



Judicial Council of California . Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 29, 2011

Title

Child Support: Form Revisions to Implement Changes to the Family Code and Improve Administration of Title IV-D Cases

Agenda Item Type

Action Required

Effective Date

July 1, 2011

Rules, Forms, Standards, or Statutes Affected

Revise forms FL-530, FL-615, FL-625, FL-630, FL-665, FL-676, FL-687, and FL-692; approve form FL-676-INFO

Date of Report

April 4, 2011

Recommended by

Family and Juvenile Law Advisory Committee

Hon. Kimberly J. Nystrom-Geist, Cochair

Hon. Dean Stout, Cochair

Contact

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise its governmental child support forms involving child support orders that are enforced by the local child support agencies to implement changes to the California Family Code made by Senate Bill 1355 (Wright; Stats. 2010, ch. 495). These statutory changes require (1) that every child support order and agreement made on or after July 1, 2011, that is enforced by a local child support agency include a provision regarding the effect of incarceration or involuntary institutionalization on child support orders and (2) that a means be provided to allow an obligor to petition the court for an adjustment of arrears after release from incarceration or involuntary institutionalization. The recommended revisions would also implement changes to 45 Code of Federal Regulations section 303.31¹ that require every child support order in the title IV-D

¹ The change to the Code of Federal Regulations have been incorporated into state law by Senate Bill 580 (Wright; Stats. 2010, ch. 103).

program to provide for medical support, including the definition of the reasonable cost for medical insurance and an option for cash medical costs not covered by health insurance and for situations in which health insurance is unavailable. The proposed form changes would also increase cost efficiencies, increase uniformity between governmental child support forms, remove unnecessary provisions and better administer the title IV-D child support program.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2011, take the following actions to ensure compliance with the requirements of Senate Bill 1355 (Wright; Stats. 2010, ch. 495), 45 Code of Federal Regulations section 303.31, and Senate Bill 580 as well as to increase cost efficiencies and better administer the title IV-D child support program:

1. Revise Form FL-530, *Judgment Regarding Parental Obligations (UIFSA)*;
2. Revise Form FL-615, *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental)*;
3. Revise Form FL-625, *Stipulation and Order (Governmental)*;
4. Revise Form FL-630, *Judgment Regarding Parental Obligations (Governmental)*;
5. Revise Form FL-665, *Findings and Recommendation of Commissioner (Governmental)*;
6. Revise Form FL-676, *Request for Judicial Determination of Support Arrearages (Governmental)*;
7. Approve Form FL-676-INFO, *Information Sheet for Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization*;
8. Revise Form FL-687, *Order After Hearing (Governmental)*; and
9. Revise Form FL-692, *Minutes and Order or Judgment (Governmental)*.

The proposed forms are attached at pages 10–37.

Previous Council Action

Effective January 1, 2010, the Judicial Council revised seven of the forms in this report (everything except FL-676 and FL-676-INFO) to implement changes to the Family Code made by Assembly Bill 2781 (Leno; Stats. 2006, ch. 797) that require every child support order to include (1) a separate money judgment against a child support obligor for the fee of a private child support collector and (2) a provision for continued health insurance coverage for disabled adult children.

Effective July 1, 1997, the Judicial Council adopted FL-676, *Request for Judicial Determination of Support Arrearages*, to implement legislation that created California's current Child Support Commissioner and Family Law Facilitator Program.

Rationale for Recommendation

This report recommends changes to forms to implement the mandates of Senate Bill 1355 (Wright; Stats. 2010, ch. 495), 45 Code of Federal Regulations 303.31(b), and Senate Bill 580 (Wright; Stats. 2010, ch.103). The Senate bills and the federal regulation affect all governmental cases where child support orders are issued. Based on legislative and regulatory mandates to increase uniformity and improve administration of title IV-D child support cases, this report's recommendations would make additional changes to eight of the forms proposed for revision.

Incarcerated or involuntarily institutionalized obligors

Senate Bill 1355, which added Family Code section 4007.5, provides that the obligation of a person ordered to pay child support pursuant to an order that is being enforced by a local child support agency under title IV-D of the Social Security Act is suspended for any period exceeding 90 days in which the obligor is incarcerated or involuntarily institutionalized. New Family Code section 4007.5 also provides that the child support order will immediately resume upon the obligor's release from confinement. Once released, the obligor may petition the court for an adjustment of arrears and must provide proof of the dates of incarceration or involuntary institutionalization, as well as proof that he or she had insufficient means to pay the support during that period. Finally Section 4007.5(h) requires that the Judicial Council develop forms necessary for the implementation of this new Family Code section no later than July 1, 2011, including a form to allow an obligor to petition to adjust arrears.

In order to implement the mandates of SB 1355, the following language would be added to Forms FL-530 (item 6b(6)), FL-615 (item 3e(6)), FL-625 (item 3d(6)), FL-630 (item 6b(6)), FL-665 (item 5c(6)), FL-687 (item 4b(6)), and FL-692 (item 14i):

As provided in Family Code section 4007.5, the obligation of the person ordered to pay support must be suspended for any period exceeding 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless that person has the ability to pay support while incarcerated or involuntarily institutionalized. Immediately upon the release from incarceration or involuntary institutionalization of the person ordered to pay support, the support order will start in the amount of the last child support order.

In addition to adding the language to the above referenced forms, new Family Code section 4007.5 requires the Judicial Council to develop forms necessary to allow a child support obligor to petition the court for an adjustment of arrears upon release from incarceration or involuntary institutionalization. To that end, the current FL-676, *Request for Judicial Determination of Support Arrearages* would be revised and renamed as *Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization*.

Form FL-676 currently allows child support obligors to petition the court in governmental child support cases to request a judicial determination of child support arrears when the obligor

disagrees with the local child support agency's calculation of arrears. This form would be revised to also allow an obligor to request that the court adjust his or her child support arrears upon release from incarceration/institutionalization. The title of the form would be revised to make it clear to the user that the form can be used for either a determination of arrearages or an adjustment of arrears pursuant to the specific circumstances stated in new Family Code section 4007.5(d). Check boxes would be added to the form's caption and headings would be added to some form items to allow the users to identify the relief the user is requesting. Because each of the requests has its own specific statutory requirements, this revised form will provide better notice to the court and the parties regarding the nature of the request and the elements specific thereto. Additional items would be added to the form under the heading "Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization" to incorporate the requirements of SB 1355 to allow an obligor to make the request for an adjustment of the arrearages.

This revision would also include specific references to the statutory authority in the Family Code for making this request. There are very limited statutorily authorized circumstances under which an adjustment to arrearages can be made without resulting in an impermissible retroactive modification of the child support order. The revised title of the form clarifies that the adjustment of arrearages would only be made as a result of incarceration or involuntary institutionalization and would not mislead users into believing the court has the authority to retroactively adjust child support arrears in other circumstances. Also, SB 1355 provides that the court may deny the obligor's petition for an adjustment of arrears for the period of time that the obligor was incarcerated if the incarceration was due to any offense constituting domestic violence against the support obligee or supported child as defined by Family Code section 6211 or for any offense that could be enjoined by a protective order under Family Code section 6320. Because SB 1355 specifically cites these Family Code sections, those cited sections have been included on the form.

Proposed new form FL-676-INFO, *Information Sheet for Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization* would be approved as a separate form rather than as part of *Request for Judicial Determination of Support Arrearages (Governmental)* (form FL-676). This separation is part of the ongoing effort of the Judicial Council to make information sheets readily available to the public and eliminate excess and unnecessary paper from being filed with the court.

Uninsured health-care costs

In July 2008 the federal regulations were modified, changing the requirements for establishing and enforcing medical support obligations in child support cases receiving services under title IV-D of the Social Security Act. Federal laws require that child support guidelines consider whether the cost to add a child to the health insurance is reasonable and whether the medical services available through the health insurance are accessible for the child. The guidelines must not only consider the health insurance that may be available to either or both parents, but also how the parents will meet the child's health-care needs when no insurance is available, or when

the cost of insurance is beyond the reasonable means of the parents. Specifically, 45 Code of Federal Regulations § 303.31 requires that each state have a method for obtaining “cash medical support,” which is either an amount ordered to be paid toward the cost of health insurance or for other medical costs not covered by insurance.

The Department of Child Support Services requested clarification from the federal Office of Child Support Enforcement (OCSE) regarding whether, based on existing state law, California was already in compliance with this federal regulation. OCSE advised that the existing definition of “reasonable cost” as insurance available through employment was not consistent with the definition in the federal regulation that defined “reasonable cost” as not exceeding 5 percent of the parent’s gross income to add the child. Family Code section 3751 was amended by SB 580 to make the definition of “reasonable cost” consistent with the federal regulation. With regard to cash medical support, Family Code section 4062 provides that the court shall order as additional child support the splitting of uninsured health-care costs, and Family Code section 4063 provides instructions to the parties on how to implement the order. OCSE found that these Family Code provisions were sufficient to meet the requirements of the federal regulation if an order for the sharing of uninsured health-care costs was actually made in all child support cases. There was a concern, however, that a phrase in Family Code section 4061 seemed to suggest that the court had discretion in making this order. In response, Senate Bill 580 (Wright; Stats. 2010, ch. 103) revised several Family Code sections to implement the requirements of federal law. Family Code section 3751(a)(2) was amended to require that health insurance be provided by either or both parents, if that insurance is available at no cost or reasonable cost. Health insurance coverage is rebuttably presumed to be reasonable if the cost does not exceed 5 percent of the gross income to add the child to the health insurance plan. Family Code section 4061 was modified by SB 580 to remove language that created ambiguity about whether or not an order for uninsured health-care costs is mandatory.

Forms FL-530 (item 6b(1)), FL-615 (item 3e(1)), FL-625 (item 3d(1)), FL-630 (item 6b(1)), FL-665 (item 5c(1)), and FL-687 (item 4b(1)) would be revised to add a provision for the sharing of uninsured health-care costs. This provision would allow the court the flexibility to make an order splitting the uninsured health-care cost evenly, based on a proportionate share, or for a sum certain as allowed by California law. It also would allow courts the flexibility to make an order for the payment to be made directly to the other parent, the health-care provider, or the State Disbursement Unit.

Child-care costs

In addition to the added provision for the splitting of uninsured health care costs, these same forms (and same items) would be revised to add a provision for parents to split childcare costs. Adding this provision to the forms would allow courts to make mandatory orders that comply with the requirements of Family Code sections 4061 and 4062 regarding childcare costs. Similar language is already provided for in other Judicial Council forms. The absence of this language causes local child support agencies to regularly add this order for childcare costs manually to the forms outside of the statewide automated Child Support Enforcement System. Such manual

work-arounds are resource intensive and cause inconsistency of practice among the local child support agencies. In order to increase uniformity throughout the state and reduce costs for the local child support agencies, the above referenced forms would be revised to add an order for the splitting of childcare expenses. Again, the item would allow the court to use its discretion to make an order splitting the cost evenly, based on a proportionate share, or for a sum certain as allowed by California law. The item would also allow the court the flexibility to make an order for the payment to be made directly to the other parent, the childcare provider, or the State Disbursement Unit.

Removal of request to recover costs

The Code of Federal Regulations, 45 C.F.R. §302.33(d), provides that states may elect to recover administrative costs under the state IV-D plan. California has elected to not recover such costs, and therefore, the item on the governmental child support forms that provides for recovery of the cost is unnecessary. Eliminating this item will make additional space available to be used as additional text for other orders and recommendations. The cost recovery provision would be removed from the Forms FL-530 (item 6l), FL-615 (item 3p), FL-630 (item 6o), and FL-665 (item 5o).

Other revisions to improve the administration of IV-D cases

FL-615, *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental)* would be revised at item 3p to add a check box in front of the item and revise the language to make it uniform with other governmental child support judgment, stipulation, and order forms.

Form FL-630, *Judgment Regarding Parental Obligations (Governmental)* would be revised at item 1a to add language to specify when the proposed judgment has been amended. Revising this form to include check boxes to distinguish between an initial and an amended proposed judgment would eliminate confusion and create more clarity for the court and the parties.

During a prior forms cycle, the space available to enter a monthly payment amount for the repayment of child support arrears was inadvertently removed from three forms making that item ineffectual for its intended use. Forms FL-630, item 6d(2), FL-665 item 5e(2) and FL-692 item 18b would be revised to correct the prior change.

Form FL-687 item 4d and Form FL-692 item 19 would be revised to clarify that the order of the court is for support arrears.

Comments, Alternatives Considered, and Policy Implications

Comments

The invitation to comment on the proposal was circulated for public comment from December 13, 2010, through January 24, 2011, and also was sent to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list. These distribution lists include judges, court administrators, attorneys, social workers, probation officers, mediators,

and other family and juvenile law professionals. In addition, the proposal was sent to child support commissioners, family law facilitators, court clerks, the California Department of Child Support Services (DCSS), Child Support Directors Association (CSDA) forms committee, and title IV-D program directors.

During the formal comment period the committee received 15 written comments. Of these, 4 commentators agreed with the proposed revisions, 6 agreed if suggested modifications were made; 3 did not indicate a position; and 2 disagreed with the proposed revisions in its entirety. The committee reviewed and analyzed the comments and, in response to many of them, made some revisions to the proposed form. A chart summarizing the comments received and the committee's responses is attached at pages 38–67.

