

CALIFORNIA  
DEPARTMENT OF  
CHILD SUPPORT SERVICES

PLAN OF COOPERATION  
FFY 2016

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## **SECTION I: PURPOSE**

The purpose of this Plan of Cooperation, hereinafter referred to as the “POC,” is to define responsibilities for securing child support, including child support establishment, collection, and disbursement services; medical support; determining paternity; and providing other public services in accordance with the provisions of Title IV-D of the Social Security Act (SSA), Title 42 U.S.C. §651 et seq., hereinafter referred to as “Title IV-D,” “Title IV-D program,” or “Title IV-D services.”

This Plan of Cooperation is entered into between the Department of Child Support Services, hereinafter referred to as the “Department” and the Santa Barbara County Department of Child Support Services, hereinafter referred to as the “Local Child Support Agency (LCSA).”

## **SECTION II: AUTHORITY**

Family Code (FC) §17202 designates the Department as the single organizational unit whose duty it shall be to administer the Title IV-D state plan for securing child and spousal support, medical support, and determining paternity. State plan functions shall be performed by other agencies as required by law, by delegation of the Department, or by cooperative agreements.

FC §17304(a) requires the Director of the Department to negotiate and enter into cooperative agreements with county and state agencies to carry out the requirements of the state plan for administering the Title IV-D child support program.

FC §17304(b) requires the Director of the Department to have direct oversight and supervision of the Title IV-D operations of the local child support agency. No other local or state agency shall have any authority over the local child support agency as to any function relating to its Title IV-D operations.

FC §17314(b) requires Regional Administrators to oversee the LCSAs to ensure compliance with all state and federal laws and regulations.

## **SECTION III: GENERAL PROVISIONS**

- 1) The Department and LCSA shall comply and work in collaboration with all provisions of this POC, Title IV-D of the SSA, and all federal and state laws, regulations, policies and directives.
- 2) The Department and LCSA shall promote an effective statewide child support program by monitoring, evaluating and advertising child support functions administered and delivered at the state and/or to the local level.
- 3) The Department and LCSA shall consult on program initiatives as well as the development and clarification of program policy; to provide clear direction as well as to adequately assess the local program and workload impacts.

## **SECTION IV: DEPARTMENT RESPONSIBILITIES**

As a condition of disbursement of federal and state funds to the LCSA, ensure a current, signed Plan of Cooperation is on file with amendments as deemed necessary by the Department to reflect new or revised federal and state laws, regulations, policies, and directives is on file. The Department shall ensure that the LCSA have the POC timely.

- 1) Per FC §17306(e)(1), develop, adopt, and disseminate directives, policies, and regulations to inform the LCSA and other appropriate county agencies of federal and state law, policies, standards, procedures, and instructions relative to Title IV-D services.
- 2) Per FC §17310, formulate, adopt, amend, or repeal regulations affecting the purposes, responsibilities, and jurisdiction of the Department consistent with the law and necessary for the administration of the state plan for securing child support and enforcing spousal support and determining paternity.
- 3) Communicate with the Judicial Branch Partners regarding statewide uniformity issues, statewide standards, LCSA/local court handling of LCSA cases and workload priorities.
- 4) Maintain an organizational structure and sufficient staff to efficiently and effectively administer and supervise all automation functions for which it is responsible under the Title IV-D state plan and other federal and state automation requirements.
- 5) Initiate legislation, to improve clarity and efficiency of the child support program and ensure compliance with federal and state laws, regulations, policies, and directives.
  - a) Consider legislative initiatives proposed to the Department by the LCSA.
- 6) Analyze pending legislation to identify the impact to the child support program if enacted.

### **A. Case Management**

#### **1) Case Processing**

Establish and maintain systems and procedures to facilitate the LCSA administration of the Title IV-D program.

- a) Accurately collect and distribute child support, medical support, and spousal support payments in accordance with federal and state laws, regulations, policies, and directives. Take all steps necessary to minimize undistributed collections.
- b) Issue billing statements to the obligor and collection and distribution notices to the obligee in accordance with the Department's policy.
- c) Manage and oversee the Statewide Disbursement Unit (SDU) which maintains the collection and disbursement processes.
- d) Extend the full range of services available under the Title IV-D plan per 45 CFR §302.36.

#### **2) Case Record Maintenance**

Manage the Child Support Enforcement (CSE) system and maintain CSE data in accordance with federal and state laws, regulations, policies, and directives for the administration of the Title IV-D program.

### **3) Case Records Retention**

Maintain all closed Title IV-D case records in CSE for a period of four years and four months from the date of case closure, per 22 CCR §111450, unless the case is subject to an open federal or state audit, civil litigation, or a court order which extends the retention period. If a case is subject to an open federal or state audit, civil litigation, or court order requiring extended retention, the Department shall maintain the records supporting the case until the audit is complete, the court case is closed, or a court-ordered extension of the retention period expires.

### **4) Case Complaint Resolution Process**

#### **a) Ombudsman Program**

- i) Public Inquiry Response Team coordinates with LCSA Ombudsman to respond to participants or outside inquiries.
- ii) Maintain a statewide list of Ombudsmen.

#### **b) Tracking Program and State Hearing Process**

- i) Maintain the Department portion of the complaint resolution and state hearing process as set forth in FC §17800 et seq., including maintenance of the Complaint Resolution Tracking System.
- ii) Work with the LCSAs to facilitate resolution of any complaints as needed.
- iii) Provide statewide training regarding handling of participant inquiries, complaint resolution, and state hearings.

### **5) Litigation, Writs and Appeals**

Any decision by an appellate court regarding child support can have broad application to state child support policy, all LCSAs, and the Department.

- a) Provide a procedure to review incoming appellate case submissions provided by LCSAs including respondent and appellant case submissions. Pursuant to FC §17304(b), review, approve or deny any request from an LCSA to pursue a writ or appeal.
- b) Contract with the California Department of Justice to provide appellate representation in Title IV-D appeals, at no cost to LCSAs.

## **B. Paternity Opportunity Program**

Administer the statewide Paternity Opportunity Program in collaboration with LCSAs as set forth in 45 CFR §302.31(a)(1), §302.70(a)(5), §303.5(g) and FC §§7570 – 7577.

- 1) Publicize and provide written material as it pertains to the voluntary paternity establishment process, a written description of the parent's rights and responsibilities and forms necessary to acknowledge and/or rescind paternity.
- 2) Process and file voluntary Declaration of Paternity forms, Rescission forms and court ordered Set-Asides.
- 3) Declarations of Paternity deemed valid during processing are recorded in the statewide database within 16 – 20 days of receipt.
- 4) Collaborate with LCSAs as necessary to provide POP training to current and potential witnessing agencies.
- 5) Provide periodic POP training to LCSA staff on an agreed upon schedule and as an aspect of such training prompt discussions with the LCSA Director and their

designated supervisors and managers regarding performance and improvement strategies as necessary

- 6) Provide, upon request, (certified) copies of filed Declarations and any Rescissions to the parents, child, LCSA, county welfare department, county counsel, State Department of Health Services, and the courts.
- 7) Assess, monitor and report voluntary paternity establishment data to LCSAs each quarter of the federal fiscal year.
- 8) Partner with a Paternity Opportunity Program Coordinator as designated by each LCSA as a point of contact with the LCSA.

### **C. Training**

- 1) Collaborate with LCSA to establish, oversee, evaluate and administer, as appropriate a statewide training program which delivers quality and efficient training.
- 2) Develop long and short-term program training goals; develop methods/metrics for measuring training effectiveness and meeting the goals of the training program.

### **D. Tribal**

Provide statewide leadership, through the Department's tribal liaison, to establish direct and open communication with tribal governments in an effort to establish government-to-government relationships and enter into Memorandums of Understanding with comprehensive Tribal IV-D programs, operating under Title 45 CFR §309.65(a), which shall be included in the state plan.

