

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR21-10

Title

Family Law: Reenactment of Family Code section 4007.5

Action Requested

Review and submit comments by May 27, 2021

Proposed Rules, Forms, Standards, or Statutes

Revise forms FL-192, FL-350, FL-490, FL-676, FL-676-INFO, and FL-688

Proposed Effective Date

January 1, 2022

Proposed by

Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair

Contact

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Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes revising several forms in order to provide court users and the public with information regarding relief available to incarcerated or involuntarily institutionalized child support obligors. The proposed revisions are needed to reflect new law under recently reenacted Family Code section 4007.5.

Background

Family Code section 4007.5,¹ which provides that, by operation of law, any money judgment or order for child support is automatically suspended when an obligor is incarcerated or involuntarily institutionalized for more than 90 consecutive days for the period of time the obligor is confined, was reenacted effective January 1, 2021, by Assembly Bill 2325 (Carrillo; Stats. 2020, ch. 217). This section was originally put into place effective July 1, 2011, but then sunsetted effective June 30, 2015. It was reenacted, effective October 8, 2015, expanding the relief, but was then allowed to sunset a second time, effective January 1, 2020. The relief available in the current version is identical to the prior statute, but now contains a sunset date of January 1, 2023.

The legislation also requires the Department of Child Support Services, in consultation with the Judicial Council, to develop forms to implement section 4007.5. The proposal set forth below,

¹ All further statutory references are to the Family Code.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

however, solely addresses Judicial Council forms that are integral to the judicial process and provide notice to the parties regarding the provisions of AB 2325.

Various Judicial Council forms relating to child support judgments, orders, and arrears were previously revised multiple times to provide information regarding the relief then available to child support obligors and were then revised again to remove this language at the most recent time section 4007.5 sunsetted.²

The Proposal

To comply with recently enacted AB 2325, the committee proposes revising forms FL-192, FL-350, FL-490, FL-676, FL-676-INFO, and FL-688. Specifically, the committee proposes adding the following information regarding the current relief available to child support obligors who become incarcerated or involuntarily institutionalized for longer than 90 days, in plain language, as shown in the screenshot below:

Information About Incarcerated Parents for Support Orders Made or Modified After December 31, 2020

1. Child support. Under current California law, child support automatically stops if the parent who has to pay:

- Is confined against their will, for more than 90 days in a row, in jail, prison, juvenile detention, or a mental health facility.

2. Exceptions. Child support does not automatically stop if the parent who has to pay:

- Is confined for:
 - Domestic violence against the other parent or child; or
 - Failing to pay a child support order; or
- Has money available to pay child support.

3. Timing. Child support will automatically restart at the old amount the first day of the first full month after the parent is released. If you need to change your child support order, see page 2.

4. More info. For more information about child support and incarcerated parents, see [Family Code section 4007.5](#) or talk to the [family law facilitator](#) in your county.

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Unlike previous proposals where this language was added to multiple child support order and judgment forms, it would instead only be included on *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* and *Information Sheet on Changing a Child Support Order* (form FL-192). The information currently on form FL-192 is required to be provided to parties anytime a court makes an order for child support or reimbursement for uninsured medical costs.³

However, of the 10 Judicial Council forms related to child support orders or judgments, form FL-192 is required to be attached to eight of those forms. The only two forms that currently do not require form FL-192 to be attached are *Stipulation to Establish or Modify Child Support and Order* (form FL-350) and *Short Form Order After Hearing (Governmental)* (form FL-688).

² *Rules and Forms: Technical Changes Required by Sunsetting of Family Code section 4007.5 (19-215)* can be found at <https://jcc.legistar.com/View.ashx?M=F&ID=7693399&GUID=5D192C8D-167D-4360-9F08-DB7FFDB0707E>.

³ See Fam. Code, §§ 4010, 4063.

Consequently, the committee further proposes that these two forms be revised to include language stating that form FL-192 must also be attached.

Given the costs for courts, legal professionals, self-help centers, and form-generation software developers anytime Judicial Council forms are revised, the committee considers a more prudent approach would be to only include the above language on one form (form FL-192), and requiring that the form be attached to *all* child support order or judgment forms. Additionally, including language about relief in a law that may again sunset on court orders and judgments can lead case participants to believe this relief is available as an order of the court instead of just information about the current state of the law.

