

**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: Administrative Office of the Courts
Deborah Brown, Managing Attorney, 415-865-7667,
deborah.brown@jud.ca.gov
Susan Goins, Senior Attorney, 415-865-7990, susan.goins@jud.ca.gov
Office of the General Counsel

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SUBJECT: Miscellaneous Technical Changes to the California Rules of Court and
Judicial Council Forms (amend Cal. Rules of Court, rules 6.603, 38, 38.2,
1402, 1413, 1436.5, 1462, 1520, 1542; revise forms DV-160, FL-470,
FL-615, FL-677, FL-692, JV-185, JV-450, JV-644) (Action Required)

Issue Statement

Members of various Judicial Council advisory committee members, court personnel, members of the public, and Administrative Office of the Courts staff have identified errors in rules and forms resulting from statutory changes not yet reflected in these rules and forms and from inadvertent omissions or typographical errors.

Recommendation

Administrative Office of the Courts staff recommend that the Judicial Council make the following changes to the California Rules of Court and Judicial Council forms, effective July 1, 2006:

1. Amend rule 6.603(c)(4)(A)(i) to correct a typographical error, replacing “but” with “by” so that this reads “persistent refusal to carry out assignments as assigned by the presiding judge”;
2. Amend rule 38 to correct typographical errors at subdivision (a), where the word “order” is now made plural, and at (f)(1), where the word “clerks” is now made singular;
3. Amend rule 38.2(h)(1) to correct a typographical error by adding the word “to” before “deliver”;
4. Amend rule 1402(b) to delete the word “the” before “juvenile court”;

5. Amend rule 1413(c) to change “will establish” to “establishes” and “will have” to “has” consistent with the Judicial Council’s plain-language convention and the intended meaning;
6. Amend rule 1436.5(c) to add the word “section” before “366.26” in the subdivision’s bracketed title;
7. Amend rule 1462(c)(7) to correct a typographical error, deleting the word “an” before “immediately appealable”;
8. Amend rule 1520(b)(3) to delete “court or” before “calendar days” in order to correct a typographical error;
9. Amend rule 1542 to correct an outdated cross-reference by changing “1543(b)” to “1543(c) and (d)” in order to reflect amendments to rule 1543 that became effective January 1, 2005;
10. Revise form DV-160, *Child Support Order—Order of Protection* to correct several Spanish-language typographical errors on pages 6 and 8;
11. Revise page 2 of form FL-470, *Application and Order for Health Insurance Coverage* to reflect changes in Family Code sections 3765 and 3766 by replacing “10 days” with “30 days” in item 2 under “Instructions for Employer or Other Person Providing Health Insurance” and by replacing “10 days to contest this order” with “15 days after you receive a copy of this order to object to the order” in item 2 under “Employee Information”;
12. Revise form FL-615, *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* to add an “other parent” option to item 3d, thereby providing a means for identifying a nonparty parent;
13. Revise form FL-677, *Notice of Opposition and Notice of Motion on Claim of Exemption* to add a check box to item 6 so that this form can be used by a local child support agency in a financial institution data match (FIDM) case where a claim of exemption has been filed;
14. Revise form FL-692, *Minutes and Order or Judgment* to correct several typographical errors in the Spanish-language portion of the form;
15. Revise form JV-185, *Child’s Information Sheet—Request to Change Court Order* to replace an erroneous reference in item A to “form JV-388” with a reference to “form JV-180” because form JV-388 does not exist;
16. Revise page 2 of form JV-450, *Order for Prisoner’s Appearance at Hearing Affecting Prisoner’s Parental Rights and Waiver of Appearance* to correct a typographical error by changing “PRISONERS” in the heading “DECLARATION THAT PRISONERS DOES NOT WISH TO ATTEND HEARING” to the singular “PRISONER”; and
17. Revise form JV-644, *Jurisdiction Hearing—Juvenile Delinquency* to correct an inaccurate attachment reference in item 7 so that the attachment number, now given as “Attachment 6,” is changed to match the item number.

The text of the amended rules is attached at pages 5–8. The revised forms are attached at pages 9–39.

Rationale for Recommendation

These changes are technical in nature and necessary to comply with statutory language, correct cross-references to rules and forms, and correct typographical errors.

The revisions to form FL-470, *Application and Order for Health Insurance Coverage* are necessary to bring this form into compliance with the timelines in sections 3765 and 3766 of the Family Code. (A copy of these code sections is attached for reference at pages 40–41.)

The addition of an “other parent” option to item 3d of form FL-615, *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* was something that was inadvertently omitted the last time this form was revised to comply with the gender-neutral language mandate of Assembly Bill 205 (Goldberg; Stats. 2003, ch. 421). Item 3d currently gives options only for “plaintiff/petitioner” and “respondent/defendant.” The revision is necessary in order to identify both parents of the child in a governmental child support action because in those cases the “plaintiff/petitioner” is almost always the county, leaving no option for identifying the nonparty parent. This is a minor substantive change under rule 6.22(d) that is unlikely to create controversy.

In form FL-677, *Notice of Opposition and Notice of Motion on Claim of Exemption*, item 6 currently states: “The local child support agency requests any property found to be exempt be applied to the satisfaction of the judgment under Code of Civil Procedure section 703.070.” However, this statement does not apply to an FIDM case where a claim of exemption has been filed, making the current form unusable by the local child support agency in such matters. The addition of a check box at this item will allow the local child support agency to leave the box unchecked and make the form usable in FIDM cases.

Form JV-185, *Child’s Information Sheet—Request to Change Court Order*, a new form as of January 1, 2006, notifies a child of his or her right to request that the court change a decision it has made about the child and explains how to make the request. That explanation specifies the use of a nonexistent “*Request to Change Court Order* (form JV-388).” The revision replaces the erroneous form number with form JV-180, which is the only *Request to Change Court Order* that exists; therefore the revision does not need to go out for public comment.

Alternative Actions Considered

No alternatives exist other than continuing to use incorrect or incomplete rules and forms.

Comments From Interested Parties

These proposals were not circulated for comment because they are technical and noncontroversial.

Implementation Requirements and Costs

Implementation of the rule and form changes will incur standard reproduction costs.

Attachments

Rules 6.603, 38, 38.2, 1402, 1413, 1436.5, 1462, 1520, and 1542 are amended, effective July 1, 2006 to read:

1 **Rule 6.603. Authority and duties of presiding judge**

2
3 (a)–(b) ***

4
5 (c) [Duties]

6
7 (1)–(3) ***

8
9 (4) (*Oversight of judicial officers*) The presiding judge shall:

10
11 (A) [Judges] Notify the Commission on Judicial Performance of

12
13 (i) A judge’s substantial failure to perform judicial duties,
14 including but not limited to any habitual neglect of duty,
15 persistent refusal to carry out assignments as assigned ~~but~~ by
16 the presiding judge, or persistent refusal to carry out the
17 directives of the presiding judge as authorized by the rules of
18 court; or

19 (ii) ***

20
21 (B)–(E) ***

22
23 (5)–(11) ***

24
25 (d) ***

26
27 **Rule 38. Notice of intent to file writ petition to review order setting hearing under**
28 **Welfare and Institutions Code section 366.26**

29
30 (a) **Application**

31
32 Rules 38–38.1 and 1436.5 govern writ petitions to review orders setting a hearing
33 under Welfare and Institutions Code section 366.26. Rule 56 does not apply to
34 petitions governed by these rules.

35
36 (b)–(e) * * *

37
38 (f) **Sending the notice of intent**

39
40 (1) When the notice of intent is filed, the superior court clerks must
41 immediately mail a copy of the notice to:

1 (A)–(F) ***

2
3 (2) ***

4
5 (g)–(i) ***

6
7 **Rule 38.2. Notice of intent to file writ petition under Welfare and Institutions Code**
8 **section 366.28 to review order designating specific placement of a dependent**
9 **child after termination of parental rights**

10
11 (a)–(g) * * *

12
13 **(h) Preparing the record**

14 When the notice of intent is filed, the superior court clerk must:

- 15
16 (1) immediately notify the reporter by telephone and in writing to prepare a
17 reporter’s transcript of the oral proceedings at the hearing that resulted in
18 the order under review and to deliver the transcript to the clerk within 12
19 calendar days after the notice of intent is filed; and

20
21 (3) * * *

22
23 (i)–(j) * * *

24
25 **Rule 1402. Judicial Council forms**

26
27 (a) * * *

- 28
29 (b) **[Electronically produced forms]** The forms applicable to ~~the~~ juvenile court
30 may be produced entirely by computer, word-processor printer, or similar
31 process, or may be produced by the California State Department of Social
32 Services Child Welfare Systems Case Management System.

33
34 (c) * * *

35
36 **Rule 1413. Parentage**

37
38 (a)–(b) * * *

- 39
40 (c) **[Voluntary declaration]** If a voluntary declaration as described in Family
41 Code section 7570 et seq. has been executed and filed with the California
42 Department of Social Services, the declaration ~~will~~ establishes the paternity of

1 a child and ~~will have~~ has the same force and effect as a judgment of paternity
2 by a court.