- 1) Manage shared tribal IV-D cases where both California and any Tribal IV-D program in California have an interest in the case.
  - a) Coordinate the transfer of IV-D cases to any comprehensive Tribal IV-D program in California where court action has not been initiated.
  - b) Coordinate case transfer under California Rule of Court, Rule 5.372, with the LCSAs and any Tribal IV-D program in California, where appropriate.
- 2) Provide locate services to any comprehensive Tribal IV-D program operating under Title 45 CFR §309.65(a) consistent with Title 42, USC §654(26) and §666(c)(1)(D), Title 45 CFR §302.35, and FC §17212.
- 3) Extend the full range of services to any Tribal IV-D program operating under Title 45 CFR §309.65(a) with the exception of tribal IV-D responding intergovernmental cases.

### **E. Audits**

#### **1) Data Reliability**

- a) Coordinate and oversee data reliability monitoring to ensure the LCSAs maintain complete and reliable data in accordance with the standards set forth by the federal incentive funding system outlined in the federal Child Support Performance and Incentive Act of 1998.
- b) Take all steps necessary to ensure the accuracy of all data, including data entered into the state automated system; provide policy and system documentation to ensure data is entered correctly; and ensure LCSA is in compliance with federal state data reliability standards. The implementation of required corrective actions is included in these steps.

- c) Coordinate and oversee the quarterly data reliability reviews and participate in other data reliability efforts consistent with Department directives. This ensures the maintenance of complete and reliable data in accordance with the standards set forth by the federal incentive funding system.
- d) Coordinate, oversee, and participate in all annual federal data reliability audit activities as needed, including, but not limited to, the following:
  - i) Provide LCSA-specific case samples selected by federal auditors to validate;
  - ii) Coordinate, facilitate, and attend conference calls to discuss questions;
  - iii) Request the LCSA provide any case documentation required;
  - iv) Work with the LCSA to address and resolve issues with problem cases; and
  - v) Work with the LCSA to address and resolve any case variances as identified by federal auditors.

## **2) Administrative Expense Claim Schedule and Certification CS 356 Claim Audits**

- a) Perform fiscal reviews of reported expenditures and abatement on the Administrative Expense Claim Schedule and Certification (CS356) for all LCSAs.
- b) Coordinate and conduct audits and reviews of the LCSAs, to ensure compliance with program requirements.
- c) Provide the LCSA with notification of the review, audit scope, methodology and audit process.
- d) Request and require the LCSA to provide all fiscal and administrative records necessary to comply with the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth in Title 2 CFR Part 200 as well as access to necessary case and financial records.
- e) Follow up on allegations of fiscal noncompliance and evaluate, monitor and document the risk identified and the impact to the child support program.
- f) Report on the LCSA's compliance with the Uniform Requirements, Child Support Program Regulations and in relation to costs claimed on the CS356.
- g) Obtain corrective action within 6 months following the issuance of the final report.

## **3) Other Audits**

- a) Coordinate and oversee federal and state auditors when conducting required audits to assess completeness, accuracy, reliability, and security of data used in calculating the performance indicators. This includes, but is not limited to, the following:
  - i) Department of Finance, Bureau of State Audits, and contract auditors as prescribed by the Department, access to all requested information in order to conduct audits/reviews including, but not limited to, data reliability audits, administrative and expenditure claims audits, and Internal Revenue Service Safeguard reviews.
  - ii) Require LCSA to provide to independent auditors all case records necessary to comply with the new OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth in Title 2 CFR Part 200 as well as access to necessary case and financial records. Monitor data reliability to ensure the LCSA

maintains complete and reliable data in accordance with the standards set forth by the federal incentive funding system outlined in the federal Child Support Performance and Incentive Act of 1998.

## **F. Compliance and Monitoring**

### **1) Federal Self-Assessment**

- a) Beginning in October each year, conduct the federally mandated annual self-assessment review of the child support program to evaluate and measure compliance with specific federal requirements as set forth under the authority of 45 CFR §308.0 and FC §17701.
- b) Tabulate the results of the review and submit a report to the Federal Office of Child Support Enforcement by March 1st of each year as set forth in 45 CFR §308.1(e).

### **2) Review Criteria**

Conduct two distinct parts of the compliance review as set forth in 45 CFR §308.2.

#### **a) Case Review**

- i) Perform a review of child support cases among seven components: Establishment, Review and Adjustment, Enforcement, Disbursement, Intergovernmental, Medical Support and Case Closure.

#### **b) Expedited Process**

- i) Perform a review of all establishment cases for which process was successfully served measuring the time period from “legal date of service” to disposition.

### **3) Review Procedure**

#### **a) Findings**

- i) Inform the Compliance Coordinator in each LCSA of potential cases for which there is a preliminary finding of non-compliance to enable the LCSA to conduct a review and either concur or dispute the finding.
- ii) Make a determination that the finding either stands or is reversed and brought into compliance based on additional information.

#### **b) Results**

- i) Tabulate the results of the review and inform the Director and the Compliance Coordinator in each LCSA of both the statewide results and their individual county results. In order to achieve statewide compliance, a minimum threshold of 75 percent of all cases reviewed must meet compliance in each of the six case review components, with the exception of the Case Closure component which must meet a minimum compliance threshold of 90 percent as set forth in 45 CFR §308.2(a). For expedited process a minimum compliance threshold of 75 percent of the cases must reach disposition within 6 months and 90 percent within 12 months, with no more than 10 percent that may exceed 12 months as set forth in 45 CFR §308.2(h)(1)(i).

### **c) Corrective Action Plan**

- i) Notify the Director and Compliance Coordinator of each LCSA found to be out of compliance of the need to develop and submit a corrective action plan as set forth in 45 CFR §308.1(e)(2)(v).
- ii) Review the LCSA's proposed corrective action plan and either approve or consult the LCSA to revise the plan to enable approval.

## **G. Outreach**

- 1) Per 45 CFR §302.30 and FC §17210, establish systems for informing the public, including custodial and non-custodial parents of dependent children, of its services and operations.
- 2) Make Title IV-D outreach materials available to the public and the LCSAs.
- 3) Provide appropriate translation of statewide public education and outreach materials and required forms.
- 4) Coordinate with the LCSA Public Information Officer regarding any media contact.

## **H. Program Performance**

### **1) Performance Management Plan**

- a) Develop a state strategic plan and annual goals.
- b) Develop an annual performance plan aligned with the state strategic plan and annual goals.
- c) Review and approve LCSA performance management plan and quarterly updates.

### **2) Corrective Action**

- a) Require a corrective action plan for any area of noncompliance identified by a federal or state audit, or state program or local review or assessment, or resulting from any conditions of program deficiencies pursuant to FC §17602.
- b) Withhold part or all of federal and state funds from the LCSA, after notice to the LCSA as required by FC §17604, when the Director of the Department determines the LCSA is failing in a substantial manner to comply with any provisions of the POC, Title IV-D or federal or state laws, regulations, policies, and directives.
- c) Impose sanctions on the county for failure of the LCSA to meet audit or performance-related criteria as specified in federal and state laws, regulations, policies, and directives.

## **I. Fiscal Administration**

In accordance with federal and state laws, regulations, policies, and directives, the Department shall carry out the fiscal activities described herein.

### **1) Accounting and Recordkeeping**

In discharging its fiscal accountability per 45 CFR §302.14, the Department will maintain an accounting system and supporting fiscal records to adequately ensure claims for federal funds are in accordance with applicable federal requirements.

## **2) Separation of Cash Handling and Accounting**

Per 45 CFR §302.20, maintain methods of administration designed to ensure persons responsible for handling cash receipts of support do not participate in accounting or operating functions which would enable concealment within the accounting records of the misuse of support receipts within the accounting records.

## **3) Payment Application Data Security Controls**

Provide policy direction regarding the acceptance and processing of electronic payments.

