

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee  
Hon. Mary Ann Grilli and Hon. Susan D. Huguenor, Co-chairs  
Ruth K. McCreight, Senior Attorney, 415-865-7666

DATE: March 9, 2005

SUBJECT: Child Support: Telephone Appearance in Title IV-D Hearings (adopt Cal. Rules of Court, rule 5.324; adopt form FL-679; approve form FL-681)  
(Action Required)

---

Issue Statement

The proposed new rule and mandatory form would permit telephone appearances in title IV-D hearings involving local child support agencies. Title IV-D cases are cases brought under title IV-D of the Social Security Act, which requires each state to establish and enforce support orders on behalf of custodial parents. The proposed optional form would assist clerks in calendaring the telephone appearance phone number.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2005, adopt rule 5.324 of the California Rules of Court, adopt form FL-679, *Request for Telephone Appearance (Governmental)*, and approve form FL-681, *Clerk Calendar Cover Sheet*.

The text of the proposed rule and forms is attached at pages 5–11.

Rationale for Recommendation

Assembly Bill 1704 (Stats. 2004, ch. 339 [Jackson]) requires the Judicial Council, by July 1, 2005, to adopt rules of court implementing the provisions of Family Code section 4930(f), which permits hearings by telephone or by audiovisual or other electronic means in interstate child support cases. New Family Code section 5003, which becomes effective July 1, 2005, provides that telephonic, audiovisual, or other electronic hearings may also be permitted in cases in which the local child support agency is providing services but both parties reside in California.

Proposed rule 5.324 would allow telephone appearances in title IV-D governmental child support cases. Telephone appearances are already authorized in interstate governmental child support cases by Family Code section 4930(f) and in civil cases by rule 298 of the California Rules of Court. While the Family Code contains two versions of section 4930, only the first one, which makes telephone appearances permissive, is in effect in California. The contingencies that must occur in order for the second version of section 4930, with mandatory telephone appearances, to become effective have not yet happened.

Proposed rule 5.324 would permit any party, attorney appearing in the case, witness, or representative of the local child support agency to appear by telephone, video-conferencing, or other electronic means. Under the proposed rule, it is solely within the court's discretion whether to permit the telephone appearance. Witness testimony by telephone would be permissible, and the procedure for swearing in witnesses could be followed in the context of a telephone appearance. The rule addresses due process concerns regarding confrontation of witnesses and evaluation of witness demeanor in the following ways: (1) certain proceedings such as trials and contempt hearings have been excluded from the rule, (2) the proposed procedure provides the applicant with a detailed advisement about what he or she is waiving by requesting a telephone appearance, (3) the rule provides the other parties with an opportunity to object to the telephone appearance eight court days before the hearing, and (4) appearances by audiovisual or other electronic means are included within the definition of telephone appearance.

A rule allowing appearances by telephone would greatly improve the administration of the high volume of child support cases handled by the California Department of Child Support Services (DCSS). DCSS is striving to increase participation by parents, especially noncustodial parents, in the process of establishing child support orders. Participation by both parents is needed for fair and accurate child support orders. Such participation would be fostered by the option to appear by telephone.

Procedures related to vendors, audibility, reporting, and information under this rule are similar to those for rule 298, which governs telephone appearances in civil cases. However, this rule differs from rule 298 in permitting telephone appearances in contested title IV-D child support hearings at which witnesses may be called to testify. This rule requires a declaration from the applicant under penalty of perjury under the laws of the State of California explaining the reasons for requesting the telephone appearance and provides a procedure for objections by the other party. In contrast to rule 298, under proposed rule 5.324 the judicial officer must make a discretionary decision about whether the applicant can appear by telephone. If the judicial officer grants the request for a telephone appearance, he or she may at any time during the hearing continue the matter to require a personal appearance if it becomes necessary.

Proposed mandatory form FL-679, *Request for Telephone Appearance (Governmental)*, would enable an applicant to file and serve a request for appearance by telephone and would provide information that may be helpful to the court in exercising its discretion

whether to permit the telephone appearance. The form includes a detailed advisement concerning the rights and procedures associated with a telephone appearance in a title IV-D hearing. Proposed optional form FL-681, *Clerk Calendar Cover Sheet*, would assist the clerk by listing the telephone appearance phone number and the method used to confirm the identity of the caller.

#### Alternative Actions Considered

Since legislation requires the Judicial Council to adopt a rule of court by July 1, 2005 to permit telephone appearances in governmental child support cases, the committee rejected the option of taking no action.

#### Comments From Interested Parties

The rule and forms were circulated for comment. The 13 comments received were generally positive and included minor technical suggestions to improve the format and clarity of form FL-679. Staff analyzed all the comments and made recommendations that were considered by the Family and Juvenile Law Advisory Committee. The committee incorporated a number of suggestions to improve the rule and the forms. For example, the order of the proof of service and the information sheet has been reversed. The proof of service is now page 3, and the information sheet is now page 4. The instruction at the top of the information sheet not to deliver it to the court clerk has been removed, since the proof of service on the reverse side does have to be delivered to the court clerk. A comment suggested that boxes for “other parent” be changed to “other parent/party” to include persons other than parents who ask for child support. The committee disagreed with the suggestion, since it is a parent who seeks child support in the substantial majority of cases and the suggested language is not consistent with the style used throughout governmental child support forms. A suggestion was also made that the Administrative Office of the Courts survey courts to ensure they have the necessary telephonic equipment.

