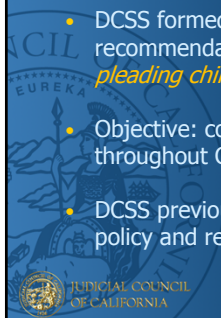


Best Practices in LCSA Initial Pleadings: Uniformity, Consistency, and Efficiency

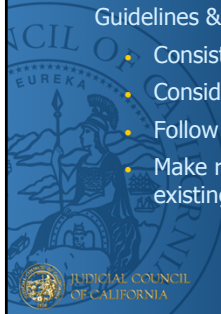
20th Annual AB 1058 Child Support Training Conference
August 29-September 1, 2016

1926



Order Setting Practices Advisory Committee

- DCSS formed an Advisory Committee to make recommendations to the Directorate on *pleading child support in an initial complaint*.
- Objective: consistent, uniform services throughout California
- DCSS previously said that it would consider policy and regulatory changes as appropriate.



Order Setting Practices Advisory Committee

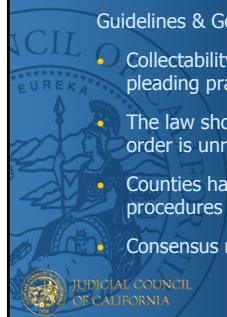
Guidelines & Goals

- Consistent, uniform statewide practices
- Consider circumstances of customers
- Follow the law when clear
- Make recommendations if committee felt existing law is ambiguous

Order Setting Practices Advisory Committee

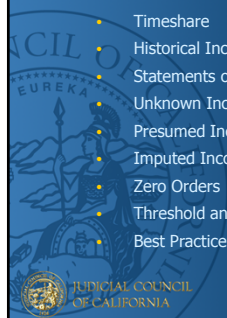
Guidelines & Goals Continued...

- Collectability of an order should not determine pleading practices
- The law should be followed even if we believe the order is unreasonably high or low
- Counties have different resources, demographics, procedures
- Consensus may not be possible



Committee Recommendations

- Timeshare
- Historical Income
- Statements of Income
- Unknown Income
- Presumed Income
- Imputed Income
- Zero Orders
- Threshold and Minimum Orders
- Best Practices



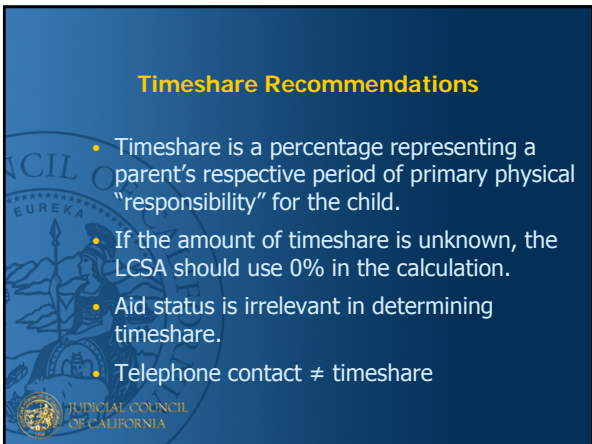
Order Setting Practices Recommendations

- Visitation/Timeshare
- 8 total recommendations



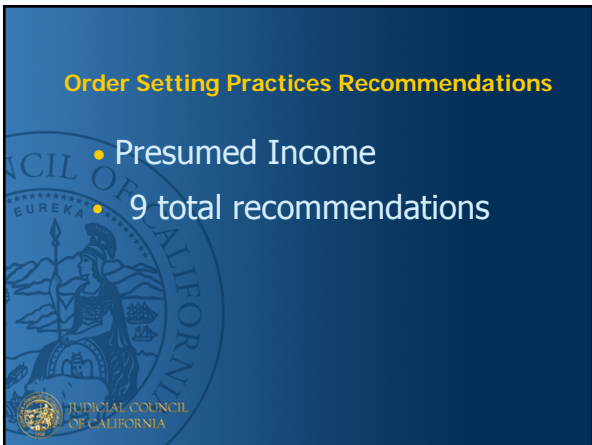
Timeshare Recommendations

- Timeshare is a percentage representing a parent's respective period of primary physical "responsibility" for the child.
- If the amount of timeshare is unknown, the LCSA should use 0% in the calculation.
- Aid status is irrelevant in determining timeshare.
- Telephone contact ≠ timeshare



