

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

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
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DATE: September 26, 2008

SUBJECT: Child Support: Compliance With Federal Mandate Related to
Automated Child Support Calculation Program (amend Cal.
Rules of Court, rule 5.275) (Action Required)

Issue Statement

The amended rule would bring California fully into compliance with the federal mandate that courts hearing title IV-D child support cases¹ use only the California Guideline Child Support Calculator (guideline calculator) software program developed by the Department of Child Support Services (DCSS) to prepare support calculations. The proposed amendment would bring rule 5.275 current with practices already in place for child support commissioners.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2009, amend rule 5.275 of the California Rules of Court to require that the guideline calculator be used by parties and attorneys to present support calculations to the court and by the court to prepare support calculations. In order to make the chapter heading apply to both the amended and existing language of rule 5.275, the Committee further recommends that the heading of chapter 6 of Title 5 of the California Rules of Court (where rule 5.275 is located) be renamed "Certification of Statewide Uniform Guideline Support Calculators."

The proposed rule is attached at page 8.

¹ Title IV-D of the Social Security Act (42 U.S.C. § 601 et seq.) provides that each state establish and enforce child and spousal support orders in cases where public assistance has been expended and at the request of a parent who is not receiving public assistance.

Rationale for Recommendation

Acceptance of this recommendation would comply with the federal mandate, described below, that requires California to have an automated child support calculation program.

The amended rule would require the court to prepare its support calculations in all title IV-D child support proceedings using only the guideline calculator software program developed by DCSS. It also would require parties and attorneys in all title IV-D proceedings to use the guideline calculator to calculate proposed support presented to the court. The proposed rule amendment is drafted narrowly to clarify that courts in non-title IV-D child support proceedings may use any software certified by the Judicial Council and must permit parties or attorneys to use any software certified by the Judicial Council under Family Code section 3830 and the current version of rule 5.275.

Under federal certification requirements, described below, courts statewide have been required to use the guideline calculator to calculate support in title IV-D cases since May 9, 2008 (with some courts using it earlier). The proposed amendment would bring rule 5.275 current with existing child support commissioner practices and with federal law.

The guideline calculator is an Internet-based software program for the calculation of child support. It is located on the DCSS Web site and was developed by DCSS in order to bring California into compliance with the federal mandate that requires an automated child support calculation program for title IV-D child support cases. The federal mandate also requires the automated child support calculator to be integrated into the DCSS statewide automated child support case management system.

Judicial discretion is not affected by the guideline calculator, as it is only software that the court uses to calculate support. The court's discretion to admit or exclude evidence and to determine facts remains unchanged. The court retains its discretion under Family Code section 4057 to deviate from guideline child support under specified circumstances. The rule does not affect the ability of parties and attorneys to present evidence, but only the software to be used to calculate support.

Requiring use of the guideline calculator is consistent with the Judicial Council's broad rule-making authority under Family Code section 4252(b)(4) to adopt uniform rules of court and forms for use in title IV-D child support proceedings, which is described further below. In addition, the proposed amendment to require use of the guideline calculator in title IV-D cases would prevent inefficiencies (by avoiding the need for a court to rerun calculations using the Guideline calculator if parties or their attorneys in these cases initially entered the calculations into a different support calculation program). The proposed amendment also would prevent potential miscommunications and misunderstandings between attorneys and clients if the calculation prepared by the

attorney on one of the other certified calculation programs produced a different result than the calculation on the guideline calculator.²

Unique Judicial Council rule-making authority in title IV-D child support cases

The history of the child support commissioner system in California provides additional background and support for this rule amendment. Effective January 1, 1997, Assembly Bill 1058 (AB 1058) established the child support commissioner system in response to a crisis in child support due to overburdened courts with big backlogs and the lack of accessible help for the significant number of self-represented child support litigants. AB 1058 provided for dedicated child support commissioners and family law facilitators.

Family Code section 4250 sets forth the legislative findings supporting the creation of the child support commissioner system. Among other findings, the Legislature found there was a compelling state interest in creating an expedited process in the courts that is cost-effective and accessible to families for establishing and enforcing child support orders in cases being enforced by the local child support agency. (Fam. Code, § 4250(a)(4).) It further found that the success of California's child support enforcement system depended on its ability to establish and enforce child support orders quickly and efficiently. (Fam. Code, § 4250(a)(3).) The Legislature stated it therefore intended to: (1) provide for commissioners to hear child support cases being enforced by the local child support agency; (2) adopt uniform and simplified procedures for all child support cases; and (3) create the Office of the Family Law Facilitator in the courts to provide education, information, and assistance to parents with child support issues. (Fam. Code, § 4250(b).)

As part of AB 1058, the Legislature gave the Judicial Council broad rule-making authority in order to carry out these legislative mandates. Specifically, Family Code section 4252(b)(4) states that the Judicial Council shall “adopt uniform rules of court and forms for use in Title IV-D child support cases.” The proposed rule amendment falls within the council's broad rule-making authority in this area and promotes the legislative intent of AB 1058.³

Federal technology requirement

As stated above, amending rule 5.275 would bring California fully into compliance with federal law, which requires all states to establish statewide automated child support

² As anticipated by rule 5.275(b)(2), there can be some variations in the calculation of child support. The rule allows for a 1 percent variation in the results of a certified calculator and a hand calculation. In addition, the statutory formula does not identify every step of a calculation. Where those steps are not specified (for example, how or when to round numbers), each calculator must make choices in how to proceed with the calculation. These choices may lead to differing results in the final support indicated by the five software programs that have been certified by the Judicial Council.

³ Family Code § 211 provides additional rule-making authority to the Judicial Council for proceedings under the Family Code.

systems. These automated systems help provide more efficient child support services to a population characterized by more frequent changes in residence and employment and multiple support obligations.

The 1988 federal Family Support Act (Public Law 100-485) amended the Social Security Act to require all states to establish a single statewide automated child support system.⁴

The provisions of the Family Support Act are supplemented by regulations in the Code of Federal Regulations. These regulations require courts nationwide to use the child support calculator that is integrated into that state's automated system. (45 CFR §§ 307.10(b), 307.11.) The guideline calculator is one part of California's statewide system, and was developed by DCSS to comply with this federal legislation and regulations.

