

California State Hearing Regarding LA DCSS Fraud and Noncompliance

On 11-12-02, a California State Hearing was held in the City of Commerce regarding fraudulent billing on behalf of the Los Angeles Department of Child Support Services (DCSS). The State Hearing was deemed necessary by the Ombudsperson program provided by the state of California that allows complaint resolution between noncustodial parents (NCP) and DCSS.

The tables and plots that are appended to this report were submitted to the Administrative Law Judge and the DCSS representative attending the hearing. This data represents the Family Law Baseline (FLB) that encompasses "separation to incarceration" regarding a heterosexual taxpayer who dared to raise children in this country being subjected to the Los Angeles Family Law system.

The FLB represents the Worst / Worst Case Analysis (WWC) that I first referenced in a document entitled "The Family Law Design Review (FLDR)" that I submitted to the U.S. House of Representatives, Committee on Ways and Means on 07-04-01. The FLDR was submitted in response to an open invitation by the Ways and Means Committee regarding their Welfare and Marriage Issues Hearing (107-28).

The FLB was obtained by employing the Heisenberg Uncertainty Principle with regard to family law processes that merge the civil and criminal courts in California. Recognizing that any process to be measured will be altered by the attempt to measure it, a true reflection of that process must be obtained by acting as "a twig on the shoulders of a mighty river".

The family law system implemented in California is designed to transform the subject into "a twig on the shoulders of a mighty riptide that is dragging it out to sea".