Moreover, it is proposed that more substantial revisions be made to form FL-350, including making it gender inclusive and an optional form, and to forms FL-350 and FL-676-INFO to make them more user-friendly for self-represented litigants by incorporating more plain-language concepts found on other Judicial Council family law forms.

Finally, it is proposed that the following three forms also be revised so parties can easily request the relief available under section 4007.5 from the court:

- *Application to Determine Arrears* (form FL-490);
- *Request for Determination of Support Arrears (Governmental)* (form FL-676); and
- *Information Sheet: Request for Determination of Support Arrears (Governmental)* (form FL-676-INFO).

Regarding form FL-676, the Proof of Service section on page 2 of the current version of the form was deleted. Form FL-676 is designed to be used by the party receiving or paying child support, but not the local child support agency. Including the Proof of Service as part of a motion form can be confusing to self-represented litigants. It may create the impression that parties do not need to serve a copy of a filed motion (with a court date listed) on the other party, as parties may believe they need to complete the Proof of Service section on the form first before filing it with the court.

Alternatives Considered

The committee considered not revising any forms as section 4007.5 will sunset again on January 1, 2023 (if not extended). However, the committee instead proposes revising the forms described above in order to provide information to court users—including self-represented litigants—and the public regarding the relief available to child support obligors if they become incarcerated or involuntarily institutionalized for longer than 90 days.

Fiscal and Operational Impacts

The committee anticipates that courts would incur some costs to revise forms and add them to their case management systems, train court staff about the revised forms included in this

proposal, and possibly revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Does adding language only to form FL-192, instead of all 10 child support order or judgment forms, regarding the relief available under Family Code section 4007.5 adequately disseminate this information to case participants?
- Will revising form FL-350 from a mandatory to an optional form create any unintended consequences for case participants or the courts?
- Will removing the Proof of Service section from page 2 of form FL-676 create any unintended consequences for case participants?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three (3) months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms FL-192, FL-350, FL-490, FL-676, FL-676-INFO, and FL-688, at pages 5–16
2. Link A: Family Code section 4007.5,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=4007.5

NOTICE OF RIGHTS AND RESPONSIBILITIES
Health-Care Costs and Reimbursement Procedures

DRAFT
Not approved by
the Judicial Council

IF YOU HAVE A CHILD SUPPORT ORDER THAT INCLUDES A PROVISION FOR THE REIMBURSEMENT OF A PORTION OF THE CHILD'S OR CHILDREN'S HEALTH-CARE COSTS AND THOSE COSTS ARE NOT PAID BY INSURANCE, THE LAW SAYS:

1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

2. Proof of full payment. If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

3. Proof of partial payment. If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

4. Payment by notified parent. If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

5. Going to court. Sometimes parents get into disagreements about health-care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.

a. Disputed charges. If you dispute a charge made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay that charge before filing your request.

b. Nonpayment. If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable.

c. Attorney fees. The court may award attorney fees and costs against a parent who has been unreasonable.

d. Court forms. Use forms [FL-300](#) and [FL-490](#) to get a court date. See form [FL-300-INFO](#) for information about completing, filing, and serving your court papers.

6. Court-ordered insurance coverage. If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

a. Burden to prove. The party claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

b. Cost of additional coverage. If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

7. Preferred health providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the party incurring those costs.

Information About Incarcerated Parents for Support Orders Made or Modified After December 31, 2020

1. Child support. Under current California law, child support automatically stops if the parent who has to pay:

- Is confined against their will, for more than 90 days in a row, in jail, prison, juvenile detention, or a mental health facility.

2. Exceptions. Child support does not automatically stop if the parent who has to pay:

- Is confined for:
 - Domestic violence against the other parent or child; or
 - Failing to pay a child support order; or
- Has money available to pay child support.

3. Timing. Child support will automatically restart at the old amount the first day of the first full month after the parent is released. If you need to change your child support order, see page 2.