In an effort to obtain additional input on the rule and forms from child support commissioners who currently permit telephone appearances under local rules, staff held conference calls with a workgroup of commissioners. Suggestions were made to delete “hardship” from form FL-679 as it is such a broad category and as it appeared to create a standard other than the court’s discretion for its decision whether to permit a telephone appearance. The committee agreed with the suggestion and changed the form to simply ask the applicant to provide information that he or she would like the court to consider in making its decision whether to permit the telephone appearance. The importance of the court being able to order a telephone appearance on its own motion was highlighted by the workgroup, to give a court the flexibility to deal with circumstances like road closures due to snowstorms, avalanches, mud and rock slides, and other weather-related conditions.

The workgroup made suggestions to improve the forms. Language was added to the advisement explaining that if problems of technical failure or wrong numbers occurred,

there was the possibility that the court could proceed without a telephone or personal appearance and decide the matter on the papers filed. Language was also added to form FL-679 and the information sheet informing litigants with domestic violence concerns that they should consult the court clerk or local rules of court for any local procedures to protect their confidentiality while providing their phone numbers and any other possible identifying information.

A chart summarizing the comments and the committee's responses is attached at pages 12–27. The workgroup's comments are summarized at number 14.

#### Implementation Requirements and Costs

Courts will incur some standard costs in copying the forms.

Attachments

Rule 5.324 of the California Rules of Court is adopted, effective July 1, 2005, to read:

**Rule 5.324. Telephone appearance in title IV-D hearings and conferences**

(a) **[Purpose]** This rule is intended to improve the administration of the high volume of title IV-D child support hearings and conferences. Participation by both parents is needed for fair and accurate child support orders. The opportunity to appear by telephone fosters parental participation.

(b) **[Definition]** “Telephone appearance,” as used in this rule, includes any appearance by telephonic, audiovisual, videoconferencing, digital, or other electronic means.

(c) **[Permissibility of telephone appearances]** Upon request, the court, in its discretion, may permit a telephone appearance in any hearing or conference related to an action for child support when the local child support agency is providing services under title IV-D of the Social Security Act.

(d) **[Exceptions]** A telephone appearance is not permitted for any of the following:

(1) Contested trials, contempt hearings, orders of examination, and any matters in which the party or witness has been subpoenaed to appear in person; and

(2) Any hearing or conference for which the court, in its discretion on a case-by-case basis, decides that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case.

(e) **[Request for telephone appearance]**

(1) A party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government agency may request permission of the court to appear and testify by telephone. The court may also, on its own motion, allow a telephone appearance.

(2) A party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government agency who wishes to appear by telephone at a hearing must file a request with the court clerk at least 12 court days before the hearing. This request must be served on the other parties, the local child support agency, and attorneys, if any. Service must be by personal delivery, fax, express mail,

42 or other means reasonably calculated to ensure delivery by the close of  
43 the next court day.

44  
45 (3) The mandatory *Request for Telephone Appearance (Governmental)*(form  
46 FL-679) must be filed to request a telephone appearance.

47  
48 **(f) [Opposition to telephone appearance]** Any opposition to a request to appear  
49 by telephone must be made by declaration under penalty of perjury under the  
50 laws of the State of California. It must be filed with the court clerk and served  
51 at least 8 court days before the court hearing. Service on the person or agency  
52 requesting the telephone appearance, all parties, including the other parent, a  
53 parent who has not been joined to the action, the local child support agency,  
54 and attorneys, if any, must be accomplished using one of the methods listed in  
55 (e)(2).

56  
57 **(g) [Shortening time]** The court may shorten the time to file, submit, serve,  
58 respond, or comply with any of the procedures specified in this rule.

59  
60 **(h) [Notice by court]** At least 5 court days before the hearing, the court must  
61 notify the person or agency requesting the telephone appearance, the parties,  
62 and attorneys, if any, of its decision. The court may direct the court clerk, the  
63 court-approved vendor, the local child support agency, a party, or an attorney  
64 to provide the notification. This notice may be given in person or by  
65 telephone, fax, express mail, e-mail, or other means reasonably calculated to  
66 ensure notification no later than 5 court days before the hearing date.

67  
68 **(i) [Need for personal appearance]** If, at any time during the hearing, the court  
69 determines that a personal appearance is necessary, the court may continue the  
70 matter and require a personal appearance.

71  
72 **(j) [Vendors, procedure, audibility, reporting, and information]** Subdivisions  
73 (f) through (j) of rule 298 apply to telephone appearances under this rule.

74  
75 **(k) [Technical equipment]** Courts that lack the technical equipment to implement  
76 telephone appearances are exempt from the rule.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):    TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <h1 style="margin: 0;">DRAFT 13</h1> <h2 style="margin: 0;">03/09/05</h2> <h2 style="margin: 0;">1400 hrs</h2>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
<b>REQUEST FOR TELEPHONE APPEARANCE</b>	CASE NUMBER:
HEARING DATE: _____ TIME: _____ DEPT., ROOM, OR DIVISION: _____	

**NOTICE: See attached Information Sheet for deadlines for filing this request, for filing any opposition, and service.**

1. I, (name): \_\_\_\_\_, am the  
 petitioner/plaintiff  respondent/defendant  other parent  attorney for (name): \_\_\_\_\_  
 local child support agency representative  other (specify): \_\_\_\_\_ in this case.