Several commentators requested that the period of incarceration or involuntary institutionalization that triggers the relief from the ongoing child support order be changed to a shorter period of time. Commentators also requested that the child support order resume at a later date once the obligor is released from confinement. SB 1355 provides that the suspension of the child support order due to incarceration or involuntary institutionalization is available for any period exceeding 90 consecutive days. This legislation also provides that the suspension of the child support obligation only applies to periods of incarceration or involuntary institutionalization and that after that period, the obligation shall immediately resume. The proposed language in each of the forms complies with this legislation and cannot be changed to some other period of time.

Some commentators suggested that in addition to the governmental child support forms, the family law forms be revised to include the language provided in SB 1355 regarding the suspension of the child support order due to incarceration or involuntary institutionalization. They suggest that this is appropriate because the local child support agency may later intervene or register a family law order at some point in the future. The legislation authorizing the suspension of the child support order specifically provides that the suspension is only applicable to cases where the local child support agency is already providing services. The legislation requires that the relevant provisions regarding incarceration and involuntary institutionalization be included in all child support orders and judgments where the local child support agency is providing services. This provision does not operate retroactively nor as a matter of law upon the agency intervening in a previously nongovernmental child support case. It would be contrary to law to add language concerning suspension of the child support in these circumstances to family law forms where this relief is not available.

Some commentators also suggested adding language to each of the forms to clarify that the obligor must petition the court for an adjustment of his or her child support arrearages after the obligor is released from incarceration or involuntary institutionalization. The plain language of Family Code section 4007.5(a) requires that every child support order being enforced by the local child support agency include an order that suspends the child support obligation by operation of law if an obligor is incarcerated or involuntarily institutionalized for more than 90

days and has no means to pay support while confined. This would therefore allow a local child support agency to administratively adjust its accounting for any period qualifying under the legislation. However, Family Code section 4007.5(c) also allows the obligor to petition to the court for an adjustment of arrears and allows the local child support agency and obligee an opportunity to object to the petition. This section requires the court to approve the petition before the arrears are adjusted. Because the legislative intent is unclear as to whether a support order can administratively be suspended by the local child support agency enforcing the support order or whether an obligor must petition the court for relief before the child support order can be adjusted for the qualifying period, the committee does not recommend adding language to the forms stating that the obligor must petition the court for an adjustment of his or her child support arrears. The legislative intent must be resolved by legislative amendment or interpretation by the appellate court. The proposed language of the form does not exclude either interpretation of the statute. Instead, the required language has been added to each of the forms with a reference to the applicable statute.

The Child Support Directors Association (CSDA) requested that an item be moved and several items be renumbered on current FL-676, *Request for Judicial Determination of Support Arrearages* that would be revised and renamed as *Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization*. CSDA requests that item 2, which declares that the local child support agency is providing enforcement services in the case, be moved above the first heading. In order to request that the court either make an arrears determination or adjust arrears due to incarceration or involuntary institutionalization using this form, the local child support agency must be providing services. Because this requirement applies to both types of the relief available to be requested, it is appropriate to move the item.

CSDA also suggested that the heading “Determination of Support Arrearages” and the heading “Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization” be numbered and that the items under the heading be renumbered as subparts of the item number of the corresponding heading. Numbering the heading would clarify that this form can be used (1) to either seek a determination of arrears or to request an adjustment of arrearage or (2) to make both requests. Numbering the items as subparts under the heading would clarify which information the petitioner must provide when making the particular request. Also, a check box would be added at item 4b. SB 1355 gives the court the discretion to deny the petition if it finds that the obligor was incarcerated or involuntarily institutionalized for any offense constituting domestic violence as defined by specific sections of the Family Code. Because an obligor can still petition the court for relief if the confinement was a result of a domestic violence offense, it is appropriate to add a check box.

One commentator suggested revising FL-676 to clarify that an obligor may petition the court for an adjustment to the arrears for multiple periods of incarceration or involuntary institutionalization. In order to clarify that an obligor may petition the court for relief for multiple periods of confinement in one motion, “date” at item 4a and b would be revised to “date(s).”

One commentator pointed out that a parent ordered to provide health insurance coverage may find a better and less expensive health care plan than offered through employment and should have the option of using that plan. SB 580 provides that the court must order one or both parents to provide health insurance coverage for the supported child if it is available at no or reasonable cost. Health insurance coverage is rebuttably presumed to be reasonable if the cost to provide insurance for the child does not exceed 5 percent of the parent's gross income. In response to this comment, the health insurance provision on the governmental judgment, stipulation, and order forms would be revised to remove the reference that the parents obtain health insurance for the child if it is available through employment. The removal of this language will clarify for the parties that health insurance must be provided for the child if it can be obtained at no or reasonable cost, no matter the source, consistent with the requirement of SB 580. Additional language would also be added to each of the health insurance provisions on the forms to include the statutory definition of reasonable costs.

Alternatives considered

Because legislation requires that every child support order and agreement that is being enforced by a local child support agency include a provision suspending the child support obligation for any time exceeding 90 days that an obligor is incarcerated or involuntary institutionalized effective July 1, 2011, the Family and Juvenile Law Advisory Committee rejected the option of taking no action. (Fam. Code, § 4007.5(2)(h).)

Implementation Requirements, Costs, and Operational Impacts

The committee is not aware of any implementation requirements, increased costs, or operational impacts on the local courts arising out of the revision of the forms.

Attachments

1. Forms FL-530, FL-615, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, and FL-692, at pages 10–37
2. Chart of comments, at pages 38–67
3. Attachment A: SB 580, at pages 68–73
4. Attachment B: SB 1355, at pages 74–75

GOVERNMENTAL AGENCY (Under Family Code, §§ 17400, 17406): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 6 - 021611icb Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER:	
JUDGMENT REGARDING PARENTAL OBLIGATIONS (UIFSA) <input type="checkbox"/> AMENDED <input type="checkbox"/> SUPPLEMENTAL	CASE NUMBER:

1. a. **NOTICE: THIS IS A PROPOSED JUDGMENT.** This *Judgment Regarding Parental Obligations (UIFSA)* will be entered by the court and will become legally binding unless you fill out and file the *Response to Uniform Support Petition (UIFSA)* (form FL-520) with the court clerk within 30 days of the date you were served with the *Summons (UIFSA)* (form FL-510) and *Uniform Support Petition* (form OMB 0970-0085). If you need a *Response* form, you may get one from the local child support agency, the court clerk, or the family law facilitator. The family law facilitator will help you fill out the forms. To file the *Response*, follow the procedures listed in the information sheet attached to that form.
- b. **NOTICE: THIS IS A JUDGMENT.** It is now legally binding.
2. **THIS MATTER PROCEEDED AS FOLLOWS:**
 - a. Judgment entered under Family Code section 5002.
 - b. By court hearing, appearances as follows:

(1) Date:	Dept.:	Judicial officer:
(2) <input type="checkbox"/> Petitioner present	<input type="checkbox"/> Attorney present (name):	
(3) <input type="checkbox"/> Respondent present	<input type="checkbox"/> Attorney present (name):	
(4) Child support agency (Family Code, §§ 17400, 17406) by (name):		
(5) <input type="checkbox"/> Other (specify):		
 - c. The parent ordered to pay support is the petitioner respondent other (specify):
3. This order is based on presumed income for the parent ordered to pay support under Family Code section 5002.
4. Attached is a computer printout showing the parents' income 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.
5. This order is based on the attached documents (specify):
6. **THE COURT ORDERS:**
 - a. The parent ordered to pay support is the parent of the children named in item 6b. has previously been determined to be the parent of the children named in item 6b.
 - b. The parent ordered to pay support must pay current child support as follows:

<u>Name of child</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
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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: RESPONDENT: OTHER:	CASE NUMBER:
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6. b. (1) Mandatory additional child support
- (a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit child-care provider.
- (b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit health-care provider.
- (2) Other (specify):

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

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

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

(6) As provided in Family Code section 4007.5, the obligation of the person ordered to pay support will be temporarily suspended for any period after the first 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless that person has the ability to pay support during that time or has committed certain crimes. Immediately after the person ordered to pay support is released from incarceration or involuntary institutionalization, the support order will restart in the same amount as it was before it was temporarily suspended.

c. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5% of gross income to add a child); (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; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

d. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below:

Name of child	Date of birth	Period of support	Amount

(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.


PETITIONER: RESPONDENT: OTHER:	CASE NUMBER:
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6. e. No provision of this judgment operates 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.
- f. All payments, unless specified in item 6b(1) above, must be made to the State Disbursement Unit at the address listed below (specify address):
- g. **An earnings assignment order is issued.**
- h. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.
- i. If "The parent ordered to pay support" box is checked in item 6c, a health insurance coverage assignment must issue.
- j. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- k. The *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- l. The court further orders (specify):

Date: _____

Number of pages attached: _____

 JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order. Date: _____  _____ (SIGNATURE OF ATTORNEY FOR THE PARENT ORDERED TO PAY SUPPORT)
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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 6 021611icb 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 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. The parent ordered to pay support has read and understands the *Advisement and Waiver of Rights for Stipulation* on page 5 of this form. The parent ordered to pay support 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 party ordered to pay support 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 the guideline, no change of circumstances need be shown for the court 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. The computer printout attached shows 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.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. d. Petitioner/plaintiff Respondent/defendant Other parent are the parents of the children named in item 3e below.

e. The parent ordered to pay support must pay current child support as follows:

<u>Name of child</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
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(1) Mandatory additional child support

(a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:

one-half or % or (specify amount): \$ per month of the costs.

Payments must be made to the other parent State Disbursement Unit child-care provider.

(b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:

one-half or % or (specify amount): \$ per month of the costs.

Payments must be made to the other parent State Disbursement Unit health-care provider.

(2) Other (specify):

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

(4) The low-income adjustment applies.

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

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

(6) As provided in Family Code section 4007.5, the obligation of the person ordered to pay support will be temporarily suspended for any period after the first 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless that person has the ability to pay support during that time or has committed certain crimes. Immediately after the person ordered to pay support is released from incarceration or involuntary institutionalization, the support order will restart in the same amount as it was before it was temporarily suspended.

f. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5% of gross income to add a child); (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; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. g. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below.

<u>Name of child</u>	<u>Date of birth</u>	<u>Period of support</u>	<u>Amount</u>
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(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.

- h. 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.
- i. 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.
- j. All payments, unless specified in item 3e(1) above, must be made to the State Disbursement Unit at the address listed below (specify address):

k. An earnings assignment order is issued.

l. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.

m. If "The parent ordered to pay support" box is checked in item 3f, a health insurance coverage assignment must issue.

n. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

o. 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.

p. The following person (the "other parent") is added as a party to this action (name):

q. Other (specify):

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

Number of pages attached: _____

SIGNATURE FOLLOWS LAST ATTACHMENT

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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ADVISEMENT AND WAIVER OF RIGHTS FOR STIPULATION

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.
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).
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.
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.
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.
6. **WHERE THE STIPULATION INCLUDES CHILD SUPPORT.**
 - 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.
 - 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 one is assigned to collect the support.
 - c. I have been advised of the amount of guideline child support and how the proposed child support amount was determined.
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/*National Medical Support Notice* may be ordered to get health insurance for my children.
8. I agree to the terms of this stipulation freely and voluntarily.
9. I understand that the local child support agency is required by state law to enforce the duty of support.
10. **I UNDERSTAND THAT IF I WILLFULLY FAIL TO SUPPORT MY CHILDREN, CRIMINAL PROCEEDINGS MAY BE INITIATED AGAINST ME.**
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.
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.**

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):
 Date: I understand the translation. Date: I understand the translation.

 (TYPE OR PRINT NAME)

 (PARTY'S SIGNATURE)

 (TYPE OR PRINT NAME)

 (PARTY'S SIGNATURE)

DECLARATION OF PERSON PROVIDING INTERPRETATION/TRANSLATION: The party/parties indicated below is/are unable to read or understand this *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* because

(Insert name): _____'s primary language is (specify): _____ and he or she has has not read the form stipulation translated into this language.
 (Insert name): _____'s primary language is (specify): _____ and he or she has has not read the form stipulation translated into this language.

I certify under penalty of perjury under the laws of the State of California that I am competent to interpret or translate in the primary language indicated above and that I have, to the best of my ability, read to, interpreted for, or translated for the above-named party the *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* in the party's primary language. 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)

 (SIGNATURE)

 (TYPE OR PRINT NAME)

 (SIGNATURE)

GOVERNMENTAL AGENCY (Under Family Code, §§ 17400, 17406): <hr/> TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY Draft 7-021611icb 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 AND ORDER	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 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. All orders previously made in this action remain in full force and effect except as specifically modified below.
- b. The amount of support payable by the parent ordered to pay support 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 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 the guideline, no change of circumstances need be shown for the court 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. The attached computer printout shows 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.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. d. The parent ordered to pay support must pay current child support as follows:

<u>Name of child</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
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- (1) Mandatory additional child support
- (a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit child-care provider.
- (b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit health-care provider.
- (2) Other (specify): _____

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

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

- (5) Any support ordered will continue until further order of court, unless terminated by operation of law.
- (6) As provided in Family Code section 4007.5, the obligation of the person ordered to pay support will be temporarily suspended for any period after the first 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless that person has the ability to pay support during that time or has committed certain crimes. Immediately after the person ordered to pay support is released from incarceration or involuntary institutionalization, the support order will restart in the same amount as it was before it was temporarily suspended.

e. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5% of gross income to add a child); (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; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. f. The parent ordered to pay support owes support arrears as follows, as of *(date)*:
- (1) Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____
- (2) Interest is not included and is not waived.
- (3) Payable: \$ _____ on the _____ day of each month beginning *(date)*:
- (4) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.
- g. 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.
- h. All payments, unless specified in item 3d(1) above, must be made to the State Disbursement Unit at the address listed below *(specify address)*:

i. An Income Withholding for Support (form FL-195/OMB No. 0970-0154) will issue.