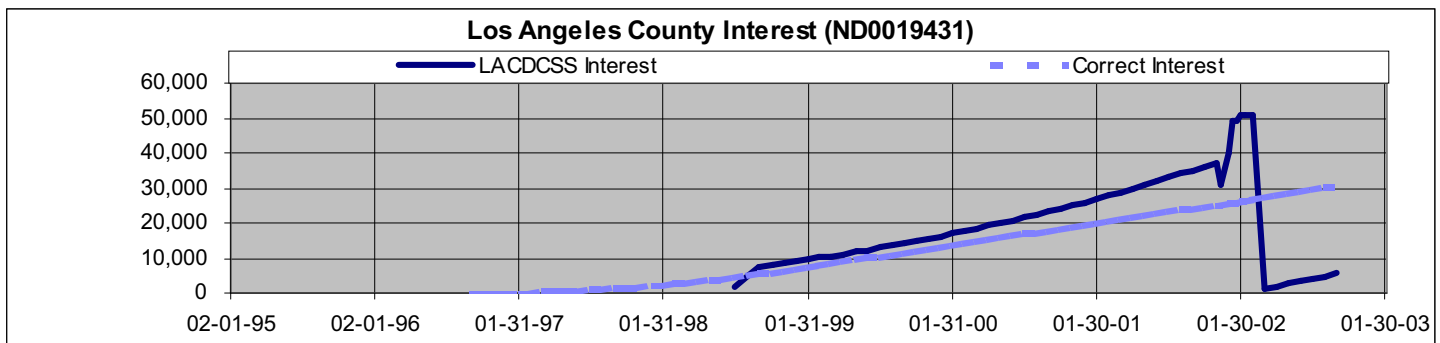
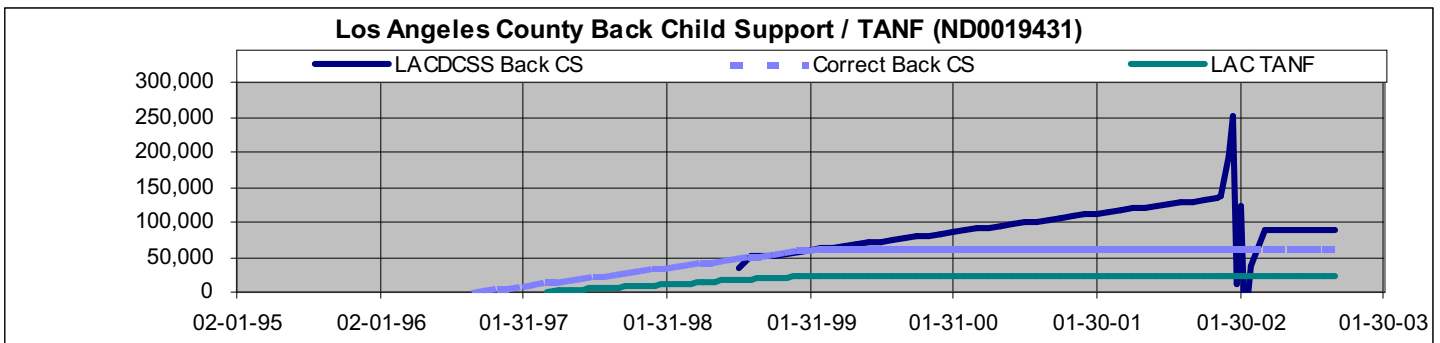
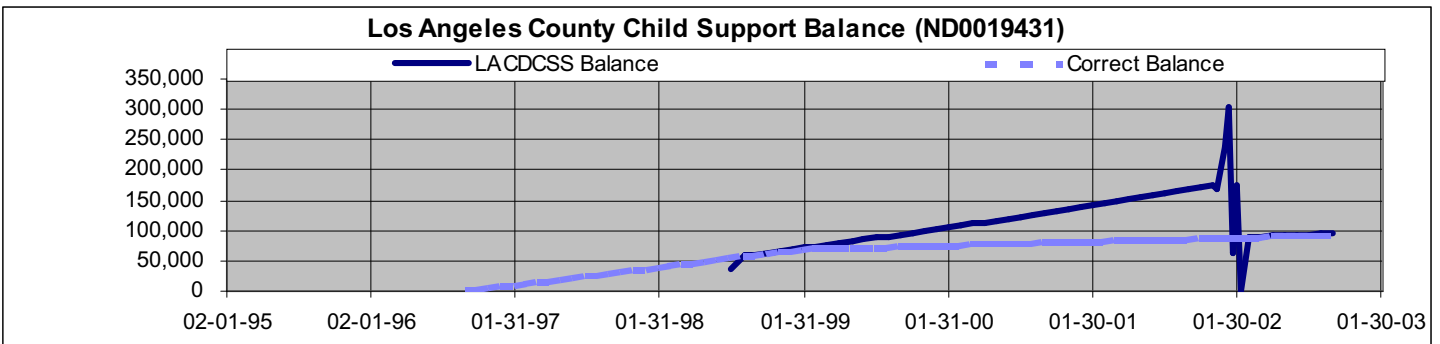
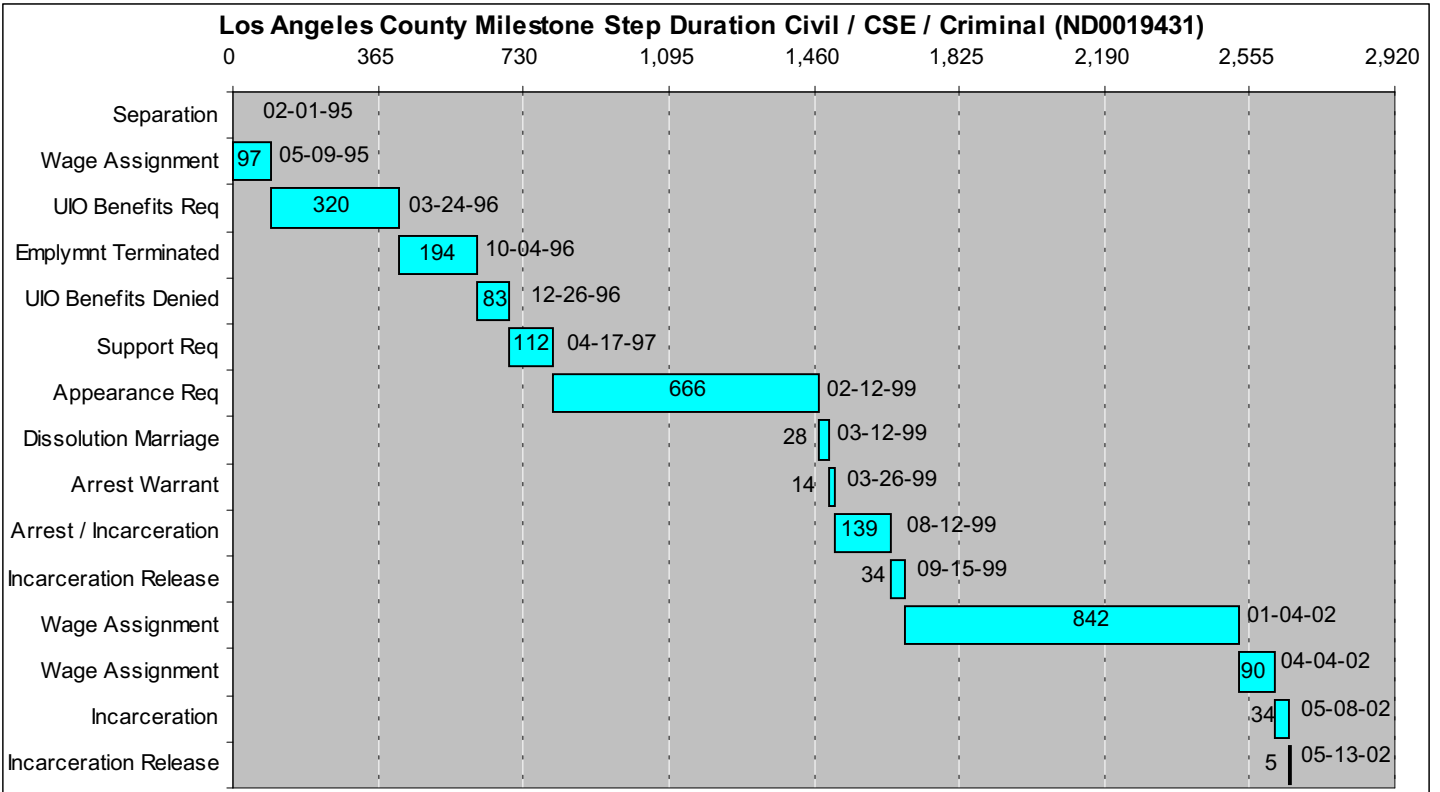
Jim Unterschine, 3321 E 7th St. #1, Long Beach, CA 90804, gndzerosrv@pavenet.net, geocities.com/gndzerosrv

California State Hearing - James Untersshine (ND0019431)

Los Angeles County Civil / CSE / Criminal							
Milestone	Date	Duration	Step	Source	Agency	Form ID	Evidence ID
Separation	02-01-95	0	0	43 LBPD	Parent		577
Wage Assignment	05-09-95	97	97	44 LBSC	Civil	1285.70 / 7684	205
UIO Benefits Request	03-24-96	417	320	42 NGESD	UIO		278
Employment Terminated	10-04-96	611	194	42 NGESD	Employer		265
UIO Benefits Denied	12-26-96	694	83	56 EDD	UIO		263
Support Request	04-17-97	806	112	119 LACBFSO_DA	CSE		012
Appearance Request	02-12-99	1,472	666	67 LACBFSO_FSR	Criminal		023
Dissolution Marriage	03-12-99	1,500	28	44 LBSC	Civil	1290	193
Arrest Warrant	03-26-99	1,514	14	66 LAMC_080	Criminal		101
Arrest / Incarceration	08-12-99	1,653	139	21 Defendant	Criminal		183
Incarceration Release	09-15-99	1,687	34	66 LAMC_080	Criminal	CR-223	105
Wage Assignment	01-04-02	2,529	842	103 LACBFSO_DA	Civil	1285.70 / 7684	548
Wage Assignment	04-04-02	2,619	90	103 LACBFSO_DA	Civil	1285.70 / 7684	561
Incarceration	05-08-02	2,653	34	66 LAMC_080	Criminal		583
Incarceration Release	05-13-02	2,658	5	64 LACJ	Criminal	CR-223	543

