

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

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FROM: EXECUTIVE OFFICE

SUBMITTAL DATE: July 16, 2002

SUBJECT: Response to Grand Jury Report: Riverside County Department of Child Support

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve with or without modifications, the attached response to the Grand Jury's recommendations regarding the Riverside County Department of Child Support.
- 2) Direct the Clerk of the Board to immediately forward the Board's finalized response to the Grand Jury, to the Presiding Judge, and to the County Clerk-Recorder (for mandatory filing with the State).

BACKGROUND: On May 21, 2002, the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding the Riverside County Department of Child Support.

Section 933(c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the control of the Board, and that a response be provided to the Presiding Judge of the Supervisor Court within 90 days.

TONY CARSTENS
Deputy County Executive Office

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FINANCIAL DATA:

CURRENT YEAR COST	\$	ANNUAL COST:	\$	
NET COUNTY COST	\$	IN CURRENT YEAR BUDGET:	Yes/	No/
		BUDGET ADJUSTMENT FY:	Yes/	No/

SOURCE OF FUNDS:

C.E.O. RECOMMENDATION: APPROVE.

County Executive Officer Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Wilson and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Venable, Wilson and Mullen
 Noes: None
 Absent: None
 Date: July 16, 2002
 xc: E.O., DCSS, Pres. Judge, Co.Clk.-Recorder(2)

Name: Romero
 Clerk of the Board
 By:
 Deputy

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Policy
 Consent
 Policy
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 Policy
 Department Recommendation:
 Per Executive Office:

SPECIAL FINDINGS AND RECOMMENDATIONS

RIVERSIDE COUNTY DEPARTMENT OF CHILD SUPPORT

FINDINGS:

FINDING #1:

The DCSS Ombudsman Program is largely involved in dispute resolutions only after problems have occurred. The client must first contact a case worker when there are problems regarding support payments or custodian rights. If the dispute is not resolved, it is turned over to the case worker's supervisor. If resolution is still not achieved, the case goes to the Department's Ombudsman team.

Respondent agrees with the finding.

FINDING #2:

Long delays have been encountered between the completion of a child support obligation by a parent, and the cessation of wage garnishment. This results in a hardship on one or both parents and ultimately the need for the county to reimburse the client for overpaid funds.

Respondent disagrees partially with the findings.

To ensure prompt follow-up, the Department upgraded its computer system last year to enhance its existing procedures for manual caseworker review and closeout of child support enforcement and collection activities when the child attains the age of majority and the child support obligation terminates. The automated system currently generates a letter to the custodial parent sixty days prior to a dependent turning eighteen years of age. If the custodial parent does not respond to the letter and provide documentation that the dependent is still currently eligible for child support, the child support obligation is ended at the close of the month the dependent becomes eighteen. At the time the current child support obligation is ended, a revised wage withholding order is automatically sent to the obligated parent's employer. Computer listings are also generated monthly for review by the caseworker for case closure. If a case is eligible to be closed, State regulations require that a sixty-day closure notice be given to the caretaker parent before the case can be closed. This gives the parent an opportunity to provide any information they may have that would extend the time-period of the child support obligation because the child is still considered a dependent eligible for child support under the law.

The Grand Jury identified and reviewed one unusual case in making its findings. In that case there was a dispute between the parents as to whether the child support obligation had ended at age eighteen or continued to age nineteen because the child was attending high school. The Riverside Department of Child Support Services took immediate steps to verify the facts in the matter to determine if the child was no longer a full time high school student and if so, the date of last full time school attendance. Inquiries by the Department on this issue

were directed to the last school of attendance as well as the school district in question. The obligated parent contended his support obligation terminated shortly after the child became eighteen and because, he claimed, the child was working full time and could not also be a full time high school student. The custodial parent however, indicated the child had been a full time enrolled student at some period after becoming eighteen and was in the process of being enrolled in a different full time school program and was therefore eligible for support under the law until nineteen years of age.

The Department continued to investigate the matter in order to obtain information that would either corroborate or refute the contentions of the custodial and non-custodial parents. This is because the burden under the law of seeking to terminate the support obligation is on the non-custodial paying parent to obtain such a court order if the paying parent contends the over age eighteen child is no longer a full time high school student. The contention alone that the child is not enrolled as full time high school student, without further independent, verifying information, is not sufficient to terminate the support obligation. To do otherwise could cause irreparable harm to a child who is entitled to support, even though in this case the child's custodial parent was not cooperative in providing the Department with the necessary information. The Department filed a request with the courts, not advocating the position of either parent, for a judicial determination based on all the known facts of the date child support terminated. The Department also requested that the court decide whether the custodial parent was overpaid if the child was not a full time student or, if the non-custodial parent continued to be obligated for support after age eighteen, the amount of support still due. The case was concluded when the court made a ruling based on all the facts gathered and presented that support terminated at age eighteen and each parent had no further claims against the other for past due or previously paid support.

Such a disputed case and the extended time required to legally resolve it is extremely rare. The previously described automatic review notices and procedures the Department has currently in place ensure that enforcement and collection of child support withholding orders cease timely when the support obligation ends.

FINDING #3:

Clients that read the DCSS handout material or visit the Departments web site receive all the information needed to make knowledgeable choices. However, many clients do not possess sufficient reading, language, or computer skills to make informed decisions.

Respondent agrees with the finding.

RECOMMENDATIONS:

RECOMMENDATION #1:

The DCSS caseworkers identify serious complaints and immediately refer these complaints to the Ombudsman Program.

RECOMMENDATION #2:

Case workers and ombudsmen be proactive in assisting the client through the responsibilities and liabilities of the child support process.

These recommendations have been implemented.