- j. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.
- k. If "The parent ordered to pay support" box is checked in item 3e, a health insurance coverage assignment must issue.
- 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. The following person (the "other parent") is added as a party to this action *(name)*:
- o. 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)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF OTHER PARENT)

Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF ATTORNEY FOR OTHER PARENT)

ORDER

4. THE COURT SO ORDERS.

Date: _____

 JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

Number of pages attached: _____

DECLARATION OF PERSON PROVIDING INTERPRETATION/TRANSLATION: The party/parties indicated below is/are unable to read or understand this *Stipulation and Order* because

(Insert name) _____'s primary language is (specify):

and he or she has has not read the form stipulation translated into this language.

I certify under penalty of perjury under the laws of the State of California that I am competent to interpret or translate in the primary language indicated above and that I have, to the best of my ability, read to, interpreted for, or translated for the above-named party the *Stipulation and Order* in the party's primary language. The above-named party said he or she understood the terms of this *Stipulation and Order* before signing it.

Date: _____

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE)

(Insert name) _____'s primary language is (specify):

and he or she has has not read the form stipulation translated into this language.

Date: _____

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE)

GOVERNMENTAL AGENCY (Under Family Code, §§ 17400,17406): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 7 -021611icb 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: _____	
JUDGMENT REGARDING PARENTAL OBLIGATIONS <input type="checkbox"/> _____ AMENDED <input type="checkbox"/> _____ SUPPLEMENTAL	CASE NUMBER: _____

1. a. **NOTICE: THIS IS A** **PROPOSED** **AMENDED PROPOSED JUDGMENT. This Judgment Regarding Parental Obligations will be entered by the court and will become legally binding unless you fill out and file the Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental) (form FL-610) with the court clerk within 30 days of the date you were served with the Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental) (form FL-600). If you need form FL-610, you may get one from the local child support agency's office, the court clerk, or the family law facilitator. The family law facilitator will help you fill out the forms. To file the answer, follow the procedures listed in the attached instructions.**
- b. **NOTICE: THIS IS A JUDGMENT. It is now legally binding.**
2. **This matter proceeded as follows:**
- a. Judgment entered under Family Code section 17430.
- b. By court hearing, appearances as follows:
- | | | |
|---|--------------------------|--------------------------------|
| (1) Date: _____ | Dept.: _____ | Judicial officer: _____ |
| (2) <input type="checkbox"/> Petitioner/plaintiff present | <input type="checkbox"/> | Attorney present (name): _____ |
| (3) <input type="checkbox"/> Respondent/defendant present | <input type="checkbox"/> | Attorney present (name): _____ |
| (4) <input type="checkbox"/> Other parent present | <input type="checkbox"/> | Attorney present (name): _____ |
| (5) Local child support agency attorney (Family Code, §§ 17400,17406) (name): _____ | | |
| (6) <input type="checkbox"/> Other (specify): _____ | | |
- c. The parent ordered to pay support is the petitioner/plaintiff respondent/defendant other parent.
3. This order is based on presumed income for the parent ordered to pay support under Family Code section 17400.
4. 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.
5. This order is based on the attached documents (specify): _____

THE COURT ORDERS

6. a. Petitioner/plaintiff Respondent/defendant Other parent are the parents of the children named in item 6b below.
- b. The parent ordered to pay support must pay current child support as follows:
- | | | |
|----------------------|----------------------|-------------------------------|
| <u>Name of child</u> | <u>Date of birth</u> | <u>Monthly support amount</u> |
|----------------------|----------------------|-------------------------------|

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:
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6. b. (1) Mandatory additional child support
- (a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit child-care provider.
- (b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit health-care provider.
- (2) Other (specify):

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

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

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

(6) As provided in Family Code section 4007.5, the obligation of the person ordered to pay support will be temporarily suspended for any period after the first 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless that person has the ability to pay support during that time or has committed certain crimes. Immediately after the person ordered to pay support is released from incarceration or involuntary institutionalization, the support order will restart in the same amount as it was before it was temporarily suspended.

c. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5% of gross income to add a child); (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; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

d. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below:

Name of child	Date of birth	Period of support	Amount
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PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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6. d. (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.

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

f. No provision of this judgment can 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.

g. All payments, unless specified in item 6b(1) above, must be made to the State Disbursement Unit at the address listed below (*specify address*):

h. An earnings assignment order is issued.

i. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.

j. If "The parent ordered to pay support" box is checked in item 6c, a health insurance coverage assignment must issue.

k. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

l. The form *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.

m. The following person (the "other parent") is added as a party to this action (*name*):

n. **The court further orders** (*specify*):

Date: _____


Number of pages attached: _____

 JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order.

Date: _____



 (SIGNATURE OF ATTORNEY FOR THE PARENT ORDERED TO PAY SUPPORT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY Draftv - 021611icb 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:	
FINDINGS AND RECOMMENDATION OF COMMISSIONER	CASE NUMBER: _____

1. Name (*specify*): _____ objected to Commissioner (*name*): _____
 hearing this matter as a temporary judge.
2. **THIS MATTER PROCEEDED AS FOLLOWS**
 - a. By court hearing, appearances as follows:

(1) Date: _____	Dept.: _____	Judicial officer: _____
(2) <input type="checkbox"/> Petitioner/plaintiff present	<input type="checkbox"/> Attorney present (<i>name</i>): _____	
(3) <input type="checkbox"/> Respondent/defendant present	<input type="checkbox"/> Attorney present (<i>name</i>): _____	
(4) <input type="checkbox"/> Other parent present	<input type="checkbox"/> Attorney present (<i>name</i>): _____	
(5) Local child support agency attorney (Family Code, §§ 17400, 17406) by (<i>name</i>): _____		
(6) <input type="checkbox"/> Other (<i>specify</i>): _____		
 - b. The parent ordered to pay support is the petitioner/plaintiff respondent/defendant other parent.
3. Attached is a computer printout showing the parents' income and percentage of time each parent spends with the child(ren).
 The printout, which shows the calculation of child support payable, will become the court's findings.
4. This recommended order is based on the attached documents (*specify*): _____
5. **THE COMMISSIONER RECOMMENDS THE FOLLOWING**
 - a. All orders previously made in this action remain in full force and effect except as modified below.
 - b. (*Name of parent*): _____ mother father
 (*Name of parent*): _____ mother father
 are the parents of the children listed below.
 - c. The parent ordered to pay support must pay current child support as follows:

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

(1) Mandatory additional child support _____

(a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:
 one-half or _____ % or (*specify amount*): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit child-care provider.

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:
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5. c. (1) (b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit health-care provider.

(2) Other (specify):

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

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

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

(6) As provided in Family Code section 4007.5, the obligation of the person ordered to pay support will be temporarily suspended for any period after the first 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless that person has the ability to pay support during that time or has committed certain crimes. Immediately after the person ordered to pay support is released from incarceration or involuntary institutionalization, the support order will restart in the same amount as it was before it was temporarily suspended.

d. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5% of gross income to add a child); (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; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

e. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below:

Name of child	Date of birth	Period of support	Amount
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(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.

f. The parent ordered to pay support owes support arrears as follows, as of (date):

(1) Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____

(2) Interest is not included and is not waived.

(3) Payable: \$ _____ on the _____ day of each month beginning (date):

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

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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g. No provision of this judgment/order 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.

h. All payments, unless specified in item 5c(1) above, must be made to the State Disbursement Unit at the address listed below (specify address):

i. An earnings assignment order is issued.

j. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.

k. If "The parent ordered to pay support" box is checked in item 5d, a health insurance coverage assignment must issue.

l. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

m. The form *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. The following person (the "other parent") is added as a party to this action (name):

o. The court further recommends (specify):

Date:

 COMMISSIONER
 SIGNATURE FOLLOWS LAST ATTACHMENT

Number of pages attached: ____

CLERK'S CERTIFICATE OF MAILING OR SERVICE

I certify that I am not a party to this cause and that

1. **Personal service.** A true copy of this *Findings and Recommendation of Commissioner* was handed to the petitioner/plaintiff respondent/defendant other parent at the hearing of this matter before the commissioner.

2. **Mail.** A true copy of this *Findings and Recommendation of Commissioner* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the request was mailed at (place): _____ California, on (date): _____

Date: _____ Clerk, by _____, Deputy

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draftv7 021611icb 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: _____	
REQUEST FOR JUDICIAL <input type="checkbox"/> DETERMINATION OF SUPPORT ARREARAGES <input type="checkbox"/> ADJUSTMENT OF ARREARAGES DUE TO INCARCERATION OR INVOLUNTARY INSTITUTIONALIZATION	CASE NUMBER: _____

NOTICE OF HEARING

1. A hearing on this application will be held as follows (see instructions on how to get a hearing date):

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:
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b. Address of court: same as noted above other (specify): _____

2. The local child support agency is providing support enforcement services in this case.

3. DETERMINATION OF SUPPORT ARREARAGES

- a. The local child support agency states that I owe support arrearages as shown in the attached document.
- b. I disagree with the local child support agency's statement, and I request the court to make a determination of arrearages. I am attaching my statement of the arrearages, which includes a monthly breakdown of amounts ordered and amounts paid.

4. ADJUSTMENT OF ARREARAGES DUE TO INCARCERATION OR INVOLUNTARY INSTITUTIONALIZATION

- a. I was incarcerated or involuntarily institutionalized for the following periods of time during which I did not have the means to pay support. (Attach any proof of your incarceration or involuntary institutionalization):
 - (1) Date(s) of incarceration or involuntary institutionalization: _____
 - (2) Date(s) of release: _____
- b. The reason for my incarceration or involuntary institutionalization was not a result of any offense constituting domestic violence as defined in Family Code section 6211 against the parent receiving support or supported child, or for an offense that could be enjoined by a protective order under Family Code section 6320, or as a result of my failure to comply with a court order to pay child support.

5. Other (specify): _____

This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, before the hearing, you or any other party objects to the commissioner acting as a temporary judge. The court commissioner may still hear your case to make findings and recommendations to a judge. However, if you object to the commissioner acting as a temporary judge, an order will not be made until a judge reviews your case.

PETITIONER: RESPONDENT: OTHER:	CASE NUMBER:
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Number of pages attached:

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

Date:

_____ _____
 (TYPE OR PRINT NAME) (SIGNATURE)

An adult other than you must complete the Proof of Service below.

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. My residence or business address is (*specify*):

3. I served a copy of the foregoing *Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization* (Form FL-676) and all attachments as follows (*check either a or b for each person served*):

a. **Personal delivery.** I personally delivered a copy and all attachments as follows:

- | | |
|--|---|
| (1) <input type="checkbox"/> Name of party or attorney served: _____
(a) Address where delivered: _____
(b) Date delivered: _____
(c) Time delivered: _____ | (2) <input type="checkbox"/> Name of local child support agency served: _____
(a) Address where delivered: _____
(b) Date delivered: _____
(c) Time delivered: _____ |
|--|---|

b. **Mail.** I deposited this request in the United States mail, in a sealed envelope with postage fully prepaid. I used first-class mail. The envelope was addressed and mailed as follows:

- | | |
|---|--|
| (1) <input type="checkbox"/> Name of party or attorney served: _____
(a) Address: _____
(b) Date mailed: _____
(c) Place of mailing (<i>city and state</i>): _____ | (2) <input type="checkbox"/> Name of local child support agency served: _____
(a) Address: _____
(b) Date mailed: _____
(c) Place of mailing (<i>city and state</i>): _____ |
|---|--|

c. **Other** (*specify code section*): _____

Additional page is attached.

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

Date:

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

INFORMATION SHEET FOR REQUEST FOR JUDICIAL DETERMINATION OF SUPPORT ARREARAGES OR ADJUSTMENT OF ARREARAGES DUE TO INCARCERATION OR INVOLUNTARY INSTITUTIONALIZATION

Please follow these instructions to complete a *Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization* (form FL-676) if you do not have an attorney to represent you. If you have an attorney, he or she should complete form FL-676. If you need free help completing form FL-676, you can contact the Family Law Facilitator's Office in your county. For more information on finding a family law facilitator, see the California Courts Online Self-Help Center at www.courts.ca.gov/selfhelp.

Form FL-676 should be used only if you disagree with the support arrearages that the local child support agency says that you owe or you need an adjustment due to incarceration or institutionalization and you cannot reach an agreement with the local child support agency. Form FL-676 cannot be used if you want to change your child support order.

When you have completed this form FL-676, file the original and attachments with the court clerk. The court clerk's address is listed in the telephone directory under "County Government Offices" or online at www.courts.ca.gov/courts/find.htm. **Keep three copies of the filed form and its attachments. Serve one copy on the local child support agency, one copy on the other parent, and keep the other for your records. (See *Information Sheet for Service of Process* (form FL-611).)**

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR JUDICIAL DETERMINATION OF SUPPORT ARREARAGES OR ADJUSTMENT OF ARREARAGES DUE TO INCARCERATION OR INVOLUNTARY INSTITUTIONALIZATION (FORM FL-676) (TYPE OR PRINT IN BLACK INK):

Front page, first box, top of form, left side: Print your name, address, and telephone number in this box if it is not already there.