4. More info. For more information about child support and incarcerated parents, see [Family Code section 4007.5](#) or talk to the [family law facilitator](#) in your county.

NOTICE OF RIGHTS AND RESPONSIBILITIES

Information Sheet on Changing a Child Support Order

General Information

The court has made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if it is involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* ([form FL-350](#)) or *Stipulation and Order (Governmental)* ([form FL-625](#)).

When a Child Support Order May Be Modified

The court takes several things into account when ordering the payment of child support. First, the number of children is considered, along with the percentage of time each parent has physical custody of the children. Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support paid are subtracted from your pay). The court can also look at earning ability if a parent is not working. The court considers both parents' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when the net disposable income of one of the parents changes significantly, the parenting schedule changes significantly, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order, you must fill out one of these forms:

- [Form FL-300](#), *Request for Order* or
- [Form FL-390](#), *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms:

- [Form FL-150](#), *Income and Expense Declaration* or
- [Form FL-155](#), *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Talk to the [family law facilitator](#) at your court.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form. The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- [Form FW-001](#), *Request to Waive Court Fees* and [form FW-003](#), *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

This means someone 18 or over—**not you**—must serve the other parent copies of your filed court forms at least **16 court days** before the hearing. Add **5 calendar days** if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations). **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to www.courts.ca.gov/holidays.htm.

The server must also serve blank copies of these forms:

- [Form FL-320](#), *Responsive Declaration to Request for Order* and [form FL-150](#), *Income and Expense Declaration*, or
- [Form FL-155](#), *Financial Statement (Simplified)*

Then the server fills out and signs a *Proof of Service* ([form FL-330](#) or [form FL-335](#)). Take this form to the clerk and file it.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- [Form FL-340](#), *Findings and Order After Hearing* and [form FL-342](#), *Child Support Information and Order Attachment*

Need help?

Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 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 PARTY:	
STIPULATION TO ESTABLISH OR MODIFY CHILD SUPPORT AND ORDER	CASE NUMBER:

INSTRUCTIONS

- Use this form if the parents have an agreement about child support. After this form is completed and signed by both parents, it must be filed and approved by the court. A court case (for example, a divorce case) must already be open before this form can be used.
- If the local child support agency is involved in your case, a lawyer from their office must also approve and sign the agreement.
- If the local child support agency is not involved in your case, each parent must also complete and file a *Child Support Case Registry Form (form FL-191)* when submitting this agreement to the court.
- When you file the agreement with the court, the clerk may ask the parents to pay a filing fee. If you cannot afford the fee, you must fill out these forms: *Request to Waive Court Fees (form FW-001)* and *Order on Court Fee Waiver (Superior Court) (form FW-003)*.
- For more information about child support, go to: <https://selfhelp.courts.ca.gov/what-know-about-child-support> and for help with completing this form, talk to the [family law facilitator](#) or [self-help center](#) in your county.

① The child support orders below are agreed to by:

a. (name): _____, who is the Petitioner Respondent Other party, and

b. (name): _____, who is the Petitioner Respondent Other party.

② We agree that (name): _____ must pay to (name): _____

child support as listed below, beginning on (date): _____

a. The children are:

	<u>Name of child</u>	<u>Date of birth</u>	<u>Monthly amount</u>
(1)			
(2)			
(3)			
(4)			
(5)	<input type="checkbox"/> Additional children are listed on an attached page.		

Total: \$ _____ payable on the first of the month other (specify): _____

b. The parents agree to pay additional child support as follows:

Instructions: For each item you select in the table on page 2, you must also tell the court how the expense will be paid each month.

- **Percentage:** You can select "50% by each parent" or use a different split (for example, *Name 1: 70%, Name 2: 30%*).
- OR-
- **Dollar amount:** You can input a fixed dollar amount (for example, *Name 2 will pay \$150/month for child care costs*).

(Note: if the actual monthly cost for that item later changes, you will then also need to change the court order; this will not happen automatically.)

