

# REQUEST FOR STATE HEARING

## YOUR HEARING RIGHTS:

You have the right to request a state hearing. If you are not satisfied with the local child support agency's resolution to your complaint, or if the local child support agency has not responded to you or resolved your complaint within 30 days of when you made your complaint. You have only 90 days to request a state hearing. The 90 days starts after you receive the local child support agency's written resolution to your complaint. If the local child support agency has not responded to your complaint in writing, the 90 days starts the day you made your complaint.

## TO ASK FOR A STATE HEARING:

- Fill out this form.
- Keep a copy of this form for your records.
- Send this form to:

State Hearing Office  
744 P Street, M.S. 19-98  
Sacramento, CA 95814

OR

- Call toll free: 1-866-289-4714

## HEARING REQUEST INFORMATION:

|                                  |             |            |  |                  |
|----------------------------------|-------------|------------|--|------------------|
| COMPLAINANT NAME (Last)          |             | (First)    | (M.I.)   | TELEPHONE NUMBER |
| Untershine                       |             | James      | D.   | 562-439-2139     |
| MAILING ADDRESS                  |             |            | E-MAIL ADDRESS   | FAX NUMBER       |
| 3321 E 7 <sup>th</sup> Street #1 |             |            | <a href="mailto:gndzerosrv@pavenet.net">gndzerosrv@pavenet.net</a> | 562-439-2130     |
| CITY                             | COUNTY      | STATE      | ZIP CODE   |                  |
| Long Beach                       | Los Angeles | California | 90804  |                  |

I want a state hearing because:

The Los Angeles Department of Child Support Services (LA DCSS), acting as complainant in the charge of

Criminal Nonsupport (CAPC 270), has illuminated serious problems with California State law regarding compliance

with the federal mandate that allows them to practice Child Support Enforcement (CSE).

- If you need more space, check here and attach another page.
- I need the state to provide me with an interpreter at no cost to me. (A relative or friend cannot interpret for you at the hearing.)  
My language or dialect is: \_\_\_\_\_
- I have a disability and need the State to provide me the following reasonable accommodation to participate at my hearing: A temporary drivers license, furlough from LA County jail.
- I want the person named below to represent me at this hearing. I give my permission for this person to have access to my records or attend the hearing for me. (This person can be a friend or relative but cannot interpret for you.)

NAME \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

COMPLAINANT'S SIGNATURE \_\_\_\_\_ DATE 05-08-02

# REQUEST FOR STATE HEARING

## Billing Errors

Los Angeles Department of Child Support Services (LA DCSS) has proven themselves to be an independent entity that operates outside the state and federal laws. LA DCSS freely ignores civil and criminal court orders, audit findings, transfers of money, and filings for enforcement by other agencies. They commit mail fraud (USC 18 1341), credit fraud (USC 15 1666), and deprivation of rights and privileges under the color of law (USC 42 1985).

- LA DCSS is currently charging interest on the previous balance of the child support account in question, rather than charging interest on the actual back child support owed. The interest LA DCSS can charge is limited to the back child support amount that was found to be \$63,116 by the LA DCSS audit and should never exceed \$526 / month 1/.. This fraudulent billing has prompted this "Request for State Hearing".
- LA DCSS fraudulently billed the child support account in question for \$1,183 / month and added a completely arbitrary amount after an audit by their own department determined the proper amounts. This billing error prompted a "Request for Complain Resolution" to be submitted to CA DCSS Public Information and Response Unit (PI&RU) and Local Ombudspersons on 03-15-02.
- LA DCSS attempted to notify creditors that the child support account in question was delinquent in the amount of \$233,957 on 12-24-01 and then LA DCSS attempted to notify creditors that the account was delinquent \$346,053 on 01-03-02. This attempted credit fraud prompted a written request for review under USC 15 1666 "Billing Errors" to be sent to LA DCSS and Monterey DCSS on 01-20-02. Monterey responded with an audit on 01-30-02, while LA DCSS responded on 02-19-02.
- LA DCSS continued to fraudulently bill the child support account in question for \$2,200 / month in child support in defiance of a criminal court order specifying \$1,180 / month on 03-30-01. The criminal court order was pursuant to a stipulated "no contest" plea to ignoring a court order (CAPC 166) after LA District Attorney (DA) promised a global solution with LA and Monterey along with the return of the NCP's driver's license. These promises were never honored and prompted a submittal to US House Ways and Means Committee on 07-04-01. LA DA guilty of subordination of perjury (USC 18 1622) by promising a condition they have no power to guarantee.
- LA DCSS continued to fraudulently bill the child support account in question for \$2,200 / month in child support despite Monterey DCSS filing for enforcement and billing the NCP \$1,479 / month on 07-01-99. This "double billing" prompted protest to the LA County Public Defender (PD) on 08-18-99, a complaint to CA Attorney General (AG) on 01-17-01,
- LA DCSS continued to fraudulently bill the child support account in question for \$2,200 / month in child support despite a default civil court order specifying \$1,479 / month filed on 11-24-98.