Front page, second box, left side: Print your county's name and the court's address in the box. Use the same address for the court that is on your most recent support order or judgment. If you do not have a copy of your most recent support order or judgment, you can get one from either the court clerk or the local child support agency.

Front page, third box, left side: Print the names of the Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names listed in your most recent support order or judgment. If no name is listed for the Other Parent leave that line blank.

Front page, first box, top of form, right side: Leave this box blank for the court's use.

Front page, second box, right side: Print your case number in this box. This number is also listed on your most recent support order or judgment.

Front page, fourth box, left side: Check the box to indicate whether you are asking for a judicial determination of support arrearages or adjustment of arrearages due to incarceration or involuntary institutionalization. Check both boxes if you are asking for both a determination of arrears and an adjustment of arrears.

- 1.a.–b. You must contact the court clerk's office and ask that a hearing date be set for this motion. The court clerk will give you the information you need to complete this section.
2. This section states that the local child support agency is handling your support case.
- 3a. **This section requires you to attach the statement or other document from the local child support agency that tells the amount of your support arrearages.**
- 3b. **This section requires you to attach your own statement of the amount of your support arrearages.** Your statement must show a monthly breakdown of the amount of support ordered and the amount you paid each month. You may use *Declaration of Payment History* (form FL-420) and *Payment History Attachment* (form FL-421) to complete your statement of arrearages.
4. **Complete all that apply.** If you check the box in item 4a, attach or bring to the court hearing proof of the dates of incarceration or involuntary institutionalization. If you have any evidence or documentation that you had no income or assets, in addition to your sworn statement on the form, please bring that to court with you.

You must date the request, print your name, and sign the form under penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

Top of second page, box on left side: Print the names of Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names listed on the front page.

Top of second page, box on right side: Print your case number in this box. Use the same number as the one on the front page. Instructions for how to complete the Proof of Service section of the *Request* form are in the *Information Sheet for Service of Process* (form FL-611). The person who serves the request and its attachments must fill out this section of the form. **You cannot serve your own request.**

GOVERNMENTAL AGENCY <i>(Under Family Code, §§ 17400,17406)</i> : TELEPHONE NO. <i>(Optional)</i> : FAX NO. <i>(Optional)</i> : E-MAIL ADDRESS <i>(Optional)</i> : ATTORNEY FOR <i>(Name)</i> :	FOR COURT USE ONLY Draft 6- 021611icb 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:	
ORDER AFTER HEARING	CASE NUMBER:

1. **This matter proceeded as follows:** Uncontested By stipulation Contested
- a. Date: _____ Dept.: _____ Judicial officer: _____
- b. Petitioner/plaintiff present Attorney present *(name)*: _____
- c. Respondent/defendant present Attorney present *(name)*: _____
- d. Other parent present Attorney present *(name)*: _____
- e. Local child support agency attorney (Family Code, §§ 17400, 17406) by *(name)*: _____
- f. Other *(specify)*: _____
- g. The parent ordered to pay support is the petitioner/plaintiff respondent/defendant other parent
2. Attached is a computer printout showing the parents' income 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.
3. This order is based on the attached documents *(specify)*: _____

THE COURT ORDERS

4. a. All orders previously made in this action remain in full force and effect except as specifically modified below.
- b. The parent ordered to pay support is the parent of and must pay current child support for the following children:
- | | | |
|----------------------|----------------------|-------------------------------|
| <u>Name of child</u> | <u>Date of birth</u> | <u>Monthly support amount</u> |
|----------------------|----------------------|-------------------------------|

(1) Mandatory additional child support

(a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:
 one-half or _____ % or *(specify amount)*: \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit child-care provider.

(b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:
 one-half or _____ % or *(specify amount)*: \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit health-care provider.

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:
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4. b. (2) Other (specify):

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

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

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

(6) As provided in Family Code section 4007.5, the obligation of the person ordered to pay support will be temporarily suspended for any period after the first 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless that person has the ability to pay support during that time or has committed certain crimes. Immediately after the person ordered to pay support is released from incarceration or involuntary institutionalization, the support order will restart in the same amount as it was before it was temporarily suspended.

c. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5% of gross income to add a child); (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; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

d. The parent ordered to pay support owes support arrears as follows, as of (date):
(1) Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____
(2) Interest is not included and is not waived.
(3) Payable: \$ _____ on the _____ day of each month beginning (date):
(4) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

e. No provision of this order 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.

f. All payments, unless specified in item 4b(1) above, must be made to the State Disbursement Unit at the address listed below (specify address):

g. An earnings assignment order is issued.

h. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.

i. If "The parent ordered to pay support" box is checked in item 4c, a health insurance coverage assignment must issue.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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4. j. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- k. The form *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.
- l. The following person (the "other parent") is added as a party to this action (*name*):
- m. The court further orders (*specify*):

Date:

JUDICIAL OFFICER

Number of pages attached: _____

SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order. Date:  _____ (SIGNATURE OF ATTORNEY FOR THE PARENT ORDERED TO PAY SUPPORT)
--

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> Draft 4- 012011icb 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-630, 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 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 14a are (*specify names*): _____

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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9. Respondent Petitioner Other parent has read, understands, and has signed the *Advisement and Waiver of Rights for Stipulation (Governmental)* (form FL-694). 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 (Governmental)* (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 for the court to modify this order. If the order is above the guideline, a change of circumstance will be required for the court to modify this order.
- f. The low-income adjustment applies.
 The low-income adjustment does not apply because (*specify reasons*):
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. The parent ordered to pay support must reimburse the local child support agency for genetic testing costs of \$ _____
14. a. The parent ordered to pay support is the parent of the children listed below and must pay current child support for them.
 The court finds that there is sufficient evidence that the parent ordered to pay support is the parent of the children listed below and therefore there is sufficient evidence to enter a support order.
- | <u>Name of child</u> | <u>Date of birth</u> | <u>Monthly basic support amount</u> |
|----------------------|----------------------|-------------------------------------|
| | | |
| | | |
- Additional children are listed on an attached page.
- b. The parent ordered to pay support 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 State Disbursement Unit other party child-care provider.
- c. The parent ordered to pay support 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 State Disbursement Unit other party health-care provider.
- d. The parent ordered to pay support must pay additional support monthly for the following (*specify*):
 (*specify amount*): \$ _____ one-half (*specify percent*): _____
 Payments must be made to the State Disbursement Unit other party.
- e. Other (*specify*): _____

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:
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14. 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.
- i. As provided in Family Code section 4007.5, the obligation of the person ordered to pay support will be temporarily suspended for any period after the first 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless that person has the ability to pay support during that time or has committed certain crimes. Immediately after the person ordered to pay support is released from incarceration or involuntary institutionalization, the support order will restart in the same amount as it was before it was temporarily suspended.
15. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5% of gross income to add a child); (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; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.
16. The parent ordered to pay support 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.
17. 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.
18. The parent ordered to pay support must pay child support for the following past periods and in the following amounts:
- | Name of child | Period of support | Amount |
|---|-------------------|--------|
| a. <input type="checkbox"/> Other (specify): | | |
| b. <input type="checkbox"/> For a total of \$ _____ payable \$ _____ on the _____ day of each month beginning (date): | | |
| c. <input type="checkbox"/> Interest accrues on the entire principal balance owing and not on each installment as it becomes due. | | |
19. The parent ordered to pay support owes support arrears 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.
20. No provision of this judgment can operate to limit any right to collect all sums owing in this matter as otherwise provided by law.
21. All payments, unless specified in items 14b, c, and d above, must be made to the State Disbursement Unit at the address listed below (specify address):


PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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22. **An earnings assignment order is issued.**
23. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.
24. If "The parent ordered to pay support" box is checked in item 15, a health insurance coverage assignment must issue.
25. **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.
26. For purposes of the licensing issue only, the parent ordered to pay support 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).
27. Notwithstanding any noncompliance issues with the support order in this action, the court finds that the needs of the party ordered to pay support 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 parent ordered to pay support complies with all payment terms of this order.
28. A warrant of attachment/bench warrant issues for (specify name):
 a. Bail is set in the amount of \$ _____
 b. Service is stayed until (date): _____
29. The court retains jurisdiction to make orders retroactive to (date): _____
30. The court reserves jurisdiction over all issues the issues of (specify): _____
31. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
32. The *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* and *Information Sheet on Changing a Child Support Order* (form FL-192) are attached and incorporated.
33. The following person (the "other parent") is added as a party to this action (name): _____
34. **The court further orders** (specify): _____

Approved as conforming to court order.

Date: _____


 (SIGNATURE OF ATTORNEY FOR THE PARENT ORDERED TO PAY SUPPORT)


 (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

Date: _____

 JUDICIAL OFFICER

Number of pages attached: _____

Signature follows last attachment.

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 (approve form FL-676-INFO and revise forms FL-530, FL-615, FL-625, FL-630, FL-665, FL-676, FL-687, and FL-692)

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	Commentator	Position	Comment	Committee Response
1.	<p>Child Support Directors Association Dennis L. Snapp Vice-Chair CSDA/Judicial Council Forms Committee</p> <p>David G. Oppenheim CSDA Executive Director</p>	AM	<p>Incarcerated or Involuntary Institutionalized Obligors</p> <p>a. The Committee agrees with the proposed language and its placement in the following forms:</p> <p><i>i. FL-530 Judgment Regarding Parental Obligations (UIFSA)</i></p> <p><i>ii. FL-615 Stipulation For Judgment Or Supplemental Judgment Regarding Parental Obligations And Judgment (Governmental)</i></p> <p><i>iii. FL-625 Stipulation And Order (Governmental)</i></p> <p><i>iv. FL-630 Judgment Regarding Parental Obligations (Governmental)</i></p> <p><i>v. FL-665 Findings And Recommendation Of Commissioner (Governmental)</i></p> <p><i>vi. FL-676 Request For Judicial Determination Of Support Arrearages (Governmental)</i></p> <p><i>vii. FL-687 Order After Hearing (Governmental)</i></p> <p><i>viii. FL-692 Minutes And Order Or Judgment (Governmental)</i></p> <p>Uninsured Health Care Costs</p> <p>a. The Committee agrees with the proposed language and its placement in the following forms:</p> <p><i>i. FL-530 Judgment Regarding Parental Obligations (UIFSA)</i></p> <p><i>ii. FL-615 Stipulation For Judgment Or Supplemental Judgment Regarding Parental Obligations And Judgment (Governmental)</i></p>	<p>No response necessary.</p> <p>No response necessary.</p>

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			<p>iii. FL-625 <i>Stipulation And Order (Governmental)</i> iv. FL-630 <i>Judgment Regarding Parental Obligations (Governmental)</i> v. FL-665 <i>Findings And Recommendation Of Commissioner (Governmental)</i> vi. FL-687 <i>Order After Hearing (Governmental)</i></p> <p>Child Care Costs a. The Committee agrees with the proposed language and its placement in the following forms: i. FL-530 <i>Judgment Regarding Parental Obligations (UIFSA)</i> ii. FL-615 <i>Stipulation For Judgment Or Supplemental Judgment Regarding Parental Obligations And Judgment (Governmental)</i> iii. FL-625 <i>Stipulation And Order (Governmental)</i> iv. FL-630 <i>Judgment Regarding Parental Obligations (Governmental)</i> v. FL-665 <i>Findings And Recommendation Of Commissioner (Governmental)</i> vi. FL-687 <i>Order After Hearing (Governmental)</i></p> <p>Remove Request to Recover Costs a. The Committee agrees with the removal of language regarding the recovery of administrative costs in the following forms: i. FL-530 <i>Judgment Regarding Parental Obligations (UIFSA)</i> ii. FL-615 <i>Stipulation For Judgment Or</i></p>	<p>No response necessary.</p> <p>No response necessary.</p>

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	Commentator	Position	Comment	Committee Response
			<p><i>Supplemental Judgment Regarding Parental Obligations And Judgment (Governmental)</i></p> <p>iii. <i>FL-625 Stipulation And Order (Governmental)</i></p> <p>iv. <i>FL-630 Judgment Regarding Parental Obligations (Governmental)</i></p> <p>v. <i>FL-665 Findings And Recommendation Of Commissioner (Governmental)</i></p> <p>vi. <i>FL-687 Order After Hearing (Governmental)</i></p> <p>Add Checkbox and Consistency to FL-615 <i>a. The Committee agrees with the addition of the check box in item 3r in the FL-615 Stipulation For Judgment Or Supplemental Judgment Regarding Parental Obligations And Judgment (Governmental) and making its language consistent with the other governmental order forms.</i></p> <p>Revising FL-630 Judgment Regarding Parental Obligations (Governmental) <i>a. The Committee agrees with the addition of the check box in item 1a in the FL- 630 Judgment Regarding Parental Obligations (Governmental) and making its language consistent with the other governmental order forms.</i></p> <p>Revising Monthly Payment amounts for Repayment of Child Support Arrearages <i>a. The Committee agrees that adding the space to enter a monthly payment amount for the</i></p>	<p>No response necessary.</p> <p>No response necessary.</p> <p>No response necessary.</p>