## **4) Budgeting and Annual Allocation Process**

- a) Review and approve the LCSA annual operating budget as required by FC §17306(b)(9).
- b) Issue an initial and/or final allocation which provides sufficient funding to ensure each child support agency operates an efficient and effective program in compliance with the State Plan.
- c) Provide approval or denial of the LCSAs request for new funding needs for the upcoming budget year.
- d) Request expenditure projections necessary to assess spending trends and patterns statewide.
- e) Request submission of fiscal information necessary to accurately develop the annual Governor's Budget for the child support program.
- f) Audit final submission of the CS356 Local Child Support Agency Administrative Expense Claim Schedule and Certification form.
- g) Review and approve or deny written requests from the LCSA for equipment and capital expenditures as defined in Title 2 CFR Part 200 and CSS letter 05-05.

## **5) Data Reporting**

- a) Compile and validate the CS34 (Monthly Report of Collections and Disbursements) and the CS35 (Supplement to the CS34 Monthly Report of Collections and Disbursements) data and provide the LCSA with a monthly notification upon completion. Compile and validate the OCSE 34 (Child Support Enforcement Program Quarterly Collection Report) and OCSE 396 (Child Support Enforcement Program Quarterly Financial Report) and submit to the federal government on a quarterly basis.
- b) Compile monthly state performance data and provide the LCSA with a monthly notification upon completion. Compile and submit the OCSE 157 (Child Support Enforcement Annual Data Report) to the federal government on an annual basis.

## **6) Bonding**

Pursuant to 45 CFR §302.19, the Department shall require a surety bond covering against loss resulting from dishonesty, for every person who has access to or control over funds collected under the child support enforcement program.

## **7) Contracting**

The Department will review, activate, and maintain an inventory of submitted contract/agreements in the Cooperative Agreement Tracking System (CATS) entered by LCSAs.

### **a) Superior Court – Plan of Cooperation**

Provide an approved template for the LCSA to complete when entering into a plan of cooperation with the Superior Court. The Department shall:

- i) Review the plan of cooperation between the LCSA and the Superior Court within 60 days of electronic submission via the CATS data application.
- ii) Ensure compliance with all pertinent state and local regulations and the requirements and provisions of Title IV-D and this POC.

### **b) Shared Service Agreements**

Review and approve all shared services agreements between LCSAs. If the Department fails to approve or deny the submitted agreement within 60 days of receipt, it shall be deemed approved.

### **c) Non-Title IV-D Activities**

- i) Per 45 CFR §302.15, Parts 304, 305, and 308, monitor LCSAs to ensure compliance and the integrity of Title IV-D funding.
- ii) Per 45 CFR §303.20 and FC §17304, monitor to ensure the LCSA is separate and independent from any other county agency or department. Upon submission of a plan from an LCSA Director to perform Non-Title IV-D activities, respond within 30 days, to request for additional information or for an extension of the review period.

### **d) IT Contracts**

Manage and oversee IT Contracts for the acquisition of goods or services related to information technology: computer hardware, software licenses, software development, and maintenance of hardware and software in accordance with State and Federal laws, regulations, and policies as stated herein.

- 1) Electronic Data Processing
  - a) Per 45 CFR §95.611(a)(3) and 45 CFR §95.611(a)(6) and (b)(1)(iv) review and approve, prior to execution, all proposed extensions and/or amendments to any EDP contracts for child support exceeding \$1,000,000.
  - b) Forward approved proposed contracts to the Administration for Children and Families for federal approval.
- 2) Report certain contracts per the IT Budget Act of 2012.
- 3) Comply with Governor issued Executive Order (EO) S-09-09 per SIMM section 18 concerning state contract expenditures and exemptions approved by the Technology Agency for IT system or service contracts.
- 4) Comply with Office of Child Support Enforcement Master Contracts for State IT Products and Services per 45 CFR part 95, Subpart F.
- 5) Comply with all contract language including 3rd parties who access child support information.

## **J. Information Security and Privacy Protection**

- 1) Ensure access to information from the following sources, including but not limited to, the Department of Motor Vehicles (DMV), Franchise Tax Board, Medi-Cal Eligibility Data System (MEDS), Title IV-A and Employment Development Department (EDD), is consistent with the terms and conditions of agreements made with those information providers.
- 2) Provide governance and oversight to LCSA's on Information Security and Privacy related issues and represent the Department and LCSA's to external agencies on related matters.
- 3) Maintain and disseminate Information Security policies and standards consistent with 5 U.S.C 552a, 42 U.S.C. 654(26), 45 CFR §95.621, 45 CFR §302.85, 45 CFR §303.21, 45 CFR §305.60, 45 CFR §307.10, 45 CFR §307.11, 45 CFR §307.13, IRC 6013(l)(6), IRC 6103(l)(8), IRC 6103(l)(10), IRC 6103(p)(4), IRS Publication 1075, NIST 800-53 rev. 4, CA Family Code §17212, CA Civil Code §1798.29, CA State Administrative Manual §5300, and Payment Card Industry (PCI) Data Security Standard version 3.0.
- 4) Provide assistance to LCSAs in the maintenance of Business Continuity Management Plans.
- 5) Enforce Federal and State requirements for Information Security Incident Reporting.
- 6) Implement and manage a security safeguards review program which assesses local compliance with all security-related requirements; and assists LCSA Directors and staff with compliance efforts.
- 7) Coordinate all Federal and State Information Security Reporting requirements to include the annual IRS Safeguard Security Report (SSR), Business Continuity Plans, and Incident Reporting.
- 8) Maintain an Information Security Awareness Training program pursuant to Federal and State mandates.
- 9) Monitor access to all information and systems maintained by the Department.

## **K. Information Technology**

Establish and maintain Information Technology (IT) policies and procedures for LCSA child support IT systems in compliance with the Code of Federal Regulations (CFR), the Statewide Administrative Manual (SAM), IRS Publication 1075, the State Information Management Manual (SIMM), OCSE Security Agreement and the State Fiscal Administrative Manual to:

- 1) Provide IT technical support for all Department provided systems and technologies.
- 2) Maintain a centralized IT Service Desk in support of Department provided IT systems and technologies.
- 3) Maintain Department controlled statewide systems' availability and performance to meet the child support program needs.
- 4) Identify and implement improvements to the statewide systems under the control of the Department.
- 5) Communicate timely notifications and updates concerning system availability.

**a) IT Procurements**

Manage and oversee all LCSA procurements of IT goods and services in accordance with state and federal laws, regulations, and policies as stated herein. Acquire IT goods and services in accordance with the Principles for IT Procurement per SAM §5230.4 and Public Contract Code §12100.

- 1) Review and approve or deny requests for LCSA IT procurements according to the Department Policies and the LCSA Fiscal Administrative Manual.
- 2) Deny IT procurement requests that do not include business case and prior approval justification per Department policy.
- 3) Comply with the Department of Finance and Department of General Services oversight and approval process per SAM §4819 and §5200.
- 4) Provide approval or denial of IT procurements to support a new technology project. The state will review utilizing the Project Approval Lifecycle State/Gate required by the Department of Technology.
- 5) Provide LCSA language to ensure software ownership rights and modification information is incorporated in all applicable procurements per 45 CFR §95.617.

**b) IT Asset Management**

Manage state-owned IT assets for the child support program and production systems; including identification and classification of state-owned hardware and software, telecommunications, maintenance costs and expenditures, support requirements, and the ongoing refresh activities necessary to maintain the IT assets per SAM §4989.

Establish and maintain policies and procedures for management of the LCSAs IT state-owned assets in accordance with state and federal laws, regulations, OCSE Security Agreement, LCSA Fiscal Administrative Manual, IRS Publication 1075, and policies as stated herein.