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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☑	Additional child support	Percentage			Dollar amount	
		50% by each parent	(name):	(name):	(name):	(name):
<input type="checkbox"/>	Reasonable uninsured medical costs for child	<input type="checkbox"/>	%	%	\$/month	\$/month
<input type="checkbox"/>	Child care costs related to job or job training	<input type="checkbox"/>	%	%	\$/month	\$/month
<input type="checkbox"/>	Educational costs for child	<input type="checkbox"/>	%	%	\$/month	\$/month
<input type="checkbox"/>	Costs for other special needs of child	<input type="checkbox"/>	%	%	\$/month	\$/month
<input type="checkbox"/>	Travel expenses for visitation	<input type="checkbox"/>	%	%	\$/month	\$/month
<input type="checkbox"/>	Other (specify):	<input type="checkbox"/>	%	%	\$/month	\$/month

② c. **Total monthly child support.** (name): _____ will pay: \$ _____, payable _____ on the first of the month other (specify): _____

③ Health insurance for the child will be provided by (name): _____ if available at no or reasonable cost from their job or self-employment. 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.

④ We have attached a printout of a computer calculation of our financial information. (If you do not attach a printout, fill out items ⑤ and ⑥, and ⑦ if applicable. A free child support calculator is available at: www.childsupport.ca.gov/guideline-calculator.)

-OR-

⑤ The net monthly disposable income of (name): _____ is: \$ _____, and the net monthly disposable income of (name): _____ is: \$ _____.

(Note: child support is based on the *net disposable income* of each parent, which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support paid are subtracted from your pay.)

⑥ Based on our parenting time arrangement, on average the child is with (name): _____ % of the time and is with (name): _____ % of the time each month.

⑦ We agree to allow hardships in calculating child support.
 a. (name): _____ : \$ _____ per month because of (specify): _____
 b. (name): _____ : \$ _____ per month because of (specify): _____

⑧ Guideline child support is \$ _____ per month, payable by (name): _____.

⑨ We agree to guideline child support.

⑩ The guideline amount should **not** be used because of the following:
 a. We agree 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 adequately met by the agreed amount; and application of the guideline would be unjust or inappropriate in this case.
 b. Other reasons why the guideline amount should not be used (specify): _____

⑪ a. We agree to promptly tell each other our new mailing address if it changes.
 b. We agree to promptly tell each other our new employment information if we change jobs.

⑫ Other agreements related to child support (specify): _____

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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- 13 a. An earnings assignment order is issued. All child support payments must be made through the State Disbursement Unit.
- b. We agree to stay (stop) the service of the earnings assignment because we have made the following alternative arrangements to ensure payment (specify):

- 14 We agree that we are fully informed of our rights under the California child support guidelines. This agreement is in the best interest of the child. We make this agreement freely without coercion or duress.

- 15 In the event that there is a contract between a parent receiving support and a private child support collector, the parent 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 in arrears 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 parent receiving support, jointly.

- 16 Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order (form FL-192) must be attached and is incorporated into this order.

- 17 a. The right to support has not been assigned to any county, and no application for public assistance is pending.
- b. The right to support has been assigned or an application for public assistance is pending.
 If you checked b, a lawyer from the local child support agency must also approve and sign the agreement.

- 18 The local child support agency has reviewed and approves of this agreement.

Date: _____

(TYPE OR PRINT NAME)

 (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

NOTICE: Any parent required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent per year. If the parents agree to a child support order less than the guideline amount, the order can be modified without showing a change of circumstances. If the order is above the guideline, a change of circumstances will be required to modify the order. This form must be signed by all parties and the court to be effective.

Date: _____

(TYPE OR PRINT NAME)

 (SIGNATURE OF PETITIONER RESPONDENT OTHER PARTY)

Date: _____

(TYPE OR PRINT NAME)

 (SIGNATURE OF PETITIONER RESPONDENT OTHER PARTY)

Date: _____

(TYPE OR PRINT NAME)

 (ATTORNEY FOR PETITIONER RESPONDENT OTHER PARTY)

Date: _____

(TYPE OR PRINT NAME)

 (ATTORNEY FOR PETITIONER RESPONDENT OTHER PARTY)

THE COURT ORDERS

- 19 a. The guideline child support amount in item 8 is rebutted by the factors stated in item 10.
- b. Items 1 through 3 and items 11 through 13 are ordered. All child support payments must continue until further order of the court, or until the child marries, dies, is emancipated, or reaches age 18. The duty of support continues as to an unmarried child who has attained the age of 18 years, is a full-time high school student, and resides with a parent, until the time the child completes the 12th grade or attains the age of 19 years, whichever first occurs. Except as modified by this agreement, all provisions of any previous orders made in this action will remain in effect.

