

FAQs about Department of Child Support Services State Hearings conducted by the Office of Administrative Hearings¹

What is a state hearing?

A state hearing is an administrative fact-finding process in which you have the opportunity to present testimony and documents (i.e. evidence) **about your complaint against the Local Child Support Agency (LCSA)**. The LCSA also has the opportunity to present evidence and to submit a Position Statement, summarizing the issue(s) you have raised, the applicable law and its position.

If you are not satisfied with the LCSA's response to the complaint you filed through the Complaint Resolution Program, you have a right to have your complaint issues heard at a state hearing before an Administrative Law Judge (ALJ) of the Office of Administrative Hearings (OAH). OAH handles the state hearing cases for the State Department of Child Support Services (DCSS). The ALJ who hears your case is not an employee of the LCSA or DCSS, but an impartial judge employed by OAH.

How will I find out when and where my state hearing will be held?

Your state hearing will be scheduled to begin within 45 days of the date your Request for State Hearing form and other documents are received by OAH. You will receive a Notice of Telephonic Hearing from OAH at least ten (10) days before the hearing date. The Notice will indicate the date and time of your hearing and the location where you are to participate. It is important that you are at a location where a fax machine is available if late documents need to be submitted to the ALJ or the other party. If you are unable to participate at the hearing location indicated on the Notice of Telephonic Hearing, contact OAH as soon as possible.

Can I ask for a different date or time for my hearing?

A continuance (delay) of the hearing is generally disfavored but may be allowed if you can show "good cause" as defined by law. If you are unable to attend the hearing on the scheduled date and time, contact OAH as soon as possible, but no later than five (5) days before the hearing. If granted, a continuance may not exceed thirty (30) days.

How do I prepare for the hearing and what must I send to OAH?

No later than **five (5) business days before** the hearing, you and the LCSA must mail or fax all documents to be offered in evidence (including the Position Statement) and a list of witnesses, if any, to OAH and each other, so all parties can review the documents before the hearing. Each party must attach a Declaration of Service to show that documents were served properly. Any exhibit that is greater than three (3) pages in length must have page numbers. If a witness cannot be present at the hearing, please include a phone number on the witness list, indicating where the witness may be reached. If either party fails to exchange documents or a witness list in a timely manner, the ALJ may exclude the document(s) and witness(es). Handling of any late documents will be within the ALJ's discretion.

How do I prove that I sent documents to the other party?

Any documents to be offered in evidence, **MUST** be provided to the other party with a "Declaration of Service" (also called a "Proof of Service") attached. This is a paper indicating when, where and how a document was "served" or provided to the other party. Any documents which you provide to the LCSA or which the LCSA provides to you before the hearing (including the Position Statement) must have a Declaration of Service attached to prove that the document was provided to the other party. For your convenience, a sample Declaration of Service can be found at the end of the FAQs and on our website.

¹ The process outlined here is currently being reviewed by both OAH and DCSS. Any revisions will be made available on the OAH and DCSS websites, and will be provided to all parties involved in these hearings.

Do I need a lawyer?

Most complainants represent themselves in the hearing process. However, at your own expense, you may choose to be represented by an “authorized representative” like an advocate, attorney or other person you wish to have speak on your behalf. Contact your LCSA for information about your local Ombudsperson, who can help you prepare for a state hearing. Information can also be found on the DCSS website at: www.childsup.ca.gov.

What if I wish to withdraw my Request for State Hearing?

You may withdraw your Request for State Hearing at any time before the Director of DCSS signs the decision. If you wish to withdraw, contact OAH.

What is a telephone hearing and how does it work?

With few exceptions, state hearings are held by telephone, preferably with you and the LCSA in one location and the ALJ conducting the hearing by phone from another location. On the scheduled date and time, the ALJ will contact you and the LCSA at the phone number(s) listed on the Notice of Telephonic Hearing. The ALJ will conduct the hearing over the phone and record it electronically. The ALJ will explain what will happen during the hearing and will answer your questions. He/she will then clarify the issue(s) for hearing, allow each side to present their evidence and ask questions, as necessary.

IMPORTANT: Be sure you can tell the ALJ what the LCSA should do to correct the problem.

Usually in these hearings no witnesses are necessary other than you and the LCSA representative. If you do have a witness, please have them appear with you at the LCSA. If that is not possible, please provide a phone number on your witness list, indicating where the witness can be reached. Hearings usually last one to two hours, depending on the issue(s) involved.

What if I need an interpreter or special accommodations?

Contact OAH at least one week before the hearing if you or a witness need an interpreter. OAH will provide a court certified interpreter free of charge. Usually the interpreter will be located in the office with the ALJ who conducts the hearing. If you need other special help, such as a certified sign language interpreter or materials in Braille or other format, please contact OAH.

What is the written decision and when will I receive it?

After the record closes, the ALJ will decide the case based on the evidence presented by you and the LCSA, and based on the relevant law and regulations. The ALJ’s proposed decision will be in writing. DCSS will review it and prepare a final decision, which will be mailed to you approximately 45 days after the record closes. If you disagree with the decision, the cover page will describe how to challenge it.

What kind of action can be taken by DCSS as a result of a state hearing?

If your complaint is granted, the Director of DCSS can order the LCSA to take some type of corrective action, and require a compliance report that shows the LCSA did what was ordered. An ALJ cannot punish, fine or grant money damages against the LCSA, if the ALJ finds in your favor.

If the LCSA has already taken the appropriate corrective action on my complaint, can I still go ahead with the hearing?

If the LCSA has already taken appropriate corrective action, and nothing further can or should be done, the ALJ must stop the state hearing and write a decision that dismisses your case as “moot.”

Visit our website: <http://www.oah.dgs.ca.gov>