

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 6/4/24

Rules Committee action requested [Choose from drop down menu below]:
Circulate for comment (out of cycle)

Title of proposal: Juvenile Law: Racial Justice Act

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
 Approve forms JV-720, JV-720-INFO, JV-722, and JV-723

Committee or other entity submitting the proposal:
 Family and Juvenile Law Advisory Committee

Staff contact (name, phone and e-mail): Tony Cheng, 415-865-4268, tony.cheng@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Annual agenda approved by Rules Committee on (date): 10/26/23

Project description from annual agenda: Item 3: Develop a proposal to implement the Racial Justice Act (RJA), Penal Code section 745 and 1473(f), in juvenile delinquency matters. To implement the RJA in criminal and appellate matters, the Criminal Law Advisory Committee and the Appellate Advisory Committee expect to circulate a proposal in the Winter 2023 cycle. Because there is no conviction or sentence in juvenile delinquency matters, and procedures are very different, the committee will consider rules and forms for requests for relief in the juvenile court in a Spring 2024 proposal.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

Complex proposal required committee revisions; circulating out of cycle to meet the 1/1/25 date when the Racial Justice Act becomes retroactive for certain cases.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Special cycle comment period 6/5/24 to 7/10/24

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



Judicial Council of California

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INVITATION TO COMMENT

SP24-07

Title

Juvenile Law: Racial Justice Act

Action Requested

Review and submit comments by
July 10, 2024

Proposed Rules, Forms, Standards, or Statutes

Approve forms JV-720, JV-720-INFO,
JV-722, and JV-723

Proposed Effective Date

January 1, 2025

Proposed by

Family and Juvenile Law Advisory
Committee
Hon. Stephanie E. Hulse, Chair

Contact

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Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes four new forms to assist litigants and juvenile courts with claims under the Racial Justice Act. The act prohibits the state from seeking or obtaining a criminal conviction or sentence on the basis of race, ethnicity, or national origin, and applies to adjudications and dispositions in juvenile court. Juvenile courts expect more claims to be filed since recent legislation expanded the retroactive application of the act, enabling more individuals to file claims for relief based on violations of its provisions.

Background

The Racial Justice Act of 2020 (Assem. Bill 2542 (Kalra); Stats. 2020, ch. 317) prohibits the state from seeking or obtaining a criminal conviction or sentence on the basis of race, ethnicity, or national origin. The act also applies explicitly to wardship adjudications (the equivalent of a conviction) and dispositions (the equivalent of a sentence) in juvenile court and to motions to transfer a juvenile case to adult criminal court. (Pen. Code, § 745(f).)¹

The act, which added section 745 and amended sections 1473 and 1473.7, enables individuals to file claims for relief based on violations of its provisions. The act specifies four different

¹ Unless otherwise specified, all further statutory references are to the Penal Code.

violations that can be alleged: (1) the exhibition of racial bias or animus against the individual by a judge, attorney, law enforcement officer, or expert witness; (2) the use of racially discriminatory language by a judge, attorney, law enforcement officer, or expert witness; (3) the existence of a racial disparity in the seriousness of offenses charged or dispositions sought or obtained; and/or (4) the existence of a racial disparity in the severity of dispositions imposed. (§§ 745(a)(1)–(4).)

If a claim under the act is sustained, a juvenile court may (1) declare a mistrial, (2) dismiss sentencing enhancements and/or special allegations, (3) reduce the charges, (4) vacate a previously imposed judgment and order new proceedings, (5) modify a previously imposed judgment, (6) modify a previously imposed disposition, and/or (7) grant additional relief that the court finds appropriate. (§§ 745(e)(1)–(2).)

When initially enacted, the act applied prospectively to all cases in which judgment had not yet become final as of January 1, 2021.²

The Racial Justice for All Act (Assem. Bill 256 (Kalra); Stats. 2022, ch. 739) subsequently authorized the retroactive application of the act in certain cases. Specifically, as of January 1, 2023, an individual facing actual or potential immigration consequences could file a claim regardless of when their judgment became final. (§ 745(j)(2).) As of January 1, 2024, retroactive eligibility expanded to individuals currently in the Department of Juvenile Justice (DJJ).³ (§ 745(j)(3).) On January 1, 2025, eligibility will expand to individuals with a judgment that resulted in a DJJ commitment that became final on or after January 1, 2015. (§ 745(j)(4).) Finally, on January 1, 2026, eligibility expands to all cases resulting in a DJJ commitment, regardless of when judgment became final. (§ 745(j)(5).)

Section 745 was recently further amended effective January 1, 2024, to allow an individual to raise a claim under the act for the first time on direct appeal. (See Assem. Bill 1118 (Kalra); Stats. 2023, ch. 464.) An individual may also now move to stay an appeal and request remand to the trial court to file a claim under the act. (§ 745(b).)

Procedurally, a claim under the act may be filed at any time during a case. If judgment in a case has not yet been entered, an individual may file a claim under the act in a pending case under section 745. (*Ibid.*) If judgment has already become final, an individual may file a claim under the act by seeking a writ of habeas corpus under section 1473(f) or filing a motion to vacate under section 1473.7. (*Ibid.*) Once an applicant files a claim under the act, the court must

² In juvenile cases, judgment becomes final when “the time to file an appeal from the dispositional order has lapsed.” (*In re Hunter W.* (2023) 88 Cal.App.5th 358, 368.)

³ Because all Department of Juvenile Justice (DJJ) facilities were ordered closed as of July 1, 2023 (see Sen. Bill 823; Stats. 2020, ch. 337), there are no longer any individuals incarcerated there. As a result, the committee expects few, if any, claims to be filed under this subdivision.

determine whether the applicant has established a prima facie case. If so, the court sets a hearing. The court may appoint counsel and may order discovery.

To implement the act in criminal cases, the Appellate Advisory Committee and the Criminal Law Advisory Committee have jointly proposed amendments to California Rules of Court, rules 4.551, 8.385, and 8.386 and revisions to *Petition for Writ of Habeas Corpus* (form HC-001), *Motion to Vacate Conviction or Sentence* (form CR-187), and *Order on Motion to Vacate Conviction or Sentence* (form CR-188) to incorporate requests for relief filed under the act in criminal courts.⁴ However, because there are no equivalent juvenile rules or forms, the committee proposes four new forms to implement the act in juvenile court.

The Proposal

The Family and Juvenile Law Advisory Committee proposes four new forms for claims in juvenile court under the act: *Request for Relief Under the Racial Justice Act—Juvenile Adjudication* (form JV-720), *The Racial Justice Act in Juvenile Court* (form JV-720-INFO), *Findings and Orders on Prima Facie Case Under the Racial Justice Act—Juvenile Adjudication* (form JV-722), and *Findings and Orders After Hearing on Request for Relief Under the Racial Justice Act—Juvenile Adjudication* (form JV-723).

Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-720)

Form JV-720 would be an optional form to request relief from a juvenile court based on a violation of the act, in either pending or closed juvenile court cases. The committee expects that the form will most commonly be used by self-represented litigants to request retroactive relief in closed cases because youth in pending proceedings are represented by appointed counsel until their cases are ultimately dismissed. (Welf. & Inst. Code, §§ 633, 634; Cal. Rules of Court, rules 5.534(d)(2)(A), 5.663(c).) The form is recommended as optional so that counsel in pending cases may choose to raise claims through oral or written motions rather than by filing the form.

In cases no longer pending, retroactive claims under the act may be filed under section 1473(f) (for habeas corpus petitions) or 1473.7 (for motions to vacate). A writ of habeas corpus is used to file a claim when an individual is under some form of judicial restraint (i.e., physical custody or postrelease supervision), whereas a motion to vacate is used when an individual is no longer under any form of judicial restraint. Retroactive claims in juvenile cases are limited to those in which a juvenile disposition resulted in a DJJ commitment. Because the number of individuals who suffered a DJJ commitment and are still either in custody or on postrelease supervision is exceedingly small, the committee expects that retroactive claims under the act in juvenile court will generally not be raised through habeas corpus petitions.⁵ As a result, the committee has not

⁴ This proposal is expected to be considered by the Judicial Council at its meeting on September 20, 2024.

⁵ For example, as of March 25, 2023, there were only 291 youths remaining in DJJ facilities statewide. (Legis. Analyst, Rep. to Assem. Budget Subcoms. Nos. 2 and 5, *Overview of Juvenile Justice System and Education Services in Juvenile Facilities* (Apr. 17, 2023), p. 3.)

included such procedures in this proposal, but requests specific comments on whether the development of juvenile habeas corpus procedures and forms should nevertheless be considered.

Item 1 on form JV-720 asks the applicant to indicate the procedural posture of their juvenile case to determine whether they are eligible to file a claim under the act (i.e., whether their juvenile case is either still pending or meets the criteria for a retroactive claim).

Item 2 allows an unrepresented applicant to request that the juvenile court appoint counsel to assist them in pursuing a claim under the act. The statute is silent regarding appointment of counsel, but unrepresented youth in juvenile delinquency proceedings have the right to appointed counsel, regardless of indigency. (Welf. & Inst. Code, §§ 633, 634; Cal. Rules of Court, rules 5.534(d)(2)(A), 5.663(c).) These claims will be heard in juvenile court and implicate an individual's substantial rights. In the committee's view, appointing counsel for unrepresented applicants would serve the purpose of the act.

Item 3 asks the applicant to indicate which categories of violations their claim falls under. (§§ 745(a)(1)–(4).) The act specifies four different violations that can be alleged: (1) the exhibition of racial bias or animus against the individual by a judge, attorney, law enforcement officer, or expert witness; (2) the use of racially discriminatory language by a judge, attorney, law enforcement officer, or expert witness; (3) the existence of a racial disparity in the seriousness of offenses charged or dispositions sought or obtained; and/or (4) the existence of a racial disparity in the severity of dispositions imposed. (*Ibid.*)

Item 4 asks the applicant to indicate when they learned of the violation they are claiming. For violations alleged to have been committed during trial, the act requires that requests for relief be filed “as soon as practicable” upon the applicant “learning of the alleged violation.” (§ 745(c).) A motion that is not timely may be deemed waived, in the discretion of the court. (*Ibid.*) For motions to vacate, the act requires that they be filed “without undue delay from the date the moving party discovered or could have discovered with the exercise of due diligence” the basis of the violation. (§ 1473.7(c).)

Item 5 asks the applicant to explain their claim in detail and to indicate what facts support their allegations. Item 5 also asks the applicant whether their claim is based on a statement or conduct by a judge. If so, that judge must recuse themselves from the matter. (§ 745(b).)

Item 6 allows the applicant to request discovery to support their claim. (§ 745(d).) An applicant may file a motion requesting disclosure to the defense of “all evidence relevant to a potential violation of [the act] in the possession or control of the state.” (*Ibid.*)

Item 7 allows an applicant to request the assistance of an interpreter at any hearings regarding their claim, as is common practice in juvenile and criminal courts.

The committee discussed whether applicants should be required to serve these requests. The act itself is silent regarding service. Consistent with juvenile practice in other contexts (such as requests for juvenile record sealing), the form is designed to be sent by the court clerk to the probation department and prosecuting attorney after filing, rather than to be served by the applicant. Facilitating this process will assist unrepresented applicants in these proceedings. The committee seeks specific comments on whether applicants should be required to serve their claims alleging a violation of the act.

The Racial Justice Act in Juvenile Court (form JV-720-INFO)

Form JV-720-INFO would be an information sheet to supplement form JV-720. In addition to providing instructions on how to complete form JV-720, form JV-720-INFO includes background information about the act and explains how and when a claim under the act may be filed and what happens after a claim is filed.

Findings and Orders on Prima Facie Case Under the Racial Justice Act—Juvenile Adjudication (form JV-722)

To assist the juvenile court, the committee proposes two optional forms for findings and orders on these claims. The act contemplates a two-part process: first, the court must determine whether the applicant has made a prima facie showing of a violation under the act. If so, the court must then hold a hearing. Form JV-722 would be an optional form for a juvenile court to use in ruling on whether the request states a prima facie case, and in making findings and orders after the initial submission of a claim. The form can also be used to order appointment of counsel, discovery, or a hearing, or deny a claim if the applicant has not made a prima facie showing, and explain the court’s reasoning.

Items 1 through 4 on form JV-722 are for findings. Item 1 allows the court to indicate whether the applicant’s claim does or does not qualify for retroactive application of the act and whether it was or was not filed in a timely manner. A claim that is not timely filed after the applicant learns of the alleged violation may be denied. (§§ 745(c) (claims made during trial must be filed “as soon as practicable” upon the applicant learning of the violation); and 1473.7(c) (motions to vacate must be filed “without undue delay” from the date the applicant actually, or reasonably should have, learned of the violation).)

Item 2 allows the court to indicate whether an applicant’s initial filing establishes a prima facie violation of the act. If so, the court must set the matter for a hearing. (§ 745(c).) If not, the claim is denied. Item 3 allows the court to indicate whether an applicant has demonstrated good cause to order discovery. Item 4 allows the court to make additional findings.

Items 5 through 9 on form JV-722 are for orders. Item 5 allows the court to indicate that the applicant’s request for relief under the act is denied. In item 6, the court can grant or deny a request for appointment of counsel. Item 7 allows the court to grant or deny a request for discovery and to specify any documents or information that must be produced. This item also

allows the court to set the matter for a discovery hearing, if appropriate. If the court finds that the request for relief makes a prima facie showing, the court can set the matter for an evidentiary hearing in item 8. Item 9 allows the court to make additional orders, as appropriate.

Findings and Orders After Hearing on Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-723)

The committee proposes form JV-723 as an optional form for a juvenile court to make findings and orders after an evidentiary hearing, including final adjudication of the matter. The form can be used to grant or deny a claim, explain the court's reasoning, and order relief under the act.

Items 1, 2, and 3 on form JV-723 are for findings. Item 1 memorializes when and where the hearing required by section 745(c) took place and the parties who were present. Item 2 allows the court to indicate what, if any, violations of the act it finds have been proven by a preponderance of the evidence, and item 3 allows the court to make findings required by the act, as appropriate. (§§ 745(c)(2), (3).)

Items 4, 5, and 6 are for orders. In item 4, the court grants or denies the applicant's request. Item 5 allows the court to indicate what, if any, remedies it orders for any violations of the act. Item 6 allows the court to make additional orders, as appropriate. (§ 745(e).)

Alternatives Considered

The committee considered developing separate forms for seeking relief under section 745 depending on the procedural posture of the request—whether as a motion made in a pending case, a petition for habeas corpus, or a motion to vacate. Upon further discussion, however, the committee decided to propose a single form for requesting relief under the act for simplicity. Since petitions for habeas corpus are rarely filed in juvenile court and claims for relief in pending cases may more commonly be filed as individually drafted motions by counsel, the committee anticipates that the form will most often be used to request to vacate a prior adjudication or disposition. Notwithstanding this expectation, the committee is requesting feedback on whether more than one claim form would be helpful.

The committee also considered proposing a single findings and order form for use after both the initial filing of a claim under the act and, if a prima facie case is established, after an evidentiary hearing on the claim. Upon further discussion, however, the committee decided to propose two separate forms for clarity, one for use after the initial filing of a claim, which could also be used to provide notice of a hearing, and the other for use after a hearing on a claim filed under the act. The committee is requesting feedback on whether a single findings and orders form would be more convenient to use.

The committee also discussed whether new rules are necessary to implement the act in juvenile court. As noted above, the proposal to implement the act in criminal court cases included rule

amendments, specifically, to trial court and appellate court rules on habeas corpus proceedings. However, there are no existing habeas corpus rules in juvenile court. The committee concluded that the proposed forms appear to be sufficient and that rules are not currently needed, but will monitor the process going forward and consider rules in the future if they would be helpful.

Finally, the committee considered taking no action, but rejected this option because it expects the number of claims filed in the juvenile courts to increase going forward. These optional forms will assist litigants in accessing relief under the act and the courts in making required findings and ruling on these claims.

Fiscal and Operational Impacts

Fiscal and operational impacts are largely attributable to the legislation authorizing retroactive claims. The proposal aims to mitigate workload burdens by making the application for relief under the act more efficient, consistent, and easier to navigate for self-represented litigants and the courts. Expected costs include training, case management system updates, and the production of new forms. There will also be costs associated with providing appointed counsel.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

1. Does the proposal appropriately address the stated purpose?
2. Is the language in the forms clear for self-represented litigants, especially for youth? Please provide any specific suggestions for improvements.
3. Should the council develop forms for habeas corpus petitions in juvenile cases, including petitions based on RJA claims?
4. Should the court appoint counsel for all unrepresented litigants?
5. Should self-represented litigants be required to serve their requests for relief?
6. Should the single request form be split into multiple forms?
7. Should the two findings and orders forms be consolidated into a single form?
8. Are new rules relating to claims under the act in juvenile court necessary at this time? If so, what should the rules address?
9. Should the information sheet address any other topics?
10. Should item 1 on form JV-720 include a definition of a final “judgment,” and, if so, should that definition be added to the form itself or the information sheet?
11. Should item 4 on form JV-720 include a definition of “not timely,” and, if so, should that definition be added to the form itself or the information sheet?
12. Should item 5b on form JV-720 be a separately numbered, standalone item to improve its visibility on the form and to reduce its chance of being overlooked?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

1. Would the proposal provide cost savings? If so, please quantify.
2. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
3. Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
4. How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms JV-720, JV-720-INFO, JV-722, and JV-723, at pages 10–19
2. Link A: Pen. Code, § 745,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=745.&lawCode=PEN

3. Link B: Pen. Code, § 1473,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.&lawCode=PEN
4. Link C: Pen. Code, § 1473.7,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.7.&lawCode=PEN

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-720.v13.20240521.am
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CASE NAME:		
REQUEST FOR RELIEF UNDER THE RACIAL JUSTICE ACT—JUVENILE ADJUDICATION		CASE NUMBER:

Instructions—Read Carefully

- Use this form if you are going or went to court because you allegedly committed an offense when you were under the age of 18 and you believe your case was affected by discrimination on the basis of race, ethnicity, or national origin.
- If you need more information about how to fill out this form, or about the Racial Justice Act itself, please see *The Racial Justice Act in Juvenile Court* ([form JV-720-INFO](#)).
- If this form asks for information that you do not have, contact your attorney. If you don't have an attorney, the public defender's office in the court or county where you are going or went to court can probably help you get the information.
- The court will serve this form for you unless you have an attorney. Consult your attorney if you have one.

1. ELIGIBILITY

I request the court to find a violation of the Racial Justice Act and order remedies allowed by law. I am eligible to file this request because (*check all that apply*):

- a. Judgment in my case is not final.
- b. I face actual or potential immigration consequences (such as deportation) based on this case.
- c. I was committed to the Department of Juvenile Justice (DJJ) or the California Youth Authority (CYA) on or after January 1, 2015, based on this case.
- d. This request is filed on or after January 1, 2026, and I was committed to DJJ or CYA based on this case.

2. APPOINTMENT OF COUNSEL

I request the court appoint an attorney to represent me.

3. VIOLATION

I believe the Racial Justice Act was violated because (*check all that apply*):

- a. The judge, an attorney, a law enforcement officer, or an expert witness in the case exhibited bias or animus towards me because of my race, ethnicity, or national origin.

CASE NAME:	CASE NUMBER:
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3. b. During in-court trial proceedings, the judge, an attorney, a law enforcement officer, or an expert witness used discriminatory language about my race, ethnicity, or national origin. (Racially discriminatory language does not include relating language used by someone else that is relevant to the case, or giving a racially neutral and unbiased physical description of a suspect.)
- c. I was charged with or found responsible for a more serious offense than people of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, **and** the prosecution more frequently sought or obtained adjudications (convictions) for serious offenses against people who share my race, ethnicity, or national origin in the county where the adjudications (convictions) were sought or obtained.
- d. I received a longer or more severe disposition (sentence) compared to similarly situated individuals for the same offense **and** (check all that apply):
- (1) Longer or more severe dispositions (sentences) were more frequently imposed for the same offense on people who share my race, ethnicity, or national origin than on people of other races, ethnicities, or national origins in the county in which this case occurred.
- (2) Longer or more severe dispositions (sentences) were more frequently imposed for the same offense on people in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in the county in which this case occurred.

4. DISCOVERY OF VIOLATION

I learned of the grounds described in item 3 above on or about (date): _____ . (A motion that is not timely may be deemed waived.)

5. SUPPORTING FACTS

a. Describe what happened. For each violation you claim in item 3 above, explain the facts that support it. Give details. (If necessary, attach additional pages. You may use Attachment to Judicial Council Form (form MC-025) for any additional pages. If available, attach declarations, relevant records, transcripts, or other documents supporting your request.)

Additional documents attached.

b. Is your request based on a statement or conduct by a judge? Yes No

If yes, please fill in the judge's name if you know it: _____

CASE NAME:	CASE NUMBER:
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6. DISCLOSURE OF EVIDENCE

I request disclosure of evidence relevant to a potential violation of the Racial Justice Act (*if you checked the box, complete items a and b below*):

a. I need the following types of records or information:

b. I need the records or information because:

7. REQUEST FOR INTERPRETER

If there is a hearing, I will need a _____ (*language*) interpreter.

Date: _____

(NAME OF APPLICANT OR ATTORNEY)

 _____
(SIGNATURE OF APPLICANT OR ATTORNEY)

What is the Racial Justice Act?

The Racial Justice Act (RJA) is a law that prohibits the State of California from prosecuting or punishing someone based on race, ethnicity, or national origin. If you have, or ever had, a juvenile court case, this law may apply to you.

Why was the RJA passed?

The RJA was passed because the California Legislature recognized that “[d]iscrimination in our criminal justice system based on race, ethnicity, or national origin has a deleterious effect not only on individual[s] but on our system of justice as a whole.” (Assem. Bill 2542 (Kalra); Stats. 2020, ch. 317.) Such discrimination denies Californians equal justice under the law. The intent of the RJA is to “eliminate racial bias from [our] criminal justice system because racism in any form or amount . . . is intolerable, inimical to a fair criminal justice system,” and violates the laws and Constitution of the state. (*ibid.*)

How do I know if the RJA applies to me?

The RJA may apply to your juvenile case if:

- You believe a judge, attorney, law enforcement officer, or expert witness in your case was biased against you because of your race, ethnicity, or national origin;
- A judge, attorney, law enforcement officer, or expert witness in your case used racially discriminatory language about your race, ethnicity, or national origin;
- You believe: (1) you were charged with or adjudicated for a more serious offense because of your race, ethnicity, or national origin; and (2) people in the same county who share your race, ethnicity, or national origin tend to be charged with or adjudicated for more serious offenses than people of a different race, ethnicity, or national origin;
- You believe: (1) you received more severe consequences because of your race, ethnicity, or national origin; and (2) people in the same county who share your race, ethnicity, or national origin tend to receive more severe consequences than people of a different race, ethnicity, or national origin; or

- You believe: (1) you received more severe consequences based upon the race, ethnicity, or national origin of the victims in your case; and (2) people in the same county whose victims share the same race, ethnicity, or national origin as people in your case tend to receive more severe consequences than people whose victims are of a different race, ethnicity, or national origin.

Who can file a request under the RJA?

You can file a request under the RJA if:

- Your juvenile court case is still pending or if you are facing immigration problems (such as deportation) related to your juvenile case.
- You were sent to the Department of Juvenile Justice (DJJ), also known as the California Youth Authority (CYA), anytime on or after January 1, 2015.
- You were sent to DJJ or CYA sometime before January 1, 2015; if so, you may file an RJA request starting on January 1, 2026.

If, however, your case is no longer pending and you were never committed to DJJ or CYA, you may *not* file an RJA request.

When can I file a request under the RJA?

If your case is currently in trial, the RJA requires you to file your request as soon as practicable after you discovered that there may have been a violation of the RJA in your case. If your case is over and you are no longer at DJJ or CYA or on probation in your juvenile case, you should file a request under the RJA as soon as you discover or reasonably could have discovered that there may have been a violation.

Do I need an attorney?

You do not have to have an attorney. You can file a request under the RJA yourself or you can ask an attorney to file a request for you. If you are not going to court on your case anymore, you can ask the court to appoint an attorney to represent you or you can contact the attorney who previously represented you to see if they can help you file a request. A public defender’s office may also be able to provide assistance to you.



How do I file an RJA request myself?

You may file a request under the RJA by filling out [*Request for Relief Under the Racial Justice Act—Juvenile Adjudication*](#) (form JV-720).

Fill out the form by putting your name and contact information in the box at the top of the form and the address of the court in the box below your name and address. You can get the court's address from the court papers in your case. (The form must be filed in the last county where you went to court for this offense.) Then, check the boxes that apply to your case and fill in the information requested.

- Check the box in item 1 about your eligibility to file a request for relief under the RJA.
- Check the box in item 2 if you are asking the court to appoint an attorney to represent you.
- Check the boxes in item 3 that explain why you believe the RJA was violated in your case.
- Fill in item 4 with the date you discovered the RJA was violated.
- Fill in item 5 with facts that support why you believe the RJA was violated in your case.
- Check the box in item 5b if you believe the RJA was violated in your case because of something a judge said or did and fill in the name of the judge if you know it. If so, a different judge will hear your request.
- Check the box in item 6 if you are asking for records or information that can be used to support your request. If so, fill in the types of records or information you are asking for and why you need them.
- If you will need an interpreter, ask for one in item 7.

Once you have filled out form JV-720, take or mail it to the court clerk's office in the court where the case was filed. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

What happens after I file a request under the RJA?

The court will review your request and decide whether to hold a hearing. If the court reviews your request and does not schedule a hearing, it means you have not presented enough facts to establish a substantial likelihood that a violation of the RJA occurred. A "substantial likelihood" requires more than a mere possibility, but less than a standard of "more likely than not".

If the court schedules a hearing, you may present evidence and testimony to support your request. The district attorney will also be able to present evidence and testimony. To win, you must prove a violation of the RJA by a preponderance of the evidence. That means you must prove it is more likely than not that the RJA was violated. After the hearing, the court will decide if you have proven a violation by a preponderance of the evidence.

What happens if my RJA request is granted?

If you prove a violation, the court will grant your request and can make orders to repair the harm, based on your case. This can include starting your case over, reducing the charges against you, or reducing your disposition (sentence). The court can make other orders, too, depending on the circumstances.

What happens if my RJA request is denied?

There is no penalty for filing an unsuccessful RJA request.

CASE NAME:	CASE NUMBER:
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ORDERS

5. **Denial of Request**

The court orders that applicant's request for relief under the Racial Justice Act is denied.

6. **Appointment of Counsel**

- a. The court grants the request for appointment of counsel.
- b. The court denies the request for appointment of counsel.

7. **Disclosure of Evidence**

- a. The court denies the request for disclosure of evidence:
- b. The court orders the following disclosure of evidence:

- c. The court orders the matter set for a hearing on disclosure of evidence:

Name and address of court if different from above:

**Hearing
Date**

→ Date: _____ Time: _____
 Dept.: _____ Room: _____

8. **Hearing on the Merits**

- The court orders the matter set for a hearing on violation of the Racial Justice Act:

Name and address of court if different from above:

**Hearing
Date**

→ Date: _____ Time: _____
 Dept.: _____ Room: _____

9. **Additional Orders**

The court also orders the following:

Date: _____

(JUDICIAL OFFICER)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-723.v8.20240510.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
FINDINGS AND ORDERS AFTER HEARING ON REQUEST FOR RELIEF UNDER THE RACIAL JUSTICE ACT—JUVENILE ADJUDICATION	CASE NUMBER:

1. This proceeding was heard on (date): _____ at time: _____ in Dept.: _____ Room: _____
 by Judge (name): _____ Temporary Judge
- a. Applicant present Attorney present (name): _____
 b. District attorney present Attorney present (name): _____
 c. Probation present Attorney present (name): _____
 d. Other party present Attorney present (name): _____

FINDINGS

2. **Violation**

- a. The court finds by a preponderance of the evidence that the following violation or violations of Penal Code section 745(a) have been established (check all that apply):
- (1) The judge, an attorney, a law enforcement officer, or an expert witness in the case exhibited bias or animus against the applicant because of the applicant's race, ethnicity, or national origin. (Pen. Code, § 745(a)(1).)
- (2) During in-court trial proceedings, the judge, an attorney, a law enforcement officer, or an expert witness used discriminatory language about the applicant's race, ethnicity, or national origin. (Racially discriminatory language does not include relaying language used by someone else that is relevant to the case or giving a racially neutral and unbiased physical description of the suspect.) (Pen. Code, § 745(a)(2).)
- (3) The applicant was charged with or adjudicated for a more serious offense than people of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, **and** the prosecution more frequently sought or obtained adjudications for more serious offenses against people who share the applicant's race, ethnicity, or national origin in the county where the adjudications were sought or obtained. (Pen. Code, § 745(a)(3).)
- (4) The applicant received a longer or more severe disposition compared to similarly situated individuals adjudicated for the same offense and (check all that apply):
- (a) Longer or more severe dispositions were more frequently imposed for the same offense on people who share the applicant's race, ethnicity, or national origin than on people of other races, ethnicities, or national origins in the county in which this case occurred. (Pen. Code, § 745(a)(4)(A).)
- (b) Longer or more severe dispositions were more frequently imposed for the same offense on people in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in the county in which this case occurred. (Pen. Code, § 745(a)(4)(B).)
- b. The court finds that no violation of Penal Code section 745(a) has been established.

CASE NAME:	CASE NUMBER:
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3. Required Findings

The court makes the following factual findings in support of the above, as required by Penal Code section 745(c)(3):

ORDERS

4. Ruling on Request

- a. The court orders that applicant's request for relief is granted.
- b. The court orders that applicant's request for relief is denied.

5. Remedies

- a. Judgment not being final, the court orders (*check all that apply*):
- (1) At applicant's request, a mistrial.
- (2) The following enhancement or enhancements dismissed:
- (3) The following special allegation or allegations dismissed:
- (4) The following charge or charges reduced:
- b. Judgment being final, the court orders the following (*check all that apply*):
- (1) The adjudication was sought or obtained in violation of Penal Code section 745. The court orders the adjudication and disposition vacated, declares them legally invalid, and orders the following new proceedings:
- (2) Only Penal Code section 745(a)(3) (*see item 2a(3)*) was violated and the violation may be rectified by a modification of the adjudication. The court orders the adjudication modified to the following lesser-included or lesser-related offense or offenses:
- (3) Only the disposition was sought, obtained, or imposed in violation of Penal Code section 745. The court vacates the disposition, declares it legally invalid, and imposes the following new disposition:
- c. The court orders the following additional remedies:

CASE NAME:	CASE NUMBER:
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6. **Additional Orders**

The court also orders the following:

Date: _____

(JUDICIAL OFFICER)

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: June 4, 2024

Rules Committee action requested [Choose from drop down menu below]:
Recommend JC approval (has circulated for comment)

Title of proposal: Child Support: Implementing Amendments to the Family Code.

Proposed rules, forms, or standards (include amend/revise/adopt/approve):

Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382.

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and e-mail): Marina Soto, (916) 643-6906, marina.soto@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Annual agenda approved by Rules Committee on (date): October 26, 2023

Project description from annual agenda: SB 343 (Skinner) Child support (Stats. of 2023, Ch. 213). Implements numerous changes to child support law to bring California's statutes into compliance with updated federal regulations. Repeals Chapter 5 of Part 1 of Division 9 of the Family Code which authorizes the entry of expedited support orders. Effective September 1, 2024, revises the statewide uniform child support guideline, including modifying the formula and increasing the income bands. Increases the ceiling for the low-income adjustment to a net disposable income that is less than the amount earned from full-time statewide minimum wage at 40 hours per week, 52 weeks per year, and the formula for determining the low-income adjustment to reflect the same net disposable income, and provides that there is a rebuttable presumption that an obligor is entitled to the low-income adjustment when their income falls below the ceiling. Clarifies that, in the course of a proceeding for support, if the court learns that a parent is subject to one or more orders for support involving children with parents who are not parties to the action, the court may, in its discretion, take steps to avoid an inequitable distribution of support between children. Requires the court, in cases where the parent's annual gross income is unknown, to consider the earning capacity of the parent; and authorizes the court, where the parent's annual gross income is known, to rely on earning capacity in lieu of actual income if doing so is consistent with the best interests of the children. Beginning on January 1, 2026, eliminates, for suits for child support brought by a local child support agencies (LCSA), the ability to seek an order on the basis of "presumed income" calculated at 40 hours a week at the prevailing minimum wage, and replaces it with the requirement that the LCSA seek support on the basis of the parent's actual income or earning capacity, as determined based on the specific circumstances of the parent. Requires the Judicial Council to adopt and approve forms to implement these provisions by September 1, 2024.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

The legislation underlying the proposed form changes (SB 343) was signed into law on September 22, 2023, and contains a mandate that the council approve most of the forms by September 1, 2024. SB 343 made wide sweeping changes to the child support statutes and impacts 23 forms.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

SB 343 was signed into law on September 22, 2023 to bring California into compliance with new federal regulations by September 2024. The new federal regulations require that child support orders be based on evidence of actual income or the specific circumstances of the obligor. SB 343 also enacted new Family Code section 17432.5, which requires the Judicial Council adopt and approve any forms necessary to implement amendments made to Family Code sections 17400, 17404.1, 17430, and 17432 by September 1, 2024, with an effective date of January 1, 2026 for 16 affected forms. The Legislature required the delayed implementation date apparently to allow the Department of Child Support Services time to update their statewide case management system.

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-127

For business meeting on July 12, 2024

Title

Child Support: Implementing Amendments to the Family Code

Rules, Forms, Standards, or Statutes Affected

Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382

Recommended by

Family and Juvenile Law Advisory Committee
Hon. Stephanie E. Hulsey, Chair

Agenda Item Type

Action Required

Effective Date

September 1, 2024, and January 1, 2026

Date of Report

May 24, 2024

Contact

Marina Soto, 916-643-6906
marina.soto@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve 2 new forms, revise 20 forms, and revoke 3 forms related to child support. This action is necessary to implement recent changes to the Family Code that (1) require, in compliance with recent federal regulations, that child support orders be based on evidence of actual income or the specific circumstances of the obligor parent; (2) mandate that local child support agencies provide notice regarding payment of support to parents and the court when they begin and cease to provide child support enforcement services; and (3) increase the time period before child support resumes after an obligor parent has been released from incarceration or confinement.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council:

1. Approve the following new forms reflecting changes in law, effective September 1, 2024:
 - *Earning Capacity Factors Attachment* (form FL-302); and
 - *Information Sheet: Notice Regarding Payment of Support* (form FL-632-INFO).
2. Revise the following forms to conform to new law and make improvements, effective September 1, 2024:
 - *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* (form FL-192);
 - *Child Support Information and Order Attachment* (form FL-342);
 - *Non-Guideline Child Support Findings Attachment* (form FL-342(A)); and
 - *Notice Regarding Payment of Support* (form FL-632).
3. Revise the following forms to conform to new law, with an effective date of January 1, 2026:
 - *Judgment Regarding Parental Obligations (UIFSA)* (form FL-530);
 - *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-600);
 - *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-610);
 - *Declaration for Amended Proposed Judgment* (form FL-616);
 - *Judgment Regarding Parental Obligations* (form FL-630);
 - *Notice of Entry of Judgment and Proof of Service by Mail* (form FL-635);
 - *Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income* (form FL-640);
 - *Information Sheet for Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income* (form FL-640-INFO);
 - *Declaration of Obligor's Income During Judgment Period—Presumed Income Set-Aside Request* (form FL-643);
 - *Findings and Recommendation of Commissioner* (form FL-665);
 - *Notice of Motion* (form FL-680);
 - *Order to Show Cause* (form FL-683);
 - *Order After Hearing* (form FL-687);
 - *Short Form Order After Hearing* (form FL-688);
 - *Minutes and Order or Judgment* (form FL-692); and
 - *Guideline Findings Attachment* (form FL-693).
4. Revoke the following forms immediately upon the council's approval, as the corresponding Family Code provisions were repealed on January 1, 2024:
 - *Application for Expedited Child Support Order* (form FL-380);
 - *Response to Application for Expedited Child Support Order and Notice of Hearing* (form FL-381); and

- *Expedited Child Support Order* (form FL-382).

The recommended new, revised, and revoked forms are attached at pages 18–84.

Relevant Previous Council Action

In September 1996, Governor Wilson signed Assembly Bill 1058 (Stats. 1996, ch. 957), which established the child support commissioner and family law facilitator program in California to further the goal of creating a conflict-reducing child support system that is speedy, efficient, cost-effective, and accessible to families. To implement AB 1058, the council adopted, approved, or amended many forms to apply the new child support process in the courts, including a combined simplified summons and complaint form, an answer form, a proposed judgment form, and a form to notify parties and courts when a local child support agency is providing child support enforcement services in a matter and to whom payment should be made. The council has taken action many times over the years to revise the child support forms to implement minor legislative changes. In addition, the council has amended the forms several times to implement various incarnations of Family Code section 4007.5.¹

Senate Bill 1355 (Stats. 2010, ch. 495) enacted section 4007.5, which provided a process for formerly incarcerated or involuntarily institutionalized obligors to petition the court for forgiveness of child support arrears that accrued during their incarceration or involuntary institutionalization. Effective July 1, 2011, the Judicial Council revised several of the child support forms in response to that new law. Because that version of section 4007.5 expired in 2015, but was later revived and expanded, sunsetted, and revived yet again, the council has revised the child support forms in relation to this issue several times over the years. When Assembly Bill 2325 (Stats. 2020, ch. 217) made the relief available by operation of law, the council revised the forms, effective January 1, 2022, so that instead of listing the relief available to incarcerated or involuntarily institutionalized obligors on multiple child support order and judgment forms as the council had done in the past, those forms indicate that *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* (form FL-192) is attached, with the relief available being listed on that form instead.

Last year, effective January 1, 2024, the council further revised form FL-192 (along with some other forms) to reflect additional changes made to section 4007.5 by Assembly Bill 207 (Stats. 2022, ch. 573). AB 207 removed the exception to relief if a child support obligor was incarcerated or involuntarily institutionalized for failing to pay child support or for domestic violence against the other parent or child. The bill also expanded relief for child support orders entered or modified before the effective date of the amendments, and declared that relief may be requested from the court if an obligor qualified for relief during the time frame that prior versions of the statute granting relief by operation of law were in effect.

¹ All further statutory references are to the Family Code unless otherwise noted.

Analysis/Rationale

In 2016, the federal Office of Child Support Enforcement issued *Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs*.² This federal final rule requires states to update their child support guidelines to ensure they result in child support orders that reflect a parent's actual ability to pay or the specific circumstances of the obligor parent when evidence of earnings and income is unavailable or insufficient to determine the parent's ability to pay. The final rule also requires that child support guidelines take into consideration the basic subsistence needs of the obligor parent who has a limited ability to pay by incorporating a low-income adjustment. Additionally, states are no longer allowed to use a standard amount to impute income to an obligor parent in lieu of gathering facts to determine the specific circumstances of the parent and cannot treat incarceration as voluntary unemployment when establishing or modifying child support orders. California must implement the regulations promulgated by the federal final rule by September 2024.

Legislation to comply with federal final rule

On September 27, 2022, AB 207 was signed into law, amending Family Code sections 4007.5, 4054, and 4058. These amendments brought California closer to compliance with the federal final rule by (1) providing that incarceration cannot be considered as voluntary unemployment and (2) providing for consideration of the factors listed in federal regulations when income imputation (i.e., earning capacity) is authorized.³ As discussed above, the council revised form FL-192 last year to implement changes made by AB 207 that were related to the support obligation of incarcerated parents. However, the council deferred revising other forms to implement the changes made regarding earning capacity because further changes were being proposed by Senate Bill 343 (Stats. 2023, ch. 213).

On September 22, 2023, SB 343 was signed into law, also to bring the Family Code into closer compliance with the federal final rule. This legislation made wide-ranging changes to the current child support scheme, including:

- Revising the child support guideline by updating the K-factor bands, which is the combined net income of both parents allocated for child support;
- Tying the low-income adjustment to full-time minimum wage;
- Creating a new basis for deviating below guideline, if after applying the low-income adjustment the guideline child support would be greater than 50 percent of the support obligor's net disposable income;

² 81 Fed.Reg. 93492 (Dec. 20, 2016).

³ 45 C.F.R. § 302.56(c)(1)(iii) (2023).

- Changing the apportionment of expenses for additional child support from one-half to each parent to dividing the expenses in proportion to the parents' net incomes;
- Expanding the protocols for issuing an order to pay uninsured health care costs to also include orders for payment of childcare costs actually incurred, unless childcare costs are included in the guideline calculation;
- Eliminating the ability for local child support agencies to request initial support orders based on presumed income of full-time minimum wage ability when an obligor's income is unknown; in these situations, the obligor's earning capacity must be considered based on the factors enumerated in section 4058(b); and
- Repealing the expedited child support order scheme.

The amendments that AB 207 and SB 343 made to the Family Code to bring California into compliance with the federal final rule affect 22 Judicial Council forms and necessitate the revocation of three forms related to expedited child support orders. The changes also necessitate the creation of a new form to help ensure child support orders are based on the specific circumstances of the obligor parent.

California is required to implement regulations promulgated by the federal final rule no later than September 2024. Although SB 343 and certain provisions of AB 207 were enacted by the Legislature for this purpose, the forms necessary to apply the new law must also be approved by the council no later than September 1, 2024, to ensure compliance with the federal deadline. However, to give the state Department of Child Support Services (DCSS) sufficient time to program the new forms into their electronic case management system, SB 343 added section 17432.5 to the Family Code, which requires the Judicial Council to adopt and approve by September 1, 2024, any forms necessary to implement newly added sections 17400, 17404.1, 17430, and 17432 but delays the effective date of those forms until January 1, 2026. Thus, most of the forms in the proposal must be approved by September 1, 2024,⁴ but only the revisions to forms FL-192, FL-342, FL-342(A), and new form FL-302, must go into effect on that date. The effective date for the remaining 15 revised governmental child support forms and the revised judgment form for UIFSA cases⁵ (form FL-530) will be January 1, 2026.

⁴ Effective January 1, 2023, AB 2960 amended section 4204 to mandate that local child support agencies provide notice regarding payment of support to parents and the court when they begin and cease to provide child support enforcement services. Although the current version of *Notice Regarding Payment of Support* (form FL-632) complies with this amendment, the committee is recommending other changes to improve the form. The changes to form FL-632 and the new information sheet FL-632-INFO do not need to be approved by September 1 to comply with the federal final rule. However, the committee recommends an effective date of September 1, 2024, for both forms so that the recommended changes can be adopted along with the changes being recommended for the 22 forms affected by SB 343.

⁵ Cases brought under the Uniform Interstate Family Support Act (Fam. Code, § 5700.101 et seq.).

The committee is recommending the actions discussed below to ensure the child support forms accurately reflect the new laws implementing the federal final rule.

Application of the low-income adjustment

Section 4055(b)(7) provides that in all cases in which the obligor parent’s net disposable income is less than \$1,500, adjusted annually for cost-of-living increases, there is a rebuttable presumption that the obligor is entitled to a low-income adjustment on their child support obligation.⁶ The presumption can be rebutted by evidence showing that application of the low-income adjustment would be unjust and inappropriate in the particular case.⁷ SB 343 amended section 4055(b)(7) to, among other things, clarify that it is the lowest amount of the low-income range that presumptively applies and is subject to rebuttal. Currently, forms FL-342, FL-530, FL-630, FL-665, FL-687, FL-688, and FL-692 each contain an item for the judicial officer to find that the low-income adjustment applies. The committee proposes adding language to the seven forms to reflect the clarification added to section 4055(b)(7) by SB 343.

New basis for deviating from guideline support

SB 343 also amends section 4057 to add a new factor that rebuts the presumption that the amount of child support established by the statutory statewide guideline formula⁸ is the correct amount of support ordered under certain circumstances. Effective September 1, 2024, the presumption that the guideline child support amount is the correct order will be rebutted if a support obligor qualifies for a low-income adjustment and the amount of child support established by the formula exceeds 50 percent of the support obligor’s net disposable income after application of the low-income adjustment.⁹ However, SB 343 also limited the amount of the adjustment to no greater than the amount exceeding 50 percent of the support obligor’s net disposable income. The committee proposes revising *Non-Guideline Child Support Findings Attachment* (form FL-342(A)) effective September 1, 2024, and *Guideline Findings Attachment* (form FL-693) effective January 1, 2026, to add the new rebuttal deviation factor to the forms. Courts hearing governmental child support cases may utilize form FL-342(A) when applying the low-income deviation factor until form FL-693 becomes operative.

Earning capacity of parents

AB 207 and SB 343 both made changes to the law regarding earning capacity to comply with the federal final rule. AB 207 amended section 4058(b) to require the court to consider certain

⁶ The current threshold for the low-income adjustment is \$2,137, based on the annual California Consumer Price Index for All Urban Consumers.

⁷ § 4055(b)(7).

⁸ § 4055.

⁹ Stats. 2023, ch. 213, § 5.

factors—listed in the statute—when earning capacity is used instead of actual income to set a child support order.¹⁰

SB 343 amended section 17400, effective January 1, 2026, to allow local child support agencies to plead for a support order based on the earning capacity of the obligor parent if their actual income is unknown or the parent’s earning capacity is greater than their known actual income.¹¹ The agency must indicate in its initial pleadings the steps taken by the local child support agency to establish the support obligor’s actual income before considering earning capacity, and the factors it considered to determine the obligor’s earning capacity for the proposed guideline child support requested.¹² Additionally, courts must hold a hearing to consider the factors now listed in section 4058(b)(2) when the local child support agency requests an order based on earning capacity in its initial pleadings and the matter proceeds by default.¹³ The committee recommends revising *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-600), effective January 1, 2026, to add the required information for the local child support agency to plead for support based on earning capacity.

In addition, the committee proposes a new optional form, *Earning Capacity Factors Attachment* (form FL-302). The proposed form would be a dual-use form that could be attached by a party making a request for an order based on earning capacity or could also be used by the court to make findings regarding a parent’s earning capacity when the circumstances warrant such detail. Because the form is not limited in use to governmental pleadings, it should be approved to become effective September 1, 2024, because the requirement to make findings regarding the earning capacity factors considered is already in effect.

The committee also proposes revising the following 14 forms to include provisions related to the earning capacity of the parents that reflects the new law. Form FL-342 would be effective September 1, 2024, and all others are governmental forms recommended to be effective January 1, 2026:

¹⁰ Section 4058(b) now states:

(1) The court may, in its discretion, consider the earning capacity of a parent in lieu of the parent’s income, consistent with the best interests of the children, taking into consideration the overall welfare and developmental needs of the children, and the time that parent spends with the children.

(2) When determining the earning capacity of the parent pursuant to this subdivision, the court shall consider the specific circumstances of the parent, to the extent known. Those circumstances include, but are not limited to, the parent’s assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the parent, prevailing earnings levels in the local community, and other relevant background factors affecting the parent’s ability to earn.

¹¹ § 17400(d)(2)(A)(i) & (ii) (added by Stats. 2023, ch. 213, § 15, operative Jan. 1, 2026).

¹² § 17400(d)(2)(A)(iii) & (d)(2)(B) (added by Stats. 2023, ch. 213, § 15, operative Jan. 1, 2026).

¹³ § 17430(b) (added by Stats. 2023, ch. 213, § 19, operative Jan. 1, 2026).

- *Child Support Information and Order Attachment* (form FL-342);
- *Judgment Regarding Parental Obligations (UIFSA)* (form FL-530);
- *Declaration for Amended Proposed Judgment* (form FL-616);
- *Judgment Regarding Parental Obligations* (form FL-630);
- *Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income* (form FL-640);
- *Information Sheet for Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income* (form FL-640-INFO);
- *Declaration of Obligor's Income During Judgment Period—Presumed Income Set-Aside Request* (form FL-643);
- *Findings and Recommendation of Commissioner* (form FL-665);
- *Notice of Motion* (form FL-680);
- *Order to Show Cause* (form FL-683);
- *Order After Hearing* (form FL-687);
- *Short Form Order After Hearing* (form FL-688);
- *Minutes and Order or Judgment* (form FL-692); and
- *Guideline Findings Attachment* (form FL-693).

Childcare costs and reimbursement procedures

SB 343 also amends section 4062 to require that the court order, as additional support, childcare costs that are actually incurred and related to employment, or reasonably necessary education or training for employment skills, unless childcare costs are already included in the guideline calculation.¹⁴ Although section 4062 currently mandates that the court order childcare costs that are related to employment, or reasonably necessary education or training for employment skills, as additional support, it does not explicitly require that childcare costs be actually incurred to obtain reimbursement when a parent is ordered to pay a percentage of childcare costs. Effective September 1, 2024, unless a specific amount of childcare costs is included as part of the guideline calculation for monthly support, a party will have to establish childcare costs were actually incurred to obtain reimbursement from the other parent. SB 343 also amended section 4063, which specifies the current procedure for seeking reimbursement of uninsured health care expenses, to incorporate a claim for childcare costs into those reimbursement procedures.¹⁵

The committee recommends revising form FL-192 to reflect the changes in law regarding additional support and advise parties of their rights and responsibilities concerning childcare costs and reimbursement. Because the proposed version of FL-192 will provide information regarding both reimbursement of childcare and health care costs, as well as information on changing a child support order and information on the child support obligations of incarcerated or confined parents, the committee also proposes revising the title of form FL-192 to simply *Notice of Rights and Responsibilities Regarding Child Support*.

¹⁴ § 4062(a)(1) (added by Stats. 2023, ch. 213, § 11, operative Sept. 1, 2024).

¹⁵ Stats. 2023, ch. 213, § 11, operative Sept. 1, 2024.

Elimination of presumed income

In order to ensure child support orders are based on a parent's actual ability to pay, SB 343 amends sections 17400 and 17404.1 to eliminate the ability of local child support agencies to plead for child support orders based on presumed income of minimum wage at 40 hours per week when the actual income or income history of the obligor parent is unknown. The committee recommends, effective January 1, 2026, removing items related to the use of presumed income from the following forms:

- *Judgment Regarding Parental Obligations (UIFSA)* (form FL-530);
- *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-600);
- *Declaration for Amended Proposed Judgment* (form FL-616);
- *Judgment Regarding Parental Obligations* (form FL-630);
- *Notice of Entry of Judgment and Proof of Service by Mail* (form FL-635);
- *Notice of Motion* (form FL-680); and
- *Order to Show Cause* (form FL-683).

Section 17432 request to cancel (set aside) support order

SB 343 amends section 17432 to allow parties in any action filed by a local child support agency to request the court set aside the part of a judgment or order concerning child support that was established by default if the support order was based on earning capacity that was “substantially different for the period of time during which the judgment was effective.” This relief is currently only available to obligors whose order was based on presumed income of full-time minimum wage. As of January 1, 2026, parties will be able to seek a set-aside for child support orders obtained by default that are based on earning capacity, as well as for pre-2026 orders based on presumed income. The window to request relief was also expanded from one year to two.

The committee recommends revising the following three forms relating to these requests to reflect the new law created by SB 343, including revisions to the titles to correspond to those revisions:

- *Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income or Earning Capacity* (form FL-640);¹⁶
- *Information Sheet: Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income or Earning Capacity* (form FL-640-INFO); and
- *Declaration ~~of Obligor's~~ About Parent's Income or Earning Capacity During Judgment Periods—Presumed Income Set Aside Request* (form FL-643).

¹⁶ In addition to the changes discussed above that were made to *Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income* (form FL-640) to implement AB 207 and SB 343, the committee also recommends revising the signature line on the form to specify that the motion may be signed by a party or their attorney since the caption box contemplates that either the governmental agency under sections 17400 and 17406 or an “attorney or party without an attorney” will complete the form.

The committee also recommends revising form FL-640-INFO to a plain-language form to make it more understandable for self-represented litigants.

Revocation of expedited child support order forms

SB 343 eliminated the expedited child support order statutory scheme by repealing sections 3620 through 3634, effective January 1, 2024.¹⁷ Accordingly, the committee recommends that forms FL-380, FL-381, and FL-382 be repealed, effective upon approval by the council.