**If there are domestic violence or other confidentiality issues in this case and you do not want your home or work phone number made publicly available, provide another phone number in item 2 below. You will need to participate from this phone number, unless other options are available under local rules or procedures. Check with your court clerk.**

2. I ask the court to allow me to appear from telephone number ( ) \_\_\_\_\_ for the hearing set on  
 (date) \_\_\_\_\_ (time) \_\_\_\_\_ in Department \_\_\_\_\_ of the above-named court.
3. I would like the court to consider the following information in making its decision whether to allow me to appear by telephone (check all that apply). (Note: The court can still deny your request, even though boxes are checked.)
- a.  I live or work outside the state of California in (specify location): \_\_\_\_\_
  - b.  I live in \_\_\_\_\_ County in California, which is \_\_\_\_\_ miles from the above courthouse where the hearing is set.
  - c.  I am disabled.
  - d.  I am asking not to appear personally because of domestic violence.
  - e.  I will be incarcerated or confined in (specify): \_\_\_\_\_  
 prison, jail, or other institution at the time of the hearing.
  - f.  Other (specify): \_\_\_\_\_
4. a.  I have filed this request at least **12 court days** before the hearing and have served or will serve all parties (the local child support agency and other parent) and attorneys, if any, with this form by personal delivery, fax, express mail, or other reasonable means to ensure delivery by the close of the **next court day** after filing this form.
- b.  If there are financial issues to be decided, I have filed and served on all parties a current *Income and Expense Declaration* (form FL-150) or a *Financial Statement (Simplified)* (form FL-155) along with the request or response to the hearing. (Read page 2 of form FL-155 to determine which form to use.)
- c.  I have complied with all requirements of the local rules of court for other supporting proof.
5. I agree to be responsible for the costs and arrangements of this telephone appearance if required by the court.
6.  Number of pages attached:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

(SIGNATURE)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
---	--------------

**ADVISEMENT REGARDING TELEPHONE APPEARANCE**

1. I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn upon request by the court clerk, holding up my right hand and agreeing under penalty of perjury under the laws of the State of California to tell the truth and nothing but the truth.
2. I will provide my driver's license number, social security number, or other information to verify my identity when asked by the court staff or conference call provider.
3. I understand that the court may not have videoconferencing capabilities. I understand and assume the risk that I may not be able to personally see or inspect the pleadings, documents, or evidence; the witnesses' facial reactions, demeanors, or hand gestures; or other visual or nonverbal aspects of the hearing.
4. I understand that, if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents I filed for this hearing.
5. I understand that the court, in its discretion, may decide to terminate the telephone appearance if it determines during the hearing that a personal appearance would materially assist in the determination of the proceedings. Other reasons for terminating the telephone appearance could include my not being available at the calendar call, delay, questions about credibility, disruption, noise, misconduct, a communication problem, a technical problem, and other problems.
6. I understand that the court may decide at any time to require my personal appearance and continue my hearing to a future date to make my personal appearance possible.
7. I assume the risks of cost, time, delay, repeated telephone calls, technical failure, a wrong number, and other problems that could arise out of this telephone appearance. I understand that if problems occur, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents I filed for this hearing.
8. I understand that if I need to present documents, present witnesses, cross-examine witnesses, or provide information that is not available at the hearing, it is my responsibility to ask the court to continue the hearing. The court may decide to grant or deny my request. I understand that any arguments or supporting proof should be served and filed on time before the hearing so that the court, the local child support agency, and the other parent have an opportunity to know about my case.
9. I understand that the court may require me to make all arrangements for the telephone appearance at my own expense.
10. I understand that if I have low income or no income, I may apply for a waiver of any filing fees and a possible waiver of conference call vendor fees. If the court makes collect calls for telephone appearances and so orders me, I will be available to receive a collect call from the court at the date and time specified. The telephone number will not be one that is blocked from receiving collect calls. If there are domestic violence or other confidentiality issues in the case and I do not wish my home or work phone number to be made publicly available, I may provide a number other than my home and work numbers at which the court can call me collect. I understand that I can check with the local court clerk or local rules of court regarding any additional local procedures that may be available to protect my confidentiality.
11. If there are financial issues to be decided, I understand that it is my responsibility to timely file with the court and serve on the local child support agency and the other parent all necessary and appropriate pleadings and documents, including:
  - a. *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155), whichever is appropriate. (Read page 2 of form FL-155 to determine which form to use.)
  - b. My pay stubs from the last two months or other proof of income.
  - c. The proposed guideline support calculation (optional unless required by local court rule).

This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, before the hearing, you or any other party objects to the commissioner's acting as a temporary judge. If you or the other party objects, the court commissioner may still hear your case to make findings and a recommended order to a judge. If you do not like the recommended order, you must object to it within **10 court days** in writing (use *Notice of Objection (Governmental)* (form FL-666)); otherwise, the recommended order will become a final order of the court. If you object to the recommended order, a judge will make a temporary order and set a new hearing.

**I have read the Advisement Regarding Telephone Appearance of this form and I understand that the terms apply to me.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

  
 \_\_\_\_\_  
 (SIGNATURE)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
---	--------------

**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. My residence or business address is (*specify*):
  
3. I served a copy of the foregoing *Request for Telephone Appearance (Governmental)* and all attachments as follows (*check a, b, or c for each person served*):
  - a.  **Personal delivery.** I personally delivered a copy and all attachments as follows:
 

(1) <input type="checkbox"/> Name of party or attorney served:	(2) <input type="checkbox"/> Name of local child support agency served:
(a) Address where delivered:	(a) Address where delivered:
(b) Date delivered:	(b) Date delivered:
(c) Time delivered:	(c) Time delivered:
  
  - b.  **Mail.** I am a resident of or employed in the county where the mailing occurred.
    - (1) I enclosed a copy in an envelope and
      - (a)  **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
      - (b)  **placed** the envelope for collection and mailing on the date and at the place shown below, following ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
    - (2)  Name of party or attorney served:
    - (3)  Name of local child support agency served:

(a) Address where delivered:	(a) Address where delivered:
(b) Date mailed:	(b) Date mailed:
(c) Place of mailing ( <i>city and state</i> ):	(c) Place of mailing ( <i>city and state</i> ):
  
  - c.  **Other (*specify*):**  
 Additional page is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PERSON WHO SERVED REQUEST)
----------------------	---	--

## INFORMATION SHEET

**ATTENTION:** Read the **Advisement Regarding Telephone Appearance** on page 2 of this form to understand your rights.

You can get more information about the telephone appearance process, including any costs, from your local court clerk.

