

120204 Local Child Support Agency Responsibilities

(a)

A local child support agency shall: (1) Attempt to resolve a complaint to the satisfaction of the complainant during the local complaint resolution process and prior to the state hearing. (2) Provide the complainant with Department-approved informational materials regarding the state hearing process. (3) Assist the complainant in requesting a state hearing. (4) Provide the complainant with relevant information pertaining to the subject of the complaint to help the complainant prepare for the state hearing. (5) Notify the State Hearing Office of the complainant's need for an interpreter and/or reasonable disability accommodation at the state hearing, if known. (6) Report to the State Hearing Office, any changes in the complainant's address or other circumstances that might affect the conduct of the state hearing, if known. (7) Prepare a typewritten position statement that includes all of the following: (A) A short statement of the facts of the case. (B) Statutory and regulatory citations, or Department policy, applicable to the local child support agency's and/or the Department's action or inaction. (C) All relevant information in the local child support agency's possession regarding the subject of the complaint. (D) Copies of documentary evidence itemized as exhibits, including copies of any forms prepared or submitted as part of the complaint resolution process, and a list of witnesses the local child support agency intends to use during the hearing. (E) A complete fiscal accounting of the

case, if the complaint pertains to child support collections that have not been distributed or have been distributed or disbursed incorrectly, or the amount of child support arrears calculated by the local child support agency. (8) Mail the position statement specified in subsection (7) above, and pertinent documents to the complainant and the State Hearing Office at least five business days prior to the scheduled hearing. (9) Assign a local child support agency representative to each child support case for which a state hearing has been scheduled, who shall provide a copy of the position statement at the state hearing, and have the full responsibility to present the case at the state hearing in accordance with the requirements of this Article. The representative shall not be the individual whose action or inaction is the subject of the complaint, or the Ombudsperson. (10) Provide the State Hearing Office with the name of the local child support agency representative, specified in (9) above. (11) Review any state hearing request to make a preliminary determination of whether the non-complaining party needs to be notified of the state hearing to protect his or her rights or interests. (A) If the local child support agency believes the non-complaining party should receive notice and be given the opportunity to appear at the hearing, the local child support agency shall notify the State Hearing Office of its determination and request a subpoena be issued pursuant to Section 120208. (B) The local child support agency shall notify the State Hearing Office in advance of any case in which the local child support agency knows that the non-complaining party may appear at the hearing. (C) If the local child support agency is aware of a history of domestic violence or a potential for violent behavior, the local child support agency shall notify the State Hearing Office of that history. (D) Whenever possible, the State Hearing Office shall arrange to have one of the parties appear by telephone.

(1)

Attempt to resolve a complaint to the satisfaction of the complainant during the local complaint resolution process and prior to the state hearing.

(2)

Provide the complainant with Department-approved informational materials regarding the state hearing process.

(3)

Assist the complainant in requesting a state hearing.

(4)

Provide the complainant with relevant information pertaining to the subject of the complaint to help the complainant prepare for the state hearing.

(5)

Notify the State Hearing Office of the complainant's need for an interpreter and/or reasonable disability accommodation at the state hearing, if known.

(6)

Report to the State Hearing Office, any changes in the complainant's address or other circumstances that might affect the conduct of the state hearing, if known.

(7)

Prepare a typewritten position statement that includes all of the following: (A) A short statement of the facts of the case. (B) Statutory and regulatory citations, or Department policy, applicable to the local child support agency's and/or the Department's action or inaction. (C) All relevant information in the local child support agency's possession regarding the subject of the complaint. (D) Copies of documentary evidence itemized as exhibits, including copies of any forms prepared or submitted as part of the complaint resolution process, and a list of witnesses the local child support agency intends to use during the hearing. (E) A complete fiscal

accounting of the case, if the complaint pertains to child support collections that have not been distributed or have been distributed or disbursed incorrectly, or the amount of child support arrears calculated by the local child support agency.

(A)

A short statement of the facts of the case.

(B)

Statutory and regulatory citations, or Department policy, applicable to the local child support agency's and/or the Department's action or inaction.

(C)

All relevant information in the local child support agency's possession regarding the subject of the complaint.

(D)

Copies of documentary evidence itemized as exhibits, including copies of any forms prepared or submitted as part of the complaint resolution process, and a list of witnesses the local child support agency intends to use during the hearing.

(E)

A complete fiscal accounting of the case, if the complaint pertains to child support collections that have not been distributed or have been distributed or disbursed incorrectly, or the amount of child support arrears calculated by the local child support agency.

(8)

Mail the position statement specified in subsection (7) above, and pertinent documents to the complainant and the State Hearing Office at least five business days prior to the scheduled hearing.

(9)

Assign a local child support agency representative to each child support case for which a state hearing has been scheduled, who shall provide a copy of the position statement

at the state hearing, and have the full responsibility to present the case at the state hearing in accordance with the requirements of this Article. The representative shall not be the individual whose action or inaction is the subject of the complaint, or the Ombudsperson.

(10)

Provide the State Hearing Office with the name of the local child support agency representative, specified in (9) above.