Date: _____

 JUDICIAL OFFICER

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER: DRAFT
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APPLICATION TO DETERMINE ARREARS
 Attachment to *Request for Order* ([form FL-300](#))

**Not approved by
the Judicial Council**

- Child Support**
 Spousal or partner support
 Family support
 Medical support
 Unreimbursed expenses
 Unreimbursed medical expenses
 Other (specify):

1. I ask that the amount of past due support payments (arrears) be decided in this case.
 - a. I have already paid some all of the support ordered. Proof of payment is attached.
 - b. The children for whom support is to be paid were living with me full time for the period from _____ to: _____ . I provided all of their support during that period. I am attaching a detailed declaration explaining these facts and supporting documentation, including any proof that the children were living with me.
 - c. I could not pay child support because:
 - (1) I was confined against my will, for more than 90 days in a row, in jail, prison, juvenile detention, or a mental health facility (*attach proof*):
 - (a) Start date: _____
 - (b) End date: _____
 - (2) I was not confined for:
 - (a) Domestic violence against the other parent or our child; or
 - (b) Failing to pay a child support order.
 - (3) I had no money available to pay child support while I was confined.
 - (4) My child support order was entered or modified after **December 31, 2020**.
 - d. Other (*specify*): _____
2. I have previously asked the other parent for payment and provided the other parent with an itemized statement of the unreimbursed childcare expense medical expense. (*Attach copies of all bills being claimed and proof of any payments that you have made on these bills.*)
3. I am asking the other person to pay attorney fees costs. My *Income and Expense Declaration* ([form FL-150](#)) is attached.
4. I have attached (*check all that apply*):
 - a. a *Declaration of Payment History* ([form FL-420](#)).
 - b. a *Payment History Attachment* ([form FL-421](#)).
 - c. Other (*specify*): _____
5. Facts in support of the relief requested are (*specify*): _____

contained in the attached declaration.

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

Date: _____

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF DECLARANT)
<input type="checkbox"/> Petitioner/plaintiff	<input type="checkbox"/> Respondent/defendant
<input type="checkbox"/> Other parent/party	<input type="checkbox"/> Other (<i>specify</i>): _____

NOTICE: This form must be attached to *Request for Order* (FL-300)

NOT A COURT ORDER

Page ____ of ____

PARTY WITHOUT ATTORNEY OR ATTORNEY (<i>name, state bar number, and address</i>): NAME: _____ STATE BAR NO.: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>name</i>): _____	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER: _____ RESPONDENT: _____ OTHER PARTY: _____	
REQUEST FOR DETERMINATION OF SUPPORT ARREARS	CASE NUMBER: _____

INSTRUCTIONS

- Use this form if you disagree with the local child support agency about how much back support (arrears) is owed.
- Complete items 4–6. For more information about completing this form, see *Information Sheet: Request for Determination of Support Arrears* ([form FL-676-INFO](#)).
- After you fill out the request and any attachments, take the originals plus three copies to the court clerk to file.
- After you file, copies of your court papers must be "served" on the local child support agency and the other party in the case, and you must file a proof of service with the court. See [form FL-676-INFO](#) for more information about serving the request.
- Make sure you go to the court hearing listed in item 1.

NOTICE OF HEARING

1. A hearing on this application will be held as follows:
 - a. Date: _____ Time: _____ Dept: _____ Div: _____ Room: _____
 - b. The address of the court is same as noted above Other (*specify*): _____

2. **WARNING to the person served with this request:** The court may make the requested orders without you if you do not file a *Response to Governmental Notice of Motion or Order to Show Cause* ([form FL-685](#)), and appear at the hearing. See [form FL-676-INFO](#) for more information about filing a response.

