

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

274



FROM: Department of Child Support Services

SUBMITTAL DATE:
September 20, 2013

SUBJECT: Approval of Standard Plan of Cooperation with Superior Court-Clerk's Office, County of Riverside, 3 years. All Districts [\$30,000 Annually] State Reimbursed

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Plan of Cooperation with the Riverside County Superior Court-Clerk's office.
2. Authorize the Director of Child Support Services to sign the Plan of Cooperation on behalf of the County of Riverside

BACKGROUND:

Summary

The standard triennial Plan of Cooperation required by the California Department of Child Support Services between the County DCSS and the Superior Court-Clerk's Office for mutual provision by both agencies of federal and State mandated services, will now extend without change over three federal fiscal years through FFY 2016, subject to later further written renewal or extension. The Plan of Cooperation has been approved as to form by County Counsel.

[Signature]
John Replogle
Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 30,000	\$ 0	\$ 0	\$ 30,000	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: 100% State Reimbursement

Budget Adjustment: No
For Fiscal Year: 2013/2014 - 20/15/2016

C.E.O. RECOMMENDATION:

APPROVE

BY: *[Signature]*
Karen L. Johnson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: October 22, 2013
xc: DPSS

Kecia Harper-Ihem
Clerk of the Board

By: *[Signature]*
Deputy

2013 OCT 12 PM 3:18

Prev. Agn. Ref.: 3.5 6/24/08; 3.15 11/30/10

District: All

Agenda Number: 3-10

3-10

FORM APPROVED COUNTY COUNSEL
DATE 9/30/13
BY: Maria Bryant
MARIA BRYANT
Departmental Concurrence

- A-30
- Positions Added
- 4/5 Vote
- Change Order

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Approval of Standard Plan of Cooperation with Superior Court-Clerk's Office, County of Riverside
DATE: September 20, 2013
PAGE: 2 of 2

BACKGROUND:

Impact on Citizens and Businesses

Ensures efficient access to court services enabling support enforcement on behalf of agency customers.

**PLAN OF COOPERATION BETWEEN THE RIVERSIDE COUNTY
DEPARTMENT OF CHILD SUPPORT SERVICES
AND THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE**

I

PURPOSE

The following Plan of Cooperation (hereafter Plan) is entered into between the Riverside County Department of Child Support Services (hereafter DCSS) and the Superior Court of California, County of Riverside (hereafter Court) for the coordination of the parties respective efforts and delineation of responsibilities relating to the Title IV-D program (collectively, "Parties" and each a "Party"). The purpose of this Plan is to establish responsibilities and guidelines for the reimbursement of the costs of the Court's clerk's office in processing IV-D child support enforcement program legal documents and for an effective program for the securing of financial support for minor children, including, but not limited to, identification and location of absent parents, determination of paternity of children born out of wedlock, determination of the absent parent's ability to support their minor children, establishment of support obligations and enforcement of support obligations.

II

CONFIDENTIALITY

The use or disclosure of information concerning applicants and recipients will be limited to purposes directly connected with the administration of the State Plan for establishing paternity and establishing, enforcing, and modifying child support obligations pursuant to federal and State laws and regulations. This includes, but is not necessarily limited to, the release of information obtained in connection with establishing eligibility; determining amounts of assistance; identifying and locating putative or deserting parents; establishing paternity; enforcing support obligation; investigating welfare fraud; and any investigation, prosecution or criminal or civil proceeding, conducted in connection with the administration of the State Plan. No information which identifies any applicant or recipient of public assistance by name or address shall be disclosed to any committee or legislative body. (26 United States Code (USC), §6103 (p)(4); 42 USC, §654(26); 45 Code of Federal Regulations (CFR), §303.70; Title 22 California Code of Regulation §111430 & 111440; Family Code §17212; Welfare and Institutions Code (W&IC), §10850).

III

STANDARDS

The parties to this Plan shall maintain an organizational structure and sufficient staff to administer and supervise all of the functions for which they are responsible under the

State Plan or this Plan. In addition, the parties must meet the standards for program operations in accordance with 45 CFR 302 and 45 CFR 303.

IV

RESPONSIBILITIES

The DCSS may enter into cooperative arrangements with other county departments as necessary to carry out the responsibilities imposed by the State Plan. When such a delegation of duties is made, DCSS shall be responsible and accountable for the execution of such duties within the county, and shall review, quarterly, for compliance by those departments to ensure that all such functions are being carried out properly, efficiently, and effectively.

The parties to this Plan must comply with Title IV-D of the Social Security Act, implementing regulations, and all federal and State regulations and requirements promulgated thereunder.

