

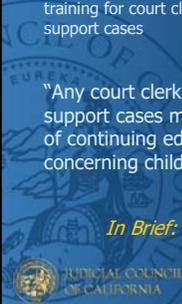
Court Clerk Processing

23rd Annual AB 1058 Child Support Training Conference



Classroom Etiquette

- Cell Phones on Vibrate
- Ask ANY Question Relevant to the Subject Matter
 - Index Cards
- Respect your Colleagues



Mandatory Training

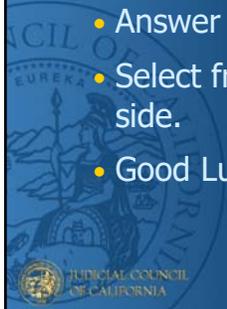
California Rule of Court 5.355 Minimum standards of training for court clerk staff whose assignment includes title IV-D child support cases

"Any court clerk whose assignment includes title IV-D child support cases must participate in a minimum of six hours of continuing education annually in federal and state laws concerning child support and related issues."

In Brief: 6 Hrs of Training in Area is Required

Vocabulary Test. . .

- Answer as many as you can;
- Select from the answers on the side.
- Good Luck 😊



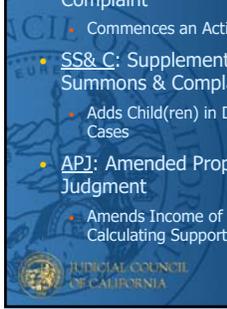
ANSWERS: Vocabulary Terms

- IV-D: Title IV-D of the Social Security Act
- 1058: The Assembly Bill passed in 1996
 - Expedited Court Process for Child Support Cases
 - Established Child Support Commissioner and FL Facilitator Program
 - Established Simplified Procedures for Everyone Involved.
- LCSA: (also DCSS)
 - Local Child Support Agency
- DCSS: (also LCSA)
 - Department of Child Support
- Petitioner: Moving Party in an Action
- Respondent: Respondent in an Action
- Other Parent: Custodial Parent (NOT Joined UNTIL Judgment in DCSS Initiated Action)



ANSWERS : Vocabulary Terms

- S & C: Summons & Complaint
 - Commences an Action
- SS&C: Supplemental Summons & Complaint
 - Adds Child(ren) in DCSS or FL Cases
- APJ: Amended Proposed Judgment
 - Amends Income of Party for Calculating Support
- Jurisdiction: Having Authority (Power) to make Orders.
- Service: Legally providing copies to the party listed in the Filing.
- Motion: Request by Party for Court Action
 - Initiating; Modification; Enforcement
- Arrearages: Unpaid Support



Goal of Clerks' Office

- PROTECT always Statutes of Limitations;
- PROTECT/LEGITIMIZE of all Final dispositions and judgments by proper review of filings;
- ENCOURAGEMENT in lieu of criticism;
- COLLABORATE with all Justice Partners recognizing the need of the various agencies, offices, and parties we are servicing.



• KERN COUNTY FAMILY LAW

Goal for 58 Counties: • Local v. California Rules

- Create a sense of uniformity;
- Prevent confusion for parties and Courts.

Rules of Practice:

Each county has its own local rules, policies, and practices;
Class will be taught according to California Codes and Rules of Court;
Same for each Court in California;
Take precedence over local rules.

Hierarchy of Laws

1. Family Law Code
2. California Rules of Court
3. Local Rules



Family Code 17400(n) Venue

(Amended by Stats. 2015, Ch. 416, Sec. 3. Effective January 1, 2016.)

Notwithstanding any other law, venue under this division shall be in Superior Court in:

- County currently expending public assistance.
- No current public assistance: County where child resides.
- Current support is no longer payable/ enforceable by LCSA: County last provided aid to enforce arrearages per W&I 11477.

- NO aid: County of residence of the support **obligee**.
- If no aid, Obligee doesn't live in CA: County of residence of the **obligor**.
- **Change in Managing County**
- **If child becomes resident of another county after filing, Case remains in County where filed until completed.**
- **LCSA of one county MAY appear OBO another LCSA.**



Processing AB 1058 Cases aka LCSA Initiated Cases

Family Law Filings

- Filed under the Family Code
- Usually Involve:
 - Petitioner/Respondent: Two (2) Parties
 - Many Filings
 - All Over Map when it comes to Process

