

PERFORMANCE ON FEDERAL PERFORMANCE MEASURES

PERFORMANCE MEASURE	3rd Quarter FFY 2001 Apr - Jun 01	Previous Qtr FFY 2001 2nd Qtr Jan – Mar 2001	3rd Quarter FFY 2000 Apr – Jun 00	FFY 1999 Oct 98 - Sep 99	FFY 2000 Oct 99 - Sep 00
Paternity Establishment Rate	63.70%	63.00%	63.87%	61.30%	60.37%
Support Orders Established	70.94%	70.16%	67.49%	65.48%	68.99%
Collections on Current Support	42.02%	40.48%	40.49%	40.52%	40.12%
Collections on Arrears	44.58%	38.96%	52.21%	59.78%	53.32%
Cost – Effectiveness Ratio	n/a	n/a	n/a	$3.36	$3.12 a/

*Yuba County has not reported

a/ Draft data
(Data Source: CS 157)
Data represents the most current statistics available at the time of publication.
For additional information, contact the Office of Research and Program Design at (916) 464-5080.

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY
GRAY DAVIS, *Governor*

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES
P.O. Box 419064, Rancho Cordova, CA 95741-9064

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
[X] Initiated by DCSS

July 25, 2001

DRAFT

CSS LETTER:

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

SUBJECT: JURISDICTION OF STATE HEARING PROCESS

The Department of Child Support Services (DCSS) has promulgated regulations, effective July 1, 2001, implementing the legislative mandate that local child support agencies (LCSA) establish a local complaint resolution process, and that complainants have the right to appeal of appropriate complaints to a state hearing. The legislative mandate is set forth in Family Code Section 17800 et seq., and DCSS' implementing regulations can be found in Title 22, Division 13, Chapter 10, of the California Code of Regulations. This letter clarifies the following: 1) the types of complaints that are not appropriate for submission to, and resolution through, the local complaint resolution process; 2) the types of complaints which, after exhaustion of the complaint resolution process, must be pursued through motion, order to show cause, or appeal to court; and 3) the types of complaints which, after exhaustion of the complaint resolution process, may properly be reviewed through the state hearing process.

The attached chart details types of complaints that may be lodged, complaints which should not be included within the complaint resolution process, and the appropriate forum for review for complaints that are properly the subject of the complaint resolution process. The chart is not intended to address every type of complaint that may be made, but rather is intended as a general guide. This chart should provide guidance to help local child support agencies provide accurate information and assistance to complainants.

Flex your POWER
DO YOUR PART TO HELP CALIFORNIA SAVE ENERGY
For energy saving tips, visit the DCSS website at www.childsup.cahwnet.gov

Complaints Not Appropriately Addressed Through the Complaint Resolution Process

Although the majority of complaints are appropriately within the jurisdiction of the complaint resolution process (if not resolved prior to the filing of a complaint), the following types of complaints are not within the purview of the process:

1) Complaints which must, by law, be addressed by motion, order to show cause, or appeal, in a court of law – unless an administrative review is provided for by statute.
2) A review of a court ordered amount of child support or child support arrears.
3) A court order or equivalent determination of paternity.
4) A court order for spousal support.
5) Child custody or visitation matters.

If the LCSA receives a Request for Complaint Resolution on one of these issues, the LCSA is not required to conduct a review of the complaint, and may close the complaint by sending a Notice of Complaint Resolution to the complainant within 30 days of receipt of the complaint.

Additionally, for certain complaints, taking the time to complete the local complaint resolution process can jeopardize an individual's right to seek court review of the complained of action or otherwise resolve the issue. This would occur in matters where there is a particularly short time frame in which to challenge an action. For example, if the LCSA notifies an obligor of its intent to levy on property, the obligor generally has 10 days in which to file a claim of exemption with the LCSA. If the obligor were to file a Request for Complaint Resolution to have the concern addressed by the complaint resolution process, instead of filing the claim of exemption, the property would be levied upon before any resolution of the issue were possible.

The attached chart details other circumstances in which the complaint resolution process should not be used to resolve concerns raised by obligors or obligees. If the LCSA receives a Request for Complaint Resolution on one of these issues, the LCSA should contact the complainant immediately and inform him or her that the proper forum to raise that complaint is in court, and not through the local complaint resolution process. In either circumstance, the LCSA should refer the complainant to the Family Law Facilitator or local legal aid office.

Jurisdiction of the State Hearings

Although all complaints by custodial parties and noncustodial parents affecting their child support case, with the exception noted above, are within the purview of the local complaint resolution process if filed in a timely manner, not all complaints which are the appropriate subject of complaint resolution fall within the jurisdiction of, and may be appealed to, the state hearing process. Those complaints that fall outside of the

jurisdiction of the state hearing process may be addressed in court if the complainant is not satisfied with the results of the local complaint resolution process.