## Resisting Fraud

CA Civil Code 39b states that a person is of "unsound mind" and cannot enter into a legal contract if they exhibit the following characteristics over an extended period of time:

- 1) Cannot manage their own financial resources
  - NCP unprotected from "Unacceptable Practices" by an employer (CAFC 5290).
  - NCP subjected to nation's highest child support guideline (25% for 1 child, 40% for 2, 50% for 3) (CAFC 4055).
  - NCP exiled to self-employment, imposed a financial embargo, and denied holding licenses.
- 2) Cannot resist fraud
  - LA DCSS free to ignore civil and criminal court orders pertaining to child support arrears / awards.
  - LA DCSS free to ignore cash transfers paid directly to the CP that was pursuant to a court order.
  - LA DCSS free to bill NCP fraudulently despite protest to CA AG, CA DCSS PI&RU, or local Ombudspersons.
- 3) Cannot resist undue influence.
  - LA DCSS free to deprive rights and privileges of NCP under the color of a law (USC 42 666).
  - LA DCSS free to act as a complainant while fraudulently billing NCP in violation of federal law.
  - NCP imprisoned while actively attempting to request a state hearing regarding fraud by LA DCSS.
  - NCP denied "due process" by the lack of rebuttability in CA court, which is required by federal law.

An NCP, subjected to the California family law system involving Los Angeles County, will become of "unsound mind" the moment he is sentenced to jail and deprived of his rights to resist fraud. The NCP will then be serving time in debtor's prison for vagrancy.

## Conclusion

LA DCSS must be investigated by an independent entity other than Policy Studies Inc. to provide problem identification, damage control, corrective action, and level of involvement.

All NCPs currently being incarcerated due to the fraudulent practices of LA DCSS must be released until this investigation is completed.

# REQUEST FOR STATE HEARING

## CSE Family Law Baseline (FLB) Summary

The summary of events (arrest to sentencing /2) of a noncustodial parent (NCP) (3 children and capable of earning \$4,400 / month) subject to a default child support order in Los Angeles County is presented as follows:

### Los Angeles County Criminal Court

1000 days from arrest to sentence  
20 court appearances  
3 NCP probation violations / DA subordination of perjury  
2 bench warrants (1 erroneously)  
3 failure to appear (1 erroneously)

### Los Angeles County DCSS

17,171 dollars CS Interest accrued  
1 audit conducted by Policy Studies Inc.  
1 audit conducted by themselves  
2 counts ignoring a court order  
3 counts of consumer credit fraud  
33 counts of mail fraud

### Monterey County DCSS

6,899 dollars CS Interest accrued.  
1 audit conducted by themselves

### Custodial Parent (CP)

32,000 dollars from NCP retirement (QDRO)  
1 count of criminal nonsupport (CAPC 270)  
2 children residing  
1 new spouse

### Non Custodial Parent (NCP)

1 day of false imprisonment  
28 days unlawful detainer  
35 days jail time prior to trial  
1 count of ignoring court order  
0 hours community service  
0 dollars CS paid to DCSS  
1 child residing