3
4 (d)-(h) * * *

5
6 **Rule 1436.5. Writ petition after orders setting hearing under section 366.26; appeal**

7
8 (a)-(b) * * *

9
10 (c) **[Appeal from orders at hearing under section 366.26]** An appeal of a
11 judgment, order, or decree under section 366.26 may challenge the findings
12 and orders made by the court at that hearing. The findings and orders setting a
13 hearing under section 366.26 may be reviewed on appeal following the order
14 of the 366.26 hearing only if the following have occurred:

15
16 (1)-(2) * * *

17
18 (d)-(l) * * *

19
20 **Rule 1462. Eighteen-month review hearing**

21
22 (a)-(b) * * *

23
24 (c) **[Conduct of hearing (§ 366.22)]** At the hearing the court must state on the
25 record that the court has read and considered the report of petitioner, the report
26 of any Court Appointed Special Advocate (CASA) volunteer, any report
27 submitted by the child's caregiver under section 366.21(d), and other evidence,
28 and must proceed as follows:

29
30 (1)-(6) * * *

31
32 (7) A judgment or an order setting a hearing under section 366.26 is not ~~an~~
33 immediately appealable. Review may be sought only by filing Judicial
34 Council form *Petition for Extraordinary Writ (Juvenile Dependency)*
35 (JV-825) or other petition for extraordinary writ. If a party wishes to
36 preserve any right to review on appeal of the findings and orders made
37 under this rule, the party is required to seek an extraordinary writ under
38 rules 38, 38.1, and 1436.5.

39
40 (8)-(11) * * *

41
42 (d) * * *

1 **Rule 1520. Motions filed in the trial court**

2
3 (a) * * *

4
5 (b) [Permission to submit a petition for coordination]

6
7 (1)–(2) * * *

8
9 (3) (*Stay permitted pending preparation of petition*) To provide sufficient
10 time for a party to submit a petition, the presiding judge may stay all
11 related actions pending in that court for a reasonable time not to exceed
12 30 ~~court~~ or calendar days.

13
14 **Rule 1542. Remand of action or claim**

15
16 The coordination trial judge may at any time remand a coordinated action or any
17 severable claim or issue in that action to the court in which the action was pending
18 at the time the coordination of that action was ordered. Remand may be made on the
19 stipulation of all parties or on the basis of evidence received at a hearing on the
20 court's own motion or on the motion of any party to any coordinated action. No
21 action or severable claim or issue in that action may be remanded over the objection
22 of any party unless the evidence demonstrates a material change in the
23 circumstances that are relevant to the criteria for coordination under Code of Civil
24 Procedure section 404.1. If the order of remand requires that the action be
25 transferred, the provisions of rule 1543~~(b)~~(c) and (d) are applicable to the transfer. A
26 remanded action is no longer part of the coordination proceedings for purposes of
27 the rules in this chapter.
28

DV-160

Child Support Order—
Order of Protection

Case Number:

[X] This form is attached to DV-130, Item 10.

1 Protected person's name: Mother Father

2 Restrained person's name: Mother Father

The court used the information below to calculate child support.

3 A printout of a computer calculation is attached. (Skip to 7 if the printout is attached, and do not complete 4 or 6.)

4 Monthly income

Table with 5 columns: Person listed in, Gross income, Net income, Capable of earning, TANF/CalWORKS. Rows for Person listed in 1 and 2.

5 Children of parents listed in 1 and 2:

- a. Number of children covered by this order:
b. Those children spend % of time with person in 1 and % with person in 2

6 Hardships considered by the court:

Person in 1 Person in 2 Explain or attach explanation

- a. Support for other minor children in the home
b. Extraordinary medical expenses
c. Catastrophic losses
d. Other (specify):

7 The total guideline calculation for all children (not including additional support) is \$

8 A Non-Guideline Order is appropriate instead of the guideline calculation in 7. This order is different from the statewide child support guideline set forth in Family Code section 4055.

9 Other findings:

The Court Orders:

10 Low-Income Adjustment

- a. The low-income adjustment applies.
b. The low-income adjustment does not apply because (specify reasons):

This is a Court Order.

Your name: _____

11 A **Non-Guideline Order** of \$ _____ per month is ordered instead of the guideline calculation in **7**.
This order does not meet the child support guideline set forth in Family Code section 4055.
Form FL-342(A) (Non-Guideline Child Support Findings Attachment) is attached.

12 **Basic child support**

a. Person in **1** Person in **2** will pay child support for:

| Child's name | Date of birth | Monthly amount | Payable to: |
|--------------|---------------|----------------|-------------|
| _____ | _____ | \$ _____ | _____ |
| _____ | _____ | \$ _____ | _____ |
| _____ | _____ | \$ _____ | _____ |
| _____ | _____ | \$ _____ | _____ |

b. Additional children are listed on a separate page.

c. Starting (date): _____ support must be paid to:

- person in **1** person in **2** local child support agency Other: _____
- By the 1st of each month
- 50% on the 1st and 50% on the 15th of each month
- By earnings assignment order (order to withhold income)
- Other (specify): _____

13 **Additional child support**

(Write the specific amount. If the specific amount is not available, enter a percentage. The local child support agency can collect only fixed dollar amounts, not percentages.)

a. **Costs**

Person listed in **1** Person listed in **2** Other arrangements:

| | | | |
|---|---------------------|---------------------|-------|
| <input type="checkbox"/> Child-care expenses | \$ _____ or _____ % | \$ _____ or _____ % | _____ |
| <input type="checkbox"/> Children's uninsured health-care expenses | \$ _____ or _____ % | \$ _____ or _____ % | _____ |
| <input type="checkbox"/> Children's educational/other special needs | \$ _____ or _____ % | \$ _____ or _____ % | _____ |
| <input type="checkbox"/> Travel expenses for visitation | \$ _____ or _____ % | \$ _____ or _____ % | _____ |
| <input type="checkbox"/> Other (specify): _____ | \$ _____ or _____ % | \$ _____ or _____ % | _____ |

b. Starting (date): _____ these support payments must be paid to:

- person in **1** person in **2** local child support agency Other: _____
- By the 1st of each month
- 50% on the 1st and 50% on the 15th of each month
- By earnings assignment order (order to withhold income)
- Other (specify): _____

All payments to the local child support agency must be made to:

This is a Court Order.



Your name: _____

- 14** **Total Child Support Order**
- a. Total basic child support is \$ _____/month.
- b. Total additional child support is \$ _____/month (and/or the percentages listed in **13**).
- c. **Total Child Support Order** (basic and additional child support) is \$ _____/month, payable as listed in **12** and **13**.

Notice:

If you are late in paying child support, interest on overdue amounts will add up at the legal rate, which is currently 10% per year.

This support order will continue until:

- There is a different court order *or*
- The child marries, dies, turns 19, or is emancipated *or*
- The child turns 18 and is not a full-time high school student.

- 15** **Health-care expenses**
- a. Person in **1** Person in **2** will provide and keep health insurance for the children if it is available at no or reasonable cost through work or a group plan, including group plans available through self-employment. Both parents will cooperate to complete health-care claims as stated on **page 5** (Notice of Rights and Responsibilities: Health-Care Costs and Reimbursement Procedures). Parents may have peaceful written contact with each other in order to complete insurance claims.
- b. No health insurance is available to person in **1** person in **2** at a reasonable cost now.
- c. The parent with insurance will give the right of reimbursement to the other parent.
- d. Other (*specify*):

- 16** **Earnings Assignment Order (Order to Withhold Income)**
- a. A form **FL-195/OMB No. 0970-0154, Order/Notice to Withhold Income for Child Support**, will be issued.
Note: The parent paying child support must pay support to the other parent until support payments are deducted from the paying parent's wages, and must pay any support owed that is not covered by the earnings assignment.
- b. If the parent paying support is more than _____ days late in making a payment, the earnings assignment order will be served.
- c. There will be a **Qualified Medical Child Support Order** payable to:
 person in **1** person in **2**

- 17** **Employment Search Order**
- Person in **1** Person in **2** is ordered to seek employment as stated in the attachment as follows:

- 18** **Other orders**

This is a Court Order.



Case Number:

Your name: _____

- 19 These **required attachments** are attached and are a part of this order:
Notice of Rights and Responsibilities: Health-Care Costs and Reimbursement Procedures (pages 5 and 6)
Information Sheet on Changing a Child Support Order (pages 7 and 8)

20 **Notice Regarding Child Support Case Registry**

If there is a case open in the local child support agency, the parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

If there is no open case in the local child support agency, both parties must complete and file with the court form FL-191, *Child Support Case Registry Form*, within 10 days of the date of this order. Thereafter, the parties must notify the court of any change in the information submitted within 10 days of the change by filing an updated form.

This is a Court Order.



If you have a child support order that includes a provision for the reimbursement of a portion of the child's or children's health-care costs and those costs are not paid by insurance, the law says:

1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

2. Proof of full payment. If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

3. Proof of partial payment. If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you have paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

4. Payment by notified parent. If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment either (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

5. Disputed charges. If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion. If you claim that the other party has failed to

reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees and costs against a party who has been unreasonable.

6. Court-ordered insurance coverage. If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

a. Burden to prove. The party claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

b. Cost of additional coverage. If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

7. Preferred health-care providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times, consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health-care provider if that provider had been used will be the sole responsibility of the party incurring those costs.

Si usted tiene una orden de manutención de menores que disponga la devolución de costos incurridos por servicios de salud para menores y costos no cubiertos por el seguro médico, la ley dice lo siguiente:

1. Aviso. Se debe dar al otro padre una factura detallada relacionando los costos cobrados por servicios de salud que no estén cubiertos por seguro médico. Esta factura se le debe dar al otro padre con antelación razonable y no más tarde de 30 días después de haber recibido dichos cobros de pago.

2. Comprobante de pago total. Si usted ya pagó todos los costos de salud correspondientes a individuos no asegurados, deberá: (1) proporcionar al otro padre el comprobante de haber pagado y (2) pedirle al otro padre que le pague la porción de los costos que al otro padre le corresponda, según la orden del tribunal.