The federal Office of Child Support Enforcement (OCSE) has been conducting a federal certification review process in California. In the course of the federal certification review process, the OCSE issued Federal Certification Finding 4.32, which states that the court must use the guideline calculator (and no other computer program or software) to calculate support in title IV-D cases in order for California's automated system to be considered a statewide CSE (child support enforcement) system. The finding also directs that "all political subdivisions and organizations which provide child support enforcement related services" use the Guideline calculator so that the "statewide CSE system" requirement would be met. (See attached August 19, 2008, letter from DCSS to Diane Nunn, Director of the Center for Families, Children & the Courts at the Administrative Office of the Courts (AOC), which includes an April 4, 2008, certification letter to all IV-D Directors (persons in charge of each county's local child support agency) and Federal Certification Finding 4.32.)⁵

History and status of federal certification

In addition to the history of California's child support commissioner system, the history of the federal certification process provides context for this proposed rule amendment. Before OCSE issued Federal Certification Finding 4.32, in late November 2007, the federal OCSE issued an earlier federal certification finding under 45 CFR sections 307.10(b) and 307.11 that required California courts to only use and accept calculations prepared on the guideline calculator. The effective date for implementing use of the guideline calculator by the courts under that federal certification finding initially was June 1, 2008, but OCSE subsequently advanced that to May 9, 2008. Under that federal directive, California courts had to use the guideline calculator in title IV-D cases in order for California to obtain and maintain federal certification compliance for DCSS'

⁴ Additional federal legislation, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), increased federal automation requirements by requiring all states to establish a single location for processing all child support collections and disbursements. PRWORA was intended to improve the accuracy of child support records, speed payment processing, and streamline wage assignment processing for employers.

⁵ All documentation of the federal findings has been provided to the AOC by DCSS.

statewide automated child support case management system. Timely certification was a priority for California, because the state was paying nearly \$200 million in annual federal penalties because of its late implementation of a statewide automated child support case management system.

There are more than 1.6 million child support cases in California, and continued federal funding is essential to the existence of the state's ability to establish and enforce child support obligations using the child support commissioner system created by AB 1058. The child support commissioner system is funded on a two-thirds to one-third ratio with the federal government paying two-thirds and the remaining one-third provided by state nontrial court funds.⁶

After the November 2007 finding was issued, AOC staff, representatives from the courts, and DCSS staff began meeting regularly to discuss training issues and business use issues so that the Guideline calculator could better meet the needs of child support commissioners. As a result of those meetings, DCSS created a matrix document (posted on the California Courts Web site:

www.courtinfo.ca.gov/programs/cfcc/pdf/files/BNmatrix.pdf that stated the issues raised, proposed solutions, and proposed implementation dates. Most of the changes requested as a result of these meetings have been implemented by programming changes to the guideline calculator, and the few remaining are in process. AOC staff, representatives from the courts, and DCSS staff are continuing to meet to address guideline calculator issues, including the possibility of standalone software that is not Internet based, which would allow noncourt and nonagency staff users to store and modify data. It is evident that noncourt users must be able to access the guideline calculator software program in the courthouse in order to modify calculations based on new facts elicited at the hearings. The AOC will assist the courts in coordinating resolution of these access issues. Regional guideline calculator trainings were also developed and implemented as a result of the meetings between AOC staff, court representatives, and DCSS staff. Before the May 9, 2008, federal deadline, virtually all child support commissioners statewide had been trained by fellow commissioners who had already been using the Guideline calculator for some time.

Representatives from federal OCSE conducted site visits to several California courts in early June 2008 to ensure compliance with the guideline calculator. In late June, these representatives announced that they had granted California certification of the system, thereby relieving the state of approximately \$200 million in penalties that it had been paying annually to the federal government because of California's late implementation of a statewide automated child support system. Representatives from federal OCSE will conduct further site visits in November to ensure that corrective action has been taken to prevent reinstatement of these penalties.

⁶ The federal funds flow through DCSS to the AOC and then to the courts.

Alternative Actions Considered

As use of the guideline calculator software program is required by the federal finding cited above, the Family and Juvenile Law Advisory Committee did not consider the option of taking no action. California has been paying annual penalties of approximately \$200 million to the federal government because of its failure to meet federal deadlines for implementing the calculator, so this amended rule would be an important part of the process of releasing California from this significant financial burden. The Family and Juvenile Law Advisory Committee considered the suggestion made by various commentators that the proposed rule be modified so that parties and attorneys would not be required to use the Guideline calculator. However, for the reasons stated in the rationale section above, this was not a viable option.

Comments From Interested Parties

The invitation to comment on the proposal was circulated from April 21, 2008, to June 20, 2008, to the standard mailing list for family and juvenile law proposals, as well as the regular rules and forms mailing list. This distribution list includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. In addition, this proposal was sent to child support commissioners, family law facilitators, court clerks, DCSS and the Child Support Directors Association Forms Committee, and title IV-D program directors.

A chart summarizing the comments and responses is attached at pages 9–28.⁷ Twenty-four individuals and organizations submitted comments on this proposal. Ten of those submitted written comments concerning the proposed rule amendment. Of those 10, 7 agreed with the proposal if suggested modifications were made and 3 disagreed. Additionally, two commentators submitted written comments agreeing with both the proposed rule amendment and the proposed forms revisions. There were also four commentators who indicated they agreed with the entire proposal, with no written comments. Those who agreed with the proposal in its entirety include the State Bar of California Standing Committee on the Delivery of Legal Services and the committee that represents the official position of the Child Support Directors Association and DCSS.

Thomson Reuters, the company that produces DissoMaster and SupporTax, two of the software programs for support calculation that are certified by the Judicial Council, disagreed with the proposed amendments to rule 5.275. Thomson Reuters suggested, and the rule now includes, language that makes it clear that the court (as well as parties and

⁷ This rule amendment was circulated for comment with proposed revisions to forms FL-615, FL-625, FL-626, and FL-663 to improve the quality of translation for non-English-speaking self-represented litigants. The proposal has now been divided into two separate items. Eight written comments addressed the proposed forms revisions. Of those, three agreed with the proposal in its entirety, four agreed if suggested modifications were made, and one did not state a position. It is unclear whether the positions taken by those commentators referred to only the specific aspects of the forms referenced or whether they applied to both proposals.

attorneys) in private non–title IV-D cases may use any program certified by the Judicial Council. Thomson Reuters claims that requiring sole use of the guideline calculator is anticompetitive. The committee believes that the rule must be amended to meet the federal requirement. The court, parties, and attorneys will continue to be permitted to use whichever certified software program they choose in private non–title IV-D cases so the incentive for the private companies to produce support calculation software programs remains. Because the vast majority of title IV-D cases are handled by self-represented litigants who generally do not own privately sold support calculation programs, as well as by local child support agency staff, the committee believes this rule would have little market impact on the private software companies.

