



# Welcome to the 27th Annual AB 1058 Training Conference

# Plenary

## Program History, Updates, and Timekeeping

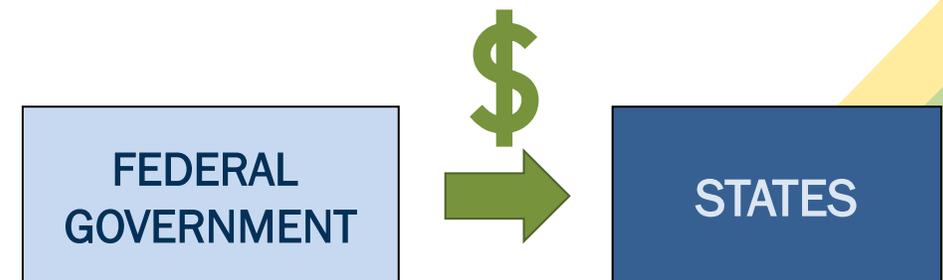
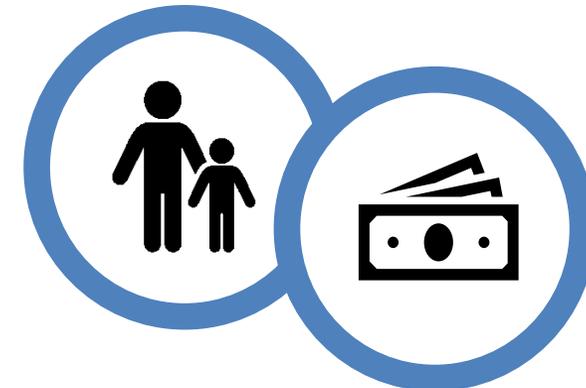
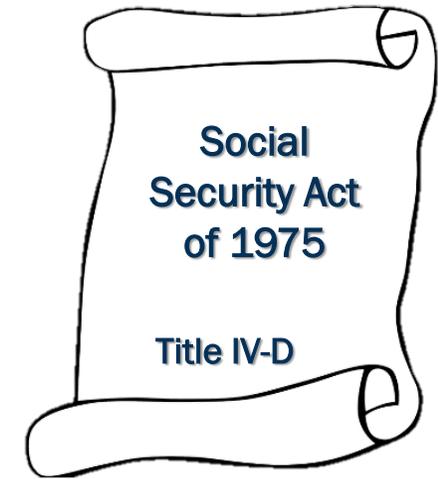
Anna L. Maves – AB1058 Program Manager/Principal Managing Attorney

August 30, 2023



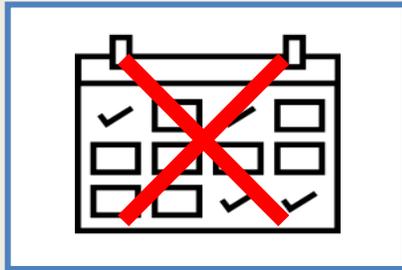
# What is Title IV-D?

- Title IV-D of the Social Security Act (Federal Law)
- Requires each state to provide services to the public to establish parentage and enforce child support orders
- Provides federal funding to states to assist with the cost of the program



# Title IV-D Reform

Pre - AB 1058



Leg Enactment of  
AB 1058 (1996)

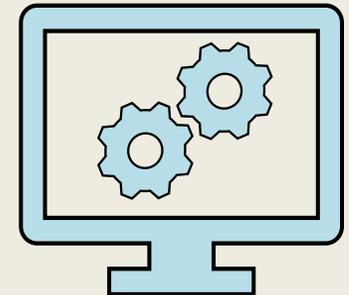


CSC

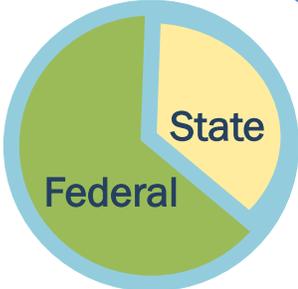
FLF

FC § 17000 →  
(1999)

**CALIFORNIA**  
**CHILD SUPPORT SERVICES**



# Title IV-D Funding





## Required Time Standards

- LCSA documents must filed and processed within 10 court days or immediately in exceptional circumstances.
- LCSA documents which require a court hearing must processed within 5 court days of the submission.