Ask a family law facilitator, the local child support agency, or a lawyer if you have any questions about this process.

For more information on finding a lawyer or family law facilitator, see the California Courts Online Self-Help Center at

[www.courtinfo.ca.gov/selfhelp/](http://www.courtinfo.ca.gov/selfhelp/).

### Asking for a Telephone Appearance

1. You must use form FL-679 to request a telephone appearance. You may have to pay a filing fee. If you cannot afford to pay the filing fee, the court may waive it, but you will have to fill out some forms first. For more information about the filing fee, contact the court clerk or the family law facilitator in your county.
2. If you do not want to personally appear because of domestic violence and do not want your home phone number, or work phone number listed at item 2 of form FL-679 or other potentially identifying information to be part of the public court record, check with your court clerk or local rules of court regarding any additional local procedures that may be available to protect your confidentiality. For example, some courts may allow you to provide your home phone number or work phone number directly to the court clerk and not disclose it on form FL-679.
3. For local information about telephone appearances, check with the local court clerk, family law facilitator, or local child support agency.

### Instructions for Completing the *Request for Telephone Appearance (Governmental)* (form FL-679)

1. The court needs to know why you are requesting to appear by telephone. At item 3 provide the information you would like the court to consider when making its decision. You can attach additional paper if you need more room to explain the circumstances that you want the court to consider in making its decision. If you submit an attachment, check the box at item 6 and indicate the number of pages that you are attaching. The court can still deny your request even if you have checked boxes and/or submitted an attachment.
2. File your request with the court clerk's office using this form no later than **12 court days** before the hearing. (**PLEASE NOTE:** You must still file your moving or opposing papers within the time limits required by Code of Civil Procedure section 1005.)
3. Serve all parties (the local child support agency and other parent) and attorneys, if any, by personal delivery, fax, express mail, or other reasonable means to make sure this form is delivered by the close of the **next court day** after you file this form.

### Opposing a Telephone Appearance

1. At least **8 court days** before the hearing, you must file and serve a declaration under penalty of perjury under the laws of the State of California explaining why you oppose a telephone appearance by the other party or a witness. Your declaration must state " I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct." You may use *Declaration* (form MC-030), which you can get from the court clerk or the California Courts Web site at [www.courtinfo.ca.gov/forms/](http://www.courtinfo.ca.gov/forms/). If you do not file a declaration under penalty of perjury opposing a telephone appearance, you give up your chance to object.
2. Serve the person or agency requesting the telephone appearance, all parties (the local child support agency and other parent) and attorneys, if any, by personal delivery, fax, express mail, or other reasonable means to make sure your declaration is delivered by the close of the **next court day** after you file the form.

### The Court's Decision on the Telephone Appearance

At least **5 court days** before the hearing, the court will notify or direct that notice of its decision on the request for a telephone appearance be given to the person or agency requesting the telephone appearance, the parties, a parent who has not been joined to the action, and attorneys, if any. This notice may be given by telephone, in person, or by fax, express mail, e-mail, or other reasonable means to ensure notification no later than **5 court days** before the hearing date.

**CLERK CALENDAR COVER SHEET  
(FOR COURT CLERK USE ONLY)**

**Case name:**

**Case number:**

**Hearing date:**

**Time:**

**Department:**

**Telephone Appearance Requested by:**

- Moving party:  Responding party:
- Local child support agency:
- Witness/other:
- Notification of the court's decision granting or denying the request for a telephone appearance was given by:

**Telephone Appearance Number:**

- Court-approved vendor:
- Caller name:
- Caller number:

**Caller Identified by:**

- Driver's license number *(Do not write the number here.)*
- Social security number *(Do not write the number here.)*
- Voice recognition
- Other *(describe):*
- Information taken or identification made by:

## W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
(adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Christine Copeland Attorney Superior Court of Santa Clara County San Jose	A	N	I maintain concerns about how caller's ID is verified.	Agree with the importance of proper identification of the person appearing by telephone. The rule provides adequate safeguards. Subsection (i) provides that "if, at any time during the hearing, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance." #2 of the Advisement Regarding Telephone Appearance in FL-679 requires the party requesting the telephone appearance to agree to provide a driver's license number, social security number, or other information to verify his or her identity when asked by the court staff or conference call provider. If the other parent participates in the telephone hearing, that person will most likely be able to detect if that person is not the other parent.
2.	David Jetton Court Manager Superior Court of Los Angeles County Los Angeles	AM	N	Page 3 of FL-679 is an <i>Information Sheet</i> which states do not deliver to court clerk yet reverse side (page 4) is Proof of Service that will be delivered to court clerk. Either make Information Sheet page 4 and remove language about "do not deliver" or make it a separate sheet.	Agree. The <i>Proof of Service</i> will be made page 3 and the Information Sheet will be on the reverse side as page 4. "Do not deliver this Information Sheet to the court clerk" at the top of page 4 will be deleted since the <i>Proof of Service</i> is filed with the court clerk.
3.	Hon. Laura Masunaga	A	N	<i>No specific comment.</i>	No response needed.