Other changes to forms

In addition to the changes discussed above to implement the provisions of AB 207 and SB 343 and bring California into compliance with the federal final rule, the committee proposes the revisions discussed below to implement other recent changes to the Family Code and ensure compliance with existing law.

Notice Regarding Payment of Support (form FL-632)

Effective January 1, 2023, Assembly Bill 2960 (Stats. 2022, ch. 420) amended section 4204 to require a local child support agency to notify the parents and the court when it starts to provide enforcement services in a case *and* when it stops providing enforcement services. (Previously, the law simply stated that the agency may provide notice when it starts to provide services.) Form FL-632 complies with this statute as it contains an item in which a local child support agency may indicate that it “is no longer providing the services under title IV-D of the Social Security Act.” However, the committee recommends revising the form so that local child support agencies may provide detailed information regarding the scope of services being provided in cases in which a parent has requested limited services or—after a parent has requested a case closed—collection of arrears formerly assigned to the county for a period when the parent was receiving cash aid continues. These revisions would increase transparency and benefit parents because it would alleviate confusion regarding to whom and where support payments should be made.

The committee also recommends revising the form to clarify whether a child support commissioner should hear a matter, especially in cases in which the scope of the local child support agency’s involvement is limited. If a parent is receiving CalWORKs or if they have requested the local child support agency to enforce the support order, any matters in such cases involving a local child support agency must be heard by a child support commissioner, unless one is not available due to exceptional circumstances.¹⁸ However, there are occasions when a child support commissioner may not be required to hear a matter due to the limited involvement of the local child support agency. For example, if a parent closes their portion of the case, but the agency’s case remains open to collect arrears formerly assigned to the county, matters regarding the assigned arrears would need to be heard by a child support commissioner because of the involvement of the agency, while hearings on other matters—such as a request to modify

¹⁷ § 3635 (added by Stats. 2023, ch. 213, § 1).

¹⁸ §§ 4250–4252.

ongoing support—would not. In an effort to address this complexity, an information box for the court clerk has been added to the form.

Other changes have also been made to make the form easier to understand for self-represented litigants. In addition, the committee is recommending the approval of a new standalone information sheet (form FL-632-INFO). In order to provide the parties, the majority of whom are self-represented, with important information related to child support payments the committee is recommending the revisions to form FL-632 and information sheet FL-632 INFO be approved for implementation on September 1, 2024.

Reinstatement of child support after release from incarceration or confinement

Assembly Bill 1148 (Stats. 2023, ch. 565) amended section 4007.5, effective January 1, 2024, by extending the date a child support obligation resumes after suspension by operation of law due to the incarceration or involuntary institutionalization of the parent ordered to pay child support. Former section 4007.5(b) stated that the suspended child support obligation of a parent who has been incarcerated or involuntarily institutionalized “shall resume on the first day of the first full month after release of the person owing support.” AB 1148 extended the date child support will restart for parents released on or after January 1, 2024, to the first day of the 10th month after release. AB 1148 also amended section 4007.5 by adding a provision that authorizes the person to whom support is owed or the local child support agency to seek a court order reinstating the child support obligation at an amount determined by the court if the parent ordered to pay support becomes employed before the date set for reinstatement. The committee recommends revising form FL-192 to implement those changes in the law.

Consistent terminology for parties

The committee recommends replacing any gendered nouns or pronouns in the forms being revised, under the council’s policy to use nongendered terms unless a gendered term is required under statute. The committee also recommends using the designations “parent ordered to pay support” and “person ordered to receive support” for the parties where appropriate throughout the forms. These party designations are in plain language that the general public will more easily understand and also closely resemble the terminology that is used by DCSS and local child support agencies on their forms, policy letters, and correspondence. Consistency in terminology on the Judicial Council forms and the documents that a party may receive from the enforcement agency will help to lessen the possibility of confusion regarding the roles and obligations of the parties.

The committee recognizes that it would not be appropriate to use the terms “parent ordered to pay support” and “parent ordered to receive support” in *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-600) and *Declaration for Amended Proposed Judgment* (form FL-616), as no orders regarding support exist during those points in the proceedings. The terminology “obligor” and “obligee” are currently used in form FL-600. Because the term “obligor” is defined within the form, and use of the preferred terminology would be inappropriate, the committee is not recommending a change in terminology for form FL-600 at this time. The committee is also not recommending a change of

terminology for the parties in form FL-616. The committee has determined that the current terms of “respondent” and “other parent” are preferable for form FL-616 because the parties can be easily identified by name in the caption box that appears at the top of each page.

Policy implications

This proposal raises no major policy implications; any such implications are the result of federal or state legislative action. The proposal aligns with the Judicial Council’s policy to have forms correctly reflect the law.

Comments

This proposal was posted for comment as part of a special invitation-to-comment cycle, from February 8 to March 22, 2024. It was circulated to the standard mailing list for family and juvenile law proposals, including appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, and other family law professionals. The proposal also went to the state Department of Child Support Services (DCSS), the Child Support Directors Association of California (CSDA), the Judicial Council’s Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Joint Rules Subcommittee, and child support commissioners.

In total, nine organizations or individuals submitted comments, including DCSS, CSDA, the Superior Court of Orange County, the Superior Court of San Diego County, the Family Law Executive Committee (FLEXCOM) of the California Lawyers Association, the Orange County Bar Association, and three individuals.¹⁹ The commenters were generally in support of the proposal, either in its entirety or with certain modifications. One commenter opposed the proposal for reasons that were not responsive to the invitation to comment.

The commenters made thoughtful suggestions to the proposed forms, primarily regarding terminology or the reorganization of items to assist with achieving clarity and consistency throughout the forms. Several of the suggestions, although well taken, were outside the scope of the proposal and would result in substantive changes to the forms if adopted. The committee believes public comment would need to be sought on those suggestions before they are considered for adoption. In order to ensure California’s compliance with the federal final rule and legislative mandate that any forms necessary to implement changes made by SB 343 to Family Code sections 17400, 17404.1, 17430, and 17432 be adopted and approved by the council no later than September 1, 2024, the committee is recommending that action be deferred

¹⁹ In addition to written comments, CSDA submitted mocked-up forms showing how their suggestions would look. Because the mocked-up forms contain the same suggestions as described in the written comments, they have been reviewed by the committee, but have not been included in the chart of comments (pp. 85–221). Similarly, DCSS also submitted mocked-up forms to illustrate the changes suggested in their written comments. However, DCSS indicated the mocked-up forms were not part of their official comments and were only being provided for the purposes of assisting the Judicial Council in its review of its written comments. The mocked-up forms submitted by DCSS have also been reviewed by the committee but are not included in the chart of comments. The committee appreciates the efforts made by both commenters to fully present their suggestions.

regarding those suggestions until a later rules cycle so the public can be provided an opportunity to comment on the suggestions.

The modifications suggested by each commenter and the committee's responses are set out in full in the chart of comments attached to this report at pages 85–221. However, below is a summary of the main issues raised by the commenters that carry across many of the recommended forms.

Terminology for parents

Both DCSS and CSDA suggest changes to the terms used for parents in the forms that were circulated (“parent ordered to pay support” and “person receiving ordered support”). CSDA wanted both replaced, using the terms “obligor” and “obligee” instead, perhaps with the terms proposed by the committee in parentheses immediately following the technical term. DCSS found the plain-language terms acceptable but suggests that, for the obligee, the forms use the terminology “person ordered to receive support” rather than “person receiving ordered support” so that the forms correspond to the terminology used by DCSS in its forms, policy letters, and correspondence.

The committee reconsidered this point, and agrees with DCSS. These plain-language terms will be easier for the parties and the public in general to understand. The words “obligor” and “obligee” may not be familiar to the general public, and in particular self-represented litigants. In addition, the committee agrees that consistency in terminology between the Judicial Council forms and DCSS forms and policy letters is ideal, even though the committee originally had proposed that the designation “person receiving ordered support” was more accurate than “person ordered to receive support.” The recommended forms have been modified to include the term suggested by DCSS.

Address of the California State Disbursement Unit

Both DCSS and CSDA disagree with the committee's recommendation that the address of the California State Disbursement Unit be preprinted on the Judicial Council forms. They recommended that the address be removed to prevent the need to revise the forms if the unit's address changes and propose instead that DCSS program its system to auto-populate the address on the forms. Another commenter, Commissioner Angela Villegas, Superior Court of Los Angeles County, agrees with adding the address to the forms. Although the committee appreciates DCSS's willingness to auto-populate the address on the forms that it programs into its system, the committee notes that courts do not have the ability to do so on every order or judgment they create. Having the address preprinted on the form guarantees that it will be there no matter who completes the form and will eliminate the need for judicial officers, or their clerks, to look up the address. In the event the address changes in the future, the forms can be revised.

Section 4057(b)(5)

CSDA suggests adding a new item to every judgment, order, or finding that incorporates the language that was added to section 4057(b) by SB 343, as follows: “After application of the

low-income adjustment, guideline support would be greater than 50 percent of the net disposal [*sic*] income of the parent ordered to pay support.”²⁰ The committee disagrees. This factor is only one of six factors the court may consider in determining whether to depart from the presumptively correct guideline child support amount because application of the guideline would be unjust or inappropriate in a particular case. These factors are listed in *Non-Guideline Child Support Findings Attachment* (form FL-342(A)) and *Guideline Findings Attachment* (form FL-693), but otherwise none of the factors for rebutting the presumptively correct guideline child support amount appear in *Findings and Recommendation of Commissioner* (form FL-665) or in any judgment or order forms. Including language regarding only one of the rebuttal factors would not be appropriate. The committee is, however, recommending the suggested language be incorporated into form FL-342(A) for recommended approval and into form FL-693, which was adopted for use in title IV-D child support cases, as the other deviation factors are listed on the forms.

Earning capacity factors

Commissioner Angela Villegas suggests that the council not approve *Earning Capacity Factors Attachment* (form FL-302) or, at least, repurpose it as a pleading form. The commissioner maintains that although section 4058(b) requires the court to consider the listed 14 factors when determining the earning capacity of a parent, the statute does not require the court to make specific, express findings as to each of the factors. Commissioner Villegas contends that the Judicial Council’s forms “should not imply or suggest that such is required of the court” and suggests that the items be eliminated from the judgment and order forms that require such findings. As an alternative, the commissioner suggests the judgment and order forms include only items for the court to indicate for which parent or parents it considered earning capacity and a follow-up item as to whether the income of the parent was known but the court exercised its discretion to use the parent’s earning capacity to calculate support, or the parent’s earning capacity was unknown.

The committee agrees that section 4058(b)(2) only requires the court to *consider* the listed factors when determining the earning capacity of a parent. Although the court is not required to make written findings regarding the factors, proposed new *Earning Capacity Factors Attachment* (form FL-302) is only intended to be an *optional* form to assist the court in making detailed findings regarding the earning capacity factors should the circumstances of a case warrant that level of detail. There is no requirement that the court use the form if it does not wish to do so. Although the proposed judgment and order forms do require the court either provide information regarding the factors on the optional form or in the order itself, the level of specificity regarding those factors is left entirely up to the court. Moreover, the committee believes including an item on the judgment and order forms that allows the court to at least reference the factors that the court found relevant to the earning capacity determination would be beneficial to the parties and the court because it will increase transparency in earning capacity cases and provide information that may be useful in determining whether a change of circumstance has occurred related to a

²⁰ Stats. 2023, ch. 213, § 5, operative Sept. 1, 2024.

parent's earning capacity in the event that a motion to modify support is subsequently brought by a party.

Commissioner Villegas did suggest that if form FL-302 is to be used at all, it should be repurposed into a pleading form. There is, however, no need to do so as new form FL-302 is an optional dual-use form that can be used as an attachment to a pleading form to request a support order based on a party's earning capacity. Litigants who wish to plead for an order based on earning capacity can do so by simply attaching form FL-302 to *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-600), *Declaration for Amended Proposed Judgment* (form FL-616), *Notice of Motion* (form FL-680), or *Request for Order* (form FL-300). The party can indicate what it is pleading in item 1b of form FL-302.

The commissioner further comments that the desirable place for detailed information on the earning capacity factors would be on the summons and complaint (form FL-600), yet that form does not require the local child support agency to provide that detail and merely provides a list of the section 4058(b) factors for the agency to check off. The commissioner suggests that the summons and complaint be revised to include spaces for the agency to provide specific detailed facts as to each factor when requesting an order based on earning capacity.

New section 17400(d)(2)(B)²¹ requires that the complaint inform the support obligor of the basis for the proposed support amount and, if the basis for the amount is the support obligor's earning capacity rather than actual income, the complaint must inform the obligor of the factors considered by the local child support agency to determine the obligor's earning capacity. The current checklist format allows local child support agencies to indicate the factors that form the basis for their earning capacity determinations and, therefore, meets the statute's requirements. Moreover, the complaint must be accompanied by a proposed judgment (§ 17400(d)(2)(C)); the summons and complaint form currently directs the reader to the proposed judgment for details related to the requested support amount. The proposed revisions to *Judgment Regarding Parental Obligations* (form FL-630) include an item for providing detail regarding the factors used to determine earning capacity by either attaching *Earning Capacity Factors Attachment* (form FL-302) to the proposed judgment or specifying the information on form FL-630 itself; thus the information suggested by the commenter will be available to both the parties and court in the pleadings.

Commissioner Villegas also commented that the proposal uniformly overlooks the fact that the court is required to examine the earning capacity of either parent, not just the one from whom support is sought. This comment is similar to comments received from DCSS and CSDA. The committee concluded that the judgment and order forms should be revised to provide space for the court to make findings regarding both parents' earning capacity and incorporated that global change into the forms being recommended for approval. However, the committee chose to use different content than that suggested by DCSS and CSDA. The most pertinent information on the

²¹ Added by Stats. 2023, ch. 213, § 15, operative Jan. 1, 2026.

judgment and order forms related to earning capacity is whether the court decided to use a parent's earning capacity as the basis of the support order, the amount the court determined the parent has the ability to earn, and the factors considered to make that determination. There is no need to indicate, as suggested by the commenters, both the gross and net amount of a parent's determined earning capacity on the forms because that information can be ascertained from the printout of the guideline support calculation that is attached to the forms as the court's findings.

Both DCSS and CSDA also suggested the addition of a somewhat related item to the judgment and order forms. DCSS suggested an item be added to the judgment forms FL-530 and FL-630 to allow the court to indicate the known income of the parent ordered to pay support and whether the support order is based on that amount. CSDA suggested that an item be added to all judgment and order forms to allow courts to include the actual income of both parents on the forms. The committee concluded, however, that a separate item indicating whether the support order is based on a parent's known actual income and the amount of that income is unnecessary in the judgment and order forms because the support order will be based on actual income unless the box for earning capacity is checked on those forms and, as indicated above, the income amount can be found on the printout of the guideline calculation attached to the form. Attaching the printout of the guideline calculation to the judgment and order forms as the court's findings is preferable to stating the information on the form itself because the guideline calculation will provide the parties with information on not only the court's findings concerning the amount and type of income received by the parents (wages/salary, self-employment, unemployment compensation, disability, etc.), but also the percentage of time each parent spends with the children and the other factors relevant to the calculation of support.²²

Declaration of Obligor's Income During Judgment Period—Presumed Income Set-Aside Request (form FL-643)

Lazaro Cuevas, a family law facilitator with the Superior Court of Riverside County, submitted a comment on his own behalf related to the proposed changes to form FL-643. Mr. Cuevas suggested that a change be made to item 2 to "provide an area that includes more information about the [j]udgment that is to be set aside ... such as the amount that it ordered the paying parent to pay and the starting date for the payments." He commented that the suggested change "could guide the person completing the table of actual income in [item] 3 to include any period that payments were due prior to entry of judgment, if a commencement date was made retroactive to such a point in time."

The purpose of proposed *Declaration About Parent's Income or Earning Capacity During Judgment Periods* (form FL-643) is to provide a tool to assist parties in providing the necessary information to support a motion to set aside judgments entered by default in which the support

²² While considering the comments on this topic, the committee discovered that the provision to attach the guideline support computer printout is missing from *Short Form Order After Hearing* (form FL-688). Since the option to include the printout currently exists on the other forms for judgments and orders, for consistency the committee has determined that the option to attach it should be added to form FL-688.

amount was based on presumed income or earning capacity.²³ *Judgment Regarding Parental Obligations (UIFSA)* (form FL-530) and *Judgment Regarding Parental Obligations* (form FL-630), both of which will be subject to set-aside in these circumstances under section 17432, contain items for the court to order a parent to pay child support for past periods. A party seeking to set aside the default judgment may, therefore, be required to enter income information for several time periods, which could be difficult to determine for self-represented litigants. Although the committee has concluded that some clarification is needed in form FL-643 to assist users in locating the relevant time periods in the judgment, the committee ultimately concluded that requiring the moving party to locate and provide the amount of support ordered in the judgment and the starting date for payment would not help alleviate the concern raised by the commenter. As mentioned above, self-represented litigants may have difficulty locating the information in the judgment, which could in turn create the unintended consequence of hindering their ability to complete the declaration. The committee determined that a better approach would be to include language on the form that directs the party to the location in the judgment where they will find information regarding the support order, including the commencement date and any periods for which back support is owed.

Alternatives considered

The committee considered all the alternatives proposed in the comments. Because California must implement regulations promulgated by the federal final rule no later than September 2024, and because several of the current forms would not have been in compliance with California law after that time, the committee did not consider leaving the forms in place.

Fiscal and Operational Impacts

The committee notes that most of the changes proposed are to implement the new law concerning the federal final rule and are therefore the result of legislative action. However, based on the comments received regarding the fiscal and operational impacts of the proposal, the committee anticipates that courts will incur costs to revise forms and add them to their case management systems, train court staff about the revised forms, and possibly revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council.

Attachments and Links

1. Forms FL-192, FL-302, FL-342, FL-342(A), FL-380, FL-381, FL-382, FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-632-INFO, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693, at pages 18–84
2. Chart of comments, at pages 85–221
3. Link A: Sen. Bill 343 (Stats. 2023, ch. 213),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB343

²³ § 17432 (added by Stats. 2023, ch. 213, § 21, operative Jan. 1, 2026).

NOTICE OF RIGHTS AND RESPONSIBILITIES REGARDING CHILD SUPPORT

Childcare and Health Care Costs and Reimbursement Procedures

Your child support order may include a provision for payment of childcare or uninsured health care costs. Childcare costs may be included as part of the monthly child support payment or reimbursable as a percentage of the costs. If the childcare costs are included as part of the monthly child support payment, you must pay that amount each month until the court changes (modifies) the child support order. If you need to change your child support order because there has been a change in the cost of childcare, see page 2.

If you have a child support order that includes a provision for the reimbursement of a percentage of childcare costs or a portion of the child's or children's health care costs and those costs are not paid by insurance, the **law says**:

1. **Notice.** You must give the other parent an itemized statement of the charges that have been billed for any childcare costs or health care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 90 days after those costs were given to you.
 2. **Proof of full payment.** If you have already paid all of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.
 3. **Proof of partial payment.** If you have paid only your share of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the childcare or health care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.
 4. **Payment by notified parent.** If you receive notice from a parent that a childcare or uninsured health care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.
 5. **Going to court.** Sometimes parents get into disagreements about childcare and health care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.
- a. **Disputed requests for payment.** If you dispute a request for payment made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay the requested amount before filing your request.
 - b. **Nonpayment.** If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute.
 - c. **Paid charges.** The court will presume that if uninsured health care costs or childcare costs for employment or necessary training for job skills have been paid, those costs were reasonable. If you want to dispute paid charges, you will have to show the court that the costs were unreasonable.
 - d. **Attorney's fees.** If the court decides one parent has been unreasonable, it can order that parent to pay the other parent's attorney's fees and costs.
 - e. **Court forms.** Use forms [FL-300](#) and [FL-490](#) to get a court date. See form [FL-300-INFO](#) for information about completing, filing, and serving your court papers.
6. **Court-ordered insurance coverage.** If a parent provides health care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health care costs.
 - a. **Burden to prove.** The parent claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.
 - b. **Cost of additional coverage.** If a parent purchases health care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.
 7. **Preferred health providers.** If the court-ordered coverage designates a preferred health care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any parent uses a health care provider other than the preferred provider, any health care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the parent incurring those costs.
 8. **Need help?** Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information Sheet on Changing a Child Support Order

General Info

The court has made a child support order in your case. This order will remain the same unless one of the parents requests that the support be changed (modified). An order for child support can be modified by filing a request to change child support and serving the other parent. If both parents agree on a new child support amount, they can complete, sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form [FL-350](#)). (**Note:** If the local child support agency is involved in your case, it must be served with any request to change child support and approve any agreement.)

Online Self-Help Guide

For more information about how child support works, visit: <https://selfhelp.courts.ca.gov/child-support>.

When a Child Support Order May Be Changed

The court considers several things when ordering the payment of child support.

- First, the number of children is considered, along with the percentage of time each parent has physical custody of the children.
- Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support ordered and paid are subtracted from a parent's paycheck). The court can also look at a **parent's earning ability**.
- The court considers both parents' tax filing status and may consider hardships, such as the cost of raising the parent's child from another relationship who lives with the parent.

A parent can request to change an existing order for child support when circumstances change significantly. For example if the net disposable income of one of the parents changes, parenting time changes, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based on having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. **Remember:** You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order, you must fill out one of these forms:

- Form [FL-300](#), *Request for Order* or
- Form [FL-390](#), *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms, and attach proof of income for the past two months (like your paycheck stubs):

- Form [FL-150](#), *Income and Expense Declaration* or
- Form [FL-155](#), *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Contact the family law facilitator in your county. You can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form [FW-001](#), *Request to Waive Court Fees and*
- Form [FW-003](#), *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

- This means someone 18 or over—not you—must deliver copies of your filed court forms to the other parent, at least **16 court days** before the hearing. Add **5 calendar days** if delivered by mail within California (see Code of Civil Procedure section 1005 for other situations).
- **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to: www.courts.ca.gov/holidays.htm.

Blank copies of both of these forms must also be served:

- Form [FL-320](#), *Responsive Declaration to Request for Order*
- Form [FL-150](#), *Income and Expense Declaration*

Then the server fills out and signs a *Proof of Service*. Take this form, plus one copy, to the clerk and file it at least one week before your hearing.

Go to your hearing and ask the judge to change the support.

Bring your tax returns from the last two years and your **proof of income for the past two months (like your paycheck stubs)**. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- Form [FL-340](#), *Findings and Order After Hearing and*
- Form [FL-342](#), *Child Support Information and Order Attachment*

Need help?

Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information About Child Support for Incarcerated or Confined Parents

1. Child support. As of September 27, 2022, child support automatically stops if the parent who has to pay is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.

Exception. Child support does not automatically stop if the parent who has to pay has money available to pay child support.

2. Past confinement. Child support also automatically stops during past confinement if it was ordered from October 8, 2015, through December 31, 2019, or January 1, 2021, through September 26, 2022, and the parent who has to pay was confined for more than 90 days in a row during the same time frame.

Exceptions for past confinement. Child support does not automatically stop if the parent who has to pay was in jail or prison for failing to pay child support or for domestic violence against the other parent or the child, or if they had money available to pay support.

3. Timing. The date child support automatically restarts will depend on the parent's release date. If you need to change your child support order, see page 2.

a. If released before January 1, 2024, child support automatically restarts the first day of the first full month after the parent is released.

b. If released after January 1, 2024, child support will automatically restart the first day of the 10th month after the parent is released.

Employment before the 10-month period ends: If the parent who has to pay support starts working before the date child support is set to automatically restart, the person who is owed support or the local child support agency can request the court restart the child support order early. The court may order a different amount of child support if appropriate.

4. More info. For more information about child support and incarcerated parents, see [Family Code section 4007.5](#) or go to <https://selfhelp.courts.ca.gov/child-support/incarcerated-parent>.

You can also contact the family law facilitator in your county and can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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EARNING CAPACITY FACTORS ATTACHMENT

Attachment to:

- Child Support Information and Order Attachment (form FL-342)*
- Request for Order (form FL-300)*
- Judgment Regarding Parental Obligations (form FL-630)*
- Notice of Motion (form FL-680)*
- Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (form FL-600)*
- Declaration for Amended Proposed Judgment (form FL-616)*
- Other (specify):*

This form is intended to be used for considering the earning capacity of one party. Attach a separate form FL-302 for each party whose earning capacity needs to be considered.

1. Earning capacity factors for (enter name of party): under Family Code section 4058(b).

- a. Attachment to judgment or court order (to be completed by court only).
 The court determines that petitioner respondent other parent/party has the capacity to earn \$ _____ per month. This determination is in the best interests of the children, taking into consideration their overall welfare and developmental needs, and the time that parent spends with the children. The factors the court considered are listed below in item 2.
- b. Attachment to request (to be completed by party).
 Petitioner Respondent Other parent/party request the court determine that the petitioner respondent other parent/party has the capacity to earn \$ _____ per month.
 This request is in the best interests of the children, taking into consideration their overall welfare and developmental needs, and the time that parent spends with the children. The factors that the court is being asked to consider are listed below in item 2.

(If this form is attached to a request or declaration that is made under penalty of perjury, all statements in this attachment are made under penalty of perjury.)

2. Specific circumstances.

The specific circumstances of the parent that demonstrate why the parent has the capacity to earn the amount listed in item 1 are (specify all that apply):

- a. The parent's assets (describe):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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2. b. The parent's residence (*describe*):

c. The parent's employment and earnings history (*describe*):

d. The parent's job skills (*describe*):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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2. e. The parent's education (*check all that apply*):

- (1) Parent completed high school or the equivalent.
- (2) Parent attended college.
 - (a) Number of years of college completed (*specify*):
 - (b) Degree obtained, if any (*specify*):
- (3) Parent attended graduate school.
 - (a) Number of years of college completed (*specify*):
 - (b) Degree obtained, if any (*specify*):
- (4) Parent has a professional or occupational license (*specify*):
- (5) Parent has vocational training (*specify*):
- (6) Other (*describe*):

f. The parent's ability to read and write (*check all that apply*):

- (1) Parent is unable to read write.
- (2) Parent is able to read write in English.
- (3) Parent is able to read write in another language (*specify*):
- (4) Other (*describe*):

g. The parent's age (*describe*):

h. The parent's health (*describe*):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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2. i. The parent's employment barriers due to incarceration (*describe*):

j. The parent's other employment barriers (*describe*):

k. The parent's record of seeking work (*describe*):

l. The local job market (*describe*):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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2. m. The availability of employers willing to hire the parent (*describe*):

n. The average earnings in the local community (*describe*):

o. Other relevant background factors affecting the parent's ability to earn (*describe*):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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CHILD SUPPORT INFORMATION AND ORDER ATTACHMENT

- Attachment to:** Findings and Order After Hearing (form FL-340) Judgment (form FL-180)
 Judgment (form FL-250) Restraining Order After Hearing (form DV-130)
 Other (specify):

THE COURT USED THE FOLLOWING INFORMATION IN DETERMINING THE AMOUNT OF CHILD SUPPORT:

1. A printout of a computer calculation and findings is attached and incorporated in this order for all required items not filled out below.

2. **Income**

a. Each parent's monthly income is as follows:

	<u>Gross monthly income</u>	<u>Net monthly income</u>	<u>Receiving TANF/CalWORKs</u>
Petitioner: \$	\$		<input type="checkbox"/>
Respondent: \$	\$		<input type="checkbox"/>
Other Parent/Party: \$	\$		<input type="checkbox"/>

b. **Earning capacity.** The court finds that the (check all that apply):

- (1) petitioner has the ability to earn \$ _____ per month.
- (2) respondent has the ability to earn \$ _____ per month.
- (3) other parent/party has the ability to earn \$ _____ per month.
- (4) The factors used to calculate earning capacity under Family Code section 4058(b) are stated
 - (a) in *Earning Capacity Factors Attachment* (form [FL-302](#)).
 - (b) as follows (specify):

3. **Children of this relationship**

- a. Number of children who are the subjects of the support order (specify):
- b. Approximate percentage of time spent with

petitioner:	%
respondent:	%
other parent/party:	%

4. **Hardships**

Hardships for the following have been allowed in calculating child support:

	<u>Petitioner</u>	<u>Respondent</u>	<u>Other Parent/Party</u>	<u>Approximate end date for the hardship</u>
a. <input type="checkbox"/> Other minor children:	\$	\$	\$	
b. <input type="checkbox"/> Extraordinary medical expenses:	\$	\$	\$	
c. <input type="checkbox"/> Catastrophic losses:	\$	\$	\$	

THE COURT ORDERS

5. **Low-income adjustment**

- a. The low-income adjustment applies at the lowest amount of the range.
- b. The lowest amount of the low-income adjustment has been rebutted and does not apply because (specify reasons):

THIS IS A COURT ORDER.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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6. **Child support**

a. **Base child support**

Petitioner Respondent Other parent/party must pay child support beginning (date): _____ and continuing until further order of the court, or until the child marries, dies, is emancipated, reaches age 19, or reaches age 18 and is not a full-time high school student, whichever occurs first, as follows:

Child's name	Date of birth	Monthly amount	Payable to (name):
		\$	
		\$	
		\$	
		\$	

Payable on the 1st of the month other (specify): _____

b. **Mandatory additional child support**

(1) **Childcare** costs related to employment or reasonably necessary job training

- (a) Petitioner must pay: _____ % of total or \$ _____ per month child-care costs.
- (b) Respondent must pay: _____ % of total or \$ _____ per month child-care costs.
- (c) Other parent/party must pay: _____ % of total or \$ _____ per month child-care costs.
- (d) Costs to be paid as follows (specify): _____

(2) **Reasonable uninsured health care costs for the children**

- (a) Petitioner must pay: _____ % of total or \$ _____ per month.
- (b) Respondent must pay: _____ % of total or \$ _____ per month.
- (c) Other parent/party must pay: _____ % of total or \$ _____ per month.
- (d) Costs to be paid as follows (specify): _____

c. **Additional child support**

(1) Costs related to the educational or other special needs of the children

- (a) Petitioner must pay: _____ % of total or \$ _____ per month.
- (b) Respondent must pay: _____ % of total or \$ _____ per month.
- (c) Other parent/party must pay: _____ % of total or \$ _____ per month.
- (d) Costs to be paid as follows (specify): _____

(2) Travel expenses for visitation

- (a) Petitioner must pay: _____ % of total or \$ _____ per month.
- (b) Respondent must pay: _____ % of total or \$ _____ per month.
- (c) Other parent/party must pay: _____ % of total or \$ _____ per month.
- (d) Costs to be paid as follows (specify): _____

d. **Non-Guideline Order**

This order is below above the child support guideline set forth in Family Code section 4055. *Non-Guideline Child Support Findings Attachment* (form [FL-342\(A\)](#)) is attached.

Total child support per month: \$
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THIS IS A COURT ORDER.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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7. Health care expenses

- a. Health insurance coverage for the minor children of the parties must be maintained by the petitioner respondent other parent/party if available at no or reasonable cost through their respective places of employment or self-employment. Both parties are ordered to cooperate in the presentation, collection, and reimbursement of any health care claims. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent on the parent providing health insurance for support and maintenance.
- b. Health insurance is not available to the petitioner respondent other parent/party at a reasonable cost at this time.
- c. The party providing coverage must assign the right of reimbursement to the other party.

8. Earnings assignment

An earnings assignment order is issued. **Note:** The parent ordered to pay support is responsible for the payment of support directly to the recipient until support payments are deducted from the payor’s wages and for payment of any support not paid by the assignment.

- 9. In the event that there is a contract between a person ordered to receive support and a private child support collector, the parent ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33-1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the person ordered to receive support, jointly.

10. **Employment search order (Family Code section 4505)**

Petitioner Respondent Other parent/party is ordered to seek employment with the following terms and conditions:

11. **Other orders (specify):**

12. Notices

- a. *Notice of Rights and Responsibilities Regarding Child Support* (form [FL-192](#)) must be attached and is incorporated into this order.
- b. If this form is attached to *Restraining Order After Hearing* (form [DV-130](#)), the support orders issued on this form (form FL-342) remain in effect after the restraining orders issued on form DV-130 end.

13. Child Support Case Registry Form

Both parties must complete and file with the court a *Child Support Case Registry Form* (form [FL-191](#)) within 10 days of the date of this order. Thereafter, the parties must notify the court of any change in the information submitted within 10 days of the change by filing an updated form.

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

THIS IS A COURT ORDER.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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NON-GUIDELINE CHILD SUPPORT FINDINGS ATTACHMENT

Attachment to Child Support Information and Order Attachment (form FL-342)
 Other (specify):

The court makes the following findings required by Family Code sections 4056, 4057, and 4065:

STIPULATION TO NON-GUIDELINE ORDER

1. The child support agreed to by the parties is below or above the statewide child support guideline. The amount of support that would have been ordered under the guideline formula is: \$ _____ per month. The parties have been fully informed of their rights concerning child support. Neither party is acting out of duress or coercion. Neither party is receiving public assistance and no application for public assistance is pending. The needs of the children will be adequately met by this agreed-upon amount of child support. If the order is below the guideline, no change of circumstances will be required to modify this order. If the order is above the guideline, a change of circumstances will be required to modify this order.

OTHER REBUTTAL FACTORS

2. **Support calculation**
- a. The guideline amount of child support calculated is: \$ _____ per month payable by petitioner respondent other parent/party
 - b. The court finds by a preponderance of the evidence that rebuttal factors exist. The rebuttal factors result in an increase decrease in child support. The revised amount of support is: \$ _____ per month.
 - c. The court finds the child support amount revised by these factors to be in the best interest of the children and that application of the formula would be unjust or inappropriate in this case under Family Code section 4057(b). These changes remain in effect until (date): _____ until further order
 - d. **The factors are:**
 - (1) The sale of the family residence is deferred under Family Code section 3800, and the rental value of the family residence in which the children reside exceeds the mortgage payments, homeowners insurance, and property taxes by: \$ _____ per month.
 - (2) The parent ordered to pay support has extraordinarily high income, and the amount determined under the guideline would exceed the needs of the children.
 - (3) The parent ordered to pay support person ordered to receive support is not contributing to the needs of the children at a level commensurate with that party's custodial time.
 - (4) After application of the low-income adjustment, guideline child support would be greater than 50 percent of the net disposable income of the parent ordered to pay support.
 - (5) Special circumstances exist in this case. The special circumstances are:
 - (a) The parents have different time-sharing arrangements for different children.
 - (b) The parents have substantially equal custody of the children and one parent has a much lower or higher percentage of income used for housing than the other parent.
 - (c) A child has special medical or other needs that require support greater than the formula amount. These needs are (specify): _____
 - (d) Other (specify): _____

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): _____	TELEPHONE NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER/PLAINTIFF:		
RESPONDENT/DEFENDANT:		
APPLICATION FOR EXPEDITED CHILD SUPPORT ORDER		CASE NUMBER:

Notice to applicant: This form must be served on you if it is filed with the court.

To (name):

1. I am requesting the court to order you to pay child support in the sum of: \$ _____ per month until trial of this action. (See item 2 of the proposed *Expedited Child Support Order* attached to this form.) Attached is a completed Income and Expense Declaration (form FL-150) for each parent and a worksheet showing the basis for the support.

2. I am receiving am not receiving intend to apply for public assistance for the child or children listed in the proposed order.

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

(TYPE OR PRINT NAME)

(SIGNATURE)

IF YOU DO NOT WANT TO PAY THE AMOUNT OF CHILD SUPPORT ASKED FOR, YOU MUST FILE A WRITTEN RESPONSE WITHIN 30 DAYS AND ASK FOR A COURT HEARING. The necessary forms (three blank copies of the *Response to Application for Expedited Child Support Order and Notice of Hearing*, and three blank copies of the *Income and Expense Declaration* (form FL-150)) are attached. You do not have to pay any fee for filing the *Response* (form FL-381).

Contact the clerk's office by telephone or in person and ask for a date for a hearing. The hearing date must be at least 20 days and not more than 30 days after you file the *Response to Application for Expedited Child Support Order* (form FL-381). Complete and file the *Response* after serving a copy on the other parent. You must have someone at least 18 years old, other than you, serve the forms. Have that person mail the papers to the address of the other parent or attorney for the other parent as shown on the top of the *Application*, or have that person personally give the papers to the other parent or attorney for the other parent. See the back of the *Response* for details. Have the person serving the *Response* complete and sign the *Proof of Service* on the back of the *Response*.

If you have this matter set for hearing, you must bring a copy of your most recent federal and state income tax return (whether individual or joint) to the hearing. You may examine the other parent's tax return and ask questions about it. The other parent may examine your tax return and ask questions about it. If you cannot find a copy of your tax return you must ask for a copy from the Internal Revenue Service and State Franchise Tax Board.

Tell them your name, the year of the return, your social security number, and the address to which they should mail the return. Sign the letter in the same way as you signed your tax return. Make a copy of the letter before you mail the original and bring it to the hearing.

If you have not filed a tax return for the last three years, you do not need to bring any return.

- IMPORTANT WARNING -

Unless you file a written response **within 30 calendar days** from the date this form is served on you, and ask the court for a hearing, you will be ordered to pay child support in the amount shown.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
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PROOF OF SERVICE — APPLICATION FOR EXPEDITED CHILD SUPPORT ORDER

1. I served the

a. *Application for Expedited Child Support Order* (form FL-380), proposed *Expedited Child Support Order* (form FL-382), a completed *Income and Expense Declaration* (form FL-150) for both parents, a worksheet setting forth the basis of the amount of support requested, three blank copies of the *Income and Expense Declaration* (form FL-150) and three blank copies of the *Response to Application for Expedited Child Support Order and Notice of Hearing* (form FL-381).

b. on petitioner/plaintiff respondent/defendant

c. by serving petitioner/plaintiff respondent/defendant
 other (name and title or relationship to person served):

d. by delivery at home at business
 (1) date:
 (2) time:
 (3) address:

e. By mailing
 (1) date:
 (2) place:

2. Manner of service (check proper box):

a. **Personal service.** Personally delivering copies. (CCP 415.10)

b. **Substituted service on natural person.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the case or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where copies were left. (CCP 415.20(b)) **(Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)**

c. **Mail and acknowledgment service.** By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30) **(Attach completed acknowledgment of receipt.)**

d. **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP 415.40) **(Attach signed return receipt or other evidence of actual delivery to the person served.)**

3. At the time of service I was at least 18 years of age and not a party to this action.

4. Fee for service: \$

5. Person serving:

a. California sheriff, marshal, or constable.

b. Registered California process server.

c. Employee or independent contractor of a registered California process server.

d. Not a registered California process server.

e. Exempt from registration under Business Prof. Code, § 22350(b).

f. Name, address, telephone number, and, if applicable, county of registration and number:

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

Date:

(For California sheriff, marshal, or constable use only)

I certify that the foregoing is true and correct.

Date:

 (SIGNATURE)

 (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER/PLAINTIFF:		
RESPONDENT/DEFENDANT:		
RESPONSE TO APPLICATION FOR EXPEDITED CHILD SUPPORT ORDER AND NOTICE OF HEARING		CASE NUMBER:

To (name):

1. I object to the proposed expedited child support order for the following reasons (check one or more):

- a. I am not the parent of the child or children involved in this action.
- b. My income is incorrectly stated in the application.
- c. The other parent's income is incorrectly stated in the application.
- d. I am entitled to hardship deductions as shown in the attached *Income and Expense Declaration* (form FL-150).
- e. The other parent is not entitled to hardship deductions claimed in the application.
- f. The amount of support is incorrectly computed.
- g. other (specify):

2. I have attached a completed copy of my *Income and Expense Declaration* (form FL-150).

At my request, the court has set a hearing on the application as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.	<input type="checkbox"/> Rm.:
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b. The address of the court is shown above is:

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

Date: _____

(TYPE OR PRINT NAME) _____ (SIGNATURE)

You must bring a copy of your most recent federal and state income tax return (whether individual or joint) to the hearing or declare at the hearing that it doesn't exist or that you don't have it and have requested it from the Internal Revenue Service and Franchise Tax Board. Otherwise the court may grant the other party's request.

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

PROOF OF SERVICE BY PERSONAL SERVICE MAIL

Service of the response on the other party may be made by anyone at least 18 years of age EXCEPT you. Service is made in one of the following ways:

(1) Personally delivering it to the attorney for the other party or, if no attorney for the other party.

OR

(2) Mailing it, postage prepaid, to the last known address of the attorney for the other party or, if no attorney, to the other party.

Anyone at least 18 years of age **EXCEPT ANY PARTY** may personally serve or mail the response. Be sure whoever served the response fills out and signs this proof of service. File this proof of service with the court as soon as the response is served.

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of the *Response to Application for Expedited Child Support Order and Notice of Hearing* as follows (check either a or b below):
 - a. **Personal service.** I personally delivered the response as follows:
 - (1) Name of person served:
 - (2) Address where served:
 - (3) Date served:
 - (4) How served:
 - b. **Mail.** I deposited the response in the United States mail in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - (1) Name of person served:
 - (2) Address:
 - (3) Date of mailing:
 - (4) Place of mailing (*city and state*):
 - (5) I am a resident of or employed in the county where the response was mailed.
 - c. My residence or business address is (*specify*):
 - d. My phone number is (*specify*):

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

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE RESPONSE) (SIGNATURE OF PERSON WHO SERVED THE RESPONSE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER/PLAINTIFF:		
RESPONDENT/DEFENDANT:		
EXPEDITED CHILD SUPPORT ORDER		CASE NUMBER:
<input type="checkbox"/> Proposed		

THE COURT FINDS No Response to Application for Expedited Child Support Order has been filed and 30 days have elapsed since service of the application on the other parent on (date):

THE COURT ORDERS Pending trial or until further order of this court:

- Existing orders will continue in effect except as modified by this order.
- Support of the minor children of the parties is fixed as follows beginning on (date):
Child's name Monthly amount Payable by Payable to Payable on (dates)
- The maximum deductions allowed for extreme financial hardship total: \$
- The hardship deduction is allowed for the period beginning (date): _____ and ending (date): _____
- The payments for monthly child support will change as follows beginning on (date): _____
Child's name Monthly amount Payable by Payable to Payable on (dates)
- Child support payments must continue until further order of the court, or until the child marries, dies, is emancipated, reaches age 19, or reaches age 18 and is not a full-time high school student residing with a parent, whichever occurs first.

Date: _____ JUDICIAL OFFICER

— NOTICE —

AN EARNINGS ASSIGNMENT WILL BE OBTAINED WITHOUT FURTHER NOTICE TO YOU IF YOU FAIL TO PAY ANY COURT-ORDERED CHILD SUPPORT OR IF REQUESTED BY THE LOCAL CHILD SUPPORT AGENCY.

THIS ORDER IS ENFORCEABLE AS SOON AS IT HAS BEEN SIGNED BY A JUDICIAL OFFICER.

ANY PARTY REQUIRED TO PAY CHILD SUPPORT MUST PAY INTEREST ON OVERDUE AMOUNTS AT THE "LEGAL" RATE, WHICH IS CURRENTLY 10 PERCENT. THIS CAN BE A LARGE ADDED AMOUNT.

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-530.v8.05212024.ad-wc
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
JUDGMENT REGARDING PARENTAL OBLIGATIONS (UIFSA) <input type="checkbox"/> _____ AMENDED <input type="checkbox"/> _____ SUPPLEMENTAL	CASE NUMBER:

1. a. **NOTICE: THIS IS A** **PROPOSED JUDGMENT** **AMENDED PROPOSED JUDGMENT.** This *Judgment Regarding Parental Obligations (UIFSA)* may be entered by the court and may become legally binding unless you fill out and file the *Response to Uniform Support Petition (UIFSA)* (form FL-520) with the court clerk within 30 days of the date you were served with the *Summons (UIFSA)* (form FL-510) and *Uniform Support Petition* (form OMB 0970-0085). If you need a **Response form**, you may get one from the local child support agency, the court clerk, or the family law facilitator. The family law facilitator will help you fill out the forms. To file the **Response**, follow the procedures listed in the information sheet attached to that form.
- b. **NOTICE: THIS IS A JUDGMENT.** It is now legally binding.
2. **This matter proceeded as follows:**
 - a. Judgment entered under Family Code section 17430(a).
 - b. Judgment entered by default after court hearing under Family Code section 17430(b)(3).
 - c. Judgment entered after uncontested hearing.
 - d. Judgment entered after contested hearing.
 - e. **Appearances as follows:**
 - (1) Date: _____ Dept.: _____ Judicial Officer: _____
 - (2) Petitioner present Attorney present (name): _____
 - (3) Respondent present Attorney present (name): _____
 - (4) Other parent/party present Attorney present (name): _____
 - (5) Local child support agency attorney (Fam. Code, §§ 17400,17406) (name): _____
 - (6) Other (specify): _____
 - f. The parent ordered to pay support is the petitioner respondent other parent/party.
3. **Earning Capacity.** This order is based on
 - a. the parent ordered to pay support's earning capacity of \$ _____ per month because (choose one):
 - (1) the earning capacity of the parent ordered to pay support is greater than their known income.
 - (2) the actual income of the parent ordered to pay support is unknown.
 - b. the other parent/party's earning capacity of \$ _____ per month
 - c. The factors used to determine earning capacity under Family Code section 4058(b) are stated
 - (1) in *Earning Capacity Factors Attachment* (form [FL-302](#)).
 - (2) as follows (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.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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4. Attached is a computer printout showing the parents' income and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.
5. The order is based on the attached documents (*specify*):

6. THE COURT ORDERS:

- a. The parent ordered to pay support is the parent of the children named in item 6b.
 has previously been determined to be the parent of the children named in item 6b.

b. The parent ordered to pay support must pay current child support as follows:

Name of child	Date of birth	Monthly support amount
		\$
		\$
		\$

- (1) Mandatory additional child support.
- (a) The parent ordered to pay support must pay additional monthly support for reasonable **childcare** costs, as follows:
 One-half or % or (*specify amount*): \$ _____ per month of the costs
 Payments must be made to the other parent/party State Disbursement Unit **childcare** provider.
- (b) The parent ordered to pay support must pay reasonable uninsured **health care** costs for the children, as follows:
 One-half or % or (*specify amount*): \$ _____ per month of the costs
 Payments must be made to the other parent/party State Disbursement Unit **health care** provider.

(2) Other (*specify*):

(3) For a total of: \$ _____ payable on the: _____ day of each month beginning (*date*):

- (4) The low-income adjustment applies **at the lowest amount of the range**.
 The **lowest amount of the low-income adjustment has been rebutted and does not apply because (*specify reasons*):**

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

c. The parent ordered to pay support The **person ordered to receive support** must (1) provide and maintain health insurance coverage for the children, if available at no or reasonable cost, and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain **health care** services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for **health care** services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for **health care** services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent **on** the parent providing health insurance for support and maintenance.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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6. d. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below:

Name of child	Date of birth	Period of support	Amount
			\$
			\$
			\$
			\$
			\$

(1) Other (specify):

(2) For a total of: \$ _____ payable: \$ _____ on the: _____ day of each month beginning (date): _____

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

e. No provision of this judgment operates to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

f. All payments, unless specified in item 6b(1) above, must be made to the State Disbursement Unit at the following address: **California State Disbursement Unit, P.O. Box 989067, West Sacramento, CA 95798-9067.**

g. **An earnings assignment order is issued.**

h. In the event that there is a contract between a person ordered to receive support and a private child support collector, the parent ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33-1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the person ordered to receive support, jointly.

i. If "The parent ordered to pay support" box is checked in item 6c, a health insurance coverage assignment must issue.

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

k. **Notice of Rights and Responsibilities Regarding Child Support** (form FL-192) is attached.

l. The court further orders (specify):

Date:

JUDICIAL OFFICER

Number of pages attached:

SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order.

Date: _____

(SIGNATURE OF PARENT ORDERED TO PAY SUPPORT OR THEIR ATTORNEY)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400 and 17406): TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-600 2024-5-21 AD-WC- MS.v11
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
SUMMONS AND <input type="checkbox"/> COMPLAINT <input type="checkbox"/> SUPPLEMENTAL COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT REGARDING PARENTAL OBLIGATIONS	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 [FL-610](#)) with the court clerk within 30 days of the date that you were served with this Complaint. If the amount of child support in the proposed Judgment is based on actual income and you do not file the Answer, the proposed Judgment will become a final determination that you are the parent and responsible for support. If the amount of child support in the proposed Judgment is based on earning capacity, the court will hold a hearing before entering a judgment. If you do not file the Answer or appear at the hearing, the court will enter a judgment without your input.** If you are required to pay child support, the payments may be taken from your pay or other property without further notice. See the Statement of Rights and Responsibilities section of this form for more information.

La agencia local de manutención de los hijos lo ha demandado. Esta demanda dice que usted y el otro padre son los padres de cada niño indicado en esta Demanda y que el obligado puede tener la obligación de pagar manutención de los hijos. El propuesto *Fallo sobre las obligaciones de los padres* (formulario [FL-630](#)) adjunto indica que usted y el otro padre son los padres de cada hijo indicado abajo y, si hay un monto indicado en el punto 6 del Fallo propuesto, ordena al obligado a pagar manutención para estos hijos. **Si no está de acuerdo con el Fallo propuesto, tiene que presentar la Respuesta (formulario [FL-610](#)) adjunta al secretario de la corte dentro de 30 días después de la fecha en que recibió por entrega legal esta Demanda. Si el monto de manutención en el Fallo propuesto se basa en ingresos reales y usted no presenta la Respuesta, el Fallo propuesto se convertirá en una determinación final que usted es padre y responsable de pagar manutención. Si el monto de manutención en el Fallo propuesto se basa en la capacidad de generar ingresos, la corte realizará una audiencia antes de emitir un fallo. Si no presenta la Respuesta ni asiste a la audiencia, la corte emitirá un fallo sin tomar en cuenta su punto de vista. Si tiene la obligación de pagar la manutención, los pagos pueden ser descontados de sus ingresos o de otros bienes sin aviso adicional. Vea la Declaración de derechos y responsabilidades en este formulario para más información.**

	<p>Notice to person served: You are served</p> <p>1. <input type="checkbox"/> as an individual.</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: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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1. The local child support agency is asking the court to issue judgment or orders for the following children:

Name	Date of Birth	Establish Parentage	Establish Support	Modify Order	Beginning Date
		<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**.

2. a. The parents of the children named in item 1 are (specify name):
(specify name):

b. (Specify name): _____ is named as the parent of the children listed in item 1 in the declaration of parentage on file with the local child support agency or the county welfare department.

c. The obligor (the parent asked to pay support) is (specify):

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 parentage or paternity that has not been canceled and was signed by both parents has been forwarded to 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 and state) _____ in case number (specify) _____ for the following children (specify):

c. Judgment of parentage has previously been entered in (specify county and state) _____ in case number (specify) _____ for the following children (specify):

d. Other (specify):

(Names of children):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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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. The local child support agency has taken the following steps to establish actual income prior to considering earning capacity:
- a. Attempted to contact the obligor through telephonic, electronic, and postal means, to the extent contact information was known and could be discovered through reasonably available means. At least three attempts to contact the obligor have been made.
- b. Sought information about the expenses and work history of the obligor from the other parent/party.
- c. Searched available databases for information related to the obligor's employment, income, or both.
- d. Other (specify):
6. Other (specify):

THE LOCAL CHILD SUPPORT AGENCY REQUESTS THAT:

7. The court determine that the persons listed in item 2 are the parents of the children listed in item 1 for whom the "Establish Parentage" boxes have been checked.
8. Based on the California support guideline, the court order the obligor to pay:
- a. \$ _____ current monthly child support based on the obligor's known actual income of \$ _____ per month, and, if applicable, the obligee's known actual income of \$ _____ per month.
- b. \$ _____ current monthly child support based on the obligor's earning capacity of \$ _____ per month because (check one)
- (1) the obligor's earning capacity is greater than the obligor's known actual income.
- (2) the obligor's actual income is unknown.
- (3) The obligor's earning capacity was determined based on a consideration of all the factors listed below. The local child support agency has known information about the following factors (check all that apply):
- | | |
|--|--|
| (a) <input type="checkbox"/> Assets | (b) <input type="checkbox"/> Residence |
| (c) <input type="checkbox"/> Work and earnings history | (d) <input type="checkbox"/> Job skills |
| (e) <input type="checkbox"/> Education | (f) <input type="checkbox"/> Ability to read and write |
| (g) <input type="checkbox"/> Age | (h) <input type="checkbox"/> Health |
| (i) <input type="checkbox"/> Criminal record | (j) <input type="checkbox"/> Employment barriers |
| (k) <input type="checkbox"/> Record of seeking work | (l) <input type="checkbox"/> Local job market |
| (m) <input type="checkbox"/> Availability of employers willing to hire | (n) <input type="checkbox"/> Average earnings in local community |
| (o) <input type="checkbox"/> Other (specify): | |
- c. \$ _____ additional monthly child support for the following reasons (specify):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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Hearing by Court Commissioner

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.

