

120208 Examination of Records and Issuance of Subpoenas

(a)

The complainant shall have the right to examine non-confidential portions of the case record, portions for which disclosure is authorized under Section 111440, or non-confidential information the local child support agency used to make its decision, during regular business hours.

(b)

The local child support agency shall reproduce without charge, or at a charge not to exceed the cost of reproduction pursuant to Government Code 6253, all specific policy materials, including regulations, necessary for a complainant to determine whether a state hearing should be requested, or to prepare for a state hearing.

(c)

Before the hearing is commenced, the State Hearing Office shall be permitted to, upon the written or oral request of the complainant or the local child support agency, issue either or both of the following: (1) A subpoena under the authority of Government Code Sections 11180 through 11191, requiring the presence of any witness whose expected testimony has been shown to be relevant, and not cumulative or unduly repetitious. (2) A subpoena duces tecum under the authority of Government Code Sections 11180 through 11191, for the production by a witness of either original or certified copies pursuant to Evidence Code, Sections

1530 through 1532, of books, papers, correspondence, memoranda, or other records. The party requesting the subpoena duces tecum shall: (A) Submit a statement under penalty of perjury describing the materials desired to be produced and their relevancy. (B) Serve the subpoena duces tecum. Service of the subpoena duces tecum shall be made to allow the witness a reasonable time to produce the materials requested and to prepare and submit a statement to the State Hearing Office.

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(B)

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allow the witness a reasonable time to produce the materials requested and to prepare and submit a statement to the State Hearing Office.

(d)

The Administrative Law Judge assigned to the case shall be permitted to issue a subpoena or subpoena duces tecum after the hearing as necessary.