137-055-1600
Child Support Program Participant Grievance

(1) For the purposes of this rule the following definitions apply;

(a) "Program participant" means any obligor, obligee or beneficiary in an Oregon child support case or any person denied services after submitting an application.

(b) "Grievance" means a formal complaint filed against the administrator.

(c) "Grievant" means a program participant who has filed a grievance as set out in this rule.

(2) Program participants are entitled to fair, professional, courteous and accurate service. A grievance procedure has been established to enable program participants a means to formally express when they perceive that they have not received fair, professional, courteous or accurate service. This grievance procedure will be handled by the Division of Child Support (DCS) under the oversight of the Oregon Child Support Program Director.

(3) Grievances may be filed by program participants or attorneys or other employees of law offices representing program participants.

(4) It is recognized that child support enforcement activities may create negative reactions among some program participants. It is further recognized that a high level of service may not result in desired support payments. Therefore, a grievance filed against the administrator must be investigated to determine if the grievance has merit. Grievances which will be considered to be without merit include:

(a) Grievances that protest actions that are prescribed or permitted by state administrative rule, state law, child support program approved written policy or procedure, federal law or federal regulation;

(b) Grievances that protest that support payments have not been made if the administrator has taken appropriate steps in accordance with state and federal rules to obtain payments;

(c) Grievances filed regarding actions taken by, or failure to take action by, another agency or a child support agency of another state;

(d) Grievances that allege that actions have or have not been taken but the case record reflects otherwise; or

(e) Grievances that do not constitute a complaint but merely convey information to, or request an action by the administrator.

(5) The decision to find the grievance to be without merit or send it to the appropriate office for resolution will be made by the Program.

(6) Grievances may be made on a form developed by the Program.

(7) Nothing in this rule precludes any program participant or any other person or entity from expressing complaints to the administrator by any other method.

(8) Grievance forms will be available to program participants through any Program office. The address and telephone number where a grievance form can be obtained and information about the grievance process will be:

(a) Conspicuously posted in all Program offices;

(b) Included in the standard application for support enforcement services;

(c) Included in initial letters sent to parties by the Program;

(d) Included in the Program's general information pamphlet;

(e) Included in or with an annual notice mailed to the parties.

(9) Grievants must file the completed grievance forms with Program Constituent Services. Completed grievance forms or photocopies of these forms filed with the administrator will be immediately forwarded to Program Constituent Services. Upon receipt of the grievance, Program Constituent Services will:

(a) Record receipt of the grievance;

(b) Investigate the grievance to determine if the grievance is without merit per section (4) of this rule;

(c) If the grievance is without merit per section (4) of this rule, the grievance will be returned to the grievant with an explanation about why it has been returned;

(d) If the grievance is not returned to the grievant it will be forwarded to the grievance coordinator(s) in the appropriate branch office for resolution.

(10) Upon receipt of the grievance, the office against whom the grievance has been filed will investigate the grievance. That office will either take corrective action and notify the grievant or contact the grievant to explain why corrective action is not appropriate. Program Constituent Services will set time limits for the administrator to address the grievance, not to exceed 90 days from the date the grievance is received at DCS. The date received by Program Constituent Services will be considered to be the date the grievance is screened and accepted.

(11) Upon completion of grievance processing, the office against whom the grievance has been filed will send the grievance form to Program Constituent Services with a report of the grievance investigation and the disposition.

(12) Grievances that allege serious violations of personnel rules or standards of personal conduct, such as, but not limited to, allegations of racial or sexual discrimination or sexual harassment, in which allegations are substantiated, will be removed from this grievance process and be part of the personnel process of the office against whom the grievance has been filed.

(13) A record of grievances and dispositions will be maintained by the Program for a period of three years.

(14) The administrator against whom a grievance has been filed will not discriminate against the grievant because a grievance has been filed.

(15) Performance reviews will include examination of the administrator's compliance with these grievance procedures and an examination of grievances filed against the administrator and resolution to such grievances for the previous calendar year.

Stat. Auth.: ORS 25.243; 180.345
Stats. Implemented: ORS 25.080 and 25.243
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