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Commissioner Superior Court of Siskiyou County Yreka				
4.	Cathy Scoggin Superior Court of Yolo County Woodland		N	<p>1. Child Support Telephonic Appearance—Will time lines for receiving such requests be included? Clerks need ample time to submit requests to the commissioner and to respond back to defendants with appropriate phone line in which they can call in on.</p> <p>2. I would suggest at least three weeks prior to the set court date or must be included at the time the motion/response is filed.</p>	<p>1. Time lines are at (e), (f) and (i) of the rule. The applicant must file the request for a telephone appearance at least 12 court days before the hearing, any opposition must be filed at least eight court days before the hearing, and the court must notify the parties of its decision at least five court days before the hearing.</p> <p>2. Since opposing papers to the underlying motion are due 9 court days before the hearing, having a request for a telephone appearance filed with the opposing papers would not allow enough time for an opposition to the request, the court’s review of the papers and its decision, and notification of the parties of court’s decision five court days before the hearing. The time lines are designed to be uniform for all applicants for a telephone appearance regardless of</p>

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					<p>whether they are the moving or opposing party. This uniformity will make the telephone appearance application process easier to understand and use, especially for unrepresented litigants, who we anticipate will be the predominant users of the rule. Having the request filed at least 12 court days prior to the hearing (which is the approximate equivalent of 2 ½ weeks) will allow enough time for the paperwork to be processed.</p>
5.	<p>Steven V. Love                      Executive Officer                      Superior Court of San Diego                      County                      San Diego</p>	AM		<p>The following was received from our family law facilitator:</p> <ol style="list-style-type: none"> <li>1. <i>Request for Telephone Appearance</i> [FL-679] Page 1, Item 1: Change “Other Parent” to “Other Parent/Party.” Again, you might have a person other than a parent asking for child support. Page 1, Item 4a: Change “other parent” to “other parent/party.” Page 2, Item 8: Change “other parent” to “other parent/party.” Page 2, Item 11: Change “other parent” to “other parent/party.” Page 3, Box 3, Item 2: Change “other parent” to “other parent/party.” Page 3, Box 4, Item 2: Change “other parent” to “other parent/party.”</li> </ol>	<ol style="list-style-type: none"> <li>1. While there can be circumstances in which a person other than a parent is asking for child support, it happens only in the minority of cases. The suggested language is not consistent with the style used throughout governmental forms.</li> </ol>

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
(adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				2. W05-05: on page 4, 5.324(d)(2), I believe the second last “of” should really be “or.”	2. Agree.
6.	Keri Griffith Court Program Manager Superior Court of Ventura County Ventura	AM		<p>1. I think the form may cause some confusion with parties as to when service should be effectuated. #4a of page 1 of the form says that the request has or will be served by the next court day, yet the proof of service is part of the form. To me, if it is part of the form, it leads me to believe it should be completed prior to filing the request, which means the request would have to be served prior to filing.</p> <p>2. On page 4 of the form, I approve with the following changes to the second block of text:</p> <p>a. Remove the text regarding the payment of fees. There is no authority for charging a fee.</p> <p>b. Remove as redundant. The first block of text says the same thing.</p>	<p>1. A notice box will be added to page 1 of FL-679 directing the parties to the Information Sheet, which includes instructions on filing and serving the request for a telephone appearance. Service is listed as the step to be taken after filing the request. The Proof of Service is included in FL-679 so that it contains everything that the applicant is required to complete and file for a request for a telephone appearance.</p> <p>2.</p> <p>a. Existing statutes control this issue. Any changes would require a statutory change.</p> <p>b. Disagree. Item 1 in the Information Sheet is about filing fees, while item 3 is about telephone appearances in general.</p>
7.	JoAnn Johnson Family Law Facilitator	AM		1. There needs to be additional information about filing deadlines for the request and any	1. The Information Sheet in FL-679 provides

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
(adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Superior Court of Ventura County Ventura			<p>opposition. The info in 4a should be phrased as “Notice: You must file this request 12 days...”</p> <p>2. There should also be information about the opposition procedure: “Notice: if you oppose this request, you must file by no later than 8 court days before the hearing ...”</p> <p>3. Having a box in front of 4.a. indicates that the language in (e) of the rule stating that the request must be filed at least 12 court days before the hearing is not mandatory.</p>	<p>information about filing deadlines.</p> <p>2. A notice box will be added to page 1 of FL-679 directing parties to the deadlines explained in the <i>Information Sheet</i>.</p> <p>3. At item 4.a., there is a box because the court may have shortened time to file or serve, as provided in (g) of the rule.</p>
8.	Hon. Robert Alan Schnider Supervising Family Law Judge Superior Court of Los Angeles County Los Angeles	A		<i>No specific comment.</i>	No response needed.
9.	Hon. Ronald Lawrence Bauer Judge Superior Court of Orange County Santa Ana	AM		Modify the rule by deleting in its entirety paragraph (d) listing the circumstances in which a telephone appearance is not permitted and re-number the rule accordingly.	Subsection (d)(1), that states the telephone appearances are not permitted for contested trials, contempt hearings, orders of examination, and any matters in which the party or witness has been subpoenaed to appear in person , is included in the rule because of due process concerns, the quasi-criminal nature of the proceedings and other

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					issues going to the credibility of witnesses based on demeanor. Subsection (d)(2), that states that telephone appearances are not permitted in any hearing or conference for which the court, in its discretion on a case-by-case basis, decides that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case, is included to protect the court's discretion and ability to control its proceedings. Agree that (d)(3), regarding telephone appearances not being permitted in cases in which the identity of the person appearing by telephone is in question or cannot be verified, should be deleted as it is subsumed within subsection (j), which permits the court to continue the hearing and require a personal appearance if at any time during the hearing, it determines that a personal appearance is necessary.
10.	Dean J. Zipser President Orange County Bar Association Irvine	A		<i>No specific comment.</i>	No response needed.
11.	Jose O. Guillen	A		AOC is suggested to survey courts to ensure they all	Agree.