# REQUEST FOR STATE HEARING

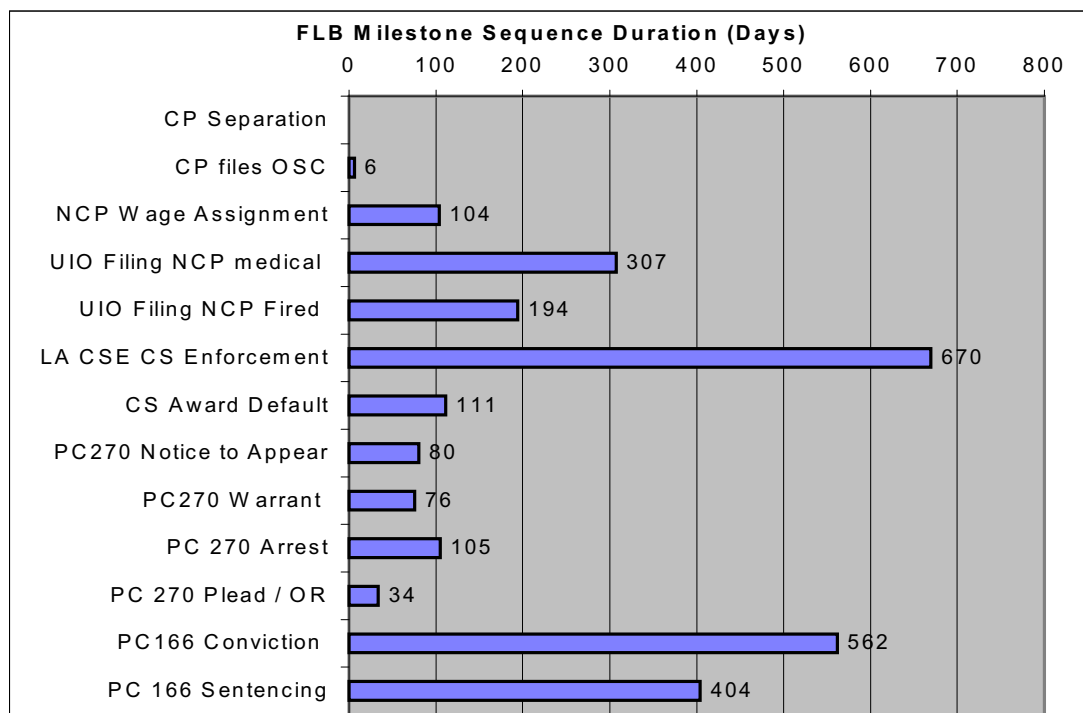
1/ Table 1 : CSE audit impact and settling time ( Audit amounts in bold boxes).

| Date     | CSE Monterey  |         |          |              |         | CSE Los Angeles                                     |         |          |               |         |
|----------|---|---------|----------|--------------|---------|---|---------|----------|---------------|---------|
|          | CS  | CS / mo | Int / mo | Int          | Balance | CS  | CS / mo | Int / mo | Int           | Balance |
| 10-01-01 | 36,971  | 1,183   |          | 11,516       | 49,670  | 63,116  |         |          | 103,935       | 167,051 |
| 11-01-01 | 38,154  | 1,183   | 71       | 11,587       | 50,924  | 63,116  |         | 3,300    | 107,235       | 170,351 |
| 12-01-01 | 39,337  | 1,183   | -5,760   | <b>5,827</b> | 52,484  | 63,116  |         | 3,318    | 110,553       | 173,669 |
| 01-01-02 | <b>40,520</b>                                       | 1,183   | 9,229    | 15,056       | 56,759  | 63,116  |         | -84,172  | <b>26,381</b> | 236,720 |
| 02-01-02 | 41,703  | 1,183   | -8,882   | 6,174        | 49,060  | <b>63,116</b>                                       |         | 86,569   | 112,950       | 176,066 |
| 03-01-02 | 42,886  | 1,183   | 358      | 6,532        | 50,601  | 63,116  |         | -86,196  | 26,754        | 89,870  |
| 04-01-02 | 44,069  | 1,183   | 367      | 6,899        | 52,151  | 63,116  |         | 746      | 27,500        | 90,616  |
|          | <b>Monterey CSE = Current, accurate, responsive</b> |         |          |              |         | <b>LA CSE charging interest on previous balance</b> |         |          |               |         |

2/ Table 2 : Milestones related to Family Law Baseline (FLB).

