



AB 1058 Funding Allocation Joint Subcommittee

RESOURCES FOR DISCUSSION OF
FUNDING METHODOLOGY



JUDICIAL COUNCIL
OF CALIFORNIA

AB 1058 Funding Allocation Joint Subcommittee Resources for Discussion of Funding Methodology

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REPORT OF THE
GOVERNOR'S CHILD SUPPORT COURT TASK FORCE

ADVANCE COPY

April 28, 1995

CHILD SUPPORT COURT TASK FORCE
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EXECUTIVE SUMMARY

The Governor's Child Support Court Task Force was created in 1993. Its mission is to study the process of establishing and enforcing child support orders in California's courts, and to make recommendations concerning the creation of an efficient, humane, and effective process for the expedited handling of child support cases as required by federal law.

Federal law requires that legal actions to establish and enforce child support obligations be completed within strict time frames in federally funded Title IV-D cases. In California, the California Department of Social Services (CDSS) is responsible for the administration of the Title IV-D Child Support Enforcement Program. CDSS works cooperatively with the Attorney General and local district attorneys who are responsible for providing Title IV-D child support enforcement services at the local level.

The district attorneys provide free child support services to all California families. Families that receive public assistance are referred to, and must cooperate with, the district attorney as a condition of receiving aid. It is estimated that one half of all child support obligations in California are established by the district attorneys.

Child support obligations are also established and enforced in domestic relations actions, such as divorces, between private parties. Child support is usually one of several issues that are resolved through a domestic relations action. Other issues that may be decided are child custody and visitation, spousal support, property division, protective orders, and marital status.

Federal requirements for the expeditious processing of child support cases apply only to Title IV-D cases. Nevertheless, the need for a quick, efficient and accessible process to establish, modify, and enforce child support obligations is needed for both Title IV-D and private cases.

Although the success of the California Child Support Enforcement Program depends upon the fast and efficient processing of child support cases both within the district attorney's office and the court, the task force did not study, and this report does not include recommendations regarding the handling of cases within the offices of the district attorney. Issues concerning the amount of support and the child support guidelines are also not addressed. Both of these issues are the subject of ongoing review by the legislature.

Although the majority of the recommendations contained in this report address an expedited process for Title IV-D cases, some recommendations for improving the process in private cases are made as well. Some of the highlights of the recommendations are:

- An expedited process for district attorney child support cases needs to be established within the courts. The process should incorporate many of the streamlined features of the best administrative and court-based models that are used in some California counties and in other states.
- All counties should be mandated to use commissioners instead of judges for district attorney child support cases in order to maximize federal funding. Federal funding is not available for judges or costs associated with judges due to federal

prohibitions against funding traditional state and local judicial branch functions. Federal funding should be utilized by the courts to provide adequate staffing and hearing time to ensure that cases are processed quickly.

- The Judicial Council should provide coordination, training and support services for the child support commissioner system in local courts. Judicial Council functions would include:
 - Adoption of simplified, mandatory statewide procedures and forms.
 - Establishment of qualifications for child support commissioners and the development of statewide standards for the hiring of commissioners.
 - The development of caseload standards for commissioners and support staff to determine when additional positions are necessary due to caseload growth.
 - Provision of mandatory training for child support commissioners and other assigned court personnel.
 - Technical assistance to local courts, including dissemination of information on state and federal requirements, recommendations for developing automated resources for courts and the development of claiming procedures to maximize federal funding.
 - Coordination of sharing commissioners and other resources among counties, if needed.

- Development of appropriate mechanisms for gathering statistics on both private and district attorney child support cases to assist in analysis and planning for the future resource needs of the courts.
- Child support commissioners should be given statutory authority to make final orders in district attorney child support cases to the extent that such authority is constitutional.
- The use of automation and other technology for processing cases should be optimized by the courts.
- In order to make courts more accessible to parents who are not represented by counsel, simple, streamlined, uniform procedures and forms should be adopted for the child support commissioner system. The legislature and the Judicial Council should make the following changes to existing procedures:
 - A simpler process for initiating and responding to child support actions which provides better notice to the parents of the importance of their participation in the action and the consequences if they fail to participate and provide information concerning their income.
 - A streamlined process for obtaining default orders when parents fail to respond to notice or otherwise fail to participate in the proceedings should replace the existing default process.

- A statewide standard amount of income should be used to determine the amount of support when actual income is unknown. Actual income will be used if known. Zero income will be used when the noncustodial parent is on aid or incarcerated.
- Default orders based on presumed income may be set aside for an extended period of time.
- A hearing should not be required to enter voluntary acknowledgments or stipulations to paternity provided a statutory advisement and waiver of rights form is submitted with the stipulation.
- A simple procedure should be adopted to modify orders after giving notice of a proposed order.
- Check stubs or other reliable documentation should be used in lieu of income and expense declarations in appropriate cases.
- Court orders for support should give authority to the district attorney to use automatic enforcement remedies such as earnings assignments, liens and writs without the necessity of obtaining a separate enforcement order. A simple request for hearing form should be served in conjunction with all administrative enforcement actions. Disputed portions of enforcement actions would be stayed pending a hearing and hearings should be scheduled on an expedited basis.
- A central registry of all California orders should be built and procedures should be adopted to permit consolidation of existing multiple orders involving the

same parents and children. There should be only one statewide order for the same parents and children which would be subject to modification and enforcement only in the county with venue. Simplified case transfer procedures between counties should be developed.

- Statutes should be revised to allow parents to litigate and resolve custody and visitation issues using district attorney actions as a vehicle after an order for support is entered. Commissioners should have the authority to order parents to attend mediation and accept stipulations. Contested custody and visitation issues would be referred to another family law department.
- Streamlined and simplified procedures should also be adopted for use in private cases.
- In order to assist parents with child support issues in private cases, Child Support Information and Assistance Centers should be established in each county to provide education, information, assistance and referrals for parents with child support cases. Depending on the level of county, state and federal funding provided some or all of the following services would be provided:
 - Distribute forms and educational materials on the child support process including written materials, video tapes, interactive software and curriculum for clinics or group presentations.
 - Assistance in completing necessary forms.

- Alternative dispute resolution services to assist parents in determining the appropriate amount of support, identifying issues and preparing stipulations.

Dissenting comments by individual task force members are attached as Appendix I.

I. INTRODUCTION

A. Task Force Background

The creation of a task force to study and make recommendations concerning child support and the courts was first proposed in "Vision for Excellence", the California Department of Social Services' ten point plan to improve the Child Support Enforcement Program which was unveiled by Governor Pete Wilson in June 1992. While the "Vision" plan called for a number of steps to be undertaken to assist local child support enforcement programs within county district attorneys' offices to improve their child support collection efforts, the plan also recognized the important role of the courts in the overall success of California's Child Support Enforcement Program.

The courts have traditionally played a central role in child support. State law requires that all child support obligations must be court ordered. Paternity and child support obligations are established, modified, and enforced in domestic relations actions between private parties in superior courts.

Paternity and child support orders can also be established, modified, and enforced in the courts in separate actions initiated by district attorneys who operate child support enforcement programs at the county level. Title IV-D of the federal Social Security Act mandates that states make child support services available. In California, district attorney child support services, also known as Title IV-D services, are provided free to all parents. Parents who receive Aid for Families with Dependent Children (AFDC) and/or Medi-Cal benefits must assign their right to child support to the county and cooperate with the district

attorney in establishing and enforcing child support orders. Parents who do not receive public assistance can receive Title IV-D services by submitting an application to the district attorney.

District attorney services include locating absent parents, establishing paternity, establishing and enforcing orders for child support and medical insurance coverage, and modifying existing child support orders.

While this report primarily focuses on the processing of district attorney cases through the courts, the task force recognizes that the court process for establishing, modifying, and enforcing child support orders must be fast, and easy to access and use for all parents regardless of whether the case is a district attorney case or a private case. Accordingly, although most of the recommendations made in this report concern the processing of district attorney cases, there are some recommendations that apply to private cases as well.

The success of California's Child Support Enforcement Program depends upon its ability to establish and enforce support orders quickly and efficiently. The early establishment of orders is critical to ensure that a child's financial needs are promptly met when the need first arises, either at birth if the parents are not together, or upon separation of his or her parents. Early establishment of support orders increases the chances that the child will not become a recipient of AFDC. Once AFDC is paid early establishment ensures that the taxpayers are reimbursed as soon as possible to the extent the noncustodial parent is able to pay.

Federal law recognizes that early establishment of support orders depends upon quick and efficient handling of cases both within the district attorney's office and the court. The federal government mandates that cases within child support enforcement

agencies be opened, and efforts to locate noncustodial parents be undertaken, within specified time frames.¹ Once the noncustodial parent is located, actions to establish paternity and child support must be filed within 90 days.²

Federal law also requires that states meet strict time frames for establishing support orders in Title IV-D cases once the noncustodial parent is served notice that an action has been filed.³ Once a support obligation has been established, enforcement actions must be completed quickly when a payment is missed. To assist the states in meeting the time frames, federal funding is available for expedited child support processes. To receive federal funding the presiding officer in the expedited process cannot be a judge. Federal funding is not available for judges because of federal policy that prohibits federal funding for the general operations of the judicial branch of state and local governments and encourages the use of administrative and quasi-judicial procedures for processing federally funded Title IV-D child support cases.

In California, child support caseloads within district attorneys' offices statewide have doubled within the last five years from nearly 1.1 million cases to nearly 2.2 million cases.⁴ This explosive growth together with other factors including the lack of adequate automation in all counties, and the lack of adequate staffing has created a significant backlog of cases that need paternity and/or child support orders established. It is estimated that as many as half of all cases within the district attorneys' caseloads statewide have not yet been filed in the courts.⁵ In many of these cases, noncustodial parents have not been identified or located. If located, there is no income information available to the district attorney. In some cases, the custodial parent does not provide sufficient information to identify the other parent.

The "Vision" plan recognized that California cannot successfully address the backlog of child support cases within the system by directing its efforts solely at the district attorneys. If efforts to assist the district attorneys in processing the large backlog of cases are successful, there will be a huge impact on court resources which will seriously jeopardize the courts' ability to process the cases in an expedited manner.

The need for additional resources for the court to expand services for child support cases comes at a time of chronic budget shortfalls at the state and local level. Given the status of the state and local budgets, the child support process in the courts must better utilize federal funding and existing resources in order to minimize the need for additional state and local resources.

The "Vision" plan also recognized that there is a growing dissatisfaction with the existing court process among both custodial and noncustodial parents. Many parents cannot afford attorneys. Parents complain that the existing process is too complicated and cumbersome to use without assistance, and that it intensifies rather than calms tensions between the parents.

The purpose of the task force was to bring together representatives of the courts, the district attorneys, the Attorney General, the legislature, the administration, the State Bar, and advocacy groups representing children and parents to study the current court process and other alternatives. The task force was responsible for making recommendations for establishing an expedited process that would enable California to establish support orders in an ever increasing number of cases in a fast and efficient manner that is both cost effective and more accessible to parents.

B. Task Force Membership

The Governor's Child Support Court Task Force was established in July 1993. Eloise Anderson, Director of the State Department of Social Services, invited various individuals and organizations representing the spectrum of those concerned with child support to appoint representatives to the task force.

The following individuals and organizations were invited to send representatives to participate on the task force:

Governor's Office	California Judges Association
Department of Justice	Department of Social Services
California Family Support Council (2)	California District Attorneys Association (2)
California Judicial Council	Federal Office of Child Support Enforcement Region IX
California State Bar-Family Law Section	County Clerks Association
Senator Gary Hart	Senate Judiciary Committee
Senator Cathie Wright	Assembly Judiciary Committee
Legislative Analyst's Office	Assemblyman Dean Andal
Legal Services of Northern California	Children Now
Coalition of Parent Support	Harriet Buhai Center for Family Law

Not all of the organizations and individuals that were invited to send representatives were able to participate. Where possible organizations unable to participate were asked to appoint alternate representatives.

C. Task Force Mission

In August 1993, the first meeting of the Governor's Child Support Court Task Force was convened. At the first meeting the task force defined its mission:

The charge of the Child Support Court Task Force is to develop and recommend legislation for the establishment of a process for the expedited handling of child support cases as required by federal law. The Task Force will study the present court system in California, and will analyze and evaluate alternative models for the expedited processing of child support cases used in other states. The Task Force will then make recommendations to modify the current judicial system, and/or devise other appropriate processes as necessary to create an efficient, humane, and effective process for establishing paternity, and establishing and enforcing all child support orders in California.

Other issues related to child support, such as the guidelines for setting the amount of support, or the processing of cases internally within the local district attorneys' offices, though important, are not within the scope of review of the Child Support Court Task Force.

D. Task Force Process

Since August 1993, the task force has been meeting on a monthly basis. The task force reviewed applicable federal and state law. Presentations were made to the task force on how the court process for establishing and enforcing child support presently works in selected California counties. Problems with the current system from the perspective of the various groups and individuals represented were discussed in detail. Once problems were identified the task force established goals to be achieved in modifying the current process or establishing a new process.

The goals established by the task force were to create a process that would be able to handle the expected influx of child support cases during the next ten years. The process must be able to handle child support cases in a fast, efficient, and cost effective manner within federal time frames and with due process safeguards. The process needs to be simplified and more responsive to the needs of children and parents.

The task force examined possible alternatives to the court process in California. The task force heard presentations on administrative processes for Title IV-D cases which are used in a number of states. In an administrative process, child support hearings are conducted by administrative law judges employed either by the state agency responsible for the child support enforcement program or another executive branch agency.

A representative from the Oregon Attorney General's office provided an overview of Oregon's administrative process. The sponsor of S.B. 407, a bill first introduced in 1992 that proposed an administrative process for California based upon Oregon's system, discussed the benefits of an administrative adjudication system.

A representative from Michigan's Administrative Office of the Courts discussed the Friend of the Court system in Michigan. The Friend of the Court system is a unique court based system where an office within the courts provides support, custody, and visitation services to parents. Child support services include outreach and education, assistance to parents in gathering income information and documentation to determine the amount of support, calculation of the support obligation, assistance in preparing agreements or stipulations, making recommendations to the court when the issue cannot be settled, collection of support, and enforcement services.

There were also presentations on the mediation process used in custody and visitation disputes in California, and on pilot projects in the Superior Court of the Counties of San Mateo and Santa Clara that provide assistance to parents who do not have an attorney in obtaining temporary support and other family law orders.

After examining the applicable law, the current court process for establishing and enforcing child support orders, and the various possible alternatives, the task force issued preliminary findings and recommendations in November 1994, and scheduled public hearings and a public comment period.

Four public hearings were held in December 1994 and January 1995 in San Jose, Los Angeles, Sacramento, and Fresno. More than 100 people gave presentations at the public hearings.

In addition, the task force received in excess of 100 written comments. Summaries of both the written comments and the oral testimony presented at the hearing were prepared and presented to the task force for consideration. Comments were received from a wide range of groups and individuals concerned with child support issues. The diversity of public comments received made it clear that when considering an expedited process for child support cases a number of competing interests must be reconciled.

In child support matters, time is of the essence for the child, the parents, and the taxpayers. The child and custodial parents have similar interests in receiving child support to help to meet the child's financial needs with as little delay as possible.

The taxpayers share an interest in early establishment of support orders. If the custodial parent and child receive public

assistance, the state is concerned with shifting all or part of the cost of public assistance from the taxpayers to the noncustodial parent to the extent of his or her ability to pay. If the custodial parent and child do not receive public assistance, early establishment of a court order may reduce the likelihood that public assistance will be needed by imposing responsibility for his or her share of support on the noncustodial parent.

The noncustodial parent must receive adequate notice of any child support proceeding and an opportunity for a hearing. In AFDC cases, early establishment is in the noncustodial parent's interest in order to avoid large retroactive support orders to reimburse the taxpayers for AFDC payments made prior to entry of the order.

It is everyone's interest that there be an impartial decisionmaker to decide contested cases, and that the correct amount of support is ordered pursuant to the factors set forth by the laws established by the legislature.

For the state, funding for an expedited process is also a major concern. Given the chronic budget problems that state and county governments have experienced during the last several years, the expedited process must be as cost effective as possible.

After extensive study of the problems and the possible solutions, task force members deliberated at length about the best ways of achieving an effective expedited process for child support cases that takes into account the interests and protects the rights of all concerned. Task Force recommendations are set forth below.

II. BACKGROUND FOR RECOMMENDATIONS

A. The Need For Early Establishment and Enforcement of Child Support Orders.

For most children, the ability to develop and reach their potential is greatly enhanced by the emotional and financial support of both parents. However, during the past forty years California has experienced the gradual breakdown of the traditional two parent family. Approximately fifty (50) percent of all marriages end in divorce and the rate of nonmarital births has been steadily increasing. Between 1966 and 1993 the rate of nonmarital births increased from nine (9) percent to thirty-five (35) percent of all live births in California.⁶

According to the 1990 U.S. Census nearly thirty (30) percent of children in California reside in single parent households. The financial needs of children in these households are often not met. Forty (40) percent of California children who reside with one parent lives in a household with income below the poverty level. A child who lives with a single parent is four times more likely to live in poverty than a child who resides with both parents.

The lack of adequate child support is one of the primary factors that has led to such a high percentage of single parent families living in poverty. The lack of support not only impacts the lives of the children affected, it also impacts all Californians.

Many of the children who live in poverty receive Aid to Families with Dependent Children (AFDC) benefits. In fiscal year 1993-94, there were approximately 743,000 AFDC cases based upon the absence of a parent in California with nearly 1.39 million children receiving benefits. In fiscal year 1993-94 AFDC payments for these

cases totaled \$4.82 billion.⁷ This figure represents only AFDC payments where eligibility is based on the absence of one parent. Not included are the costs of AFDC benefits paid due to the unemployment of both parents or for foster care. The costs of Food Stamps and Medi-Cal benefits for which most AFDC children also qualify are also substantial.⁸

When a person receives AFDC benefits his or her right to receive child support is assigned to the state by operation of law.⁹ The district attorney is required by law to establish and enforce child support obligations for nearly all children who receive public assistance including AFDC benefits.¹⁰ A review of the AFDC child support caseload makes it evident that the lack of support is a significant factor which contributes to the high percentage of children living in poverty when they reside with only one parent.

Statistics from 1993-94 indicate that more than half of AFDC child support cases statewide do not have child support orders established and presumably no support is being paid for the children in these cases. Fewer than twenty five (25) percent of all AFDC child support cases received any payment.¹¹

The lack of child support is not limited to poor children on AFDC. Single working parents who manage to keep their children from becoming recipients of public assistance also experience difficulty in receiving regular support payments. Of cases handled by the district attorneys' offices, approximately forty-six (46) percent of non-AFDC cases do not have court orders for support. Of the cases with an order, approximately twenty-five (25) percent do not receive any payments.¹²

Many child support cases never reach the district attorneys' offices. The best estimates are that at least fifty (50) percent of the child support cases in California do not involve government intervention, and that child support is paid regularly in many of those cases.¹³ It should be recognized that there are many responsible noncustodial parents whose efforts to maintain financial support for their children often goes unmentioned.

Nevertheless, the connection between AFDC and the lack of child support cannot be ignored. This connection has led to the adoption of public policy on both the state and federal levels of government that the cost of raising children should be primarily borne by parents, and only secondarily by the taxpayers in the form of AFDC and other benefits.¹⁴

To further this policy, child support enforcement has become a cornerstone of state and federal welfare reform efforts over the past twenty years. To reduce the burden on the taxpayers of supporting children, the Child Support Enforcement Program was first established by Congress in 1975.¹⁵ Since 1975 this federal and state program has greatly expanded in scope and size to include services for all children regardless of whether the family receives public assistance.

B. FEDERAL LAW

Federal Law Overview

Family law traditionally has been governed by state law. Until relatively recently the issue of child support was resolved solely in actions to establish paternity, divorces, annulments and legal separations between private parties.

In 1975, Congress significantly changed the role of government in child support cases when it passed Title IV-D of the Social Security Act and created a federal-state program for the establishment and enforcement of child support obligations. It is estimated that one-half of all child support cases in the United States are now within the IV-D system.¹⁶

Pursuant to Title IV-D, states are required to designate a single state agency that is responsible for administration of the Child Support Enforcement Program. The state agency is required to develop and submit a state plan for approval which details how the state will comply with federal requirements. However, federal mandates are upon the state as a whole, and not just the state agency responsible for administering the plan. In the child support arena, federal mandates require the cooperation of all three branches of government.¹⁷

In California, the California Department of Social Services (CDSS) is the designated single state agency that is responsible for the administration of the Title IV-D Child Support Enforcement Program. CDSS works cooperatively with the Attorney General's office, and with county district attorneys who are responsible for providing IV-D child support enforcement services at the local level.¹⁸

The state plan includes state statutes, rules of court, cooperative agreements between CDSS and other state and local entities, rules and regulations promulgated by CDSS, and relevant court decisions. In order to insure that the state plan meets federal requirements, CDSS must work in cooperation with the legislative and judicial branches.

Since 1975, Congress has passed a series of laws designed to strengthen the child support enforcement process. Although initially these laws were designed to apply only to the IV-D system, the trend in recent years has been to mandate state laws that affect all child support cases whether IV-D cases or private cases.

States are now required to have uniform state guidelines for child support orders,¹⁹ mandatory wage withholding to enforce all support orders, and have laws that require parents' Social Security numbers on birth certificates.²⁰ Other federal mandates that affect all child support cases include a ban on retroactive modification of child support orders.²¹

California has traditionally been a leader in the area of child support enforcement. Many of the federal mandates are based upon innovations initiated by California. California counties were using local guidelines, and California law authorized wage withholding long before the federal mandates.

Recent innovations in California include the state license match program, the state utility match system, and the Franchise Tax Board (FTB) child support enforcement program.

Federal Expedited Process Requirement

One federal mandate directly impacts state courts, and the processing of child support cases within the courts. States are required to establish and enforce child support obligations in Title IV-D cases within strict time frames.²²

The Child Support Enforcement Amendments of 1984 required the states to adopt new procedures, laws, and processes to improve their child support collection efforts as a condition for receiving

continued federal financial participation for their AFDC and Child Support Enforcement Programs.²³

One of the mandates contained in the Amendments was a requirement that the states have laws creating an expedited process for establishing and enforcing child support orders, and at the option of the state, for establishing paternity. The 1993 Omnibus Reconciliation Act (OBRA'93) amended Title IV-D again to provide that paternity cases must now be included in a state's expedited process.²⁴

Federal regulations published on May 9, 1985 and on December 23, 1994 provide further clarification of the expedited process requirements. These regulations provide that states must have in effect and use expedited processes (administrative or expedited judicial process or both) in which all Title IV-D child support cases are completed from the time of service of process within the following time frames: (1) 75% in six months; and (2) 90% in twelve months.²⁵ Completed is defined as the establishment of a judgment or order for support or dismissal of the action.

These are new time frames which are somewhat more relaxed than the time frames in effect when the task force began its work. Prior to the publication of the December 23, 1994 regulations, time frames had been (1) 90% in 3 months; (2) 98% in six months; and (3) 100% in twelve months.

The May 9, 1985 regulation specified that the hearing officer for the expedited process could not be a judge. The December 23, 1994 regulation deletes the requirement that the expedited process hearing officer not be a judge. However, there was no change in the prohibition against federal funding for judges and costs related to judges.²⁶ As discussed below, federal funding is available for expedited process hearing officers who are not

judges. There must be written qualifications for hearing officers. Orders by hearing officers other than judges may be ratified by a judge or reviewed by a judge under generally applicable judicial procedures.

Orders established in an expedited process in which the hearing officer is not a judge must have the same force and effect under state law as orders established by judges. The due process rights of parties must be protected, and parties must receive a copy of the order.

At a minimum the functions performed by an expedited process hearing officer must include: 1) taking testimony on the record; 2) evaluating evidence and making recommendations or decisions to establish and enforce orders; 3) accepting stipulations or agreements concerning paternity, support liability, and the amount of support; 4) entering default orders; and 5) ordering genetic tests in contested paternity cases.

Federal Funding

At present, the federal government provides federal financial participation at 66% of the administrative costs for the IV-D child support program. Certain costs such as those associated with statewide automation and genetic testing for paternity establishment are funded by the federal government at an enhanced rate of 90%.²⁷ In addition, federal incentives are paid based upon child support collections. A percentage of collections between six and ten percent is paid to the states. California currently receives a 6% incentive rate from the federal government. Federal law requires that federal incentive payments be passed on to the counties.²⁸

In 1993-1994, California received approximately \$215 million in federal financial participation for administrative costs and \$54.5 million in incentives from the federal government.²⁹

The federal government receives money back from the states in the form of child support collections on behalf of children who receive AFDC, which is also known as AFDC recoupment. AFDC recoupment is distributed back to federal, state and county governments in the same proportion that the respective governments share in the costs of the AFDC program. Currently, AFDC recoupment is distributed: 50% federal, 47.5% state and 2.5% county in California. In 1993-94 AFDC collections in California were approximately \$373 million.³⁰

Federal financial participation at 66% is available for the courts provided that the courts utilize a hearing officer who is not a judge, and a plan of cooperation has been signed between the courts and the IV-D agency. Funding is available for the salaries of the hearing officer and support staff such as clerks and bailiffs, equipment, supplies, and other overhead costs.³¹

Federal financial participation for judges, their support staff, and overhead costs is prohibited by federal regulation. However, federal financial participation is available for court clerk costs associated with processing IV-D cases regardless of whether the hearing officer is a judge or a commissioner, if the clerk has entered into a plan of cooperation with the IV-D agency.

The federal funding scheme creates a large financial incentive for California to have hearing officers who are not judges hear district attorney child support cases.

Federal Financial Penalties

Federal law requires that each state be audited by the Office of Child Support Enforcement (OCSE) at least once every three years to determine if it is in substantial compliance with its state plan. To be found in substantial compliance, each state must process Title IV-D cases in the time frames established by the expedited process regulations.³²

If the state is found out of compliance with its state plan, OCSE may impose a financial penalty on the state. If substantial compliance is not achieved after corrective action, total payments to the state under Title IV-A (AFDC) may be reduced by one to two percent in the first year, two to three percent in the second year, and three to five percent in the third and subsequent years.³³ In fiscal year 93-94, federal funding for all Title IV-A programs in California exceeded \$4.5 billion.³⁴ A one percent penalty for non-compliance with the state plan requirements would cost California \$45 million in federal funding. In addition to reduced Title IV-A monies, OCSE may also suspend all or part of its federal financial participation for the state's Title IV-D administrative costs.³⁵

California very nearly incurred federal financial penalties in 1986 when it failed the federal audit in several areas relating to case processing and program management. The state was able to avoid financial penalties by submitting a corrective action plan and passing a follow up audit.

It is important that the California courts have the resources that are necessary to process Title IV-D cases within the federal time frames in order to avoid the imposition of federal financial penalties in the future.

Federal Welfare Reform Proposals

Recently, welfare reform legislation was passed by the House of Representatives. HR 4, also known as "The Personal Responsibility Act" contains many of the child support provisions of the Clinton welfare reform proposals that were introduced in 1994. There appears to be broad consensus on the child support component of welfare reform.

The Personal Responsibility Act mandates that certain establishment, modification, and enforcement functions must be processed administratively without court involvement. These functions include:

Genetic Testing

Orders for genetic testing in paternity cases would have to be issued by the IV-D agency rather than the court.

Default Orders

Administrative entry of default orders would be required in paternity cases when the alleged father refuses to submit to genetic tests and in support establishment and modification actions when a parent fails to respond to a notice to appear at a hearing.

Administrative Subpoenas

The IV-D agency would have the authority to issue and enforce subpoenas to obtain financial information in order to establish or enforce support orders. In California, the deposition subpoena procedure is similar to the procedures that are proposed.³⁶ The key

difference is that in a deposition subpoena a court action must be pending. Under HR 4 the subpoena could be issued without an action pending.

Administrative Access to Records

States would be mandated to have laws that would grant IV-D agency access to records of virtually all governmental agencies. In addition, records of private utilities, including cable companies and financial institutions, would have to be accessible to the IV-D agency.

Administrative Income Withholding

Income withholding orders for child support would be issued directly by the administrative agency rather than by the court. The IV-D agency would have authority to send existing wage assignments to new employers and to amend wage assignment orders.

Administrative Order for Change of Payee to IV-D Agency

The IV-D agency would be given authority to issue an order directing payments to the IV-D agency when a case is opened.

Administrative Intercepts and Writs

All intercepts currently used in California would be mandated by the proposed reforms. Administrative writs against bank accounts and public and private retirement funds would also be required. At present all writs filed by the district attorneys must be approved by the courts. In California, the Franchise Tax Board (FTB) currently has authorization to directly issue administrative writs to collect child support. Franchise Tax Board authority to collect child support has been limited to six pilot

counties until recently. Legislation passed in 1994 authorizes an expansion of this project statewide.³⁷

Administrative Liens

The IV-D agency would be given administrative authority to impose liens on real and personal property and, in appropriate cases, to force a sale of property.

Administrative Authority to Set Arrears Payments

The IV-D agency would have authority to order payment on arrears without the necessity of obtaining a court order.

Administrative Suspension of Drivers Licenses

The state license match program would be extended to include all driver's licenses. In California, current law provides for suspension of only commercial driver's licenses; however, legislation has been introduced in 1995 to include all driver's licenses in California.

The federal legislation also contains significant changes in federal funding for the state IV-D child support program. Federal financial participation would remain at 66% of administrative costs. However, federal incentives would be gradually phased out and replaced with enhanced federal financial participation which would be based upon certain performance criteria. Under the proposal the maximum federal funding that a state could receive would be 90%. Although California has never achieved full federal funding, under the current system it is conceivable that the combination of federal financial participation and federal incentives could result in 100% federal funding of the child support enforcement program.

The task force considered the proposed federal legislation in making its recommendations. Federal proposals concerning administrative procedures are addressed below in the section of the recommendations concerning streamlined procedures. However, funding assumptions in this report are based upon the current funding structure. There is no indication from Congress that either the federal match rate of 66% or the federal funding rules as they apply to judges and commissioners will be changed by the pending welfare reform legislation.

C. Child Support in California's Courts

All child support cases are heard in county superior courts in California. Child support is established in private cases in dissolution of marriage, legal separation, nullity and parentage actions. Child support can also be established in separate actions initiated by the district attorney as part of Title IV-D child support services. Federal time frames are only imposed on Title IV-D cases and not private cases.

California's Response to Expedited Process Requirements

California's laws concerning expedited process for district attorney cases are found in Welfare and Institutions Code Section 11475.1 and Code of Civil Procedure Section 640.1. Welfare and Institutions Code Section 11475.1 provides that the time frames for completion of IV-D child support cases are as required by federal law. Code of Civil Procedure Section 640.1 establishes an expedited process for child support cases with commissioners or referees as hearing officers.

Prior to December 23, 1994, when the new federal expedited process regulations were issued, counties were required to have an expedited process for Title IV-D cases which utilized commissioners

or referees. Exemptions of this requirement could be granted if counties were able to process cases through their traditional court system within the federal time frames.

The new expedited process regulations require only that cases be processed within the new time frames. There is no longer a requirement that the expedited process hearing officer be someone other than a judge. Under both the old and new regulations, federal funding is not available for judges or costs associated with judges, but is available for commissioners or referees and their related costs.

Fourteen counties have approved plans of cooperation between the district attorney and the superior court for an expedited process utilizing commissioners or referees. An approved plan of cooperation is a prerequisite for receiving federal funding for the expedited process court.

The counties which have approved plans of cooperation are: Los Angeles, Orange, San Francisco, Contra Costa, Santa Clara, El Dorado, Placer, Fresno, Stanislaus, Sacramento, Riverside, San Bernardino, Solano and Kings. Shasta County is in the process of establishing an expedited process court, and additional counties have expressed an interest.

Some counties that have adopted an expedited process court use a commissioner as the hearing officer and others use a referee. The legislature has placed limits on the number of commissioners the local courts may hire. The number of commissioners permitted usually depends on the size of the county.³⁸ Those counties that use referees for their child support expedited process usually do so because they have reached their statutory limit for commissioners.

Several counties provide commissioners or referees to hear IV-D child support cases but have not entered into a plan of cooperation between the district attorney and the courts to receive federal funding. The majority of counties have judges hear Title IV-D cases. These counties, and counties that use commissioners or referees but do not have a plan of cooperation in place, do not receive federal funding for their costs of processing child support cases. Costs for IV-D cases in those counties are paid from either county general funds or a combination of county general funds and state trial court funding.

Federal funding at 66% is available for the superior court clerk's costs for staff and other expenses related to the processing of district attorney child support cases.³⁹ To receive funding for clerk's office expenses there must be a plan of cooperation between the clerk's office and the district attorney. Federal funding is available regardless of whether the court uses judges, commissioners or referees for district attorney cases.

The task force conducted an informal survey to determine the extent to which counties are experiencing difficulties in processing district attorney child support cases. District attorneys from forty-seven counties responded to the survey. Of the forty-seven counties that responded, fifteen counties stated that they do not have plans of cooperation with their superior court clerk and that no IV-D funding is provided to the clerk or court executive office in those counties.

The fifteen counties range from large to small in size. In these counties, the costs of processing IV-D child support cases by court clerks are paid by state and county general funds instead of available federal IV-D funding. In counties where clerk costs are claimed for federal funding, the amount of funding appears to vary considerably between similarly sized counties.

Responses to the survey did not indicate why a large number of counties do not claim available federal funding. Presumably they are either not aware of the availability of federal funds, or do not wish to engage in the recordkeeping that is required to receive federal funding. Counties may need technical assistance in establishing recordkeeping and claiming procedures. Whatever the reason, it is apparent that federal funding is not being utilized to the extent possible for clerk's costs.

Despite the fact that federal funding appears to be under utilized, the results of the task force survey indicated that the majority of courts are able to process the cases within time frames once an action has been filed by the district attorney.

Of the forty-seven counties that responded to the survey, twelve counties reported delays in calendaring cases. Delays ranged from one month to more than two months. Seventeen counties reported delays in receiving documents back from the clerk's office. These delays ranged from two weeks to more than six weeks.

Survey comments revealed a number of reasons for the delays. In one medium sized county with approximately 20,000 cases, the court limited the number of orders to show cause that could be filed by the district attorney each day to five. In other counties, the number of cases that could be calendared was limited to a specific number each day and calendars were filled for six to eight weeks in advance, resulting in delays. A number of comments indicated that there were not enough clerk staff to process the volume of district attorney filings and that delays in processing papers resulted.

Anecdotal evidence also suggests that certain types of documents take longer to process than others in some counties. For example, in a number of counties, there are long delays in filling

requests for certified copies. Certified copies are needed for the registration process outlined in the URESA statutes for inter-jurisdictional cases. Inter-jurisdictional cases cannot be initiated without certified copies.⁴⁰

A number of courts experience delays in processing requests that are more labor intensive such as writs and renewals of judgement. Writs and renewals are issued by the clerk after the documents are reviewed for accuracy. Often these documents can have long detailed accountings attached.

There was also evidence that in some of the counties in which delays did occur, the delays were occasional due to temporary staff shortages because of illness or disability, or the result of the inability of the courts to increase staffing on short notice in order to keep pace with increased filings by the district attorneys.

Hiring additional permanent staff is a fairly lengthy process because it requires going through the County Board of Supervisors and the budget process. Better planning and communication between the district attorneys and the local courts would help both in anticipating the need for increased staffing.

Although delays in processing cases do occur in both the district attorney's and the clerk's office, the majority of counties reported that their courts are presently processing cases quickly and efficiently.

Future Impact of Title IV-D Cases on the Courts

Although the majority of courts are currently able to process cases within federal time frames, the courts soon will be faced with a number of challenges that will affect their ability to

process child support cases quickly. There are a number of factors which indicate that the courts will be experiencing a substantial increase in the number of child support cases filed by the district attorneys. This increase comes at the same time that the courts are facing increased demands on limited resources from criminal cases. In order to process the expected influx of cases in a timely manner, the courts will need additional resources. With ongoing pressures on state and county budgets, the courts need to maximize existing resources by processing cases more efficiently in order to reduce the need for additional resources as much as possible.

Caseload Growth within the IV-D System

During the period of July 1, 1989 through June 30, 1994 the caseload within district attorneys' offices statewide doubled from 1,016,565 to 2,169,185.⁴¹ This represents an average twenty (20) percent annual increase in the caseload during the past five years. These figures do not include private cases where support is established without district attorney involvement.

Although this caseload count may be somewhat overstated due the methodology used for counting cases, it nevertheless reflects that the number of cases within the district attorneys' offices are increasing rapidly.

Backlog of Cases in the IV-D System

Of the nearly 2.2 million open cases, more than 50% or approximately 1.2 million do not have court orders for support.⁴² Most of these are cases that are open but have not yet been filed in court.

This backlog of cases is due to a number of factors. The district attorneys have experienced phenomenal growth in cases during the past five years. The growth has come at a time during which new federal mandates have required the district attorneys to significantly expand the services they provide, and have restricted the reasons that cases can be closed. Preparation for installation of the new statewide computer system has required a significant diversion of resources within district attorneys' offices for case review and interest calculation. In some counties, the district attorneys have been unable to add enough additional staff to keep pace with the rapid growth because of county budget constraints. In these counties, the district attorney generally does not receive enough federal and state incentives to cover the county share of cost, and must compete with other county departments for limited county general funds.

Although a large number of cases are backlogged, statistics from 1993-94 indicate that some of these cases are beginning to move into the court system. For example, the number of paternities established increased by twenty-five (25) percent and the number of orders modified increased by forty-six (46) percent in the one year period ending June 30, 1994.⁴³ There are indications that these cases will begin to move into the courts much more rapidly within the next few years.

Statewide Automation

The state is under a federal mandate to install a statewide automated child support system by October 1995.⁴⁴ The system has been under development for the past several years. The experience in counties which have installed interim computer systems during the past several years indicate that there is a substantial

increase in the number of cases filed in court as the district attorney becomes more efficient at locating parents and their assets, and at initiating paperwork.

For example, in San Francisco County the number of cases in which paternities were established and the number of cases in which support obligations were established increased between two hundred (200) and three hundred (300) percent in one year after the San Francisco Family Support Bureau became automated. During that same year the number of enforcement actions filed increased by nearly forty (40) percent.⁴⁵

Other counties that have become automated report similar results after conversion to the new computer systems. Once SACSS is installed and is fully functional, it is expected that many of the cases now backlogged will begin moving into the court system.

Review and Adjustment Requirements

Another federal mandate that will have a direct impact on the courts is review and adjustment. Periodic review and modification of child support orders within the IV-D system was mandated by the Family Support Act of 1988.⁴⁶

Effective October 1993, all cases within the district attorneys' offices in which support has been assigned due to the receipt of AFDC or Medi-Cal benefits must be reviewed for modification at least once every three years. All cases including non-AFDC cases must be reviewed for modification upon the request of either parent if the other parent's location is known, and if the order has not been reviewed within the last 12 months or modified in the last 24 months.⁴⁷

Although much of the review process is designed to take place administratively within the district attorney's office, any proposed modification of an order which is contested must be heard in the courts. In addition, all agreements or stipulations to modify an order must be filed and processed in the courts.

Full implementation of the new review and adjustment regulations is expected to result in a significant increase in the number of modification motions and stipulations filed with the court. Because the requirement to review and modify orders is ongoing, this increased filing activity will continue to impact the courts indefinitely.

Problems Parents Experience with the Current Child Support Process

An increasing number of parents are finding themselves in court on private family law matters without attorneys. Statistics are not kept by the courts but informal surveys with family law judges indicate that as many as fifty (50) percent of their cases involve parents on both sides who do not have attorneys and that in some counties the number may exceed fifty (50) percent. It is estimated that as many as two-thirds of divorce filed each year involve at least one parent who does not have an attorney.

Informal surveys with district attorneys indicate that the vast majority of parents in their cases do not have legal representation. By law, the district attorney does not represent either parent, but rather the public interest.⁴⁸

The large number of parents who are representing themselves is a reflection of the lack of affordable resources for legal assistance for family law matters in general, and child support matters in particular.

Family law matters are becoming increasingly complex. Many family law attorneys state that this increased complexity results in higher costs for legal representation. Despite the trend toward increasing complexity, a growing number of parents are without legal representation in family law matters because the cost of legal representation is prohibitive.

Alternatives to traditional legal representation are not sufficient to meet the growing demand. For low income parents, legal aid programs provide limited assistance in some counties. Legal aid offices do not have enough resources to provide individual representation in family law matters to all low income people who need assistance. In counties where legal aid does provide family law services, parents who qualify for assistance participate in clinics where attorneys and paralegals teach parents in a group setting to fill out the necessary papers to file their own family law action in court. In many counties, legal aid does not provide any family law services.

Bar Associations in several of the larger counties have organized volunteer programs to provide representation, advice, and assistance to parents without attorneys. Often these programs work closely with family law courts who provide referrals.

The volunteer attorney programs have met with varying degrees of success. The demand for assistance has always exceeded the resources of these programs. Only a portion of people who need help have been able to get assistance. In some counties, volunteer programs have had to reduce services or have shut down altogether for various reasons including reductions in funding for administrative costs, increasing demands for services, and not enough volunteer attorneys to meet the demands.

For parents who are not eligible for legal aid services by virtue of their income exceeding legal aid guidelines, even fewer alternatives exist. There are private paralegal services in some counties. Generally, private paralegal services can only provide a typing service for parents who need help in completing family law forms. Unless the paralegal is directly supervised by an attorney, anything more than a typing service would be considered the unauthorized practice of law.

Various groups have unsuccessfully attempted to pass legislation which would authorize paralegals or legal technicians to provide limited services in routine cases. The State Bar of California has opposed the legislation because of concerns over how the paralegals would be regulated.

In 1993, the legislature authorized two pilot counties, San Mateo and Santa Clara, to develop family law advisor programs in the courts to assist pro per parents in obtaining temporary family law orders. The pilot programs are directed by an attorney who has a staff of volunteers. The attorney and volunteers help parents complete forms, run guideline calculations, meet with both parents when appropriate, make recommendations, draft stipulations, prepare orders after hearing, and provide general information on family law procedures.⁴⁹ The pilot projects are not limited to support issues. Assistance is also provided in other areas of family law including temporary restraining orders, custody and visitation, and property issues.

Both the courts and the litigants have praised the pilot projects. The courts in both counties have recommended that the projects be expanded statewide; however, state funding for the pilot projects is due to terminate in 1995.

Despite the pilot projects, the pro bono programs, and legal aid services, the vast majority of parents who cannot afford attorneys, do not have access to affordable resources to assist them through the family law court process.

Parents without attorneys who are forced to navigate the child support process by themselves find it too complicated. Parents who need to establish, modify, or enforce a court order are unfamiliar with the forms that need to be filed to initiate an action. A parent who has been served with notice of pending action usually does not know how to file a formal answer or responsive pleading. Once parents determine which forms to use, they often find the forms confusing and difficult to complete correctly. Procedures for filing and serving petitions, complaints, and motions are hard for lay persons to understand.

Child support guidelines are particularly difficult for parents to use and understand. The guidelines are based upon an algebraic formula which uses a number of factors, including parent's income, the amount of time each parent has custody of the children, the number of children, and the number of children each parent has from other relationships. It is difficult to calculate the amount of child support without the aid of a computer.

Parents in both private cases and district attorney cases are in need of a central place where they can obtain information about, and assistance with, child support issues. The current process for establishing, modifying, and enforcing child support is too complicated to use without assistance.

Family law cases in which parents represent themselves can present difficult problems for the courts. In the clerk's office, papers that are filed must be carefully reviewed. If not completed properly, papers often are rejected. This results in files having

to be handled multiple times as papers are returned and later refiled. Multiple handling of files not only causes delays in obtaining orders but also is more costly to the courts. In addition, clerk staff must deal with the frustration of parents who must repeatedly refile their papers and have no place to go for help.

Cases in which parents are not represented by counsel can be more difficult and time consuming for judges. A family law calendar dominated by pro per parents takes longer to get through. Judges must take additional time to solicit information because of incomplete forms. Often cases need to be continued because parents have not filed a proof of service, completed their forms properly, or brought the necessary evidence to court. They listen to testimony and argument that is often irrelevant to the child support determination because the parents are unfamiliar with the law and come to court with unrealistic expectations. They also must spend time helping parents understand what additional papers and forms must be filed to obtain written orders after the hearing.

Judges often find themselves playing the role of counselor and advisor to an unrepresented party in order to help them struggle through the hearing to obtain the relief they are seeking. It is extremely difficult for judges to be both a decisionmaker and an advisor to both parties at the same time.

The courts are currently ill equipped to handle the large number of unrepresented parents in the family courts. It is not cost effective to have judges and commissioners take time in court to help litigants fill out forms. The challenge the courts are facing is to find a way to accommodate the ever increasing number of parents who represent themselves in family law proceedings.

The number of complaints from parents regarding the child support process received by all branches and levels of government have been steadily increasing over the past several years. Many parents are dissatisfied with the amount of their support order. These types of complaints are difficult to effectively address because of the nature of family law. By definition, the breakup of a family unit into two households means that there are greater expenses to be paid from the same limited resources that previously supported one household. The proceedings often become adversarial as each parent seeks to maximize their share of the limited resources. Under these circumstances it is not surprising that neither parent feels satisfied with the court's decision.

There are also a number of complaints about the process itself. Parents who provided public comments to the task force expressed a number of valid complaints. A large number of custodial parents expressed their frustration with the district attorneys and their inability to secure support for their children. Many felt that they received inadequate services despite their efforts to provide information to the district attorneys. A number of custodial parents cited the lack of adequate district attorney resources, a lack of staff training, and insufficient enforcement remedies as reason for the problems they have encountered.

A common theme that emerged from comments made by noncustodial parents was their frustration with not being able to raise issues of custody and visitation in district attorney child support actions. Current law requires that a separate action be filed to raise these issues.⁵⁰ Noncustodial parents complained that the procedures to file separate actions are too complicated to use without attorneys. As a result, disputes concerning custody and visitation often go unresolved. It was repeatedly emphasized by custodial and noncustodial parents that children need both financial and emotional support from both parents.

A common complaint from both parents is that the complicated and adversarial nature of proceeding often increases tensions between the parents to the detriment of the children. Suggestions were made that greater opportunities need to be provided for parents to resolve issues concerning their children in a less adversarial setting.

While it is recognized that it is difficult for many parents to set aside their anger after the breakdown of their relationship and work cooperatively to further the best interests of their children, alternatives to the current court process that would encourage parents to work cooperatively for the benefit of their children should be explored.

III. RECOMMENDATIONS CONCERNING DISTRICT ATTORNEY CASES

A. An Expedited Process for District Attorney Child Support Cases Should Remain Within the Courts

When considering an expedited process for district attorney child support cases the first issue that confronted the task force was whether the child support expedited process should remain in the courts or whether an administrative process should be established.

A number of states have an administrative process for establishing child support orders in IV-D support cases in which administrative law judges appointed by an administrative agency conduct child support hearings. There is ample precedent for administrative hearings in California. A number of state agencies provide administrative hearings for issues the agency regulates including the Department of Social Services (welfare and licensing), the Employment Development Department (unemployment), the Department of Industrial Relations (workers compensation, wages, hours, working conditions).

The success of an administrative process for child support cases depends upon a close cooperative relationship with the courts. Since child support orders can be established either in the administrative agency, or the courts as part of private family law actions, the courts and administrative agency must be able to coordinate in order to avoid duplicate and conflicting support orders.

In most states that have adopted an administrative process, the courts continue to play a critical role in child support cases. All contested paternity cases are heard in the courts. Parties who

are not satisfied with the results of administrative hearings can either appeal to, or request a new trial by, the court. Enforcement actions such as civil contempt and criminal nonsupport actions are heard by the courts. Child support issues in private family law actions and all other issues concerning children including custody and visitation are decided in court.

In states that have adopted an administrative process, the courts and administrative agency are able to coordinate their actions through the maintenance of a statewide central registry of all child support orders. The central registry insures that both the courts and the administrative agency are aware of the existence of existing court orders, and that duplicate orders are not issued.

Proponents of an administrative process argue that: 1) it is cheaper and more efficient; 2) it is able to provide greater uniformity because hearing officers are employees of a single state agency; 3) it is easier for parents to use because proceedings are more informal with relaxed rules of evidence; 4) it can provide due process safeguards; and 5) it removes a substantial number of routine cases from the courts and allows the courts to redirect resources to other priorities.