The DCSS shall have the following responsibilities:

- (1) To maintain internal records of documents forwarded to the Clerk of the Court and to the Civil, Appellate, Criminal, Probate, Family Law filing sections and documents returned by the Clerk of the Court and the Civil, Appellate, Criminal, Probate and Family Law filing sections.
- (2) To cooperate and coordinate efforts with the Clerk of the Court including as necessary, the provision of necessary and pertinent information as outlined in section I, including information received under 45 CFR part 235.70, in order to facilitate the objectives of this Plan.
- (3) To reimburse the Court quarterly for appropriate costs incurred and properly claimed for functions of the Court's clerk's office in processing IV-D child support program legal documents.
- (4) To initiate legal actions to secure child support for minor children and to adjudicate paternity, to establish support obligations through court order, and to enforce existing support obligations through court order, and to enforce existing obligations.
- (5) To attend the Court and prosecute such legal actions.
- (6) To ensure that the Plan is amended whenever necessary to reflect new or revised federal statutes or regulations or material changes in any phase of State law, organization, policy or State or local agency operation or organization.

- (7) Maintain an accounting system and supporting fiscal records adequate to assure that claims for federal funds are in accord with applicable federal and State requirements.
- (8) Prepare a calendar for all DCSS court hearings and provide that information to the Clerk of the Court.
- (9) Prepare on Court days when DCSS matters are heard, all DCSS orders and judgments in matters prosecuted by the DCSS, and obtain signature of the judge or commissioner.
- (10) Provide the Court with assistance that will commensurate with the increase in filings and processing of pleadings and other legal documents, including summons and complaints, moving and responding papers, judgments and orders entered by default or stipulation, submitted by DCSS or by other parties on Title IV-D cases

The Court shall have the following responsibilities:

- (1) Maintain records of documents forwarded by the DCSS to the Clerk of the Court and to the Civil, Appellate, Criminal, Probate, Family Law filing sections and documents returned to the DCSS by the Clerk of the Court and the Civil, Appellate, Criminal, Probate and Family Law sections.
- (2) To ensure no Job Training Partnership Act (JTPA) employee or other federally funded employee acts as a Clerk of the Court.
- (3) Maintain all data and information necessary to support DCSS claim for Federal reimbursement of Court's clerk's costs.
- (4) Provide DCSS in a timely manner with the appropriate data each quarter that is as required in order to prepare and submit claims to California Department of Child Support Services and/or administrative officers of the courts for federal reimbursement.
- (5) Provide DCSS with quarterly billing for costs eligible for federal reimbursement.
- (6) File and process pleadings and other legal documents, including summons and complaints, moving and responding papers, judgments and orders entered by default or stipulation, submitted by DCSS or by other parties on Title IV-D cases, typically within five to ten business days of receipt or immediately upon request. Summons and complaints will be file-stamped with the date of actual receipt.

- (7) Accept such legal actions as may be filed by DCSS and to timely process them in accordance with State and federal laws and regulations.
- (8) In processing such legal actions to cooperate with DCSS to ensure those legal actions are disposed of as required within the mandated federal and State law expedited process and case processing timeframe mandates.
- (9) Maintain a record of oral proceedings in criminal cases and civil cases as well as providing administrative and other supporting staff as may be necessary and in accordance with the law in all cases.
- (11) Cooperate and coordinate efforts with DCSS in order to facilitate the objectives of this Plan, including providing DCSS with information regarding changes in the Clerk of the Court's case processing operations.
- (12) Execute amendments to this Plan whenever necessary to reflect new or revised federal statutes or regulations; or material change in any phase of State law, organization, policy or State or local agency operation or organization.

V

FINANCIAL PROVISIONS

The DCSS shall maintain an accounting system and supporting fiscal records adequate to ensure that claims for federal funds are in accordance with applicable federal and State requirements. All expenditures, to be eligible for Federal Financial Participation, must be claimed as outlined in 45 CFR Part 92, 45 CFR 95 and 45 CFR Part 304.

DCSS shall reimburse costs incurred by the Court clerk's office, pursuant to this Plan, including the direct costs referenced in Government Code §6103.9, and as itemized in paragraphs (6) and (7) under the Court's responsibilities in section IV on page 3 of this Plan. The amount of the appropriation obtained by DCSS for the Court clerk's costs described in this Plan shall be agreed upon each fiscal year through consultation between the parties. The total costs reimbursable by DCSS shall not exceed or be less than the agreed upon appropriation for these costs as contained in the DCSS County budget appropriation approved or amended by the County Board of Supervisors for each fiscal year that the Plan is in effect as set forth in section VI, "Term" of the Plan, without prior consultation and a written agreement between the parties.

