



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: January 22, 2015

Title

Child and Spousal Support: Certification of Support Calculation Computer Software Programs

Agenda Item Type

Action Required

Effective Date

January 22, 2015

Rules, Forms, Standards, or Statutes Affected**Date of Report**

January 22, 2015

Recommended by

Family and Juvenile Law Advisory Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Contact

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends certification of two support calculation computer software programs, FamilySoft SupportCalc which is produced by Legal+Plus Software Group, Inc. and Family Law Software, which is produced by a company of the same name.

Recommendation

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

- Certify the FamilySoft SupportCalc support calculation computer software program as provided by California Rules of Court, rule 5.275.
- Certify the Family Law Software support calculation computer software programs as provided by California Rules of Court, rule 5.275.

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 California Rules of Court, rule 5.275.) At the same meeting, the Judicial Council also delegated its authority and duty under Family Code 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, SupportTax, X-Spouse, and the California Guideline Child Support Calculator (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 pursuant to California Rules of Court, rule 5.275.

Rationale for Recommendation

Federal regulations (45 Code of Federal Regulations section 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 California Rules of Court, 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 California Rules of Court, 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

Comment process

The proposal was not circulated for public comment as public comment would not be appropriate due to the proprietary nature of the software. However, the Family and Juvenile Advisory Committee includes relevant stakeholders who 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 those developing these programs 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 California Rules of Court, rule 5.275. While not a certification issue, individual software users evaluate any given calculator product based 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 as bench officers, attorneys, self-represented litigants and other users. These issues have typically been addressed in two ways (1) feedback to the particular developer regarding modification to include desired features or (2) exercise user 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 have 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 uses 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 non-existent or minimal, at the discretion of the courts. Under subsection (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 subsection (j)(2) of rule 5.275, 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 5–6.
2. Child Support Calculator Checklist for Family Law Software, at pages 7–8.

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Child Support Calculator Certification Checklist
FamilySoft SupportCalc 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© - (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 calculation | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Using examples provided by the Judicial Council, must calculate CS using default settings that is accurate within 1% of the correct amount | (b)(2) | Calculation_ | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Glossary defining each term used | (b)(3) | Manually confirmed | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 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"/> |
| Instructions for entry of each figure required for computation of child | (b)(4)(B) | Manually confirmed | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

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| support, including but not limited to deductions from gross income of each party per FC 4059 and CRC 5.275(b)(1) | | | |
| 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"/> |
| 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; and also 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"/> |
| Software 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"/> |
| 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"/> |

**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© - (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 calculation | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Using examples provided by the Judicial Council, must calculate CS using default settings that is accurate within 1% of the correct amount | (b)(2) | Calculation_ | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Glossary defining each term used | (b)(3) | Manually confirmed | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 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"/> |
| Instructions for entry of each figure required for computation of child | (b)(4)(B) | Manually confirmed | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

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| support, including but not limited to deductions from gross income of each party per FC 4059 and CRC 5.275(b)(1) | | | |
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| Software 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"/> |
| 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"/> |