# Court Clerk Processing

23<sup>rd</sup> Annual AB 1058 Child Support Training Conference

# **Classroom Etiquette**

- Cell Phones on Vibrate
- Ask ANY Question Relevant to the Subject Matter
  - Index Cards
- Respect your Colleagues

# **Mandatory Training**

California Rule of Court 5.355 Minimum standards of training for court clerk staff whose assignment includes title IV-D child support cases

"Any court clerk whose assignment includes title IV-D child support cases must participate in a minimum of six hours of continuing education annually in federal and state laws concerning child support and related issues."

In Brief: 6 Hrs of Training in Area is Required

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# Vocabulary Test...

- Answer as many as you can;
- Select from the answers on the side.
- Good Luck 🙂

## **ANSWERS: Vocabulary Terms**

- <u>IV-D</u>: Title IV-D of the Social <u>LCSA</u>: (also DCSS) Security Act
- <u>1058</u>: The Assembly Bill passed in 1996

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- Expedited Court Process for Child Support Cases
- Established Child Support Commissioner and FL Facilitator Program
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- Local Child Support Agency • DCSS: (also LCSA)
  - Department of Child Support
- <u>Petitioner</u>: Moving Party in an Action
- <u>Respondent</u>: Respondent in an Action
- Established Simplified Procedures for Everyone Involved. Parent (NOT Joined UNTIL Judgment in DCSS Initiated Action)

## **ANSWERS : Vocabulary Terms**

- <u>S & C</u>: Summons & Complaint
- Commences an Action
- <u>SS& C</u>: Supplemental Summons & Complaint
- Adds Child(ren) in DCSS or FL Cases APJ: Amended Proposed
- Judgment Amends Income of Party for
- Calculating Support
- PUBLICIAL COUNCIL DE CALIFORNIA

- Jurisdiction: Having Authority (Power) to make Orders.
- <u>Service</u>: Legally providing copies to the party listed in the Filing.
- Motion: Request by Party for Court Action
  - Initiating; Modification; Enforcement
- Arrearages: Unpaid Support

2

# **Goal of Clerks' Office**

- PROTECT always Statutes of Limitations;
- PROTECT/LEGITIMIZE of all Final dispositions and judgments by proper review of filings;
- ENCOURAGEMENT in lieu of criticism;

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COLLABORATE with all Justice Partners recognizing the need of the various agencies, offices, and parties we are servicing.



# Family Code 17400(n) Venue (Amended by Stats. 2015, Ch. 416, Sec. 3. Effective January 1, 2016.)

- Notwithstanding any other law, venue under this division shall be in Superior
- County currently expending public
- assistance. No current public assistance:
- County where child resides.
- Current support is no longer payable/ enforceable by LCSA: County last provided aid to enforce arrearages per W&I 11477.

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- NO aid: County of residence of the support **obligee**.
- If no aid, Obligee doesn't live in CA: County of residence of the obligor.
- If child becomes resident of another county after filing, Case remains in County where filed until completed.
- LCSA of one county MAY
   appear OBO another LCSA.

## Processing AB 1058 Cases aka LCSA Initiated Cases

#### **Family Law Filings**

- Filed under the Family Code
- Usually Involve: • Petitioner/Respondent: Two (2) Parties
  - Many Filings All Over Map when it
  - comes to Process

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### AB 1058 Filings

- Filed under the Family Code; W & I Code.
- Usually Involve:
  - Petitioner/Respondent/ Other Parent: Three (3) Parties (County v. Party/OP)
  - Petitioner usually County
  - Cases are more Structured Cross over into Family Cases

# **Filing Methods**

- File/Open New Case Filing
- Foreign Support Case
- File within an Existing Case
  - Bring DCSS into Case
  - Add a Child to Existing Case
- File Motion to Intervene

# File/Open New Case

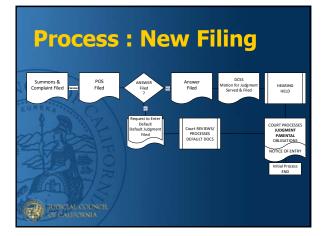
- Department Files NEW Summons & Complaint
- New Case Opening

JUDICIAL COOL

- County v. Respondent/Other Parent\*\*.
- Case is Public Record

#### PETITIONER/PLAINTIFF: COUNTY OF KERN RESPONDENT/DEFENDANT: JOHN SMITH

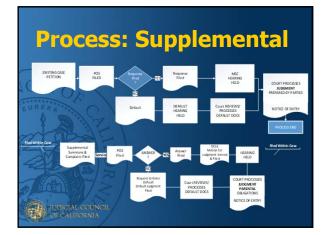
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TO (name): JOHN SMITH
TO (name): JOHN SMITH