The Clerk of the Court shall submit to DCSS a claim for reimbursement of the federal share of all reimbursable costs associated with the Child Support Program pursuant to this Plan on or before ten (10) working days from the last day of the calendar quarter. The Clerk of the Court shall establish with the County Auditor-Controller a cost

application charge account to DCSS's budget for reimbursement of the federal share of all reimbursable costs associated with the Child Support Program and pursuant to this Plan. The Clerk of the Court shall assure that all appropriate charges are made to that account by the last day of the calendar quarter that the charges were accrued. All such claims and charges must be supported with fiscal records adequate to insure that claims for reimbursement are in accordance with State and federal requirements and will withstand State and federal audit.

All such records shall be retained as required by State and federal law and/or regulation. Such reimbursement for services is conditioned upon compliance by the Clerk of the Court with its required performance standards and responsibilities under this Plan as specified in paragraphs III and IV.

VI

TERM

This Plan shall be effective October 1, 2013 through September 30, 2016. This Plan will terminate without notice at the end of federal Fiscal Year 2015/2016. This Plan may be renewed upon the same terms for additional periods of one year contingent upon the parties entering into a written Plan that is approved as required.

Should the Court be found deficient in any aspect of performance under this Plan or fail to perform under the agreed standards, the Court will have the responsibility of submitting, after notification of the deficiencies, a proposed corrective action plan to DCSS. The corrective action plan shall identify specific action to be taken to correct the deficient performance areas and be submitted within 45 days after notification of the deficiencies. Should the Court fail to present a corrective action plan as required or take appropriate corrective action, the Plan will, upon 60 days notice by either party, automatically terminate.

VII

RIVERSIDE SUPERIOR COURT CLERK COSTS

The Clerk of the Court shall claim only those direct costs provided for in Government Code 6103.9 and according to instructions provided for by the State Department of Child Support Services. All direct costs shall be supported by documentation in the way of a time study to be maintained at the local level in order to qualify for reimbursement on the administrative expenses claim.

VIII

GENERAL PROVISIONS

All records and documentation required under this Plan shall be maintained in accordance with federal and State requirements and shall be made available to State and federal personnel for the purpose of conducting audits of the program. The

contracting parties are responsible for safeguarding all information in accordance with U.S. Code of Federal Regulations (45 C.F.R. § 303.70); 42 U.S.C. 654(26); 26 U.S.C. 6103(p)(4); Family Code section 17212 and Welfare and Institutions Code 11478.1.

IX.

AMENDMENTS

Amendments by either party to this plan may be made at any time if the Amendment is in writing, signed by the parties and approved as required.

X.

TERMINATION

Either party may terminate this Plan by giving written notice thirty (30) days prior to the effective date of such termination.

XI.

COUNTERPARTS

This Plan may be signed in two or more counterparts. When at least one such counterpart has been signed by each party, this Plan shall be deemed to have been fully executed, each counterpart shall be deemed to be an original, and all counterparts shall be deemed to be one and the same Plan.

XII.

NOTICES

All notices provided for or permitted to be given to this Plan must be in writing and shall be properly given and effective when personally served or sent by first class U.S. mail with postage prepaid. The effective date of any such mailed notice shall commence from the 3rd day of deposit in the U. S. mail.

Court:

**Department of Child Support
Services:**

Lori Whaley, Acting Court Executive Officer
Superior Court of California, County of
Riverside
4050 Main Street, 1st Floor
Riverside, CA 92501

John Replogle, Director
Riverside County Department of Child
Support Services
2041 Iowa Avenue
Riverside, CA 92507

XIII.

ENTIRE PLAN

This Plan constitutes the final, complete, and exclusive statement of the terms between the parties pertaining to the subject matter of the Plan and supersedes all prior Plans.

XIV.

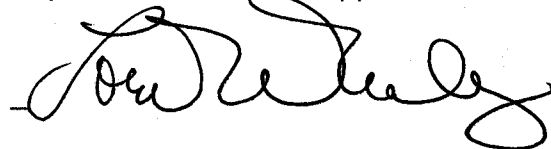
SEVERABILITY

If any provision of the Plan is held by the court to be invalid, void or unenforceable, the remaining provisions shall continue in full force without being impaired or invalidated.

DATED: _____

JOHN
REPLOGLE
Director, Riverside County
Department of Child Support Services

DATED: 9/10/13



LORI WHALEY
Acting Court Executive Officer, Superior
Court of California, County of Riverside