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

4. a. I did did not request an administrative review of support received by the local child support agency.
 b. A printout listing support payments received by the local child support agency is is not attached.

5. I ask that the amount of past due support payments (arrears) be adjusted in this case.
 - a. I disagree with how much support the local child support agency says was paid. I am attaching my own payment history with a monthly breakdown of how much was ordered and how much was paid.

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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5. b. I could not pay child support because:
- (1) I was confined against my will, for more than 90 days in a row, in jail, prison, juvenile detention, or a mental health facility (*attach proof*):
 - (a) Start date:
 - (b) End date:
 - (2) I was not confined for:
 - (a) Domestic violence against the other parent or our child; or
 - (b) Failing to pay a child support order.
 - (3) I had no money available to pay child support while I was confined.
 - (4) My child support order was entered or modified after **December 31, 2020**.
- c. Other (*specify*):

6. I have attached (*check all that apply*):
- a. a Declaration of Payment History ([form FL-420](#)).
 - b. a Payment History Attachment ([form FL-421](#)).
 - c. a printout listing support payments received by the local child support agency.
 - d. Other (*specify*):

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)

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’s acting as a temporary judge. If you or the other party objects, the court commissioner may still hear your case to make findings and a recommended order to a judge. If you do not like the recommended order, you must object to it within **10 court days** in writing (use *Notice of Objection (Governmental)* ([form FL-666](#))); otherwise, the recommended order will become a final order of the court. If you object to the recommended order, a judge will make a temporary order and set a new hearing.

When do I use form FL-676?

Use this form if the local child support agency is involved in your child support case and you:

- Disagree with how much in back support (arrears) they say is owed; or
- They refused to adjust the back support (arrears) for the time you were in jail, prison, juvenile detention, or a mental health facility for longer than 90 days and couldn't pay support.

Do NOT use form FL-676 to change the order.

If you want to change the support order, you need to file a *Request for Order* (form [FL-300](#)) and an *Income and Expense Declaration* (form [FL-150](#)). See form [FL-300-INFO](#) for more information.

How do I get a court date?

Step 1: Fill out the form (in black ink)

- 1 Put your name, address, and contact information at the top of the form. Next, enter the court name and address. Then insert the names of the Petitioner, Respondent, and Other Party, and the case number. (You can find this information on your child support order.)



- 2 Start with Item 4 to tell the court why you want the back support (arrears) changed.

- **Item 4(a):** Tell the court if you asked for the local child support agency to conduct an administrative review of support payments received.*
- **Item 4(b):** Tell the court if you've attached a printout listing payments received by the local child support agency.*

(***Note:** You can file this request without first asking for an administrative review or attaching a printout from the local child support agency.)

- **Item 5(a):** Attach your own support payment history, breaking down how much was owed and how much was paid each month. (You can use forms [FL-420](#) and [FL-421](#) for this purpose.)

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- **Item 5(b):** Attach proof to show the court you were in jail, prison, juvenile detention, or a mental health facility against your will for longer than 90 days and had no other money available to pay child support during that time. (**Note:** This relief can only be requested for orders made or modified after December 31, 2020.)
 - **Item 5(c):** If 5(a) or 5(b) don't apply, tell the court why the back support (arrears) should be adjusted.
 - **Item 6:** Tell the court what paperwork (evidence) you have attached to your request.
- 3 Enter the date, print your name, and sign the form to tell the court that everything in your paperwork is true and correct.

Step 2: Make copies of your court papers

Make 3 sets of copies of your request, including any attachments, and keep the signed originals.

Step 3: File your request with the court

- 1 Take your originals, plus the 3 sets of copies, and file them with the court clerk. Find your court here: www.courts.ca.gov/find-my-court.htm.
- 2 The court clerk will fill out Item 1 with information about your court hearing date and return the 3 sets of copies to you with a "filed" stamp in the top right corner.



Tip: Check your [local court's website](#) to see if you can file your request electronically (e-file).

- 3 You will not be charged a fee to file this request.

Step 4: Have someone "serve" your request

- 1 Service is the act of giving your court papers to the local child support agency and the other party in your case. Service can be done in person or by U.S. mail.