- 1) Manage IT equipment, maintain inventory records on the equipment, and take periodic physical inventories per 45 CFR §95.707, and Department policies.
- 2) Establish and maintain contracts to support the warranty of state-owned assets.
- 3) Require 60-day prior notification for any physical building location changes to state-owned assets.
- 4) Provide oversight and support to the LCSAs during relocation activities in order to manage DCSS or State-owned assets for Business Continuity per IRS Publication 1075.
- 5) Maintain the Departments "Prior Approval Justification" worksheet for new IT hardware and software.
- 6) Work with LCSAs and vendors to provide timely replacements of IT equipment that is no longer able to meet the operational requirements.
- 7) Maintain a software management plan and certificate of software compliance per SAM §4846 to prevent software piracy and promote good software management practices.
- 8) Develop and implement a technology refresh plan to replace equipment prior to its end of support or lifecycle per SAM §5001.
- 9) Manage disposition of state-owned assets per 45 CFR §95.707 and SAM §5900, §8633, and §8640.

- 10) Require submission of equipment to be surveyed for disposal at least 30 days prior to the disposal of surplus equipment.
- 11) Provide instructions on the usage and maintenance of state-owned assets.

**c) Systems Development**

Responsible and accountable for ensuring the development of technology adheres to the Department, state, and federal regulations and mandates as stated herein.

- 1) Review and approve or deny requests for the development of new technology systems or applications to support the child support program. Review alternative analysis to address the availability, usability, maintainability and cost effectiveness of prewritten and tested application programs in lieu of developing programs in-house per SAM §5175.2.
- 2) Comply with the project approval lifecycle scope for system development per SAM §4922 and §4819.
- 3) Ensure information security controls are designed in new system development per SAM §5315 and the OCSE Security Agreement.

**L. Federal Grants**

**1) Section 1115 Demonstration Grants**

- a) Monitor Section 1115 Demonstration Grant forecasts and announcements.
  - i) Alert LCSA of potential forecasts, announcements, and timelines for national child support grant program opportunities.
  - ii) Provide support to LCSA in preparing grant conceptual proposals.
  - iii) Assign a grant sponsor to assist the LCSA in the application process for any grant proposal the Department has approved in concept.
  - iv) Submit grant application documents to OCSE.
  - v) Monitor funded grant projects through completion.
  - vi) Assist LCSA in preparation of quarterly and end-of-project performance and financial grant reports; submit to OCSE.

**M. Civil Rights**

Adhere to and administer and operate the Title IV-D program in accordance with the provisions of the Title VI and Title VII of the Civil Rights Act of 1964, as amended; the California Fair Employment and Housing Act; the Americans with Disabilities Act of 1990 and 2008 Amendment; the Rehabilitation Act of 1973, §504 and §508; the California Department of General Services, Office of the State Architect, Title 24 CCR and Title 28 CFR Part 35, and appendix A of Title 28 CFR Part 36; the Dymally-Alatorre Bilingual Services Act and all other applicable federal and state laws, regulations, policies, and directives prohibiting discrimination on the basis of age, sex, race, color, religion, ancestry, national origin, disability, medical condition, denial of family and medical care leave, genetic information, marital status, military and veteran status, or sexual orientation.

**N. Non-Compliance**

- 1) If the LCSA does not comply with the terms and conditions of this POC, and non-compliance becomes an issue, the Department may withhold funds for any of the following:

- a) Failure to submit required reports or requested data.
  - b) Major breach of federal or state program requirements or of the requirements of this POC.
  - c) Failure to meet minimum federal standards on a federal performance measure, including federal data reliability requirements.
- 2) The Department shall notify the LCSA in writing of the LCSA's specific failure or breach and the required corrective action plan, prior to the withholding of funds.
- a) The Department may begin withholding from any funds due the LCSA during the monthly payment process until the LCSA is in compliance, or has an approved corrective action plan, and is in compliance with that plan.
- 3) Establish and implement an appeal process consistent with the requirements set forth in FC §17604(f), to be available to any LCSA sanctioned or pending sanction.
- 4) If the LCSA submits a justification for reconsideration:
- a) Consider and make a decision on all appeals within 30 calendar days of receipt of the appeal.
  - b) Notify the LCSA in writing, of the results of the request for reconsideration within 30 calendar days of receipt.
  - c) Restore any withheld funding to the LCSA if the facts presented in the appeal persuade the Department that the sanctions should not have been imposed.

## **SECTION V: LCSA RESPONSIBILITIES**

Ensure a current POC is on file as a condition of receiving federal and state funds from the Department, with amendments as deemed necessary by the Department or LCSA to reflect new or revised federal and state laws, regulations, policies, and directives.

- 1) Responsible to provide all Title IV-D program services as required by federal or state laws, regulations, policies, or directives within Santa Barbara County as directed by the Department and described herein. Notify the Director and Regional Administrator of any situation or circumstance directly impacting the operation of the local child support agency.
- 2) Promptly notify the Director and Regional Administrator of changes in LCSA Leadership; these include Director, Assistant Director, or any other high-level management positions.

### **A. Case Management**

#### **1) Case Processing**

- a) Accept all applications and referrals requesting service.
- b) Per FC §17400 establish child support and medical support orders.
- c) Ensure all actions on a Title IV-D case have been suspended; either when notified by the county welfare department (CWD) of good cause for non-cooperation pursuant to Welfare and Institutions Code (WIC) §11477.04, or, when the case is under the jurisdiction of the juvenile court as provided in WIC §300.
- d) Conduct locate activities, using all appropriate federal, state, and local locate resources to assist in the location of all NCPs or CPs whose whereabouts or assets are unknown.
- e) Initiate timely and appropriate enforcement actions to obtain payment of current and past due support in all Title IV-D cases with court orders for child and/or medical support.
- f) Enter into CSE and report to CWD, on a timely basis, the following on Title IV-D cases:
  - i) Any welfare applicant/recipient who refuses to cooperate with the LCSA in the establishment or enforcement of child support orders.
  - ii) Payments directly received by aided CP in accordance with 45 CFR §302.32(a).
- g) Review child support orders when requested by an NCP or CP, or, when the LCSA becomes aware of a change of circumstances which may affect the support obligation. Review, and, if appropriate, adjust orders for current Temporary Assistance for Needy Families (TANF).
- h) Manage Title IV-D cases from other jurisdictions pursuant to the Uniform Interstate Family Support Act.
- i) Comply with federal and state laws, regulations, policies, and directives for case closure.
- j) Ensure all financial processing is in accordance with 45 CFR §302.32(b).

#### **2) Case Records Maintenance**

Prepare and maintain records for each Title IV-D case which includes information necessary for proper and efficient processing of cases in accordance with federal and state laws, regulations, policies, and directives for

the administration of the Title IV-D program. This includes, but is not limited to, the following:

- a) Applications for child support services.
- b) Records created to locate and identify NCPs, to establish paternity, and to obtain, modify, and enforce support orders, including medical support, and the costs incurred in such actions. This includes any relevant facts and actions taken by the LCSA and the results of such action.
- c) Records pertaining to the amount and sources of support collection and the distribution of these collections.
- d) All records pertaining to complaint resolution and state hearings.

### **3) Case Records Retention**

Maintain all Title IV-D closed case records for a period of four years and four months from the date of case closure per 22 CCR §111450, unless the case is subject to an open federal or state audit, civil litigation, or a court order that extends the retention period. If a case is subject to an open federal or state audit, civil litigation, or court order requiring extended retention, the LCSA shall maintain the records supporting the case until the audit is complete, the court case is closed, or a court-ordered extension of the retention period expires. The LCSA may send documents to central imaging or use local scanning capabilities. All documents scanned into CSE must be verified as readable. Once the documents have been verified, those documents must be destroyed via the LCSAs' confidential destruct process.

### **4) Case Complaint Resolution**

#### **a) Ombudsman**

- i) Have in place an Ombudsman who is responsible for the implementation of a program which provides assistance to CPs and NCPs, employers, and the public on inquiries regarding the child support program, local complaint resolution process, and the state hearing process. The Ombudsman shall be the liaison with the Department for all issues relating to the Ombudsman program. The Ombudsman shall review complaint activity, identify systemic issues, and make recommendations to the LCSA Director for improvement of services to customers.
- ii) The Ombudsman is the designated State Hearing Coordinator for the purpose of managing the hearing schedule, securing the hearing site, contracting, and acting as the contact person for the complainant and liaison with the State Hearing Office.