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			<p>repayment of child support arrearages which was previously inadvertently removed from three (3) forms is a good correction of a technical error and brings consistency back to these provisions in the following forms:</p> <ul style="list-style-type: none"> <i>i. FL-630 Judgment Regarding Parental Obligations (Governmental)</i> <i>ii. FL-665 Findings And Recommendation Of Commissioner (Governmental)</i> <i>iii. FL-692 Minutes And Order Or Judgment (Governmental)</i> <p>Clarification of Orders Pertaining to Support Arrears</p> <ul style="list-style-type: none"> <i>a. The Committee agrees that revisions to clarify that the order of the court is for support arrears is appropriate in the following forms:</i> <ul style="list-style-type: none"> <i>i. FL-687 Order After Hearing (Governmental)</i> <i>ii. FL-692 Minutes And Order Or Judgment (Governmental)</i> <p>Other Revisions to FL676 Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization (Governmental)</p> <ul style="list-style-type: none"> <i>a. The Committee agrees with adding the proposed revisions to this form if the following changes are made to add clarity:</i> <ul style="list-style-type: none"> <i>i. Item 2 “The local child support agency is providing support enforcement services in this case.” Should be moved up above the “Box –</i> 	<p>No response necessary.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the changes that it is recommending for adoption.</p>

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			<p>Determination of Support Arrearages” as it applies to both the Determination of Support Arrearages and the Adjustment of Arrearages Due to incarceration or Involuntary Institutionalization.”</p> <p>ii. We believe that Item 3 should include both Items 3 and 4 and be renumbered accordingly as 3a and 3b.</p> <p>iii. Item 5 would be then renumbered to items 4, 4a and 4b.</p> <p>iv. Item 6 should be renumbered as item 4c.</p> <p>v. Current Item 7 “Other (specify):” should then be renumbered as item 5.</p> <p>vi. Current Item 6 (which we propose becoming 4c) should have a box in that the statute does not require this – it is “may” and permissive with the courts. Adding a box would clearly identify to the Court and to the Local Child Support Agency whether or not this is an issue for discussion at hearing.</p> <p>vii. The Committee further agrees with the Proof of Service language in the form. However, it should be noted that there are many different versions of the Proof of Service on Governmental forms and at some point a consistent version should be adopted and used for all Governmental forms for consistency and ease of use in the Local Child Support Agencies.</p> <p>Other Revisions to FL676-Info (Request for</p>	<p>The committee agrees with this suggestion and the change will be made.</p> <p>Item 5 will be renumbered as item 4(a)(1) and 4(a)(2).</p> <p>Item 6 will be renumbered 4(b).</p> <p>The committee agrees with these suggestions and</p>

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			<p><i>Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization (Governmental)</i></p> <p>a. The Committee believes that the language of paragraph two of this form should be clarified in the following manner: “this form should be used only if you disagree with the support arrearages that the local child support agency says that you owe <i>or you need an adjustment due to incarceration or institutionalization</i> and you cannot reach an agreement with the local child support agency. This form cannot be used if you want to change your child support order.” Inserting the language will add clarity and will make it clearer as to what is needed to seek the requested relief.</p> <p>b. The Committee believes that paragraph three should be revised to make it clear that a copy should be served on all parties – not just the Local Child Support Agency. The Committee recommends the following language be added: “<i>Keep copies of the filed form and its attachments for your records. Be sure you have served the local child support agency and the other parent. If you cannot serve the other parent, you must serve the LCSA at least 30 days before the hearing date.</i>” Making such a change would comport with the statutory requirements and maximize actual notice to the obligee. Family Code Section 4007.5c directs</p>	<p>has incorporated them, with minor alterations, into the changes that it is recommending for adoption.</p> <p>The committee agrees with the suggestion to advise the obligor to make three copies of the motion, one to serve on the local child support agency, one to serve on the other parent, and one for the petitioner to keep. Because Family Code section 4007.5 specifically requires the obligor to serve the petition on the obligee, the committee will not add the other suggested language.</p>

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			<p>“The obligor shall serve copies of the petition on the obligee and the local child support agency.” This statute requires the obligor to attempt to serve the obligee and the instructions on the FL-676-Info should conform to that mandate. However, the Committee agrees that failure to serve the obligee is not fatal if they are giving 30 days notice of the hearing to the Local Child Support Agency and relying on the rebuttable presumption of service found in Family Code Section 17404(e)(3) which states, “Where this procedures is used to effectuate service on the nonmoving party, the pleadings shall be served on the local child support agency not less than 30 days prior to the hearing.”</p>	
2.	Christine N. Donovan, CFLS Senior Staff Attorney, Family Law & Probate Divisions Superior Court of Solano County	AM	<p>I generally agree with the proposed language advising support obligors that in the event of incarceration or involuntary confinement exceeding 90 days, their support obligations will be suspended until they are released. However, I suggest adding a phrase indicating that the resulting arrears will be adjusted only upon request to the court, and will not be done automatically by DCSS or the court.</p>	<p>There appears to be some ambiguity in the language of SB 1355. The language is required to be added to every governmental judgment, stipulation and order appears to suspend a child support obligation by operation of law if an obligor is incarcerated or involuntarily institutionalized for more than 90 days. This would therefore allow a local child support agency to administratively adjust its accounting for any period qualifying under the legislation. However, this legislation also allows the obligor to petition to the court for an adjustment of arrears and allows the local child support agency and obligee an opportunity to object to the petition. This section requires the court to approve the petition before the arrears are adjusted. Because the legislative intent is unclear, the committee does not recommend adding language to the forms</p>

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			<p>Furthermore, I understand the Judicial Council’s position to be that SB 1355 only applies to child support orders being enforced by the local child support agencies, and that therefore this language is not necessary in family law forms. I respectfully disagree and suggest that the family law forms be revised as well to include a warning concerning Family Code section 4007.5.</p> <p>42 USC section 654 makes it clear that not only is California’s DCSS responsible for enforcing support in public assistance cases (e.g. CalWORKS), but it is also required to provide enforcement services to non-aid families who request those services. DCSS often becomes involved in family law cases after a parent requests enforcement services for an existing child support order. It therefore seems that these kinds of orders would also be subject to Family Code section 4007.5 because the order is “being enforced by a local child support agency under Title IV-D of the Social Security Act (42 U.S.C. Sect. 651 et seq.” Yet, there is no warning to either parent in the family law matter that the support obligation could be suspended at a later date if (a) DCSS becomes involved <u>and</u> (b) the</p>	<p>stating that the obligor must petition the court for an adjustment of his or her child support arrearages. Instead, the language that has been added to each of the forms references the applicable statute.</p> <p>The legislation specifically provides that the suspension of the support order is only applicable to cases where the local child support agency is providing services. The legislation requires that the relevant provisions regarding incarceration and involuntary institutionalization be included in all child support orders and judgments where the local child support agency is providing services. This provision does not operate retroactively and as a matter of law upon the agency intervening in a previously non-governmental child support case. It would be contrary to law to add this language to family law forms where this relief is not available.</p>

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			<p>obligor becomes incarcerated or involuntarily confined for a period exceeding 90 days. It appears that such a warning would be appropriate per Section 4007.5(b). I therefore suggest that family law child support forms include language such as the following:</p> <p>“As provided in Family Code section 4007.5, the obligation of the person ordered to pay support will be temporarily suspended for any period after the first 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless that person has the ability to pay support during that time or has committed certain crimes. Immediately after the person ordered to pay support is released from incarceration or involuntary institutionalization, the support order will restart in the same amount as it was before it was temporarily suspended. <u>This temporary suspension only applies to orders being enforced by the Department of Child Support Services at the time the person ordered to pay support is incarcerated or involuntarily institutionalized.</u>” I also suggest adding a phrase here indicating that the resulting arrears will be adjusted only upon request to the court, and will not be done automatically by DCSS or the court.</p>	
3.	F4JLA Al Cole	N	I believe the 90 day incarceration is too long of a period. I think anyone incarcerated for 5 days or more should be relieved of any child support or spousal support payments and extending to at least sufficient time, say 90 days for individual	While the concerns the commentator raised may reflect the realities of those individuals who are incarcerated or involuntarily institutionalized, the legislature has chosen as a matter of policy specific timeframes for obtaining relief. The

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			<p>to regain employment and back on an economic ability to pay.</p> <p>If you think about someone being incarcerated and then being released, how in the world is the person going be able to support themselves, let alone pay child support and or pay attorney fees to even go to court to modify any orders.</p> <p>When someone is jailed they may lose their housing, since they not paying rent, the utilities are shut off for nonpayment and money owed, Their personal goods and other personal items may be abandoned and discarded. Their car may be towed and sold at auction or saddled with excessive fees and storage. Their credit may be negatively impacted as result of not able to pay bills or have income coming in. Their credit cards will be in default and saddled with high rates and fees. They may lose their job and not be able to find employment after release. This legislation is proposing to further burden them with arrears of child support. Have some mercy and compassion, please.</p> <p>The child support agencies funded by title IV money are ruthless feminist scammers. They are inefficient and anti-male. They tack on excessive fees and penalties and most of the back payments are siphoned off to them rather than going to the children. Why is the form and legislation silent on all funds and arrears to go directly to the children in full at 100% of all</p>	<p>language on the forms regarding the period of suspension and resumption of the support order is set forth in the legislation. The Legislature requires that all child support orders being enforced by the local child support agency include a provision suspending a support order for any period exceeding 90 days where the obligor is incarcerated or involuntarily institutionalized. Further, the legislation requires that the support order immediately resume upon release.</p> <p>All other comments are not responsive to the proposal for revised forms. The Department of Child Support Services Public Inquiry Response Team (PIRT) is available able to assist with individual complaints. They can be reached at 1-866-249-0773.</p>

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			<p>moneys collected???</p> <p>This legislative bill is another anti-male and anti-family legislation, in my opinion.</p> <p>I think Title IV funding should be eliminated and funding stopped. We have deficit spending and this is another form of ineffective programs and waste of taxpayers tax revenues. Title IV funds can be better used to provide to the needy families and children, rather than to hound and further alienate the male population, and disfranchised fathers from their children. It's mostly men that are burdened with child support. This is a war against men that title IV supports and funds and is engaged in.</p> <p>I suggest you any modification has to be gender neutral and simple for families to fill out forms and file without having to pay high priced lawyers.</p> <p>Have you ever been incarcerated? Are you aware of what happens to people (mostly men) after incarceration?? First they lose their self respect-They may fall into mental degrading and depression. They give up and many turn to alcohol and drugs. The economic impact on them can be substantial-They lose their job. They have to pay for attorney fees. They lose their housing-They may lose the car- Their credit rating will be negatively impacted-unable to pay the bills-rents. They may be saddled with</p>	

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			<p>community service and all other restrictions and collateral damages.</p> <p>These people need relief and care rather than further persecuted by the legal system and Title IV funded alligators.</p> <p>We need to stop persecuting, abusing and bashing our men.</p> <p>The current family laws are not working. This evidenced by the high divorced rates and high rate of co-habiting rather than marriage.</p> <p>That is my opinion and comments.</p>	
4.	Hon. Jana Kast-Davids, Child Support Commissioner Superior Court of Santa Cruz County	AM	<p>The reality is that an incarcerated parent lacks both the ability and opportunity to work. Also, most incarcerated parents do not have a job waiting for them once they get out. I suggest that the language be changed to suspend child support after the first 30 consecutive days (or even 60) of incarceration. Also, the prior child support order should be reinstated the first day of the month following release. Otherwise, uncollectable arrears (and federal penalties) will only accrue. The "first day of month" also offers DCSS a simplified accounting task.</p> <p>"Health insurance coverage assignment must issue" on form if 6c (re. ordering health</p>	<p>While the concerns the commentator raised may reflect the realities of those individuals who are incarcerated or involuntarily institutionalized, the Legislature has chosen as a matter of policy specific timeframes for obtaining relief. The language on the forms regarding the period of suspension and resumption of the support order is set forth in the legislation. The legislature requires that all child support orders being enforced by the local child support agency include a provision suspending a support order for any period exceeding 90 days where the obligor is incarcerated or involuntarily institutionalized. Further, the legislation requires that the support order immediately resume upon release.</p> <p>The health insurance order on each of the governmental child support judgment, order and</p>

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			<p>insurance coverage) is checked.</p> <p>A parent may find a plan which offers better and less expensive coverage for the child than the employer's plan. This mandatory box deprives the court of discretion to allow parents to purchase a non-employer plan when that plan is in the child's best interest (the assignment order will be served and processed by the employer). Also, why wouldn't an assignment order be likewise required if the "parent receiving support" is ordered to obtain health insurance? If a health insurance assignment order is going to be required, it should be required of either parent who is ordered to obtain health insurance.</p> <p>Stipulation for Judgment:</p> <p>Parents should be allowed to stipulate to suspend child support of the entire period of incarceration if they so choose, not just time after 90 days. This stipulation is too restrictive. I suggest that the number of days be blank so that it can be filled in by the parents.</p> <p>Form for Request for Judicial Determination of Arrears.</p>	<p>stipulation forms requires either the obligor or obligee, depending on the order of the court, to provide health insurance coverage for the children if available either through employment or otherwise available at no or reasonable cost. This allows the court flexibility in making the order for health insurance and allows the parent options in making health insurance decisions for the children. There is no impediment to a parent selecting a private health insurance plan other than one provided by an employer as long as the cost is reasonable as defined by SB 580. The health insurance provision on each of the forms will be revised to clarify the requirements and include the new definition of reasonable as provided in SB 580. The language "presumed reasonable if the cost does not exceed 5% of gross income" will be added to the forms.</p> <p>The legislation requires that the Judicial Council include language on every order for child support containing mandatory language which suspends the child support order if an obligor is incarcerated or involuntarily institutionalized after 90 consecutive days. The proposed language is in compliance with the statutory language. However, the parties are free to reach an agreement that differs from this. One possibility is to use the "Other (specify)" item of the form and add whatever agreement is reached by the parties.</p> <p>This form is intended to be used to address all periods of incarceration rather than requiring an</p>

