AB 1058 Court Clerks Training

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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 AOC to provide child support court services. AOC then contracts with each court
• What do the courts and the AOC 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 AOC/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

New Contract Terms

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

Program Questions?