However, the majority of task force members were convinced that similar results could be achieved in the courts. Task force members were concerned that an administrative process would: 1) add a separate forum for hearing child support cases to a system that is clearly inefficient and frustrating to parents because of its diverse players and scattered forums; 2) not provide a neutral forum to decide cases if the hearing officer was employed by the same agency that enforces support orders; 3) duplicate costs for two processes that essentially perform the same functions since child support would continue to be decided by the courts in private family law actions, and in IV-D paternity cases and certain IV-D

enforcement actions; and 4) relegate IV-D child support cases to a second class adjudication system.

While an administrative process might be efficient and cost effective in the long run, such a result would be realized only after an initial financial investment and commitment of resources to establishing the administrative process. There would be substantial costs for creating a new administrative adjudications division within a state agency which would include administrative law judges and their support staff, overhead costs for central administration, facilities for holding hearings in each county, and related costs such as security. The majority of task force members believe that the investment of these same resources in the courts, where an infrastructure already exists, can achieve better results.

In addition, a functioning central registry for child support orders must be in place for an administrative process to work. While statutory authority exists for the creation of a state registry of child support orders through the Statewide Automated Child Support System (SACSS), a feasibility study to determine how to implement the state child support registry in SACSS is not to be conducted until full federal funding for the registry is available or on January 31, 1996, whichever occurs first.⁵¹ A central registry for child support orders is several years away in California.

An administrative process would remove only district attorneys' cases from the court system. Since child support guidelines take into account child custody and visitation arrangements, parents who raise these issues in the administrative setting would have to be referred back to the courts to have those issues resolved. After the custody and visitation issues were resolved the child support issue might then have to be relitigated in court, or referred back to the administrative agency. Rather

than add yet another forum, in another location, to hear child support cases, the majority of the task force believes it would be preferable for child support cases to be heard in the courts where other family law services related to children are provided.

At present there is a statutory prohibition against litigating issues other than paternity and support in actions filed by the district attorney.⁵² Parents who wish to raise issues of custody and visitation in district attorney support actions are told that they have to file a separate action under a separate court number. This separation of issues creates similar problems to those created by removing the child support issue in IV-D cases from the courts and into an administrative process.

A majority of members on the task force believe that the separation of child support from other family law issue is a major source of the frustration with the process that many parents, especially noncustodial parents experience. To reduce parental frustration, we should be moving in a direction of greater integration of the various legal issues involving children, not greater separation. The goal in family law should be the creation of a "one stop shop" where services for all issues relating to children will be available to parents in a central location.

The number of child support cases entering the court system will increase substantially within the next few years because of caseload growth and the number of cases without orders that are currently in the district attorneys' offices. While the task force recommends that child support cases should remain in the courts, it is recognized that the court process needs to be significantly streamlined and simplified in order to enable the courts to address parental frustration and process the expected influx of new cases quickly and efficiently within federal time frames.

To address these issues, a uniform expedited process for child support cases needs to be established within the courts. The process should incorporate many of the streamlined features of the best administrative and court based models that are used by some California counties and by other states.

B. A Uniform Expedited Process for District Attorney Cases in Which Commissioners are Hearing Officers Should be Established in the Local Courts.

The state should mandate that all counties have IV-D child support commissioners. The use of commissioners would make Title IV-D federal funding at 66% available to the courts for the commissioners, support staff, space and other overhead costs. For counties that currently use judges or nonfederally funded commissioners, 66% of their costs for providing services in district attorney cases now funded either from the county general fund or state trial courts funds would be supplanted with federal funds.

The task force recognizes that the majority of counties do not have large enough district attorney caseloads to justify full-time commissioners. However, given the projections of a significant increase in the number of cases filed in the courts, many counties will be needing to expand the court time available in order to meet case processing time frames. For those small and medium counties that still will not need a full-time commissioner even after taking into account caseload growth, part-time commissioners may be used. Part-time commissioners could either be shared with other counties, or could be full-time commissioners within a single county who also handle other types of cases. Commissioners assigned to cases other than district attorneys cases will have to time study IV-D versus non IV-D functions in order to claim federal IV-D funding.

In larger counties it is likely that more than one commissioner of IV-D child support cases will be needed as the number of cases filed increases. At present, statutory limitations exist on the number of commissioners the counties are permitted to hire.⁵³ Legislation is needed which exempts child support commissioners from these limitations.

As discussed below, caseload standards for IV-D child support cases should be developed. A mechanism should be put in place to enable counties to apply for additional commissioner positions once the caseload standards for one commissioner are exceeded. Uniform staffing ratios for commissioners should also be developed so that each commissioner has adequate support staff including bailiffs, court clerks, and other staff as needed to process documents in a quick and efficient manner.

State law already provides that paternity and child support cases be given priority among civil cases.⁵⁴ Since federal funding will be provided to the courts for child support cases, the statute should be expanded to provide that courts must provide adequate staffing and hearing time to insure that federal case processing time frames are met.

C. The Judicial Council Should Provide Coordination for the Child Support Commissioner System

Under the California Constitution, the Judicial Council is the appropriate agency to provide coordination of the child support commissioner system in the local courts.

Article VI, Section 6 of the California Constitution defines the role of the Judicial Council in relation to the local courts. It provides (in pertinent part) that in order "[t]o improve the administration of justice the council shall survey

judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules of court administration, practice and procedure, not inconsistent with statute, and perform functions prescribed by statute..."

Federal law requires that there be a written plan of cooperation between the courts and the IV-D agency in order for the courts to receive federal funding for an expedited child support process.⁵⁵ At present the counties that use commissioners and receive federal IV-D funding have plans of cooperation between the local courts and the local district attorney. Each county's plan of cooperation varies slightly. The costs claimed for federal IV-D reimbursement for the expedited process in the courts varies from county to county.

The task force proposes that with the adoption of a state child support commissioner system, the mandated plan of cooperation be between CDSS as the designated single state IV-D agency and the Judicial Council. Instead of Title IV-D funding flowing from CDSS through the local district attorney to the courts, federal funding for the child support commissioners would flow from CDSS through the Judicial Council to the local courts as part of the trial court funding process.

The current funding process in which federal funding for child support commissioners and referees in the local courts is provided through the local district attorney's office, fosters the appearance that the commissioner cannot be impartial because one of the litigants provides funding for their position. By changing the flow of federal funding from the Department of Social Services through the Judicial Council to the courts, the district attorney would no longer have to be the conduit for funding of the commissioner position.

Full funding, including federal IV-D funding, should also be provided to the Judicial Council for its costs in providing the coordination, training and support services as outlined below. In order to implement and coordinate the child support commissioner system, the Judicial Council's functions should include:

Adoption of Uniform Statewide Procedures and Forms

As discussed below, procedures in all courts need to be simplified and made uniform in all child support cases. This should be accomplished through statutes, and where appropriate, through state rules of court and mandatory forms adopted by the Judicial Council.

Implementation of Mandatory Training

Training for all child support commissioners and other court personnel assigned to the child support commissioner courts should be mandated by statute. As federal requirements have expanded over the past twenty years, the area of child support has grown increasingly complex. Training should emphasize federal and state law concerning issues related to child support including federal performance standards and time frames.

The legislature should delegate to the Judicial Council the responsibility for developing minimum educational requirements and standards for training. Actual training programs could be provided by appropriate organizations designated by the Judicial Council.

Provision of Technical Assistance to Local Courts

The Judicial Council should coordinate the provision of technical assistance to the local courts on issues related to implementation of the child support commissioner system. Technical

assistance would include the dissemination of information on federal and state requirements, and the development of claiming procedures to insure that federal funding is being utilized and claimed to the maximum extent possible. Counties that currently have an expedited process and claim federal funding should be studied to determine the best ways of identifying all expenses related to the child support commissioner system that are eligible for federal funding. The Judicial Council could designate other appropriate organizations to provide technical assistance to the courts.

Establishment of Qualification for Commissioners and Statewide Standards for the Process of Hiring Commissioners

Federal law requires that the state adopt "written procedures for ensuring the qualifications of presiding officers" in the expedited child support process. The Judicial Council, through rules of court, should establish minimum qualifications for child support commissioners. Existing commissioners or referees in counties that have adopted an expedited process could be "grandfathered in" if they do not meet the new standards and qualifications.

At present commissioners and referees are hired by, and are employees of the local courts. Child support commissioners would not be an exception. However, in order to meet the federal requirements the Judicial Council would be responsible for establishing minimum standards and procedures for hiring child support commissioners.

Development of Caseload and Staffing Standards

A methodology needs to be developed to determine the amount of funding each county will need for child support commissioners and their support staff. A few of the larger counties will need more than one full-time commissioner while many of the medium and smaller counties will need less than one full-time commissioner.

As caseloads grow, counties will need additional funding. At present, the number of commissioners for each county is limited by statute. Instead of requiring each county to return to the legislature each time they need an additional child support commissioner, the legislature should exempt these commissioners from the statutory limitations, and direct the Judicial Council to develop caseload standards to determine the number of child support commissioners that will be funded in each county and a mechanism for courts to obtain approval for additional commissioner positions.

In addition, standards should be developed for the type and number of support staff that each commissioner needs. Provision of adequate support staff is critical to ensuring that child support cases are processed in a quick and efficient manner.

Coordination and Facilitation of Resource Sharing

Many small and medium counties will not have enough district attorney child support cases to justify a full-time child support commissioner. Those counties that have commissioners who hear other types of cases could utilize one part-time as the child support commissioner. However, time studies and cost allocation procedures sufficient to segregate those costs that are eligible for federal funding will have to be developed.

An alternative would be for counties to share commissioners. A single commissioner could "circuit ride" several counties spending one or two days per week in each county as needed. The Judicial Council can provide coordination for those counties that want to share commissioners.

The Judicial Council should also coordinate and facilitate the sharing of other resources. For example, within the next year the district attorneys will install the Statewide Automated Child Support System (SACSS) and will have the same automated system in all counties except for Los Angeles which has developed their own system which will interface with SACSS and the other fifty seven counties. The Judicial Council, should explore the best ways for the child support courts to tie into SACSS, and to develop and implement automation resources for the child support courts.

Development of Appropriate Mechanisms to Gather Statistics Concerning Child Support Cases

When examining the current court process for establishing and enforcing child support, the task force was struck by the lack of statistics presently maintained by the courts concerning child support cases. For the most part courts do not keep statistics regarding the number of private family law cases in which child support is established.

Although the district attorneys and CDSS are required to maintain statistics on IV-D child support cases, the federal statistical reporting requirements are complicated and geared toward assessing federal performance standards. The value of these statistics for planning purposes is questionable at best.

The Judicial Council and CDSS should develop appropriate mechanisms to gather statistics on both private and IV-D child support cases which would assist in analysis and planning for the future resource needs of the courts.

- D. The Expedited Process Should be Streamlined to Avoid the Necessity of Superior Court Review in Every Case.
A Commissioner Should be Granted Statutory Authority to Make Final Orders to the Extent Possible Under the California Constitution

Statutory authority for the current child support expedited process is found at Code of Civil Procedure Section 640.1 which requires that the commissioner or referee who hears the case file a recommended order within seven days after the child support hearing concludes.

The clerk of the court is required to mail an endorsed copy of the order to all parties by the close of the business day on which the order is filed together with a notice of review hearing before a judge of the superior court which states the date and time a party may appear and object to the recommended order. As an alternative to mailing the recommended order and notice of review hearing, the clerk can personally serve them on the parties at the conclusion of the hearing.

The review hearing must be held between 15 and 20 days following service of the recommended order. On the date of the review hearing the court may adopt the recommended order or modify it on its own motion if no objections are made. If an objection to the recommended order is presented, the court may review the record, and any supplemental papers filed, and either adopt the recommended order, modify it, or order a rehearing.

Many counties have criticized this expedited process procedure for being too cumbersome in requiring a superior court judge to review every case. A number of counties that use commissioners to hear child support cases reported to the task force that they have not sought federal funding because they do not wish to follow Section 640.1 procedures.

Other counties have avoided Section 640.1 requirements by having the parties stipulate to the commissioner or referee sitting as a temporary judge pursuant to Article VI, Section 21 of the California Constitution. As a temporary judge, the commissioner has the authority to make final orders.

California Constitution, Article VI, Section 22 states that "[t]he legislature may provide for the appointment by trial courts of record of officers such as commissioners to perform subordinate judicial duties." Case law generally defines "subordinate judicial duties" to include uncontested matters such as the entry of judgments and orders based upon stipulations and the entry of default judgments. Preliminary matters such as discovery issues may also be decided. On the other hand, courts have generally held that contested hearings and trials are not subordinate judicial duties.

The task force recommends that child support commissioners be given statutory authority to make final orders in all issues related to district attorney child support cases to the extent that such authority is constitutional. For those contested issues in which there must be the right to judicial review by the court, the review should be available upon request but not required in every case.

Parties should be advised prior to the beginning of the hearing that the commissioner is sitting as a temporary judge and that any order will be final unless a party requests a review by a superior court judge either at the conclusion of the hearing, or within a specified number of days after an order or judgement is entered. Notice should be clearly given that the failure to request a review hearing will be deemed to be a stipulation to the commissioner sitting as a temporary judge.

E. The Use of Automation and Other Appropriate Technology Needs to be Optimized to Track and Expedite the Processing of a Large Volume of Cases and to Improve Parental Access to the Courts.

Automation of all expedited process courts would create the ability for courts to streamline their internal procedures for processing cases. Automation, when used effectively, can reduce the costs of processing cases. With the installation of statewide automation in the district attorneys' offices, coordination between the district attorneys and the courts could streamline the process of calendaring cases and the filing and exchange of documents for both the courts and the district attorneys.

Fresno County has one of the most advanced child support courts in the state. In Fresno County, the child support courtroom is automated which permits the production of court orders that can be served upon the parties at the conclusion of the hearing. The ability to provide the parties with copies of the orders the day of the hearing speeds the process considerably. It saves district attorney staff time in having to bring their file back to the office for preparation of the order after hearing. It saves the court clerk from having to handle the file multiple times after the hearing is completed. It insures that parents are personally

served with orders if later enforcement is needed, without the time and costs required to serve parents after they have left the court. Fresno County should be used as a model for the use of automation in the courts.

Fresno County uses other appropriate technology in its courtroom to reduce costs. Proceedings in the expedited process court are videotaped to create a record of proceedings. In a number of other counties audio tapes are used instead of court reporters. The expanded use of video and audio technology as a cost effective method to create a record of proceedings needs to be explored.

The use of appropriate technology can also provide better access for parents. In Arizona, and in San Diego County informational kiosks have been placed in areas that are accessible to the public. In Maricopa County, Arizona, family law litigants can obtain information concerning forms and procedures to process their cases. By using interactive computers, many parents who are not represented by counsel are able to obtain their own divorces.

The use of video and audio technology can also provide better access for parents and reduce delays in interstate cases, and cases where parents reside in different counties. California processes thousands of interstate child support cases each year under the Uniform Reciprocal Enforcement of Support Act (URESA).⁵⁶ In cases where the custodial parent resides out of state, testimony is submitted by affidavit. If the need arises for additional information, cases must be continued in order to allow the district attorney to obtain additional information by affidavit. Long delays may result as the district attorney must contact the IV-D agency in the other state to obtain additional information.

Proceedings by affidavit also impair the noncustodial parents ability to cross examine the custodial parent in court. In 1993 the U.S. Commission on Interstate Child Support recommended the use of the telephone to allow the appearance of out-of-state parents in interstate cases.⁵⁷ While the appearance of witnesses by telephone raises a number of issues concerning the ability of the hearing officer to judge credibility, the use of the telephone in interstate cases is superior, from a due process standpoint, to proceeding solely by affidavit.

Cases involving parents who reside in different counties within California also present problems of access for parents. With the installation of the statewide computer system in district attorneys' offices, only one case will be open at a time involving the same parents and children. Under recent legislation, venue for modification and enforcement purposes will follow the child and custodial parent as they move to a new county. Venue will lie in only one county at any given time.⁵⁸ When venue changes, noncustodial parents will have to appear in proceedings outside their county of residence. This will be a major source of frustration for noncustodial parents as they cannot control when and where the other parent moves.

The use of telephone and televideo technology to allow court appearances by parents who live in distant counties as well as out of state, could help reduce parental frustration. The legislature should consider giving judges and commissioners the discretion to use telephone and televideo technology in appropriate cases.

F. The Legal Procedures for Establishing, Modifying and Enforcing Child Support Orders in the Expedited Process Should be Simple, Streamlined, and Uniform Throughout the State.

The task force recommends that simple streamlined procedures that are uniform throughout the state be adopted for the expedited process courts. Uniform streamlined procedures and forms would help achieve a number of objectives.

With installation of statewide automation in all district attorneys offices it is essential that procedures for establishing and enforcing child support obligations be uniform in all courts. The success of statewide automation depends upon cases being processed in a uniform manner both within district attorneys' offices and in the courts. Since the system will be generating the forms to be filed in the courts, all courts should accept the same forms. It is difficult and costly to design a system to accommodate different procedures and forms for each county.

Uniform procedures and forms should also ease the transfer of cases between counties. In the child support area, one of the barriers to quick enforcement is the movement of parents and children both inside and outside California. The processing of paperwork can often be delayed when the district attorney of one county attempts to file documents in another county which has local rules that are different than in his or her own county.

The lack of uniform procedures can also create a perception that the system is not fair. For example, more than half of child support orders established statewide are by default after the defendant fails to respond to a complaint, or fails to appear at a hearing. Under current law, a default judgment can be

entered after a hearing, or at the option of the court by declaration. In some counties, the court may issue an order based upon a declaration using a standard imputed income in a default situation where the defendant's income is unknown. In other counties, the court may require a default hearing and decline to enter a support order unless proof is provided concerning the defendant's income.

The result of these varied practices is that similarly situated parents and children receive vastly different results depending upon which county their case has been filed. This result fosters the perception among parents that the system is unfair.

The distinction needs to be made between uniform procedures and uniform results. Each case presents different fact situations, and each case should be decided based upon its facts. To the extent that the guidelines and other applicable statutes permit discretion, the hearing officers must be free to exercise it in individual cases. Nevertheless, the procedures and forms utilized to present cases should be uniform in all child support proceedings.

Simplified and streamlined procedures and forms which are designed for use by parents who do not have attorneys would help alleviate some of the frustration with the process that many of the parents are experiencing. Parents need to have easy access to a forum to resolve issues and disputes concerning their children when their relationship breaks down. Parents should be encouraged to participate in the process, and not discouraged by complicated and confusing procedures and forms.

Many procedures that are currently used are designed for attorneys who have years of legal education and training. As discussed above, a growing number of parents cannot afford

attorneys and are representing themselves. Parents who do not understand the process often leave the court frustrated and feeling like they did not receive a fair hearing. Often the frustration translates into a lack of respect for the court order as well as the process that produced it, increasing the likelihood that the order will not be obeyed.

Simplification of procedures must be balanced with due process protections. Rules concerning service of process, for example, are designed to insure that a party receives constitutionally required notice of the action and ensuing court dates. Service of process rules can be confusing to unrepresented parents, but these rules are necessary to insure due process protections. Nonetheless, there is room to simplify procedures in a manner consistent with due process.

Simple streamlined procedures can also benefit the courts. Simplified procedures and forms can reduce the amount of paperwork that needs to be filed in each case and reduce the number of times that files must be handled. If fewer papers are filed and files have to be handled less often, more cases can be processed with existing resources.

Mandatory uniform statewide procedures and forms should be authorized by statute and through the adoption rules of court and mandatory forms by the Judicial Council. Some procedural changes will need to be accomplished through legislation. However, where possible the legislature should grant the authority to the Judicial Council to develop procedures and forms for child support issues through its rulemaking process.

In order to simplify and streamline the process of establishing, modifying and enforcing child support orders, the task force recommends that the legislature and Judicial Council

consider the following changes to current procedures. This list is not exhaustive. The development of simple, streamlined procedures should be an ongoing process.

Notice

HR 4 provides that after the initial appearance in an action, parents should be required to keep the courts informed of the address for which they can receive notice of subsequent proceedings. Service by mail to the address provided to the court would then be presumptively valid notice.

Several of the task force members have serious reservations about this provision. They are concerned that many parents will not remember to keep the court informed of subsequent address changes after the initial court proceedings. The failure to keep the court informed of address changes could lead to a significant modification of the support order without the parent receiving actual notice of the proceeding.

There is no consensus on the task force concerning this proposal; and, therefore the task force does not make a recommendation. If this provision in HR 4 becomes law, it is recommended that the legislature set clear guidelines on how the presumption of valid service can be rebutted by a parent who did not receive actual notice because he or she failed to keep the court informed of a change in address.

Initiation of Actions

Currently, actions to establish paternity and child support orders are initiated in district attorney cases by the filing of a Summons and Complaint. Because the defendant's income is often unknown, the complaint usually does not provide notice of the

amount of support sought except in general terms. To contest the action, the defendant must file a formal answer with the court within 30 days of service, and serve it upon the district attorney. The defendant can avoid the necessity of filing an answer by resolving the matter by stipulation or agreement. If the defendant fails to file an answer and does not reach a stipulation, a request to enter default is filed and thereafter a default judgment is entered.

In the administrative processes in Washington and Oregon, actions are initiated using a different kind of pleading called a Notice of Proposed Order. The Notice of Proposed Order tells the defendant the amount of the order based upon the amount of income as known to the IV-D agency. If income is unknown, the proposed order is based upon a presumed income that is utilized statewide. The defendant can either request a hearing if he or she wants to contest the proposed order, or arrange to sign a stipulation for entry of the order. If the defendant does not request a hearing or sign a stipulation, the proposed order is entered.

In district attorney cases, the complaint process should be revised to provide the defendant with better notice of the possible outcome of the proceedings that have been filed. The defendant should be advised of allegations of parentage, if paternity is at issue. The amount of support sought if income is known should be stated. If income is unknown the notice should advise the defendant that support will be set based upon evidence presented to the court, or based upon a standard presumed income unless the defendant provides income information and requests a hearing. There should be clear notice of the amount of presumed income and the resulting order that will be entered if the defendant does not respond.

A simple answer form together with Income and Expense forms should be served with the complaint to allow defendants to request a hearing. If paternity is at issue the form would allow the defendant to request a blood test and a hearing. No income information would have to be provided until parentage is determined.

Defaults

It is estimated that more than half of all child support orders established in district attorney cases statewide are based on defaults. Every effort should be made to encourage parents to provide financial information and to participate in the process so that the correct amount of support can be ordered. The recommendation on revising the complaint and answer process is designed to encourage greater participation.

HR 4 provides that the Title IV-D agency must be given the authority to enter a default order administratively upon a showing of service process in a paternity action when the putative father refuses to submit to blood tests, or in an action to establish or modify support when a parent fails to appear at a hearing.

Since paternity and child support orders are issued by the court, the task force had some questions about how exactly this provision could be implemented in California. Instead of providing for administrative entry of default orders by the district attorney, the task force suggests that the current default process be streamlined and simplified.

Currently, under Family Code Section 7551, the court can make a finding of paternity if the putative father fails to submit to genetic testing. If the putative father has filed an answer, the

judgment for paternity is not technically a default judgment but is a judgment that is entered as the result of an evidentiary sanction.

To streamline the process and to more closely conform to the intent of the pending federal legislation, Family Code section 7551 could be amended to provide that a judgment for paternity shall be entered upon the filing of a declaration by the district attorney which states that the putative father has failed to appear for genetic testing.

The default process for obtaining support orders should also be streamlined and made more uniform throughout the state. At present, if a parent fails to file an answer within 30 days of being served with a complaint, the district attorney must file a request to enter a default. In some counties a hearing is scheduled, while in other counties the courts allow the entry of default based upon a declaration.

For district attorney cases, all defaults should be by declaration unless the court for good cause orders otherwise. The requirements of the declaration should be simplified so that the default judgment is based upon the income allegations in the complaint or upon presumed income if no other information has been obtained by the district attorney between the time the complaint is filed and the request for default is entered. If additional income information has been obtained, the declaration should so state, and the support order should be based on the income information presented.

Presumed Income

At present, there is not a single statewide standard for determining the amount of a child support order when the order is set by default and the income of the person against whom the order

is entered is unknown. In some counties, the court will not enter an order for support. In other counties, income is presumed at minimum wage. In a few counties, income is presumed in an amount that results in an order that is equivalent to the AFDC grant.

In those counties in which presumed income is not permitted, or in which the presumed income is minimum wage, parents who choose not to provide income information to the court or participate in the process of setting child support, are rewarded with no or low court orders for support. This provides a disincentive for parents to provide income information to the court which would allow the court to set the support order in the correct amount.

If a parent defaults, the order should be based upon actual income if known to the district attorney. Zero orders should be entered when the parent is incarcerated and has no income or assets or is receiving General Assistance, SSI or other income which is excluded from determining net income for guideline purposes. If income is unknown, the state should adopt a statewide standard for presumed income.

The amount of income that is presumed in states that have adopted presumed income ranges from minimum wage in Oregon to one and one half times the annual average wage for all employment in Vermont. In California, one and one half times the annual average wage would be \$44,232 per year. In Washington, presumed income is based upon the average wage paid in the defendant's usual occupation if his or her occupation is known.

The task force decided not to make a recommendation as to the amount of presumed income. In general, there was agreement that minimum wage is too low in that it would be a strong disincentive for anyone earning more than minimum wage to come forward and

provide their correct income information if they make more than minimum wage. On the other hand, one and one half times the average annual wage is too high.

The task force considered several alternatives that fell between the two extremes. Alternatives that were considered included the average noncustodial parent income in the IV-D caseload based upon the annual CDSS Characteristic Survey. For 1993-94, the average gross income was \$2132 per month (net income \$1638). Also considered was income sufficient to support the Minimum Basic Standards of Adequate Care for children as set forth in Welfare and Institutions Code section 11452, which would be \$1790 per month (net income \$1398). Task force members have agreed that resolution of the issue of the amount of presumed income should be pursued in consultation with the legislature through the legislative process.

The application of presumed income can lead to harsh results. Therefore, it is essential that the rules for vacating or setting aside an order based upon presumed income be different from the rules for vacating orders where the support order is based upon evidence of income. The period for requesting vacation of a support order based on presumed income should run from the date on which defendant first gets notice that the IV-D agency has collected support through a wage assignment, intercept, or any other method. The defendant shall have 90 days from the date he or she receives notice to either contact the IV-D agency to negotiate a new order, or file a motion on a simplified form requesting that order be vacated and a correct order be entered in its place. The burden of proof shall be on the defendant to prove that his or her income was lower than that imputed to him or her. If he or she meets that burden, the Court will vacate the order and enter a new order running from the effective date of the original order.

These set aside rules would only apply to cases in which presumed income is used to set the support amount. In default cases where evidence of income was presented, set aside procedures currently set forth in Code of Civil Procedure section 473 would apply.

Existing law for the set aside of judgments would also continue to apply to determinations for paternity if the default judgment is based upon a custodial parent's affidavit of paternity or upon genetic test results.

Any money actually paid before an order is set aside would not be refunded to the defendant. If a new order is entered the court should credit any money paid toward satisfaction of the new order.

Voluntary Acknowledgments and Stipulations

Hearings should not be required to enter judgments of paternity based upon a voluntary acknowledgment or stipulation provided that a standard statutory written advisement and waiver of rights is submitted to the court with the acknowledgment or stipulation.

Modification of Support Orders

In 1994 the legislature repealed simplified modification procedures. The repeal was made necessary because the modification was based upon a percentage increase of the original order and not the guidelines as required by federal law.

An easy procedure that allows parents to seek modification of their court orders quickly is needed. Noncustodial parents who lose their jobs or become disabled or experience other significant changes in circumstance need to access the courts as soon as

possible so that arrears and interest that cannot be paid do not accrue. Custodial parents who find themselves with reduced income also need access to the courts quickly to increase their orders in order to meet their children's financial needs.

A simple procedure in which the parent against whom the modification is sought is given notice of a proposed order should be developed for use in both district attorney and private cases.

Provision of Income Information

Simplified income and expense declarations are being developed by the Judicial Council pursuant to legislation passed in 1994 for use in appropriate cases.⁵⁹ Consideration should be given to dispensing with income and expense declarations all together when the parent produces a check stub or other reliable documentation of income in appropriate cases.

Automatic Enforcement Remedies

HR 4 contains provisions that would mandate that the state grant local IV-D agencies broad administrative enforcement authority. The district attorneys already use a number of automatic enforcement remedies including liens, tax and lottery intercepts, the license match program, and the use of the Franchise Tax Board for enforcement through administrative writs.

If HR 4 becomes law, earnings assignments for child support would have to be issued directly by the district attorney rather than through the court. The district attorney would also have the authority to set monthly arrears payments in earnings assignments without obtaining court approval.

The child support provisions in HR 4 also require that the district attorneys be given the authority to directly issue administrative writs against bank accounts and other property owned by the obligor.

At present, all earnings assignments and writs must be issued by the courts. Earnings assignments are submitted to the court either at the time, or subsequent to the time, an order for support is issued. It is signed by the judge and then returned to the district attorney, who in turn mails it to the support obligor's employer. Any subsequent modification of the wage assignment must also be filed with the court for the judge's signature.

Writs of Execution also require court approval. Writs may be signed by either a clerk of the court or a judge. Once signed, the writ is returned to the district attorney, who in turn sends it to the county sheriff. The sheriff is responsible for serving the writ and collecting any money or property that may result from the writ. If a claim of exemption is not filed within the statutory time limit, the sheriff sends the money or property collected to the district attorney.

Giving administrative authority to the district attorney to issue earnings assignments and writs directly would speed the enforcement process considerably and cut down on the number of documents which have to be handled by the courts.

The task force endorses the idea of expansion of administrative enforcement authority as proposed on the federal level provided that such authority originates in the support order issued by the court. When a support order is issued, the court should also order that the district attorney issue a wage assignment and take all necessary actions including intercepts, liens, and writs to enforce the order.

A simple method to determine the amount of the monthly payment towards arrears in earnings assignments should be set by statute. For example, the monthly payment on arrears could be a standard twenty-five (25) percent of the current support order. The district attorney would have to obtain a court order for a higher monthly arrears payment. If the support obligor objects to the standard arrears payment, he or she should be given the opportunity to request that the court lower the arrears payment based upon economic hardship.

It is essential that a simple process be developed to challenge any enforcement action taken by the district attorney. At present each enforcement remedy has a different procedure for a parent to obtain a hearing to object to the particular enforcement action undertaken by the district attorney. A simple request for hearing form should be served on the parent in conjunction with all enforcement actions. If the form is completed and filed with the court, any disputed portion of the enforcement action should be stayed pending a hearing. Hearings should be scheduled on an expedited basis.

Administrative Subpoenas

California already has a deposition subpoena procedure in which subpoenas can be sent directly by the district attorney when an action is pending. The provisions in HR 4 appear to require that the states permit the use of administrative subpoenas even when an action is not pending. The use of administrative subpoenas prior to the filing of an action to establish paternity or an initial support obligation, raises due process and privacy issues which need to be seriously considered prior to the legislature granting any such authority to the district attorney.

Once a paternity and a support order is established, the use of an administrative subpoena for modification and enforcement purposes poses fewer problems provided that the support obligor is given notice of the subpoena and that there is a simple process for challenging the subpoena in court.

Consolidation of Actions

In AFDC cases where benefits have been received in multiple counties, it is possible that multiple support orders exist involving the same parents and children. As custodial parents and children move from county to county, each district attorney usually obtains his or her own order for support. Where multiple orders exist, many of the orders are conflicting.

A central registry of all California support orders needs to be built to allow courts to identify existing orders in their own courts and in other counties. Procedures need to be adopted that permit consolidation of existing multiple orders involving the same parents and children. There should only be one statewide order involving the same parents and children. Modification of that order should occur only in the county that has proper venue. Only one county at a time should have venue to modify or enforce a support order. Simplified case transfer procedures between counties need to be developed to ease the transfer of cases between counties.

Integration of Custody and Visitation Issues

At present, there is a statutory prohibition against the joinder of any actions or issues in support actions filed by the district attorney.⁶⁰ If parents want to resolve custody or

visitation issues, a separate court action with a separate file number must be filed. This results in the court having to maintain multiple files on the same two parents and their mutual children.

The prohibition against joinder of actions is a source of frustration for parents. Parents who are ordered by the court to pay support are told that they have to file and serve a separate action when they request an order for custody and visitation or for protective orders.

Welfare and Institutions Code Section 11350.1 should be amended to permit parents to litigate and resolve custody and visitation issues in the district attorney action after an order for support has been entered. District attorneys would not be involved in litigating the custody and visitation issues. Parents would have to obtain counsel or represent themselves with regard to these issues. Child support commissioners would have the authority to order parents to attend mediation, and to accept stipulations. However, any contested custody or visitation issues should be referred to another family law department in the superior court.

Custodial Parent's Participation in District Attorney Cases

Welfare and Institutions Code Section 11350.1 specifies that the caretaker parent shall not be a necessary party to an action for paternity and/or support filed by the district attorney. The caretaker parent may be subpoenaed as a witness.

Welfare and Institutions Code Section 11478.2 requires that the district attorney provide the caretaker parent notice when a complaint for paternity and/or support is filed. The notice must state that the district attorney may enter into a stipulation to resolve the complaint. The district attorney is further required to provide a statutory notice of the initial date and time and

purpose of every hearing in a civil action for paternity or support. The required notice informs the caretaker parent that they have a right to attend the hearing and to be heard with the permission of the court.

If the district attorney intervenes in a family law action in which the caretaker parent is a party and the caretaker parent is not a recipient of AFDC, the caretaker parent must execute any stipulation which establishes or modifies support.

A number of task force members proposed that all caretaker parents, regardless of whether they receive AFDC, should have the right to fully participate in the district attorney's action. Some members assert that all caretaker parents should be parties, while other members prefer that the caretaker parent be given the option to participate.

There are a number of complex issues involved with making the caretaker parent a party, especially in cases where the child is receiving AFDC and their rights to support have been assigned to the county by operation of law. Without working through all of the specific procedural details, the task force is in agreement on the following general principles:

1. The custodial parent should be joined as a party to the district attorney action at the request of either parent. This is essential if the district attorney action will be used as a vehicle to resolve custody, visitation or protective order issues as recommended above;

2. The district attorney should not be involved in any issue other than the support issues. Both parents must either represent themselves or obtain legal counsel for those issues.
3. Joinder of the custodial party must be accomplished procedurally in a manner which does not interfere with the district attorney's ability to establish support orders quickly and efficiently.
4. The district attorney must be notified of any proceedings that affect the support order.

Task force members have agreed to continue their work on resolving the procedural details necessary to implement these principles as part of the legislative process.

V. RECOMMENDATIONS CONCERNING PRIVATE CASES

A. Forms and Procedures for Establishing, Modifying, and Enforcing Child Support Should be Simplified and Streamlined for Private Cases as Well as District Attorney Cases

The proposed expedited process is for district attorney child support cases and is designed to meet federal expedited process requirements for processing those cases. Most of the recommendations for streamlining procedures apply only to district attorney cases.

The task force recognizes that many child support orders are established in private family law actions without district attorney involvement although the parties are eligible for district attorney services. A growing number of parents are representing themselves in a family law process that has become too complex for many of them. Some of the recommendations for simplifying and streamlining procedures can be adapted for use in private family law actions.

The Judicial Council has been engaged in a process of simplifying family law forms for private cases during the past few years. The council is presently circulating a draft simplified income and expense declaration for use in appropriate support cases. Simplification of the forms and procedures is an important step towards making the process more accessible to parents who are not represented by counsel and the Judicial Council should continue in its efforts.

The recommendations concerning defaults, modification of support orders, and the provision of income and expense information should be adapted for use in private cases.

B. A Child Support Information and Assistance Office Should be Established in the Courts of Each County to Provide Information and Assistance to Parents Involved in Both District Attorney and Private Child Support Cases.

As discussed above, the courts have seen a tremendous increase in the number of litigants who are representing themselves in private family law actions. For parents with cases in the IV-D system, the district attorney by statute does not represent either parent.⁶¹ The vast majority of parents involved in the IV-D system are not represented by counsel and affordable resources for advice and consultation regarding their cases outside the district attorney's office are not readily accessible.

It is apparent that parents who do not have attorneys often become frustrated with complex and difficult legal procedures. They need help in presenting their cases to the court. Many have had experiences in court. For many people, family law is their only contact with the courts. If their only experience with the court system is negative, they lose faith in the courts and in government institutions in general.

Lack of respect in the system results in a greater likelihood that parents will not voluntarily comply with court orders. The costs of noncompliance with child support orders are significant. Most important are the effects on children, many of whom must do without basic necessities due to the lack of financial support. Not insignificant are the costs to taxpayers who pay for public assistance and the child support enforcement program.

It is important that the courts become more responsive to the needs of parents and children who are not represented by lawyers. If parents respect the process and feel that they are treated fairly, there is a greater likelihood of voluntary compliance with court orders. Greater voluntary compliance with court orders not only benefits children, it also benefits the taxpayers by reducing the costs of public assistance and child support enforcement incurred by both the district attorney and the courts.

While the adoption of simplified procedures should assist many parents in navigating through the system, simplified procedures alone will not be enough to assist many parents who face barriers to access due to a lack of education, illiteracy, the inability to speak English, or simply due to a lack of understanding and familiarity with legal procedures.

Child Support Information and Assistance Centers should be established in each county to provide education, information, assistance and referrals for parents with child support cases. Although the establishment of assistance centers would require an investment of resources, the investment should pay for itself if parent contact with the system becomes more positive and greater voluntary compliance with court orders is the result.

Assistance for parents will not only address much of the frustration expressed by parents and encourage greater voluntary compliance with court orders, but it will also provide immediate benefits for the courts. A family law calendar dominated by unrepresented parents takes longer to get through as judges struggle with unprepared parents who do not know what to expect from the process. It is expensive to have judges provide assistance and guidance to parents in the courtroom. It would be far more cost effective to have an attorney and other staff

provide assistance to prepare parents prior to the hearing. If parents are prepared, cases will take less time to resolve in court resulting in a greater number of cases being processed during each calendar.

The recommendation for child support information and assistance centers is based upon the experiences of the two pilot projects in San Mateo and Santa Clara counties. Reports from these counties that were submitted to the legislature indicate that the programs are cost effective for the courts because assistance provided at the front end makes the processing of cases through the clerk's office and the courtroom faster and more efficient. In addition, comments from the pro per litigants have been overwhelmingly favorable. Both counties have recommended to the legislature that the pilot programs be expanded statewide. The task force supports this recommendation.

A major issue to be addressed in expanding the pilot projects to all counties is funding. While federal funding would not be available for issues other than child support, many, if not all of the services provided by the Child Support Information and Assistance Centers may be eligible for federal IV-D funding. The extent of federal funding that may be available needs to be explored.

Services provided by the Child Support Information and Assistance Centers should include:

Education and Outreach

Educational materials should be developed about the child support process and the child support enforcement program for distribution to all courts. Educational materials should include

written materials, educational videotapes, interactive computer software, and curriculum for clinics or group presentations.

The Child Support Information and Assistance Center would coordinate educational activities. Upon initial entry into the system parents should be provided with an information booklet and referred to a videotape presentation on the child support process. Ideally, staff would also be available to answer questions from parents about child support.

The information booklet and the videotape presentation should include information about parent's rights and responsibilities in relation to their children, the role of the courts and the IV-D program in resolving child support matters, the procedures for setting, modifying, and enforcing child support orders, how the courts determine the amount of the award, and the documentation of income and assets that parents need to bring to the court hearing.

Interactive computer software should be developed for distribution to the courts. Informational kiosks should be made available where parents can obtain forms and information concerning service of process and filing. Parents should also be able to input financial information, time sharing arrangements, and other required information, and obtain a printout of the amount of support based upon guidelines.

The Child Support Information and Assistance Center should also serve as an information and referral center where parents can obtain information about forms they will need, how and where to file the forms, referrals to IV-D services, Family Court Services and other outside agencies that provide services to families and children.

Individual Assistance for Parents

In addition to outreach and education, assistance should be provided in completing the necessary forms for parents to present their case. Assistance could be provided either in individual or group settings, or both.

Individual assistance could be provided by volunteers or paid staff who are supervised by an attorney as is presently done in the Santa Clara County pilot project. Individual parents who need help in completing forms could meet with trained staff who would instruct parents on completing the forms and on the procedures for filing and serving the completed forms.

Instruction on completing forms could also be accomplished in a group setting. Curriculum for classes and clinics should be developed and made available to the courts. The Child Support Information and Assistance Center could periodically schedule clinics on how to establish, modify or enforce court orders. Curriculum should be modeled after the curriculum that has been developed by successful legal aid programs and voluntary attorney programs.

Alternative Dispute Resolution

The Report on the Commission of the Future of California Courts recommends that alternative dispute resolution and mediation be expanded to all appropriate family law issues including financial issues.⁶² In order to address parental criticism that the current process intensifies rather than calms tensions between parents, the task force endorses the idea that alternative dispute resolution should be expanded to child support issues.

Alternative dispute resolution services would require the services of a neutral person who would meet with both parents. They would gather financial and custody information, calculate guideline support, answer questions, assist parents in preparing stipulations where there is agreement, and prepare a report for the court which sets forth income information, timesharing arrangements, and guideline calculations where there is no agreement.

This service will meet several needs. For the parents, a less adversarial forum will be available to resolve support establishment and modification issues. Actual court time for contested hearings should be reduced because a number of cases will settle before hearing. Those cases that do not settle will take less time because issues would be narrowed and the parties would be prepared for court. More efficient processing of paper work would also result.

There will also be benefits for the IV-D child support enforcement program. The goal of early establishment of child support orders would be more likely to be achieved in private cases. Private cases in which the children are recipients of AFDC, could be identified and referred to the district attorney so that duplication of efforts at establishing court orders can be avoided. The likelihood that the correct amount of support is ordered in proper cases will be increased, reducing the need to modify the court order once the case is opened in the district attorney's office for enforcement.

Implementation of the Child Support Information and Assistance Centers

If the legislature authorizes the expansion of the pilot projects to all counties, the recommendations concerning the Child

Support Information and Assistance Centers should be incorporated and implemented as part of the Family Law Facilitator program. Federal IV-D funding should be sought for the child support functions to help offset the state and county costs associated with the Family Law Facilitator program. If the pilot projects are not expanded to all counties, attempts to secure federal IV-D funding for the Child Support Information and Assistance Centers should be made. If federal funding is secured, Child Support Information and Assistance Centers should be implemented in all counties and the counties should be encouraged to supplement the program with services for other family law issues.

The courts will experience some costs savings by going to a commissioner system for IV-D child support cases. For those counties that don't already have IV-D commissioners, state and local trial court funding now used for judges in IV-D cases will be supplanted with federal IV-D funding. State and local trial court funding previously used for judges could be used to pay the nonfederal share of costs for the Child Support Information and Assistance Centers.

If federal funding is not forthcoming for the full range of services provided by the Child Support Information and Assistance Center as outlined above, the task force recommends that there be a phased in implementation. The Child Support Information and Assistance Center would be mandated for each county and the educational and assistance components as outlined above would be required. The educational and assistance components would require a relatively small commitment of staffing and resources.

Counties would be encouraged, but not mandated, to also implement alternative dispute resolution as outlined above. To determine the most cost effective ways to implement individual alternative dispute resolution services, it is recommended that the

two pilot counties continue to receive funding and that additional pilot counties be added. The pilot counties should be encouraged to experiment with different approaches to providing alternative dispute resolution utilizing paid staff and volunteers from the private bar, law schools, and other community organizations. After a designated period the pilot counties would report back to the Legislature on whether the program produced cost savings for the courts in terms of reducing the time that judges, commissioners, and the clerk's office had to spend processing cases.

If the pilot counties can show that alternative dispute resolution services pay for themselves in cost savings to the courts, alternative dispute resolution services should be expanded statewide.

END NOTES

1. 45 C.F.R. 303.3(b) (3)
2. 45 C.F.R. 303.4(d) and 303.5(a)
3. 45 C.F.R. 303.101(b)
4. California Department of Social Services, Child Support Management Information System Report (CSMIS), 1993-94
5. Ibid; State Department of Social Services Child Support Characteristic Survey, 1994
6. California Department of Health Services Birth Records, 1966, 1993
7. California Department of Social Services, Public Welfare in California, 1993-94
8. In 93-94 California distributed \$2.3 billion in food stamps and spent \$15.1 billion on Medi-Cal benefits. Although many AFDC families also receive these benefits, these programs are not limited to those eligible for AFDC. Many low income adults receive food stamps and Medi-Cal (Source: California Department of Social Services and California Department of Health Services)
9. Welfare and Institutions Code section 11477
10. Welfare and Institutions Code section 11350
11. California Department of Social Services Child Support Characteristics Survey, 1994
12. Ibid
13. U.S. Department of Health and Human Services; Administration for Children and Families, Office of Child Support Enforcement, Sixteenth Annual Report to Congress, 1991
14. Family Code section 4053, 42 U.S.C. 651
15. P.L. 93-647
16. Id, supra note 13
17. 42 U.S.C. 654
18. Welfare and Institutions Code section 11475.1

19. 42 U.S.C. 667
20. 42 U.S.C. 666(a) (i)
21. 42 U.S.C. 666(a) (9) (C)
22. 42 U.S.C. 666(a) (2), 45 C.F.R. 303.101
23. P.L. 98-378
24. 42 U.S.C. 666(a) (2)
25. 45 C.F.R. 303.101
26. 45 C.F.R. 304.21(b) (2)
27. 42 U.S.C. 655
28. 42 U.S.C. 658
29. CSMIS, supra note 4
30. California Department of Social Services, CS 800 Reports, July 93-June 94
31. 45 C.F.R. 304.21
32. 45 C.F.R. 305.50
33. 45 C.F.R. 305.100
34. California Department of Social Services, Public Welfare in California, 93-94
35. 45 C.F.R. 301.10
36. Code of Civil Procedure section 1985 et seq.
37. Revenue and Taxation Code section 19271
38. Government Code section 70140 et seq.
39. 45 C.F.R. 304.21
40. Family Code sections 4827 and 4852
41. CSMIS, supra note 4
42. CSMIS, supra note 4

43. CSMIS, supra note 4
44. 45 C.F.R. 307.5
45. California Department of Social Services, CS 850 Reports for San Francisco County Family Support Bureau, 1989-90, 1990-91
46. P.L. 100-485; see, 45 C.F.R. 303.8
47. California Department of Social Services, FSD Letter 94-02, January 14, 1992
48. Welfare and Institutions Code section 11478.2
49. Family Code section 20000 et seq.
50. Welfare and Institutions Code section 11350.1
51. Welfare and Institutions Code section 16575
52. Welfare and Institutions Code section 11350.1
53. Government Code section 70140 et seq.
54. Family Code section 4033; Welfare and Institutions Code section 11479
55. 45 C.F.R. 304.21
56. Family Code section 4800 et seq.
57. The U.S. Commission on Interstate Child Support's Report to Congress, 1993
58. Welfare and Institutions Code section 11475.1(m)
59. Welfare and Institutions Code section 11475.1(c)
60. Welfare and Institutions Code section 11350.1
61. Welfare and Institutions Code section 11478.2
62. Justice in the Balance - 2020, Report of the Commission on the Future of the California Courts

AB 1058 Assembly Bill - ENROLLED

BILL NUMBER: AB 1058 ENROLLED
BILL TEXT

PASSED THE ASSEMBLY AUGUST 31, 1996
PASSED THE SENATE AUGUST 26, 1996
AMENDED IN SENATE AUGUST 13, 1996
AMENDED IN SENATE AUGUST 6, 1996
AMENDED IN SENATE JUNE 24, 1996
AMENDED IN SENATE JUNE 13, 1996
AMENDED IN ASSEMBLY JANUARY 23, 1996
AMENDED IN ASSEMBLY JANUARY 8, 1996
AMENDED IN ASSEMBLY APRIL 5, 1995

INTRODUCED BY Assembly Member Speier

FEBRUARY 23, 1995

An act to amend Section 259 of, to add Chapter 9 (commencing with Section 689.010) to Division 1 of Title 9 of Part 2 of, and to repeal Sections 639.5 and 640.1 of, the Code of Civil Procedure, to amend Section 4506.3 of, to add Section 5246 to, to add Article 3 (commencing with Section 3680) to Chapter 6 of Part 1 of Division 9 of, to add Article 4 (commencing with Section 4250) to Chapter 2 of Part 2 of Division 9 of, and to add Division 14 (commencing with Section 10000) to, the Family Code, to amend Section 70141 of the Government Code, to amend Sections 11350.1, 11475.1, and 11478.2 of, and to add Sections 11350.7, 11354, 11355, and 11356 to, the Welfare and Institutions Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1058, Speier. Family law: support.

