

What Will Your Child's Placement Cost You?

Has your child(ren) been removed from your care & placed with someone other than the other parent?

<p>Important Information</p>	<p>You will owe child support if the Juvenile Dependency or Delinquency Court has removed your child or children from your care and placed them in the care of someone else (other than you or the child's other parent). This means you pay if your child is living in a foster home, group home, with other family members or with a guardian, or maybe in a kinship placement.</p>
<p>READ ABOUT YOUR RIGHTS</p>	
<p>How Much will you have to pay?</p>	<ul style="list-style-type: none"> • You and the other parent are obligated to pay the costs for your child's support even when your child is placed by the court to live with someone else. • You will be responsible for these costs wherever your child is placed, even if it is with someone in your family. • These costs start adding up immediately. • The costs will not necessarily be shared equally by both parents. Based on income, one parent may have to pay more than the other parent. • You may be ordered to pay child support even if the other parent is already paying support or has already been ordered to pay child support. This means that a mother may end up paying child support even when the father already has a court order to pay child support.
<p>How will it be calculated?</p>	<p>You will be obligated to pay child support according to the law. The court has a formula it must use to decide child support. <u><i>The most important factor is how much money you earn.</i></u></p>
<p>When will it start?</p>	<p>You will have to pay starting when foster care (or other out-of-home placement) begins or when welfare money begins to support your child. This includes court placements, voluntary placements, kinship placements and placements with other family members or with a guardian. <u><i>This does not apply to Children's Shelter or California Youth Authority.</i></u></p>
<p>What can you do about it?</p>	<p>If you have been served with or given a <i>Summons</i> and <i>Complaint</i> packet by the Department of Child Support Services (DCSS):</p> <ul style="list-style-type: none"> • YOU MUST FILE AN ANSWER WITH THE COURT CLERK'S OFFICE AT THE NOTRE DAME COURTHOUSE NO LATER THAN 30 DAYS FROM WHEN YOU WERE SERVED. • This means that you have to complete the <i>Answer</i> form (form number FL-610) that is included in the <i>Summons</i> and <i>Complaint</i> packet that was served on you, and • bring the form to the Notre Dame Courthouse (see attached map) and file it at the Clerk's Office. <i>THERE IS NO FEE FOR FILING AN ANSWER IN THE TYPE OF CASE.</i> <p>You can get help to complete and file the <i>Answer</i> and fee waiver forms at the <u>Self Help Center/Family Law Facilitator's Office</u>. See "Where Can I get Help?" (below) Please bring your <i>Summons</i> and <i>Complaint</i> form packet, and one copy of your pay stubs for the last two months or other proof of income with you.</p>

<p>What else do I need to know</p>	<p><u>TOO MUCH CHILD SUPPORT:</u> It is very important that you <i>file an Answer</i> (form FL-610) in court within 30 days of being served with the <i>Summons & Complaint</i>. If you don't, the court will be able to make a child support order that may be much higher than what you should pay because child support is based on your income.</p> <p><u>SERVED IN JAIL:</u> If you get the <i>Summons & Complaint</i> when you are in jail or prison, it is especially important to complete and <i>file an Answer</i> (form FL-610) on time saying that you are in custody and have no income to pay support. If you don't, the court may make orders for paternity and support without any information from you. This means that you may owe child support even during the time you were in custody and had no income. Ask the Friends Outside Representative for help or complete the <i>Answer</i> and mail it for filing to the Self Help Center/Family Law Facilitator's Office at 191 North First Street, San Jose, CA 95113.</p> <p><u>FILE IT IN COURT:</u> Mailing your <i>Answer</i> form to DCSS is not enough to protect your rights. You must <i>file your Answer</i> in the Court Clerk's Office located in the Notre Dame Courthouse (see attached map).</p> <p><u>WHAT ABOUT THE OTHER PARENT?</u> If your child is in placement now, whether DCSS goes after the other parent to get him/her to pay child support does not affect how much child support you pay. Also, if your child was in placement but is now living with you and you are being asked to pay arrears (past due child support) for the period your child was in placement, whether a case is opened against the other parent has no effect on how much you pay. This is because each parent's child support payment is based on that parent's income and not on how much money was actually spent on the child (so you and the other parent will not each pay half of what it cost to keep your child in placement).</p> <p><u>SPECIAL LAW FOR THOSE RECEIVING FAMILY REUNIFICATION SERVICES:</u> If your child was in foster care and has now been reunified with you, you may be eligible under the law for a compromise of your child support debt. If you are formally receiving <u>Family Reunification Services</u> through the Department of Family and Child Services, contact DCSS or tell the person who is helping you at the Self Help Center/Family Law Facilitator's Office or the Judge at your child support hearing so that they can give you more information about this law and how you can use it to your advantage. This does not mean that you have talk about confidential Social Worker reports or the details of your Dependency or Delinquency case. All you have to say is that you are receiving Family Reunification Services.</p>
<p>What if I do nothing?</p>	<p>If you do not file an <i>Answer</i> form, YOU MAY BE SORRY! The court may order you to pay a child support payment that is much higher than you should be paying.</p> <p style="padding-left: 40px;">The only way for the court to order a fair amount is if you file the <i>Answer</i> and let the court and DCSS know your actual income or that you do not have any income.</p>

<p>Where can I get help with the court forms?</p>	<p>Staff at Santa Clara County Superior Court's Self Help Center/Family Law Facilitator's Office can help you complete the <i>Answer</i> and other necessary forms and give instructions for filing and service.</p> <ul style="list-style-type: none"> • This office is open Monday through Thursday, 8:30 am to 4:00 pm, and <u><i>there is no cost for this service.</i></u> • We cannot give you legal advice or represent you in court. We can only help a limited number of people per day, so you should arrive before 8:30 am to ensure that you get help the same day. • Please note that we try to provide same-day help with <i>Answers</i>, Monday through Thursday, between 8:30 and 4 pm. <p>You may contact the Pro Bono Project at 408-998-5298 to get help from a volunteer attorney through that agency. You must call to see if you qualify for their services and whether they can take your case.</p> <p>You may contact a private attorney for legal advice and representation. You will have to pay fees to the attorney for this service. Santa Clara County Bar Association's Lawyer Referral Service (408-971-6822) charges for a consultation with one of the attorneys on their list. You will then have to decide whether you are going to hire that attorney to represent you in the case.</p> <p>Helpful information and court forms are available on the court's website at www.scscourt.org</p>
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Self-Help Center/Family Law Facilitator's Office
 Superior Court, County of Santa Clara
 99 Notre Dame Avenue, San Jose, CA 95113
 (408) 882-2926

www.scscourt.org
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www.courts.ca.gov/selfhelp
 State of California Courts Self-Help