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Executive Officer Superior Court of Imperial County El Centro			have the technological capability. (telephonic equipment)	
12.	Grace Andres Program Manager Superior Court of Solano County Fairfield	A		<i>No specific comment.</i>	No response required.
13.	Kristy Johnson Secretary Child Support Directors' Association Judicial Council Forms Subcommittee Rancho Cordova	AM		<ol style="list-style-type: none"> <li>1. Item 3b: Recommend deleting “(explain)” because it does not specify what is to be explained. Or if left in, it needs to be more specific and more room left for the explanation.</li> <li>2. Item 3c: Recommend leaving more room to specify hardship.</li> </ol>	<ol style="list-style-type: none"> <li>1. Agree to delete “(explain).”</li> <li>2. The box in 3c regarding hardship has been deleted as we do not want to appear to create a standard for the court’s decision whether to permit a telephone appearance other than its own discretion. FL-679 was modified to ask the applicant to indicate the information they want the court to consider in making its decision whether to permit a telephone appearance. A paragraph has been added to the Information Sheet in the section “Instructions for Completing the <i>Request for Telephone Appearance (Governmental)</i> (form FL-679)”</li> </ol>

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					<p>indicating that if the applicant needs more room to explain the circumstances, additional pages can be attached to the form.</p>
14.	Workgroup of Child Support Commissioners (statewide)	AM	Y	<ol style="list-style-type: none"> <li>1. Rule 5.324: the exception at (d)(3) to telephone appearances being allowed except in cases in which the identity of the person appearing by telephone is in question or cannot be verified may not work, since the court may not know that at the time it is reviewing the application.</li> <li>2. A parent who has not been joined as a party to the governmental action should be added to the list of people who can apply for a telephone appearance.</li> <li>3. Suggestions were made to add language to the rule addressing the effect of no opposition being filed to the request for a telephone appearance. The suggestions were to add language that if no opposition (1) the request is deemed granted, unless the court exercises its discretion to deny it, or (2) the request is deemed denied, unless the court exercises its discretion to permit it. There was no consensus regarding which approach to take, or whether the leave the rule as is.</li> </ol>	<ol style="list-style-type: none"> <li>1. Agree. Subsection (j) that states that if, at any time during the hearing, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance, addresses the problem. Subsection (d)(3) will be deleted.</li> <li>2. Agree. That language has been added at (e)(1) and (e)(2).</li> <li>3. No change was made. The current proposed rule, in which the decision whether to permit the telephone appearance is made on a case by case basis, allows the bench officer the maximum discretion.</li> </ol>

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>4. Since objections to request for telephone appearances are rare, they could be arranged by stipulation.</p> <p>5. We really do need the flexibility of the court allowing telephone appearances on its own motion to deal with things like road closures due to snow storms, avalanches, mud and rock slides and flash floods, and other circumstances of mother nature.</p> <p>6. Concerns were raised that if the court shortened time on the substantive motion, the court would also need to shorten time regarding the telephone appearance, and give new dates for the request, opposition and notice by the court.</p> <p>7. Concerns were raised about the duration of the court giving permission to appear by telephone – could the granting of the request apply to any continued hearings on the same motion?</p> <p>8. Form FL-679: delete “housebound” as a possible reason for the telephone appearance from item 3.</p> <p>9. Delete “severely ill” as a possible reason for a</p>	<p>4. The rule would allow stipulations in advance of the hearing, however, stipulations do not deny the court its discretion over the proceeding.</p> <p>5. Agree. The rule takes these and other exceptional circumstances into account by allowing the court on its own motion to permit a telephone appearance, thus avoiding continuances of the matter and promoting participation in the proceeding.</p> <p>6. Agree. Subsection (g) of the rule authorizes the court to do this.</p> <p>7. Nothing in the rule precludes the court from making such an order.</p> <p>8. Agree.</p> <p>9. Agree.</p>

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>telephone appearance from item 3.</p> <p>10. Add a box in item 3: “I am asking not to personally appear because of domestic violence.”</p> <p>11. Delete box in item 3 regarding experiencing a hardship if required to personally appear, as it is too broad.</p> <p>12. Add language that the court can still deny the request for a telephone appearance even if the applicant gives reasons why they want it.</p> <p>13. Add language to item 3 asking for parties living in California to indicate how many miles they live from the courthouse where the hearing is set.</p> <p>14. In rule 5.234(c) need to clarify the phrasing to make clear that this rule covers all actions in which the Department of Child Support Services is providing services, including</p>	<p>10. Agree. The language regarding domestic violence is intentionally left general and does not require the existence of a restraining order, as federal and state IV-D standards do not require a restraining order for a DV flag to be put on a case.</p> <p>11. Agree. We also do not want to appear to create a standard for the court’s decision whether to permit a telephone appearance other than its own discretion.</p> <p>12. Agree. “The court can still deny the request even though boxes are checked” has been added to item 3 and to the Information Sheet.</p> <p>13. Agree.</p> <p>14. Agree. This section has been amended to clarify that this rule applies to any action for child support where the local child</p>

