



READ AND CONSIDERED

Sonoma County Department of

DATE 9/11/08 BY [Signature]

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Child Support Services

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September 2, 2008

To: Sonoma County Grand Jury

Re: Department of Child Support Services Response to the Grand Jury Report

Department of Child Support Services Response to the Grand Jury Report, July 2008 – Ensuring Fairness in Child Support Services

FINDING (F1, Page 32 of printed version; Page 43 of internet version of report):

DCSS did not previously have a system for clear documentation of child support payments.

RESPONSE: The Department disagrees with this finding. This finding appears to be related to the recommendation (R2, Page 3) in the 2003/2004 Grand Jury report and not related to current action or inaction by the Department. The 2007/2008 Grand Jury report commended the Department for establishing a more clean-cut tracking system for documenting child support cases.

Since the last Grand Jury report, the Department has taken many steps to ensure that child support payments are clearly documented. Immediately subsequent to the 2003/2004 Grand Jury report, the Department implemented an Intake Unit. One of the primary purposes of the Department's Intake Unit is to make sure that the Department begins managing the case based upon accurate information from its customers. An interview with the custodial parent is required by state directive. However, the Department undertakes to interview the non-custodial parent as well as the custodial parent. In so doing, the Department is able to identify early into the case whether or not there is a dispute between the parties regarding the arrears balances.

If there is a dispute between the parties as to the balance owed, staff have been instructed to route the file to the Department's Legal Unit for filing of a Notice of Motion to put the matter before the Superior Court prior to setting up accounts. This action allows both parties to be afforded due process prior to enforcement of arrears. In addition, the resulting court order provides an official, and sometimes final, determination of the obligations between the parties.

At case opening and at case closure, the Department files a legal document with the Court entitled Notice Regarding Payment of Support. The purpose of this legal document is to communicate to the Court, customers, and attorneys that the Department is either beginning or

terminating enforcement activity in a particular Superior Court case. The filing of the Notice Regarding Payment of Support is documented in the Department's computer system, CSE.

As part of the management of a child support case, documentation is required whenever there is communication with a customer, employer, attorney, or anyone else associated with the case. In addition, all financial and legal activities are documented at or near the time the case activity occurs.

Lastly, prior to the closure of any cases, staff is required to provide 60 days notice of the intent to close the case to the parties. This is to ensure that there is concurrence amongst the parties and the Department that the payments are accurately reflected.

FINDING (F2, Page 32 of printed version; Page 43 of internet version of report):

DCSS did not accurately monitor responsibility of health insurance for the supported children.

RESPONSE: The Department disagrees with the finding that DCSS did not accurately monitor compliance with health insurance coverage.

The Department has a Medical Support Unit to assure that the children receive health insurance in accordance with federal and state regulations. Whenever a non-custodial parent is ordered to provide health insurance, a medical support assignment is automatically sent to the employer for enforcement. The Medical Support Unit follows up on these orders, communicating with the parents and the employer, if necessary, to ensure that coverage is in place. The Medical Support Unit also monitors when non-custodial parents change employers to ensure that coverage is not disrupted and can continue.

FINDING (F3, Page 32 of printed version; Page 43 of internet version of report):

DCSS was not monitoring to see that custody arrangements were not violated.

RESPONSE: The Department agrees with the finding that DCSS was not monitoring to see that custody arrangements were not violated. The Department does not and cannot provide any custody-related services to customers based on funding constraints.

If a non-custodial parent alleges that a child no longer resides with the caretaker for whom support services are provided, the Department investigates the allegations through interviews with the non-custodial parent and the caretaker. If, after the interviews are concluded, the Department is still unable to ascertain whether support services should continue to be provided, it is the practice of the Department to initiate a Notice of Motion to put the support collection issue before the Superior Court. In approaching the disputed issue in this manner, the Department ensures that parents receive the due process to which they are entitled. While the Department appreciates the contentiousness of these issues and hopes it could provide more assistance with custody matters, federal funding prohibits providing these services.

FINDING (F4, Page 32 of printed version; Page 43 of internet version of report):

DCSS did not previously accept and review all pertinent documentation for support payment cases.

RESPONSE: The Department disagrees with the finding that DCSS did not previously accept and review all pertinent documentation for support payment cases.