Monterey County Civil / CSE / Criminal							
Milestone	Date	Duration	Step	Source	Agency	Form ID	Evidence ID
Separation	02-01-95	0	0	43 LBPD	Parent		577
Wage Assignment	05-09-95	97	97	44 LBSC	Civil	1285.70 / 7684	205
UIO Benefits Request	03-24-96	417	320	42 NGESD	UIO		278
Employment Terminated	10-04-96	611	194	42 NGESD	Employer		265
UIO Benefits Denied	12-26-96	694	83	56 EDD	UIO		263
Dissolution Marriage	03-12-99	1500	806	44 LBSC	Civil	1290	193
Support Request	10-31-99	1733	233	63 MCDA	CSE		006
Wage Assignment	01-26-02	2551	818	105 MCDCCS	Civil	1285.70 / 7684	495

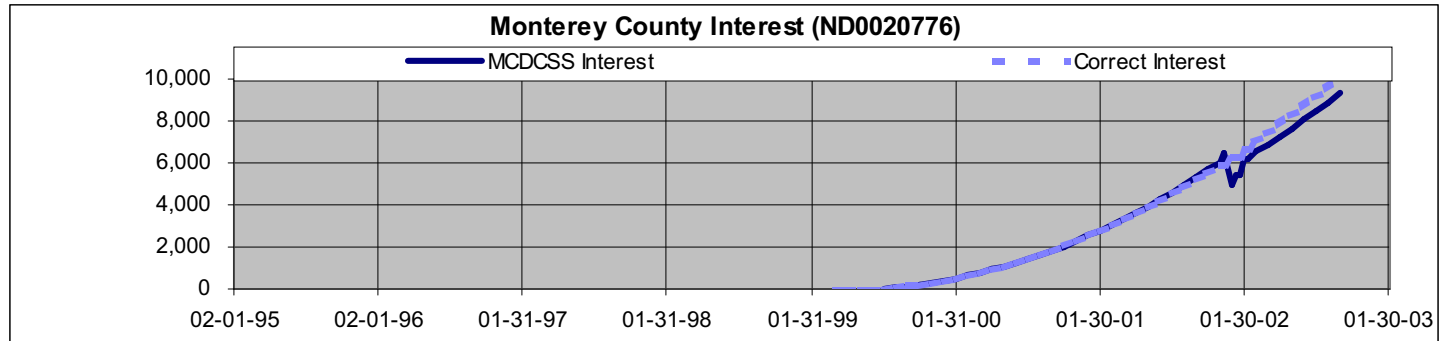
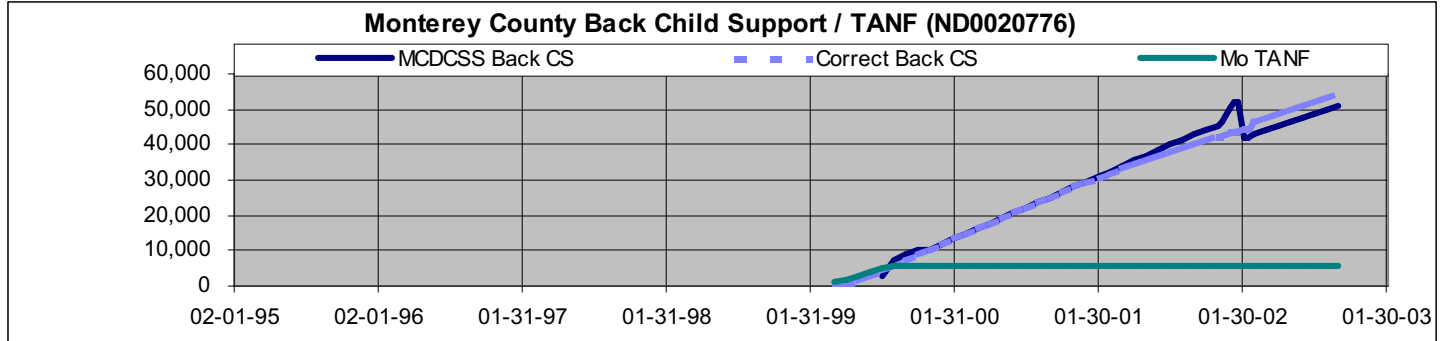
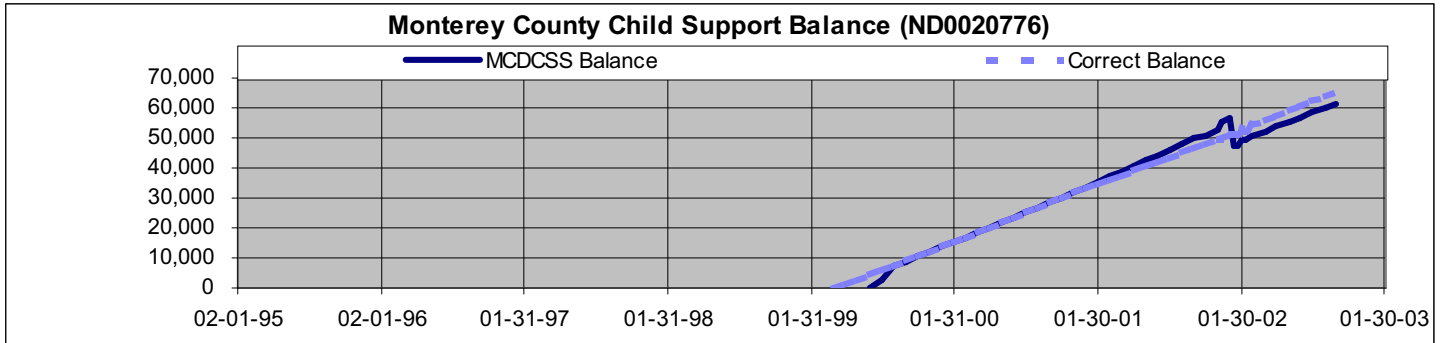
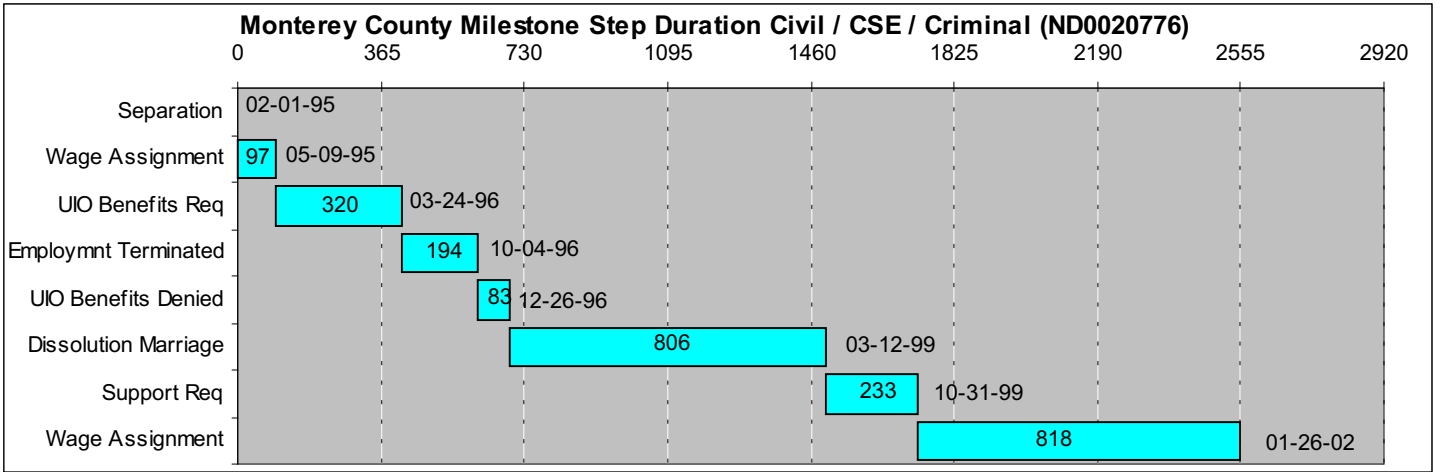
California State Hearing - James Untersshine (ND0019431)



