



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on January 22, 2015

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**Title**

Child Support: Certification of Support  
Calculation Computer Software Programs

**Agenda Item Type**

Action Required

**Effective Date**

January 22, 2015

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

January 8, 2015

**Recommended by**

Family and Juvenile Law Advisory  
Committee  
Hon. Jerilyn L. Borack, Cochair  
Hon. Mark A. Juhas, Cochair

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends certification of two support calculation computer software programs, FamilySoft SupportCalc and Family Law Software. The request for Judicial Council certification was submitted by the software developers as provided by California Rules of Court, rule 5.275.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council certify the following two support calculation computer software programs, effective January 22, 2015, as provided by California Rules of Court, rule 5.275:

- FamilySoft SupportCalc, produced by Legal+Plus Software Group, Inc.
- Family Law Software, produced by Family Law Software

The Child Support Calculator Certification Checklist for FamilySoft SupportCalc is attached at pages 5–7 and for Family Law Software at pages 8–10.

### **Previous Council Action**

Family Code section 3830 required the Judicial Council, on or before January 1, 1994, to adopt a rule of court prescribing standards for software that calculates child or spousal support. It also states that no court shall use software to calculate support unless it conforms to the rule of court. In response, the Judicial Council at its November 30, 1993, meeting adopted California Rules of Court, rule 1258, effective December 1993. (Rule 1258 was subsequently renumbered as rule 5.275.) At the same meeting, the Judicial Council also delegated its authority and duty under Family Code section 3830 to certify software programs to the council’s Family and Juvenile Law Advisory Committee.

Since January 1, 1994, five support calculation computer software programs have been certified: CalSupport, including the CalSupport PRO version; DissoMaster; SupporTax; Xspouse; and the California Guideline Child Support Calculator (from the Department of Child Support Services [DCSS]), which includes a publicly available version and a version integrated into the DCSS case management system. The most recent certification of a child support calculator was initial certification of the DCSS Calculator in 2006. The advisory committee is bringing this recommendation to the council for its approval under current governance guidelines and under rule 5.275.

### **Rationale for Recommendation**

Federal regulations (45 C.F.R. § 302.56(a)) require states to establish one set of guidelines for setting and modifying child support award amounts. California enacted Family Code section 4050 to implement the requirement for a uniform statewide child support guideline. Family Code 3830 required the Judicial Council to adopt a rule of court setting out the standards for software that calculates support and granting the Judicial Council authority to certify child support calculation software. The Judicial Council adopted California Rules of Court, rule 5.275, to set out the standards for support calculator software. Two child support calculator vendors, Legal+Plus and Family Law Software, are requesting certification of their respective support calculator software.

Judicial Council staff reviewed rule 5.275, identified each element required for certification, and developed a certification checklist that incorporated all of the requirements. In addition, each of the vendors conducted an in-person and webinar demonstration of their software, including test scenarios, for interested members of the Family and Juvenile Law Advisory Committee. The vendors also made their software accessible upon request from members and on their website for further inspection by members and staff.

The software programs were reviewed against the checklist to ensure compliance with each element of the rule. Judicial Council staff contacted the vendors with any deficiencies. The vendors incorporated changes, and staff reviewed the programs again.

Based on the review of the software and the results summarized on the attached checklists that include all of the required certification elements of rule 5.275, the Family and Juvenile Law Advisory Committee recommends that the two software programs be certified by the Judicial Council.

### **Comments, Alternatives Considered, and Policy Implications**

The proposal was not circulated for public comment because public comment would be inappropriate due to the proprietary nature of the software. However, some members of the Family and Juvenile Advisory Committee are relevant stakeholders and were given an opportunity to review the software and provide feedback. The committee considered taking no action but rejected this option as inconsistent with California Rules of Court, rule 5.275.

The committee believes it would be helpful for family law judicial officers and leadership to be able to provide people developing these programs with more input earlier in the process so that features that would be most useful to the bench and the public might be included during initial development. The calculator certification process focuses exclusively on the technical standards set out in rule 5.275. Individual software users evaluate any given calculator product based not only on certification issues but also on what optional functions are available, user-friendly features, screen layout including drop-down menus, quality of help functions, and whether the calculator addresses the specific needs of a category of users such bench officers, attorneys, self-represented litigants, and other users. User concerns regarding optional features not related to certification have typically been addressed in two ways: (1) by giving feedback to the particular developer regarding modification to include desired features, or (2) by allowing the user to exercise discretion to use any of the other certified calculators whose features are a better match to the user's needs.

Both of the developers who submitted requests for software certification have indicated a willingness to accept input from users including judges, commissioners, and attorneys and to consider modifications on non-certification features of the software. Under rule 5.275 courts may use any certified calculator of their choice in doing their own calculations and courts must accept any calculation from parties or attorneys that use any certified calculator. Based on input from members of the advisory committee, it would be helpful to developers going forward for the committee to be able to contribute to development. The committee is willing to provide this type of input on qualitative calculator features beyond certification standards going forward.

### **Implementation Requirements, Costs, and Operational Impacts**

The implementation requirements, costs, and operational impacts to the courts are either nonexistent or minimal, at the discretion of the courts. Under subdivision (b)(7) of rule 5.275,

officials from the two companies have confirmed that the sale or donation of their software or a license to use the software to a court or judicial officer will include a license without additional charge so that the court or judicial officer can permit an additional copy of the software to be installed on a computer to be made available to members of the public. Under rule 5.275(j)(2), the court may use any certified calculator of its choice in preparing its own calculations. However, the court must permit parties or attorneys to use any certified software of their choice. Although the software is provided to courts at no cost, there would be some nominal cost associated with installing the software if a court chose to provide access to either software program. Some time and effort would be needed for relevant court staff to familiarize themselves with the software.

### **Attachments**

1. Child Support Calculator Certification Checklist for FamilySoft SupportCalc, at pages 5–7
2. Child Support Calculator Certification Checklist for Family Law Software, at pages 8–10

## Child Support Calculator Certification Checklist FamilySoft SupportCalc Software

Certification Elements	CRC 5.275 Subdivision	Verification Method	Compliance
Permits entry of gross income of each parent per FC 4058	(b)(1)(A)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Accurately computes state and federal tax liability per FC 4059(a) or permits entry of a figure	(b)(1)(B)	CPA statement required by (d)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Ensures that deductions for contributions to FICA or those permitted by FC 4059(b) do not exceed the allowable amount	(b)(1)(C)	CPA statement required by (d)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Permits entry of deductions authorized by FC 4059(c)–(f)	(b)(1)(D)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Permits entry of hardship deduction per FC 4059(g) while ensuring that any deduction subject to the limitation in FC 4071(b) does not exceed that limitation	(b)(1)(E)	Manually confirmed and by calculation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Using examples provided by the Judicial Council, must calculate child support using default settings with result that is accurate within 1 percent of the correct amount	(b)(2)	By calculation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Must contain a glossary defining each term used	(b)(3)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Must contain instructions for entry of each figure required for computation of child support, including but not limited to gross income of each party per FC 4058	(b)(4)(A)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Certification Elements	CRC 5.275 Subdivision	Verification Method	Compliance
Must contain instructions for entry of each figure required for computation of child support, including but not limited to deductions from gross income of each party per FC 4059 and CRC 5.275(b)(1)	(b)(4)(B)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Must contain instructions for entry of each figure required for computation of child support, including but not limited to additional child support per FC 4062	(b)(4)(C)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Must contain instructions for entry of each figure required for computation of child support, including but not limited to factors rebutting the presumptive guideline amount, namely deferred sale of residence per FC 4057(b)(2) and income of subsequent partner per FC 4057.5	(b)(4)(D)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
In making an allocation of additional child support per FC 4062, the default setting must allocate the expenses one-half to each parent ; also, must provide in an easily selected option the alternative allocation of expenses per FC 4061(b)	(b)(5)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Must be available to persons without restriction based on profession or occupation	(b)(6)	By written confirmation from vendor	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Certification Elements	CRC 5.275 Subdivision	Verification Method	Compliance
Sale or donation of software or license to use the software must include at no additional charge an additional copy of the software to be installed on a computer to be made available by the court or judicial officer to members of the public	(b)(7)	By written confirmation from vendor	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**Note:** CRC = California Rules of Court; FC = Family Code; FICA = Federal Insurance Contributions Act.

## Child Support Calculator Certification Checklist Family Law Software

Certification Elements	CRC 5.275 Subsection	Verification Method	Compliance
Permits entry of gross income of each parent per FC 4058	(b)(1)(A)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Accurately computes state and federal tax liability per FC 4059(a) or permits entry of a figure	(b)(1)(B)	CPA statement required by (d)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Ensures that deductions for contributions to FICA or those permitted by FC 4059(b) do not exceed the allowable amount	(b)(1)(C)	CPA statement required by (d)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Permits entry of deductions authorized by FC 4059(c)–(f)	(b)(1)(D)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Permits entry of hardship deduction per FC 4059(g) while ensuring that any deduction subject to the limitation in FC 4071(b) does not exceed that limitation	(b)(1)(E)	Manually confirmed and by calculation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Using examples provided by the Judicial Council, must calculate child support using default settings with result that is accurate within 1 percent of the correct amount	(b)(2)	By calculation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Must contain glossary defining each term used	(b)(3)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Must contain instructions for entry of each figure required for computation of child support, including but not limited to gross income of each party per FC 4058	(b)(4)(A)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>



Certification Elements	CRC 5.275 Subsection	Verification Method	Compliance
Must contain instructions for entry of each figure required for computation of child support, including but not limited to deductions from gross income of each party per FC 4059 and CRC 5.275(b)(1)	(b)(4)(B)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Must contain instructions for entry of each figure required for computation of child support, including but not limited to additional child support per FC 4062	(b)(4)(C)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Must contain instructions for entry of each figure required for computation of child support, including but not limited to factors rebutting the presumptive guideline amount, namely deferred sale of residence per FC 4057(b)(2) and income of subsequent partner per FC 4057.5	(b)(4)(D)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
In making an allocation of additional child support per FC 4062, the default setting must allocate the expenses one-half to each parent ; also must provide in an easily selected option the alternative allocation of expenses per FC 4061(b)	(b)(5)	Manually confirmed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Must be available to persons without restriction based on profession or occupation	(b)(6)	Written confirmation from vendor	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Certification Elements	CRC 5.275 Subsection	Verification Method	Compliance
Sale or donation of software or license to use the software must include at no additional charge an additional copy of the software to be installed on a computer to be made available by the court or judicial officer to members of the public	(b)(7)	Written confirmation from vendor	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**Note:** CRC = California Rules of Court; FC = Family Code; FICA = Federal Insurance Contributions Act.