(1) Existing law requires all applications filed by the district attorney or by another party, as provided, for an order to establish or enforce child support, including actions to establish paternity, to be referred for hearing to a commissioner or a referee to the extent required by federal law, except as provided.

This bill would repeal this provision and instead require all actions filed by the district attorney or by another party, as provided, for an order to establish, modify, or enforce child or spousal support, including actions to establish paternity, to be referred for hearing to a child support commissioner, except as provided. The bill would require each superior court to provide sufficient child support commissioners to hear these cases, as specified, thereby imposing a state-mandated local program. The bill would prescribe specified duties of the Judicial Council with regard to child support commissioners.

(2) Existing law specifies procedures for the enforcement of money judgments, including provisions for wage garnishment. Under the Wage Garnishment Law, a withholding order for support has priority over any other earnings withholding order.

This bill would enact special provisions for the enforcement of support judgments, and would authorize the district attorney to use any of the existing remedies available to a judgment creditor and to act as a levying officer when enforcing a support obligation pursuant to a writ of execution, as provided. The bill would authorize the district attorney to issue a warrant to levy on and sell vehicles or

vessels, as defined, or aircraft, for the collection of support arrearages, as specified.

(3) Existing law provides for the modification and termination of support orders.

This bill would state the intent of the Legislature that the Judicial Council adopt rules of court and forms for a simplified method to modify support orders, for use by parents who are not represented by counsel.

(4) Under existing law, when a court orders a party to pay an amount for support or orders a modification of support, the court is required to include in the order an earnings assignment order for support that orders the employer of the obligor to pay to the obligee a portion of future earnings.

This bill would provide that in cases in which support enforcement services are being provided by the district attorney, and after a court has ordered an earnings assignment for support, the district attorney may serve on the employer a notice of assignment prescribed by the Judicial Council, containing specified information, in lieu of the earnings assignment order, in the manner specified. The bill would impose a state-mandated local program by requiring new duties of district attorneys and court clerks. The bill would require the employer to deliver specified documents and information to the obligor, and would specify procedures under which the obligor may obtain a court hearing.

(5) Existing law specifies that the superior court has jurisdiction in proceedings under the Family Code.

This bill would require each superior court to maintain an office of the family law facilitator, to be staffed by an attorney. The family law facilitator would provide specified services to parties at no cost, and to other entities, as provided. The bill would require the Judicial Council to adopt minimum standards for the office and to adopt any forms or rules of court necessary to implement these provisions. The bill would require the Director of the State Department of Social Services to seek federal approval to utilize specified federal funds for the services of the office, as provided. The bill would impose a state-mandated local program by requiring new services by local officials.

(6) Under existing law, in any action brought by the district attorney for the support of a minor child or children, the action may be prosecuted in the name of the county on behalf of the child, children, or parent, and the parent is not a necessary party to the action. In such an action, joinder of actions, or coordination of actions, or cross-complaints, are prohibited and the issues are limited to the question of paternity and child support.

This bill would provide that after a support order has been entered in such an action, the parent who has requested or is receiving support enforcement services of the district attorney shall become a party to the action for the purposes of child support, custody, and visitation, and restraining orders, as provided, and would make related changes. The bill would impose a state-mandated local program by requiring the district attorney to provide specified notice.

(7) Existing law requires the district attorney to establish, modify, and enforce child support and, when appropriate, enforce spousal support orders, and establish paternity in the case of a child born out of wedlock, when the child is receiving public assistance, and is authorized to take the same actions on behalf of a child who is not receiving public assistance.

This bill would provide that in any action or proceeding brought by the district attorney to establish parentage pursuant to the above

provision, the court shall enter a judgment establishing parentage upon the filing of a written stipulation between the parties, as provided.

(8) Existing law specifies the procedures under which judgment may be had if the defendant fails to answer the complaint.

This bill would require the court to enter a judgment in any support or paternity action filed by the district attorney pursuant to specified provisions of law, if the defendant fails to file an answer or otherwise appear in the action within 30 days of service of process, as specified.

(9) Under existing law, the court may relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect, if application is made within a reasonable time, in no case exceeding 6 months after the action was taken.

This bill would provide that in any support or paternity action filed by the district attorney pursuant to specified provisions of law, the court may relieve the defendant from that part of the judgment or order concerning the amount of child support to be paid, after the 6-month time limit described above has elapsed, if the judgment or order was based upon presumed income as described in (10) below and was entered after the entry of the default of the defendant, as specified.

(10) Existing law requires the Judicial Council, in consultation with certain organizations, to develop simplified complaint and answer forms for any action for support brought by the district attorney, as specified. Under existing law, the simplified complaint form is required to provide the defendant with notice of the amount of child support that is sought by stating the possible amount of an order in terms of a percentage of the defendant's income for the number of children specified in the order.

This bill would require the Judicial Council to develop simplified summons, complaint, and answer forms and would delete reference to the organizations the Judicial Council is required to consult with regarding development of the simplified forms. The bill would revise the latter provision described above to instead require the simplified complaint form to provide the defendant with notice of the amount of child support that is sought based upon the income or income history of the defendant as known to the district attorney. The bill would provide that if the defendant's income or income history is unknown to the district attorney, the simplified complaint shall inform the defendant that income shall be presumed, as provided. The bill would make related and conforming changes.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 259 of the Code of Civil Procedure is amended to read:

259. Subject to the supervision of the court, every court commissioner shall have power to do all of the following:

(a) Hear and determine ex parte motions for orders and alternative

writs and writs of habeas corpus in the superior court for which the court commissioner is appointed.

(b) Take proof and make and report findings thereon as to any matter of fact upon which information is required by the court. Any party to any contested proceeding may except to the report and the subsequent order of the court made thereon within five days after written notice of the court's action. A copy of the exceptions shall be filed and served upon opposing party or counsel within the five days. The party may argue any exceptions before the court on giving notice of motion for that purpose within 10 days from entry thereof. After a hearing before the court on the exceptions, the court may sustain, or set aside, or modify its order.

(c) Take and approve any bonds and undertakings in actions or proceedings, and determine objections to the bonds and undertakings.

(d) Administer oaths and affirmations, and take affidavits and depositions in any action or proceeding in any of the courts of this state, or in any matter or proceeding whatever, and take acknowledgments and proof of deeds, mortgages, and other instruments requiring proof or acknowledgment for any purpose under the laws of this or any other state or country.

(e) Act as temporary judge when otherwise qualified so to act and when appointed for that purpose, or by written consent of an appearing party. While acting as temporary judge the commissioner shall receive no compensation therefor other than compensation as commissioner.

(f) Hear and report findings and conclusions to the court for approval, rejection, or change, all preliminary matters including motions or petitions for the custody and support of children, the allowance of temporary spousal support, costs and attorneys' fees, and issues of fact in contempt proceedings in proceedings for support, dissolution of marriage, nullity of marriage, or legal separation.

(g) Hear actions to establish paternity and to establish or enforce child and spousal support pursuant to subdivision (a) of Section 4251 of the Family Code.

(h) Hear, report on, and determine all uncontested actions and proceedings subject to the requirements of subdivision (e).

(i) Charge and collect the same fees for the performance of official acts as are allowed by law to notaries public in this state for like services. This subdivision does not apply to any services of the commissioner, the compensation for which is expressly fixed by law. The fees so collected shall be paid to the treasurer of the county, for deposit in the general fund of the county.

(j) Provide an official seal, upon which must be engraved the words "Court Commissioner" and the name of the county, or city and county, in which the commissioner resides.

(k) Authenticate with the official seal the commissioner's official acts.

SEC. 2. Section 639.5 of the Code of Civil Procedure is repealed.

SEC. 3. Section 640.1 of the Code of Civil Procedure is repealed.

SEC. 4. Chapter 9 (commencing with Section 689.010) is added to Division 1 of Title 9 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 9. ENFORCEMENT OF SUPPORT JUDGMENTS

689.010. For the purpose of the remedies provided under this

chapter, jurisdiction is conferred upon the superior court.

689.020. (a) Except as otherwise provided by statute, whenever a warrant may properly be issued by the district attorney pursuant to Section 11350.7 of the Welfare and Institutions Code, and the warrant may be levied with the same effect as a levy pursuant to a writ of execution, the district attorney may use any of the remedies available to a judgment creditor, including, but not limited to, those provided in Chapter 6 (commencing with Section 708.010) of Division 2.

(b) The proper court for the enforcement of the remedies provided under this chapter is the superior court in the county where the district attorney enforcing the support obligation is located.

689.030. (a) Whenever the district attorney, pursuant to Section 11350.7 of the Welfare and Institutions Code, levies upon property pursuant to a warrant for the collection of a support obligation:

(1) If the debtor is a natural person, the debtor is entitled to the same exemptions to which a judgment debtor is entitled. Except as provided in subdivisions (b) and (c), the claim of exemption shall be made, heard, and determined as provided in Chapter 4 (commencing with Section 703.010) of Division 2 in the same manner as if the property were levied upon under a writ of execution.

(2) A third person may claim ownership or the right to possession of the property or a security interest in or lien on the property. Except as provided in subdivisions (b) and (c) or as otherwise provided by statute, the third-party claim shall be made, heard, and determined as provided in Division 4 (commencing with Section 720.010) in the same manner as if the property were levied upon under a writ of execution.

(b) In the case of a warrant issued pursuant to Section 11350.7 of the Welfare and Institutions Code, the claim of exemption or the third-party claim shall be filed with the district attorney who issued the warrant.

(c) A claim of exemption or a third-party claim pursuant to this section shall be heard and determined in the court specified in Section 689.010 in the county where the district attorney enforcing the support obligation is located.

689.040. (a) Notwithstanding any other provision of law, in the case of a writ of execution issued by a court of competent jurisdiction pursuant to Chapter 3 (commencing with Section 699.010) and Chapter 5 (commencing with Section 706.010) of Division 2, the district attorney, when enforcing a support obligation pursuant to Section 11475.1 of the Welfare and Institutions Code, may perform the duties of the levying officer, except that the district attorney need not give himself or herself the notices that the levying officer is required to serve on a judgment creditor or creditor or the notices that a judgment creditor or creditor is required to give to the levying officer.

(b) Notwithstanding subdivision (a) of Section 700.140, if the writ of execution is for a deposit or credits or personal property in the possession or under the control of a bank or savings and loan association, the district attorney may deliver or mail the writ of execution to a centralized location designated by the bank or savings and loan association. If the writ of execution is received at the designated central location, it will apply to all deposits and credits and personal property held by the bank or savings and loan association regardless of the location of that property.

689.050. For the purpose of this chapter:

(a) "Judgment creditor" or "creditor" means the district attorney seeking to collect a child or spousal support obligation pursuant to a support order.

(b) "Judgment debtor" or "debtor" means the debtor from whom the support obligation is sought to be collected.

SEC. 5. Article 3 (commencing with Section 3680) is added to Chapter 6 of Part 1 of Division 9 of the Family Code, to read:

Article 3. Simplified Procedure for Modification of Support Order

3680. (a) The Legislature finds and declares the following:

(1) There is currently no simple method available to parents to quickly modify their support orders when circumstances warrant a change in the amount of support.

(2) The lack of a simple method for parents to use to modify support orders has led to orders in which the amount of support ordered is inappropriate based on the parents' financial circumstances.

(3) Parents should not have to incur significant costs or experience significant delays in obtaining an appropriate support order.

(b) Therefore, it is the intent of the Legislature that the Judicial Council adopt rules of court and forms for a simplified method to modify support orders. This simplified method should be designed to be used by parents who are not represented by counsel.

SEC. 6. Article 4 (commencing with Section 4250) is added to Chapter 2 of Part 2 of Division 9 of the Family Code, to read:

Article 4. Child Support Commissioners

4250. (a) The Legislature finds and declares the following:

(1) Child and spousal support are serious legal obligations.

(2) The current system for obtaining, modifying, and enforcing child and spousal support orders is inadequate to meet the future needs of California's children due to burgeoning caseloads within district attorneys' offices and the growing number of parents who are representing themselves in family law actions.

(3) The success of California's child support enforcement program depends upon its ability to establish and enforce child support orders quickly and efficiently.

(4) There is a compelling state interest in creating an expedited process in the courts that is cost-effective and accessible to families, for establishing and enforcing child support orders in cases being enforced by the district attorney.

(5) There is a compelling state interest in having a simple, speedy, conflict-reducing system, that is both cost-effective and accessible to families, for resolving all issues concerning children, including support, health insurance, custody, and visitation in family law cases that do not involve enforcement by the district attorney.

(b) Therefore, it is the intent of the Legislature to: (1) provide for commissioners to hear child support cases being enforced by the district attorney; (2) adopt uniform and simplified procedures for all child support cases; and (3) create an Office of the Family Law Facilitator in the courts to provide education, information, and assistance to parents with child support issues.

4251. (a) Commencing July 1, 1997, each superior court shall provide sufficient commissioners to hear Title IV-D child support cases filed by the district attorney. The number of child support commissioners required in each county shall be determined by the Judicial Council as prescribed by paragraph (3) of subdivision (b) of Section 4252. All actions or proceedings filed by the district

attorney, or by any other party in a support action or proceeding in which enforcement services are being provided by the district attorney pursuant to Section 11475.1 of the Welfare and Institutions Code, for an order to establish, modify, or enforce child or spousal support, including actions to establish paternity, shall be referred for hearing to a child support commissioner unless a child support commissioner is not available due to exceptional circumstances, as prescribed by the Judicial Council pursuant to paragraph (7) of subdivision (b) of Section 4252.

(b) The commissioner shall act as a temporary judge unless an objection is made by the district attorney or any other party. The Judicial Council shall develop a notice which shall be included on all forms and pleadings used to initiate a child support action or proceeding that advises the parties of their right to review by a superior court judge and how to exercise that right. The parties shall also be advised by the court prior to the commencement of the hearing that the matter is being heard by a commissioner who shall act as a temporary judge unless any party objects to the commissioner acting as a temporary judge. While acting as a temporary judge, the commissioner shall receive no compensation other than compensation as a commissioner.

(c) If any party objects to the commissioner acting as a temporary judge, the commissioner may hear the matter and make findings of fact and a recommended order. Within 10 court days, a judge shall ratify the recommended order unless either party objects to the recommended order, or where a recommended order is in error. In both cases, the judge shall issue a temporary order and schedule a hearing de novo within 10 court days. Any party may waive his or her right to the review hearing at any time.

(d) The commissioner shall, where appropriate, do any of the following:

(1) Review and determine ex parte applications for orders and writs.

(2) Take testimony.

(3) Establish a record, evaluate evidence, and make recommendations or decisions.

(4) Enter judgments or orders based upon voluntary acknowledgments of support liability and parentage and stipulated agreements respecting the amount of child support to be paid.

(5) Enter default orders and judgments pursuant to Section 4253.

(6) In actions in which paternity is at issue, order the mother, child, and alleged father to submit to genetic tests.

(e) The commissioner shall, upon application of any party, join issues concerning custody, visitation, and protective orders in the action filed by the district attorney, subject to Section 11350.1 of the Welfare and Institutions Code. After joinder, the commissioner shall:

(1) Refer the parents for mediation of disputed custody or visitation issues pursuant to Section 3170 of the Family Code.

(2) Accept stipulated agreements concerning custody, visitation, and protective orders and enter orders pursuant to the agreements.

(3) Refer contested issues of custody, visitation, and protective orders to a judge or to another commissioner for hearing. A child support commissioner may hear contested custody, visitation, and restraining order issues only if the court has adopted procedures to segregate the costs of hearing Title IV-D child support issues from the costs of hearing other issues pursuant to applicable federal requirements.

(f) The district attorney shall be served notice by the moving party of any proceeding under this section in which support is at

issue. Any order for support that is entered without the district attorney having received proper notice shall be voidable upon the motion of the district attorney.

4252. (a) One or more child support commissioners shall be appointed by the superior court to perform the duties specified in Section 4251. The child support commissioners first priority always shall be to hear Title IV-D child support cases. The child support commissioners shall specialize in hearing child support cases, and their primary responsibility shall be to hear Title IV-D child support cases. Child support commissioner positions shall not be subject to the limitation on other commissioner positions imposed upon the counties by Article 13 (commencing with Section 70140) of Chapter 5 of Title 8 of the Government Code. The number of child support commissioner positions allotted to each superior court shall be determined by the Judicial Council in accordance with caseload standards developed pursuant to paragraph (3) of subdivision (b), subject to appropriations in the annual Budget Act.

(b) The Judicial Council shall do all of the following:

(1) Establish minimum qualifications for child support commissioners.

(2) Establish minimum educational and training requirements for child support commissioners and other court personnel that are assigned to Title IV-D child support cases. Training programs shall include both federal and state laws concerning child support, and related issues.

(3) Establish caseload, case processing, and staffing standards for child support commissioners on or before April 1, 1997, which shall set forth the maximum number of cases that each child support commissioner can process. These standards shall be reviewed and, if appropriate, revised by the Judicial Council every two years.

(4) Adopt uniform rules of court and forms for use in Title IV-D child support cases.

(5) Offer technical assistance to counties regarding issues relating to implementation and operation of the child support commissioner system, including assistance related to funding, staffing, and the sharing of resources between counties.

(6) Establish procedures for the distribution of funding to the courts for child support commissioners, family law facilitators pursuant to Division 14 (commencing with Section 10000) and related allowable costs.

(7) Adopt rules that define the exceptional circumstances in which judges may hear Title IV-D child support matters as provided in subdivision (a) of Section 4251.

(8) Undertake other actions as appropriate to ensure the successful implementation and operation of child support commissioners in the counties.

4253. Notwithstanding any other provision of law, when hearing child support matters, a commissioner or referee may enter default orders if the defendant does not respond to notice or other process within the time prescribed to respond to that notice.

SEC. 7. Section 4506.3 of the Family Code is amended to read:

4506.3. The Judicial Council, in consultation with the California Family Support Council, the State Department of Social Services, and title insurance industry representatives, shall develop a single form, which conforms with the requirements of Section 27361.6 of the Government Code, for the substitution of payee, for notice directing payment of support to the district attorney pursuant to Sections 4200 and 4201, and for notice that support has been assigned pursuant to Section 11477 of the Welfare and Institutions Code.

SEC. 8. Section 5246 is added to the Family Code, to read:

5246. (a) This section applies only to Title IV-D cases where support enforcement services are being provided by the district attorney pursuant to Section 11475.1 of the Welfare and Institutions Code.

(b) After the court has ordered an earnings assignment for support pursuant to Section 5230 or 5253, the district attorney may serve on the employer a notice of assignment in lieu of the earnings assignment order in the manner specified in Section 5232.

(c) The notice of assignment shall contain, at a minimum, the following information:

(1) The amount of current support ordered by the court.

(2) Any additional amount to be withheld and applied to arrearages.

(3) The date of the most recent support order.

(4) The name and address of the district attorney to whom the support is to be paid.

(5) The amount of arrearages and the date through which the arrearages have been calculated, and a statement as to whether or not the arrearages include interest.

(6) Instructions to the employer on how to comply with the earnings assignment order.

(7) A written statement of the obligor's rights under the law to seek to quash or modify the earnings assignment order, together with a blank form which the obligor can file with the court to request a hearing to modify or quash the assignment with instructions on how to file the form and obtain a hearing date.

(d) If the underlying court order for support does not provide for an arrearage payment, or if an additional arrearage accrues after the date of the court order for support, the district attorney may send a notice of assignment directly to the employer which specifies the updated arrearage amount and directs the employer to withhold an additional amount not to exceed 3 percent of the arrearage or fifty dollars (\$50), whichever is greater, to be applied towards liquidation of the arrearages.

(e) Within 10 days of service of the notice of assignment, the employer shall deliver both of the following to the obligor:

(1) A copy of the notice of assignment.

(2) The form to request a hearing described in paragraph (7) of subdivision (c).

(f) If the obligor requests a hearing, a hearing date shall be scheduled within 20 days of the filing of the request with the court.

The clerk of the court shall provide notice of the hearing to the district attorney and the obligor no later than 10 days prior to the hearing.

(1) If at the hearing the obligor establishes that he or she is not the obligor or good cause or an alternative arrangement as provided in Section 5260, the court may order that service of the earnings assignment order be quashed. If the court quashes service of the earnings assignment order, the district attorney shall notify the employer within 10 days.

(2) If the obligor contends at the hearing that the payment of arrearages at the rate specified in this section is excessive or that the total arrearages owing is incorrect, and if it is determined that payment of the arrearages at the rate specified in this section creates an undue hardship upon the obligor or that the withholding would exceed the maximum amount permitted by Section 1673(b) of Title 15 of the United States Code Annotated, the rate at which the arrearages must be paid shall be reduced to a rate that is fair and reasonable considering the circumstances of the parties and the best interest of the child. If it is determined at a hearing that the

total amount of arrearages calculated is erroneous, the court shall modify the amount calculated to the correct amount. If the court modifies the total amount of arrearages owed or reduces the monthly payment due on the arrearages, the district attorney shall serve the employer with an amended notice of assignment within 10 days.

(g) If an obligor's current support obligation has terminated by operation of law, the district attorney may serve a notice of assignment on the employer which directs the employer to continue withholding from the obligor's earnings an amount not to exceed the current support order that was in effect or 3 percent of the total support arrearages including interest, whichever is greater, until such time that the employer is notified by the district attorney that the arrearages have been paid in full. The employer shall provide the obligor with the same documents as provided in subdivision (e). The obligor shall be entitled to the same rights to a hearing as specified in subdivision (f).

(h) The district attorney shall retain a copy of the notice of assignment and shall file a copy with the court whenever a hearing concerning the notice of assignment is requested.

(i) Nothing in this section prohibits the district attorney from seeking a payment on arrearages which is greater than the amount specified in this section. The district attorney may seek a higher payment on arrearages by filing an ex parte motion with the court.

SEC. 9. Division 14 (commencing with Section 10000) is added to the Family Code, to read:

DIVISION 14. FAMILY LAW FACILITATOR ACT

10000. This division shall be known and may be cited as the Family Law Facilitator Act.

10001. (a) The Legislature finds and declares the following:

(1) Child and spousal support are serious legal obligations. The entry of a child support order is frequently delayed while parents engage in protracted litigation concerning custody and visitation. The current system for obtaining child and spousal support orders is suffering because the family courts are unduly burdened with heavy case loads and do not have sufficient personnel to meet increased demands on the courts.

(2) Reports to the Legislature regarding the family law pilot projects in the Superior Courts of the Counties of Santa Clara and San Mateo indicate that the pilot projects have provided a cost-effective and efficient method for the courts to process family law cases that involve unrepresented litigants with issues concerning child support, spousal support, and health insurance.

(3) The reports to the Legislature further indicate that the pilot projects in both counties have been successful in making the process of obtaining court orders concerning child support, spousal support, and health insurance more accessible to unrepresented parties. Surveys conducted by both counties indicate a high degree of satisfaction with the services provided by the pilot projects.

(4) There is a compelling state interest in having a speedy, conflict-reducing system for resolving issues of child support, spousal support, and health insurance that is cost-effective and accessible to families that cannot afford legal representation.

(b) Therefore, it is the intent of the Legislature to make the services provided in the family law pilot projects in the Counties of Santa Clara and San Mateo available to unrepresented parties in the superior courts of all California counties.

10002. Each superior court shall maintain an office of the family law facilitator. The office of the family law facilitator shall be

staffed by an attorney licensed to practice law in this state who has mediation or litigation experience, or both, in the field of family law. The family law facilitator shall be appointed by the superior court.

10003. This division shall apply to all actions or proceedings for temporary or permanent child support, spousal support, or health insurance in a proceeding for dissolution of marriage, nullity of marriage, legal separation, or exclusive child custody, or pursuant to the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12) or the Domestic Violence Prevention Act (Division 10 (commencing with Section 6200)).

10004. Services provided by the family law facilitator shall include, but are not limited to, the following: providing educational materials to parents concerning the process of establishing parentage and establishing, modifying, and enforcing child and spousal support in the courts; distributing necessary court forms and voluntary declarations of paternity; providing assistance in completing forms; preparing support schedules based upon statutory guidelines; and providing referrals to the district attorney, family court services, and other community agencies and resources that provide services for parents and children.

10005. (a) By local rule, the superior court may designate additional duties of the family law facilitator, which may include, but are not limited to, the following:

(1) Meeting with litigants to mediate issues of child support, spousal support, and maintenance of health insurance, subject to Section 10012. Actions in which one or both of the parties are unrepresented by counsel shall have priority.

(2) Drafting stipulations to include all issues agreed to by the parties, which may include issues other than those specified in Section 10003.

(3) If the parties are unable to resolve issues with the assistance of the family law facilitator, prior to or at the hearing, and at the request of the court,

the family law facilitator shall review the paperwork, examine documents, prepare support schedules, and advise the judge whether or not the matter is ready to proceed.

(4) Assisting the clerk in maintaining records.

(5) Preparing formal orders consistent with the court's announced order in cases where both parties are unrepresented.

(6) Serving as a special master in proceedings and making findings to the court unless he or she has served as a mediator in that case.

(b) If staff and other resources are available and the duties listed in subdivision (a) have been accomplished, the duties of the family law facilitator may also include the following:

(1) Assisting the court with research and any other responsibilities which will enable the court to be responsive to the litigants' needs.

(2) Developing programs for bar and community outreach through day and evening programs, videotapes, and other innovative means that will assist unrepresented and financially disadvantaged litigants in gaining meaningful access to family court. These programs shall specifically include information concerning underutilized legislation, such as expedited child support orders (Chapter 5 (commencing with Section 3620) of Part 1 of Division 9), and preexisting, court-sponsored programs, such as supervised visitation and appointment of attorneys for children.

10006. The court shall adopt a protocol wherein all litigants, both unrepresented by counsel and represented by counsel, have

ultimate access to a hearing before the court.

10007. The court shall provide the family law facilitator at no cost to the parties.

10008. (a) Except as provided in subdivision (b), nothing in this chapter shall be construed to apply to a child for whom services are provided or required to be provided by a district attorney pursuant to Section 11475.1 of the Welfare and Institutions Code.

(b) In cases in which the services of the district attorney are provided pursuant to Section 11475.1 of the Welfare and Institutions Code, either parent may utilize the services of the family law facilitator that are specified in Section 10004. In order for a custodial parent who is receiving the services of the district attorney pursuant to Section 11475.1 of the Welfare and Institutions Code to utilize the services specified in Section 10005 relating to support, the custodial parent must obtain written authorization from the district attorney. It is not the intent of the Legislature in enacting this section to limit the duties of district attorneys with respect to seeking child support payments or to in any way limit or supersede other provisions of this code respecting temporary child support.

10010. The Judicial Council shall adopt minimum standards for the office of the family law facilitator and any forms or rules of court that are necessary to implement this division.

10011. The Director of the State Department of Social Services shall seek approval from the United States Department of Health and Human Services, Office of Child Support Enforcement, to utilize funding under Title IV-D of the Social Security Act for the services provided pursuant to this division.

10012. (a) In a proceeding in which mediation is required pursuant to paragraph (1) of subdivision (a) of Section 10005, where there has been a history of domestic violence between the parties or where a protective order as defined in Section 6218 is in effect, at the request of the party alleging domestic violence in a written declaration under penalty of perjury or protected by the order, the family law facilitator shall meet with the parties separately and at separate times.

(b) Any intake form that the office of the family law facilitator requires the parties to complete before the commencement of mediation shall state that, if a party alleging domestic violence in a written declaration under penalty of perjury or a party protected by a protective order so requests, the mediator will meet with the parties separately and at separate times.

SEC. 10. Section 70141 of the Government Code is amended to read:

70141. (a) To assist the court in disposing of its business connected with the administration of justice, the superior court of any city and county may appoint not exceeding 10 commissioners, and the superior court of every county, except a county with a population of 4,000,000 or over, may appoint one commissioner. Each person so appointed shall be designated as "court commissioner" of the county.

(b) In addition to the court commissioners authorized by subdivision (a) or any other provision of law, either the superior court or the municipal court, but not both, of any county or city and county may appoint one additional commissioner, at the same rate of compensation as the other commissioner or commissioners for that court, upon adoption of a resolution by the board of supervisors pursuant to subdivision (c).

(c) The county or city and county shall be bound by, and the resolution adopted by the board of supervisors shall specifically

recognize, the following conditions:

(1) The county or city and county has sufficient funds for the support of the position and any staff who will provide direct support to the position, agrees to assume any and all additional costs that may result therefrom, and agrees that no state funds shall be made available, or shall be used, in support of this position or any staff who provide direct support to this position.

(2) The additional commissioner shall not be deemed a judicial position for purposes of calculating trial court funding pursuant to Section 77202.

(3) The salary for this position and for any staff who provide direct support to this position shall not be considered as part of court operations for purposes of Sections 77003 and 77204.

(4) The county or city and county agrees not to seek funding from the state for payment of the salary, benefits, or other compensation for such a commissioner or for any staff who provide direct support to such a commissioner.

(d) The court may provide that the additional commissioner may perform all duties authorized for a commissioner of that court in the county. In a county or city and county that has undertaken a consolidation of the trial courts, the additional commissioner shall be appointed by the superior, municipal, or justice courts pursuant to the consolidation agreement.

(e) In addition to the court commissioners authorized by subdivisions (a) and (b), the superior court of any county or city and county shall appoint additional commissioners pursuant to Sections 4251 and 4252 of the Family Code. These commissioners shall receive a salary equal to 85 percent of a superior court judge's salary. These commissioners shall not be deemed a court operation for purposes of Section 77003.

SEC. 11. Section 11350.1 of the Welfare and Institutions Code is amended to read:

11350.1. (a) Notwithstanding any other statute, in any action brought by the district attorney for the support of a minor child or children, the action may be prosecuted in the name of the county on behalf of the child, children, or a parent of the child or children. The parent who has requested or is receiving support enforcement services of the district attorney shall not be a necessary party to the action but may be subpoenaed as a witness. Except as provided in subdivision (e), in an action under this section there shall be no joinder of actions, or coordination of actions, or cross-complaints, and the issues shall be limited strictly to the question of parentage, if applicable, and child support, including an order for medical support. A final determination of parentage may be made in any action under this section as an incident to obtaining an order for support. An action for support or parentage pursuant to this section shall not be delayed or stayed because of the pendency of any other action between the parties.

(b) Judgment in an action brought pursuant to this section, and in an action brought pursuant to Section 11350, if at issue, may be rendered pursuant to a noticed motion, which shall inform the defendant that in order to exercise his or her right to trial, he or she must appear at the hearing on the motion.

If the defendant appears at the hearing on the motion, the court shall inquire of him or her if he or she desires to subpoena evidence and witnesses, if parentage is at issue and genetic tests have not already been conducted whether he or she desires blood tests, and if he or she desires a trial. If his or her answer is in the affirmative, a continuance shall be granted to allow him or her to exercise those rights. A continuance shall not postpone the hearing

to more than 90 days from the date of service of the motion. In the event that a continuance is granted, the court may make an order for temporary support without prejudice to the right of the court to make an order for temporary support as otherwise allowed by law.

(c) In any action to enforce a spousal support order the action may be pled in the name of the county in the same manner as an action to establish a child support obligation. The same restrictions on joinder of actions, coordination of actions, and cross-complaints, and delay because of the pendency of any other action as relates to actions to establish a child support obligation shall also apply to actions to enforce a spousal support order.

(d) Nothing contained in this section shall be construed to prevent the parties from bringing an independent action under the Family Code or otherwise, and litigating the issue of support. In that event, the court in those proceedings shall make an independent determination on the issue of support which shall supersede the support order made pursuant to this section.

(e) (1) After a support order, including a temporary support order and an order for medical support only, has been entered in an action brought pursuant to this section, the parent who has requested or is receiving support enforcement services of the district attorney shall become a party to the action brought pursuant to this section, only in the manner and to the extent provided by this section, and only for the purposes allowed by this section.

(2) Notice of the parent's status as a party shall be given to the parent by the district attorney in conjunction with the notice required by subdivision (e) of Section 11478.2. The complaint shall contain this notice. Service of the complaint on the parent in compliance with Section 1013 of the Code of Civil Procedure, or as otherwise provided by law, shall constitute compliance with this section.

(3) The parent who has requested or is receiving support enforcement services of the district attorney is a party to an action brought under this section for issues relating to the support, custody, and visitation of a child, and for restraining orders, and for no other purpose. The district attorney shall not be required to serve or receive service of papers, pleadings, or documents, or participate in, or attend any hearing or proceeding relating to issues of custody or visitation, except as otherwise required by law.

Orders concerning custody and visitation may be made in an action pursuant to this subdivision only if orders concerning custody and visitation have not been previously made by a court of competent jurisdiction in this state or another state and the court has jurisdiction and is the proper venue for custody and visitation determinations. All issues regarding custody and visitation shall be heard and resolved in the manner provided by the Family Code. Except as otherwise provided by law, the district attorney shall control support and parentage litigation brought pursuant to this section, and the manner, method, and procedures used in establishing parentage and in establishing and enforcing support obligations unless and until the parent who requested or is receiving support enforcement services has requested in writing that the district attorney close his or her case and the case has been closed in accordance with federal regulation.

(f) (1) A parent who has requested or is receiving support enforcement services of the district attorney may take independent action to modify a support order made pursuant to this section while support enforcement services are being provided by the district attorney. The parent shall serve the district attorney with notice of any action filed to modify the support order and provide the

district attorney with a copy of the modified order within 15 calendar days after the date the order is issued.

(2) A parent who has requested or is receiving support enforcement services of the district attorney may take independent action to enforce a support order made pursuant to this section while support enforcement services are being provided by the district attorney with the written consent of the district attorney. At least 30 days prior to filing an independent enforcement action, the parent shall provide the district attorney with written notice of the parent's intent to file an enforcement action which includes a description of the type of enforcement action the parent intends to file. Within 30 days of receiving the notice, the district attorney shall either provide written consent for the parent to proceed with the independent enforcement action or notify the parent that he or she objects to the parent filing the proposed independent enforcement action. The district attorney may object only if the district attorney is currently using an administrative or judicial method to enforce the support obligation or if the proposed independent enforcement action would interfere with an investigation being conducted by the district attorney. If the district attorney does not respond to the parent's written notice within 30 days, the district attorney shall be deemed to have given consent.

(3) The court shall order that all payments of support shall be made to the district attorney in any action filed under this section by the parent who has requested, or is receiving, support enforcement services of the district attorney unless support enforcement services have been terminated by the district attorney by case closure as provided by federal law. Any order obtained by a parent prior to support enforcement services being terminated in which the district attorney did not receive proper notice pursuant to this section shall be voidable upon the motion of the district attorney.

(g) The Judicial Council shall prepare the notice required by subdivision (e).

SEC. 12. Section 11350.7 is added to the Welfare and Institutions Code, to read:

11350.7. (a) Notwithstanding any other provision of law, if any support obligor is delinquent in the payment of support for at least 30 days and the district attorney is enforcing the support obligation pursuant to Section 11475.1, the district attorney may issue a warrant for the collection of that support and may levy on and sell vehicles and vessels as defined in the Vehicle Code, or aircraft.

(b) A warrant may be issued by a district attorney for a support obligation which accrued under a court order or judgment if the obligor had notice of the accrued support arrearage as provided in this section, and did not make a timely request for review.

(c) The notice requirement shall be satisfied by the district attorney sending a statement of support arrearages to the obligor at the obligor's last known address by first-class mail, postage prepaid. The notice shall advise the obligor of the amount of the support arrearage. The notice shall advise the obligor that the obligor may have the arrearage determination reviewed by administrative procedures and state how such a review may be obtained. The notice shall also advise the obligor of his or her right to seek a judicial determination of arrearages pursuant to Section 11350.8 and shall include a form to be filed with the court to request a judicial determination of arrearages. If the obligor requests an administrative review of the arrearage determination within 20 days from the date the notice was mailed to the obligor, the district attorney shall review the assessment or determination and shall not issue the warrant for a disputed amount of support

until the administrative review procedure is completed.

(d) If the obligor requests a judicial determination of the arrearages within 20 days from the date the notice was mailed to the obligor, the district attorney shall not issue the warrant for a disputed amount of support until the judicial determination is complete.

(e) The warrant shall be directed to any sheriff, constable, marshal, or the Department of the California Highway Patrol and shall have the same force and effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the manner and with the same force and effect as a levy and sale pursuant to a writ of execution. The district attorney may pay or advance to the levying officer the same fees, commissions, and expenses for his or her services under this section as are provided by law for similar services pursuant to a writ of execution, except for those fees and expenses for which the district attorney is exempt by law from paying. The district attorney, and not the court, shall approve the fees for publication in a newspaper.

(f) The fees, commissions, expenses, and the reasonable costs associated with the sale of property levied upon by warrant pursuant to this section, including, but not limited to, appraisers' fees, auctioneers' fees, and advertising fees are an obligation of the support obligor and may be collected from the obligor by virtue of the warrant or in any other manner as though these items were support payments delinquent for at least 30 days.

SEC. 13. Section 11354 is added to the Welfare and Institutions Code, to read:

11354. In any action or proceeding brought by the district attorney to establish parentage pursuant to Section 11475.1, the court shall enter a judgment establishing parentage upon the filing of a written stipulation between the parties provided that the stipulation is accompanied by a written advisement and waiver of rights which is signed by the defendant. The written advisement and waiver of rights shall be developed by the Judicial Council.

SEC. 14. Section 11355 is added to the Welfare and Institutions Code, to read:

11355. (a) Notwithstanding any other provision of law, in any action filed by the district attorney pursuant to Section 11350, 11350.1, or 11475.1, a judgment shall be entered if the defendant fails to file an answer or otherwise appear in the action within 30 days of service of process upon the defendant.

(b) If the defendant fails to file an answer with the court within 30 days of having been served as specified in subdivision (c) of Section 11475.1, the proposed judgment shall become effective unless the district attorney has filed a declaration and amended proposed judgment pursuant to subdivision (c).

(c) If the district attorney receives additional financial information within 30 days of service of the complaint and proposed judgment on the defendant and the additional information would result in a support order that is different from the amount in the proposed judgment, the district attorney shall file a declaration setting forth the additional information and an amended proposed judgment. The declaration and amended proposed judgment shall be served on the defendant in compliance with Section 1013 of the Code of Civil Procedure or otherwise as provided by law. The defendant's time to answer or otherwise appear shall be extended to 30 days from the date of service of the declaration and amended proposed judgment.

(d) Upon entry of the judgment, the clerk of the court shall mail by first-class mail, postage prepaid, a notice to the defendant that his or her default has been taken and that the proposed judgment has

been entered.

SEC. 15. Section 11356 is added to the Welfare and Institutions Code, to read:

11356. (a) In any action filed by the district attorney pursuant to Section 11350, 11350.1, or 11475.1, the court may, on any terms that may be just, relieve the defendant from that part of the judgment or order concerning the amount of child support to be paid. This relief may be granted after the six-month time limit of Section 473 of the Code of Civil Procedure has elapsed, based on the grounds, and within the time limits, specified in this section.

(b) This section shall apply only to judgments or orders for support that were based upon presumed income as specified in subdivision (c) of Section 11475.1 and that were entered after the entry of the default of the defendant under Section 11355. This section shall apply only to the amount of support ordered and not that portion of the judgment or order concerning the determination of parentage.

(c) The court may set aside the child support order contained in a judgment described in subdivision (b) if the defendant's income was substantially different at the time the judgment was entered from the income defendant was presumed to have. A "substantial difference" means that amount of income that would result in an order for support that deviates from the order entered by default by 20 percent or more. If the difference between the defendant's actual income and the presumed income would result in an order for support that deviates from the order entered by default by less than 20 percent, the court may set aside the child support order only if the court states in writing or on the record that the defendant is experiencing an extreme financial hardship due to the circumstances enumerated in Section 4701 of the Family Code and that a set aside of the default judgment is necessary to accommodate those circumstances.

(d) Application for relief under this section shall be accompanied by a copy of the answer or other pleading proposed to be filed together with an income and expense declaration and tax returns for any relevant years. The Judicial Council may combine the application for relief under this section and the proposed answer into a single form.

(e) The burden of proving that the actual income of the defendant deviated substantially from the presumed income shall be on the defendant.

(f) A motion for relief under this section shall be filed within 90 days of the first collection of money by the district attorney or the obligee. The 90-day time period shall run from the date that the district attorney receives the first collection or from the date that the defendant is served with notice of the collection, whichever date occurs first. If service of the notice is by mail, the date of service shall be as specified in Section 1013 of the Code of Civil Procedure.

(g) In all proceedings under this section, before granting relief, the court shall consider the amount of time that has passed since the entry of the order, the circumstances surrounding the defendant's default, the relative hardship on the child or children to whom the duty of support is owed, the caretaker parent, and the defendant, and other equitable factors that the court deems appropriate.

(h) If the court grants the relief requested, the court shall issue a new child support order using the appropriate child support guidelines currently in effect. The new order shall have the same commencement date as the order set aside.

SEC. 16. Section 11475.1 of the Welfare and Institutions Code is amended to read:

11475.1. (a) Each county shall maintain a single organizational unit located in the office of the district attorney which shall have the responsibility for promptly and effectively establishing, modifying, and enforcing child support obligations, including medical support, enforcing spousal support orders established by a court of competent jurisdiction, and determining paternity in the case of a child born out of wedlock. The district attorney shall take appropriate action, both civil and criminal, to establish, modify, and enforce child support and, when appropriate, enforce spousal support orders when the child is receiving public assistance, including Medi-Cal, and, when appropriate, may take the same actions on behalf of a child who is not receiving public assistance, including Medi-Cal.

(b) Actions brought by the district attorney to establish paternity or child support or to enforce child support obligations shall be completed within the time limits set forth by federal law. The district attorney's responsibility applies to spousal support only where the spousal support obligation has been reduced to an order of a court of competent jurisdiction. In any action brought for modification or revocation of an order that is being enforced under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the effective date of the modification or revocation shall be as prescribed by federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent date.

(c) (1) The Judicial Council, in consultation with the department and representatives of the California Family Support Council, the Senate Committee on Judiciary, the Assembly Committee on Judiciary, and a legal services organization providing representation on child support matters, shall develop simplified summons, complaint, and answer forms for any action for support brought pursuant to this section or Section 11350.1. The Judicial Council may combine the summons and complaint in a single form.

(2) The simplified complaint form shall provide the defendant with 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 the Family Code based upon the income or income history of the defendant as known to the district attorney. If the defendant's income or income history is unknown to the district attorney, the complaint shall inform the defendant that income shall be presumed in an amount that results in a court order equal to the minimum basic standard of adequate care provided in Section 11452 unless information concerning the defendant's income is provided to the court. The complaint form shall be accompanied by a proposed judgment. The complaint form shall include a notice to the defendant that the proposed judgment will become effective if he or she fails to file an answer with the court within 30 days of service.

(3) (A) The simplified answer form shall be written in simple English and shall permit a defendant to answer and raise defenses by checking applicable boxes. The answer form shall include instructions for completion of the form and instructions for proper filing of the answer.

(B) The answer form shall be accompanied by a blank income and expense declaration or simplified financial statement and instructions on how to complete the financial forms. The answer form shall direct the defendant to file the completed income and expense declaration or simplified financial statement with the answer, but shall state that the answer will be accepted by a court without the income and expense declaration or simplified financial statement.

(C) The clerk of the court shall accept and file answers, income

and expense declarations, and simplified financial statements that are completed by hand provided they are legible.

(4) (A) The simplified complaint form prepared pursuant to this subdivision shall be used by the district attorney or the Attorney General in all cases brought under this section or Section 11350.1.

(B) The simplified answer form prepared pursuant to this subdivision shall be served on all defendants with the simplified complaint. Failure to serve the simplified answer form on all defendants shall not invalidate any judgment obtained. However, failure to serve the answer form may be used as evidence in any proceeding under Section 11356 of this code or Section 473 of the Code of Civil Procedure.

(C) The Judicial Council shall add language to the governmental summons, for use by the district attorney with the governmental complaint to establish parental relationship and child support, informing defendants that a blank answer form should have been received with the summons and additional copies may be obtained from either the district attorney's office or the superior court clerk.

(d) In any action brought or enforcement proceedings instituted by the district attorney pursuant to this section for payment of child or spousal support, an action to recover an arrearage in support payments may be maintained by the district attorney at any time within the period otherwise specified for the enforcement of a support judgment, notwithstanding the fact that the child has attained the age of majority.

(e) The county shall undertake an outreach program to inform the public that the services described in subdivisions (a) to (c), inclusive, are available to persons not receiving public assistance. There shall be prominently displayed in every public area of every office of the units established by this section a notice, in clear and simple language prescribed by the Director of Social Services, that the services provided in subdivisions (a) to (c), inclusive, are provided to all individuals whether or not they are recipients of public social services.

(f) In any action to establish a child support order brought by the district attorney in the performance of duties under this section, the district attorney may make a motion for an order effective during the pendency of that action, for the support, maintenance, and education of the child or children that are the subject of the action. This order shall be referred to as an order for temporary support. This order shall have the same force and effect as a like or similar order under the Family Code.

The district attorney shall file a motion for an order for temporary support within the following time limits:

(1) If the defendant is the mother, a presumed father under Section 7611 of the Family Code, or any father where the child is at least six months old when the defendant files his answer, the time limit is 90 days after the defendant files an answer.

(2) In any other case where the defendant has filed an answer prior to the birth of the child or not more than six months after the birth of the child, then the time limit is nine months after the birth of the child.

If more than one child is the subject of the action, the limitation on reimbursement shall apply only as to those children whose parental relationship and age would bar recovery were a separate action brought for support of that child or those children.

If the district attorney fails to file a motion for an order for temporary support within time limits specified in this section, the district attorney shall be barred from obtaining a judgment of

reimbursement for any support provided for that child during the period between the date the time limit expired and the motion was filed, or, if no such motion is filed, when a final judgment is entered.

Nothing in this section prohibits the district attorney from entering into cooperative arrangements with other county departments as necessary to carry out the responsibilities imposed by this section pursuant to plans of cooperation with the departments approved by the State Department of Social Services.

Nothing in this section shall otherwise limit the ability of the district attorney from securing and enforcing orders for support of a spouse or former spouse as authorized under any other provision of law.

(g) As used in this article, "enforcing obligations" includes, but is not limited to, (1) the use of all interception and notification systems operated by the State Department of Social Services for the purposes of aiding in the enforcement of support obligations, (2) the obtaining by the district attorney of an initial order for child support, which may include medical support or which is for medical support only, by civil or criminal process, (3) the initiation of a motion or order to show cause to increase an existing child support order, and the response to a motion or order to show cause brought by an obligor parent to decrease an existing child support order, or the initiation of a motion or order to show cause to obtain an order for medical support, and the response to a motion or order to show cause brought by an obligor parent to decrease or terminate an existing medical support order, without regard to whether the child is receiving public assistance, and (4) the response to a notice of motion or order to show cause brought by an obligor parent to decrease an existing spousal support order when the child or children are residing with the obligee parent and the district attorney is also enforcing a related child support obligation owed to the obligee parent by the same obligor.

(h) As used in this section, "out of wedlock" means that the biological parents of the child were not married to each other at the time of the child's conception.

(i) The district attorney is the public agency responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.). The district attorney shall seek an earnings assignment order for support in any case as soon as the obligor is in arrears in payment of support pursuant to Chapter 8 (commencing with Section 5200) of Part 5 of Division 9 of the Family Code.

Nothing in this section shall limit the authority of the district attorney granted by other sections of this code or otherwise granted by law.

(j) In the exercise of the authority granted under this article, the district attorney may intervene, pursuant to subdivision (b) of Section 387 of the Code of Civil Procedure, by ex parte application, in any action under the Family Code, or other proceeding wherein child support is an issue or a reduction in spousal support is sought. By notice of motion, order to show cause, or responsive pleading served upon all parties to the action, the district attorney may request such relief as appropriate which the district attorney is authorized to seek.

(k) The district attorney shall comply with any guidelines established by the State Department of Social Services which set time standards for responding to requests for assistance in locating absent parents, establishing paternity, establishing child support awards, and collecting child support payments.

(1) As used in this article, medical support activities which the district attorney is authorized to perform are limited to the following:

(1) The obtaining and enforcing of court orders for health insurance coverage.

(2) Any other medical support activity mandated by federal law or regulation.

(m) (1) Notwithstanding any other provision of law, venue for an action or proceeding under this part shall be determined as follows:

(A) Venue shall be in the superior court in the county that is currently expending public assistance.

(B) If public assistance is not currently being expended, venue shall be in the superior court in the county where the child who is entitled to current support resides or is domiciled.

(C) If current support is no longer payable through, or enforceable by, the district attorney, venue shall be in the superior court in the county that last provided public assistance for actions to enforce arrearages assigned pursuant to Section 11477.

(D) If subparagraphs (A), (B), and (C) do not apply, venue shall be in the superior court in the county of residence of the support obligee.

(E) If the support obligee does not reside in California, and subparagraphs (A), (B), (C), and (D) do not apply, venue shall be in the superior court of the county of residence of the obligor.

(2) Notwithstanding paragraph (1), if the child becomes a resident of another county after an action under this part has been filed, venue may remain in the county where the action was filed until the action is completed.

(n) The district attorney of one county may appear on behalf of the district attorney of any other county in an action or proceeding under this part.

SEC. 17. Section 11478.2 of the Welfare and Institutions Code is amended to read:

11478.2. (a) In all actions involving paternity or support, including, but not limited to, proceedings under the Family Code, and under this division, the district attorney and Attorney General represent the public interest in establishing, modifying, and enforcing support obligations. No attorney-client relationship shall be deemed to have been created between the district attorney or Attorney General and any person by virtue of the action of the district attorney or the Attorney General in carrying out these statutory duties.

(b) The provisions of subdivision (a) are declarative of existing law.

(c) In all requests for services of the district attorney or Attorney General pursuant to Section 11475.1 relating to actions involving paternity or support, not later than the same day an individual makes a request for these services in person, and not later than five working days after either (1) a case is referred for services from the county welfare department, (2) receipt of a request by mail for an application for services, or (3) an individual makes a request for services by telephone, the district attorney or Attorney General shall give notice to the individual requesting services or on whose behalf services have been requested that the district attorney or Attorney General does not represent the individual or the children who are the subject of the case, that no attorney-client relationship exists between the district attorney or Attorney General and those persons, and that no such representation or relationship shall arise if the district attorney or Attorney

General provides the services requested. Notice shall be in bold print and in plain English and shall be translated into the language understandable by the recipient when reasonable. The notice shall include the advice that the absence of an attorney-client relationship means that communications from the recipient are not privileged and that the district attorney or Attorney General may provide support enforcement services to the other parent in the future.

(d) The district attorney or Attorney General shall give the notice required pursuant to subdivision (c) to all recipients of services under Section 11475.1 who have not otherwise been provided that notice, not later than the date of the next annual notice required under Section 11476.2. This notice shall include notification to the recipient of services under Section 11475.1 that the recipient may inspect the clerk's file at the county clerk's office, and that, upon request, the district attorney, or, if appropriate, the Attorney General, will furnish a copy of the most recent order entered in the case.

(e) The district attorney, or, if appropriate, the Attorney General, shall serve a copy of the complaint for paternity or support, or both on recipients of support services under Section 11475.1, as specified in paragraph (2) of subdivision (e) of Section 11350.1. A notice shall accompany the complaint which informs the recipient that the district attorney or Attorney General may enter into a stipulated order resolving the complaint, and that if the recipient wishes to assist the prosecuting attorney, he or she should send all information on the noncustodial parent's earnings and assets to the prosecuting attorney.

(f) (1) The district attorney or Attorney General shall provide written notice to recipients of services under Section 11475.1 of the initial date and time, and purpose of every hearing in a civil action for paternity or support. The notice shall include the following language:

IMPORTANT NOTICE

It may be important that you attend the hearing. The district attorney does not represent you or your children. You may have information about the noncustodial parent, such as information about his or her income or assets, or your need for support that will not be presented to the court unless you attend the hearing. With the permission of the court, you have the right to be heard in court and tell the court what you think the court should do with the child support order.

If you have a court order for support that arose as part of your divorce, this hearing could change your rights or your children's rights to support. You have the right to attend the hearing and, with the permission of the court, to be heard.

If you would like to attend the hearing and be told about any changes to the hearing date or time, notify this office by _____. The district attorney or Attorney General will then have to tell you about any changes to the hearing date or time.

(2) The notice shall state the purpose of the hearing or be attached to the motion or other pleading which caused the hearing to be scheduled.

(3) The notice shall be provided separate from all other material and shall be in at least 14-point type. The failure of the district attorney or Attorney General to comply with this subdivision shall not affect the validity of any order.

(4) The notice shall be provided not later than seven calendar days prior to the hearing, or, if the district attorney or Attorney

General receives notice of the hearing less than seven days prior to the hearing, within two days of the receipt by the district attorney or Attorney General of the notice of the hearing.

(5) The district attorney or Attorney General shall, in order to implement this subdivision, make reasonable efforts to ensure that the district attorney or Attorney General has current addresses for recipients of support enforcement services.

(g) The district attorney or Attorney General shall give notice to recipients of services under Section 11475.1 of every order obtained by the district attorney or Attorney General that establishes or modifies the support obligation for the recipient or the children who are the subject of the order, by sending a copy of the order to the recipient. The notice shall be made within 30 calendar days after the order has been filed. The district attorney or Attorney General shall also give notice to these recipients of every order obtained in any other jurisdiction, that establishes or modifies the support obligation for the recipient or the children who are the subject of the order, and which is received by the district attorney or Attorney General, by sending a copy of the order to the recipient within 30 calendar days after the district attorney or Attorney General has received a copy of the order. In any action enforced under Chapter 6 (commencing with Section 4800) of Part 5 of Division 9 of the Family Code, the notice shall be made in compliance with the requirements of that chapter. The failure of the district attorney or Attorney General to comply with this subdivision shall not affect the validity of any order.

(h) The district attorney or Attorney General shall give notice to the noncustodial parent against whom a civil action is filed that the district attorney or Attorney General is not the attorney representing any individual, including, but not limited to, the custodial parent, the child, or the noncustodial parent.

(i) Nothing in this section shall be construed to preclude any person who is receiving services under Section 11475.1 from filing and prosecuting an independent action to establish, modify, and enforce an order for current support on behalf of himself or herself or a child if that person is not receiving public assistance.

(j) A person who is receiving services under Section 11475.1 but who is not currently receiving public assistance on his or her own behalf or on behalf of a child shall be asked to execute, or consent to, any stipulation establishing or modifying a support order in any action in which that person is named as a party, before the stipulation is filed. The district attorney or Attorney General shall not submit to the court for approval a stipulation to establish or modify a support order in such an action without first obtaining the signatures of all parties to the action, their attorneys of record, or persons authorized to act on their behalf.

(k) The district attorney or Attorney General shall not enter into a stipulation which reduces the amount of past due support, including interest and penalties accrued pursuant to an order of current support, on behalf of a person who is receiving support enforcement services under Section 11475.1 and who is owed support arrearages that exceed unreimbursed public assistance paid to the recipient of the support enforcement services, without first obtaining the consent of the person who is receiving services under Section 11475.1 on his or her own behalf or on behalf of the child.

(l) The notices required in this section shall be provided in the following manner:

(1) In all cases in which the person receiving services under Section 11475.1 resides in California, notice shall be provided by mailing the item by first-class mail to the last known address of, or

personally delivering the item to, that person.

(2) In all actions enforced under Chapter 6 (commencing with Section 4800) of Part 5 of Division 9 of the Family Code, unless otherwise specified, notice shall be provided by mailing the item by first-class mail to the initiating court.

(m) Notwithstanding any other provision of this section, the notices provided for pursuant to subdivisions (c) to (g), inclusive, shall not be required in foster care cases.

SEC. 18. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for any costs incurred pursuant to this act because this act provides additional revenue that is specifically intended to fund the costs in an amount sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

ADMINISTRATIVE OFFICE OF THE COURTS
Report Summary

Family and Juvenile Law Advisory Committee

May 2, 1997

**SUBJECT: Child Support Commissioner and Facilitator Allocation
Funding (Action Required)**

Family Code section 4252 requires the Judicial Council to establish minimum qualifications, caseload, case processing, and staffing standards for child support commissioners. A cooperative agreement between the council and the Department of Social Services provides funding for child support commissioners and facilitators; the council is required to allocate this funding among the courts.

Attached to this memorandum is the report prepared by the Family and Juvenile Law Advisory Committee, which makes recommendations on these and related matters involving child support commissioners and facilitators.

Recommendation

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

1. Approve the attached Title IV-D report (see Attachment B) on Commissioner Workload, Qualifications, and Allocation; Support Staff Minimum Levels; and Future Statistical Studies, which includes the following actions:
 - a. Establish the minimum qualifications for a commissioner, requiring five years' practice and experience in family law matters that may include Title IV-D child support matters (see pp. 1-2 of the Title IV-D report);
 - b. Require that commissioners receive ongoing education pursuant to a plan to be jointly developed by the Family and Juvenile Law Advisory Committee and the Center for Judicial Education and Research (see p. 2 of the Title IV-D report);
 - c. Establish a workload of 250 cases per week for a commissioner hearing Title IV-D child support matters (see pp. 4-9 and 16-17 of the Title IV-D report);

- d. Establish a minimum support staff figure of one courtroom clerk, one bailiff, four file clerks, and one court reporter (see pp. 5 and 11–12 of the Title IV-D report);
 - e. Allocate the funding for the 50 commissioner positions based on the active pending caseload of Title IV-D child support cases in each county (see p. 10 of the Title IV-D report and Attachment A to this memorandum);
 - f. Allocate the funding for the facilitator position using the same criteria as the allocation for the commissioner funding (see Attachment A to this memorandum); and
 - g. Direct the Family and Juvenile Law Advisory Committee to develop statistics that would facilitate the prediction of caseload and the resources needed to work with this caseload (see pp. 15–16 of the Title IV- D report).
2. Direct the Family and Juvenile Law Advisory Committee to monitor the allocation of commissioners and facilitators and to recommend to the council reallocations as necessary to meet the needs of changes in caseload; and
 3. Direct the Family and Juvenile Law Advisory Committee to prepare the commissioner qualifications, educational requirements for commissioners and facilitators, caseload processing standards, and support staff levels as draft standards of judicial administration for submission to the Rules and Projects Committee to be circulated for comment.

**THE JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
303 Second Street, South Tower
San Francisco, California 94107
415-396-9130**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Leonard Edwards and Hon. Mary Ann Grilli, Co-Chairs
Michael A. Fischer and Diane Nunn, Committee Counsel

DATE: May 2, 1997

SUBJECT: Child Support Commissioner and Facilitator Allocation
Funding (Action Required)

Background

Statutes 1996, chapter 957 (Assem. Bill 1058 (Speier)) added Family Code section 4252 to read, in part:

- (b) The Judicial Council shall do all of the following:
 - (1) Establish minimum qualifications for child support commissioners.
 - ...
 - (2) Establish caseload, case processing, and staffing standards for child support commissioners on or before April 1, 1997, which shall set forth the maximum number of cases that each child support commissioner can process. These standards shall be reviewed and, if appropriate, revised by the Judicial Council every two years.

Attached to this memorandum is the report prepared by the Family and Juvenile Law Advisory Committee, which makes recommendations on these and other related matters implementing AB 1058. This bill made several changes to Title IV-D Child Support Enforcement.

Title IV-D Child Support Enforcement

Title IV-D of the Federal Social Security Act provides that as a condition for receiving federal funding for welfare, each state must have a state plan for child support enforcement. The requirements imposed by this title are detailed. Each state's program is to be run by a single state agency. In California, the single state agency is the Department of Social Services, which uses each county's district attorney's office to handle the actual enforcement duties.

In addition to imposing requirements on the program, the federal government provides funding in the form of "federal financial participation" (FFP), which covers two-thirds of all eligible costs. The remaining one-third of the cost is to be paid for by either the state or a local entity. FFP is available only if an agency contracts by means of a "cooperative agreement" with the single state agency or with the local district attorney's office.

In approximately 22 counties, there are cooperative agreements between the local district attorney's office and the court to provide for funding for the court's activities in hearing and processing Title IV-D child support actions. Two-thirds of the cost of these agreements come from the federal government and one-third from the district attorney's office.

Effect of AB 1058

AB 1058 was the result of the recommendation of the Governor's Child Support Court Task Force. The primary funding recommendation of that group was the requirement that each county provide a commissioner to hear Title IV-D child support actions (Fam. Code, § 4251) and each county provide an office of family law facilitator (Fam. Code, § 10002). The requirement of a commissioner was imposed because FFP is not available for either a judge or the support staff for a judge hearing Title IV-D child support actions while the funding is available for a commissioner and the commissioner's support staff.

In addition, there is funding provided by the Department of Social Services through a cooperative agreement with the Judicial Council to provide funding for both the commissioner and the facilitator. The establishment of funding through the council is preferable to the present situation where the source of the funding—the local district attorney's office—is one of the litigators in the court being funded.

AB 1058 also makes a number of changes to the practice of child support enforcement and requires the council to adopt implementing rules and forms. (This is the subject of another report, Family Law Rules and Forms, being considered by the council at this meeting.)

Advisory committee recommendation

This report was prepared by the Family Law Subcommittee of the Judicial Council's Family and Juvenile Law Advisory Committee. The members of Family Law Subcommittee are listed in Appendix A to the report. The subcommittee was assisted by a subcommittee established of some Family Law Subcommittee members with additional advisory members. The members of this AB 1058 subcommittee are listed in Appendix B to the attached Title IV-D report. Comments on allocation and workload were solicited from the courts by means of two questionnaires, one sent in February 1997 and one sent in April 1997.

The Family and Juvenile Law Advisory Committee is holding a telephone meeting on May 5 to consider any requested revisions to the allocation schedule that were received from the courts. The affected courts have been invited to participate in that meeting. Any recommended modifications to the allocation will be presented to the council by means of a fax on May 12 in order to be considered in advance of the council meeting.

The recommendations made in the Title IV-D report are summarized in the recommendation section of this memorandum. It should be noted that some of the recommendations could appropriately be made into standards of judicial administration. Because this project will be fully launched on July 1, 1997, the committee is recommending that formal proposal and action on proposed standards be deferred until feedback from the to-be-hired commissioners and facilitators is obtained. A report seeking formal public comment on the standards will be presented to the Rules and Projects Committee by the advisory committee in December 1997, based on the experience of the commissioners and facilitators during the first months of the program.

Recommendation

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

1. Approve the attached Title IV-D report (see Attachment B) on Commissioner Workload, Qualifications, and Allocation; Support Staff Minimum Levels; and Future Statistical Studies, which includes the following actions:
 - a. Establish the minimum qualifications for a commissioner, requiring five years' practice and experience in family law matters that may include Title IV-D child support matters (see pp. 1-2 of the Title IV-D report);
 - b. Require that commissioners receive ongoing education pursuant to a plan to be jointly developed by the Family and Juvenile Law Advisory Committee

and the Center for Judicial Education and Research (see p. 2 of the Title IV-D report);

- c. Establish a workload of 250 cases per week for a commissioner hearing Title IV-D child support matters (see pp. 4–9 and 16–17 of the Title IV-D report);
 - d. Establish a minimum support staff figure of one courtroom clerk, one bailiff, four file clerks, and one court reporter (see pp. 5 and 11–12 of the Title IV-D report);
 - e. Allocate the funding for the 50 commissioner positions based on the active pending caseload of Title IV-D child support cases in each county (see p. 10 of the Title IV-D report and Attachment A to this memorandum);
 - f. Allocate the funding for the facilitator position using the same criteria as the allocation for the commissioner funding (see Attachment A to this memorandum); and
 - g. Direct the Family and Juvenile Law Advisory Committee to develop statistics that would facilitate the prediction of caseload and the resources needed to work with this caseload (see pp. 15–16 of the Title IV- D report).
2. Direct the Family and Juvenile Law Advisory Committee to monitor the allocation of commissioners and facilitators and to recommend to the council reallocations as necessary to meet the needs of changes in caseload; and
 3. Direct the Family and Juvenile Law Advisory Committee to prepare the commissioner qualifications, educational requirements for commissioners and facilitators, caseload processing standards, and support staff levels as draft standards of judicial administration for submission to the Rules and Projects Committee to be circulated for comment.

Attachments

ATTACHMENT A

County	FY 1995-96 Active Caseload*	Comm. FTE Alloc.	Commissioner – June 1997	Commissioner – FY 1997-98	Facilitator – June 1997	Facilitator – FY 1997-98
Alameda	48,103	1.9	\$95,000	\$1,140,000	\$94,050	\$308,560
Alpine	111	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Amador	1,608	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Butte	8,582	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Calaveras	1,919	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Colusa	821	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Contra Costa	38,666	1.5	\$75,000	\$900,000	\$74,250	\$243,600
Del Norte	3,024	0.3	\$15,000	\$180,000	\$14,850	\$48,720
El Dorado	8,720	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Fresno	61,224	2.3	\$115,000	\$1,380,000	\$113,850	\$373,520
Glenn	1,715	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Humboldt	6,158	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Imperial	7,907	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Inyo	1,540	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Kern	50,318	1.9	\$95,000	\$1,140,000	\$94,050	\$308,560
Kings	9,132	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Lake	3,377	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Lassen	1,529	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Los Angeles	226,752	8.8	\$440,000	\$5,280,000	\$435,600	\$1,429,120
Madera	5,765	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Marin	3,840	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Mariposa	794	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Mendocino	4,110	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Merced	13,858	0.5	\$25,000	\$300,000	\$24,750	\$81,200
Modoc	739	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Mono	224	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Monterey	13,470	0.5	\$25,000	\$300,000	\$24,750	\$81,200
Napa	4,231	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Nevada	5,261	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Orange	73,686	2.8	\$140,000	\$1,680,000	\$138,600	\$454,720
Placer	6,030	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Plumas	762	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Riverside	80,119	3.1	\$155,000	\$1,860,000	\$153,450	\$503,440
Sacramento	35,237	1.3	\$65,000	\$780,000	\$64,350	\$211,120
San Benito	2,400	0.3	\$15,000	\$180,000	\$14,850	\$48,720

* This figure is based on data reported by district attorney offices to the Department of Social Services.

ATTACHMENT A

County	FY 1995-96 Active Caseload	Comm. FTE Alloc.	Commissioner – June 1997	Commissioner – FY 1997-98	Facilitator – June 1997	Facilitator – FY 1997-98
San Bern.	41,584	1.6	\$80,000	\$960,000	\$79,200	\$259,840
San Diego	54,751	2.1	\$105,000	\$1,260,000	\$103,950	\$341,040
San Fran.	28,302	1.1	\$55,000	\$660,000	\$54,450	\$178,640
San Joaquin	32,532	1.2	\$60,000	\$720,000	\$59,400	\$194,880
San Luis Ob.	6,991	0.3	\$15,000	\$180,000	\$14,850	\$48,720
San Mateo	14,447	0.5	\$25,000	\$300,000	\$24,750	\$81,200
Santa Barb.	21,364	0.8	\$40,000	\$480,000	\$39,600	\$129,920
Santa Clara	49,128	1.9	\$95,000	\$1,140,000	\$94,050	\$308,560
Santa Cruz	5,196	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Shasta	15,807	0.6	\$30,000	\$360,000	\$29,700	\$97,440
Sierra	160	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Siskiyou	4,015	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Solano	16,348	0.6	\$30,000	\$360,000	\$29,700	\$97,440
Sonoma	18,320	0.7	\$35,000	\$420,000	\$34,650	\$113,680
Stanislaus	25,495	0.9	\$45,000	\$540,000	\$44,550	\$146,160
Sutter	5,211	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Tehama	4,321	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Trinity	1,075	0.3	\$15,000	\$180,000	\$14,850	\$48,7
Tulare	26,837	1.0	\$50,000	\$600,000	\$49,500	\$162,400
Tuolumne	3,139	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Ventura	35,077	1.3	\$65,000	\$780,000	\$64,350	\$211,120
Yolo	9,051	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Yuba	6,271	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Total	1,154,154	49.4	\$2,470,000	\$29,640,000	\$2,445,300	\$8,022,560

**Title IV-D Child Support Enforcement
Commissioner Workload, Qualifications,
and Allocation
Support Staff Minimum Levels
Future Statistical Studies**

**Judicial Council of California
Family and Juvenile Law Advisory Committee Draft
April 1997**

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I. Introduction

This report is prepared pursuant to Family Code section 4252, which provides, in part:

(b) The Judicial Council shall do all of the following:
(1) Establish minimum qualifications for child support commissioners.

...

(2) Establish caseload, case processing, and staffing standards for child support commissioners on or before April 1, 1997, which shall set forth the maximum number of cases that each child support commissioner can process. These standards shall be reviewed and, if appropriate, revised by the Judicial Council every two years.

This report was prepared by the Family Law Subcommittee of the Judicial Council's Family and Juvenile Law Advisory Committee, the body charged with implementing Statutes of 1996, chapter 957 (Assembly Bill 1058). The report has been approved by the Judicial Council. The members of the Family Law Subcommittee are listed in Appendix A. The subcommittee was assisted by the AB 1058 subcommittee, which consisted of some Family Law Subcommittee members and additional advisory members. The members of this AB 1058 subcommittee are listed in Appendix B.

This report is preliminary in nature, and the statistics currently available concerning workload for family law commissioners is sparse. The cooperative agreement between the Judicial Council and the Department of Social Services, which is the primary implementation document for AB 1058, provides that the council is to recommend to the Department of Social Services methods to gather statistical information that can be used to predict future needs of the child support enforcement system. This report also serves this recommending function, in part. It is anticipated that the council will provide more specific data concerning workload in time for the fiscal year 1998-99 budget process.

II. Minimum qualifications for commissioner

A judge of the superior court must have at least 10 years of practice prior to the appointment. (See Cal. Const., art. 6, § 15.) A judge of the municipal court requires five years of practice and can, if assigned as a judge of the superior court hear family law matters.

The appointment of commissioners to hear family law matters is sometimes viewed critically because it can lead to the appearance of providing less importance to those cases than to the cases heard by a judge. It should be noted, though, that in many superior courts currently using commissioners for family law matters, the commissioner is a highly qualified individual who not only has the same length of practice experience as a superior court judge, but also has extensive family law experience and expertise, both before taking the bench and afterwards. These commissioners are highly specialized and experienced family law adjudicators.

Whatever the policy reasons for and against the appointment of commissioners, however, the federal government will not provide funding for superior court judges who hear child support matters, nor will it provide funding for the support staff for that judge. It will, however, provide two-thirds of the funding for a commissioner hearing child support matters, and it will provide funding for that commissioner's support staff as well. Thus, AB 1058 requires the use of commissioners to hear these matters.

Since a municipal court judge is assignable to hear family law matters, it would be appropriate to set the same requirement for a commissioner, with the added provision of experience in family law matters that may include Title IV-D child support matters. This will also permit the more rural counties to find a commissioner. A court is, of course, free to impose additional qualification standards.

In addition, AB 1058 requires that commissioners receive ongoing education (Fam. Code, § 4252(b)(2)). The Family and Juvenile Law Advisory Committee is studying the form and content of appropriate education for these commissioners and will be developing a program for them in conjunction with the Center for Judicial Education and Research. Each commissioner hired under this program will be required to participate in such education programs as are specified by these two groups.

III. Department of Social Services 1994 Survey

In April 1994, the Department of Social Services surveyed counties to determine how much time was spent hearing Title IV-D child support matters. In the counties that responded to the survey, it was indicated that approximately 750 hours per week was spent by judges and commissioners in hearing these matters.

The workload figures did not include reports from the counties listed in Table 1. These non-reporting counties had a total active caseload in 1994 of 197,787 cases.

Table 1 - Counties Not Responding to 1994 Workload Report

County Name	1994 Active Caseload
Butte	9,757
Glenn	1,209
Kings	7,489
Lassen	671
Los Angeles	156,835
Mariposa	618
San Benito	1,471
Santa Cruz	5,217
Shasta	11,564
Trinity	829
Tuolumne	2,127
Total Caseload	197,787

The total active caseload for *all* counties for 1994 was 814,165, so the workload of 750 hours represents a workload for an active caseload of 616,378 (814,165 – 197,787). Assuming that workload is best related to the active caseload, this results in a workload for all counties of 991 hours in 1994. Extrapolating this data to the end of June 1996 (with a total active caseload of 1,157,174) results in a workload of 1409 hours per week. A child support commissioner must also be involved in reviewing and signing default orders, overseeing the processing of papers, and participating in general court activities. Accordingly, the commissioner's case-related time available is 30 hours a week, which involves six hours of hearings each day. The 1,409 hours thus needed, based strictly on the 1994 figures, would result in a need for 47 commissioners.

These figures, though, are likely to be understated for several reasons:

- 25 percent of the counties responding to the 1994 survey reported that there was a delay in the court's ability to hear Title IV-D cases, and in only two of the 12 counties reporting a delay was the length of the delay less than four weeks.
- The figures are totals and do not take into account the extra time required because some courts do not have a full-time workload for a commissioner. In the smaller counties, a commissioner might not have sufficient workload for a full or even a half day of hearings, or must travel to several counties resulting in a loss of potential hearing time.

- The figures do not take into account the added hearing time and contested proceedings that are likely to result from the reforms enacted by AB 1058¹ and federal welfare reform (The Personal Responsibility and Work Opportunity Reconciliation Act of 1996).²

IV. Informal 1997 Telephone Survey

The Administrative Office of the Courts conducted a telephone survey of eight courts that already employ a child support commissioner. These counties stated that they were handling, on average, 323 child support enforcement cases a week per full-time commissioner. Most of the counties did not have statistics concerning how many of the cases involved establishing a child support obligation, how many involved enforcement action, and how many involved modification of an existing order. Sacramento County noted that approximately one-half of its cases are establishment, one-quarter are modifications, and one-quarter are enforcement. That county also noted that modifications take two to three times as long as the other two types of cases. The number of cases per week handled in each county is shown in Table 2. Some counties also establish default judgments by declaration while others calendar the default matters for a hearing. This can result in different amounts of time spent in establishing a default.

Table 2 - Number of Cases Handled Per Week

County	No. of Cases Per Week
Fresno	225–250
Los Angeles	300–500
Sacramento	325
San Diego	500
San Francisco	200
San Mateo	500
Solano	150–300
Stanislaus	200
Average	323

Each county was also asked about the support staff that was used in each courtroom or otherwise in the clerk's office to support the work of the courtroom.

¹ Because the proposed default judgment is now served with the petition, it is anticipated that more answers are likely to be filed since the noncustodial parent is likely to be better aware of the amount that is probably to be ordered in his or her case. In addition, the availability of the facilitation office also means that persons who wish to contest the proceedings will now be better informed of the procedures and how to use them.

² Under this act, the recipient parent has a greater incentive to cooperate in the establishment of a support obligation and, thus, more cases are likely to be filed seeking support.

The numbers reported by each court, based on support staff per full-time-equivalent (FTE) commissioner position is given in Table 3.

Table 3 - Support Staff Per Full-Time-Equivalent Commissioner Position

County	Courtroom Clerks	Bailiffs	File Clerks
Fresno	2	1	5
Los Angeles	2	1	8
Sacramento	2	1	4
San Francisco	1	1	5
San Mateo	1	1	4
Solano	1	1	4
Average	1.5	1	5

As can be seen from Table 3, the workload of a child support commissioner courtroom is very paper intensive resulting in the need for extensive support staff. For example, there are three orders that generally result from each establishment case – the child support order itself, the health insurance assignment, and the wage assignment. In addition to the support staff listed in Table 3, some courts also have secretaries from the district attorney’s family support division who type up orders in the courtroom at the conclusion of each hearing.

There is reporting of the proceedings in all courtrooms surveyed. With the recent decision of the superior court in *California Court Reporters Association, et. al v. Judicial Council, et al.*, enjoining the council from authorizing or causing the expenditure of public funds on electronic recording, each court is likely to require the use of a court reporter as well.

The workload figures given in Table 2, above, vary from court to court based on a variety of factors. In most courts, the cases are reviewed in advance of the hearing. In some cases, the commissioners reported that the workload was heavy and some took cases home to review them the evening before the hearing.

In some of the courts, there is a significant number of non-English-speaking defendants. The council is considering a recommendation to survey the language needs of the courts in these cases. For the present, the number of different languages and the relative unavailability of interpreters result in fewer cases being handled per day. In addition, since the custodial parent is now able to be a party in this action, the burden of providing interpreting services for a number of different languages and dialects is likely to increase.

Another variable factor is the level of acrimony in each case either between the parents or between the payor parent and the district attorney’s office. Practices in

district attorney family support divisions vary from county to county concerning how aggressively cases are handled. While more aggressively handled cases may result in a greater number of cases being settled without court process, those cases that do go to court may take more court time. This is another issue that will be recommended for future study to determine the effect on case processing.

The workload figures gathered to date all involve activities prior to the implementation of Assembly Bill 1058. Several issues involved in that legislation are likely to have an effect on the commissioners' workload, although it is not yet known what the effect will be. The following parts of Assembly Bill 1058 will be recommended for further study to determine the effect on workload:

- The custodial parent as a party
- Presumed level of support
- Easy set-aside of defaults (as to the order amount)
- Greater knowledge of litigants due to the facilitation offices
- Administrative issuance of earnings assignments and writs of execution³

Another workload issue that is not reflected in the above processing information concerns defaults. In Solano County, statistics kept by the Child Support Referee indicate that (1) during the first 14 months of the program in that county, nearly 800 cases per month went by default requiring a signed order, and (2) processing these cases took approximately six hours per month of referee time. In Los Angeles, approximately 4,000 cases per month go to judgment by default, all needing some commissioner review and a signature. The council is considering collecting statistics on this subject and studying the matter further to determine the most efficient manner of handling these cases.

V. Court estimates of need

A questionnaire was sent to each county by the Administrative Office of the Courts asking them several questions concerning AB 1058, including questions concerning the commissioner workload and support staff. A copy of the questionnaire is attached as Attachment C. The results of the questionnaire concerning commissioners are summarized below.

³ While there will be less paperwork per case for the courts, there are likely to be an increased number of hearings resulting from this procedure.

A. Number of cases per commissioner

Courts were asked to estimate the maximum number of cases a commissioner can handle and whether there should be a different standard for establishment, modification, and enforcement cases. Twenty-one counties responded giving an actual number of cases that can be handled per commissioner. These responses are summarized in Table 4, below, and show that on average the responding counties believe a commissioner should be able to process 242 cases per week.

Table 4 - Maximum Number of Cases per Week

County	Maximum Number of Cases per Week
Alameda	200
Contra Costa	200
Fresno	300 ⁴
Imperial	300
Kings	240
Los Angeles	340
Madera	200
Marin	200
Merced	150
Napa	100
Orange	200
Placer	225
Sacramento	267
San Benito	400
San Francisco	160
San Joaquin	250
Santa Clara	250
Santa Cruz	200
Sonoma	375
Tulare	250
Ventura	275
Average	242

⁴ This assumes DA support staff to work with the parents to attempt to reach agreement prior to the court hearing.

Counties generally expressed great uncertainty as to the number of cases a commissioner could handle on average. A preliminary list of variables that are not yet known are as follows:

- How many cases will be contested, especially given the new provisions of AB 1058 (e.g., providing a copy of the proposed judgment with the petition)
- How many parties are represented by counsel (and the effect of the family law facilitators)
- Effect of number of support staff provided for commissioner including document examiner and clerks
- The level of acrimony between the parents in a case
- Whether a commissioner is part time or full time
- Policies of the district attorney family support division
- The mix of establishment, modification, and enforcement cases
- Effect of custody and visitation issues and restraining orders now that the custodial parent is a party under AB 1058
- Impact of State Licensing Information Match (SLIM), especially drivers' licenses.⁵

Counties were also asked whether establishment hearings should be given a different weight than enforcement hearings. In the initial hearing in a case, there are several issues involved, including whether the respondent/defendant is the parent of the child and what the proper amount of support is under the guideline. These issues are normally not part of an enforcement action. Of those courts responding to this question:

- Eleven stated that establishment, modification, and enforcement actions should all be given the same weight

⁵ Stanislaus County reports an increase of five cases per week attributable to the SLIM program, and San Diego County notes that 15 out of the 50 cases on calendar per day have involved SLIM issues over the last six months. Sacramento County also notes an increase in cases due to the SLIM program. These figures may drop off once the initial cases are handled but it may take several years until this occurs.

- Six courts stated establishment takes the greatest amount of time
- Two courts said enforcement takes the greatest amount of time
- Two courts noted that enforcement and modification take more time than establishment
- One court said modification took the greatest amount of time.

The various responses show that without substantial data-gathering, it is not known whether establishment, enforcement, or modification takes more time. This data cannot be determined at present and must also await an accurate method to determine what mix of workload any particular court is likely to receive in any particular year from its Title IV-D cases. However, the collection of data on this subject in the future could prove fruitful as a means of more accurately determining the number and, especially, the distribution of commissioners.

B. Number of commissioners needed and able to be accommodated

Each court was also asked how many commissioners it believed was needed to handle its Title IV-D workload taking into account not only the workload itself but the ability of the court to accommodate the commissioners and support staff. The results are summarized in the third column of Table 5. Those courts whose entry is blank did not submit an estimate.

The numbers presented in Table 5 represent estimates of court executives and in many cases are based on the understanding of what the procedures will require rather than experience under the new system. Also, some courts either did not include a request or did not respond to the questionnaire. The second column of Table 5 takes the full requests received, extrapolates a statewide figure using active Title IV-D caseload, and then reallocates the number of commissioners to each county based on the statewide figure. In addition, a minimum value of .3 commissioner is used for the smallest counties.

The total commissioners thus allocated in this method work out to be approximately 49.4. (Fifty commissioners are provided for in the budget.)

Table 5 – Commissioners Requested and Potential Allocation

County	Caseload ⁶	Alloc. ⁷	Request	County	Caseload	Alloc.	Request
Alameda	48,103	1.9	0.60	Orange	73,686	2.8	2.00
Alpine	111	0.3		Placer	6,030	0.3	0.60
Amador	1,608	0.3	0.30	Plumas	762	0.3	0.25
Butte	8,582	0.3	1.00	Riverside	80,119	3.1	3.00
Calaveras	1,919	0.3	0.30	Sacramento	35,237	1.3	2.00
Colusa	821	0.3		San Benito	2,400	0.3	0.05
Contra Costa	38,666	1.5	1.00	San Bern.	41,584	1.6	1.00
Del Norte	3,024	0.3		San Diego	54,751	2.1	1.00
El Dorado	8,720	0.3	0.40	San Fran.	28,302	1.1	1.00
Fresno	61,224	2.3	3.00	San Joaquin	32,532	1.2	1.00
Glenn	1,715	0.3		San Luis Obispo	6,991	0.3	0.50
Humboldt	6,158	0.3		San Mateo	14,447	0.5	0.65
Imperial	7,907	0.3	0.60	Santa Barb.	21,364	0.8	0.50
Inyo	1,540	0.3		Santa Clara	49,128	1.9	2.00
Kern	50,318	1.9		Santa Cruz	5,196	0.3	0.50
Kings	9,132	0.3	1.00	Shasta	15,807	0.6	2.00
Lake	3,377	0.3	0.12	Sierra	160	0.3	
Lassen	1,529	0.3		Siskiyou	4,015	0.3	0.30
Los Angeles	226,752	8.8	9.00	Solano	16,348	0.6	
Madera	5,765	0.3	0.55	Sonoma	18,320	0.7	0.87
Marin	3,840	0.3	0.50	Stanislaus	25,495	0.9	2.00
Mariposa	794	0.3		Sutter	5,211	0.3	
Mendocino	4,110	0.3		Tehama	4,321	0.3	0.50
Merced	13,858	0.5	0.60	Trinity	1,075	0.3	
Modoc	739	0.3		Tulare	26,837	1.0	1.00
Mono	224	0.3	0.20	Tuolumne	3,139	0.3	0.40
Monterey	13,470	0.5		Ventura	35,077	1.3	1.00
Napa	4,231	0.3	0.60	Yolo	9,051	0.3	0.50
Nevada	5,261	0.3	0.40	Yuba	6,271	0.3	

⁶ Caseload is based on active caseload reported by the district attorney and consists of the cases for which a non-custodial parent has been located and a support order established or reserved. It is submitted that this figure represents the most useful figure for estimating workload of a court because active cases represent not only those cases that will generate enforcement action, but represents a good method of determining the number of new establishment cases a court is likely to get in any particular year. The statewide total is 1,157,254.

The allocation figure is based on total caseload of the counties responding to the questionnaire divided by the total number of positions requested. In addition, a minimum of .3 commissioner has been established for the very smallest counties which takes into account the issues concerning less than full calendars and the need for travel between counties.

It is anticipated that the allocation of commissioners will generally be based on this table. In some cases, a county may not need the full number of positions allocated to it. In that event, it is recommended that the amount not utilized by that county be allocated to another county that needs the additional amount, subject to an overall allocation of 50 total FTE positions. Other modifications may be made based on supplemental data received.

C. Support staff, equipment, and facilities

The workload of a commissioner under Title IV-D is very paper intensive. Considerably more paper goes through the court and needs to be processed than in the average case. And the amount of paper is likely to increase as additional federal requirements are imposed and the requirements of AB 1058 appear.

As indicated above, the average full-time equivalent commissioner position utilizes the following support staff: courtroom clerks – 1.5; bailiffs – 1; file clerks – 5, court reporters⁸ – 1.5. These numbers appear appropriate. Nonetheless, it would appear that some courts are able to function with somewhat less than the number of support staff indicated here perhaps due both to the types of cases brought by the district attorney and the degree of assistance provided to the litigants by various existing organizations. Thus an appropriate minimum level of support staff would consist of the following:

- one courtroom clerk
- one bailiff
- four file clerks
- one court reporter

Different courts will require different amounts of support because establishment, modification, and enforcement cases tend to generate different amounts of paperwork. In some of the counties, currently, the number of support positions is less than specified above, and in others the numbers are greater. The reasons for this disparity in need for support staff may be explained by the differences in the

⁸ Pursuant to the decision in *California Court Reporters Association, et al. v. Judicial Council, et al.*, each court is likely to require the services of one-and-one-half court reporters. Since the Judicial Council will be distributing the money to the trial courts, this distribution will be subject to the council's directive that the courts not utilize any of the state money for electronic recording. Discussions with present Title IV-D commissioners, funded through the district attorney offices, indicated that the use of electronic recording is very efficient in these courtrooms and that the commissioner would require more than one court reporter because court reporters require more frequent breaks than the commissioner does.

makeup of cases. It is not yet known how significant these differences are and, consequently, this issue will be studied further.

It should be noted, though, that the amount provided for each full-time equivalent commissioner position, namely \$600,000 per year including the salary of the commissioner, while more than the amount provided generally for each judicial position, is still less than the amount provided for in some counties for the existing Title IV-D commissioner position funded through the district attorney's office. These counties will suffer a reduction in service (which is likely to result in fewer cases processed) unless some method is developed to provide them with the funding they currently receive. (See letter from Sacramento Courts Executive Officer Michael Roddy attached as Attachment D.)

The council will be studying the amount of support staff used in various counties in an effort to provide a more definite figure to the Legislature on the amount of support staff needed to properly handle the Title IV-D caseload in a county.

VI. District attorney Title IV-D caseload

The Title IV-D caseload of the district attorneys' family support divisions throughout the state provides the cases that become the calendars to be heard by the child support commissioners. There are statistics concerning how many existing active cases each county has and the number of new establishment cases each county brings each year.⁹ These numbers are presented in Table 6, which shows the total active caseload, the number of new establishment actions, and the percentage of total cases that the establishment represents. The variation in percentage of new establishment cases from county to county is probably due to one or more of the following causes:

- The population make-up of the county
- The internal workings of the district attorney's office
- The ability of the court to hear cases
- The local legal culture
- Whether the county has recently begun to aggressively seek new establishment cases

⁹ The statistics are preliminary data supplied by the Department of Social Services and based on the July 1995 to June 1996 fiscal year.

Table 6 - Total Active Title IV-D Caseload and New Cases

County	Cases	New	New %	County	Cases	New	New %
Alameda	48,103	5,213	10.8%	Orange	73,686	9,772	13.3%
Alpine	111	0	0.0%	Placer	6,030	1,624	26.9%
Amador	1,608	298	18.5%	Plumas	762	112	14.7%
Butte	8,582	482	5.6%	Riverside	80,119	14,752	18.4%
Calaveras	1,919	363	18.9%	Sacramento	35,237	8,231	23.4%
Colusa	821	97	11.8%	San Benito	2,400	301	12.5%
Contra Costa	38,666	4,857	12.6%	San Bern.	41,584	4,240	10.2%
Del Norte	3,024	219	7.2%	San Diego	54,751	16,240	29.7%
El Dorado	8,720	1,145	13.1%	San Francisco	28,302	3,665	12.9%
Fresno	61,224	9,399	15.4%	San Joaquin	32,532	6,891	21.2%
Glenn	1,715	423	24.7%	San Luis Ob.	6,991	2,021	28.9%
Humboldt	6,158	1,060	17.2%	San Mateo	14,447	4,621	32.0%
Imperial	7,907	2,010	25.4%	Santa Barbara	21,364	5,286	24.7%
Inyo	1,540	148	9.6%	Santa Clara	49,128	6,923	14.1%
Kern	50,318	4,695	9.3%	Santa Cruz	5,196	751	14.5%
Kings	9,132	1,365	14.9%	Shasta	15,807	1,271	8.0%
Lake	3,377	893	26.4%	Sierra	160	41	25.6%
Lassen	1,529	200	13.1%	Siskiyou	4,015	840	20.9%
Los Angeles	226,752	28,373	12.5%	Solano	16,348	3,295	20.2%
Madera	5,765	757	13.1%	Sonoma	18,320	2,568	14.0%
Marin	3,840	1,097	28.6%	Stanislaus	25,495	5,051	19.8%
Mariposa	794	147	18.5%	Sutter	5,211	626	12.0%
Mendocino	4,110	622	15.1%	Tehama	4,321	240	5.6%
Merced	13,858	2,218	16.0%	Trinity	1,075	92	8.6%
Modoc	739	90	12.2%	Tulare	26,837	7,414	27.6%
Mono	224	36	16.1%	Tuolumne	3,139	409	13.0%
Monterey	13,470	3,493	25.9%	Ventura	35,077	8,066	23.0%
Napa	4,231	572	13.5%	Yolo	9,051	1,266	14.0%
Nevada	5,261	365	6.9%	Yuba	6,271	687	11.0%
				Total	1,157,154	187,933	16.2%

The existing caseload of active Title IV-D matters presents a workload for the court in two ways. One way is enforcement actions taken by the district attorney or resistance to enforcement actions taken by the paying parent. Counties are not currently required to report on enforcement action taken by those counties. Table 7 includes statistics from those counties voluntarily providing information regarding enforcement actions and includes court-related enforcement.¹⁰

¹⁰ These items include criminal failure to support, contempt, writs of execution, judgment debtor examinations, and other unspecified enforcement actions.

Table 7 - Enforcement Actions (continued)

County	Total Cases	Enforcement actions	Enforcement actions as percentage of total cases
San Joaquin	32,532	108	0.3%
San Luis Obispo	6,991	2,853	40.8%
San Mateo	14,447	67	0.5%
Santa Barbara	21,364	90	0.4%
Santa Clara	49,128	3,283	6.7%
Shasta	15,807	280	1.8%
Solano	16,348	43	0.3%
Sonoma	18,320	17,811	97.2%
Stanislaus	25,495	4,543	17.8%
Tuolumne	3,139	52	1.7%
Ventura	35,077	2,318	6.6%
Yuba	6,271	172	2.7%
Total	928,864	214,727	23.1%

Table 7 indicates that the present caseload figures collected on enforcement actions are not useful in predicting workload. More detailed information about the type of enforcement proceeding, and the court time associated with that proceeding, is needed in order to use enforcement data as a partial predictor of workload.

The second aspect of the existing Title IV-D caseload consists of modifications. Federal law requires review and consideration of modification for existing child support orders periodically or upon request of either party. The effect of this provision on a court's workload is unknown although it is anticipated that it will be substantial. The council is recommending that the courts maintain statistics on this subject to assist in future workload recommendations.

VII. Suggestions for future data-gathering

There are a number of caseload-related statistics that could be useful in attempting to more accurately predict caseload and number of commissioners for each county. These have been mentioned throughout this report and are summarized here. The council will be developing, through its Family and Juvenile Law Advisory Committee, a recommended method for collecting and analyzing these statistics. A report from the committee on this subject is expected this year.

Table 7 - Enforcement Actions (continued)

County	Total Cases	Enforcement actions	Enforcement actions as percentage of total cases
San Joaquin	32,532	108	0.3%
San Luis Obispo	6,991	2,853	40.8%
San Mateo	14,447	67	0.5%
Santa Barbara	21,364	90	0.4%
Santa Clara	49,128	3,283	6.7%
Shasta	15,807	280	1.8%
Solano	16,348	43	0.3%
Sonoma	18,320	17,811	97.2%
Stanislaus	25,495	4,543	17.8%
Tuolumne	3,139	52	1.7%
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The subjects for study include the following:

- The number of hearings set in the court for establishment cases, enforcement cases,¹² and modification cases.
- The average amount of court time utilized for each contested establishment, enforcement, and modification case.
- The percentage of hearings set that result in contested proceedings in establishment, enforcement, and modification cases.
- The number of default establishment cases processed and the amount of court and support staff time spent processing the defaults.
- The effect on the number of contested cases and the length of time for hearing cases regarding either the level of acrimony involved in the case or the language needs of one or more of the participants in the case.
- The amount of support staff required to handle the paperwork generated by the Title IV-D caseload.

VIII. Analysis and recommendations

The key statistic, which is presently missing, is determining the number of hearings or other court-related time that each active Title IV-D case generates each year and the number of hearings or other court-related time that each establishment action generates. The council is directing the Family and Juvenile Law Advisory Committee to develop a system to collect these statistics over the next 18 months in order to better determine the actual need for commissioners.

Nonetheless, if either the existing experience indicated in the informal telephone survey of 323 cases per commissioner per week, or the court questionnaire recommended value of 243 cases per commissioner per week, is used, this results in the following number of minutes per case:

Number of cases per week	30 hours per week case time	40 hours per week case time
243 cases	7.4 minutes/case	9.8 minutes/case
323 cases	5.5 minutes/case	7.4 minutes/case

¹² For enforcement cases, the study should include a breakdown of the various types of enforcement actions. This recommendation is part of every suggestion including collection of enforcement case data made in this report.

It should be noted that several of those courts surveyed by telephone indicated that the workload expressed in the survey was a very heavy workload. Given the importance of these cases to both the individual payor and the recipient, it would seem appropriate to ensure that an adequate amount of time is provided for hearing each case, and that a workload of 250 cases per commissioner per week is not unreasonable. This will still result in less than 10 minutes being provided for each case that goes to court hearing.

Because there is no method at present for determining the number of calendared hearings likely to result from a given active caseload, it is suggested that the workload of 250 cases per commissioner per week be used as a method of defining the workload of the commissioner (rather than a means of allocating commissioners or determining the need on a county-by-county basis). The analysis conducted above indicates that there is a need for at least 50 commissioners within the existing Title IV-D child support enforcement system. It is expected that the allocation noted above will, except in the very small counties where the allocation amount is .3 commissioner, result in a workload that will exceed 250 cases per week. Commissioners will be asked to keep workload statistics so that both the need for and the appropriate allocation of commissioners can be kept current with the caseload demands.

Appendix A
Family Law Subcommittee Members

Hon. Mary Ann Grilli, Chair
Judge of the Santa Clara County Superior Court

Hon. William Anderson, Jr.
Commissioner of the Riverside County Superior Court

Hon. Morrison England, Jr.
Judge of the Sacramento Municipal Court

Hon. Paul Gutman
Judge of the Los Angeles County Superior Court

Hon. Susan Harlan
Judge of the Amador County Superior Court

Mr. Paul Hokokian
Deputy District Attorney, Fresno County

Ms. Deanna L. Jang
Attorney at Law, San Francisco

Mr. John Paulson
Attorney at Law, Auburn

Ms. Sherri Pedersen
Executive Office, Monterey County Superior Court

Mr. Ronald Rosenfeld
Attorney at Law, Beverly Hills

Ms. Jan Shaw
Director, Mediation Investigative Services, Orange County

Hon. Marguerite L. Wagner
Judge of the San Diego County Superior Court

Ms. Kate S. Yavenditti
Attorney at Law, San Diego

Appendix B
AB 1058 Subcommittee Members

Hon. Mary Ann Grilli
Judge of the Santa Clara County Superior Court

Ms. Leora Gerschenson
Attorney at Law, San Francisco

Mr. Paul Hokokian
Deputy District Attorney, Fresno County

Mr. Charles Mandel
Assistant District Attorney, Los Angeles County

Hon. Lynne Meredith
Commissioner of the Stanislaus County Superior Court

Mr. Lee Morhar
Attorney, Department of Social Services

Mr. George Nielsen
Assistant District Attorney, San Francisco City and County

Ms. Christine Patton
Court Executive, Santa Cruz County Trial Courts

Hon. Harry Powazek
Commissioner of the San Diego County Superior Court

Ms. Jan Shaw
Director, Mediation Investigative Services, Orange County

Hon. Neil Shepherd
Commissioner of the Sacramento County Superior Court

Ms. Kate S. Yavenditti
Attorney at Law, San Diego



Judicial Council of California

Administrative Office of the Courts

303 Second Street, South Tower • San Francisco, California 94107 • Phone 415/396-9130 FAX 415/396-9358

TO: Family Law Supervising Judges
Superior Court Executive Officers

FROM: Family Law Subcommittee
Family and Juvenile Advisory Committee
Michael A. Fischer, Committee Counsel

DATE: February 11, 1997

SUBJECT: Family Law Commissioners and Facilitators

This memorandum sets forth information regarding the Family Law Commissioner and Facilitator program as established by Assembly Bill No. 1058, describing the program requirements and the funding that will be made available to the courts at the end of this fiscal year and which is expected to be made available for ensuing fiscal years. We are also asking your input concerning various aspects of the program. *The portions of this memorandum that ask for your response are printed in bold-italic type. A sheet for submitting your responses is attached.*

Funding for commissioners

Family Code section 4251 requires that each superior court shall provide sufficient commissioners to hear child support matters commencing July 1, 1997. The cooperative agreement between the Department of Social Services (DSS) and the Judicial Council provides for full state funding by DSS (with 2/3 of the funds provided by the federal government) for 50 commissioners statewide to hear child support enforcement matters. The hiring and assignment of the commissioners will be handled by each court.