California State Hearing - James Untersshine (ND0019431)

Duration	Date	Los Angeles County DCSS						LAC Correct				LA	
		CS	Balance	Prev Bal	Interest	Back CS	Interest	CS	Back CS	Interest	Balance	TANF	
	02-01-95												
578	09-01-96												
608	10-01-96							2,200	0	0	2,200		
639	11-01-96							2,200	2,200	18	4,418		
669	12-01-96							2,200	4,400	55	6,655		
700	01-01-97							2,200	6,600	110	8,910		
731	02-01-97							2,200	8,800	183	11,183		
759	03-01-97							2,200	11,000	275	13,475		
790	04-01-97							2,200	13,200	385	15,785		
820	05-01-97							2,200	15,400	513	18,113		988
851	06-01-97							2,200	17,600	660	20,460		1,976
881	07-01-97							2,200	19,800	825	22,825		2,964
912	08-01-97							2,200	22,000	1,008	25,208		3,952
943	09-01-97							2,200	24,200	1,210	27,610		4,940
973	10-01-97							2,200	26,400	1,430	30,030		5,928
1,004	11-01-97							2,200	28,600	1,668	32,468		6,916
1,034	12-01-97							2,200	30,800	1,925	34,925		7,904
1,065	01-01-98							2,200	33,000	2,200	37,400		8,892
1,096	02-01-98							2,200	35,200	2,493	39,893		9,880
1,124	03-01-98							2,200	37,400	2,805	42,405		10,868
1,155	04-01-98							2,200	39,600	3,135	44,935		11,856
1,185	05-01-98							2,200	41,800	3,483	47,483		12,844
1,216	06-01-98							2,200	44,000	3,850	50,050		13,832
1,246	07-01-98							2,200	46,200	4,235	52,635		14,820
1,277	08-01-98	35,200	37,125	0	1,925	35,200	1,925	2,200	48,400	4,638	55,238		15,808
1,308	09-01-98	17,600	57,839	37,125	3,114	52,800	5,039	2,200	50,600	5,060	57,860		16,796
1,338	10-01-98	2,200	60,461	57,839	422	50,640	7,621	2,200	52,800	5,500	60,500		17,784
1,369	11-01-98	2,200	63,101	60,461	440	52,800	8,101	2,200	55,000	5,958	63,158		18,772
1,399	12-01-98	2,200	65,759	63,101	458	54,960	8,599	1,479	57,200	6,435	65,114		19,760
1,430	01-01-99	2,200	68,436	65,759	477	57,240	8,996	1,479	58,679	6,924	67,082		20,748
1,461	02-01-99	2,200	71,131	68,436	495	59,400	9,531	1,479	60,158	7,425	69,062		21,736
1,489	03-01-99	2,200	73,844	71,131	513	61,560	10,084	1,479	61,637	7,939	71,055		22,724
1,520	04-01-99	2,200	76,576	73,844	532	63,840	10,536	0	63,116	8,465	71,581		23,712
1,550	05-01-99	2,200	79,326	76,576	550	66,000	11,126	0	63,116	8,991	72,107		23,712
1,581	06-01-99	2,200	82,094	79,326	568	68,160	11,734	0	63,116	9,517	72,633		23,712
1,611	07-01-99	2,200	84,881	82,094	587	70,440	12,241	0	63,116	10,043	73,159		23,712
1,642	08-01-99	2,200	87,686	84,881	605	72,600	12,886	0	63,116	10,569	73,685		23,712
1,673	09-01-99	2,200	90,509	87,686	623	74,760	13,549	0	63,116	11,095	74,211		23,712
1,703	10-01-99	2,200	93,351	90,509	642	77,040	14,111	0	63,116	11,621	74,737		23,712
1,734	11-01-99	2,200	96,211	93,351	660	79,200	14,811	0	63,116	12,147	75,263		23,712
1,764	12-01-99	2,200	99,089	96,211	678	81,360	15,529	0	63,116	12,673	75,789		23,712
1,795	01-01-00	2,200	101,986	99,089	697	83,640	16,146	0	63,116	13,199	76,315		23,712
1,826	02-01-00	2,200	104,901	101,986	715	85,800	16,901	0	63,116	13,725	76,841		23,712
1,855	03-01-00	2,200	107,834	104,901	733	87,960	17,674	0	63,116	14,251	77,367		23,712
1,886	04-01-00	2,200	110,786	107,834	752	90,240	18,346	0	63,116	14,777	77,893		23,712
1,916	05-01-00	2,200	113,756	110,786	770	92,400	19,156	0	63,116	15,302	78,418		23,712
1,947	06-01-00	2,200	116,744	113,756	788	94,560	19,984	0	63,116	15,828	78,944		23,712
1,977	07-01-00	2,200	119,751	116,744	807	96,840	20,711	0	63,116	16,354	79,470		23,712
2,008	08-01-00	2,200	122,776	119,751	825	99,000	21,576	0	63,116	16,880	79,996		23,712
2,039	09-01-00	2,200	125,819	122,776	843	101,160	22,459	0	63,116	17,406	80,522		23,712
2,069	10-01-00	2,200	128,881	125,819	862	103,440	23,241	0	63,116	17,932	81,048		23,712
2,100	11-01-00	2,200	131,961	128,881	880	105,600	24,161	0	63,116	18,458	81,574		23,712
2,130	12-01-00	2,200	135,059	131,961	898	107,760	25,099	0	63,116	18,984	82,100		23,712
2,161	01-01-01	2,200	138,176	135,059	917	110,040	25,936	0	63,116	19,510	82,626		23,712
2,192	02-01-01	2,200	141,311	138,176	935	112,200	26,911	0	63,116	20,036	83,152		23,712
2,220	03-01-01	2,200	144,464	141,311	953	114,360	27,904	0	63,116	20,562	83,678		23,712
2,251	04-01-01	2,200	147,636	144,463	972	116,640	28,796	0	63,116	21,088	84,204		23,712
2,281	05-01-01	2,200	150,826	147,636	990	118,800	29,826	0	63,116	21,614	84,730		23,712
2,312	06-01-01	2,200	154,034	150,826	1,008	120,960	30,874	0	63,116	22,140	85,256		23,712
2,342	07-01-01	2,200	157,261	154,034	1,027	123,240	31,821	0	63,116	22,666	85,782		23,712
2,373	08-01-01	2,200	160,506	157,261	1,045	125,400	32,906	0	63,116	23,192	86,308		23,712
2,404	09-01-01	2,200	163,769	160,506	1,063	127,560	34,009	0	63,116	23,718	86,834		23,712
2,434	10-01-01	2,200	167,051	163,769	1,082	129,840	35,011	0	63,116	24,244	87,360		23,712
2,465	11-01-01	2,200	170,351	167,051	1,100	132,000	36,151	0	63,116	24,770	87,886		23,712
2,495	12-01-01	2,200	173,669	170,351	1,118	134,160	37,309	0	63,116	25,296	88,412		23,712
2,505	12-11-01	2,200	169,269	173,669	1,137	136,440	30,629	0	63,116	25,296	88,412		23,712
2,526	01-01-02	58,106	236,720	169,269	9,345	194,546	39,974	0	63,116	25,822	88,938		23,712
2,536	01-11-02	58,106	304,171	236,720	9,345	252,652	49,319	0	63,116	25,822	88,938		23,712
2,546	01-21-02	(242,423)	61,748	304,171	0	10,229	49,319	0	63,116	25,822	88,938		23,712
2,557	02-01-02	112,882	176,066	61,748	1,436	123,111	50,755	0	63,116	26,348	89,464		23,712
2,567	02-11-02	(174,883)	1,183	176,066	0	(51,772)	50,755	0	63,116	26,348	89,464		23,712
2,585	03-01-02	88,314	89,870	1,183	373	36,542	51,128	0	63,116	26,874	89,990		23,712
2,616	04-01-02	0	90,616	89,870	746	89,520	1,096	0	63,116	27,400	90,516		23,712
2,646	05-01-02	0	91,361	90,616	746	89,520	1,841	0	63,116	27,926	91,042		23,712
2,677	06-01-02	0	92,107	91,361	746	89,520	2,587	0	63,116	28,452	91,568		23,712
2,707	07-01-02	0	92,853	92,107	746	89,520	3,333	0	63,116	28,978	92,094		23,712
2,738	08-01-02	0	93,599	92,853	746	89,520	4,079	0	63,116	29,504	92,620		23,712
2,769	09-01-02	0	94,345	93,599	746	89,520	4,825	0	63,116	30,030	93,146		23,712
2,799	10-01-02	0	95,090	94,345	746	89,520	5,570	0	63,116	30,556	93,672		23,712

California State Hearing - James Untershine (ND0019431)



California State Hearing - James Untersshine (ND0019431)