- 2 A "server" (someone else 18 years or older) must serve your request. You can not serve your own court papers.
- 3 Give 2 sets of copies of your request, plus any attachments, to your server.
- 4 There are two options for service:

Option 1

Your server must hand-deliver or mail both sets of copies to the local child support agency, who will then send one set to the other party. To do this option, your server must deliver the papers at least **30 days** before the court date.

Option 2

Your server must hand-deliver or mail one set of copies to the local child support agency and one set to the other party. To do this option, your server must deliver the papers at least **16 court days** before the court date (Add **5 more days** if served by mail.)

- 5 Your server must then complete, sign, and date a *Proof of Service* form to tell the court where and when your request was delivered.



In person: Have your server fill out form [FL-330](#).



By mail: Have your server fill out form [FL-335](#).

- 6 Double check the *Proof of Service* form to make sure your server correctly completed and signed the form. File the original form, plus one copy, with the court at least one week before your court date.

Go to your court hearing

- 1 You must appear at your court hearing or else your request can be denied. Check your [local court's website](#) to see if they are conducting hearings in person or remotely (by videoconference). Complete and file form [FL-679](#) if you want to appear by phone.



- 2 For information about what to expect at the hearing: www.selfhelp.courts.ca.gov/prepare-your-court-date.

Free help

Every county has a family law facilitator that can:

- Explain the legal process;
- Give you free legal forms; and
- Help you fill out court papers.



Depending on your county, the facilitator may help you in person, online, or by phone. Talk to the [facilitator in your county](#) for more information.

Disability Accommodation Request



If you have a disability and need an accommodation while you are at court, you can use [form MC-410](#) to make your request. For more information, see form [form MC-410-INFO](#).

Court interpreters

If you don't speak or understand English very well, you may need a court interpreter to help you in court. You can use form [INT-300](#) to request an interpreter for your court hearing. Ask the court clerk or [family law facilitator in your county](#) for more information.



I got served with a Request for Determination of Support Arrears, now what?

If you disagree with the requests made by the other party in form FL-676, you need to:

- File and serve your own court papers, at least **9 court days** before the court date; and
- Appear at the court hearing.

To respond to the request, file and serve:

- *Response to Governmental Notice of Motion or Order to Show Cause* ([form FL-685](#)); and
- Your own payment history. (You can use forms [FL-420](#) and [FL-421](#) for this purpose.)

See Step 4 for more information about serving court papers and use Option 2.

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): <hr/> TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT 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/PARTY:	
SHORT FORM 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/party present Attorney present (name): _____
- e. Attorney for local child support agency present under Family Code sections 17400 and 17406 by (name): _____
- f. Other (specify): _____

2. **THE COURT FINDS**, based upon the moving papers:

- a. (Name): _____ is the parent ordered to pay support in this proceeding.
- b. The parent ordered to pay support has no ability to pay support because (specify): _____
- c. Health insurance coverage at no or reasonable cost is currently not available to the parent ordered to pay support to cover the minor children in this action.

3. **THE COURT ORDERS**

- a. All orders previously made in this action will remain in full force and effect except as specifically modified below.
- b. This matter is continued to: _____ in Dept.: _____ for the following purposes only:
- c. The parent ordered to pay support is ordered to appear on the continuance date.
- d. Current child support is modified to: \$ _____ per month beginning (date): _____
- e. The court retains jurisdiction to order support retroactive to:
 - (1) (Specify date): _____
 - (2) The date the parent ordered to pay support becomes employed or otherwise has the ability to pay support.
 - (3) The date the parent ordered to pay support abandons or separates from the children at issue in this case.
- f. Any order to liquidate the support arrearage is suspended until further order of this court.
- g. 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.
- h. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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- 3. i. The parent ordered to pay support is ordered to obtain health insurance coverage for the children in this action if it becomes available at no or reasonable cost. The party 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.
- j. *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order (form FL-192)* must be attached and is incorporated into this order.
- k. Other (specify):

4. Number of pages attached: _____

Approved as conforming to court order.

Date:



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

Date:

 JUDICIAL OFFICER