



# Welcome to the 29<sup>th</sup> Annual AB 1058 Conference

September 17, 2025

# DCSS Presents

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September 17,  
2025



# DCSS Presents - Overview

- Pending Legislation: Assembly Bill (AB) 1521 - Judiciary Omnibus
  - Amendments to CA Probate Code Section 9202
- AB 3281 (2024) – Change of Venue
- AB 2960 (2022) – Notice Regarding Payment of Support
- Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs (FEM Final Rule) Phase II Implementation
  - Senate Bill (SB) 343 (2023) Amendments Effective 1.1.2026

# AB 1521 – Judiciary Omnibus

- Amendments to CA Probate Code Sec. 9202 regarding child support
  - General personal representative or estate attorney shall give notice of the decedent's death
  - Not later than 90 days after the date letters are first issued to a general personal representative
  - If the general personal representative or estate attorney knows or has reason to believe that the decedent had a child support obligation

# AB 1521 – Judiciary Omnibus

- Amendments to CA Probate Code Sec. 9202 regarding child support
  - Notice is given to State DCSS
  - Notice may be given by personal service, mail, or electronic delivery
  - LCSA may assert a claim within 4 months of receiving notice

# AB 1521 – Judiciary Omnibus

- Amendments to CA Probate Code Sec. 9202 regarding child support
  - Effective date January 1, 2026
    - Applicable to estates for which letters are first issued on or after January 1, 2026
- State DCSS intends to create an electronic notification process through the State DCSS website

# AB 3281 – Change of Venue

- Amendments to CA Code of Civil Procedure Sec. 397.5
  - Prior to AB 3281, this provision was limited to dissolution or nullity of marriage or legal separation proceedings
  - Effective date January 1, 2025, applicable to any proceeding under the Family Code
  - If both parties have moved from the county rendering the order, the court may, when the ends of justice and the convenience of the parties would be promoted by the change, order that the proceedings be transferred to the county of residence of either party.

# AB 3281 – Change of Venue

- Amendments to CA Code of Civil Procedure Sec. 397.5
  - For matters involving the local child support agency, any motion to change venue under CCP §397.5 must be redirected to the IV-D court.
  - The IV-D court has the discretion over changing the venue for the child support proceedings.

# AB 3281 – Change of Venue

- Family Code Sec. 17400(n) determines venue in child support proceedings.
- Amendments to Family Code Sec. 17400(n):
  - Except when a IV-D court transfers the action or proceeding pursuant to Section 397.5 of the CCP pursuant to a directly filed motion, a redirected motion, or on the court's own motion, venue for an action or proceeding under this division shall be determined as follows (...)

# AB 2960 – Notice Regarding Payment of Support

- AB 2960 amended Family Code Sec. 4204:
  - Effective January 1, 2023
  - LCSAs are to issue, serve, and file the NRPS form (FL-632)
  - For cases with an established order when:
    - Child support has been assigned to the county;
    - Application to provide child support enforcement has been received; or
    - The LCSA is no longer providing IV-D services.

# AB 2960 – Notice Regarding Payment of Support

- AB 2960 amended Family Code Sec. 4204:
  - Clean up effort underway to capture every case where a NRPS should have been filed after 1.1.23.
  - To aid in the clean-up process, a Tableau dashboard is updated monthly with a list of cases containing established child support orders to determine if a NRPS has been filed.

# Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs (FEM Final Rule) Phase II Implementation

Senate Bill (SB) 343 (2023) Amendments Effective 1.1.2026

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September 17,  
2025



# FEM Final Rule – SB 343, Phase II

- Flexibility, Efficiency, and Modernization in Child Support (**FEM**) Final Rule Federal Regulations were published on December 20, 2016.
- California State Legislature enacted **SB 343** on September 22, 2023, to bring California laws into compliance with the FEM Final Rule:
  - Two effective dates:
    - **September 1, 2024**, for child support guidelines (PHASE I – implementation complete)
    - **January 1, 2026**, for child support order establishment procedures (PHASE II – implementation in progress)


# FEM Final Rule – SB 343, Phase II

## SB 343:

- Effective September 1, 2024, made the most significant changes to statutes governing California’s child support guidelines in decades
- Operative January 1, 2026, completely overhauls practices for imputing income in initial pleadings for IV-D cases. At-a-glance:
  - Removes presumed income from initial pleadings and replaces it with a requirement to determine earning capacity
  - Revises procedures to always require a hearing when actual income is unknown/earning capacity needs to be determined
  - Revises set aside provisions for judgments not based on actual income
  - Introduces new annual review requirements