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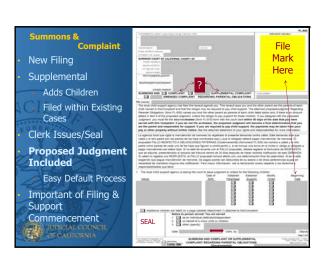
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# **Biology in Case Titles**

• County vs. Respondent/Other Parent

- OP = Biological Parent
- County vs. Respondent/NO OP or County vs. Respondent & Related County vs. Respondent
  - Child w/Non Bio Parent-Foster Care
  - Pre-1997 Case

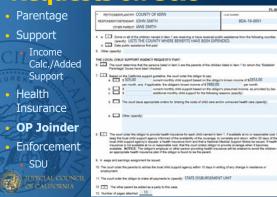
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# **Joinders of Other Parent**

#### PRE - AB-1058 (97)

## POST - AB-1058(97)

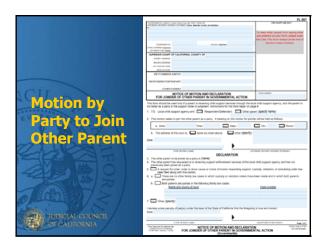
- Non-Aided: Paternity
   Actions Filed
- Aided Cases: County vs. Respondent
   Guardian ad Litem
- Confidential FC 7643

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- Many Drafted Pleadings
- Cases filed more
- universally.
- County vs.
   Respondent/Other Parent
- Supplemental S&Cs
- Motions to Intervene
- Most Public
  -Paternity Filings

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# **Importance of Joinder**

#### NOTICE TO THE PARENTS

This order makes the parent designated as the "Other Parent" a party to this action. Either parent may now raise issues concerning support, custody, visitation, and restmaring orders. Other issues may not be raised in this action. Either parent can go to court to modify the support order, but the local child support agency must limit be given proper notice of the hearing data.

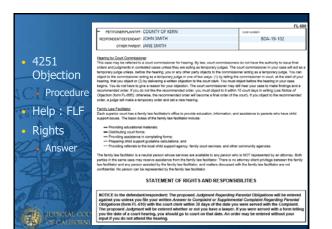
The other Parent can also file an action to enforce the support order, but only after giving the local child support agency at least 30 days' notice that an independent enforcement action will be filed. (See form FL-46.) if the local child support agency does not respond to the notice within 30 days, or the local child support agency agrees to the filing of the enforcement action, the Other Parent may then file the enforcement action us long as all support is payable through the local child support agency agrees.

The local child support agency does not represent any individual in this action. If the Other Parent receives welfare, the local child support agency may agree to settle any parentage or support issues without the Other Parent's consent. If the Other Parent's content is the local child support agency cannot settle any support agency among the other Parent's content. The local child support agency cannot assist you with or negotiate, welfare, for actionary, witaliant, or reterianny optication agency cannot assist you with or negotiate, settle, or contest any issues of outdordy, witaliant, or reterianny optications agency cannot assist you with or negotiate, settle, or contest any issues of outdordy.

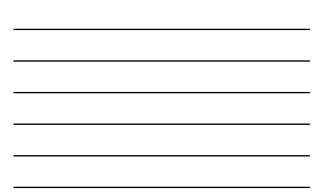
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# OPHer Important Information Boto parents should leif the local child support agence everything they know about the other parent's earning assets.

Custody
 The defendant is alway
 parent has requested

Note:

Joinder Info Similar

• AB1058 JUDICIAL COUNCIL OF CALIFORNIA

Judgment
 Rights

After the other parent has become a party to the law-uit, either parent may go to cars to entrove the existing order against the time, but must list own with the local cited sequences and expected by the "The source or not a part and the source and the part of the time. The source or not a part and the source and the part of the source of the source and the source and the part of the source and the source and the source and the time to add the source and the source and the part of the source and the source and the source and the part of the source and the source and the local cited support agency does not respond to the notice to the parties source genometers with an association. The local cited support agency does not respond to the notice to the parties source genometers with an association and the entropersent activities the parent source genometers the notice most activities the parent source genometers and agency and the source and the source the the entropersent activities and the parent source genometers are also and a source and association to parent and agency and the source and the entropersent activities of parent and the parent source genometers and the source and the entropersent activities of the parent and the parent source genometers and the source and the entropersent activities and the source and the entropersent activities of the parent and the parent source genometers and the source and the entropersent activities of the parent and the parent source genometers and the source and the parent and the parent source genometers and the source and the activities and the source and the source and the activities and the source and the source and the activities and the source and the source and the activities and the source and the source and the activities and the source and the source and the activities and the source and the source and the activities and the source and the activities and the source and the activities and the source and the source and the acti The custodial person receives public assistance. The local ridd support agency may agere to settle any parteridage opport usse in this issues which are trending admance notice the custodial person. A child support agency may not settle in click support also without the content of any parent with an agelicant for child support services and who does not come public assistance.