In addition to funding for commissioners, there is funding for support staff as well. A total of \$50,000 per month for each commissioner position is allocated to cover commissioner and logistical support. The typical IV-D child support enforcement courtroom has a very high volume of paper and the amount allocated for each commissioner position takes the need for additional logistical support into account.

The Family and Juvenile Advisory Committee will be making recommendations to the council on the following issues involving commissioners:

- Minimum qualifications for commissioners (Family Code section 4252(b)(1))
- Caseload, case processing and staffing standards for commissioners setting forth the maximum number of cases that each commissioner can process (Family Code section 4252(b)(3))
- Offer technical assistance to counties regarding issues relating to implementation and operation of the system including sharing of resources between counties (Family Code section 4252(b)(5))
- Establishing procedures for the distribution of funding (Family Code section 4252(b)(6))

We are asking your input on the following questions:

1. *What should be the minimum qualifications for commissioners?*
2. *What is the maximum number of cases a commissioner can process and should there be a different weight for the establishment of a child support obligation and an enforcement action?*
3. *How many commissioners (expressed in terms of whole or fractional full-time equivalents) do you estimate your county may require and can accommodate? Please note that because of the funding source for the commissioners, the commissioners can only be used for Title IV-D child support enforcement.*
4. *What technical assistance will you require?*
5. *If your county cannot utilize a full-time commissioner, would you wish to share a commissioner and staff with another county, hire a commissioner and staff part-time, or hire a commissioner and staff full-time and pay out of other court money for the other cost of the commissioner and staff? If you wish to share a commissioner with another county, how may the council assist in this process?*
6. *What other issues do you see in regard to funding distribution and the commissioner and logistical support?*

Office of Family Law Facilitator

Family Code section 10002 requires that each superior court shall maintain an office of the family law facilitators, staffed by an attorney licensed to practice law in this state who has family law mediation or litigation experience. The court appoints the facilitator.

Section 10004 sets forth the services that the office is to provide. There are optional duties that the superior court may assign to the facilitator listed in section 10005

The cooperative agreement between the council and DSS provides funding for this office. Each court will have some funds provided to them although the exact amount is not yet known. The money for this fiscal year for these offices, statewide, is \$2,475,000. We anticipate that next year funding will be approximately \$7,500,000.

Section 10010 requires that the council adopt minimum standards for the office of family law facilitator.

We are asking for your input on the following questions:

- 7. Should funding for the facilitator officers be allocated on a caseload related basis and, if not, on what basis should the funding be allocated?*
- 8. Many counties will not receive sufficient funding for a full time facilitator office. Would your county, in this case, wish to establish a joint facilitator office with adjacent counties and, if so, how may the council assist in this process?*
- 9. What minimum standards for the office of family law facilitator do you recommend (including, if applicable, specific standards for small counties)?*
- 10. What one-time startup costs do you envision for your court's office?*
- 11. What other assistance may the council provide you in implementing the facilitator office?*

Training of commissioners and staff

Family Code section 4252(b)(2) requires the council establish minimum educational and training requirements for the commissioners and other court personnel. The council's agreement with DSS requires the council to provide this training which, we envision, will commence shortly after the start of the next fiscal year. We will be providing you more information on this as the program is developed.

Rules and forms

Forms to implement the new procedures under this legislation are presently being circulated for comment. We anticipate adoption of these forms by the council at its May, 1997 meeting. We also anticipate that some forms may be adopted on an interim basis shortly. You may also wish to work with your local district attorney child support enforcement division to adopt these forms as local forms pending council action. If you have any questions concerning this process please let us know

Conclusion

Please return the enclosed question response sheet to us by February 28, 1997. If you have any question please contact Michael Fischer at (415) 396-9130.

Assembly Bill No. 1508 Questionnaire

Please return this document to: Administrative Office of the Courts
AB 1058 Subcommittee

by mail to: 303 Second Street, South Tower
San Francisco, CA 94107

-or-

by fax to: (415) 396-9358

PLEASE RETURN BY FEBURARY 28, 1997.

1. What should be the minimum qualifications for commissioners?
2. What is the maximum number of cases a commissioner can process and should there be a different weight for the establishment of a child support obligation and an enforcement action?
3. How many commissioners (expressed in terms of whole or fractional full-time equivalents) do you estimate your county may require and can accommodate? Please note that because of the funding source for the commissioners, the commissioners can only be used for Title IV-D child support enforcement.

4. What technical assistance will you require?
5. If your county cannot utilize a full-time commissioner, would you wish to share a commissioner and staff with another county, hire a commissioner and staff part-time, or hire a commissioner and staff full-time and pay out of other court money for the other cost of the commissioner and staff? If you wish to share a commissioner with another county, how may the council assist in this process?
6. What other issues do you see in regard to funding distribution and the commissioner and logistical support?

10. What one-time startup costs do you envision for your court's office?

11. What other assistance may the council provide you in implementing the facilitator office?



Sacramento Superior and Municipal Courts

Michael Roddy
Court Executive Officer

April 4, 1997

Michael Fischer
Administrative Office of the Courts
303 Second Street, South Tower
San Francisco, CA 94107

RE: Family Law Commissioner and Facilitator Program

Dear Mr. Fischer:

In your memorandum dated February 20, 1997, you stated there is a total of \$50,000 funding per month (\$600,000 per year) for each court commissioner position allocated under the Family Law Commissioner and Facilitator program established by Assembly Bill 1058. This funding is to cover the commissioner salary and benefits and logistical support. Based on the actual costs incurred by the Sacramento Court for this program, this amount of funding is inadequate to meet current program expenditures.

The Sacramento Superior and Municipal Court has had a family law commissioner and staff dedicated to Title IV-D child support enforcement since 1993. This program has been funded with federal funds through our county District Attorney (Bureau of Family Support). The Court and the District Attorney entered into a cooperative agreement to reimburse the Court for the cost for personal services (salaries and benefits) and operating costs (supply and services) chargeable to the program. To support this existing program with one commissioner, budgeted expenditures for FY 97-98 are \$877,000. See Attachment for details of budgeted FY 97-98 costs. As you can see, the \$600,000 allocated by AOC for FY 97-98 is \$277,000 less than the current amount needed to operate the program.

This is not only a Sacramento County problem. I have discussed this matter with several other administrators whose courts have established child support enforcement programs. They also indicate that the estimated funding of \$600,000 per year per commissioner will be inadequate to fully offset existing personnel and services and supplies costs attributable to child support enforcement court operations.

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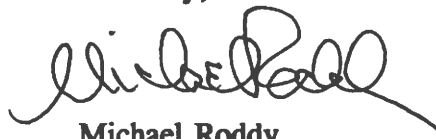
Mr. Michael Fischer
April 4, 1997
Page 2

For the Sacramento Superior and Municipal Court to fully analyze the potential impacts of implementing a child enforcement program pursuant to AB 1058, we need the following information:

1. Will the AOC allocate additional funds to Sacramento Superior and Municipal Courts to cover the actual costs of the program?
2. If no additional funding above the \$600,000 limit is possible, how will this shortfall be handled through the trial court budget process? AB 1058 states that salary costs for the commissioner and support staff shall not be considered a part of allowable court operations for trial court funding. Neither the courts nor the county wants to pare this very successful program. Collections of financial support for children have nearly doubled since the hiring of the family law commissioner in Sacramento (from 27.45 million in FY 91-92 to \$51.8 million in FY 95-96). Yet, if we maintain this program at its current level, the \$277,000 shortfall would be borne entirely by Sacramento County with no reimbursement from state trial court funding. This seems inconsistent with the intent of AB 1058.

We would appreciate a prompt response. The time frame for implementing the changes imposed by AB1058 is growing shorter. If you need any further information, do not hesitate to call Chuck Robuck (916) 440-5219.

Sincerely,



Michael Roddy
Executive Officer

Attachment

cc: Hon. William R. Ridgeway, Presiding Judge
Hon. Charles Kobayashi, Presiding Judge, Family Court Services
Michael Curtis, Assistant Executive Officer
Robbie Johnson, Director of Family Law and Probate
Robert Thomas, County Executive
Kiri Torre, Administrative Office of the Courts
Martin Moshier, Administrative Officer of the Courts

kjs/mr040497.a

Costs & Revenue

1. STAFFING COSTS

Based on FY 97-98 Personnel Budget Report dtd 1/3/97

FTE	Position	Salary	Incentive	Retirement	FICA	Insurance	Total Salary/Benefit	% charged to BFS	FY 97-98 BFS TOTAL
<u>ADMIN. SUPPORT</u>									
.15	Director Family Court Services/Probate	60,651	2,032	6,569	4,796	5,628	79,676	15%	11,951
.15	Supervising Ct. Clerk	46,475	0	5,033	3,556	5,907	60,971	15%	9,146
.20	Ct Process Analyst	41,120	0	3,948	3,146	6,459	54,673	20%	10,935
<u>COURTROOM</u>									
1.00	Commissioner	94,026	3,150	11,603	5,445	5,628	119,852	100%	119,852
1.00	Ct Clerk	37,957	0	3,644	2,904	6,279	50,784	100%	50,784
1.00	Ct Clerk	39,464	0	4,274	3,018	6,281	53,037	100%	53,037
1.00	Eelectronic Recording Monitor	32,237	0	3,419	2,466	6,300	44,422	100%	44,422
<u>PROCESS SUPPORT</u>									
1.00	Ct Clerk (Lead Worker)	37,957	0	3,644	2,904	6,279	50,784	100%	50,784
1.00	DC III (Sustain Input Clk)	30,948	0	3,352	2,368	6,281	42,949	100%	42,949
1.00	DC III (Limited term)	32,625	0	3,533	2,496	6,294	44,948	100%	44,948
1.00	DC IV (Limited term)	30,348	0	3,287	2,322	6,279	42,236	100%	42,236
1.00	County Temp						25,462	100%	25,462
1.00	Agency Temp						17,916	100%	17,916
1.00	Agency Temp						21,586	100%	21,586
1.00	Records	27,571	0	2,647	2,110	6,281	38,609	100%	38,609
.10	Accounting Tech	36,572	0	3,511	2,798	5,924	48,805	10%	4,881
.10	Account Clerk III	32,086	0	3,616	2,455	6,290	44,447	10%	4,445
.25	Warrants	30,948	0	3,352	2,368	6,281	42,949	25%	10,737
									604,679
12.95	TOTAL FY 97-98 BFS STAFFING COSTS								\$605,000

2. COURT SECURITY

1.50 Deputy Sheriff's (incl. .5 for Hall Security)

(amount shown is based on 96-97 hrly rate of \$53.60 (no COLA added for 97-98) times 2,700 hrs.

(which is based on 1,800 billable hours per year per bailiff FTE)

(rounded)

\$145,000

3. SUPPLIES AND SERVICES

(Based on 96-97 revised BFS spreadsheet which includes \$27,000 direct 2000's + \$100,000 allocated indirect)

127,000

TOTAL ESTIMATED FY 97-98 BFS COSTS AND REVENUE

\$877,000

Judicial Council of California

CALIFORNIA'S CHILD SUPPORT COMMISSIONER SYSTEM:

An Evaluation of the First
Two Years of the Program



May 2000

Judicial Council of California .
ADMINISTRATIVE OFFICE OF THE COURTS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

CHIEF JUSTICE RONALD M. GEORGE
Chair, Judicial Council

HON. MICHAEL NASH, CO-CHAIR
HON. MARY ANN GRILLI, CO-CHAIR
Family and Juvenile Law Advisory Committee

WILLIAM C. VICKREY
Administrative Director of the Courts

MICHAEL BERGEISEN
General Counsel/Deputy Administrative Director

CENTER FOR FAMILIES, CHILDREN & THE COURTS

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Senior Research Analyst

CAROLYNN R. CASTANEDA
Project Secretary

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EXECUTIVE SUMMARY

The child support commissioner system, which consists of child support commissioners and family law facilitators, was implemented in 1997 by Assembly Bill 1058 (Speier) (Stats. 1996, ch. 957) to further the goal of making the child support system speedy, efficient, conflict reducing, cost effective, and accessible to families. This report constitutes findings of the evaluation of the child support commissioner system, mandated by Assembly Bill 2498 (Runner) (Stats. 1998, ch. 249).

Eleven counties (which account for 61 percent of California's population) were selected to evaluate the child support commissioner system in depth. Court data was collected and analyzed from the study counties that had automated systems. Six focus groups composed of child support commissioners, family law facilitators, and district attorneys from the study counties were conducted by independent, non-Judicial Council researchers to provide qualitative data on program strengths and weaknesses, barriers to optimal program performance, and strategies to overcome barriers and improve the program.

In addition, all counties' child support commissioners and family law facilitators were surveyed to document local changes or enhancements to Title IV-D child support court and family law facilitator resources, facilities, services, and procedures as a result of AB 1058. Information on child support commissioner and facilitator professional qualifications and experience and professional development activities also was collected. Customer satisfaction data was also analyzed.

After two years of statewide implementation, the following were found to be strengths of the child support commissioner system:

- Systemwide structural changes to the child support system have taken place that build courts' capacity to process child support cases: child support commissioners are established in all California counties but one, and family law facilitator offices are in place in every county. Changes in forms and

procedures as a result of AB 1058 also have increased efficiencies in how cases are processed.

- Child support commissioners and family law facilitators have many years of specialized experience: on average, commissioners as a group practiced family law approximately 13 years, and family law facilitators practiced family law approximately 12 years, before assuming their new roles in this program.
- Families' access to the child support process has been significantly increased by the family law facilitators' assistance and information.
- Speed and efficiency in processing child support cases in courts were improved as a result of the assistance provided by the family law facilitators. Also, because child support commissioners are dedicated to hearing IV-D cases, they have the knowledge, expertise, and consistency that allow them to institute efficiencies in their courts.
- Conflict between parties was reduced as a result of family law facilitators' efforts to educate litigants on the child support process, and as a result of efforts made by many facilitators to help parents work out child support agreements.
- Good working relationships among district attorneys, child support commissioners, and family law facilitators have led to greater efficiency and less conflict among these system partners.
- Focus group participants reported that the child support system is fairer as a result of the child support commissioner system because of efforts made by child support commissioners to give time and attention to Title IV-D matters and by the assistance that family law facilitators provide to noncustodial parents.
- Available data on customer satisfaction shows an almost totally positive response.

- Focus group participants perceived the child support commissioner system to be cost effective because of the efficiencies it created in the overall child support system. The child support commissioner system also builds on existing resources, and two-thirds of its program costs are federally funded.
- The education and training opportunities provided by the Judicial Council contribute to the professional development of child support commissioners and family law facilitators and encourage more uniformity and the development of best practices.

Weaknesses of the child support commissioner system itself centered on the lack of uniform procedures across counties, which was identified as an impediment to fairness, access, and efficiency. Also, some role conflict among district attorneys, child support commissioners, and family law facilitators was noted. Finally, the filing fees and the economic consequences of missing work to attend court were viewed as barriers to greater participation in the child support process, particularly with respect to low-income parents.

Other weaknesses identified by focus group participants affected the optimal performance of the child support commissioner system but were not directly attributable to it. They centered on the lack of a statewide automated child support information system and the consequences of federal penalties associated with the lack of such a system; large arrearages that are difficult, if not impossible, for low-income obligors to pay; the complexity of child support issues in contrast to the ability of many unrepresented litigants to resolve them without substantial help; and the low status of child support in courts and in district attorney offices. As an outcome of the evaluation process itself, we found that improvements are needed in court data systems to generate reliable management information.

This evaluation concludes that the objectives of the child support commissioner system are being met, and that courts, through efforts to streamline the process and help litigants through it, play a significant part in improving the overall child support system. That larger system is influenced by much more than what occurs in court, however.

Key recommendations are intended to encourage certain structural changes to improve system efficiency, particularly with respect to system automation and uniformity.

1. The Judicial Council has put in place a process for defining, collecting and reporting data from courts to the Administrative Office of the Courts: the Judicial Branch Statistical Information System (JBSIS). Because accurate collecting and reporting of data depend on uniform data definitions, it is recommended that the Judicial Council direct staff to do the following in order to ensure that JBSIS reports are useful for state program monitoring, evaluation, and analysis:
 - Work with the courts, including child support commissioners, family law facilitators, and the new California Department of Child Support Services (CDCSS), to ensure that data definitions are uniform; and
 - Provide assistance in training court personnel to enter and report the defined data accurately in order to meet JBSIS requirements.

Additionally, staff should continue to work with the family law facilitator program to collect uniform, statewide data.

2. Coordination of the courts, the CDCSS, and the Franchise Tax Board is essential to ensure the success of the automated statewide child support data system currently under development. To maximize the efficient handling of child support cases, an automated interface between the statewide automated child support data system and the courts' automated systems should be developed. The courts, the CDCSS, and the Franchise Tax Board should work cooperatively on system design and implementation to ensure that the automated statewide child support data system is capable of electronically exchanging data to the maximum extent feasible.
3. The Legislature has mandated that the CDCSS develop uniform forms, policies, and procedures for the child support program. Such uniformity is not only essential to

the success of the statewide automated system, it also ensures the fairness of a statewide child support commissioner system that consistently applies the same rules and procedures in each of its jurisdictions. The Judicial Council is responsible for the creation and adoption of court forms and rules of court for the child support commissioner system. The Legislature has directed the CDCSS to solicit input from a wide variety of participants in the system. Child support commissioners, family law facilitators, and other court staff need to be active participants in this process.

To that end, the Judicial Council is working with the CDCSS to convene a statewide conference in June 2000 to address uniformity issues. The invitees to the conference include child support commissioners, Title IV-D court clerks, family law facilitators, and representatives of the district attorneys' offices, as well as representatives of the CDCSS, the Franchise Tax Board, and the federal Office of Child Support Enforcement.

4. Existing law makes visitation timeshare a critical component of the child support guideline. Federal funds, which make up 66 percent of the funding for the child support commissioner system, are limited to child support only and cannot be used for custody and visitation issues. A consistent theme in the evaluation focus groups was that parents would like to resolve all of their child-related concerns at one time. Therefore, it is recommended that the CDCSS ask the federal Office of Child Support Enforcement to expand the use of Title IV-D funds to assist parents in resolving custody and visitation issues connected with their child support cases.
5. The evaluation workgroup recommended that evaluation of the child support commissioner system be an ongoing endeavor for program improvement. Evaluations are resource intensive. The Judicial Council recommends that the Legislature provide \$300,000 per year in funds for ongoing evaluation of the program. Issues for further study may include:

- **Increased collections through participation:**

Most child support commissioners, family law facilitators, and district attorneys who participated in the evaluation believe that a noncustodial parent who understands and participates in the process to determine support payments is more likely to pay support than a noncustodial parent who does not participate at all. A longitudinal study would be needed to test this hypothesis.

- **Fewer continuances:**

The family law facilitators, child support commissioners, and district attorneys who participated in this evaluation believed that there were fewer continuances and cases taken off-calendar as a result of the assistance provided by the family law facilitators. Courts would need to develop systems to document these outcomes.

- **Unmet needs of litigants:**

It appears that needs of unrepresented litigants are not being met by the existing level of funding for family law facilitator services. Long lines or long waits for appointments to see facilitators have been reported. There is also concern that the level of service currently available to persons whose primary language is other than English may not be adequate. An additional \$2.074 million was appropriated for the facilitator program by Senate Bill 240 (Speier) (Stats. 1999, ch. 652), but it had not been allocated to the courts at the time the data for this evaluation was collected. Therefore, empirical studies of unmet needs should be conducted to determine the level of resources required to ensure that family law facilitator services, often the gateway to the courts for resolving child support issues, meet the needs of the community.

There also will be costs with regard to developing automated interfaces between the statewide automated child support data system and the courts, but those costs cannot be determined until the statewide system is designed and specifications are known.

INTRODUCTION

The child support commissioner system, which consists of child support commissioners and family law facilitators, was implemented in 1997 by Assembly Bill 1058 (Speier) (Stats. 1996, ch. 957) to further the goal of making the child support system speedy, efficient, conflict reducing, cost effective, and accessible to families. This report constitutes findings of the evaluation of the child support commissioner system, mandated by Assembly Bill 2498 (Runner) (Stats. 1998, ch. 249), modifying Family Code section 4250.

Key themes run throughout this report:

- Since the implementation of AB 1058, additional changes have been made to the overall child support enforcement system, so a meaningful evaluation must focus on the effects of these systemic changes;
- Because the child support commissioner system is part of a larger system, program objectives interact with and affect one another; and
- Establishing, enforcing, modifying, and maintaining child support is a complex process involving complicated legal, social, and personal issues.

The child support commissioner system enabled by AB 1058 is part of a larger system that establishes, enforces, and collects child support. The larger child support system comprises local child support agencies (at the time of this evaluation, the district attorney offices), the California Department of Social Services (CDSS), the California Franchise Tax Board, the California Attorney General's Office, the California Department of Motor Vehicles, the California Employment Development Department, the federal Office of Child Support Enforcement, and state and federal lawmakers. The system also includes the parents and children whose lives are affected by system policies and practices. This evaluation describes the program now in place in the courts; however, a complete evaluation of the child support commissioner system must also include its effect on the larger child support system.

It is important to distinguish between a system goal, which is a unifying and long-range purpose, and objectives, which are ways in which the goal is achieved. Focus group data collected as part of this study shows that the system goals identified in Family Code section 4252 actually are system objectives. These objectives support what program providers most identified in this study as a unifying goal of the program, which is ***to create a system that provides appropriate and timely support to children through a fair process.***

Fairness means a system that

- Gives both parents ***access*** to the process;
- ***Reduces conflict***—between the parents, and also between the various parts of the system;
- Balances ***speed and efficiency*** with ***due process***; and
- Is ***cost effective***—for the parties and the public.

In addition, a fair process is one in which a set of rules and procedures is consistently applied.

The system objectives do not function independently, but instead interact with one another. In the context of a system, this interaction is expected and appropriate—one objective affects another because they are linked. One of the key frustrations when the evaluation design was first developed was that the objectives appeared to be unworkable because they conflict. If the objective is speed, without regard to access, then the speediest system establishes orders with the least possible involvement of the obligor. If the objective is to provide better access to the process, without regard to speed and efficiency, then courts could be overwhelmed by unproductive procedures.

A better way to view the system objectives is to see them as integrated into a balanced whole. For example, the desire to obtain speedy orders should not unfairly limit a parent's legitimate right to be heard. Similarly, the interest in reducing conflict, a common occurrence when money issues are raised

between estranged parents, should not override the need to ensure that children are appropriately supported.

The challenge for a well-working child support commissioner system, then, is to develop ways to implement the system objectives so that the ultimate program goal, appropriate and timely support to children through a fair process, is achieved. An example of this balanced approach might be a system that is committed to reducing conflict between the litigants by taking the time to educate them on the process and their mutual rights and responsibilities as parents, with prompter, more consistent child support payments as its ultimate goal.

It must be emphasized that establishing and enforcing child support is complex for a number of reasons, many of which are beyond the direct control of the child support system:

- ***California's population is highly transient.*** Many residents move from county to county, state to state, and often, country to country, making it difficult to locate obligors and consolidate and enforce multiple orders.
- ***Child support cases are dynamic.*** They involve parents' employment status and income, health insurance coverage, family composition, age and location of the children, and other economic and demographic factors, all of which can change often throughout the years that a child support order may be in effect. The duration of a case, which may be 18 years or longer, coupled with changing family and economic circumstances, can make child support cases difficult to track and administer over time.
- ***Child support issues often are intertwined with highly charged interpersonal and complex legal issues*** surrounding child custody and visitation.
- ***Responsibility for establishing and enforcing child support orders is shared*** by multiple governmental partners, the performance of each of which depends on the other, but which often operate independently.

These factors, combined with California's volume of cases, 62 percent higher than in any other state,¹ make the effort to improve this vast and complex system a daunting undertaking. Nevertheless, profound changes in California's child support system have taken place over the past several years to improve its accessibility to families, reduce conflict, and make the system speedier and more efficient.

This report describes the effects of a change that took place in one part of the larger child support system with the creation of the child support commissioner system. The report emphasizes what is now different about the child support system in California as a result of this new system. The report also assesses the effect of these changes on achieving system objectives, identifies barriers to achievement of these objectives, and recommends further action needed to improve the child support commissioner system.

We gathered quantitative evaluation data from a variety of primary sources: surveys of child support commissioners and their courts, surveys of family law facilitators, and comment sheets from parents receiving family law facilitator services. We analyzed quantitative data generated from court data systems from selected counties. We also conducted focus groups to collect qualitative data from child support commissioners, family law facilitators, and district attorneys—key child support system partners.

Three factors complicated this evaluation:

- At the time the child support commissioner system evaluation was begun, the program was only two years old, and many of the program procedures and supports were newly in place.
- Statewide uniform data was unavailable for the family law facilitators and the child support commissioners.
- Halfway into the evaluation, sweeping legislation was enacted that transferred responsibility for administering the

¹ California State Auditor, Child Support Enforcement Program: Without Stronger Leadership, California's Child Support Program Will Continue to Struggle (August 1999) p. 6.

child support enforcement program from district attorney offices to local child support agencies. In January 2000, a new state agency, the California Department of Child Support Services, replaced the California Department of Social Services as the state control agency. The transition of the local administration of the Title IV-D child support program from district attorney offices to local child support agencies is required to begin in January 2001 (with some counties electing to make the transition earlier). Although the data collection period for this study ended before the new legislation took effect, it must be emphasized that this evaluation occurred in a context of program upheaval and uncertainty. Participants in focus groups conducted in this study were aware of these changes, and it may have affected their responses.

BACKGROUND OF THE CHILD SUPPORT COMMISSIONER SYSTEM

The child support commissioner system, in which every county has both a dedicated child support commissioner and a family law facilitator, was created in 1997 as a result of AB 1058 (Speier) (Stats. 1996, ch. 957) in an effort to improve the manner in which child support was collected by the state. Many features of AB 1058 were based on the results of a December 1995 report issued by the Governor's Child Support Court Task Force, whose mission was to:

... make recommendations to modify the current judicial system, and/or devise other appropriate processes as necessary to create an efficient, humane and effective process for the expedited handling of child support cases as required by law.²

Among the recommendations of the task force were that

- An expedited process for hearing district attorney child support cases needs to be established in the courts, using commissioners instead of judges;
- Centers should be established in each county to provide education, information, assistance, and referrals for parents with child support cases;
- The Judicial Council and Legislature should adopt simple, streamlined, uniform procedures and forms;
- The Judicial Council should provide coordination, training, and support services for the child support commissioner system in local courts; and
- Automation and other technology for processing cases should be optimized by the courts.

² California Department of Social Services, Child Support Court Task Force Report (December 1995) p. 1.

In response to the task force recommendations, the Legislature enacted AB 1058, which provided state funding for the child support commissioner system and implemented two key components of this system: ***child support commissioners*** and ***family law facilitators***.

Child Support Commissioners

Child support commissioners specialize in hearing IV-D cases, which are child support cases brought by the district attorney. These cases are referred to as “IV-D cases” because Title IV-D of the Social Security Act (42 U.S.C. § 601 et seq.) requires each state to establish and enforce support orders when public assistance has been expended on behalf of the custodial parent. Title IV-D also requires the state to establish and enforce support orders when requested to do so by a parent who is not receiving public assistance.

The child support commissioner system began as a response to crisis in the child support system. The reasons for the crisis were economic and programmatic. California’s depressed economy in the late 1980s and early 1990s resulted in a skyrocketing welfare caseload. Along with this growing welfare caseload came an increased number of IV-D child support cases. At the same time they were coping with these increasing caseloads, district attorney offices also were directing staff resources to try to implement the State Automated Child Support System, a statewide automated child support tracking system that ultimately failed.

The result was a large backlog of cases filed by the district attorney offices and awaiting adjudication. From 1991 to 1995, child support caseloads within the district attorney offices statewide doubled, from nearly 1.1 million cases to over 2.2 million cases.³ At the same time, district attorneys were required to meet federal expedited process standards, which require that child support and, if necessary, paternity orders, be established within certain time frames.⁴ It became clear that

³ California Department of Social Services, Child Support Management Information System (CSMIS) Report, 1993–94.

⁴ Time frames for disposition specify that 75 percent of the actions must reach disposition within 6 months of service of process, and 90 percent of the actions must reach disposition within 12 months of service of process.

court resources would need to be directed to meet increased demand from district attorneys to calendar and hear these cases.

By the mid 1990s, several large California counties began to experiment with a new model of court service delivery. With the help of funding from district attorneys, bench officers dedicated to hearing IV-D child support matters were used and were successful in helping to clear the backlog of cases. By 1996, twenty counties had established such specialized courts.

In 1995, the *Child Support Court Task Force Report* recommended that child support commissioners in all counties be established as part of an expedited process to hear IV-D cases. Not only would this address the courts' capacity to process IV-D cases, but it also provided a cost-effective way to fund these services during a time of chronic state and local budget shortfalls in California. In recommending that child support commissioners, rather than superior court judges, be used to hear IV-D cases, the Governor's Task Force recognized that federal funding could be used to help offset the increased costs to state and local government that might be incurred with a new statewide program.

In 1997, AB 1058 was enacted. Pursuant to Family Code section 4251(a), all actions or proceedings filed by the district attorney in a support or enforcement action are referred for hearing to a child support commissioner. AB 1058 provided the funding for the superior courts to hire these child support commissioners and support staff. Under AB 1058, the appropriate amount of court time for IV-D cases is allocated, and these cases are heard by a judicial officer who is well versed in child support and the deadlines inherent in IV-D cases. AB 1058 also required the adoption of uniform rules of court and forms for Title IV-D child support cases.

A cooperative agreement between CDSS and the Judicial Council provides for full state funding by CDSS (with two-thirds of the funds provided by the federal government) for the commissioners and their support staff. Commissioner funding for state fiscal year (SFY) 1997–1998 and SFY 1998–1999 was \$30 million, and for SFY 1999–2000 it was \$30.14 million.

Family Law Facilitators

The family law facilitator component of the child support commissioner system was created in large part also as a response to a crisis: the growing number of unrepresented litigants involved in IV-D child support cases. A study by the Judicial Council of 2,987 child support cases from July 1995 through December 1996 found that neither parent was represented in 79.2 percent of the cases involving the district attorney.⁵ There was concern that these unrepresented parents, particularly noncustodial parents, were shut out of the court process as the number of default judgments climbed. In the Judicial Council study, nearly 75 percent of district attorney cases proceeded by default.⁶

The Governor's Child Support Court Task Force was concerned that parents who are not represented become frustrated with the child support process, even if they try to participate. Advice and consultation regarding their cases are not readily available, and they have trouble presenting their cases in court. Consequently, parents may harbor negative feelings about the process, which they do not understand and by which they may feel unfairly treated. In particular, the task force was concerned that parents' anger and disenfranchisement could lead to a lack of compliance with court orders. The task force recognized that if family law information and assistance were made available to all unrepresented parents with child support issues, these concerns would be addressed. Based on the success of two pilot projects in San Mateo and Santa Clara counties, the task force recommended that such services be made available statewide.

The Office of the Family Law Facilitator was created by AB 1058. The Office of the Family Law Facilitator in each county is staffed by an experienced family law attorney, who is appointed by the superior court of each county. The facilitator provides education, information, and assistance to parents with child support issues. The facilitator provides these services to

⁵ This number includes custodial as well as noncustodial parents, because the district attorney is not considered to represent the custodial parent in support matters. Judicial Council of California, Review of Statewide Uniform Child Support Guidelines 1998 (1999) p. 6-21.

⁶ *Id.* at p. 6-17.

either or both parents, and no attorney-client relationship is created. The services of the facilitator are provided at no cost to the parents.

Pursuant to Family Code section 10004, the services provided by the family law facilitator include, but are not limited to:

- Providing educational materials to parents concerning the process of establishing parentage and establishing, modifying, and enforcing child and spousal support in the courts;
- Distributing necessary court forms and voluntary declarations of paternity;
- Providing assistance in completing forms;
- Preparing support schedules based upon statutory guidelines; and
- Providing referrals to the district attorney, family court services, and other community agencies and resources that provide services for parents and children.

Pursuant to Family Code 10005, the superior court of each county may designate by local rule additional duties of the family law facilitator. These additional duties may include, but are not limited to:

- Meeting with litigants to mediate issues of child support, spousal support, and maintenance of health insurance;
- Drafting stipulations to include all issues agreed to by the parties;
- In cases set for hearing, reviewing the paperwork, examining documents, preparing support schedules, and advising the judge on the readiness of the case to proceed;
- Assisting the clerk in maintaining records;
- In cases where both parties are unrepresented, preparing formal orders consistent with the court's announced order;

- Serving as special master in proceedings and making findings to the court (unless the facilitator has served as a mediator in that case);
- Assisting the court with research and any other responsibilities that will enable the court to be responsive to litigants' needs; and
- Developing programs for bar and community outreach through day and evening programs, videotapes, and other innovative means that will help unrepresented and financially disadvantaged litigants gain meaningful access to family court.

The cooperative agreement between the Judicial Council and CDSS provides funding for family law facilitators, again with a two-thirds federal contribution. In SFY 1997–1998 and SFY 1998–1999, funding for family law facilitators was \$8.7 million, and in 1999–2000, the funding was increased by Senate Bill 240 (Speier) (Stats. 1999, ch. 652) to \$10.774 million.

In 1998, Assembly Bill 2498 (Runner) (Stats. 1998, ch. 249), modifying Family Code section 4252, was enacted, which required the Judicial Council to evaluate the new program.

EVALUATION DESIGN

Family Code section 4252(b)(8) required the Judicial Council to convene a workgroup to advise the Judicial Council on criteria for evaluating the successes and failures of the child support commissioner system.

Evaluation Workgroup

The evaluation workgroup was convened on May 5, 1999, and represented public and private interests in child support: child support commissioners, family law facilitators, court executive officers, county district attorneys, court clerks, child support advocates, custodial and noncustodial parents' organizations, private practice family law attorneys, staff of the Assembly and Senate Judiciary Committees, and the California Department of Social Services. *(Please see Appendix A for a roster of workgroup members.)*

The workgroup meeting was divided into small discussion groups, in which overall evaluation goals, research design, ways to measure key evaluation concepts, and potential sources and limitations of data were discussed in detail. Results of these small group discussions were shared and discussed with the group at large. Minutes and group discussion notes were consolidated into a summary distributed to the workgroup members.

The evaluation workgroup meeting resulted in recommendations for overall evaluation design and a comprehensive list of possible outcomes, ways to define and measure the outcomes, and possible sources of data. The workgroup made the following general evaluation design recommendations:

- The evaluation of the child support commissioner system should be ongoing and ultimately directed toward long-term program improvement;
- Existing data should be used as much as possible in the evaluation;

- Data collected over time should be collected consistently, so that change can be measured reliably;
- Factors beyond the control of the child support system should be identified;
- The most current data available should be used; and
- A variety of quantitative and qualitative data collection strategies should be used.

Research Questions

The workgroup identified the following as central research questions:

- **What structural, systemwide changes have occurred in California’s child support system as a result of AB 1058?**
- **How comprehensive are the services provided by the child support commissioner system?**
- **Are the services provided effective, as measured by the responses to the following questions:**
 - **How accessible is the child support commissioner system?**
 - **How speedy and efficient is the child support commissioner system?**
 - **Does the child support commissioner system reduce conflict?**
- **Is the child support commissioner system cost effective?**

Evaluation Plan

Following the guidance of the evaluation workgroup, Judicial Council staff developed an evaluation plan. As part of the plan development, staff conducted a data inventory of existing data sources. A statewide survey of court administrators, technical staff, and clerks was conducted to assess the feasibility of accessing court information systems to obtain data for the

evaluation. Staff also outlined methods of collecting new data not available from existing sources.

The evaluation plan consisted of the following:

- Ten to 12 counties would be selected to evaluate the child support commissioner system in depth. Counties would be selected based on their representativeness with respect to geographic location, socioeconomic characteristics, and the accessibility of existing data in court information systems.
- All counties' child support commissioners and family law facilitators would be surveyed to document local changes or enhancements in IV-D child support court and family law facilitator resources, facilities, and procedures as a result of AB 1058. Information on child support commissioner and facilitator professional qualifications and experience and professional development activities also would be collected.
- Focus groups comprising commissioners, family law facilitators, and district attorneys would be conducted by independent, non-Judicial Council researchers to provide qualitative data on program strengths and weaknesses, barriers to optimal program performance, and strategies to overcome barriers and improve the program.
- IV-D data would be collected from existing court data systems in the counties selected for in-depth analysis.
- Existing facilitator records on the number of clients served, customer demographics, type of assistance given, and customer satisfaction would be summarized, to the extent they are available.

Primary data collection and analysis activities took place from June through October 1999, and follow-up data collection and verification activities took place through March 2000. *(See Appendix B for a detailed description of the methods used for each of the sources of data mentioned here along with copies of each of the data collection instruments.)*

Counties Selected for In-Depth Analysis

Table 1 shows the counties selected for in-depth analysis and some of their demographic and automation characteristics.

TABLE 1

CHARACTERISTICS OF STUDY COUNTIES

County	Population ⁷	County Size	Location	Families in Poverty as a Percent of All Families ⁸	Total CalWORKS Recipients 1999 ⁹	One-month Sample of Support Cases, April 1998 ¹⁰	Automated Court Data System?
California	<i>34,036,000</i>			<i>9.3</i>	<i>1,819,698</i>	<i>16,575</i>	
Fresno	794,200	Medium	Central	16.8 ▲	83,972	531	Yes
Glenn	26,900	Small	North	13.3 ▲	2,030	10	No
Los Angeles	9,790,000	Large	South	10.4 ▲	659,473	2,873	Yes
Orange	2,813,700	Large	South	4.1 ▼	62,694	963	Yes
Riverside	1,504,100	Large	South	8.4 ▼	74,722	793	Yes
San Diego	2,883,500	Large	South	8.1 ▼	104,896	2,687	Yes
Santa Clara	1,717,600	Large	North	5.7 ▼	18,420	1,024	Yes
Shasta	165,000	Small	North	11.0 ▲	12,486	105	Yes
Sutter	77,700	Small	North	13.3 ▲	4,140	45	Yes
Tulare	365,400	Medium	Central	18.0 ▲	37,061	216	Yes
Ventura	751,600	Medium	South	5.0 ▼	41,430	306	Yes
SUBTOTAL	20,889,700				1,101,324	9,553	

⁷ California Department of Finance, County Population Estimates and Components of Change, 1998–1999, with Historical Estimates, 1990–1998 (February 2000).

⁸ ▲ or ▼ indicates whether a county was above or below the state poverty rate. This data is based on poverty data from the 1990 Census and calculated for Job Training Partnership Act, Service Delivery Areas, in a custom analysis by the United States Census Bureau, and shows the rates for the principal service delivery area only. The data is as of January 10, 2000. Rates for only the primary service delivery areas are shown. Some service delivery areas are excluded from Orange, Los Angeles, and Santa Clara counties. California Employment Development Department, Labor Market Information, Social & Economic Data, Table 5, Job Training Partnership Act, Planning Information for Service Delivery Areas, Selected Characteristics by Age <<http://www.calmis.ca.gov/htmlfile/subject/s&etable.htm>> (as of April 12, 2000).

⁹ California Employment Development Department, Labor Market Information, Social & Economic Data, Table 1, Public Assistance Recipients by Program, 1997–1998 <<http://www.calmis.ca.gov/htmlfile/subject/s&etable>> (as of April 12, 2000).

¹⁰ California Department of Social Services (CDSS), Expedited Process Report, (Draft) State Fiscal Year 1998–1999. These are only the cases that were entered into expedited process (cases with completed service) for a one-month period for that year; they are not total caseload figures. This data was provided to CDSS by the counties.

The counties selected for in-depth study are a mix based on county size, geographic location, and percentage of families in poverty. Together, the 11 counties account for 61 percent of the total statewide population, 60.5 percent of the statewide total of CalWORKS recipients, and 57.6 percent of a statewide one-month sample of IV-D support cases. Six counties have a higher rate of families in poverty than the statewide rate, and five counties have a lower rate.

DATA LIMITATIONS

Before the evaluation findings are discussed, the limitations of the data collected from court data systems need to be understood. Unfortunately, limited court data hampered the extent to which change over time in court events could be measured.

The core quantitative analysis for this study was based on information collected from selected automated court data systems on case characteristics and events that took place both before and after AB 1058 implementation. An extensive process took place to identify counties with systems that contained target data and that could produce case-specific data electronically going back three years. Eighteen court data systems were identified that appeared to meet these criteria. Ten counties ultimately were selected for the study based on a combination of the availability of automated data and the representativeness of the county demographic characteristics.¹¹ One additional county, while not automated, was included in the target counties to represent a small, rural Northern California county, bringing the number of total target counties to eleven.

Of these 10 counties that, at first, appeared to meet the data system criteria, only 4 counties were able to report the data within the study request time of two months. One county was able to report most of the data, but it took four months, and the files were fragmented. One county was able to report within six months of the request, but could report only summary, rather than case-specific, information. Four counties could not produce reliable electronic files. In one of these counties, relatively complete data was available from the district attorney's office. In another, very limited data was available from the district attorney's office. District attorney data was used to the extent it was available.

The evaluation of the child support commissioner system was hampered by the lengthy and, ultimately, frustrating process of

¹¹ Los Angeles County was selected not because of its data system, but because it represents such a large proportion of child support cases in California.

obtaining automated case-specific data from courts. Several data elements originally sought for this evaluation were unavailable for analysis because they were not collected at all, were incomplete, were defined inconsistently from county to county or entered inconsistently by staff within the same county, or could not be retrieved electronically from the data system.

A combination of factors appears to explain the inability of most counties to readily generate these electronic reports:

- ***Environmental:*** Counties were undergoing Y2K conversions and other system upgrades at the time of the evaluation request. Courts were, and still are, undergoing significant transitions from relying on county information technology departments to developing their own technology infrastructure, staffing, and court management systems and other technology resources as a result of the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233; Stats. 1997, ch. 850).¹²
- ***Technical:*** Very few systems were capable of generating ad hoc reports, that is, reports that the user customizes as needed. Most of the court data systems in the targeted evaluation counties were rigid, unable to retrieve data unless it was contained in preprogrammed reports. Although these systems may do an adequate job in managing information case by case, they lack the flexibility to be useful for management analysis.
- In some counties, data was scattered and fragmented throughout the various system databases, or was maintained in more than one system. Sometimes data was stored in different places and in different ways, depending on the time period. Some systems were designed as calendaring systems and could not manage more complex case information, let alone produce analytic reports. In some courts, automated data was not converted into new systems, or even archived and saved.

¹² The Trial Court Funding Act realigned funding for local court operations from counties to a state budgeting process administered by the Administrative Office of the Courts.

- **Training:** In some counties, data entry was inconsistent over time and from staff person to staff person. In some courts, program staff was unfamiliar with what data was recorded and stored in the automated system, and technical staff was unfamiliar with court procedures. Without program and technical staff integration and training, program staff cannot use systems to their optimal degree, and technical staff cannot develop a system that meets the needs of the program.
- **Uniformity:** There was a general lack of uniformity in how case characteristics and activities were defined and counted. For example, one county counted “judgments vacated” as judgments that had been reversed on appeal, while another county counted these as motions granted to set aside a judgment. Obviously, a comparison between these two counties of the number of judgments vacated would be meaningless, because very different events were being counted.

Of course, this describes a selection of counties that experienced difficulty in generating reports for this study. Four of the study counties were able to produce complete and timely data, and there are probably others not included in the study group that have well-working systems. However, when county program and information systems staff were surveyed in May and June of 1999, fewer than half of California counties had automated systems that could readily produce the basic case characteristic and event data needed for this study.

DATA IMPROVEMENTS

The Judicial Council and trial courts have recognized that improving data systems is a priority. Several projects are under way in the courts and in family law facilitator offices that will build the infrastructure at the local level and allow data to be shared locally and with the state.

Court Data

The Administrative Office of the Courts is spearheading an effort to standardize data definitions and reporting through the Judicial Branch Statistical Information System (JBSIS). Statewide implementation of JBSIS has been stymied by insufficient funding for necessary modifications to existing systems and the replacement of obsolete systems.

To help counties meet JBSIS standards for district attorney child support cases, \$422,450 in AB 1058 funds was awarded to 13 counties. Several other counties were able to use existing AB 1058 funds for the same purpose. To date, however, only three counties have been able to report data electronically.

Significant changes are occurring as a result of the Lockyer-Isenberg Trial Court Funding Act, which envisions trial courts as components of a statewide judicial system, rather than autonomous local entities. Until recently, trial courts were funded primarily by their counties. Consequently, they were not adequately funded to meet statewide standards, had no reason to account to the state in detail for technology expenditures, and lacked incentives to participate in coordinated information initiatives.

Centralized funding for trial courts has renewed a commitment to building a coordinated and integrated statewide technology infrastructure for all courts. Toward that end, the Strategic Plan for Court Technology was adopted on January 1, 2000. The plan proposes a change in the way the judicial branch manages, procures, and accounts for its technology. The plan also encourages courts to work together to consider, refine, and

apply statewide directives to meet their needs and those of the Administrative Office of the Courts and the state.

Some courts have recognized that significant efficiencies can be realized not only by internal technology improvements but by coordination of automated information maintained by district attorneys. Los Angeles County, for example, launched an ambitious project to transfer automated case filing information from the district attorney to the court data system.

The IV-D court program in Los Angeles County was unable to provide standardized electronic statistics on child support cases for this study. In spite of having the largest caseload in the state, prior to 1997 the IV-D court relied on a manual system for filings and calendar preparation.

In 1997, the District Attorney's Office, Bureau of Family Support Operations (BFSO), approached the court and presented a plan to electronically file complaints to establish child support and parentage when necessary. In this process, the BFSO would enter all relevant case data into its automated case management system. Once entered, this information on new cases would be electronically transmitted to the court overnight, creating electronic case records for court use. The complaints and accompanying documents would be printed in the court clerk's office the following business day. This information also would be sent to two other court data systems: to one that produces a civil index used for reference and to the court's existing case management system.

The court used AB 1058 funds to help fund the conversion of its existing operating system from MS-DOS to Windows. The new system was installed in the court in April 1999, and in the last of the four domestic support courts in Los Angeles County in July 1999. When fully operational, the court system will receive new case information from BFSO, register actions, track files, prepare calendars, and produce minute orders. The system soon will be configured to produce statistical reports.

Los Angeles County is an example of how courts and district attorneys can work together to build better data-sharing strategies and improve the use of technology. As information is shared between systems, the data entry burden is reduced, fewer data entry errors occur, data definitions are more uniform and

used more consistently, and the overall quality of the data is improved.

Family Law Facilitator Program Data

AB 1058 provided resources to assist family law facilitator offices with technology and automation improvements. All family law facilitator offices received desktop computer systems with a full complement of office software.

Because AB 1058 created the family law facilitator component of the child support system, facilitator offices needed to start anew with program data collection design. Beginning in the first year of implementation, family law facilitators worked with staff from the Administrative Office of the Courts to develop program data requirements that family law facilitators would find useful for program management and that would meet the information needs of the Administrative Office of the Courts.

The Automated Family Law Statistical Data Project was a joint effort between the Administrative Office of the Courts and family law facilitators to develop data collection and reporting mechanisms for family law facilitator offices. The pilot project was launched in Stanislaus, Sierra, Nevada, Marin, and Sutter counties. Forms were developed to record sociodemographic information on customers served by family law facilitators, the child support issues that they needed help with, and the services they received. Using Scantron technology, a system was designed to streamline data collection and reporting for family law facilitators. This system will be among the options available to family law facilitators for statewide data reporting.

While this effort was under way, many family law facilitator offices developed automated program data systems of their own. The family law facilitator in Riverside County, for example, designed an Excel-based data collection system that generates quick tallies of services provided. The Los Angeles Office of the Family Law Facilitator collaborated with its county information services to create an online, real-time data collection and reporting system. The system is designed to operate on a network, so that multiple sites can access the data entry screen simultaneously. Reports are generated on staff resources, case characteristics, and services provided. Plans are

under way to make this technology available to interested family law facilitator offices statewide.

Beginning July 1, 2000, family law facilitators will collect uniform data on the number of customer encounters, customer characteristics, case information, services provided, and service settings in quarterly reports to the Administrative Office of the Courts. Family law facilitators will be able to select a variety of reporting methods: hard-copy reports, electronic reports using a standard record layout, and Scantron reporting.

EVALUATION FINDINGS

The evaluation findings are organized according to the evaluation workgroup research questions.

WHAT STRUCTURAL, SYSTEMWIDE CHANGES HAVE OCCURRED IN CALIFORNIA'S CHILD SUPPORT SYSTEM AS A RESULT OF AB 1058?

The workgroup's first research question addresses the first step in evaluating any program, and that is, what changes in facilities, staffing, forms and procedures, and program infrastructure such as automation took place as a result of statewide program implementation?

All counties (except for one small, remote county) have child support commissioners dedicated to hearing IV-D cases; family law facilitator services are available in every county.

All counties but one now have dedicated IV-D child support commissioners.¹³ In all, there are 50 full-time-equivalent (FTE) positions for child support commissioners. Not all counties, however, have full-time child support commissioners, and some counties have more than one full-time child support commissioner. In 23 rural counties, the child support commissioner serves more than one county. Nine counties have more than one FTE child support commissioner position. These counties are either populous, urban counties or rural counties with large IV-D caseloads. The remaining counties have one full-time child support commissioner.

There are a total of 50 FTE family law facilitator positions statewide. Just as with commissioners, not all counties have full-time family law facilitators, and some have more than one full-time facilitator. Statewide, there is a total of 69 full- or part-time facilitators. Thirty counties have at least one full-time

¹³ Modoc County does not have a dedicated AB 1058 child support commissioner because it does not have a caseload to justify even a part-time position.

family law facilitator (including two counties that have one full-time and one part-time facilitator), 26 counties have part-time facilitators, and 2 counties have more than one part-time facilitator.

Child support commissioners and family law facilitators have specialized background and qualifications.

Capacity to hear child support matters expeditiously or provide assistance to unrepresented litigants involves more than facilities and staff numbers. The specialized experience that child support commissioners and family law facilitators bring to the process improves system efficiency and the quality of services.

Child support commissioners practiced law an average of 18 years before going on the bench. Twenty commissioners (38 percent) practiced 20 years or more, and the range of experience was from 8 to 34 years. The average number of years that commissioners practiced family law was 13. Twenty-five commissioners (47 percent) practiced family law 15 years or more. Fifteen commissioners (28 percent) were Certified Family Law Specialists prior to their judicial appointments.

Twelve child support commissioners surveyed in this study were formerly with district attorney family support offices. In these commissioners' view, firsthand familiarity with district attorney deadlines and procedures helps them speed the processing of cases and reduces conflict between the court and the district attorney.

The facilitators are attorneys who have had significant experience practicing family law. On average, the facilitators practiced family law for over 12 years prior to beginning their facilitator duties. Six of the facilitators (10 percent) are Certified Family Law Specialists.

Fourteen of the facilitators (23 percent) have served as judges or commissioners pro tem. Six of the facilitators have taught family law or related subjects at California law schools, while four of the facilitators have taught subjects relating to family law at the college level. Two facilitators have taught family law in courses conducted for the continuing education of California judges.

Family law facilitators also are engaged in community-based legal assistance. Forty-two of the facilitators (70 percent) did volunteer work relating to family law before assuming their current duties. Examples include handling family law cases on a pro bono basis; volunteering at family law clinics, domestic violence shelters, and legal aid clinics; and volunteering as mediators. Eight facilitators have received awards from their colleagues for their family law work and commitment to the field of family law.

Family law facilitators participated in other community services. Forty-seven family law facilitators have done community service work, including serving on the boards of various community organizations, such as hospitals, the Association for Retarded Citizens, advocacy groups for the homeless, and prisoners' organizations.

Other staff support program activities.

Staffing includes not only commissioners, but the staff necessary to support court activities and provide security. Table 2 shows the court staff other than child support commissioners.

TABLE 2

OTHER COURT STAFF

Type of Staff	Full-Time Equivalent
Court clerk	58
Other clerical	94
Bailiff/security	59

Other court staff reported included administrative staff, court reporters, and interpreters.

There is a wide range of staffing patterns in the facilitators' offices statewide. Urban counties may have multiple facilitators who are assisted by paralegals, administrative staff, court clerks, and law students. In rural settings, on the other hand, two counties may share one facilitator with part-time or no support staff. Twenty-two counties have at least some full-time support staff, 26 counties have part-time support staff, and 10 counties

have no support staff. The facilitator offices with only part-time or no support staff typically are in rural areas.

Paralegals are part of the facilitator’s staff in 26 counties. Court clerks are part of the facilitator’s staff in 12 counties. Five counties reported “other assistance,” such as an information systems analyst, document reviewers, and court processing specialists.

Many facilitators’ offices have been able to augment the level of service provided to the public by obtaining volunteers and/or interns through partnerships, such as those formed with their local bar associations, legal services groups, and law schools. Twenty-seven counties reported that they had formed partnerships with a legal services program, law school, local bar association, or nonprofit or other community organization.

Table 3 shows the number of counties in which facilitator offices have formed partnerships.

TABLE 3
FACILITATOR PARTNERSHIPS

Type of Partnership	Number of Counties
Legal services program	17
Bar association	13
Law school	12
Nonprofit organization	9
Other	9

The types of partners reported in the “other” category included a community college, California State University at Chico, women’s services groups, and a domestic violence center. These partnerships increase service to the public through attorney and lay volunteer assistance and promote the visibility of facilitator services in the community.

Facilities are available for court hearings and family law facilitator services.

In almost all counties, IV-D hearings are held in a courtroom in the main county courthouse. In Los Angeles County, two full

floors of an entire courthouse in downtown Los Angeles, Central Civil West, are dedicated to hearing and processing child support matters. The courthouse also houses the family support division of the district attorney's office. Several counties operate branch IV-D courtrooms.

Forty-six counties reported that at least one courtroom for hearing cases is available on a regular basis, and in six of these counties, more than one courtroom is available. Three counties reported that a courtroom is available on a part-time basis. Five counties reported that a courtroom is not used at all; instead, cases are heard in the commissioner's office, the board of supervisors chambers, a small hearing room, or the jury room. All of these counties are smaller or rural counties.

Noncourtroom facilities that commissioners reported included clerk's offices or workspaces, litigation conference rooms, waiting rooms, record storage areas, child care space, a combined family law facilitator and family court services office, a district attorney quasi-satellite office, a family law assistance center, and a training hall.

All fifty-eight counties have an Office of the Family Law Facilitator. Forty counties (69 percent) reported that their facilitator's office is located in the courthouse. Five of these 40 counties have more than one site for the facilitator's office in their county, and thus have a facilitator office located in the courthouse and one or more offices located elsewhere in the county. The facilitators' offices in the remaining 18 counties (31 percent) are located away from the courthouse.

Court services are regularly available during the week in most counties.

Statewide, child support commissioners are available to hear IV-D child support matters three days per week on average. Table 4 shows the number of days per week that IV-D child support matters are heard by child support commissioners in each county.

TABLE 4**COURT AVAILABILITY**

Number of Days per Week	Number of Counties¹⁴
5 days per week	18
3 or 4 days per week	10
1 or 2 days per week	19
Other	8

Child support commissioners from rural counties were most likely to report other, more intermittent schedules. Most typically, these schedules were one to three days per month. Increasingly, courts are using telephone hearings to make court services more accessible, particularly in these rural areas.

Family law facilitator services are available during the week in all counties.

Family law facilitator offices in populated urban counties were more likely to be open five days per week, but several rural counties had facilitator offices open five days per week as well. Many family law facilitator offices have multiple sites, and many family law facilitators conduct workshops, clinics, and outreach at various community sites, such as schools and jails. Table 5 shows the number of days per week family law facilitator offices are open in each county.

TABLE 5**FACILITATOR OFFICE
BUSINESS HOURS**

Number of Days per Week	Number of Counties
5 days per week	31
3 or 4 days per week	17
1 or 2 days per week	10

¹⁴ These numbers do not add to 58 because one commissioner who serves three counties did not respond.

AB 1058 increased the capacity of IV-D courts and provided new services for parents.

Before the child support commissioner system was implemented, IV-D child support cases were heard by family law or other superior court judges or by locally funded commissioners. The child support commissioner system provided a stable source of funding for dedicated IV-D court services throughout the state.

Since AB 1058 was implemented, the number of courts dedicated to IV-D cases, staffing, and days of operation all have increased, as Table 6 shows.

TABLE 6
INCREASES IN COURTROOMS AND STAFFING

	Number Before AB 1058	Number After AB 1058	Percent Increase
Courtrooms	37	66	+78%
Commissioners	17.75 FTE	50 FTE	+181%
Days of operation	1.3 (avg.)	3 (avg.)	+130%

Thirty-six counties (63 percent) that now have at least a part-time child support commissioner had no child support commissioner prior to the implementation of AB 1058. Thirteen counties (23 percent) reported no change in the number of commissioners before and after AB 1058 was implemented. In these counties, AB 1058 replaced the county or the district attorney’s office as a funding source for the existing child support commissioner program. The remaining eight counties (14 percent) reported adding more time to existing part-time child support commissioner positions or adding new positions.

A significant increase in the IV-D courts’ capacity to assist unrepresented litigants is due to the establishment of family law facilitator offices in every county as a result of AB 1058. Although legal services may have been available in many counties prior to AB 1058, most of the family law facilitator offices are close to or in the courthouse and offer

comprehensive information, assistance, and referral services targeted at child support issues at no charge to the customer.

Simplified rules, forms, and procedures were adopted.

AB 1058 required the Judicial Council to “adopt uniform rules of court and forms for use in Title IV-D support cases” (Fam. Code, § 4252(b)(4)). Since the enactment of AB 1058, the Judicial Council has adopted or revised numerous forms and rules in response to this requirement (as well as adopting other changes in the child support program, such as federal and state welfare reform and child support reform passed by the Legislature in 1999). Instruction sheets were also provided with many of the forms to make them easier to understand and complete.

One of the most significant changes in IV-D forms and procedures brought about by AB 1058 was the creation of simplified summons, complaint, and answer forms as required by Family Code section 17400 (formerly Wel. & Inst. Code, § 11476.1). The Judicial Council developed these forms in consultation with several specified groups, including the Department of Social Services and the California Family Support Council. These new forms and procedures are another example of how AB 1058 is working to create a system that balances speed and efficiency with due process.

As permitted by section 17400, the summons and complaint were combined into a single form. The form notifies the defendant that he or she has been named as the parent of the children named in the complaint and provides the defendant with notice of the amount of child support being sought under the California child support guideline, as well as the fact that health insurance is sought for the children. The form also gives the defendant notice of the proposed judgment, described in the following paragraph.

The Answer to Complaint or Supplemental Complaint Regarding Parental Obligations provides the defendant with a simple document to use if he or she wishes to oppose a Summons and Complaint or Supplemental Complaint Regarding Parental Obligations. It allows the defendant to admit or deny that he or she is the parent of any of the children named in the complaint by checking a box. The form requests

that a genetic test be done to determine parentage of any of the children that the defendant denies and allows the defendant to agree or disagree with the other allegations in the complaint.

The proposed judgment is served with the summons and complaint and gives the defendant notice of exactly what the court will order if he or she does not file an answer to contest the complaint (as required by Fam. Code, §§ 17400(c)(2) and 17430). If the defendant does not file an answer, the court signs the proposed judgment exactly as it was served, except that the box indicating that it is a final judgment is checked. However, if the defendant does file an answer, the form accommodates the judgment ordered by the court at a hearing.

Another important change in procedure brought about by AB 1058 is the automatic joinder of the parent who is not the defendant (usually the custodial parent) once a support order is made by the court. After this joinder takes place, either parent may raise issues of custody, visitation, and restraining orders in the action. Prior to AB 1058, these issues could be brought only in a private action for dissolution, separation, nullity, or parentage.

HOW COMPREHENSIVE ARE THE SERVICES PROVIDED BY THE SYSTEM?

Comprehensiveness of services addresses the scope and geographic distribution of services.

Courts provide services that help litigants to participate more fully in court proceedings and obtain other social services.

In the child support commissioner system, the primary services provided by courts are hearings and other services that help litigants gain access to the court process to resolve child support matters. The most immediate outcome of these services is the establishment or enforcement of orders.

In addition to hearings, courts provided an array of information and referral services that help litigants access and participate in the court process or obtain other social support services. Table 7 lists the most frequently reported services other than hearings provided in IV-D courts.

TABLE 7**IN-COURT SERVICES**

Type of Service	Number of Counties
In-court translation/interpreter services	56
Handouts, videos, or Web sites on child support	45
Information and referral services to litigants on issues other than child support, such as domestic violence services and prevention programs, parenting programs, alcohol and drug treatment services, and job training and education for low-income families	37
Other translation services	27
Referral to attorney services (including public defenders and court-appointed attorneys)	27

Other, less frequently reported direct services and information were workshops and classes; information kiosks; 800, 888, or other no-cost telephone information numbers; handouts and other information on Healthy Families, a low-cost health insurance program for children; bus schedules; and referrals to court-appointed attorneys for incarcerated obligors where there is a conflict with the public defender's office.

Family law facilitators provide direct and indirect services to help litigants navigate the child support process.

Family law facilitators provide services to the public in a variety of ways. All facilitators provide instruction regarding completion of the forms required to file or respond to a child support, spousal support, or health insurance issue, as well as referrals to the district attorney, family court services, and other community agencies and resources.

Some facilitators offer one-on-one help to litigants by appointment, while others provide workshops or legal clinics to maximize the number of persons who can receive assistance. In some small rural counties, there are no family law attorneys in

private practice, and in many counties, legal aid does not provide any family law services.¹⁵ In these areas, the facilitator is the sole source of legal information regarding child support in that county. Table 8 shows the range of services provided and the number of counties that provide the service.

TABLE 8
FAMILY LAW FACILITATOR SERVICES

Type of Service	Number of Counties
Forms and instructions	58
Staff to answer procedural questions	55
Informational brochures/videos	53
Domestic violence assistance	37
Access to copiers, fax machines, etc.	27
Law library	16

More than half of family law facilitators report that they provide mediation services, in which they meet with both parents and help work out their child support issues. Other services reported included interpreters and rural outreach. Many facilitators make presentations to schools, homeless shelters, domestic violence organizations, radio talk shows, public access television, and jails on child support and the services provided by their offices. Facilitators' methods of providing services range from use of paralegal assistance (34 counties), to use of a legal clinic model (26 counties), to operation of self-help centers (24 counties).

Facilitators help 28,000 customers each month.

Family law facilitators reported that they served over 28,000 people per month statewide.¹⁶ Data on the sociodemographic characteristics of persons served through the family law facilitator program is not yet available statewide. Some preliminary data is available, however, from three facilitator offices that participated in the Automated Family Law Statistical Data pilot project, summarized in Table 9.

¹⁵ Child Support Court Task Force Report, p. 33.

¹⁶ These are encounters, rather than unduplicated counts of customers. Individualized case files or other records are not maintained on customers because of the nature of the assistance facilitators provide.

TABLE 9

**SOCIODEMOGRAPHIC CHARACTERISTICS OF
FAMILY LAW FACILITATOR CUSTOMERS
February 1999–January 2000**

Characteristics	Stanislaus	Sierra & Nevada
Sex		
Male	44.6%	53.0%
Female	55.4%	46.8%
Employment Status		
Unemployed	30.4%	16.7%
Employed	56.1%	66.0%
Retired	1.3%	0.9%
Public assistance	6.8%	6.1%
Disability	8.1%	6.4%
Help from family/friends	2.3%	3.9%
Gross Monthly Income		
\$0–\$500	29.4%	22.2%
\$500–\$1,000	29.3%	24.3%
\$1,000–\$1,500	17.5%	22.2%
\$1,500–\$2,000	9.4%	10.4%
Over \$2,000	14.4%	21.0%
Number of Children		
1	40.6%	38.1%
2	32.0%	35.8%
More than 2	27.5%	26.1%

These numbers show that women and men were served in roughly equal numbers in these three counties. Also, customers generally were low income, even though more than half in each of these counties was employed.

Data reported by the Los Angeles Office of the Family Law Facilitator and summarized in Table 10 also shows that customers are primarily low income.

TABLE 10

**LEVEL OF INCOME OF
FAMILY LAW FACILITATOR CUSTOMERS
January 2000–March 2000**

Gross Monthly Income	Los Angeles
\$0–\$500	18%
\$500–\$1,000	17%
\$1,000–\$1,500	29%
\$1,500–\$2,000	14%
\$2,000–\$2,500	6%
Over \$2,500	8%

Sixty-four percent of customers in this Los Angeles survey reported a gross monthly income of \$1,500 or less. Thirty-five percent of customers reported a monthly income of \$1,000 or less, which represents an annual income close to \$11,830, the 1999 income threshold qualifying a family of two for economically disadvantaged status as used by the Job Training Partnership Act.¹⁷

Data from these counties may not be representative of the rest of the state, but these numbers are generally consistent with facilitators' impressions of their customers.

Data on languages spoken by customers was collected on a statewide basis. Facilitators were asked to estimate the percentage of customers who spoke English, Spanish, or other languages. Table 11 shows the percentage of customers who speak English as their primary language by the number and percent of counties completing the survey.

¹⁷ California Employment Development Department, Labor Market Information, Social and Economic Data, Table 4, 1999 Lower Living Income Levels and Poverty Guidelines for California Counties
<<http://www.calmis.ca.gov/file/demos&e/calif4.htm#tab4b>> (as of April 12, 2000).

TABLE 11

FAMILY LAW FACILITATOR CUSTOMERS WHO SPEAK ENGLISH AS THEIR PRIMARY LANGUAGE

Percentage of Customers Who Speak English	Number (Percent) of Counties ¹⁸
90–100%	27 (46.5%)
80–89%	15 (26.0%)
< 80%	17 (27.5%)

Most of the counties reporting that at least 90 percent of their customers speak English were in Northern California and, with the exception of Alameda County, were rural. Spanish is the language other than English most commonly spoken by customers. Facilitators in 21 counties reported that 20 percent or more of their customers speak Spanish as their primary language. Facilitators in 17 counties reported that at least 5 percent of their customers speak a language other than English or Spanish as their primary language. Among the other languages reported were Southeast Asian languages, such as Vietnamese, Mien, and Hmong; Mandarin; Cantonese; Japanese; Tongan; Samoan; Tagalog; Russian; Armenian; and American Sign Language.

HOW EFFECTIVE ARE THE SERVICES PROVIDED BY CHILD SUPPORT COMMISSIONERS AND FAMILY LAW FACILITATORS AS MEASURED BY THE FOLLOWING:

- **HOW ACCESSIBLE IS THE CHILD SUPPORT COMMISSIONER SYSTEM?**
- **HOW SPEEDY AND EFFICIENT IS THE CHILD SUPPORT COMMISSIONER SYSTEM?**
- **DOES THE CHILD SUPPORT COMMISSIONER SYSTEM REDUCE CONFLICT?**

¹⁸ The total exceeds 58 counties because one county encompassed two service areas.

The child support commissioner system is accessible to litigants and helps unrepresented litigants be better prepared, get more time and attention in court, and access services that are co-located.

Of the objectives, access was identified as the most important. It dominated focus group discussions in terms of time devoted to it, and it seems to be the program achievement of which the participants are most proud. The success in making the court more accessible to unrepresented litigants was attributed primarily to family law facilitators who help litigants get their paperwork in order, educate them about the process, and help them present their cases more effectively.

Commissioners also were credited in focus groups with increasing access: they are expert in the area of family law, which helps them understand the issues and manage cases effectively, and they respect unrepresented litigants, to whom they will reach out in order to communicate effectively. In part, commissioners attribute the dedicated judicial role as contributing to their willingness to devote increased time and attention:

When I became child support commissioner in January of 1998, the job consisted mainly of signing Earnings Withholding Orders, and holding perfunctory hearings two mornings a month. I made it clear that I was available to come into the clerk's office every day, if necessary, and consulted frequently with the manager of the District Attorney Family Support Office concerning methods of increasing the access to the court for clients of the DAFS. We have now increased the filings dramatically, and while the hearings are still only twice a month, we now meet twice as long, with hearings both in the morning and afternoon. . . . [H]aving a Commissioner whose sole function is child support has the natural effect of concentrating attention and inevitably, increasing the time allotted to the task.

Co-location of services was mentioned by focus group participants as a positive result of the child support commissioner system. Courts' physical proximity to other relevant offices increased litigants' access to the various offices. In some counties, facilitators' offices are in the court building so that, according to one facilitator, "when a pro per goes upstairs, totally lost, to get the forms, they [can be] sent directly down to...where we are located."

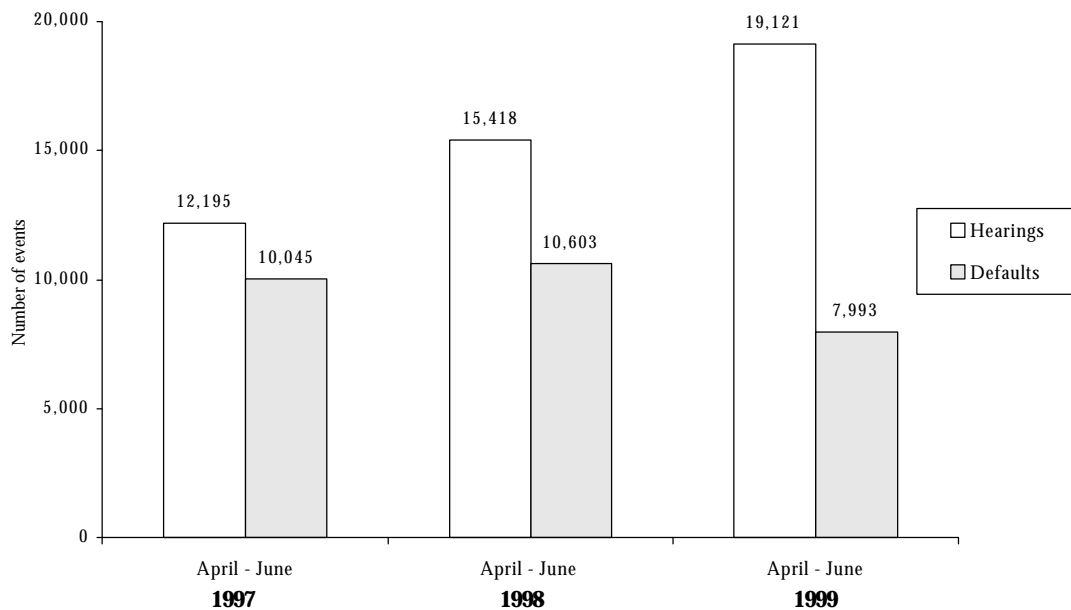
In one rural county, the part-time commissioner is housed in a location that is somewhat remote from the regular courthouse, which generally is not seen as desirable. Because of that,

however, there is a clerk's office at the same location as the commissioner's courtroom. The office is open, and cases can be filed five days a week.

As shown by Figure A, the number of hearings increased and the number of defaults declined over the three study periods, which suggests that more participation in the court process is occurring, most likely by noncustodial parents.

FIGURE A HEARINGS AND DEFAULTS

***The number of hearings increased 57 percent, and the number of defaults declined 20 percent over the three study periods.
N=7 counties***



The child support commissioner system improved speed and efficiency in case processing.

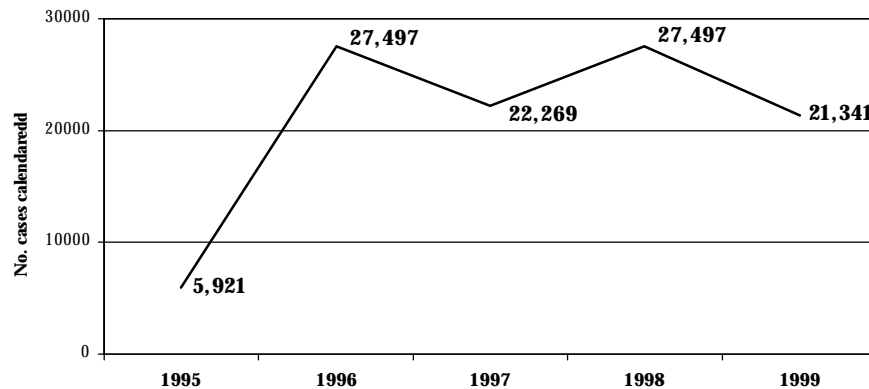
The strongest evidence that the child support commissioner system improves speed and efficiency is its effect on resolving case backlogs. Statistics from San Diego County on the number of cases calendared for hearing, summarized in Figure B, demonstrate the dramatic difference child support

commissioners made in case processing. When San Diego County implemented its dedicated child support commissioner system in late 1995, it had all of the major elements called for in AB 1058, some of which the county pioneered. Within one year of implementation, the number of cases calendared for hearing quadrupled, from 5,921 cases in 1995 to 27,497 in 1996. According one of the San Diego child support commissioners:

... though we handle so many cases, we have no backlog of cases in this county. Thus, we are very efficient and diligent in our work. We have a current active caseload of about 172,000. Two commissioners are assigned to this program.

FIGURE B SAN DIEGO CASES CALENDARED

District attorney family support cases calendared for hearing increased in San Diego County as a result of child support commissioners.



System speed and efficiency were increased when facilitators helped unrepresented litigants with paperwork. A commissioner in a focus group described how help with paperwork gets the cases in order, getting them through the court process more efficiently and quickly:

[In the past] what would happen is a pro per goes in, files a motion, forgets to check the right box, doesn't know the right boxes to check, doesn't give any declaration, doesn't file an adequate declaration...OK, no facts, so rule against the guy. Or, "This is inadequate, come back." We were having motions filed over and over again. They

couldn't get the proof of service right, so they were reissued over and over again. This is **court** time. And just pulling the files, taking them over, bringing them back, refiling them, and then there was all the time that was being spent with the clerks and the judges explaining to these people why they couldn't give them advice as to what they ought to be doing. Since the facilitator has been in effect... you can get processed through real quickly...

District attorneys also acknowledged facilitators' contributions to speed and efficiency. According to one district attorney in a focus group:

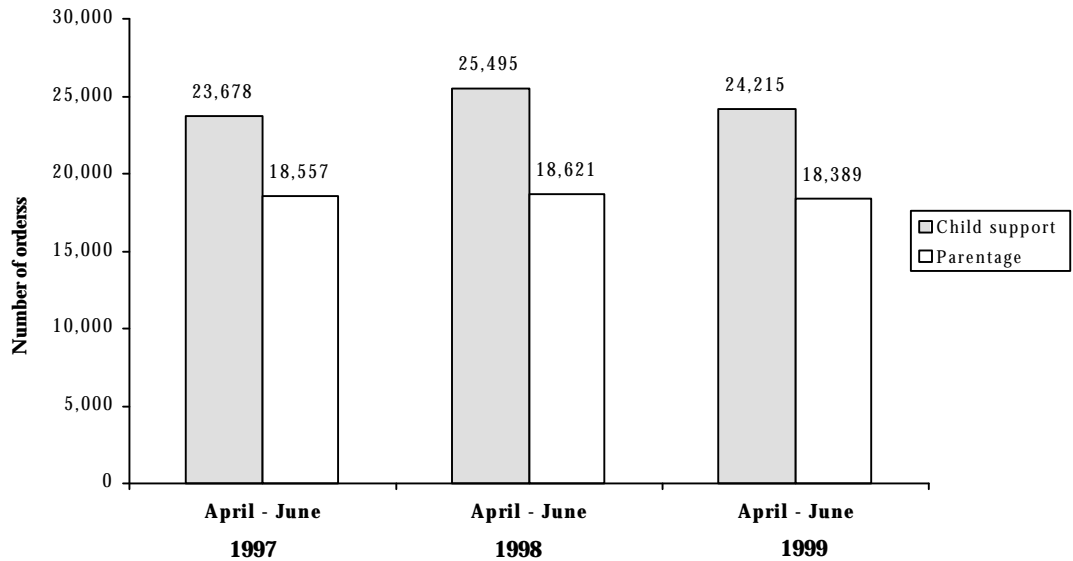
Our caseload doubled from the time that the facilitator joined this process, which has allowed us to get cases resolved much faster, get them to court properly. We have less filings by pro pers that are absolutely wrong. That has basically gone away. That doesn't happen any longer.

Although more hearings are taking place, courts appear to be keeping pace with the demand to establish child support and paternity orders. As shown by Figure C, the number of child support and parentage orders has remained steady in each of the three study periods.

FIGURE C CHILD SUPPORT & PARENTAGE

The number of child support and parentage orders stayed level over the three study periods.

N=8 counties



According to child support commissioners, more enforcement-focused hearings are taking place; for example, more hearings are held to follow up on seek-work orders or to review license revocations.

Facilitators ease conflict between parents by providing education and assistance.

Child support commissioners and district attorneys pointed out in focus groups that, regardless of the characteristics of the system that helps them resolve their conflicts, parents embroiled in child support issues tend to be angry with one another. Nevertheless, they reported that the education and assistance provided by family law facilitators helps reduce conflict within the family system.

For example, some family law facilitators have contact with both custodial and noncustodial parents and can resolve child

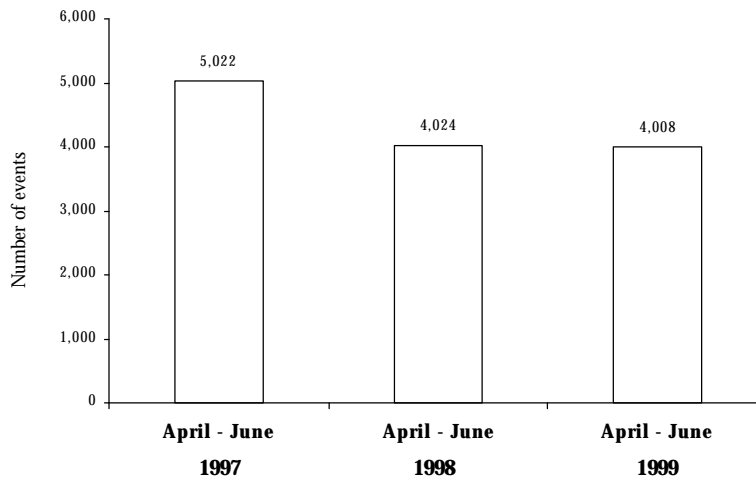
support issues between them. Family law facilitators also reduce conflict between litigants by educating them that they are in a system of laws in which decisions about the collection of child support may not be made by the custodial parent. As one facilitator described:

I think it also reduces the conflict between the noncustodial parents and the custodial parents, because the noncustodial parents come in saying, "She promised me she wasn't going to go after me, or she promised this, or she promised that." They don't understand all the different mechanisms that come into place when a custodial parent applies for welfare. They don't understand why [the district attorney] is hunting them down. They don't understand that it's all related somehow. They just think it's this random mishmash of events that's forcing them into court. . . . We try to educate them as to why they are here, and not to have animosity towards the child or towards the custodial parent.

FIGURE D STIPULATIONS

Stipulations declined by 19 percent from 1997 to 1998 and stayed level in 1999.

N=7 counties



The number of stipulations is an indicator of the level of agreement reached in court actions. Figure D shows that stipulations first declined from 1997 to 1998, and then increased slightly in 1999. This may be an undercount, however, because all out-of-court settlements may not be recorded in court data systems.

The child support commissioner system has improved working relationships among child support commissioners, family law facilitators, and district attorneys, which has improved access, reduced conflict, and introduced system efficiencies.

To be effective in their respective jobs, child support commissioners, family law facilitators, and district attorneys need to work together. This interdependence is a strong incentive for system partners to cooperate. For example, district attorneys clear backlogs and meet expedited process requirements to establish orders only with timely court action. Commissioners can make quicker decisions if district attorneys thoroughly prepare cases. The direct assistance with paperwork that family law facilitators provide to unrepresented litigants also helps eliminate delays and backlogs in other parts of the system.

This evaluation revealed a crucial indicator of the child support commissioner system's success that influenced whether or not system objectives were readily achieved: the degree to which district attorneys, child support commissioners, and family law facilitators worked together toward the common goal of creating a system that provides appropriate and timely support to children through a fair process. System coordination, and its underlying need for good working relationships, appeared to positively affect the overall performance of the system.

In a focus group, for example, a family law facilitator identified the positive relationship the facilitator had with the district attorney's office and the court clerks as leading to referrals for litigants:

We've got to have a working relationship with the district attorney. Sixty to 70 percent of our [cases are] district attorney matters, and our district attorneys submit a form with each service on every defendant, giving them the resources to contact to have accessibility to the courts, us being number one on their list. . . . Half our referrals are coming directly from the clerks upstairs, and probably another 40 percent directly from district attorneys. So very, very few pro pers are not finding us.

The need for good working relationships with district attorneys was mentioned repeatedly, and its effect on speedy and efficient case processing was described in focus groups of child support commissioners:

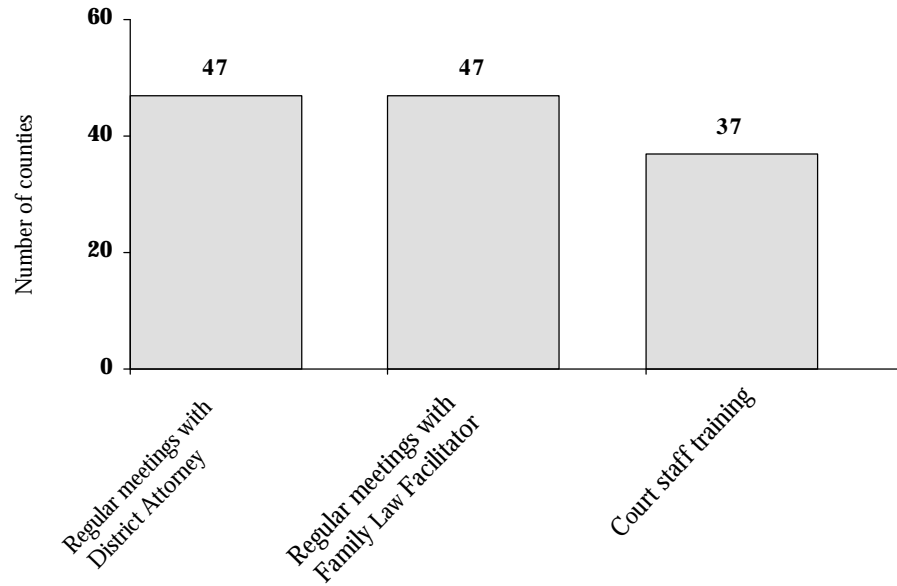
Coordination between the DA Family Support Division and the commissioner has helped maintain a constant monthly filing work-flow, and virtually eliminated the high and then low monthly filings we experienced in the past. This has contributed greatly to our ability to prevent an increasing inventory of pending cases.

There is more communication between the district attorney and the court regarding procedural issues, which has resulted in a faster turn-around time in the processing of orders by the court. The program has also resulted in an increase in the number of actions filed in all areas of the Title IV-D function. The ability of the commissioner to hear all of these cases results in a speedier hearing with more consistent results.

Regular meetings help institutionalize cooperative relationships, and participants can share perspectives on ways in which the system can be improved. There is evidence from survey data that more regular meetings are taking place between system partners since the implementation of AB 1058, as shown in Figure E. Commissioners also reported that more regular in-service training is held for court clerks on IV-D child support procedures.

FIGURE E REGULAR MEETINGS & TRAINING

Commissioners report that more regular meetings with system partners and more court staff trainings are held as a result of AB 1058.



Settlement meetings can result in more efficient use of court time. A survey response from a child support commissioner described the efficiencies that can be gained from such a meet, confer, and settle process:

All are expected to participate in [a] meet/confer/settle process, including the facilitator, district attorney, and private counsel. Judicial hearing time is no longer spent processing routine applications and defaults. Instead, more time is spent on providing a fair hearing for truly contested matters and on review of ongoing enforcement and employment efforts.

Co-location of child support courts and facilitator offices was identified by some participants as affecting access by helping system partners access one another and providing a separate space for resolution of IV-D child support matters. In both district attorney focus groups, participants described how the AB 1058 child support commissioner system has improved access to the bench for them. They described various ways in which having a dedicated bench officer in close proximity helps them resolve general procedural issues without a long wait.

One district attorney described how coordination of cases was facilitated by the physical location of offices:

We have offices in the court building so when there is a custody matter in front of the judicial officer, they send them down to the DA's office for child support, and if we can make an agreement, we do. If we don't, then it gets transferred to a IV-D commissioner who will hear it there.

In a survey response, a child support commissioner described how physical space and shared resources with the district attorney improved efficiency and made obtaining orders and information for prehearing conferences quicker:

With the help of some creative thinking and collaborative effort, we were eventually able to establish a quasi-satellite office of the Family Support Division at the court. The DA contributed their own computer, monitor, portable cart, data port and cable to allow access to their system on-site. By installing a conference table, chairs in the hallway and an extra printer, we are now able to produce immediately stipulated agreements, orders after hearing, and [support calculation] printouts for the parties during pre-hearing conferences held. Signatures can now be obtained from all parties before they leave the courtroom.

Finally, the education given litigants by facilitators helps unrepresented litigants understand what the child support system is all about, what the procedures are, and what the limits of the system are, which reduces conflict between the litigant and the system, according to one facilitator:

Well, I'm mostly finding that we are pretty good about giving reality checks. We are not just hand holders. We're good about saying, "Well, I understand why you feel that way, but in reality, this is what the law requires," and so on and so forth. I saw [a customer] the other day in the hallway, and I said to him, "How did everything go? Did it come out all right?" And he said, "Well, no, but at least I knew what to expect, because I talked to you." It wasn't what he wanted, but he knew what to expect, and so there wasn't a big fight over it, because he was prepared for it.

This reduction in conflict between the litigant and the system indirectly benefits system partners. With education and information, litigants are less likely to be in conflict with the district attorney and more likely to use the system again, according to one facilitator:

We did a survey with our people and the conclusion was [that] they are understanding the court process better and so the conflict between them and what they perceive to be the enemy, which is the district attorney, has been alleviated. Understanding alleviates conflict and confusion. And they are more apt to use the system again.

One facilitator described this as an even more active process, in which facilitators encourage litigants to understand the role of the district attorney and behave accordingly:

We can educate them in how to work with the district attorney. “Don’t walk in there with a chip on your shoulder. They’ve just got a job to do the same as you. . . . Be respectful, they’ll be respectful. Listen to what they have to say.” So it does reduce the tension from what I’ve seen.

Focus group participants named fairness as a goal of the child support commissioner system.

Among all three sets of discussants in the focus groups, the quality of justice was identified, by one name or another, as a goal of the child support commissioner system. The child support commissioners, some of whom described it as more important than the four identified program objectives, said that justice is more available in the commissioner system than it would be in an administrative system.

When working well, the addition of a new system partner, the family law facilitator, along with a dedicated bench officer, better balances the process, even though the roles may conflict at times. The system partners may each have a different working priority. District attorney offices, for example, are evaluated based on the number and speed with which orders are established and collections made. Family law facilitators may make it a priority to ensure that the greatest number of unrepresented litigants are given the help they need to understand and negotiate the court system. Child support commissioners may be primarily concerned with rendering informed and impartial decisions. Even though these priorities are different and may seem to conflict, they also work to check and balance each other to build a system that is fair—to both parties and to the children entitled to parental support. That the respective roles are interdependent ensures that the system partners will strive to develop effective ways in which to work together, even with their different priorities.

Focus group participants acknowledged each partners’ contribution in creating a fairer system. For example, a child support commissioner spoke of how facilitators can help litigants get what they need in ways bench officers cannot: “The court is in [a] very difficult position knowing that there may be

some relief that the litigant is entitled to but hasn't followed the appropriate court procedures," because "it's that fine line as to [when] the court is overstepping its bounds and kind of being an advocate for that person." District attorneys talked about how the litigants' perception of fairness is influenced by having someone (the facilitator) to balance the "free attorney" the custodial parent has (a point raised as well in a commissioner group), and by having someone explain the rationale underlying decisions made in litigants' cases. They described how increasing the litigants' perception of fairness leads to an increase in their respect for the courts.

District attorneys in one of the focus groups also said that the AB 1058 program promotes fairness by giving unrepresented litigants access to the courts through help from facilitators, increasing the likelihood that their cases will be heard, increasing the probability of success, and giving them quicker and fairer results.

Education is a key service provided by facilitators. Education helps litigants feel that they can begin to take an active role in the system. This is empowering and enfranchising. Facilitators in focus groups discussed the effects of their services on the perceptions of litigants:

Most of these people considered themselves somewhat disenfranchised from the system. They either ran out of money and could no longer afford attorneys, or they were of an economic group that felt that the system was not going to work for them in any way to begin with so "why bother."

In the clinics, I say, "Part of this is going to be legal education so that from this day forward, when you encounter this piece of paper, or somebody says the word 'arrearages' or whatever, that you're not going to get that glazed over, they're-speaking-a-foreign-language type of response." The education starts to . . . empower them.

One facilitator's success in helping people discover that the system can, in fact work for them, resulted in clients' coming back for help with new problems or sending their relatives in for help: "Once they have been helped, they sign up for another workshop. [They say] 'I'm back' or 'I've brought my uncle over here.'"

Some focus group participants said they believed that parents' greater participation in the process ultimately leads to better compliance with court orders:

Current forms and the presence of the court facilitator have encouraged parents to participate in court proceedings; and, accordingly, more obligors are coming to court to contest paternity, to prevent a default support order, to challenge a wage assignment or license denial, and to exercise modification rights. In turn, these parents are more prone to "buy into" paying their support obligations on time.

The child support commissioner system has elevated the importance of child support matters in courts.

Some commissioners' comments from surveys described how specialization may have improved the status of child support cases in the larger court system:

The position of "child support commissioner" has elevated the status of child support in the courts, and the issue now has a higher priority for all court staff.

The utilization of commissioners to hear all Title IV-D cases has concentrated attention on the importance of child support enforcement in our county.

The elevation of the status of support-related work as a result of the child support commissioner system was reinforced in commissioner focus groups:

[T]here was always this stigma about [IV-D] child support. . . . It was like something separate and apart, something completely foreign to all other family law matters. And they're not. That's slowly dissipating by having more judicial resources appointed to it.

Customers perceived family law facilitators as helpful.

Perhaps the best test of the effectiveness of family law facilitator services is how they are viewed by the people who have firsthand experience with them: the parents themselves. Many facilitators ask litigants to fill out customer satisfaction surveys to help them assess the quality of services they are providing. Data was not available on a statewide basis, but satisfaction surveys from April through June 1999 from the Los Angeles County Office of the Family Law Facilitator were available.

Almost all customers (99 percent) completing the survey said they would return to the facilitator’s office if they needed assistance in the future. The same percentage of customers, 99 percent, also indicated that they would refer the facilitator’s office to a friend. Few comments were critical either of the services or the person who provided them, and those that were mentioned only that the wait to see a facilitator was too long. The following tables show responses to two other questions.

What do you think about the quality of service you received from our office?

Excellent	77%
Good	19%
Fair	4%
Poor	0%

What do you think about the quality of service you received from the person who assisted you?

Excellent	87%
Good	12%
Fair	1%
Poor	0%

Comments from customer satisfaction surveys from this county support facilitators’ belief that they are changing litigants’ perception of the system and helping litigants access the process:

The way the program is presently is excellent. There are not many people like you who are willing to help people with our problems the way your program does. *[These comments were from an illiterate man who dictated his responses.]*

While the whole issue of child support has been one of the worst experiences of my life, this office has provided me with invaluable assistance.

She [the paralegal] made me feel comfortable and like I’m not a deadbeat dad. The experience was very nice.

Your office is the first place I have been assisted with my child support problem in five years. Thank you.

I just had a major quadruple surgery and was a bit tense all morning with minor stomach cramps. This office was so warm and supporting until I can't remember when the pain desisted.

Really helped us come to an agreement that both of us were happy with.

Best service I've ever experienced with the judicial system.

I didn't know where to go for help and I couldn't afford an attorney or paralegal, and your office provided me with excellent service. . . .

It was very education[al], but a good help. Makes dealing with courts a lot easier.

Everything was efficient, professional and on time. I think the office went beyond what I expected.

She [the paralegal] is a light in a very dark tunnel.

The only criticism of the program made by these customers was that the wait to see a family law facilitator was too long.

IS THE CHILD SUPPORT COMMISSIONER SYSTEM COST EFFECTIVE?

Most cost-effectiveness studies identify a well-understood, or at least agreed-upon and measurable, cost standard. This universal cost standard is then applied to alternative service models that derive the same social benefit, which are then compared. A true cost-effectiveness analysis could not be done as part of this evaluation because these agreed-upon assumptions and reliable cost data were lacking.

In this study, neither the evaluation workgroup members nor the focus group participants could agree upon a single cost standard to measure, nor could they agree upon a standard social benefit, in part because the legislation required that several, seemingly conflicting, system objectives be evaluated. Nor could evaluation workgroup members and focus group participants agree on the comparison model.

The complications of arriving at reliable cost data tied to specific court services abound. Although aggregate funding amounts for various court programs are known, service units and service unit costs of court services have not been established, preventing any kind of meaningful statewide comparison between different court programs. Costs of court

services, such as court hearings, cannot be tied easily and uniformly to specific funding sources for comparison. The distinction between family law and IV-D child support cases is not always easily made and tracked over time: district attorneys can intervene at any time during a child support case, making a clear distinction between these two case types problematic. Some counties used child support commissioners prior to AB 1058, further complicating a statewide comparison over time.

The objectives of the child support commissioner system are complex and interdependent and, when looked at in isolation, appear to conflict, further complicating an assessment of cost effectiveness. For example, an assessment of whether or not the child support commissioner system is more cost effective in speedily establishing child support orders compared to some other kind of system would be confounded by the child support commissioner system objective of encouraging parents' access to the process. Furthermore, cost savings brought about by increased system efficiencies are likely to be used to increase access by serving more litigants or enhancing existing services. Finally, because the child support commissioner system introduced new services, particularly those provided by family law facilitators, where previously there were few or none, comparisons cannot be made.

Although focus group participants found cost effectiveness difficult to discuss because they could not identify appropriate outcome measures, they believed that the system results in cost efficiencies. Typically, the participants reported that because facilitators improved litigants' paperwork, the resolution of their cases was much more likely to involve just one court appearance rather than the multiple appearances on the same issue that were common before the child support commissioner system was put in place. Court resources could be used more efficiently as a result. However, it is likely that this apparent increase in efficiency results in more cases being heard and shorter lines for customers, rather than net savings:

Since the facilitator has been in effect . . . you don't have these long, long lines at the clerk's office. You don't have these incredible calendars that go on well into the noon hour because the judges are trying to explain to the pro pers. I think where you can see the cost effectiveness most is in the courthouse, in the clerk's office, in the judge's courtroom. It's cutting down time tremendously.

Participants also noted that the expertise of the child support bench officers who are familiar with child support procedures and the stability that having a dedicated IV-D bench officer can provide lead to the development of more efficient systems. They also noted that the collaboration between facilitators and district attorneys results in more out-of-court settlements, which again, makes better use of court resources.

The services provided by family law facilitators clearly help customers save money on legal services, although it is doubtful than the majority of those receiving family law facilitator services could afford private family law attorney fees. Instead, many customers are now able to get help where previously they were deterred because they couldn't afford an attorney.

The most significant evidence of cost effectiveness is structural rather than procedural. State general funds for this program are minimized because two-thirds of the program costs are reimbursed through federal sources. Also, this new program was built upon existing court infrastructure, such as facilities, computer systems, and other in-kind support. Evidence that coordination did, indeed, occur among courts, facilitators, and child support commissioners supports the cost-effective strategy of integrating this new set of services and relationships into an existing base.

WHAT ARE THE BARRIERS TO ACHIEVING PROGRAM OBJECTIVES?

Barriers mentioned in focus groups appeared to have more to do with local system implementation issues than with problems with the child support commissioner system itself. Focus group discussions also identified external circumstances that affect the child support commissioner system, but are outside the direct control of system participants.

Local rules and procedures vary from county to county, which may slow the process and reduce efficiency.

Variability across counties was raised as an issue in almost every part of the focus group discussions. Some participants tended to see it as a problem and to express the wish for statewide uniformity. Other participants saw it as appropriate and even

desirable. They stated, for example, that rural and urban counties appropriately operate their systems differently, and that variation offers the opportunity to identify “best practices,” which then will lead to more uniformity.

Although some variation may be unavoidable, if not desirable, the lack of uniformity appeared to thwart program efficiency. For example, focus group participants discussed how variations across the counties in whether specific forms are required and how they may be completed impede facilitators’ ability to work efficiently in helping parents with their paperwork. These cross-county variations also complicate district attorney office transfers, which can slow case processing.

In working with court data files for this evaluation, we found that courts used different forms, different definitions of court events and characteristics, and different case processing procedures. Consequently, we could not evaluate program results more thoroughly. Improvement in uniformity and consistency across counties will improve the usefulness of the information that court systems collect and maintain.

Role conflict between system partners can inhibit system efficiency.

From the focus group discussions and survey data, it appears that when system partners work together, the system is fairer, quicker, and more efficient. It also appears that when system partners work at cross-purposes, the system is prevented from working at an optimal level.

In each set of participants, there was some description of how characteristics of others in the system caused conflict. Thus, one group of facilitators described young district attorneys who like to argue everything as causing conflict. (That same group, however, also acknowledged that facilitators who file sophisticated paperwork make the system more adversarial.) In another group, facilitators commented that others in the system interpret their efforts to assist noncustodial parents as sympathy for them and a lack of interest in collecting support. Some facilitators, on the other hand, suggested that the quality of justice received by IV-D clients is limited by commissioners who will not read what the facilitators present or who cannot handle the complexity of their cases.

District attorneys spoke of the lack of training for commissioners on some issues, the tendency of some commissioners to “talk down to” district attorneys, commissioners who are not tough enough on litigants, and lack of clarity regarding the facilitator’s role as sources of conflict. Some district attorneys also were frustrated by commissioners who limit the number of cases they will hear in a day and those who are inefficient in the administration of their courts as barriers to access.

Child support commissioners pointed to district attorneys who are not flexible about calendars and who take sides more than they should, as well as people who stake out “turf,” as causing conflict within the system. Some mentioned inexperienced district attorneys. Finally, some district attorneys and commissioners characterized the program as restricting the power the former can exercise and, thereby, increasing conflict.

A certain amount of role tension is a necessary part of the child support system, as confirmed by a focus group of district attorneys. These participants discussed the essential nature of conflict within the system and suggested that efforts to reduce it should focus on what is unnecessary or harmful.

Economic issues for litigants may act as a barrier to access.

If the primary achievement of the child support commissioner system is increased access to court services, the major barrier to increased access, according to the facilitators and commissioners, is cost. Special focus was given to filing fees. While the custodial parent needn’t pay a filing fee to establish child support, the noncustodial parent pays a fee to respond. The initial fee is \$185, and the fee for subsequent responses is \$23. For some parents, particularly those with more than one child in more than one county, the filing fees pose a barrier to responding at all:

They can’t stipulate because some counties require that they pay the fee [to file] a stipulation because it’s a fresh appearance. They go to file their answer, “I don’t have \$185.” . . . so they go by default. Some counties are allowing them to make payments but [in other counties it] is all or nothing. That’s a huge impediment.

Family law facilitators and child support commissioners also were concerned that large arrearages in support payments

discourage noncustodial parents. In their view, most of the people they work with lack skills valued in California's labor market, so that even if they have jobs, they do not earn much money. Income data from the Automated Family Law Statistical Data pilot project and from the facilitator's office in Los Angeles County tends to support this impression. When faced with arrearages of many thousands of dollars that accrue more interest in a month than they are paying in support, parents are likely to give up trying to provide support for their children, even though they want to.

Other cost issues raised by facilitators and commissioners were the reluctance of some employers to complete wage assignment paperwork, and the need to appear in court multiple times, which results in lost income for some litigants.

Finally, there was a general concern that many of the parents who owe support are barely able, or unable, to pay enough to fully sustain their children, and that reforms to the system will not be able to directly change this:

There's also a perception out there in the public that we have this whole pool of people that could pay their child support but just don't. And we certainly have a few of those people, [but] the bulk of our litigants are people who can't afford the children that they have.

Custody and visitation issues are intertwined with determining child support in California, but in most counties, commissioners and family law facilitators are restricted in how they may help resolve them.

Visitation and custody issues came up as participants, primarily facilitators and commissioners, talked about how support issues could more efficiently be resolved if they could be dealt with in the context of, and collaterally with, visitation and custody issues. These issues are intertwined with child support because in California, the amount of time that the child spends with each parent is an element in the determination of support. However, current federal requirements prohibit the use of Title IV-D funds to assist parents with custody and visitation issues. There was discussion of how, in some counties, commissioners have an expanded mandate (through other funding) and are able to integrate custody and visitation issues in their courtrooms,

provided that they keep careful time records and do not seek federal reimbursement for non–Title IV-D activities.

Child support issues and forms remain difficult to understand for many litigants.

Even though great strides have been made in simplifying the child support forms, they remain confusing and intimidating for many unrepresented litigants, according to focus group participants. In part, this is because the issues involved are distressing, which makes understanding and working with the forms difficult, even for the more sophisticated litigants.

Moreover, many litigants lack the literacy skills to understand the forms, and language barriers prevent some from understanding forms that are printed in English only. Thus, many litigants ignore forms upon receipt or quickly give up trying to read them.

The degree to which facilitators must strive to help customers with the forms and procedures was referred to repeatedly in focus groups:

Most of these [customers] are less than sophisticated; they come in with their papers, if they have them at all, in a plastic bag from the grocery store. And I don't know why it is, they never take anything out of the . . . envelopes. Every single document is still in an envelope, and it's just terribly confusing for them. . . . I keep stacks of fasteners and hole-punch things, and set up little files for these people with all of their documents in their different files. Because it makes me crazy because I know they'll be back the next week and I'll have to do it again, it's easier to do it the first time.

The judicial forms are fairly complicated and intimidating particularly in light of the fact that a lot of the people that we have are not English-speaking and the forms come to them in English, or their literacy is limited. I think we can say that about the majority of the people [we see] in rural counties. Some people when they get those court papers, they put them aside because they are afraid. They put them aside because they think it has something to do with a criminal case, and they figure if they can ignore it maybe it will go away—a lot of reasons. I had an intern working with me who was also a Ph.D. in English and she said that basically—we were talking about developing a new template— and she said if you put more than 25 words on a page, you will physically intimidate those people who don't read well. If people look at a paper that's got more words than that on it, they're frightened and they simply will not read it. And that's not even getting to the level of comprehension. So I think in the AB 1058 area we've got to develop some kind of notice that goes on the front of the packet that is kind of like: "Stop, non-custodial parent. Look. Look." I don't mean to be facetious about that, but it's got to be very bold. It's got to be very clear, and it's got to alert them that this involves money, and it's very important, and [to] have someone help you fill out these forms if you don't understand them.

Focus group participants mentioned the perceived low status of family law, child support, and serving unrepresented litigants as something they routinely confront in their work.

In one form or another, the low status of family law, family courts, the child support system, or individuals within the system came up in all but one focus group: “It’s the step-child of the legal system and the one that has the greatest social impact of all, except perhaps criminal law.” Almost all of the commissioners and facilitators had worked in family law prior to assuming their current roles, and they spoke of the disdain shown their area of practice by other attorneys. Participants in all three roles provided examples of how district attorney offices reflect the higher status of criminal law than of family law. Numerous examples were provided of the resistance of court personnel to working with unrepresented litigants. There were a number of descriptions of the poor facilities provided in some counties for the child support commissioner or facilitator, and in one case, this was tied explicitly to negative attitudes about the program and its clients.

JUDICIAL COUNCIL EDUCATION AND TRAINING

In addition to the research questions developed by the evaluation workgroup, a recommendation from the Governor's Task Force remains to be examined, and that is the extent to which the Judicial Council has provided coordination, training, and support services for the child support commissioner system in local courts.

Annual Statewide Training

Beginning with the first year of the program, in September 1997, the Judicial Council, through staff of the Administrative Office of the Courts, held the first annual statewide training of local court staff assigned to the AB 1058 program. This program was held in Sacramento and was attended by nearly 200 participants, consisting of child support commissioners, family law facilitators, and court administrative staff. The program lasted two and a half days. Presenters consisted of experts in federal and state child support law and included judges, commissioners, private attorneys, attorneys from local child support agencies and the Attorney General's office, experts in other related fields, and staff from the Administrative Office of the Courts. Topics included various substantive areas of child support law; Title IV-D of the federal Social Security Act, which governs child support enforcement in the states; how to deal with litigants who have substance abuse or literacy problems; suggested case processing practices; and accounting and reporting requirements.

The evaluation comments completed by the participants uniformly indicated that the training was well done and very helpful. The program materials consisted of three large loose-leaf binders assembled by staff of the Administrative Office of the Courts. These binders are still used by local staff in conducting the program and providing local in-service training.

This statewide training program is now an annual event every September. In 1998 it was held in Costa Mesa, and in 1999 in San Diego. Each year, the training topics are designed to be

relevant to current issues and situations, as well as to provide knowledge of basic child support issues and assistance in dealing with parent litigants who are unrepresented by counsel. In addition, at the San Diego program, a set of sessions was added specifically to train court clerks. As with the first training program, the participants each year have indicated that the information and training received has been very well done, as well as extremely helpful and relevant to their day-to-day work.

Facilitator Training in Conjunction with the California Family Support Council's Annual Training Conference

The California Family Support Council is the statewide organization of the child support offices of the 58 district attorneys. Each February, this council conducts a statewide training conference. Beginning in February 1998, the Administrative Office of the Courts arranged to have family law facilitators from around the state attend this conference. The facilitators attend several of the sessions put on by the Family Support Council, as well as training sessions and roundtable discussions designed just for the facilitators. These conferences have been a valuable means of training, as well as a means of collaboration and cooperation with the local child support agencies with which the facilitators work on an ongoing basis.

Child Support Commissioner Training in Conjunction with the CJER Family Law Institute

Each year, usually in March, the Judicial Council, through the Center for Judicial Education and Research (CJER), puts on a family law institute to train family law judges and commissioners. Beginning in March 1998, the institute included a segment especially for child support commissioners. There have been training sessions as well as discussion roundtables for these commissioners. Participants indicated that the information provided, as well as the face-to-face interaction with their colleagues, has been most valuable.

Other Training and Education

The Judicial Council, through staff of the Administrative Office of the Courts, has provided several other training and education opportunities. For example, a regional facilitator training program was held in January 1998 in Los Angeles for facilitators who were either newly hired or did not have the opportunity to

attend the first annual training conference. In May 1999, a training program was held specifically for court clerks who handle children's cases in the courts. While this training was targeted at rural northern courts, many other courts sent representatives. All attending indicated that this was a very successful and informative effort and expressed interest in having it repeated often.

A child support commissioner commented that the training has contributed to more consistency:

Specialized judicial education and training has resulted in orders and judgments that are consistent with law and due process. This will result in fewer orders/judgments being challenged in the future. This specialization is available in all counties, not just those with huge IV-D caseloads.

In addition to formal training meetings and conferences, staff of the Administrative Office of the Courts continually provide educational materials to local court staff by means of informational memos, telephone calls, and electronic mail. Both the commissioners and facilitators also exchange ideas and ask questions of staff and each other by electronic mail.

SUMMARY AND CONCLUSIONS

This evaluation relied upon data from court data systems, survey data, existing data from family law facilitators, and qualitative data gathered from focus groups to address research questions developed by a workgroup of stakeholders in the system.

After two years of statewide implementation, the following were found to be strengths of the child support commissioner system:

- Systemwide structural changes to the child support system have taken place to build courts' capacity to process child support cases: child support commissioners are established in all California counties but one, and family law facilitator offices are in place in every county. Changes in forms and procedures as a result of AB 1058 also have increased efficiencies in how cases are processed.
- Child support commissioners and family law facilitators have many years of specialized experience: on average, commissioners as a group practiced family law approximately 13 years, and family law facilitators practiced family law approximately 12 years before assuming their new roles in this program.
- Families' access to the child support process has been significantly increased by the family law facilitators' assistance and information
- Speed and efficiency in processing child support cases in courts were improved, because the paperwork of litigants appearing in court who had been helped by family law facilitators was properly completed. Also, because child support commissioners are dedicated to hearing IV-D cases, they have the knowledge, expertise, and consistency that allow them to create efficiencies in their courts.

- Conflict between parties was reduced as a result of family law facilitators' efforts to educate litigants on the child support process and as a result of efforts made by many facilitators to help parents work out child support agreements.
- Good working relationships between district attorneys, child support commissioners, and family law facilitators have led to greater efficiency and less conflict between system partners in some counties.
- Focus group participants reported that the child support system is fairer as a result of the child support commissioner system because of efforts made by child support commissioners to give time and attention to IV-D matters and by the assistance that family law facilitators provide to noncustodial parents.
- Available data on customer satisfaction shows an almost totally positive response.
- Focus group participants perceived the child support commissioner system to be cost effective because of the efficiencies it brought about. The system also builds on existing resources, and two-thirds of its program costs are federally funded.
- The education and training opportunities provided by the Judicial Council contribute to the professional development of child support commissioners and family law facilitators and encourage more uniformity and the development of best practices.

Weaknesses of the child support commissioner system itself centered on the existence of some role conflict among district attorneys, child support commissioners, and family law facilitators. A lack of uniform procedures across counties also was identified as an impediment to fairness, access, and efficiency. Finally, the filing fees and the economic consequences of missing work to attend court were viewed as barriers to greater participation in the child support process, particularly with respect to low-income parents.

Other weaknesses identified by focus group participants affected the optimal performance of the child support commissioner system but were not directly attributable to it. They centered on the lack of a statewide automated child support information system and the consequences of federal penalties associated with the lack of such a system; large arrearages that are difficult, if not impossible, for low-income obligors to pay; the complexity of child support issues in contrast to the ability of many unrepresented litigants to resolve them without substantial help; and the low status of child support in courts and in district attorney offices. We found that, as an outcome of the evaluation process itself, improvements are needed in court data systems to generate reliable management information.

In conclusion, this evaluation shows that the objectives of the child support commissioner system are being met, and that courts, through efforts to streamline the process and help litigants through it, play a significant part in improving the overall child support system. That larger system is influenced by much more than what occurs in court, however.

Perhaps the most significant finding of this study is the extent to which the child support commissioner system has become integrated with the larger child support system. Consequently, the changes begun in other parts of the system can be expected to affect court programs. In the coming months and years, it is imperative that system partners continue to work closely together at the local, state, and federal levels to ensure that outcomes are anticipated, monitored, and evaluated in all parts of the system. It is also imperative that system partners foster new working relationships and maintain existing ties as program transitions take place, so that the goal of a system that provides appropriate and speedy support to children through a fair process remains firm.

RECOMMENDATIONS

The following recommendations are intended to encourage certain structural changes to improve system efficiency.

1. Concerns regarding the quality and availability of court data were noted in the body of the report. The Judicial Council has put in place a process for defining, collecting, and reporting data from courts to the Administrative Office of the Courts: the Judicial Branch Statistical Information System (JBSIS). Because accurate collecting and reporting of data depend on uniform data definitions, it is recommended that the Judicial Council direct staff to do the following to ensure that JBSIS reports are useful for state program monitoring, evaluation, and analysis:
 - Work with the courts, including child support commissioners, family law facilitators, and the new California Department of Child Support Services (CDCSS), to ensure that data definitions are uniform; and
 - Provide assistance in training court personnel to enter and report the defined data accurately to meet JBSIS requirements.

Additionally, staff should continue to work with the family law facilitator program to collect uniform, statewide data.

2. Coordination of the courts, the CDCSS, and the Franchise Tax Board is essential to ensure the success of the automated statewide child support data system currently under development. To maximize the efficient handling of child support cases, an automated interface between the statewide automated child support data system and the courts' automated systems should be developed. The courts, the CDCSS, and the Franchise Tax Board should work cooperatively on system design and implementation to ensure that the automated statewide child support data system is capable of electronically exchanging data to the maximum extent feasible.

3. The Legislature has mandated that the CDCSS develop uniform forms, policies, and procedures for the child support program. Such uniformity is not only essential to the success of the statewide automated system, it also ensures the fairness of a statewide child support commissioner system that consistently applies the same rules and procedures in each of its jurisdictions. The Judicial Council is responsible for the creation and adoption of court forms and rules of court for the child support commissioner system. The Legislature has directed the CDCSS to solicit input from a wide variety of participants in the system. Child support commissioners, family law facilitators, and other court staff need to be active participants in this process.

To that end, the Judicial Council is working with the CDCSS to convene a statewide conference in June 2000 to address uniformity issues. The invitees to the conference include child support commissioners, Title IV-D court clerks, family law facilitators, and representatives of the district attorneys' offices, as well as representatives of the CDCSS, the Franchise Tax Board, and the federal Office of Child Support Enforcement.

4. Existing law makes visitation timeshare a critical component of the child support guideline. Federal funds, which make up 66 percent of the funding for the child support commissioner system, are limited to child support only and cannot be used for custody and visitation issues. A consistent theme in the evaluation focus groups was that parents would like to resolve all of their child-related concerns at one time. Therefore, it is recommended that the CDCSS ask the federal Office of Child Support Enforcement to expand the use of Title IV-D funds to assist parents in resolving custody and visitation issues connected with their child support cases.
5. The evaluation workgroup recommended that evaluation of the child support commissioner system be an ongoing endeavor for program improvement. Evaluations are resource intensive. The Judicial Council recommends that the Legislature provide funds for ongoing evaluation of the program. Issues for further study may include:

- **Increased collections through participation:**

Most child support commissioners, family law facilitators, and district attorneys who participated in the evaluation believe that a noncustodial parent who understands and participates in the process to determine support payments is more likely to pay support than a noncustodial parent who does not participate at all. A longitudinal study would be needed to test this hypothesis.

- **Fewer continuances:**

The family law facilitators, child support commissioners, and district attorneys who participated in this evaluation believed that there were fewer continuances and cases taken off-calendar as a result of the assistance provided by the family law facilitators. Courts would need to develop systems to document these outcomes.

- **Unmet needs of litigants:**

It appears that needs of unrepresented litigants are not being met by the existing level of funding for family law facilitator services. Long lines or long waits for appointments to see facilitators have been reported. There is also concern that the level of service currently available to persons whose primary language is other than English may not be adequate. An additional \$2.074 million was appropriated for the facilitator program by SB 240 (Speier) (Stats. 1999, ch. 652), but it had not been allocated to the courts at the time the data for this evaluation was collected. Therefore, empirical studies of unmet needs should be conducted to determine the level of resources required to ensure that family law facilitator services, often the gateway to the courts for resolving child support issues, meet the needs of the community.

It is estimated that the cost of ongoing evaluations would be \$300,000 per year. There will also be costs with regard to developing automated interfaces between the statewide automated child support data system and the courts, but those costs will be unknown until the statewide system is designed and specifications are known.

APPENDIX A

APPENDIX A—AB 1058 EVALUATION WORKGROUP MEMBERS

Hon. Jeffrey Bostwick, *Child Support Commissioner, San Diego County*
Joseph Bell, *Private bar, Nevada County*
Richard Bennett, *Coalition of Parents Support*
Hon. Norma Castellanos-Perez, *Child Support Commissioner, Tulare County*
Deborah Chase, *Family Law Facilitator, Alameda County*
James Cook, *Joint Custody Association*
Kathryn Dressler, *Children's Advocacy Institute*
Leora Gershenzon, *National Center for Youth Law*
Hon. Mary Ann Grilli, *Chair, Family Law Subcommittee of the Judicial Council*
Howard Hanson, *Clerk of the Superior Court (Retired), Marin County*
Donna Hershkowitz, *Staff to Assembly Judiciary Committee*
Milt Hyams, *District Attorney's Office, San Francisco County*
Cindy Morse, *District Attorney's Office, Sonoma County*
Nora O'Brien, *Association for Children for the Enforcement of Support*
Julie Paik, *Family Law Facilitator, Los Angeles County*
Andrea Palash, *Private bar, San Francisco*
Sandra Poole, *California Department of Social Services*
Jodi Remke, *Staff to Senate Judiciary Committee*
Debra Sanchez, *California Department of Social Services*
Larry Silverman, *District Attorney's Office, Los Angeles County*
Melanie Snider, *California NOW*
Hon. Dennis Umanzio, *Child Support Commissioner, Yolo, Sutter, and Yuba Counties*
Hon. Bobby Vincent, *Chair, Family Law Subcommittee of the California Judges Association*
Dale Wells, *Family Law Facilitator, Riverside County*
Michael Fischer, *Senior Attorney, AOC*
Bonnie Hough, *Senior Attorney, AOC*
Ruth McCreight, *Senior Attorney, AOC*
Lee Morhar, *Senior Attorney, AOC*
George Nielsen, *Supervising Attorney, AOC*
Charlene Depner, *Supervising Research Analyst, AOC*
Marsha Devine, *Senior Research Analyst, AOC*
Marlene Simon, *Senior Research Analyst, AOC*
Mary Duryee, *Meeting Facilitator*

APPENDIX B—METHODS

Primary data collection and analysis activities took place from June through October 1999, and follow-up activities took place through March 2000. The methods of collecting and reporting data for each of the types of data used are summarized here.

Survey Data

Survey data was requested from each child support commissioner and family law facilitator. Data was requested from child support commissioners expressly for this evaluation study. Relevant data from an existing survey of family law facilitators on pro se services was included in this evaluation. Survey data included questions on availability of court or facilitator services, types of services provided, staffing, facilities, changes in procedures and process, professional development activities, and qualifications and experience. Resumes were also requested from each child support commissioner and family law facilitator, from which additional data on qualifications and experience was extracted. To ensure standardized information on background experience, follow-up surveys were sent to family law facilitators and child support commissioners. Databases were created and descriptive results summarized using Access and Excel.

Court Data Records

Case-specific automated records were requested from 10 of 11 study counties for three time periods. The following counties were selected as study counties, based either on the availability of their automated court data or their county geographic and demographic characteristics: Shasta, Glenn, Sutter, Santa Clara, Fresno, Tulare, Ventura, Orange, Riverside, and San Diego.¹⁹ Los Angeles County was selected because of its large IV-D caseload. Automated court data was collected for the three study time periods: April through June 1997, April through June 1998, and April through June 1999. Files were extracted from existing court data systems, forwarded to the AOC as ASCII

¹⁹ Glenn County did not have an automated court data system. Data was abstracted manually from case files.

text files, and converted to spreadsheet and SPSS statistical files for analysis.

Every effort was made to rely on data from the courts themselves, because this was a study of a part of the child support system that takes place in court. As the study progressed, however, it became clear that 2 of the 10 study counties with automated court systems would not be able to provide any data that could be used in this study. In these counties, data from district attorney offices was used.

Where data was incomplete or unreliable, the data was not used in the analysis. In one very large county, only data that showed the number of child support and paternity orders was used. In two other medium-sized counties, detailed analysis raised questions about the reliability of the data. Consequently, the data from the automated court files was not used, and because of time constraints, no replacement data from district attorney offices was sought.

Data was summarized by individual county and sent back for technical verification. In addition, commissioners were asked to confirm that the data was consistent with their impressions of their court activity. Commissioners also were asked to provide interpretation of the summaries and trends.

Focus Group Data

A total of six focus group discussions were held. Two groups of family law facilitators, two groups of family support deputy district attorneys, and two groups of child support commissioners (31 participants in all) took part in three-hour focus group discussions during the month of October 1999. Participants were drawn from the 11 study counties (Fresno, Glenn, Los Angeles, Orange, Riverside, San Diego, Santa Clara, Shasta, Sutter, Tulare, and Ventura). Three of the groups (one for each of the roles) met in Sacramento, and the other three met in Costa Mesa (again, with one group for each of the three roles).

The discussions were facilitated and recorded under the direction of Carol Huffine, Ph.D., a professor at the Alameda campus of the California School of Professional Psychology. She facilitated five groups, and Sachi Inoue, Ph.D., facilitated

the sixth. The discussions were tape recorded, and the tapes were transcribed for thematic analyses. In addition, summary notes were recorded by two members of the research team on flip charts in view of the participants. Each group was attended by Ruth McCreight, Senior Attorney, Administrative Office of the Courts (AOC), who served as a consultant for the group members and the research team. In addition, one meeting was attended by Milton Hyams, Assistant Director, Family Support Bureau, San Francisco District Attorney's Office.

Each group meeting began with introductions. The group facilitator then offered a brief description of the purpose of the focus group discussions and identified the four goals or aims specified in Family Code section 4252: access, conflict reduction, cost effectiveness, and speed. Participants were asked to nominate other possible program goals during the discussion. Such goals were added to the list to be discussed. Once the child support commissioner system objectives were agreed upon, participants were asked whether the objectives were being realized and what barriers to realization existed.

The audio tapes were transcribed by a professional transcription service and given to the research team on computer disks. Dr. Huffine read each transcript and identified themes in the discussion. The results were confirmed by Dr. Inoue, who reviewed them as she, too, read the transcripts. The themes from individual groups were integrated, first by role of the discussants and then across all groups. In this process, themes were integrated into progressively more general categories, and issues of concern to all constituents could be identified, as could variations in the perspectives of constituents. Themes that were specific to only one group generally are not represented in the results.

Confidentiality

Procedures ensuring confidentiality were in place for all data collected. In general, survey data was not identified by respondent, but was entered into a database by code number. The only exceptions to this were participants' resumes and professional experience follow-up surveys. Court data records were identified only by case or file number, and otherwise did not contain any personally identifying information. Other than the staff attorney, no other staff from the AOC was present at

the focus groups (the AOC staff attorney also completed an affidavit of confidentiality). The independent researcher maintained control of the focus group recordings, and transcript data was sealed. No individual was identified in the data analysis.

DATA FOR EVALUATING THE CHILD SUPPORT COMMISSIONER SYSTEM

The Judicial Council of California is required by legislation to evaluate the Child Support Commissioner System implemented by AB 1058 and submit a report of its findings and recommendations to the Legislature by February 1, 2000. This document describes the records we need from your county court case management system and the format in which they should be reported to assist us with this evaluation.

Records: Data for all IV-D, District Attorney Family Support cases filed or disposed in, or open/active during the study period for each of the following three time periods:

April – June 1997 (Baseline year)

April – June 1998 (Year 1)

April – June 1999 (Year 2)

If complete IV-D data are not available in these time periods, please note this in a cover letter with the submission of your files, specifying which of the data elements is incomplete or missing.

Data Format: ASCII, comma-delimited electronic files transmitted on disk, CD-ROM, or as an e-mail attachment. Please create a separate file for each reporting period.

Labeling: Please label your files with your county name, the date, the time period (April – June 1997; April – June 1998; and April – June 1999), the name of the person to contact if there are questions about the data, and the contact phone number.

Send To: Send your files on disk or CD, along with a brief cover letter to the following address:

Marsha Devine
Sr. Research Analyst
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3660

Send electronic files via e-mail to: marsha.devine@jud.ca.gov.

Please submit your files by Friday, August 6, 1999.

Data Elements: Please note that not all data elements may be used in the analysis. If results indicate that some elements are missing in large numbers, they will be deleted from the analysis. The only element required in each record is the *case number*.

For all cases filed, disposed, or open during each study period:

1. Case number	Text	Required field; unique
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Date of event regardless of whether it occurred during the study period:

2. Initial petition/complaint filed	Mmddy format	If the event has not occurred, report as 000000 or blank.
3. Supplemental complaint filed		
4. Case reopened		
5. Disposition: if before hearing		
6. Disposition: if after hearing but before trial		
7. Disposition: if after trial		

*Indicate if the event occurred **during** the study period:*

8. Initial child support	Text	Report whatever value your CMS uses to indicate if the event has occurred, for example, a date, a docket code, a yes/no flag, etc. If the event has not occurred, report as a blank.
9. Modification of child support		
10. Temporary child support		
11. Vacate judgment		
12. Fee waiver requested		
13. Fee waiver granted		
14. Child support order		
15. Paternity determined		
16. Stipulation		
17. Default		
18. Referral to family court services: mediation		
19. Referral to family law facilitator: assistance		
20. Assisted by family law facilitator		
21. Pro per respondent		

*Indicate the number of times per case the event occurred **during** the study period:*

22. Number of hearings held	Integer	If none, report as 0.
23. Number of continuances: court's motion		
24. Number of continuances: party's motion		

The data for each case may be reported either in one record containing all the information for the case, or in multiple records, each of which contains the case number and one or more of the data elements listed above. For hearings held and continuances, one record per event, with "1" in the appropriate field, may be submitted.

Thank you for your help. If you have any questions about this project, please contact Marsha Devine at (415) 865-7677, or e-mail at marsha.devine@jud.ca.gov.

FOCUS GROUP INSTRUCTIONS AND QUESTIONS

Introductory Material: Describe purpose of the project and how information will be used. Describe focus group method and procedures including reasons for using focus groups in this process. Describe how data will be analyzed and protection of individual privacy. Include multiple purpose of records maintained by the human recorders and how they are used in conjunction with the audio tapes.

Ground rules: Respect each other's right to speak without interruption, focus comments on the topic under discussion at the time, avoid personal attacks on individuals present or not, pre-publication review of results from individual groups.

Introduce research team, have Ruth introduce self, have participants introduce selves including where they are from, how long they have been working in or with the Child Support Commissioner System, and something about their experiences related to the work.

1a. The CSCS was designed to be a speedy, conflict-reducing system for resolving issues of child support, spousal support, and health insurance that is cost-effective and accessible to families that cannot afford legal representation. This discussion is going to focus on the goals specified in that description:

- i. Accessibility
- ii. Cost effectiveness
- iii. Conflict reduction
- iv. Speed

Let's begin by talking about accessibility: How **accessible**? (*Probe if necessary by asking about increased access to court services, increased capacity to handle IV-D cases*)

1b. To the extent the system has increased accessibility, what are the primary factors **accounting for the success?**

- i. To the extent the system has failed to increase accessibility, what factors **account for the failure?**
- ii. What steps could be taken or changes made to **remove the impediments to increased accessibility?**

2a. What about Cost effectiveness, **how cost effective** is the Child Support Commissioner System?

2a. In your experience, what are some **concrete illustrations** of cost effectiveness?

2b. What factors **impede** cost effectiveness?

How might these factors be **overcome** so the system could be more cost effective?

3a. Is the system doing a good job of **reducing conflict**? (*relative to before or relative to alternative systems*)

3b. What **accounts for the success** in conflict reduction?

3c. What factors within the system **impede** conflict reduction?

3d. How might these impediments be **overcome** or removed?

4a. Is the Child Support Commissioner System a **speedy** system (*relative to how things were before or relative to other systems*)? *Quick dispositions, efficient courtroom proceedings.*

4b. What **accounts for its success** in achieving the goal of speedy process?

4c. What has **impeded** speed or efficiency in the system?

4d. How might these impediments be **overcome or removed**?

5. Are there **other achievements** or positive outcomes of the Child Support Commissioner System that are not included in our discussion so far? (*Get description and examples*)

6. Are there **problems or negative outcomes** of the system that we have not talked about so far? (*Get description and examples*)

7. Of the goals and other positive outcomes we have talked about, which is the **most important**?

8. Of the problems and negative outcomes we have talked about, which is the **most serious**?

9. What factors **outside** the system itself affect the success of the Child Support Commissioner System?

10. What is **most satisfying** about working as a (*commissioner, facilitator, district attorney*) in this system?

Closing. Our goal is to find out the strengths and weaknesses of the Child Support Commissioner System and your recommendations for program improvement. Is there something you want to add to what has been said here today?

I am giving you each one of my **business cards**. They contain my fax number and e-mail address. We encourage you to use either of them if, after leaving here, you think of something else we should know. We will incorporate that additional information into our report of the results of these discussions.

Thank you.

CHILD SUPPORT COMMISSIONER SURVEY

The following survey asks you questions about your child support system as it exists currently, and the way it was before AB 1058 funds were available.

The sets of questions address:

- the capacity of your court system to manage IV-D child support cases,
- the types of court-based services provided through the child support commissioner system in your county,
- how system procedures and processes may have changed since the inception of the AB 1058 program, and
- your professional development activities.

In addition, we are asking you to forward a current copy of your resume.

This survey pertains to **IV-D court** facilities and activities of the IV-D **court commissioner**, and not district attorneys, or family law facilitators. (Facilitator information will be collected through another instrument.)

The information will be summarized in the report to the Legislature evaluating the Child Support Commissioner System. No individual will be linked to specific survey responses or to information drawn from resumes.

Please complete the following survey, consulting available court administrative records where appropriate, and return it with your resume* by **October 27, 1999** to:

George Nielsen
Supervising Attorney
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

If you have any questions about this survey, please call Marsha Devine, Senior Research Analyst at (415) 865-7677.

* If you prefer to have your survey responses remain confidential, you may send your resume under separate cover.

CAPACITY

Capacity is a measure of courts’ ability to provide access to families with child support matters and to hear and process of IV-D child support matters efficiently.

1. **Facilities**

The following set of questions asks you about the **current** number of courtrooms and other facilities, such as waiting rooms, children’s areas, and office space in your county dedicated to IV-D child support matters. These responses pertain to **your court**. If there is more than one IV-D court in your county, please limit your responses to the courtroom over which you preside. If AB 1058 funds were used to increase the number of facilities, then also show the number **before** AB 1058 funds were used.

	Current Number of Facilities	AB 1058 Funds Used?	Number Before AB 1058 Funds Used
Courtrooms		Yes No	
Other facilities (please specify):		Yes No	
		Yes No	
		Yes No	
		Yes No	
		Yes No	

2. **Days and Hours of Operation**

The following set of questions asks you the **current** number of days and the **current** number of hours per court day available for IV-D child support hearings. You are also asked the **current** number of hours per day that you are available for non-hearing, case-related activities, such as reviewing or signing orders. These responses pertain to **your court**. If there is more than one IV-D court in your county, please limit your responses to the courtroom over which you preside. If AB 1058 funding was used to increase the number, then also show the number **before** AB 1058 funding was used.

	Current Number of Days Per Week/Hours Per Day	AB 1058 Funds Used?	Number Before AB 1058 Funds Used
Days per week for hearings		Yes No	
Hours per day for hearings		Yes No	
Hours per day for non-hearing, case-related activities		Yes No	

3. Staffing

The following set of questions asks you to identify how many full-time equivalent (FTE) court staff positions are **currently** dedicated to IV-D child support matters **in your court**. If there is more than one IV-D court in your county, respond only for the courtroom over which you preside. If AB 1058 funds were used to fund any of these staff positions, then also show how many FTE positions were dedicated to IV-D child support matters **before** AB 1058 funding was used.

A full-time equivalent position is the equivalent of 40 hours per week. For example, a position that is dedicated to IV-D child support matters for 10 hours per week and another position that is dedicated 30 hours per week would be 1.0 FTE. A position that is dedicated to IV-D child support matters for 40 hours per week and a position that is dedicated 10 hours per week would be 1.25 FTE. A position that is dedicated to IV-D child support matters 20 hours per week would be .50 FTE. Please consult court administrative records to verify staffing and hours, if necessary.

Type of Position	Current FTE	AB 1058 Funds Used?	FTE Before AB 1058 Funds Used
Commissioner		Yes No	
Courtroom clerk		Yes No	
File clerk/clerical support		Yes No	
Bailiff		Yes No	
Administrative staff		Yes No	
Other staff (please specify):		Yes No	

SERVICES

“Type of service” is a measure of services (**other than actual courtroom hearings or family law facilitator services**) that are available to litigants in IV-D child support matters and which help litigants gain access to the court process.

4. Services

The following set of questions asks you to identify the types of services (other than hearings and family law facilitator services) that are available to litigants in IV-D child support matters **in your court**. If there is more than one IV-D court in your county, please limit your responses to the courtroom over which you preside. Please check the box by the service if it is offered to IV-D litigants in your county, and indicate for which of these services, if any, AB 1058 funds are used. Please identify other court based services that might be available to help litigants gain access to the court process.

Type of Service	AB 1058 Funds Used?
<input type="checkbox"/> In-court translation/interpreter services	Yes No
<input type="checkbox"/> Other translation services	Yes No
<input type="checkbox"/> 800, 888 or other no-cost telephone information number	Yes No
<input type="checkbox"/> Handouts on child support	Yes No
<input type="checkbox"/> Videos on child support	Yes No
<input type="checkbox"/> Web sites on child support	Yes No
<input type="checkbox"/> Information kiosks	Yes No
<input type="checkbox"/> Referral to attorney services	Yes No
<input type="checkbox"/> Information and referral services to litigants on issues other than child support, such as domestic violence services and prevention, alcohol and substance abuse and treatment services, job training or education for low income families.	Yes No
<input type="checkbox"/> Other services (please specify):	

SYSTEM CHANGE

Change in procedures and process is a measure of change in the child support system in your county over time as a direct or indirect result of AB 1058. A few examples of system change would be improving families’ access to the court process or improving the efficiency of court procedures.

5. **Change in Procedures and Process**

The following set of questions asks you to identify any changes that may have occurred in your county as a result of the AB 1058 Child Support Commissioner System implementation. Please check the boxes if any of the following have **changed within the past two years**

Change in Procedures and Process
<input type="checkbox"/> Regular meetings with District Attorney (Family Support Division or IV-D) to improve access or efficiency
<input type="checkbox"/> Regular meetings with family law facilitator(s) to improve access or efficiency
<input type="checkbox"/> Regular meetings with family law judge(s) to improve access or efficiency
<input type="checkbox"/> Use of uniform forms
<input type="checkbox"/> Improved use of technology and court automation (e.g., linking court databases, automated minutes)
<input type="checkbox"/> Information for legal community on the Child Support Commissioner System and how child support laws work in California (e.g., presentations/trainings at meetings of Bar, judges, court administrators, DA or clerks associations)
<input type="checkbox"/> Participation in community collaborative groups in your capacity as a child support commissioner
<input type="checkbox"/> In-service trainings for court staff on child support process and procedures
Other changes in procedures or process (please specify):

PROFESSIONAL DEVELOPMENT

Professional development is a measure of expertise and specialization in child support issues. It is indicated that commissioners' specialized knowledge and skills has improved the quality of the child support commissioner system.

6. **Professional Development**

The following set of questions asks you to indicate the type and number of professional development activities in which you may have participated over the past two years.

Type of Professional Development Activity	Participated How Many Times Over Past Two Years
<input type="checkbox"/> AOC-sponsored training meetings specifically for child support commissioners and others involved in child support commissioner system	
<input type="checkbox"/> Local or regional training meetings specifically for judicial officers	
<input type="checkbox"/> Local or regional networking or information-sharing activities for child support commissioners	
<input type="checkbox"/> Bar association-sponsored continuing education courses on child support	
<input type="checkbox"/> Private courses on child support issues, including family law updates	
<input type="checkbox"/> CJER Orientation to the Bench workshop	
<input type="checkbox"/> National, state, regional or local meetings on family law issues, welfare reform, job training and education for low income families, or alcohol and substance abuse treatment issues.	
<input type="checkbox"/> Participation in e-mail listserv groups or other on-line, interactive information sites dedicated to child support issues	
Other professional development activities (please specify):	

7. NARRATIVE

Please use the following space, and any extra pages, if needed, to explain or otherwise add to any of your answers above. Please also describe anything else that would be useful to consider in the evaluation of the Child Support Commissioner System.

The information that you provide in this survey is critical to the outcome of the statewide evaluation. Thank you very much for your time and effort. You may mail or fax your completed survey and a copy of your resume by October 27, 1999 to:

George Nielsen
Supervising Attorney
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102
Fax: (415) 865-4319

APPENDIX C— ACKNOWLEDGMENTS

The authors gratefully acknowledge the many people who provided assistance with this study and report.

Administrators, program staff, and technical staff from courts and district attorney offices helped us access and understand data from their jurisdictions. We thank the court administrators from the study counties of Glenn, Fresno, Los Angeles, Orange, Riverside, San Diego, Santa Clara, Shasta, Sutter, Tulare, and Ventura. We also thank the following individuals for their programming, analysis, and consultation assistance: Sherry Stacy-Kinnemore, Stacy Kennon, Tony Antenoracruz, David Jetton, Mary Hearn, Romulo Reyes, Barry Goldstein, Wayne Doss, James Crum, Elizabeth Parks, Amy Silva, Louise Napoli, Gary Whitehead, John Moore, James Muskett, Lynn Bloom, Jean Pennypacker, Karen Sanguinetti, Mike Carbon, Ray Tickner, Dan Ostrowski, Kristel Bell, Jeanie Allen, Eva Todd, Bob Duke, Bob Steiner, Joe Gutierrez, Jeanne Caughell, and Kris Pierson. We especially thank Barbara Herrmann, whose comments helped clarify and define the data project at its outset, and to Roberta Carrillo, Ann Stumpf, Vin Amara, whose creativity and technical acumen provided robust information for the project at its end.

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TITLE IV-D (AB 1058) Child Support Commissioner and Family Law Facilitator PROGRAM

- **CHILD SUPPORT COMMISSIONER**
- **FAMILY LAW FACILITATOR**

ACCOUNTING AND REPORTING INSTRUCTIONS

[This is an instructional document of how to prepare AB 1058 grant reimbursement claims. It does not conflict and/or supersede Federal, State, Judicial Council, and Local Governmental rules and regulations that are mandated for the grant. In any conflicting situation, Federal, State, Judicial Council, and local governmental rules, regulations, and terms will apply.]

Revised February 2015

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AB 1058 PROGRAM OVERVIEW

Assembly Bill 1058 (Family Code 17400 et. seq), signed in 1996, established the Child Support Commissioner and Family Law Facilitator Program. The purpose of this legislatively mandated statewide program is to provide a cost-effective, expedited, and accessible process in the courts for establishing and enforcing child support orders in cases being enforced by local child support agencies. This mandate requires each superior court to have a child support commissioner to hear Title IV-D child support cases and to maintain an Office of the Family Law Facilitator to assist self-represented litigants. Title IV-D of the Social Security Act (42 U.S.C. § 601 et seq.) provides that each state shall establish and enforce support orders when public assistance has been expended or upon request for services by a parent.

AB 1058 provided for streamlined procedures in the courts and dedicated child support staff. The two major elements of the AB 1058 Program are the Child Support Commissioner (CSC) component and Family Law Facilitator (FLF) component which were established in each court.

The CSC component of the program provides judicial officers to hear child support cases, and court staff to support the judicial officers. The FLF component of the program assists parents with child support issues in gaining meaningful access to the courts in a timely manner. The program was intended to make processing of child support cases in the courts more efficient by ensuring that parents obtained all of the necessary forms and documents before the hearing. Because parents are better prepared for their hearings, judicial officers are able to process more cases in the time allotted and to make fair and accurate support orders.

Funding for the AB 1058 Child Support Commissioner and Family Law Facilitator Program in the courts, as well as the Judicial Council program-related administrative costs is provided by the California Department of Child Support Services (DCSS) through an interagency agreement with the Judicial Council. The Judicial Council is mandated to establish procedures for the distribution of the funding to the courts for child support commissioners and family law facilitators. Funding is allocated to the courts based upon a formula that has been approved by both the Judicial Council. The criteria for funding is based upon caseload, historical spending patterns, and any special needs. The funding is 66 percent Federal Title IV-D funds and 34 percent state general funds subject to annual state budget appropriation. The courts are also offered an option to use local court funds up to an approved amount to draw down, or qualify for, federal matching funds.

ALLOCATIONS AND CONTRACTS

The Judicial Council allocates funds to each court via standard agreements (contracts) between the Judicial Council and the courts. Separate contracts are executed for the CSC and FLF components of the program. Funds allocated to the FLF component of the program may not be transferred to the CSC component of the program and vice versa. The contract covers a state fiscal year, which runs from July 1 through June 30. Unspent funds cannot be rolled over to the next fiscal year, nor can they be used on any other program. Any unspent funds revert to the state General Fund.

The AB 1058 Child Support commissioner and Family Law Facilitator Program is a reimbursement grant, which means that all expenses are incurred and paid by the court before submission of a claim for reimbursement to the Judicial Council. Invoices are due by the 20th day of each month.

The contract between the Judicial Council and the court provides the guidelines by which claims for reimbursement are to be prepared and submitted. These guidelines must comply with state and federal regulations, policies, and procedures. Each contract incorporates standard mandatory reporting forms for both the CSC and FLF components of the program. These forms consist of an Invoice Face Sheet, Recap Sheet, Payroll Summary Sheet, Timesheet, Operating Expense Recap Sheet, and Contractor Activity Log. A Contractor Activity Log is required for the courts with contracted CSC and FLF services. These forms were developed to ensure that the program complies with federal and state requirements and to provide the necessary documentary trail for audit purposes. Invoices must be submitted with these properly completed forms, or they will not be accepted. The forms must not be altered. Altered forms will not be accepted for processing a reimbursement claim.

MID YEAR REALLOCATION

The AB 1058 funding procedures include a midyear reallocation process. Funds that are allocated to the courts at the beginning of the fiscal year may be amended during this midyear reallocation process. The Judicial Council can use this process to move funds from courts that may not spend their full allocation to courts that have a need for additional funding. Funds cannot be allocated across programs for example, funds from the CSC component of the program in one court cannot be moved to the FLF component of the program in that or any other court.

Each year a questionnaire is sent by the Judicial Council program staff to the courts for both the CSC and FLF components of the program. The courts are asked to respond to a series of questions regarding the anticipated spending needs of that court for each component of the program. Courts are asked to indicate if they anticipate spending less

than their full allocation, will need additional funds, or will spend their full allocation but will not need additional funding. The questionnaire asks for details to support the anticipated level of spending if it is inconsistent with past spending history. If a court does not anticipate spending the full amount of the contract, the court is strongly urged to return those funds to the Judicial Council to be redistributed. After all completed questionnaires are received by the Judicial Council, staff summarizes the amount of funds available for reallocation. Additions and reductions to the contracts are made with amendments to the standard agreements.

Determining which courts will receive the returned funds is done by analyzing the information provided by the courts on the midyear reallocation questionnaire, projections based on the invoices received by Judicial Council program staff, and past program spending history. The purpose of the reallocation is to fund one-time or special projects. While it can be a method of fine-tuning a contract, it is not intended to address an ongoing financial need such as an increase in the number of permanent employees.

Any contract amendments made as part of the midyear reallocation process are generally one-time adjustments for that fiscal year only. The following fiscal year the contract amounts may revert to the beginning base allocation for the prior fiscal year unless the court agrees to an ongoing funding adjustment or the Judicial Council approves such a change. Should a court find that it consistently under-spends its contract amount, it has the option of voluntarily reducing the contract amount. If the Judicial Council determines that a court historically under-spends, but does not return the funds, the base allocation for that court may be reduced.

If a court's base allocation has been reduced by the Judicial Council, the court can request that the contract amount be restored to the original base allocation. This request would be considered as part of the midyear reallocation process.

The court may also request a permanent increase to its base allocation. It may submit supporting documentation for a permanent increase at the same time as the midyear reallocation, but such request must be clearly labeled and are dependent upon the availability of funds. A similar but separate approach is made to request a change in the federal draw down.

REIMBURSABLE EXPENDITURES

In general, AB 1058 allows reimbursement of salaries, fringe-benefits, operating expenses, and indirect costs as long as those expenditures are directly related to the program. The courts are required to claim expenditures on mandatory reporting forms,

each of which has specific instructions for completion. These mandatory forms were developed with the technical assistance of federal auditors.

Operating expenses are broken down into two categories: 100 percent reimbursable and partially reimbursable. Each court was given a percentage to be used to calculate the partially reimbursable expenses for the CSC and the FLF components of the program. The percentages were determined by using an average of reimbursable hours as listed on the Payroll Summary Sheet (see Appendix C for the formulas and the calculations).

Items that can be claimed for reimbursement include, but are not limited to salaries, fringe-benefits, the AB 1058 annual training conference, office supplies, court reporters, interpreters, bailiff, perimeter security, temporary help, contractor, such as contracted Commissioner and Facilitator (court must provide a copy of the contracted commissioner and facilitator agreement to the Judicial Council Grant Accounting before court's claim can be processed for reimbursement), and other expenses directly related to the AB 1058 program components.