Duration	Date	Monterey County DCSS						MC Correct				Monterey	
		CS	Balance	Prev Bal	Interest	Back CS	Interest	CS	Back CS	Interest	Balance	TANF	
	02-01-95												
578	09-01-96												
608	10-01-96												
639	11-01-96												
669	12-01-96												
700	01-01-97												
731	02-01-97												
759	03-01-97												
790	04-01-97												
820	05-01-97												
851	06-01-97												
881	07-01-97												
912	08-01-97												
943	09-01-97												
973	10-01-97												
1,004	11-01-97												
1,034	12-01-97												
1,065	01-01-98												
1,096	02-01-98												
1,124	03-01-98												
1,155	04-01-98												
1,185	05-01-98												
1,216	06-01-98												
1,246	07-01-98												
1,277	08-01-98												
1,308	09-01-98												
1,338	10-01-98												
1,369	11-01-98												
1,399	12-01-98												
1,430	01-01-99												
1,461	02-01-99												
1,489	03-01-99												
1,520	04-01-99							0	0	0	0		988
1,550	05-01-99							1,479	0	0	1,479		1,976
1,581	06-01-99							1,479	1,479	0	2,958		2,964
1,611	07-01-99	0	0	0	0			1,479	2,958	0	4,437		3,952
1,642	08-01-99	1,479	2,958	1,479	0	2,958	0	1,479	4,437	37	5,953		4,940
1,673	09-01-99	1,479	7,395	3,916	0	7,395	62	1,479	5,916	86	7,481		5,928
1,703	10-01-99	1,479	8,997	7,395	123	8,935	136	1,479	7,395	148	9,022		5,928
1,734	11-01-99	1,479	10,550	8,874	197	10,414	223	1,479	8,874	222	10,575		5,928
1,764	12-01-99	1,479	12,115	10,353	283	10,320	309	1,479	10,353	308	12,140		5,928
1,795	01-01-00	1,479	13,693	11,832	382	11,880	408	1,479	11,832	407	13,718		5,928
1,826	02-01-00	1,479	15,283	13,311	493	13,320	519	1,479	13,311	518	15,308		5,928
1,855	03-01-00	1,479	16,885	14,790	616	14,760	642	1,479	14,790	641	16,910		5,928
1,886	04-01-00	1,479	18,500	16,269	752	16,320	778	1,479	16,269	776	18,524		5,928
1,916	05-01-00	1,479	20,127	17,748	900	17,760	926	1,479	17,748	924	20,151		5,928
1,947	06-01-00	1,479	21,765	19,227	1,060	19,200	1,086	1,479	19,227	1,085	21,791		5,928
1,977	07-01-00	1,479	23,417	20,705	1,233	20,760	1,259	1,479	20,706	1,257	23,442		5,928
2,008	08-01-00	1,479	25,081	22,185	1,417	22,080	1,443	1,479	22,185	1,442	25,106		5,928
2,039	09-01-00	1,479	26,758	25,081	197	23,664	1,615	1,479	23,664	1,639	26,782		5,928
2,069	10-01-00	1,479	28,446	26,758	210	25,143	1,824	1,479	25,143	1,849	28,471		5,928
2,100	11-01-00	1,479	30,147	28,446	222	26,622	2,046	1,479	26,622	2,071	30,172		5,928
2,130	12-01-00	1,479	31,861	30,147	234	28,101	2,280	1,479	28,101	2,305	31,885		5,928
2,161	01-01-01	1,479	33,586	31,861	246	29,520	2,526	1,183	29,580	2,551	33,314		5,928
2,192	02-01-01	1,479	35,324	33,586	259	31,080	2,785	1,183	30,763	2,808	34,754		5,928
2,220	03-01-01	1,479	37,074	35,323	271	32,538	3,057	1,183	31,946	3,074	36,203		5,928
2,251	04-01-01	1,479	38,836	37,074	283	34,017	3,340	1,183	33,129	3,350	37,662		5,928
2,281	05-01-01	1,479	40,611	38,836	296	35,496	3,636	1,183	34,312	3,636	39,131		5,928
2,312	06-01-01	1,479	42,398	40,611	308	36,975	3,944	1,183	35,495	3,932	40,610		5,928
2,342	07-01-01	1,479	44,197	42,398	320	38,454	4,264	1,183	36,678	4,237	42,098		5,928
2,373	08-01-01	1,479	46,009	44,197	333	39,933	4,597	1,183	37,861	4,553	43,597		5,928
2,404	09-01-01	1,479	47,833	46,009	345	41,412	4,942	1,183	39,044	4,878	45,105		5,928
2,434	10-01-01	1,479	49,670	47,833	357	42,891	5,300	1,183	40,227	5,213	46,623		5,928
2,465	11-01-01	1,183	50,924	49,374	367	44,074	5,667	1,183	41,410	5,558	48,151		5,928
2,495	12-01-01	1,183	52,484	50,924	377	45,257	6,044	1,183	42,593	5,913	49,689		5,928
2,505	12-11-01	2,284	55,155	52,484	387	46,440	6,431	1,183	42,593	5,913	49,689		5,928
2,526	01-01-02	1,183	56,759	55,155	422	50,580	4,996	1,183	43,776	6,278	51,237		5,928
2,536	01-11-02	(9,661)	47,530	56,759	432	51,840	5,428	1,183	43,776	6,278	51,237		5,928
2,546	01-21-02	(9,661)	47,530	56,759	432	51,840	5,428	1,183	43,776	6,278	51,237		5,928
2,557	02-01-02	1,183	49,060	47,530	348	41,703	6,174	1,183	44,959	6,653	52,795		5,928
2,567	02-11-02	1,183	49,060	47,530	348	41,703	6,174	1,183	44,959	6,653	52,795		5,928
2,585	03-01-02	1,183	50,601	49,060	357	42,866	6,532	1,183	46,142	7,037	54,362		5,928
2,616	04-01-02	1,183	52,151	50,601	367	44,069	6,899	1,183	47,325	7,432	55,940		5,928
2,646	05-01-02	1,183	53,711	52,151	377	45,252	7,276	1,183	48,508	7,836	57,527		5,928
2,677	06-01-02	1,183	55,281	53,711	387	46,435	7,663	1,183	49,691	8,250	59,124		5,928
2,707	07-01-02	1,183	56,861	55,281	397	47,618	8,060	1,183	50,874	8,674	60,731		5,928
2,738	08-01-02	1,183	58,451	56,861	407	48,801	8,467	1,183	52,057	9,108	62,348		5,928
2,769	09-01-02	1,183	60,050	58,451	417	49,984	8,883	1,183	53,240	9,552	63,975		5,928
2,799	10-01-02	1,183	61,659	60,050	426	51,167	9,309	1,183	54,423	10,005	65,611		5,928