#### **b) Program and State Hearing Process**

Maintain a complaint resolution program and state hearing process as set forth in FC §17800, et seq., and as specified in Title 22 CCR §120100. The LCSA shall:

- i) Maintain the complaint resolution process and seek to resolve all complaints within 30 days. Complaint investigators shall contact the customer and attempt to resolve complaints to the satisfaction of the customer consistent with the statutes, regulations, policies, and directives governing the Title IV-D program. The LCSA Director or designee may extend the period for resolution of the complaint an additional 30 days in

accordance with the regulations adopted pursuant to 22 CCR §120105(b).

- ii) Accurately track and report, in a timely manner, any complaints in the Department's Complaint Resolution Tracking System (CRTS).
- iii) Make complaint resolution activity log entries in the Child Support Enforcement (CSE) system.
- iv) Image or send to central scan complaint resolution documents.
- v) Work with the Department's Office of Legal Services staff to facilitate resolution of any complaints as needed.
- vi) Continue to work with customers to resolve issues regardless of whether or not the customer requested a state hearing.

#### **5) Litigation, Writs and Appeals**

Any decision by an appellate court regarding child support can have broad application to state child support policy, all LCSAs, and the Department.

- a) LCSA shall notify the Department as soon as possible upon receipt of notice of an appeal in a Title IV-D case using the Appellate Case Review process.
- b) LCSAs who wish to pursue a writ or appeal of a court's decision on a Title IV-D case shall submit a request to the Department using the Appellate Case Review process prior to taking any appellate action. Consistent with the authority established in FC §17304(b), a writ or appeal shall not be filed unless approved by the Department. However, this provision is not intended to prevent any action by a county counsel, or private counsel hired to act in the same capacity as a county counsel, to defend the county from any action for damages, including sanctions.
- c) The LCSA, when informed of such action being taken by the county counsel or private counsel, shall inform the Department when the action is related to a child support matter.

### **B. Paternity Opportunity Program**

In collaboration with the Department, administer and promote the statewide Paternity Opportunity Program in collaboration with DCSS to provide voluntary paternity establishment services as set forth in 45 CFR §302.31(a)(1), §302.70(a)(5), §303.5(g) and FC §§7570 – 7577.

- 1) Publicize the availability of the program and ensure written material is accessible to parents and current or potential witnessing agencies.
- 2) Provide LCSA staff training and ensure staff availability to provide witnessing services to parents free of charge by explaining their rights and responsibilities, respond to questions, and facilitate the submission of a Declaration of Paternity form to DCSS within 20 days of the date the last parent signed the Declaration.
- 3) Maintain a written agreement with local birthing hospitals and other entities providing prenatal services to ensure that completed Declaration of Paternity forms are submitted to DCSS within 20 days of the date the last parent signed the Declaration and pay a sum of \$10 for each Declaration that is subsequently filed by DCSS.
- 4) Provide training and outreach to other authorized witnessing agency staff, including birthing hospitals to ensure they are able to explain to parents their rights and responsibilities, respond to questions, and witness parents' signatures.

- 5) Attend periodic POP training conducted by DCSS on an agreed upon schedule, and as an aspect of such training the LCSA Director and their designated supervisors and managers are to make themselves available for discussion regarding performance and improvement strategies as necessary.
- 6) For each child support case opened in which paternity is at issue determine whether a Declaration of Paternity form has been filed by checking in the Child Support Enforcement system; if so, follow procedures to link the voluntary establishment of paternity to the case.
- 7) Monitor compliance, performance, and Declaration error rate and develop improvement strategies in collaboration with DCSS as needed.
- 8) Designate a Paternity Opportunity Program Coordinator as the Department point of contact.

### **C. Training**

- 1) Collaborate with DCSS to administer a statewide training program that delivers quality and efficient training based on the LCSA needs; submit annual training requests to DCSS as a way to communicate those needs.
- 2) Ensure that locally developed child support program related training material complies with statewide standards, federal and state policies, regulations and laws.

### **D. Tribal Relations**

Maximize opportunities to establish and maintain effective working relationships with tribal governments.

Pursuant to Title 42 USC Chapter 7 §654(7) and (33), and Title 45 CFR §302.34, the LCSA may enter into cooperative agreements with other entities, including Indian tribes or tribal organizations provided they are included in the Title IV-D state plan. LCSAs pursuing working relationships with tribal governments could include, but are not limited to, developing:

- 1) Cooperative agreements with individual Tribal TANF programs to establish procedures for referring Tribal TANF recipients to the LCSA to secure Title IV-D services and to memorialize the expectations of both the Tribal TANF program and the LCSA. This agreement must be submitted to the Department prior to enactment for approval.
- 2) Cooperative agreements with federally recognized tribes, pursuant to the Full Faith and Credit for Child Support Orders Act (FFCCSOA) which specifically applies to Indian Country (as defined by Title 18 USC §1151), as well as States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories and possessions, to recognize and enforce the other's valid child support orders, i.e., orders entered with appropriate subject matter and personal jurisdiction. The FFCCSOA requires the appropriate parties of such jurisdiction to:
  - a) Enforce, according to its terms, a child support order consistent with FFCCSOA by a court or agency of another State.
  - b) Modify such an order only in accordance with FFCCSOA.
- 3) In addition, the LCSA shall take the following actions:

- a) Appoint a tribal liaison to provide local expertise on tribal matters and serve as a single point of contact for tribes, tribal organizations, and Tribal IV-D programs; and participate in all activities convened by the Department's tribal liaison related to tribal issues.
- b) Initiate and appear at court proceedings under California Rule of Court, Rule 5.372 at the request of the Department.
- c) Provide notice to the Tribal IV-D program operating under Title 45 CFR §309.65(a) in California.
- d) File a motion with the court that shows the manner in which the intent to request case transfer was made in accordance with FC §17212 and which states whether any party provided with notice objected, the identity of the party objecting, and the reason indicated for the objection.
- e) Conduct itself in accordance with FC §17406 which includes providing the court with authorities to secure information concerning tribal laws and the legal effect of tribal judgments or orders under FC §4931.
- f) Provide assistance, upon request, with case account and unreimbursed assistance pool audits as needed.
- g) Enforce, according to its terms, a child support order consistent with FFCCSOA by a court or agency of another State.
- h) Modify such a child support order only in accordance with FFCCSOA.
- i) Provide the full range of services available under the Title IV-D plan in responding to intergovernmental cases under Title 45 CFR §302.36, to any comprehensive Tribal IV-D programs operating under Title 45 CFR §309.65(a).

## **E. Audits**

### **1) Data Reliability**

- a) Maintain complete and reliable data in accordance with the standards set forth by the federal incentive funding system outlined in the federal Child Support Performance and Incentive Act of 1998.
- b) Take all steps necessary to ensure the accuracy of all data, including data entered into CSE; follow policy and system documentation to ensure data is entered correctly, and maintain compliance with federal and state data reliability standards. The implementation of required corrective actions is included in these steps.
- c) To ensure the maintenance of complete and reliable data is in accordance with the standards set forth by the federal incentive funding system, conduct quarterly data reliability reviews and participate in other data reliability efforts consistent with Department directives
- d) Participate in all annual federal data reliability audit activities as needed, including, but not limited to, the following:
  - i) Validation of data in cases that are part of the sample selected by the federal auditors;
  - ii) Submission of any related questions to the Department;
  - iii) Attending conference calls to discuss questions;
  - iv) Assemble and provide any hardcopy case documentation required, and image such documents to ensure availability of documents in CSE;

- v) Working with the Department to address and resolve issues with problem cases; and
- vi) Working with the Department to address and resolve any case variances as identified by the federal auditors.