Family Law Facilitator

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: The proposed *Judgment Regarding Parental Obligations* (form [FL-630](#)) may 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 may 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.

DECLARACIÓN DE DERECHOS Y RESPONSABILIDADES

AVISO: El *Fallo sobre las obligaciones de los padres* (formulario [FL-630](#)) propuesto puede ser emitido en su contra si no presenta una *Respuesta a la demanda o demanda suplementaria sobre las obligaciones de los padres* (formulario [FL-610](#)) al secretario de la corte dentro de 30 días después de la fecha en que recibió por entrega legal la Demanda. El Fallo propuesto puede ser emitido tenga o no tenga usted un abogado. Si recibió por entrega legal un formulario con la fecha de una audiencia, debería ir a la corte en esa fecha. Si no asiste a la audiencia, la corte puede emitir una orden judicial sin tomar en cuenta su punto de vista.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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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. If the amount of child support requested in the Complaint is based on earning capacity, the court will hold a hearing even if you do not file an answer. Genetic testing may be performed if the respondent questions parentage of the children listed in the Complaint. If the respondent or other parent refuses to cooperate in the genetic testing process, the issue of parentage may be resolved against that person. 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 California State Disbursement Unit. 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, the local child support agency will base the child support amount stated in item 6b of the proposed *Judgment Regarding Parental Obligations* (form [FL-630](#)) on the obligor's earning capacity after review of the factors stated in item 8b of the Complaint.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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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, assets, work history, job skills, education, and any other specific circumstances that may affect earning capacity (see item 8b of the Complaint).

The respondent 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 California State Disbursement Unit.

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 parentage 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 find information about the family law facilitator in your county or the county where the case is filed at www.courts.ca.gov/selfhelp-facilitators.htm.

You can reach your family law facilitator in the county where the case is filed by telephone at:

or in person at:

For more information on finding a lawyer or family law facilitator, see the Self-Help Guide to the California Courts at <https://selfhelp.courts.ca.gov/>.

PARTY WITHOUT ATTORNEY OR ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-610.v7.05212024.ad-wc
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
ANSWER TO COMPLAINT OR SUPPLEMENTAL COMPLAINT REGARDING PARENTAL OBLIGATIONS	CASE NUMBER:

YOU MUST FILE THIS ANSWER WITH THE COURT IF YOU WISH TO OPPOSE THE LAWSUIT

If you disagree with the proposed judgment attached to the Summons and Complaint, you must file this Answer with the court clerk within 30 days of the date you were served with the Complaint. File the original Answer with the court clerk at the address for the superior court stated at the top of the Complaint and serve a copy on the local child support agency. Keep a copy for your records.

1. PARENTAGE:

- a. I am the parent of the following children
- | | <u>Name of Child</u> | | | | <u>Date of Birth</u> |
|--------------------------|---|--------------------------|----|--|----------------------|
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | | |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | | |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | | |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | | |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | | |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | | |
| <input type="checkbox"/> | Additional children are listed on a page attached to this Answer. | | | | |
- b. I request genetic testing to determine parentage be done for all children for whom I have checked a "No" box above. I understand that the local child support agency will pay for the cost of the testing now, but that I may have to repay those costs if the court decides that I am the parent.

2. CHILD SUPPORT

- a. I agree to pay support as stated in the proposed judgment.
- b. I disagree with the support requested. Attached is my completed *Income and Expense Declaration* (form [FL-150](#)) or *Financial Statement (Simplified)* (form [FL-155](#)). NOTE: You can file this Answer without either of these forms.

3. CHILDCARE COSTS:

- a. I agree with the requested order for childcare costs in the proposed judgment.
- b. I disagree with the requested order for childcare costs.

4. UNINSURED HEALTH CARE COSTS:

- a. I agree with the requested order for uninsured health care costs stated in the proposed judgment.
- b. I disagree with the requested order for uninsured health care costs.

5. I disagree with the proposed judgment for the following reasons (specify):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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6. My address and telephone number for receipt of all notices and court dates until I file a change with the court and with the local child support agency are as follows:

- Address:
- City and Zip Code:
- Home Telephone:
- Work Telephone:
- Email Address (optional):

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

Date: _____

(TYPE OR PRINT NAME)
(SIGNATURE OF DECLARANT)

An adult *other than you* must complete the **Proof of Service** below and provide a copy of this **Answer** to the local child support agency at the following address (*specify*):

PROOF OF SERVICE

7. I am at least 18 years of age, and not a party to this action. I served this **Answer** and any other forms filed with the **Answer** on the local child support agency and any other party required to be served.
- a. **Personal delivery.** I personally delivered this **Answer** to an employee of the local child support agency as follows:
- (1) Name of employee:
 - (2) Address where delivered:
 - (3) Date of delivery:
 - (4) Time of delivery:
- b. **Mail.** I deposited this **Answer** in the United States mail, in a sealed envelope with postage fully prepaid. I used **first-class** mail. The envelope was addressed and mailed as follows:
- (1) Name:
 - (2) Address:
 - (3) Date of mailing:
 - (4) Place of mailing (*city and state*):

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

Date: _____

(TYPE OR PRINT NAME)
(SIGNATURE OF PERSON WHO SERVED ANSWER)

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. 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 (Governmental)* (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.

INFORMATION SHEET FOR ANSWER TO COMPLAINT

Please follow these instructions to complete the *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-610) if you do not have an attorney to represent you. Your attorney, if you have one, should complete this form.

You must file the completed **Answer** and attachments with the court clerk within 30 days of the date you received the *Summons and Complaint* (form FL-600). The address of the court clerk is the same as the one shown for the superior court on the *Summons and Complaint* (form FL-600). You may also be able to file through the court's e-filing system. Look at your court's website to see if you can file the **Answer** electronically. Visit www.courts.ca.gov/find-my-court.htm. There is no fee to file an answer in this case. **Keep two copies of the filed Answer form and its attachments. Serve one copy on the local child support agency and keep the other copy for your records. (See Information Sheet for Service of Process (form FL-611).)**

Upon receipt of your filed **Answer**, the local child support agency will set a court hearing on this matter.

INSTRUCTIONS FOR COMPLETING THE ANSWER FORM (TYPE OR PRINT FORM IN BLACK INK):

Front page, top of form. Print your name, address, and telephone number in the box. You will also need to print the address of the court, the case name, and the case number stated at the top of the Complaint if they are not already on the Answer.

1. a. List each child named in the complaint and, for each child listed on the Answer form, you must check the "Yes" box if you agree that you are that child's parent, or check the "No" box if you do not think or are not sure whether you are that child's parent. You must write in the name of each child listed in the *Summons and Complaint* (form FL-600) if your Answer form does not include the names of any children.
- b. If you have checked a "No" box in answer to item 1 on the form, you must request genetic testing to determine whether you or the other parent is the parent. The local child support agency will tell you when and where to go for the test. The local child support agency will pay for the cost of the test now. If the court decides the test shows parentage as pleaded in the Complaint, you may have to repay this cost to the local child support agency.

NOTE: Checking the "No" box does not satisfy the requirements needed to request the court cancel (set aside) any voluntary declaration of parentage or paternity that you may have signed or to request the court find a voluntary declaration is void (invalid) (Fam. Code, §§ 7573.5, 7576, 7577). To make this request, you must file a *Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (form FL-280) with the court. If you signed a voluntary declaration of parentage or paternity for a child listed in the *Summons and Complaint*, you will need to file the request before genetic testing can be considered by the court.

2. a. Check this box if you agree to pay the support asked for in the proposed *Judgment Regarding Parental Obligations* (form FL-630) that you received.
- b. You should check this box if you do not agree to pay the support asked for in the proposed *Judgment Regarding Parental Obligations* (form FL-630).
3. a. Check this box if you agree to pay the requested amount or portion of childcare costs.
- b. You should check this box if you do not agree to pay the requested amount of childcare or do not agree with how the childcare costs are to be divided.
4. a. Check this box if you agree to pay the requested amount or portion of uninsured health care costs.
- b. You should check this box if you do not agree to pay the requested amount of health care costs or do not agree with how the costs are to be divided.
5. If you agree to pay the support, childcare costs, and uninsured health care costs asked for in the proposed *Judgment Regarding Parental Obligations* (form FL-630), but you disagree with the proposed Judgment for another reason, you should check this box and write your reasons in this space. **If you have documents that prove your reasons for disagreeing with the proposed Judgment, you should attach the documents to the Answer form.**
6. You must list your address and phone numbers where you can receive all notices and court dates. You must let the court know whenever your address changes. If the court does not have your current address, you may not receive important notices that affect you.

You must date the Answer form, print your name, and sign the form under penalty of perjury. When you sign the Answer form, you are stating that the information you have provided is true and correct.

Instructions for how to complete the Proof of Service section of the Answer form are in the *Information Sheet for Service of Process* (form FL-611). The person who serves the Answer and its attachments must fill out this section of the form. **You cannot serve your own Answer.**

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-616 2024-5-23 AD-WC-MS.v7
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
DECLARATION FOR AMENDED PROPOSED JUDGMENT	CASE NUMBER:

1. The local child support agency is providing enforcement services in this case.
2. On (date): _____ a *Summons and Complaint Regarding Parental Obligations* (form [FL-600](#)) was filed requesting the respondent pay child support based on the California support guideline. The amount of the support requested was based on the respondent's gross monthly income as follows (check one):
 - a. Known income of: \$ _____ per month
 - b. Earning capacity of: \$ _____ per month because respondent's (check one)
 - (1) earning capacity was greater than known income.
 - (2) actual income was unknown.
3. Since the service of the *Summons and Complaint Regarding Parental Obligations* (form [FL-600](#)), the local child support agency has received the following additional information that would result in a different support order.
 - a. Other parent's gross monthly income is: \$ _____
 - b. Respondent's gross monthly income is as follows (check one):
 - (1) Known income of: \$ _____ per month
 - (2) Earning capacity of: \$ _____ per month. The factors used to calculate respondent's earning capacity under Family Code section 4058(b) are stated
 - (a) in *Earning Capacity Factors Attachment* (form [FL-302](#)).
 - (b) as follows (specify): _____
 - c. Other (specify): _____
4. An amended proposed judgment is attached.

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

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF DECLARANT)

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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PROOF OF SERVICE

5. I served this declaration and the attached amended proposed judgment on the respondent.
- a. **Personal delivery.** I personally delivered this declaration and amended proposed judgment to the respondent as follows:
 - (1) Name:
 - (2) Address where delivered:
 - (3) Date of delivery:
 - (4) Time of delivery:
 - b. **Mail.** I deposited this declaration and amended proposed judgment in the United States mail, in a sealed envelope with postage fully prepaid. I used first-class mail. The envelope was addressed and mailed as follows:
 - (1) Name:
 - (2) Address:
 - (3) Date of mailing:
 - (4) Place of mailing (*city and state*):

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

Date:

_____ (TYPE OR PRINT NAME) ▶ _____ (SIGNATURE OF PERSON WHO SERVED RESPONDENT)

6. I served this declaration and the attached amended proposed judgment on the other parent/party.
- a. **Personal delivery.** I personally delivered this declaration and amended proposed judgment to the other parent/party as follows:
 - (1) Name:
 - (2) Address where delivered:
 - (3) Date of delivery:
 - (4) Time of delivery:
 - b. **Mail.** I deposited this declaration and amended proposed judgment in the United States mail, in a sealed envelope with postage fully prepaid. I used first-class mail. The envelope was addressed and mailed as follows:
 - (1) Name:
 - (2) Address:
 - (3) Date of mailing:
 - (4) Place of mailing (*city and state*):

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

Date:

_____ (TYPE OR PRINT NAME) ▶ _____ (SIGNATURE OF PERSON WHO SERVED OTHER PARENT/PARTY)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-630 2024-05-21 AD- WC-MS.v10
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
<div style="text-align: center;"> JUDGMENT REGARDING PARENTAL OBLIGATIONS <input type="checkbox"/> AMENDED <input type="checkbox"/> SUPPLEMENTAL </div>	CASE NUMBER:

1. a. **NOTICE: THIS IS A** **PROPOSED** **AMENDED PROPOSED** **JUDGMENT.** This *Judgment Regarding Parental Obligations* may be entered by the court and may become legally binding unless you fill out and file *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (form FL-610) with the court clerk within 30 days of the date you were served with *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (form FL-600). If you need form FL-610, you may get one from the local child support agency, the court clerk, or the family law facilitator. The family law facilitator will help you fill out the forms. To file form FL-610, follow the procedures listed in the information sheet included with that form.
- b. **NOTICE: THIS IS A JUDGMENT.** It is now legally binding.
2. **This matter proceeded as follows:**
 - a. Judgment entered under Family Code section 17430(a).
 - b. Judgment entered by default after court hearing under Family Code section 17430(b)(3).
 - c. Judgment entered after uncontested hearing.
 - d. Judgment entered after contested hearing.
 - e. **Appearances as follows:**

(1) Date:	Dept.:	Judicial Officer:
(2) <input type="checkbox"/> Petitioner present	<input type="checkbox"/>	<input type="checkbox"/> Attorney present (name):
(3) <input type="checkbox"/> Respondent present	<input type="checkbox"/>	<input type="checkbox"/> Attorney present (name):
(4) <input type="checkbox"/> Other parent/party present	<input type="checkbox"/>	<input type="checkbox"/> Attorney present (name):
(5) Local child support agency attorney (Fam. Code, §§ 17400,17406) (name):		
(6) <input type="checkbox"/> Other (specify):		
 - f. The parent ordered to pay support is the petitioner respondent other parent/party.
3. **Earning Capacity.** This order is based on
 - a. the parent ordered to pay support's earning capacity of \$ _____ per month because (choose one):
 - (1) the earning capacity of the parent ordered to pay support is greater than their known income.
 - (2) the actual income of the parent ordered to pay support is unknown.
 - b. the other parent/party's earning capacity of \$ _____ per month.
 - c. The factors used to determine earning capacity under Family Code section 4058(b) are stated
 - (1) in *Earning Capacity Factors Attachment* (form FL-302).
 - (2) as follows (specify):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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4. Attached is a computer printout showing the parents' incomes and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.
5. This order is based on the attached documents (*specify*):

THE COURT ORDERS

6. a. Petitioner Respondent Other parent/party are the parents of the children named in item 6.b below.

b. The parent ordered to pay support must pay current child support as follows:

Name of Child	Date of birth	Monthly Support Amount
		\$
		\$
		\$

- (1) Mandatory additional child support.
- (a) The parent ordered to pay support must pay additional monthly support for reasonable childcare costs, as follows:
 One-half or % or (*specify amount*): \$ _____ per month of the costs.
 Payments must be made to the other parent/party State Disbursement Unit childcare provider.
- (b) The parent ordered to pay support must pay reasonable uninsured health care costs for the children, as follows:
 One-half or % or (*specify amount*): \$ _____ per month of the costs.
 Payments must be made to the other parent/party State Disbursement Unit health care provider.

(2) Other (*specify*):

(3) For a total of: \$ _____ payable on the _____ day of each month beginning (*date*):

- (4) The low-income adjustment applies at the lowest amount of the range.
 The lowest amount of the low-income adjustment has been rebutted and does not apply because (*specify reasons*):

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

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.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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6. c. The parent ordered to pay support The person ordered to receive support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent on the parent providing health insurance for support and maintenance.

d. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below:

Name of child	Date of birth	Period of support	Amount
			\$
			\$
			\$

(1) Other (specify):

(2) For a total of: \$ _____ payable: \$ _____ on the: _____ day of each month beginning (date): _____

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

e. If this is a judgment on a *Supplemental Complaint*, it does not modify or supersede any prior judgment or order for support or arrearage, unless specifically provided.

f. No provision of this judgment can operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

g. All payments, unless specified in item 6b(1) above, must be made to the State Disbursement Unit at the address listed below: **California State Disbursement Unit, P.O. Box 989067, West Sacramento, CA 95798-9067**

h. An earnings assignment order is issued.

i. In the event that there is a contract between a person ordered to receive support and a private child support collector, the parent ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33-1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the person ordered to receive support, jointly.

j. If "The parent ordered to pay support" box is checked in item 6c, a health insurance coverage assignment must issue.

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

l. *Notice of Rights and Responsibilities Regarding Child Support* (form [FL-192](#)) is attached.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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6. m. The following person (the "other parent/party") is added as a party to this action (*name*):

n. The court further orders (*specify*):

Date:

Number of pages attached:

 JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order. Date:  _____ (SIGNATURE OF PARENT ORDERED TO PAY SUPPORT OR THEIR ATTORNEY)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406):
 RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

TEL NO.: FAX NO. (optional):
 EMAIL ADDRESS:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
 STREET ADDRESS:
 MAILING ADDRESS:
 CITY AND ZIP CODE:
 BRANCH NAME:

DRAFT v.2
Not approved by
the Judicial Council
FL-632 2024-5-21 AD-WC-
MS.v11

FOR RECORDER'S USE ONLY

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	FOR COURT USE ONLY CASE NUMBER:
<p align="center">NOTICE REGARDING PAYMENT OF SUPPORT</p> <input type="checkbox"/> NOTICE OF ASSIGNED SUPPORT <input type="checkbox"/> SUBSTITUTION OF PAYEE	
<p align="center">INFORMATION ABOUT THIS FORM</p> <ul style="list-style-type: none"> This form is used to tell the parents and the court when the local child support agency is or is not enforcing support orders in this case. For more information about this form, see <i>Information Sheet: Notice Regarding Payment of Support</i> (form FL-632-INFO). 	

1. a. The parent ordered to pay support is the: Petitioner Respondent Other Parent/Party
 (specify name and address):

b. The person ordered to receive support is the: Petitioner Respondent Other Parent/Party
 (specify name and address, if parent is payee):

2. The substituted payee is:

a. The local child support agency (specify name and address):

b. Other (specify name and address):

NOTICE TO THE CLERK:

If item 3b is checked, no matters should be heard by a child support commissioner.

The following matters should be heard by a child support commissioner, unless one is not available due to exceptional circumstances (Fam. Code, §§ 4250–4252): A request to modify ongoing child support, if item 3a(1) is checked; a request to determine back support (arrears) if item 3a(2) or 3a(3) is checked; and a request regarding medical support if item 3a(4) is checked.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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3. a. The local child support agency is providing the following enforcement services in this case (*check all that apply*):
- (1) Current support
 - (2) Back support (arrears) owed to the parent listed in Item 1b
 - (3) Back support (arrears) owed for public assistance paid by the county
 - (4) Medical support
- b. The local child support agency is no longer providing any enforcement services in this case.

4. All payments must be made as follows:

- a. Payments collected by an Income Withholding Order must be sent to:
California State Disbursement Unit, P.O. Box 989067, West Sacramento, CA 95798-9067.
- b. All payments, **other than income withholding payments**, must be sent to (*check all that apply*):

Type of support	California State Disbursement Unit listed in Item 4a	Person listed in Item 1b
Current support	<input type="checkbox"/>	<input type="checkbox"/>
Back support (arrears) owed to the person listed in Item 1b	<input type="checkbox"/>	<input type="checkbox"/>
Back support (arrears) owed for public assistance paid by the county	<input type="checkbox"/>	<input type="checkbox"/>
Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>

5. One of the parents has applied for and received public assistance for the children. This means that under California law they gave away (assigned) their right to receive support, while aid is being paid, to the county of (*specify*):

6. The substituted payee must be contacted when notice to a lienholder may or must be given. An abstract or notice of support judgment or support judgment was recorded as follows:

<u>County</u>	<u>Date of recording</u>	<u>Instrument number</u>	<u>Book number</u>	<u>Page number</u>
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Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE)
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PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

NOTICE:
No acknowledgment is required when this form is recorded by a local child support agency.

ACKNOWLEDGMENT
 (To be completed when this form is recorded by a person or entity other than a local child support agency.)

STATE OF CALIFORNIA
 COUNTY OF

On _____, before me, _____ (here insert name and title of the officer),
 personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

 (SIGNATURE OF NOTARY)

FL-632-INFO**Information Sheet: Notice Regarding Payment of Support****When is form FL-632 used?**

Form FL-632 is used to tell the parents and the court when the local child support agency is or is not enforcing support orders in this case. It is also used to identify who is the payee in the case.

What is a payee?

The form tells the parents and the court if support must be paid to one of the parents or the local child support agency. Whomever support must be paid to is called the “payee.”

- **Note:** Sometimes a parent who formerly received public assistance closes their case with the local child support agency but back support (arrears) could still be owed to the county for the time when aid was active. In this situation, current support would be owed to the parent, while this back support would be owed to the county, meaning both the parent *and* the local child support agency would be considered payees.

How does support get paid?

If the local child support agency is enforcing the support order, payments collected by Income Withholding Order must be made to the State Disbursement Unit at the following address: **California State Disbursement Unit, P.O. Box 989067, West Sacramento, CA 95798-9067.**

If the local child support agency stops enforcing current support or back support (arrears) owed to the parent listed in item 1b on form FL-632, this does not affect or change the child support order and child support must still be paid.

- Support must be paid directly to the parent listed in item 1b until a new *Income Withholding Order for Support* (form [FL-195](#)) is put in place. This will *not* happen automatically and it is the responsibility of one of the parents to submit the new Income Withholding Order to the court for approval and then have it delivered to the employer of the parent listed in item 1a on form FL-632.
- Each parent must also complete and deliver to the court a *Child Support Case Registry Form* (form [FL-191](#)) within 10 days of receiving a *Notice Regarding Payment of Support* (form [FL-632](#)) stating that the local child support agency has stopped enforcing current support or back support (arrears) owed to the parent listed in item 1b.

How can parents change the order?

The current child support order will remain the same unless one of the parents (or the local child support agency if they are enforcing current support) requests that the support order can be changed. Parents can change the support order in two different ways:

- If the parents agree to a new amount, they can complete, sign, and submit to the court a *Stipulation to Establish or Modify Child Support and Order* (form [FL-350](#)).
- If the parents don’t have an agreement, one of the parents can request a court hearing by filing a *Request for Order* (form [FL-300](#)) and an *Income and Expense Declaration* (form [FL-150](#)) and then having the papers served on the other parent. The judge will decide at the hearing how much support must be paid.

Note: If the local child support agency is involved in your case, it must be served with any request to change child support and approve any agreement.

Is the case assigned to a child support commissioner or a judge?

The following hearings will be in front of a child support commissioner, unless one is not available due to exceptional circumstances:

- A request to modify ongoing child support if the local child support agency is involved in your case and item 3a(1) is checked on form FL-632.
- A request to determine back support (arrears) if the local child support agency is involved in your case and item 3a(2) or 3a(3) is checked on form FL-632.
- A request regarding medical support if the local child support agency is involved in your case and item 3a(4) is checked on form FL-632.

A judge or other judicial officer will hear your case if the local child support agency is no longer providing any enforcement services in your case and item 3b is checked on form FL-632.

For information about hearings involving a child support commissioner and the local child support agency, visit: <https://selfhelp.courts.ca.gov/request-for-order/LCSA/hearing>.



How can parents get free help?

Every county has a family law facilitator who can:

- Explain the legal process;
- Give you free legal forms; and
- Help you fill out court papers.



Depending on your county, the facilitator may help you in person, online, or by phone. You can find the facilitator in your county here:

www.courts.ca.gov/selfhelp-facilitators.htm.

How do I contact the local child support agency?

If you have questions about form FL-632 or about your case with the local child support agency in general, call the Child Support Customer Connect line for more information: **866-901-3212**.

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-635 2024-5-21 AD-WC-MS.v4
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
NOTICE OF ENTRY OF JUDGMENT AND PROOF OF SERVICE BY MAIL	CASE NUMBER: _____

1. You are notified that the following judgment was entered on (date):
 - a. Default taken and proposed Judgment Regarding Parental Obligations (UIFSA) (form FL-530) Judgment Regarding Parental Obligations (form FL-630) entered under Family Code section 17430(a)
 - b. Default taken and Judgment Regarding Parental Obligations (UIFSA) (form FL-530) Judgment Regarding Parental Obligations (form FL-630) entered after court hearing under Family Code section 17430(b)(3)
 - c. Judgment Regarding Parental Obligations (UIFSA) (form FL-530)
 - d. Judgment Regarding Parental Obligations (form FL-630)
 - e. Other (specify): _____

2. A copy of each document referred to in item 1 is attached.

NOTICE

If the support order contained in the judgment is based on earning capacity and was entered by default, the parents or the local child support agency may file a request (form [FL-640](#)) to cancel (set aside) the support order. The request can be obtained online at www.courts.ca.gov/forms.htm, or from the family law facilitator's office, the court clerk, or the local child support agency. The request must be filed to ask the court to cancel (set aside) the child support portions of the judgment. If the court decides to cancel (set aside) the support order, the court will issue a new support order based on the actual income or earning capacity of the parent ordered to pay support. The request must be filed with the court clerk within two years from the date the first collection of support by wage garnishment is made.

PROOF OF SERVICE BY MAIL

3. I am at least 18 years of age, **not a party to this cause**, and a resident of or employed in the county where the mailing took place.
4. My residence or business address is (specify): _____
5. I served a copy of this notice of entry and referenced documents by enclosing them in a sealed envelope directly in the United States mail with postage prepaid OR at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar.
 - a. Date of deposit: _____
 - b. Place of deposit (city and state): _____
 - c. Addressed as follows:

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

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) OR ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-640.v8.2024-5-21 AD.WC.MS.
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
NOTICE AND MOTION TO CANCEL (SET ASIDE) SUPPORT ORDER BASED ON PRESUMED INCOME OR EARNING CAPACITY	CASE NUMBER: _____

If the support order was entered by default and is based on presumed income or earning capacity, you may file this motion and ask the court to cancel (set aside) the support order. If the court agrees with you, the court will issue another order based on the actual income, earning capacity, or income allowable by law. You must file the original of this motion and the attachments with the court clerk within two years from the date the first collection of support made by wage garnishment was received by the local child support agency and serve a copy on all other parties in this case. Keep a copy of this motion for your records.

1. To: Petitioner Respondent Local child support agency Other (specify):
 A hearing on this motion will be held as follows (see instructions on how to get a hearing date):
 a. Date: _____ Time: _____ Dept.: Div: Room:
 b. Address of court is same as noted above other (specify): _____
2. I am asking the court to cancel (set aside) the child support order in this case.
3. I am asking the court to issue another order because the current order was entered by default and is based on presumed income or earning capacity that is different from the actual income or earning capacity of the parent ordered to pay support.
4. Attached is an *Income and Expense Declaration* (form FL-150) or a *Financial Statement (Simplified)* (form FL-155), or other information concerning income for any relevant years.
5. Attached is my proposed *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (form FL-610).
6. My address and telephone number for receipt of all notices and court dates are as follows:
 Address:
 City, state, and zip code:
 Home telephone:
 Work telephone:

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

Date: _____

_____ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY)

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. The court commissioner may still hear your case to make findings and recommendations to a judge. However, if you object to the recommended order in writing within 10 days (use *Notice of Objection (Governmental)* (form FL-666)), a judge will enter a temporary order and review your case before a final order is entered.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. My residence or business address is *(specify)*:

3. I served a copy of the foregoing *Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income or Earning Capacity (Governmental)* and all attachments as follows (check either a, b, or c for each person served):
 - a. **Personal delivery.** I personally delivered a copy and all attachments as follows:
 - (1) Name of party or attorney served: _____ (2) Name of party or attorney served: _____

 - (a) Address where delivered: _____ (a) Address where delivered: _____

 - (b) Date delivered: _____ (b) Date delivered: _____
 - (c) Time delivered: _____ (c) Time delivered: _____
 - b. **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope and
 - (a) **deposited** the sealed envelope with the U.S. Postal Service with the postage fully prepaid.
 - (b) **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's practice 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: _____ (3) Name of local child support agency served: _____

 - (a) Address where delivered: _____ (a) Address where delivered: _____

 - (b) Date mailed: _____ (b) Date mailed: _____
 - (c) Place of mailing (*city and state*): _____ (c) Place of mailing (*city and state*): _____
 - (4) **Address Verification** (please specify):
 - (a) I served a request to modify a child custody, visitation, or child support judgment or permanent order, which included an address verification declaration (*Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334) may be used for this purpose).
 - (b) The address for each individual identified in items 3a and 3b was
 - (i) verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.
 - (ii) **Other** (*specify*): _____
- c. **Other** (*specify code section*): _____
- Additional page is attached.

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

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PERSON WHO SERVED MOTION)

INSTRUCTIONS**Who can use this form?**

Either parent or the local child support agency can use this form.

Fill out this form yourself if you do not have an attorney to represent you. If you have an attorney, your attorney will need to fill out this form.

What do I use this form for?

Use this form to ask the court to cancel (set aside) a default judgment that is based on earning capacity or presumed income.

A **default judgment** is made when a party does not file an Answer and does not show up to court.

Earning capacity is used when the court does not have information about a parent's income, or the court believes the parent is underemployed. Before January 1, 2026, courts used **presumed income** when actual income was unknown, which was minimum wage at 40 hours every week.

You can only use this form if your actual income or earning capacity was different from the amount of earning capacity or presumed income that was used to make a decision about child support.

Is there a deadline to ask for a judgment to be canceled or set aside?

Yes, you must file this request within **two years** from the date that the first child support payment made by wage garnishment was received by the local child support agency.

How do I fill out this form?

① Fill out the **caption**. The caption is the box at the top left of the first page. Put your name, address, and telephone number in the top left part of the box if they are not already there. You will also need to put information about the local child support agency, the other parent, case number, and the court name and address in the caption. Look at *Judgment Regarding Parental Obligations (Governmental)* (form FL-630) in your case to help you fill out this information.

② Contact the court clerk to ask for a hearing date. You can find information about how to contact the court at www.courts.ca.gov/find-my-court.htm.

③ Fill out an ***Income and Expense Declaration (form FL-150)*** or ***Financial Statement (Simplified) (form FL-155)*** to give the court information about your current income and expenses. Attach this form to the Motion.

Find forms FL-150 and FL-155 at www.courts.ca.gov/forms.htm.

④ You may fill out a ***Declaration About Parent's Income During Judgment Periods*** (FL-643) to give the court information about your actual income and expenses during the time period covered by the Judgment.

Find form FL-643 at www.courts.ca.gov/documents/fl643.pdf.

⑤ You might also want to attach ***Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)*** (form FL-610) to give the court more information. Talk to a lawyer or your family law facilitator for more information.

⑥ Fill out your contact information so the court can get in touch with you about this motion.

⑦ Sign and date your Motion.



⑧ Fill out the box at the top of the second page. Use the same information printed in the caption box on page 1 of form FL-640. Make sure to leave the rest of the page blank. You **do not** fill out this page. The person who serves the Motion will fill this out. Look at the “What do I do after I fill out the form?” section of these instructions for more information.

The person who serves the Motion will need to fill out the “Proof of Service” section on page 2 of the form.

③ **File your Motion with the Court.**

There is no fee to file this Motion.

You can file in person, by mail, or electronically (if available at your court).

If you file in person:

Take your original Notice and Motion form and your copies to the court. Look at the top of the Notice and Motion in your case to find the court's address:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

Give your original Motion form and copies to the court clerk. The clerk will:

- Stamp your forms
- Keep the original and give the copies back to you.

If you file by mail:

- Mail your original Motion form and your copies to the court. Look at the top of the Notice and Motion in your case to find the court's address:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

- Send a self-addressed stamped envelope with your forms. If you do not include a self-addressed stamped envelope, you will have to go to the courthouse to pick up your copies.

You may be able to file electronically:

- Look at your court's website to see if you can file electronically. Visit www.courts.ca.gov/find-my-court.htm.

What do I do after I fill out the form?

① **Make copies.**

Fill out the box at the top of the second page. Use the same information printed in the caption box on page 1 of form FL-640. Make at least 3 copies of the papers: one for yourself, one to send to the local child support agency, and one to send to the other parent if the other parent is a party in the case.

② **Have someone give a copy of the Motion to the local child support agency and the other parent if necessary.**

The local child support agency and, in some situations, the other parent must be given a copy of any documents that you file. This is called service. You **cannot** serve your own Motion.

To serve these documents, you must ask someone who is 18 or older and not a part of the case to mail or hand deliver the documents to the local child support agency. If the other parent is a part of the case, the person serving the motion must also mail or hand deliver them to the other parent. If the documents are mailed to the other parent, the person serving the documents will need to state on the proof of service how the mailing address of the other parent was verified as their current address.

If you do not know the other parent's current mailing address, the person serving the documents can mail extra copies of the documents to the local child support agency. They will send the copies to the other parent. The local child support agency must receive the documents **at least 30 days before the hearing** if you want them to send the Motion to the other parent.



What happens next?

Go to your court hearing.

If you do not go, the court may not cancel and recalculate the child support order in your case.

How can I get free help?

Every county has a family law facilitator that can:

- Explain the legal process;
- Give you free legal forms; and
- Help you fill out court papers.



Depending on your county, the facilitator may help you in person, online, or by phone. You can find the facilitator in your county here:

www.courts.ca.gov/selfhelp-facilitators.htm.

Ask for a *Disability Accommodation Request*.

If you have a disability and need an accommodation while you are at court, you can use form [MC-410](#) to make your request. For more information, see form [MC-410-INFO](#).

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) OR ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-643 2024-5-15 AD-WC- MS.v5
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
DECLARATION ABOUT PARENT'S INCOME OR EARNING CAPACITY DURING JUDGMENT PERIODS	CASE NUMBER:

1. I am:
 - a. the parent ordered to pay support.
 - b. the person ordered to receive support.
 - c. a representative of the local child support agency providing services in this case.
2. On (date): _____ a Judgment Regarding Parental Obligations (form FL-630) Judgment Regarding Parental Obligations (UIFSA) (form FL-530) was entered by default using earning capacity or presumed income, instead of actual income.
3. The actual income of the parent ordered to pay support and other factors needed to calculate the correct support for the time periods in the judgment are listed below (see item 6 in the Judgment to find the relevant time period):

	Time periods in judgment <i>(enter start and end dates)</i>	Average monthly income	Percentage of time with children	Monthly guideline support requested	Source of income
a.	from _____ to _____ <i>(month/year) (month/year)</i>	\$ _____ /month	%	\$ _____ /month	
b.	from _____ to _____ <i>(month/year) (month/year)</i>	\$ _____ /month	%	\$ _____ /month	
c.	from _____ to _____ <i>(month/year) (month/year)</i>	\$ _____ /month	%	\$ _____ /month	
d.	from _____ to _____ <i>(month/year) (month/year)</i>	\$ _____ /month	%	\$ _____ /month	
e.	from _____ to _____ <i>(month/year) (month/year)</i>	\$ _____ /month	%	\$ _____ /month	
f.	from _____ to _____ <i>(month/year) (month/year)</i>	\$ _____ /month	%	\$ _____ /month	
g.	from _____ to _____ <i>(month/year) (month/year)</i>	\$ _____ /month	%	\$ _____ /month	
h.	from _____ to _____ <i>(month/year) (month/year)</i>	\$ _____ /month	%	\$ _____ /month	

4. Additional proof about the parent ordered to pay support's actual income during the time periods in the judgment is attached. (Black out the Social Security number from any papers you attach, like paycheck stubs.)

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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5. Information regarding the earning capacity of the parent ordered to pay support needed to calculate the correct support amount for the time periods in the judgment is
- a. provided in *Earning Capacity Factors Attachment* (form [FL-302](#)).
 - b. as follows (*specify*):

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

PARTY WITHOUT ATTORNEY OR ATTORNEY (<i>Name, state bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (<i>name</i>): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-665 2024-5-21 AD-WC- MS.v11
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
FINDINGS AND RECOMMENDATION OF COMMISSIONER	CASE NUMBER:

1. Name (*specify*): _____ objected to Commissioner (*name*): _____
 hearing this matter as a temporary judge.
2. **THIS MATTER PROCEEDED AS FOLLOWS**
 - a. By court hearing, appearances as follows:
 - (1) Date: _____ Dept.: _____ Judicial Officer: _____
 - (2) Petitioner present Attorney present (*name*): _____
 - (3) Respondent present Attorney present (*name*): _____
 - (4) Other parent/party present Attorney present (*name*): _____
 - (5) Local child support agency attorney (Fam. Code, §§ 17400, 17406) by (*name*): _____
 - (6) Other (*specify*): _____
 - b. The parent ordered to pay support is the petitioner respondent other parent/party.
3. Attached is a computer printout showing the parents' incomes and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.
4. This recommended order is based on the attached documents (*specify*): _____
5. **THE COMMISSIONER RECOMMENDS THE FOLLOWING**
 - a. All orders previously made in this action remain in full force and effect except as modified below.
 - b. (*Name of parent*): _____ (*Name of parent*): _____
 are the parents of the children listed below.
 - c. The parent ordered to pay support must pay current child support as follows:

<u>Name of child</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
		\$
		\$
		\$
 - (1) Mandatory additional child support.
 - (a) The parent ordered to pay support must pay additional monthly support for reasonable childcare costs, as follows:
 One-half or _____ % or (*specify amount*): \$ _____ per month of the costs
 Payments must be made to the other parent/party State Disbursement Unit childcare provider.
 - (b) The parent ordered to pay support must pay reasonable uninsured health care costs for the children, as follows:
 One-half or _____ % or (*specify amount*): \$ _____ per month of the costs
 Payments must be made to the other parent/party State Disbursement Unit health care provider.

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.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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5. c. (2) Other (specify):

(3) For a total of: \$ _____ payable on the (specify): _____ day of each month beginning on (date): _____

(4) The low-income adjustment applies at the lowest amount of the range.

The lowest amount of the low-income adjustment is rebutted and does not apply because (specify reasons):

(5) **Earning capacity.** The court finds that the (check all that apply):

(a) parent ordered to pay support has the ability to earn \$ _____ per month.

(b) person ordered to receive support has the ability to earn \$ _____ per month.

(c) The factors used to calculate earning capacity under Family Code section 4058(b) are stated

(i) in *Earning Capacity Factors Attachment* (form [FL-302](#)).

(ii) as follows (specify):

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

d. The parent ordered to pay support The person ordered to receive support must (1) provide and maintain health insurance coverage for the children, if available at no or reasonable cost, and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent on the parent providing health insurance for support and maintenance.

e. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below:

Name of child	Date of birth	Period of support	Amount
			\$
			\$
			\$

(1) Other (specify):

(2) For a total of: \$ _____ payable: \$ _____ on the: _____ day of each month beginning (date): _____

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

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

(1) Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____

(2) Interest is not included and is not waived.

(3) Payable: \$ _____ on the: _____ day of each month beginning (date): _____

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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- 5. f. (4) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.
- g. No provision of this judgment/order may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.
- h. All payments, unless specified in item 5c(1) above, must be made to the State Disbursement Unit at:
California State Disbursement Unit, P.O. Box 989067, West Sacramento, CA 95798-9067.
- i. **An earnings assignment order is issued.**
- j. In the event that there is a contract between a person ordered to receive support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33-1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the person ordered to receive support, jointly.
- k. If "The parent ordered to pay support" box is checked in item 5d, a health insurance coverage assignment must issue.
- l. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- m. *Notice of Rights and Responsibilities Regarding Child Support* (form FL-192) is attached.
- n. The following person (the "other parent/party") is added as a party to this action (*name*):
- o. The court further recommends (*specify*):

Date: _____

COMMISSIONER

Number of pages attached: _____ SIGNATURE FOLLOWS LAST ATTACHMENT

CLERK'S CERTIFICATE OF SERVICE OR MAILING

I certify that I am not a party to this cause and that

- 1. **Personal service.** A true copy of this *Findings and Recommendation of Commissioner* was handed to the petitioner respondent other parent/party at the hearing of this matter before the commissioner.
- 2. **Mail.** A true copy of this *Findings and Recommendation of Commissioner* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the request was mailed at (*place*): _____ California, on (*date*): _____

Date: _____ Clerk, by _____, Deputy

GOVERNMENTAL AGENCY <i>(under Family Code, §§ 17400, 17406)</i> : TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ EMAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-680.v7.05212024.ad-wc
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
NOTICE OF MOTION <input type="checkbox"/> JUDGMENT <input type="checkbox"/> MODIFICATION <input type="checkbox"/> Child Support <input type="checkbox"/> Health Care <input type="checkbox"/> Injunctive Order <input type="checkbox"/> Other:	CASE NUMBER: _____

1. TO *(name)*:
2. **READ THE ATTACHED REQUEST FORM.** A hearing on the motion for the relief requested will be held as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:
----------	-------	---------------------------------	--------------------------------	--------------------------------

b. Address of court is same as noted above other *(specify)*:

3. Supporting attachments:

- | | |
|---|--|
| a. Completed <i>Request for Order and Supporting Declaration</i> (form FL-684) and blank <i>Response to Governmental Notice of Motion or Order to Show Cause</i> (form FL-685)
b. <input type="checkbox"/> Financial information and blank <i>Income and Expense Declaration</i> (form FL-150)
c. <input type="checkbox"/> <i>Earning Capacity Factors Attachment</i> (form FL-302) | d. <input type="checkbox"/> Points and authorities
e. <input type="checkbox"/> <i>Order for Genetic (Parentage) Testing</i> (form FL-627)
(If the respondent or other parent/party ignores this order, the issue of parentage may be decided against them.)
f. <input type="checkbox"/> Other <i>(specify)</i> : |
|---|--|

4. NOTICE: IF YOU WISH TO HAVE A TRIAL, YOU MUST APPEAR AT THE HEARING ON THIS REQUEST.

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF ATTORNEY)

ORDER

IT IS ORDERED THAT

5. Time for service hearing is shortened. Service must be on or before *(date)*:
6. Any responsive declaration must be served on or before *(date)*:
7. **Petitioner** **Respondent** Other parent/party is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of the following property (describe):
8. Other *(specify)*:
9. Number of pages attached:

Date: _____

 JUDICIAL OFFICER

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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NOTICE

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. 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; 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.

Child support is based on your ability to pay, which may include your income, earning capacity, expenses, and lifestyle. The amount of child support can be large and can continue until the children reach age 18. You should give the court information about your income and expenses, and any specific circumstances that may affect your ability to earn. If you do not, the support order will be based on other information given to the court. If the child support amount in the proposed judgment is based on your earning capacity, and you do not appear at the hearing after failing to file an *Answer* (form FL-610), the court will enter a judgment without your input.

You do not have to pay any fee to file your *Response to Governmental Notice of Motion or Order to Show Cause (Governmental)* (form FL-685) and your completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155). You must file any documents with the court and have the copies served at least 9 court days before the hearing date to the local child support agency and the other party unless ordered otherwise. Add 5 calendar days if the motion is served by mail within California. (See Code of Civil Procedure section 1005 for other situations.) To determine court days and calendar days, go to <https://selfhelp.courts.ca.gov/child-support/LCSA-Hearing-Notice/Respond>.

PROOF OF SERVICE BY MAIL

1. I am at least 18 years of age, **not a party to this cause**, and a resident of or employed in the county where the mailing took place.
2. My residence or business address is:

3. I served a copy of this motion by enclosing it in a sealed envelope and depositing the envelope directly in the U.S. mail with postage paid OR at my place of business for same-day collection and mailing with the U.S. mail, following our business practices, with which I am readily familiar.
 - a. Date of deposit:
 - b. Place of deposit (*city and state*):
 - c. Addressed as follows:

4. The address for each individual identified in item 3 was
 - a. verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.
 - b. Other (*specify*):
5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

▶

(TYPE OR PRINT NAME)
(SIGNATURE OF PERSON WHO SERVED MOTION)

Request for Accommodations
 Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the trial. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form [MC-410](#)). (Civil Code, § 54.8.)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406):

TELEPHONE NO.: FAX NO. (Optional):

EMAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

FOR COURT USE ONLY

DRAFT

**Not approved by
the Judicial Council
FL-683.v8.05212024.ad-wc**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

PETITIONER:

RESPONDENT:

OTHER PARENT/PARTY:

ORDER TO SHOW CAUSE FOR **MODIFICATION**

Child Support **Health Care** **Injunctive Relief**

Other:

CASE NUMBER:

- To (name):
- YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED.

a. Date: _____ Time: _____ Dept.: _____ Room: _____

- Address of court is same as noted above other (specify):
- IT IS FURTHER ORDERED that a completed *Request for Order and Supporting Declaration (Governmental)* (form FL-684), or equivalent application order form, a **blank Response to Governmental Notice of Motion or Order to Show Cause (Governmental)** (form FL-685), and the following must be served with this order:
 - Financial information and blank *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155)
 - Points and authorities
 - Order for Genetic (Parentage) Testing* (form FL-627)
 - Other (specify):
- Time for service hearing is shortened. Service must be on or before (date):
Any responsive declaration must be served on or before (date):
 - Petitioner** **Respondent** **Other parent/party**
is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of the following property (describe):
 - Other (specify):


Date: _____ JUDICIAL OFFICER _____

NOTICE

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. 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; 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.

Child support is based on your ability to pay, which may include your income, earning capacity, expenses, and lifestyle. The amount of child support can be large and can continue until the children reach age 18. You should give the court information about your income, expenses, and any other circumstances that may affect your ability to earn. If you do not, the support order will be based on other information given to the court.

You do not have to pay any fee to file your *Response to Governmental Notice of Motion or Order to Show Cause (Governmental)* (form FL-685) and your completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155). You must file any documents with the court and serve copies at least 9 court days before the hearing date to the local child support agency and the other party unless ordered otherwise. Add 5 calendar days if you serve by mail within California. (See Code of Civil Procedure section 1005 for other situations.) To determine court and calendar days, go to <https://selfhelp.courts.ca.gov/child-support/LCSA-Hearing-Notice/Respond>.

 **Request for Accommodations**
Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the trial. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Request for Accommodations by Persons With Disabilities and Order* (form MC-410). (Civil Code, § 54.8.)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) OR PARTY WITHOUT ATTORNEY OR ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-687.v7.05222024.ad-wc
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
ORDER AFTER HEARING	CASE NUMBER:

1. **This matter proceeded as follows:** Uncontested By stipulation Contested
- a. Date: _____ Dept.: _____ Judicial Officer: _____
- b. Petitioner present Attorney present (name): _____
- c. Respondent present Attorney present (name): _____
- d. Other parent/party present Attorney present (name): _____
- e. Local child support agency attorney (Fam. Code, §§ 17400, 17406) by (name): _____
- f. Other (specify): _____
- g. The parent ordered to pay support is the petitioner respondent other parent/party.
2. Attached is a computer printout showing the parents' income and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.
3. This order is based on the attached documents (specify): _____

THE COURT ORDERS

4. a. All orders previously made in this action remain in full force and effect except as specifically modified below.
- b. The parent ordered to pay support is the parent of and must pay current child support for the following children:
- | Name of child | Date of birth | Monthly support amount |
|---------------|---------------|------------------------|
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
- (1) Mandatory additional child support.
- (a) The parent ordered to pay support must pay additional monthly support for reasonable childcare costs, as follows:
 One-half or _____ % or (specify amount): \$ _____ per month of the costs
 Payments must be made to the other parent/party State Disbursement Unit childcare provider.
- (b) The parent ordered to pay support must pay reasonable uninsured health care costs for the children, as follows:
 One-half or _____ % or (specify amount): \$ _____ per month of the costs
 Payments must be made to the other parent/party State Disbursement Unit health care provider.

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.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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4. b. (2) Other (*specify*):

(3) For a total of: \$ _____ payable on the: _____ day of each month beginning (*date*): _____

(4) The low-income adjustment applies at the lowest amount of the range.

The lowest amount of the low-income adjustment is rebutted and does not apply because (*specify reasons*):

(5) **Earning capacity.** The court finds that the (*check all that apply*):

(a) parent ordered to pay support has the ability to earn \$ _____ per month.

(b) person ordered to receive support has the ability to earn \$ _____ per month.

(c) The factors used to calculate earning capacity under Family Code section 4058(b) are stated

(i) in *Earning Capacity Factors Attachment* (form [FL-302](#)).

(ii) as follows (*specify*):

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

c. The parent ordered to pay support The person ordered to receive support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost, and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent on the parent providing health insurance for support and maintenance.

d. The parent ordered to pay support owes support arrears as follows, as of (*date*):

(1) Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____

(2) Interest is not included and is not waived.

(3) Payable: \$ _____ on the: _____ day of each month beginning (*date*): _____

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

e. No provision of this order may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

f. All payments, unless specified in item 4b(1) above, must be made to the State Disbursement Unit at: **California State Disbursement Unit, P.O. Box 989067, West Sacramento, CA 95798-9067.**

g. **An earnings assignment order is issued.**

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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4. h. In the event that there is a contract between a person ordered to receive support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33-1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the person ordered to receive support, jointly.
- i. If "The parent ordered to pay support" box is checked in item 4c, a health insurance coverage assignment must issue.
- j. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- k. *Notice of Rights and Responsibilities Regarding Child Support* (form FL-192) is attached.
- l. The following person (the "other parent/party") is added as a party to this action (*name*):
- m. The court further orders (*specify*):

Date:

JUDICIAL OFFICER

Number of pages attached:

SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order.

Date:

▶ _____
(SIGNATURE OF THE PARENT ORDERED TO PAY SUPPORT OR THEIR ATTORNEY)

Approved as conforming to court order.

Date:

▶ _____
(SIGNATURE OF THE PERSON ORDERED TO RECEIVE SUPPORT OR THEIR ATTORNEY)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council FL-688.v6.05222024.ad-wc
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
SHORT FORM ORDER AFTER HEARING	CASE NUMBER: _____

1. **This matter proceeded as follows:** Uncontested By stipulation Contested

- a. Date: _____ Dept: _____ Judicial Officer: _____
- b. Petitioner present Attorney present (name): _____
- c. Respondent present Attorney present (name): _____
- d. Other parent/party present Attorney present (name): _____
- e. Local child support agency attorney (Fam. Code §§17400, 17406) (name): _____
- f. Other (specify): _____

2. Attached is a computer printout showing the parent's income and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.

3. **THE COURT FINDS**, based on the moving papers:

- a. (Name): _____ is the parent ordered to pay support in this proceeding.
- b. The parent ordered to pay support has no ability to pay support because (specify): _____
- c. Health insurance coverage at no or reasonable cost is currently not available to the parent ordered to pay support to cover the minor children in this action.

4. THE COURT ORDERS

- a. All orders previously made in this action will remain in full force and effect except as specifically modified below.
- b. This matter is continued to: _____ in Dept.: _____ for the following purposes only:
- c. The parent ordered to pay support is ordered to appear on the continuance date.
- d. Current child support is modified to: \$ _____ per month beginning (date): _____
- e. The low-income adjustment applies at the lowest amount of the range.
 The lowest amount of the low-income adjustment is rebutted and does not apply because (specify reasons): _____

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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4. f. **Earning capacity.** The court finds that the *(check all that apply)*:

- (1) parent ordered to pay support has the ability to earn \$ _____ per month.
- (2) person ordered to receive support has the ability to earn \$ _____ per month.
- (3) The factors used to calculate earning capacity under Family Code section 4058(b) are stated
 - (a) in *Earning Capacity Factors Attachment* (form [FL-302](#)).
 - (b) as follows *(specify)*:

g. The court retains jurisdiction to order support retroactive to

- (1) *(specify date)*:
- (2) the date the parent ordered to pay support becomes employed or otherwise has the ability to pay support.
- (3) the date the parent ordered to pay support abandons or separates from the children at issue in this case.

h. Any order to liquidate the support arrearage is suspended until further order of this court.

i. In the event that there is a contract between a person ordered to receive support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33-1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the person ordered to receive support, jointly.