The local risk support approva required, under section defap(x)(x) of the Social Security Act, to place in the record pertaining to child support the social security number of an involvatial who is subject to a divoce decree. Support order patently determination or acknowledgenet. This informatio is mandatory and will be kept on file at the local child suppi agency.

rour tamily law tacintator is available to neig you with a questions you may have about the above information. Fou can reach your family law facilitator by telephone at

in person ac

more information on finding a lawyer or tamily law stator, see the California Courts Online Self-Help iter at wewcourtinfo ca gov/belfhelp.

# Complaint Filed w/Proposed Judgment...

DCSS Discovers Income Change of NCP

(Served or Not)

		FL418
APJ: Declaration for	and the second second second second	No CER (M NO.
Amended Proposed	SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
Judgment FL-615	Annal Allerty 27 - pt. 8 - 100 Phillipper Allerty Phillipper Allerty	
<ul> <li>Approved Mandatory</li> </ul>	REPORTATION	
<ul> <li>Used when Actual</li> </ul>	DECLARATION FOR AMENDED PROFOSED JUDGMENT	The second secon
Income is Discovered	1. The local child august agency is priviling enforcement services in the case	
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Filed by DCSS	<ol> <li>C Robert Houses of 3 per march.</li> <li>Three the persons of the Summaries and Computers Reporting Persons Computers (https://www.computers.com/operational/computers.com/operational/computers.com/operational/computers.com/operational/computers.com/operational/com/oper</li></ol>	en PL 802)
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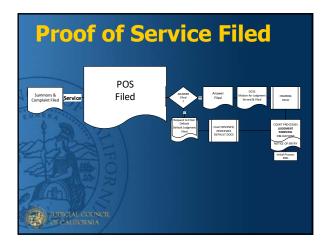


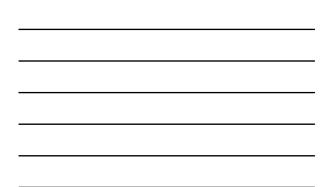
Service of Process		
<ul> <li>Personal Service</li> </ul>	CCP	415.10
<ul> <li><u>Substituted Service</u></li> </ul>	CCP	415.20(B)
<ul> <li>Service by Mail</li> </ul>		
Notice of Acknowledgeme	ent	CCP415.30
Governmental Form FL-605		
Certified Mail (Out of CA)		CCP 415.40
Publication	CCP	415.50
Posting ? Does not Apply t	to DCS	SS Filings

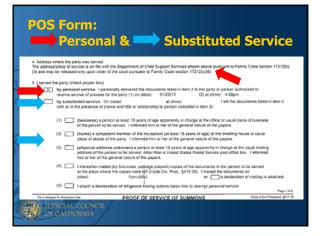


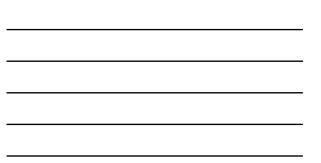
	METHODS OF SERVICE	SERVICE REQUIREMENTS	SERVICE DEEMED COMPLETED
	Personal Service CCP 415.10	Personally delivered to respondent	Immediately upon delivery
	Substituted Service CCP 415.20(B)	Delivery to a competent adult (over 18) apparently in charge at the respondent's home, usual	10 <sup>th</sup> day after the date of mailing
Service Effective	Requires a due diligence declaration showing attempt(s) of personal service	place of abode, business or mailing address (not a PO Box), who must be told of the contents delivered, AND a copy	
		must be mailed to the respondent at the same address.	
Dates	Service by mail CCP 415.3	Respondent must sign and date the Notice and Acknowledgement of Receipt.	The date the Notice and Acknowledgement is signed by the Respondent
REKA	Notice & Acknowledgement of Receipt. Sender must	The original is returned to the court attached to the Proof of	
	complete date of mailing, sign and indicate what documents are being sent.	Service.	
1210	Service by mail CCP 415.40	Delivery to respondent by certified mail, return receipt signed and dated by respondent,	10 <sup>th</sup> day after date of mailing
	Certified mail outside of California only	attached to proof of Service prior to filing with court. Declaration of service by mail will also be completed.	
	Service by Publication CCP 415.50	Application and Order for Publication of Summons must be submitted to the court. Upon	28 <sup>th</sup> day after the first day of publication Gov. Code 6064
	Available where other party cannot be served by any reasonable method with due	proper review, the court can order Summons published in newspaper most likely to give	