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>hearings regarding child support that may be filed in existing non-governmental cases, such as dissolutions in which the department has intervened.</p> <p>15. In section (f) of the rule, what does “submit” mean here? Also since you have already mentioned file, serve and respond...what else is there?</p> <p>16. There needs to be some kind of indication as to how long the permission to appear by telephone is effective, it should be at a minimum, apply to all continuances.</p> <p>17. Does “equipment” include possible lack of an available phone line?</p>	<p>support agency is providing services under title IV-D of the Social Security Act. Also, this rule only applies to support-related matters and matters such as custody and visitation are not included within this rule.</p> <p>15. For example, financial documents in family law matters such as tax returns are generally “submitted” to the court under seal. They are not filed.</p> <p>16. The rule is silent on this issue so that each bench officer may make this determination on a case by case basis. Certainly, the bench officer has the general authority to decide that a telephone appearance may be made at continued hearings on the same motion or even on a permanent basis if there is justification. The bench officer may indicate the duration in the notice granting the request.</p> <p>17. The term “equipment” is inclusive of available phone lines or any other physical or</p>

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
(adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>18. Why does Rule 5.234(e) exclude the other parent who may not have been joined to the action but may have an interest in the proceeding? The rule provides for a witness to request an appearance but not the other parent</p> <p>19. Rule 5.234(h) provides that the court must “notify” the person or agency requesting the telephone appearance and the parties and attorneys. Aren’t you really talking about two types of notification (1) the decision to grant the request and (2) the decision as to who is going to be responsible to let everyone else now about the court’s decision?</p> <p>20. What kind of “paper trail” will there be regarding notification, etc.</p> <p>21. Form FL-679 needs a section to indicate the upcoming hearing date, time and department,</p>	<p>technological resources. The AOC will be conducting a survey of the courts to determine any unmet needs. These issues can then be addressed through the program budget process.</p> <p>18. Agree. The rule has been modified to include a parent who has not yet been joined to the action.</p> <p>19. No. Section (h) relates only to the notification that the request for a telephone appearance has been granted or denied. If, as provided by the rule, the court is directing someone else to provide this notification, that communication can be governed by local rules and practice.</p> <p>20. Again, this rule attempts to give the local court control over such minor communications and day-to-day operational issues.</p> <p>21. Agree. The form has been modified to include this</p>

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>just underneath the title box. This is the area where ALL clerks look to see if the document being filed needs immediate attention.</p> <p>22. Form FL 679, the domestic violence box after item 1. A mechanism is needed to allow a DV victim to use their home or work number for appearance at a hearing but not have to divulge it on the form. In my county, we give the requestor the option of providing the number directly to the court clerk.</p> <p>23. Form FL-679 at Item 3. There needs to be an indication that just because the person has checked a box or given information about why they feel they should be allowed to appear by telephone that does not mean the request will be granted.</p>	<p>information.</p> <p>22. Agree in principle. However, the suggested remedy would only work in courts that initiate the call to the requestor for the telephone appearance. In other courts, the requestor calls in or is connected through a court calling service vendor. The box after item 1 and the Information Sheet have been modified to advise the requestor with domestic violence issues to check their local court for other rules or procedures that may protect their confidentiality.</p> <p>23. Agree. A note has been added to indicate that “The court can still deny your request even though boxes are checked. Also, the information sheet has been changed at Item 1 of the third boxed area to indicate that “the court can still deny your request even if you have checked boxes and/or submitted an attachment.”</p>

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>24. In item 1 of the Advisement, I suggest adding the words “upon request” after the language regarding the person agreeing to be duly sworn by the court clerk. Many telephonic hearings do not require testimony.</p> <p>25. The Advisement should inform a person with DV concerns that there may be alternatives to listing their home or work phone number on the form, and still maintain their confidentiality.</p> <p>26. In item 4 of the Advisement, what are “proper arrangements” for a telephone appearance? In the second sentence of item 5, “other” should be added to the beginning of the sentence since there are many reasons a court could terminate a telephone appearance.</p> <p>27. In item 7 of the Advisement, the possibility that the court could proceed by default if the problems listed occur should be explained.</p>	<p>24. Agree.</p> <p>25. Agree that information should be provided. A paragraph has been added to the Information Sheet (#2 under “Asking for a Telephone Appearance”) that indicates that if the person does not want their home phone number or work phone number listed or other potentially identifying information to be part of the public court record, he or she should check with the court clerk or local rules of court.</p> <p>26. Agree in item 4 to add after “proper arrangements for a telephone appearance” the following: “as set out in local rules or in directions provided by the court.” Agree to add “other” to item 5.</p> <p>27. Agree to add language explaining the possibility that the court could proceed without</p>

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>28. At the end of item 10 of the Advisement, there should be an explanation for DV victims of possible ways to protect their confidentiality.</p> <p>29. In the Information Sheet, suggest adding “in the time normally required” to end of the sentence (in the middle box titled “Instructions for Completing the <i>Request for Telephone Appearance (Governmental)</i>”) about still filing the moving or opposing papers on the substantive motion.</p> <p>30. In the Information Sheet, bottom box, suggest adding the other parent to the list of persons the court will notify about its decision on the request for a telephone appearance.</p> <p>31. Form FL-681, middle of the page: what does “notification by” mean?</p>	<p>a telephone or a personal appearance if the listed problems should occur.</p> <p>28. Agree to add sentence at the end of item 10 that reads: “I understand that I can check with the local court clerk or local rules of court regarding any additional local procedures that may be available to protect my confidentiality.”</p> <p>29. Agree to add the phrase “within the time limits required by Code of Civil Procedure section 1005.”</p> <p>30. Agree to add “a parent who has not been joined to the action” to the list.</p> <p>31. Agree to change the language to “notification of the court’s decision granting or denying the request for a telephone appearance was given by:”</p>

W05-05

Child Support: Telephone Appearance in Title IV-D Hearings  
 (adopt Cal. Rules of Court, rule 5.324; adopte form FL-679; approve form FL-681)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				32. Add “voice recognition” to possible way to identify caller.	32. Agree.