# Three (3) Categories of Income Under SB 343

## FC 17400(d)(2)(A)

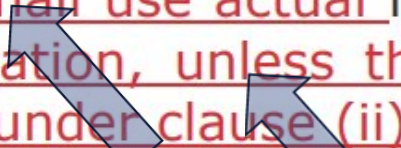
- **Clause (i):** Actual income: gold standard – no char 
- **Clause (ii):** Earning capacity higher than actual income: to be used at LCSA discretion
- **Clause (iii):** Earning capacity when actual income is unknown: replacement for presumed income

# Family Code Sec. 17400(d)(2)(A)(i)

## “Clause (i) – Actual Income”

(2) (A) The simplified complaint form shall provide notice of the amount of child support that is sought pursuant to the guidelines set forth in Article 2 (commencing with Section 4050) of Chapter 2 of Part 2 of Division 9 based upon ~~the one of the following methods used to determine~~ income ~~or income history of the support obligor as known to:~~


(i) If sufficient information is available to determine actual income, pursuant to subdivision (a) of Section 4058 and Section 4060, the local child support agency. If the support obligor's shall use actual income or income history as the basis of the proposed support obligation, unless the local child support agency has sufficient information to proceed under clause (ii).



## Family Code Sec. 17400(d)(2)(A)(ii)

### “Clause (ii) – Earning Capacity Higher Than Actual Income”

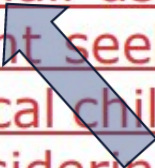
(ii) If the local child support agency has sufficient information that the earning capacity is greater than the actual income, and sufficient evidence is available to establish earning capacity pursuant to subdivision (b) of Section 4058, the local child support agency **may** use earning capacity as the basis of the proposed support obligation.



# Family Code Sec. 17400(d)(2)(A)(iii)

## “Clause (iii) – Earning Capacity When Actual Income is Unknown”

(iii) If the actual income of the support obligor is unknown to the local child support agency, ~~the~~ and sufficient evidence is available to establish earning capacity pursuant to subdivision (b) of Section 4058, the local child support agency shall use earning capacity as the basis of the proposed support obligation. A complaint seeking child support under this clause shall set forth the steps first taken by the local child support agency to establish the support obligor’s actual income prior to considering earning capacity, which must include, but are not limited to:



# Requirements for Complaint

**When actual income is unknown, complaint must set forth steps taken to determine it, including:**

- Attempting to contact support obligor at least three times. (I)
- Seeking information about obligor's expenses and work history from party seeking support. (II)
- Searching available databases for info relating to obligor's employment, income, or both. (III)

## **Family Code Sec. 17400(d)(2)(A)(iii):**

**A complaint seeking child support under this clause shall set forth the steps taken by the local child support agency to establish the support obligor's actual income prior to considering earning capacity, which must include, but are not limited to:**

(I) Attempting to contact the support obligor through telephonic, electronic, and postal means, to the extent contact information is known or can be discovered through reasonably available means. At least three attempts to contact the support obligor shall be made.

(II) Seeking information about the support obligor's expenses and work history from the party seeking support.

(III) Searching in available databases for information relating to the support obligor's employment, income, or both.

# Implementation: Where do we begin?

The process of generating a Summons and Complaint begins with a guideline calculation.

When actual income is unknown, we simply select presumed income for PPS today.

What will happen after 1.1.26?

## DCSS Guideline Calculator - Monthly Income Information

### Section:


#### Monthly Income Information

Wages/Salary:	<input type="text"/>	MONTHLY	<input type="text"/>	MONTHLY
<input checked="" type="checkbox"/> Calculate Wages/Salary				
Presumed Income:	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
Earned Income Frequency:	<input type="text" value="MONTHLY"/>		<input type="text" value="MONTHLY"/>	
Hours/Week:	<input type="text" value="40"/>		<input type="text" value="40"/>	
Minimum Wage:	<input type="text" value="2025 CA MIN WAGE 16.50/HR"/>		<input type="text" value="2025 CA MIN WAGE 16.50/HR"/>	
Amount Year-To-Date:	<input type="text"/>		<input type="text"/>	
YTD Date Range:	<input type="text"/>	to	<input type="text"/>	
Imputed Income:	<input checked="" type="radio"/> None	<input type="radio"/> Some	<input type="radio"/> All	<input checked="" type="radio"/> None <input type="radio"/> Some <input type="radio"/> All