The Department is interested in enforcing child support orders within the parameters of the law and regulation. It is in the Department's best interest to receive information that is pertinent to the child support obligation at the earliest opportunity. To achieve this end, the Department created an Intake Unit to try to get the most accurate information up front. (See response to Finding 1.)

Customers of the Department are frequently immersed in disputes regarding some of the most emotionally charged areas in which conflict can arise---those of finances and familial relationships. Not surprisingly, self-interest frequently is the motivation behind information that is presented to the Department. Staff conducts interviews with customers in an effort to get to the truth. However, legal discovery methods are routinely employed to get financial information that customers may be reluctant to provide.

FINDING (F5, Page 32 of printed version; Page 43 of internet version of report):

DCSS clients are intimidated by the court system.

RESPONSE: The Department agrees with the finding that DCSS clients are intimidated by the court system.

Because most individuals are legitimately stressed by involvement with the court system, the Department plans to remain proactive in this area. Family Law litigants tend to have greater stress because their involvement is related to finances and their familial relationships.

To provide the public with more information about the court system, during the next nine months, the Department will endeavor to develop a joint program with the Superior Court for the purpose of providing clear direction to litigants on the workings of the Family Court, specifically as to unique child support issues. (See response to Recommendation 1 for more information.)

FINDING (F6, Page 32 of printed version; Page 43 of internet version of report):

Some DCSS policies and procedures were not clear to participants, nor were they communicated effectively.

RESPONSE: The Department disagrees with the finding that policies and procedures were not communicated effectively.

In part, as a result of the findings of the Grand Jury in the 2003/2004 report (R1, Page 3), the Department established an Intake Unit, which still exists today. One of the charges of the Intake Unit staff is to interview the custodial parent when a case is opened and attempt to

interview the non-custodial parent. The purpose of the interview is to explain the intricacies of the child support program and to alleviate confusion on the part of the customers.

The Department is committed to educating customers at every point of contact with the office. Whenever a customer contacts the Department, in person, over the phone, or at court, staff educates them about the current issue or proceeding and explains future activities to them.

Attorneys and caseworkers are required to provide internal direct telephone numbers to customers so that communication can occur in an efficient manner. The Department has found that if customers have direct access to staff that can answer their questions, communicate office procedures, and address their case problems, the better the relationship is with the customers over the life of the case.

FINDING (F7, Page 32 of printed version; Page 43 of internet version of report)

Terminology that was offensive to some parents was dictated at the State level; such terminology has since been changed or modified.

RESPONSE: The Department agrees with this finding.

The language that was previously used in reference to parents who paid child support was “absent parent.” In recent years, the standard terminology has been changed to “non-custodial parent” when referencing parents who pay child support through the Department.

In most cases, the new terminology is not considered offensive to customers. However, there are instances in which parents that have 50% or greater custody of their children are obligated to pay child support under the child support guidelines. In these cases, the reference as a “non-custodial” parent is sometimes considered offensive and inaccurate by the parent paying child support.

Additionally, the term non-custodial parent and obligor are used interchangeably in the child support community. While many parents can accept the term “non-custodial parent,” the term “obligor” is deemed offensive because it connotes that the parent’s responsibility as a payor is more significant than being the child’s actual parent.

In an effort to mitigate possible misunderstanding with parents, whenever the terminology issue is raised, staff explains that the terminology used in its standard documents bears no reflection on their actual custodial time and that enforcement of child support through the Department in no way alters their custodial relationship.

RECOMMENDATION (R1, Page 32 of printed version; Page 43 of internet version of report):

DCSS should educate clients on court procedures and the workings of the child support system.

RESPONSE: The Department agrees with this recommendation. The recommendation has not yet been implemented but will be implemented in the next nine months.

In 2002, when the new State Department of Child Support Services (DCSS) was created, customer outreach and education on the entire child support process, including court proceedings, became priorities and new initiatives were pursued. In 2002 and 2003, the Department conducted informational child support clinics. These clinics were held at the Bar Association office in Santa Rosa. The clinics were well advertised and attendance was promoted by the Department, the Bar Association, and Legal Aid. The meetings were first scheduled on a monthly basis, then on a quarterly basis. While there was some initial public interest and attendance of 15-20 people, attendance dropped sharply after the first couple of clinics. The absence of sustained public interest could not justify continuance of the clinic program.