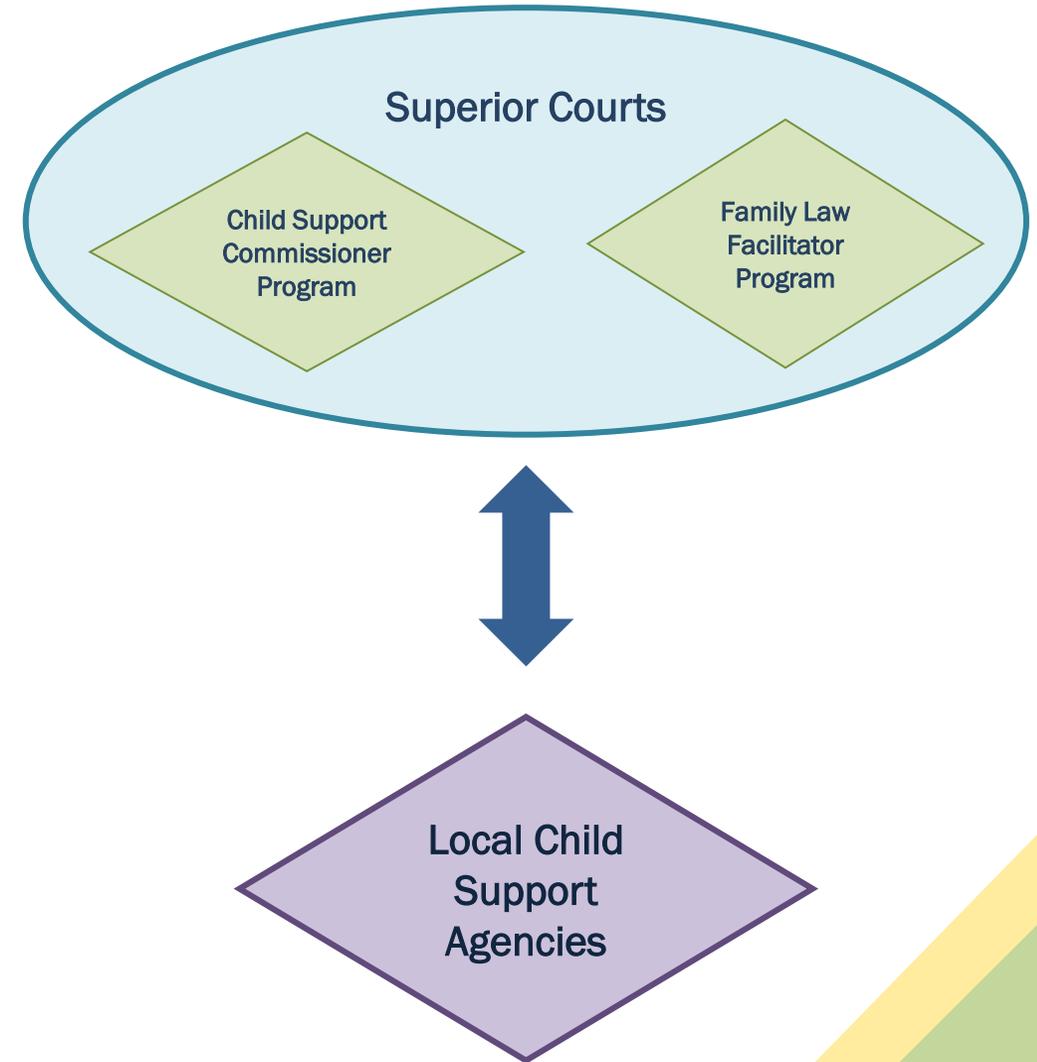


- Hearings must be set within 60 days of filing date.



# Plans of Cooperation

- Required by the funding contract between JCC/court
- Can set out local case/form processing timelines
- Requires quarterly POC meeting between court and agency



# AB 1058 Program Audits

- Who will be auditing?

- Office of Child Support Enforcement (OCSE Federal audits)
- California Department of Child Support Services Audits (DCSS)
- Judicial Council AB 1058 Program Review



- What are the Auditors looking for?

- Compliance with financial requirement
- Compliance with federal and state laws
- Compliance with contractual terms
- Compliance with court's internal policies



# Unique Aspects of the AB 1058 Program



# Family Code §4250

- The success of the child support program depends on the ability to establish and enforce child support orders quickly and efficiently.
- Compelling interest in creating expedited process that is cost-effective and accessible.
- Compelling state interest in having a simple, speedy, conflict-reducing and accessible to families.



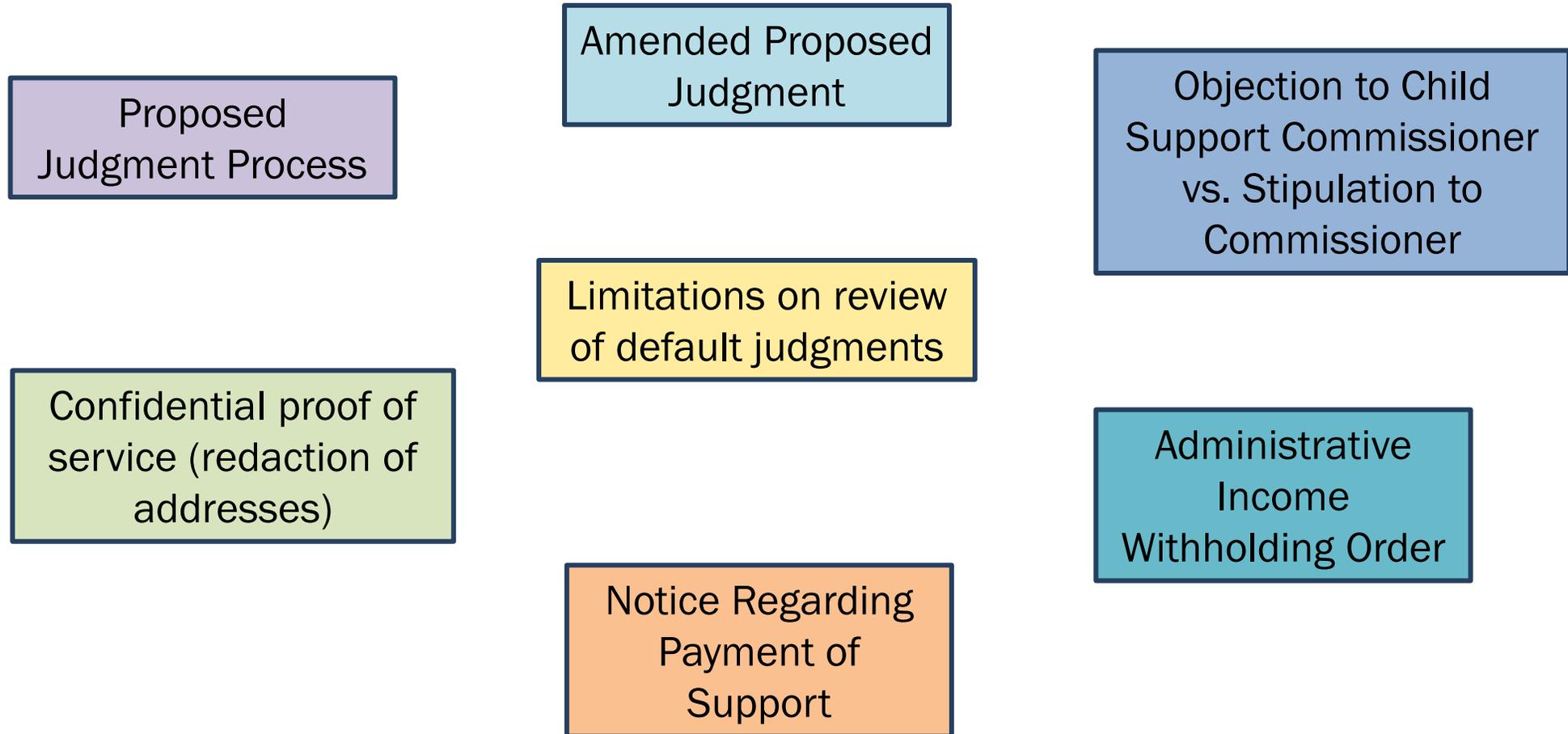
# Court Clerk Training

## California Rule of Court 5.355

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



# Specialized Court Procedures for AB 1058 Cases



# Fees & Costs in Title IV-D Cases

- Exemption of Child Support Agency from payment of fees and costs (Government Code 6103.9)
- No fee to file response or subsequent paper in action brought by DCSS (Government Code 70672)
- What about Requests for Hearing on Wage Assignment? (CRC 5.335(c))



# Legislative Changes



# Remote Appearances:

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**CCP § 367.75  
extended to  
1/1/2026**

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**CRC rule 5.324  
still suspended  
until 1/1/2026**

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**CRC 3.672 still  
controls:  
→ Form RA-010  
→ Form RA-015  
→ Form RA-020**



# SB 343/AB 1755:

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**Will bring  
California into  
compliance with  
federal final rule**

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**Biggest changes to  
the program since  
its inception**

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**Will result in changes  
to some procedures  
and lots of forms**



# SB 343/AB 1755 (*new default rules*):

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No more default judgments based on presumed income

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Support can be based on earning capacity if:

- Underemployed
- Income unknown

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Default “prove up” hearing if based on earning capacity

- NOM for Judgment
- Both parents can participate



# Potential forms revisions

- To be approved by 9/1/2024
- But with 1/1/2026 eff. date (FL-600s)
- User-testing & form design (NCSC)



# Potential forms revisions

	Form No.	Form Name
1	FL-192	Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)
2	FL-342	Child Support Information and Order Attachment
3	FL-342(A)	Non-Guideline Support Findings Attachment
4	FL-530	Judgment Regarding Parental Obligations (UIFSA)
5	FL-600	Summons and Complaint or Supplemental Complaint Regarding Parental Obligations
6	FL-610	Answer to Complaint or Supplemental Complaint Regarding Parental Obligations
7	FL-616	Declaration for Amended Proposed Judgment
8	FL-630	Judgment Regarding Parental Obligations
9	FL-632	Notice Regarding Payment of Support
10	FL-635	Notice of Entry of Judgment and Proof of Service by Mail
11	FL-640	Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income



# Potential forms revisions

	Form No.	Form Name
12	FL-640-INFO	Information Sheet for Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income
13	FL-643	Declaration of Obligor's Income During Judgment Period—Presumed Income Set-Aside Request
14	FL-665	Findings and Recommendation of Commissioner
15	FL-680	Notice of Motion
16	FL-683	Order to Show Cause
17	FL-684	Request for Order and Supporting Declaration
18	FL-685	Response to Governmental Notice of Motion or Order to Show Cause
19	FL-687	Order After Hearing
20	FL-688	Short Form Order After Hearing
21	FL-692	Minutes and Order or Judgment
22	FL-693	Guideline Findings Attachment



# Changes to Forms



# Relief for incarcerated obligors

Several  
Amendments  
to FC 4007.5

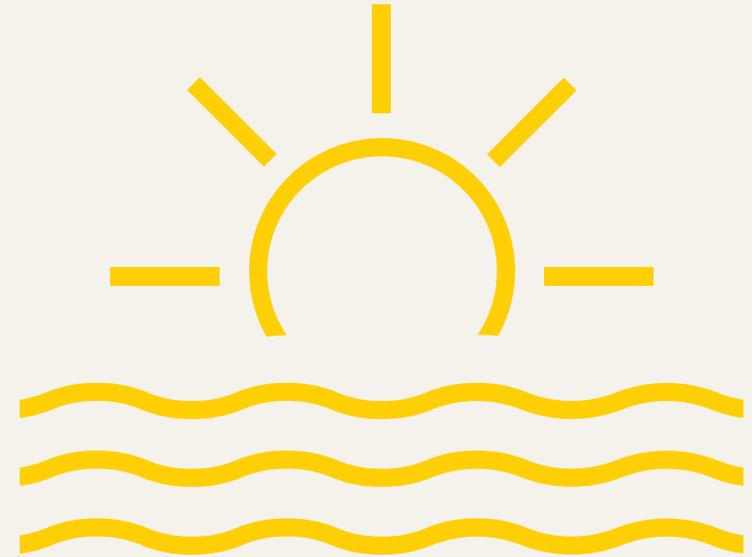
Effective  
9/27/2022

AB 1148?  
Stay tuned...



# Sunset Date:

- Sunset date finally removed!
- December 31, 2022



# Sunset Date:

- Sunset date finally removed!
- ~~December 31, 2022~~



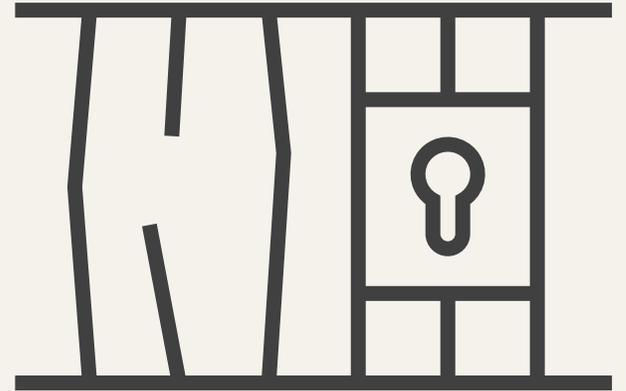
# Exceptions:

- Exceptions to relief removed
  1. DV against parent or child
  2. Contempt for non-payment of support
- Ability to pay exception remains

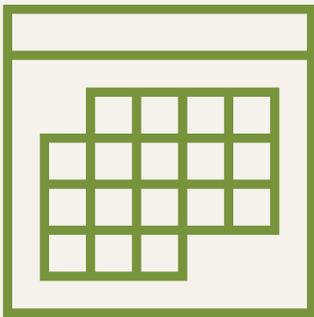


# Exceptions:

- Exceptions to relief removed
  - ~~1. DV against parent or child~~
  - ~~2. Contempt for non-payment of support~~
- Ability to pay exception remains



# Child Support Orders:



- Now applies to all ongoing support orders
- Regardless of when entered
- Old law applied only to orders made after law's eff. date



# Pre 9/27/2022 Relief:

- Relief still available for prior versions:
  - When granted by operation of law
    - ↳ Versions 2 & 3



# Revised forms (eff. 1/1/2024)

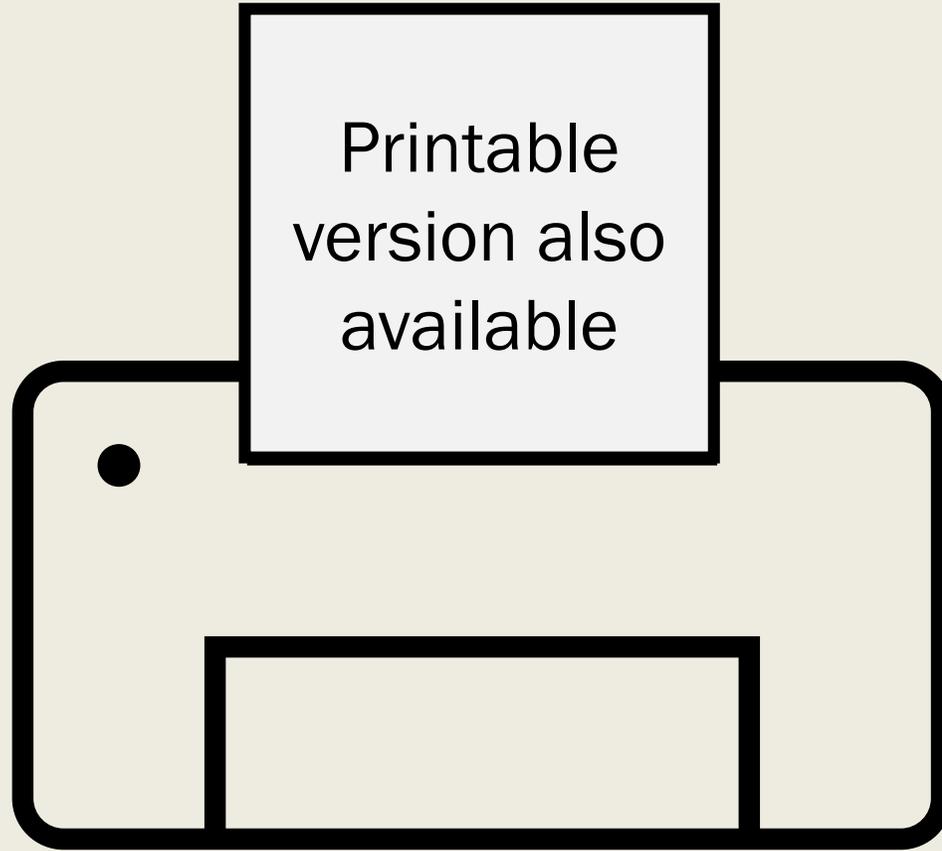
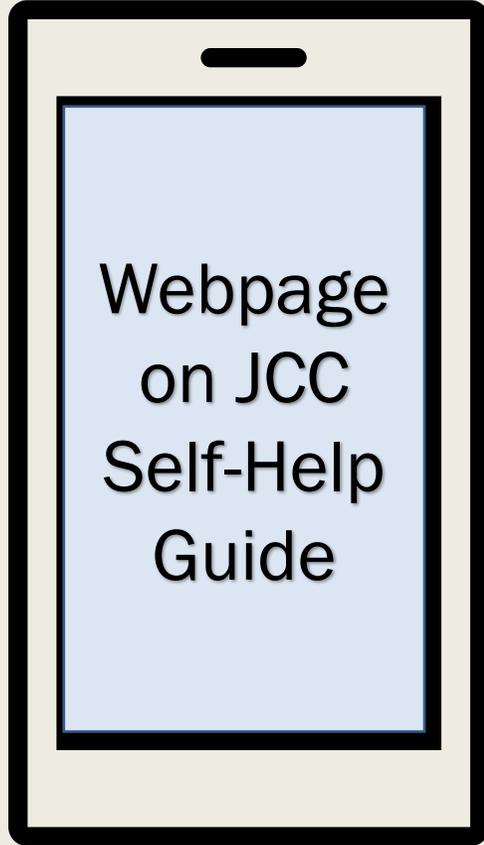
- FL-192, *Notice of Rights and Responsibilities*
- FL-490, *Application to Determine Arrears*
- FL-676, *Request for Determination of Support Arrears*
- FL-676-INFO, *Information Sheet: Request for Determination of Support Arrears*



# FL-490 & FL-676:

- b.  I could not pay child support because on or after **September 27, 2022**, I was confined against my will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution (*attach proof*).
- (1) I was confined during the following dates:
- (a) Start date:  (b) Release date:
- Additional dates of confinement are listed on an attached page. ([Form MC-025](#) may be used for this purpose.)
- (2) I had no ability to pay child support while I was confined.
- c.  I could not pay child support because from **October 8, 2015**, through **December 31, 2019**, or **January 1, 2021**, through **September 26, 2022**, my child support order was entered or modified, and I was confined against my will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution (*attach proof*).
- (1) I was confined during the following dates:
- (a) Start date:  (b) Release date:
- Additional dates of confinement are listed on an attached page. ([Form MC-025](#) may be used for this purpose.)
- (2) I had no ability to pay child support while I was confined.
- (3) I was *not* confined for
- (a) Domestic violence against the other parent or our child; or
- (b) Failing to pay a child support order.