The Orange County Bar Association disagreed with the proposed amendments to rule 5.275 because of the differences between the guideline calculator software program and other commercially available programs, including the lack of ability of the guideline calculator to both save and modify data. Although calculations on the guideline calculator can be saved on the user’s hard drive or by printing out a hard copy, in order to modify data, the user has to reenter it. This issue stems from the fact that the guideline calculator is an Internet-based program rather than stand-alone software. AOC staff and DCSS staff are discussing the possibility of standalone software for the guideline calculator that is not Internet based and would allow data to be both saved and modified. Moreover, other local bar associations and attorneys who have participated in DCSS and local court outreach have responded favorably to the guideline calculator software program.

A child support commissioner disagreed with the proposed amendments to rule 5.275, expressing concerns about access and reliability. The committee believes that the guideline calculator has improved access by removing economic barriers because it is freely available on the Internet. Assistance in preparing calculations on the guideline calculator software program is available at no charge from family law facilitators and self-help center staff, as is assistance in preparing calculations on the other programs certified by the Judicial Council. In addition, the concerns about reliability have been addressed by changes to the guideline calculator as requested by child support commissioners.

Implementation Requirements and Costs

There is a cost associated with training child support commissioners and family law facilitators on the guideline calculator. This cost is being covered by DCSS and grant funding provided to the courts.

Attachments

Rule 5.275 of the California Rules of Court is amended, effective January 1, 2009, to read:

1 **CHAPTER 6. CHILD AND SPOUSAL SUPPORT CERTIFICATION OF**
2 **STATEWIDE UNIFORM GUIDELINE SUPPORT CALCULATORS**
3

4
5 **Rule 5.275. Standards for computer software to assist in determining support**
6

7 **(a)–(i) *****
8

9 **(j) Acceptability in the Courts**
10

11 (1) In all actions for child or family support brought by or otherwise
12 involving the local child support agency under title IV-D of the Social
13 Security Act, the Department of Child Support Services’ California
14 Guideline Child Support Calculator software program must be used by:
15

16 (A) Parties and attorneys to present support calculations to the court;

17 and

18 (B) The court to prepare support calculations.
19

20 (2) In all non–title IV-D proceedings, the court may use and must permit
21 parties or attorneys to use any software certified by the Judicial Council
22 under this rule.

Child Support: Compliance With Federal Mandate Related to Automated Child Support Calculation Program (amend Cal. Rules of Court, rule 5.275)[†]

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Grace Andres Program Manager Superior Court of Solano County	A	N	*All comments from this commentator address the proposed revisions to forms FL-615, FL-625, FL-626 and FL-663, which circulated for comment with this proposal, and are not relevant to this report. See the comment chart in the Judicial Council report on those forms.	No response required in this report. See the comment chart in the Judicial Council report on the proposed revisions to forms FL-615, FL-625, FL-626, and FL-663.
2.	Hon. Louise Bayles-Fightmaster Child Support Commissioner Superior Court of Sonoma County	N	N	*Commentator does not agree with the proposal for amendments to rule 5.275. She states that requiring self-represented litigants who are responsible for presenting their own evidence to the court to use the guideline calculator could deny them access. Self-represented litigants who do not own a computer or are not computer literate would have to rely on the services of court and noncourt assistance. Outside self-help agencies cannot be forced to learn and use the guideline calculator.	The committee recommends that the rule be amended as proposed because it is necessary to bring California into compliance with the federal mandate. Since DCSS' California Guideline Child Support Calculator (guideline calculator) is freely available on the Internet, it removes economic barriers to self-represented litigants preparing their own support calculations who otherwise would need to purchase software. In addition, self-represented litigants who do not own a computer will be able to access the program on public libraries' computers. Those who are not computer literate can be assisted at no charge in preparing calculations by family law facilitators or self-help center staff. Because litigants who seek assistance from outside self-help agencies will expect staff to know the program, staff to those agencies will need to learn this new system in order to assist litigants.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>*Commentator does not agree with the requirement that parties and attorneys, as well as the courts, must the guideline calculator. She states that attorneys should not be limited in their ability to present their case and should be free to present whatever evidence they choose. She further states that requiring attorneys to use the guideline calculator is akin to telling a defense attorney in a criminal case that he or she can use only the evidence created by the prosecution.</p>	<p>The Judicial Council has broad rule - making authority under Family Code section 4252(b)(4) to adopt uniform rules of court and forms for use in title IV-D child support proceedings. Requiring use of the guideline calculator is consistent with this rule-making authority since it does not affect judicial discretion nor the ability of parties and attorneys to present evidence. Further, it will prevent inefficiencies (calculations will not have to be rerun if income information is initially entered into a different support calculation program). It will also prevent potential miscommunications and misunderstandings between attorneys and clients if the calculation prepared by the attorney on one of the other certified calculation programs produced a different result than the calculation on the guideline calculator.</p> <p>The analogy to a defense attorney using evidence created by the prosecution is not on point. The guideline calculator is a tool used to calculate support consistent with the statutory formula mandated for determining support and is not evidence per se. The evidence (specifically, the parents' respective financial</p>