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

k. The parent ordered to pay support is ordered to obtain health insurance coverage for the children in this action if it becomes available at no or reasonable cost. The party ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness or condition and is chiefly dependent on the parent providing health insurance for support and maintenance.

l. If this order includes orders for child support or reimbursement of uninsured health care or childcare costs, *Notice of Rights and Responsibilities Regarding Child Support* (form [FL-192](#)) must be attached and is incorporated into this order.

m. Other *(specify)*:

5. Number of pages attached:

Date:

JUDICIAL OFFICER

Approved as conforming to court order.
Date:
(SIGNATURE OF PARENT ORDERED TO PAY SUPPORT OR THEIR ATTORNEY)

Approved as conforming to court order.
Date:
(SIGNATURE OF THE PERSON ORDERED TO RECEIVE SUPPORT OR THEIR ATTORNEY)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> DRAFT Not approved by the Judicial Council FL-692.v7.05222024.ad-wc
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
<input type="checkbox"/> MINUTES <input type="checkbox"/> ORDER <input type="checkbox"/> JUDGMENT <input type="checkbox"/> RECOMMENDED ORDER	

This form may be used for preparation of court minutes and/or as an alternative to form FL-615, FL-625, FL-630, FL-665, or FL-687. If this form is prepared as both court minutes and an alternative to one of these forms, then the parties do not need to prepare any additional form of order.

1. **This matter proceeded as follows:** Uncontested By stipulation Contested
 Judgment entered by default after court hearing under Family Code section 17430(b)(3).

- a. Date: _____ Time: _____ Department: _____
- b. Judicial officer (name): _____ Judge Pro Tempore Commissioner
 Court reporter (name): _____ Court clerk (name): _____
- c. Interpreter(s) present (name): _____ (specify language): _____
 for (name): _____
- d. Petitioner present Attorney present (name): _____
- e. Respondent present Attorney present (name): _____
- f. Other parent/party present Attorney present (name): _____
- g. Local child support agency attorney (Fam. Code, §§ 17400, 17406) by (name): _____
- h. The parent ordered to pay support is the petitioner respondent other parent/party.
- i. Other (specify): _____

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

- 3. a. This matter is taken off calendar.
- b. This entire matter is denied with without prejudice.
- c. This matter is continued at the request of the local child support agency petitioner
 respondent other parent/party to
 Date: _____ Time: _____ Department: _____
 (specific issues):
 Petitioner Respondent Other parent/party is ordered to appear at that date and time.
- d. The court takes the following matters under submission (specify): _____

4. **Order of examination**
 The petitioner respondent other parent/party other (specify): _____
 was sworn and examined.
 Examination was held outside of court.

5. **Referrals**
 a. The parties are referred to family court services or mediation.
 b. Petitioner Respondent Other parent/party is referred to the family law facilitator.
 c. Other (specify): _____

THE COURT FINDS

- 6. Petitioner Respondent Other parent/party was was not served regarding this matter.
- 7. Petitioner Respondent Other parent/party admits denies parentage.
- 8. The parents of the children named below in item 14a are (specify names): _____

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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9. Petitioner Respondent Other parent/party has read, understands, and has signed *Advisement and Waiver of Rights for Stipulation (Governmental)* (form [FL-694](#)) and gives up those rights and freely agrees that a judgment may be entered in accordance with these findings.

10. a. Guideline support amount: \$
- b. This order is is not based on the guideline.
- c. The attached *Guideline Findings Attachment (Governmental)* (form [FL-693](#)) is incorporated into these findings.
- d. A printout, which shows the calculation of child support payable, is attached and must become the court's findings.
- e. The child support agreed to by the parents is below above the statewide child support guideline. The amount of support that would have been ordered under the guideline formula is: \$ _____ per month. The parties have been fully informed of their rights concerning child support. Neither party is acting out of duress or coercion. Neither party is receiving public assistance, and no application for public assistance is pending. The needs of the children will be adequately met by this agreed-upon amount of child support. The order is in the best interest of the children. If the order is below the guideline, no change of circumstance will be required for the court to modify this order. If the order is above the guideline, a change of circumstance will be required for the court to modify this order.
- f. The low-income adjustment applies at the lowest amount of the range.
 The lowest amount of the low-income adjustment is rebutted and does not apply because (*specify reasons*):

11. Arrearages from (*specify date*): _____ through (*specify date*): _____
 are: \$ _____ including interest interest not computed and not waived.

THE COURT ORDERS

12. All orders previously made in this action must remain in full force and effect except as specifically modified below.

13. Genetic testing must be coordinated by the local child support agency.
- a. Petitioner Respondent Other parent/party other (*specify*): _____ and the minor children must each submit to genetic testing as directed by the local child support agency.
- b. The parent ordered to pay support must reimburse the local child support agency for genetic testing costs of: \$ _____
14. a. The parent ordered to pay support is the parent of the children listed below and must pay current child support for them.
 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.

Name of child	Date of birth	Monthly basic support amount
		\$ _____
		\$ _____
		\$ _____

- Additional children are listed on an attached page.
- b. The parent ordered to pay support must pay additional support monthly for actual **childcare** costs of (*specify amount*): \$ _____ one-half (*specify percent*): _____ percent of said costs. Payments must be made to the other parent/party State Disbursement Unit **childcare** provider.
- c. The parent ordered to pay support must pay reasonable uninsured **health care** costs for the children of (*specify amount*): \$ _____ one-half (*specify percent*): _____ percent of said costs. Payments must be made to the other parent/party State Disbursement Unit **health care** provider.
- d. The parent ordered to pay support must pay additional support monthly for the following (*specify*): (*specify amount*): \$ _____ one-half (*specify percent*): _____ percent of said costs. Payments must be made to the other parent/party State Disbursement Unit.
- e. 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.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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14. f. For a total of: \$ _____ payable on the: _____ day of each month beginning (date): _____
- g. The low-income adjustment applies at the lowest amount of the range.
 The lowest amount of the low-income adjustment is rebutted and does not apply because (specify reasons): _____

h. Earning capacity. The court finds that the (check all that apply):

- (1) parent ordered to pay support has the ability to earn \$ _____ per month.
 (2) person ordered to receive support has the ability to earn \$ _____ per month.
 (3) The factors used to calculate earning capacity under Family Code section 4058(b) are stated
 (a) in *Earning Capacity Factors Attachment* (form [FL-302](#)).
 (b) as follows (specify): _____

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

15. The parent ordered to pay support The person ordered to receive support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent on the parent providing health insurance for support and maintenance.

16. The parent ordered to pay support may claim the children for tax purposes as long as all child support payments are current as of the last day of the year for which the exemptions are claimed.

17. Petitioner Respondent Other parent/party must pay to petitioner respondent other parent/party as spousal support family support \$ _____ per month, beginning (date): _____ payable on the: _____ day of each month.

18. The parent ordered to pay support must pay child support for the following past periods and in the following amounts:

Name of child	Period of support	Amount
		\$
		\$
		\$

a. Other (specify): _____

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

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

19. The parent ordered to pay support owes support arrears as follows, as of (date): _____

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



b. Interest is not computed and is not waived.


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

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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19. d. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.
20. No provision of this judgment can operate to limit any right to collect all sums owing in this matter as otherwise provided by law.
21. All payments, unless specified in items 14b, 14c, and 14d above, must be made to the State Disbursement Unit at:
California State Disbursement Unit, P.O. Box 989067, West Sacramento, CA 95798-9067.
22. **An earnings assignment order is issued.**
23. In the event that there is a contract between a person ordered to receive support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33-1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the person ordered to receive support, jointly.
24. If "The parent ordered to pay support" box is checked in item 15, a health insurance coverage assignment must issue.
25. Job search. (Specify name(s): _____ must seek employment for at least (specify number): _____ jobs per week and report those job applications and results to the court and the local child support agency at the continuance date. These job applications are to be made in person, not by phone, fax, or email.
26. For purposes of the licensing issue only, the parent ordered to pay support is found to be in compliance with the support order in this action. The local child support agency must issue a release of license(s).
27. Notwithstanding any noncompliance issues with the support order in this action, the court finds that the needs of the party ordered to pay support warrant a conditional release. The local child support agency must issue a release of license(s). Such release is effective only as long as the parent ordered to pay support complies with all payment terms of this order.
28. A warrant of attachment/bench warrant issues for (specify name):
 a. Bail is set in the amount of: \$ _____
 b. Service is stayed until (date): _____
29. The court retains jurisdiction to make orders retroactive to (date): _____
30. The court reserves jurisdiction over all issues the issues of (specify): _____
31. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
32. **Notice of Rights and Responsibilities Regarding Child Support (form FL-192)** is attached and incorporated.
33. The following person (the "other parent/party") is added as a party to this action (name): _____
34. The court further orders (specify): _____

Number of pages attached:

Approved as conforming to court order. Date: _____  _____ (SIGNATURE OF PARENT ORDERED TO PAY SUPPORT OR THEIR ATTORNEY)
 _____ (SIGNATURE OF PERSON ORDERED TO RECEIVE SUPPORT OR THEIR ATTORNEY)

_____ JUDICIAL OFFICER
<input type="checkbox"/> Signature follows last attachment.
Approved as conforming to court order. Date: _____  _____ (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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GUIDELINE FINDINGS ATTACHMENT

The court makes the following findings required by Family Code sections 4056, 4057, and 4065:

1. a. The parent ordered to pay support is: petitioner respondent other parent/party
 b. The person ordered to receive support is: petitioner respondent other parent/party

2. INCOME

a. A printout of a computer calculation and findings is attached and incorporated in this order for all required items not filled out below.

	<u>Gross</u> monthly income	<u>Net</u> monthly income	<u>Receiving</u> TANF/CalWORKs
b. Each parent's monthly income is as follows:			
Parent ordered to pay support:	\$	\$	<input type="checkbox"/>
Person ordered to receive support:	\$	\$	<input type="checkbox"/>

c. **Earning capacity.** The court finds that the *(check all that apply)*:

- (1) parent ordered to pay support has the ability to earn \$ _____ per month.
 (2) person ordered to receive support has the ability to earn \$ _____ per month.
 (3) The factors used to calculate earning capacity under Family Code section 4058(b) are stated
 (a) in *Earning Capacity Factors Attachment* (form [FL-302](#)).
 (b) as follows (*specify*):

3. TAX FILING STATUS

- a. Parent ordered to pay support: Single HH/MLA MFJ MFS Number of exemptions: _____
 b. Person ordered to receive support: Single HH/MLA MFJ MFS Number of exemptions: _____

4. CHILDREN OF THIS RELATIONSHIP

- a. Number of children who are the subjects of the support order (*specify*): _____
 b. Approximate percentage of time spent with the parent ordered to pay support: _____ %
 c. Approximate percentage of time spent with the person ordered to receive support: _____ %

5. HARDSHIPS

Hardships for the following have been allowed in calculating child support:

	<u>Parent ordered</u> <u>to pay support</u>	<u>Person ordered</u> <u>to receive support</u>	<u>Approximate ending time for the hardship</u>
a. <input type="checkbox"/> Other minor children:	\$	\$	
b. <input type="checkbox"/> Extraordinary medical expenses:	\$	\$	
c. <input type="checkbox"/> Catastrophic losses:	\$	\$	

6. THE COURT FINDS:

- a. Mandatory findings for orders that differ from the guideline:
 (1) The guideline amount of child support calculated is \$ _____ per month.
 (2) The reasons for departure from guideline support are (*specify*):

 (3) The reasons the amount ordered is consistent with the best interests of the children are (*specify*):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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6. b. *If requested*, mandatory findings for orders that differ from the guideline:

are contained in the attached declaration.

(1) The net monthly disposable income for each parent is:

(a) Parent ordered to pay support: \$ _____ (b) Person ordered to receive support: \$ _____

(2) The actual federal income tax filing status for each parent is:

(a) Parent ordered to pay support: _____ (b) Person ordered to receive support: _____

(3) The deductions from gross wages for each parent are:

(a) Parent ordered to pay support: _____ (b) Person ordered to receive support: _____

Description of Deduction	Amount	Description of Deduction	Amount
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
TOTAL \$ _____		TOTAL \$ _____	

c. Other findings (*specify*):

7. STIPULATION TO NON-GUIDELINE ORDER

The child support agreed to by the parties is below above the statewide child support guideline. The amount of support that would have been ordered under the guideline formula is \$ _____ per month. The parties have been fully informed of their rights concerning child support. Neither party is acting out of duress or coercion. Neither party is receiving public assistance, and no application for public assistance is pending. The needs of the children will be adequately met by this agreed-upon amount of child support. The order is in the best interest of the children. If the order is below the guideline, no change of circumstances will be required to modify this order. If the order is above the guideline, a change of circumstances will be required to modify this order.

8. OTHER REBUTTAL FACTORS

Support calculation

- a. The court finds by a preponderance of the evidence that rebuttal factors exist. The rebuttal factors result in an increase decrease in child support. The revised amount of support is \$ _____ per month.
- b. The court finds the child support amount revised by these factors to be in the best interest of the child and that application of the formula would be unjust or inappropriate in this case. The revised amount remains in effect until further order until (date): _____ when guideline support of \$ _____ must commence.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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8. c. **The factors are:**

- (1) The sale of the family residence is deferred under Family Code section 3800, and the rental value of the family residence in which the children reside exceeds the mortgage payments, homeowners insurance, and property taxes by: \$ _____ per month.
- (2) The parent paying support has extraordinarily high income, and the amount determined under the guideline would exceed the needs of the children.
- (3) The parent ordered to pay support person ordered to receive support is not contributing to the needs of the children at a level commensurate with that party's custodial time.
- (4) After application of the low-income adjustment, guideline child support would be greater than 50 percent of the net disposable income of the parent ordered to pay support.
- (5) Special circumstances exist in this case. The special circumstances are:
 - (a) The parents have different time-sharing arrangements for different children.
 - (b) The parents have substantially equal custody of the children and one parent has a much lower or higher percentage of income used for housing than the other parent.
 - (c) A child has special medical or other needs that require support greater than the formula amount. These needs are (*specify*):
 - (d) Other (*specify*):

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
1.	California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel	A	<p>Does the proposal appropriately address the stated purpose?</p> <p>The purpose of the proposal is to secure the approval of new forms, revise multiple existing forms, and revoke other forms in order to implement numerous expansive changes to the Family Code which are necessitated by the passage of Assembly Bill 207 (Stats. 2022, ch. 573) and Senate Bill 343 (Stats. 2023, ch. 213). These changes are also required due to changes to the Family Code brought about by the passage of Assembly Bill 2960 (Stats. 2022, ch. 420) and Assembly Bill 1148 (Stats. 2023, ch. 565).</p> <p>The addition, revision, and elimination of the various forms discussed will further the goal of California being in compliance with federal regulations which require that child support orders are based on evidence of actual income or, where actual income is unknown, the specific circumstances of the obligor parent. In addition, the measures will address the requirement that local child support agencies provide notice regarding payment of support to parents and the court when they begin and cease to provide child support enforcement services. Finally, the measures address the increased time period before child support resumes after an obligor parent has been released from incarceration or confinement.</p>	No response required.

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments			
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		<p>The proposal provides a solid and logical framework for addressing all of the above concerns borne through these sweeping legislative changes. In order to address specific points noticed through its review, the Department is proposing additional changes through this letter. Careful consideration has been given to the fact that these forms will impact the judiciary, all local child support agencies throughout the state, and the diverse population of case participants involved in the IV-D process. As a result, the Department has offered proposals which strive for additional clarity as well as opportunities for courts to make detailed findings by way of additional space on certain forms. The Department has also taken into account that the terminology used within these forms should be as consistent as possible with other Judicial Council forms, as well as forms and policy letters utilized and issued by the Department. Ultimately, the Department’s comments are meant to supplement and not supplant the changes offered by the Judicial Council with the hopes that the final version of the forms will constitute a well-formed and crucial part of California’s overall compliance with the Final Federal Rule.</p> <p>With respect to the proposed new forms, the proposed revisions of existing forms, and the elimination of certain forms, as well as your specific questions, the Department respectfully responds with the following comments.</p>	

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
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			* [In addition to the written comments, this commenter submitted a set of mock-up forms under separate email to demonstrate how its suggestions would look on the forms. The commenter indicated that the mock-up forms were not part of their official comments and were only being provided for the purposes of assisting the Judicial Council in its review of its written comments. The mock-up forms have been reviewed by the committee, but are not included in the chart of comments as they contain the same suggestions that the commenter included in its written comments.]	The committee appreciates the efforts made by the commentator to fully present its suggestions.
2.	Child Support Directors Association of California by Shauna Day Executive Director	A	<p>General Recommendations:</p> <p>1. <i>Recommendation to use the same terminology when referring to parties:</i> The current proposed forms use inconsistent terminology when referring to the parties as payor, obligor, obligee, respondent, petitioner, parent ordered to pay support and parent receiving ordered support.</p> <p>Using “obligor” to describe the person owing a duty of support is consistent with Family Code 17212 (d)(2) which defines “obligor” as the person owing a duty of support.</p> <p>Likewise, calling the person ordered to receive support, the “obligee,” is consistent with using the “obligor” terminology. The proposed forms</p>	1. The committee agrees that consistent terminology should be used in the forms to the extent possible. However, the committee disagrees with the suggestion to use the terms “obligor” and “obligee” throughout the forms because those terms may not be familiar to the general public, including self-represented litigants. The committee prefers the designations “parent ordered to pay support” and “person receiving ordered support” because they are plain language and will be much easier for the parties to understand. Another commenter, California Department of Child Support Services (DCSS), agreed that plain-language terms are appropriate for these forms. However, DCSS suggests that the forms use the terminology “person ordered to

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		<p>presently use “persons receiving ordered support” which is not always a true statement since they may not be receiving support payments at all.</p> <p>Committee proposes using Obligor/Obligee, when appropriate:</p> <ul style="list-style-type: none"> • 1st mention on each form: Obligor (Parent ordered to pay support) • 1st mention on each form: Obligee (Person ordered to receive support) • After the 1st mention on each form: Obligor/Obligee, when appropriate <p>2. Recommendation to refer to FL-302 as “Earning Capacity Factor Attachment”: The forms in this Invitation inconsistently refer to this form’s title. Some call it “Earnings Capacity Factor Attachment” with the “s” in “Earnings” while others do not have the “s”. The Committee recommends that the form be referred to as “Earning Capacity Factor</p>	<p>receive support” rather than “person receiving ordered support” so that the forms correspond to the terminology used by DCSS in its forms, policy letters, and correspondence. The committee has reconsidered this point, and agrees with DCSS. The committee has, therefore, replaced the term “person receiving ordered support” with “person ordered to receive support” in the revisions being recommended for approval. The committee recognizes that it would not be appropriate to use the terms “parent ordered to pay support” and “parent ordered to receive support” in <i>Summons and Complaint or Supplemental Complaint Regarding Parental Obligations</i> (form FL-600), as no orders regarding support exist at that point in the proceedings. The terminology “obligor” and “obligee” are currently used in form FL-600. Because the term “obligor” is defined within the form, and use of the preferred terminology would be inappropriate, the committee is not recommending a change in terminology for form FL-600 at this time.</p> <p>2. The committee agrees with this suggested change and has incorporated the suggestion into the revisions being recommended for approval.</p>

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		<p>Attachment” without the “s”.</p> <p>3. <i>Recommendation to include an option to select the verbiage applicable to Family Code 4057(b)(5) to every judgment, order, or finding:</i> While this language is included in some orders, judgment, and findings, it is not included in all. The Committee recommends that this language be included as a possible selection:</p> <p><input type="checkbox"/> After application of the low-income adjustment, guideline support would be greater than 50 percent of the net disposal income of the parent ordered to pay support.</p> <p>4. <i>Recommendation to amend all orders, judgments, and findings so that there is an option to input actual income and earning capacity for both parents:</i> The currently proposed form only provides</p>	<p>3. The committee disagrees with this suggested change. Family Code section 4057(b) provides a list of factors that the court may consider in determining whether to depart from the presumptively correct guideline child support amount because application of the guideline would be unjust or inappropriate in a particular case. These factors are listed in <i>Non-Guideline Child Support Findings Attachment</i> (form FL-342(A)) and <i>Guideline Findings Attachment</i> (form FL-693), but otherwise none of the factors appear in <i>Findings and Recommendation of Commissioner</i> (form FL-665) or in any judgment or order forms. The suggested language is a new factor that was added by SB 343 to the existing list of factors in section 4057(b). Because it is only one of six factors the court may consider in determining whether to depart from the presumptively correct guideline child support amount, including it in the judgment and order forms would not be appropriate. The committee is, however, recommending the suggested language be incorporated for approval into form FL-342(A) and form FL-693, as the other deviation factors are listed in those forms.</p> <p>4. The committee agrees that the judgment and order forms should be revised to allow the option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate. The committee has</p>

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		<p>space to put the earning capacity of one parent. Modifying the form will allow the court to input Earning Capacity for either or both parents:</p> <p><input type="checkbox"/> Income -</p> <p>a. The court finds that the parents' income are as specified below:</p> <table style="margin-left: 40px;"> <thead> <tr> <th></th> <th></th> <th style="text-align: center;">Gross Monthly Income</th> <th style="text-align: center;">Net Monthly Income</th> <th style="text-align: center;">Receiving TANF/CalWORKS</th> </tr> </thead> <tbody> <tr> <td>Petitioner:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Respondent:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other Party:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table> <p>b. If Earning Capacity was found in paragraph 2(a), the factors used to calculate earning capacity under Family Code section 4058(b) are stated: <input type="checkbox"/> in Earning Capacity Factors Attachment (form FL-302) <input type="checkbox"/> as follows (specify):</p>			Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS	Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	<p>incorporated the necessary language into the revisions that are being recommended, including in response to the similar comments made on forms FL-530, FL-630, FL-665, FL-683, FL-688, and FL-692. However, the committee does not agree with the scope of the content being suggested. The support order will be based on the parents' actual income unless the box for earning capacity is checked on the judgment or order forms. There is no need to include a space on the judgment and order forms to state the gross and net monthly income of the parents or whether the parent is receiving TANF/CalWORKs benefits because the court can attach form FL-342 or form FL-693 to a judgment or order for that purpose. Moreover, a computer printout of the guideline support calculation that shows the amount and type of income used to compute child support (wages/salary, self-employment, unemployment compensation, disability, etc.) can be attached to a judgment or order as the court's findings because forms FL-342, FL-530, FL-630, FL-665, FL-687, FL-692, and FL-693 provide an option for doing so. Use of the computer printout for the court's findings is preferable to the suggested change because it provides the parties with information on not only the court's findings concerning income, but also the percentage of time each parent spends with the children and other factors relevant to the calculation of support.</p>
		Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS																			
Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																			
Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																			
Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																			
		<p>5. Recommendation to change the rebuttal</p>	<p>5. The committee agrees that the suggested</p>																				

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		<p><i>language for language regarding the low-income adjustment to match newly amended Family Code 4055:</i></p> <p>The Committee recommends that the rebuttal language in all forms with the low-income rebuttal be changed to conform with the new language passed by the legislature in Senate Bill 343 (SB 343). The new language contained in Family Code 4055 (b)(7) provides that the presumption may be rebutted by evidence showing the application of the lowest amount of child support permitted pursuant to this paragraph would be unjust or inappropriate in the particular case. To follow the new statutory language, we suggest language in the third box read:</p> <p><input type="checkbox"/> Low-Income adjustment</p> <p>a. <input type="checkbox"/> The low-income adjustment applies.</p> <p>b. <input type="checkbox"/> The lowest amount of the low-income adjustment has been rebutted and does not apply because (specify reasons):</p> <p>6. <i>Recommendation to delete all references to the State Disbursement Unit’s address:</i></p> <p>The Committee recommends that references to the SDU’s address be deleted from the forms in case that information ever changes. The Committee has asked that the Department of Child Support Services auto-populate that information in the forms in CSE instead.</p>	<p>change related to the rebuttal if the low-income adjustment should be made to the judgment and order forms. In addition, the committee recommends that the low-income adjustment language also be revised to make clear that it is the lowest end of the range that presumptively applies. The committee is now recommending that the items in the forms for the low-income adjustment provide that:</p> <ul style="list-style-type: none"> • “The low-income adjustment applies at the lowest amount of the range,” and • “The lowest amount of the low-income adjustment has been rebutted and does not apply because (specify reasons):” <p>The committee has incorporated these changes into the revisions that are being recommended for approval.</p> <p>6. The committee disagrees with this suggestion because, while the Department can program its system to auto-populate the address of the California State Disbursement Unit into the forms, courts do not have the same ability when they need to create an order or judgment. Having the address preprinted on the form guarantees that it will be there no matter who completes the form and will eliminate the need for judicial officers, or their clerks, to look up the address. In</p>

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			* [In addition to these written comments, this commenter submitted a set of mocked-up forms showing how its suggestions would look on the forms. Because these contain the same suggestions as described in these written comments, they have been reviewed by the committee, but have not been included here.]	the event the address changes in the future, the forms can be revised. The committee appreciates the efforts made by the commenter to fully present its suggestions.
3.	Lazaro Cuevas Family Law Facilitator Riverside	AM	See comments on specific forms below.	
4.	Family Law Executive Committee (FLEXCOM), California Lawyers Association, by Justin M. O’Connell FLEXCOM Legislation Chair	A	No narrative comments provided.	No response required.
5.	Orange County Bar Association by Dana Mullin Public Services Coordinator, and Christina Zabat-Fran President	A	No narrative comments provided.	No response required.
6.	Andres Ruiz Riverside, California	N	Parent whose rights have been violated, father who had his child kidnapped by your administration	No response required. The comment is outside the scope of the proposal.
7.	Superior Court of Orange County, Family Law and Juvenile Divisions	NI	See Request for Specific Comments below.	

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	by Katie Tobias Operations Analyst			
8.	Superior Court of San Diego County by Mike Roddy Executive Officer	A	FL-683: It appears that “Order to Show Cause For” was deleted from the caption of the form and should be added back. *See also Request for Specific Comments below.	The committee appreciates this comment and will incorporate the suggested change into the revised forms being recommended for approval.
9.	Comm. Angela Villegas Superior Court of Los Angeles County	NI	General Comments re: form proposals to address earning capacity (some of this is repeated in connection with individual forms, below)--- - Missing from all of these form proposals is a box for the court to check or language encapsulating the most important part of any earning capacity analysis, which is the children’s best interests. - Regarding what DOES appear in the form proposals, I strongly urge rethinking the approach. Neither Family Code section 4058, subdivision (b), nor any other provision of which I am aware, requires a court to prepare a detailed written justification for its determination that a parent’s income should be based on earning	Item 1.a in the proposed <i>Earning Capacity Factors Attachment</i> (FL-302) contains language for the court to make a finding that an order based on earning capacity is “in the best interest of the children, taking into consideration their overall welfare and developmental needs, and time that parent spends with the children.” The committee appreciates the commenter’s insight and thoughtful comment. However, the committee disagrees with the commenter’s suggestion to eliminate the items from the judgment and order forms requiring that the court either use the proposed <i>Earning Capacity Factors Attachment</i> (form FL-302) or specify on the face of the order/judgment the factors used to determine a parent’s earning capacity. Family

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		<p>capacity in a certain amount.</p> <p>The general requirement for support orders is that the court make its ultimate findings in writing. The ultimate findings consist of the guideline calculation (which spells out each factor) and an indication whether the court is basing the income on actual or imputed income. There is no requirement that the court then justify these ultimate findings with further, evidentiary, findings. The Judicial Council’s forms should not imply or suggest that such is required of the court.</p> <p>Family Code section 4058, subdivision (b), does indeed mandate that the court CONSIDER the factors listed therein, but again, DOES NOT REQUIRE the court to make a specific, express finding as to each such factor or any subset thereof. In practice, the analysis tends to have a gestalt quality, and would be difficult to express in a point-by-point fashion, especially in high-volume courts in which most earning capacity determinations are for minimum wage, and most are based on a somewhat sparse combination of historical information and a lack of reason to believe the person is NOT capable of such earnings—sometimes accompanied by a smattering of information about the person’s life circumstances. I implore you: please, let us not create an expectation that every earning capacity determination will require the equivalent of a Family Code 4320 order. Again,</p>	<p>Code section 4058(b)(2) requires the court consider certain factors, to the extent they are known, when determining the earning capacity of a parent. The committee recognizes that a court is not required to make written findings regarding the factors it considers when determining earning capacity. However, the committee believes including an item in the judgment and order forms that allows the court to at least reference the factors that the court found relevant to the earning capacity determination would increase transparency in earning capacity cases and allow parties to better understand the order. It would also assist other judicial officers in determining whether a change of circumstance has occurred related to a parent’s earning capacity in the event that a motion to modify support is subsequently brought by a party. The proposed <i>Earning Capacity Factors Attachment</i> (form FL-302) is intended to be an optional dual use form for both the court’s use and the use of parties who wish to seek an order based on the earning capacity of the other parent. The proposed changes to the judgment and order forms will give the court the option of attaching form FL-302 for detailed findings or simply specify which factors were considered on the judgment or order form itself, allowing the court the discretion to decide the level of detail necessary on a case-by-case basis.</p>

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		<p>I emphasize this is not required. Moreover, it will not be useful in the vast majority of cases. Detailed written justifications can be prepared on a case-by-case basis as the individual judicial officer deems appropriate. I strongly oppose creating a form for this, and likewise oppose any language purporting to require such information be spelled out in forms for orders and/or judgments. For this reason, I advocate removing from these proposals the proposed FL-302 form, intended as an Attachment to orders/judgments, in which the Family Code section 4058(b) factors are listed with blank spaces underneath, and the checkbox references in the forms constituting orders and judgments to that Attachment form or a filled-in paragraph in the body of the order/judgment.</p> <p>There is a desirable place for this kind of detailed earning capacity information, and that is in the LCSA’s summons & complaint. Yet the proposed Form Summons & Complaint does NOT purport to require the LCSA to provide any details as to its basis for pleading earning capacity. Instead, there is simply a list of 4058(b) factors and check boxes next to each. This checkbox-only system will not provide parties or the courts with any real notice of what’s being pled or the basis for such pleading, which was in large part the whole point of the FEM rule’s requirement for LCSAs to conduct an individualized inquiry into ability to pay. Beyond this, it is the LCSA’s burden both to</p>	<p>The committee also disagrees with the commenter’s suggestion that spaces be included in <i>Summons and Complaint or Supplemental Complaint Regarding Parental Obligations</i> (form FL-600) for the local child support agency to provide specific facts as to each factor it is relying on in requesting an earning capacity order. New Family Code section 17400(d)(2)(B) requires that the complaint inform the support obligor of the basis for the proposed support amount and, if the basis of the proposed support amount is the support obligor’s earning capacity rather than actual income, the complaint must inform the obligor of the factors considered by the local child support agency and used to</p>

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		<p>plead and prove the appropriateness of an earning capacity order. That burden begins with factual pleading of ultimate facts (for example, under the “assets” category, the LCSA would plead something like, “The respondent is record owner of an apartment building recorded as parcel number _____ in the Office of the Recorder of _____ County, California”). It is also potentially problematic that the LCSA pleading form does not include any space for similar information for the other parent/party, as is further explained below.</p> <p>These form proposals uniformly also overlook the fact that, effective 9/1/2024, the court will be REQUIRED to examine the earning capacity of “the parent” whose annual gross income is unknown. This means EITHER OR BOTH parents, not just the one from whom support is sought. The court still will have discretion to use earning capacity if the parent’s income is known. But here again, earning capacity can apply to either or both parents.</p>	<p>determine the obligor’s earning capacity. The current checklist format allows local child support agencies to indicate the factors that form the basis of its earning capacity determination and, therefore, meets the statute’s requirements. Moreover, the complaint must be accompanied by a proposed judgment (Fam. Code, § 17400(d)(2)(C)) and the <i>Summons and Complaint</i> currently directs the reader to the proposed judgment for details related to the requested support amount. The proposed revisions to <i>Judgment Regarding Parental Obligations</i> (form FL-630) includes an item for providing detail regarding the factors used to determine earning capacity by either attaching <i>Earning Capacity Factors Attachment</i> (form FL-302) to the proposed judgment or specifying the information on form FL-630 itself, so the information suggested by the commenter will be available to both the parties and court in the pleadings.</p> <p>The committee does agree with the suggestion that the proposed forms need to allow the court to examine the earning capacity of either or both parents. The committee has incorporated this change into proposed forms FL-342, FL-530, FL-630, FL-665, FL-687, FL-688, FL-692, and FL-693 for approval. The committee has also revised <i>Earning Capacity Factors Attachment</i> (form FL-302) to provide clear instruction that, if used, a separate form FL-302 should be attached to the pleading, judgment, or order for each party</p>	

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		<p>For these reasons (and the additional reasons further highlighted below), I propose, instead of the current approach:</p> <ul style="list-style-type: none"> - For order and judgment forms, eliminate the checkboxes requiring the court either to use the FL-302 Attachment, or provide a written explanatory justification on the face of the order/judgment. Instead, include only checkboxes for the court to indicate as to which parent(s) it considered earning capacity, with a follow-up checkbox as to each such parent to indicate either (a) that the parent’s income was unknown, such that the court was required to do so, or (b) that the court exercised its discretion to do so for that parent, even though the actual income was known. - For the LCSA summons & complaint form, include not only the list of Family Code section 4058(b) factors, but also include spaces for the LCSA to provide allegations of specific ultimate facts as to each factor it is relying on in requesting an earning capacity order. - Table or eliminate the proposed FL-302 “Attachment” form intended for use by the court. If this proposed form is to be used at all, it should be repurposed as a pleading form. 	<p>whose earning capacity needs to be considered. The committee also provided a space for the form user to identify by name the party whose earning capacity is being considered on the form. The committee did not, however, include a provision for the local child support agency to allege the earning capacity of the other parent in the <i>Summons and Complaint</i> because the other parent does not become a party to an action brought by a local child support agency for the support of a minor child until after a support order has been entered in the action and, therefore, would lack the ability to file an answer disputing allegations raised by the local child support agency concerning their earning capacity. (Fam. Code, § 17404(e)(1).)</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Notice of Rights and Responsibilities Regarding Child Support (Form FL-192)		
Commenter	Comment	Committee Response
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Form FL-192 – Notice of Rights and Responsibilities Regarding Child Support Proposed Changes on Page 2</p> <ul style="list-style-type: none"> <input type="checkbox"/> Please replace the last sentence of the second bullet in the section titled “When a Child Support Order May be Changed.” The Department offers the following proposed language: “The court can also look at a parent’s earning ability.” This proposal is offered as earning capacity may be considered by a court even if a parent is working. <input type="checkbox"/> Add the words “natural or adopted” before “child” in the third bullet point in the section titled “When a Child Support Order May be Changed.” <p>Proposed Changes on Page 3</p> <ul style="list-style-type: none"> <input type="checkbox"/> The verbiage in the “Timing” section would benefit from additional specificity. The law which concerns the additional ten (10) month suspension became effective on January 1, 2024. As a result, the Department proposes adding “Effective January 1, 2024” to the first sentence in that section. The Department also proposes adding the following language as the second sentence in that same section: “For parents released from custody before January 1, 2024, child support automatically restarts the first day of the first full month after 	<p>The committee agrees with this suggestion. The suggested change has been incorporated into the revisions being recommended for approval.</p> <p>The committee agrees that some clarification is needed regarding the children who can be considered for hardship adjustments. However, to avoid confusion regarding what constitutes a “natural” child and make the provision easier to understand, the committee recommends using plain language and changing the form to read: “The court considers both parents’ tax filing status and may consider hardships, such as the cost of raising the parent's child from another relationship who lives with the parent.” This language has been incorporated into the revisions being recommended for approval.</p> <p>The committee agrees with the commenter's suggested change. The suggestion has been incorporated, with some alteration, into the revisions being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice of Rights and Responsibilities Regarding Child Support (Form FL-192)		
Commenter	Comment	Committee Response
	the parent is released.”	
Child Support Directors Association of California by Shauna Day Executive Director	<ul style="list-style-type: none"> • Page 2, under heading “When a Child Support Order May Be Changed”, bullet 2, modify last sentence “The court can also look at earning ability if a parent is not working” to read: The court can also look at a parent’s earning capacity. <p>Reason: Not only can earning capacity be used when a parent is not working, earning capacity may also be used when a parent is underemployed. (Family Code 17400 (d)(2)(A)(ii), effective 1/1/2026)</p> <ul style="list-style-type: none"> • Page 2, under heading “When a Child Support Order May Be Changed”, bullet 3, modify the sentence “The court considers both parents’ tax filing status and may consider hardships such as the cost of raising a child of another relationship who lives with a parent” to add “natural or adopted” before the word child to read: The court considers both parents’ tax filing status and may consider hardships such as the cost of raising a natural or adopted child of another relationship who lives with a parent. <p>Reason: The only children who can be considered as “hardships” are a parent’s natural or adopted children. (Family Code 4071)</p> <ul style="list-style-type: none"> • Page 2, under heading “Go to your hearing and ask the judge to change the support”, modify the first sentence “Bring your tax returns from the last two years and your last two months’ paystubs” to read: Bring your tax returns from the last two years and proof of 	<p>The committee agrees with suggested change. The suggested change has been incorporated into the revisions being recommended for approval with minor alteration.</p> <p>The committee agrees that some clarification is needed regarding the children who can be considered for hardship. However, to avoid confusion regarding what constitutes a “natural” child and make the provision easier to understand, the committee recommends using plain language and changing the form to read: “The court considers both parents’ tax filing status and may consider hardships, such as the cost of raising the parent’s child from another relationship who lives with the parent.” This language has been incorporated into the revisions being recommended for approval.</p> <p>The committee agrees with the suggested change. The suggested language has been incorporated into the revision being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice of Rights and Responsibilities Regarding Child Support (Form FL-192)		
Commenter	Comment	Committee Response
	<p>income for the past two months (like your paycheck stubs).</p> <p>Reason: The reference to paycheck stubs would be consistent with the sentence on the same page under the heading “What forms do I need?” where it states: “You must also fill out one of these forms and attach proof of income for the past two months (like your paycheck stubs).”</p> <ul style="list-style-type: none"> • Page 3, item 1., 1st paragraph. Child support, change the words “automatically stops” in the first sentence to “may stop” to read: <p>As of September 27, 2022, child support may stop if the parent who has to pay is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.</p> <p>Reason: The suspension of child support is not automatic. The local child support agency must provide written notice of the proposed adjustment. If there is an objection, the local child support agency must set a noticed motion and may not adjust support unless the court approves the objection. (Family Code 4007.5)</p> <ul style="list-style-type: none"> • Page 3, item 1., 2nd paragraph, modify the first sentence: “Exception. Child support does not automatically stop if the parent who has to pay has money available to pay child support” to delete the word “automatically” and add: “and assets” after the word money to read: Exception. Child support does not stop if the parent who has to pay has money or assets available to pay child support. 	<p>The committee disagrees with the suggested change. While the local child support agency must provide written notice to the parties of its proposed administrative action to adjust its records to reflect the suspension of child support, and cannot make the adjustment without a court order if one of the parties objects, the fact remains that, as of September 27, 2022, the child support order itself is automatically suspended by operation of law for any period in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless certain conditions exist. The paragraph immediately following this provision on the form explains the situations where child support would not be automatically suspended by operation of law, so the statement about the automatic suspension of support is qualified.</p> <p>The committee disagrees with the suggestion to remove the word “automatically” from the exception. See response above re same comment to first paragraph. The committee also disagrees that it is necessary to add the words “and assets” to the exception under item 1 on page 3. The use of the word “money” on its own is sufficient for the purposes of this information sheet. Moreover, item 4 on the same page refers the parents to</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice of Rights and Responsibilities Regarding Child Support (Form FL-192)		
Commenter	Comment	Committee Response
	<p>Reason: Child support does not “automatically” stop. It requires the local child support agency’s administrative review and will be suspended only if there is no objection. Family Code 4007.5 only does not apply if the person owing support has the “means” to pay support. Means does not only include money but may also include assets. A person owing support may have property, for example, that can be liquidated to pay support.</p> <ul style="list-style-type: none"> • Page 3, item 2., 1st paragraph, change “also stops” to “may stop” and delete the commas after October 8, 2015 and January 1, 2021 to read: <p>2. Past confinement. Child support may stop during past confinement if it was ordered from October 8, 2015 through December 31, 2019, or January 1, 2021 through September 26, 2022, and the parent who has to pay was confined for more than 90 days in a row during the same time frame.</p> <p>Reason: Child support does not automatically stop if there is an objection, therefore it is more accurate to say it “may” stop. The two commas should be deleted so that the sentence will be grammatically correct.</p>	<p>the statute, and the self-help center for more information regarding child support and incarcerated parents. The committee is recommending that item 4 be revised to also refer the parents to the family law facilitator for additional information. With this change, the form will provide sufficient resources for parent to seek assistance if any questions arise regarding the applicability of the exception.</p> <p>The committee disagrees with the suggested change. The versions of Family Code section 4007.5 in effect between October 8, 2015 through December 31, 2019, and January 1, 2021 through September 26, 2022, provided that “Every money judgment or order for support of a child shall be suspended, by operation of law, for any period exceeding 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized,” unless certain conditions were in existence. The suspension automatically applied to any orders that were “issued or modified” during the stated time periods. The fact that the local child support agency could not administratively adjust their accounts if a parent objected to the adjustment does not alter the fact that child support was automatically suspended under the law upon the obligor parent’s incarceration for more than 90 days. The existing language is therefore accurate. However, to ensure consistency with language used in the “Exception for past confinement” paragraph that immediately follows this paragraph, as well as the language used in item 1, the committee recommends adding the word “automatically” to item 2 so that the item reads, “[c]hild support also automatically stops...” This change has</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice of Rights and Responsibilities Regarding Child Support (Form FL-192)		
Commenter	Comment	Committee Response
	<p>• Page 3, item 2., 2nd paragraph, modify the sentence: “Exceptions for past confinement. Child support does not automatically stop if the parent who has to pay was in jail or prison for failing to pay child support or for domestic violence against the other parent or the child, or if they had money available to pay support” to delete “automatically” and add “or assets” after the word money to read:</p> <p>Exceptions for past confinement. Child support does not stop if the parent who has to pay was in jail or prison for failing to pay child support or for domestic violence against the other parent or the child, or if they had money or assets available to pay support.</p> <p>Reason: Child support does not “automatically” stop. It requires the local child support agency’s administrative review and will be suspended only if there is no objection. Family Code 4007.5 only does not apply if the person owing support has the “means” to pay support. Means does not only include money but may also include assets. A person owing support may have property, for example, that can be liquidated to pay support.</p> <p>• Page 3, item 3, modify the language “3. Timing. Child support automatically restarts the first day of the 10th month after the parent is released. If you need to change your child support order, see page 2.” to read:</p> <p>3. Timing. If the parent’s release occurred before 1/1/2024,</p>	<p>been incorporated into the revisions being recommended for approval.</p> <p>The committee disagrees with the suggested change. While the local child support agency must provide written notice to the parties of its proposed administrative action to adjust its accounts to reflect the suspension of child support, and cannot make the adjustment without a court order if one of the parties objects, the fact remains that for support orders issued or modified from October 8, 2015 through December 31, 2019, and January 1, 2021 through September 26, 2022, child support would have automatically been suspended by operation of law for any period in which the person ordered to pay support was incarcerated or involuntarily institutionalized for over 90 days, unless the stated exceptions existed. Therefore, the use of the language “[c]hild support does not automatically stop if. . .” accurately reflects the intended application of the exception.</p> <p>The committee also disagrees with the suggestion to add the words “or assets” to the exception under item 2. See response to comment re item 1 above.</p> <p>The committee agrees with the commenter's suggested change. The suggested change has been incorporated, with some alteration, into the revisions being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice of Rights and Responsibilities Regarding Child Support (Form FL-192)		
Commenter	Comment	Committee Response
	<p>then child support may resume on the 1st day of the 1st full month after release. If the parent is released after 1/1/2024, child support may restart the first day of the 10th month after release.</p> <p>Reason: The proposed change is consistent with Family Code 4007.5. The current proposed language on the Invitation to Comment does not distinguish between release before and after 1/1/2024, which have different restart dates. Only releases after 1/1/2024, trigger the 10 months suspension.</p>	
Comm. Angela Villegas Superior Court of Los Angeles County	Proposed FL-192 – No comment.	No response required.