[selfhelp.courts.ca.gov/child-support/incarcerated-parent](https://selfhelp.courts.ca.gov/child-support/incarcerated-parent)



# AB 1058 Timekeeping



# Reimbursability Principles

Reasonableness

No “magic wand”

Proportionality

Documentation



# Requirement for Documenting Time (Traditional Method)

- Courts can only be reimbursed for **IV-D** work
- Timesheet must reflect **ALL** time worked by staff: IV-D and non-IV-D
- This is known as “100% positive reporting” and is required by federal regs
  - Program Hours
  - Non-Program Hours
  - Benefit Hours



# JCC Grant Timesheet

STATE OF CALIFORNIA		JUDICIAL COUNCIL OF CALIFORNIA												
JC-4 TIMESHEET (REV 07-23)		GRANT TIMESHEET												
SUPERIOR COURT OF CALIFORNIA, COUNTY OF														
EMPLOYEE NAME:		PAY PERIOD START:				PAY PERIOD END:								
EMPLOYMENT STATUS:														
FULL TIME		PART TIME												
Federal regulations require that all hours worked by an employee must be accounted for, regardless of whether or not it is reimbursable by the grant.														
	A	B	C	D	E	F	G	H	I	J = (B thru I)	K	L	M	N = (J+L+M-H)
	Date	Title IV-D CSC Hours	Title IV-D FLF Hours	Title IV-D Outreach Hours	Self-Help Center	(Insert Program Name)	(Insert Program Name)	(Insert Program Name)	Other Hours	Total Hours Worked	Unpaid Leave Time	Total PTO Used	Total ATO Used	Total Hours Including PTO & ATO
1														
2														
3														
4														
5														
6														
7														
	Total Hours													
	Percentage													
I hereby certify under penalty of perjury that this time sheet accurately represents actual time worked and any leave time charged or authorized to any grant included does not exceed leave time earned while working on the grant.														
Employee Signature					Supervisor Signature									
Date					Date									
(This document may be signed using an electronic signature, as defined in CRC, rule 2.257(a). By typing your name into the signature line and entering the date, you are attesting to signing this document under the penalty of perjury under CRC, rule 2.257(b).)														



# Tips for Keeping Track of Time

- Document time in the moment 
- Develop scratch sheets, logs, spreadsheets, etc. 
- Organize work in a way that is easy track
- Follow your court's practice for documenting time
  - 15 minute vs. 6 minute increments
- Why is this important? 
  - Federal regs require that charges to grant must be based on records that are supported by a “**system of internal control**”



# Sample Time Tracking Log

## Weekly Time Tracking Log

Name: \_\_\_\_\_

<i>Example</i>	IV-D	Non IV-D	Other
Monday	$.2 + .3 + 1.6 + .1 + .5 = 2.7$	$1 + .8 + .7 + 1.3 = 3.8$	$.3 + .2 + .4 + .1 = 1.0$

(Note: 6 minutes = .1 hour.)

<i>Week 1 ( ___ to ___ )</i>	IV-D	Non IV-D	Other
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			

IV-D  
Time

Non IV-D  
Time

Other



# Alternative Timekeeping Method

## Rolling Time Study (RTS)

- Court **Option** to use RTS (full year at a time)
- AB 1058 staff tracks time during **one week** periods
  - 4 weeks per quarter
- Must use specific RTS timesheets
- Data extrapolated for entire quarter to calculate amount of time that can be billed to the grant