## **2) Administrative Expense Claim Schedule and Certification CS 356 Claim Audits**

- a) Monitor the fiscal administration and program performance to ensure compliance with all related laws, regulations and policy in administering the child support program, including the adequate safeguard of program assets.
- b) Implement an effective system of internal controls.
- c) Ensure proper reporting of claimed costs on the Administrative Expense Claim Schedule and Certification (CS356).
- d) Gather and provide the auditor access to all records and documents to support fiscal and administrative compliance.
- e) Coordinate and provide staff for interviews, conference calls, entrance conferences, and exit conferences.
- f) Provide a written response to reported audit findings (if any).
- g) Develop a plan of action and provide documentation that demonstrates corrective action of findings was taken within 6 months following the issuance of the final report (as needed).

## **3) Other Audits**

- a) Allow federal and state auditors to conduct required audits to assess completeness, accuracy, reliability, and security of data used in calculating the performance indicators. This includes, but is not limited to, the following:
  - i) Department of Finance, Bureau of State Audits, California Department of Child Support Services and contract auditors as prescribed by the Department access to all requested information in order to conduct audits/review including, but not limited to, data reliability audits, administrative and expenditure claims audits, and Internal Revenue Service Safeguard reviews.
  - ii) Provide necessary case records to independent auditors. Grantees and sub grantees are responsible for obtaining audits in accordance with the Single Audit Act Amendments of 1996 2 CFR Part 200, Subpart F – Audit Requirement Sections 200.500 – 200.521. In addition, each subgrantee shall permit independent auditors to have access to the records and financial statements.

# **F. Compliance and Monitoring**

## **1. Federal Self-Assessment**

- a) Cooperate with and respond to inquiries by the Department as the federally mandated annual self-assessment review is conducted beginning in October each year as set forth under the authority of 45 CFR, §308.0 and FC §17701.
- b) Establish a “Compliance Coordinator” to serve as a point of contact by the Department.

## **2. Review Procedure**

### **a) Findings**

- i) As the Department is conducting the review respond timely to preliminary findings of non-compliance.
- ii) Review cases and provide a timely response to concur or refute findings.

### **b) Results**

- i) The LCSA Director is to acknowledge the individual county's results as requested.

### **c) Corrective Action Plan**

- i) If found to be out of compliance develop and submit a corrective action plan for approval by the Department as set forth in CFR §308.1(e)(2)(v).
- ii) Revise the proposed corrective action plan as requested by the Department to enable approval.

## **G. Outreach**

- 1) Per 45 CFR §302.30 and FC §17210, conduct outreach programs to inform the public of the availability of Title IV-D services to the general public.
- 2) Collaborate with the Department to make Title IV-D outreach materials available to the public.
- 3) Coordinate with the Department's Public Information Office regarding any media contact.

## **H. Program Performance**

### **1) Performance Management Plan**

Implement a performance management plan, under the direction of the Department.

- a) Align tactics with the Department's Strategic Plan and annual goals.
- b) Focus on enhancing the delivery of program services and improved performance.
- c) Provide quarterly updates to the Department on the progress of the plan.

### **2) Corrective Action**

Develop and implement a corrective action plan, as required by the Department and/or the federal government, for any area of noncompliance identified by a federal or state audit, or state program or local review or assessment, or resulting from any conditions of program deficiencies as may be required by the Department pursuant to FC §17602.

## **I. Fiscal Administration**

In accordance with federal and state laws, regulations, policies, and directives, the LCSA shall carry out the fiscal activities described herein. The LCSA will submit complete, accurate, and timely financial and statistical information and data as required by federal and state laws and regulations, policies, and directives.

## **1) Accounting and Recordkeeping**

- a) Implement and maintain accounting standards and systems consistent with uniform accounting procedures prescribed by federal and state requirements. These standards conform to generally accepted accounting principles (GAAP) established by the American Institute of Certified Public Accountants.
- b) Maintain sufficient accounting and fiscal recordkeeping systems to ensure claims for available funds are submitted in accordance with applicable federal and state requirements. 2 CFR Part 200 provides principles for determining allowable costs.
- c) Maintain all financial records, supporting documents, statistical documents, and other records pertinent to an administrative expense claim for a period of four years and four months commencing on the last day of the quarter in which the costs were claimed, unless the claim is subject to an open federal, state, or local audit, civil litigation or a court order that extends the retention period. If a claim is subject to an open federal, state, or local audit, civil litigation or court order requiring extended retention, the LCSA shall maintain the records supporting the claim until the audit is complete, the court case is closed, or a court-ordered extension of the retention period expires.
- d) Implement policies and procedures to ensure timely tracking and monitoring of expenditures compared to budgeted/allocated amounts.
- e) As required by Title 2 CFR Part 200, retain a copy of the State Controller's Office (SCO) approved countywide cost allocation plan which identifies and describes the methods and procedures established for properly charging costs of administration, services, and training activities; estimated costs; the bases used for allocating various pools of costs to programs and activities; and other such information necessary to document the county's cost allocation methods and procedures. The countywide cost allocation plan and claims for federal funds shall conform to Department regulations, procedures, and directives.
- f) Maintain cash basis claiming. Cash-claiming requirements for reporting costs are as follows:
  - i) A continuous cash flow basis for reporting costs on the Administrative Expense Claim (AEC CS 356).
  - ii) Compliance with GAAP and the SCOs accounting standards and procedures for California counties.

## **2) Separation of Cash Handling and Accounting**

Per 45 CFR §302.20, adopt and enforce procedures of administration designed to ensure persons responsible for handling cash receipts of support do not participate in accounting or operating functions which would enable concealment of the misuse of support receipts within the accounting records. Such procedures shall follow generally recognized accounting standards, state and county fiscal manuals, generally accepted government auditing standards and generally accepted accounting principles.

## **3) Payment Application Data Security Controls**

LCSAs which accept electronic payments must comply with the Payment Card Industry (PCI) compliance standards. Electronic payments are defined as any Visa or MasterCard credit or debit cards or a payment made with a bank routing

number and account number. PCI compliance standards are operational and technical requirements set by the PCI Security Standards Council to protect account holder data. Refer to policy related to this payment activity and information in the Security Manual.

#### **4) Budgeting and Annual Allocation Process**

- a) Have mechanisms in place to effectively plan for and develop an annual budget; execute the annual budget in accordance with program priorities, appropriate and allowable costs, and reporting requirements; track, monitor, and adjust, as necessary, expenditures throughout the year to operate with amounts allocated by the Department.
- b) Build and submit an annual budget, via the CS921 Budget Display and the EDP M&O Budget Request which reflects how the LCSA will spend its child support program Administrative and EDP allocations for the upcoming state fiscal year.
- c) Provide a copy of the LCSA proposed operating budget including prior year's actual expenditures, and final budget, if different, as required by FC §17306(b)(9) for Department review.
- d) Refine the proposed budget plan as necessary to operate within the amounts included with the Department's final allocation letter.
- e) Ensure an implementation plan is included in the final annual budget for any special funding received to accomplish specific tasks.
- f) Identify and submit to the Department, new funding needs for the upcoming budget year through the CS921 Budget Display process and/or immediately upon identification of additional needs by written submission to the Department's budget office.
- g) Upon request from the Department, submit expenditure projections necessary to assess spending trends and patterns statewide.
- h) Upon request and in a timely manner, submit fiscal information necessary to accurately develop the annual Governor's Budget for the child support program.
- i) Ensure data is accurate and enter data in the CS356 Administrative Expense Claim system by the 15<sup>th</sup> of January, April, July, and October, or, the next business day should the 15<sup>th</sup> fall on a weekend or holiday, unless otherwise directed by the Department.
- j) Comply with federal and state requirements including requirements to obtain federal prior written approval for expenditures from the Department for an electronic data processing contract, purchase order, or lease agreement associated with program costs in excess of \$1,000,000.
- k) Obtain prior written approval from the Department for equipment and capital expenditures as defined in Title 2 CFR, Subtitle A, Chapter II, Part 200, Subpart E - Cost Principles and CSS letter 05-05.