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Earning Capacity Factors Attachment (Form FL-302)		
Commenter	Comment	Committee Response
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>As a prelude, the Department appreciates the guidance that this form provides, as well as the proposed status of the form as “optional.” We feel that the form’s value is maximized by maintaining its status as an optional one. This ensures that litigants can choose to either use this form or employ a different approach when the facts and circumstances of a case necessitate.</p> <p>Proposed Changes on Page 1 <input type="checkbox"/> Under item one, please insert the following: “This form is intended to be used for one parent/party. If an additional parent/party’s earning capacity needs to be considered, attach an additional form FL-302.”</p> <p>Proposed Changes on Page 3 <input type="checkbox"/> The check boxes under items 2.e. and 2.f. should be removed. Doing so will allow for a narrative and more descriptive opportunity similar to the other paragraphs under 2. The words “check all that apply” should be eliminated and replaced with “describe” in order to maintain consistency with the other paragraphs under 2.</p>	<p>No response required.</p> <p>The committee agrees with the suggested addition to the form as it would provide necessary instructions on how to utilize the form if earning capacity of both parents is being considered. For additional clarification, the committee is also recommending that a space be added at the beginning of item 1 to name the party whose earning capacity is being considered in the form. These changes have been incorporated into the revisions that are being recommended for adoption, with slight modification to the placement and language suggested by the commenter.</p> <p>The committee disagrees with the commenter's suggested change. Including the checkbox options to provide information related to a parent's education and literacy will assist self-represented litigants in providing pertinent information regarding those factors. Additionally, items 2e and 2f utilize a format similar to that used on the <i>Income and Expense Declaration</i> (form FL-150) for a parent to provide information related to their age and education, so the format is consistent with other Judicial Council forms. However, the committee</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Earning Capacity Factors Attachment (Form FL-302)		
Commenter	Comment	Committee Response
	<p><input type="checkbox"/> The space provided under item 2.g. should be reduced as a narrative concerning a parent’s age would not require the amount of room allotted by the form.</p> <p>Proposed Changes on Page 4</p> <p><input type="checkbox"/> In item 2.i., the term “incarceration” should be replaced with “criminal record.” The latter verbiage is a more comprehensive categorical definition which matches not only the federal regulations but Family Code §4058.</p> <p>Proposed Changes on Page 5</p> <p><input type="checkbox"/> Please delete item 2.p. as item 2.o. requests the same information.</p>	<p>does recommend increasing the fillable space in the “other” section of those items (items 2e(6) and 2f(4)), to allow for additional narrative if necessary to describe the parent’s educational background and ability to read and write and has incorporated that change into the revisions that are being recommended for adoption.</p> <p>The committee agrees with the suggestion and has incorporated it into the revisions that are being recommended for adoption.</p> <p>The committee agrees with the suggested language change. The suggestion has been incorporated into the revisions that are being recommended for adoption.</p> <p>The committee agrees with the suggested change. The change has been incorporated into the revisions that are being recommended for adoption.</p>
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<p>The Committee supports keeping this form optional because it provides flexibility for pleading the factors.</p> <ul style="list-style-type: none"> • Page 3, item 2.e., after “<input type="checkbox"/> The parent’s education,” change “(check all that apply):” to “(describe):” and then delete items (1) through (6) so that it merely reads: <p>2. e. <input type="checkbox"/> The parent’s education (describe):</p> <p>Reason: This makes this paragraph consistent with the rest of the paragraphs. Removing the specific checkboxes allow for a</p>	<p>No response required.</p> <p>The committee disagrees with the commenter's suggested revision. Including the checkbox options to provide information related to a parent's education will assist self-represented litigants in providing pertinent information regarding this factor. Additionally, item 2e utilizes a format similar to that used on the Income and Expense Declaration (form FL-150) for a parent to provide information related to their age and education,</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Earning Capacity Factors Attachment (Form FL-302)		
Commenter	Comment	Committee Response
	<p>descriptive narrative.</p> <ul style="list-style-type: none"> • Page 3, item 2.f, after <input type="checkbox"/> The parent’s ability to read and write,” change “(check all that apply):” to “(describe):” and then delete items (1) through (4) so that it merely reads: <p>2.f. <input type="checkbox"/> The parent’s ability to read and write (describe):</p> <p>Reason: This makes this paragraph consistent with the rest of the paragraphs. Removing the specific checkboxes allow for a descriptive narrative.</p> <ul style="list-style-type: none"> • Page 3, item 2.g. delete some of the spacing after “<input type="checkbox"/> The parent’s age (describe):” <p>Reason: It is not necessary to have that much space to plead a person’s age. If health due to age is a concern, that comment can be more fully described in paragraph h.</p> <ul style="list-style-type: none"> • Page 4, item 2.i. change “incarceration” to “criminal record” to read: <p>2.i. <input type="checkbox"/> The parent’s employment barriers due to criminal record (describe):</p> <p>Reason: This is consistent with the language in Family Code 4058(b)(2) which uses the words “criminal record” instead of</p>	<p>so the format is consistent with other Judicial Council forms. However, the committee does recommend increasing the fillable space in the “other” section of this item (item 2e(6)), to allow for additional narrative if necessary to describe the parent’s educational background and has incorporated this change into the revisions that are being recommended for adoption.</p> <p>The committee does not agree with the commenter’s suggested revision. Including the checkbox options to provide information related to a parent’s ability to read and write will assist self-represented litigants in providing pertinent information. See also response to comment on item 2e.</p> <p>The committee agrees with the suggestion and has incorporated it into the revisions that are being recommended for adoption.</p> <p>The committee agrees that suggested language change. The suggestion has been incorporated into the revisions that are being recommended for adoption.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Earning Capacity Factors Attachment (Form FL-302)		
Commenter	Comment	Committee Response
	<p>“incarceration.”</p> <ul style="list-style-type: none"> • Page 5, delete item 2.p. “p. <input type="checkbox"/> Other (describe):” <p>Reason: It is redundant. Item 2.o. already contains a catch provision that mimics the language contained in Family Code 4075(b)(2).</p>	<p>The committee agrees with the suggested change and has incorporated it into the revisions that are being recommended for adoption.</p>
<p>Comm. Angela Villegas Superior Court of Los Angeles County</p>	<p>This “Earning Capacity Attachment” form appears more useful for pleading than for orders (as previously suggested). Likely impracticable for courts to use when making orders in high-volume calendar situations. Requires much written input, which is likely unnecessary and undesirable. While written findings are appropriate for earning capacity orders (indeed for all CS orders), the written findings are adequately captured by a support calculation printout. An itemized list of factors considered is not statutorily required.</p>	<p>The committee appreciates this comment. Family Code section 4058(b)(2) requires the court consider the factors listed in form FL-302, to the extent they are known, when determining the earning capacity of a parent. Although the court is not required to make written findings regarding the factors, the current draft of the form is for optional use only and is intended as a tool to assist the court with making detailed findings regarding the statutory factors when the court deems it necessary for a case.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Child Support Information and Order Attachment (Form FL-342)		
Commenter	Comment	Committee Response
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>This form is not used by the IV-D Child Support Program. However, the Department is proposing some changes to ensure, similar to Form FL-342-A, a consistent use of terminology across child support related forms. Additionally, this consistency will enable the Department to handle any indirect impact to the Child Support Program through any orders received from non-IV-D cases.</p> <p>Proposed Changes on Page 1</p> <p><input type="checkbox"/> In item 2.b., there should be adequate space and options provided. Both will allow a court to make findings regarding the earning capacity of both parents when circumstances dictate. Additionally, the “s” in the word “Earnings” next to the checkbox should be deleted.</p> <p><input type="checkbox"/> In item 4.a., please add the words “natural or adopted” before “minor children.” Additionally, please remove the words “Approximate End Date for the Hardship.” The Department also proposes the elimination of the “Approximate End Date for the Hardship” column adjacent to section 4.</p> <p>o Comment: While the allowance of a hardship is a normal procedure in IV- D cases, assigning an “approximate end date” may confuse case participants. Participants may feel that a different amount of support is due after the “approximate</p>	<p>No response required.</p> <p>The committee agrees that item 2b should be revised to allow the space and option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate. This change has been incorporated into the revisions that are being recommended for approval, with alterations, as the committee does not agree with the commenters suggested content. (See * in General Comment section of chart for this commenter.) The committee also agrees that the “s” in the word “Earnings” should be deleted to correctly reflect the title of proposed form FL-302. This change has also been incorporated into the revisions that are being recommended for approval.</p> <p>The committee disagrees with this suggestion. Family Code section 4071(b) is clear that a hardship can only be provided for “either parent’s natural or adopted children for whom the parent has the obligation to support from other marriages or relationships who reside with the parent.” Form FL-342 is intended to be an attachment to a court order and will be completed by the court. The addition of the word “natural or adopted” is an unnecessary clarification for the court. Moreover, the</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Child Support Information and Order Attachment (Form FL-342)		
Commenter	Comment	Committee Response
	<p>end date” passes, or that this triggers an automatic modification of support. The fact that it is only an estimation places a burden of guesswork onto participants and the local child support agencies. The Department’s proposal would simply eliminate this portion of section 4 and allow the parties to file pleadings when they feel a material change of circumstances has occurred.</p> <p><input type="checkbox"/> In item 5.a, please add the words “at the lowest amount of the low-income adjustment range.”</p> <p><input type="checkbox"/> In item 5.b., please add “the lowest amount of the” before “low-income” and “range” after “adjustment.”</p> <p><input type="checkbox"/> In item 5, please add a third checkbox as follows: 5.c. “The following amount in the low-income adjustment range has been applied: \$.”</p>	<p>use of the word “natural” in the form to describe the children for whom a hardship was given may be confusing to the parties.</p> <p>The committee also does not agree with the suggestion that the words “Approximate End Date for the Hardship” be removed from item 4. Family Code section 4072 provides that “whenever possible the court shall specify the duration of the hardship deduction.” The “Approximate End Date for the Hardship” column on item 4 of FL-342 provides a space for the court to meet this statutory requirement, while also indicating that the stated end date is not absolute.</p> <p>The committee agrees that clarification is needed regarding the presumed applicable amount of the low-income range and has incorporated the suggested language, with minor change, into the revisions that are being recommended for approval.</p> <p>The committee agrees that clarification is needed regarding the rebutted amount of the low-income range and has incorporated the suggested language, with minor alteration, into the revisions that are being recommended for approval.</p> <p>The committee disagrees with the suggested addition to item 5. A checkbox indicating the amount of the low-income adjustment that has been applied is unnecessary as it will be reflected in the ordered amount of base child support (item 6a) and in the printout of the support calculation if attached (item 1).</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Child Support Information and Order Attachment (Form FL-342)																						
Commenter	Comment	Committee Response																				
	<p>Proposed Changes on Page 2</p> <p><input type="checkbox"/> In paragraph 6 (entitled “The Court Further Orders”), there is little room for specification or added details should the court select option (d) (“Costs to be paid as follows [specify]”). The Department asks that the space under this section be expanded to allow for such added details if the court wishes to supply them.</p> <p>Proposed Changes on Page 3</p> <p><input type="checkbox"/> In paragraph 9 please replace “parent receiving ordered support” with “person ordered to receive support.” The Department would like to keep the language consistent with that used in the Summons and Complaint, as well as that which has been used within DCSS forms and policy letters.</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that are being recommended for approval.</p> <p>Upon further consideration, the committee agrees with the suggested change and has replaced “person receiving ordered support” with “person ordered to receive support” in the revisions being recommended for approval.</p>																				
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> Page 1, modify item 2 as follows: <p>2. <input type="checkbox"/> Income –</p> <p>a. The parents’ income are as follows:</p> <table style="margin-left: 40px;"> <thead> <tr> <th></th> <th></th> <th style="text-align: center;">Gross Monthly Income</th> <th style="text-align: center;">Net Monthly Income</th> <th style="text-align: center;">Receiving TANF/CAREWORKS</th> </tr> </thead> <tbody> <tr> <td>Petitioner:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Respondent:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other Party:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table> <p>b. If Earning Capacity was found in paragraph 2(a), the factors used to calculate earning capacity under Family Code section 4058(b) are stated: <input type="checkbox"/> in Earning Capacity Factors Attachment (form FL-302) <input type="checkbox"/> as follows (specify):</p> <p>Reason: The currently proposed form only provides space to put the earning capacity of one parent. Modifying the form will allow the court to input earning capacity for either or both parents.</p> <ul style="list-style-type: none"> Page 1, item 4.a., add “natural or adopted” after the word “other” to read: 			Gross Monthly Income	Net Monthly Income	Receiving TANF/CAREWORKS	Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	<p>The committee agrees that item 2b should be revised to allow the option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate. However, the committee does not agree with the suggested format and content. The form has been revised to incorporate the necessary language into the revisions that are being recommended for approval in a format that clearly distinguishes actual income from earning capacity and is consistent with the format used for earning capacity in the other forms being recommended for approval.</p> <p>The committee disagrees with the suggested change. Family Code section 4071(b) is clear that a hardship deduction can only be provided for “either parent’s</p>
		Gross Monthly Income	Net Monthly Income	Receiving TANF/CAREWORKS																		
Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Child Support Information and Order Attachment (Form FL-342)		
Commenter	Comment	Committee Response
	<p>a. <input type="checkbox"/> Other natural or adopted minor children:</p> <p>Reason: The only children who can be considered as “hardships” are a parent’s natural or adopted children. (Family Code 4071)</p> <p>• Page 1, item 4, delete “Approximate end date for the hardship”</p> <p>Reason: This language is unnecessary since it will not affect the support order because any change of support based on an end date will require another motion.</p> <p>• Page 1, modify item 5.b. from “The low-income adjustment has been rebutted...” to say “The lowest amount of the low-income adjustment has been rebutted...” It would read:</p> <p>5. <input type="checkbox"/> Low Income adjustment</p> <p style="padding-left: 20px;">a. <input type="checkbox"/> The low-income adjustment applies.</p> <p style="padding-left: 20px;">b. <input type="checkbox"/> The lowest amount of the low-income adjustment has been rebutted and does not apply because (specify reasons):</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 5.</p>	<p>natural or adopted children for whom the parent has the obligation to support from other marriages or relationships who reside with the parent.” Because form FL-342 is intended to be an attachment to an order by the court, the addition of the word “natural or adopted” is an unnecessary clarification on the law. Moreover, the use of the word “natural” to describe the children for whom a hardship deduction is given may be confusing to the parties as the term is not used to describe children in everyday language and is not defined on the form.</p> <p>The committee does not agree with the suggestion that the words “Approximate End Date for the Hardship” be removed from item 4. Family Code section 4072 provides that “whenever possible the court shall specify the duration of the hardship deduction.” The “Approximate End Date for the Hardship” column on item 4 of FL-342 provides a space for the court to meet this statutory requirement, while also signaling that the stated end date is not absolute.</p> <p>The committee agrees with the suggested change. The change will provide clarification regarding the amount of the low-income range that is subject to rebuttal. The committee has also determined that item 5a should be revised to make clear that it is the lowest end of the low-income adjustment range that presumptively applies. The committee has incorporated these changes into the revisions that are being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Child Support Information and Order Attachment (Form FL-342)		
Commenter	Comment	Committee Response
	<ul style="list-style-type: none"> • Page 1, new item 6. include: <ul style="list-style-type: none"> <input type="checkbox"/> After application of the low-income adjustment, guideline support would be greater than 50 percent of the net disposal income of the parent ordered to pay support. <p>Then renumber all subsequent numbers.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 3.</p> <ul style="list-style-type: none"> • Page 2, item 6.a. after “Base child support” add “The obligor” to read: <ul style="list-style-type: none"> a. Base child support The obligor <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other parent/party must pay child support <p>Reason: The reason is provided in the Committee’s General Recommendation 1. Changing this allows parties to know who the obligor is up front.</p> <ul style="list-style-type: none"> • Page 2, after item 6, delete the heading “THE COURT FURTHER ORDERS” as redundant. <p>Reason: On page 2, right before paragraph 5, the parties are already put on notice that “THE COURT ORDERS.”</p> <ul style="list-style-type: none"> • Page 2, all items in existing 6.b. and 6.c. change all Petitioner to say “Obligor” and all Respondent to say “Obligee”. Also delete “Other parent/party must pay”. Please see below for one example: 	<p>The committee does not recommend the suggested change. See response to commenters General Recommendation 3 above.</p> <p>The committee does not agree with the suggested change. The text of item 6a clearly designates the party who will be paying support as either the petitioner, respondent, or other parent, all of whom are identified by name in the caption on the same page. The addition of the word “obligor” would not add to the context of the provision, especially since the parties may be unfamiliar with the word. See response to commenter’s General Recommendation 1 above.</p> <p>The committee agrees with the suggested change. The heading “THE COURT FURTHER ORDERS” appears to be unnecessary and removing the language will provide space for other necessary changes. The suggestion has been incorporated into the revisions that are being recommended for approval.</p> <p>The committee does not agree with the suggested changes. The committee believes the words “Petitioner,” “Respondent,” and “Other parent/party” are preferable to identify the party ordered to pay support in this form</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Child Support Information and Order Attachment (Form FL-342)		
Commenter	Comment	Committee Response
	<p>6.b. <input type="checkbox"/> Mandatory additional child support</p> <p>(1) Childcare costs related to employment or reasonably necessary job training:</p> <p>(a) <input type="checkbox"/> Obligor must pay ...</p> <p>(b) <input type="checkbox"/> Obligee must pay</p> <p>(c) Costs to be paid as follows (specify):</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1. Changing this allows parties to know who the obligor is up front.</p> <ul style="list-style-type: none"> • Page 2, item 6, items b.(1)(d), b.(2)(d), c.(1)(d), c.(2)(d) where it says “Costs to be paid as follows (specify): add two blank spaces (returns). <p>Reason: The current space does not allow enough room to write a narrative.</p> <ul style="list-style-type: none"> • Page 3, items 7.a. and b. and 10. replace “petitioner” with “obligor” and “respondent” with “obligee.” Delete other parent/party. <p>Page 3, item 8. replace “parent ordered to pay support” with “obligor”.</p> <p>Page 3, item 9. replace “parent ordered to pay support” with “obligor” and “parent receiving ordered support” with “obligee.”</p>	<p>because they can be clearly identified by name in the caption box on the top of each page.</p> <p>The committee agrees with the suggestion to increase the fillable space to allow for more detail regarding the court's orders. The suggestion has been incorporated into the revisions that are being recommended for approval.</p> <p>The committee does not agree with the suggested changes. The items identify the parties obligated to provide health insurance and pay support as the petitioner, respondent, or other parent/party, all of whom are clearly identified by name in the caption box on the top of each page.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Child Support Information and Order Attachment (Form FL-342)		
Commenter	Comment	Committee Response
	<p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 3, item 10., delete <input type="checkbox"/> Other parent/party... <p>Also, change “Petitioner” to “Obligor” and change “Respondent” to Obligee.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p>	<p>The committee does not agree with the suggested changes. The item identifies the party or parties ordered to seek work as the petitioner, respondent, or other parent/party, all of whom are clearly identified by name in the caption box on the top of each page.</p>
<p>Comm. Angela Villegas Superior Court of Los Angeles County</p>	<p>This form leaves only one line for time share percentage, but there may be different time share percentages for different children.</p> <p>I actually question whether it is a good idea to require support-calculation input information on this form at all, because such information will either be redundant of, or (worse) in conflict with, the findings of the court expressed in a support calculation printout.</p> <p>As to the non-guideline order provision, again I strongly suggest Form 342(A) be OPTIONAL, not mandatory.</p> <p>The health insurance paragraph should explain what is considered a “reasonable” cost, and should also include language that if health insurance is not currently available at a reasonable cost, then it must be provided when it becomes available at a reasonable cost. If job search order is going to be a Judicial Council form, then it should be a separate form.</p>	<p>The committee appreciates the commenter’s insight related to form FL-342. However, the committee does not recommend the suggested changes at this time. Because the suggested changes are outside the scope of the revisions proposed in the invitation comment and raise important substantive issues, public comment must be sought before the suggestions are considered for adoption. The committee may consider these suggested changes in a future rules cycle as time and resources allow.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Non-Guideline Child Support Findings Attachment (Form FL-342(A))		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>This form is not utilized by the IV-D Child Support Program. However, the Department has reviewed the form’s contents to ensure not only consistent and correct use of child support terminology, but also for any potential indirect impact on the statewide Child Support Program due to orders received by local child support agencies from non-IV-D cases.</p> <p><input type="checkbox"/> In item 1, please correct the spelling of the word “coercion” as it is missing a “c.”</p> <p><input type="checkbox"/> Under 2.d.(3), please change “person receiving ordered support” to “person ordered to receive support.” This ensures consistency with the terminology that is used in DCSS forms, policy letters and statewide correspondence.</p>	<p>No response required.</p> <p>The committee agrees that the spelling error should be corrected and has incorporated the change into the revised form being recommended for adoption.</p> <p>Upon further consideration, the committee agrees with the suggested change and has replaced “person receiving ordered support” with “person ordered to receive support” in the revisions being recommended for approval.</p>
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> • Item 1., the word “coercion” is misspelled (missing the c) in this sentence: “Neither party is acting out of duress or coercion.” Should read: Neither party is acting out of duress or coercion. • Item 2.a. add “obligor” after “payable by” and un-bold “payable” to read: <p>2. <input type="checkbox"/> Support calculation</p> <p>a. The guideline amount of child support calculated is \$ per month payable by obligor <input type="checkbox"/> petitioner <input type="checkbox"/> respondent <input type="checkbox"/> other parent/party</p> <p>Reason: The addition of the word “obligor” defines who the obligor is upfront and makes it less confusing to the parties.</p>	<p>The committee agrees that the spelling error should be corrected and has incorporated the change into the revised form being recommended for adoption.</p> <p>The committee does not agree with the suggestion to add the word “obligor” after the word “payable by” in item 2.a. The addition of the word “obligor” is unnecessary. The checkboxes that immediately follow the words “payable by” clearly designate the party who will be paying support as either the petitioner, respondent, or other parent, all of whom are identified by name in the caption on the same page. Moreover, the addition of the word “obligor” would also create confusion as the party who will be paying support is not identified as an “obligor” anywhere else on the form. See response to</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Non-Guideline Child Support Findings Attachment (Form FL-342(A))		
Commenter	Comment	
	<p>• Item 2.d.(2) change “parent ordered to pay support” to “obligor” to read:</p> <p>(2) <input type="checkbox"/> The obligor has extraordinarily high income, and the amount determined under the guideline would exceed the needs of the children.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1. Further “obligor” is already defined in 2.a. above.</p> <p>• Item 2.d.(3) change “parent ordered to pay support” to “obligor” and “person receiving ordered support” to “obligee (person ordered to receive support)” to read:</p> <p>(3) <input type="checkbox"/> The <input type="checkbox"/> obligor <input type="checkbox"/> obligee (person ordered to receive support) is not contributing to the needs of the children at a level commensurate with that party’s custodial time.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p>	<p>commenter’s first General Recommendations above. The committee also disagrees with removing the bold font from the text “payable” as the bold lettering assists in emphasizing that the identified party will be paying support.</p> <p>The committee does not agree with the suggestion to change the designation “parent ordered to pay support” to “obligor.” See response to commenter’s General Recommendation 1 above.</p> <p>The committee does not agree with the suggestion to change the designations. See response to commenter’s General Recommendation 1 above.</p>
Comm. Angela Villegas Superior Court of Los Angeles County	<p>This form states it is for mandatory use, but many, many support orders and judgments ignore it completely. Its use should be optional.</p> <p>This says something about the perceived usefulness of this</p>	<p>The committee appreciates the commenter’s insight related to form FL-342(A). However, the committee does not recommend the suggested changes at this time. The suggested changes are outside the scope of the revisions proposed in the invitation to comment and</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Non-Guideline Child Support Findings Attachment (Form FL-342(A))		
Commenter	Comment	
	form. Mandatory use is problematic for the additional reason that at the top, it states the form is an “Attachment to” and then provides two choices: (1) Form FL-342, and (2) “Other.” If it is to be a mandatory form, then to what “Other” item is it mandatory to attach it? If it is to be retained as a mandatory (vs optional) form, then it should specify precisely which other items it must be attached to. Equally Importantly, it should include a deviation category for the obligor’s need to have sufficient cash flow to furnish the obligor’s necessities of life. That is by far the most common reason for downward deviation from guideline in many courts.	raise important substantive issues. The committee, therefore, believes public comment should be sought before the suggestion is considered further. The committee may consider this suggestion in a future rules cycle as time and resources allow.

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Application for Expedited Child Support Order (FL-380)		
Commenter	Comment	
Child Support Directors Association by Shauna Day Executive Director	The Committee agrees with the proposed changes to revoke the form.	No response required.

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Response to Application for Expedited Child Support Order and Notice of Hearing (FL-381)		
Commenter	Comment	
Child Support Directors Association by Shauna Day Executive Director	The Committee agrees with the proposed changes to revoke the form.	No response required.

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Expedited Child Support Order (FL-382)		
Commenter	Comment	
Child Support Directors Association by Shauna Day Executive Director	The Committee agrees with the proposed changes to revoke the form.	No response required.

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Judgment Regarding Parental Obligations (UIFSA) (FL-530)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 1</p> <p><input type="checkbox"/> In item 1.a., this paragraph should be revised accordingly so that it will mirror form FL-630 (Judgment Regarding Parental Obligations – Governmental). Specifically, please remove the words “TO RESPONDENT” after the word “NOTICE” in the first line. Please add two checkboxes in the boxed header. In addition to the existing ones (“Amended” and “Supplemental”), please add “Proposed” and “Amended Proposed.”</p> <p><input type="checkbox"/> In item 2.b.(6), please add the word “attorney” after “agency.” Doing so will make it clear that the person in court is actually a lawyer and that the local child support agency’s representation is for purposes of the public interest and not as an advocate for either case participant. Once this change is added, the Department notes that form FL-530 will mirror Form FL-630 (Judgment Regarding Parental Obligations – UIFSA).</p> <p><input type="checkbox"/> Add a new item 3, and then please move the existing item 3 down slightly and change it to “item 4.” Please renumber the subsequent items as necessary to keep things in proper numerical order. The new “item 3” should have two checkboxes: 1) The parent ordered to pay support has known actual income of \$.” 2) “This order is based on the parent ordered to pay support’s actual income.”</p> <p>o Comment: This is offered in order to achieve clarity in terms of what the court used for the foundation of the support order. Since the court has the option of utilizing earning capacity, DCSS’s desire is that the court specify exactly what was used so that it is clear to case participants and LCSAs what income source the resulting order was based upon.</p>	<p>The committee agrees with the suggested change. Removing the words “To Respondent” in item 1.a and adding checkboxes to indicate whether the document is a proposed or amended proposed judgment will maintain consistency with the notice on the <i>Judgment Regarding Parental Obligations (Governmental)</i> (FL-630). The committee has incorporated the suggestion into the revisions that are being recommended for approval.</p> <p>The committee agrees with the suggested change. The suggested language has been incorporated into the revisions that are being recommended for approval.</p> <p>The committee disagrees with the suggested change. A separate item indicating whether the support order is based on actual income is unnecessary as the support order will be based on actual income unless the box for earning capacity is checked. Nor is it necessary to add a space to indicate the court's findings regarding actual income as the form allows for the attachment of the computer printout that shows the parents’ income used to calculate child support.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Judgment Regarding Parental Obligations (UIFSA) (FL-530)		
Commenter	Comment	
	<p><input type="checkbox"/> In the existing item 3.a., please delete the “s” from “Earnings.”</p> <p>Proposed Changes on Page 2</p> <p><input type="checkbox"/> In paragraph 6.b.(4), next to the first checkbox, please add the following: “at the lowest amount of the low-income adjustment range.” Next to the second checkbox, please add the following: “the lowest amount of the” before “low- income” and “range” after “adjustment.”</p> <p>o Comment: This helps to clarify exactly what the low-income adjustment amount is and what support amount will be utilized if the court finds that the adjustment applies. The first checkbox clarifies that a true low-income adjustment now means that the court will apply the amount of support which is shown at the lowest end of the low-income range. The second checkbox is utilized if a court finds that the lowest end of the range has been rebutted by testimony or evidence such that the lowest number in the range is no longer applicable. In that case, a different number will be ordered by the court.</p> <p>Proposed Changes Which Apply on Pages 2 and 3</p> <p><input type="checkbox"/> On page 2, paragraph 6.c., and page 3, paragraph 6.h.: The phrase “person receiving ordered support” should be changed to “person ordered to receive support.” This ensures that the terminology used across JCC forms, DCSS forms, and DCSS policy letters is consistent.</p> <p>Proposed Changes on Page 3</p> <p><input type="checkbox"/> In paragraph “k”, please remove “order” from the form’s name to accurately reflect the name of form FL-192.</p>	<p>The committee agrees with the suggested change. The suggestion has been incorporated into the revisions that are being recommended for approval.</p> <p>The committee agrees with the suggested change as clarification is needed regarding the presumed applicable amount of the low-income range and the amount that is subject to rebuttal. The committee has incorporated the suggested language, with minor change, into the revisions that are being recommended for approval.</p> <p>The committee agrees with the suggested change and has replaced “person receiving ordered support” with “person ordered to receive support” in the revisions being recommended for approval.</p> <p>The committee agrees with the suggested change and has incorporated it into the revisions that are being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Judgment Regarding Parental Obligations (UIFSA) (FL-530)		
Commenter	Comment	
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> • Page 1, item 1.a. Delete “To Respondent” and just include NOTICE. <p>Add checkboxes for Proposed and Amended Proposed Judgment after the word NOTICE to read:</p> <p>1. a. <input type="checkbox"/> NOTICE: THIS IS A <input type="checkbox"/> PROPOSED <input type="checkbox"/> AMENDED PROPOSED JUDGMENT.</p> <p>Reason: This maintains consistency with the Judgment Regarding Parental Obligations (FL-630). Deleting “To Respondent” will allow the local child support agency to file a Supplemental Summons & Complaint against the other parent in the same legal action/docket when there is a role reversal and another child must be added. Filing in the same docket allows for judicial efficiency and economy and allows for the parties to have one action.</p> <ul style="list-style-type: none"> • Page 1, item 2.b.(6) Add “attorney” after the word agency to read: <p>Local child support agency attorney</p> <p>Reason: This provides consistency with all the other forms.</p> <ul style="list-style-type: none"> • Page 1, item 2.c. Add “obligor” in front of parent ordered to pay support and <p>Put parentheses around “parent ordered to pay support” to read:</p> <p>The obligor (parent ordered to pay support) is the ...</p>	<p>The committee agrees with the suggested change. Removing the words “To Respondent” in item 1a and adding checkboxes to indicate whether the document is a proposed or amended proposed judgment will maintain consistency with the notice on the <i>Judgment Regarding Parental Obligations</i> (FL-630). The committee has incorporated the suggestion into the revisions that are being recommended for approval.</p> <p>The committee agrees with the suggested change. The suggested language has been incorporated into the revisions that are being recommended for approval.</p> <p>The committee disagrees with the suggested change. The text of item 2c states in plain language that the parent ordered to pay support is the selected party (petitioner, respondent, or other parent/party). The addition of the word “obligor” would be superfluous. Moreover, unlike FL-530, the use of the word “obligor” in <i>Summons and Complaint or Supplemental Complaint Regarding</i></p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Judgment Regarding Parental Obligations (UIFSA) (FL-530)																						
Commenter	Comment																					
	<p>Reason: The reason is provided in the Committee’s General Recommendation 1. This is consistent with the Summons and Complaint 2(c).</p> <p>• Page 1, delete language in current item 3. and letter a. and change to: 3. <input type="checkbox"/> Income – a. The court finds that the parents’ income are as specified below:</p> <p>3. <input type="checkbox"/> Income – a. The court finds that the parents’ income are as specified below:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th></th> <th style="text-align: center;">Gross Monthly Income</th> <th style="text-align: center;">Net Monthly Income</th> <th style="text-align: center;">Receiving TANF/CalWORKS</th> </tr> </thead> <tbody> <tr> <td>Petitioner:</td> <td><input type="checkbox"/>Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Respondent:</td> <td><input type="checkbox"/>Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other Party:</td> <td><input type="checkbox"/>Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table> <p>b. If Earning Capacity was found in paragraph 3(a), the factors used to calculate earning capacity under Family Code section 4058(b) are stated: <input type="checkbox"/> in Earning Capacity Factors Attachment (form FL-302) <input type="checkbox"/> as follows (specify):</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 4.</p> <p>• Page 2, item 6.a., 6.b, 6.b.(1)(a), 6.b.(1)(b)</p>			Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS	Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	<p><i>Parental Obligations</i> (form FL-600) is necessary because no parent has been ordered to pay support at that point in the proceedings. The addition of the parenthetical language “(the parent asked to pay support)” in item 2c of FL-600 is provided to define the word “obligor” since some parties may be unfamiliar with the word. However, once the judgment is entered, the designation “parent ordered to pay support” is preferable to “obligor” because it will be much easier for the parties to understand. See also response to commenter’s General Recommendation 1.</p> <p>The committee agrees that item 3 should be revised to allow the option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate, and the form has been changed to incorporate the necessary language into the revisions that are being recommended for approval. However, the committee does not agree with the content suggested for the change. See response to commenter’s General Recommendation 4 above.</p> <p>The committee does not agree with the suggested</p>
		Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS																		
Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Judgment Regarding Parental Obligations (UIFSA) (FL-530)		
Commenter	Comment	
	<p>Change “parent ordered to pay support” to “obligor” to read:</p> <p>The obligor is the ...</p> <p>The obligor must pay ...</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Change Page 2, item 6.b.(4) to say: <ul style="list-style-type: none"> <input type="checkbox"/> Low-Income adjustment <ul style="list-style-type: none"> a. <input type="checkbox"/> The low-income adjustment applies. b. <input type="checkbox"/> The lowest amount of the low-income adjustment has been rebutted and does not apply because (specify reasons): <p>Reason: The reason is provided in the Committee’s General Recommendation 5.</p> <ul style="list-style-type: none"> • Page 2, add item 6.b.(5) to say: After application of the low-income adjustment, guideline support would be greater than 50 percent of the net disposal income of the parent ordered to pay support. <p>Reason: The reason is provided in the Committee’s General Recommendation 3.</p> <ul style="list-style-type: none"> • Page 2, item 6.c. Change “parent ordered to pay support” to “obligor” Change “person receiving ordered support” to “obligee (person ordered to receive support)” to read: 	<p>change. As stated in prior responses above, the parties may be unfamiliar with the word “obligor.” The phrase “parent ordered to pay support” is plain language and will be much easier for the parties to understand.</p> <p>The committee agrees with the suggested change as clarification is needed regarding the amount of the low-income range that is subject to rebuttal and has incorporated the suggested language into the revisions that are being recommended for approval. In addition, the committee is also recommending that the first portion of item 6b(4) regarding application of the low-income adjustment be revised to make clear that it is the lowest end of the range presumptively applies.</p> <p>The committee does not agree with the suggested change. See response to commenter’s General Recommendation 3 above.</p> <p>The committee does not agree with the suggested change. Parties may be unfamiliar with the words “obligor” and “obligee.” The committee has determined that the designations “parent ordered to pay support” and “person ordered to receive support” are preferable</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Judgment Regarding Parental Obligations (UIFSA) (FL-530)		
Commenter	Comment	
	<p>c. <input type="checkbox"/> The obligor <input type="checkbox"/> The obligee (person ordered to receive support) must ...</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, item 6.d. Change “parent ordered to pay support” to “obligor” to read: <p><input type="checkbox"/> The obligor must pay child support for the past periods and in the amounts set forth below:</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 3, item 6.h. Change “person receiving ordered support” to “obligee” Change “parent ordered to pay support” to “obligor” to read: <p>In the event there is a contract between the obligee and a private child support collector, the obligor must pay the fee charged by the private child support collector. This fee must not exceed 33-1/3 percent of the total amount of past due support nor may it exceed 50% of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the obligee, jointly.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 3, item k. Delete the word “Order” 	<p>because they are plain language and will be much easier for the parties to understand. They also mirror the terminology used by the Department of Child Support Services and local child support agencies. See response to commenter’s General Recommendation 1 above.</p> <p>See response immediately above.</p> <p>See response above.</p> <p>The committee agrees with the suggested change and has incorporated it into the revisions that are being</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Judgment Regarding Parental Obligations (UIFSA) (FL-530)		
Commenter	Comment	
	<p>The Committee requests this section read: <i>Notice of Rights and Responsibilities Regarding Child Support</i> (form FL-192) is attached.</p> <p>Reason: This is the correct name of the document.</p>	recommended for approval.
Comm. Angela Villegas Superior Court of Los Angeles County	<p>1(a) the “may become legally binding” language is correct ONLY IF the underlying summons/complaint is based on earning capacity. Otherwise, the court will not be able to vary from the proposed judgment.</p> <p>¶3 I again urge that itemized written findings of the basis for an earning capacity finding are NOT REQUIRED. All the court needs to do is decide, based on the information presented, (1) whether earning capacity will be used to fix income for support, and (2) how much. These findings can and should be stated briefly. The support calculation itself shows the amount of income, and, at least in the case of the Statewide Uniform Guideline, also includes an option to click “imputed income.” (At least for wages.) The statute does not require the court to itemize its findings as to the various factors set forth in FC § 4058. It should be enough for the court to state in its written order that it DID impute income.</p>	<p>The committee appreciates the comment, but disagrees with the suggested change. The use of the word “may” covers both the scenario where the child support amount in the proposed judgment is based on actual income and the scenario where the proposed support amount is based on earning capacity, and sufficiently places the respondent on notice that the proposed judgment could become a legally binding judgment if a response is not filed within 30 days. The word “may” in this form is also consistent with the language used in the notice box on <i>Summons (UIFSA)</i> (form FL-510), which is served with FL-530 in a UIFSA action to establish parental obligations.</p> <p>The committee appreciates this comment, but does not agree with the suggestion to remove items 3a and 3b from the form. The committee recognizes that a court is not required to make written findings regarding the factors it considers to determine earning capacity. However, the committee believes including an item in the judgment and order forms that allows the court to at least reference the factors that the court found relevant to the earning capacity determination would increase transparency in earning capacity cases and allow parties to better understand the order. It would also assist other judicial officers in determining whether a change of</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Judgment Regarding Parental Obligations (UIFSA) (FL-530)		
Commenter	Comment	
	<p>¶6(b)(4) Should clarify whether it applies to an order WITHIN the LIA range, or only to an order OUTSIDE the LIA range. The language “the low-income adjustment has been rebutted” is imprecise. The prior language, “The low-income adjustment does not apply because” was clearer. The problem is that it is not the LIA that “has been rebutted”; it is the PRESUMPTION that the low end of the LIA is the proper CS amount that has been rebutted. But this more precise terminology would just be confusing. I urge retaining the former language.</p> <p>¶6(f) – THANK YOU FOR FILLING IN THE SDU ADDRESS. This change has been long needed.</p>	<p>circumstance has occurred related to a parent’s earning capacity in the event that a motion to modify support is subsequently brought by a party. The current form gives the court the option of attaching form FL-302 for detailed findings or simply specifying which factors were considered on form FL-530 itself, allowing the court the discretion to decide the level of detail necessary on a case-by-case basis.</p> <p>The committee does not agree with the suggestion that the current low-income adjustment language on FL-530 be retained. The committee is recommending changing the language to make clear that reasons for not applying the low-income adjustment need only be specified when the low-income adjustment threshold has initially been met, and not in all cases where the low-income adjustment has not been applied. However, the committee does agree that further clarification is needed to make clear that it is the low end of the low-income adjustment range that is being rebutted. The committee has incorporated such language into the recommended revisions.</p> <p>No response required.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 1</p> <p><input type="checkbox"/> For the first text box, please place the first comma in the third sentence before the word “and” rather than after it. Please place the following in bold type: “If you disagree with the proposed Judgment, you must file the attached Answer ... within 30 days of the date that you were served with this Complaint.” Please replace the verbiage “statement of rights and responsibilities” with “Notice to the Person Served.”</p> <p><input type="checkbox"/> In the box with the heading “Notice to person served: You are served,” please remove the word “defendant” from item 1.</p> <p>Proposed Changes on Page 2</p> <p><input type="checkbox"/> In item 3.a., please revise the paragraph to state as follows: “A voluntary declaration of parentage or paternity that has not been cancelled and was signed by both parents has been:</p> <ul style="list-style-type: none"> <input type="checkbox"/> forwarded to the California State Department of Child Support Services, for the following children (specify): <input type="checkbox"/> [checkbox] filed in another state (specify state:), for the following children (specify):“ <input type="checkbox"/> Comment: A properly filed voluntary declaration of 	<p>The committee disagrees with the punctuation change. The committee also disagrees with the suggestion to change the reference to the “Statement of Rights and Responsibilities” to “Notice to Person Served.” The reference to the “Statement of Rights and Responsibilities” is to a specific portion of form FL-600, so changing the language will lead to confusion. However, the committee does agree that the fourth sentence should be bold in its entirety and has incorporated the change into the revisions for recommended approval.</p> <p>The committee agrees with the suggested change to avoid confusion in situations where a supplemental complaint is filed against the other parent/party and a new summons issued. (Code Civ. Proc., § 464, Fam. Code, §§ 2330.1, 17428.) The change has been incorporated into the revisions that are being recommended for approval.</p> <p>The committee does not recommend the suggested changes to item 3a related to voluntary declarations of parentage or paternity at this time. Because no change was proposed to this item in the invitation to comment, the committee believes public comment should be sought to ensure the suggested language and format are sufficient before the suggested changes are considered for adoption. The committee may consider this suggestion in a future rules cycle as time and resources allow.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p>parentage (“VDOP”) is the equivalent of a judgment of parentage. The Department notes, however, that in a case with multiple children, a VDOP may have been filed for one child in California, but for other child(ren) in another state. The first checkbox allows for specificity in terms of what child or children’s parentage judgment is covered by a VDOP validly filed in California. Secondly, the issue of parentage may not be pled if California obtains a valid VDOP from another state. This second checkbox allows for specificity in the event of this development. Both additions propose allowance for sufficient space so that the names of the children can be mentioned.</p> <p>Proposed Changes on Page 3</p> <ul style="list-style-type: none"> <input type="checkbox"/> Please revise item 5 to state “The local child support agency has taken the following steps to establish actual income prior to considering earning capacity: <ul style="list-style-type: none"> <input type="checkbox"/> Attempted to contact the parent ordered to pay support through telephonic, electronic, and postal means, to the extent contact information was known and could be discovered through reasonably available means. At least three attempts to contact the parent ordered to pay support have been made. <input type="checkbox"/> Sought information about the parent ordered to pay support’s expenses and work history from the parent ordered to receive support. <input type="checkbox"/> Searched available databases for information related to the parent’s ordered to pay support’s employment, income, or both. <input type="checkbox"/> Other (specify): <input type="checkbox"/> Please renumber current item 5 and subsequent items. 	<p>The committee agrees with the suggested change. New Family Code section 17400(d)(2)(A)(iii) requires the local child support agency set forth in the complaint the steps first taken to establish the support obligor’s actual income prior to considering earning capacity. Adding the suggested language to the Summons and Complaint will provide a means for the local child support agency to meet its obligation to include the mandated information in the complaint and assure the parties and the court that the requirement was met. The suggested language has been incorporated into the revisions being recommended for approval, with some alterations to ensure consistency with other provisions in this form.</p> <p>The committee agrees with the suggested change and has incorporated it into the revisions being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p><input type="checkbox"/> Please revise item 7.b.(1) to state: “The obligor’s earning capacity is greater than the obligor’s known actual income of \$.”</p> <p><input type="checkbox"/> Please revise item 7.b.(3) so that the current language is replaced with the following: “The obligor’s earning capacity was determined based on consideration of all of the factors below. The local child support agency has known information about the following factors (check all that apply):”</p> <p><input type="checkbox"/> In item 7.b.(3)(f), please replace “incarceration” with “criminal record.” The Department believes that the former term may not cover all relevant information which is contemplated by the federal regulations and the statute. Both the federal regulations and the Family Code § 4058 use the terminology “criminal record.”</p> <p><input type="checkbox"/> In item 7.d.(2), please change the existing verbiage to “uninsured healthcare (specify):”</p>	<p>The committee does not agree with the suggested change. The critical information in this item (now renumbered as item 8b in the recommendation) is the amount of support being requested and the alleged earning capacity of the obligor. The obligor will be aware of their actual income, and therefore have the ability to determine how to respond to the allegation without the amount of known actual income being stated in item 8b(1). Additionally, new Family Code section 17400(d)(2)(D) requires that the local child support agency file a motion for judgment if the proposed judgment is based on the support obligor's earning capacity; therefore, the information regarding known actual income can be provided to the court at the required hearing, even if the obligor fails to file an answer.</p> <p>The committee agrees with the suggested language and has incorporated it into the revisions being recommended for approval.</p> <p>The committee agrees with the suggestion and has incorporated it into the revisions being recommended for approval.</p> <p>The committee agrees with the suggestion to add the word “uninsured” before “health care.” However, the</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p>committee does not agree with the suggestion to add a hyphen between the words “health care.” Family Code sections 4062 and 4063 use “health care” without a hyphen. The committee is recommending that FL-600 and the other forms being recommended for approval mirror the use of the verbiage “health care” in Family Code sections 4062 and 4063.</p> <p>Proposed Changes on Page 4</p> <p><input type="checkbox"/> For the last Notice box, please change “Statement of Rights and Responsibilities” to “Notice to the Person Served.” There are two instances within the Summons and Complaint where this change will also be made so that the phrase “Notice to the Person Served” is consistent throughout.</p> <p>Proposed Changes on Pages 5, 6, and 7</p> <p><input type="checkbox"/> Please see the attached recommended changes to simplify and revise the notice language starting with “Statement of Rights and Responsibilities” from a behavioral economics perspective.</p>	<p>The committee disagrees with the suggestion that “Statement of Rights and Responsibilities” be changed to “Notice to the Person Served.” See response to comment on proposed changes to pages 5, 6, and 7, below.</p> <p>The committee does not agree with the suggested changes. The commenter is suggesting numerous changes to the Statement of Rights and Responsibilities, including a title change, that were not contemplated in the Invitation to Comment (see * in General Comment section of chart for this commenter). Because the suggestion changes are outside the scope of the invitation to comment and would entail a substantive change to the Statement of Rights and Responsibilities, the committee believes public comment should be sought before the suggested changes are considered for adoption. The committee may consider this suggestion in a future rules cycle as time and resources allow.</p>
Child Support Directors Association by Shauna Day	<ul style="list-style-type: none"> • Page 1, first paragraph, 3rd sentence Delete comma after “and” and put the comma before the “and” instead 	The committee disagrees with the suggested punctuation change and the suggestion that “for these children” be removed. The committee does agree, however, that the

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
Executive Director	<p>Delete bolding on the word Judgment</p> <p>Delete “for these children”</p> <p>The Committee requests this sentence read: 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.</p> <p>Reason: The first change corrects the punctuation error. The second change deletes a bold that is not necessary. The third change deletes a prepositional phrase which is not necessary since child is already referenced in the sentence.</p> <ul style="list-style-type: none"> • Page 1, 1st paragraph, 5th sentence <p>Replace references to Answer to “the” Answer instead of “an” Answer</p> <p>The Committee requests this sentence read:</p> <p>If the amount of child support in the proposed Judgment is based on actual income and you do not file the Answer, the proposed Judgment will become the final determination that you are the parent and responsible for support.</p> <p>Reason: Using the word “the” refers to the specific legal form and not a general answer.</p> <ul style="list-style-type: none"> • Page 1, 1st paragraph, 6th sentence <p>Delete bolding</p>	<p>bold font for the word “Judgment” in the third sentence is unnecessary and should be removed. The suggested change has been incorporated into the revisions being recommended for approval.</p> <p>The committee agrees to the suggested change for consistency throughout the forms. The language has been incorporated into the revisions being recommended for approval.</p> <p>The committee disagrees with the suggested change. It is important to emphasize that an answer must be filed</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p>Reason: No emphasis needed here. There is too much bolding in the paragraph. The emphasis should focus on you must file the attached Answer (form FL-610) with the court clerk within 30 days of the date that you were served with this Complaint.</p> <p>• Page 1, 1st paragraph, 7th sentence Delete bolding</p> <p>Replace “an answer” with “the Answer” and capitalize Answer to read:</p> <p>If you do not file the Answer or appear at the hearing, the court will enter a judgment without your input.</p> <p>Reason: Using the word “the” refers to the specific legal form and not a general answer. No emphasis is needed here. There is too much bolding in the paragraph. The emphasis should focus on you must file the attached Answer (form FL-610) with the court clerk within 30 days of the date that you were served with this Complaint.</p> <p>• Page 1, 1st paragraph, 8th sentence Delete bolding</p> <p>Reason: No emphasis needed here. There is too much bolding</p>	<p>within 30 days of the date the complaint was served. However, the respondent must also be made aware that there is a difference in the default procedure where the proposed judgment is based on earning capacity rather than actual income. Although highlighting both points results in six lines of the content in the information box being in bold, the committee has determined that the information is too important to risk a respondent overlooking it amongst the remainder of the text. The fact that the bold text appears in the middle of the information box helps to further distinguish it.</p> <p>The committee disagrees with the suggestion that the bold font should be removed from the 7th sentence in the first box on page 1. See response immediately above. The committee does agree, however, with the suggestion that the phrase “an answer” should be changed to “the Answer.” This change has been incorporated into the revisions being recommended for approval.</p> <p>The committee agrees with the suggested change to delete the bold font from the eighth sentence in the first box on page 1. The change has been incorporated into the revisions that are being recommended for approval.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p>in the paragraph. The emphasis should focus on you must file the attached Answer (form FL-610) with the court clerk within 30 days of the date that you were served with this Complaint.</p> <ul style="list-style-type: none"> • Page 1, 1st paragraph, last sentence Change statement of your rights and responsibilities to Notice of Rights and Responsibilities Regarding Child Support (FL-192) <p>Delete bolding</p> <p>The Committee requests this sentence read: See the Statement of Rights and Responsibilities section of this form.</p> <p>Reason: This references the exact form for clarity. No emphasis is needed here. There is too much bolding in the paragraph. The emphasis should focus on you must file the attached Answer (form FL-610) with the court clerk within 30 days of the date that you were served with this Complaint.</p> <ul style="list-style-type: none"> • Page 1, Spanish Section When translating into Spanish, the wording should mirror the English version, including the form numbers (i.e. form FL-610) • Page 1, Bottom Section, item 1. Delete defendant/respondent to read: <p>1. <input type="checkbox"/> as an individual.</p> <p>Reason: The Summons and Complaint is directed to an individual person. Deleting “defendant/respondent” will allow the local child support agency to file a Supplemental Summons</p>	<p>The committee disagrees with this suggestion. The intent of the last sentence is to refer the reader to the “Statement of Rights and Responsibilities” starting on page 5 of form FL-600, not to the separate form <i>Notice of Rights and Responsibilities Regarding Child Support</i> (FL-192). However, the committee does agree that the last sentence should be corrected to clarify that the Statement of Rights and Responsibilities is part of this form and not an attachment to it. The committee also agrees with the suggestion to delete the bold font from the last sentence in the first box. These changes have been incorporated into the revisions that are being recommended for approval.</p> <p>The committee appreciates this comment. The text in the second box on page 1 has been translated into Spanish so that it mirrors the English text in the first box.</p> <p>The committee agrees with the suggested change to avoid confusion in situations where a supplemental complaint is filed against the other parent/party and a new summons issued. (Code Civ. Proc., § 464; Fam. Code, §§ 2330.1, 17428.) The change has been incorporated into the revisions that are being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p>&Complaint against the other parent in the same legal action/docket when there is a role reversal and another child must be added. Filing in the same docket allows for judicial efficiency and economy and allows the parties to have one action.</p> <ul style="list-style-type: none"> • Page 2, item 3.a. Change to allow for a checkbox to reflect if the voluntary declaration was forwarded to the California Department of Child Support Services or filed in another state. <p>The Committee requests this section read:</p> <p>a. <input type="checkbox"/> A voluntary declaration of parentage or paternity that has been canceled and was signed by both parents has been <input type="checkbox"/> forwarded to the California Department of Child Support Services <input type="checkbox"/> filed in another state (specify state: _____) for the following children(specify):</p> <p>Reason: This allows the S&C to be inclusive of parentage declarations parties may have filed in other states and aligns with the law that gives full faith and credit to parentage judgments from other jurisdictions.</p> <ul style="list-style-type: none"> • Page 3, item 7.b.(1) Add a space to include the amount of the actual income to read: <p>(1) <input type="checkbox"/> The obligor’s earning capacity is greater than the obligor’s known actual income of \$ per month.</p> <p>Reason: The provides consistency with the other items in item 7.</p>	<p>The committee does not recommend the suggested changes to item 3a related to voluntary declarations of parentage or paternity at this time. Because no change was proposed to this item in the invitation to comment, the committee believes public comment should be sought before the suggested language and format are considered for approval. The committee may consider this suggestion in a future rules cycle as time and resources allow.</p> <p>The Committee disagrees with the suggested change. The critical information in this item (now numbered item 8) is the amount of support being requested and the alleged earning capacity of the obligor. The obligor will be aware of their actual income, and therefore have the ability to determine how to respond to the allegation without the amount of known actual income being stated in item 8b(1). Additionally, new Family Code section</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p>17400(d)(2)(D), requires that the local child support agency file a motion for judgment if the proposed judgment is based on the support obligor's earning capacity; therefore, the information regarding actual income can be provided to the court at the required hearing, even if the obligor fails to file an answer.</p> <p>The committee disagrees with the suggested change. The current language (now in item 8) complies with the Judicial Council's format requirements.</p> <p>The committee agrees with the suggested language (now for item 8) and has incorporated it into the revisions being recommended for approval.</p> <p>The committee agrees with the suggested change to reorder the listed factors for earning capacity. The committee recommends reordering the listed factors so they are presented in the same order as they appear in Earning Capacity Factors Attachment (form FL-302). The committee also agrees with the suggestion that "incarceration" should be changed to "criminal record." These changes will make item 8b(3) easier for self-represented litigants to understand and reference when form FL-302 is utilized. The changes have been</p>	
	<ul style="list-style-type: none"> • Page 3, items 7.b.(1) and (2) The Committee requests the word "the" be capitalized to "The" obligor's... • Page 3, item 7.b.(3) The Committee requests this sentence changed to: The obligor's earning capacity was determined after considering all of the factors below. There is known information about the following factors (check all that apply): Reason: The code states that all of the factors must be considered when using earning capacity. This clarifies which factors information was known/located. • Page 3, item 7.b.(3) The factors are entered in a random manner. Recommend the order of the factors mirror the code. Also, "Incarceration" should be replaced by "Criminal record to read": <ul style="list-style-type: none"> a. Assets b. Residence c. Employment and earnings history d. Job skills e. Educational attainment 	