AB 1058 Filings

- Filed under the Family Code; W & I Code.
- Usually Involve:
 - Petitioner/Respondent/**Other Parent**: Three (3) Parties (County v. Party/OP)
 - Petitioner usually County
 - Cases are more Structured
 - Cross over into Family Cases



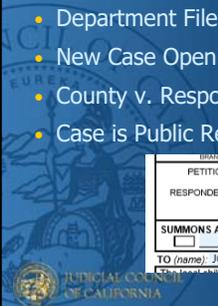
Filing Methods

- File/Open New Case Filing
 - Foreign Support Case
- File within an Existing Case
 - Bring DCSS into Case
 - Add a Child to Existing Case
- File Motion to Intervene



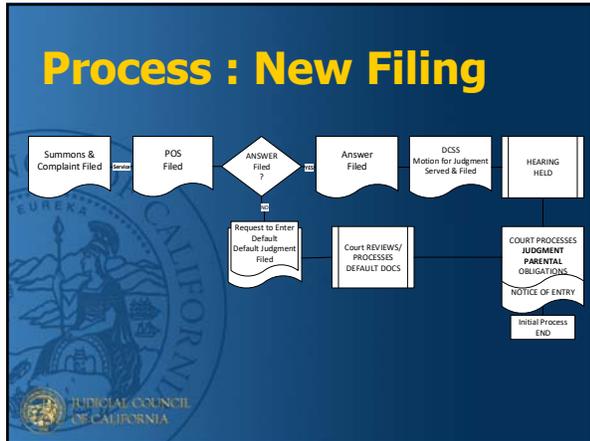
File/Open New Case

- Department Files NEW Summons & Complaint
- New Case Opening
- County v. Respondent/Other Parent**.
- Case is Public Record



PETITIONER/PLAINTIFF: COUNTY OF KERN		
RESPONDENT/DEFENDANT: JOHN SMITH		
OTHER PARENT: JANE SMITH		
<input type="checkbox"/> SUMMONS AND	<input checked="" type="checkbox"/> COMPLAINT	<input type="checkbox"/> SUPPLEMENTAL COMPLAINT
<input type="checkbox"/> AMENDED COMPLAINT	REGARDING PARENTAL OBLIGATIONS	
TO (name): JOHN SMITH		

Process : New Filing



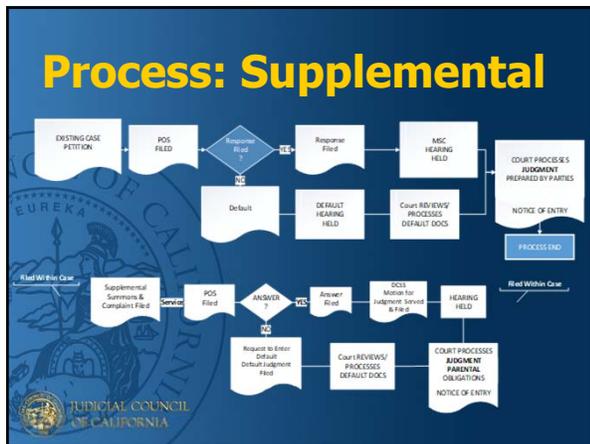
File within Existing Case: Supplemental

- Supplemental Summons and Complaint filed within Existing Case.
- Child Support Case **CASE SECURITY**
- Family Law Case **FOLLOWS INITIAL CASE**
- Case Title = Existing Case

PETITIONER/PLAINTIFF: COUNTY OF KERN		
RESPONDENT/DEFENDANT: JOHN SMITH		
OTHER PARENT: JANE SMITH		
SUMMONS AND COMPLAINT	1 SUPPLEMENTAL COMPLAINT	CASE NUMBER: BDA-19-102
TO (name): JOHN SMITH		

PETITIONER/PLAINTIFF: JANE SMITH		
RESPONDENT/DEFENDANT: JOHN SMITH		
OTHER PARENT:		
SUMMONS AND AMENDED COMPLAINT	1 SUPPLEMENTAL COMPLAINT	CASE NUMBER: BFL-19-001
TO (name): JOHN SMITH		

Process: Supplemental



Service of Process

- Personal Service CCP 415.10
- Substituted Service CCP 415.20(B)
- Service by Mail
 - Notice of Acknowledgement CCP415.30
 - Governmental Form FL-605
 - Certified Mail (Out of CA) CCP 415.40
- Publication CCP 415.50
- Posting ? Does not Apply to DCSS Filings