| Action                 | Days | Date               | ID  | Action                 | Days | Date               | ID  |
|------------------------|------|--------------------|-----|------------------------|------|--------------------|-----|
| CP Separation          |      | 02/01/95           |     | PC166 Sentencing       | 404  | 05/08/02           |     |
| CP files OSC           | 6    | 02/07/95           | 195 | PC166 Conviction       | 562  | 03/30/01           | 406 |
| NCP Wage Assignment    | 104  | 05/22/95           | 53  | PC270 Plead / OR       | 34   | 09/15/99           | 105 |
| UIO Filing NCP medical | 307  | 03/24/96           | 278 | PC270 Arrest           | 105  | 08/12/99           | 183 |
| UIO Filing NCP Fired   | 194  | 10/04/96           | 265 | PC270 Warrant          | 76   | 04/29/99           | 26  |
| LA CSE CS Enforcement  | 670  | 08/05/98           | 217 | PC270 Notice to Appear | 80   | 02/12/99           | 23  |
| CS Award Default       | 111  | 11/24/98           | 223 | CS Award Default       | 111  | 11/24/98           | 223 |
| PC270 Notice to Appear | 80   | 02/12/99           | 23  | LA CSE CS Enforcement  | 670  | 08/05/98           | 217 |
| PC270 Warrant          | 76   | 04/29/99           | 26  | UIO Filing NCP Fired   | 194  | 10/04/96           | 265 |
| PC270 Arrest           | 105  | 08/12/99           | 183 | UIO Filing NCP medical | 307  | 03/24/96           | 278 |
| PC270 Plead / OR       | 34   | 09/15/99           | 105 | NCP Wage Assignment    | 104  | 05/22/95           | 53  |
| PC166 Conviction       | 562  | 03/30/01           | 406 | CP files OSC           | 6    | 02/07/95           | 195 |
| PC166 Sentencing       | 404  | 05/08/02           |     | CP Separation          |      | 02/01/95           |     |
| <b>Total</b>           | 2653 | 07 yr 04 mo 07 day |     | <b>Total</b>           | 2653 | 07 yr 04 mo 07 day |     |

2/ Figure 1 : Milestone sequence duration related to Family Law Baseline (FLB)



# REQUEST FOR STATE HEARING

2/ Table 3 : Family Law Baseline (FLB).

