

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



February 26, 2008

ERRATA

CSSIN LETTER: 08-01

ALL IV-D DIRECTORS
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL BOARDS OF SUPERVISORS

SUBJECT: CSSIN LETTER 08-01 ERRATA

The purpose of this letter is to provide as attachments the Program Administration and Expedited Process review guide documents that were not included in CSSIN 08-01 dated February 20, 2008. The Local Child Support Agency (LCSA) should refer to these updated sections of the review guide when completing their portion of the Q407 Compliance Review. All instructions and information provided in the attached CSSIN 08-01 remain the same.

As in the past, Quality Assurance Section staff is available to provide ongoing assistance to LCSA reviewers. Questions regarding the compliance review process may be directed to your analyst or Judy Homme by telephone at (916) 464-2660 or by electronic mail at judy.homme@dcss.ca.gov.

Sincerely,

/s/ Wilfrid Otterbeck

WILFRID OTTERBECK
Acting Deputy Director
Child Support Services Division

Enclosures

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

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February 20, 2008

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ALL IV-D DIRECTORS
 ALL COUNTY ADMINISTRATIVE OFFICERS
 ALL BOARDS OF SUPERVISORS

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<input type="checkbox"/> State Law or Regulation Change
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SUBJECT: Q407 CHILD SUPPORT COMPLIANCE REVIEW GUIDE AND FORMS
 (REPLACES AND SUPERSEDES CSS LETTER 07-02)

This letter formally transmits instructions on completing the Program Administration and Expedited Process Questionnaires for the Q407 Compliance Review. It also serves as an update to the Compliance Review Guide issued by CSS Letter 07-02 (February 3, 2007). Except for the changes detailed in this letter, the Q406 Review Guide will apply to the Q407 review including all statutory references.

Under the Quality Assurance and Performance Improvement program, each Local Child Support Agency (LCSA) has been conducting a quarterly review of program compliance, using a "scaled down" sample of cases with a full sample review once every three years. DCSS is aware of the increased workload resulting from the California Child Support Automated System conversion activities and due to these additional activities the Quality Assurance Section (QAS) staff will be completing a statewide review. However, each LCSA will be responsible for using the Compliance Review Tool for Child Support to complete the Expedited Process and Program Administration Questionnaires as they are LCSA specific.

This review process is designed to meet federal requirements for an annual self-assessment of compliance with child support program requirements, as set out in Title 45, Code of Federal Regulations, Section 308.

Review Period: A master case list covering the Federal Fiscal Year (October 1, 2006 to September 30, 2007) has been produced from which a statewide sample list will be used by QAS staff for the Q407 Compliance Review.

Review Time Frames: A formal letter of findings for the Expedited Process and Program Administration Questionnaires signed by the LCSA director needs to be submitted by March 3, 2008 to:

Department of Child Support Services
Quality Assurance Branch
PO Box 419064 MS-30
Rancho Cordova, CA 95741-9064
ATTN: Judy Homme

Case Review:

- 1) In the Establishment component under criteria for CA03, the sentence “if the NCP is deceased at the time of the IV-A referral, the LCSA shall not open a case” has been added. This policy supersedes case opening requirements specified in the CCR § 112100(e) for deceased NCPs only.
- 2) In the Case Closure component under compliance requirements 22 CCR § 118203(a)(4) the statement now reads “The LCSA has no knowledge of any of the following.” The word “one” has been removed.

Expedited Process: In measuring compliance in Expedited Process, September 2006 will be used as the base month.

Program Administration:

- 1) The Required Notices Questionnaire Part 1 has been changed to only address the LCSAs that have not transitioned to Version 2 Child Support Enforcement System.
- 2) The Case Application Questionnaire has been updated to reflect both Non IV-A and IV-A applications used by LCSAs that have transitioned to CSE V2.
- 3) The Safeguard Activity Report Questionnaire has been updated to reference the February 2007 version of Publication 1075-Tax Information Security Guidelines for Federal, State and Local Agencies.
- 4) The Case Transfer Questionnaire requirements have been updated to reflect recent changes issued by CSS 07-11 (Errata).
- 5) The Co-Locate Questionnaire has been updated to correctly reference Welfare & Institutions Code § 11477(b)(1).

- 6) The Compromise of Arrears Program Questionnaire has been updated to reference the June 2007 Version 1-Compromise of Arrears Program Business Protocols and Processes.

Training: Due to the statewide review process for this year, no Compliance Review training will be offered.

As in the past, QAS staff is available to provide ongoing assistance to LCSA reviewers. Questions regarding the compliance review process may be directed to your analyst or Judy Homme by telephone at (916) 464-2660 or by electronic mail at judy.homme@dcss.ca.gov.