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				<p>*Commentator states there should be an out clause for the court in the proposed rule, as the guideline calculator is not reliable enough to ensure its correctness. The commentator suggests that there are scenarios where the guideline calculator may not be accurate, and the court would need to make its findings using another calculator. The findings that must be made by the court are to be correct under the Family Code formula for calculating the guideline amount of child support. If the calculator does not correctly apply the formula, the outcome is not correct under the law. She further states there are concerns about the reliability of the guideline calculator.</p>	<p>circumstances) that is entered into the guideline calculator is determined by the evidence submitted by the parties regarding their circumstances (such as their Income and Expense Declarations, tax returns, testimony, etc.), as in any other case. Further, the guideline calculator was developed by state DCSS which is not a party to nor directly involved in any specific court action.</p> <p>Under the federal certification finding, there cannot be an out clause permitting courts to use other calculation programs, and moreover it is not necessary because of recent improvements in the guideline calculator. The history of recent efforts to improve the guideline calculator provides context for this issue. Before the November 2007 federal certification finding, it had appeared that only DCSS' local child support agencies would be required to use the guideline calculator. After the finding was issued, AOC staff, representatives from the courts, and DCSS staff began meeting regularly to discuss training issues and concerns raised by child support commissioners. As a result of those meetings, DCSS made a number of modifications to the program and created a</p>

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					matrix document (posted on the California Courts Web site: www.courtinfo.ca.gov/programs/cfcc/pdffiles/BNmatrix.pdf). The matrix notes the issues raised, proposed solutions, and proposed implementation dates. As a result of these efforts, the concerns about reliability have been addressed by changes to the guideline calculator.
3.	Child Support Directors Association/Judicial Council Forms Committee George O. Nielsen Vice-Chair	A	Y	Standards for Computer Software to Assist in Determining Support—Rule 5.275 This proposal is necessary in order to comply with federal requirements for certification of the statewide automated Child Support Enforcement System (CSE). *The remainder of this comment addressed the proposed revisions to forms FL-615, FL-625, FL-626 and FL-663 – which circulated for comment with this proposal – and are not relevant to this report. See the comment chart in the Judicial Council report on those forms.	No response required. No response required in this report. See the comment chart in the Judicial Council report on the proposed revisions to forms FL-615, FL-625, FL-626, and FL-663.
4.	Executive Committee of the Access and Fairness Advisory Committee	AM	Y	*All comments from this commentator address the proposed revisions to forms FL-615, FL-625, FL-626 and FL-663 – which circulated for comment with this proposal – and are not relevant to this report. See the comment chart in the Judicial Council report on those forms.	No response required in this report. See the comment chart in the Judicial Council report on the proposed revisions to forms FL-615, FL-625, FL-626, and FL-663.

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5.	Stephen Goldberg Staff Attorney Legal Services of Northern California	AM	N	My comment is that the rule should define what a title IV-D proceeding is. As written, a judge could interpret the rule as applying only to cases that begin as and continue as government child support cases. However, title IV-D cases include cases that begin as private cases and become government cases when the custodial parent later receives CalWORKs or Medi-Cal. Title IV-D cases also include cases that begin as government cases and later the custodial parent stops receiving CalWORKs or Medi-Cal. In both of those situations, federal law requires using the new guideline calculator. I believe a stated definition of “IV-D case” would resolve this problem.	The committee recommends revising the rule to clarify that the guideline calculator must be used in all actions involving the local child support agency under title IV-D of the Social Security Act. In addition, rule 5.300 which immediately follows rule 5.275, contains the definition of a title IV-D proceeding.
6.	JoAnn Johnson Family Law Facilitator Superior Court of Ventura County	AM	N	*Commentator agrees with the proposal for amendments to rule 5.275 if modified. She states that while the Child Support Calculator does calculate spousal support, the formula varies by county and the court has discretion whether or not to use a computer program. This computer program is mandatory only as to Child Support. She proposes adding the language in italics to (j)(2) of the rule: “(j)(2) In all non–title IV-D proceedings, <i>or for the calculation of temporary spousal support</i> , the court must permit parties or attorneys to use any software certified by the	The rule applies to all actions for child or family support involving the local child support agency under title IV-D of the Social Security Act. Since spousal support cannot be established as part of a title IV-D case, there are very limited circumstances in which spousal support comes at issue. However, the suggested revision of rule 5.275(j)(2) is not appropriate as the Judicial Council only certifies child support calculators and is not involved in temporary spousal support calculators.

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				<p>Judicial Council under this rule.”</p> <p>She further states that the Child Support Calculator does not have the capability to calculate bonus or overtime for additional support. The rule should permit courts to consider any additional source of information, including other child support programs, for calculations deviating from guideline if the calculator does not have the capability to make the requested calculation. She proposes adding the following to the rule:</p> <p>“(j)(3) The court must permit parties or attorneys to use any software certified by the Judicial Council and the court may consider such calculations for the purpose of ruling on a request for child support based on bonus or overtime income if the Guideline Child Support Calculator does not have the capability to make such calculation.”</p>	<p>The guideline calculator can incorporate bonus or overtime income when annualized and entered as a form of earned income, so proposed subsection (j)(3) is not necessary. If the feature being referred to by the commentator is the bonus report available through some commercial providers, this feature is not part of the guideline calculator per se and would fall outside the rule and therefore this report could continue to be submitted to the court.</p>
7.	Hon. Kathleen E. O’Leary Associate Justice Court of Appeal, Fourth Appellate District	A	N	*All comments from this commentator address the proposed revisions to forms FL-615, FL-625, FL-626 and FL-663 – which circulated for comment with this proposal – and are not relevant to this report. See the comment chart in the Judicial Council report on those forms.	No response required in this report. See the comment chart in the Judicial Council report on the proposed revisions to forms FL-615, FL-625, FL-626, and FL-663.
8.	Orange County Bar Association Cathrine Castaldi	N	Y	The Department of Child Support Services child support calculator is unworkable for the	Earlier versions of the guideline calculator did contain some errors. However, most of

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	President			private practitioner; you cannot save changes, see how different adjustments impact the amount of support, and cannot see how child support and spousal support obligations impact each other. The amount calculated is inconsistent with other commercially available programs that perform the same function. The input method is cumbersome and does not allow for all input categories to be seen simultaneously.	<p>the business use issues have been resolved by programming changes in the guideline calculator and the few that remain are in process of being corrected. AOC staff is working with the Executive Committee of the Family Law section of the State Bar, several local bar associations, and private attorneys regarding guideline calculator issues. AOC staff and DCSS staff are discussing the possibility of standalone software that is not Internet based and would allow data to be saved and modified. Currently, calculations on the guideline calculator can be saved by printing them out. The guideline calculator can likewise be used to determine how different adjustments impact the amount of support by simply running separate calculations with the different assumptions. The same approach can be used to determine how child and spousal support obligations impact each other.</p> <p>Regarding the concern about guideline calculator results being different from commercially available programs, rule 5.275(b)(2) anticipates that there can be some variation in the calculation of child support. The rule allows for a 1 percent variation in the results of a certified</p>