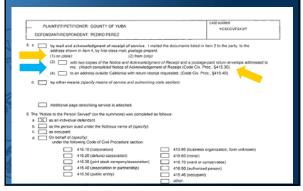








## POS: Mail Acknowledgement & Return Receipt Req'd



# **Service Addresses**

#### Family Code 17212

- (3) Notwithstanding any other law, a proof of service filed by the local child support agency shall not disclose the address where service of process was accomplished. Instead, the local child support agency shall keep the address in its own records. The proof of service shall specify that the address is on record at the odal child support agency and that the address may be released only upon an order from the court pursuant to paragraph (6) of subdivision (c). The local child support agency shall, upon request by a party served, release to that person the address where service was effected.

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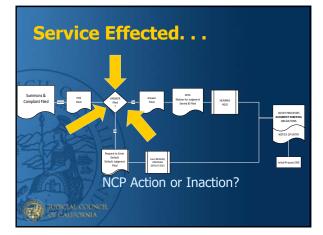
## **NOT Disclosed**

#### Sample Verbiage

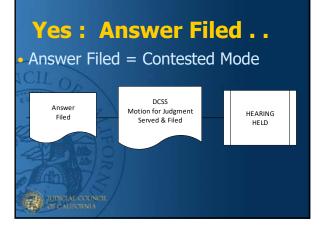


# The address/place of service is on file with the Department of Child Support Services shown above pursuant to Family Code section 1721(2)(3) and may be released only upon order of the court pursuant to Family Code section 17212(c)(8).

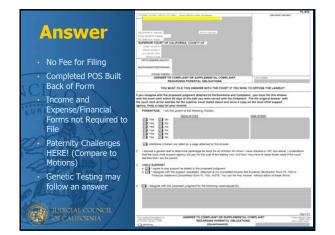
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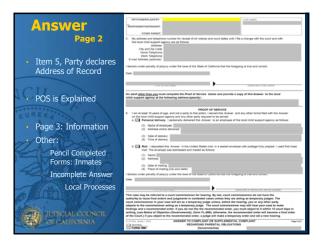


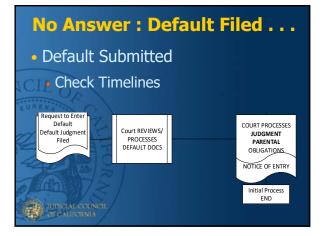




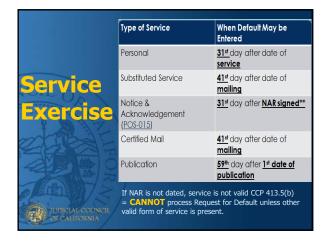






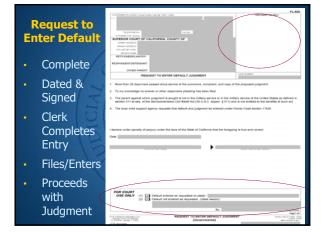





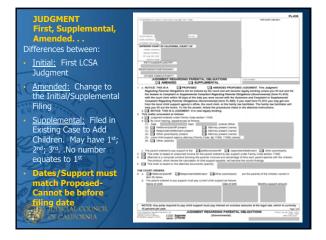




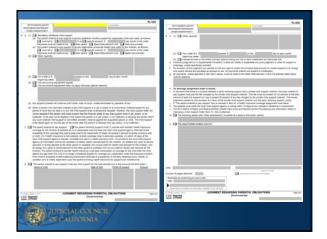


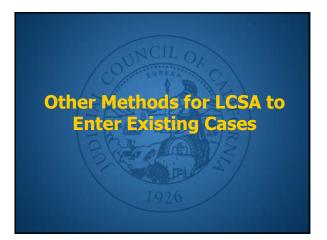


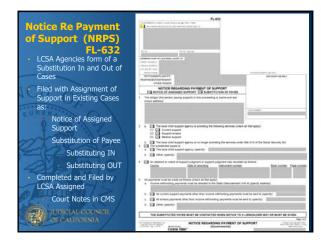














#### Consolidations <u>Cases</u> Parent/Primary Case IV-D & Dissolution Dissolution IV-D & Domestic Violence Dissolution & DV Dissolution IV-D & Paternity Paternity Paternity & DV Paternity DV & Petition for Custody\* Petition for Custody\* IV-D & Petition for Custody\* Petition for Custody\* Dissolution & Petition for Custody\* Dissolution The Petition for Custody generally filed: When parties married (no disso) and no other case involving parties; Parties signed Voluntary Declaration of Paternity; or DSS matter with paternity judgment on file. Petition for custody would be subordinate to any other action, except DV or IV-D Case, as it does not establish parentage or address dissolution issues.