The Department created and staffed an ombuds team in July 1995 to directly respond to and resolve customer service complaints, referrals and case problems of any kind. The Department also has long-established quality customer service policies and procedures that require pro-active caseworker actions and follow-up to resolve customer case issues. Each caseworker receives extensive customer service training that is regularly supplemented. In November of 2000 the State Department of Child Support Services converted this voluntary initiative undertaken by the Riverside Department of Child Support Services into a mandate for all child support departments statewide. That mandate, outlined in State Child Support Services Letter 00-07 (Nov. 7, 2000), cited by the Grand Jury, also states in the paragraph immediately following on the same page: "It is expected that customers with complaints taken to the Ombudsperson Program have exhausted the normal channels of the local complaint processes prior to contacting the Ombudsperson Program for assistance." The State further clarified that mandate in CSS Letter 01-20 (July 25, 2002) which states that: "Line staff or supervisors may be involved in responding to customer issues at any point in the issue resolution process." The Riverside Department of Child Support Services expanded its ombuds program and its operation fully complies with State direction on how those services are to be delivered. The Department's ombudsperson team provides a means to resolve customer issues related to child support services exactly as required by the State, including inquiries, questions, requests for assistance, or helping customers in navigating the local complaint resolution and State hearings processes.

As part of its continual efforts to make sure customer service issue resolution and ombuds team services procedures meet the needs of its customers, the Riverside Department of Child Support Services, as part of a previously on-going review of these policies and processes, recently issued updated case problem handling requirements for caseworkers and ombuds team staff that we believe fully meet the concerns raised by the Grand Jury, stay in compliance with State requirements, and provide an extra measure of assistance to our customers. These procedures provide that customers with an inquiry, complaint or dispute can work with Department caseworkers and other staff to resolve those issues or contact the Ombuds team directly. If the customer chooses to work to resolve the matter with staff, the caseworker and/or supervisor must resolve the problem within 24 hours or refer the customer and issue to the ombuds team who must achieve a resolution within three business days. The Department will also initiate a mass mailing of the bi-fold brochure entitled "Helpful Guide to Resolving

Problems With Your Child Support Case" (State publication 309), to provide its customers with information about resolving a problem with their child support case through the ombuds team. The Department also created an information sheet that will be included as part of the mailing informing our customers of ways to access both their caseworkers and ombuds team staff by phone, fax, personal interview or by email directly to the worker or the ombuds team.

RECOMMENDATION #3:

Departments of Child Support Services and Child Protective Services coordinate efforts to immediately develop and implement a workable system to inform parents of expenses they face should their children be placed in protective custody.

The recommendation has been implemented.

The Grand Jury indicated to the Department of Child Support Services that they were only indirectly aware of a case involving the issue giving rise to this last recommendation.

Review by the Department of Child Support Services with the Riverside Department of Public Social Services indicates that upon referral of the case for collection by DPSS to DCSS, the Department of Child Support Services automatically generates a detailed letter to both parents of children in foster care placement. The letter outlines parental support obligations, rights, and responsibilities as well as general collection procedures. The obligation to provide financial support for the care of the children is further explained during any interviews that may be conducted with the parents by Riverside Department of Child Support Services caseworkers. Prior to the referral to DCSS, the Department of Public Social Services informs the parents of dependents placed in foster care that they may be required to reimburse the county for expenses that have been or will be incurred while their dependents are in out-of-home placement. Each Juvenile Court petition filed on behalf of every child in protective custody includes written notice of the parent's legal obligation to provide financial support for a child in out-of-home care. Juvenile Court petitions are served on parents in person at the time of the detention hearing held on behalf of the child. Parents who do not attend the detention hearing are served by either certified mail or personal, verified service. Detention hearings are held within three business days of the child's original removal from the home. Each parent is represented by an attorney, responsible for explaining the contents of all Juvenile Court documents. The Juvenile Court petition is a California Judicial Council approved form that fully advises the parents of their liability. The Riverside Department of Child Support Services will monitor its procedures and notices and consult with the Department of Public Social Services to ensure maintenance of this system. Parents will continue to receive all of these notices regarding potential financial obligations incurred in the event that foster care placement for their children becomes necessary.

RECOMMENDATION #4

Rewrite all information materials, to take into consideration those clients who have limited reading and language skills.

The recommendation has not yet been implemented, but will be implemented in the future.

Most of the information materials used by the Riverside Department of Child Support Services are now based on directives issued from the State Department of Child Support Services, which can include mandated as well as recommended language. Certain material such as the Child Support State Handbook (PUB 160), Ombudsperson Program (PUB 313), Complaint Resolution (PUB 310), State Hearing Process (PUB 312) and Helpful Guide to Resolving Problems With Your Child Support Case (PUB 309) are State provided and mandated materials and the language cannot be changed. It is the intent of the State Department of Child Support Services to expeditiously arrive at an initial, central set of approved outreach materials and approaches that address the most commonly shared "core information" needs of program customers. Similar special emphasis will also be given to key written materials – brochures, pamphlets, posters, and special purpose information sheets or stuffers.

The State Department of Child Support Services will also be using target audience review of all materials and approaches, including existing materials that are candidates for continued use (in existing or modified form) under the Statewide Child Support Outreach Program. Target audiences will be asked to review these outreach materials for readability, clarity and understandability. The State, in developing child support program information materials, will ensure that key factors are considered such as clear identification of the intended target audience, identification of key informants to guide the effort, clarity of message, language accessibility requirements, and application of its Readability Guidelines developed under the State Department of Child Support Services Customer Service Program. These standard protocols and tools will be made available for use by both State Department of Child Support Services and local Department of Child Support Services staff responsible for developing outreach materials and approaches. Over the next six months existing Riverside Department of Child Support Services informational material will be gradually enhanced, reissued or replaced by State mandate with State approved customer and public outreach materials that are standard, uniform and simple.