3. Comprobante de pago parcial. Si sólo pagó su porción de los costos no cubiertos por el seguro, debe: (1) darle al otro padre un comprobante indicando que ya pagó dicha porción, (2) pedir al otro padre que pague directamente al proveedor de servicios médicos la parte de los costos que al otro padre le corresponda y (3) darle al otro padre la información necesaria para que pague la factura.

4. Pago que le corresponde al padre notificado. Si usted recibe notificación del otro padre indicando costos incurridos por servicios de salud para individuos sin seguro, deberá pagar la porción que le corresponde a usted dentro del plazo ordenado por el tribunal, o si el tribunal no especifica un plazo, usted deberá pagar dichos costos, ya sea, (1) a más tardar en 30 días, desde la fecha en que recibió la notificación sobre los costos por pagar, (2) según un horario de pagos fijado por el proveedor de servicios de salud, (3) según un horario acordado por escrito entre usted y el otro padre o (4) según el horario adoptado por el tribunal.

5. Cuando se disputan los costos. Si usted disputa un costo, puede presentar al tribunal una moción (o pedimento) para resolver la disputa. Sólo podrá hacer esto, si paga el costo antes de presentar la moción.

Si su reclamo consiste en que la otra parte no le ha pagado a usted por un costo, o que no le ha pagado al proveedor de servicios de salud después de la notificación apropiada, usted puede presentar una moción ante el tribunal para resolver la disputa. El tribunal asumirá que si los costos ya se han pagado, dichos costos han sido razonables. Si una persona se comporta de una manera que no sea razonable, el tribunal puede imponerle que pague honorarios de abogado.

6. Cobertura de seguro por orden de tribunal. Si un padre tiene seguro de salud por orden del tribunal, ese seguro se usará todo el tiempo, siempre que esté disponible para cubrir los costos de servicios de salud.

a. Responsabilidad de comprobar. La responsabilidad de comprobar ante el tribunal que la cobertura de servicios de salud es inadecuada para los menores recae sobre la parte que reclama que es inadecuada.

b. Costos de cobertura adicional. Si uno de los padres compra un seguro de salud adicional al que haya sido ordenado por el tribunal, tal padre deberá pagar todo el costo de la cobertura adicional. Y si uno de los padres usa una manera alterna para cubrir gastos médicos que cuestan más que la cobertura dispuesta por el tribunal, dicho padre tendrá que pagar la diferencia.

7. Proveedor preferido para servicios de salud. Si la orden del tribunal especifica un proveedor preferido para servicios de salud, dicho proveedor deberá usarse siempre, según los términos de la póliza del seguro de salud. Si una de las partes decide usar un proveedor que no sea el preferido e incurre costos que podrían haber sido cubiertos por el proveedor preferido si se hubieran utilizado sus servicios, dicha parte asumirá la responsabilidad de cubrir los costos incurridos.

General information. The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if it is involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) or *Stipulation and Order (Governmental)* (form FL-625).

When a child support order may be modified. The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net incomes of both parents are determined, along with the percentage of time each parent has physical custody of the children. The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when the net income of one of the parents changes significantly, the parenting schedule changes significantly, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

What forms do I need?

If you are asking the court to change a child support order open with the local child support agency, you must fill out one of these forms:

- FL-680, *Notice of Motion (Governmental)* or FL-683 *Order to Show Cause (Governmental)* and
- FL-684, *Request for Order and Supporting Declaration (Governmental)*

If you are asking the court to change a child support order that is **not** open with the local child support agency, you must fill out one of these forms:

- FL-301, *Notice of Motion* or FL-300, *Order to Show Cause* and
- FL-310, *Application for Order and Supporting Declaration* or
- FL-390, *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms:

- FL-150, *Income and Expense Declaration* or FL-155, *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Talk to the family law facilitator at your court.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk will ask you to pay a filing fee. If you cannot afford the fee, fill out these forms too:

- Form 982(a)(17), *Application for Waiver of Court Fees and Costs*
- Form 982(a)(18), *Order on Application for Waiver of Court Fees and Costs*

You must serve the other parent. If the local child support agency is involved, serve it too.

This means someone 18 or over—**not you**—must serve the other parent copies of your filed court forms at least **16 court days** before the hearing. Add **5 calendar days** if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations). **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To determine court and calendar days, go to www.courtinfo.ca.gov/selfhelp/courtcalendars/.

The server must also serve blank copies of these forms:

- FL-320, *Responsive Declaration to Order to Show Cause or Notice of Motion* and FL-150, *Income and Expense Declaration*, or
- FL-155, *Financial Statement (Simplified)*

Then the server fills out and signs a *Proof of Service* (form FL-330 or FL-335). Take this form to the clerk and file it.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- FL-340, *Findings and Order After Hearing* and
- FL-342, *Child Support Information and Order Attachment*

Need help?

Contact the family law facilitator in your county or call your county's bar association and ask for an experienced family lawyer.

Información general

El tribunal acaba de dar una orden judicial sobre manutención de menores en esta causa. Esta orden permanecerá en efecto, a menos que alguna de las partes de la causa pida que se modifique. Sólo se puede modificar una orden de manutención de menores si se presenta ante el tribunal una moción (o pedimento) de modificación de manutención y si se da una copia de dicha moción a las partes interesadas en la causa. Si ambos padres llegan a un común acuerdo sobre una suma y si la agencia local que vigila la manutención de menores también acepta el acuerdo (si dicha agencia participa), se puede llenar y hacer que cada una de las partes firme una *Estipulación para Establecer o Modificar una Orden de Manutención de Menores* (formulario FL-350) o llenar y hacer que cada una de las partes firme una *Estipulación y Orden (Documento gubernamental)* (formulario FL-625).

¿Cuándo se puede modificar una orden de manutención de menores?

El juez toma varios factores en consideración cuando emite una orden judicial sobre el pago de manutención de menores. Primero, considera, el número de hijos. Luego, determina los ingresos de ambos padres y el porcentaje del tiempo que cada padre asume la custodia física de los hijos. El tribunal estudia el estado tributario (pago de impuestos) de ambas partes y puede tener en cuenta factores de dificultad económica, tales como la existencia de hijos de otra relación. Se puede modificar la orden de manutención de menores si ocurre un cambio considerable en los ingresos netos de uno de los padres, un cambio considerable en el tiempo que los menores pasan con cada uno de los padres, o cuando nace un nuevo hijo.

Ejemplos:

Si a usted se le ha ordenado pagar \$500 mensuales de manutención de menores y luego pierde su empleo, continuará debiendo \$500 mensuales. Además usted deberá el 10% de intereses de la suma de manutención adeudada, a menos que presente una moción pidiendo que se modifique y se reduzca la suma de manutención y que el tribunal ordene dicha reducción.

Si usted está recibiendo \$300 mensuales por manutención de menores provenientes del otro padre y los ingresos de ese padre aumentan considerablemente, usted continuará recibiendo \$300 mensuales, a menos que usted presente una moción para modificar la orden y que el tribunal ordene el aumento de la suma de manutención de menores.

Si paga manutención de menores basándose en que pasa un 30% de tiempo asumiendo la custodia parcial de sus hijos y después de varios meses, resulta que en efecto pasa el 50% del tiempo a cargo de la custodia física de sus hijos, en dado caso, podrá presentar una moción pidiendo que se reduzca la suma de manutención.

Cómo modificar una orden existente de manutención de hijos menores

Para modificar una orden de manutención de hijos menores usted debe presentar documentos ante el tribunal. Recuerde: Usted tiene la obligación de cumplir la orden judicial existente.

¿Qué formularios necesita?

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso está abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-680 Aviso de petición (Gubernamental) o FL-683 Orden de motivos justificativos (Gubernamental) y
- FL-684 Solicitud de orden y declaración de respaldo

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso **no** está abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-301 Aviso de petición o FL-300 Orden de motivos justificativos y
- FL-310 Solicitud para una orden y declaración de respaldo (Derecho de familia -Paternidad uniforme) o
- FL-390 Aviso de petición y petición simplificada de modificación de orden de manutención de hijos menores, de cónyuge o de familia

También deberá llenar uno de los siguientes formularios:

- FL-150 Declaración de ingresos y gastos o FL-155 Declaración sobre finanzas (Simplificada)

¿Qué puedo hacer si no sé qué formulario llenar?

Hable con el asesor legal del tribunal de familia.

Después de llenar los formularios, radíquelos en el tribunal y pida una audiencia ante el tribunal. Escriba la fecha de su audiencia en su formulario. En la secretaría le pedirán que pague la cuota de radicación. Si no tiene los medios para pagar la cuota, llene también los siguientes formularios:

- Formulario 982(a)(17) Solicitud de exención de cuotas y costos judiciales
- Formulario 982(a)(18) Orden de exoneración de cuotas y costos judiciales

Usted tiene que hacer la "entrega legal" de los formularios de

modificación al otro padre. Si la agencia local que vigila la manutención de hijos menores participa en la causa, entregue también los documentos a esa agencia.

Esto significa que una persona de no menos de 18 años (**y que no sea usted mismo**) debe entregar copias de los formularios por lo menos **16 días hábiles del tribunal** antes de la audiencia. Se deben añadir **5 días calendarios** más si la entrega se hace por correo postal dentro de California (véase Código Civil de Procedimientos, sección 1005 para ver otras situaciones). Los **días hábiles del tribunal** son los días cuando el tribunal está funcionando, de lunes a viernes, exceptuando los días feriados. Los **días calendarios** son todos los días de la semana, incluyendo los fines de semana y los días feriados. Para obtener mayor información, visite: www.courtinfo.ca.gov/selfhelp/courtcalendars

La persona que haga entrega de la copia de los documentos deberá entregar copias de los siguientes formularios:

- FL-320 Declaración de respuesta y FL-150 Declaración de ingresos y gastos, o
- FL-155 Declaración de finanzas (Simplificada)

La persona que hace la entrega entonces llena y firma el comprobante de entrega (formularios FL-330 o FL-335). Luego, usted lleva este documento a la secretaría del tribunal para radicarlo.