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p>f. Literacy g. Age h. Health i. Criminal record j. Other employment barriers k. Record of seeking work l. Local job market m. Availability of employers willing to hire n. Prevailing earnings levels in the local community o. Other relevant background factors Reason: Criminal record is the exact language used in the code. This change provides consistency with the code.</p> <p>• Page 3, item 7.d.(2) Change “health care” to “uninsured health-care” Reason: Pursuant to the code, the parties share uninsured health-care expenses.</p> <p>• Page 4, item 11 – No change needed Agree with not hardcoding the State Disbursement Unit address.</p> <p>• Page 4, bottom of page, NOTICE section, 3rd bullet Change the language “attached to this document” and make the two sentences into one sentence to read: Please carefully read the Statement of Rights and Responsibilities on the next page.</p>	<p>incorporated into the revisions being recommended for approval.</p> <p>The committee agrees with the suggestion to add the word “uninsured” before “health care.” However, the committee disagrees with the suggestion to add a hyphen between the words “health care.” Family Code sections 4062 and 4063 use “health care” without a hyphen. The committee is recommending that FL-600 and the other forms being recommended for approval mirror the verbiage in sections 4062 and 4063.</p> <p>No response required.</p> <p>The committee agrees with the suggested change as it will result in a more accurate statement regarding the location of the Statement of Rights and Responsibilities. The suggested change has been incorporated into the revisions being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p>Reason: The Statement of Rights and Responsibilities is not an attachment.</p> <ul style="list-style-type: none"> • Page 5: First box under Statement of Rights and Responsibilities Remove “to the respondent” after NOTICE and just include NOTICE <p>The Committee requests this section read: NOTICE: The proposed <i>Judgment Regarding Parental Obligations</i></p> <p>Reason: This change provides consistency of who the communication is being directed to.</p> <ul style="list-style-type: none"> • Page 6, Header Change “Notice to Both Parents” to “NOTICE TO OBLIGOR” <p>Reason: The information in this section is directed to the obligor not the obligee. The complaint is served upon and directed to the obligor.</p> <ul style="list-style-type: none"> • Page 6, 1st column, 1st paragraph, 1st sentence Change “both of you” to “you” Change “parents” to “parent” Change “if one or both of you” to “you” <p>The Committee requests this sentence read: The local child support agency has sued you to determine if</p>	<p>The committee agrees with the suggested change to avoid confusion about who the notice is addressed to in situations where a supplemental complaint is filed against the other parent/party. (Code Civ. Proc., § 464, Fam. Code, §§ 2330.1, 17428.) The change has been incorporated into the revisions that are being recommended for approval.</p> <p>The committee does not recommend the suggested change at this time. The notice on the current form has been addressed to both parents for several years. Because the suggested change is outside the scope of the revisions proposed in the invitation to comment and raise an important substantive issue, the committee believes public comment should be sought before the suggestion is considered for adoption. The committee may consider this suggestion in a future rules cycle as time and resources allow.</p> <p>The committee does not recommend the suggested change at this time. See response immediately above.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p>you are the parent of the child(ren) listed and if you should be ordered to pay support.</p> <ul style="list-style-type: none"> • Page 6, 2nd column, 2nd section Going to Court, 3rd and 4th sentences Change all the references to “respondent” to “you” <p>The Committee requests these sentences read: Genetic testing may be performed if you question parentage of the child(ren) listed in the Complaint. If you refuse to cooperate in the genetic testing process, the issue of parentage may be resolved against you. You may be asked to pay the costs of genetic testing.</p> <p>Reason: Paragraph refers to both “you” and “Respondent” which is confusing. The document is communicating to the person served. This document currently refers to “you” in most instances.</p> <ul style="list-style-type: none"> • Page 6, 2nd column, 3rd section Earnings Assignment, 1st paragraph, 2nd sentence Change local child support agency to State Disbursement Unit to read: <p>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 State Disbursement Unit.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 6. Parties should not send payments to the local child support agency directly.</p>	<p>The committee does not recommend the suggested changes. The text in question provides a statement of law that is applicable to both the respondent and the other parent. In response to a suggestion made by another commenter, the committee has recommended a change in the language to clarify this fact.</p> <p>The committee agrees with the suggestion to avoid confusion regarding where supports payments made by earnings assignment are sent and to provide consistency with language used on other forms. The suggested language has been incorporated into the revisions being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<ul style="list-style-type: none"> • Page 6, 2nd column, 3rd section Earnings Assignment, 3rd paragraph Change “obligor” to “you” Correct spelling of “Judgement” to “Judgment” Change “obligor’s earning capacity” to “your earning capacity” Change Family Code section 4058(b)(2) to item 7b of the Complaint. <p>The Committee requests this paragraph read: If the local child support agency does not know how much money you earn, the local child support agency will base the child support amount stated in item 6b of the proposed Judgment Regarding Parental Obligations (form FL-630) on your earning capacity after review of the factors stated in item 7b of the <i>Complaint</i>.</p> <p>Reason: This will make the language consistent with the rest of the document and refer the person to the Complaint instead of the statute for ease and clarity.</p> <ul style="list-style-type: none"> • Page 7, 1st Column, 2nd paragraph, 2nd sentence Change “has requested or is receiving services from the local child support agency” to “is named in the Summons and Complaint” to read: <p>If the other parent is named in the <i>Summons and Complaint</i>, 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.</p> <p>Reason: This will directly reference the complaint which provides clarity for the parties.</p> <ul style="list-style-type: none"> • Page 7, 1st Column, 3rd paragraph, last sentence 	<p>The committee appreciates the comment and agrees with the suggestion to correct the spelling of “judgment” and to change the reference to “Family Code section 4058(b)(2)” to [now] “item 8.b of the Complaint.” The changes have been incorporated into the revisions being recommended for approval. The committee disagrees, however, with the suggestion to change the word “obligor” to “you” in the last paragraph on page 6 (second column). Use of the word “obligor is preferable in this paragraph because it is providing a general statement regarding what the local child support agency will base child support on if it does not know how much an obligor earns. The word “obligor” has also been defined in this paragraph as the “parent asked to pay support” to ensure the term is understandable to the parties.</p> <p>The committee disagrees with the suggested language. The current language is preferable because it reflects the wording used in Family Code section 17404(e).</p> <p>The committee agrees with the suggestion to replace to</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p>Change “local child support agency” to “State Disbursement Unit”</p> <p>The Committee requests this sentence read: “..., the parent may then file the enforcement action as long as all support is paid through the State Disbursement Unit.”</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 6.</p>	<p>the reference to the “local child support agency” with “California State Disbursement Unit.” The change is necessary to avoid confusion regarding where support payments should be sent and has been incorporated, with minor alteration, into the revisions being recommended for approval.</p>
<p>Comm. Angela Villegas Superior Court of Los Angeles County</p>	<p>¶7(b) This form omits space for the kind of detail for which blank spaces are left on the form previously discussed, FL-302. LCSAs should have to include detail in PLEADING earning capacity. The court should not be expected to include detail in ORDERING income based on earning capacity, as previously stated. In an appropriate case in which detailed findings and explanation are needed, courts should be trusted to prepare them without the need of a form.</p> <p>But LCSAs should be required to identify what facts form the basis for a request for earning capacity imputation as to each factor. It does neither the court nor the parties a shred of good simply for categorical boxes to be checked. For example, if an LCSA is relying on “assets” as the basis for requesting an earning capacity order, presumably it knows and can plead which “assets” are the foundation for this request.</p> <p>If the “assets” are of a type ordinarily associated with income (e.g., an apartment building, or even a single-family home, auto(s), etc.), then pleading of such facts (as opposed to simply checking the “assets” box) will help the court in assessing the validity of the earning capacity request, and in knowing how to focus the required individualized inquiry. If, by contrast (and further example), the “assets” are NOT of a type ordinarily associated with income (e.g., a 1999 Ford Taurus, registered</p>	<p>The committee does not recommend adding the suggested change to <i>Summons and Complaint or Supplemental Complaint Regarding Parental Obligations</i> (form FL-600). New Family Code section 17400(d)(2)(B) requires that the complaint inform the support obligor of the basis for the proposed support amount and, if the basis of the proposed support amount is the support obligor’s earning capacity rather than actual income, the complaint must inform the obligor of the factors considered by the local child support agency and used to determine the obligor’s earning capacity. The current checklist format allows local child support agencies to indicate the factors that form the basis of its earning capacity determination and, therefore, meets the statute’s requirements. Moreover, the complaint must be accompanied by a proposed judgment (Fam. Code, § 17400(d)(2)(C)) and the <i>Summons and Complaint</i> currently directs the reader to the proposed judgment for details related to the requested support amount. The revisions to <i>Judgment Regarding Parental Obligations</i> (form FL-630) include an item for providing detail regarding the factors used to determine earning capacity by either attaching Earning Capacity Factors Attachment</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (FL-600)		
Commenter	Comment	
	<p>under a certificate of non-working status), then here too the court will be better able to direct its inquiry and/or assess the validity of the earning capacity request as a matter of both pleading and proof.</p> <p>For these reasons, earning capacity pleading that goes beyond simply checking boxes will greatly assist the court in evaluating the earning capacity request. Beyond this, knowing some actual facts about the information forming the basis for an earning capacity request will also assist parties in preparing to respond to such requests.</p> <p>“Notice to Both Parents” p 6 of 7: “Going to Court”--- The proposed language states, “If the respondent refuses to cooperate in the genetic testing process, the issue of parentage may be resolved against the respondent.” While this is a correct statement of law as far as it goes, it suggests, or even implies, that the “other parent/party” can refuse to cooperate in genetic testing without any adverse consequence. Family Code section 7551, subdivision (d)(1), expressly applies to ANY PARTY who “refuses to submit to genetic testing.” Family Code section 7558, subdivision (e), likewise does not limit itself to a “respondent” who refuses to cooperate in genetic testing. It is not uncommon, in cases where the respondent is alleged to be father, for the child’s mother (typically named as the other parent/party) to refuse to produce the child for genetic testing. In such instances, a negative inference about parentage can be drawn from this, just as an adverse inference can be drawn from the respondent’s refusal to cooperate. The form should simply make clear in a neutral fashion that failure to cooperate in genetic testing can result in a parentage determination adverse to that person.</p>	<p>form FL-302 to the proposed judgment or specifying the information on form FL-630 itself, so the information suggested by the comment will be available to both the parties and court in the pleadings as recommended.</p> <p>The committee agrees with the suggested change. The notice on page 6 is addressed to both parents, so that the form should make clear that if either the respondent or other parent/party fails to cooperate in genetic testing, the issue may be resolved against that person. (Fam. Code, §§ 7551(d), 7558(e).) The suggestion has been incorporated into the revisions recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (FL-610)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 1</p> <p><input type="checkbox"/> Please add “or through the court’s e-filing system,” before the phrase “and serve a copy on the local child support agency” in the first section.</p> <p>Proposed Changes on Page 3</p> <p><input type="checkbox"/> In paragraph 1.b.: The Department would like to make it clear that a request to set aside a Voluntary Declaration of Parentage must be filed with the court. The concern stems from the fact that the phrase “local child support agency” is mentioned twice within the first paragraph. The Department would like to avoid any confusion over where a motion to set aside must be filed. To alleviate this, please add “with the court” after “(form FL-280)” in the second sentence of the paragraph which begins with “NOTE:.” Please also change “request” in the last sentence of that same paragraph to “Request.” Finally, please change “can be done” to “may be considered.”</p> <p><input type="checkbox"/> Please delete “a” before the phrase “penalty of perjury” in the sentence which begins with “You must date the Answer form.” This is in the paragraph which immediately follows item 6.</p>	<p>The committee does not recommend the suggested change because not all courts offer e-filing, so including this language may cause confusion. However, the committee agrees that language about the possibility of filing the answer electronically would be helpful to self-represented litigants and is recommending such language be added to the information sheet on page 3 of the form.</p> <p>The committee agrees with the suggestion and has incorporated the suggested language, with minor alteration, into the revisions being recommended for approval.</p> <p>The committee agrees with the suggestion and has incorporated the suggested change into the revisions being recommended for approval.</p>
<p>Child Support Directors Association by Shauna Day</p>	<ul style="list-style-type: none"> • Page 1, 1st paragraph - under the caption/above 1. 2nd sentence Add “or through the court’s e-filing system” 	<p>The committee does not recommend making the suggested changes. Not all courts offer e-filing for this case type, so including this language may cause</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (FL-610)		
Commenter	Comment	
Executive Director	<p>Add new sentence: “You must also serve a copy on the local child support agency</p> <p>The Committee requests this sentence read: File the original Answer with the court clerk at the address for the superior court above or through the court’s efilng system. You must also serve a copy on the local child support agency.</p> <p>Reason: Many superior courts have efilng available to parties. Breaking the sentence down into two sentences provides greater clarity</p> <ul style="list-style-type: none"> • Page 1, item 1.a. is missing a box, to read: 1. PARENTAGE a. <input type="checkbox"/> I am the parent of the following children ... • Page 1, item 1.b. is missing a box, to read: b. <input type="checkbox"/> I request genetic testing to determine... <p><i>Information Sheet: Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (form FL-610)</i></p> <ul style="list-style-type: none"> • Page 3, item 1.b., 2nd paragraph, 2nd sentence Add “with the court” to read: 	<p>confusion. However, the committee agrees that providing information about the possibility of filing the Answer electronically would be helpful to self-represented litigants and is recommending such language be added to the information sheet on page 3 of the form. The committee also disagrees with the suggestion to add a new sentence informing the form user that a copy of the Answer must be served on the local child support agency. This instruction is currently provided in the information box and again in the information sheet on page 3 of the form.</p> <p>The committee does not agree with the suggestion that a checkbox be added before the heading “Parentage.” The checkbox is unnecessary because the respondent must complete item 1a, listing all children named in the complaint and either agree or disagree with the statement “I am the parent of the following children” by checking “yes” or “no” for each child listed.</p> <p>The committee agrees with this suggestion as a person may wish to rely on a different legal theory for denying parentage and not want to request genetic testing. The change has been incorporated into the revisions being recommended for approval.</p> <p>The committee agrees with the suggestion and has incorporated the suggested language into the revisions</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (FL-610)		
Commenter	Comment	
	<p>To make this request, you must file a <i>Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity</i> (form FL-280) with the court.</p> <p>Reason: The additional language provides clarity to the parties that the document must be filed with the court.</p> <ul style="list-style-type: none"> • Page 3, item 1.b., 2nd paragraph, 3rd sentence Identify the specific form “Request (FL-280)” Replace “can be done” with “may be considered” <p>The Committee requests this sentence read: If you signed a voluntary declaration of parentage or paternity for child listed in the <i>Summons and Complaint</i>, you will need to file the <i>Request</i> (FL-280) before genetic testing may be considered.</p> <p>Reason: The court must decide whether or not to grant genetic testing. It is not automatic that genetic testing can be done.</p> <ul style="list-style-type: none"> • Page 3, item 2.a. Delete “that you received” to read: <p>Check this box if you agree to pay the support asked for in the proposed <i>Judgment Regarding Parental Obligations</i> (form FL-630).</p> <p>Reason: The additional words are not necessary.</p> <ul style="list-style-type: none"> • Page 3, item 2.b. Delete “You should” and start sentence with “Check” to read: 	<p>being recommended for approval.</p> <p>The committee agrees with the suggestion and has incorporated the suggested language, with minor alteration, into the revisions being recommended for approval.</p> <p>The committee disagrees with the suggested change. The words “that you received” at the end of the sentence does not make the sentence confusing or take away from the text.</p> <p>The committee disagrees with the suggested change. Having the words “You should” at the beginning of the sentence helps differentiate the sentence from the item</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (FL-610)		
Commenter	Comment	
	<p>Check this box if you do not agree to pay the support asked for in the proposed <i>Judgment Regarding Parental Obligations</i> (form FL-630).</p> <p>Reason: This provides consistency with the prior sentence/section.</p> <ul style="list-style-type: none"> • Page 3, item 3.b. Delete “You should” and start sentence with “Check” to read: <p>Check this box if you do not agree to pay the requested amount of childcare or do not agree with how the childcare costs are to be divided.</p> <p>Reason: This provides consistency with the prior sentence/section.</p> <ul style="list-style-type: none"> • Page 3, item 4.b. Delete “You should” and start sentence with “Check” Add “s” to health-care costs to read: <p>Check this box if you do not agree to pay the requested amount of health-care costs or do not agree with how the costs are to be divided.</p> <ul style="list-style-type: none"> • Page 3, item 5., 1st sentence Add hyphen “-” to healthcare costs to read: <p>If you agree to pay the support, childcare costs, and uninsured health-care costs asked for in the proposed Judgment Regarding Parental Obligations (form FL-630),</p> <p>Reason: This change is for consistency with how health-care is</p>	<p>immediately preceding it.</p> <p>See response immediately above.</p> <p>See response above for item 2b.</p> <p>The committee does not recommend the suggested changes. However, for consistency, the committee is recommending that the words “healthcare” and “health-care” be changed to “health care” throughout the forms in this proposal. This change will allow the forms to mirror the text used in Family Code sections 4062 and 4063.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (FL-610)		
Commenter	Comment	
	<p>written in all of the other times on the form.</p> <ul style="list-style-type: none"> • Page 3, 2nd to last sentence Delete the word “a” to read: <p>You must date the <i>Answer</i> form, print your name, and sign the form under penalty of perjury.</p> <p>Reason: The form should correctly state penalty of perjury as there is not an “a penalty of perjury”.</p>	<p>The committee agrees with the suggestion and has incorporated the suggested change into the revisions being recommended for approval.</p>
<p>Comm. Angela Villegas Superior Court of Los Angeles County</p>	<p>No comment.</p>	<p>No response required.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Declaration for Amended Proposed Judgment (FL-616)

Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 1</p> <ul style="list-style-type: none"> <input type="checkbox"/> In item 3, please replace the word “new” with “additional.” <ul style="list-style-type: none"> o Comment: The rationale behind this request is twofold. Initially, the word “additional” maintains consistency with Family Code §17430(c). Secondly, the information acquired by the local child support agency may not be considered “new” in that it may have previously existed at the time the Proposed Judgment was filed. However, for whatever reason, its existence remained unknown to the local child support agency until the filing of the Amended Proposed Judgment. This change will allow for such flexibility when the information surfaces. <input type="checkbox"/> In item 3.a., please add “gross” before “monthly income.: <input type="checkbox"/> In item 3.b.(2)(a), please delete the “s” in the word “Earnings.” <input type="checkbox"/> In the footer located in the bottom right hand corner of the page, please add “Family Code §14320(c)” to the sections which are already mentioned. 	<p>The committee agrees with the suggested change in language. The change has been incorporated into the revisions being recommended for approval.</p> <p>The committee agrees with the suggested addition of the word “gross” before “monthly income.” Adding the word “gross” to item 3a will make this item consistent with the language used in item 3b for the respondent's income. The suggestion has been incorporated into the revisions being recommended for approval.</p> <p>The committee agrees with the suggested change and has incorporated it into the revisions that are being recommended for approval.</p> <p>Family Code section 17430 specifically deals with the amendment of complaints in actions filed by the local child support agency for support and, therefore, should be added to the reference section of the footer. This change has been incorporated into the revisions that are being recommended for approval.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Declaration for Amended Proposed Judgment (FL-616)

Commenter	Comment	
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> • Page 1, item 2 Replace “respondent” with “obligor (parent ordered to pay support)” on the 2nd line Replace “respondent” with “obligor” on the 3rd line The Committee requests this section read: ...<i>a Summons and Complaint Regarding Parental Obligations</i> (form FL-600) was filed requesting the obligor (parent ordered to pay support) pay child support based on the California support guideline. The amount of the support requested was based on obligor’s gross monthly... Reason: The reason is provided in the Committee’s General Recommendation 1 • Page 1, item 3 Replace “new” with “additional” The Committee requests this section read: ...the local child support agency has received the following additional information.... Reason: The reason is to allow a broader range of information that may have been available prior to the filing of the Summons and Complaint but was not known or included at the time of filing. • Page 1, item 3. a. Replace “Other Parent’s” with “Obligee’s (person ordered to receive support)” Add the word “gross” before income 	<p>The committee disagrees with the suggested change. The word “obligor” may not be familiar to the general public, including self-represented litigants. The committee believes the use of the word “respondent” is a better option for this form as the identity of the respondent is clearly identified in the caption box at the top of the page. Moreover, no party will be “ordered to pay support” at the point of the proceedings when an amended complaint is sought as no order will have been entered prior to that time, so the use of the designation “parent ordered to pay support” would not be accurate and could cause confusion. See also response to commenters General Recommendation 1 above.</p> <p>The committee agrees with the suggested change in language as replacing the word “new” with “additional” would allow the form to mirror the language of Family Code section 17430(c).</p> <p>The committee disagrees with the suggested change. Referring to the other parent as the “obligee” could create confusion as the term may not be familiar to the general public, including self-represented litigants. The committee believes that “Other Parent” is a better option</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Declaration for Amended Proposed Judgment (FL-616)

Commenter	Comment	
	<p>The Committee requests this section read: Obligee’s (person ordered to receive support) monthly gross income is: \$</p> <p>Reason: The reason for the change from “Other Parent” is provided in the Committee’s General Recommendation 1. The reason for adding the word “gross” is to be consistent within the form with the Obligor’s gross income.</p> <p>• Page 1, item 3. b. Replace “Respondent’s” with “obligor’s”</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <p>• Page 1, item 3. b. (2) (a) Strike the “s” in the word “Earnings”</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 2.</p> <p>• Page 1, footer Add 17430 to the listed code sections</p> <p>Reason: This is a new code section that applies to the FL 630.</p>	<p>for this form as the identity of the other parent is clearly identified in the caption box at the top of the page. Moreover, no orders related to the payment or receipt of support will have been issued at the point of the proceedings when an amended complaint is sought, so the use of the designation “person ordered to receive support” would not be accurate.</p> <p>The committee does agree, however, with the suggested addition of the word “gross” before “monthly income.” This suggestion has been incorporated into the revisions being recommended for approval.</p> <p>The committee does not recommend the suggested change. See response to comment on FL-616, page 1, item 2, on the previous page of this comment chart, above.</p> <p>The committee agrees with the suggested change and has incorporated it into the revisions that are being recommended for approval.</p> <p>The committee agrees with the suggested change. Family Code section 17430 specifically deals with the amendment of complaints in actions filed by the local child support agency for support and, therefore, should be added to the reference section of the footer. The change has been incorporated into the revisions that are being recommended for approval.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Declaration for Amended Proposed Judgment (FL-616)

Commenter	Comment	
	<ul style="list-style-type: none"> • Page 2, item 5. Replace “respondent” with “obligor” Reason: The reason is provided in the Committee’s General Recommendation 1. • Page 2, item 5.a. Replace “respondent” with “obligor” Reason: The reason is provided in the Committee’s General Recommendation 1. • Page 2, under the signature line above item 6 Replace “respondent” with “obligor” Reason: The reason is provided in the Committee’s General Recommendation 1. • Page 2, item 6. Replace “other parent/party” with “obligee” Reason: The reason is provided in the Committee’s General Recommendation 1. • Page 2, item 6.a. Replace “other parent/party” with “obligee” Reason: The reason is provided in the Committee’s General Recommendation 1. • Page 2, under the signature line at the bottom of the page Replace “other parent/party” with “obligee” 	<p>The committee disagrees with the suggested change. See response to comment on FL-616, page 1, item 2, on the previous page of this comment chart, above.</p> <p>The committee does not recommend the suggested change. See response immediately above.</p> <p>The committee does not recommend the suggested change. See response above.</p> <p>The committee does not recommend the suggested change. See response to comment on FL-616, page 1, item 3a, on the previous page of this comment chart, above.</p> <p>The committee does not recommend the suggested change. See response immediately above.</p> <p>The committee does not recommend the suggested change. See response above.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Declaration for Amended Proposed Judgment (FL-616)		
Commenter	Comment	
	Reason: The reason is provided in the Committee's General Recommendation 1.	
Comm. Angela Villegas Superior Court of Los Angeles County	Same comments as regarding FL-600. If earning capacity is to be used, then there need to be detailed factual allegations regarding the grounds.	The committee appreciates the comment. However, the committee does not recommend the suggested changes. The current version of proposed form FL-616 requires the local child support agency provide the factors used to determine the respondent's earning capacity by attaching either <i>Earning Capacity Factors Attachment</i> (form FL-302) or by providing a narrative on the form itself, so the proposed form already provides a means for the local child support agency to provide the detail suggested by the commenter.

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Judgment Regarding Parental Obligations (FL-630)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 1</p> <ul style="list-style-type: none"> <input type="checkbox"/> Please add a new item 3 and move the existing item 3 down as item 4. Renumber the subsequent items as necessary. The new item 3 should have two checkboxes 1) “The parent ordered to pay support has known actual income of \$.” 2) “This order is based on the actual income of the parent ordered to pay support.” <ul style="list-style-type: none"> o Comment: While the majority of cases will involve either solely actual income or solely earning capacity, there may be instances where the judgment is established due to an earning capacity which exceeds the actual income of the person ordered to pay support. With this in mind, the Department opines that there should be an adequate method in which to document the actual income on the form itself while reserving the capability to indicate the earning capacity through checking a box and offering the amount itself. <input type="checkbox"/> Please delete the “s” from Earnings” in the existing item 3.a. <p>Proposed Changes on Page 2</p> <ul style="list-style-type: none"> <input type="checkbox"/> On page 2, paragraph 6.b.(4), first checkbox, add “at the lowest amount of the low-income adjustment range.” Second checkbox, add “the lowest amount of the” before “low-income” and “range” after “adjustment.” <ul style="list-style-type: none"> o Comment: As with form FL-530, this helps to clarify exactly what the low-income adjustment amount is and what support amount will be utilized if the court finds that the adjustment applies. The first checkbox clarifies that a true low-income adjustment now means that the court will apply the amount of support which is shown at the lowest end of the low- 	<p>The committee disagrees with the suggested change. A separate item indicating whether the support order is based on actual income is unnecessary as the support order will be based on actual income unless the box for earning capacity is checked. Nor is it necessary to add an item to indicate the amount of the known income of the parent ordered to pay support as the form allows for the attachment of the computer printout of the guideline calculation that shows the amount and type of income used to calculate child support (wages/salary, self-employment, unemployment compensation, disability, etc.)</p> <p>The committee agrees with the suggested change and has incorporated into it the revisions that are being recommended for approval.</p> <p>The committee agrees with the suggested changes as clarification is needed regarding the presumed applicable amount of the low-income range and the amount that is subject to rebuttal. The committee has incorporated the suggested language, with minor alteration, into the revisions that are being recommended for approval.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Judgment Regarding Parental Obligations (FL-630)		
Commenter	Comment	
	<p>income range. The second checkbox is utilized if a court finds that the lowest end of the range has been rebutted by testimony or evidence such that the lowest number in the range is no longer applicable. In that case, a different number will be ordered by the court.</p> <p>Proposed Changes on Page 3</p> <p><input type="checkbox"/> In both paragraphs 6.c and 6.i.: The phrase “person receiving ordered support” should be changed to “person ordered to receive support.” Doing so will ensure that the terminology will be consistent throughout JCC forms, DCSS forms, and DCSS policy letters as much as possible.</p> <p><input type="checkbox"/> In paragraph 6.g., the address of the State Disbursement Unit (“SDU”) should be removed. Through programming changes, the Department can effectuate an auto-population of the address. This will prevent the future need of changing this form should the address of the SDU itself becomes something different.</p>	<p>The committee agrees with the suggested change and has replaced “person receiving ordered support” with “person ordered to receive support” in the revisions being recommended for approval.</p> <p>The committee disagrees with the suggested change. While the Department can auto-populate the address of the California State Disbursement Unit into the form through programming its system, courts do not have the same ability when they need to create an order or judgment. Having the address preprinted on the form guarantees that it will be there no matter who completes the form and will eliminate the need for judicial officers, or their clerks, to look up the address. In the event the address changes in the future, the forms can be revised.</p>
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> • Page 1, item 1.a. Replace “form FL-610” with “the Answer (FL-610)” Replace “agency’s office” with “agency” Capitalize the A in answer on the last line of the paragraph Replace “in the attached instructions” with “on the information sheet included with that form (FL-610)” <p>1.a. <input type="checkbox"/> NOTICE: THIS IS A <input type="checkbox"/> PROPOSED <input type="checkbox"/> AMENDED PROPOSED JUDGMENT. This <i>Judgment Regarding Parental</i></p>	<p>The committee disagrees with the suggested changes regarding reference to “the Answer.” The language complies with the Judicial Council’s style requirements. The committee agrees, however, with the remaining suggestions. Those changes have been incorporated, with minor alterations, into the revisions recommended for approval.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Judgment Regarding Parental Obligations (FL-630)		
Commenter	Comment	
	<p><i>Obligations</i> may be entered by the court and may become legally binding unless you fill out and file <i>Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)</i> (form FL-610) with the court clerk within 30 days of the date you were served with <i>Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)</i> (form FL-600). If you need the Answer (FL-610), you may get one from the local child support agency, the court clerk, or the family law facilitator. The family law facilitator will help you fill out the forms. To file the answer, follow the procedures listed on the information sheet included with that form (FL-610).</p> <p>Reason: Replacing “form FL-610” with “the Answer (FL-610)” makes it more specific and consistent by stating the proper title and form number for the answer. Replacing “agency’s office” with “agency” makes this consistent with the other places listed to obtain a copy of the form. The proposed language for the end of the paragraph states there is an instruction sheet included with the Answer.</p> <ul style="list-style-type: none"> • Page 1, item 2. c. Replace “parent ordered to pay support” with “obligor (parent ordered to pay support)” <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 1, item 3 Replace entire section with: 	<p>The committee disagrees with the suggested change. The text of item 2c states in plain language that the parent ordered to pay support is the selected party (petitioner, respondent, or other parent/party), who is clearly identified in the caption box at the top of the page. See response to commenter’s General Recommendation 1.</p> <p>The committee agrees that item 3 should be revised to allow the option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate, and the form has been changed to incorporate the necessary language into the revisions</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Judgment Regarding Parental Obligations (FL-630)

Commenter	Comment																					
	<p><input type="checkbox"/> Income –</p> <p>a. The court finds that the parents' income are as specified below.</p> <table border="0" style="margin-left: 40px;"> <tr> <td></td> <td></td> <td align="center">Gross Monthly Income</td> <td align="center">Net Monthly Income</td> <td align="center">Receiving TANF/CALWORKS</td> </tr> <tr> <td>Petitioner:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td align="center">\$</td> <td align="center">\$</td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Respondent:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td align="center">\$</td> <td align="center">\$</td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Other Party:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td align="center">\$</td> <td align="center">\$</td> <td align="center"><input type="checkbox"/></td> </tr> </table> <p>b. If Earning Capacity was found in paragraph 2(a), the factors used to calculate earning capacity under Family Code section 4050(9) are stated: <input type="checkbox"/> in Earning Capacity Factors Attachment (form FL-302) <input type="checkbox"/> as follows (specify):</p> <p>Reason: The reason is provided in the Committee's General Recommendation 4.</p> <ul style="list-style-type: none"> • Page 2, item 6. b. Replace "parent ordered to pay support" with "obligor" <p>Reason: The reason is provided in the Committee's General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, item 6. a. (1) (a) Replace "parent ordered to pay support" with "obligor" <p>Reason: The reason is provided in the Committee's General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, item 6. a. (1) (b) Replace "parent ordered to pay support" with "obligor" <p>Reason: The reason is provided in the Committee's General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, item 6. a. (4) Replace the low-income section with the below: <input type="checkbox"/> Low Income adjustment <input type="checkbox"/> The low-income adjustment applies. 			Gross Monthly Income	Net Monthly Income	Receiving TANF/CALWORKS	Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	<p>that are being recommended for approval. However, the committee does not agree with the suggested format for the change. See response to commenter's General Recommendation 4.</p> <p>The committee does not recommend the suggested change. See response to commenter's General Recommendation 1.</p> <p>The committee does not recommend the suggested change. See response to commenter's General Recommendation 1.</p> <p>The committee does not recommend the suggested change. See response to commenter's General Recommendation 1.</p> <p>The committee agrees with the suggested change that clarification is needed regarding the amount of the low-income range and the amount that is subject to rebuttal. The committee has incorporated the suggested language,</p>
		Gross Monthly Income	Net Monthly Income	Receiving TANF/CALWORKS																		
Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Judgment Regarding Parental Obligations (FL-630)		
Commenter	Comment	
	<p><input type="checkbox"/> The lowest amount of the low-income adjustment has been rebutted and does not apply because (specify reasons):</p> <ul style="list-style-type: none"> • Page 2, item 6. b. (4) Add new section: <p><input type="checkbox"/> After application of the low-income adjustment, guideline support would be greater than 50 percent of the net disposal income of the parent ordered to pay support.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 3 & 5.</p> <ul style="list-style-type: none"> • Page 3, item 6. c. Replace “parent ordered to pay support” with “obligor” Replace “person receiving ordered support” with “obligee (person ordered to receive support)” <p>Reason: The reason is provided in the Committee’s Recommendation 1.</p> <ul style="list-style-type: none"> • Page 3, item 6. d. Replace “parent ordered to pay support” with “obligor” <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 3, item 6. i. 	<p>with minor change, into the revisions that are being recommended for approval. However, the committee is also recommending that the first portion of item 6a(4) regarding application of the low-income adjustment also be revised to make clear that it is the lowest end of the range that presumptively applies.</p> <p>The committee does not agree with the suggested change. See response to commenter’s General Recommendation 3 and 5.</p> <p>The committee does not recommend the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee does not recommend the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee does not recommend the suggested</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Judgment Regarding Parental Obligations (FL-630)		
Commenter	Comment	
	<p>Replace “parent ordered to pay support” with “obligor” Replace “person receiving support” with “obligee” 2 times</p> <p>The Committee requests the paragraph read: In the event that there is a contract between an obligee and a private child support collector the obligor must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector and the obligee, jointly.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <p>• Page 3, item 6. j. Replace “parent ordered to pay support” with “obligor”</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <p>• Page 4, Box for signature Approved as to conforming Replace “parent ordered to pay support” with “obligor” Add second for obligee’s signature</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <p>The reason for adding the 2nd signature box is so that both parents have the option of approving the from as to conforming to the orders made.</p>	<p>change. See response to commenter’s General Recommendation 1.</p> <p>The committee disagrees with the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee does not recommend the suggested changes to the Box for Signature and approval at this time. Regarding the suggestion to replace “parent ordered to pay support” with “obligor,” see response to commenter’s General Recommendation 1.</p> <p>With regard to the suggestion that an approval box be added for the “obligee’s signature,” the committee believes public comment should be sought before the suggested change is recommended for adoption as the other parent/party does not become a party to the action until the support order is entered. (Fam. Code, § 17404(e).) The committee may consider this suggestion</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Judgment Regarding Parental Obligations (FL-630)		
Commenter	Comment	
		in a future rules cycle as time and resources allow.
Comm. Angela Villegas Superior Court of Los Angeles County	Same comments as proposed FL-530 above.	See response to comments on form FL-530, above.

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice Regarding Payment of Support (FL-632)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 1</p> <ul style="list-style-type: none"> □ In item 1.a., insert the following: “The address of the parent ordered to pay support is confidential pursuant to Family Code §17212(b)(1)(A). The address is on record at the local child support agency and may be released only upon an order from the court pursuant to §17212(c)(6).” <ul style="list-style-type: none"> o Comment: Generally speaking, all files, applications, papers, documents, and records which are established or maintained by a public entity pursuant to the administration and implementation of child support enforcement program are confidential under F.C. §17212(b). There is no specific exception which allows for the disclosure of an address. The Department maintains that all child support information is generally confidential regardless of whether the circumstances enumerated under F.C. §17212(b)(2) are present with the only caveat being if there is a specific statutory requirement to disclose the information for purposes of the IV-D program’s administration. □ In item 1.b., remove the checkbox and replace the language that follows the checkbox with the following: “The address of the parent ordered to receive support is confidential pursuant to Family Code §17212(b)(1)(A). The address is on record at the local child support agency, and it may be released only upon an order from the court pursuant to §17212(c)(6).” <ul style="list-style-type: none"> o Comment: As seen above, the Department again maintains that this information is confidential, and no specific statutory authority or exception exists which would require the address’s disclosure. All child support information is generally confidential regardless of whether the circumstances enumerated under F.C. §17212(b)(2) are present with the only caveat being if there is a specific statutory requirement to 	<p>The committee appreciates this suggestion. However, the committee does not recommend the suggested language. While the committee recognizes that files, applications, papers, documents, and records established or maintained by the Department are confidential under Family Code section 17212(b), section 4506.2 explicitly requires that the name and last known address of the party ordered to pay support be included on a substitution of payee to be filed and recorded when a support obligation is being enforced pursuant to Title IV-D of the Social Security Act. (Fam. Code, § 4506.2(c)(3).)</p> <p>The committee agrees with the suggestion to remove the checkbox and language appearing under item 1.b related to the confidentiality of the address of the person receiving ordered support under Family Code section 17212(b)(2). However, the committee does not recommend replacing the language with the verbiage suggested by the DCSS. The address of the person ordered to receive support is crucial to ensure the continued payment of support when the local child support agency is no longer providing services, so there may be situations where the parent is willing to consent to the local child support agency providing their address on the form. To accommodate this possibility, the</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice Regarding Payment of Support (FL-632)		
Commenter	Comment	
	<p>disclose the information for purposes of the IV-D program’s administration.</p> <p><input type="checkbox"/> At the bottom of page 1, regarding “NOTICE TO THE CLERK,” please revise language in accordance with the recommendation regarding item 3.a. (please see below). Specifically, delete “or (3)” and replace 3(a)(4) with 3(a)(3).</p> <p>Proposed Changes on Page 2</p> <p><input type="checkbox"/> In item 3.a., replace checkboxes (2) and (3) with one checkbox that states “support arrears” and renumber checkbox (4) as (3).</p> <p><input type="checkbox"/> Comment: F.C. §4204 does require local child support agencies to file a NRPS upon the commencement of services as well as upon the cessation of those services. However, it does not mandate that local support agencies file additional NRPS notices in between the start and end of IV-D services. In other words, the scope of IV-D services may change throughout the tenure of a case, but this does not require additional NRPS documents from the local support agency. As an example, a person ordered to receive support may close his or her portion of the case with a local child support agency, but enforcement would still continue as to any assigned arrears which are owed on the case. Despite the scope of services changing, there should be no requirement to file a NPRS explaining that enforcement is taking place only as to assigned arrears.</p>	<p>committee believes a better option would be to allow enough fillable space for the local child support agency to enter the verbiage it suggests on the form if it wishes to assert the confidentiality of the address under Family Code section 17212.</p> <p>The committee disagrees with this suggestion. It is unnecessary because the committee has decided not to recommend the changes suggested for item 3.a, below (see next response).</p> <p>The committee disagrees with the suggested change. Although the local child support agency is not mandated to file <i>Notice Regarding Payment of Support</i> (form FL-632) in between the start and end of Title IV-D services, providing the opportunity for local child support agencies to do so when the scope of enforcement services changes would only serve to benefit the parties and the courts as the information would help alleviate confusion regarding to whom support payments should be made and whether matters should be calendared for hearing before a child support commissioner or a judge. Additionally, there are situations where the person receiving ordered support opens a case with the local child support agency for enforcement of current support but does not wish for the local child support agency to collect arrears owed to them. Providing an option for the local child support agency to indicate whether they are enforcing arrears owed to the parent at the time the case is open with the local child support agency, and where payment toward those arrears should be made would also be beneficial to the parties and court, especially if a</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice Regarding Payment of Support (FL-632)		
Commenter	Comment	
	<p><input type="checkbox"/> In item 4.a., the Department recommends removing the State Disbursement Unit (“SDU”) address from the Judicial Council form to allow Child Support Enforcement System to auto-populate the address. This would prevent the need to change the Judicial Council form if the SDU address changes.</p> <p><input type="checkbox"/> In item 4.b., the Department recommends bold typeface for “income withholding payments” to call attention to the requirement to send all income withholding payments to the State Disbursement Unit. In the alternative, “other than income withholding payments” can be added to each line of type of support listed in the table under item 4.b. The Department also recommends replacing “Local Child Support Agency listed in item (2)(a)” with “California State Disbursement Unit at the address provided in item 4.a.”</p> <p>o Comment: The ordering of all payments to the State Disbursement Unit, rather than to the local child support agency in the county providing services, ensures a timely processing of said payments and a prompt distribution to the person ordered to receive support.</p> <p><input type="checkbox"/> The Department also recommends replacing the 3rd and 4th lines indicating the type of support with one line that states: “Arrears payments.” As detailed above, there is no requirement to file a NRPS when the scope of services provided by a local child support agency change.</p>	<p>dispute were to arise regarding arrears at a later time.</p> <p>As discussed for other forms above, the committee does not recommend the suggested change.</p> <p>The committee agrees with these suggestions as they help will provide clarity regarding where payments should be sent when the local child support agency is providing services. The suggested changes have been incorporated, with slight alteration, into the revisions being recommended for approval.</p> <p>The committee disagrees with the suggested change. Providing an option for the local child support agency to indicate where specific types of arrears should be paid, whether at the time the local child support agency's case is opened, closed, or anytime in between if the scope of enforcement services changes, would be useful to both the parties and the court because it would help avoid possible confusion related to where should be made payments.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice Regarding Payment of Support (FL-632)		
Commenter	Comment	
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<p>The Committee recommends continued use of the existing FL-632. Alternatively, the Committee purposes the following changes:</p> <ul style="list-style-type: none"> • Page 1, item 1. a., provide additional space for name and address. • Page 1, item 1.b. Replace “person receiving order support” with “obligee (person ordered to receive support) Remove the protective order language so that it reads: 	<p>The committee disagrees with the suggestion for the continued use of existing <i>Notice Regarding Payment of Support (Governmental)</i> (form FL-632). Although the form currently contains a provision for a local child support agency to indicate that it “is no longer providing services under title IV-D of the Social Security Act,” and thus complies with the recent amendment made to section 4204, the committee recommends proceeding with the proposed changes to FL-632 because there are circumstances where the local child support agency may no longer be enforcing current child support and back support owed to the other parent but still be involved in the case to collect arrears owed for public assistance paid by the county. Additionally, there are situations where the person receiving ordered support opens a case with the local child support agency for enforcement of current support but does not wish for the local child support agency to collect arrears owed to them. These situations can cause confusion for the parties regarding to whom support payments should be made. It can also create confusion for the court in determining whether a matter should be heard by a child support commissioner or other judicial officer. The proposed revisions will help alleviate such confusion.</p> <p>The committee agrees with the suggestion. The suggested change has been incorporated into the revisions being recommended for approval.</p> <p>The committee appreciates the comment. However, the committee does not recommend the suggested change. The text of item 1b states in plain language that the person receiving ordered support is the selected party</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice Regarding Payment of Support (FL-632)		
Commenter	Comment	
	<p>The Committee requests the item read: The obligee (person receiving ordered support) is the: <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other Parent/Party (specify name and address, if parent is payee):</p> <p><input type="checkbox"/> Address is on record at the local child support agency and is confidential pursuant to Family Code 17212(b)(1)(A).</p> <p>Reason: The reason for the first change is provided in the Committee’s General Recommendation 1. The address is confidential regardless of whether or not there is a protective order pursuant to Family Code 17212(b)(1)(A).</p> <p>• Page 1, item 2.a. Remove “name and address”</p> <p>The Committee requests the item read: <input type="checkbox"/> The local child support agency (specify):</p> <p>Reason: The reason is adding a separate address for each local child support agency will add confusion, since all payments</p>	<p>(petitioner, respondent, or other parent/party), who is clearly identified in the caption box at the top of the page. The addition of the word “obligee” would, therefore, be superfluous. See also response to General Recommendation 1.</p> <p>The committee does agree, however, with the suggestion to remove the protective order language from item 1b. In fact, the committee believes the better approach would be to entirely remove the option under item 1b regarding the confidentiality of the address of the person receiving ordered support under Family Code section 17212(b)(2). The address of the person ordered to receive support is crucial to ensure the continued payment of support when the local child support agency is no longer providing services, and there may be situations where a parent is willing to consent to the local child support agency providing their address on the form. To accommodate this possibility, the committee recommends instead providing enough fillable space for the local child support agency to enter the verbiage it suggests on the form if it wishes to assert the confidentiality of the address under Family Code section 17212.</p> <p>The committee appreciates this comment. However, the committee is not recommending the suggested change. While payments should be sent to the California State Disbursement Unit, Family Code section 4506.2(c)(1) requires that the substitution of payee contain “[t]he name and address of the governmental agency or substituted payee filing the substitution and a notice that the substituted payee is to be contacted when notice to a</p>

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Notice Regarding Payment of Support (FL-632)		
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	<p>should go to the California State Disbursement Unit and will be applied to the different counties at that point. If we include the local child support agency’s address here, parties may try to send payment to the local child support agency instead of the State Disbursement Unit. The local child support agency’s address is already up in the upper left-hand corner of the form.</p> <ul style="list-style-type: none"> • Page 1, NOTICE TO THE CLERK, second paragraph, combine items “3(a)(2) or (3)” to just say 3(a)(2). Also change “3(a)(4)” to 3(a)(3) <p>Reason: See Reason below. 3(a)(2) and (3) should be combined.</p> <ul style="list-style-type: none"> • Page 2, item 3.a. The committee requests that back arrears owed to the parent and to public assistance be combined to say “arrears”. <p>The Committee is recommending section 3.a. should read: 3.a. <input type="checkbox"/> The local child support agency is providing the following enforcement services in this case. All payments should be payable to the California State Disbursement Unit (check all that apply): (1) <input type="checkbox"/> Current support (2) <input type="checkbox"/> Arrears (3) <input type="checkbox"/> Medical support</p> <p>Reason: Pursuant to the NOTICE TO THE CLERK on page 1, the case is heard by a child support commissioner regardless of whether the arrears are owed to the parent or public assistance.</p>	<p>lienholder may or must be given.” Although the local child support agency's name and address appears at the top right corner of the caption box, it is not sufficient to provide notice of who to contact when notice to a lienholder must be given. The local child support agency's name and address is necessary in item 2.a. to comply with Family Code section 4506.2 and provide information necessary for the notification in item 6.</p> <p>The committee does not agree with the suggested change. The change is unnecessary due to the committee’s decision not to incorporate the suggestion for item 3a (see next response).</p> <p>The committee disagrees with the suggested change. Ordinarily, if a parent is receiving CalWORKs or if they have requested the local child support agency enforce the support order, then any matters in such cases involving a local child support agency must be heard by a child support commissioner, unless one is not available due to exceptional circumstances. However, there are situations where the local child support agency may no longer be enforcing current child support or back support owed to the other parent but still be involved in the case to collect arrears owed for public assistance paid by the county. Once a parent closes their case, the agency may retain a vested interest in participating in hearings involving child support arrears, but not in other types of hearings. The same is true if a person opens a case with the local child support agency to enforce</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice Regarding Payment of Support (FL-632)	
Commenter	Comment
	<p>current support, but not arrears owed to them. The local child support agency would have a vested interest in participating in hearings related to current support, but not a hearing related to arrears owed to the person receiving ordered support. This can cause confusion for the court and parties regarding whether a matter should be heard by a child support commissioner or a judge. The language proposed by the committee for item 3.a that separates arrears owed to the parent from arrears owed for public assistance paid by the county is meant to provide clarity regarding the local child supports agency’s involvement to assist, in part, in the determination of before whom a matter should set for hearing.</p> <p>The committee does not agree with the suggested change as it is unnecessary. As indicated in the committee's response to the comment on item 4 below, the committee is not recommending for adoption the removal of item 4 from the form. Item 4a makes clear that payments collected by an income withholding order must be sent to the California State Disbursement Unit. In addition, item 4b provides much more detailed information related to where all other payments should be sent depending on the local child support agency's involvement in the case.</p>
	<ul style="list-style-type: none"> • Page 2, item 3.b. Add this language after the existing sentence: “Income withholding order payments continue to be paid through the State Disbursement Unit. Any other support not checked in 3a is now payable to the payee listed in 1 b.” <p>The Committee is recommending that section 3.b. should read: The local child support agency is no longer providing any enforcement services in this case. All Income Withholding order payments continue to be paid through the State Disbursement Unit. Any other support not checked in 3a is now payable to the payee listed in 1 b.</p> <p>Reason: Income Withholding Orders are always paid through the State Disbursement Unit by statute regardless of whether the local child support agency is enforcing.</p>

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Notice Regarding Payment of Support (FL-632)		
Commenter	Comment	
	<ul style="list-style-type: none"> • Page 2, item 4 – delete 4.a., 4.b. completely. Reason: The payee is covered in 3.a. and 3.b. • Page 2, change item 5 to item 4 and item 6 to 5 • Page 2, item 5. Change the language from “may or must be” to “is” • Page 2, add item 6. Add item 6.a. “<input type="checkbox"/> Each parent must notify the local child support agency in writing within 10 day of any change in residence or employment” Add 6.b. “<input type="checkbox"/> Each parent must complete a Child Support Case Registry Form (FL-191) and deliver it to the court within 10 days of any change in residence or employment.” Reason: Family Code 4014 requires parents to provide their information on the Child Support Case Registry when the local child support agency is no longer enforcing their case. 	<p>The committee disagrees with the suggested change. As indicated in a previous response above, the committee believes that the language originally proposed for item 4 is preferable to revising items 3 a and b as proposed, because it provides much more detailed information related to where payments should be sent depending not only on whether the payment is being made through wage assignment, but also the extent of the local child support agency's involvement in the case.</p> <p>The committee does not recommend the suggested change. Renumbering items 5 and 6 is unnecessary based on the committee's response above to the comment on item 4.</p> <p>The committee disagrees with the suggested change. The words “may or must” in item 6 are preferable as they mirror the language used in Family Code section 4506.2(c)(1).</p> <p>The committee does not recommend the suggested language. The suggestion to add an item 6a to the form requiring each parent notify the local child support agency in writing within 10 days of any change in residence or employment is not appropriate for the <i>Notice Regarding Payment of Support (Governmental)</i> (form FL-632) because form FL-632 is not meant to be a court order.</p> <p>Similarly, the suggestion to add an item 6b to the form requiring each parent complete a <i>Child Support Case Registry Form</i> (form FL-191) and deliver it to the court within 10 days of any change in residence or</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Notice Regarding Payment of Support (FL-632)		
Commenter	Comment	
		employment is also not appropriate in the <i>Notice Regarding Payment of Support (Governmental)</i> . While Family Code section 4014 contains a requirement that the parties keep the information provided in the Child Support Case Registry Form updated, that information is better provided on <i>Information Sheet: Notice Regarding Payment of Support</i> (form FL-632-INFO).
Comm. Angela Villegas Superior Court of Los Angeles County	<p>P 1 of 3: the bolded language in the box at the bottom of the page is gratuitous and should be omitted. It is confusing and potentially both under- and overinclusive given the subtleties of LCSA enforcement in varying permutations.</p> <p>¶5 on p 2 of 3---not sure why this paragraph is needed.</p>	<p>The committee appreciates the comment but does not recommend the suggestion to remove the “Notice to Clerk.” Family Code section 4251 requires local child support agency matters be heard by a child support commissioner unless one is unavailable due to exceptional circumstances. However, there are circumstances where a parent may request services limited to the enforcement of current support, but not arrears, or close their portion of a case and the agency retains a vested interest in participating in hearings involving child support arrears that may be assigned the county due to expended aid, but not in other types of hearings. The committee proposed adding the “Notice to Clerk” to address these possible complexities by clarifying when a child support commissioner should hear a matter based on the extent of the local child support agency's involvement in the case.</p> <p>Form FL-632 serves as both a notice of assigned support and notice of substitution of payee. Item number 5 is necessary to inform the parties and court when a county is providing aid for the children, so they know that the right to support has been assigned to that county.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Information Sheet: Notice Regarding Payment of Support (FL-632-INFO)		
Commenter	Comment	
California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel	The Department recommends making corresponding changes to FL-632-INFO Information Sheet: Notice Regarding Payment	The Committee has recommended revisions to FL-632-INFO that correspond to its responses to the comments on form FL-632.
Child Support Directors Association by Shauna Day Executive Director	<ul style="list-style-type: none"> Page 1, column 1, take off the California State Disbursement Unit address <p>Reason: The reason is provided in the Committee’s General Recommendation 4.</p> <ul style="list-style-type: none"> Page 1, column 2, section “Is this case assigned to a child support commissioner or a judge” <p>Change first bullet from item 2a(1) to 3.a.(1) Change second bullet from item 2a(2) or (3) to 3.a.(2) Change third bullet from item 2a(4) to 3.a.(3) Change 2nd to last paragraph reference to 2b to 3.b.</p> <p>The Committee proposes the 2nd to last paragraph read: A judge or other judicial officer will hear your case if the local child support agency is no longer providing any enforcement services in your case and item 3b is checked on form FL-632.</p> <p>Reason: This aligns with the proposed changes to the FL-632.</p>	<p>The committee disagrees with the suggested change. Including the address for the California State Disbursement Unit in <i>Information Sheet: Notice Regarding Payment of Support</i> (form FL-632-INFO) reduces the risk of the parent ordered to pay support sending the payment to the wrong location. Providing the address on the information sheet is also consistent with the pre-printed address on form FL-632, as well as the judgment and order forms (FL-530, FL-630, FL-665, FL-687, and FL-692) being recommended for approval. In the event the address of the California State Disbursement Unit changes in the future, the form can be revised.</p> <p>The committee appreciates these suggestions. The specific numbering changes suggested by the commenter are unnecessary as the corresponding suggested edits to FL-632 are not being recommended for approval. However, in reviewing the forms to respond to the comment, the committee has realized that the referenced item numbers stated in the bullets under “Is the case assigned to a child support commissioner or a judge?” are incorrect. The committee has incorporated the correct numbers into the form.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Information Sheet: Notice Regarding Payment of Support (FL-632-INFO)		
Commenter	Comment	
Comm. Angela Villegas Superior Court of Los Angeles County	Proposed informational form re FL-632--- The paragraph re commissioner vs judge suffers from the same problems as noted above as to FL-632. It would be more accurate to say something like, "If the local child support agency is enforcing in your case, it is likely that a commissioner, rather than a judge, will hear matters involving current or past child support, but there can be exceptions to this. Consult your Self-Help Center or Family Law Facilitator for details." Or words to that effect.	The committee appreciates the suggestion. Family Code section 4251 provides that all actions or proceedings filed by the local child support agency or another party in a support action or proceeding in which enforcement services are being provided shall be referred for hearing to a child support commissioner unless a child support commissioner is not available due to exceptional circumstances, which are listed in California Rules of Court, rule 5.305. The committee agrees that some clarification is needed regarding the stated exception and has incorporated into the revisions being recommended for adoption language regarding the exception that mirrors language provided in the Notice box on page 1 of FL-632.

