AB 1058 Court Clerks Training

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20th Annual AB 1058 Training Conference
August 31, 2016

Court Clerk Training Requirement

- California Rule of Court 5.355
  Minimum standard of training for court clerk staff whose assignment includes Title IV-D child support cases

California Rule of Court 5.355

- Court clerk
- Assignment includes Title IV-D child support cases
- Minimum of 6 hours annually
- Federal & state laws concerning child support and related issues
What is Title IV-D?

- Title IV-D of the Social Security Act
  (Federal Law)
- Requires each state to provide services to the public to establish parentage and get and enforce child support orders
- Provides federal funding to states to assist with the cost of the program

Title IV-D Funding

- California Department of Child Support Services is the single state-level IV-D agency. All program funding flows through DCSS
- Program is 2/3 federal Title IV-D funds & 1/3 state funds
- DCSS contracts with the JCC to provide child support court services. JCC then contracts with each court
- What do the courts and the JCC have to do to keep this funding?
  - Keep accurate records including having each person who works on the child support program keep accurate time records.
**Time Studying**

- Purpose is to make sure that grant funding is going to pay for grant-related activities
- If an employee works 100% on Title IV-D work, timesheet showing all hours under Title IV-D is enough
- If employee works on Title IV-D and other non-funded activities must track time spent by funding source
- What is IV-D eligible activity for court clerk?

**Child Support Program Background**

- Historical Background
  - Title IV-D Performance Problems in California
    - Current system of establishing child support was inadequate
    - Needed system that was quick & efficient
    - Lack of uniformity of policies and procedures among courts/child support agencies

**Legislature’s Response**

- Enacted AB 1058 in 1996 (Child Support Commissioner and Family Law Facilitator Program)
  - Provided the courts with direction on how to develop an effective program
  - Provided the courts with funding
AB 1058 Program Objectives

- Establish a simple, speedy and cost-effective system that was accessible to families
- Mandate uniform and simplified procedures
- Create specialized child support commissioners and family law facilitators

AB 1058 Program Realized

- Child support commissioners/family law facilitators in each county
- Specialized court procedures that are streamlined and unique to Title IV-D
- Created specialized rules & forms
- Set up minimum qualifications for staff and standard training requirements

Rules & Forms

General Overview

Who can come up with ideas for rules & forms?
What is the process for review and approval?
What is the timeline?
Rules & Forms

Governmental Forms

• Special role of these forms given the volume of IV-D cases; numbers of self-represented litigants and the DCSS statewide automated environment
• Role of Local Agencies in forms development and review
• Special concerns

Specialized Court Procedures for IV-D Cases

Proposed Judgment Process
• Amended Proposed Judgment
• Limitations on review of default judgments
• Confidential proof of service (redaction of addresses)
• Objection to Child Support Commissioner vs. Stipulation to Commissioner
• Others?

Fees & Costs in Title IV-D Cases

• Exemption of Child Support Agency from payment of fees and costs (Government Codes 6103.9)
• No fee to file response or subsequent paper in action brought by DCSS (Government Code 70672)
• What about Requests for Hearing on Wage Assignment? (CRC 5.335(c))
Plans of Cooperation

• Required by the funding contract between JCC/court
• Can set out local case/form processing timelines
• Requires quarterly POC meeting between court and agency
• How can this be used to benefit case/forms processing and effective local court procedures.

Registration vs. Change in Case Management Responsibility

Use of FL-634

• Development of the Child Support Computer Program
• Change in Local Agency Policy & Practice
• Rationale behind the change
• Impact on the court

How Can You Tell If the Local Agency Is Still Part of the Case?

Use of FL-632

• This form is used when the local child support agency enters the case.
  - Current Support
  - Support Arrears
  - Medical Support
• This form is used when the local child support agency leaves the case.
California Rule of Court 5.125

- Effective January 1, 2013
- What problem was rule trying to fix?
- Review of the provisions of the Rule
- Applicability to Title IV-D cases & potential program impact

Time Standards Required by the Contract

Minimum Time Standards:
- LCSA documents must filed and processed within ten (10) Court working days or immediately in exceptional circumstances.
- LCSA documents which require a Court hearing must processed within five (5) Court days of the submission.
- More timely processing of FL-191

Judicial Council Forms Currently Under Review

AB 610 – Incarcerated Obligors
- Form FL-342, Child Support Information and Order Attachment
- Form FL-350, Stipulation to Establish or Modify Child Support and Order
- Form FL-530, Judgment Regarding Parental Obligations
- Form FL-825, Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment
- Form FL-425, Stipulation and Order
- Form FL-630, Judgment Regarding Parental Obligations
- Form FL-665, Findings and Recommendation of Commissioner
- Form FL-687, Order After Hearing
- Form FL-688, Short Form Order After Hearing
- Form FL-692, Minutes and Order or Judgment
Judicial Council Forms Currently Under Review

SB 646 – Uniform Interstate Family Support Act

- Adopt UIFSA Child Support Order Jurisdictional Attachment (form FL-590(A))
- Adopt Notice of Registration of an International Hague Convention Support Order (form FL-592)
- Adopt Request for Hearing Regarding Registration of an International Hague Convention Support Order (form FL-594)
- Revise form FL-510
- Revise form FL-520
- Revise form FL-560
- Revise form FL-570
- Revise form FL-575
- Revoke forms FL-511 and FL-515

Program Questions?