



**2009 – 2010
Madera County Grand Jury
Final Report
Citizen Complaint Against The Department of
Child Support Services**

Prepared By: The Ad Hoc Committee

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Introduction:

On September 21, 2009 the Madera County Grand Jury conducted an interview at the Department of Child Support Services (DCSS) office. This interview took place pursuant to a citizen complaint regarding how the DCSS managed the serving of court documents within the County of Madera. The complaint questioned whether this process serving function was a public contract and if competitive bids were solicited by DCSS.

The Grand Jury interviewed the current Director and Assistant Director of DCSS. The Grand Jury also interviewed a knowledgeable person from the Chief Administrative Officer's Office.

Findings:

DCSS, according to their web site, is a Child Support Program that provides services to families to establish and enforce child support, paternity, and medical support services. They are also dedicated to protecting the rights of the custodial parent, non-custodial parent, and their children while enforcing child support orders. DCSS also serves the public by ensuring that children receive the financial support to which they are legally entitled.

Every case DCSS is assigned by the court requires documents to be served to the custodial or non-custodial parent in person. Some of the documents involved are "Notice of Motion", "Order to Show Cause", "Summons", "Complaints", and a host of other court documents generated by DCSS. All documents that are served to custodial or non-custodial parents are signed by the Madera County Court Commissioner making it a legal document.

DCSS makes every attempt to serve the documents to custodial or non-custodial parents at the DCSS office in Madera. When this cannot be done, and after attempts to contact the person in question, the documents are given to a registered process server company. It is the process server company's job to search out the person in question and serve them with the documents. The complaint against DCSS is that they do not put contracts out to bid for the process server function.

DCSS does not put this work out to bid and according to California Public Contract Code 10335.5 is not obligated to do so. DCSS has worked with the current company since 1993 and has a very good working relationship. According to the Director this company has rates that are very competitive and in fact, their rates are lower than those charged in most surrounding counties.

Counties in the immediate area that do issue competitive contracts are Merced and Fresno. It was explained to the Grand Jury that Counties that do put this service out to competitive bid are usually counties that have a very high volume of documents that require the services of a process server company. Madera County averages around 200 process servings a month compared to Los Angeles County which handles tens of thousands each month.

The Grand Jury was also told that since 2001 the State of California has been putting together a program that would place all process serving under State control. The State would contract with either one or several process serving companies and DCSS would be obligated to use these services. When and if that happens, competitive bidding for local process server services would be a moot point.

Conclusions:

The Grand Jury finds that the complaint received 9/11/2009 is true in that DCSS does not put out competitive bids for process serving services. The Grand Jury also finds that through interviews and Public Contract Code documents, DCSS is not compelled to put these services out to bid. Madera County DCSS is not obligated to solicit competitive bids for their process serving function just because adjacent counties choose to do so.

Recommendations:

- The Grand Jury recommends the Director of DCSS consider placing the process server function out to bid to test the water to see if there are any other registered process serving companies in the immediate area who would like to compete for the work.

Respondents: Written response required pursuant to PC933 (c)

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