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FACT SHEET

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Child Support Commissioner and Family Law Facilitator Program

The Child Support Commissioner and Family Law Facilitator Program (Assem. Bill 1058) is a mandated statewide program to expedite child support cases. The Judicial Council administers it by adopting rules and forms, setting standards for the Office of the Family Law Facilitator, overseeing budget administration, and in other ways ensuring successful implementation of the program.

History

Assembly Bill 1058, signed by Governor Pete Wilson in September 1996, expedited the court process for families involved in child support cases and made the process accessible and cost-effective. The legislation also made assistance with health insurance and spousal support issues available to litigants. Most significantly, the legislation established the Child Support Commissioner and Family Law Facilitator Program.

AB 1058 originated with the Governor's Child Support Court Task Force, which included family law judges and commissioners, private and public attorneys, representatives of the Judicial Council and the California Department of Social Services, and members of groups representing fathers, mothers, and children.

Commissioners

Under the Child Support Commissioner and Family Law Facilitator Program, 71 commissioners hear child support matters that fall under title IV-D of the Social Security Act—that is, actions in which the local child support agency establishes, modifies, or enforces a child support order. Each court is responsible for the recruitment and assignment of commissioners. Smaller counties are encouraged to share commissioners and other resources.

All actions filed by the local child support agency regarding child and spousal support or paternity must be referred for hearing to a child support commissioner. The commissioner's duties include taking testimony, establishing a record, evaluating

evidence, making decisions or recommendations, and entering judgments or orders based on stipulated agreements.

Family Law Facilitators

AB 1058 requires the superior court in each of California's 58 counties to maintain an Office of the Family Law Facilitator to provide litigants with free education, information, and assistance with child support issues. Each court appoints a California-licensed attorney with mediation or litigation experience in family law to head the office. The family law facilitator does not represent any party, and there is no attorney-client relationship.

For the parents, a family law facilitator helps demystify courtroom procedures and humanize the court system. For the court personnel, commissioners, and judges, a family law facilitator increases the effectiveness of child support decisions, because with the facilitator's help parents prepare their legal papers correctly and more fully understand how to present their cases and collect support.

As an individual court's program matures and the need arises—and as additional funding is secured—the court may (within the limits established by statute) create additional duties for the facilitator, such as mediating support issues, helping parties draft agreements, and preparing formal orders consistent with the court's announced order.

Funding

A cooperative agreement between the Department of Child Support Services (DCSS) and the Judicial Council provides for full state funding by DCSS (with two-thirds of the funds originating with the federal government) for 71 commissioners (52 full-time equivalent positions), 121 facilitators (50 full-time equivalent positions), and their support staffs. Commissioner funding for fiscal year 2016–2017 is $44,764,633 and facilitator funding for fiscal year 2016–2017 is $15,286,662. Some courts supplement the AB 1058 facilitator funding in order to furnish additional facilitator services. The program staff of the Judicial Council Center for Families, Children & the Courts (CFCC) reevaluates local court staffing, as well as financial and other needs, to support adequate allocation of resources to achieve program goals.

Other AB 1058 Provisions

In addition, AB 1058:

- Requires uniform and simplified procedures for title IV-D child support cases;
- Improved the procedures for establishing child support by lengthening the required notice to the person from whom support payments are sought and by requiring a more expeditious method of establishing support;
- Furnishes administrative remedies for certain difficulties of local child support agencies in enforcing support orders; and
- Requires that the person requesting services become a party to an action brought by the local child support agency once a support order is made, and allows issues of custody, visitation, and restraining orders to be determined in the action.

Role of Judicial Council

The Judicial Council, through CFCC, is responsible for administering the program; adopting rules and forms; adopting minimum standards for Offices of the Family Law Facilitator; overseeing budget administration; and taking other actions to ensure the program's success, such as establishing minimum education and training requirements for commissioners and other court personnel (Fam. Code, § 4252(b)(2)), providing training and technical assistance for facilitators, and serving as a clearinghouse for information. The CFCC program staff functions as a communication hub to strengthen and bridge intercounty and Judicial Council-county communication.

Based on recommendations from the Family and Juvenile Law Advisory Committee, the Judicial Council made determinations about the following issues involving child support commissioners:

- Minimum qualifications (Fam. Code, § 4252(b)(1));
- Caseload, case processing, and staffing standards setting forth the maximum number of cases each commissioner may process (Fam. Code, § 4252(b)(3)); and
- Technical assistance for counties with issues related to implementation and operation of the child support system, including the sharing of resources between counties (Fam. Code, § 4252(b)(5)).Contact:

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Additional resources:
Reports and publications, http://www.courts.ca.gov/cfcc-childsupport.htm