Position Statement (Submitted by Norma Osorio of LA DCSS)

Hearing Date: 11/12/02
County: Los Angeles
Case Number: ND0019431
State Case Number: 021620049

Issue:

Whether the Local Child Support Agency in Los Angeles County (LCSA) is charging the correct amount of arrears and accrued interest in complainant's case.

Pertinent facts and History:

1. On April 12, 1995, James Douglas Unterschine, through his attorney, obtained a stipulation and order for child support wherein Mr. Unterschine was ordered to pay child support at the rate of \$2,200.00 per month as of March 1, 1995.
2. In April 1997, the LCSA opened the case for enforcement of the order because the children received public assistance (TANF) in Los Angeles County.
3. On March 12, 1999, a dissolution of judgement was entered wherein Mr. Unterschine was ordered to pay child support at the rate of \$1,479.00 per month commencing December 01, 1998.
4. On March 31, 1999, the children stopped receiving public assistance in Los Angeles County.
5. The LCSA is enforcing this case for welfare arrears only. Specifically, the LCSA is enforcing arrears accrued during the period of time that the children were receiving public assistance and for any arrears that the custodial parent assigned to the LCSA when she requested public assistance for the minor children. The child support agency in Monterey County is presently enforcing child support in this case.
6. On February 01, 2002, and November 01, 2002, the LCSA prepared audits that indicated Mr. Unterschine owed welfare arrears in this case. The audits were based on the court orders obtained in April 1995 and March 1999, the custodial parent's affidavit of arrears, and Mr. Unterschine's payment history which reflects that he has not made any payments through the Los Angeles County Court Trustee.
7. The audit prepared by the LCSA on November 01, 2002 indicates that Mr. Unterschine owes welfare arrears of \$94,216.31, including interest. The audit includes child support arrears accrued between March 01, 1995 and March 31, 1999, and accrued interest up to November 01, 2002.
8. The LCSA made attempts to settle this case. Mr. Unterschine has informed the LCSA that although he agrees with the principal amount of arrears reflected in the audit, he does not agree with the amount of interest included in the audit. However, the interest charged in the audit is at the legal rate of ten percent (10%). See Code of Civil Procedure section 685.010.

CONCLUSION:

The LCSA is enforcing this case for welfare arrears that it is entitled to collect pursuant to statute. Specifically, the LCSA will collect only those arrears that accrued from March 01, 1995 to March 31, 1999. The LCSA audit completed as recently as November 01, 2002. The audit was based on Mr. Unterschine's payment history and payments reflected in the custodial parent's affidavit of arrears.

EXHIBITS

- A - Audit prepared November 01, 2002
- B - Payment history of Mr. Unterschine

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

DECISION AND ORDER

Hearing No. 2002162049

In the Matter of Complainant(s):

James Untersshine
3321 East 7th Street #1
Long Beach, CA 90804

The Director or director's designee takes the following action:

THE PROPOSED DECISION OF THE ADMINISTRATIVE LAW JUDGE IS ADOPTED AS THE FINAL DECISION.

THE PROPOSED DECISION IS ALTERNATED. The alternated decision is the final decision. The proposed decision of the Administrative Law Judge, which is enclosed, was not adopted and has no effect.

THE PROPOSED DECISION IS ADOPTED BY OPERATION OF LAW.

12-10-02

Date

CURTIS L. CHILD

CURTIS L. CHILD, Director
Department of Child Support Services

Appeal Rights

You may ask for a rehearing of this decision by mailing a written request to the Department of Social Services, State Hearing Office, 744 P Street, MS. 19-9& Sacramento, CA 95814 within 30 days from when you receive this decision. A rehearing will only be granted if there is new evidence that was not available at the time of the hearing that could change the result, or if the decision is not consistent with the law or is not supported by the evidence presented at the hearing. In your rehearing request, state the date you received this decision and why a rehearing should be granted. If you want to present additional evidence, describe the additional evidence and explain why it was not introduced before and how it would change the decision.

You may ask the court to review this decision by filing a petition in Superior Court under Code of Civil Procedure section 1094.5 within one year after you receive this decision. You may file this petition without asking for a rehearing. No filing fees will be charged. If you win in court, you may be entitled to collect attorney's fees and costs. You may contact your local legal aid office for assistance.

This decision is protected by the confidentiality provisions of Family Code §17212 and Welfare and Institutions Code §10850.

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

PROPOSED DECISION

Hearing No. 2002162049

In the Matter of Complainant(s):

James Untershine
3321 East 7th Street #1
Long Beach, CA 90804

I submit the attached proposed decision for review and recommend its adoption

Frederick B. Clark
Frederick B. Clark
Administrative Law Judge

CertDate: **NOV 19 2002**

State Hearing Record

Hearing Date: **November 12, 2002**

Release Date: **DEC 17 2002**

Aid Pending: **Not Applicable**

Issue Codes: **[970-2]**

Agency: **LA Local Child Support Agency**

Agency
Representative: **Norma Osorio**

Agency:

Agency
Representative:

Authorized Rep.
Organization:

Authorized Rep:

SSN:

SSN:

AKA:

AKA:

Case Name.