# Implementation:

## Generating a Summons and Complaint based on earning capacity

Monthly Income Information	
Earning Capacity Income	<input checked="" type="checkbox"/>
Earning Capacity Income used:	<input type="radio"/> Some <input type="radio"/> All
<b>Wages/Salary:</b>	<input type="text"/> MONTHLY
<input type="checkbox"/> Calculate Wages/Salary	<input type="checkbox"/> MONTHLY
Presumed Income:	<input type="text"/>
Earned Income Frequency:	MONTHLY
Hours/Week:	40
Minimum Wage:	2025 CA MIN WAGE 16.50/HR
Amount Year-To-Date:	<input type="text"/>
YTD Date Range:	<input type="text"/> to <input type="text"/>
Imputed Income:	<input type="text"/>
Self-Employment Income:	<input type="text"/>
Unemployment Compensation:	<input type="text"/>
Disability (Taxable):	<input type="text"/>



# Implementation:


- **Changes to the guideline calculator:**
  - If tax year 2026 or later is selected, the system will gray-out the presumed income option. (Users will not be able to select presumed income.)
  - Starting January 1, 2026, tax year 2026 is the default selection.
  - If tax year 2025 or earlier is selected, the presumed income option becomes available.
  - Why is presumed income still necessary for calculations using tax years 2025 and before? Partial set asides under Fam. Code Sec. 17432.

The image shows a screenshot of a web-based tax information form. The form is titled "Tax Information" and contains several sections. A dropdown menu is open on the right side, showing a list of years from 2011 to 2025. The year 2025 is currently selected and highlighted in blue. The form includes fields for "Tax Year:", "Federal Income Taxes:", "State Income Taxes:", "Other Tax Settings", and "Monthly Income Information". The "Monthly Income Information" section includes a field for "Wages/Salary:" and a button labeled "Calculate Wages/Salary". The "Tax Year:" field is currently set to 2025. The "Federal Income Taxes:" section includes "Federal Tax Filing Status:" and "Federal Tax Exemptions:". The "State Income Taxes:" section includes "California Tax Filing Status (Registered Domestic Partner Only):" and "Show Maximized Exemptions and Credits (Court Discretion/Stipulations Only):". The "Other Tax Settings" section is currently collapsed. The "Monthly Income Information" section is currently expanded.

# Implementation: Guideline

## Calculations

Results report (print-out) submitted to the court.

State Tax Settings		
Include California State Income Taxes	YES	YES
California State Disability Insurance	YES	YES
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	YES	YES
California Earned Income Tax Credit	YES	YES
California Young Child Tax Credit	NO	NO
Number of Children for Child Tax Credits	0	0
Include Other State Income Taxes	NO	NO
Other State Tax Rate		
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		
Monthly Income Information	NCP	Other Parent
<b>Earning Capacity Income Used</b>	<b>ALL</b>	
<b>Wages/Salary</b>	<b>2000.00</b>	<b>5000.00</b>
NCP: Based on Earning Capacity Income 		
Other Parent: Based on earned income: \$5000.00 MONTHLY		
<b>Self-Employment Income</b>	<b>0.00</b>	<b>0.00</b>
<b>Unemployment Compensation</b>	<b>0.00</b>	<b>0.00</b>
<b>Disability (Taxable)</b>	<b>0.00</b>	<b>0.00</b>
<b>Imputed Income</b>		
<b>Total Other Taxable Income</b>	<b>0.00</b>	<b>0.00</b>
Social Security Income (Taxable)	0.00	0.00
Other Income (Retirement, Annuity, SS Other Rel, Operating Losses, etc)	0.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00

# Implementation:

## Total of 15 JCC forms to be implemented in the system by January 1, 2026:

- FL-530 Judgment Regarding Parental Obligations (UIFSA)
- FL-600 Summons and Complaint
- FL-610 Answer
- FL-616 Declaration for Amended Proposed Judgment
- FL-630 Judgment Regarding Parental Obligations
- FL-635 Notice of Entry of Judgment and Proof of Service
- FL-640 Notice of Motion to Cancel (Set Aside) Support Order Based on Presumed Income
- FL-643 Declaration of Obligor's Income During Judgment Period
- FL-665 Findings and Recommendation of Commissioner
- FL-680 Notice of Motion
- FL-683 Order to Show Cause
- FL-687 Order After Hearing
- FL-688 Short Form Order After Hearing
- FL-692 Minutes and-or Order or Judgment
- FL-693 Guideline Findings Attachment