Vaya a su audiencia ante el tribunal y pida al juez que modifique la manutención.

Lleve consigo sus formularios más recientes de declaración de impuestos federales de los últimos dos años y sus talones de pago de los últimos dos meses. El juez estudiará la información presentada, escuchará a ambos padres y emitirá una orden. Después de la audiencia usted debe llenar los formularios:

- FL-340 Conclusiones y orden después de la audiencia y
- FL-342 Documento adjunto con información sobre manutención de menores y orden judicial.

¿Necesita ayuda?

Consulte con el Asesor Legal del Tribunal de Familia de su condado o llame al colegio de abogados de su condado y pida un abogado con experiencia en el tribunal de familia.

| | |
|---|--------------|
| MARRIAGE OF (<i>Last name, first name of each party</i>): | CASE NUMBER: |
|---|--------------|

DECLARATION OF NO HEALTH INSURANCE COVERAGE

No health insurance coverage is available to the obligor (*name*):
because (*state reasons*):

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 AND TITLE)

(SIGNATURE OF EMPLOYER OR PERSON PROVIDING HEALTH INSURANCE)

MAIL A COPY OF THIS DECLARATION WITHIN 20 DAYS TO THE ATTORNEY OR PERSON SEEKING THIS ENROLLMENT (SEE INSTRUCTION NO. 5, BELOW).

**INSTRUCTIONS
FOR EMPLOYER OR OTHER PERSON PROVIDING HEALTH INSURANCE**

These instructions apply only to an *Order for Health Insurance Coverage* issued by a court.

1. If the obligor works for you or is covered by health insurance provided by you, you must give him or her a copy of this order within 10 days after you receive it.
2. Unless you receive a motion to quash the assignment, you must take steps to begin or maintain coverage of the specified children within 30 days after you deliver a copy of this order to the obligor. The coverage should begin at the earliest possible time consistent with group plan enrollment rules.
3. The obligor's existing health coverage will be replaced only if the children are not provided benefits under the existing coverage where they reside.
4. If the obligor is not enrolled in a plan and there is a choice of several plans, you may enroll the children in any plan that will reasonably provide benefits or coverage where they live, unless the court has ordered coverage by a specific plan.
5. If no coverage is available, complete the *Declaration of No Health Insurance Coverage* at the top of this page and mail the declaration by first-class mail to the attorney or person seeking the assignment within 20 days of your receipt of this order. Keep a copy of the form for your records.
6. If coverage is provided, you must supply evidence of coverage to both parents and to any person having custody of the child.
7. Upon request of the parents or person having custody of the child, you must provide all forms and other documentation necessary for submitting claims to the insurance carrier to the extent you provide them to other covered individuals.
8. You must notify the applicant of the effective date of the coverage of the children.
9. You will be liable for any amounts incurred for health care services that otherwise would have been covered under the insurance policy if you willfully fail to comply with this order. You can also be held in contempt of court. California law forbids your firing or taking any disciplinary action against any employee because of this order.

EMPLOYEE INFORMATION

1. This order tells your employer or other person providing health insurance coverage to you to enroll or maintain the named children in a health insurance plan available to you and to deduct the appropriate premium or costs, if any, from your wages or other compensation.
2. You have 15 days after you receive a copy of this order to object to the order. Family Code section 3765 tells you how.
3. Family Code section 3770 tells you how and when to petition the court to end this assignment.

| | |
|---|--|
| GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): <hr/> <p style="text-align: center;">TELEPHONE NO.: FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p> | FOR COURT USE ONLY Draft 2 04/05/06 xyz Not approved by the Judicial Council |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT: | |
| STIPULATION FOR <input type="checkbox"/> JUDGMENT <input type="checkbox"/> SUPPLEMENTAL JUDGMENT REGARDING PARENTAL OBLIGATIONS AND JUDGMENT | CASE NUMBER: |

1. This matter proceeded as follows:

- a. By written stipulation without court appearance.
- b. By court hearing, appearances as follows:
 - (1) Date: _____ Dept.: _____ Judicial officer: _____
 - (2) Petitioner/plaintiff present Attorney present (name): _____
 - (3) Respondent/defendant present Attorney present (name): _____
 - (4) Other parent present Attorney present (name): _____
 - (5) Local child support agency (Family Code, §§ 17400, 17406) by (name): _____
 - (6) Other (specify): _____
- c. The obligor (the parent ordered to pay support) is the petitioner/plaintiff respondent/defendant other parent.

2. This order is based on the attached documents (specify):

3. The parties agree that

- a. Obligor has read and understands the *Advisement and Waiver of Rights for Stipulation* on page 4 of this form. Obligor gives up these rights and freely agrees that a judgment may be entered in accordance with this stipulation.
- b. The amount of support payable by the obligor as calculated under the guideline is: \$ _____ per month.
 - We agree to guideline support.
 - The guideline amount should be rebutted because of the following:
 - (1) We have been fully informed of the guideline amount of support; we agree voluntarily to child support in the amount of: \$ _____ per month; the agreement is in the best interest of the children; the needs of the children will be met adequately by the agreed amount; the children are not receiving public assistance; no application for public assistance is pending; and application of the guideline would be unjust and inappropriate in this case. We understand that if the order is below guideline, no change of circumstances need be shown to raise this order to the guideline amount. If the order is above the guideline, a change of circumstances will be required to modify this order.
 - (2) Other rebutting factors (specify): _____
- c. Attached is a computer printout showing the parents' incomes and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

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

3. d. Petitioner/Plaintiff Respondent/Defendant Other Parent are the parents of the children named in item 3e below.

e. Obligor must pay current child support as follows:

| <u>Name</u> | <u>Date of birth</u> | <u>Monthly support amount</u> |
|-------------|----------------------|-------------------------------|
|-------------|----------------------|-------------------------------|

(1) Other (*specify*):

(2) For a total of: \$ _____ payable on the: _____ day of each month beginning (*date*): _____

(3) The low-income adjustment applies.

The low-income adjustment does not apply because (*specify reasons*):

(4) Any support ordered will continue until further order of court, unless terminated by operation of law.

f. Obligor must pay child support for the past periods and in the amounts set forth below.

| <u>Name</u> | <u>Date of birth</u> | <u>Period of support</u> | <u>Amount</u> |
|-------------|----------------------|--------------------------|---------------|
|-------------|----------------------|--------------------------|---------------|

(1) Other (*specify*):

(2) For a total of: \$ _____ payable: \$ _____ on the: _____ day of each month beginning (*date*): _____

(3) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

g. If this is a judgment on a *Supplemental Complaint*, it does not modify or supersede any prior judgment or order for support or arrearages, unless specifically provided.

h. No provision of this judgment may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

i. All payments must be made to (*name and address of agency*):

j. **An Order/Notice to Withhold Income for Child Support (form FL-195) will issue.**

k. Obligor Obligee must (1) provide and maintain health insurance coverage for the children if it is available through employment or a group plan, or otherwise available at no or reasonable cost, and keep the local child support agency informed of the availability of the coverage; (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. If the "Obligor" box is checked, a health insurance coverage assignment will issue.

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

3. *l.* The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- m.* The *Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- n.* Obligor must pay costs of: \$ _____ to (*specify*): _____ on the following terms and conditions (*specify*): _____
- o.* The following person (the “other parent”) is added as a party to this action under Family Code section 17404 (*name*): _____
- p.* Other (*specify*): _____

| | | |
|-------------------------------------|---|---|
| Date: _____ (TYPE OR PRINT NAME) | ▶ | _____ (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY) |
| Date: _____ (TYPE OR PRINT NAME) | ▶ | _____ (SIGNATURE OF PETITIONER) |
| Date: _____ (TYPE OR PRINT NAME) | ▶ | _____ (SIGNATURE OF ATTORNEY FOR PETITIONER) |
| Date: _____ (TYPE OR PRINT NAME) | ▶ | _____ (SIGNATURE OF RESPONDENT) |
| Date: _____ (TYPE OR PRINT NAME) | ▶ | _____ (SIGNATURE OF ATTORNEY FOR RESPONDENT) |
| Date: _____ (TYPE OR PRINT NAME) | ▶ | _____ (SIGNATURE OF OTHER PARENT) |
| Date: _____ (TYPE OR PRINT NAME) | ▶ | _____ (SIGNATURE OF ATTORNEY FOR OTHER PARENT) |

JUDGMENT

4. **THE COURT SO ORDERS.**

Date: _____

JUDICIAL OFFICER

5. Number of pages attached: _____

SIGNATURE FOLLOWS LAST ATTACHMENT

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

ADVISEMENT AND WAIVER OF RIGHTS FOR STIPULATION

- | | | |
|---|--|--|
| <p>1. RIGHT TO BE REPRESENTED BY A LAWYER. I understand that I have the right to be represented by a lawyer of my choice at my expense. If I cannot afford a lawyer to represent me, I can ask the court to appoint one to represent me free of charge only if I dispute that I am the parent of the children named in this action and only on the issue of parentage. I understand that the attorney for the local child support agency does not represent me.</p> <p>2. RIGHT TO A TRIAL. I understand that I have a right to have a judicial officer: (1) determine if I am the parent of the children named in the stipulation, (2) decide how much child support I must pay, and (3) decide how much I owe for arrearages (unpaid support).</p> <p>3. RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES. I understand that in a trial any allegations made against me must be proved. At the trial I may be present with a lawyer when witnesses testify, and I may ask them questions. I may also present evidence and witnesses.</p> <p>4. RIGHT TO HAVE PARENTAGE TESTS WHERE THE LAW PERMITS. I understand that, where the law permits, I have the right to have the court order parentage tests. The court will decide on the tests. The court could order that I pay none, some, or all of the costs of the tests.</p> | <p>5. ADMISSION AND WAIVER OF RIGHTS. I understand that by agreeing to the terms of this stipulation, I am admitting that I am the parent of the children named in the stipulation and I am giving up the rights stated above.</p> <p>6. WHERE THE STIPULATION INCLUDES CHILD SUPPORT.</p> <p>a. I understand that I will have the duty to obey the support order for the children named in the stipulation until the order is changed by the court or ended by law.</p> <p>b. I also understand that the court will order any support payments to be paid directly from my wages or other earnings and sent to the local child support agency if they are assigned to collect the support.</p> <p>c. I have been advised of the amount of guideline child support and how the proposed child support amount was determined.</p> <p>7. WHERE THE STIPULATION INCLUDES A PROVISION FOR HEALTH INSURANCE. I understand that I must keep health insurance coverage for the minor children if insurance is available, or becomes available, to me at no or reasonable cost. A health insurance coverage assignment/<i>National Medical Support Notice</i> may be ordered to get health insurance for my children.</p> | <p>8. I agree to the terms of this stipulation freely and voluntarily.</p> <p>9. I understand that the local child support agency is required by state law to enforce the duty of support.</p> <p>10. I UNDERSTAND THAT IF I WILLFULLY FAIL TO SUPPORT MY CHILDREN, CRIMINAL PROCEEDINGS MAY BE INITIATED AGAINST ME.</p> <p>11. COLLECTION OF SUPPORT. I understand that any support I owe may be collected from any of my property. This collection may be made by intercepting money owed to me by the state or federal government (such as tax refunds, unemployment and disability benefits, and lottery winnings), by taking property I own, by placing a lien on my property, or by any other lawful means.</p> <p>12. IF I AM REPRESENTED BY AN ATTORNEY, MY ATTORNEY HAS READ AND EXPLAINED TO ME THE TERMS OF THE STIPULATION AND THIS ADVISEMENT AND WAIVER OF RIGHTS, AND I UNDERSTAND THESE TERMS.</p> |
|---|--|--|

- I have read and understand the *Advisement and Waiver of Rights for Stipulation*; or
- Attached is a translation of this *Advisement and Waiver of Rights for Stipulation* in (specify language):
- I understand the translation.

Date: _____

(TYPE OR PRINT NAME)

▶

(PARTY'S SIGNATURE)

INTERPRETER'S DECLARATION: The above-named party is unable to read or understand this *Advisement and Waiver of Rights for Stipulation* because

- his or her primary language is (specify):
- other (specify):

I certify under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated for the above-named party the *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment*. The above-named party said he or she understood the terms of this *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* before signing it.

Date: _____

(TYPE OR PRINT NAME OF INTERPRETER)

▶

(INTERPRETER'S SIGNATURE)

| | |
|---|--|
| GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): <hr/> <p style="text-align: center;">TELEPHONE NO.: FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p> | FOR COURT USE ONLY Draft 2 04/05/06 xyz Not approved by the Judicial Council |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: | |
| NOTICE OF OPPOSITION AND NOTICE OF MOTION ON CLAIM OF EXEMPTION | LEVYING OFFICER FILE NO.: COURT CASE NO.: |

— DO NOT USE THIS FORM FOR WAGE GARNISHMENTS —

The original of this form must be filed with the court, and a copy must be served on the judgment debtor and other claimant at least 10 days before the hearing.

TO THE JUDGMENT DEBTOR OR OTHER CLAIMANT:

1. A hearing to determine the claim of exemption of judgment debtor other claimant will be held as follows:

a. Date: _____ Time: _____ Dept.: _____ Div.: _____ Room: _____

b. Address of court: same as noted above other (specify): _____

If you do not attend the hearing, the court may determine your claim based on the Claim of Exemption, Financial Statement (when one is required), this form, and other evidence that may be presented.

2. Name and address of judgment debtor: _____

3. Name and address of claimant (if other than judgment debtor): _____

Social Security Number (if known): _____

4. The notice of filing claim of exemption states it was mailed on (date): _____

5. The item or items claimed as exempt are

- a. not exempt under the statutes relied upon in the *Claim of Exemption*.
- b. not exempt because the judgment debtor's equity is greater than the amount provided in the exemption.
- c. other (specify): _____

6. The local child support agency requests any property found to be exempt be applied to the satisfaction of the judgment under Code of Civil Procedure section 703.070.

7. The facts necessary to support item 5 are

continued on the attachment labeled Attachment 7.

as follows (specify): _____

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 DECLARANT)

| | | |
|---|---------------------------|-----------------|
| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT: | LEVYING OFFICER FILE NO.: | COURT CASE NO.: |
|---|---------------------------|-----------------|

PROOF OF SERVICE BY MAIL

1. I am over the age of 18, **not a party to this cause**, and a resident of or employed in the county where the mailing took place.
2. My residence or business address is:

3. I served a copy of this motion by enclosing it in a sealed envelope and depositing the envelope directly in the United States mail with postage paid OR at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar.
 - a. Date of deposit:
 - b. Place of deposit (*city and state*):
 - c. Addressed as follows:

4. 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 COMPLETING THIS FORM)

| | |
|--|--|
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | FOR COURT USE ONLY Draft 2 04/05/06 xyz Not approved by the Judicial Council |
| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT: | |
| <input type="checkbox"/> MINUTES AND <input type="checkbox"/> ORDER <input type="checkbox"/> JUDGMENT <input type="checkbox"/> RECOMMENDED ORDER | CASE NUMBER: |

This form may be used for preparation of court minutes and/or as an alternative to form FL-615, FL-625, FL-665, or FL-687. If this form is prepared as both court minutes and an alternative to one of these forms, then the parties do not need to prepare any additional form of order.

1. **This matter proceeded as follows:** Uncontested By stipulation Contested
 - a. Date: _____ Time: _____ Department: _____
 - b. Judicial officer (name): _____ Judge Pro Tempore Commissioner
 Court reporter (name): _____
 Court clerk (name): _____ Bailiff (name): _____
 - c. Interpreter(s) present (name): _____
 for (name): _____ (specify language): _____
 - d. Petitioner present Attorney present (name): _____
 - e. Respondent present Attorney present (name): _____
 - f. Other parent present Attorney present (name): _____
 - g. Attorney for local child support agency (name): _____
 - h. The obligor (parent ordered to pay support) for purposes of this order is the petitioner respondent
 other parent.
 - i. Other (specify): _____
 2. This is a recommended order/judgment based on the objection of (specify name): _____
 3. a. This matter is taken off calendar.
 b. This entire matter is denied with without prejudice.
 c. This matter is continued at the request of the local child support agency petitioner respondent
 other parent to:
 Date: _____ Time: _____ Department: _____
 (Specify issues):
 Petitioner Respondent Other parent is ordered to appear at that date and time.
 - d. The court takes the following matters under submission (specify): _____
4. **Order of examination**
 The petitioner respondent other (specify): _____ was sworn and examined.
 Examination was held outside of court.
 5. **Referrals**
 - a. The parties are referred to Family Court Services or mediation.
 - b. Petitioner Respondent Other parent is referred to the family law facilitator.
 - c. Other (specify): _____

THE COURT FINDS

6. Respondent Petitioner Other parent was was not served regarding this matter.
7. Respondent Petitioner Other parent admits denies parentage.
8. The parents of the children named below in item 14(a) are (specify names): _____

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

9. Respondent Petitioner Other parent has read, understands, and has signed the *Advisement and Waiver of Rights for Stipulation* (form FL-694) attachment. He or she gives up those rights and freely agrees that a judgment may be entered in accordance with these findings.
10. a. Guideline support amount: \$
- b. This order is is not based on the guideline.
- c. The attached *Guideline Findings Attachment* (form FL-693) is incorporated into these findings.
- d. A printout, which shows the calculation of child support payable, is attached and must become the court's findings.
- e. The child support agreed to by the parents is below above the statewide child support guideline. The amount of support that would have been ordered under the guideline formula is \$ _____ per month. The parties have been fully informed of their rights concerning child support. Neither party is acting out of duress or coercion. Neither party is receiving public assistance, and no application for public assistance is pending. The needs of the children will be adequately met by this agreed-upon amount of child support. The order is in the best interest of the children. If the order is below the guideline, no change of circumstance will be required to modify this order. If the order is above the guideline, a change of circumstance will be required to modify this order.
- f. The low-income adjustment applies.
11. Arrearages from (specify date): _____ through (specify date): _____ are \$ _____ including interest interest not computed and not waived.

THE COURT ORDERS

12. All orders previously made in this action must remain in full force and effect except as specifically modified below.
13. Genetic testing must be coordinated by the local child support agency.
- a. Respondent Petitioner Mother of the children Other (specify): _____ and the minor children must each submit to genetic testing as directed by the local child support agency.
- b. Obligor must reimburse the local child support agency for genetic testing costs of \$ _____
14. a. Obligor is the parent of the following children and must pay current child support for them.
- | | | |
|--------------------------|--|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> There is sufficient evidence that the obligor is the parent of the following children to enter a support order. | |
| | <u>Name</u> | <u>Date of birth</u> |
| | | <u>Monthly basic support amount</u> |
- Additional children are listed on an attached page.
- b. Obligor must pay additional support monthly for actual child-care costs:
- (specify amount): \$ _____ one-half (specify percent): _____ percent of said costs. Payments must be made to the local child support agency other party child-care provider.
- c. Obligor must pay reasonable uninsured health-care costs for the children:
- (specify amount): \$ _____ one-half (specify percent): _____ percent of said costs. Payments must be made to the local child support agency other party health-care provider.
- d. Obligor must pay additional support monthly for the following (specify):
- (specify amount): \$ _____ one-half (specify percent): _____ Payments must be made to the local child support agency other party.
- e. Other (specify): _____
- f. For a total of: \$ _____ payable on the: _____ day of each month beginning (date): _____
- g. The low-income adjustment applies.
 The low-income adjustment does not apply because (specify reasons): _____
- h. Any support ordered will continue until further order of court, unless terminated by operation of law.