(11)

Review any state hearing request to make a preliminary determination of whether the non-complaining party needs to be notified of the state hearing to protect his or her rights or interests. (A) If the local child support agency believes the non-complaining party should receive notice and be given the opportunity to appear at the hearing, the local child support agency shall notify the State Hearing Office of its determination and request a subpoena be issued pursuant to Section 120208. (B) The local child support agency shall notify the State Hearing Office in advance of any case in which the local child support agency knows that the non-complaining party may appear at the hearing. (C) If the local child support agency is aware of a history of domestic violence or a potential for violent behavior, the local child support agency shall notify the State Hearing Office of that history. (D) Whenever possible, the State Hearing Office shall arrange to have one of the parties appear by telephone.

(A)

If the local child support agency believes the non-complaining party should receive notice and be given the opportunity to appear at the hearing, the local child support agency shall notify the State Hearing Office of its determination and request a subpoena be issued pursuant to Section 120208.

(B)

The local child support agency shall notify the State Hearing Office in advance of any case in which the local child support agency knows that the non-complaining party may appear at the hearing.

(C)

If the local child support agency is aware of a history of domestic violence or a potential for violent behavior, the local child support agency shall notify the State Hearing Office of that history.

(D)

Whenever possible, the State Hearing Office shall arrange to have one of the parties appear by telephone.

(b)

The local child support agency representative shall perform the following case presentation activities at the state hearing as necessary: (1) Orally summarize the written position statement that supports the local child support agency's and/or the Department's action(s) or inaction(s). (2) Examine local child support agency and/or Department witness(es). (3) Cross-examine the complainant or the complainant's authorized representative, and the complainant's witnesses. (4) Respond to any questions from the complainant or authorized representative, or Administrative Law Judge concerning the case. (5) Make available at the hearing, the local child support agency case record documents that are not confidential, or for which disclosure is authorized under Section 111440, and are relevant to the complaint. (6) Make binding agreements and stipulations on behalf of the local child support agency during the hearing.

(1)

Orally summarize the written position statement that supports the local child support agency's and/or the Department's action(s) or inaction(s).

(2)

Examine local child support agency and/or Department witness(es).

(3)

Cross-examine the complainant or the complainant's authorized representative, and the complainant's witnesses.

(4)

Respond to any questions from the complainant or authorized representative, or Administrative Law Judge concerning the case.

(5)

Make available at the hearing, the local child support agency case record documents that are not confidential, or for which disclosure is authorized under Section 111440, and are relevant to the complaint.

(6)

Make binding agreements and stipulations on behalf of the local child support agency during the hearing.

(c)

If the hearing is to be held in a county other than the county responsible for the case, the responsible local child support agency shall ensure a copy of the position statement specified in subsection (a)(7) is available at the other county's office at least two business days before the hearing, and shall choose one of the following actions: (1) Send a local child support agency representative to the county in which the hearing is held to ensure the requirements specified in subsection (b) have been met. (2) Have a local child support agency representative appear by telephone during the hearing. A local child support agency representative who appears by telephone has the same responsibilities as a local child support agency representative who appears in person, including

making binding agreements and stipulations on behalf of the local child support agency. (3) Send the original case record information relative to the complaint, or a certified copy thereof pursuant to Evidence Code Sections 1530 through 1532, containing all relevant information in the local child support agency's possession and the position statement required by subsection (a)(7), to the local child support agency in the county where the hearing is to be held with the request that the other county represent the responsible local child support agency at the hearing. (A) The responsible local child support agency shall declare under penalty of perjury that the information submitted is from the case record of the complainant. (B) If certified copies pursuant to Evidence Code, Sections 1530 through 1532, of the record are sent instead of the original, the responsible local child support agency shall attest that the copies are true copies of the original records. (C) The request shall be made no later than five business days prior to the hearing to allow the local child support agency in the county in which the state hearing is held to arrange for representation or to notify the responsible local child support agency of its inability to provide such representation.

(1)

Send a local child support agency representative to the county in which the hearing is held to ensure the requirements specified in subsection (b) have been met.

(2)

Have a local child support agency representative appear by telephone during the hearing. A local child support agency representative who appears by telephone has the same responsibilities as a local child support agency representative who appears in person, including making binding agreements and stipulations on behalf of the local child support agency.

(3)

Send the original case record information relative to the complaint, or a certified copy thereof pursuant to Evidence Code Sections 1530 through 1532, containing all relevant information in the local child support agency's possession and the position statement required by subsection (a)(7), to the local child support agency in the county where the hearing is to be held with the request that the other county represent the responsible local child support agency at the hearing. (A) The responsible local child support agency shall declare under penalty of perjury that the information submitted is from the case record of the complainant. (B) If certified copies pursuant to Evidence Code, Sections 1530 through 1532, of the record are sent instead of the original, the responsible local child support agency shall attest that the copies are true copies of the original records. (C) The request shall be made no later than five business days prior to the hearing to allow the local child support agency in the county in which the state hearing is held to arrange for representation or to notify the responsible local child support agency of its inability to provide such representation.

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(C)

The request shall be made no later than five business days prior to the hearing to allow the local child support agency in the county in which the state hearing is held to arrange for representation or to notify the responsible local child support agency of its inability to provide such representation.