California Family Code section 17801 et seq. defines the following types of complaints as within the jurisdiction of the state hearing process, after the complainant has exhausted the local complaint resolution process and received a "Notice of Complaint Resolution," LCR006, from the LCSA:

1) An application for child support services has been denied or has not been acted upon within the required timeframe.
2) The child support services case has been acted upon in violation of state or federal law or regulation or department letter ruling, or has not been acted upon within the required time frame, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
3) 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 LCSA is inaccurate.
4) The LCSA's decision to close a child support case.

The Family Code specifically provides, however, that issues which are required by law to be addressed in court by motion, order to show cause, or appeal, including the amount of a court order for support, are not within the jurisdiction of the state hearing process. The attached chart provides examples of types of complaints that may be lodged and the appropriate forum for review of those complaints – the superior court or the state hearing process.

Support Arrearages – Election of Forum

California law provides for jurisdiction of complaints concerning a miscalculation of arrearages in a state hearing or in a court. The complainant has the choice of where to seek review. Specifically, Family Code section 17801 places the issue of review of arrearages calculated by the LCSA within the purview of the state hearing if the complainant is dissatisfied with the results of the complaint resolution process (although a court determination of arrearages is not reviewable in a state hearing). Family Code sections 17524 – 17526 also describe a support obligor's right to an administrative determination of arrearages, which is met by complaint resolution and a state hearing.

However, Family Code section 17526 allows any party to an action involving child support enforcement services of the LCSA to request a judicial determination of arrearages, whether or not the party first exhausted his or her administrative remedies. In other words, a custodial party or noncustodial parent who disagrees with the LCSA's statement of arrearages owed may file a complaint as part of the local complaint resolution process, request a state hearing after completion of the local complaint resolution process, or file a motion in court at any time before or after, the complaint

process or state hearing. The choice belongs to the complainant, and he or she should not be discouraged from selecting any of these routes for review of the matter.

However, the complainant is not entitled to file for a state hearing and a court review at the same time. If the complainant files for a court determination of arrears, any state hearing that has been filed on the same issue should be dismissed.

If the complainant chooses a state hearing for a determination of arrears and is dissatisfied with the state hearing decision, the complainant is entitled to file a motion in court for a de novo determination of arrears under Family Code section 17526. This right to file a motion for de novo review only applies to determinations of arrearages in the state hearing. All other issues within the jurisdiction of the state hearing process must be appealed to the court by filing a writ pursuant to Family Code section 17803.

To make sure all interests are protected, and to avoid a custodial party and noncustodial parent choosing different routes to obtain a determination of arrearages at the same time, the LCSA shall notify the non-complaining party when a request to determine arrearages is pursued either through a state hearing or court proceeding.

State Hearing Office / Administrative Law Judge to Determine Jurisdiction Issues

It is important that LCSAs understand the type of complaints that are appropriately within the jurisdiction of the state hearing process, and be able to accurately and effectively communicate this information to complainants. However, LCSAs must strive not to discourage complainants from filing a request for a state hearing because the LCSA believes the complaint may not properly be within the purview of the state hearing process. Like court actions, failure to file a request for a state hearing within set time frames will cause the complainant to lose the right to a state hearing. Specifically, a request for a state hearing must be made within 90 days of the date the complainant received the Notice of Complaint Resolution from the LCSA or, if the LCSA did not complete the complaint resolution process within the required time frames, within 90 days from the date the request for complaint resolution was made. The State Hearing Office or the administrative law judge will dismiss requests for hearing if they determine that the complaint is outside of the jurisdiction of the state hearing process.

If you have any questions on this issue, please contact Donna Hershkowitz, in the Office of Legal Services at (916) 464-5181 or email at donna.hershkowitz@dcss.ca.gov.

Sincerely,

LEE MORHAR
Chief Counsel, Office of Legal Services

LCSA or FTB Action or Inaction	Not Appropriate for Complaint Resolution	Review Method: Court	Review Method: State Hearing
Application for child support services: • Denial of application			✓
• Failure to open a case within required time frame			✓
Locate: • Failure to perform locate functions within required time frame			✓
• Failure to act on custodial party's information re: address of noncustodial parent			✓
• Release of information to unauthorized person pursuant to a non-IV-D locate request			✓
Establishment of support order: • Failure to establish support within required time frame			✓
• Improper service of court pleadings	✓	✓	
• Amount of support order	✓	✓	
• Retroactivity of support order	✓	✓	
Establishment of paternity: • Failure to establish paternity within required time frame			✓
• LCSA order for genetic testing	✓	✓	
Enforcement of support order: • Placing lien on property	✓	✓	