#### **5) Data Reporting**

- a) Ensure data input is accurate to reflect actions in the case and to ensure statewide consistency.
- b) Provide, when requested, the number of full-time equivalent staff (FTE's) including part-time and contracted staff each month.

- c) Report on an annual basis, the following statistics for the courts operating in their respective county or region (for those LCSAs that have regionalized):
  - i) The total number of Title IV-D cases heard by each Title IV-D Child Support Commissioner;
  - ii) The average number of days from filing of a Summons and Complaint in a Title IV-D case until issuance of a child support order;
  - iii) The average number of days from the filing of an Order to Show Cause in a Title IV-D case until issuance of a child support order; and
  - iv) The average number of days from filing of a Notice of Motion in a Title IV-D case until issuance of a child support order.

## **6) Bonding**

Pursuant to 45 CFR §302.19 the LCSA shall secure bonding of employees.

- a) Provide a surety bond against losses resulting from employee dishonesty for every employee who receives, disburses, handles, or otherwise has access to any child support funds or support collections under the child support enforcement program required by Title IV-D of the Social Security Act.
- b) Establish surety bonds in amounts sufficient to protect the county against loss resulting or following from employee dishonesty.
- c) Ensure compliance with these bonding requirements by any other public or private agency in which a plan of cooperation or purchase of service agreement is established involving any cash handling and/or accounting function.
- d) Bonding requirements may be satisfied by a county's approved self-bonding or self-insurance program adequate to cover any loss of child support funds following employee dishonesty.
- e) In no case shall a self-bonding or self-insurance program reduce or limit the liability of the county or the LCSA for losses of child support collections.
- f) Any self-bonding or self-insurance program shall require an appropriate county official to certify as follows: "This County is self-bonded or self-insured for an amount adequate to cover any loss of child support funds following employee dishonesty."
  - i) Government Code (GC) §6599.01 provides direction on self-insurance.
  - ii) The County will be required to undergo periodic independent confirmation of its ability to meet this certification.

## **7) Contracting**

Submit all agreements electronically via the Cooperative Agreement Tracking System (CATS) per LCSA Letter 14-14.

### **a) Cooperative Agreements**

- i) Retain ultimate responsibility and accountability for such services under written cooperative agreements or contracts approved by the LCSA Director and the Department.
- ii) Ensure all delegated or contracted Title IV-D functions or activities, including, but not limited to, timeframes for case-processing are in compliance with the requirements and provisions of Title IV-D and are performed as prescribed by federal and state laws, regulations, department policy and directives, and this POC.

- iii) All agreements shall be in writing specifying an effective date, expiration date of the agreement, and the timeframe and method by which the agreement must be renewed or amended.

**b) Superior Court – Plan of Cooperation**

Enter into an annual Plan of Cooperation with the Superior Court. The Plan of Cooperation must be completed on the template prepared and approved by Judicial Council of California and the Department. The terms of the Plan of Cooperation can only be amended with the written approval of the Director of the Department of Child Support Services and the administrator of courts. The plan of cooperation between the LCSA and the Superior Court shall be electronically submitted via the CATS data application.

**c) Shared Service Agreements**

Shared services agreements with other LCSAs are encouraged to promote local and statewide cost-effectiveness. LCSAs shall:

- i) Obtain prior written approval from the Department before entering into the cooperative agreements to fulfill certain tasks related to Title IV-D services.
- ii) Submit all agreements electronically via the CATS data application.

**d) Non-Title IV-D Activities**

Pursuant to 45 CFR §303.20 and FC §17304, the local child support agency shall be separate and independent from any other county department. The LCSA must ensure that performing a Non-Title IV-D activity will not result in degradation of performance.

Submit a plan to the Department for review and approval prior to performing any Non-Title IV-D activity. Non-Title IV-D activities include but are not limited to overseeing another department or program, local revenue and recovery/reimbursement activities, and enrollment activities for a health insurance market place. The plan shall:

- i) Contain a clear description of the specific duties, functions and responsibilities of each party.
- ii) Specify the financial arrangements including budget estimates, covered expenditures, and a cost allocation plan.
- iii) Specify the kind of records that will be maintained (including but not limited to Personnel Activity Reports, and/or systems for allocating salaries and wages and any revenue received. (Refer to Title 2 CFR, Subset A, Chapter II, Part 200, Subpart E - Cost Principles)
- iv) Specify the dates on which the arrangement begins and ends, any conditions for revision or renewal, and the circumstances under which the arrangement may be terminated.

**e) IT Contracts**

Comply with the contract language for the acquisition of goods or services related to information technology: computer hardware, software licenses, software development, and maintenance of hardware and software in accordance with Department, state and federal laws, regulations, and policies.

- i) Obtain approval from the Department through the “Prior Approval Justification” process prior to the execution of any IT contract or service agreements per 45 CFR §95.611(a)(3).
- ii) Ensure any contracts for IT services comply with the Office of Child Support Enforcement Master Contracts for State IT Products and Services per 45 CFR part 95, Subpart F, and the IRS publication 1075 rules and regulations to protect child support information.
- iii) All contract amendments must be submitted to the Department for prior federal and state approval per 45 CFR §95.611(a)(6) and (b)(1)(iv) and the LCSA Fiscal Administrative Manual.

## **J. Information Security and Privacy Protection**

Establish, implement, and enforce information security protocols consistent with the Department Information Security Manual (ISM), IRS Publication 1075 and other relevant information security authority such as state and federal law or recognized national standards.

- 1) Implement policies and procedures consistent with the ISM to ensure child support customer information is secure and protected from intentional and unintentional misuse or exposure. Controls include but are not limited to:
  - a) Limit access, use or disclosure of confidential child support information to purposes described in Internal Revenue Service Code 6103(p)(4), 6103 (l)(6), 6103 (l)(8), 6103 (l)(10), Title 42 USC §653a (f), (g) and (h); Title 45 CFR §302.35, §307.10, §307.11, §307.13, and FC §17212, and State Administrative Manual Section 5300.
  - b) Include the Department’s Information Confidentiality and Protection Clause in any Memorandum of Understanding or contract-defining access, user disclosure, and disposal of confidential child support information by third party organizations.
  - c) Ensure personally identifying information is not subject to public disclosure.
  - d) Comply with the confidentiality provisions of FC §17212 (Ensuring the Confidentiality of Support Enforcement Records), and Title 22 CCR, §§111430-111440.
  - e) Comply with provisions of IRS Publication 1075 to restrict disclosure of federal tax information.
- 2) Maintain Business Continuity Management Plans (BCMPs) to ensure appropriate level of service continuity. BCMPs shall be updated annually and submitted to the Department.
- 3) Annually submit the Safeguard Security Reports (SSR) to the Department by January 15<sup>th</sup>. The SSR should indicate any material changes in control activities from the previous year’s submission.
- 4) All LCSA staff is required to complete the Department Information Security Awareness Training (ISAT) module via Child Support University (CSU) annually.
  - a) The LCSA will ensure all contractors/vendors satisfy the minimum requirement of completing the Department ISAT module in a PDF format provided by the Department’s ISO.
  - b) The LCSA is responsible for keeping an annual record of the contractor/vendors confidentiality statement, or upon new hire.
- 5) Ensure access to information from the following sources, including, but not limited to the Internal Revenue Service, Office of Child Support Enforcement,

Social Security Administration, Department of Motor Vehicles, Medi-Cal Eligibility Data System, Title IV-A and Employment Development Department, is consistent with the terms and conditions of agreements made with the agencies providing information.

- 6) Comply with information security incident management in accordance with the requirements listed in the Incident Response Policy and cooperate with the Department to effectively respond and mitigate all incidents.
- 7) Ensure any potential security event or suspicious activity is immediately reported to the Department's Information Security Officer in accordance with the Department's ISM.
- 8) Notify the Department Information Security Office before downloading, extracting, or storing any child support data from Department systems, and before developing any applications, tools, or macros that would use child support data, or interface with Department systems.
- 9) Advise the Department immediately after it has been reasonably determined that an Information Security violation has occurred.