**EXCERPT OF**

2004 Cal ALS 339, \*; 2004 Cal AB 1704

DEERING'S CALIFORNIA ADVANCE LEGISLATIVE SERVICE  
Copyright © 2004 Matthew Bender & Company, Inc.  
a member of the LexisNexis Group.  
All rights reserved.

2004 REGULAR SESSION  
CHAPTER 339 (Assembly Bill No. 1704)  
BILL TRACKING SUMMARY FOR THIS DOCUMENT

2004 Cal ALS 339; 2004 Cal AB 1704; Stats 2004 ch 339

Approved by Governor August 27, 2004. Filed with Secretary of State August 30, 2004. Urgency legislation is effective immediately, Non-urgency legislation will become effective January 1, 2005

**DIGEST:** AB 1704, Committee on Judiciary. Family law: local child support agencies.

(1) Existing law specifies the information to be contained in an acknowledgment of satisfaction of judgment.

This bill would authorize a local child support agency director or his or her designee to execute and acknowledge an acknowledgment of satisfaction of judgment if the agency has been providing child support services, as specified, to be recorded pursuant to paragraph (1).

(2) Existing law sets forth the required informational contents of judgments for paternity and orders for child support. This bill would make those requirements inapplicable in cases in which a local child support agency is providing child support services, and would make related changes.

(3) Existing law authorizes a local child support agency to serve a respondent with a form of a proposed judgment specifying his or her presumed income if the actual income is not known to the agency.

This bill would revise the determination of that presumed income.

(4) Existing law authorizes hearings regarding support orders that involve an out-of-state party to be conducted by telephone conference or other remote means.

This bill would extend this authorization to instances in which both parents reside in California, and would require the Judicial Council to adopt rules of court regarding such hearings on or before July 1, 2005.

(5) Existing law provides that once a parent has requested or is receiving support enforcement services, a local child support agency or the Attorney General is required to serve on a parent all child support pleadings served on the agency, as specified.

This bill would impose a state-mandated local program by extending this requirement to paternity pleadings served on a local child support agency. The bill would also apply to paternity pleadings served on the Attorney General.

(6) Existing law authorizes a court, on terms that may be just, to relieve a defendant from that part of a judgment or order concerning the amount of child support to be paid in an action filed by a local child support agency.

This bill would specify that a court may set aside that part of the judgment or order, and require the Judicial Council to revise related forms effective July 1, 2005.

(7) Existing law authorizes certain documents to be recorded without acknowledgment, certificate of acknowledgment, or further proof.

This bill would authorize to be recorded under these provisions a notice of support judgment and other specified documents completed and recorded by a local child support agency or a state agency acting pursuant to specified provisions of the federal Social Security Act.

(8) Existing law authorizes each trial court to establish and appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, and provides that, as of a specified date, all persons who were authorized to serve as subordinate judicial officers are authorized to serve as subordinate judicial officers at their existing salary rate, which may be a percentage of the salary of a judicial officer.

This bill would provide that certain child support commissioners shall receive a salary equal to 85% of a superior court judge's salary.

(9) Existing law authorizes a support obligor to apply for a claim of exemption from a levy by the Franchise Tax Board, as specified.

This bill would limit that authorization to specified instances in which the support obligor is in compliance with scheduled payments on child support arrearages.

(10) Existing law specifies the persons who may inspect a case file with respect to juvenile court proceedings. This bill would add to the list of persons so authorized, a local child support agency for purposes of establishing paternity and establishing and enforcing child support orders.

(11) This bill would also incorporate further amendments to Section 827 of the Welfare and Institutions Code proposed by AB 2228, contingent upon its prior enactment.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$ 1,000,000 statewide and other procedures for claims whose statewide costs exceed \$ 1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

**SYNOPSIS:** An act to amend Section 724.060 of the Code of Civil Procedure, to amend Sections 4014, 4202, 5002, 17400, 17406, 17432, and 17500 of, and to add Section 5003 to, the Family Code, to amend Section 27282 of the Government Code, to amend Section 19271.6 of the Revenue and Taxation Code, and to amend Section 827 of the Welfare and Institutions Code, relating to family law.

**NOTICE:** [A> Uppercase text within these symbols is added <A]

\* \* \* indicates deleted text

**TEXT:** The people of the State of California do enact as follows:

...

...

[\*5] SECTION 5. Section 5003 is added to the Family Code, to read:  
§ 5003.

The Judicial Council shall adopt court rules implementing the provisions of subdivision (f) of Section 4930 regarding hearings by telephone, audiovisual means, or other electronic means on or before July 1, 2005. Hearings by telephone, audiovisual means, or other electronic means shall also be permitted in child support cases in which the local child support agency is providing child support services, but both of the parents reside in California, provided that the hearings are conducted in accordance with the rules of court adopted pursuant to this section.