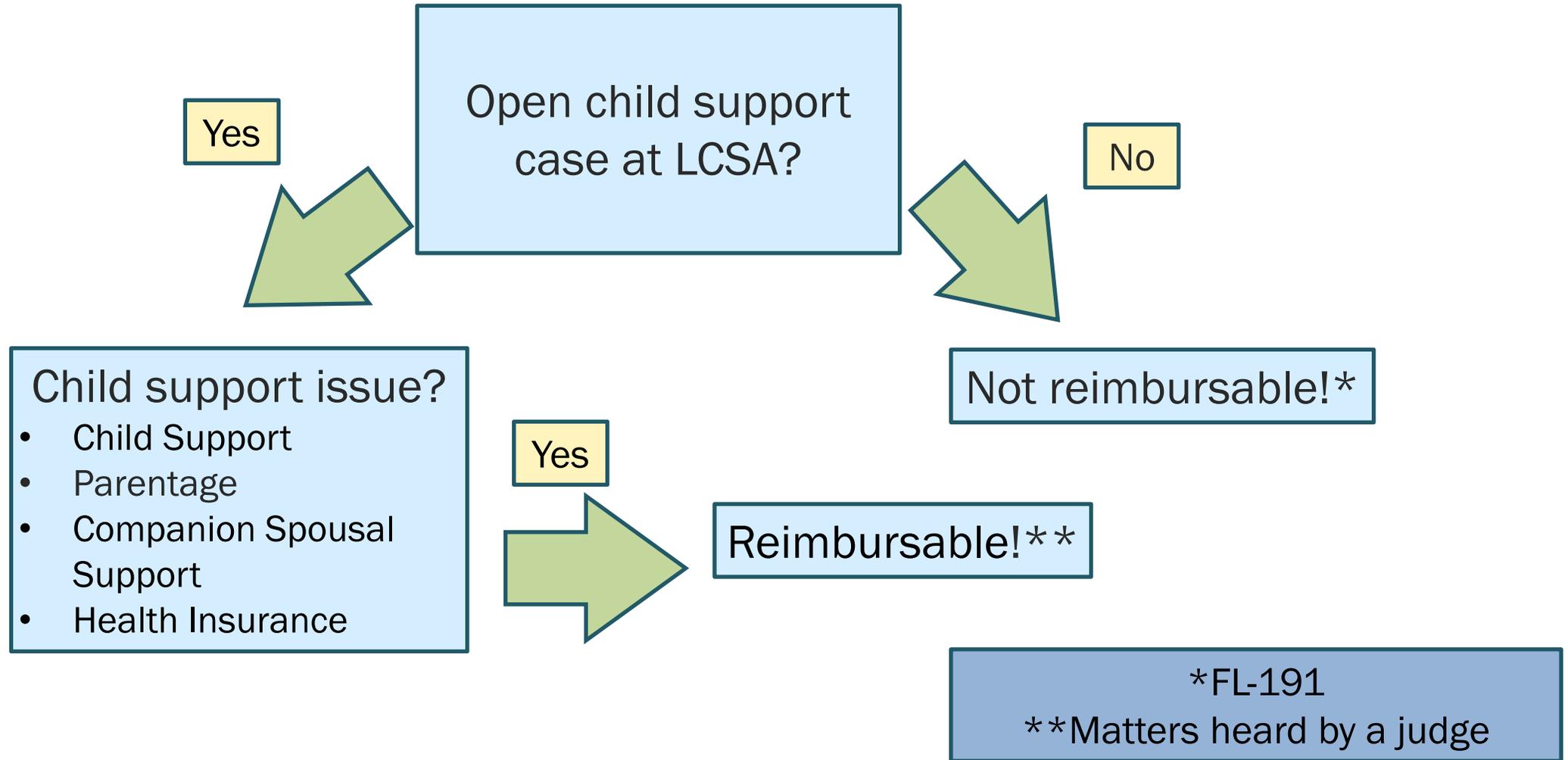
# The (2-part) Question

1. Was the activity IV-D reimbursable?

2. How much time was spent?



# Reimbursable AB 1058 Commissioner/Clerk Services



# Reimbursable, yes or no?

- Attending the AB 1058 training conference?
- Hearing a companion matter motion to modify spousal support in an active IV-D case?
- Emailing [jamie.lau@jud.ca.gov](mailto:jamie.lau@jud.ca.gov) for help with your grant timesheet?
- Processing an RFO to vacate a restraining order in an active IV-D case?



# Reimbursable, yes or no?

- Processing a motion to set aside a voluntary declaration of parentage?
- Hearing an RFO to modify support in *County of Yolo DCSS v. John Smith*?
- Attending a mandatory one-hour meeting on cyber security?
- Courtroom clerk duties for DCSS calendar covered by Judge Slossberg?



# Reimbursable, yes or no?

- Packaging up a month's worth of Child Support Case Registry Forms & shipping them to DCSS?
- Processing an RFO to modify child custody, visitation, and support in an active IV-D case?
- Travelling to a different courthouse to cover a mixed Family & IV-D calendar?
- Buying John a beer at happy hour?



# Thank you!

