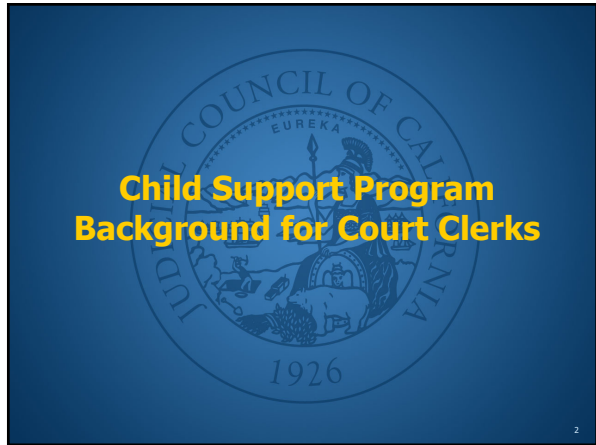


AB 1058 Court Clerks Training

Anna L. Maves
Child Support Program Manager/Supervising Attorney
Judicial Council
Center for Families, Children & the Courts

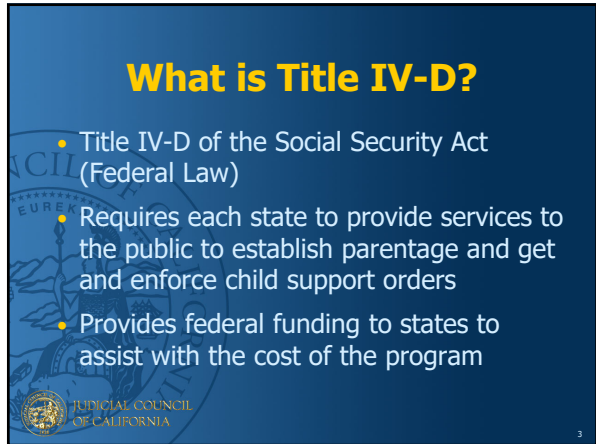
23rd Annual AB 1058 Training Conference
August 29, 2019

Child Support Program Background for Court Clerks



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



Child Support Program Background

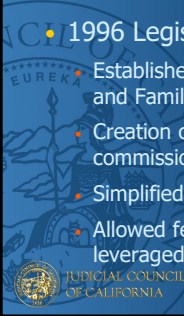
- Historical Background
 - Title IV-D Performance Problems in California
 - Current system of establishing child support was inadequate
 - Needed system that was quick & efficient
 - Lack of uniformity of policies and procedures among courts/child support agencies



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California Title IV-D Reform of the Courts

- 1996 Legislative Enactment of AB 1058
 - Established the Child Support Commissioner and Family Law Facilitator Program
 - Creation of specialized child support commissioners
 - Simplified procedures and forms
 - Allowed federal and state funds to be leveraged for IV-D cases.



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AB 1058 Program Realized

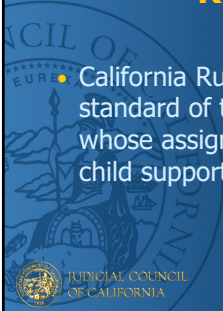
- Child support commissioners/family law facilitators in each county
- Specialized court procedures that are streamlined and unique to Title IV-D
- Created specialized rules & forms
- Set up minimum qualifications for staff and standard training requirements



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Court Clerk Training Requirement

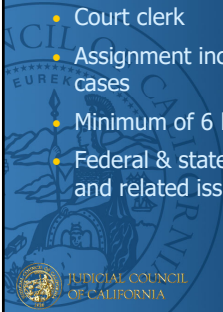
- California Rule of Court 5.355 Minimum standard of training for court clerk staff whose assignment includes Title IV-D child support cases



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California Rule of Court 5.355

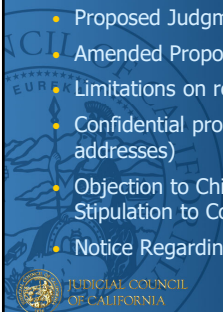
- Court clerk
- Assignment includes Title IV-D child support cases
- Minimum of 6 hours annually
- Federal & state laws concerning child support and related issues



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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
- Notice Regarding Payment of Support



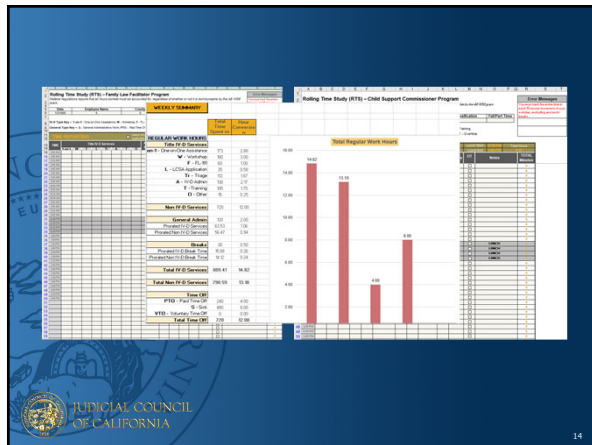
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Alternative Timekeeping Methodology Rolling Time Study

- On an annual basis courts will have the option to use:
 - Traditional timekeeping method (100% positive reporting), or
 - Rolling Time Studies
- With Rolling Time Studies AB1058 court staff will:
 - Track all time working during the one week reporting period
 - Using the specific RTS timesheets (one for CSC program and one for FLF program)
 - Reporting period will be 4 weeks per quarter
 - Data will be extrapolated for the entire quarter to calculate how much time can be billed to the grant



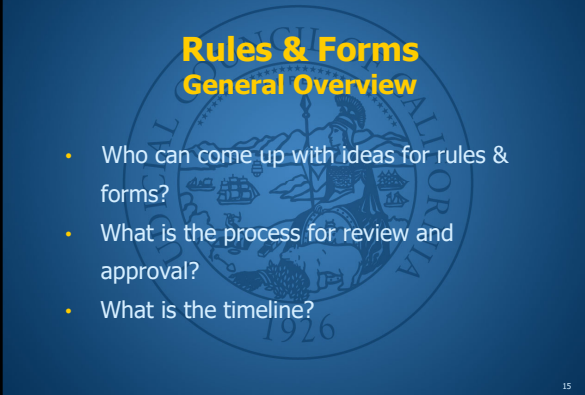
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Rules & Forms General Overview

- Who can come up with ideas for rules & forms?
- What is the process for review and approval?
- What is the timeline?



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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



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What is New in Rules & Forms?

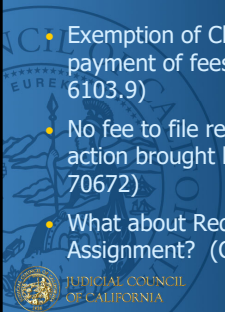
- Sunsetting of Family Code 4007.5
- Registration of Support Order
 - New FL-445, Revise FL-570 and FL-575
- AB2684 Changes to Parentage Rules and Forms
- Duty of Judge to Hear AB1058 Matters
 - Rule 5.305(b)



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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))



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Plans of Cooperation

- Required by the funding contract between JCC/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.

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Time Standards Required by the Contract

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



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Program Questions?