# Implementation: JCC forms:

**California Rule of Court 5.311. Implementation of new and revised governmental forms by local child support agencies:**

**(a) General extended implementation**

A local child support agency ... must implement any new or revised form approved or adopted by the Judicial Council for support actions under title IV-D of the Social Security Act, ... within six months of the effective date of the form. During that six-month period, the local child support agency may properly use and file the immediately prior version of the form.

**SB 343 - SEC. 22. Section 17432.5 is added to the Family Code, to read:**

**17432.5.** No later than September 1, 2024, the Judicial Council shall adopt and approve any forms necessary to implement Sections 17400, 17404.1, 17430, and 17432 as added by the act that added this section. Forms adopted pursuant to this section shall have an effective date of January 1, 2026.

# Implementation: JCC forms:

## Version control for FL-630 Judgment Regarding Parental Obligations:

### **Both versions of FL-630 will be available in CSE.**

California Rule of Court 5.311. Implementation of new and revised governmental forms by local child support agencies:

#### **(b) Judgment regarding parental obligations**

When the local child support agency files a proposed judgment or proposed supplemental judgment in any action using Judgment Regarding Parental Obligations (Governmental) (form FL-630), a final judgment or supplemental judgment may be filed on:

- (1) The same version of the form that was used with the initial action or that was filed as an amended proposed judgment; or
- (2) The most current version of the form, unless there have been amendments to the form that result in substantial changes from the filed version. If the most current version of the form has been substantially changed from the filed version, then the filed version must be used for the final judgment. A substantial change is one that would change the relief granted in a final judgment from that noticed in a proposed or amended proposed judgment.

# Form FL-600 Summons and Complaint

## Fields automatically filled out based on the guideline calculation:

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): [ ]                      |  |

# Form FL-600 Summons and Complaint:

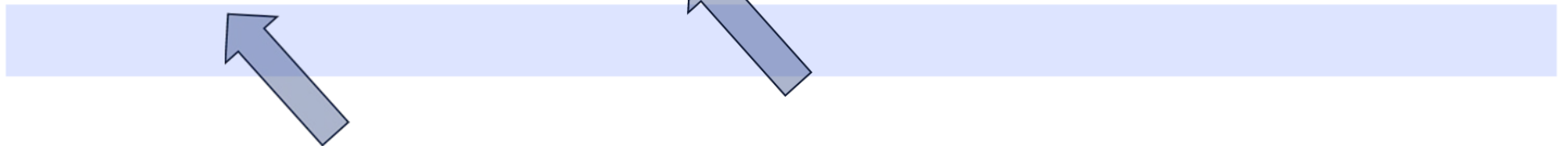
## Steps taken to establish actual income before pleading earning capacity.

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*):

# FL-630 Judgment Regarding Parental Obligations:

## Option for LCSAs to attach PDFs to electronically filed Summons and Complaints, Proposed Judgments:

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*):



# Additional requirements: Motion for Judgment FC 17400(d)(2)(D)

**If the proposed judgment is based on earning capacity, the LCSA must file a motion for judgment under FC 17404(b).**

(D) If the proposed judgment is based on the support obligor's earning capacity pursuant to clause (ii) or (iii) of subparagraph (A), the local child support agency shall file a motion for judgment, as provided in subdivision (b) of Section 17404. The motion for judgment filed pursuant to this subparagraph shall be served on the defendant in compliance with Section 1013 of the Code of Civil Procedure or otherwise as provided by law. If the hearing on the motion for judgment under this subdivision is continued, the court may make a temporary order as authorized by Section 17404.

# The procedure for the Motion for Judgment in earning capacity cases: FC 17430(b)

- The LCSA must file a Motion for Judgment (MFJ) (1)
- MFJ shall be served in compliance with Section 1013 of the CCP (i.e., mail-served) (1)
- Both parents permitted to appear and offer evidence. (2)
- Obligor need not have filed an answer. (2)
- If obligor does not appear and does not file an answer, the court shall proceed by default: (3)
  - Must consider earning capacity factors and make findings
  - Required to order a lower support amount than that pled if the findings support a lower guideline amount

# The procedure for the Motion for Judgment in earning capacity cases: FC 17430(b)(1) & (2)

(1) If the proposed judgment is based on the support obligor's earning capacity pursuant to clause (ii) or (iii) of subparagraph (A) of paragraph (2) of subdivision (d) of Section 17400, the local child support agency shall file a motion for judgment, as provided in subdivision (b) of Section 17404. The motion for judgment filed pursuant to this paragraph shall be served on the defendant in compliance with Section 1013 of the Code of Civil Procedure or otherwise as provided by law.

(2) At the motion for judgment hearing, the court shall permit the appearance and participation of the defendant and the other parent in the hearing, including, but not limited to, sworn testimony and the introduction of evidence, regardless of whether the defendant has filed an answer to the complaint.

# The procedure for the Motion for Judgment in earning capacity cases: FC 17430(b)(1) & (2)

(3) If the defendant fails to file an answer with the court and does not appear at the motion for judgment hearing, the judgment shall be entered by way of default after the court considers the factors set forth in subdivision (b) of Section 4058 and states its findings on the record. When considering those factors or any other relevant matter, the court may inquire of the local child support agency regarding the factors set forth in subdivision (b) of Section 4058 or any other relevant matter. If after consideration of the factors set forth in subdivision (b) of Section 4058 and the evidence presented by the local child support agency or the other parent the court determines that child support pursuant to the guidelines set forth in Article 2 (commencing with Section 4050) of Chapter 2 of Part 2 of Division 9 would be lower than the proposed support obligation listed in the proposed judgment, the court shall enter an order for guideline child support. This paragraph does not limit the court's discretion to order an amount higher than, lower than, or equal to the proposed support obligation listed in the proposed judgment based on the evidence presented if the defendant files an answer or appears at the motion for judgment hearing.

# Implementation: CSE Tasks

- Task to review the case to generate an S&C based on earning capacity when no actual income information has been located and no active guideline calculation has been generated
- Eliminate the tasks to review the case for default (Request to Enter Default Judgment – FL 620) if the S&C was based on earning capacity
  - Instead generate task to review the case for Motion for Judgment 30 days after service regardless of whether an Answer has been filed
  - LCSA may need to file the Request to Enter Default Judgment (FL 620) depending on how the MFJ hearing proceeds

# Implementation: JCC Form FL-620 no revisions

<b>REQUEST TO ENTER DEFAULT JUDGMENT</b>	CASE NUMBER: <input type="text"/>
--	--------------------------------------

1. More than 30 days have passed since service of the summons, complaint, and copy of the proposed judgment.
2. To my knowledge no answer or other responsive pleading has been filed.
3. **Declaration of nonmilitary status** (required for a judgment).  
The respondent/defendant is not in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that respondent/defendant is not in the U.S. military service because (specify below):

- (a)  the military status of the respondent/defendant was checked online at <https://scra.dmdc.osd.mil/>.
- (b)  the Child Support Enforcement System has no evidence of active military duty status for the respondent/defendant.
- (c)  other (specify): .

#### Note

- U.S. military status can be checked online at <https://scra.dmdc.osd.mil/>.
- If the respondent/defendant is in the military service, or their military status is unknown, the respondent/defendant is entitled certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see <https://selfhelp.courts.ca.gov/military-defaults>.

4. The local child support agency requests that default and judgment be entered under Family Code section 17430.

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

# Local Perspective

## Increase Customer Engagement

- Increasing contact with both parents
  - Diverse Contact Approaches
    - Providing direct phone lines
    - Texting
    - Emailing
    - Virtual booths
    - DocuSign
  - 3 documented attempts to reach PPS prior to the pleading
  - Changing How We Interview – Using Behavioral Economics
- Stipulations
- Responding to Customer Service Surveys
- Social Media

# Local Perspective - Training

- Cultural Change
  - Poverty Simulation
  - Father Engagement
  - Stakeholder Engagement and Partnership
- Customer Engagement
  - Interview Techniques
  - Crucial Conversations
  - Mediation/Collaborative Negotiation

# Local Perspective – Training Continued

- Locate – Person, Asset and Earnings
  - CLEAR
  - CalSAWs statewide/MEDS
  - Incarceration – jails, state and federal prisons
  - Child Support Portal
- Legal
  - Actual Income vs Earning Capacity
  - Earning Capacity Litigation Support Tools
  - Let's Chat
- Forms

# S&C Review

LCSAs are reviewing their caseload and evaluating whether to disposition or dismiss as many presumed income S&C/PJ's as possible prior to 1/1/26 to avoid any additional workload or delays due to the transition.

# Locate – Collecting Information

- Thomson Reuters CLEAR Locate Tool
  - Name, address, phone number and email addresses
  - Incarceration and arrest records
  - Social Media
- Experian Verify
- DMV
- CSE
- CalSAWS Statewide/MEDS
- Vinelink

# Pleading Practices

- FL 600 S&C Earning Capacity factor boxes
- FL 302 Earning Capacity Factors Attachment (optional)
- Wait 30 days for an answer before filing a motion for earning capacity?  
Does that create too much of a delay?
- Simultaneously serve the S&C and the OSC with a court date set 60-90 days out. If the participant isn't served timely, then the LCSA will notice to move the court date.
- Separate court calendar for these
  - Varies by court

# Motions to Set Aside Default Judgments based on Earning Capacity or Presumed Income: FC 17432

- Applicable to all earning capacity orders (and still to presumed income orders) entered by default (b)
- Clarifies that the LCSA can file a set-aside motion (g)
- Extends time to file the motion from one year to two years after the first collection received via earnings assignment order or income withholding order (g)
- LCSA must “immediately” notify both parties of the first collection, including the source, and the commencement of the two-year time window (g)

# Motions to Set Aside Default Judgments based on Earning Capacity or Presumed Income: FC 17432

- The requirement for the LCSA to review the order for set aside within 3 months after the first collection remains in place (h)
- Subsequent legal action to modify support prospectively that does not address set-aside does not preclude the filing of a set-aside motion at a later date (h)
- The court may set aside and reinstate child support for all or partial relevant periods of time depending on available information. Partial set aside does not preclude a subsequent review within the timeframe (d)

# New Annual Review Requirement for Earning Capacity Judgments: FC 17430(e)

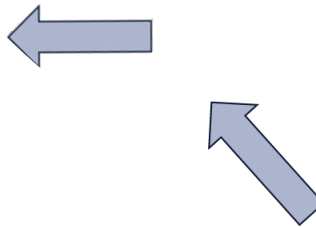
- Applicable exclusively to default earning capacity orders under FC 17400(d)(2)(A)(iii)
- Within one year after entry of judgment and then annually thereafter until order is modified, LCSA must:
- Review the case for sufficient additional evidence of income to either (1) establish an actual income order, or (2) establish a different earning capacity order. (A)

# New Annual Review Requirement for Earning Capacity Judgments: FC 17430(e)

- If review finds sufficient additional evidence, LCSA must file a motion to modify prospectively within 60 days
- Additional evidence constitutes change in circumstances
- LCSA may file a motion to modify prior to the expiration of any annual review period
- NOTE: FC 17430(e)(2) offers a similar process for either parent upon discovery of sufficient additional evidence

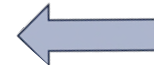
# Entering and Tracking Earning Capacity Judgments in CSE:

**Guideline calculation associated with the judgment automatically checks the earning capacity indicator.**



# Entering and Tracking Earning Capacity Judgments in CSE:

**System requires user to specify the type of Earning Capacity Judgment.**



# Entering and Tracking Earning Capacity Judgments in CSE:

Ensuring accuracy through validation error messages:



# Entering and Tracking Earning Capacity Judgments in CSE:

**System design to match JCC forms:**



# Entering and Tracking Earning Capacity Judgments in CSE:

## System design to match JCC forms:

OTHER PARENT/PARTY:	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> JUDGMENT REGARDING PARENTAL OBLIGATIONS <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> AMENDED <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> SUPPLEMENTAL	CASE NUMBER: <input type="text"/>

- 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:



# Potential Workload Impacts

Earning Capacity – up to about a quarter of all pleadings

Varies by County

## CSE Task for Annual Review and Adjustment

- Annual modification reviews will impact workloads starting in year 2.
- Review to establish actual income order, or a different earning capacity order.
- Each year thereafter, annual reviews could increase combining new orders aging and prior orders

# Thank you!

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September 17,  
2025