Language:

LA District/Case:

Companion Case:

Appeal Rights

You may ask for a rehearing of this decision by mailing a written request to the Rehearing Unit, 744 P Street, MS 19-98, Sacramento, CA 95814 within 30 days after you receive this decision. In your rehearing request, state the date you received this decision and why a rehearing should be granted. If you want to present additional evidence, describe the additional evidence and explain why it was not introduced before and how it would change the decision. You may contact Legal Services for assistance.

You may ask for judicial review of this decision by filing a petition in Superior Court under Code of Civil Procedure §1094.5 within one year after you receive this decision. You may file this petition without asking for a rehearing. No filing fees are required. You may be entitled to reasonable attorney 's fees and costs if the Court renders a final decision in your favor. You may contact Legal Services for assistance.

DECISION

The complainant submitted a state hearing request on May 10, 2002 alleging that the Los Angeles Local Child Support Agency (LCSA) has "serious problems" regarding "compliance with state law." The complainant had also previously filed complaints with the LCSA regarding its calculation of his child support arrears.

The complaint relating to alleged systemic problems in the operation of the Los Angeles Local Child Support Agency is dismissed as beyond the jurisdiction of the state hearing process.

The complaint regarding the LCSA's calculation of the complainant's child support arrears is denied based upon the evidence presented at the state hearing.

FACTS

The hearing in this matter was conducted on November 12, 2002 in Los Angeles County. The complainant, Mr. James Unterschine, is an obligor of child support (now arrears only) pursuant to an order of the Court. The complainant was present at the state hearing. Norma Osorio represented the Los Angeles LCSA. Five exhibits were submitted.

The complainant submitted a lengthy state hearing request on May 10, 2002 alleging that the Los Angeles Local Child Support Agency (LCSA) has "serious problems" regarding "compliance with state law." The complainant had also previously filed complaints with the LCSA regarding its calculation of his child support arrears, according to the LCSA's position statement (exhibit 3).

At the state hearing, the complainant generally alleged that the Los Angeles LCSA was not in compliance with federal and state laws in its enforcement of child support cases and submitted exhibits 2, 4 and 5 in support of his assertion of systemic problems in the agency. The Administrative Law Judge asked the complainant if he had any current dispute with the LCSA's audit of his case, which reflects that the complainant was \$94,216.31 in arrears as of November 1, 2002. The complainant acknowledged that the LCSA's current audit was correct.

The complainant submitted no additional evidence of any other current, specific violation of law or regulation in regard to the LCSA's handling of his case.

APPLICABLE LAW

California Family Code Section 17801 provides that a custodial parent or noncustodial parent who is dissatisfied with the local child support agency's resolution of a complaint shall be accorded an opportunity for a state hearing. The California Department of Child Support Services in Title 22 promulgates implementing regulations, Division 13, of the California Code of Regulations (CCR).

Title 22 CCR, section 120201(a) provides that a complainant who is dissatisfied with the complaint resolution has a right to state hearing for the following actions or inactions of the LCSA.

- (1) An application for child support services has been denied or has not been acted upon within the required time frame.
- (2) The child support services case has been acted upon in violation of federal or state law or regulation, or Department policy letter, or has not been acted upon within the required time frame, including services for the establishment, modification and enforcement of child support orders and child support accountings.
- (3) Child support collections have not been distributed or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency, is inaccurate.
- (4) The local child support agency's decision to close child support case.

Title 22 CCR, section 120201(b) specifically provides that the following issues shall not be heard at a state hearing:

- (1) Complaints arising from a child support matter, which must ; by law, be addressed by motion, order to show cause, or appeal, in a court.
- (2) A review of any of the following:
 - (A) A court order for child support or child support arrears.
 - (B) A court order or equivalent determination for paternity.
 - (C) A court order for spousal support.
- (3) Child custody determinations
- (4) Child visitation determinations
- (5) Complaints of alleged discourteous treatment by local child support agency employee unless such conduct resulted in one of the actions or inaction's enumerated in subsection 120201 (a)(1) through (4).

California Department of Child Support Services (CSS) Letter 01-25 provides that the administrative law judge has the authority to order the LCSA to take corrective action in a particular case when it is determined that there has been an action or inaction of the LCSA that is contrary to state or federal law.

Title 22 CCR section 120211 requires the Administrative Law Judge to dismiss a matter if the issue is moot. The section further provides that if the issue is not dismissed prior to the hearing then it shall be dismissed by proposed decision.

The Fifth Edition of Black's Law Dictionary states the following in regard to the definition of "moot": Generally, an action is considered "moot" when it no longer presents a justifiable controversy because issues involved have become academic or dead."

DISCUSSION

The complainant submitted a state hearing request on May 10, 2002 alleging that the Los Angeles Local Child Support Agency (LCSA) has "serious problems" regarding "compliance with state law." The complainant had also, according to the LCSA's position statement (exhibit 3), previously filed complaints with the LCSA regarding its calculation of his child support arrears.

The complaint relating to alleged serious, systemic problems in the Los Angeles LCSA is dismissed for lack of jurisdiction. State hearing jurisdiction does not include the review of such general allegations, nor does it provide a remedy for such claims. Rather, as set forth above, state hearing jurisdiction includes the review of current violations of law or regulation by the LCSA on a specific case relating to establishment, modification and enforcement of child

support orders and child support accounting services, for which corrective action could be ordered. The complainant's general allegations of mismanagement do not meet this threshold.

Further, to the extent that the complainant alleged that the LCSA miscalculated his arrears, this complaint is denied based upon the evidence admitted at the state hearing. The LCSA provided a current audit of the complainant's case reflecting that he is \$94,216.00 in arrears as of November 1, 2002. The complainant acknowledged in his testimony that the LCSA's audit was correct. Thus, the complaint regarding the calculation of arrears, inasmuch as one was raised, is denied.

CONCLUSION

The complaint relating to alleged "serious" problems in the Los Angeles LCSA is dismissed for lack of jurisdiction.

The complaint relating to the LCSA's calculation of arrears is denied.

ORDER

The complaint is denied in part and dismissed in part.