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			The form allows only for entry of ONE period of incarceration and ONE date of release. The unfortunate reality is that obligors frequently go in and out. As phrased, this form would require an obligor to fill out a separate Request for each period of incarceration. The form should be changed to allow for multiple periods of incarceration or insert the words, "Attach sheet for additional periods of incarceration," so it's perfectly clear that the arrears issue can all be addressed via one motion/request form. Also, while I haven't read the proposed law too closely, I hope that it is clear on the effective date of the suspended child support due to incarceration. For example, will it allow obligors to file a motion for past incarceration or will it apply only to periods of incarceration after the effective date of the law, or some other date? This bill/form should clearly state what periods of incarceration are applicable.	obligor to file a separate request for each period of incarceration. The form will be revised at item 4 to change the word "date" to "date(s)" to clarify that multiple periods of confinement can be listed.
5.	Robert M. Garland, CFLS Law Office of Robert M. Garland	AM	The revised forms include a paragraph which states everything except that the formerly incarcerated person impliedly has the obligation to notify someone and/or may petition the court for relief. I think that's important. In the absence of the instruction the obligor may believe that the reduction in arrears is somehow automatic. It's not.	There appears to be some ambiguity in the language of SB 1355. The language is required to be added to every governmental judgment, stipulation and order appears to suspend a child support obligation by operation of law if an obligor is incarcerated or involuntarily institutionalized for more than 90 days. This would therefore allow a local child support agency to administratively adjust its accounting for any period qualifying under the legislation. However, this legislation also allows the obligor to petition to the court for an adjustment of arrears and allows the local child support agency and

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			<p>Second, regarding the mandatory add ons for unreimbursed health insurance costs and child care, my comments are as follows:</p> <p>At paragraph 6(b)(2) of Form FL-530, paragraph 3(e)(2) of FL-615,</p> <p>Support orders are not retroactively modifiable. Many judges refuse to retroactively modify a daycare order which includes a specific amount to be paid each month, even when incontrovertible evidence is presented that the child, who may be a teenager, no longer incurs that expense. The form does not address that problem. It therefore creates a trap for the unwary. Language which may be added to the form could be, “according to proof, and in the absence of proof no amount is due and any amounts collected shall be refunded to the payor.”</p> <p>I have had cases when the court, even though</p>	<p>obligee an opportunity to object to the petition. This section requires the court to approve the petition before the arrears are adjusted. Because the legislative intent is unclear, the committee does not recommend adding language to the forms stating that the obligor must petition the court for an adjustment of his or her child support arrearages. Instead, the language that has been added to each of the forms references the applicable statute.</p> <p>The commentator raises a concern that a child support order which contains a sum certain order for childcare costs may continue after those expenses are no longer incurred. Adding the suggested language as a standard provision would deprive the court of its discretion when making the order for childcare. The court can still use its discretion, on a case by case basis, to make additional orders where appropriate to protect the parents from incurring inappropriate costs.</p>

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Child Support: Form Revisions to Implement Changes to the Family Code and Improve Administration of Title IV-D Cases

(approve form FL-676-INFO and revise forms FL-530, FL-615, FL-625, FL-630, FL-665, FL-676, FL-687, and FL-692)

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	Commentator	Position	Comment	Committee Response
			<p>the order specifically stated that daycare was to be paid “according to proof,” refused to order reimbursement or credit for daycare payments made when no proof was provided and it was acknowledged that no expenses were incurred.</p> <p>The same argument can be applied to the section regarding unreimbursed health care expenses. It creates a retroactivity problem for the court and a significant risk of payments made for expenses that are not incurred.</p> <p>Paragraph “6(h)” on the FL-530 and the same language on the remainder of the forms should be eliminated. Although authorized by Section 5616, what was behind its inclusion? The DCSS is the agency charged with support enforcement. Paragraph “h” simply creates an incentive for predatory collection agencies and creates an enforcement issue since the liability to the support collection agency may leave the obligor unable to pay the actual child support and provides an affirmative defense to contempt.</p> <p>The existing paragraph 6(c)(5) on the FL-530, and its corresponding paragraphs on the other forms do not set out when claims must be presented. Family Code section 4063, subd.(b) states that an itemized statement must be provided within 30 days of accruing the costs and that it must be paid within 30 days of being</p>	<p>Although the court may make a sum certain order for uninsured health care costs, in the vast majority of cases, the uninsured health care costs are unknown and not incurred on a regular basis. Again, adding the suggested language as a standard provision would deprive the court of its discretion to make orders on a case by case basis.</p> <p>The Legislature required that all child support orders issued on or after January 1, 2010 contain a provision regarding private child support collectors. All child support judgments, orders and stipulations were revised effective January 1, 2010 to comply with the requirements of the legislation.</p> <p>Because of the complexity of the process and the need to provide detailed instruction for the parents in exchanging information for reimbursement of uninsured health insurance costs in compliance with the Family Code, the Judicial Council adopted FL-192 – <i>Notice of Rights and Responsibilities (Health-Care Costs and</i></p>

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			presented. This should be on the form so each party knows their responsibilities. It may duplicate the FL-192 but including the language on the Judgment and other forms could eliminate confusion. Generally, why was the choice made to use the word “must” instead of “shall”.	<i>Reimbursement Procedures) and Information Sheet on Changing a Child Support Order.</i> This form provides parents with a step-by-step process to seeking reimbursement from the other parent for uninsured health care costs. This form is referenced in every child support judgment and order and required to be attached to every child support judgment, order and stipulation form. Because of the complexity of the process and need for detail, it is impractical to incorporate instructions piecemeal into the form itself. The use of the word “must” is consistent with the language on other Judicial Council forms.
6.	BreeAnna McManus	AM	1. The other parent shouldn't have to pay for child care costs if they are available to watch the child themselves or by their family. Why would you pay part of the cost if the child could be with you for free. 2. I also extremely disagree with "There is no limitation or accounting on how the money is spent, but it is assumed that it is spent on the child." There needs to be some kind of accountability here. Too many parents do not take the money and actually spend it on the kid. They take the money and use it on themselves for the whole benefit of the family. It should be JUST for the kid.	The proposed revision to include an order for splitting of child care costs does not eliminate the court's discretion on a case by case basis to make orders requiring each parent to first check with the other parent to watch a child before using a non-relative childcare provider. This comment is not responsive to the proposal for revised forms.

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			<p>Make them actually add up the bills, stuff, rent portion and "charge" the other parent their share of it. They should have to show that the money is going to THE CHILD, not just the other parent.</p> <p>If the courts thought the parent should receive money then there would be an alimony order.</p> <p>3. Overall there is a lot of abuse of the child support system. Lots and lots of parents taking the money and using it for themselves. Taking as much money as they can when there is no need for it. There are no accountability here for either parent. Either showing how much it is really costing to raise the kid or how much money is reasonable for the other to pay. It shouldn't be just because one is working hard and making money the other can be lazy and get an automatic percent of the other one.</p>	<p>This comment is not responsive to the proposal for revised forms.</p>
7.	Kelvin Noel	NI	<p>This is great bill because most fathers or mothers that get caught up in the legal system never are able to catch up on arrearages which can keep them further from being gainfully employed and then jailed again. Hooray for SB 1355.</p>	<p>No response necessary.</p>
8.	Los Angeles County Bar Association, Family Law Section Barbara K. Hammers, CFLS Legislation Center	AM	<p>Although the summary by the Juvenile Law Advisory Committee specifically states that family law forms are not being revised because SB 1355 only applies to child support orders that are being enforced by the local child support agency, the Committee assumes that some enforcement may include child support</p>	<p>The legislation specifically provides that the suspension of the support order is only applicable to cases where the local child support agency is providing services. The legislation requires that the relevant provisions regarding incarceration and involuntary institutionalization be included in all child support orders and judgments where the</p>

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			<p>obligations that were originally reduced to judgment in non-Title IV-D proceedings, and were then transferred to the local child support agency for enforcement. This is due to the plain language of /Family Code § 4007.5, which does not <i>exclude</i> non-Title IV-D judgments later enforced by a Title IV-D agency.</p> <p>Since a non-Title IV-D order which is later enforced by a Title IV-D agency is subject to the same incarceration-related adjustments, the Committee feels that the required obligor notice should also be included in ALL relevant child support Judicial Council Forms and not solely on the government forms.</p> <p>Further, it would be advisable to list the specific crimes that <i>exclude</i> an obligor from seeking adjustment in the proposed relevant paragraph to be inserted on each of the forms, just as they are delineated in Item 6 in form FL-676, rather than simply state "...or has committed <i>certain</i> crimes...;" that is, "any offense constituting domestic violence as defined in Family Code section 6211 against the parent receiving support or supported child, or for an offense that could be enjoined by a protective order under Family Code section 6320, or as a result of failure to comply with a court order to pay child support."</p> <p><u>Health and Child-Care Costs: [FORMS FL-530, -615, -625, -630, -665, -687]</u></p>	<p>local child support agency is providing services. This provision does not operate retroactively and as a matter of law upon the agency intervening in a previously non-governmental child support case. It would be contrary to law to add this language to family law forms where this relief is not available.</p> <p>There is a limit to how much information can be included in a Judicial Council form. The proposed language provides information and puts the parties notice that the requested relief may not be available if certain crimes including certain domestic violence crimes were the reason for the incarceration. The obligor may seek the assistance of a Family Law Facilitator or other self-help resources to inquire further.</p> <p>The commentator raises a concern that the child support order does not contain a specific</p>

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	Commentator	Position	Comment	Committee Response
			<p>Although the proposed form revisions mandate the obligor to “pay additional monthly support for reasonable child-care costs,” there is no mechanism proposed to ascertain when such child-care expenses are first incurred, nor when such expenses cease.</p> <p>Therefore, the Committee recommends that the forms include a provision specifying that the obligee promptly notify the obligor when child-care expenses begin, and that the “add-on child support of child care expense” terminates when the expense ends, also based on required notification. This would enhance the process because notice to the obligor, as a responsibility of the party incurring reimbursable expense, will avoid surprise and therefore lead to more equitable results.</p> <p><u>More Clarity and Continuity in the Forms:</u></p> <p>Committee members also expressed concerns regarding the <i>arrangement</i> priority of items on forms FL-530, FL-625, FL-630, FL-665, and FL-687, and make the following recommendations to clarify that <i>each</i> party (not just the payor) is, or could be, responsible for mandatory costs such as uninsured health costs and child care.</p>	<p>commencement date or termination date for child care costs. There is a divergent practice throughout the state by judicial officers when making this type of order. Because there is no consensus, the committee declines to add the proposed language. Adding the suggested language as a standard provision would deprive the court of its discretion when making the order for child care. The court can still use its discretion, on a case by case basis, to make additional orders where appropriate to protect the parents from incurring inappropriate costs.</p> <p>In governmental child support cases, the other parent is added as a party after the judgment is entered. The Summons and Complaint is not personally served and the other parent does not have an opportunity to file an Answer or participate in the process until after the judgment is entered. Because of potential due process concerns regarding making orders against a party who has not had the ability to participate until after the judgment is entered, the language in the order is restricted to ordering the obligor to pay</p>

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			<p>Forms FL-530: Item 6c should <i>replace</i> 6b(2) which would become 6b(3) by renumbering existing items 6b(2), (3), (4), (5) instead to 6b(3), (4), (5)...</p> <p>The revision to form FL-530 is recommended due to the fact that maintaining item 6b(2) ahead of 6c makes it seem as though only the “parent ordered to pay support” is required to contribute, and the last four lines of item 6b(2) similarly make it seem that only one parent is required to seek a continuance of health insurance if incapable of self-sustaining employment.</p> <p>Item 6(b)(6) should be a separate item on its own – item number “7.”</p> <p>Also, item 6b(1) “Other (<i>specify</i>):” is more appropriately placed as the last numbered subdivision in item 6b, as it is a general “catch all” provision that on all other forms appears after the more delineated, specific provisions.</p> <p>Forms FL-615, 625, 630, 665, and 687, all have the same issues as detailed above with regard to form FL-530, albeit with different paragraph numbers, but with the same problems that cause confusion or a lack of consistency.</p>	<p>his or her share of the uninsured health care and child care costs.</p> <p>Item 6c does not specifically address child support amounts and is more appropriately a separate item.</p> <p>This item does not address health insurance or reference employment. This item requires the obligor pay a portion of the uninsured health care costs in a percentage or amount determined appropriate by the court.</p> <p>This provision also concerns the child support order so is appropriately included as part of this item.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the changes that it is recommending for adoption.</p> <p>See responses above.</p>

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	Commentator	Position	Comment	Committee Response
9.	Orange County Bar Association John Hueston, President	N	<p>The forms are not clearly drafted and need too much revision at this time for agreement, even if modified.</p> <p>The members assume the scope of applicability re enforcement, when child support obligations that were originally reduced to judgment in non-Title IV-D proceedings , and were then transferred to DCSS for enforcement, given that the plain language of FC 4007.5, does not <i>exclude</i> non-Title IV-D judgments, later enforced by a IV-D agency.</p> <p>Since a non-IV-D order which is later enforced by a IV-D agency is subject to the same incarceration-related adjustments, so that the required obligor notice should also be included in ALL relevant child support Judicial Council Forms and not solely on the government forms.</p> <p>Further, it would be advisable to list the specific crimes that <i>exclude</i> an obligor from seeking adjustment in the proposed relevant paragraph to be inserted on each of the forms, just as they are delineated in Item 6 in form FL-676, rather than simply state "...or has committed <i>certain</i> crimes..."; that is, "any offense constituting domestic violence as defined in Family Code section 6211 against the parent receiving</p>	<p>The legislation specifically provides that the suspension of the support order is only applicable to cases where the local child support agency is providing services. The legislation requires that the relevant provisions regarding incarceration and involuntary institutionalization be included in all child support orders and judgments where the local child support agency is providing services. This provision does not operate retroactively and as a matter of law upon the agency intervening in a previously non-governmental child support case. It would be contrary to law to add this language to family law forms where this relief is not available.</p> <p>There is a limit to how much information can be included in a Judicial Council form. The proposed language provides information and puts the parties notice that the requested relief may not be available if certain crimes including certain domestic violence crimes were the reason for the incarceration. The obligor may seek the assistance of a Family Law Facilitator or other self-help resources to inquire further.</p>

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			<p>support or supported child, or for an offense that could be enjoined by a protective order under Family Code section 6320, or as a result of failure to comply with a court order to pay child support.”</p> <p><u>Health and Child-Care Costs: [FORMS FL-530, -615, -625, -630, -665, -687]</u></p> <p>Although the proposed form revisions mandate the obligor to “pay additional monthly support for reasonable child-care costs,” there is no mechanism proposed to ascertain when such child-care expenses are first incurred, nor when such expenses cease.</p> <p>Therefore, recommend that the forms include a provision specifying that the obligee promptly notify the obligor when child-care expenses begin, and that the “add-on child support for child care expense” terminates when the expense ends, also based on required notification. This would enhance the process because notice to the obligor, as a responsibility of the party incurring reimbursable expense, will avoid surprise and therefore lead to more equitable results.</p>	<p>The commentator raises a concern that the child support order does not contain a specific commencement date or termination date for child care costs. There is a divergent practice throughout the state by judicial officers when making this type of order. Because there is no consensus, the committee declines to add the proposed language. Adding the suggested language as a standard provision would deprive the court of its discretion when making the order for child care. The court can still use its discretion, on a case by case basis, to make additional orders where appropriate to protect the parents from incurring inappropriate costs.</p>

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			<p>More Understandable Forms:</p> <p>There are also concerns regarding the <i>arrangement</i> priority of items on Forms FL-530, FL-625, FL-630, FL-665 and FL-687, and make the following recommendations to clarify that <i>each</i> party (not just the payor) is or could be responsible for mandatory costs such as uninsured health costs and child-care.</p> <p>Form FL-530: Item 6c should <i>replace</i> 6b(2) which would become 6b(3) by renumbering existing items 6b(2), (3), (4), (5) instead to 6b(3), (4), (5) ... The above Form FL-530 is recommended to be revised due to the fact that maintaining item 6b(2) ahead of 6c makes it seem as though only the “parent ordered to pay support” is required to contribute, and the last four lines of item 6b(2) similarly make it seem that only one parent is required to seek a continuance of health insurance if incapable of self-sustaining employment.</p> <p>Item 6(b)(6) should be a separate item on its</p>	<p>In governmental child support case, the other parent is added as a party after the judgment is entered. The Summons and Complaint are not personally served and the other parent does not have an opportunity to file an Answer or participate in the process until after the judgment is entered. Because of potential due process concerns regarding making orders against a party who has not had the ability to participate until after the judgment is entered, the language in the order is restricted to ordering the obligor to pay his or her share of the uninsured health care and child care costs.</p> <p>Item 6c does not specifically address child support amounts and is more appropriately a separate item. This item does not address health insurance or reference employment. This item requires the obligor pay a portion of the uninsured health care costs in a percentage or amount determined appropriate by the court.</p> <p>This provision also concerns the child support order so is appropriately included as part of this</p>

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			<p>own – item number “7”.</p> <p>Also, item 6b(1) “Other (<i>specify</i>):” is more appropriately placed as the last numbered subdivision in item 6b, as it is a general “catch all” provision that on all other forms appears after the more delineated, specific provisions.</p> <p>Forms FL-615, 625, 630, 665 and 687, all have the same issues as detailed above with regard to Form FL-530, albeit with different paragraph numbers, but same problems that cause confusion.</p>	<p>item.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>See responses above.</p>
10.	Orange County Public Defender's Office Frank Ospino Senior Assistant Public Defender	A	The Orange County Public Defender’s Office supports the proposed recommendation to modify existing Family Law forms to include a provision that notifies the parties that the obligation to pay child support is suspended when the obligor is incarcerated or involuntarily institutionalized in excess of 90 days. The proposed modifications comply with the provisions of SB 1355. The proposed modifications to the forms reflect the actual statutory provisions and the findings necessitated by changes in state law. The form and the instructions are clear and easy to follow.	No response necessary.
11.	Superior Court of Los Angeles County	A	<u>Item W11-05</u> invites comments on revisions to Judicial Council forms used in governmental cases, some in response to laws taking effect with the new year. Some of the revisions are not	No response necessary.

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			<p>in response to a law change, but instead will make it easier for litigants to understand their support obligations. One revision will allow the IV-D agencies to operate more efficiently.</p> <p>To the extent that JAs are processing IV-D orders or the bench officers presiding over IV-D support cases, they should be aware of numbers 1 and 2 below.</p> <p>1. New Family Code section 4007.5 provides that all IV-D orders contain language suspending a child support obligation for periods of incarceration or involuntary confinement greater than 90 days. Support may be continued if the court finds the parent has the means to pay support during incarceration. It also provides that the order will automatically resume upon release and excludes cases in which incarceration is due to domestic violence against the support obligee or supported child. This is a welcome revision in the Judicial Council forms. For some time, the Los Angeles local agency has been including "Attachment A" in its post-2005 orders for support. Attachment A has the same provisions as the new law. The problem is that it has been done against current legal authority (no retroactive modifications per F.C. 4009). Also, many post-2005 orders are missing the attachment and the provision staying support therefore cannot be invoked.</p>	

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			<p>2. Judicial Council forms will also be updated to add a provision that sharing uninsured health care costs is mandatory.</p> <p>The history of this starts with the modification in 2008 of the federal regulations changing the requirements for establishing and enforcing medical support obligations in IV-D cases. California's statutes on the subject were already in compliance with the regulations. However, there was a concern that a phrase in Family Code section 4061 seemed to suggest that the court had discretion in making this order. Family Code section 4061 was modified by Senate Bill 580 to remove language which created ambiguity about whether or not an order for uninsured health care costs is mandatory.</p> <p>3. This revision is designed to improve efficiency in the administration of IV-D cases: In addition to adding a provision for splitting of uninsured health care costs, the governmental Judicial Council forms will be modified to add a provision for splitting child care costs. Now, the IV-D agencies are writing this provision in hand because the forms on the statewide automated Child Support Enforcement System do not contain the provision.</p> <p>The remaining provisions will make it easier for litigants to understand their court orders.</p> <p>4. The governmental Judgment Regarding Parental Obligations will be revised to add</p>	

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			<p>language to specify when it has been amended.</p> <p>5. The governmental Judicial Council forms will include a space for a payment amount for repayment of support arrears. This was inadvertently eliminated in a prior forms cycle.</p> <p>6 The governmental Order After Hearing is revised to clarify that the order is for support arrears.</p>	
12.	Superior Court of Monterey County Diana Valenzuela, Operations Manager	A	No additional comments.	No response necessary.
13.	Superior Court Sacramento County Robert Turner, ASO II Finance Division	NI	<p>1. FL-530, 6 b (2) has a check box in front of the text, which reads “mandatory additional child support.” Since this additional child support is mandatory, there should not be a check box in front of the text. This gives the mixed message that the additional support is actually optional. If this language is changed or the box is removed, the same will have to be done on each of the following forms as well: FL-615, 3 e (2); FL-625, 3 d (2); FL-630, 6 b (2); FL-665, 5 c (2); and FL-687, 4 b (2).</p> <p>2. FL-665, 5 e (2), after the word “payable” it says “\$ _____”, which appears to be extraneous and should be removed. The same is true on FL-692 18 b.</p> <p>3. FL-676-INFO. The instructions for lines 5-7 give customers the option of attaching their proof of incarceration/institutionalization and</p>	<p>An order for child care is only mandatory additional child support where there is actually costs incurred. It is not mandatory to have a child care provision in every order. For example orders for support that are initially entered or modified after the time when the child has a need for child care.</p> <p>The word “payable” is necessary to set a monthly payment amount on the total amount of support arrears.</p> <p>The court has the discretion of continuing the hearing if the other party has had an insufficient opportunity to review any proof provided at the</p>

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			non-income to their form of bringing it to court. Bringing the proof to court does not give the other party advance notice and should not be offered as an alternative to attaching the proof to the form. If anything, bringing the proof to court should be in addition to attaching it and filing it with the court.	hearing. Allowing the party to bring proof to the hearing will facilitate resolution of the issue.
14.	Superior Court of San Bernardino County Debra Meyers, Deputy Court Executive Officer/General Counsel	NI	<p>FL-676: Request for Judicial Determination of Support/Adjustment of Arrearages</p> <p><u>Suggestion on the Proof of Service on page 2:</u></p> <p>The formatting for the mail service is confusing. The top part of Item 3b is the standard proof of service by mail language, which includes a space to write the name & address from the envelope. Then below it at Item 3b subsections 5-6, there are targeted sections for the party (or attorney) and the local child support agency.</p> <p>Someone might think that they need to serve the document on 3 persons/parties, as currently formatted. To avoid that confusion, the proof of service might be cleaner if subsections 1-4 under mail were deleted and the form simply had the information from the current subsections 5 & 6.</p> <p>FL-676 Info: Information Sheet for Request for Judicial Determination</p> <p><u>Suggestions for the Info Sheet:</u></p>	The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.

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			<ul style="list-style-type: none"> ◆ The instructions might be easier to read if there were subheadings or labels regarding Sections 1 to 4 and 5 to 7 that copied the subheadings contained on the forms: “Determination of Support Arrearages” and “Adjustment of Arrearages due to Incarceration” (mirror subheadings to cue the eye) ◆ “Front page, fourth box, left side” (2/3 of way down page): The language suggests that a person must choose to either get a judicial determination of arrears or an adjustment of arrears. Some people may wish to do both, and the word “or” might suggest a procedure where the person must file the form 2 times. <p>Should there be an instruction at Section 4 about using the FL-420 & FL-421, since FL-420 is adopted for mandatory use? Perhaps it would be helpful to change the FL-676 to include a reference to FL-420 (and possibly the optional FL-421), if that is what is intended by making FL-420 mandatory.</p>	<p>The instructions refer to specific items numbers. The committee believes that it is sufficiently clear to provide instruction to the parties.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p>
15.	Superior Court of San Diego County Michael L. Roddy, Executive Officer	A	No additional comments.	No response necessary.

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INTRODUCED BY Senator Wright

FEBRUARY 27, 2009

An act to amend Sections 3751, 4061, 4063, and 17422 of the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

SB 580, Wright. Child support: health insurance.

Existing law provides that in a case in which an amount is set for child support, the court is required to order either or both parties to provide health insurance coverage for the supported child, if the cost of the insurance is reasonable. Under existing law, health insurance is rebuttably presumed to be reasonable in cost if it is employment-related or other group health insurance.

This bill would instead require that the court determine that the cost of health insurance is reasonable if it does not exceed 5% of the obligor's gross income, as specified, unless the obligor is entitled to a low-income adjustment, as defined, in which case the court would be required to determine that the cost of health insurance is not reasonable, unless the court determines that not requiring medical support would be unjust and inappropriate.

Existing law provides that when either parent uses a health care provider other than the preferred provider designated by the health care insurance coverage, the parent obtaining that care is solely responsible for any nonreimbursable health care costs in excess of the costs that would have been incurred under the court-ordered health care insurance coverage had the preferred provider been used. Existing law requires a court, in evaluating a motion based on this provision, to consider the geographic access and reasonable availability of necessary health care for the child which complies with the terms of the health care insurance coverage paid for by either parent pursuant to a court order.

This bill would require the court to apply a rebuttable presumption that health care insurance is accessible if medical services to be provided are within 50 miles of the residence of the supported child. The bill would require the court, if it determines that health care insurance is not accessible, to state the reason on the record.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 3751 of the Family Code is amended to read:

3751. (a) (1) Support orders issued or modified pursuant to this chapter shall include a provision requiring the child support obligor to keep the agency designated under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.) informed of whether the obligor has health insurance coverage at a reasonable cost and, if so, the health insurance policy information.

