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Title 22@ Social Security

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Division 13@ Department of Child Support Services

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Chapter 10@ Complaint Resolution

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Article 2@ Local Complaint Resolution Process

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Section 120101@ Right to Complaint Resolution

120101 Right to Complaint Resolution

(a)

A complainant shall have the right to make a request for complaint resolution subject to the requirements of this Article. The subject of a complaint may pertain to any local child support agency or Department child support action or inaction, except the following: (1) Complaints arising from a child support matter 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 any of the following: (A) A court order for child support or child support arrears. (B) A court order or equivalent determination of paternity. (C) A court order for spousal support. (3) Child custody determinations. (4) Child visitation determinations.

(1)

Complaints arising from a child support matter 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)

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(A)

A court order for child support or child support arrears.

(B)

A court order or equivalent determination of paternity.

(C)

A court order for spousal support.

(3)

Child custody determinations.

(4)

Child visitation determinations.

(b)

All requests for complaint resolution shall: (1) Be made within 90 days after a complainant knew, or should have known of the complained of child support action or inaction. A complainant shall be presumed to have known of a complained of action or inaction under the following circumstances: (A) Five business days after the postmark date of the written notice regarding an action or inaction which is the basis of a complaint. (B) In the absence of any evidence to the contrary, the date a complainant alleges knowledge for the basis of a complaint, or the date a complainant notified a local child support agency of the subject of the complaint. (2) Be directed to a local child support agency. (A) Each local child support agency shall encourage, but not require, a complainant to make a written complaint on the "Request for Complaint Resolution," LCR001, dated (12/09), incorporated by reference herein. (B) Each local child support agency shall document a complainant's oral complaint on the "Request for Complaint Resolution," LCR001, dated (12/09), and mail a copy of the completed LCR001 to the complainant no later than five business days after receiving an oral complaint. The local child support agency shall mail to the complainant the forms

required by Section 120102. (3) Include the following information: (A) A complainant's name and address, and if available, phone number, FAX number, and e-mail address. (B) The local child support agency case number. (C) A description of the local child support agency or Department action or inaction a complainant requests to have resolved.

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(A) Five business days after the postmark date of the written notice regarding an action or inaction which is the basis of a complaint. (B) In the absence of any evidence to the contrary, the date a complainant alleges knowledge for the basis of a complaint, or the date a complainant notified a local child support agency of the subject of the complaint.

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Five business days after the postmark date of the written notice regarding an action or inaction which is the basis of a complaint.

(B)

In the absence of any evidence to the contrary, the date a complainant alleges knowledge for the basis of a complaint, or the date a complainant notified a local child support agency of the subject of the complaint.

(2)

Be directed to a local child support agency. (A) Each local child support agency shall encourage, but not require, a complainant to make a written complaint on the "Request for Complaint Resolution," LCR001, dated (12/09), incorporated by reference herein. (B) Each local child support agency shall document a complainant's oral complaint on the

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Each local child support agency shall document a complainant's oral complaint on the "Request for Complaint Resolution," LCR001, dated (12/09), and mail a copy of the completed LCR001 to the complainant no later than five business days after receiving an oral complaint. The local child support agency shall mail to the complainant the forms required by Section 120102.

(3)

Include the following information: (A) A complainant's name and address, and if available, phone number, FAX number, and e-mail address. (B) The local child support agency case number. (C) A description of the local child support agency or Department action or inaction a complainant requests to have resolved.

(A)

A complainant's name and address, and if available, phone number, FAX number, and e-mail address.

(B)

The local child support agency case number.

(C)

A description of the local child support agency or Department action or inaction a

complainant requests to have resolved.

(c)

A request for complaint resolution shall not be deemed invalid for failure to include the information required by subsection (b)(3)(B).