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice of Entry of Judgment and Proof of Service by Mail (FL-635)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 1</p> <p><input type="checkbox"/> Under item 1.a., please replace the word “entered” with the phrase “conformed by the court as the final judgment.” These proposed alterations reflect the procedure enumerated within Family Code §17430(a)(2) (“the proposed judgment filed with the original summons and complaint shall be conformed by the court as the final judgment and a copy provided to the local child support agency, unless the local child support agency has filed a declaration and amended proposed judgment pursuant to subdivision (c).”)</p> <p><input type="checkbox"/> Under item 1.b., please add a new option as the second option in terms of notification. Specifically, add the following: “[checkbox] Judgment Regarding Parental Obligations (for FL-630) entered by default after court hearing under Family Code section 17430(b)(3) or 17404.1(c).” This addition is reflective of the new option offered within SB 343 and is now part of the procedures encompassed within Family Code §17430(b)(3).</p> <p><input type="checkbox"/> Please move existing item 1.b. to 1.c. and add the words “entered after court hearing.”</p> <p><input type="checkbox"/> Please move existing item 1.c. to 1.d.</p>	<p>The committee disagrees with the suggested change. The word “entered” is plain language and will be much more easily understood by the general public, especially self-represented litigants, than the suggested language.</p> <p>The committee agrees with the suggestions to add a new item to provide the option of entry of judgment by default after hearing under Family Code sections 17404.1(c) or 17430(b)(3). The change is necessary to reflect new procedure for cases where the respondent fails to file an answer or appear at the motion for judgment hearing in cases where support is being sought on the basis of earning capacity. The suggested change has been incorporated, with some alteration, into the revisions being recommended for approval.</p> <p>The committee agrees with this suggestion. The suggested changes have been incorporated, with some alteration, into the revisions being recommended for approval.</p> <p>The committee agrees with this suggestion. The suggested change has been incorporated, with some alteration, into the revisions being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice of Entry of Judgment and Proof of Service by Mail (FL-635)		
Commenter	Comment	
	<p><input type="checkbox"/> In the footer located at the bottom right-hand corner, please add §17404.1 to the existing Family Code section which is there (17430).</p>	<p>The committee agrees with this suggestion. However, the committee also recommends adding Family Code section 17404 to the footer because sections 17404, 17404.1, and 17430 all provide the procedures that local child support agencies must follow to obtain the judgments listed in item 1 of the form. These changes have been incorporated into the revisions that are being recommended for approval.</p>
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<p>• Page 1, item 1. a. Delete the word “proposed”</p> <p>Reason: The reason is that the proposed judgment is not what is entered, it is the judgment itself that is entered</p> <p>• Page 1, item 1. b. Add new option “<input type="checkbox"/> Default taken and judgment entered under Family Code section 17430(b)(3) or 17404.1.”</p> <p>Reason: This is a new addition to the statute that needs to be included as it is another section under which the Court may take a default.</p>	<p>The committee disagrees with the suggestion to delete the word “proposed” before “judgment” in item 1a., as Family Code section 17430(a)(2) states that “the proposed judgment filed with the original summons and complaint shall be conformed by the court as the final judgment.” Reference to the “proposed judgment” helps clarify that the court entered the document served on the obligor with the Summons and Complaint as the judgment.</p> <p>The committee agrees with the suggestion to add a new subitem under item 1 that provides the option of taking the obligor’s default and entering a judgment after court hearing under Family Code section 17430(b)(3), for both state actions and actions brought under the Uniform Interstate Family Support Act (UIFSA). The committee declines, however, to include section 17404.1 as authority for this new subitem because, while section 17404.1 provides a process for obtaining a judgment in a UIFSA case, default judgments for those cases are covered specifically by section 17430. Additionally, the committee recommends adding subitems for entry of other judgments under UIFSA to make this form as</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice of Entry of Judgment and Proof of Service by Mail (FL-635)		
Commenter	Comment	
	<ul style="list-style-type: none"> • Page 1, new item 1. d. Renummer “Other (specify):” from c. to d. Reason: This is due to adding the additional section above. • Page 1, footer Add “& 17401.1” Reason: This is a newer code section that applies to the FL-635. 	<p>comprehensive as possible. These changes have been incorporated into the revisions being recommended for approval.</p> <p>The committee agrees with this suggestion. The suggested change has been incorporated, with some alteration, into the revisions being recommended for approval.</p> <p>The committee agrees and is recommending that the form be revised to add Family Code section 17404.1 to the footer. However, the committee also recommends adding section 17404 to the footer because it, along with sections 17404.1, and 17430 provide the procedures that local child support agencies must follow to obtain the judgments listed in item 1 of the form.</p>
Comm. Angela Villegas Superior Court of Los Angeles County	No comment.	No response required.

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (FL-640)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p><input type="checkbox"/> On item 2, please add two checkboxes following this item: <input type="checkbox"/> Date of 1st collection via wage garnishment: [date here]. <input type="checkbox"/> No collection yet.</p> <p>Comment: Under Family Code §17432(g)(1), A party to the action described in subdivision (a), including the local child support agency, may file a motion for relief within two years of the local child support agency's first collection of money through an earnings assignment order or an order or notice to withhold income for child support. Under (g)(2), however, no party is prohibited from filing a motion for this same relief prior to the start of the two-year time period. This proposed change will allow the court to have added clarity on when the motion was filed such that the two-year statute of limitations from an income withholding order's first collection is adhered to.</p> <p><input type="checkbox"/> Please create a new item 4 with a checkbox and renumber the subsequent items. The new item 4 should read as follows: <input type="checkbox"/> "Attached is my Declaration About Parent's Income During Judgment Periods (form FL-643)." The reason for this request is that form FL-643 provides the most relevant information for motions to set aside a support order based on presumed income or earning capacity. The parties should be encouraged to use form FL-643 when possible, although it is an optional form, similar to form FL-302.</p>	<p>The committee does not recommend the suggested change. The <i>Notice of Motion to Cancel (Set Aside) Support Order Based on Presumed Income or Earning Capacity</i> (FL-640) can be filed by litigants as well as the local child support agency. Many litigants may not know the date of the first collection and would not be able to accurately provide that information on the form. Requiring they do so, could cause the unintended consequence of hindering their efforts to successfully file the motion. Additionally, the information regarding the date of first collection is unnecessary on the form as it can be provided to the court by the local child support agency in its response to the motion or during the hearing should a question regarding the timeliness of the motion arise.</p> <p>The committee is not recommending the suggested change at this time. Another commenter, Child Support Directors Association of California, has made a similar suggestion, but it is also suggesting that form FL-643 become a mandatory form to support a motion brought using form FL-640. Because no change was proposed in the invitation to comment to add an item to FL-640 that would encourage or require the attachment of form FL-643, and there appears to be some difference of opinion regarding whether form FL-643 should be optional or mandatory, the committee believes public comment should be sought before the suggested changes are considered for adoption. The committee may consider this suggestion in a future rules cycle as time and resources allow.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (FL-640)		
Commenter	Comment	
	<p><input type="checkbox"/> Regarding the last paragraph, please replace this paragraph with the notice from Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (form FL-610), which provides a more detailed description of the process of objecting to a court commissioner: “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. 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 (Governmental) (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.”</p>	<p>The committee agrees that clarification is needed on this form regarding the objection process when a recommended order is issued. However, the committee does not agree that it is necessary to mirror the language contained in the <i>Answer to Complaint or Supplemental Complaint Regarding Parental Obligations</i> (form FL-610) The suggested change, with alterations, has been incorporated into the revisions being recommended for approval.</p>
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> • Page 1, item 2, add language for the two new boxes. <p>The Committee requests the full item to read:</p> <p>I am asking the court to cancel (set aside) the child support order in this case.</p> <p><input type="checkbox"/> Date of 1st wage assignment collection:</p> <p><input type="checkbox"/> No collection yet.</p> <p>Reason: This change will allow the court to easily identify and ensure that cases are filed within the new statute of limitations</p>	<p>The committee disagrees with this suggested change. The <i>Notice of Motion to Cancel (Set Aside) Support Order Based on Presumed Income or Earning Capacity</i> (FL-640) can be filed by litigants, as well as the local child support agency. Many litigants may not know the date of the first collection and may not accurately provide that information on the form. Requiring they do so could cause the unintended consequence of hindering their efforts to successfully file the motion. Additionally, the information regarding the date of first collection is unnecessary on the form as it can be provided to the court by the local child support agency in its response to the motion or during the hearing should a question</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (FL-640)		
Commenter	Comment	
	<p>period of two years from the date of the first IWO collection.</p> <ul style="list-style-type: none"> • Page 1, item 4. Add “as specified in the attached <i>Declaration About Parent’s Income During Judgment Periods</i> (form FL-643).” at the end of the sentence to say: <p>4. <input type="checkbox"/> Attached is an <i>Income and Expense Declaration</i> (form FL-150) or a <i>Financial Statement (Simplified)</i> (form FL-155) or other information concerning income for any relevant years as specified in the <i>Declaration About Parent’s Income During Judgment Periods</i> (form FL-643).</p> <p>Reason: We are suggesting that the new FL-643 be made a mandatory form as the information in an FL-150 or FL-155 would only capture the current income information for the parties and this motion would require the parties or the local child support agency to provide the information they have for all relevant periods that the Judgment was in effect. The Draft FL-643 would easily capture the required information to allow the Court to make an informed decision.</p> <ul style="list-style-type: none"> • Page 1, last paragraph at the bottom of the form is currently 6 lines and does not contain the information that an objection to the Commissioner must be made in writing. <p>The Committee is suggesting that the language in this notice should mirror the language in the <i>Answer to Complaint or Supplemental Complaint Regarding Parental Obligations</i> (form FL-610):</p> <p>This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue</p> 	<p>regarding the timeliness of the motion arise.</p> <p>The committee does not recommend adding the suggested language at this time. Form FL-643 is currently an optional form and can currently be attached to FL-640 under item 4 through the language “or other information concerning income for the relevant years,” should a party choose to include it with their motion. Moreover, commenter California Department of Child Support Services has suggested a similar change, but with form FL-643 remaining optional. Because no change was proposed to this item in the invitation to comment, and there appears to be some difference of opinion regarding whether the form should be optional or mandatory, the committee believes public comment should be sought before the suggested changes are considered. The committee may consider this suggestion in a future rules cycle as time and resources allow.</p> <p>The committee agrees that clarification is needed regarding the objection process when a recommended order is issued. However, the committee does not agree that it is necessary to mirror the language contained in the <i>Answer to Complaint or Supplemental Complaint Regarding Parental Obligations</i> (form FL-610). The suggested change, with alterations, has been incorporated into the revisions being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (FL-640)		
Commenter	Comment	
	final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case <i>will</i> act as a temporary judge unless, <i>before the hearing</i> , you or any other party objects to the commissioner acting as a temporary judge. 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 <i>Notice of Objection (Governmental)</i> (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.	
Comm. Angela Villegas Superior Court of Los Angeles County	No comment.	No response required.

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Information Sheet: Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (FL-640-INFO)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 1</p> <ul style="list-style-type: none"> <input type="checkbox"/> In the first column, within the first paragraph, add the words “or the local child support agency” after “Either parent” as the local child support agencies use the same form to request set asides of presumed income orders. <input type="checkbox"/> In the first column, within the fourth paragraph, add the following: “and does not file an Answer.” to the end of the sentence. Under SB 343 amendments in FC 17430(b)(3), if the defendant fails to file an answer with the court and does not appear at the motion for judgment hearing, the judgment will be entered by way of default. <input type="checkbox"/> In the first column, within the fifth paragraph, please replace “in these situations” with “when actual income was unknown” after “presumed income.” The current version of F.C. §17400(d)(2) allows presumed income to be used only when the support obligor’s actual income is unknown. <input type="checkbox"/> In the first column, within the sixth paragraph, please add “or earning capacity” after “actual income.” F.C. §17452 also allows a set aside based on a comparison between earning capacity that was established in a default judgment and actual income or a different earning capacity. <p>Proposed Changes on Page 2</p> <ul style="list-style-type: none"> <input type="checkbox"/> In the first column, within the second paragraph, please add “local” before “child support agency.” <input type="checkbox"/> In the second column, within the second paragraph, 	<p>The committee agrees with the suggestion to add “or the local child support agency” to the first paragraph in first column on page 1. The change has been incorporated into the revisions recommended for approval.</p> <p>The committee agrees with the suggestion to add “does not file an Answer” to the fourth paragraph in the first column. The change has been incorporated, with minor alteration, into the revisions recommended for approval.</p> <p>The committee agrees with this suggestion. The suggested change has been incorporated into the revisions recommended for approval.</p> <p>The committee agrees with the suggestion to add the language “or earning capacity” after “actual income” in the sixth paragraph in the first column. This change is needed to accurately reflect the law under new Family Code section 17432(c). The suggested change has been incorporated into the revisions recommended for approval.</p> <p>The committee agrees with the suggestion. The change has been incorporated into the revisions recommended for approval.</p> <p>The committee agrees with this suggested change and</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Information Sheet: Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (FL-640-INFO)		
Commenter	Comment	
	<p>please delete “or” before “by mail,” add a coma after “in person” and add “or electronically (if e-filing is available at your local court)” at the end of the sentence.</p> <p>Proposed Changes on Page 3</p> <p><input type="checkbox"/> In the second paragraph, please change “will” to “may.” The statute does not compel a court to keep the amount of a support order in place despite a non- appearance by the person ordered to pay support. The local child support agency may be the moving party in terms of the motion, so the court retains the discretion to fashion an order which it believes is in the best interests of the child or children based on the circumstances. Having the discretionary “may” in this paragraph underscores this ability of the court.</p>	<p>has incorporated it, with minor alteration, into the revisions being recommended for approval.</p> <p>The committee agrees with the suggested change in language as use of the phrase “may not” reflects the court’s discretion in determining how to proceed when a party fails to appear for the hearing on the motion to cancel (set aside) support order based on presumed income or earning capacity. The change has been incorporated into the revisions recommended for approval.</p>
Child Support Directors Association by Shauna Day Executive Director	<ul style="list-style-type: none">• Page 1, column 1, paragraph 1, add the words “or the local child support agency” to the middle of the sentence, after “Either parent” to read: Either parent or the local child support agency can use this form.• Page 1, column 1, paragraph 4, add to the end of the sentence: “and does not file an Answer.” The Committee recommends this sentence to read: A default judgment is made when a party does not show up for court and does not file an Answer. Reason: This will clarify for unrepresented litigants that both things are now required for a default judgment using earning capacity- that they did not file an Answer and did not show up	<p>The committee agrees with the suggestion to add “or the local child support agency” to the first paragraph, in first column, on page 1. The change has been incorporated into the revisions recommended for approval.</p> <p>The committee agrees with the suggestion to add “does not file an Answer” to the fourth paragraph in the first column. The change has been incorporated, with minor alteration, into the revisions recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Information Sheet: Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (FL-640-INFO)		
Commenter	Comment	
	<p>for court. Under SB 343 both things are now required to enter a true default judgment.</p> <ul style="list-style-type: none"> • Page 1, column 1, paragraph 5, add “when income was unknown” after presumed income The Committee recommends it to read as follows: <p>Earning capacity is used when the court does not have information about a parent’s income, or the court believes the parent is underemployed. Before January 1, 2026, courts used presumed income when income was unknown, which was minimum wage at 40 hours every week.</p> <p>Reason: Presumed income was only used in cases where income was unknown.</p> <ul style="list-style-type: none"> • Page 1, column 1, paragraph 6, add “earning capacity” after “actual income.” <p>The Committee recommends this new paragraph would read: You can only use this form if your actual income or earning capacity was different from the amount of earning capacity or presumed income that was used to make a decision about child support.</p> <p>Reason: The law provides for set asides that are based on the earning capacity, as well as the actual income, for past periods.</p> <ul style="list-style-type: none"> • Page 1, column 2, paragraph 4, replace “may” with “must”. The Committee recommends the new sentence would read: <p>You must fill out a <i>Declaration About Parents Income During Judgment Periods</i> (FL-643).</p>	<p>The committee agrees with the suggestion to add language clarifying that presumed income is used only in situations where information regarding a parent's income is unknown, so that the information provided on the form correctly states the law. The suggested change has been incorporated, with minor alteration, into the revisions recommended for approval.</p> <p>The committee agrees with the suggestion to add the language “or earning capacity” after “actual income” in the sixth paragraph in the first column. The suggested change has been incorporated into the revisions recommended for approval.</p> <p>The committee disagrees with the suggested change. FL-643 is currently an optional form, so the statement “You may fill out a <i>Declaration About Parent's Income During Judgment Periods</i> (FL-643) to give the court information about your actual income and expenses</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Information Sheet: Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (FL-640-INFO)		
Commenter	Comment	
	<p>Reason: We are suggesting that the new FL-643 be made a mandatory form as the information in an FL-150 or FL-155 would only capture the current income information for the parties and this motion would require the parties or the local child support agency to provide the information they have for all relevant periods that the Judgment was in effect. The draft FL-643 would easily capture the required information to allow the Court to make an informed decision.</p> <ul style="list-style-type: none"> • Page 2, column 1, paragraph 2, add the word “local” before the words “child support agency” <p>The Committee recommends the new sentence to read as follows:</p> <p>Make at least 3 copies of the papers: one for yourself, one to send to the local child support agency, and one to send to the other parent if the other parent is a party in the case.</p> <ul style="list-style-type: none"> • Page 2, column 2, paragraph 3, add the words “or electronically (if available)” to the end. <p>The Committee recommends the new sentence would read as follows:</p> <p>You can file in person, by mail or electronically (if available).</p> <ul style="list-style-type: none"> • Page 3, paragraph 1, change the word “will” to “may”. <p>The Committee recommends the new sentence would read as follows:</p> <p>If you do not go, the court may not cancel and recalculate the</p>	<p>during the time period covered by the Judgment” is a correct statement. The committee is not recommending form FL-643 be made a mandatory form at this time because the committee believes public comment should be sought before the suggested change to FL-643 is recommended for adoption. As a result, it would be premature to change the word “may” to “must” in the sentence.</p> <p>The committee agrees with the suggestion and has incorporated it into the revisions recommended for approval.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alteration, into the revisions being recommended for approval.</p> <p>The committee agrees with the suggested change in language as use of the phrase “may not” more accurately reflects the consequences of failing to appear for the hearing. The change has been incorporated into the revisions recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Information Sheet: Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (FL-640-INFO)		
Commenter	Comment	
	child support order in your case. Reason: If the local child support agency has filed the request to set aside the child support order, they can ask the court to proceed on the set-aside even if no one appears so long as they have verified income information. We believe unrepresented litigants should know that if the local child support agency filed the motion, the Court can still proceed to change the child support amounts either up or down even if they do not appear for the court hearing.	

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Declaration of Obligor's Income During Judgment Period—Presumed Income Set-Aside Request (FL-643)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 1 (the form is only one page)</p> <p><input type="checkbox"/> In the top court caption and the center of the footer, please change the form name to “Declaration About Parent's Income or Earning Capacity During Judgment Periods”. Under the amended F.C. §17432(c), the parties or the local child support agency can also request a set aside based on earning capacity that was substantially different compared with the earning capacity the obligor was assigned in the default judgment.</p> <p><input type="checkbox"/> In the Court caption/party information: Please revise the language at the top of the first box (in the upper left-hand corner) to match the format of form FL-640. Replace the existing language with “GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) OR ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):”</p> <p><input type="checkbox"/> In item 1.b., please change “parent receiving ordered support” to “person ordered to receive support.”</p> <p><input type="checkbox"/> In item 2, please add a checkbox before “a Judgment Regarding Parental Obligations (form FL-630)” and “or <input type="checkbox"/> a Judgment Regarding Parental Obligations (UIFSA) (form FL-530)” after “(form FL-630)”. Also add “by default” after “entered” because only judgments entered by default are subject to F.C. §17452 set aside motions.</p>	<p>The committee agrees with this suggestion. Challenge can be brought upon additional information on earning capacity, so the suggested change to the title would more accurately reflect the intended use of the form. The suggestion has been incorporated into the revisions being recommended for approval.</p> <p>The committee agrees with this suggestion to ensure consistency with the other forms. The suggested change has been incorporated into the revisions being recommended for approval.</p> <p>Upon further consideration of the issue, the committee agrees with the suggested change and has replaced “person receiving ordered support” with “person ordered to receive support” in the revisions being recommended for approval.</p> <p>The committee agrees with the suggestion to reference the <i>Judgment Regarding Parental Obligation (UIFSA)</i> (form FL-530) in item 2. Form FL-643 can be used to set aside California judgments entered in actions brought under the Uniform Interstate Family Support Act (UIFSA), so the form should reference form FL-530. The committee also agrees with the suggestion to add the words “by default” after the word “entered” since it</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Declaration of Obligor's Income During Judgment Period—Presumed Income Set-Aside Request (FL-643)		
Commenter	Comment	
	<p><input type="checkbox"/> In item 3, please add a checkbox before “actual income” and add “and/or <input type="checkbox"/> earning capacity” after “actual income”. FC 17452 allows for a comparison between the ordered amount and the actual income and/or earning capacity of the support obligor. In that same item, please revise the table so that it states “Average monthly income or earning capacity” in the second column.</p> <p><input type="checkbox"/> Please add a new item 4 and renumber the existing item 4 as item 5. New item 4 should state: “The factors used to calculate the earning capacity listed above in item 3 are stated: <input type="checkbox"/> In Earning Capacity Factors Attachment (form FL-302) <input type="checkbox"/> as follows (specify):</p>	<p>more accurately reflects the type of judgement that the moving party is seeking to set aside. The suggested changes have been incorporated into the revisions being recommended for approval.</p> <p>The committee appreciates the comment. However, while the committee recognized the need to allow the moving party to provide information to the court regarding earning capacity, the committee does not recommend incorporating such an option into item number 3, as mixing information related to actual income and earning capacity in a single table may lead to confusion for self-represented litigants. Instead, the committee recommends making item 3 optional for parties who would like to provide information regarding their actual income to support the motion to cancel (set aside) a support order based on presumed income or earning capacity, and create a new item 5 to allow a party to provide information regarding the earning capacity of the parent ordered to pay support, if necessary, in either the proposed <i>Earning Capacity Factors Attachment</i> (form FL-302) or in narrative on the declaration itself. The committee’s recommended change has been incorporated into the revisions for approval.</p> <p>The committee does not recommend the suggested changes. As indicated in the previous response, the committee is recommending that a new item 5 be incorporated into the form FL-643 that will allow the moving party to provide information related to earning capacity on the form itself or in the proposed <i>Earning Capacity Factors Attachment</i> (form FL-302) if</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Declaration of Obligor's Income During Judgment Period—Presumed Income Set-Aside Request (FL-643)		
Commenter	Comment	
	<p><input type="checkbox"/> Please add to the new item 5 “and/or earning capacity” after “actual income” and replace “the” with “all relevant” before “time periods.”</p>	<p>additional space is needed. As a result, there is no need to include an option to provide additional information regarding earning capacity in item 4.</p> <p>The committee does not recommend the suggested changes. See previous response. The committee also disagrees with the suggestion that the words “all relevant” be added before “time periods in the judgment” in item 4. The existing language in item 4 is preferred as it mirrors the language used in item 3 regarding the time periods in the judgment.</p>
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> • Page 1, top box: Party information: <p>Currently this box states “PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY”. We are suggesting that this form consistently mirrors the other governmental forms – i.e. mirror the language from page 546 (FL-640).</p> <p>The box should read:</p> <p>GOVERNMENTAL AGENCY (under Family Code §§ 17400, 17406) OR ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):</p> <p>Reason: This would be consistent with the <i>Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income and Earning Capacity</i> (form FL-640) that the <i>Declaration About Parent’s Income During Judgment Periods</i> (form FL-643) should be attached to.</p> <ul style="list-style-type: none"> • Page 1, footer, change the bottom left side of this form to indicate it is “Adopted for Mandatory Use” as opposed to 	<p>The committee agrees with the suggestion to ensure consistency with the other forms, especially FL-640. The suggested change has been incorporated into the revisions being recommended for approval.</p> <p>The committee appreciates this comment. However, the committee does not recommend the suggestion that form</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Declaration of Obligor's Income During Judgment Period—Presumed Income Set-Aside Request (FL-643)		
Commenter	Comment	
	<p>“Approved for Optional Use”.</p> <p>Reason: We are suggesting that the new FL-643 be made a mandatory form as the information in an FL-150 or FL-155 would only capture the current income information for the parties and this motion would require the parties or the local child support agency to provide the information they have for all relevant periods that the Judgment was in effect. The Draft FL-643 would easily capture the required information to allow the Court to make an informed decision on the Motion to Set Aside the Presumed Income or Earning Capacity Judgment.</p> <ul style="list-style-type: none"> • Page 1, item 1, change parent ordered to pay support and parent receiving ordered support to say: <ol style="list-style-type: none"> 1. I am: <ol style="list-style-type: none"> a. <input type="checkbox"/> the obligor (parent ordered to pay support). b. <input type="checkbox"/> the obligee (person ordered to receive support). c. <input type="checkbox"/> a representative of the local child support agency providing services in this case. <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 1, Item 2, add “or a <i>Judgment Regarding Parental Obligation</i> (UIFSA) (Form FL-530)” after the words “(form FL-630)” <p>On (date): a <i>Judgment Regarding Parental Obligations</i> (form FL-630) or a <i>Judgment Regarding Parental Obligation</i> (UIFSA) (Form FL-530) was entered using earning capacity or presumed income, instead of actual income.</p>	<p>FL-643 be changed from an optional use form to a mandatory use form at this time because the committee believes public comment should be sought before the suggested change occurs. The committee may consider this suggestion in a future rules cycle as time and resources allow.</p> <p>The committee disagrees with the suggested change. See response to General Recommendation 1.</p> <p>The committee agrees with the suggestion to reference the <i>Judgment Regarding Parental Obligation (UIFSA)</i> (Form FL-530) in item 2. Form FL-643 can be used to set aside judgments entered in actions brought under the Uniform Interstate Family Support Act (UIFSA), so the form should reference form FL-530. The committee also agrees with the suggestion to add the words “by default” after the word “entered” since it more accurately reflects the type of judgement that the moving party is seeking to set aside. The suggested changes have been</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Declaration of Obligor's Income During Judgment Period—Presumed Income Set-Aside Request (FL-643)		
Commenter	Comment	
	<p>Reason: This change would provide clarity for unrepresented litigants that UIFSA judgments entered on FL-530 are also subject to the relief afforded under Family Code §17432.</p> <ul style="list-style-type: none"> • Page 1, item 3, delete the word “actual” and have the sentence read as follows: <p>The <input type="checkbox"/> income <input type="checkbox"/> earning capacity of the parent ordered to pay support and other factors needed to calculate the correct support for the time periods in the judgment are listed below:</p> <p>Reason: Both the income or the earning capacity of the parent paying support could be different than the amount used in the judgment. We suggest adding boxes before income and earning capacity to clarify what is being set out as different from the default judgment.</p> <ul style="list-style-type: none"> • Page 1, item 4, remove the word “actual” and to add “earning capacity” and add “all relevant time”. It would read as follows: <p><input type="checkbox"/> Additional proof of income and/or earning capacity during all relevant time periods in the judgment are attached.</p>	<p>incorporated into the revisions being recommended for approval.</p> <p>The committee disagrees with the suggested change. While the committee recognized the need to allow the moving party to provide information to the court regarding earning capacity, the committee does not recommend incorporating such an option into item 3, as mixing information related to actual income and earning capacity in a single item or table may lead to confusion for self-represented litigants. Instead, the committee recommends making item 3 optional for parties who would like to provide information regarding their actual income to support the motion to cancel (set aside) a support order based on presumed income or earning capacity, and create a new item 5 to allow a party to provide information regarding the earning capacity of the parent ordered to pay support, if necessary, in either the proposed <i>Earning Capacity Factors Attachment</i> (form FL-302) or in narrative on the declaration itself. This change has been incorporated into the revisions being recommended for approval.</p> <p>The committee does not recommend the suggested changes. As indicated in the previous response, the committee is recommending that a new item 5 be incorporated into the form FL-643 that will allow the moving party to provide information related to earning capacity on the form itself or in the proposed Earning Capacity Factors Attachment (form FL-302) if additional space is needed. As a result, there is no need to include an option to provide additional information</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Declaration of Obligor's Income During Judgment Period—Presumed Income Set-Aside Request (FL-643)		
Commenter	Comment	
		regarding earning capacity in item 4. The committee also disagrees with the suggestion that the words “all relevant” be added before “time periods in the judgment.” The suggested language does not add clarity to the existing text and is therefore unnecessary.
Lazaro Cuevas Family Law Facilitator Riverside	<p>The proposed changes to this form include: (a) the form is re-titled to Declaration About Parent’s Income During Judgment Periods; (b) the table for actual income is reformatted, making the form easier to complete.</p> <p>We would propose a change to Section 2 of the form to provide an area that includes more information about the Judgment that is to be set aside. Currently only the date the judgment to be set aside was entered is included. We would include additional information relating to that judgment, such as the amount that it ordered the paying parent to pay and the starting date for the payments, to this section. This could guide the person completing the table of actual income in Section 3 to include any period that payments were due prior to entry of judgment, if a commencement date was made retroactive to such a point in time.</p>	<p>No response required.</p> <p>The committee disagrees with the suggested change. Self-represented litigants may have difficulty locating the amount of support ordered in the judgment and the starting date for payment, which could create the unintended consequence of hindering their ability to complete the declaration. However, the committee does agree that it would be helpful to include language to assist self-represented litigants in locating information regarding the time periods covered in the judgment to assist them with providing relevant information regarding their income or earning capacity. The committee has incorporated language for this purpose into the revisions being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Findings and Recommendation of Commissioner (FL-665)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 2</p> <ul style="list-style-type: none"> <input type="checkbox"/> In item 5.c.(4), please change the low-income adjustment language to match DCSS’ proposed edits to the low-income adjustment language on forms FL-342, FL-530, and FL-630. The changes should be made as follows: Regarding the first checkbox, add “at the lowest amount of the low-income adjustment range.” Regarding the second checkbox, add “the lowest amount of the” before “low-income” and “range” after “adjustment.” <input type="checkbox"/> In item 5.c.(5), please provide adequate space and options for the court to make findings regarding the earning capacity of both parents when appropriate. This form should match DCSS’ proposed edits to form FL-342, specifically item 2.b. <input type="checkbox"/> In item 5.d., please change “person receiving ordered support” to “person ordered to receive support” to ensure that consistent terminology is used in Judicial Council forms and DCSS forms and policy. <p>Proposed Changes on Page 3</p> <ul style="list-style-type: none"> <input type="checkbox"/> In item 5.h., DCSS recommends removing the State Disbursement Unit (“SDU”) address from the Judicial Council form to allow Child Support Enforcement System to auto-populate the address. This would prevent the need to change the Judicial Council form if the SDU address changes. 	<p>The committee agrees with the suggestion because clarification is needed regarding the applicable amount of the low-income range and the amount that is subject to rebuttal. The committee has incorporated the suggested language, with minor alteration, into the revisions that are being recommended for approval.</p> <p>The committee agrees that item 5c(5) should be revised to allow the space and option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate. This change has been incorporated into the revisions that are being recommended for approval, with alterations, as the committee does not agree with the commenter’s suggested format. See * in commenter’s general comments at beginning of this chart.</p> <p>Upon further consideration of this issue, the committee agrees with the suggested change and has replaced “person receiving ordered support” with “person ordered to receive support” in the revisions being recommended for approval.</p> <p>The committee appreciates this comment. However, the committee disagrees with the suggested change. While the Department can auto-populate the address of the California State Disbursement Unit into the form through programming its system, courts do not have the same ability when they need to create an order or</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Findings and Recommendation of Commissioner (FL-665)		
Commenter	Comment	
	<p><input type="checkbox"/> In item 5.j., please change “person receiving ordered support” to “person ordered to receive support” to ensure that consistent terminology is used in Judicial Council forms and DCSS forms and policy.</p>	<p>judgment. Having the address pre-populated on <i>Findings and Recommendation of Commissioner (Governmental)</i> (form FL-665) guarantees that the address provided will be correct on the form in these circumstances and will help to increase efficiency since the court will not have to look up the address when creating an order. Including the address of the California State Disbursement Unit on the form also reduces the risk of the address mistakenly being left off of judgments and orders. In the event the address of the California State Disbursement Unit changes in the future, the form can be revised.</p> <p>The committee agrees with the suggested change and has replaced “person receiving ordered support” with “person ordered to receive support” in the revisions being recommended for approval.</p>
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> • Page 1, Item 2.b., add Obligor (Parent ordered to pay support). <p>The item would read:</p> <p>The obligor (parent ordered to pay support) is the:</p> <p>Reason: The reason is provided in the Committee's General Recommendation 1.</p> <p>Page 1. Item 4.c, 4.c.(1)(a),(b) Change “parent ordered to pay support” to obligor.</p>	<p>The committee disagrees with the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee does not recommend the suggested change. See response to commenter’s General Recommendation 1.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Findings and Recommendation of Commissioner (FL-665)		
Commenter	Comment	
	<p>Reason: The reason is provided in the Committee's General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2: Item 5. d. 5.e. 5.f Change “parent ordered to pay support” to obligor. <p>Reason: The reason is provided in the Committee's General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, Item 5. c (4), box 2: Change the Low-income adjustment language. <ul style="list-style-type: none"> <input type="checkbox"/> Low-Income adjustment <ul style="list-style-type: none"> <input type="checkbox"/> The low-income adjustment applies. <input type="checkbox"/> The lowest amount of the low-income adjustment has been rebutted and does not apply because (specify reasons): <p>Reason: The reason is provided in the Committee’s General Recommendation 5.</p> <ul style="list-style-type: none"> • Page 2, item 5. c. (4): Low-income adjustment we suggest adding a new item (5) <ul style="list-style-type: none"> <input type="checkbox"/> After application of the low-income adjustment, guideline support would be greater than 50 percent of the net disposal income of the parent ordered to pay support. <p>Reason: The reason is provided in the Committee’s General Recommendation 3.</p> <ul style="list-style-type: none"> • Page 2, Item 5. c. (5), add new proposed chart 	<p>The committee does not recommend the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee agrees with the suggested change. The committee has incorporated the suggested language, for box two in item 5c(4) into the revisions that are being recommended for approval. However, the committee is also recommending that the first portion of item 5c(4), regarding application of the low-income adjustment, also be revised to make clear that the lowest end of the range presumptively applies.</p> <p>The committee does not recommend the suggested change. See response to commenter’s General Recommendation 3.</p> <p>The committee agrees that item 5c(5) should be revised to allow the option for the court to make findings regarding the earning capacity of both parents when the</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Findings and Recommendation of Commissioner (FL-665)																		
Commenter	Comment																	
	<p><input type="checkbox"/> Income –</p> <p>a. The parents' income are as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">Gross Monthly Income</th> <th style="text-align: center;">Net Monthly Income</th> <th style="text-align: center;">Receiving TANF/CalWORKS</th> </tr> </thead> <tbody> <tr> <td>Petitioner: <input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Respondent: <input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other Party: <input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table> <p>b. If Earning Capacity was found in paragraph 2(a), the factors used to calculate earning capacity under Family Code section 4058(b) are stated: <input type="checkbox"/> in Earning Capacity Factors Attachment (form FL-302) <input type="checkbox"/> as follows (specify):</p> <p>Reason: The reason is provided in the Committee's General Recommendation 4.</p> <p>Note if the suggestion to add the deviation language after item 5.c. (4) is added, the above items would be numbered as (6) and not (5).</p> <ul style="list-style-type: none"> • Page 3: item 5.g., remove SDU address <p>The Committee requests the sentence read: All payments, unless specified in item 5.c. (1) above, must be made to the State Disbursement Unit.</p> <p>Reason: The reason is provided in the Committee's General Recommendation 6.</p>		Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS	Petitioner: <input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Respondent: <input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Other Party: <input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	<p>circumstances dictate, and the form has been changed to incorporate the necessary language into the revisions that are being recommended for approval. However, the committee does not agree with the suggested format for the change. See response to commenter's General Recommendation 4.</p> <p>The committee does not recommend the suggested change. See response to commenter's General Recommendation 6.</p>
	Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS															
Petitioner: <input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>															
Respondent: <input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>															
Other Party: <input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>															
Comm. Angela Villegas Superior Court of Los Angeles County	Same comments as proposed FL-530.	See response to comments on form FL-530.																

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Notice of Motion (FL-680)		
Commenter	Comment	
California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel	There are no proposed changes to this form.	No response required.
Child Support Directors Association by Shauna Day Executive Director	<ul style="list-style-type: none"> Page 2, NOTICE box: delete the language in the second sentence of the second paragraph that states “The amount of child support can be large...” <p>The sentence would read “Child support can continue until the children reach age 18.”</p>	The committee does not recommend the suggested change at his time. Because the suggested change concerns language that was not proposed for revision in the invitation to comment and would entail a substantive change to the Notice, the committee believes public comment should be sought before removing the language is considered for adoption. The committee may consider this suggestion in a future rules cycle as time and resources allow.
Comm. Angela Villegas Superior Court of Los Angeles County	<p>¶3(e) – same comments as above re: wording of warning re: failure to cooperate in genetic testing</p> <p>P 2 of 2 warning language box, middle ¶, highlighted language: should make clear the court will enter judgment by default, but the amount ordered may be the same or less than shown.</p>	<p>The committee agrees with the suggested change as it will clarify that if any person ordered to submit to genetic testing fails to cooperate with that testing, the issue may be resolved against them. (Fam. Code, §§ 7551(d), 7558(e).) The suggestion has been incorporated into the revisions recommended for approval.</p> <p>The committee appreciates this comment. If the local child support agency pleads for support based on earning capacity and the respondent does not file an answer or appear at the motion for judgment hearing, Family Code section 17430(b)(3), allows the court to consider evidence presented by the local child support agency or the other parent and enter a default judgment for support that is the same or lower than the amount in the proposed judgment. Therefore, the committee agrees that the language in the warning box should be changed</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Notice of Motion (FL-680)		
Commenter	Comment	
		to indicate that a support order differing from the proposed judgment may be entered. For consistency with <i>Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)</i> (form FL-600), the committee recommends the warning in the notice box mirror the language used in the Summons and Complaint and state that “the court will enter a judgment without your input.” This change has been incorporated into the revisions recommended for adoption.

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Order to Show Cause (FL-683)		
Commenter	Comment	
California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel	The only proposed change is the form name “ORDER TO SHOW CAUSE” is missing and should be added to the court caption box at the top of the form.	The committee agrees with the suggested change. The title of the form has been returned to the caption box in the revision being recommended for approval. It was inadvertently removed from the form circulated for comment (along with letters and numbers of the subitems, which have also been put back into the form.)
Child Support Directors Association by Shauna Day Executive Director	<ul style="list-style-type: none"> • Page 1, In the box directly under the caption, “ORDER TO SHOW CAUSE” is missing before the box MODIFICATION. • Item 3.a – is not numbered- the numbering is missing • Item 3.b - is not numbered- the numbering is missing 	<p>The committee agrees with the suggested change. The title of the form was inadvertently omitted when the form was circulated for comment and has been added back to the caption box in the revision being recommended for approval.</p> <p>The committee agrees with the suggested change. The numbers were inadvertently omitted when the form was circulated for comment and have been added back into the revision being recommended for approval.</p> <p>See response above.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Order After Hearing (FL-687)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 2</p> <ul style="list-style-type: none"> <input type="checkbox"/> In item 4.b.(4), change the low-income adjustment language to match DCSS’ proposed edits to the low-income adjustment language on forms FL-342, FL-530, FL-630, and FL-665 as follows: Regarding the first checkbox, add “at the lowest amount of the low-income adjustment range.” Regarding the second checkbox, add “the lowest amount of the” before “low-income” and “range” after “adjustment.” <input type="checkbox"/> In item 4.b.(5), please provide adequate space and options for the court to make findings regarding the earning capacity of both parents when appropriate. This form should match DCSS’ proposed edits to form FL-342, item 2.b. If the current terminology is maintained, “person receiving ordered support” should be revised to “person ordered to receive support.” Additionally, the “s” in “Earnings” should be removed in item 4.b.(5)(a). <input type="checkbox"/> In item 4.c., please change “person receiving ordered support” to “person ordered to receive support” to ensure that consistent terminology is used in the Judicial Council forms, as well as DCSS forms and policy. <input type="checkbox"/> In item 4.f., DCSS recommends removing the State Disbursement Unit (“SDU”) address from the Judicial Council form to allow Child Support Enforcement System to auto-populate the address. This would prevent the need to change 	<p>The committee agrees with the suggestion as clarification is needed regarding the presumed applicable amount of the low-income range and the amount that is subject to rebuttal. The committee has incorporated the suggested language, with minor alteration, into the revisions that are being recommended for approval.</p> <p>The committee agrees that item 4b(5) should be revised to allow the space and option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate. This change has been incorporated into the revisions that are being recommended for approval, with alterations. The committee also agrees that the “s” in the word “Earnings” should be deleted to correctly reflect the title of proposed form FL-302, and that “person receiving ordered support” should be changed to “person ordered to receive support.” These changes have also been incorporated into the revisions that are being recommended for approval.</p> <p>The committee agrees with the suggested change and has replaced “person receiving ordered support” with “person ordered to receive support” in the revisions being recommended for approval.</p> <p>The committee does not recommend the suggested change. See response to commenter’s General Recommendation 6.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Order After Hearing (FL-687)		
Commenter	Comment	
	<p>the Judicial Council form if the SDU address changes.</p> <p>Proposed Changes on Page 3</p> <p><input type="checkbox"/> In item 4.h., change “person receiving ordered support” to “person ordered to receive support” to ensure that consistent terminology is used in Judicial Council forms and DCSS forms and policy.</p> <p><input type="checkbox"/> In the bottom left signature box, please correct the misspelling of the word “ordered.” In the right signature box, change “person receiving ordered support” to “person ordered to receive support” to ensure that consistent terminology is used in Judicial Council forms and DCSS forms and policy.</p>	<p>The committee agrees with the suggested changes and has incorporated them into the revisions being recommended for approval.</p> <p>The committee agrees with the suggested changes and has incorporated them into the revisions being recommended for approval.</p>
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> • Page 1, item 1.g.: We suggest changing “parent ordered to pay support” to “obligor (parent ordered to pay support.” <p>Reason: The reason is provided in the Committees’ General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 1, item 4.b., 4b(1)(a), 4b(1)(b), 4.c, 4.d.: We suggest changing “parent ordered to pay support” to “obligor”. Also, page 2, item 4.c. change “The person receiving ordered support” to “Obligee (person ordered to receive support.)” <p>Reason: The reason is provided in the Committees’ General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, Item 4.b. (4) change the low-income adjustment language <p><input type="checkbox"/> Low Income adjustment</p> <ul style="list-style-type: none"> <input type="checkbox"/> The low-income adjustment applies. <input type="checkbox"/> The lowest amount of the low-income 	<p>The committee disagrees with the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee disagrees with the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee agrees with the suggested change. The change will provide clarification regarding the amount of the low-income range that is subject to rebuttal. The committee has incorporated the suggested language for box two in item 4b(4) into the revisions that are being</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Order After Hearing (FL-687)																						
Commenter	Comment																					
	<p>adjustment has been rebutted and does not apply because (specify reasons):</p> <p>Reason: the reason is provided in the Committee’s General Recommendation 5.</p> <ul style="list-style-type: none"> • Page 2, after item 4.b.(4), we suggest adding item (5): <ul style="list-style-type: none"> <input type="checkbox"/> After application of the low-income adjustment, guideline support would be greater than 50 percent of the net disposal income of the parent ordered to pay support. <p>Reason: The reason is provided in the Committees’ General Recommendation 3.</p> <ul style="list-style-type: none"> • Page 2: Item 4.b. (5): Earning Capacity: <ul style="list-style-type: none"> <input type="checkbox"/> Income – <ul style="list-style-type: none"> a. The parents’ income are as follows: <table style="margin-left: 40px;"> <thead> <tr> <th></th> <th></th> <th style="text-align: center;">Gross Monthly Income</th> <th style="text-align: center;">Net Monthly Income</th> <th style="text-align: center;">Receiving TANF/CalWORKS</th> </tr> </thead> <tbody> <tr> <td>Petitioner:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Respondent:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other Party:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table> <ul style="list-style-type: none"> b. If Earning Capacity was found in paragraph 2(a), the factors used to calculate earning capacity under Family Code section 4058(b) are stated: <ul style="list-style-type: none"> <input type="checkbox"/> in Earning Capacity Factors Attachment (form FL-302) <input type="checkbox"/> as follows (specify): <p>Reason: The reason is provided in the Committee’s General Recommendation 4.</p> <p>Note if the suggestion to add the deviation language after item 4.b. (4) is added, the above items would be numbered as (6) and not (5).</p>			Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS	Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	<p>recommended for approval. However, the committee is also recommending that the first portion of item 4b(4), regarding application of the low-income adjustment, also be revised to make clear that it is the lowest end of the range that presumptively applies.</p> <p>The committee does not recommend the suggested change. See response to commenter’s General Recommendation 3.</p> <p>The committee agrees that item 4b(5) should be revised to allow the option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate, and the form has been changed to incorporate the necessary language into the revisions that are being recommended for approval. However, the committee does not agree with the suggested format for the change. The pertinent information regarding earning capacity is the amount of income that the court determines the parent has the ability to earn and the factors upon which that determination is based. There is no need to include a space on form FL-687 to state the gross and net monthly income of the parents or whether the parent is receiving TANF/CalWORKs benefits because this information can easily be included by attaching either <i>Guideline Findings Attachment</i> (form FL-693) or the computer printout of the guideline support calculation. Use of form FL-693 or the computer printout is preferable to the suggested format because</p>
		Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS																		
Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Order After Hearing (FL-687)		
Commenter	Comment	
	<p>• Page 2: Item 4. f.: We suggest removing the SDU address</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 6.</p> <p>• Page 3, item 4.h. : We suggest changing “person receiving ordered support” to “obligee” Change “parent ordered to pay support” to “obligor” to read:</p> <p>In the event there is a contract between the obligee and a private child support collector, the obligor must pay the fee charged by the private child support collector. This fee must not exceed 33-1/3 percent of the total amount of past due support nor may it exceed 50% of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the obligee, jointly.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <p>• Page 3, bottom left signature box, the word “ordered” is misspelled. It reads Signature of the Parent Ordered to Pay Support or their Attorney.</p> <p>The Committee suggests the sentence read: Signature of the Obligor or their Attorney</p>	<p>they provide information on not only the court's findings concerning income, but also the percentage of time each parent spends with the children and other factors relevant to the determination of a child support amount.</p> <p>The committee disagrees with the suggested change. See response to commenter’s General Recommendation 6.</p> <p>The committee disagrees with the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee agrees with the suggestion to correct the misspelling of the word “ordered.” The change has been incorporated into the revisions being recommended for approval. The committee does not agree, however, with the suggestion to change “parent ordered to pay support” to “obligor.” See response to General Recommendation 1.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Order After Hearing (FL-687)		
Commenter	Comment	
	<p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Right signature box, the Committee suggests that the Signature of the Person Receiving Support should change to “Signature of the Obligee or their attorney.” <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p>	See response above.
Comm. Angela Villegas Superior Court of Los Angeles County	Same comments as proposed FL-530.	See response to comments on form FL-530, above.

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Short Form Order After Hearing (FL-688)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 1</p> <ul style="list-style-type: none"> <input type="checkbox"/> In item 1.e., replace the current verbiage with the following: “Local child support agency attorney (Family Code §§17400, 17406) (name):” This is being proposed in order to be consistent with all other Judicial Council forms such as FL-630 and FL-530. <input type="checkbox"/> In item 4.e., change the low-income adjustment language to match DCSS’ proposed edits to the low-income adjustment language on forms FL-342, FL-530, FL-630, and FL-665 as follows: Regarding the first checkbox, add “at the lowest amount of the low-income adjustment range.” Regarding the second checkbox, add “the lowest amount of the” before “low-income” and “range” after “adjustment.” <input type="checkbox"/> In item 4.f., adequate space and options should be provided for the court to make findings regarding the earning capacity of both parents when appropriate. This form should match DCSS’ proposed edits to form FL-342, item 2.b. If the current terminology is maintained, “person receiving ordered support” should be revised to “person ordered to receive support.” Also, the “s” in “Earnings” should be removed in item 4.f.(1). 	<p>The committee agrees with the suggested change to ensure consistency with forms FL-530, FL-630, FL-665, FL-687, and FL-692. The change has been incorporated into the revisions being recommended for adoption.</p> <p>The committee agrees with the suggestion as clarification is needed regarding the amount of the low-income range being applied and the amount that is subject to rebuttal. The committee has incorporated the suggested language, with minor alteration, into the revisions that are being recommended for approval.</p> <p>The committee agrees that item 4f should be revised to allow the space and option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate. This change has been incorporated into the revisions that are being recommended for approval, with alterations, as the committee does not agree with the commenter’s suggested format (See * in commenter’s general comments at beginning of this chart.) The committee also agrees with the suggestion that “person receiving ordered support” should be changed to “person ordered to receive support,” and with the suggestion that the “s” in the word “Earnings” should be deleted to correctly reflect the title of proposed form FL-302. These changes have also been incorporated into the revisions that are being recommended for approval.</p>

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Short Form Order After Hearing (FL-688)		
Commenter	Comment	
	<p>Proposed Changes on Page 2</p> <p><input type="checkbox"/> In item 3.i., change “person receiving ordered support” to “person ordered to receive support” to ensure that consistent terminology is used in Judicial Council forms and DCSS forms and policy.</p> <p><input type="checkbox"/> In the right signature box, change “person receiving ordered support” to “person ordered to receive support” to ensure that consistent terminology is used in Judicial Council forms and DCSS forms and policy.</p>	<p>As discussed above, the committee agrees with the suggested change.</p> <p>As discussed above, the committee agrees with the suggested change.</p>
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> • Page 1, item 1.e. Replace line starting with “Attorney for local child support Agency” with Local child support agency attorney (Family Code §§17400, 17406) (name): Reason: To be consistent with other JCC Forms, like FL-630 and FL-530. • Page 1, item 2. a. Replace “parent ordered to pay support” with “obligor (parent ordered to pay support)” Reason: The reason is provided in the Committee’s General Recommendation 1. • Page 1, item 2. b. Replace “parent ordered to pay support” with “obligor” Reason: The reason is provided in the Committee’s General Recommendation 1. • Page 1, item 2. c. Replace “parent ordered to pay support” with “obligor” 	<p>The committee agrees with the suggested change to ensure consistency with forms FL-530, FL-630, FL-665, FL-687, and FL-692. The change has been incorporated into the revisions being recommended for adoption.</p> <p>As discussed above, the committee does not recommend the suggested change. See response to commenter’s General Recommendation 1.</p> <p>As discussed above, the committee does not recommend the suggested change. See response to commenter’s General Recommendation 1.</p> <p>As discussed above, the committee does not recommend the suggested change. See response to commenter’s</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Short Form Order After Hearing (FL-688)		
Commenter	Comment	
	<p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 1, item 3. c. Replace “parent ordered to pay support” with “obligor” <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 1, item 3. e. Replace the low-income section with the below: <ul style="list-style-type: none"> <input type="checkbox"/> Low-Income adjustment <ul style="list-style-type: none"> <input type="checkbox"/> The low-income adjustment applies. <input type="checkbox"/> The lowest amount of the low-income adjustment has been rebutted and does not apply because (specify reasons): <p>Add new section:</p> <ul style="list-style-type: none"> <input type="checkbox"/> After application of the low-income adjustment, guideline support would be greater than 50 percent of the net disposal income of the parent ordered to pay support. <p>Reason: The reason is provided in the Committee’s General Recommendation 3 & 5.</p> <ul style="list-style-type: none"> • Page 1, item 3. f. Replace entire section with: 	<p>General Recommendation 1.</p> <p>As discussed above, the committee does not recommend the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee agrees with the suggested change to provide clarification regarding the amount of the low-income range that is subject to rebuttal. The committee has incorporated the suggested language for the second checkbox in item 3e into the revisions that are being recommended for approval. However, the committee is also recommending that the first portion of item 3e, regarding application of the low-income adjustment, also be revised to make clear that it is the lowest end of the range that presumptively applies. The committee does not recommend, however, adding the language related to guideline support being greater than 50 percent of the net disposable income of the parent ordered to pay support. See response to commenter’s General Recommendation 3 and 5.</p> <p>The committee agrees that item 3f should be revised to allow the option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate, and the form has been changed to incorporate the necessary language into the revisions that are being recommended for approval. However, the</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Short Form Order After Hearing (FL-688)																						
Commenter	Comment																					
	<p><input type="checkbox"/> Income –</p> <p>a. The parents' income are as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th></th> <th style="text-align: center;">Gross Monthly Income</th> <th style="text-align: center;">Net Monthly Income</th> <th style="text-align: center;">Receiving TANF/CalWORKS</th> </tr> </thead> <tbody> <tr> <td>Petitioner:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Respondent:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other Party:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table> <p>b. If Earning Capacity was found in paragraph 2(a), the factors used to calculate earning capacity under Family Code section 4058(b) are stated:</p> <p><input type="checkbox"/> in Earning Capacity Factors Attachment (form FL-302)</p> <p><input type="checkbox"/> as follows (specify):</p> <p>Reason: The reason is provided in the Committee's General Recommendation 4.</p> <ul style="list-style-type: none"> • Page 2, item 3. g. (1) Replace "parent ordered to pay support" with "obligor" <p>Reason: The reason is provided in the Committee's General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, item 3. g. (2) Replace "parent ordered to pay support" with "obligor" <p>Reason: The reason is provided in the Committee's General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, item 3. i. Change "person receiving ordered support" to "obligee" Change "parent ordered to pay support" to "obligor" to read: <p>In the event there is a contract between the obligee and a private child support collector, the obligor must pay the fee charged by the private child support collector. This fee must not exceed 33-1/3 percent of the total amount of past due support nor may it exceed 50% of any fee charged by the</p>			Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS	Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	<p>committee does not agree with the suggested format for the change. See response to commenter's General Recommendation 4.</p> <p>The committee does not recommend the suggested change. See response to commenter's General Recommendation 1.</p> <p>The committee does not recommend the suggested change. See response to commenter's General Recommendation 1.</p> <p>The committee does not recommend the suggested change. See response to commenter's General Recommendation 1.</p>
		Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS																		
Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Short Form Order After Hearing (FL-688)		
Commenter	Comment	
	<p>private child support collector. The money judgment created by this provision is in favor of the private child support collector and the obligee, jointly.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, item 3. k. Replace “parent ordered to pay support” with “obligor” <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, bottom left signature box, The Committee requests the sentence read: Signature of the Obligor or their Attorney <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, bottom right signature box, the Committee requests that the Signature of the Person Receiving Support should change to “Signature of the Obligee or their attorney.” <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p>	<p>The committee disagrees with the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee disagrees with the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee does not recommend the suggested change. See response to commenter’s General Recommendation 1.</p>
Comm. Angela Villegas Superior Court of Los Angeles County	Same comments as proposed FL-530.	See response to comments on form FL-530, above.