## **K. Information Technology**

Comply with Information Technology (IT) policies and procedures in compliance with the Code of Federal Regulations (CFR), Title 45, the Statewide Administrative Manual (SAM), §§4800-5900, IRS Publication 1075, the State Information Management Manual (SIMM), and the LCSA Fiscal Administrative Manual.

- 1) Submit complete, accurate, and timely information and data to the Department for IT services as required by Departmental, state and federal laws, regulations, and policies as stated herein.

### **a) IT Procurements**

- 1) Comply with the Department IT Procurement processes which are regulated per state policies and procedures.
- 2) Obtain prior Departmental approval for IT Procurements.
- 3) Submit the "Prior Approval Justification" worksheet for the purchase at least 30 days prior for Department processing.

### **b) IT Asset Management**

Comply with Departmental, state and federal laws, regulations, policies, and LCSA Fiscal Administrative Manual to ensure effective tracking and management of state-owned IT assets for the child support program.

- 1) Comply with software licensing in accordance with SAM §4989.
- 2) Obtain prior approval from the Department for any desktop equipment exchanges with other LCSAs.
- 3) Provide a list of IT equipment to be surveyed for disposal, a minimum of 30 days prior to disposal, to the Department for handling instructions.
- 4) Comply with the OCSE Security Agreement in that State-owned equipment has the appropriate software with the latest updates to protect against attacks, including, at a minimum, current antivirus software and up-to-date system patches and other software patches.

### **c) Systems Development**

- 1) Obtain approval from the Department through the "Prior Approval Justification" process prior to the development of software, automation

- processes, and other technology related systems to support the Child Support Program.
- 2) Comply with Departmental, state and federal laws, regulations, policies and instructions for all system development activities per SAM §4800 and IRS 1075 Publication.
  - 3) Comply with the OCSE Security Agreement in the development of systems to ensure automatic execution of code is disabled and the solution enforces security policies by blocking, isolating, or quarantining non-compliant devices from accessing the state network and resources.

## **L. Federal Grants**

### **1) Section 1115 Demonstration Grants**

Section 1115(a) of the Social Security Act provides the Office of Child Support Enforcement (OCSE) with authority to fund demonstration grants. Only State Title IV-D agencies, or the state umbrella agency of which they are a part of, can receive 1115 Demonstration Grants.

- a) LCSA may submit a conceptual proposal to the Department.
- b) If conceptual proposal is approved by the Department, a grant sponsor will be assigned to assist in completion of the grant application.
- c) If awarded by OCSE, ensure milestones and projects are on track through completion of the grant.
- d) Prepare all quarterly and end-of-project performance and financial grant reports and submit them to the Department for review, approval, and submission to OCSE.

## **M. Civil Rights**

Adhere to, administer and operate the Title IV-D program in accordance with the provisions of the Title VI and Title VII of the Civil Rights Act of 1964, as amended; the California Fair Employment and Housing Act; the Americans with Disabilities Act of 1990 and 2008 Amendment; the Rehabilitation Act of 1973, §504 and §508; the California Department of General Services, Office of the State Architect, Title 24 CCR and Title 28 CFR Part 35, and appendix A of Title 28 CFR Part 36; the Dymally-Alatorre Bilingual Services Act and all other applicable federal and state laws, regulations, policies and directives prohibiting discrimination on the basis of age, sex, race, color, religion, ancestry, national origin, disability, medical condition, denial of family and medical care leave, genetic information, marital status, military and veteran status, or sexual orientation.

## **N. Non-Compliance**

- 1) Comply with the terms and conditions of this POC. Should non-compliance become an issue for any of the following reasons the Department may withhold funds:
  - a) Failure to submit required reports or requested data.
  - b) Major breach of federal or state program requirements or the requirements of this POC.
  - c) Failure to meet minimum federal standards on a federal performance measure, including federal data reliability requirements.

- 2) Upon written notification of non-compliance, submit a corrective action plan to the Department within a specified period of time. Failure to provide and fully implement an acceptable corrective action plan within the required time period will be grounds for the Department to begin withholding any funds due the LCSA during the monthly payment process until the LCSA is in compliance, has an approved corrective action plan, and is in compliance with that plan.
- 3) If the LCSA chooses to request reconsideration from the Director of the Department or his/her designee, submit a justification for not meeting a requirement in this agreement. This assumes new or additional information, not previously available to either the LCSA or to the Department, has come to light and could substantially alter the position of the state and, subsequently, the outcome for the LCSA. The justification must be submitted within 30 working days from the date the Departments' notification letter to the LCSA is postmarked.

## **SECTION VI: ADDITIONAL PROVISIONS**

### **A. Certification of Contractor(s)**

Certify, by signing this POC, that neither it nor its principals are presently debarred, suspended, ineligible, proposed for debarment, declared ineligible, or voluntarily excluded from participating in the transaction by any federal department or agency pursuant to Executive Order 12549, and 2 CFR Part 382, whenever applicable. And that a contractor providing Title IV-D services must certify by signing an agreement that neither it nor its principals are presently debarred, proposed for debarment, declared ineligible, or voluntarily excluded from participating in the transaction by any federal department or agency. Where the prospective contractor, as the recipient of federal funds, is unable to certify to any of the statements in the certification, such contractor must attach an explanation to their proposal. If the LCSA is unable to certify any of these statements, it must attach an explanation to that effect to the POC at the time of signing.

### **B. Certification of Lobbying**

- 1) Certify by signing this POC, that no federal appropriated funds will be paid by, or on behalf of, the LCSA, to any person for influencing or attempting to influence an officer or employee of any agency; a member of Congress; an officer or employee of Congress; or an employee of a member of Congress in connection with the awarding of any federal contract, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- 2) Include language of this certification in the award document for sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements), and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 USC §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- 3) Allow for inspection, review, and/or audit by authorized federal, state, regional, and county officials all Title IV-D records maintained pursuant to this POC.

**C. State and Federal Law Conflicts**

To the extent that any provision of this POC or portion thereof is in conflict with any federal laws and/or state laws, and/or implementing federal regulations and/or state regulations, the laws and/or implementing regulations supersede such provision or portion thereof.

**D. Severability**

If any provision of this POC or any portion is adjudged to be invalid by a court of competent jurisdiction, or if any provision of this POC or a portion loses its force or effect as a result of legislative action, that judgment or action does not affect the remainder of the provisions of this POC.

## SECTION VII: TERM AND APPROVAL

**Effective Date:** October 1, 2015

**Expiration Date:** September 30, 2016.

This POC shall be one year in duration, commencing at the start of the federal fiscal year, and shall be subject to renewal or amendment as necessary to reflect new or revised state and federal laws, regulations, and requirements.

This POC shall be signed by the Director of the LCSA and returned to the Department by the commencement of the new effective federal fiscal year. Upon notice from the LCSA Director, a one-time thirty (30) calendar day extension shall be granted by the Department to allow for local processing.

Failure to sign and return this POC may result in the withholding of part or all of the federal and state funds including incentive funds, or other compliance actions authorized by federal or state law, regulation, or policy.

This POC may be amended by a written agreement of both parties if required by changes in policies or directives that may occur during the term of this POC. The Department will communicate with the LCSA regarding any and all obligations under this POC and will, as needed, meet with the LCSA on issues or concerns about program responsibility, operations, or performance.

Failure of the parties to amend or renew the POC to reflect new or revised federal and state laws, regulations, policies, and directives does not relieve the LCSA of the responsibility to act in accordance with those laws, regulations, and requirements.

Dated: August 31, 2015

Dated: \_\_\_\_\_

Carrie Topliffe

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Carrie Topliffe, Director  
Santa Barbara County Department  
of Child Support Services

Alisha Griffin, Director  
California Department of Child  
Support Services