• CCP 1048(a); CRC 5.365; FamC 17408

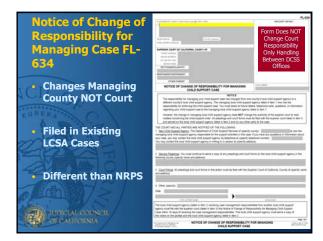
# **Statement of Registrations**

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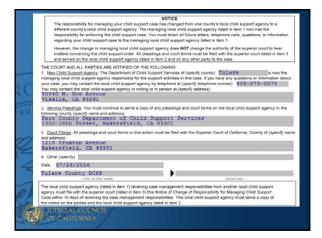
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# **Re Custody Filings in DCSS Initiated Cases**

 Other Parent MUST be listed in Case or Joined OP NOT Joined until Judgment

Children must be Listed

 JUDGMENT MUST EXIST in CASE before Filing for Custody/Visitation



## **Declaration re**

PUDICIAE COUNCIL DE CALIFORNIA

#### **Address Verification** Automotic Country of California Country of Anna anna an DECLARATION REDARDING ADDRESS VENIFICATION-POSTADDRENT REQUEST TO BODITY & CHLD CUSTODY, VISITATION, OR CHLD SUFFORT ORDER Les tras (2) entres tra (2) performe (2) encourses (2) encourses (2) encourses (2) for equation to entry to proper our permanent entre encourse tradit of a part of the support encourses permanents persons to the same frame or the source trans or encourse our term of the support for a part of the same frame of the source trans or encourse our term of the same of the source of the same frame of the source trans or encourse our personal or frame trans or the source source of the same frame of the source trans or encourse our personal or frame trans or followed per-sonality. ent is in reality a judgment of personnel to control welly the other periods control on entrality, instruction, or othic suggested Infect I (c) Control to the state approximation of the state party. (c) Control to the state party state () which with the party () CO CO Control to the party () CO CO Control to the party () CO CO Control to the state party () CO CO Control to the state party () CO CO CONTROL TO The total shift is approximation and Constitution will a Labora and Abbraics or Shar and a share party provided on Antion of Charge of Address fact on (specify detail) $\left| \mathcal{D}_{\mathbf{x}} \right| \mathbf{x}_{\mathbf{x}}$ ) and the other party $\mathbf{x}$ index by that The address of (2) with one (ft 122) contrast is printer setted (pecify) [1] Contrast is interferent light ----

## Post Judgment-FamCode§215 Attach to POS for Filing May Change Service Time to 30 Days when LCSA Served OBO Party FAMCODE §17404 (e)(3) Renderation

NOTICE AND SERVICE INFORMATION Fyin work to charge a pagewerk in permanent onto to chief country, instantion, so that support, a same of basel 16 years of age or other must were the results of the other starts by Crystement and any or Cr benchman that a primar analoge research Research to must be callingent to permanent once for natives other than once charge, watching, in starts accords and a second or an endow of any other permanent once for natives other than once charge, watching, in starts accords and any second or an endow of any other permanent once for natives other than once charge, watching, in starts accords and any second or an endow of the permanent once for natives other than once charge, watching, in the second and any other permanent on the permanent once for natives other than once charge, watching, in the second and any other permanent on the permanent once for the second on th If your request is to change a judgetest or perturned orders only for child support
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If your request its in charage a judgement or permanent order for child coshedy, violation, or per faces writted for other party's current residences or office address, you would Comparise the form to provide the other party's current the other party's current resolutive or office accloses ------If you panel works the other party's current receives an office address, mail service may not be used. The other party must be personally served. Proof of Personal Service (from PL, 503) may be used for this person

# CA Rule of Court 5.125

Rule Designates, in relevant part:

PUBLICIAE COUNCIL DE CALIFORNIA

- Contested Cases-OAH must be exchanged and reviewed for Form 
  • Commissioner Input Vital and Content Prior to Submission
- Parties May Waive Requirement
- Problem area in DCSS
- Handling of Compliance
  - Varies from Court to Court

  - Subject for Monthly Meetings