Sincerely,

/s/ Wilfrid Otterbeck

WILFRID OTTERBECK
Acting Deputy Director
Child Support Services Division

cc:

Q407 COMPLIANCE REVIEW – PROGRAM ADMINISTRATION ONLY

In the Program Administration Section there are eight components. The Required Notices, Case Application, Safeguard Activity, and Declarations of Paternity involve federal requirements and Case Transfer involves state requirements that are considered compliance areas for purposes of the compliance review. Therefore, the Local Child Support Agency's (LCSA) failure to meet the minimum requirement of any one of these components will result in a finding of noncompliance and will require a corrective action plan. The remaining three components, Complaint Resolution Tracking System, Co-Locate and the Compromise of Arrears Program (COAP), involve state requirements that are considered "administrative." Therefore, a finding of noncompliance of any one of these components will not affect the overall compliance result, but will require a program improvement plan to correct the noncompliance.

REQUIRED NOTICES QUESTIONNAIRE

<p>PART 1 MONTHLY STATEMENT OF COLLECTIONS AND DISTRIBUTIONS</p>
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REFERENCES: 45 CFR § 302.54[a][1]; Barnes v. Anderson et al., First Amended Permanent Injunction and Judgment, No. CIV-S-90-0579, filed December 14, 1998; 22 CCR § 119184; CSS Letter 05-26; CSSIN Letter 07-04

REQUIREMENTS: As a result of the Barnes vs. Anderson lawsuit and federal requirements monthly statements of collections are required to be sent to the Custodial Parents (CP) and the Non-Custodial Parents (NCP) who are assistance and non-assistance recipients of IV-D services if a payment or distribution has occurred during the month.

- A. The notices must be sent within 45 calendar days from the end of the statement period when there is either a collection or distribution of support during the period covered by the statement.
- B. DCSS has elected to use the date of receipt as the legal date of collection for all payments, including employer withheld payments once it is received at the State Disbursement Unit (SDU).
- C. If the LCSA has not transitioned it shall issue a "Monthly Statement of Collections and Distribution," CS 916, dated (03/02), and "Notice of Important Information about Support that has been Collected" CS 917, dated (03/02) to each custodial party who is a recipient of child support services. If the LCSA has transitioned, Child Support Enforcement (CSE) system will issue the "Monthly Statement of Collections and Distribution" DCSS 0281, dated (08/04) and "Notice of Important Information About Support that has been Collected" DCSS 0279, dated (08/04)

- D. The notices must be sent to both assistance and non-assistance recipients of IV-D services. Notices do not need to be sent to foster care IV-D cases or responding UIFSA cases. The notices must be sent to former assistance recipients who were also recipients of Title IV-D services, even if they are no longer receiving Title IV-D services unless no collection is made in the month, the assignment is no longer in effect and there are no longer any assigned arrearages.
- E. Notices are to include the following:
 - 1. If the LCSA has not transitioned the “date of receipt” must be used and shown under “Payments to the LCSA”. If the LCSA has transitioned the “date of receipt” must be used and shown under “Payments Collected by the DCSS”.
 - 2. The explanation why a CP did not receive a disregard must be one of the following:
 - a) “The collection dated _____ came from a federal income tax refund. Under federal law, tax refund money can only be used to pay past due child support and is applied first to repayment of CalWORKs previously paid to you.”
 - b) “There is no order for current support to be paid by the noncustodial parent. When no current support is ordered, no disregard can be paid to you. Support collected on an order for past due support or arrears only cannot be used to pay a disregard.”

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following questions:

- 1) Did the non-transitioned LCSA use CS 916 (Monthly Statement of Collections and Distribution) and CS 917 (Important Information Sheet) to comply with the monthly Barnes Notice?
 YES NO
- 2) Did the non-transitioned LCSA meet the most recent deadline for issuing the CS 916 monthly notice?
 YES NO
- 3) Did the CS 916 monthly notice contain all the required elements?
 YES NO

PART II
REQUIREMENT TO NOTIFY PARENTS OF THEIR RIGHT TO REQUEST A
REVIEW OF THEIR CURRENT SUPPORT ORDER

REFERENCE: 45 CFR § 303.8[b][1]; 22 CCR § 115503

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following questions:

- 4) Does the LCSA have a procedure to notify parents every three years of their right to request a review of their current support order?
_____YES _____NO
- 5) Explain the procedure:
- 6) Conclusion: State whether the LCSA met or did not meet the requirements for both notices by the end of the review period. (FOR USE BY THE REVIEWER)

SAFEGUARD ACTIVITY REPORT (SAR) QUESTIONNAIRE

Federal law requires an annual SAR to be prepared by each LCSA as a condition of receiving federal tax information (FTI). These safeguards are designed to ensure the confidentiality of Internal Revenue Service (IRS) data and prevent its unauthorized use. LCSAs must prepare a SAR and make it available for the compliance review process.