| Action                                   | Days | Date     | ID  | Action                                   | Days | Date     | ID  |
|--|------|----------|-----|--|------|----------|-----|
| PC 166 Sentencing                        | 404  | 05-08-02 |     | CP Separation                            |      | 02-01-95 |     |
| NCP Appearance 19                        | 399  | 05-03-02 |     | CP files OSC                             | 6    | 02-07-95 | 195 |
| NCP Appearance 18                        | 397  | 05-01-02 |     | NCP Alleges Child Abuse                  | 21   | 02-28-95 | 84  |
| PC 166 FTA                               | 392  | 04-26-02 |     | DOD Starts Investigation                 | 27   | 03-06-95 | 240 |
| PC166 Probation Violation                | 350  | 03-15-02 | 525 | NCP Layoff Extension                     | 48   | 03-27-95 | 275 |
| NCP Appearance 17                        | 350  | 03-15-02 | 524 | NCP Wage Assignment                      | 104  | 05-22-95 | 53  |
| NCP testifies on FASR fraud in Greenbook | 349  | 03-14-02 |     | NCP Layoff Extension                     | 39   | 06-30-95 | 367 |
| NCP Appearance 16                        | 349  | 03-14-02 |     | NCP Write Up 1                           | 273  | 02-19-96 | 273 |
| LA CSE Audit                             | 326  | 02-19-02 | 498 | NCP Employee Assistance                  | 277  | 02-23-96 | 40  |
| Monterey CSE Audit                       | 306  | 01-30-02 | 496 | UIO Filing NCP medical                   | 307  | 03-24-96 | 278 |
| NCP Request Review                       | 298  | 01-22-02 | 517 | NCP Write Up 2                           | 120  | 07-22-96 | 268 |
| LA CSE Credit Fraud                      | 277  | 01-01-02 | 485 | NCP Write Up 3                           | 173  | 09-13-96 | 266 |
| LA CSE Credit Fraud                      | 265  | 12-20-01 | 483 | UIO Filing NCP Fired                     | 194  | 10-04-96 | 265 |
| PC 166 Probation Violation               | 229  | 11-14-01 | 476 | NCP Lawyer Withdraws                     | 19   | 10-23-96 | 216 |
| NCP Appearance 15                        | 229  | 11-14-01 | 477 | UIO Refuses benefits                     | 91   | 01-03-97 | 379 |
| NCP Appearance 14                        | 179  | 09-25-01 | 462 | LA CSE CS Enforcement                    | 670  | 08-05-98 | 217 |
| PC166 Probation Violation                | 153  | 08-30-01 | 440 | CS Award Default                         | 111  | 11-24-98 | 223 |
| NCP Reports LA CSE fraud to House        | 96   | 07-04-01 | 429 | PC270 Notice to Appear                   | 80   | 02-12-99 | 23  |
| PSI reviews CA CS guideline              | 76   | 06-14-01 | 425 | PC270 Warrant                            | 76   | 04-29-99 | 26  |
| PSI reviews LA CSE accounting            | 66   | 06-04-01 | 418 | M CSE Enforcement                        | 63   | 07-01-99 | 30  |
| PC166 Conviction                         | 562  | 03-30-01 | 406 | PC 270 Arrest                            | 105  | 08-12-99 | 183 |
| NCP Appearance 13                        | 562  | 03-30-01 |     | NCP Unlawful detainer                    | 6    | 08-18-99 | 108 |
| NCP Appearance 12                        | 538  | 03-06-01 | 398 | LA CSE Credit Fraud                      | 16   | 08-28-99 | 330 |
| NCP Appearance 11                        | 497  | 01-24-01 | 401 | NCP Release Date                         | 28   | 09-09-99 |     |
| NCP Reports LA CSE fraud to CA AG        | 490  | 01-17-01 | 395 | PC 270 Plead / OR                        | 34   | 09-15-99 | 105 |
| NCP Appearance 10                        | 443  | 12-01-00 | 402 | NCP Appearance 1                         | 35   | 09-15-99 |     |
| NCP Appearance 9                         | 404  | 10-23-00 | 408 | NCP Appearance 2                         | 35   | 10-20-99 | 97  |
| NCP denied job CA Judicial Council       | 357  | 09-06-00 | 341 | NCP pays CP \$32,000 CS                  | 61   | 11-15-99 | 172 |
| PC 270 FTA / Warrant                     | 338  | 08-18-00 | 329 | NCP Appearance 3                         | 64   | 11-18-99 | 98  |
| NCP Appearance 8                         | 338  | 08-18-00 | 331 | NCP Appearance 4                         | 126  | 01-19-00 | 165 |
| NCP Appearance 7                         | 287  | 06-28-00 | 321 | NCP Appearance 5                         | 167  | 02-29-00 | 312 |
| NCP Appearance 6                         | 231  | 05-03-00 | 315 | NCP Appearance 6                         | 231  | 05-03-00 | 315 |
| NCP Appearance 5                         | 167  | 02-29-00 | 312 | NCP Appearance 7                         | 287  | 06-28-00 | 321 |
| NCP Appearance 4                         | 126  | 01-19-00 | 165 | NCP Appearance 8                         | 338  | 08-18-00 | 331 |
| NCP Appearance 3                         | 64   | 11-18-99 | 98  | PC 270 FTA / Warrant                     | 338  | 08-18-00 | 329 |
| NCP pays CP \$32,000 CS                  | 61   | 11-15-99 | 172 | NCP denied job CA Judicial Council       | 357  | 09-06-00 | 341 |
| NCP Appearance 2                         | 35   | 10-20-99 | 97  | NCP Appearance 9                         | 404  | 10-23-00 | 408 |
| PC 270 Plead / OR                        | 34   | 09-15-99 | 105 | NCP Appearance 10                        | 443  | 12-01-00 | 402 |
| NCP Appearance 1                         | 35   | 09-15-99 |     | NCP Reports LA CSE fraud to CA AG        | 490  | 01-17-01 | 395 |
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| CS Award Default                         | 111  | 11-24-98 | 223 | PC166 Probation Violation                | 153  | 08-30-01 | 440 |
| LA CSE CS Enforcement                    | 670  | 08-05-98 | 217 | NCP Appearance 14                        | 179  | 09-25-01 | 462 |
| UIO Refuses benefits                     | 91   | 01-03-97 | 379 | NCP Appearance 15                        | 229  | 11-14-01 | 477 |
| NCP Lawyer Withdraws                     | 19   | 10-23-96 | 216 | PC 166 Probation Violation               | 229  | 11-14-01 | 476 |
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| NCP Alleges Child Abuse                  | 21   | 02-28-95 | 84  | NCP Appearance 18                        | 397  | 05-01-02 |     |
| CP files OSC                             | 6    | 02-07-95 | 195 | NCP Appearance 19                        | 399  | 05-03-02 |     |
| CP Separation                            |      | 02-01-95 |     | PC 166 Sentencing                        | 404  | 05-08-02 |     |