LCSA or FTB Action or Inaction	Not Appropriate for Complaint Resolution	Review Method: Court	Review Method: State Hearing
• Release of lien on real property – property owner not support obligor	✓	✓	
• Failure to take action to suspend/revoke license			✓
• Release of suspended/revoked licenses		✓	
• Withholding from unemployment or disability benefits	✓	✓	
• Failure to follow enforcement priorities set forth by DCSS			✓
• Satisfaction of installment judgment (lien on real property) - failure to acknowledge satisfaction	✓	✓	
• Action to use money or sell assets deposited as security for payment of child support	✓	✓	
• Issuance of notice of levy on particular assets or property	✓	✓	
• Submission of name to credit reporting agency			✓
• Failure to serve notice of satisfaction of judgment upon employer re: wage withholding			✓

LCSA or FTB Action or Inaction	Not Appropriate for Complaint Resolution	Review Method: Court	Review Method: State Hearing
• Failure of FTB to send 20 day notice to obligor of delinquency due and intent to commence actions			✓
• FTB enforcement actions despite compliance with court ordered scheduled for payment of arrearages			✓
• Other actions of FTB to collect delinquent support			✓
• IRS intercept			✓
• FTB intercept			✓
• Passport withhold	✓	✓	
• Requiring posting of bond or other security for delinquent support	✓	✓	
Earnings Assignment Orders: • Imposition of an earnings assignment order (motion to quash)	✓	✓	
• Modification or termination of order	✓	✓	
Claims of mistaken identity: • Review of LCSA decision rejecting claim of mistaken identity		✓	
• Review of LCSA action to terminate enforcement activities after mistaken identity claim granted		✓	

LCSA or FTB Action or Inaction	Not Appropriate for Complaint Resolution	Review Method: Court	Review Method: State Hearing
• Failure of LCSA to timely investigate claim of mistaken identity			✓
Determination of Arrearages		✓	✓
Collection and Distribution: • Improper distribution of collections			✓
• Failure to return undeliverable child support payments to obligor			✓
• Failure to pay disregard			✓
• Failure to provide Barnes notice			✓
Case closure: • Decision of LCSA to close case			✓
• Failure to re-open case			✓
• Failure to close non-assistance case upon request			✓
Modification of support order: • Failure to respond to request for review and adjustment within required time frame			✓
• Amount of support order	✓	✓	
Relief from support order: • Order procured by fraud, perjury or lack of notice	✓	✓	
• Order procured due to obligor's mistake inadvertence, surprise, excusable neglect	✓	✓	

LCSA or FTB Action or Inaction	Not Appropriate for Complaint Resolution	Review Method: Court	Review Method: State Hearing
• Order based on presumed income and defendant defaulted	✓	✓	
• Appeal	✓	✓	
Medical Coverage / Health Insurance Coverage Assignment Orders: • Modification or termination of assignment order	✓	✓	
• Imposition of health insurance coverage assignment	✓	✓	
• Application of health insurance coverage assignment to wrong person	✓	✓	
• Failure to provide custodial party with information on health insurance that has been provided for child			✓
Confidentiality of Child Support Records: • Failure to maintain confidentiality of documents that are required to be kept confidential			✓
• Failure to release papers, applications, or documents required by due process	✓	✓	

LCSA or FTB Action or Inaction	Not Appropriate for Complaint Resolution	Review Method: Court	Review Method: State Hearing
• Failure to release information to party who provided it, failure to release payment history, income and expense forms, public records			✓
Registration of Out-of-County CA Orders: • Registration of order established in another CA county	✓	✓	
Independent Actions: • Objection by LCSA to custodial party's request to take independent action to enforce a support order			✓
UIFSA • Notice of registration of out-of-state order (complaint to contest validity or enforcement)	✓	✓	
• Inappropriate modification or enforcement of out-of-state order	✓	✓	
Miscellaneous • Failure of LCSA to use statewide forms or follow uniform policies and procedures established by DCSS			✓
• Failure to follow caseload processing priorities established by DCSS			✓

LCSA or FTB Action or Inaction	Not Appropriate for Complaint Resolution	Review Method: Court	Review Method: State Hearing
• Failure to notify custodial party of initial date, time and purpose of hearings related to paternity and support			✓
• Other actions expressly required by law to be addressed via motion, order to show cause, or appeal to court	✓	✓	
• Other actions relating to an individual's child support case which are not expressly required by law to be addressed via motion, order to show cause, or appeal to court, including all failures to meet any time frames established by federal or state law or regulation, or other noncompliance with federal or state law or regulation.			✓