REFERENCE: Internal Revenue Code (IRC) § 6103(p)(4)(D); FSDIN Letter I-64-98; CSS Letter 05-02; CSS Letter 05-24 and CSS Letter 05-25; Publication 1075-Tax Information Security Guidelines for Federal, State and Local Agencies (February 2007)

REQUIREMENTS:

- ❖ Federal law requires an annual SAR be prepared by each recipient agency of tax information
- ❖ Safeguards must be in place at the state and LCSA levels as a condition of receiving federal tax return information.
- ❖ The safeguards are designed to ensure the confidentiality of IRS data and prevent its unauthorized use in accordance with IRC § 6103 (p)(4)(D).
- ❖ Each LCSA must prepare an annual SAR and make it available for the state to review during the compliance review process.
- ❖ Each LCSA must certify and annually recertify employees who have access to FTI. This includes viewing 3 video segments and signing the form titled “Protect IRS Tax Returns and Return Information-Disclosure Penalties.”

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following question.

1) Does the LCSA have a SAR to comply with FSDIN Letter I-64-98?

_____YES _____NO

2) Does the LCSA have procedures in place to comply with CSS Letters 05-02; 05-24 and 05-25 for employees who have access to FTI?

_____YES _____NO

3) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

DECLARATIONS OF PATERNITY IN CHILD SUPPORT CASES QUESTIONNAIRE

Federal and State regulations require that for IV-D cases needing paternity establishment, the IV-D agency must first determine if a voluntary acknowledgement has been recorded in the statewide database in accordance with 303.5(g)(8) before proceeding to file for paternity establishment or administrative process. In addition to this regulation, the Federal Register (45 CFR §§ 301-305, Volume 56, Number 246, dated 12-23-94) states, in part, that once the IV-D agency matches a case with a voluntary acknowledgment recorded in the State database, it must then use that acknowledgement to seek a support order.

REFERENCE: 45 CFR § 303.5[g][h]; CSS Letter 02-11

REQUIREMENTS:

- ❖ The LCSA must review the statewide Paternity Opportunity Program (POP) database of filed declarations of paternity prior to filing a Summons and Complaint.
- ❖ The LCSA must recognize that a filed voluntary declaration of paternity is a legal establishment of paternity.
- ❖ Failure to adopt and follow policy will result in a finding of noncompliance.

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following questions.

- 1) In all IV-D cases where paternity is at issue, did the LCSA review the statewide Paternity Opportunity Program (POP) database for a voluntary acknowledgement of paternity prior to filing a Summons and Complaint with the court system?
_____YES _____NO

- 2) Does the LCSA follow policy and practice to recognize that a filed voluntary declaration of paternity obviates the need for a legal establishment of paternity through the courts?
_____YES _____NO

- 3) Conclusion: State whether the LCSA met or did not meet the requirements by the end of the review period. (FOR USE BY THE REVIEWER)

CASE TRANSFER QUESTIONNAIRE – COMPLIANCE (State Requirement)

To ensure consistent statewide implementation of the revised duplicate case transfer policy, LCSA’s compliance with the following requirements is necessary. Verification that the prescribed procedures were followed and/or the review of a sampling of cases from the LCSA’s duplicate case list will determine if the LCSA met the requirements. This is now a compliance component; that is, a finding of noncompliance, as described below, will affect the overall compliance review result, and will require a corrective action plan addressing actions to be taken to achieve compliance.

REFERENCE: CSS Letter 05-30; CSS Letter 06-19; CSS 07-11; CSS 07-11 Errata

REQUIREMENTS:

- ❖ A case is considered a “duplicate” when the CP and NCP are the same in both LCSAs. Foster Care cases, where the CP is the county, are not considered the same case because each county is considered a separate CP. Kin Gap cases, while a type of Foster Care, will have the caretaker as the CP. In Kin Gap cases, the case must transfer if the NCP and CP are the same in another LCSA case, no matter what type of aid the CP received in another county.
- ❖ All dependents in common with the NCP and CP must be managed by one LCSA even if the receiving LCSA never enforced support for all dependents.
- ❖ For LCSAs not transitioned, dependents and their arrears from a sending LCSA’s case must be added into the receiving LCSA’s case. For transitioned LCSA’s, all dependents will be in the CSE case.
- ❖ Case Management Responsibility (CMR) will continue to be determined by the rules described in CSS Letter 05-30.
- ❖ LCSAs will continue to use the Duplicate Case Transfer (DCT) reports from the LCSA secure website.
- ❖ The DCT Coordinator will continue to be the single point of contact for coordinating all case transfer activities and communication between LCSAs.

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following questions.

- 1) Does the LCSA’s sample duplicate case report comply with all the above requirements as stated in CSS Letters 05-30; CSS 06-19; CSS 07-11 and CSS 07-11 Errata?

_____YES _____NO
- 2) Is the LCSA following the revised duplicate case transfer procedures?

_____YES _____NO
- 3) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

**COMPLAINT RESOLUTION TRACKING SYSTEM QUESTIONNAIRE –
ADMINISTRATIVE (State Requirement)**

The DCSS required the establishment of a uniform complaint resolution process within the LCSA, to ensure uniform complaint handling and resolution. LCSAs are under obligation to acknowledge complaints made by recipients of services and take certain specific actions within required time frames. Under this component, LCSAs are to certify whether they are in compliance with the requirements of this process. This is an administrative component; that is, a finding of noncompliance, as described below, will not affect the overall compliance review result, but will require a program improvement plan addressing actions to be taken to achieve compliance.

For each complaint received by the LCSA, actions must be taken to resolve it, or refer it to another appropriate jurisdiction, within no more than 30 days (unless extended by the director). Complaints are to be discussed with the complainant and he or she is to be notified of the result.

REFERENCE: 22 CCR §§ 120100-120105

REQUIREMENTS:

- ❖ The LCSA reviewer will need to review up to the last twenty (20) complaints (initially received by the LCSA) during the review period.
- ❖ If there are fewer than 20 complaints, review them all.
- ❖ If at least 75 percent of the complaints meet all three requirements, the questions can be answered “yes.” If not, the LCSA has not met the requirements and must pursue program improvement.

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following questions.

- 1) Are complaints resolved (or referred to another appropriate jurisdiction) within 30 days (or 60 days, if extended)?
_____YES _____NO

- 2) In the process of attempting to resolve complaints, do LCSA investigators discuss the complaint with the complainant?
_____YES _____NO

- 3) Are complainants properly notified of the results of the investigation, the actions to be taken, and the complainant’s right to pursue a state hearing?
_____YES _____NO

- 4) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

CO-LOCATE QUESTIONNAIRE - ADMINISTRATIVE (State Requirement)

As a condition of eligibility for aid paid each applicant or recipient shall cooperate with the county welfare department and the LCSA.

REFERENCE: Welfare & Institutions (W&I) Code § 11477(b)(1)

REQUIREMENTS:

- ❖ State law requires the IV-A applicant to cooperate with the county welfare department and the LCSA in establishing the paternity of the child of the applicant or recipient born out of wedlock.
- ❖ State law requires the IV-A applicant to cooperate with the county welfare department and the LCSA in establishing, modifying, or enforcing a support order with respect to a child of the individual for whom aid is requested or obtained.
- ❖ The LCSA shall have staff available, in person or by telephone, at all county welfare offices and shall conduct an interview with each applicant to obtain information necessary to establish paternity and establish, modify or enforce a support order at the time of the initial interview with the welfare office.

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following question.

- 1) Does the LCSA have staff available in person or by telephone at county welfare offices to conduct interviews with each applicant to obtain information necessary to establish paternity and establish, modify or enforce a support order at the time of the initial interview?
 _____YES _____NO

- 2) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

**COMPROMISE OF ARREARS PROGRAM (COAP) QUESTIONNAIRE -
ADMINISTRATIVE (State Requirement)**

State legislation required the DCSS to establish a program to compromise arrears owed for reimbursement of public assistance. Pursuant to this legislation, DCSS developed the COAP - a collection enhancement process in which DCSS may accept offers from non-custodial parent(s) (NCPs) to compromise of arrears and interest owed to the government. DCSS developed a secure web-based automated system for the LCSAs use in processing COAP cases. There is also a manual process (formerly known as I-COAP) which is now only used for cases where the NCP has multiple cases within the same LCSA. If the NCP meets all eligibility criteria for a compromise in the COAP automated system, upon the execution of the compromise agreement, they have the option to repay the required arrears in a lump sum or in scheduled monthly payments for a maximum of three years. NCPs with only one case in one LCSA, with or without a current child support obligation, are eligible to participate in the COAP automated process. NCPs with multiple cases in one LCSA are eligible for the COAP manual process, unless there is a current child support obligation on any of these cases. To qualify for the COAP manual process, NCPs must have the ability to pay a lump sum upon execution of the compromise agreement. Compromises over \$5,000 must be reviewed by the State to ensure legislation, policies and procedures are being followed uniformly statewide and to ensure compromise are being made in the best interest of the State.