Inherent in the Department's business processes is the mandate to educate customers at every point of contact with the office. Whenever a customer contacts the Department, in person, over the phone, or at court, staff educates them about the current issue or proceeding and explains future activities to them. Additionally, attorneys and caseworkers attempt to negotiate stipulated settlements whenever possible. Attorneys and caseworkers are required to provide internal direct telephone numbers to customers so that communication can occur in a streamlined manner, a practice which is unique in the child support community.

The Department recognizes that communication regarding the court system can always be improved and fine-tuned. Therefore, the Department has recently indicated to key Family Court leaders its interest in collaborating in further outreach efforts to the public. The Department also has a desire in participating with the Family Court in conducting joint clinics for the purpose of both educating the public and enhancing the administration of justice. This concept is in its infancy but has garnered great interest from the Superior Court and family law leaders. The expectation is for this project to be fully implemented in the next nine months.

RECOMMENDATION (R2, Page 32 of printed version; Page 43 of internet version of report):

DCSS should provide clear and thorough documentation of child support payments to all parties involved.

RESPONSE: The Department agrees with the recommendation. The recommendation was already implemented as standard operating procedure prior to the publication of the Grand Jury Report. Therefore, no further implementation will be required.

Both parties to a child support case currently receive information regarding collection and distribution of payments on a monthly basis. In addition, upon a customer's request, a full financial audit is available on an annual basis.

To ensure clear and thorough documentation, an automated child support collection and distribution system has been in place at the Department since the late 1970s. The initial automated system, CSAR, was limited to documenting monthly support obligations and

payments received. In 1991, the Department converted to another automated system, CASES, which, in addition to documenting obligations and payments, had the feature of calculating statutory interest.

In March 2006, as part of the statewide plan to convert all counties to one child support system, Child Support Enforcement (CSE), the State took responsibility over payment processing of child support payments with the creation of the State Disbursement Unit (SDU). Instead of non-custodial parents paying directly to the counties, all non-custodial parents were required to submit their payments to Sacramento. Since that time, the State has assumed responsibility for providing reliable and accurate records of child support payments.

RECOMMENDATION (R3, Page 32 of printed version; Page 43 of internet version of report):

DCSS should clarify and verify responsibility of health insurance for children involved in each case.

RESPONSE: The Department agrees with the recommendation. The recommendation was already implemented as standard operating procedure prior to the publication of the Grand Jury Report. Therefore, no further implementation will be required.

As mentioned in response to Finding 2, the Department has a Medical Support Unit to assure that the children served receive health insurance when available.

Additionally, new federal Medical Support regulations were issued by the Office of Child Support Enforcement on July 21, 2008. The new federal regulations provide for alternatives other than enforcement of medical support against only the non-custodial parent. These regulations vary considerably from previous regulations and require the State Department of Child Support Services to issue new directives regarding medical support establishment and enforcement in California. The Department anxiously awaits further guidance from the State Department of Child Support Services to legally and appropriately enforce medical support orders.

RECOMMENDATION (R4, Page 32 of printed version; Page 43 of internet version of report):

To minimize disputes, DCSS should evaluate and monitor client understanding of and satisfaction with its services. Client evaluations should occur after three months, nine months and annually thereafter.

RESPONSE: The Department disagrees with this recommendation. The recommendation will not be implemented because the specific request falls within the purview of the State Department of Child Support Services. The Department, however, has safeguards in place to ensure its high level of customer service.

Pursuant to legislative mandate (Family Code section 17303), the Department is, in essence, a State program with a local office. The Department is entirely funded by the State Department of Child Support Services and most business practices are now mandated and regulated by

the State. The last State Department of Child Support Services customer satisfaction survey was conducted between June 2001 and December 2001. When asked about their satisfaction with Sonoma County's child support agency in general, the customers' satisfaction level was 8.6 percent higher than the state as a whole.

Pursuant to its quality assurance authority, the State now has direct audit access to the Department's data and activity and is able to directly track how many customer calls are handled and how long those customers remain on hold. In addition, authorized State Department of Child Support staff can directly access the Department's financial and legal case documentation, as well as Activity Log notes in CSE, in the event that a customer makes an inquiry directly to the State's Public Inquiry Response Team (PIRT).