(2) In any case in which an amount is set for current support, the court shall require that health insurance coverage for a supported child shall be maintained by either or both parents if that insurance is available at no cost or at a reasonable cost to the parent. Health insurance coverage shall be rebuttably presumed to be reasonable in cost if the cost to the responsible parent providing medical support does not exceed 5 percent of his or her gross income. In applying the 5 percent for the cost of health insurance, the cost is the difference between self-only and family coverage. If the obligor is entitled to a low-income adjustment as provided in paragraph (7) of subdivision (b) of Section 4055, medical support shall be deemed not reasonable, unless the court determines that not requiring medical support would be unjust and inappropriate in the particular case. If the court determines that the cost of health insurance coverage is not reasonable, the court shall state its reasons on the record. If the court determines that, although the obligor is entitled to a low-income adjustment, not requiring medical support would be unjust and inappropriate, the court shall state its reasons on the record.

(b) If the court determines that health insurance coverage is not available at no cost or at a reasonable cost, the court's order for support shall contain a provision that specifies that health insurance coverage shall be obtained if it becomes available at no cost or at a reasonable cost. Upon health insurance coverage at no cost or at a reasonable cost becoming available to a parent, the parent shall apply for that coverage.

(c) The court's order for support shall require the parent who, at the time of the order or subsequently, provides health insurance coverage for a supported child to seek continuation of coverage for the child upon attainment of the limiting age for a dependent child under the health insurance coverage if the child meets the criteria specified under Section 1373 of the Health and Safety Code or Section 10277 or 10278 of the Insurance Code and that health insurance coverage is available at no cost or at a reasonable cost to the parent or parents, as applicable.

SEC. 2. Section 4061 of the Family Code is amended to read:

4061. The amounts in Section 4062 shall be considered additional support for the children and shall be computed in accordance with the following:

(a) If there needs to be an apportionment of expenses pursuant to Section 4062, the expenses shall be divided one-half to each parent, unless either parent requests a different apportionment pursuant to subdivision (b) and presents documentation which demonstrates that a different apportionment would be more appropriate.

(b) If requested by either parent, and the court determines it is

appropriate to apportion expenses under Section 4062 other than one-half to each parent, the apportionment shall be as follows:

(1) The basic child support obligation shall first be computed using the formula set forth in subdivision (a) of Section 4055, as adjusted for any appropriate rebuttal factors in subdivision (b) of Section 4057.

(2) Any additional child support required for expenses pursuant to Section 4062 shall thereafter be ordered to be paid by the parents in proportion to their net disposable incomes as adjusted pursuant to subdivisions (c) and (d).

(c) In cases where spousal support is or has been ordered to be paid by one parent to the other, for purposes of allocating additional expenses pursuant to Section 4062, the gross income of the parent paying spousal support shall be decreased by the amount of the spousal support paid and the gross income of the parent receiving the spousal support shall be increased by the amount of the spousal support received for as long as the spousal support order is in effect and is paid.

(d) For purposes of computing the adjusted net disposable income of the parent paying child support for allocating any additional expenses pursuant to Section 4062, the net disposable income of the parent paying child support shall be reduced by the amount of any basic child support ordered to be paid under subdivision (a) of Section 4055. However, the net disposable income of the parent receiving child support shall not be increased by any amount of child support received.

SEC. 3. Section 4063 of the Family Code is amended to read:

4063. (a) When making an order pursuant to paragraph (2) of subdivision (a) of Section 4062, the court shall:

(1) Advise each parent, in writing or on the record, of his or her rights and liabilities, including financial responsibilities.

(2) Include in its order the time period for a parent to reimburse the other parent for the reimbursing parent's share of the reasonable additional child support costs subject to the requirements of this section.

(b) Unless there has been an assignment of rights pursuant to Section 11477 of the Welfare and Institutions Code, when either parent accrues or pays costs pursuant to an order under this section, that parent shall provide the other parent with an itemized statement of the costs within a reasonable time, but not more than 30 days after accruing the costs. These costs shall then be paid as follows:

(1) If a parent has already paid all of these costs, that parent shall provide proof of payment and a request for reimbursement of his or her court-ordered share to the other parent.

(2) If a parent has paid his or her court-ordered share of the costs only, that parent shall provide proof of payment to the other parent, request the other parent to pay the remainder of the costs directly to the provider, and provide the reimbursing parent with any necessary information about how to make the payment to the provider.

(3) The other parent shall make the reimbursement or pay the remaining costs within the time period specified by the court, or, if no period is specified, within a reasonable time not to exceed 30 days from notification of the amount due, or according to any payment schedule set by the health care provider for either parent unless the parties agree in writing to another payment schedule or the court

finds good cause for setting another payment schedule.

(4) If the reimbursing parent disputes a request for payment, that parent shall pay the requested amount and thereafter may seek judicial relief under this section and Section 290. If the reimbursing parent fails to pay the other parent as required by this subdivision, the other parent may seek judicial relief under this section and Section 290.

(c) Either parent may file a noticed motion to enforce an order issued pursuant to this section. In addition to the court's powers under Section 290, the court may award filing costs and reasonable attorney's fees if it finds that either party acted without reasonable cause regarding his or her obligations pursuant to this section.

(d) There is a rebuttable presumption that the costs actually paid for the uninsured health care needs of the children are reasonable, except as provided in subdivision (e).

(e) Except as provided in subdivision (g):

(1) The health care insurance coverage, including, but not limited to, coverage for emergency treatment, provided by a parent pursuant to a court order, shall be the coverage to be utilized at all times, consistent with the requirements of that coverage, unless the other parent can show that the health care insurance coverage is inadequate to meet the child's needs.

(2) If either parent obtains health care insurance coverage in addition to that provided pursuant to the court order, that parent shall bear sole financial responsibility for the costs of that additional coverage and the costs of any care or treatment obtained pursuant thereto in excess of the costs that would have been incurred under the health care insurance coverage provided for in the court order.

(f) Except as provided in subdivision (g):

(1) If the health care insurance coverage provided by a parent pursuant to a court order designates a preferred health care provider, that preferred provider shall be used at all times, consistent with the terms and requirements of that coverage.

(2) If either parent uses a health care provider other than the preferred provider inconsistent with the terms and requirements of the court-ordered health care insurance coverage, the parent obtaining that care shall bear the sole responsibility for any nonreimbursable health care costs in excess of the costs that would have been incurred under the court-ordered health care insurance coverage had the preferred provider been used.

(g) When ruling on a motion made pursuant to this section, in order to ensure that the health care needs of the child under this section are met, the court shall consider all relevant facts, including, but not limited to, the following:

(1) The geographic access and reasonable availability of necessary health care for the child which complies with the terms of the health care insurance coverage paid for by either parent pursuant to a court order. Health insurance shall be rebuttably presumed to be accessible if services to be provided are within 50 miles of the residence of the child subject to the support order. If the court determines that health insurance is not accessible, the court shall state the reason on the record.

(2) The necessity of emergency medical treatment that may have precluded the use of the health care insurance, or the preferred health care provider required under the insurance, provided by either

parent pursuant to a court order.

(3) The special medical needs of the child.

(4) The reasonable inability of a parent to pay the full amount of reimbursement within a 30-day period and the resulting necessity for a court-ordered payment schedule.

SEC. 4. Section 17422 of the Family Code is amended to read:

17422. (a) The state medical insurance form required in Article 1 (commencing with Section 3750) of Chapter 7 of Part 1 of Division 9 shall include, but shall not be limited to, all of the following:

(1) The parent or parents' names, addresses, and social security numbers.

(2) The name and address of each parent's place of employment.

(3) The name or names, addresses, policy number or numbers, and coverage type of the medical insurance policy or policies of the parents, if any.

(4) The name, CalWORKs case number, social security number, and Title IV-E foster care case number or Medi-Cal case numbers of the parents and children covered by the medical insurance policy or policies.

(b) (1) In any action brought or enforcement proceeding instituted by the local child support agency under this division for payment of child or spousal support, a completed state medical insurance form shall be obtained and sent by the local child support agency to the State Department of Health Services in the manner prescribed by the State Department of Health Services.

(2) Where it has been determined under Section 3751 that health insurance coverage is not available at no or reasonable cost, the local child support agency shall seek a provision in the support order that provides for health insurance coverage should it become available at no or reasonable cost.

(3) Health insurance coverage shall be considered reasonable in cost if the cost to the responsible parent providing medical support does not exceed 5 percent of his or her gross income. In applying the 5 percent for the cost of health insurance, the cost is the difference between self-only and family coverage. If the obligor is entitled to a low-income adjustment as provided in paragraph (7) of subdivision (b) of Section 4055, health insurance shall not be enforced, unless the court determines that not requiring medical support would be unjust and inappropriate in the particular case. As used in this section, "health insurance coverage" also includes providing for the delivery of health care services by a fee for service, health maintenance organization, preferred provider organization, or any other type of health care delivery system under which medical services could be provided to the dependent child or children of an absent parent.

(c) (1) The local child support agency shall request employers and other groups offering health insurance coverage that is being enforced under this division to notify the local child support agency if there has been a lapse in insurance coverage. The local child support agency shall be responsible for forwarding information pertaining to the health insurance policy secured for the dependent children for whom the local child support agency is enforcing the court-ordered medical support to the custodial parent.

(2) The local child support agency shall periodically communicate with the State Department of Health Services to determine if there have been lapses in health insurance coverage for public assistance applicants and recipients. The State Department of Health Services

shall notify the local child support agency when there has been a lapse in court-ordered insurance coverage.

(3) The local child support agency shall take appropriate action, civil or criminal, to enforce the obligation to obtain health insurance when there has been a lapse in insurance coverage or failure by the responsible parent to obtain insurance as ordered by the court.

(4) The local child support agency shall inform all individuals upon their application for child support enforcement services that medical support enforcement services are available.

Senate Bill No. 1355

CHAPTER 495

An act to add and repeal Section 4007.5 of the Family Code, relating to child support.

[Approved by Governor September 29, 2010. Filed with Secretary of State September 29, 2010]

LEGISLATIVE COUNSEL'S DIGEST

SB 1355, Wright. Child support: suspension of support order.

Existing law provides that if a court orders a person to make payments for child support until the occurrence of a specified event, the obligation of the person ordered to pay support terminates on the happening of the contingency.

This bill would, until July 1, 2015, provide that the obligation of a person to pay child support pursuant to an order that is being enforced by a local child support agency under Title IV-D of the Social Security Act is suspended for the period of time exceeding 90 days in which the obligor is incarcerated or involuntarily institutionalized, with specified exceptions. The bill would require that, upon the release of the obligor, the obligation to pay child support immediately resume in the amount otherwise specified in the child support order prior to the suspension of that obligation. The bill would require the court to provide notice to the parties of the support obligation suspension at the time the order is issued or modified. The bill would authorize an obligor, upon release from incarceration or involuntary institutionalization, to petition the court for an adjustment of the arrears pursuant to the suspension of the support obligation. These provisions would apply to all child support orders and modifications issued on or after July 1, 2011.

The bill would also require the Judicial Council, by July 1, 2011, to develop forms necessary for the implementation of the above-described provisions, including forms for a petition to adjust arrears.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4007.5 is added to the Family Code, to read:

4007.5. (a) Every money judgment or order for support of a child that is being enforced by a local child support agency under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.) shall provide the following:

(1) The obligation of the person ordered to pay support shall be suspended for any period exceeding 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless the obligor has the means to pay support while incarcerated or involuntarily institutionalized.

(2) The suspension of the support obligation shall only apply for the period of time during which the obligor is incarcerated or involuntarily institutionalized, after which the obligation shall immediately resume in the amount otherwise specified in the child support order.

(b) The court shall provide notice to the parties of the support obligation suspension provided in subdivision (a) at the time the order is issued or modified.

(c) Upon release from incarceration or involuntary institutionalization, an obligor may petition the court for an adjustment of the arrears pursuant to the suspension of the support obligation authorized in subdivision (b). The obligor must show proof of the dates of incarceration or involuntary institutionalization, as well as proof that during that time, the obligor did not have the means to pay the support. The obligor shall serve copies of the petition to the support obligee and the local child support agency, who may file an objection to the obligor's petition with the court. An obligor's arrears shall not be adjusted until the court has approved the petition.

(d) Notwithstanding subdivision (a), the court may deny the obligor's petition if it finds that the obligor was incarcerated or involuntarily institutionalized for any offense constituting domestic violence, as defined in Section 6211, against the support obligee or supported child, or for any offense that could be enjoined by a protective order pursuant to Section 6320, or as a result of his or her failure to comply with a court order to pay child support.

(e) For purposes of this section, "incarcerated or involuntarily institutionalized" includes, but is not limited to, involuntary confinement to a state prison, county jail, juvenile facility operated by the Division of Juvenile Facilities in the Department of Corrections and Rehabilitation, or a mental health facility.

(f) For purposes of this section, "suspend" means that the child support order is modified and set to zero dollars (\$0) for the period in which the obligor is incarcerated or involuntarily institutionalized.

(g) This section applies to all child support orders and modifications issued on or after July 1, 2011.

(h) The Judicial Council shall, on or before July 1, 2011, develop forms necessary for the implementation of this section, including forms for a petition to adjust arrears.

(i) This section shall remain in effect only until July 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2015, deletes or extends that date.