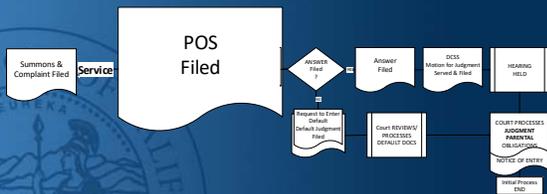


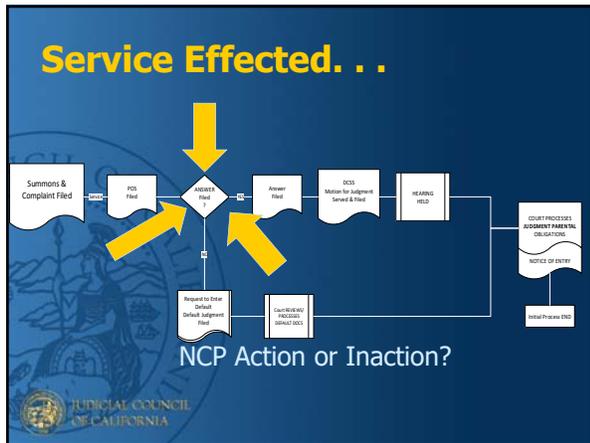
Service Effective Dates

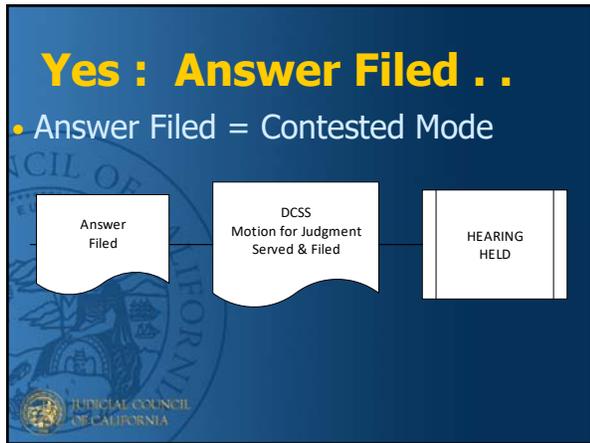
METHODS OF SERVICE	SERVICE REQUIREMENTS	SERVICE DEEMED COMPLETED
Personal Service CCP 415.10	Personally delivered to respondent	Immediately upon delivery
Substituted Service CCP 415.20(B)	Delivery to a competent adult (over 18) apparently in charge at the respondent's home, usual place of abode, business or mailing address (not a PO Box), who must be told of the contents delivered, AND a copy must be mailed to the respondent at the same address.	10 th day after the date of mailing
Requires a due diligence declaration showing attempt(s) of personal service	Respondent must sign and date the Notice and Acknowledgement of Receipt. The original is returned to the court attached to the Proof of Service.	The date the Notice and Acknowledgement is signed by the Respondent
Service by mail CCP 415.3	Notice & Acknowledgement of Receipt. Sender must complete date of mailing, sign and indicate what documents are being sent.	
Service by mail CCP 415.40	Delivery to respondent by certified mail, return receipt signed and dated by respondent, attached to proof of Service prior to filing with court. Declaration of service by mail will also be completed.	10 th day after date of mailing
Certified mail outside of California only	Application and Order for Publication of Summons must be submitted to the court. Upon proper review, the court can order Summons published in newspaper most likely to give actual notice.	28 th day after the first day of publication Gov. Code 6064
Service by Publication CCP 415.50	Available where other party cannot be served by any reasonable method with due diligence.	



Proof of Service Filed







Answer

- No Fee for Filing
- Completed POS Built Back of Form
- Income and Expense/Financial Forms not Required to File
- Paternity Challenges HERE! (Compare to Motions)
- Genetic Testing may follow an answer

JUDICIAL COUNCIL OF CALIFORNIA

Default Checklist

- Answer on file?
 - Yes – NO Default
 - No – Proceed
- Service Type?
 - Personal
 - Mail
 - Other
- Judgment must match Proposed Judgment filed w/Summons & Complaint
- Filings:
 - Request to Enter Default (FL-620)
 - Declaration for Default (FL-697)
 - Judgment Regarding Parental Obligations (FL-630)
 - Hearing or by Declaration?



Request to Enter Default

- Complete
- Dated & Signed
- Clerk Completes Entry
- Files/Enters
- Proceeds with Judgment

FOR COURT USE ONLY

Default entered as requested on check

Default not entered as requested (check reason)

Judgment

Filed Judgment

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Proposed Judgment /APJ
