

GOVERNMENTAL AGENCY (under Family Code, §§ 17400 and 17406):  TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <b>Draft 5</b> <b>03/02/06 icb</b> <b>Not approved by the</b> <b>Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER PARENT:	
<b>SUMMONS AND</b> <input type="checkbox"/> <b>COMPLAINT</b> <input type="checkbox"/> <b>SUPPLEMENTAL COMPLAINT</b> <input type="checkbox"/> <b>AMENDED COMPLAINT</b> <b>REGARDING PARENTAL OBLIGATIONS</b>	CASE NUMBER: _____

**TO (name):**

The local child support agency has filed this lawsuit against you. This lawsuit says you and the other parent are the parents of each child named in this *Complaint* and that the obligor may be required to pay child support. The attached proposed *Judgment Regarding Parental Obligations* (form FL-630) names you and the other parent as parents of each child listed below and, if there is an amount stated in item 6 of the proposed *Judgment*, orders the obligor to pay support for these children. If you disagree with the proposed *Judgment*, you must file the attached *Answer* form with the court clerk **within 30 days of the date that you were served with this Complaint**. If you do not file an *Answer*, the proposed *Judgment* will become a final determination of parentage. If you are required to pay child support, the payments may be taken from your pay or other property without further notice. See the attached statement of your rights and responsibilities for more information.

La agencia local que vigila la manutención de menores ha registrado la presente demanda contra usted. Esta demanda dice que usted y el otro padre son los padres de los hijos nombrados aquí y que el obligado deberd pagar manutención de menores. El propuesto FALLO RESPECTO A OBLIGACIONES PATERNAS (Gubernamental) (formulario FL-630) los nombra a usted y al otro padre como padres de cada uno de los hijos que figuran a continuación y, si se incluye Una suma en el inciso 6, obliga al obligado a pagar manutención por estos hijos. Si no estd de acuerdo con el FALLO propuesto, deberá registrar el formulario de RESPUESTA que se adjunta, presentándolo al actuario del tribunal dentro de 30 días después de haber recibido notificación de esta DEMANDA. Si usted no registra Una RESPUESTA, el FALLO propuesto tomará efecto con Una determinación final de paternidad. Si se le está exigiendo que pague manutenciñn de menores, los pagos podrdn ser deducidos de su salario o de otras pertenencias suyas sin necesidad de mandarle ninguna otra notificación. Para mayor información, vea la declaración anexa respecto a los derechos y responsabilidades que tiene.

1. The local child support agency is asking the court to issue judgment or orders for these children as follows:

<u>Name</u>	<u>Date of Birth</u>	<u>Establish Parentage</u>	<u>Establish Support</u>	<u>Modify Order</u>	<u>Beginning Date</u>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Additional children are listed on a page (labeled Attachment 1) attached to this *Complaint*.

	<p><b>Notice to person served: You are served</b></p> <p>1. <input type="checkbox"/> as an individual defendant.</p> <p>2. <input type="checkbox"/> on behalf of a minor child or children.</p> <p>3. <input type="checkbox"/> other (specify): _____</p> <p>Date: _____ Clerk, by _____, Deputy</p>
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PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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2. a. The parents of the children named in item 1 are *(specify name)*:  
*(specify name)*:
- b.  petitioner/plaintiff     respondent/defendant     other parent  
 is named as the father of the children listed in item 1 in the declaration of paternity on file with
1.  \_\_\_\_\_ County local child support agency.  
 2.  \_\_\_\_\_ County welfare department.
- c. The obligor (the parent asked to pay support) is the  petitioner/plaintiff     respondent/defendant  
 other parent
3. Complete the following section if support is being requested but the "Establish Parentage" box has not been checked in item 1. Please specify each child. You do not need to complete this section if a final judgment of parentage was previously entered under this case number.
- a.  A *Voluntary Declaration of Paternity* that has not been canceled and was signed by both parents is on file with the California Department of Child Support Services for the following children *(specify)*:
- b.  The following are named as children of the marriage in a family law judgment in *(specify)* \_\_\_\_\_ County in case number *(specify)* *(specify names of children)*:
- c.  Judgment of parentage has previously been entered in *(specify)* \_\_\_\_\_ County in case number *(specify)* for the following children *(specify names)*:
- d.  Other *(specify)*:  
*(Names of children)*:

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4. a.  Some or all of the children named in item 1 are receiving or have received public assistance from the following counties (specify):
- b.  Date public assistance first paid:
5. Other (specify):

**THE LOCAL CHILD SUPPORT AGENCY REQUESTS THAT:**

6.  The court determine that the persons listed in item 2 are the parents of the children listed in item 1.
7.  Based on the California support guideline, the court order the obligor to pay:
- a.  \$ \_\_\_\_\_ current monthly child support based on the obligor's known income of: \$ \_\_\_\_\_ per month, and, if applicable, the obligee's known income of: \$ \_\_\_\_\_ per month.
- b.  \$ \_\_\_\_\_ current monthly child support based on the obligor's presumed income, as provided by law.
- c.  \$ \_\_\_\_\_ additional monthly child support for the following reasons (specify):
- d.  The court issue appropriate orders for sharing the costs of child care and/or uninsured health care (specify):
- e.  Other (specify):
8. The court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
9.  The court order the obligor to provide health insurance for each child named in item 1, if available at no or reasonable cost, and to complete the attached health insurance form and immediately return it to the office of the local child support agency at the address printed in the top left corner of page one, and that a National Medical Support Notice be issued. **NOTICE:** The obligor's employer or other person providing health insurance will be ordered to enroll the children in an appropriate health insurance plan if the obligor is found to be the parent.
10. A wage and earnings assignment be ordered.
11. The court order the parents to advise the local child support agency within 10 days in writing of any change in residence or employment.
12. The court order the obligor to make all payments to (specify):
13. The other parent be added as a party to this case.
14. Number of pages attached: \_\_\_\_\_

**NOTICE**

**IF YOU WANT LEGAL ADVICE, CONTACT A LAWYER IMMEDIATELY.**

**A Statement of Rights is attached to this document. Please read it carefully.**

Date: \_\_\_\_\_

\_\_\_\_\_ (TYPE OR PRINT NAME) \_\_\_\_\_ (ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

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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 acting as a temporary judge. You can object to the commissioner acting as a temporary judge in one of two ways: (1) by telling the commissioner in court, at the start of your hearing, that you object or (2) by delivering a written objection to the court clerk. You must object before the hearing in your case begins. You do not have to give a reason for your objection. The court commissioner may still hear your case to make findings and a recommended order. If you do not like the recommended order, you must object to it within 10 court days in writing, (use *Notice of Objection* (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.

Each superior court has a family law facilitator's office to provide education, information, and assistance to parents who have child support issues. The basic duties of the family law facilitator include:

- Providing educational materials;
- Distributing court forms;
- Providing assistance in completing forms;
- Preparing child support guideline calculations; and
- Providing referrals to the local child support agency, family court services, and other community agencies.

The family law facilitator is a neutral person whose services are available to any person who is NOT represented by an attorney. Both parties in the same case may receive assistance from the family law facilitator. There is no attorney-client privilege between the family law facilitator and any person assisted by the family law facilitator, and matters discussed with the family law facilitator are not confidential. No person can be represented by the family law facilitator.

## STATEMENT OF RIGHTS AND RESPONSIBILITIES

**NOTICE to the defendant:** The proposed *Judgment Regarding Parental Obligations* will be entered against you unless you file your written *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-610) with the court clerk within 30 days of the date you were served with the *Complaint*. The proposed *Judgment* will be entered whether or not you have a lawyer. If you were served with a form telling you the date of a court hearing, you should go to court on that date. An order may be entered without your input if you do not attend the hearing.

**AVISO para el acusado:** El FALLO propuesto entrará en efecto contra usted, a menos que dentro de 30 días desde cuando recibió notificación de la DEMANDA, usted registre por escrito una RESPUESTA A DEMANDA o DEMANDA SUPLEMENTAL RESPECTO A OBLIGACIONES PATERNAS (Gubernamental) (formulario 610). El FALLO propuesto entrará en efecto contra usted, tenga o no tenga usted un abogado. Si le dieron notificación con un formulario que especifica una fecha de audiencia, usted tiene que presentarse al tribunal en esa fecha. Si no asiste a la audiencia, una orden judicial podrá emitirse sin considerar su punto de vista.

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**NOTICE TO BOTH PARENTS**

The local child support agency has sued both of you to determine whether you are the parents of the children listed and if one or both of you should be ordered to pay child support. The local child support agency does not represent any individual in this lawsuit, including either parent or the children. Carefully read this statement and the other papers that you received.