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

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

15. Obligor may claim the children for tax purposes as long as all child support payments are current as of the last day of the year for which the exemptions are claimed.

16. Petitioner Respondent Other parent must pay to petitioner respondent
 other parent
 as spousal support family support \$ _____ per month, beginning (date):
 payable on the: _____ day of each month.

17. Obligor must pay child support for past periods and in the following amounts set forth below:

| <u>Name</u> | <u>Period of support</u> | <u>Amount</u> |
|-------------|--------------------------|---------------|
|-------------|--------------------------|---------------|

- a. Other (specify): _____
- b. For a total of: \$ _____ payable on the: _____ day of each month
 beginning (date): _____
- c. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

18. Obligor owes support as follows, as of (date): _____

- a. Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____ Other: \$ _____
- b. Interest is not computed and is not waived.
- c. Payable: _____ on the: _____ day of each month
 beginning (date): _____
- d. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

19. No provision of this judgment can operate to limit any right to collect all sums owing in this matter as otherwise provided by law.

20. All payments except as otherwise ordered must be made to (name and address of agency): _____

21. An earnings assignment order is issued.

22. Obligor Obligee must (1) provide and maintain health insurance coverage for the children if it is available through employment or a group plan, or otherwise at no or reasonable cost, and must keep the local child support agency informed of the availability of the coverage; (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services to the children; (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. If the "Obligor" box is checked, a health insurance coverage assignment will issue.

23. **Job search.** (specify name(s)): _____ must seek employment for at least (specify number): _____ jobs per week and report those job applications and results to the court and the local child support agency at the continuance date. These job applications are to be made in person, not by phone, fax, or e-mail.

24. For purposes of the licensing issue only, the obligor is found to be in compliance with the support order in this action. The local child support agency must issue a release of license(s).

25. Notwithstanding any noncompliance issues with the support order in this action, the court finds that the needs of the obligor warrant a conditional release. The local child support agency must issue a release of license(s). Such release is effective only as long as the obligor complies with all payment terms of this order.

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

26. A warrant of attachment/bench warrant issues for *(specify name)*:
- a. Bail is set in the amount of: \$
- b. Service is stayed until *(date)*:
27. The court retains jurisdiction to make orders retroactive to *(date)*:
28. The court reserves jurisdiction over all issues the issues of *(specify)*:
29. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
30. The *Notice of Rights and Responsibilities—Health-Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* are attached and incorporated.
31. The following person (the “other parent”) is added as a party to this action under Family Code sections 17400 and 17406 *(specify name)*:
32. **The court further orders** *(specify)*:

33. Number of pages attached: _____

Approved as conforming to court order:

Date:

 (SIGNATURE OF ATTORNEY FOR OBLIGOR)

 (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

Date:

JUDICIAL OFFICER

Signature follows last attachment.

NOTICE OF RIGHTS AND RESPONSIBILITIES
Health-Care Costs and Reimbursement Procedures

IF YOU HAVE A CHILD SUPPORT ORDER THAT INCLUDES A PROVISION FOR THE REIMBURSEMENT OF A PORTION OF THE CHILD'S OR CHILDREN'S HEALTH-CARE COSTS AND THOSE COSTS ARE NOT PAID BY INSURANCE, THE LAW SAYS:

1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

2. Proof of full payment. If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

3. Proof of partial payment. If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

4. Payment by notified parent. If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

5. Disputed charges. If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion.

If you claim that the other party has failed to reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees and costs against a party who has been unreasonable.

6. Court-ordered insurance coverage. If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

a. **Burden to prove.** The party claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

b. **Cost of additional coverage.** If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

7. Preferred health providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the party incurring those costs.

Procedimientos relativos a costos de salud y devolución de dichos costos

Si usted tiene una orden de manutención de menores que disponga la devolución de costos incurridos por servicios de salud para menores y costos no cubiertos por el seguro médico, la ley dice lo siguiente:

1. Aviso. Se debe dar al otro padre una factura detallada relacionando los costos cobrados por servicios de salud que no estén cubiertos por seguro médico. Esta factura se le debe dar al otro padre con antelación razonable y no más tarde de 30 días después de haber recibido dichos cobros de pago.

2. Comprobante de pago total. Si usted ya pagó todos los costos de salud correspondientes a individuos no asegurados, deberá: (1) proporcionar al otro padre el comprobante de haber pagado y (2) pedirle al otro padre que le pague la porción de los costos que al otro padre le corresponda, según la orden del tribunal.

3. Comprobante de pago parcial. Si sólo pagó su porción de los costos no cubiertos por el seguro, debe: (1) darle al otro padre un comprobante indicando que ya pagó dicha porción, (2) pedir al otro padre que pague directamente al proveedor de servicios médicos la parte de los costos que al otro padre le corresponda y (3) darle al otro padre la información necesaria para que pague la factura.

4. Pago que le corresponde al padre notificado. Si usted recibe notificación del otro padre indicando costos incurridos por servicios de salud para individuos sin seguro, deberá pagar la porción que le corresponde a usted dentro del plazo ordenado por el tribunal, o si el tribunal no especifica un plazo, usted deberá pagar dichos costos, ya sea, (1) a más tardar en 30 días, desde la fecha en que recibió la notificación sobre los costos por pagar, (2) según un horario de pagos fijado por el proveedor de servicios de salud, (3) según un horario acordado por escrito entre usted y el otro padre o (4) según el horario adoptado por el tribunal.

5. Cuando se disputan los costos. Si usted disputa un costo, puede presentar al tribunal una moción (o pedimento) para resolver la disputa. Sólo podrá hacer esto, si paga el costo antes de presentar la moción. Si su reclamo consiste en que la otra parte no le ha pagado a usted por un costo, o que no le ha pagado al proveedor de servicios de salud después de la notificación apropiada, usted puede presentar una moción ante el tribunal para resolver la disputa.

El tribunal asumirá que si los costos ya se han pagado, dichos costos han sido razonables. Si una persona se comporta de una manera que no sea razonable, el tribunal puede imponerle que pague honorarios de abogado.

6. Cobertura de seguro por orden de tribunal. Si un padre tiene seguro de salud por orden del tribunal, ese seguro se usará todo el tiempo, siempre que esté disponible para cubrir los costos de servicios de salud.

a. Responsabilidad de comprobar. La responsabilidad de comprobar ante el tribunal que la cobertura de servicios de salud es inadecuada para los menores recae sobre la parte que reclama que es inadecuada.

b. Costos de cobertura adicional. Si uno de los padres compra un seguro de salud adicional al que haya sido ordenado por el tribunal, tal padre deberá pagar todo el costo de la cobertura adicional. Y si uno de los padres usa una manera alterna para cubrir gastos médicos que cuestan más que la cobertura dispuesta por el tribunal, dicho padre tendrá que pagar la diferencia.

7. Proveedor preferido para servicios de salud. Si la orden del tribunal especifica un proveedor preferido para servicios de salud, dicho proveedor deberá usarse siempre, según los términos de la póliza del seguro de salud. Si una de las partes decide usar un proveedor que no sea el preferido e incurre costos que podrían haber sido cubiertos por el proveedor preferido si se hubieran utilizado sus servicios, dicha parte asumirá la responsabilidad de cubrir los costos incurridos.

General Information

The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if it is involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) or *Stipulation and Order (Governmental)* (form FL-625).

When a Child Support Order May Be Modified

The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net incomes of both parents are determined, along with the percentage of time each parent has physical custody of the children. The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when the net income of one of the parents changes significantly, the parenting schedule changes significantly, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order open with the local child support agency, you must fill out one of these forms:

- FL-680, *Notice of Motion (Governmental)* **or** FL-683 *Order to Show Cause (Governmental)* **and**
- FL-684, *Request for Order and Supporting Declaration (Governmental)*

If you are asking to change a child support order that is **not** open with the local child support agency, you must fill out one of these forms:

- FL-301, *Notice of Motion* **or** FL-300, *Order to Show Cause* **and**
- FL-310, *Application for Order and Supporting Declaration* **or**
- FL-390, *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms:

- FL-150, *Income and Expense Declaration* **or** FL-155, *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Talk to the family law facilitator at your court.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk will ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form 982(a)(17), *Application for Waiver of Court Fees and Costs*
- Form 982(a)(18), *Order on Application for Waiver of Court Fees and Costs*

You must serve the other parent. If the local child support agency is involved, serve it too.

This means someone 18 or over—**not you**—must serve the other parent copies of your filed court forms at least **16 court days** before the hearing. Add **5 calendar days** if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations).

Court days are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To determine court and calendar days, go to www.courtinfo.ca.gov/selfhelp/courtcalendars/.

The server must also serve blank copies of these forms:

- FL-320, *Responsive Declaration to Order to Show Cause or Notice of Motion* **and** FL-150, *Income and Expense Declaration*, **or**
- FL-155, *Financial Statement (Simplified)*

Then the server fills out and signs a *Proof of Service* (form FL-330 or FL-335). Take this form to the clerk and file it.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- FL-340, *Findings and Order After Hearing* **and**
- FL-342, *Child Support Information and Order Attachment*

Need help?

Contact the family law facilitator in your county or call your county's bar association and ask for an experienced family lawyer.

Información sobre cómo cambiar una orden judicial sobre manutención de menores

Información general

El tribunal acaba de dar una orden judicial sobre manutención de menores en esta causa. Esta orden permanecerá en efecto, a menos que alguna de las partes de la causa pida que se modifique. Sólo se puede modificar una orden de manutención de menores si se presenta ante el tribunal una moción (o pedimento) de modificación de manutención y si se da una copia de dicha moción a las partes interesadas en la causa. Si ambos padres llegan a un común acuerdo sobre una suma y si la agencia local que vigila la manutención de menores también acepta el acuerdo (si dicha agencia participa), se puede llenar y hacer que cada una de las partes firme una *Estipulación para Establecer o Modificar una Orden de Manutención de Menores* (formulario FL-350) o llenar y hacer que cada una de las partes firme una *Estipulación y Orden (Documento gubernamental)* (formulario FL-625).

¿Cuándo se puede modificar una orden de manutención de menores?

El juez toma varios factores en consideración cuando emite una orden judicial sobre el pago de manutención de menores. Primero, considera, el número de hijos. Luego, determina los ingresos de ambos padres y el porcentaje del tiempo que cada padre asume la custodia física de los hijos. El tribunal estudia el estado tributario (pago de impuestos) de ambas partes y puede tener en cuenta factores de dificultad económica, tales como la existencia de hijos de otra relación. Se puede modificar la orden de manutención de menores si ocurre un cambio considerable en los ingresos netos de uno de los padres, un cambio considerable en el tiempo que los menores pasan con cada uno de los padres, o cuando nace un nuevo hijo.

Ejemplos:

- Si a usted se le ha ordenado pagar \$500 mensuales de manutención de menores y luego pierde su empleo, continuará debiendo \$500 mensuales. Además usted deberá el 10% de intereses de la suma de manutención adeudada, a menos que presente una moción pidiendo que se modifique y se reduzca la suma de manutención y que el tribunal ordene dicha reducción.
- Si usted está recibiendo \$300 mensuales por manutención de menores provenientes del otro padre y los ingresos de ese padre aumentan considerablemente, usted continuará recibiendo \$300 mensuales, a menos que usted presente una moción para modificar la orden y que el tribunal ordene el aumento de la suma de manutención de menores.
- Si paga manutención de menores basándose en que pasa un 30% de tiempo asumiendo la custodia parcial de sus hijos y después de varios meses, resulta que en efecto pasa el 50% del tiempo a cargo de la custodia física de sus hijos, en dado caso, podrá presentar una moción pidiendo que se reduzca la suma de manutención.

Cómo modificar una orden existente de manutención de hijos menores

Para modificar una orden de manutención de hijos menores usted debe presentar documentos ante el tribunal. Recuerde: Usted tiene la obligación de cumplir la orden judicial existente.

¿Qué formularios necesita?

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso está abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-680 Aviso de petición (Gubernamental) **o** FL-683 Orden de motivos justificativos (Gubernamental) **y**
- FL-684 Solicitud de orden y declaración de respaldo

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso **no** está abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-301 Aviso de petición **o** FL-300 Orden de motivos justificativos **y**
- FL-310 Solicitud para una orden y declaración de respaldo (Derecho de familia -Paternidad uniforme) **o**
- FL-390 Aviso de petición y petición simplificada de modificación de orden de manutención de hijos menores, de cónyuge o de familia

También deberá llenar uno de los siguientes formularios:

- FL-150 Declaración de ingresos y gastos **o** FL-155 Declaración sobre finanzas (Simplificada)

¿Qué puedo hacer si no sé qué formulario llenar?

Hable con el asesor legal del tribunal de familia.

Después de llenar los formularios, radíquelos en el tribunal y pida una audiencia ante el tribunal. Escriba la fecha de su audiencia en su formulario.

En la secretaría le pedirán que pague la cuota de radicación. Si no tiene los medios para pagar la cuota, llene también los siguientes formularios:

- Formulario 982(a)(17) Solicitud de exención de cuotas y costos judiciales
- Formulario 982(a)(18) Orden de exoneración de cuotas y costos judiciales

Usted tiene que hacer la "entrega legal" de los formularios de modificación al otro padre. Si la agencia local que vigila la manutención de hijos menores participa en la causa, entregue también los documentos a esa agencia.

Esto significa que una persona de no menos de 18 años (**y que no sea usted mismo**) debe entregar copias de los formularios por lo menos **16 días hábiles del tribunal** antes de la audiencia. Se deben añadir **5 días calendarios** más si la entrega se hace por correo postal dentro de California (véase Código Civil de Procedimientos, sección 1005 para ver otras situaciones). Los **días hábiles del tribunal** son los días cuando el tribunal está funcionando, de lunes a viernes, exceptuando los días feriados. Los **días calendarios** son todos los días de la semana, incluyendo los fines de semana y los días feriados. Para obtener mayor información, visite: www.courtinfo.ca.gov/selfhelp/courtcalendars

La persona que haga entrega de la copia de los documentos deberá entregar copias de los siguientes formularios:

- FL-320 Declaración de respuesta y FL-150 Declaración de ingresos y gastos, **o**
- FL-155 Declaración de finanzas (Simplificada)

La persona que hace la entrega entonces llena y firma el comprobante de entrega (formularios FL-330 o FL-335). Luego, usted lleva este documento a la secretaría del tribunal para radicarlo.

Vaya a su audiencia ante el tribunal y pida al juez que modifique la manutención. Lleve consigo sus formularios más recientes de declaración de impuestos federales de los últimos dos años y sus talones de pago de los últimos dos meses. El juez estudiará la información presentada, escuchará a ambos padres y emitirá una orden. Después de la audiencia usted debe llenar los formularios:

- FL-340 Conclusiones y orden después de la audiencia **y**
- FL-342 Documento adjunto con información sobre manutención de menores y orden judicial.

¿Necesita ayuda?

Consulte con el Asesor Legal del Tribunal de Familia de su condado o llame al colegio de abogados de su condado y pida un abogado con experiencia en el tribunal de familia.

| | |
|--------------------|--------------|
| CHILD'S NAME: — | CASE NUMBER: |
|--------------------|--------------|

**CHILD'S INFORMATION SHEET—
REQUEST TO CHANGE COURT ORDER
(Welf. & Inst. Code, §§ 353.1, 388)**

TO THE CHILD: This information sheet tells you about your right to ask the court to change a decision the court has made about your life and the rules that must be followed when you want to ask the court to change a decision. It also explains your right to ask the court to make an order about your relationship with a brother or sister. If you are under 12 years of age, your attorney must talk with you about this information. If you are 12 years of age or older and in court at the dispositional hearing, the court must also talk with you about this information. The court must mail this information to you after a dispositional hearing.

A. I have just made a decision about your life. I will be making other decisions about your life. You have a right to ask me to change a decision I have made. You have an attorney who will help you with this.

For me to change a decision I have made, you must talk with your attorney and have your attorney ask me to change my decision.

Your attorney will have to fill out a form called *Request to Change Court Order* (form JV-180).

The form will explain to me the changes that have happened in your life and why the changes you want me to make in the court order will make things better for you.

You may get a copy of the blank form from your attorney or from the court clerk's office at the courthouse to review so you know what information needs to be on the form.

1. You must tell your attorney the following information:
 - a. What has changed since I made the decision? If nothing has changed, what new information do you want to tell me?
 - b. What changes to my decision do you want me to make?
 - c. If I make the changes you want, will you be better off than if I do not make these changes? Tell me how the changes will make you healthier, safer, and happier.

2. After you speak with your attorney, your attorney will fill out the form.
 - a. I will read the form.
 - b. I may ask the other people involved with your case if they think you have given me the kind of information I must have in order to change my decision. Then I will decide if you told me anything new and if the change you want me to make is good for you.
 - c. If I believe you have not told me anything new or if I believe what you want me to change is not good for you, I will not make any changes. The court clerk will send a written notice of my decision not to make any changes to you and all the people involved with your case.
 - d. If I believe you did tell me something new and what you are asking me to change may be better for you, I will schedule a court date for you. The court clerk will send a written notice of my decision to schedule a hearing and the date of the hearing to you and all the people involved with your case.
 - e. At that court date, everyone involved in your case will be present and allowed to speak.
 - f. After everyone has spoken, I will make the final decision. I will make the changes you want only if I believe you have told me something new and what you are asking for is good for you.

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

- B. If you have a brother or sister who is or might become a dependent of the court, you may ask me to make an order permitting visits, to make an order placing you in the same home, to make other orders that may be in the best interest of your brother or sister, and to consider your relationship with your brother or sister when making decisions about him or her.

For me to make these orders, you must tell your attorney you would like to ask me to make an order about your brother or sister.

Your attorney will fill out a form asking me to make the order about your brother or sister.

The court clerk will send a written notice of my decision to schedule a hearing and the date of the hearing to you and all the people involved with your brother's or sister's case.

At that court date, everyone involved in the case will be present and allowed to speak.

After everyone has spoken, I will make the final decision. I will make the order about your brother or sister that you asked me to make only if I believe what you are asking for is good for your brother or sister.

Please ask your attorney if you have any questions. Your attorney will be able to answer your questions about court procedures and the laws I will apply in making my decisions.