Though the state has assumed purview of this responsibility, the Department still incorporates excellent customer service into its business processes. The Department is extremely proactive in its efforts to provide high quality and timely service to its customers. The Department does not require its customers to make appointments in order to be seen by staff. Generally, drop-in customers are seen within 10 minutes of their arrival. The Department's attorneys routinely call customers and opposing counsel prior to court hearings in an effort to reach resolution without the necessity of litigation. This additional effort is unique when compared to child support agencies statewide.

During the federal fiscal year 2005/2006, the Complaint Resolution ranking of the Department was ninth in the state. During that reporting period, the Department received six (6) formal complaints from a caseload of 17,151. Three (3) matters were scheduled for State Hearing. The finding of the Administrative Law Judge was in favor of the Department in two (2) cases and the third matter was dismissed due to the Complainant's failure to appear at the State Hearing.

RECOMMENDATION (R5, Page 32 of printed version; Page 43 of internet version of report):

DCSS should appoint a neutral third-party ombudsman to ensure a fair process. This volunteer would ideally have a background in child support issues.

RESPONSE: The Department disagrees with the recommendation. The recommendation will not be implemented because the Department already has an Ombudsperson pursuant to state mandate.

In 2000, the State Department of Child Support Services established a statewide "Ombudsperson" Program. Operation of the Ombudsperson Program is subject to regulation by the State Department of Child Support Services (C.C.R. section 110479, et seq.). Every local child support child support agency in California is required to have an appointed Ombudsperson.

The appointed Ombudsperson in the Department is a Child Support Supervisor who is accessible to the public via direct telephone number 707-565-4242. Her job is to field concerns and issues and to work with the customers to resolve case problems in an expedited

and thorough manner. If needed, the Ombudsperson works with other staff, such as attorneys, if the issues are complex or novel. In the last state fiscal year, the Ombudsperson received four formal complaints, a very low number.

RECOMMENDATION (R6, Page 32 of printed version; Page 44 of internet version of report):

DCSS investigations should include written documentation or other corroborating evidence regarding disputed issues.

RESPONSE: The Department agrees with the recommendation. The recommendation was already implemented as standard operating procedure prior to the publication of the Grand Jury Report. Therefore, no further implementation will be required.

Written documentation of all communications and case research is currently entered in the Department's statewide computer system as standard business practice. Since 1991, when the Department converted to the CASES system, all communications with customers and other case investigative information has been documented in the narrative section (EVD) of the system. Since conversion to the statewide computer system, CSE, all case notes have been entered in the Activity Log.

The statewide automated computer system, CSE, is mandated by federal law. The federal Office of Child Support Enforcement (OCSE) has issued operational specifications for what must be included in terms of data entry in order to qualify for federal certification of the system. These specifications specifically prohibit entry of information in a system outside of CSE. Therefore, communications and other investigative information are all tracked within CSE.

RECOMMENDATION (R7, Page 32 of printed version; Page 44 of internet version of report):

If budget constraints allow, DCSS should reinstate parenting classes. If this training cannot be funded, volunteer resources should be explored.

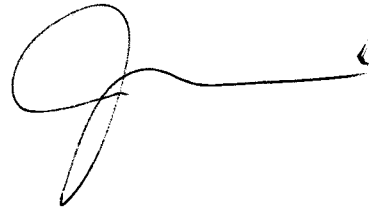
RESPONSE: The Department agrees in part with the recommendation. However, the recommendation will not be implemented because the funding is not available.

While the Grand Jury commended the Department for the parenting classes that had been provided in the past (Page 32 of printed version: Page 43 of internet version of report), budgetary constraints have severely limited the Department's ability to fund parenting classes for the foreseeable future. If adequate funding for parenting coursework becomes available, the Department would certainly be interested in pursuing new opportunities to re-establish parenting classes. In the meantime, information is posted in the Department's lobby regarding parenting classes that are offered at a low cost through the same community based organization with which the Department had previously offered classes.

Relying upon volunteers is not a suitable substitute for parenting classes provided by appropriately trained professionals. Many of the parents participating in the program have a

history of high conflict interpersonal communication, mental health issues, and substance abuse issues. The Department is concerned that its association with anything other than a professional and accredited program may not provide its customers with the services they need and could subject the County of Sonoma to undue legal liability.

Dated: September 2, 2008
3:00 p.m.

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a horizontal line extending to the right.