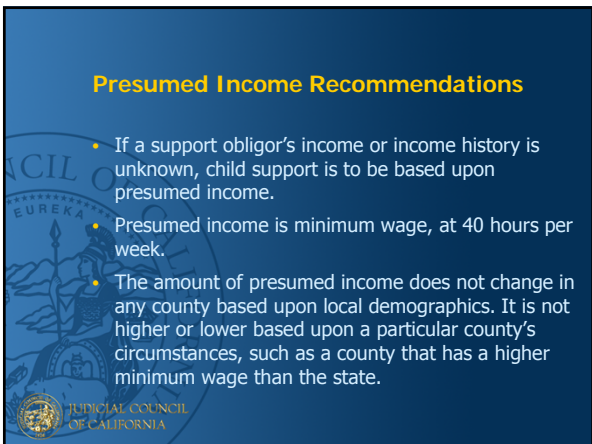
Order Setting Practices Recommendations

- Presumed Income
- 9 total recommendations



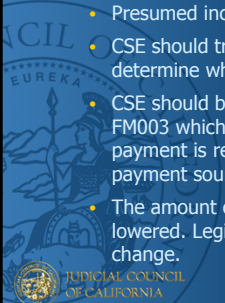
Presumed Income Recommendations

- If a support obligor's income or income history is unknown, child support is to be based upon presumed income.
- Presumed income is minimum wage, at 40 hours per week.
- The amount of presumed income does not change in any county based upon local demographics. It is not higher or lower based upon a particular county's circumstances, such as a county that has a higher minimum wage than the state.




Presumed Income Recommendations

- Presumed income should not be used for the CP.
- CSE should track presumed income orders to determine whether the orders are effective.
- CSE should be enhanced via a modification to task FM003 which currently generates when an initial payment is received via IWO only (expand for all payment sources)
- The amount of presumed income orders should be lowered. Legislation will be required to effect this change.



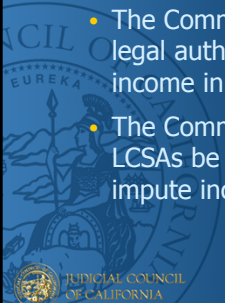
Order Setting Practices Recommendations

- Imputation of Income
- 2 total recommendations




Imputation Recommendations

- The Committee could find no current legal authority for a LCSA to impute income in an initial pleading.
- The Committee recommends that LCSAs be given statutory authority to impute income.



Order Setting Practices Recommendations

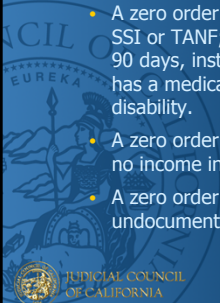
- Zero Orders
- 6 total recommendations



JUDICIAL COUNCIL OF CALIFORNIA

Zero Order Recommendations

- A zero order is appropriate if the NP's only income is SSI or TANF; if the NP is incarcerated for more than 90 days, institutionalized in a psychiatric facility, or has a medically verified total and permanent disability.
- A zero order should not be obtained when there is no income information.
- A zero order should not be obtained based on a NP's undocumented status.



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Order Setting Practices Recommendations

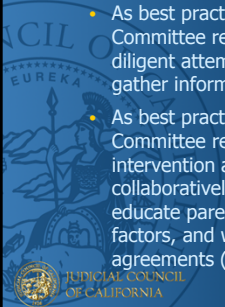
- Best Practices
- 4 total recommendations



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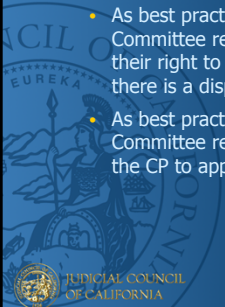
Best Practice Recommendations

- As best practices for the handling of every case, the Committee recommends LCSAs need to make a diligent attempt to contact parties on the case to gather information.
- As best practices for the handling of every case, the Committee recommends that as a part of the early intervention activities, LCSAs should work collaboratively with its customers, attempt to educate parents on the importance of support factors, and work with customers to achieve agreements (stipulations).



Best Practice Recommendations

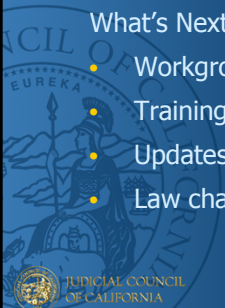
- As best practices for the handling of every case, the Committee recommends LCSAs should inform NPs of their right to file an answer and to appear in court if there is a dispute over income, timeshare, etc.
- As best practices for the handling of every case, the Committee recommends LCSAs should encourage the CP to appear in court if the NP files an Answer.




Order Setting Practices Advisory Committee

What's Next?

- Workgroup Formation
- Training
- Updates to CSE
- Law change




Order Setting Practices Advisory Committee



Questions

Order Setting Practices Advisory Committee



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