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					<p>calculator and a hand calculation. In addition, the statutory formula does not identify every step of a calculation. Where those steps are not specified (for example, how or when to round numbers), each calculator must make choices in how to proceed with the calculation. These choices may lead to differing results in the final support indicated.</p> <p>Regarding the concern about the guideline calculator’s input method, every child support calculator has different formatting and special features. Nevertheless, the guideline calculator provides all of the basic functionality necessary to calculate guideline support.</p> <p>DCSS has been providing outreach Webcasts on the guideline calculator to the private bar and has been gathering comments from the bar regarding its usability from the private attorney’s perspective. It will review these comments for future updates. Many attorneys who have participated in DCSS and local court outreach and education have responded favorably to the guideline calculator.</p>
9.	Rebecca Prater Superior Court of San Diego County	AM	N	*All comments from this commentator address the proposed revisions to forms FL-	No response required in this report. See the comment chart in the Judicial Council

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Child Support: Compliance With Federal Mandate Related to Automated Child Support Calculation Program (amend Cal. Rules of Court, rule 5.275)[†]

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				615, FL-625, FL-626 and FL-663 – which circulated for comment with this proposal – and are not relevant to this report. See the comment chart in the Judicial Council report on those forms.	report on the proposed revisions to forms FL-615, FL-625, FL-626, and FL-663.
10	Hon. Marshall Rieger Child Support Commissioner Superior Court of Los Angeles County	AM	N	<p>Rule 5.275(f) should only impose the requirement to use the DCSS software in cases being brought or enforced under title IV-D (AB 1058). It should also allow the courts to consider calculations done under any certified programs, which can then be entered into a “form acceptable to being input” into the DCSS database for calculations. This may entail someone running the calculation again in the state program or having the local child support agency input a similar calculation, using the same numbers as were used in the adopted calculation into the state calculator.</p> <p>There are issues of an unfair taking if all family law proceedings can only use the “state” calculator. There should be no necessity to use the “state” calculator in all private proceedings.</p>	<p>The committee continues to recommend that rule 5.275(j) be amended as proposed because it is necessary for California to be in compliance with the federal mandate. The proposed rule does require the use of the guideline calculator in cases brought or enforced under title IV-D and will prevent inefficiencies (calculations having to be rerun if income information is initially entered into a different support calculation program). The federal certification finding requires the use of only the guideline calculator in title IV-D cases in order to have a statewide system, so use of other certified programs is not permissible.</p> <p>In private, non-title IV-D proceedings, the proposed rule amendment would permit courts, parties, and attorneys to use any software certified by the Judicial Council under this rule.</p> <p>(Note: Since rule 5.275(f) concerns duties imposed on those applying for certification of calculation programs, the committee</p>

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Child Support: Compliance With Federal Mandate Related to Automated Child Support Calculation Program (amend Cal. Rules of Court, rule 5.275)[†]

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					assumed this comment concerned the proposed amendment of rule 5.275(j).)
11.	State Bar of California, Standing Committee on the Delivery of Legal Services Sharon Ngim Staff Liaison	A	Y	*No narrative comments submitted.	No response required.
12.	Superior Court of Fresno County Patty Wallace Rixman Director of Court Operations	AM	Y	Agree that this rule is extremely important in assisting those who are not English speaking with a resource that is available to them in their first language that clearly outlines how child support is calculated and enforced. Of course, it will require additional bilingual staff to (1) meet with the party, (2) run the child support calculations. (3) explain the process and outcome, and then (4) present to the court for order and enforcement. This rule may have a greater workload impact on DCSS staff in handling its caseload, but believe reaching out to this population in this manner may improve upon the collection of child support payments.	No response required.
13.	Superior Court of Kern County Kern County Family Law Courts	AM	Y	*All comments from this commentator address the proposed revisions to forms FL-615, FL-625, FL-626 and FL-663 – which circulated for comment with this proposal – and are not relevant to this report. See the comment chart in the Judicial Council report on those forms.	No response required in this report. See the comment chart in the Judicial Council report on the proposed revisions to forms FL-615, FL-625, FL-626, and FL-663.
14.	Superior Court of Los Angeles County	A	Y	*No narrative comments submitted.	No response required.

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Child Support: Compliance With Federal Mandate Related to Automated Child Support Calculation Program (amend Cal. Rules of Court, rule 5.275)[†]

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
15	Superior Court of Orange County Linda Daeley Family Law Unit Manager	A	Y	*All comments from this commentator address the proposed revisions to forms FL-615, FL-625, FL-626 and FL-663 – which circulated for comment with this proposal – and are not relevant to this report. See the comment chart in the Judicial Council report on those forms.	No response required in this report. See the comment chart in the Judicial Council report on the proposed revisions to forms FL-615, FL-625, FL-626, and FL-663.
16	Superior Court of Riverside County David Gutknecht Supervising Management Analyst	A	Y	Rule 5.275 should be revised to require the court in all title IV-D proceedings to only accept calculations from the DCSS California Guideline Child Support Calculator, as recently mandated. *The remainder of this comment addressed the proposed revisions to forms FL-615, FL-625, FL-626 and FL-663 – which circulated for comment with this proposal – and are not relevant to this report. See the comment chart in the Judicial Council report on those forms.	No response required. No response required in this report. See the comment chart in the Judicial Council report on the proposed revisions to forms FL-615, FL-625, FL-626, and FL-663.
17	Superior Court of Sacramento County Edward Pollard Chief Deputy Executive Officer	A	Y	*No narrative comments submitted.	No response required.
18	Superior Court of San Bernardino County Debra Meyers Director of Staff Counsel Services and Self-Help Division	A	Y	*No narrative comments submitted.	No response required.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
19	Superior Court of San Diego County Michael M. Roddy Executive Officer	AM	Y	All comments from this commentator address the proposed revisions to forms FL-615, FL-625, FL-626 and FL-663 – which circulated for comment with this proposal – and are not relevant to this report. See the comment chart in the Judicial Council report on those forms.	No response required in this report. See the comment chart in the Judicial Council report on the proposed revisions to forms FL-615, FL-625, FL-626, and FL-663.
20	Hon. B. Scott Thomsen Child Support Commissioner Superior Courts of Nevada & Sierra Counties	AM	N	Rule 5.275(j). The rule as drafted requires everyone to use DCSS’ Child Support Calculator. As I understand the compliance issue for federal funding, the feds required the court to use the Child Support Calculator only after there was general resistance by the bench to using the Child Support Calculator. I am not aware of any such mandate imposed upon private parties and counsel. As such, I do not believe the rule should require private attorneys (non-DCSS) or parties to use the Child Support Calculator.	The Judicial Council has broad rule-making authority under Family Code section 4252(b)(4) to adopt uniform rules of court and forms for use in title IV-D child support proceedings. Requiring use of the guideline calculator is consistent with this rule-making authority since it does not affect judicial discretion nor the ability of parties and attorneys to present evidence. Further, it will prevent inefficiencies (calculations will not have to be rerun if income information is initially entered into a different support calculation program). It will also prevent potential miscommunications and misunderstandings between attorneys and clients if the calculation prepared by the attorney on one of the other certified calculation programs produced a different result than the calculation on the guideline calculator. Note: It is staff’s understanding that the federal certification finding was not a