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Minutes and Order or Judgment (FL-692)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 2</p> <p><input type="checkbox"/> In item 10.f., change the low-income adjustment language to match DCSS’ proposed edits to the low-income adjustment language on forms FL-342, FL-530, and FL-630, as follows: Regarding the first checkbox, add “at the lowest amount of the low-income adjustment range.” Regarding the second checkbox, add “the lowest amount of the” before “low income” and “range” after “adjustment.”</p> <p>Proposed Changes on Page 3</p> <p><input type="checkbox"/> In item 14.g., DCSS requests same changes as seen in the bullet point that enumerates the changes for item 10.f.</p> <p><input type="checkbox"/> In item 14.h., adequate space and options should be provided for the court to make findings regarding the earning capacity of both parents when appropriate. This form should match DCSS’ proposed edits to form FL-342, item 2.b. (Additionally, consider adding the same information/table to “THE COURT FINDS” section as a new item 11, renumbering the existing item 11 as item 12. This change is not shown in DCSS’ edited forms submitted to illustrate the changes requested.)</p> <p><input type="checkbox"/> In item 15, change “person receiving ordered support” to “person ordered to receive support” to ensure that consistent terminology is used in Judicial Council forms and DCSS forms and policy.</p> <p><input type="checkbox"/> Regarding item 16: DCSS recommends removing this item. DCSS believes that requiring the parents to transfer dependent exemptions contingent upon the parent ordered to</p>	<p>The committee agrees with the suggestion as clarification is needed regarding the amount of the low-income range being applied and the amount that is subject to rebuttal. The committee has incorporated the suggested language, with minor alteration, into the revisions that are being recommended for approval.</p> <p>See response immediately above.</p> <p>The committee agrees that item 14.h should be revised to allow the space and option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate. This change has been incorporated into the revisions that are being recommended for approval, with alterations, as the committee does not agree with the commenter’s suggested format. See * in commenter’s general comments at beginning of this chart.</p> <p>As discussed above, the committee now agrees with the suggested change and has incorporated it into the revisions being recommended for approval.</p> <p>The committee disagrees with the suggestion to remove item 16 because courts have the authority to allocate the dependency exemption to the parent ordered to pay</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Minutes and Order or Judgment (FL-692)		
Commenter	Comment	
	<p>pay support being current on the support payments as of the last day of the tax year may cause confusion. DCSS believes that this confusion may result in child support orders that do not accurately reflect the tax exemptions. Once this is eliminated, renumber other items accordingly.</p> <p>Proposed Changes on Page 4</p> <ul style="list-style-type: none"> <input type="checkbox"/> Regarding item 21, DCSS recommends removing the State Disbursement Unit (“SDU”) address from the Judicial Council form to allow the Child Support Enforcement System to auto-populate the address. This would prevent the need to change the Judicial Council form if the SDU address changes. <input type="checkbox"/> Regarding item 23, change “person receiving ordered support” to “person ordered to receive support” to ensure that consistent terminology is used in Judicial Council forms and DCSS forms and policy. <input type="checkbox"/> Regarding the bottom left signature box, change “person receiving ordered support” to “person ordered to receive support” to ensure that consistent terminology is used in Judicial Council forms and DCSS forms and policy. 	<p>support (<i>Monterey County v. Cornejo</i> (1991), 53 Cal.3d 1271, 1280). The committee does, however, recognize that additional orders may be necessary to clarify the obligations of each parent in relation to the tax exemption. Because the suggested revision was not proposed in the invitation to comment, and the suggestion involves an important substantive change to form FL-692, the committee believes public comment should be sought before it is considered for adoption. The committee may consider this suggestion in a future rules cycle as time and resources allow.</p> <p>As discussed above, the committee does not recommend the suggested change.</p> <p>As discussed above, the committee now agrees with the suggested change and has incorporated it into the revisions being recommended for approval.</p> <p>As discussed above, the committee now agrees with the suggested change and has incorporated it into the revisions being recommended for approval.</p>
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> • Page 1, item 1.h.: We suggest changing “parent ordered to pay support” to “obligor (parent ordered to pay support)”. <p>Reason: The reason is provided in the Committee’s General</p>	<p>The committee disagrees with the suggested change. See response to commenter’s General Recommendation 1.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Minutes and Order or Judgment (FL-692)		
Commenter	Comment	
	<p>Recommendation 1.</p> <ul style="list-style-type: none"> • Page 2, item 10. f.: Low-Income Adjustment: change to <ul style="list-style-type: none"> <input type="checkbox"/> Low-Income adjustment <ul style="list-style-type: none"> <input type="checkbox"/> The low-income adjustment applies. <input type="checkbox"/> The lowest amount of the low-income adjustment has been rebutted and does not apply because (specify reasons): <p>Reason: The reason is provided in the Committee’s General Recommendation 5.</p> <ul style="list-style-type: none"> • Page 2, add a new 10.g.: <ul style="list-style-type: none"> <input type="checkbox"/> After application of the low-income adjustment, guideline support would be greater than 50 percent of the net disposal income of the parent ordered to pay support. <p>Reason: The reason is provided in the Committee’s General Recommendation 3.</p> <ul style="list-style-type: none"> • Page 3, Item 13 b., 14 a., 14 b., 14 c., and 14 d.: We suggest changing “parent ordered to pay support to “obligor”. <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 3, Item 14. g., We suggest modifying the items as follows: <ul style="list-style-type: none"> <input type="checkbox"/> Low-Income adjustment <ul style="list-style-type: none"> <input type="checkbox"/> The low-income adjustment applies. <input type="checkbox"/> The lowest amount of the low-income 	<p>The committee agrees with the suggested change. The change will provide clarification regarding the amount of the low-income range that is subject to rebuttal. The committee has incorporated the suggested language for the second checkbox in item 10f into the revisions that are being recommended for approval. However, the committee is also recommending that the first portion of item 10.f, regarding application of the low-income adjustment, also be revised to make clear that it is the lowest end of the range presumptively applies.</p> <p>The committee does not recommend the suggested change. See response to commenter’s General Recommendation 3.</p> <p>The committee does not recommend the suggested change. See response to commenter’s General Recommendation 1.</p> <p>As stated above, the committee agrees with the suggested change, and has incorporated the suggested language into the revisions that are being recommended for approval.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Minutes and Order or Judgment (FL-692)																						
Commenter	Comment																					
	<p>adjustment has been rebutted and does not apply because (specify reasons):</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 5.</p> <ul style="list-style-type: none"> • Page 3: Item 14.h.,we suggest modifying the item as follows: <p><input type="checkbox"/> Income – a. The parents’ income are as follows:</p> <table style="margin-left: 40px;"> <thead> <tr> <th></th> <th></th> <th style="text-align: center;">Gross Monthly Income</th> <th style="text-align: center;">Net Monthly Income</th> <th style="text-align: center;">Receiving TANF/CalWORKS</th> </tr> </thead> <tbody> <tr> <td>Petitioner:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Respondent:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other Party:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table> <p>b. If Earning Capacity was found in paragraph 2(a), the factors used to calculate earning capacity under Family Code section 4058(b) are stated: <input type="checkbox"/> in Earning Capacity Factors Attachment (form FL-302) <input type="checkbox"/> as follows (specify):</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 4.</p> <p>Note: Changing this to 14. h. and 14. i. requires renumbering the last sentence in Item 14 to j.</p> <ul style="list-style-type: none"> • Page 3, Item 15, Item 18 and Item 19: we suggest changing “parent ordered to pay support” to obligor. <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 3, Item 16. We suggest removing this sentence all together as it is not an accurate statement of current law as to claiming the children for tax purposes. It can cause confusion for parents as to whether they were current on the last day of the year. Additionally, if the tax exemptions for the children are 			Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS	Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	<p>The committee agrees that item 14h should be revised to allow the option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate, and the form has been changed to incorporate the necessary language into the revisions that are being recommended for approval. However, the committee does not agree with the suggested format for the change. See response to General Recommendation 4.</p> <p>The committee does not recommend the suggested change. See response to commenter’s General Recommendation 1.</p> <p>The committee disagrees with the suggestion to remove item 16 because courts have the authority to allocate the dependency exemption to the parent ordered to pay support. (<i>Monterey County v. Cornejo</i> (1991), 53 Cal.3d 1271, 1280.) The committee recognizes, however, that</p>
		Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS																		
Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Minutes and Order or Judgment (FL-692)		
Commenter	Comment	
	<p>moved to a different parent than the one entitled to them under the law, that must be specifically spelled out in a child support order and it would change the child support calculation and should be clearly accounted for in the guideline calculation.</p> <ul style="list-style-type: none"> • Page 4: Item 21. Remove SDU address. <p>Reason: The reason is provided in the Committee’s General Recommendation 6.</p> <ul style="list-style-type: none"> • Page 4, Item 23: we suggest changing “person receiving ordered support” to obligee and change person ordered to pay support to “obligor”. The complete new paragraph would read as follows: <p>In the event there is a contract between the obligee and a private child support collector, the obligor must pay the fee charged by the private child support collector. This fee must not exceed 33-1/3 percent of the total amount of past due support nor may it exceed 50% of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the obligee, jointly.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 4, Item 24: We suggest changing “parent ordered to pay 	<p>additional orders may be necessary to clarify the obligations of each parent in relation to the tax exemption. Because the suggested changes are outside the scope of the revisions proposed in the invitation to comment and raise important substantive issues, the committee believes public comment should be sought before changes are made to item 16. The committee may consider this suggestion in a future rules cycle as time and resources allow.</p> <p>As indicated in previous responses, above, the committee does not recommend the suggested change. See response to commenter’s General Recommendation 6.</p> <p>The committee does not recommend the suggested changes. See response to commenter’s General Recommendation 1.</p> <p>The committee does not recommend the suggested</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Minutes and Order or Judgment (FL-692)		
Commenter	Comment	
	<p>support” to obligor.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 4, Item 26: We suggest changing “parent ordered to pay support” to obligor. <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 4, Item 27: We suggest changing “parent ordered to pay support” to obligor. <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 4, bottom left signature box, <p>The Committee requests the sentence read: Signature of the Obligor or their Attorney</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 4, right signature box, the Committee requests that the Signature of the Person Receiving Support should change to “Signature of the Obligee or their attorney.” <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p>	<p>change. See response to commenter’s General Recommendation 1.</p> <p>See response immediately above.</p> <p>The committee does not recommend the suggested change. See response above.</p> <p>The committee does not recommend the suggested change. See response above.</p> <p>The committee does not recommend the suggested change. See response to General Recommendation 1.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Minutes and Order or Judgment (FL-692)		
Commenter	Comment	
Comm. Angela Villegas Superior Court of Los Angeles County	Same comments as proposed FL-530.	See response to comments on form FL-530, above.

SP24-01

Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

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Guideline Findings Attachment (FL-693)		
Commenter	Comment	
<p>California Department of Child Support Services by Selis Koker Deputy Director & Chief Counsel</p>	<p>Proposed Changes on Page 1</p> <p><input type="checkbox"/> In item 2.c., adequate space and options should be provided for the court to make findings regarding the earning capacity of both parents when appropriate. This form should match DCSS’ proposed edits to form FL-342, item 2.b. Also, in item 2.c.1, “s” in “Earnings” should be deleted.</p> <p><input type="checkbox"/> In item 5.a., insert “natural or adopted” before minor children.</p> <p><input type="checkbox"/> In item 5, DCSS recommends removing the column with the header “Approximate ending time for the hardship.”</p>	<p>The committee agrees that item 2.c should be revised to allow the space and option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate. This change has been incorporated into the revisions that are being recommended for approval, with alterations, as the committee does not agree with the commenter’s suggested format (see * in commenter’s general comments at beginning of this chart).</p> <p>The committee also agrees that the “s” in the word “Earnings” should be deleted to correctly reflect the title of proposed form FL-302. This change has also been incorporated into the revisions that are being recommended for approval.</p> <p>The committee disagrees with the suggested change. Family Code section 4071(b) is clear that a hardship can only be provided for “either parent’s natural or adopted children for whom the parent has the obligation to support from other marriages or relationships who reside with the parent.” Because form FL-693 is intended to be an attachment to an order by the court, the addition of the word “natural or adopted” is an unnecessary clarification regarding the law. Moreover, the use of the word “natural” to describe the children for whom a hardship is given may be confusing to the parties as the term is not used to describe children in everyday language and is not defined on the form.</p> <p>The committee disagrees with the suggested change. Family Code section 4072 provides that “whenever</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Guideline Findings Attachment (FL-693)		
Commenter	Comment	
	<p>Listing approximate ending times on the Guideline Findings Attachment, which would be attached to an Order After Hearing, may mislead the parties to believe that these ending times would mean an automatic modification to the child support order.</p> <p>Proposed Changes on Pages 1, 2, and 3</p> <p><input type="checkbox"/> Regarding items 3 and 5 on page one, as well as item 6 on page 2, and item 8.c.(3) on page 3, change “person receiving ordered support” to “person ordered to receive support” to ensure that consistent terminology is used in Judicial Council forms and DCSS forms and policy.</p>	<p>possible the court shall specify the duration of the hardship deduction” The “Approximate End Date for the Hardship” column on item 5 of FL-693 provides a space for the court to meet this statutory requirement, while also signaling that the stated end date is not absolute.</p> <p>The committee agrees with the suggested change and has replaced “person receiving ordered support” with “person ordered to receive support” in the revisions being recommended for approval.</p>
<p>Child Support Directors Association by Shauna Day Executive Director</p>	<ul style="list-style-type: none"> • Page 1, item 1.a.: We suggest changing “The parent ordered to pay support is” to “The parent ordered to pay support (Obligor) is. <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 1, item 1.b.: We suggest changing “The person receiving ordered support is” to “The person ordered to receive support (Obligee) is. <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 1, Item 2.b. We suggest changing “Parent ordered to pay 	<p>The committee disagrees with the suggestion. The text of item 1a states in plain language that the parent ordered to pay support is the selected party (petitioner, respondent, or other parent/party). The addition of the word “obligor” would be superfluous. See response to commenter’s General Recommendation 1.</p> <p>The committee agrees with the suggestion to change “[t]he person receiving ordered support” to “[t]he person ordered to receive support,” and has incorporated this change into the revisions being recommended for approval. However, the committee does not agree with adding “(Obligee)” at the end of the phrase. The text of item 1b states in plain language that the parent ordered to receive support is the selected party (petitioner, respondent, or other parent/party). The addition of the word “obligee” is unneeded. See response to commenter’s General Recommendation 1.</p> <p>The committee disagrees with the suggested change. The</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Guideline Findings Attachment (FL-693)																						
Commenter	Comment																					
	<p>support” to Obligor and “Person receiving ordered support” to Obligee</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 1, item 2.c., We suggest adding earning capacity to read: <p><input type="checkbox"/> Income –</p> <p>a. The parents’ income are as follows:</p> <table style="margin-left: 40px;"> <thead> <tr> <th></th> <th></th> <th style="text-align: center;">Gross Monthly Income</th> <th style="text-align: center;">Net Monthly Income</th> <th style="text-align: center;">Receiving TANF/CalWORKS</th> </tr> </thead> <tbody> <tr> <td>Petitioner:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Respondent:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other Party:</td> <td><input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity</td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table> <p>b. If Earning Capacity was found in paragraph 2(a), the factors used to calculate earning capacity under Family Code section 4058(b) are stated:</p> <p><input type="checkbox"/> in Earning Capacity Factors Attachment (form FL-302)</p> <p><input type="checkbox"/> as follows (specify):</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 4.</p> <ul style="list-style-type: none"> • Page 1, Item 3.a and 3.b.: We suggest changing “Person ordered to pay support” to Obligor and “Person receiving ordered support” to Obligee. <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 1, Item 4 b. and 4.c. : We suggest changing “Person ordered to pay support” to Obligor and “Person receiving ordered support” to Obligee. <p>Reason: The reason is provided in the Committee’s General</p>			Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS	Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>	<p>terms “parent ordered to pay support” and “parent ordered to received support” are preferable because they are plain language and easier for the parties to understand. See response to commenter’s General Recommendation 1.</p> <p>The committee agrees that item 2.c should be revised to allow the option for the court to make findings regarding the earning capacity of both parents when the circumstances dictate. However, as indicated above in the responses to similar suggestions from the commenter on the other forms, the committee does not agree with the suggested format for the change. See response to commenter’s General Recommendation 4.</p> <p>The committee disagrees with the suggested change. See response to FL-693, page 1, item 2b, on previous page.</p> <p>The committee disagrees with the suggested change. See response to FL-693, page 1, item 2b, on previous page.</p>
		Gross Monthly Income	Net Monthly Income	Receiving TANF/CalWORKS																		
Petitioner:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Respondent:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		
Other Party:	<input type="checkbox"/> Income <input type="checkbox"/> Earning Capacity	\$	\$	<input type="checkbox"/>																		

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Guideline Findings Attachment (FL-693)		
Commenter	Comment	
	<p>Recommendation 1.</p> <ul style="list-style-type: none"> • Page 1, item 5.a., HARDSHIPS: We suggest changing this to follow the law. Replace “Other minor children” with Other natural or adopted children. <p>Reason: This would follow the law about allowed hardship children and would provide clarity for unrepresented litigants.</p> <ul style="list-style-type: none"> • Page 1, item 5. a-c.: We suggest deleting the third column which states “Approximate ending time for the hardship”. <p>Reason: This is confusing to unrepresented litigants and they may think that an end date in that part of the form will result in a modification of the child support when it would not.</p> <ul style="list-style-type: none"> • Page 2, Item 6.b.(1)(a), (2)(a) and 3(a): We suggest changing “Person ordered to pay support” to Obligor and “Person receiving ordered support” to Obligee. <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 3, Item 8.c.(2) and 8.c.(3): We suggest changing “Parent 	<p>The committee disagrees with the suggested change. Family Code section 4071(b) is clear that a hardship can only be provided for “either parent’s natural or adopted children for whom the parent has the obligation to support from other marriages or relationships who reside with the parent.” Because form FL-342 is intended to be an attachment to an order by the court, that is presumed to know the law, the addition of the word “natural or adopted” is an unnecessary clarification for this form. Moreover, the use of the word “natural” to describe the children for whom a hardship is given may be confusing to the parties as the term is not used to describe children in everyday language and is not defined on the form.</p> <p>The committee disagrees with the suggested change. Family Code section 4072 provides that “whenever possible the court shall specify the duration of the hardship deduction.” The “Approximate End Date for the Hardship” column on item 5 of FL-693 provides a space for the court to meet this statutory requirement, while also signaling that the stated end date is not absolute.</p> <p>The committee disagrees with the suggested change. See response to FL-693, page 1, item 2b, on previous page.</p> <p>The committee disagrees with the suggested change. See</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Guideline Findings Attachment (FL-693)		
Commenter	Comment	
	<p>ordered to pay support” to Obligor and “Person receiving ordered support” to Obligee.</p> <p>Reason: The reason is provided in the Committee’s General Recommendation 1.</p> <ul style="list-style-type: none"> • Page 3, Item 8.c.(4): We just wanted to point out that this new language that follows the new language of the SB 343 as a new basis for a deviation from the guideline amount of support is very well received and we feel it should also be included on all orders, judgment and findings forms including: <p>FL-692: MINUTES AND ORDER OR JUDGMENT and</p> <p>FL-687: ORDER AFTER HEARING</p>	<p>response to FL-693, page 1, item 2b, on previous page.</p> <p>The committee appreciates the comment. However, as stated in its other responses, the committee does not recommend the suggested change. The language suggested is only one factor the court may consider in determining whether the guideline child support amount is unjust or inappropriate in a particular case. (Fam. Code, § 4057(b).) Forms FL-530, FL-630, FL-665, FL-687, FL-688 and FL-692 do not contain provisions regarding the other factors for rebutting the presumptively correct guideline child support amount, so incorporating the suggestion to include language regarding only one of the rebuttal factors would not be appropriate for those forms. <i>Guideline Findings Attachment (Governmental)</i> (FL-693) contains provisions related to all the rebuttal factors that a court may consider when departing from guideline child support and can be attached to the other judgment and order forms as necessary.</p>
Comm. Angela Villegas Superior Court of Los Angeles County	Same comments as proposed FL-342 and 342(A)	See responses to comments on FL-342 and FL-342(A), above.

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Request for Specific Comments		
Commenter	Comment	
<p>Superior Court of Orange County, Family Law and Juvenile Divisions by Katie Tobias Operations Analyst</p>	<p>Request for Specific Comments In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:</p> <ul style="list-style-type: none"> ▪ Does the proposal appropriately address the stated purpose? Yes, all has been clearly stated in the new and revised codes and accurately reflected on the proposed new and revised forms. The advisory committee also seeks comments from courts on the following cost and implementation matters: ▪ Would the proposal provide cost savings? If so, please quantify. No. ▪ What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? The implementation would require minimal training for staff, procedure and case management revisions. As well as communication with the Facilitators office/Self Help Center and the Department of Child Support Services. ▪ What challenges, if any, would courts face in implementing new forms FL-302 and FL-632-INFO and the revisions to forms FL-192, FL-342, FL-342(A), and FL-632 within 2 months from Judicial Council approval of this 	<p>The committee appreciates the information provided.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Request for Specific Comments		
Commenter	Comment	
	<p>proposal until its effective date? No challenges expected.</p> <p>▪ Would 17 months from Judicial Council approval of this proposal until its effective date for form FL-530 and the FL-600 series forms for governmental child support actions provide sufficient time for implementation? Yes.</p> <p>▪ How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
<p>Superior Court of San Diego County by Mike Roddy, Executive Officer</p>	<p>Does the proposal appropriately address the state purpose? Yes.</p> <p>Would the proposal provide cost savings? If so, please quantify. No.</p> <p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Updating procedures and local packets. The requirement for a hearing (default prove-up) when presumed income was used could have a significant impact on court operations, courtroom staff, and the bench.</p>	<p>No response required.</p> <p>No response required.</p> <p>The requirement for a hearing in earning capacity cases, even when the respondent has not filed an answer to the Summons and Complaint, is legislatively mandated under new Family Code section 17400(d)(2)(D). However, the committee appreciates the comment regarding the potential impact of implementing the</p>

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Child Support: Implementing Amendments to the Family Code (Approve forms FL-302 and FL-632-INFO; revise forms FL-192, FL-342, FL-342(A), FL-530, FL-600, FL-610, FL-616, FL-630, FL-632, FL-635, FL-640, FL-640-INFO, FL-643, FL-665, FL-680, FL-683, FL-687, FL-688, FL-692, and FL-693; revoke forms FL-380, FL-381, and FL-382)

All comments are verbatim unless indicated by an asterisk (*).

Request for Specific Comments		
Commenter	Comment	
	<p>What challenges, if any, would courts face in implementing new forms FL-302 and FL-632-INFO and the revisions to forms FL-192, FL-342, FL-342(A), and FL-632 within 2 months from Judicial Council approval of this proposal until its effective date?</p> <p>None with the exception of FL-632, which will require training staff.</p> <p>Would 17 months from Judicial Council approval of this proposal until its effective date for form FL-530 and the FL-600 series forms for governmental child support actions provide sufficient time for implementation?</p> <p>Yes. However, it is unclear if DCSS will be extending the implementation date of the revised forms pursuant to California Rules of Court, rule 5.311. This would cause difficulty in implementing and facilitating compliance.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>It appears that the proposal would work for courts of various sizes.</p>	<p>statutorily required hearing.</p> <p>No response required.</p> <p>The committee appreciates this comment. The stated intent of the Department of Child Support Services is to be ready to implement revised form FL-530 and the FL-600 series forms for governmental child support actions by January 1, 2026.</p> <p>No response required.</p>

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: June 4, 2024

Rules Committee action requested [Choose from drop down menu below]:
Recommend JC approval (has circulated for comment)

Title of proposal: Mental Health Law: CARE Act and Related Proceedings

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
 Approve form CARE-103

Committee or other entity submitting the proposal:
 Probate and Mental Health Advisory Committee

Staff contact (name, phone and e-mail): Corby Sturges, 415-865-4507, corby.sturges@jud.ca.gov; Sarah Jacobvitz, 415-865-4533, sarah.jacobvitz@jud.ca.gov.

Identify project(s) on the committee's annual agenda that is the basis for this item:

Annual agenda approved by Rules Committee on (*date*): October 26, 2023

Project description from annual agenda: CARE Act Rule Amendments and Form Revisions: The committee will develop a recommendation for amendments to the rules and revisions to the forms implementing the Community Assistance, Recovery, and Empowerment (CARE) Act (Welf. & Inst. Code, §§ 5970–5987) to conform to the law as amended by Senate Bill 35 (Stats. 2023, ch. 283) and to facilitate the act's implementation. Amendments are expected to address, among other issues, sharing private health information with the courts and specified agencies or providers and—to be developed in collaboration with the Family and Juvenile Law Advisory Committee—communication between a CARE Act court and a juvenile court when a person over the age of 18 who is subject to continuing juvenile court jurisdiction is also the subject of a CARE Act petition. The project is intended to assist litigants and courts in navigating the CARE Act process.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

The advisory committee circulated proposed CARE Act rule amendments, including the addition of subdivision (e) to rule 7.2210, and form revisions in the winter 2024 invitation-to-comment cycle. The Judicial Council approved those amendments and revisions on May 17, 2024, to take effect September 1, 2024. In response to comments on that proposal, the committee developed and circulated form CARE-103 for optional use to issue the order required by rule 7.2210(e). Having responded to the comments, the committee now asks the Rules Committee to recommend Judicial Council approval of form CARE-103 on the consent agenda at its July 11-12, 2024, meeting, to take effect with rule 7.2210(e) on September 1, 2024.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)
 - This proposal may require changes or additions to self-help web content.



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-126

For business meeting on July 11–12, 2024

Title

Mental Health Law: CARE Act and Related Proceedings

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Approve form CARE-103

Effective Date

September 1, 2024

Recommended by

Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Date of Report

May 21, 2024

Contacts

Sarah Jacobvitz, 415-865-4533
Sarah.Jacobvitz@jud.ca.gov
Corby Sturges, 415-865-4507
Corby.Sturges@jud.ca.gov

Executive Summary

The Probate and Mental Health Advisory Committee recommends approving an optional form for the court's use to order the county agency to provide information to the respondent's attorney in specified related proceedings that a petition to commence proceedings under the Community Assistance, Recovery, and Empowerment (CARE) Act has been filed on the respondent's behalf. This form, recommended in response to comments from courts and counties, would facilitate the process required by rule 7.2210(e) of the California Rules of Court.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective September 1, 2024, approve *Order to Provide Information to Respondent's Attorney in Related Proceedings* (form CARE-103) for optional use.

The proposed form is attached at page 5.

Relevant Previous Council Action

At its May 12, 2023, meeting, the Judicial Council approved new rules and forms to implement the CARE Act, a 2022 statute that created a comprehensive process to provide a “path to care and wellness” for Californians living with schizophrenia spectrum and other psychotic disorders that lead to “risks to their health and safety and increased homelessness, incarceration, hospitalization, conservatorship, and premature death.”¹ Specifically, the council adopted California Rules of Court, rules 7.2201 through 7.2230, as a new chapter in Probate and Mental Health Rules.² At the same meeting, the council adopted a new category of forms (CARE forms), with 13 new forms to implement requirements and provisions of the CARE Act. The CARE Act rules and forms took effect on September 1, 2023. Then, on May 17, 2024, the Judicial Council approved rule amendments and form revisions in response to CARE Act cleanup legislation and input from the first cohort of courts and counties to implement the act.³ Those rules and forms will take effect on September 1, 2024.

Analysis/Rationale

One of the amendments adopted by the council on May 17, 2024, added subdivision (e) to rule 7.2210. The new provision requires the CARE Act court—on learning that the respondent was referred from a proceeding specified in section 5978⁴ or is within a juvenile court’s dependency, delinquency, or transition jurisdiction—to order the county agency to (1) inform the respondent’s attorney in the related proceeding that a petition to commence CARE Act proceedings has been filed, and (2) provide that attorney with the name and contact information of the respondent’s attorney in the CARE Act proceedings.

Although commenters generally agreed with the addition of subdivision (e) to rule 7.2210, several expressed concern about the ability of the county agency to obtain the information it would need to contact and inform the attorney in the related proceedings about the CARE Act proceeding. One court suggested that a form order that included any known information about the related case and the respondent’s attorney in that case would be helpful. In response to the comments received, the committee recommends approval of *Order to Provide Information to*

¹ Sen. Bill 1338 (Stats. 2022, ch. 319, § 1(a)). The act is codified at Welfare and Institutions Code sections 5970–5987; it took effect January 1, 2023. All subsequent statutory references are to the Welfare and Institutions Code unless otherwise specified.

² Judicial Council of Cal., Advisory Com. Rep., *Mental Health Law: Community Assistance, Recovery, and Empowerment Act* (Apr. 5, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=11916930&GUID=CC7CB44F-5975-489C-9159-9627D77EFCA5>. All subsequent references to rules are to the California Rules of Court unless otherwise specified.

³ Judicial Council of Cal., Advisory Com. Rep., *Mental Health Law: CARE Act Rule Amendments and Form Revisions* (Mar. 27, 2024), <https://jcc.legistar.com/View.ashx?M=F&ID=12871000&GUID=DA967F26-56F7-4FD4-842F-A1FB4357D794>. On September 30, 2023, Governor Newsom signed Senate Bill 35 (Stats. 2023, ch. 283), a CARE Act cleanup bill, which took effect immediately.

⁴ Section 5978 authorizes a court to refer a person to CARE Act proceedings from proceedings to determine a misdemeanor defendant’s competence to stand trial, assisted outpatient treatment proceedings, and mental health conservatorship proceedings under the Lanterman-Petris-Short Act.

Respondent's Attorney in Related Proceedings (form CARE-103) for this purpose, effective September 1, 2024. This optional form would supply a vehicle for the court to issue the order required by rule 7.2210(e) and provide information to assist the county agency in carrying out the order.

The CARE Act court's duty to issue the order depends on its learning of the related proceeding and not on receipt of a motion or request. The committee therefore anticipates that the court would issue the order sua sponte or, perhaps, in response to a party's having filed the form as a proposed order in conjunction with the petition or another filing that disclosed the existence of the related proceeding. The form directs the court or the party filing the form to supply the case number of the related proceeding and the name and contact information of the respondent's attorney in that proceeding, if known.

Policy implications

The approval of form CARE-103 will assist courts in complying with the requirements in rule 7.2210(e). In providing a simple vehicle for the court to use to order limited information sharing, the form will improve the quality of justice and service to the public by allowing better coordination of a respondent's judicial proceedings and mental health treatment.

Comments

The recommended form circulated for public comment from April 5 to May 3 in the spring 2023 invitation-to-comment cycle. The committee received three comments. Two commenters agreed with the proposal if modified and one did not indicate a position. A chart of comments is attached at pages 6–7. The committee has reviewed the comments and recommends no changes to the form as circulated for comment.

One commenter suggested changing the language of the proposed form to specify more clearly that the term “agency,” as used in the form, refers to the agency that referred the respondent to CARE Act proceedings under section 5978 and not to the respondent's counsel. The committee does not recommend changing the language on the recommended form. “Agency” does not refer to an agency that referred the respondent to CARE. Section 5978 authorizes only a *court* to refer a respondent to CARE. In addition, the form uses the same terms as those used throughout the CARE Act itself and the CARE Act rules to refer to agency and counsel. The statute and rules never refer to respondent's counsel as an “agency”; they consistently refer to counsel as “attorney” or “counsel.” The courts and counties that have already implemented the CARE Act have not reported difficulty distinguishing between agency and counsel because of the terms used. The use of these terms on form CARE-103 is unlikely to cause confusion.

One superior court requested that the effective date of the proposed form be postponed to allow courts more time for implementation. The committee does not recommend the suggested change. Effective September 1, 2024, rule 7.2210(e) will require the CARE Act court to order the designated county agency to inform the respondent's attorney in specified related proceedings that a CARE Act petition has been filed for the respondent and provide the name and contact information of the respondent's CARE Act counsel. Because form CARE-103 is intended for the

court's optional use to issue that order, the committee prefers to make the form available September 1 to courts that are able to use it at that time.. Courts that wish to use the form but are unable to do so by that date may issue the required order using other means until they can use the form.

Alternatives considered

The committee considered not proposing this form but determined, based on comments received on the proposed addition of subdivision (e) to rule 7.2210, that an optional form for issuing the required order would be useful to the courts, the county agency, and respondent's counsel.

Fiscal and Operational Impacts

Courts that elect to use form CARE-103 will face the usual effects of implementing a new form. They will need to update their procedures, alert clerks, and train staff, who will then need to file and mail the order. Because the recommended order form is optional, courts may choose not to use it. They will still need to update procedures and train staff and judicial officers of the need to issue an order in some format, under rules previously approved by the council.

Attachments and Links

1. Form CARE-103, at page 5
2. Chart of comments, at pages 6–7

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:	FOR COURT USE ONLY DRAFT 052124 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CARE ACT PROCEEDINGS FOR (name): <div style="text-align: right;">RESPONDENT</div>		
ORDER TO PROVIDE INFORMATION TO RESPONDENT'S ATTORNEY IN RELATED PROCEEDINGS		CASE NUMBER:

1. The respondent
 - a. was referred to CARE Act proceedings from:
 - (1) a misdemeanor proceeding, as provided in Penal Code section 1370.01.
 - (2) an assisted outpatient treatment proceeding under Welfare and Institutions Code sections 5345 to 5349.1.
 - (3) a conservatorship proceeding under Welfare and Institutions Code sections 5350 to 5372.
 - b. is currently within a juvenile court's dependency, delinquency, or transition jurisdiction.
2. The court orders (name):
 as director of (name of county agency):
 or the director's designee, no later than 10 court days after receipt of this order, to inform the respondent's attorney in the proceeding identified in item 1 that:
 - a. a CARE Act petition has been filed on behalf of the respondent; and
 - b. the attorney representing the respondent in the CARE Act proceeding is:
 (name):
 (mailing address):

 (telephone number): (email address):

Date: _____

JUDICIAL OFFICER

RELATED CASE INFORMATION

To the party filing the proposed order and the court (if acting sua sponte or if any field below is left blank when filed):
 Complete item 3 and enter all known information in items 4, 5, and 6, below, to assist the county agency in complying with the order.

3. The person entering the information below is (name): (employer):
 (job title):
4. The related proceeding is pending in the Superior Court of _____ County, not the court named above.
5. The case number of the related proceeding is (number):
6. The contact information for the respondent's attorney in the related proceeding is:
 (name):
 (mailing address):

 (telephone number): (email address):

The information above is true and correct to the best of my knowledge.

Date: _____

 (TYPE OR PRINT NAME) ▶

(SIGNATURE)

SPR24-37

Mental Health Law: CARE Act and Related Proceedings (Approve form CARE-103, *Order to Provide Information to Respondent's Attorney in Related Proceedings*)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Christina Zabat-Fran, President	AM	The form should specify that the “agency” to whom the order is addressed is the agency that made the referral pursuant to WIC 5978 in order to clarify that the order does not apply to Respondent’s counsel.	The committee does not recommend changing the language on the form. “Agency” does not refer to an agency that referred the respondent to CARE. Section 5978 authorizes only a <i>court</i> to refer a respondent to CARE. In addition, the form uses the same terms as those used throughout the CARE Act itself and the CARE Act rules to refer to agency and counsel. The statute and rules never refer to respondent’s counsel as an “agency”; they consistently refer to counsel as “attorney” or “counsel.” The courts and counties in Cohort 1 have not reported difficulty distinguishing between agency and counsel because of the terms used. The use of these terms on form CARE-103 is not likely to cause confusion.
2.	Superior Court of Los Angeles County by Bryan Borys, Director of Research and Data Management	AM	The Court agrees with the proposal in SPR24-37, “Mental Health Law: CARE Act and Related Proceedings,” if it is modified to allow more time for implementation. Six months are needed for implementation, so that trial courts may configure systems that automatically generate the form.	The committee does not recommend postponing the proposed form’s effective date. Effective September 1, 2024, rule 7.2210(e) will require the CARE Act court to order the county agency to inform the respondent’s attorney in specific related proceedings that a CARE Act petition has been filed for the respondent and provide the name and contact information of the respondent’s CARE Act counsel. The form is proposed for the court’s optional use to issue that order. The committee prefers to recommend that the form be available September 1 to those courts that would like to use it. Courts that are not able to use the form or prefer not to may issue the required order using other methods.
3.	Superior Court of Riverside County by Sarah Hodgson, Chief Deputy of Legal Services/General Counsel	NI	The proposal addresses the stated purpose.	The committee appreciates the court’s comment. No further response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR24-37

Mental Health Law: CARE Act and Related Proceedings (Approve form CARE-103, *Order to Provide Information to Respondent's Attorney in Related Proceedings*)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>Would the proposal provide cost savings? If so, please quantify. A: No cost savings</p> <p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Update procedure, clerk alert, training of staff, create new CMS code. Develop mechanism for noticing agency director. The proposal could have a significant impact to courtroom staff if staff has to file and mail the order.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Depend on vendor time tables. No sooner than 3 but up to 6 months may be needed.</p> <p>How well would this proposal work in courts of different sizes? A: This proposal should work well in courts of different sizes.</p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

Item 04

Discussion item only-no materials

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: June 4, 2024

Rules Committee action requested [Choose from drop down menu below]:
Submit to JC (without circulating for comment)

Title of proposal: Rules and Forms: Miscellaneous Technical Changes

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
Revise forms, FL-150, SV-800, and WV-800.

Committee or other entity submitting the proposal:
Judicial Council Staff

Staff contact (name, phone and e-mail): Anne M. Ronan, 415-865-8933, anne.ronan@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:
Annual agenda approved by Rules Committee on (date): N/A
Project description from annual agenda: N/A

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*
This proposal was not circulated for public comment because the changes are nonsubstantive technical changes or corrections, and are therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)
This proposal:
 - includes forms that have been translated.
 - includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
 - includes forms that staff will request be translated.
- **Form Descriptions** (for any proposal with new or revised forms)
 - The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).
- **Self-Help Website** (check if applicable)
 - This proposal may require changes or additions to self-help web content.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-111

For business meeting on July 11–12, 2024

Title

Rules and Forms: Miscellaneous Technical Changes

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Revise forms, FL-150, SV-800, and WV-800

Effective Date

September 1, 2024

Recommended by

Judicial Council staff
Anne M. Ronan, Supervising Attorney
Legal Services

Date of Report

May 22, 2024

Contact

Anne M. Ronan, 4158658933
anne.ronan@jud.ca.gov

Executive Summary

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the Judicial Council forms resulting from input errors, as well as minor changes needed to conform to changes in law or previous council actions. Judicial Council staff recommend making the necessary corrections to ensure that the forms conform to the law and to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation

Judicial Council staff recommend that the council, effective September 1, 2024;

1. Revise *Income and Expense Declaration* (form FL-150) to change the form's signature line following item 15, to be for signature of an attorney. The form was previously approved by the council to expressly require the attorney's signature, but the word "attorney" was inadvertently replaced with "declarant" when the form was last revised, leading to an ambiguity in the form;
2. Revise *Receipt for Firearms and Firearm Parts* (form SV-800) to renumber the items on the form as two items were inadvertently given the same number; and

3. Revise *Receipt for Firearms and Firearm Parts* (form WV-800) to renumber the items on the form as two items were inadvertently given the same number.

The revised forms are attached at pages 3-12.

Relevant Previous Council Action

The Judicial Council has acted on these forms previously. This proposal addresses minor corrections of items that were inadvertently or incorrectly included in the prior action.

Analysis/Rationale

The changes to these forms are technical in nature and necessary to correct inadvertent errors or incorrect references. They are needed to ensure that the forms are correct and conform to the law.

Policy implications

There are no policy implications to this proposal.

Comments

This proposal was not circulated for public comment because the changes are nonsubstantive technical changes or corrections, and are therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Alternatives considered

None.

Fiscal and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, case management systems are unlikely to need updating to implement them.

Attachments and Links

Forms FL-150, SV-800, and WV-800, at pages 3–12.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <div style="background-color: yellow; padding: 10px; text-align: center;"> DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL V 10/02/2023 </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	
INCOME AND EXPENSE DECLARATION	CASE NUMBER:

1. **Employment** (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies of your pay stubs for last two months (black out Social Security numbers).	a. Employer: b. Employer's address: c. Employer's phone number: d. Occupation: e. Date job started: f. If unemployed, date job ended: g. I work about _____ hours per week. h. I get paid \$ _____ gross (before taxes) <input type="checkbox"/> per month <input type="checkbox"/> per week <input type="checkbox"/> per hour.
--	--

(If you have more than one job, attach an 8 1/2-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1—Other Jobs" at the top.)

2. **Age and education**

- a. My age is (specify): _____
- b. I have completed high school or the equivalent: Yes No If no, highest grade completed (specify): _____
- c. Number of years of college completed (specify): _____ Degree(s) obtained (specify): _____
- d. Number of years of graduate school completed (specify): _____ Degree(s) obtained (specify): _____
- e. I have: professional/occupational license(s) (specify): _____
 vocational training (specify): _____

3. **Tax information**

- a. I last filed taxes for tax year (specify year): _____
- b. My tax filing status is single head of household married, filing separately
 married, filing jointly with (specify name): _____
- c. I file state tax returns in California other (specify state): _____
- d. I claim the following number of exemptions (including myself) on my taxes (specify): _____

4. **Other party's income.** I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$ _____
This estimate is based on (explain): _____

(If you need more space to answer any questions on this form, attach an 8 1/2-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:
--	--------------

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your Social Security number on the pay stub and tax return.)

5. Income (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)

	Last month	Average monthly
a. Salary or wages (gross, before taxes).....	\$ _____	\$ _____
b. Overtime (gross, before taxes).....	\$ _____	\$ _____
c. Commissions or bonuses.....	\$ _____	\$ _____
d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving	\$ _____	\$ _____
e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage <input type="checkbox"/> federally taxable*	\$ _____	\$ _____
f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership	\$ _____	\$ _____
g. Pension/retirement fund payments.....	\$ _____	\$ _____
h. Social Security retirement (not SSI).....	\$ _____	\$ _____
i. Disability: <input type="checkbox"/> Social Security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance	\$ _____	\$ _____
j. Unemployment compensation.....	\$ _____	\$ _____
k. Workers' compensation.....	\$ _____	\$ _____
l. Other (military allowances, royalty payments) (specify):	\$ _____	\$ _____

6. Investment income (Attach a schedule showing gross receipts less cash expenses for each piece of property.)

a. Dividends/interest.....	\$ _____	
b. Rental property income.....	\$ _____	
c. Trust income.....	\$ _____	
d. Other (specify):	\$ _____	

7. Income from self-employment, after business expenses for all businesses..... \$ _____

I am the owner/sole proprietor business partner other (specify): _____

Number of years in this business (specify): _____

Name of business (specify): _____

Type of business (specify): _____

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your Social Security number. If you have more than one business, provide the information above for each of your businesses.

8. **Additional income.** I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount): _____

9. **Change in income.** My financial situation has changed significantly over the last 12 months because (specify): _____

10. Deductions

	Last month
a. Required union dues.....	\$ _____
b. Required retirement payments (not Social Security, FICA, 401(k), or IRA).....	\$ _____
c. Medical, hospital, dental, and other health insurance premiums (total monthly amount).....	\$ _____
d. Child support that I pay for children from other relationships.....	\$ _____
e. Spousal support that I pay by court order from a different marriage <input type="checkbox"/> federally tax deductible*.....	\$ _____
f. Partner support that I pay by court order from a different domestic partnership.....	\$ _____
g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g").....	\$ _____

11. Assets

	Total
a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts.....	\$ _____
b. Stocks, bonds, and other assets I could easily sell.....	\$ _____
c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe).....	\$ _____

* Check the box if the spousal support order or judgment was executed by the parties and the court before January 1, 2019, or if a court-ordered change maintains the spousal support payments as taxable income to the recipient and tax deductible to the payor.

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:
--	--------------

12. The following people live with me:

Name	Age	How the person is related to me (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a.				<input type="checkbox"/> Yes <input type="checkbox"/> No
b.				<input type="checkbox"/> Yes <input type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Average monthly expenses Estimated expenses Actual expenses Proposed needs

a. Home: (1) <input type="checkbox"/> Rent or <input type="checkbox"/> mortgage..... \$ _____ If mortgage: (a) average principal: \$ _____ (b) average interest: \$ _____ (2) Real property taxes..... \$ _____ (3) Homeowner's or renter's insurance (if not included above)..... \$ _____ (4) Maintenance and repair..... \$ _____ b. Health-care costs not paid by insurance..... \$ _____ c. Child care..... \$ _____ d. Groceries and household supplies..... \$ _____ e. Eating out..... \$ _____ f. Utilities (gas, electric, water, trash)..... \$ _____ g. Telephone, cell phone, and e-mail..... \$ _____	h. Laundry and cleaning..... \$ _____ i. Clothes..... \$ _____ j. Education..... \$ _____ k. Entertainment, gifts, and vacation..... \$ _____ l. Auto expenses and transportation (insurance, gas, repairs, bus, etc.)..... \$ _____ m. Insurance (life, accident, etc.; do not include auto, home, or health insurance)..... \$ _____ n. Savings and investments..... \$ _____ o. Charitable contributions..... \$ _____ p. Monthly payments listed in item 14 (itemize below in 14 and insert total here).... \$ _____ q. Other (specify): \$ _____ <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> r. TOTAL EXPENSES (a-q) (do not add in the amounts in a(1)(a) and (b)) \$ _____ </div> s. Amount of expenses paid by others \$ _____
---	---

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This information is required if either party is requesting attorney fees):

- a. To date, I have paid my attorney this amount for fees and costs (specify): \$
- b. The source of this money was (specify):
- c. I still owe the following fees and costs to my attorney (specify total owed): \$
- d. My attorney's hourly rate is (specify):

I confirm this fee arrangement.

Date: _____

(TYPE OR PRINT NAME OF ATTORNEY)



(SIGNATURE OF ATTORNEY)

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:
--	--------------

CHILD SUPPORT INFORMATION
(NOTE: Fill out this page only if your case involves child support.)

16. Number of children

- a. I have (*specify number*): _____ children under the age of 18 with the other parent in this case.
- b. The children spend _____ percent of their time with me and _____ percent of their time with the other parent.
(If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

17. Children's health-care expenses

- a. I do I do not have health insurance available to me for the children through my job.
- b. Name of insurance company: _____
- c. Address of insurance company: _____

- d. The monthly cost for the **children's** health insurance is or would be (*specify*): \$ _____
(Do not include the amount your employer pays.)

18. Additional expense for the children in this case

- | | Amount per month |
|---|------------------|
| a. Childcare so I can work or get job training..... | \$ _____ |
| b. Children's health care not covered by insurance..... | \$ _____ |
| c. Travel expenses for visitation..... | \$ _____ |
| d. Children's educational or other special needs (<i>specify below</i>):..... | \$ _____ |

19. Special hardships. I ask the court to consider the following special financial circumstances
(*attach documentation of any item listed here, including court orders*):

- | | Amount per month | For how many months? |
|--|------------------|----------------------|
| a. Extraordinary health expenses not included in 18b..... | \$ _____ | _____ |
| b. Major losses not covered by insurance (<i>examples: fire, theft, other insured loss</i>)..... | \$ _____ | _____ |
| c. (1) Expenses for my minor children who are from other relationships and are living with me..... | \$ _____ | _____ |
| (2) Names and ages of those children (<i>specify</i>): | | |

(3) Child support I receive for those children..... \$ _____

The expenses listed in a, b, and c create an extreme financial hardship because (*explain*):

20. Other information I want the court to know concerning support in my case (*specify*):

DRAFT
2024-05-10
Not approved by
the Judicial Council

1 **Petitioner (Educational Institution Officer or Employee)**
Name: _____

2 **Student in Need of Protection**
Full Name: _____

3 **Respondent (Person From Whom Protection Is Sought)**
Your Name: _____

Your Lawyer (*if you have one for this case*):
Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

4 To the Respondent:
If a judge has ordered you to turn in, sell, or store your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item **5** or **6**. For more information on how to properly turn in your items, read form SV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

5 To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in 3.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ a.m. p.m.

b. List of items (*List all the items surrendered by the person in 3. You may attach a separate form from your agency (e.g., a property report), use item 7, or both. Check below if you have attached a separate form.*):

Separate form is attached. (*If it does not include all surrendered items, list additional items in item 7.*)

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

Signature of law enforcement agent: _____



6

To Licensed Gun Dealer

(Complete the section below. Keep a copy and give the original to the person in ③.)

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ a.m. p.m.

b. List of items (List all the items surrendered by the person in ③. You may attach a separate form (e.g., Department of Justice's Report of Firearms Acquisition) or you may use item ⑦. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in item ⑦.)

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

▶ Signature of licensed gun dealer: _____

7

List of Items Surrendered

Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write "SV-800, item 7" at the top, and attach it to this form.

8 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

No

Yes *(If yes, check one of the boxes below:)*

a. I filed a *Receipt for Firearms and Firearm Parts* (form SV-800) or other proof for those items with the court on *(date)*: _____

b. I am filing the proof for those firearms (guns) or firearm parts along with this proof.

c. I have not yet filed the proof for the other firearms (guns) or firearm parts.
(Explain why not):

Your signature

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

Date: _____

Type or print your name



Sign your name

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

Clerk stamps date here when form is filed.

**DRAFT
2024-05-10
Not approved by
the Judicial Council**

1 Petitioner (Employer)

Name: _____

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

4 To the Respondent:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item **5** or **6**. For more information on how to properly turn in your items, read form SV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

5 To Law Enforcement

*(Complete the section below. Keep a copy and give the original to the person in **3**.)*

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ a.m. p.m.

b. List of items (List all the items surrendered by the person in **3**). You may attach a separate form from your agency (e.g., a property report), use item **7**, or both. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in item **7**.)

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

Signature of law enforcement agent: _____



6

To Licensed Gun Dealer

(Complete the section below. Keep a copy and give the original to the person in ③.)

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ a.m. p.m.

b. List of items (List all the items surrendered by the person in ③. You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item ⑦. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in item ⑦.)

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

▶ Signature of licensed gun dealer: _____

7

List of Items Surrendered

Firearms and firearm parts	Serial Number, if there is one	Sold	Stored	To be destroyed
Make	Model			
(1) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write “WV-800, item 7” at the top, and attach it to this form.

8 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

No

Yes (If yes, check one of the boxes below):

a. I filed a *Receipt for Firearms and Firearm Parts* (form WV-800) or other proof for those items with the court on (date): _____

b. I am filing the proof for those firearms (guns) or firearm parts along with this proof.

c. I have not yet filed the proof for the other firearms (guns) or firearm parts.
(Explain why not):

Your signature

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

Date: _____

Type or print your name



Sign your name

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.