REFERENCE: FC § 17560; CSS Letter 03-27; CSS Letter 04-07;
CSS Letter 04-32; CSS Letter 05-18, CSS Letter 06-20;
Compromise of Arrears Program Business Protocols & Processes
V.1-June 2007

REQUIREMENTS:

- ❖ The LCSA shall provide outreach to targeted NCPs identified as potential candidates for the COAP to provide them with information and encourage them to apply.
- ❖ The LCSA shall provide the appropriate application forms to the targeted NCPs and other NCPs who request applications and provide assistance with completion if necessary.
- ❖ The LCSA shall process the application upon receipt of all necessary supporting documentation.
- ❖ The LCSA shall track payments to determine if NCP is in compliance with the Compromise agreement.
- ❖ The LCSA shall ensure that arrears are properly reduced if the required payments are made by the NCP.

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following questions.

- 1) Is the LCSA ensuring that staff is following DCSS policy, procedures and instructions regarding COAP?
(This could be evidenced by reviewing the LCSA training plan to determine if COAP policy, procedure and instruction training have been provided)
_____YES _____NO

- 2) Did the LCSA perform outreach to targeted NCPs for COAP as specified in the Compromise of Arrears Program Business Protocols & Processes and the COAP Technical Assistance Training? (This could be evidenced by copies of the outreach letters and/or other letters, materials, lists of NCPs who received the letter)
_____YES _____NO

- 3) Did the LCSA process the applications for COAP received from NCPs wanting to compromise their arrears?
(This could be evidenced by the reviewer verifying with the COAP staff that returned applications are being processed)
_____YES _____NO

- 4) Did the LCSA appropriately reduce arrears in the compromised cases according to the executed agreement?
(This could be evidenced by reviewing a sample of cases with COAP agreements to verify the arrears adjustments were made in the consortia system)
_____YES _____NO

- 5) Did the LCSA appropriately track scheduled repayments within the COAP Automated System and appropriately reduce arrears in the compromised cases according to the executed agreement?
(This could be evidenced by reviewing a sample of cases with COAP agreements to verify tracking within the COAP Automated System and compromise adjustments being made within the consortia system)
_____YES _____NO

- 6) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

Expedited Process

The measurement of compliance with expedited process requirements, as specified by regulations [45 CFR § 303.101(b)(2); MPP §§ 12-106.2, 12-109 and 12-211; FSD 98-04] will be completed as follows:

- a) Obtain the expedited process log or record for the month of September 2006. This should list all cases entering expedited process during that month.
- b) Track these cases forward for one year to determine the date of disposition for each. The requirement is that 75 percent must be completed within 6 months and 90 percent within 12 months, leaving not more than 10 percent that may exceed 12 months.
- c) Record the results on the Expedited Process Tabulation Form (in CRTCS) and include the results in the review report, with a finding of either compliance or noncompliance.
- d) If there are fewer than 11 cases for the month of September 2006, the LCSA will be considered in compliance in Expedited Process, but will be encouraged to take voluntary corrective action if the percentage scores are below the required standard.

Expedited Process Tabulation Form Instructions: For those cases included on the September 2006 Expedited Process Tabulation Form (attached), calculate the elapsed time between the service of process dates and disposition dates.

Review Month	Enter month reviewed (from IV-D expedited process case log)
Page ___ of ___	Enter number of pages used to record expedited process case time frames
IV-D Case Number	Enter the LCSA case number (last four digits only)
Date of Service of Process	Enter the date the NCP was served
Date of Disposition	Enter the date of disposition
Completed Disposition Time Frames	Enter a check mark in applicable column(s) to indicate when action in a case reached disposition within the expedited process time frames. For any case where a check is placed in the 6-month column, also check the 12-month column
Subtotal	Enter appropriate count in each column
Total	On last page only—enter total count of all subtotaled pages
Grand Total	On last page only—enter total count of the three total columns
Percentage	On last page only—enter appropriate calculated percentages from the grand total amount for the three columns using the following: $\frac{\text{6 mo. column}}{\text{GRAND TOTAL}} = \% \quad \frac{\text{12 mo. column}}{\text{GRAND TOTAL}} = \% \quad \frac{\text{>12 months column}}{\text{GRAND TOTAL}} = \%$
LCSA is considered to be	On last page only—enter, via check mark, appropriate compliance status of LCSA's expedited process time frames