You have the right to be represented by a lawyer. If you dispute that you are the parent of the children listed in the *Complaint* and you do not have enough money for a lawyer, you may ask the court to appoint a lawyer to represent you on the issue of parentage.

Other information about court-appointed lawyers (specify):

A blank *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-610) is included in the papers that were served on you. If you did not receive an *Answer* form or if you would like another copy, you may get one from the local child support agency, the court clerk's office, or the family law facilitator. The family law facilitator can assist you in filling out the *Answer* form. **You must file your *Answer* form with the court clerk within 30 days of the date you were served with the *Complaint* whether or not you obtain an attorney.**

**Settling Out of Court**

You may contact the local child support agency to try to work out a settlement agreement. However, you must still file an *Answer* form within 30 days. If you and the local child support agency can reach an agreement regarding the requests made in the *Complaint*, you may sign a settlement agreement called a **stipulation**. By signing a stipulation, you are agreeing to give up your rights explained in this statement, you are agreeing that you are the parent of the children listed in the *Complaint*, and you are agreeing to obey all of the terms of the stipulation. The stipulation will become a court order that you must obey.

**Going to Court**

If you file your *Answer form*, you have the right to a court hearing, to subpoena witnesses, to ask questions of any witness against you, and to present evidence on your behalf. Genetic tests may be performed if the defendant questions parentage of the children listed in the *Complaint*. If the defendant refuses to cooperate in the genetic testing process, the issue of parentage may be resolved against the defendant. The costs of the genetic testing may be charged to one of you.

**Earnings Assignment**

All orders for support must contain an earnings assignment. If you are obligated to pay support, this assignment will require your employer or other payor to deduct support payments from your salary or earnings and send the payments to the local child support agency. Your employer may also be required to enroll your children in a health insurance plan and deduct the cost from your salary or earnings.

Any amounts you owe may be collected from your property, whether or not you are current in your payments toward past due support. Collection may be made by taking money owed to you by the state or federal government (such as tax refunds, unemployment and disability benefits, and lottery winnings), by taking property you own, by placing a lien on your property, or by any other lawful means. You may be fined or imprisoned if you fail to pay support as ordered.

If the local child support agency does not know how much money the obligor (parent asked to pay support) earns, he or she is presumed to earn enough money to pay the amounts stated in item 6b of the proposed *Judgment Regarding Parental Obligations* (form FL-630).

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**Other Important Information**

Both parents should tell the local child support agency everything they know about the other parent's earnings and assets.

The defendant is always a party to this action. If the other parent has requested or is receiving services from the local child support agency, that parent will become a party to the lawsuit filed by the local child support agency after the initial support order or medical support order is entered by the court. After the other parent has become a party to the lawsuit, either parent may then ask the court to decide issues concerning support, custody, visitation, and restraining orders (domestic violence). No other issues may be raised in this lawsuit. Either parent may go to court to modify the court order. The local child support agency cannot bring proceedings to establish or modify custody, visitation, or restraining orders.

After the other parent has become a party to the lawsuit, either parent may go to court to enforce the existing order against the other, but must first notify the local child support agency as required by law. The local child support agency is allowed 30 days to determine whether or not a parent will be permitted to proceed with the enforcement action against the other parent. The local child support agency may deny a parent permission to proceed if it is currently taking enforcement action or if the action by a parent would interfere with an investigation. If the local child support agency does not respond to the notice by the parent seeking enforcement within 30 days or if the local child support agency notifies the parent seeking enforcement that the enforcement action can proceed, the parent may then file the enforcement action as long as all support is paid through the local child support agency.

If the custodial person receives public assistance, the local child support agency may agree to settle any parentage or support issue in this lawsuit without providing advance notice to the custodial person. A child support agency may not settle any child support issue without the consent of any parent who is an applicant for child support services and who does not receive public assistance.

The local child support agency is required, under section 466(a)(13) of the Social Security Act, to place in the records pertaining to child support the social security number of any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment. This information is mandatory and will be kept on file at the local child support agency.

**Your family law facilitator is available to help you with any questions you may have about the above information. You can reach your family law facilitator by telephone at:**

**or in person at:**

For more information on finding a lawyer or family law facilitator, see the California Courts Online Self-Help Center at [www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp).