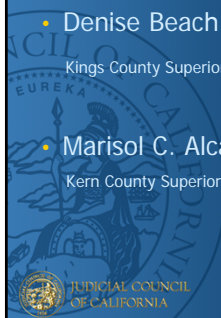


Court Clerk Processing

20th Annual AB 1058 Child Support Training Conference
August 31, 2016


Your Trainers...

- Denise Beach
Kings County Superior Court
- Kathryn Whitney
Calaveras Superior Court
- Marisol C. Alcantar
Kern County Superior Court
- Kelly Anderson
Butte County Superior Court



Reminder: Classroom Etiquette

- Cell Phones on Vibrate
- Ask ANY Question Relevant to the Subject Matter
- Index Cards
- Respect your Colleagues



Goal for 58 Counties: • **Local v. California Rules**

- Create a sense of uniformity;
- Prevent confusion for parties and Courts.

Rules of Practice:
 Each county has its own local rules, policies, and practices;
 Class will be taught according to California Codes and Rules of Court;
 Same for each Court in California;
Take precedence over local rules.

Note: If your Court has a policy procedure, or local rule that conflicts with one of today's lessons, please follow up with your Supervisor for direction on how you should proceed going forward.



JUDICIAL COUNCIL OF CALIFORNIA

Vocabulary Terms

- **IV-D:** Title IV-D of the Social Security Act
- **1058:** The Assembly Bill passed in 1996
 - Expedited Court Process for Child Support Cases
 - Established Child Support Commissioner and FL Facilitator Program
 - Established Simplified Procedures for Everyone Involved.
- **CRC:** CA Rules of Court
- **LCSA**
 - Local Child Support Agency
- **DCSS**
 - Department of Child Support
- **Petitioner:** Moving Party in an Action
- **Respondent:** Responding Party in an Action
- **Other Parent:** Custodial Parent NOT Joined UNTIL Judgment in DCSS Initiated Action

JUDICIAL COUNCIL OF CALIFORNIA

More Vocabulary Terms

- **S & C:** Summons & Complaint
 - Commences an Action
- **SS&C:** Supplemental Summons & Complaint
 - E.g., To Add Child(ren) in DCSS or FL Cases
- **APJ:** Amended Proposed Judgment
 - E.g., To Amend Income of Party for Calculating Support
- **Jurisdiction:** Having Authority (Power) to make Orders.
- **Service:** Legally providing copies to the party listed in the Filing.
- **Motion:** Request by Party for Court Action
 - Initiating; Modification; Enforcement
- **Arrearages:** Unpaid Support

JUDICIAL COUNCIL OF CALIFORNIA

Mandatory Training

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

“Any court clerk whose assignment includes title IV-D child support cases must participate in a minimum of six hours of continuing education annually in federal and state laws concerning child support and related issues.”

In Brief: 6 Hrs of Training in Area is Required



Clerks In General California Rules of Court

Per CA Rule of Court 1.42 Clerks Must NOT Reject a JC Form:

- Not Latest Version of Form Adopted/Approved by JC;
 - DCSS Granted 6 months General Extended Implementation on New Forms CRC 5.311(a)
- Lacking:
 - Preprinted title/address of a court,
 - Name of the clerk,
 - Local form number, or
 - Other material added by court (unless required by JC);
- Printed by publisher or other CA Court;
- Bearing the imprint of publisher (unless obscures on printed form);
- Having preprinted but legibly modified title/address of another court, or clerk's name; or
- Having legible correction of a code section number.



California Rules of Court

Rule 1.37. Use of forms

A person serving and filing a Judicial Council form must use the current version of the form adopted or approved by the council, unless a rule in the California Rules of Court allows the use of a different form.

Rule 1.43. Legibility

A Judicial Council form filed must be a true copy of the original form and must be as legible as a printed form.



Rule 1.5. Construction of rules and standards

Specifically section: (b) Terminology
As used in the rules and standards

- (1) **“Must” is mandatory;**
- (2) “May” is permissive;
- (3) “May not” means not permitted to;
- (4) “Will” expresses a future contingency or predicts action by a court or person in the ordinary course of events, but does not signify a mandatory duty; and
- (5) “Should” expresses a preference or a nonbinding recommendation.

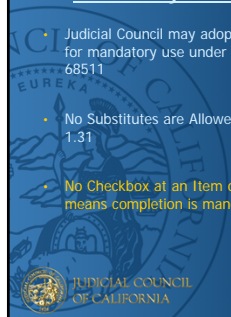
Judicial Council Forms: Official Statewide Legal Forms

Mandatory Forms

- Judicial Council may adopt form for mandatory use under GC 68511
- No Substitutes are Allowed CRC 1.31
- No Checkbox at an Item on Form means completion is mandatory

Optional Forms

- Judicial Council may approve for optional use
- Substitutes are allowed but Courts must accept in appropriate cases per CRC 1.35
- Court through Local Rules can mandate an optional form in that Court
- Checkbox at an item makes completion optional
- If Optional item completed must be completed in whole. Use Judgment



Rejection or Not

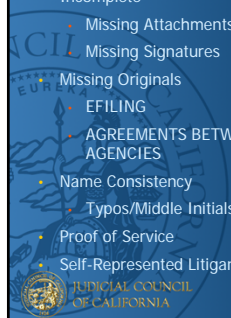
Reasons to Reject

- Incomplete
 - Missing Attachments
 - Missing Signatures
- Missing Originals
- EFILING
- AGREEMENTS BETWEEN AGENCIES
- Name Consistency
 - Typos/Middle Initials
- Proof of Service
- Self-Represented Litigants

Considerations

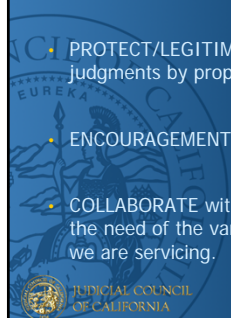
- Judicial Economy
- Building Bridges/Cooperation
- Follow Rules/Codes
- Communication
- Staff Resources/Backlogs
- Relationships Affected
- Delays in Filings

When in Doubt: Call a Supervisor



Goal of Clerks' Office

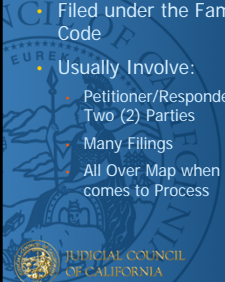
- PROTECT always Statutes of Limitations;
- PROTECT/LEGITIMIZE of all Final dispositions and judgments by proper review of filings;
- ENCOURAGEMENT in lieu of criticism;
- COLLABORATE with all Justice Partners recognizing the need of the various agencies, offices, and parties we are servicing.

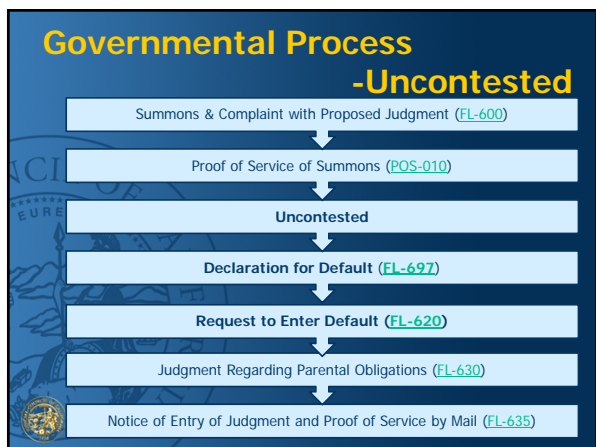


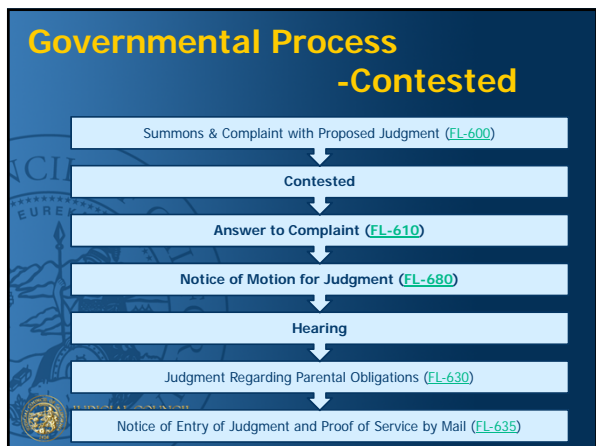
KERN COUNTY FAMILY LAW

Processing AB 1058

Family Law Filings <ul style="list-style-type: none">• Filed under the Family Code• Usually Involve:<ul style="list-style-type: none">• Petitioner/Respondent: Two (2) Parties• Many Filings• All Over Map when it comes to Process	AB 1058 Filings <ul style="list-style-type: none">• Filed under the Family Code; W & I Code.• Usually Involve:<ul style="list-style-type: none">• Petitioner/Respondent/Other Parent: Three (3) Parties• Petitioner usually DCSS• Cases are more Structured• Cross over into Family Cases
---	---







Summons & Complaint

- New Filing
- Supplementals
- Clerk Issues
- Seal
- Importance of Filing Date
 - Date of Support Commencement

Service of Process

- Personal Service CCP 415.10
- Substituted Service CCP 415.20(B)
- Service by Mail
 - Notice of Acknowledgement CCP 415.30
 - Governmental Form FL-605
- Certified Mail (Out of CA) CCP 415.40
- Publication/Posting? CCP 415.50
- Do not apply regularly to DCSS

Service Effective Dates

METHODS OF SERVICE	SERVICE REQUIREMENTS	SERVICE DEEMED COMPLETED
Personal Service CCP 415.10	Personally delivered to respondent	Immediately upon delivery
Substituted Service CCP 415.20(B)	Delivery to a competent adult (over 18) apparently in charge at the respondent's home, usual place of abode, business or mailing address (not a PO Box), who must be told of the contents delivered, AND a copy must be mailed to the respondent at the same address.	10 th day after the date of mailing
Service by mail CCP 415.30	Respondent must sign and date the Notice and Acknowledgement of Receipt. The original is returned to the court attached to the Proof of Service.	The date the Notice and Acknowledgement is signed by the Respondent.
Service by mail CCP 415.40	Delivery to respondent by certified mail, return receipt signed and dated by respondent, attached to proof of Service prior to filing with court. Declaration of service by mail will also be completed.	10 th day after date of mailing
Service by Publication CCP 415.50	Application and Order for Publication of Summons must be submitted to the court. Upon proper review, the court can order Summons published in newspaper most likely to give actual notice.	28 th day after the first day of publication Gov. Code 6064
Available where other party cannot be served by any reasonable method with due diligence.		

Answer

- No Fee for Filing
- Completed POS On Back of Form
- Income and Expense/Financial Forms not Required to File
- Pencil Completed Forms: Inmates
- Incomplete Answer
 - Local Processes

Answer

Page 2

- Item 5, Party declares Address of Record
- POS is Explained
- Page 3: Information

Note: DCSS Dismissal of Action CAN be Filed with ANSWER on File (No affirmative Relief)

Declaration for Amended Proposed Judgment FL-615

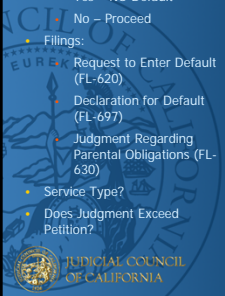
- Approved Mandatory
- Used when Actual Income is Discovered
- Filed by DCSS
- Changes Proposed Judgment
- Changes Date to Default
- Cannot be Filed when Answer Filed

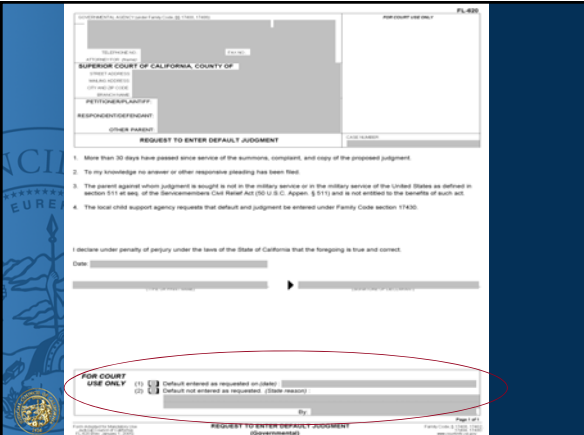
Default Checklist

- Is there an Answer on file?
 - Yes – NO Default
 - No – Proceed
- Filings:
 - Request to Enter Default (FL-620)
 - Declaration for Default (FL-697)
 - Judgment Regarding Parental Obligations (FL-630)
- Service Type?
 - Does Judgment Exceed Petition?

Type of Service	When Default May be Entered
Personal	31st day after date of service
Substituted Service	41st day after date of mailing
Notice & Acknowledgement (POS-015)	31st day after NAR signed**
Certified Mail	41st day after date of mailing
Publication	59th day after 1st date of publication

- If NAR is not dated, service is not valid CCP 413.5(b) = can not process Request for Default unless other valid form of service is present.
- Other County Issues?





1. More than 30 days have passed since service of the summons, complaint, and copy of the proposed judgment.

2. To my knowledge no answer or other responsive pleading has been filed.

3. The parent against whom judgment is sought is not in the military service or in the military service of the United States as defined in section 511 et seq. of the Servicemembers Civil Relief Act (20 U.S.C. Appen. § 511) and is not entitled to the benefits of such act.

4. The local child support agency requests that default and judgment be entered under Family Code section 11430.

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

Date: _____

FOR COURT USE ONLY

(1) Default entered as requested on/under _____

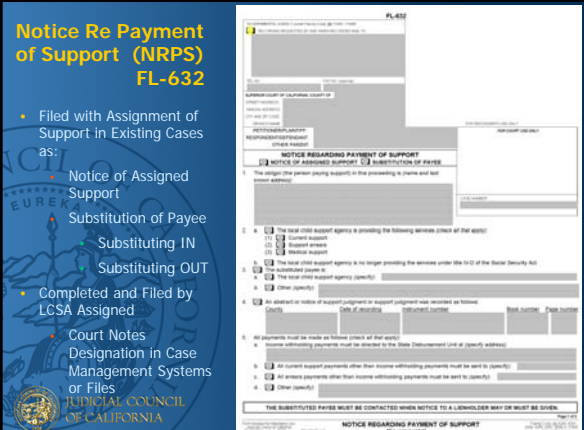
(2) Default not entered as requested. (State reason) _____

By: _____

REQUEST TO ENTER DEFAULT JUDGMENT (Governmental)

Notice Re Payment of Support (NRPS) FL-632

- Filed with Assignment of Support in Existing Cases as:
 - Notice of Assigned Support
 - Substitution of Payee
 - Substituting IN
 - Substituting OUT
- Completed and Filed by LCSA Assigned
- Court Notes Designation in Case Management Systems or Files



NOTICE REGARDING PAYMENT OF SUPPORT

NOTICE OF ASSIGNED SUPPORT SUBSTITUTION OF PAYEE

1. The assigner (the person paying support) is the proceeding in domestic and tell their address:

2. The local child support agency is providing the following services (check all that apply):

(1) Current support
 (2) Support amount
 (3) Medical support

3. The local child support agency is no longer providing the services under title 10 of the Family Security Act

4. The substituted payee is:

(1) The substituted payee is _____
 (2) The local child support agency (specify): _____
 (3) Other (specify): _____

5. An affidavit or notice of support judgment or support judgment was recorded as follows:

County	Date of recording	File number	Case number

6. All payments must be made as follows (check all that apply):

(a) Income withholding payments must be directed to the State Disbursement Unit at (specify address): _____

(b) All current support payments other than income withholding payments must be sent to (specify): _____

(c) All arrear payments other than income withholding payments must be sent to (specify): _____

(d) Other (specify): _____


THE SUBSTITUTED PAYEE MUST BE CONTACTED WHEN NOTICE TO A LIENHOLDER WAY OR MUST BE GIVEN

NOTICE REGARDING PAYMENT OF SUPPORT (Governmental)

Notice of Change of Responsibility for Managing Case FL-634

- Changes Managing County NOT Court
- Filed in Existing LCSA Cases
- Different than NRPS

Form Does NOT Change Court Responsibility Only Handling Between DCSS Offices



JUDICIAL COUNCIL OF CALIFORNIA

NOTICE

The responsibility for managing your child support case has changed from one county's local child support agency to a different county's local child support agency. The managing local child support agency listed in item 1 now has the responsibility for enforcing the child support case. You must direct all future letters, telephone calls, questions, or information regarding your child support case to the managing local child support agency listed in item 1.

However, the change in managing local child support agency does NOT change the authority of the superior court to hear matters concerning the child support order. All pleadings and court forms must be filed with the superior court listed in item 3 and served on the local child support agency listed in item 2 and on any other party to the case.

THE COURT AND ALL PARTIES ARE NOTIFIED OF THE FOLLOWING:

- New Child Support Agency:** The Department of Child Support Services of (specify county) Tulare is now the managing local child support agency responsible for the support activities in this case. If you have any questions or information about your case, you may contact the local child support agency by telephone at (specify telephone number) 805-273-0073. You may contact the local child support agency in writing or in person at (specify address):
80910 N. Doe Avenue
Visalia, CA 93291
- Serving Pleadings:** You must continue to serve a copy of any pleadings and court forms on the local child support agency in the following county (specify name and address):
 Kern County Department of Child Support Services
1300-18th Street, Bakersfield, CA 93301
- Court Filings:** All pleadings and court forms in this action must be filed with the Superior Court of California, County of (specify name and address):
 3215 Truxtun Avenue
 Bakersfield, CA 93301
- Other (specify):** _____
Date: 07/28/2016

Tulare County DCSS (TYPE OR PRINT NAME) (SIGNATURE)

The local child support agency (listed in item 1) receiving case management responsibilities from another local child support agency must file with the superior court (listed in item 3) this Notice of Change of Responsibility for Managing Child Support Case within 10 days of receiving the case management responsibilities. This local child support agency must serve a copy of the notice on the parties and the local child support agency listed in item 2.

JUDICIAL COUNCIL OF CALIFORNIA

Family Code 17400(n) Venue
(Amended by Stats. 2015, Ch. 416, Sec. 3. Effective January 1, 2016.)

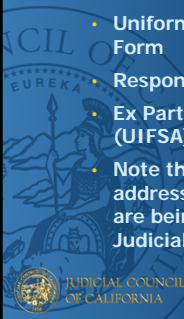
Notwithstanding any other law, venue under this division shall be in Superior Court in:

- County currently expending public assistance.
- No current public assistance: County where child resides.
- Current support is no longer payable/ enforceable by LCSA: County last provided aid to enforce arrearages per W&I 11477.
- NO aid: County of residence of the support obligee.
- If no aid, Obligee doesn't live in CA: County of residence of the obligor.
- Change in Managing County**
- If child becomes resident of another county after filing, Case remains in County where filed until completed.
- LCSA of one county MAY appear OBO another LCSA.

JUDICIAL COUNCIL OF CALIFORNIA

UIFSA Filings

- Summons (UIFSA) FL-510
- Uniform Support Petition (UIFSA) – A Federal Form
- Response to Uniform Support Petition FL-520
- Ex Parte Application for Transfer and Order (UIFSA) FL-560
- Note that FL-511 (re: nondisclosure of address) and FL-515 (Order to Show Cause) are being recommended for revocation by the Judicial Council.



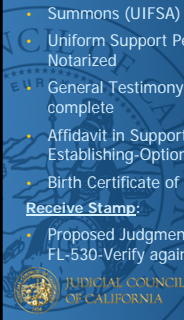
UIFSA Uniform Support Petitions

File:

- Summons (UIFSA) FL-510
- Uniform Support Petition-Notarized
- General Testimony-May not be complete
- Affidavit in Support of Establishing-Optional
- Birth Certificate of the Child

Receive Stamp:

- Proposed Judgment (UIFSA) FL-530-Verify against Petition




UIFSA-ExParte App for Transfer and Order FL-560

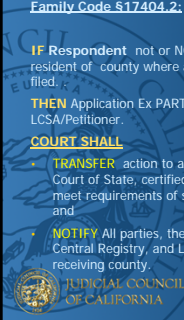
Family Code §17404.2:

IF Respondent not or NO longer a resident of county where action filed.

THEN Application Ex PARTE by LCSA/Petitioner.

COURT SHALL

- **TRANSFER** action to appropriate Court of State, certified copies to meet requirements of section; and
- **NOTIFY** All parties, the CA Central Registry, and LCSA of receiving county.





UIFSA- ExParte App for Transfer and Order FL-560

Filing

- Ex Parte App for Transfer and Order FL-560
- Parties to be Noticed (Provided Form)
- Contents of File-Orders/Judgment, etc.
- Receipt for Records-May not receive from all Counties
- Copies/Envelopes for Mailings

Process

- Check:
 - Completion
 - Dated and Signed
- Process:
 - Submit for Judicial Signature
 - File/Conform Copies
 - Prepare Clerks Certificate of Mailing
 - Mail



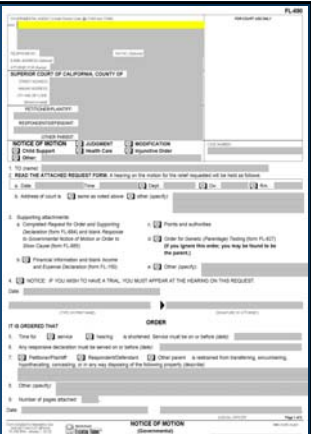

MOTIONS

- **Initiating Motions**
 - Establish Orders
- **Modifications**
 - Change Orders
 - Specialty Motions
- **Enforcement Motions**
 - Seek to collect or otherwise Enforce.
 - Arrearages; Contempts, Licenses, etc.



Notice of Motions


- FL-680 Limited to LCSA
 - Other Parent?
- Issues:
 - Judgment/Parentage/Health/Other
 - Modification
 - Intervene
- Dated/Signed
- Order (Optional)
- Attachments
- Service should be completed per CCP
- File & Calendar

Notice of Motion Simplified FL-390

- Filed by Party or LCSA
- Financial Declaration or I&E Required
- Service to All Interested Parties
- Service Rules Apply
- No Fees for Filing in LCSA Support Case

Related Cases Govt \$70672

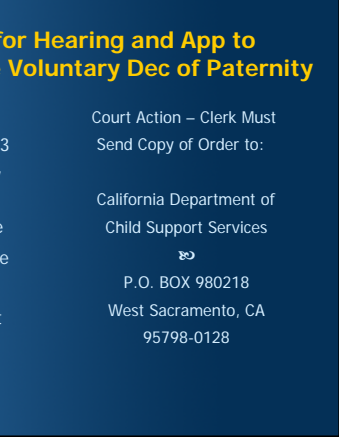


JUDICIAL COUNCIL OF CALIFORNIA

Motions: Request for Hearing and App to Set Aside Voluntary Dec of Paternity

- Pursuant to Fam Code 7575(c) and/or CCP 473
- Adopted for Mandatory Use
- Fees May be Applicable
- Parties Clear Court Date
- Serve and File
- If POP Set Aside, Court Action Required


Court Action – Clerk Must Send Copy of Order to:
 California Department of Child Support Services
 P.O. BOX 980218
 West Sacramento, CA 95798-0128



JUDICIAL COUNCIL OF CALIFORNIA

Notice of Motion for Judicial Review of License Denial FL-670

- FamCode 17520
- Adopted Mandatory Use
- Party **must** complete item 1, date met w/DCSS re License
- Calendar Hearing: Within 20 calendar days of filing
- Service: On DCSS Agency no later than seven (7) days after filing



JUDICIAL COUNCIL OF CALIFORNIA

Other Motions

Classified/Reporting

- Initiating Motions
 - Establish Orders
- Modifications
 - Change Orders
- Enforcement Motions
 - Seek to collect or otherwise Enforce.
 - Arrearages; Contempts, Licenses, etc.

Specialized Motions

- Order to Show Cause (Governmental) FL-683
- Notice of Motion and Declaration for Joinder of Other Parent* FL-661
- Notice and Motion to Cancel (Set-Aside) Support Order Based on Presumed Income FL-640
- Request for Hearing and Application to Set Aside Declaration of Paternity FL-280
- Request for Hearing and Application to Set Aside Support Order Under Fam Code §3691
- Notice of Motion to Set Aside Judgment of Paternity FL-272
- Responses to Motion-Various Govt Forms w/Service -No Fee



Motions: Enforcement

Order to Show Cause and Affidavit for Contempt FL-410

- Attach: FL-411 (Financial) FL-412 (DV)
- Completion/Signatures
- Service must be on Party

Claim of Exemption EJ-160 and Notice of Opposition and Notice of Motion on Claim of Exemption FL-677

- Filed usually by DCSS/Obligee AFTER receipt of Opposition by party
- Filed by Judgment Creditor, usually LCSA
- Includes Opposition to Claim
- Hearing held **no later than 30** days from Filing of Motion
- Judgment Creditor to Service Hearing on Claimant not less than 10 days prior to Hearing- Service: Personal/Mail

Request for Judicial Determination of Arrearages-Adjustment Due to Incarceration FL-676

- Filed w/Statement of Arrearages
- Service: Personal/Mail to Party or Enforcement LCSA
- Hearing per Motion Rules

Notice of Motion for Judicial Review of License Denial FL-670

- Completed by Party
- Date/Signed
- Hearing held within 20 days of Filing
- Proof of service on Enforcement Agency : At Least 7 Calendar Days of Filing.
- Clerks' Office Does NOT Provide Notice



Motions: More Re Enforcement

Request for Hearing Re Earnings Assignment FL-450/ Request/Notice Re Health Insurance Assmt FL -478

- Completed, Signed/Dated by Party
- Within 10 days of Receipt
- Hardship-Include I&E or Financial
- Hearing Held **within 20 days** of Filing
- Notice: Provided by Clerks' Office LCSA/obligor **no later than 10 days** prior to the hearing
- Certificate of Mailing Prepared
- LCSA files Withholding Order upon Notice

Request for Hearing Regarding Registration of Support Order FL-575

- Completed, Signed/Dated by Party
- Within 20 days of Receipt
- Envelopes for Mailing Provided
- Calendared for Hearing
- Notice: Provide by Clerks' Office LCSA/ obligor **no later than 16+Mailing days*** prior to hearing
- Certificate of Mailing Prepared
- *Service 15 days plus mailing if obligor mails-FamCode§5603

Writ of Executions EJ-130

- Completion/Signatures
- Affidavit of Amounts Due/ Installments



Administrative Enforcement

Abstract of Support Judgment Income Withholding Order/Support
(Opposed by Motion or Req for Hrg)

Enforcement: Custodial Parent

CP, with LCSA, **FAMCODE** File
ENFORCEMENT Documents
Without:
Notice to LCSA of Intent to Independent Action FL-645

Must be:

- Completed/Signed/Dated
- Served on LCSA by Party or Other

Filed:

- After 30 Days LCSA Objects
- Joint with Enforcement Motion

LCSA:

- May Respond Opposing
- May Not Respond At All – Allow Filing


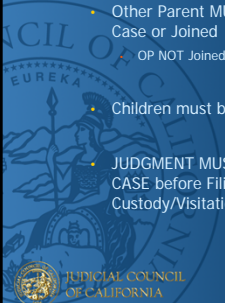
Declaration re Address Verification

Post Judgment-FamCode§215
Attach to POS for Filing
May Change Service Time to 30 Days when LCSA Served OBO Party

- NOTE: ALSO APPLIES IN C/S MATTERS
- FAMCODE §17404 (e)(3)

Re Custody Filings in DCSS Initiated Cases

- Other Parent MUST be listed in Case or Joined
 - OP NOT Joined until Judgment
- Children must be Listed
- JUDGMENT MUST EXIST in CASE before Filing for Custody/Visitation

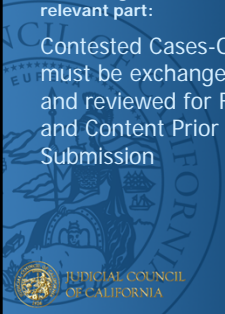



CA Rule of Court 5.125

Rule Designates, in relevant part:

Contested Cases-OAH must be exchanged and reviewed for Form and Content Prior to Submission

- Parties May Waive Requirement
- Problem area in DCSS
- Handling of Compliance
- Varies from Court to Court
- Commissioner Input Vital
- Subject for Monthly Meetings
- Projects Related to the New Rule
- Upcoming SB917



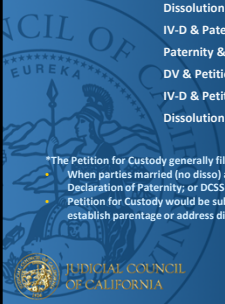
Consolidations

Cases	Parent/Primary Case
IV-D & Dissolution	Dissolution
IV-D & Domestic Violence	IV-D
Dissolution & DV	Dissolution
IV-D & Paternity	Paternity
Paternity & DV	Paternity
DV & Petition for Custody*	Petition for Custody*
IV-D & Petition for Custody*	Petition for Custody*
Dissolution & Petition for Custody*	Dissolution

*The Petition for Custody generally filed:

- When parties married (no disso) and no other case involving parties; Parties signed Voluntary Declaration of Paternity; or DCSS matter with paternity judgment on file.
- Petition for Custody would be subordinate to any other action, except DV or IV-D Case, as it does not establish parentage or address dissolution issues.

• **CCP 1048(a); CRC 5.365; FamC 17408**

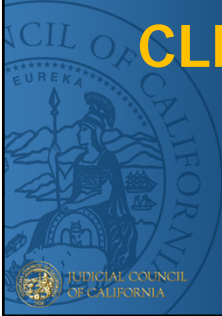


SB 917 (Jackson)

Summary: Existing law authorizes a court to issue orders relating to matters under the Family Code, including, among others, restraining orders and orders for child support. This bill would require a court, beginning July 1, 2017, unless a shorter time period is provided by another statute, within two court days after the conclusion of a hearing conducted pursuant to the Family Code, to make available to each party who is present at the hearing a written, detailed, official order setting forth the basic terms of any orders that were made in open court during the hearing. The bill would authorize the official order to be provided electronically and would require, to the extent practicable, the order to be provided to all parties present at the hearing before they leave the court that day. The bill would also require the Judicial Council, on or before July 1, 2017, to adopt a rule of court and any forms necessary to implement these provisions.



COURTROOM CLERKING



TELEPHONE APPEARANCES



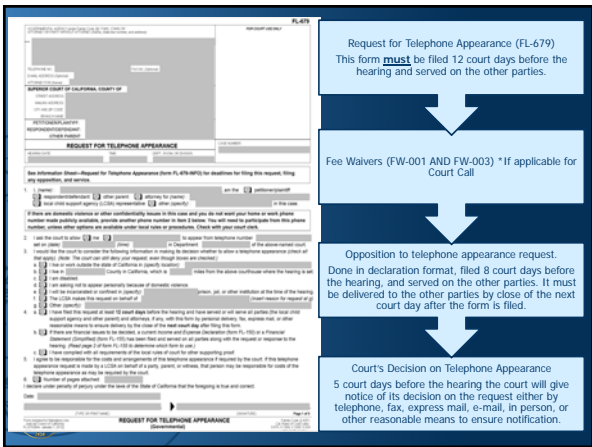
Request for Telephonic Appearance FL-679

- CRC 3.760 and 5.324
- Adopted Mandatory Use
- Some Court Call Vendors may charge/waive fee.
- Issues with Fee Waiver Collections
- Domestic Violence Exception to Disclosure

**Court Practices may vary*

JUDICIAL COUNCIL OF CALIFORNIA

- Filing:
 - Completion (No Fee)
 - Time to File: No later than 12 Court Days before Hearing*
 - File-Advise Court
- Page 2, Item 11: Party Acknowledges Filing all "Necessary Pleadings"
 - Response, I&E, etc.
- Not Allowed:
 - Contested Trials; Contempts, OEXs, Under Subpoena, as Ordered by Court
- All relevant participants can request Telephonic App.

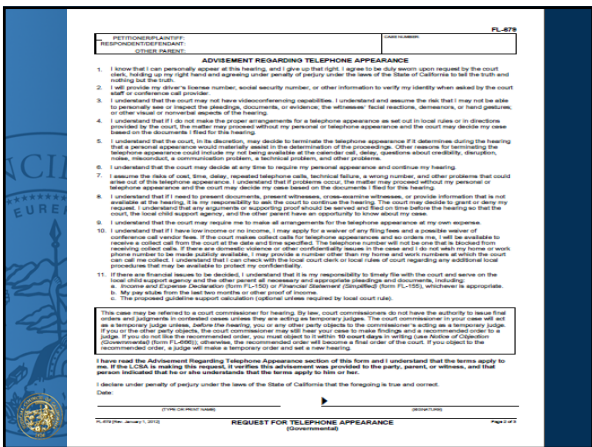


Request for Telephone Appearance (FL-679)
This form **must** be filed 12 court days before the hearing and served on the other parties.

Fee Waivers (FW-001 AND FW-003) *If applicable for Court Call

Opposition to telephone appearance request.
Done in declaration format, filed 8 court days before the hearing, and served on the other parties. It must be delivered to the other parties by close of the next court day after the form is filed.

Court's Decision on Telephone Appearance
5 court days before the hearing the court will give notice of its decision on the request either by telephone, fax, express mail, e-mail, in person, or other reasonable means to ensure notification.



ADVERSNESS REGARDING TELEPHONE APPEARANCE

- I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn upon request by the court clerk, reading my right and waiving under penalty of perjury under the laws of the State of California to file the truth and nothing but the truth.
- I will provide the judge's business number, social security number, or other information to verify my identity when asked by the court.
- I understand that the court may not have videoconferencing capabilities. I understand and assume the risk that I may not be able to participate via videoconferencing. I understand that I will be present at the hearing. I understand that I will be present at the hearing.
- I understand that if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the court may decide to terminate my participation in the hearing. I understand that I am responsible for the costs and expenses of the telephone appearance. I understand that if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the court may decide to terminate my participation in the hearing. I understand that I am responsible for the costs and expenses of the telephone appearance.
- I understand that the court may decide at any time to require my personal appearance and continue my hearing.
- I assume the risks of cost, time, delay, repeated telephone calls, technical failure, a wrong number, and other problems that could occur out of this telephone appearance. I understand that I am responsible for the costs and expenses of the telephone appearance. I understand that I am responsible for the costs and expenses of the telephone appearance.
- I understand that if I need to present documents, present witnesses, cross-examine witnesses, or provide information that is not available at the hearing, it is my responsibility to ask the court to continue the hearing. The court may decide to grant or deny my request. I understand that my appearance or supporting proof should be served and filed on time before the hearing so that the court, the local child support agency, and the other parties have an opportunity to know about my case.
- I understand that the court may require me to make all arrangements for the telephone appearance at my own expense. I understand that if I have low income or no income, I may apply for a waiver of any filing fees and a possible waiver of the court's fee for filing this request. I understand that I am responsible for the costs and expenses of the telephone appearance.
- I understand that the court may require me to make all arrangements for the telephone appearance at my own expense. I understand that if I have low income or no income, I may apply for a waiver of any filing fees and a possible waiver of the court's fee for filing this request. I understand that I am responsible for the costs and expenses of the telephone appearance.
- I understand that the court may require me to make all arrangements for the telephone appearance at my own expense. I understand that if I have low income or no income, I may apply for a waiver of any filing fees and a possible waiver of the court's fee for filing this request. I understand that I am responsible for the costs and expenses of the telephone appearance.

I have read the Adverseness Regarding Telephone Appearance section of this form and understand that the terms apply to me. I understand that I am giving up my right to appear in person at the hearing, and I understand that the terms apply to me, my attorney, and the court.

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

Date: _____

REQUEST FOR TELEPHONE APPEARANCE

FL-479

PETITIONER/PLAINTIFF: _____
DEFENDANT/RESPONDENT: _____
OTHER PARTY: _____

PROOF OF SERVICE

- At the time of service I was at least 18 years of age and not a party to the legal action.
- My residence or business address is (specify): _____
- I served a copy of the foregoing Request for Telephone Appearance (Governmental) and all attachments as follows (check a, b, or c for each party served):
 - Personal delivery. I personally delivered a copy and all attachments as follows:

(1) Name of party or attorney served: _____	(2) Name of local child support agency served: _____
(4) Address where delivered: _____	(4) Address where delivered: _____
(5) Date delivered: _____	(5) Date delivered: _____
(6) Time delivered: _____	(6) Time delivered: _____
 - Mail. I am a resident of or employed in the county where the mailing occurred:

(1) I enclosed a copy in an envelope and _____	(4) I deposited the sealed envelope with the U.S. Postal Service with the postage fully prepaid.
(3) I placed the envelope for collection and mailing on the date and at the place shown below, following our ordinary business practices. I am readily familiar with this business as practices for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.	
(2) Name of party or attorney served: _____	(2) Name of local child support agency served: _____
(4) Address: _____	(4) Address: _____
(5) Date mailed: _____	(5) Date mailed: _____
(6) Place of mailing (city and state): _____	(6) Place of mailing (city and state): _____
 - Address Verification (please specify): _____
- I served a request to modify a child custody, visitation, or child support judgment or permanent order, which includes an address verification description (Declaration Regarding Address Verification Amendment Request to Modify a Child Custody, Visitation, or Child Support Order Form FL-334) may be used for this purpose.

(1) The address for each individual identified is correct. See and be true.	(3) I verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.
(2) Other (specify): _____	(2) Other (specify): _____
- Additional page is attached.

(Indicate under penalty of perjury under the laws of the State of California that the foregoing is true and correct.)

Date: _____

COURT USE ONLY
REQUEST FOR TELEPHONE APPEARANCE
(Governmental)

Page 1 of 2

Opposing Telephonic Appearances

Party Objecting

- NO Exclusive Form
- May Use Declaration MC-030
- Must be Signed “Under Penalty of Perjury”
- Filed at Least 8 Court Days Before Hearing
- Served on All Parties by Next Day
- **Court Practices may vary**

Court

- Remember: Flag to Court!
- Court Issues Decision on Objections
- At least 5 Court Days Before Hearing
- Parties Noticed:
 - Telephone
 - In Person
 - Fax
 - Express Mail
 - Email
 - Other
- Certificate of Notice

Telephonic Appearance Order

- Local Form or Court Practice
- Notice by Court: At Least 5 Court Days Before Hearing
- Vendors Vary
- Example of Court Order re: Telephonic Appearance

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA
3000 Cleveland Avenue
Santa Rosa, CA 95403

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Plaintiff/Plaintiff:
 Defendant/Respondent:
 Other Party/Claimant:

ORDER RE: TELEPHONIC COURT APPEARANCE Case No. _____

The request for _____ to appear by telephone at the hearing on the date of _____ at _____ County of Sonoma has been _____

GRANTED. Call the Court’s Telephonic Appearance Program at 800-833-3678 or 36923 from 11:00 a.m. to 5:00 p.m. on the hearing date to see the court. The cost for Court’s e-File fee is \$60.00. This will be added to provide a credit card receipt. A fee fee of \$30 will be charged if the request for the remote is not made at least five days before the scheduled appearance unless an extension is granted by California Rule of Court 1.479 (c) (2).

DENIED. Please be advised that if you do not appear personally at the hearing, the court may make orders based upon the information presented at the hearing.

The hearing date of _____ has been changed. The matter has been rescheduled for the date and time shown above.

IT IS SO ORDERED.
DATED: _____

JUDICIAL OFFICER

 A copy of this order was given to the parties in open court.

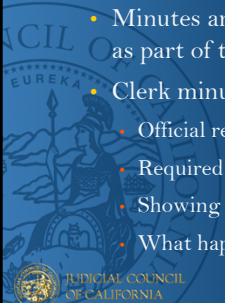
Local Form 41.014
 Revised 06/15/15 1543-1545

ORDER RE: TELEPHONIC COURT APPEARANCE

Local Rule 3.1



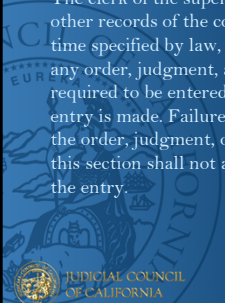
MINUTES



Minutes

[Govt Code 69844]

- Minutes are to be maintained by the clerk as part of the permanent record.
- Clerk minutes are:
 - Official record of Court's proceedings;
 - Required by law;
 - Showing who was present at the hearing; and
 - What happened, findings and orders made.



Government Code 69844

The clerk of the superior court shall keep the minutes and other records of the court, entering at length within the time specified by law, or forthwith if no time is specified, any order, judgment, and decree of the court which is required to be entered and showing the date when each entry is made. Failure so to enter the date or failure to enter the order, judgment, or decree within the time specified in this section shall not affect the validity or effectiveness of the entry.

Important Info & Tips

- Minutes should be written, using complete sentences.
- Present tense vs. past tense (consistent)
- Better to say too much than too little
- Chronological record of events
- No abbreviations should be used in minute order
 - (i.e., OSC, FTA, BW, NRPS)
- Keep in mind your minutes may be read by Judicial Officers, counsel, public, and possibly Supreme Court
- Clerk’s Minutes, not the Court Reporter’s Transcript, is the record of the court
- Judicial Council Form FL-692, adopted for *alternative mandatory use*.



JUDICIAL COUNCIL OF CALIFORNIA

MINUTES AND ORDER ON JUDGMENT

1. This matter is before the court for the purpose of (specify purpose):

2. This is a recommended order/judgment based on the stipulation of (specify name):

3. a. This matter is taken off calendar.
 b. This order is entered with without prejudice.
 c. This matter is continued at the request of the local child support agency petitioner respondent other parent (specify).

4. Order of examination:
 a. The parties referred to family court services or mediation.
 b. Petitioner Respondent Other parent is referred to the family law facilitator.
 c. Other (specify):

5. The court finds that there is sufficient evidence that the parent ordered to pay support is the parent of the children listed below and therefore there is sufficient evidence to enter a support order.

6. Additional children are listed on an attached page.

7. The parent ordered to pay support must pay additional support monthly for actual child-care costs: (specify amount) \$ one-half (specify percentage) percent of said costs.

8. The parent ordered to pay support must pay reasonable uninsured health-care costs for the children. Payments must be made to the State Disbursement Unit other party (specify).

9. The parent ordered to pay support must pay reasonable support recovery for the following (specify):
 Payments must be made to the one-half (specify percentage) percent of said costs.

10. Other (specify):

THE COURT FINDS

1. The court finds that there is sufficient evidence that the parent ordered to pay support is the parent of the children listed below and therefore there is sufficient evidence to enter a support order.

2. Additional children are listed on an attached page.

3. The parent ordered to pay support must pay additional support monthly for actual child-care costs: (specify amount) \$ one-half (specify percentage) percent of said costs.

4. The parent ordered to pay support must pay reasonable uninsured health-care costs for the children. Payments must be made to the State Disbursement Unit other party (specify).

5. The parent ordered to pay support must pay reasonable support recovery for the following (specify):
 Payments must be made to the one-half (specify percentage) percent of said costs.

6. Other (specify):

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

Case Number: FL-001

14. For a total of \$ _____ payable on the _____ day of each month.

beginning (date) _____

The bi-income adjustment applies.

The bi-income adjustment does not apply because (specify reason): _____

15. Any support ordered will continue until further order of court, unless terminated by operation of law.

16. As provided in Family Code section 4052.6, the obligation of the parent ordered to pay support will be temporarily suspended for any period after the first (1) consecutive days in which the parent ordered to pay support is incarcerated or involuntarily hospitalized, unless that parent has the right to sue a court during that time or has controlled conduct during that period. If the parent is incarcerated or involuntarily hospitalized for more than 30 consecutive days, the support order will resume as if it was before it was temporarily suspended.

17. The parent ordered to pay support must (1) provide and maintain health insurance coverage for the children if available at the or reasonable cost and keep the local child support agency informed of the availability of the coverage (if the child is covered by the responsible parent's coverage (16, 17, 18, or 19) until the child support agency is notified, complete and return a health insurance form (41) provided to the local child support agency all information and forms necessary to obtain health insurance coverage for the children (2) consent to seek a payment or award of public benefits for the child and (3) cooperate with the local child support agency in its efforts to enforce the rights to reimbursement to the other parent or contributor who incurs costs for health care services for the children. The parent ordered to provide health insurance must bear the proportion of responsibility for the child after the child attains the age when the child can begin employment (age of a person who is regularly employed (16-17), unless the contract if the child is incapable of care in the preceding sentence provides for otherwise) and (4) notify the local child support agency in writing of any change in the child's employment status or other insurance coverage for the child.

18. The parent ordered to pay support may claim the children for tax purposes as long as all child support payments are made as of the last day of the year for which the exemption is claimed.

19. Payor Respondent Other parent must pay to payor respondent other parent:

a. spousal support family support \$ _____ per month, beginning (date) _____, payable on the _____ day of each month.

20. The parent ordered to pay support must pay child support for the following past periods and in the following amounts: (check all that apply)

a. Other (specify): _____

b. For a total of \$ _____ payable \$ _____ on the _____ day of each month, beginning (date) _____.

21. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

22. The parent ordered to pay support must support arrears as follows, as of (date):

a. Child support \$ _____ Spousal support \$ _____ Family support \$ _____ Other \$ _____

b. Arrear is not computed and is not owed.

c. Payable \$ _____ on the _____ day of each month, beginning (date) _____.

23. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

24. The provision of this judgment can be used by either party to request an award of costs in the matter as otherwise provided by law.

25. All payments, unless specified in items 14b, c, and d above, must be made to the State Disbursement Unit at the address listed below (specify address): _____

MINUTES AND ORDER ON JUDGMENT

Case Number: FL-001

26. An earnings adjustment order is issued.

27. In the event that there is a conflict between a party retaining support and a private child support order, the party ordered to pay support must file the tax return for the private child support order. This tax return must be filed 10 days after the date of judgment entered by this provision is in favor of the private child support order and the party retaining support, jointly, if the parties cannot file any support tax is obtained in item 15, a health insurance coverage adjustment must issue.

28. All awards (specify amount): _____ must seek employment for their dependent (specify) _____ after an appeal and support from job applications and receive the award and the child support agency at the court's expense. These job applications are to be made in person, not by phone, fax, or email.

29. The activities of the supporting parent and the parent ordered to pay support must be in compliance with the support order in this action. The local child support agency must issue a release of liability.

30. The activities of the supporting parent and the parent ordered to pay support must be in compliance with the support order in this action. The local child support agency must issue a release of liability.

31. The activities of the supporting parent and the parent ordered to pay support must be in compliance with the support order in this action. The local child support agency must issue a release of liability.

32. A portion of attachment/sear/return issues for (specify name): _____

a. Said to be in the amount of \$ _____.

b. Said to be in the amount of \$ _____.

33. The court retains jurisdiction to make orders retroactive to (date): _____.

34. The court reserves jurisdiction over all issues the issues of (specify): _____.

35. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

36. The Notice of Rights and Responsibilities (Form State Child and Family Support Enforcement) and information sheet on Changing a Child Support Order (Form FL-702) are attached and incorporated.