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				<p>Oftentimes, attorneys and parties have purchased a propriety program and with that program have the ability to store critical case data on their computer, saving time and expense to the litigants. The Child Support Calculator does not permit the storage of such information. Further, as the Child Support Calculator and the other proprietary programs are “certified” their reliance and accuracy (once all “bugs” are handled within the Child Support Calculator) are very close. Thus, the court can still obtain the necessary proposed findings from the parties or counsel from their proposed support calculation using the proprietary program. Bottom line though is that the court is mandated to run the actual</p>	<p>reaction to “general resistance by the bench to using the Child Support Calculator” but was the result of the fact that neither state DCSS, the AOC, nor the bench was aware that the federal interpretation of a “statewide automated system” included use of the guideline calculator by the court and private attorneys. The federal finding occurred before any widespread knowledge on the part of the judicial branch or state DCSS that use of the calculator would indeed be a requirement.</p> <p>Earlier versions of the guideline calculator did contain some errors. The concerns about reliability have been addressed by changes to the guideline calculator requested by child support commissioners. AOC staff, representatives of the courts, and DCSS staff are discussing the possibility of standalone software that is not Internet based that would permit data to be saved and modified. Since the federal certification finding requires use of only the guideline calculator in title IV-D cases, use of calculations from proprietary programs is not permissible and would not allow for maintenance of federal funding of California’s child support program. The</p>

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				calculation with its findings in the Child Support Calculator system.	proposed rule amendment continues to permit attorneys, parties, and the court to use any software certified by the Judicial Council under this rule in any non-title IV-D cases.
21.	Thomson Reuters Heather Skinner, Managing Editor, California Family Law Report	N	Y	<p>*Commentator disagrees with the proposal for amendments to rule 5.275. Thomson Reuters produces DissoMaster and SupporTax, which are two of the five certified child and spousal support calculation programs. Thomson Reuters is concerned that proposed subsection (j)(2) of rule 5.275, which states: “In all non-title IV-D proceedings, the court must permit parties or attorneys to use any software certified by the Judicial Council under this rule” is anticompetitive.</p> <p>“We propose amending (j)(2) to specify that courts may use any certified software in non-IV-D cases: In all non-title IV-D proceedings, the court may use any software certified by the Judicial Council under this rule ...”</p> <p>“Apart from the ill that flows from anticompetitive policy per se, the lack of competition will lead to lax testing practices.”</p> <p>*Commentator is concerned that the guideline calculator will create inconsistent support orders throughout California. The guideline</p>	<p>The committee agrees with the suggested amendments to (j)(2) of the rule. Subsection (j)(2) as revised in the proposal circulated for comment mirrored the original language of the rule, which was silent as to which software the courts could use but provided that courts must permit parties and attorneys to use any software certified by the Judicial Council “under this rule.” The committee has incorporated the suggested amendments to (j)(2) into the amendments that it is recommending for adoption.</p> <p>Rule 5.275(b)(2), anticipates that there can be some variation in the calculation of</p>

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				<p>calculator “produces different results from the commercial calculators, despite identical inputs,” as noted in DCSS Certification Letter 07-01. This means that, all things being equal, families pursuing support orders in title IV-D cases will receive different amounts of child and spousal support than those in non–title IV-D cases.</p> <p>Commentator is concerned that the amendments to rule 5.275 contravene the subsection of Family Code section 3830 that states “no court shall use any computer software to assist in determining the appropriate amount of child support or spousal support obligations, unless the software conforms to rules of court adopted by the Judicial Council prescribing standards for the software, which shall ensure that it performs in a manner consistent with the applicable statutes and rules of court for determination of child support or spousal support.” While there are multiple temporary spousal support guidelines in California, the guideline calculator offers only one option—calculate or don’t calculate—without providing the different formulas available, providing the ability to customize to comply</p>	<p>child support. The rule allows for a 1 percent variation in the results of a certified calculator and a hand calculation. In addition, the statutory formula does not identify every step of a calculation. Where those steps are not specified (for example, how or when to round numbers), each calculator must make choices in how to proceed with the calculation. These choices may lead to differing results in the final support indicated.</p> <p>The commentator might be unaware that the Guideline Calculator contains more than a “calculate—don’t calculate” option regarding temporary spousal support. It currently provides the Santa Clara formula, which is the most commonly used temporary spousal support formula in California. Revisions to the calculator will incorporate the other formulas for temporary spousal support in a September 2008 release. More importantly, it should be noted that since spousal support cannot be established as part of a title IV-D case, there are very limited circumstances in which spousal support comes at issue in title IV-D cases. The rule now clearly states that in non–title IV-D cases, the court, parties, and attorneys may use any</p>

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				<p>with local rules and “no indication as to which, if any, method of adjusting for the tax consequences of spousal support (‘bump’) it employs.” It also “lacks tax deductibility options for Registered Domestic Partners.”</p> <p>Commentator is also concerned that the guideline calculator does not have tax optimization features like the commercial software does, which could result in different results for title IV-D families as opposed to non–title IV-D families.</p>	<p>software certified by the Judicial Council.</p> <p>Regarding the concern about tax optimizing, the commentator might be unaware that it is possible to optimize support using the guideline calculator (by giving all the deductions to one parent) or by considering family support.</p>
22.	Maria Tortorelli Self-Help Services Manager Superior Court of Orange County		N	<p>*All comments from this commentator address the proposed revisions to forms FL-615, FL-625, FL-626 and FL-663 – which circulated for comment with this proposal – and are not relevant to this report. See the comment chart in the Judicial Council report on those forms.</p>	<p>No response required in this report. See the comment chart in the Judicial Council report on the proposed revisions to forms FL-615, FL-625, FL-626, and FL-663.</p>
23.	Hon. Rebecca L. Wightman Child Support Commissioner Superior Court of San Francisco County	AM	N	<p>*Commentator agrees with the proposal for amendments to rule 5.275 if modified. Commentator does not believe private attorneys or parties should be required to use the guideline calculator because of the following:</p> <ul style="list-style-type: none"> - Efficiency/cost of litigation concerns: the guideline calculator does not allow users to store data that can be retrieved and modified as changes 	<p>The Judicial Council has broad rule-making authority under Family Code section 4252(b)(4) to adopt uniform rules of court and forms for use in title IV-D child support proceedings. Requiring use of the Guideline Calculator is consistent with this rule-making authority since it does not affect judicial discretion nor the ability of parties and attorneys to present evidence. Further, it will prevent</p>

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				<p>arise, and thereby increases the cost of litigation;</p> <ul style="list-style-type: none"> - Access/efficiency concerns: pro per litigants are similarly impacted. Requiring pro per litigants in title IV-D cases to use only the guideline calculator puts them at a disadvantage (compared to other pro per litigants in other family law departments) if they are relying on “help from someone who only has training on one of the other certified programs ...” and “by being required to bring in proposals <i>only</i> on the guideline calculator to bring their position to the table.” Commentator thinks “the AOC would err on the side of creating an environment where pro pers have greater access/ability to present information ...” - Court efficiency concerns: often cases get transferred to the IV-D department from a non-IV-D court (because one parent opening up a DCSS case) and pleadings and proposed calculations have already been prepared and filed. This rule would require everyone to redo the calculations. “Allowing private attorneys and parties to present, as a 	<p>inefficiencies (calculations will not have to be rerun if income information is initially entered into a different support calculation program). It will also prevent potential miscommunications and misunderstandings between attorneys and clients if the calculation prepared by the attorney on one of the other certified calculation programs produced a different result than the calculation on the guideline calculator.</p> <p>Regarding efficiency/cost of litigation concerns, AOC staff, representatives of the courts, and DCSS staff are discussing the possibility of standalone software that is not Internet based that would permit data to be stored and modified.</p> <p>Regarding access/efficiency concerns, training on the guideline calculator is being provided to family law facilitators, self-help center staff, and legal aid attorneys. Self-represented litigants can obtain help with the guideline calculator from family law facilitators or self-help center staff at no charge. Regarding court efficiency concerns, since federal certification finding PD-46 states a procedure that has to be followed in cases where there are any</p>

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				<p>reference, whatever information they have prepared—including proposals from other certified programs ...— can often speed up the process in identifying quickly differences in items such as timeshare and income.”</p> <p>Commentator believes there needs to be some type of exceptions clause for those times when (1) the guideline calculator is not available either internally or externally as well as (2) for purposes of allowing the court the opportunity for validation or cross-checking (e.g., when there is a legitimate concern over the validity/trustworthiness of the guideline calculator program).</p>	<p>discrepancies, calculations will have to be rerun irrespective of the rule. Regarding concerns about cross-checking, the current version of rule 5.275(b)(2) anticipates that there can be some variation in the calculation of child support. The rule allows for a 1 percent variation in the results of a certified calculator and a hand calculation. In addition, the statutory formula does not identify every step of the calculation. Where those steps are not specified (for example, how or when to round numbers), each calculator must make choices in how to proceed with the calculation. These choices may lead to some differing results in the final support indicated.</p> <p>An exceptions clause is not appropriate because of the variations in child support anticipated by rule 5.275(b)(2), because of the federal certification finding (see the attachment to the Judicial Council report) and the improved functionality of the guideline calculator. The court should handle extraordinary circumstances when the guideline calculator is not available on a case-by-case basis and should document in the record any reasons for alternative action.</p>

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				<p>Commentator believes the second sentence in (j) (1)—requiring the court to use only the guideline calculator as the basis for its findings—is ambiguous. It appears to preclude the court from using anything else—e.g. <i>other</i> evidence (testimony, etc.)—as the basis for its findings.</p>	<p>This language has been deleted.</p>
24.	<p>Lauren Zorfas Supervising Attorney, FLF/SHC Superior Court of San Mateo County</p>	AM	N	<p>The changes to rule 5.275 put the court in the awkward position of making a finding it may know to be incorrect. By requiring the court to use the calculator as the basis for its findings, the court’s hands become tied should evidence be put forth to show otherwise. We know that the calculator has some shortcomings and in fact is inaccurate in calculating some net earnings based on certain tax assumptions it makes. Similarly, unless something has changed, the calculator does not have the ability to calculate support in a scenario where there are two children and each child lives with a different parent and has a different timeshare with each of the parents.</p> <p>It would seem to make more sense to have the calculator create a rebuttable presumption that its calculations are correct, subject to evidence indicating the contrary. I would hope this</p>	<p>The proposed rule does not tie the court’s hand regarding evidence. The proposed rule deals solely with the use of particular software and has no impact on judicial discretion to determine the facts that are input into that software. The committee does not recommend the creation of a rebuttable presumption as it would not meet the federal certification findings. There have also been significant improvements made to the guideline calculator in response to concerns raised by child support commissioners. The guideline calculator now has the capability to calculate support in split custody situations.</p>

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				would keep us in compliance with the federal standards while at the same time allow for the courts to appropriately administer justice.	

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CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



August 19, 2008

Ms. Diane Nunn, Director
Center for Families, Children and the Courts
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

**SUBJECT: USE OF THE DEPARTMENT OF CHILD SUPPORT SERVICES'
CALIFORNIA GUIDELINE CHILD SUPPORT CALCULATOR IN
DETERMINATION OF CHILD SUPPORT OBLIGATION AMOUNTS IN IV-
D CASES**

The purpose of this letter is to clarify and reiterate the federal certification requirement that all Title IV-D child support obligations established by judicial action must be maintained in the Child Support Enforcement (CSE) system with linked CSE guideline calculations.

On April 4, 2008 Department of Child Support Services' (DCSS) issued Certification Letter 08-01 which communicated the Federal Certification Finding 4.32 regarding the use of the CSE Guideline Calculator in all Title IV-D cases. The certification letter and attached finding can be found at:

<http://www.childsup.ca.gov/Portals/0/resources/docs/policy/cert/2008/cert08-01.pdf>.

Federal Certification Finding 4.32 states that no calculator other than the CSE guideline calculator may be used to calculate child support obligation amounts in Title IV-D cases, and that the CSE guideline calculator must be used in a manner consistent with federal regulations by both court and local child support agency staff members. As the court must only use a calculation prepared on the California Guideline Child Support Calculator in Title IV-D cases, all calculations presented to the court, including those prepared by the private bar and self-represented parties shall be prepared using the DCSS Guideline Child Support Calculator. This federal requirement went into effect on May 9, 2008.

The public version of the Guideline Child Support Calculator is available to all persons with access to the internet at the following link:

<http://www.childsup.ca.gov/Resources/CalculateChildSupport/tabid/114/Default.aspx>

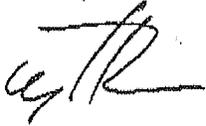
Users may run a variety of calculations on the public version and calculation summary pages may be printed for later consultation.

Ms. Diane Nunn
August 19, 2008
Page 2

The federal certification finding does not apply to non-Title IV-D proceedings. The court, parties or attorneys in non-Title IV-D proceedings may continue to use any software certified by the Judicial Council as provided for in California Rule of Court, Rule 5.275 .

Should you have any questions or concerns regarding this matter, please contact myself or Jarilyn Jones at (916) 464-5883.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Otterbeck", written over a horizontal line.

BILL OTTERBECK
Deputy Director

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



April 4, 2008

CERTIFICATION LETTER: 08-01

ALL IV-D DIRECTORS

Reason for this Transmittal

- State Law or Regulation Change
- Federal Law or Regulation Change
- Court Order or Settlement Change
- Clarification requested by One or More Counties
- Federal Certification

SUBJECT: PROCESS CHANGES REQUIRED FOR FEDERAL CERTIFICATION

This supersedes instructions outlined in Certification Letter 07-01.

The purpose of this letter is to direct all Local Child Support Agencies (LCSAs) to adopt or revise processes, as appropriate, to conform with mandates stemming from the ongoing Federal Certification Review. This letter addresses specific requirements as outlined in Federal Certification Finding 4.32.

Federal Certification Finding 4.32 states that no calculators other than the Child Support Enforcement (CSE) guideline calculator may be used to calculate child support obligation amounts in IV-D cases and that the CSE guideline calculator must be used in a manner consistent with federal regulations (as described in the following paragraph) by both county court and LCSA staff members.

All IV-D child support obligations established by judicial action must be maintained in the CSE system with linked CSE guideline calculations. All inputs used to calculate the final obligation amounts must be included in the CSE guideline calculations that are linked to the associated final court orders in CSE. Each guideline calculation linked to a support order in CSE must either (a) agree exactly with the final ordered amount, or (b) be identified in the system as a deviation.

To support this, a "Generation Reason" field has been added to indicate why the guideline calculation was run, if it was CSE generated or worker generated, the worker generating the guideline calculation (if applicable), and the date it was generated. This will address those instances where a guideline calculation is run based on information obtained outside of CSE.

CERTIFICATION Letter: 08-01

April 4, 2008

2

Additionally, in order to comply with Office of Child Support Enforcement requirements and close Finding 4.32 within the timeframes established for the overall certification effort, Department of Child Support Services (DCSS) has agreed to meet the following conditions regarding the implementation consistent with the limited exception granted by the federal government related to this finding:

1. By May 9, 2008, DCSS will have provided sufficient network access and software training to enable the use of the CSE Public Guideline Calculator at all county court locations where child support cases are heard.
2. By November 26, 2008, DCSS will have provided sufficient network access and software training to enable the use of the CSE Internal Guideline Calculator at all county court locations where child support cases are heard.

By meeting the two conditions referenced above, DCSS will support the ability of county child support commissioners and staff to adopt or revise their business practices to meet the federal certification requirements.

Attached is a description of Federal Certification Finding 4.32. The Required Process description section in the attachment has been coordinated with the Federal Certification Review Team, and must be adopted, effective immediately, by all LCSAs before the findings can be closed. The ultimate federal certification of California's Alternative System Configuration will not be possible until all findings have been formally closed by the federal Review Team.

Since the certification review is still in progress, we expect additional findings that will require LCSA process changes. Such findings will be addressed in future letters.

If you have any questions or concerns regarding this matter, please contact Jarilyn Jones at (916) 464-4884 or Cindi Pocaroba at (916) 464-4887

Sincerely,

/os/

BILL OTTERBECK
Deputy Director

Attachment

ATTACHMENT #1

Federal Certification Finding 4.32: Courts are using commercial software to calculate obligations

CSE has a guidelines calculator that meets certification requirements. However, some courts are persisting in utilizing commercial guideline calculation tools, which is in violation of the definition of a statewide CSE system. If the resulting guidelines calculation is different than that obtained using the CSE guidelines calculator, the certification team found that the deviation, amount and reason for the deviation may or may not be entered into the CSE guidelines calculator, depending on local business practices within the county.

Required Process

To be considered a statewide CSE system, the system must encompass all political subdivisions and organizations which provide child support enforcement related services. Therefore, the courts must use the CSE guidelines calculator contained in the CSE. The system must maintain case data on the application of the guidelines and deviations from the guidelines for the required four-year guideline review. This includes all guidelines calculations made prior to the court hearing as well as any re-runs of the guidelines calculations conducted during or after the court hearing.