Date:

JUDICIAL OFFICER

| | |
|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____ | FOR COURT USE ONLY Draft 2 04/05/06 xyz Not approved by the Judicial Council |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| CASE NAME: | |
| ORDER FOR PRISONER'S APPEARANCE AT HEARING AFFECTING PRISONER'S PARENTAL RIGHTS <input type="checkbox"/> Waiver of Appearance | CASE NUMBER: |

1. A hearing regarding the custody of the following children (*names*):

will be held

| | | | |
|---------------------|---------------------|-----------|-------|
| on (<i>date</i>): | at (<i>time</i>): | in Dept.: | Room: |
|---------------------|---------------------|-----------|-------|

located at court address above other (*specify address*):

2. The hearing will be held under:

- a. **Welfare and Institutions Code section 300** (to declare the child a dependent of the court)
- b. **Welfare and Institutions Code section 366.26** to
 - (1) Terminate parental rights
 - (2) Appoint a legal guardian
 - (3) Identify a placement _____ with a specific goal of _____
- c. Other (*specify code section and hearing purpose*):

3. **To the Warden or Director of** (*name of institution*): _____

You are ordered to deliver prisoner (*name and identification number*): _____
 who is a party, into the custody of (*name*): _____ so the prisoner may be
 transported to this court for the hearing unless the prisoner executes the attached waiver or refuses to be transported. The sheriff is
 ordered to return the prisoner to _____ when the prisoner's appearance is no longer necessary.

Date: _____
JUDICIAL OFFICER

- 4. The *Waiver of Right to Be Present at Hearing Affecting Prisoner's Parental Rights* on reverse is completed (*item 7*).
- 5. The *Declaration of Interpretation* on reverse is completed (*item 8*).
- 6. The *Declaration That Prisoner Does Not Wish to Attend Hearing* on reverse is completed (*item 9*).

| | |
|-------------------------|---------------------------|
| CASE NAME: _____ | CASE NUMBER: _____ |
|-------------------------|---------------------------|

WAIVER OF RIGHT TO BE PRESENT AT HEARING AFFECTING PRISONER'S PARENTAL RIGHTS

7. I HEREBY WAIVE MY RIGHT TO ATTEND THE HEARING.

- a. I authorize my attorney of record to represent me at the hearing.
- b. I request that an attorney be appointed to represent me and to appear for me at the hearing.
- c. I waive my right to be represented by an attorney.

Date:

| | | |
|----------------------|---|-----------------------|
| (TYPE OR PRINT NAME) | ▶ | (SIGNATURE OF PARENT) |
|----------------------|---|-----------------------|

DECLARATION OF INTERPRETER

(To be completed if prisoner does not understand English sufficiently to read this form.)

- 8. a. The prisoner's primary language is Spanish other (*specify*):
- b. I certify that I interpreted this form for the prisoner in the prisoner's primary language to the best of my ability.

Date:

| | | |
|----------------------|---|----------------------------|
| (TYPE OR PRINT NAME) | ▶ | (SIGNATURE OF INTERPRETER) |
|----------------------|---|----------------------------|

DECLARATION THAT PRISONER DOES NOT WISH TO ATTEND HEARING

9. The prisoner (*name*): _____ has stated to me, or by conduct indicated to me, that he or she does not wish to attend the hearing in this matter.

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) |
|----------------------|---|-------------|

(TITLE OF PRISON OFFICIAL)

| | |
|-----------------------|----------------------|
| CHILD'S NAME: | CASE NUMBER: |
|-----------------------|----------------------|

JURISDICTION HEARING—JUVENILE DELINQUENCY

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

- 1. Notice was provided as required by law.
- 2. Reading and explanation of the petition and advice of rights.
 - a. Provided by court.
 - b. Waived by child counsel for the child.

ADMISSION OR NO CONTEST PLEA (If items 3, 4 and 5 completed, go to item 14)

- 3. The child
 - a. admitted the petition as filed as amended (date): _____
 - b. pleaded no contest to the petition as filed as amended (date): _____
- 4. Dismissed counts will will not be considered true for disposition

Specific Statutory Violations:

- 5. The court has questioned the child and finds that the child understands the nature of the allegations and the direct consequences of admitting or pleading no contest to the allegations of the petition, and understands and waives the hearing rights that were explained.
 - a. The child's counsel consents to the admission or plea of no contest.
 - b. The admission or plea of no contest is freely and voluntarily made.
 - c. Counsel and the child stipulate that the court may consider the police report probation report to support a finding that there is a factual basis for the admission or plea of no contest.
 - d. There is a factual basis for the admission or plea of no contest.
 - e. The following allegations are admitted and found to be true as alleged:

Count Number:

Specific Statutory Violations:

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

- f. The child was under 14 years old at the time of the offense, and the child knew the wrongfulness of his or her conduct at the time the offense was committed.

CONTESTED HEARING

- 6. The child denied the allegations of the petition and the court held a contested hearing.
- 7. The names of the witnesses who testified and the documentary and other evidence that were admitted are listed on Attachment 7, Witness and Evidence List—Juvenile Hearing.
- 8. The child was not represented by counsel and objections that could have been made are deemed made.
- 9. The petition has not been proved beyond a reasonable doubt and is dismissed and all prior orders regarding the petition are terminated.

| | |
|----------------------------|---------------------------|
| CHILD'S NAME: _____ | CASE NUMBER: _____ |
|----------------------------|---------------------------|

- 10. The allegations of the petition are found to be true beyond a reasonable doubt.
- 11. Counts _____ as alleged in the petition are found to be true beyond a reasonable doubt.
- 12. Counts _____ as alleged in the petition have not been proved beyond a reasonable doubt and are dismissed.
- 13. Counts _____ as amended are found to be true beyond a reasonable doubt.

AFTER PETITION IS SUSTAINED

- 14. The child is described by section 602 of the Welfare and Institutions Code.
- 15. The court has considered that violation of (*specify statutes*): _____ would be a misdemeanor or a felony if committed by an adult; and declares that violation of _____ is a misdemeanor felony; violation of _____ is a misdemeanor felony.
- 16. The child's residence is in _____ County.
- 17. The matter is transferred to _____ County for disposition and further proceedings. Judicial Council form *Juvenile Court Transfer Orders* (form JV-550) will be completed and transmitted immediately.
- 18. The child may remain at home is released.
- 19. Based on the facts stated on the record, continuance in the child's home is contrary to the child's welfare.
- 20. Based on the facts stated on the record, there are no available services that would prevent the need for further detention.
- 21. Pending the disposition hearing, the child is detained on home supervision/electronic monitoring program in the home of (*name, address, and relationship to child*): _____

_____ and as set forth in Attachment *Terms and Conditions*.

- 22. Based on the facts stated on the record, the child is detained in secure custody pending the disposition hearing.
- 23. Temporary placement and care is the responsibility of the probation officer.
- 24. Reasonable efforts to prevent or eliminate the need for detention of the child have been made have not been made.
- 25. As soon as possible, the probation officer must provide services that will assist the child and the family to be reunified.
- 26. The matter is continued for disposition to _____ at _____ a.m./p.m.
- 27. Child continued as ward.
- 28. Other orders (*specify*): _____
- 29. Other orders (*specify*): _____
- 30. Other orders (*specify*): _____
- 31. All prior orders not in conflict remain in effect.

Date: _____

JUDICIAL OFFICER

Attachments:

- JV-624, *Terms and Conditions*
- Witness and Evidence List
- Other (*specify*): _____

FAMILY LAW CODE SECTIONS 3765-66

3765. (a) The obligor may move to quash a health insurance coverage assignment order as provided in this section if the obligor declares under penalty of perjury that there is error on any of the following grounds:

(1) No order to maintain health insurance has been issued under Article 1 (commencing with Section 3750).

(2) The amount to be withheld for premiums is greater than that permissible under Article 1 (commencing with Section 3750) or greater than the amount otherwise ordered by the court.

(3) The amount of the increased premium is unreasonable.

(4) The alleged obligor is not the obligor from whom health insurance coverage is due.

(5) The child is or will be otherwise provided health care coverage.

(6) The employer's choice of coverage is inappropriate.

(b) The motion and notice of motion to quash the assignment order, including the declaration required by subdivision (a), shall be filed with the court issuing the assignment order within 15 days after delivery of a copy of the order to the obligor pursuant to subdivision (b) of Section 3764. The court clerk shall set the motion for hearing not less than 15 days, nor more than 30 days, after receipt of the notice of motion. The clerk shall, within five days after receipt of the notice of motion, deliver a copy of the notice of motion to (1) the district attorney personally or by first-class mail, and (2) the applicant and the employer or other person providing health insurance, at the appropriate addresses contained in the application, by first-class mail.

(c) Upon a finding of error described in subdivision (a), the court shall quash the assignment.

3766. (a) The employer, or other person providing health insurance, shall take steps to commence coverage, consistent with the order for the health insurance coverage assignment, within 30 days after service of the assignment order upon the obligor under Section 3764 unless the employer or other person providing health insurance coverage receives an order issued pursuant to Section 3765 to quash the health insurance coverage assignment. The employer, or the person providing health insurance, shall commence coverage at the earliest possible time and, if applicable, consistent with the group plan

enrollment rules.

(b) If the obligor has made a selection of health coverage prior to the issuance of the court order, the selection shall not be superseded unless the child to be enrolled in the plan will not be provided benefits or coverage where the child resides or the court order specifically directs other health coverage.

(c) If the obligor has not enrolled in an available health plan, there is a choice of coverage, and the court has not ordered coverage by a specific plan, the employer or other person providing health insurance shall enroll the child in the plan that will provide reasonable benefits or coverage where the child resides. If that coverage is not available, the employer or other person providing health insurance shall, within 20 days, return the assignment order to the attorney or person initiating the assignment.

(d) If an assignment order is served on an employer or other person providing health insurance and no coverage is available for the supported child, the employer or other person shall, within 20 days, return the assignment to the attorney or person initiating the assignment.