37. The following person (the "non parent") is added as a party to this action (name): _____.

38. The court further orders (specify): _____.

Approved as conforming to court order:

Date: _____

Signature of attorney for the local child support agency: _____ Date: _____

Signature of attorney for the respondent: _____ Date: _____

Number of pages attached: _____ Signature follows last attachment: _____

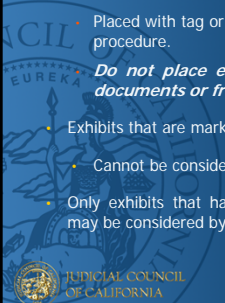
MINUTES AND ORDER ON JUDGMENT

Exhibits

- Before a document is presented to a witness or referred to, it:
 - Should be “marked for identification”
 - Placed with tag or label to the exhibit according to their court’s procedure.

Do not place exhibit tags on any printed portion of documents or front of pictures.

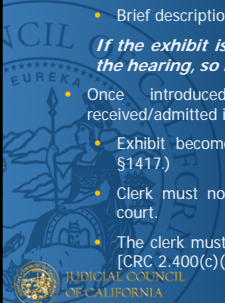
- Exhibits that are marked for identification:
 - Cannot be considered by a Judicial Officer as evidence.
 - Only exhibits that have been admitted (received) into evidence may be considered by a Judicial Officer.




- Minute orders must indicate:
 - Exhibit was marked
 - Received into evidence
 - Number/letter assigned to it
 - Brief description.

If the exhibit is returned to the submitting party during the hearing, so indicate on the minutes.

- Once introduced Marked for identification only, or received/admitted into evidence:
 - Exhibit becomes the sole responsibility of the clerk. (PC §1417.)
 - Clerk must not release any exhibit except on order of the court.
 - The clerk must require a signed receipt for a released exhibit [CRC 2.400(c)(1)].



OATHS

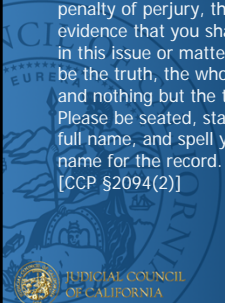


WITNESS

- Do you solemnly state under penalty of perjury, that the evidence that you shall give in this issue or matter shall be the truth, the whole truth, and nothing but the truth? Please be seated, state your full name, and spell your last name for the record.
[CCP §2094(2)]

HEARING IMPAIRED INTERPRETER

- Do you solemnly state under penalty of perjury, that you will and truly interpret the spoken language into the sign language, and the sign language into the spoken language, in the case now pending before this court?

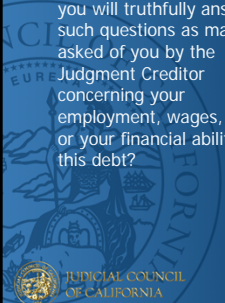


OEX


- Do you solemnly state that you will truthfully answer such questions as may be asked of you by the Judgment Creditor concerning your employment, wages, assets or your financial ability to pay this debt?

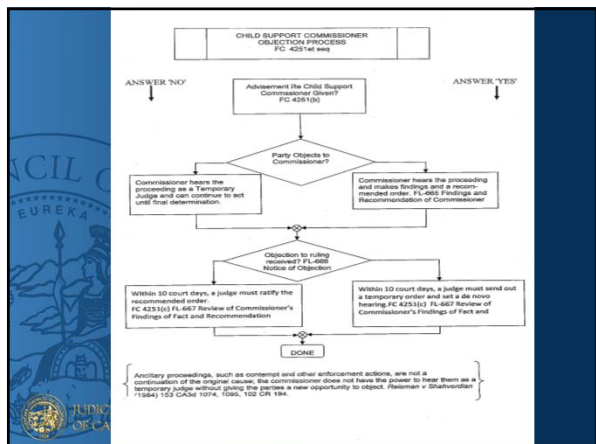
INTERPRETER

- Do you solemnly state that you will interpret the _____ language into the English language, and the English language into the _____ language, to the best of your skill and judgment?



OBJECTION TO COMMISSIONER





Family Code 4251(b)

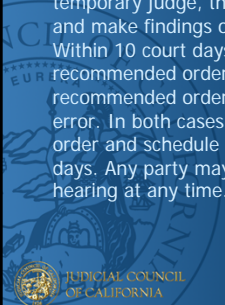
- The commissioner shall act as a temporary judge unless an objection is made by the local child support agency or any other party. The Judicial Council shall develop a notice which shall be included on all forms and pleadings used to initiate a child support action or proceeding that advises the parties of their right to review by a superior court judge and how to exercise that right. The parties shall also be advised by the court prior to the commencement of the hearing that the matter is being heard by a commissioner who shall act as a temporary judge unless any party objects to the commissioner acting as a temporary judge. While acting as a temporary judge, the commissioner shall receive no compensation other than compensation as a commissioner.

Objection to Commissioner

- Pursuant to §4251 Party Objects to Commissioner at Hearing
 - Separate Procedure-Covered in Courtroom Procedures
 - Findings and Recommendation of Commissioner Filed FL-665
 - Within 10 days, Party Objecting Completes/Files Notice of Objection FL-666


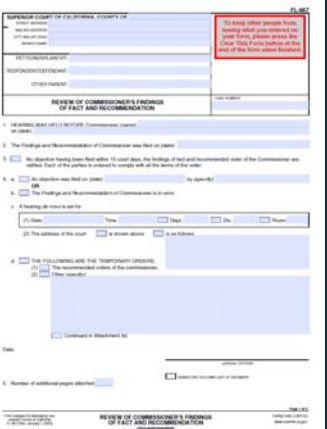
Family Code 4251(c)


- If any party objects to the commissioner acting as a temporary judge, the commissioner may hear the matter and make findings of fact and a recommended order. Within 10 court days, a judge shall ratify the recommended order unless either party objects to the recommended order, or where a recommended order is in error. In both cases, the judge shall issue a temporary order and schedule a hearing de novo within 10 court days. Any party may waive his or her right to the review hearing at any time.



Objection Trial de Novo

- Objection Filed
- File to Designated Judicial Officer
- Judge issues a Temporary Order
- Court Schedules a Hearing de Novo within 10 Court Days
- Clerk Certificate of Mailing
- Party May Waive Appearance
- Orders Confirmed or New Orders Issued



PETITIONER/PLAINTIFF: [REDACTED] **DATE MAILED:** [REDACTED]
RESPONSE/DEFENSE: [REDACTED]
OTHER PARTY: [REDACTED]

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the Reciter of Commissioner's Findings of Fact and Recommendation was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the form was mailed on (date) [REDACTED] [REDACTED] [REDACTED].

Date: [REDACTED] Clerk, by: [REDACTED] Deputy

[REDACTED]

[REDACTED]

[REDACTED]

REVIEW OF COMMISSIONER'S FINDINGS OF FACT AND RECOMMENDATION (Continued)

Page 1 of 1