Items that cannot be claimed for reimbursement are those not allowed by rule 810 of the California Rules of Courts, laws of the State of California, and the Code of Federal Regulations. These include, but not limited to, the costs of counsel for indigent defendants, judges' salaries and fringe-benefits, compensation of support staff of judges, training not directly related to the AB 1058 program, voluntary or charitable contributions including those on the California State Bar invoice form, custody and visitation (including custody and visitation investigation, mediation, and evaluation) is not reimbursable.

REMODELING

Real property, including land, land improvements, structures and their attachments, and structural improvements and alterations are not allowable expenditures unless specifically preauthorized by the Judicial Council Program Manager and consistent with federal and state limitations.

Prior written approval of the Judicial Council (AB 1058) Program Manager must be requested and obtained before beginning any remodeling project or leasing/renting a new space, regardless of the anticipated expenditure amount, so the program manager can determine whether the expenses are reimbursable and sustainable under the grant. Request must be received no later than January 31 for work to be completed in the current fiscal year. Request for remodeling must include a letter of justification stating the reason and need for the remodeling and certifying that there are no structural or

foundation changes. Any reimbursement for remodeling must include all purchase documentation, including the bidding process used to select a vendor, floor plans, estimates, and diagrams of the work to be performed. The request for approval may be submitted by email to the Judicial Council Program Manager with all required documentations.

INDIVIDUAL ITEM COST \$5,000 OR MORE

Equipment, as defined in the Trial Court Financial Policy and Procedure Manual (available on Serranus) is nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit (including tax and installation). If equipment is purchased as a complete package (i.e., computer, monitor, modem, software, etc.), the total package cost, not the unit cost, would determine if it qualifies under the equipment category. Equipment purchased by the court is the property of the court. The Judicial Council does not claim title to the equipment but requires the court to maintain accountability for the equipment, including inventory and identification system. (See A-87)

Equipment, which is directly related to and used for program activities, will only be considered for purchase if no other equipment owned by the court is available and suitable for the program. Projects are expected to purchase only energy efficient equipment whenever possible and appropriate. (See Trial Court Financial Policy and Procedure Manual) Grant funds cannot be used for equipment if specifically prohibited in the authorizing legislation or restricted in the terms of the program. Grant funds cannot be used to reimburse the project for equipment obtained prior to the beginning of the grant period. Equipment should be ordered as soon as possible so that it can be placed in service during the grant period.

Prior written approval of the Judicial Council AB 1058 Program Manager must be requested and obtained before purchasing any individual item (such as hardware, software, furniture, equipment, supplies, etc.) costing \$5,000 (including taxes, freight, installations, etc) or more. Any reimbursement for an individual item costing \$5,000 or more must include all purchase documentation and describe the methodology for allocating the cost between grant and non-grant funds and an allocation base. The request for approval may be submitted by email to the Judicial Council's Program Manager with all required documentations, suchs as the bidding process used to select a vendor, estimates costs, and a letter of justification stating the reason and need.

NON-REIMBURSABLE EXPENDITURES

SHREDDING: Shredding expenses are shared expenses and are not easily recognizable by programs. Shredding cost should not be directly charged to the program costs. It should be included in the calculation of indirect costs.

PROPRIETARY CHILD SUPPORT CALCULATOR SOFTWARE: Software used to calculate the guideline child support amount is an unallowable program expenditure. The courts are required by California Rule of Court 5.275(j) to only use the California Department of Child Support Services child support calculator which is available at no cost.

UNION NEGOTIATION LEAVE TIME: Since this does not provide benefit to the grant, it should not be charged to the grant, similar to other additional court allowed leave time. And since this is additional leave time that the court has decided to pay, it again should not be charged to the grant. To account for this time, it should be coded as non-grant hours. (See A-87)

Interests, charges, penalties, late fees, fines, damages and/or settlements resulting from violations or non compliances of rules, and regulations.

Memberships dues, licenses, (Costs of the governmental unit's memberships in business, technical, and professional organizations are allowable). except required by the program or benefits the Title IV-D programs (Per Federal OMB Circular No. A-87 Cost Principles for State, Local and Indian Tribal Governments that control Federal Title IV-D grant funds). The basic California State Bar dues are allowable for Family Law Facilitator attorney staff as state law requires Family Law Facilitators to be attorneys licensed to practice law in California. However, many items on the State Bar dues invoice are optional donations. These items may be worthy programs and staff can make those contributions but they are not reimbursable by federal grant funding (Attachment B of Circular No. A-87 (Selected Items of Cost) Section 12(a) specifically provides: 12. Donations and contributions).

BUDGET CATEGORY

The allocation set forth for in the contract is the maximum amount allowable for reimbursement of actual costs expended on the program components (CSC and FLF) throughout the applicable fiscal year only. For reimbursement, work must be provided during July 1, xxxx to June 30, xxxx. Additionally, any and all obligations must be liquidated prior to court's final invoice. The court's final invoice must be received by Judicial Council Grant Accounting no later than December 31, xxxx. Invoices received after that date will not be paid.

Funds allocated to the program components in the contract must be used for the purpose set forth in the contract and must not be used for any other purpose, including transferring funds from one program component to another. The state will make payment in arrears (after goods and services are purchased and paid by the court) after receipt, review, and approval of the court's properly completed invoice. Programs are required to prepare a realistic and prudent budget that avoids unnecessary or unusual expenditures that detract from the accomplishment of the objectives and activities of the program. The budget consists of the following three funding categories:

- Personal Services – Employee Salaries and Benefits;
- Operating Expenses and Equipment
- Indirect Costs

Each budget category must be provided in line-item detail, including percentage of FTE (full time employee) calculations, and a brief justification of the expense.

Allocation of funds is contingent on the enactment of the state budget. Judicial Council does not have the authority to disburse any fund until the state budget is passed and the Grant Award Agreement is fully executed. Any expenditure incurred prior to authorization is made at the recipient's own risk and may be disallowed. Judicial Council employees are not able to authorize an applicant to incur expenses or financial obligations prior to the execution of the Grant Award Agreement. However, once the Grant Award Agreement is finalized the Grant Recipient may claim reimbursement for expenses incurred on, or subsequent to, the start of the Grant Award period.

Changes made in the program budget during the grant year must be fully documented in accordance with the procedures described in the contract and require preapproval of the Judicial Council Program Manager. Oral agreements are not binding.

PERSONNEL SERVICES

SALARIES AND WAGES:

The salaries and benefits of the court employees who work on AB 1058 program components (CSC and FLF) can be charged to the grant. Salaries include wages and compensation of court employees for the time devoted and identified specifically to the program.

The CSC and FLF components of the program have the same basic procedure for reporting payroll. The only exception occurs in the types of hours worked that can be claimed for reimbursement. The CSC reporting forms (Timesheet and Payroll Summary

Sheet) allow for the hours worked on Title IV-D matters and appropriate benefit hours (see explanation below) to be reimbursed, while the FLF reporting form (Timesheet and Payroll Summary Sheet) allows for the hours worked on Title IV-D support matters, outreach hours (reimbursable non-Title IV-D support matters) and appropriate benefit hours. The mandatory timesheets for the CSC and FLF reflect these differences.

Any program staff paid by contract must be reported as an operating expense. This includes contract child support commissioners, family law facilitators, court reporters, interpreters, security personnel, and agency temporary help. If it is difficult to determine the status of an individual, consider whether that person is on the court payroll and whether that person receives a W-2 or a 1099. If the individual receives a W-2 from the court, the person is an employee of the court and will be reported on the payroll summary sheet. If the individual receives a 1099 from the court, he or she is a contractor and should be reported as an operating expense. Any payment made by the court to contractors and invoiced to the Judicial Council under operating expenses may not be included in the calculation of indirect costs. Employees of the county, such as security personnel, are reported as an operating expense.

If an employee is on leave and another employee fills in, the reimbursable hours of the replacement employee can be charged to the program. Appropriate benefits cost for this employee are also reimbursable.

FRINGE BENEFITS:

Fringe benefits are allowable and services provided by the employer to its employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave, employee insurance, pensions, and unemployment benefit plans. Fringe benefits are divided into two (2) categories: regular fringe benefits and benefit hours.

Regular fringe benefits are made up of employer paid FICA, SDI, and health insurance, and retirement benefits, state disability insurance, workers compensation. These benefits shall be reported by actual figures from court payroll records.

Benefit hours are made up of vacation, annual leave, sick leave, holidays, court leave, military leave. Benefit hours must be earned and used during the contract period. Benefit hours shall be reported as used on the timesheet and payroll summary sheet. Accrued hours (prior to beginning of the contracts) shall not be included in the calculation of the fringe benefits. Costs of authorized absences are only reimbursable up to the amount earned during the term (July 1 to June 30) of the program and must be prorated among programs.

Extended paid leave, such as military leave, can be claimed for reimbursement as long as it is reasonable amount of time and individual worked on the program components (CSC and FLF). This extended leave must be prorated between program and non-program and calculated separately and should be included on the summary sheet under line item fringe benefits. The payroll summary sheet is not designed to calculate benefit amount without productive hours (actual time on the job). The payroll summary sheet formulas are set up to calculate the proportionate work hours as well as benefit hours used. This is to allow for the calculation of the appropriate percentage of reimbursable hour to be billed to the program. If an employee has been assigned to work on the program immediately before the beginning of the extended leave, it might not be appropriate to bill the program for the leave time.

In the event of an employee separation from the program, the costs of accrued fringe benefits, such as vacation, annual leave, sick leave, holidays, court leave, and other similar allowable paid benefits to the employee is allocated as a percentage of work during the program period (July 1, to June 30). The accrued fringe benefits cannot be charged to the program if it is not a customary practice (Human Resources Policy) of the court to pay for an accrued fringe benefit, such as sick leave. The court must provide HR policy documents that reflect the payment of such leave.

The accrued benefit hours cannot be charged to the program if the accrued benefits were carried over from other programs. Those benefits earned during the life of this program are the only allowable accrued benefits can be charged to the program (proportionate amount).

OVERTIME

Overtime is defined as time worked beyond the normal established work week for all employees except exempt employees, such as executive, administrative, and/or professional staff. Where salaries apply to two or more grant programs or cost activities, the cost to each activity must be documented on the timesheet and must be prorated among the programs.

Prior approval must be obtained from the Judicial Council Program Manager if an employee is assigned for overtime in a special circumstance, such as conference, meeting, special project, etc. However, prior Judicial Council Program Manager approval is not required for an emergency or unexpected situations or if the Judicial Council Program Manager cannot be reached for an approval. In such cases, the Judicial Council Program Manager should be notified as soon as possible and requires providing the reason for the overtime.

Overtime earned when traveling for a program meeting, training, or conference are allowable charges to the program if it is a customary practice (Human Resources policy) of the court to pay such overtime. The court must provide a copy of the HR policy documents that reflect the payment of overtime when submitting a claim.

Overtime must be documented by payroll records that reflect at least the following:

- The name and title of the person performing overtime and a supervisor's prior approval
- The hours worked and the amount of overtime
- The reason for the overtime and activities performed during the overtime
- The pay rate of overtime

DEFINITION OF HOURS WORKED

Reimbursable Title IV-D hours are those spent working on the child support, paternity, companion spousal support, and health insurance matters to a case open at the Local Child Support Agency.

Outreach hours (reimbursable non-Title IV-D support matters) are those spent working on child support, paternity, companion spousal support, and health insurance matters for person who has not yet applied for Title IV-D services with the local child support agency and the assistance is provided in a group setting such as workshops or is a brief information and referral service, or distribution of court forms. One-on-one services provided to any customer who does not have a case open in the local child support agency is non-reimbursable. Outreach hours only apply to activities or services provided by Family Law Facilitator staff. They do not apply to the Child Support Commissioner activities.

Non-reimbursable other hours are those spent on all other issues, including but not limited to, domestic violence, custody and visitation, and dissolution of marriage issues other than support. Time spent on these issues is non-reimbursable whether or not there is an open support case with the local child support agency.

If court staff is providing reimbursable outreach and non-reimbursable services to a particular individual, the staff member must break down and account for this time by the above categories.

OPERATING EXPENSES

Operating expenses shall consist of actual costs paid by the court for the program allowable expenses. Any court staff paid as contractors shall be reported as operating expenses and will not be reported as part of salaries and benefits or in the calculation of

court indirect costs allocation pool. Any claim for reimbursement of operating expenses shall be based on a reimbursement rate specified by the Judicial Council. Reimbursement rates may be adjusted by the Judicial Council as requires. List of program reimbursable operating expenses is as follows:

1. Contract Commissioner
2. Contract Facilitator
3. Contract Court Reporters
4. Contract Interpreters
5. Court Reporters
6. Interpreters
7. Perimeter Security
8. Bailiff Services
9. Travel/Training/Transportation
10. Supplies
11. Rent/storage
12. Equipment/Rental/Lease/Repair/Maintenance
13. Printing/Copier
14. Janitorial/Landscaping Services
15. Postage/Shipping and handling
16. Payroll Services
17. Telephone/Communication/Internet/Utilities
18. Legal publications/Library materials/Subscriptions (only Title VI-D related)
19. Membership/Dues (only required by the program)
20. County Auditor/Controller Services
21. County IT Services
22. IT/Repair/Maintenance/Supplies/Licenses/Hardware/Software

Operating expenses, which cannot be directly charged to a specific project or funding source, such as expenses related to a copier, utilities, landscaping, or janitorial service, must be prorated on the basis of percentage of usage or other reasonable allocation basis. An allocation plan must be prepared to determine how such operating expenses should be allocated. Schedules of the methods used to allocate such operating expense must be provided to Judicial Council Grant Accounting (with each claim) and to be maintained for audit purposes.

The basis of allocating operating expenses must be reviewed and adjusted accordingly by the court on a periodic basis.

Payments made for certain types of expenses that provide benefits to a long period of time require allocation for each contract term. For example, court pays for an insurance policy with a term of one year: November 1, 2014 to October 31, 2015, and the grant contract term is July 2014 to June 2015. The court may allocate eight months (November 2014 to June 2015) of this cost to the grant. It may further require allocation of allowable operating percentage.

Court employees who incur reimbursable business travel costs must submit a completed travel expense claim form (TEC). This form can be found on Serranus at <http://serranus.courtinfo.ca.gov> or <http://www.courts.ca.gov/7460.htm>. Out-of-state travel is restricted and only allowed in exceptional situations. Courts must receive Judicial Council Program Manager prior approval before incurring any out-of-state travel related expense.

Reimbursement is allowed for the cost of project-related personnel operating privately owned vehicles on project-related business if authorized by the court. Private vehicle mileage (print out of internet mileage schedule is acceptable) and/or gas purchased must be supported by documentation.

Taxi, airport shuttle, etc. which exceeds \$3.50 must be supported by receipt. Parking in excess of \$5.00 must be supported by receipt.

Business expenses for employees on travel status consisting of charges for business phone calls and other appropriate charges necessary to the completion of official business are reimbursable. These expenses must be supported by proper documentation and receipts.

Documentation of travel indicating times of departure and return, destinations, and costs, must be maintained to support subsistence allowance (per diem) claims. Mileage logs and receipt vouchers for commercial transportation fares and other expenses must support claims for reimbursable expenses.

The grant liquidation period is the 90-calendar day timeframe immediately following the end of the grant period. The liquidation period exists to allow court time to receive ordered goods or services and make final payments vendors. The court may not incur any new expenses or obligations during the liquidation period and claim them against the grant funds. Claims received after the liquidation period will not be accepted as a valid claim and will not be processed for reimbursement.

INDIRECT COSTS

Courts shall claim indirect costs using an approved rate calculated under the guidelines set forth in Trial Court Financial Policies and Procedures Manual, FIN 16.02, effective July 1, 2006, or, pursuant to OMB Circular A-87. In lieu of an approved rate, the court may claim indirect costs up to ten percent (10%) of the direct labor costs charged to the program (including salaries and wages; excluding extraordinary costs such as fringe benefits, overtime, and shift premiums).

Projects must have the formal Indirect Cost Rate Proposal (ICRP) or a Cost Allocation Plan (Allocation Plan) on file, which demonstrates how the indirect cost rate was established and any necessary approval. The ICRP or Allocation Plan must clearly indicate that line items charged to a direct cost category (e.g., "postage") are not included in the indirect cost category. All costs included in the plan must be supported by accounting records (e.g., invoices, purchase orders, and canceled checks or other records supporting payments), which show the actual expense. Projects must maintain a list of expenses covered by the rate.

Indirect costs claimed using the approved rate will be claimed at actual rate not to exceed 20%. No costs charged directly should be included in an indirect costs pool.

To claim indirect costs, the court must have a budget allocation for the indirect costs in the Exhibit E, Program Budget, of the contract. Court will not be allowed to claim any indirect cost if it does not allocate such costs in the Exhibit E, Program Budget.

METHODS OF PAYMENT

Court will submit claims using the mandatory reporting forms to the Judicial Council that include all allocable, allowable, and reasonable costs for the program components (CSC and FLF) reimbursable in accordance with the approved budget and terms and conditions of the contracts. To be reimbursed, all expenses must be incurred and the work must be provided between the periods of July 1 through June 30. The court's final claim must be received by the Judicial Council Grant Accounting no later than September 30th. Court's claim received after this date will not be processed for payment. Invoices are due to the Judicial Council Grant Accounting by the 20th of the month for the prior month's expenses. The state will make payments in arrears (after goods and services purchased and paid by the court) after receipt, review, and approval of the court's properly completed claims. Courts will be notified by the Judicial Council Grant Accounting only if there is any discrepancy in the claim. Grant Accounting will not provide confirmation of receiving requested documentation.

To avoid delay in processing court's payment, adjustments will be made on the claim and the claim will be processed for payment if the discrepancy is not resolved within the time frame given to the court. In that situation, Judicial Council Grant Accounting may notify the court about the reduction of the claim. Court may include the allowable reduction amount in the future claim with proper documentation and/or a supplemental claim with proper documentation can be submitted.

If the court receives payment from the state for reimbursement of goods and services that is later disallowed by the state due to audits, reviews, or corrections to the past claims, the court shall promptly refund the disallowed amount to the state upon the state's request. Or, the state may offset the amount disallowed from any outstanding claim that may become due to the court. The outstanding claims cannot be processed for payments until court refund the funds to the state if the disallowed expense cannot be offset with outstanding claims. Court must refund the disallowed amount if the court has already received the final payment and the contract amount has already been exhausted.

100 PERCENT VERSUS PARTIAL REIMBURSABLE EXPENDITURES

Some program expenditures can be claimed in full for reimbursement and others cannot. Expenditures specific to the program are 100 percent reimbursable, such as:

- The annual AB 1058 training conference
- Contract court interpreter fees – Title IV-D cases only
- Contract court reporter fees – Title IV-D cases only
- Bailiff hours – in alignment with the commissioner's reimbursable Title IV-D hours
- Payment to contract commissioner and facilitator
- Agency temporary help – worked on Title IV-D only
- Travel – Title IV-D only

Other expenditures are to be claimed at a percentage of program reimbursable hours. These represent costs shared with other departments of the court or with other court employees not working on Title IV-D or outreach hours. Some of the partial reimbursable items are:

- Office supplies
- Facility charges – rent, lease, storage, etc.
- Perimeter security
- Rented equipment – copy machine, copy charges, etc
- Communication charges – telephone, internet services, etc
- Janitorial services

- Postage and courier services
- Travel – private mileage
- Legal publications
- Subscription – library materials
- IT repair/maintenance
- Utilities – electricity, gas, water, alarm services, etc.

Each court might have other items that fall under either of the above categories. The lists are partial lists and are not intended to limit the types of expenditures available for reimbursement. Any expenditure being claimed as 100 percent reimbursable that are not listed above must meet the 100 percent reimbursable requirements.

OPERATING PERCENTAGE

The operating percentage is a grant mandated formula. This grant mandated formula is a method to simplify reimbursement for recognized partial reimbursable expenditures. The chargeable payroll percentage on the payroll summary sheet is used to calculate the operating percentage that a particular court may claim. Prior year's payroll data is used to calculate the current year operating percentage. The payroll summary sheet calculates a percentage of reimbursable hours worked to total hours worked during the program period (each month for twelve months period) by each employee. The column K “% of Program Hours of Productive Hours” of the payroll summary provides the percentage of labor hours that can be charged to Title IV-D program each month for each employee based on the program and the total hours worked. The average percentage (twelve months average) of column K of the payroll summary is the allowable operating percentage for a particular court. The CSC and FLF components of the program each have a specific designated operating percentage. The formula for calculating the operating percentage is:

- The total average percentage of each employee charging to the grant (from payroll summary sheets submitted by the court for twelve month period).
- Divided by the number of employees reported (again from the payroll summary sheet).
- It is pure mathematics and consistent across all grants recipients.

(All numbers are directly from individual trial court payroll summary sheet). This calculation is repeated for the commissioner and Facilitator programs for each court every month. Following two numbers are used from each month's payroll summary sheet to calculate the operating percentage:

1. Total of column K “% of Program Hours of Productive Time.”

2. The total number of employees included on the payroll summary sheet regardless of percentage of time spent on the program (employees with Title IV-D hours only).

Total (%) percentage of all employees divided (/) by the number of employees (#) equal (=) average percentage (%) by month, then the average percentage (%) for 12 month is the allowable operating percentage.

Average % by month = Total % all employee / number of employees

Allowable operating percentage = total average percentage (%) for 12 months divided (/) by 12.

In the event that court staff do not agree with the percentage assigned, they may request a review of the percentage and submit it to the Judicial Council Grant Accounting and the Program Manager in writing (email is acceptable). The court should include an explanation of why it feels the percentage is not adequate, a proposal of what percentage the court feels should apply, and the methods used to determining this percentage. The Judicial Council Grant Accounting and Program Manager will review the request and proposal and determine if the percentage should be revised.

SUPPORTING DOCUMENTATION

The court must provide copies of actual vendor receipts for the goods and services purchased. Purchase order forms, bank credit and debit card statements, court, county, and CARS journal forms, email communication between vendor and employees, and simple Phoenix payment records do not substitute for the actual vendor receipts. The court must provide vendor payment information, such as check/warrant numbers and paid dates noted on the vendor receipts or a copy of the vendor payment check to substantiate the amount claimed. The court claim will not be processed for payment until the court provides all required documentation and/or information. If the payment was made electronically, a printed paper transaction record must be provided to substantiate the payment information.

All vendor receipts must include the vendor name, address, the party being billed address, detail description of goods and services purchased, date of purchased, receipt/vendor number, cost per unit, total quantity purchased, and total invoice amount. However, for professional services (facilitator, court reporter, interpreter, a vendor may submit a claim on its letterhead with the activity logs. In that case, the vendor invoice must reflect all of the items above and description of services, including departments, case numbers, etc.

The vendor receipts of internet purchases must clearly provide the vendor name and address, date of order, description of goods and services, unit price, quantity purchased, total costs, and the name of the organization the goods and services purchased from.

The court must have a written agreement with the party if the program activities are performed by a party other than the court, for example contracted facilitator or commissioner services. The court must submit a copy of the agreement to Judicial Council Grant Accounting Unit. The court claims will not be processed for payments until the court provides a copy of the agreement to Judicial Council Grant Accounting Unit.

Court shall be reimbursed for actual expenses incurred for reasonable and necessary transportation, meals, lodging, and other travel related expenses required to perform the activity of the program. Reimbursability is limited to the least expensive option. The state will reimburse the court at the actual costs of transportation, meals, lodging not to exceed the state allowable rate.

For necessary private vehicle ground transportation usage, the state will reimburse the court at the applicable state approved rate per mile. The court must provide reliable mileage schedule to substantiate the mileage claimed (print out of internet mileage schedule is acceptable).

All air transportation is limited to coach fares and must be booked at a minimum of fourteen (14) days prior to travel, unless the Judicial Council Program Manager agrees otherwise in writing. (See Trial Court Financial Policy and Procedure Manual)

The court must provide actual copies of all receipts for reimbursement of transportation, lodging, and meals expenses. The court debit/credit card statement, Phoenix payment document, court payment approval record, court or county journal entry form, request for travel advance will not substitute the actual vendor receipt. Failure to provide the actual vendor receipt will result in a reduction of the court claim. In situation of lost receipt, court must provide a statement document that provide detail of travel and signed by claimant and the court.

The court must provide the travel documentation which reflects the purpose and duration of the travel, such as meeting agendas, conference brochures or prospectuses, registration document, etc.

In general, out of state travel will not be reimbursed, but in no event will it be reimbursed unless pre-approved by an authorized court administrator and the AB 1058 Program Manager before incurring any expense. There will be no exception for this requirement. The court's claim will not be processed for payment until the satisfactory documents are provided.

What qualifies under training, other than the Annual AB 1058 Conference Training? If court facilitators attends a local training for continuing education (such as family law and domestic violence, which all child support attorneys needs), is this an allowable operating expense in the budget? It would count as one "general" family law training update. It is reimbursable training under the grant if very narrowly defined to the subject matter of child support and specifically Title IV-D child support. The grant allows the cost of one general family law update per year per attorney to cover any cross-over issues. It would be most appropriate not to bill the AB 1058 grant for this type of training as that is a more general source and less tied to AB 1058 grant.

ACCOUNTING AND REPORTING FORMS

The following are the mandatory grant reporting forms. The information on these forms is used to comply with the grantor's mandatory reporting requirements. Standardized and uniform forms are necessary to facilitate federal and state audits and efficient program management. So the information and the structure of the forms are very essential and must not be altered in any way. Altered forms will not be used for processing a claim for payment. Electronic forms can be requested from the Judicial Council Grant Accounting Unit.

INVOICE

Courts must submit invoices monthly using the mandated invoice form set forth in the contract. A court representative shall sign the invoice, certifying to the following statement: "I certify under penalty of perjury that the amount billed above is true and correct and in accordance with the contract."

ENTER INFORMATION ON SHADED AREAS ONLY. ORIGINAL SIGNED INVOICE IS REQUIRED TO PROCESS A CLAIM FOR PAYMENT (USE BLUE INK). ALTERED FORMS WILL NOT BE USED FOR PROCESSING CLAIMS FOR PAYMENTS.

STATE OF CALIFORNIA
JC-1-INVOICE (REV 07-14)

JUDICIAL COUNCIL OF
CALIFORNIA

INVOICE

MAIL TO:

Judicial Council of California
GRANT ACCOUNTING
455 GOLDEN GATE AVENUE,
6th FLOOR
SAN FRANCISCO, CA 94102

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF

ADDRESS:

CONTRACT
NUMBER:

BILLING PERIOD:

PROGRAM TITLE:

PROGRAM PERIOD:

JULY 1, 2014 TO JUNE 30, 2015

FISCAL YEAR

2014-15

ACCOUNTING
CONTACT:

E-MAIL ADDRESS:

PHONE NUMBER:

FAX NUMBER:

PROGRAM EXPENDITURES (FUND REQUESTED)

CATEGORY	AMOUNT
PERSONNEL (Salaries & Benefits)	
OPERATING EXPENSES & EQUIPMENT	
INDIRECT COSTS	
TOTAL EXPENDITURES	-
TOTAL REIMBURSABLE AMOUNT	

CERTIFICATION:

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE AMOUNT BILLED ABOVE IS TRUE AND CORRECT IN ACCORDANCE WITH THE CONTRACT.

COURT OFFICIAL
(NAME & TITLE) :

SIGNATURE:

DATE

FOR JUDICIAL COUNCIL GRANT ACCOUNTING USE ONLY

REC'D:

PROGRAM:

CONTRACT NO.:

INVOICE DATE:

INVOICE NO.:

AMOUNT: \$

PROGRAM
MANAGER APPROVAL

DATE

INVOICE INSTRUCTIONS:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: Enter county name.

REMITTANCE ADDRESS: Enter court address where the payment is to be sent.

CONTRACT NUMBER: Enter grant contract number as it appears on the contract.

BILLING PERIOD: Enter billing period, month and year.

PROGRAM TITLE: Enter program title as it appears on the contract. i.e.: Child support Commissioner Program/Family Law Facilitator Program.

PROGRAM PERIOD: Enter the duration of the contract term. i.e.: July 1, 2014 through June 30, 2015.

FISCAL YEAR: Enter fiscal year that applies to the claims, FY 2014-15.

COURT ACCOUNTING CONTACT: Enter court accounting contact person's name that will be able to answer billing questions.

PHONE NUMBER: Enter court accounting contact person's phone number.

E-MAIL ADDRESS: Enter court accounting contact person's e-mail address.

FAX NUMBER: Enter court accounting contact person's fax number.

PERSONNEL: Enter total costs of personnel services claimed for this billing period. This amount should match the amount reflects on the Summary Recap Sheet and Payroll Summary Sheet.

OPERATING EXPENSES & EQUIPMENT: Enter costs of all operating expenses claimed for this billing period. This amount should match the amount reflects on the Summary Recap Sheet and Operating Expense Recap Sheet.

INDIRECT COSTS: Enter overhead costs claimed for this billing period. This amount match with the Summary Recap Sheet.

TOTAL EXPENDITURES: Enter total sum of all the above categories. This amount must match the amount shown on the Summary Recap Sheet.

TOTAL REIMBURSABLE AMOUNT: Enter the "total reimbursement" amount from Summary Recap Sheet. To avoid miscalculation and future confusion about reimbursement, contact Judicial Council Grant Accounting for the actual grant balance that will apply for federal drawdown option fund (66% and 34%). This amount must match the amount show on the Summary Recap Sheet.

CERTIFICATION: The invoice includes the following required certification: "I certify under penalty of perjury that the amount billed above is true and correct in accordance with the contract." This certification may not be removed or modified.

COURT OFFICIAL'S NAME AND TITLE: Enter an authorized court official's name and title that is authorized to sign the invoice.

SIGNATURE AND DATE: Authorized court official's signature and date.

SUMMARY RECAP SHEET

This mandatory form is used for reconciling the budget vs. expenditures. It also designed to provide remaining balances, prior expenditures, and the calculation of federal drawdown option funds.

SUMMARY SHEET

CHILD SUPPORT COMMISSIONER/FAMILY LAW FACILITATOR PROGRAM, FY 2014-15

COURT NAME: _____

REPORTING PERIOD: _____

LINE ITEMS SHOULD MIRROR BUDGETED LINE ITEMS INCLUDED IN THE CONTRACT (SEE EXHIBIT F)

A	B	C	D	E	F
CATEGORY	BUDGET	PREVIOUSLY BILLED	CURRENT EXPENDITURES	YTD EXPENDITURE	REMAINING BALANCE
SALARIES				-	-
BENEFITS				-	-
TOTAL PERSONNEL EXPENSE	-	-	-	-	-
INDIRECT COSTS	20%				-
OPERATING EXPENSES					
CONTRACTED COMMISSIONER/FACILITATOR				-	-
COURT REPORTER				-	-
INTERPRETER				-	-
BAILIFF SERVICES				-	-
PERIMETER SECURITY				-	-
TRAVEL/TRAINING				-	-
SUPPLIES				-	-
POSTAGE/SHIPPING & HANDLING				-	-
PRINTING/PUBLICATIONS/LIBRARY MATERIALS				-	-
MEMBERSHIP DUES				-	-
JANITORIALS				-	-
RENT /STORAGE				-	-
COMMUNICATION/UTILITIES				-	-
EQUIPMENT RENTAL/LEASE				-	-
IT/MAINTENANCE				-	-
COUNTY SERVICES				-	-
TOTAL OPERATING EXPENSES	-	-	-	-	-
TOTAL EXPENDITURES	-	-	-	-	-
G	H	I	J	K	L
FUNDING SOURCES	AWARD AMOUNT	EXPENDITURE APPLIES FROM PRIOR PERIODS	CONTRACT BALANCE PRIOR TO CURRENT REPORTING PERIOD	CURRENT PERIOD REIMBURSEMENT	AWARD BALANCE
BASE AWARD		-	-	-	-
FEDERAL DRAWDOWN		-	-	-	-
FEDERAL SHARE	66%	-	-	-	-
COURT SHARE	34%	-	-	-	-
TOTAL REIMBURSEMENT	-	-	-	-	-

SUMMARY RECAP SHEET INSTRUCTIONS:

COURT NAME: Enter county name.

REPORTING PERIOD: Enter reporting period, month and year.

CATEGORY: Enter line items as they reflect on the contract budget (see Exhibit E of the contract). Addition and deletion of a line item requires prior written approval from the Judicial Council Program Manager.

BUDGET: Enter line item budgets as they reflect on the contract budget. Changes in line item budgets require prior written approval from the Judicial Council Program Manager.

PREVIOUSLY BILLED: Enter the line item amounts previously billed. This column should be blank for the first month's (July) billing.

CURRENT EXPENDITURES: Enter line item amounts for the current billing period.

YEAR-TO DATE EXPENDITURE: Enter cumulative total of year-to date billing amount.

FUNDING SOURCES: Enter the items of how the grant funds are allocated including the percentages.

AWARD AMOUNT: Enter base and federal drawdown option funds and related calculations.

EXPENDITURE APPLIES FROM PRIOR PERIODS: The total expenditures that have been applied to the award amount prior to this billing.

CONTRACT BALANCE PRIOR TO CURRENT REPORTING PERIOD: Remaining award balances prior to current billing.

CURRENT PERIOD REIMBURSEMENT: Enter allocation of current expenditures and the amount to be reimbursed to court.

PAYROLL SUMMARY SHEET

This mandatory form is use to calculate payroll expenses for a particular billing period. The form must be used without any alteration. Altered form will not be used to process a claim for payment. The payroll summary must bear an original signature of an authorized court official as well as following certification (attestation) language:

“I certify under penalty of perjury that the information provided here accurately represents the official records and are in compliance with the program contract, and any leave time charged or authorized to any grant included does not exceed leave time earned while working on the grant.” This certification language must not be removed or altered.

The payroll summary sheet is set up to report and calculate 100 percent of the hours worked or benefit hours used by each employee. Federal regulations require that all hours worked by an employee must be accounted for, regardless of whether or not they are reimbursable. This includes regular hours worked as well as benefit hours used. When completing the payroll summary sheet, fill in the required items (shaded items) only and the payroll summary sheet will calculate charges automatically as a result of built-in formulas.

Do not include information in the payroll summary for employee who is on approved leave and his/her timesheet does not reflect any reportable productive hours. May include the timesheet in the payroll summary when the employee returns to work and timesheet reflects reportable productive hours. However, the total benefit hours must not exceed the total benefit hours earned during the grant cycle (July 1 to June 30).

Payroll summary will provide an error message if there are no reportable productive hours. Hold on to the timesheet for the employees out on approved leave until employee returns to work and timesheet reflects reportable productive hours. Prepare a separate payroll summary sheet for this particular employee for the timesheets that were not included in the payroll summary sheet previously with the current month's timesheet. Include the payroll expenses for both payroll summary sheets on the summary recap sheet and invoice. Remember, the grant does not allow payments of accrued and/or buyback hours.

PAYROLL SUMMARY SHEET

COURT NAME: _____

PROGRAM TITLE: _____ FY: _____

REPORTING PERIOD: _____ FROM: _____ TO: _____

A	B	C	D	E	F	G	H=F+G	I	J=H+I	K=F/H	L=D/J*F	M=E/J*(F+I)	Program Fringe Benefits			N=F/H*I	O=D/J*N	P=M+O	Q=L+P	R=D+E-Q
Item No.	Name	Job Title	Gross Pay	Gross Benefits	Program Hours	Non Program Hours	Total Hours Worked	Benefit Hours	Total Paid Hours	% of Program Hours of Productive Time	Program Pay for Worked Hrs	Reimbursable Employer Paid	Reimbursable Benefit Hours	Benefit Hours Amount	Total Program Fringe Benefits	Total Program Sal & Ben	Total Non Program Sal & Ben			
1							-		-	0.00	-	-	-	-	-	-	-	-	-	
2							-		-	0.00	-	-	-	-	-	-	-	-	-	
3							-		-	0.00	-	-	-	-	-	-	-	-	-	
4							-		-	0.00	-	-	-	-	-	-	-	-	-	
5							-		-	0.00	-	-	-	-	-	-	-	-	-	
6							-		-	0.00	-	-	-	-	-	-	-	-	-	
7							-		-	0.00	-	-	-	-	-	-	-	-	-	
8							-		-	0.00	-	-	-	-	-	-	-	-	-	
9							-		-	0.00	-	-	-	-	-	-	-	-	-	
10							-		-	0.00	-	-	-	-	-	-	-	-	-	
11							-		-	0.00	-	-	-	-	-	-	-	-	-	
12							-		-	0.00	-	-	-	-	-	-	-	-	-	
13							-		-	0.00	-	-	-	-	-	-	-	-	-	
14							-		-	0.00	-	-	-	-	-	-	-	-	-	
15							-		-	0.00	-	-	-	-	-	-	-	-	-	
16							-		-	0.00	-	-	-	-	-	-	-	-	-	
17							-		-	0.00	-	-	-	-	-	-	-	-	-	
18							-		-	0.00	-	-	-	-	-	-	-	-	-	
19							-		-	0.00	-	-	-	-	-	-	-	-	-	
20							-		-	0.00	-	-	-	-	-	-	-	-	-	
21							-		-	0.00	-	-	-	-	-	-	-	-	-	
	TOTAL		-	-	-	-	-	-	-	0.00	-	-	-	-	-	-	-	-	-	

CERTIFICATION: I hereby certify under penalty of perjury that the information provided here accurately represents official records and any leave time charged or authorized to any grant included does not exceed leave time earned while working on the grant.

AUTHORIZED COURT OFFICIAL

NAME: _____

TITLE: _____

SIGNATURE: _____

DATE: _____

PAYROLL SUMMARY INSTRUCTIONS:

PROGRAM TITLE: Enter the title of the program that is being reported.

COURT NAME: Enter county name.

REPORTING PERIOD: Enter the pay period starting and ending dates.

FISCAL YEAR: Enter fiscal year.

ITEM: Enter chronological item number for the number of employees.

NAME: Enter the name of the individual employee.

JOB TITLE: Enter the job title of the individual employee.

GROSS PAY: Enter the actual gross pay for the individual employee (this information is from court payroll record).

GROSS BENEFITS: Enter the amount of employer paid benefits specific to the individual employee. This amount is from the court payroll records. Do not use an aggregate percentage.

PROGRAM HOURS: Transfer the program hours exactly as it is reported on the employee timesheets for the reporting period indicated above.

NON PROGRAM HOURS: Enter all other hours not related to the program for the reporting period indicated above.

TOTAL HOURS WORKED: Formula driven calculation of total program and non program related hours.

BENEFIT HOURS: Enter all employers' paid time off hours used by the employee for the reported period indicated above. Benefit hours include vacation, annual leave, sick leave, court leave, military leave, or, any other leave paid for by the employer. Do not include non-compensated hours, such as accrued and buyback hours.

TOTAL PAID HOURS: Formula driven calculation of total hours worked and benefit hours.

PERCENTAGE (%) OF HOURS OF PRODUCTIVE HOURS: Formula driven calculation of percentage of time worked that is reimbursable by the program for period reported.

PROGRAM PAY OF WORKED HOURS: Formula driven calculation of the total reimbursable salaries by the program for the reported period.

REIMBURSABLE EMPLOYER PAID BENEFITS: Formula driven calculation of the total program reimbursable employer paid benefits and paid benefit hours for the reported period.

REIMBURSABLE BENEFIT HOURS: Formula driven calculation of the total program reimbursable employer paid benefits hours for the reported period.

BENEFIT HOURS AMOUNT: Formula driven calculation of the program reimbursable benefit hours amount for the reported period.

TOTAL PROGRAM FRINGE BENEFITS: Formula driven calculation of the total program reimbursable employer paid benefits for the reported period.

TOTAL PROGRAM SALARIES AND BENEFITS: Formula driven calculation of the total salaries and benefits reimbursable by the program for the reported period.

TOTAL NON-PROGRAM SALARIES AND BENEFITS: Formula driven calculation of total non-program salaries and benefits.

CERTIFICATION: The payroll summary includes the following required certification: "I hereby certify under penalty of perjury that the information provided here accurately represents official records and any leave time charged or authorized to any grant included does not exceed leave time earned while working on the grant." This certification may not be removed or modified.

AUTHORIZED OFFICIAL: Enter an authorized court official name and title.

SIGNATURE AND DATE: The authorized official must approved, sign and date the payroll summary sheet.

TIMESHEET

Any employee whose time is charged to a grant program of the Judicial Council shall complete the mandatory grant timesheet. The Judicial Council Grant Program timesheet is designed to capture 100% of hours worked, otherwise called positive pay reporting. 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. This listing includes those hours worked on multiple programs, as well as total hours for employer paid time off (PTO). Employer paid time off includes, but is not limited to, holidays, vacation, sick leave, jury duty, etc. When completing the Time Sheet, list the following:

TIMESHEET INSTRUCTIONS:

PROGRAM TITLE: Enter the title of the program that is being reported.

COURT NAME: Enter county name.

EMPLOYEE NAME: Enter the name of the employee submitting the timesheet.

PAY PERIOD START: Enter the pay period starting dates. The timesheet should be completed according to the court's pay periods. If the employee is listing two pay periods on one timesheet, list the starting date of the pay period. For example: A court pays their employees on a bi-weekly basis. The first pay period runs from April 30 through May 13 and the second pay period runs from May 14 through May 27. The pay period starting date would be listed as April 30. This timesheet would be included in the billing for May. The payroll summary sheet will reflect the same starting date on the from box timesheet.

PAY PERIOD END: Enter the pay period ending dates. The timesheet should be completed according to the court's pay periods. If the employee is listing two pay periods on one timesheet, list the ending date of the second pay period. For example: A court pays their employees on a bi-weekly basis. The first pay period runs from April 30 through May 13 and the second pay period runs from May 14 through May 27. The pay period ending date would be listed as May 27. This timesheet would be included in the billing for May.

DATE: Enter the dates according to the pay period starting and ending dates as explained above. Use one row for each date keeps blank rows for weekend unless employee worked on the weekend.

PRPGRAG NAME (COLUMN B THROUGH H): Enter the names of all grant programs that the employee worked on during the pay period in the columns labeled B through H. It is possible for an employee to work on more than one program in an 8 hour period. The hours would be listed according to the time spent on each program. For example: an employee worked in the morning, from 8:00 to 12:00 on Title IV-D support matters, and from 1:00 to 5:00 on Self Help matters, such as domestic violence, custody and visitation and small claims. The employee would list 4 hours in the column labeled Title IV-D Support Hours, and 4 hours in the column labeled TCTF/TCIF Self Help Hours.

OTHER HOURS (COLUMN I): Enter all hours not associated with any grant or MOU programs, such as hours spent on general administrative duties.

TOTAL PTO USED (COLUMN K): Enter any employer paid time off in this column. Employer paid time off includes all employers paid time off, such as holidays, vacation, annual leave, sick leave, jury duty, maternity leave or military leave.

TOTAL HOURS INCLUDING PAID TIME OFF (COLUMN L): The timesheet is designed to calculate the total hours worked and PTO used for each day.

TOTAL HOURS: The timesheet is designed to calculate the total hours worked by program and to tally the total hours and paid time off for the pay period(s) listed.

CERTIFICATION: The payroll summary includes the following required certification: “I hereby certify under penalty of perjury that the information provided here accurately represents official records and any leave time charged or authorized to any grant included does not exceed leave time earned while working on the grant.” This certification may not be removed or modified.

EMPLOYEE SIGNATURE AND DATE: The employee must sign and date the timesheet to be included in the grant claim. Only in the event of separated employee (employee is no longer with the court), two separate court officials may sign the timesheet when the employee is unable to sign the timesheet.

SUPERVISOR SIGNATURE AND DATE: The supervisor must sign and date the timesheet to approve the time and allow it to be included in the grant claim.

OPERATING EXPENSE RECAP SHEET

The Operating Expense Recap Sheet (do not get confuse with the Summary Sheet. This is a separate form) is separated into two sections: 100 percent reimbursable expenditures and partially reimbursable expenditures (refer to Operating Expense Recap Sheet). When completing this form, begin by sorting the invoices into these two categories.

To complete the 100 percent reimbursable portion of the sheet, list the applicable vendor invoices first (if necessary use chronological numbers for each vendor invoice next to the category column and use same number on the vendor invoice). Then enter the other required information (see instructions).

To complete the partially reimbursable section, again, list the vendor invoice first (if necessary use chronological numbers for each vendor invoice next to the category column and use same number on the vendor invoice). Then enter the other required information (see instructions).

OPERATING EXPENSE RECAP SHEET INSTRUCTIONS:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: Enter county name.

FISCAL YEAR: Enter the fiscal year of the program that is being reported.

PROGRAM NAME: Enter the title of the program that is being reported.

REPORTING PERIOD: Enter reporting period.

ITEM: Enter chronological number for each vendor.

CATEGORY: Enter expense category, such as contracted commissioner, facilitator, court reporter, interpreter, etc.

VENDOR NAME: Enter the person or organization name that is providing goods and services.

DESCRIPTION: Enter the nature of expense, such as commissioner or facilitator fees.

INVOICE NUMBER: Enter exact invoice number that appears on the vendor invoice.

CHECK/WARAANT NUMBER: Enter the check/warrant number that was issued for settlement of goods and services purchased. Provide copy of the electronic transaction record if the payment was made electronically.

DATE PAID: Enter the date that appears on the check/warrant issued to the vendor for the settlement of goods and services purchased.

AMOUNT: For 100 percent reimbursable, enter the amount that is charged to title IV-D program. For partial reimbursable, enter the amount which the operating percentage to be applied.

SUB-TOTAL: Enter the total of items above.

REIMBURSABLE OPERATING PERCENTAGE: Enter the allowable (approved) operating percentage rate. And apply the percentage to the total of partial reimbursable expenditures. Enter the amount (the calculated amount) below the total of partial reimbursable expenditures.

TOTAL OPERATING EXPENDITURE: Enter the total of sub-total from 100 percent reimbursable expenditures and calculated amount of partial reimbursable expenditures.

CONTRACTOR ACTIVITY LOG

AB 1058 contractor activity log is designed to list 100% of hours worked, including those worked on multiple programs, as contracted by the court. Any contractor whose time is charged to the AB 1058 child Support Commissioner and Family Law Facilitator program (title IV-D) must complete the mandatory program contractor activity log. All hours charged to the grant must be accounted for. It is common to work on AB 1058 matters as well as those of other programs, such as Self-Help. Original activity logs must be kept on file at the court for the period of time indicated in the contract or MOU for each program charged. Copies of the activity logs will be submitted with the grant claims in accordance with the reporting requirements of each contract or MOU. When completing the Contractor Activity Log list the following:

CONTRACTOR ACTIVITY LOG INSTRUCTIONS:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: Enter county name.

FISCAL YEAR: Enter the fiscal year of the program that is being reported.

REPORTING PERIOD: Enter reporting period.

CONTRACTOR AGENCY NAME: Enter the contractor (employer) agency or organization name (if applicable).

NAME OF PERSON PERFORMING WORK: Enter person's name that is providing the title IV-D work.

DATE: Enter the dates according to the pay period starting and ending dates as explained above. Use one row for each date keeps blank rows for weekend unless employee worked on the weekend.

TITLE IV-D SUPPORT HOURS NAME (COLUMN C): Enter the hours worked on title IV-D support related hours.

OTHER HOURS (COLUMN D THROUGH H): The activity log is designed to calculate the total of all hours worked on all programs, including title IV-D support hours. This should be total of 8 hours per day, unless a contractor is schedule to work other than an 8 hour shift. If a contractor is completing the activity log manually, the columns must be manually totaled and that total entered.

TOTAL HOURS WOURKED-ALLPROGRAM (COLUMN I): This is total of column C through H. The activity log is designed to calculate the total hours by programs. If a contractor is completing the activity log manually, the column must be manually totaled and that total entered.

TOTAL HOURS: The activity log is designed to calculate the total hours by programs. If a contractor is completing the activity log manually, the column must be manually totaled and that total entered.

CERTIFICATION: The activity log includes the following required certification: "I certify under penalty of perjury that this activity log accurately represents actual time worked." This certification may not be removed or modified.

CONTRACTOR SIGNATURE: The activity log must be signed by the contractor to be validating for reimbursement. Unsigned activity log will not be used for processing a claim.

DATE: The activity log needs to be dated by the contractor at the time of signing the activity log.

TRAVEL EXPENSE CALIM (TEC) FORM

Court employees who incur reimbursable business travel costs must submit a completed TEC form.

TRAVEL EXPENSE CLAIM										See Instructions and Privacy Statement in Tabs 2 and 3		Page 1 of				
STATE OF CALIFORNIA (AGC - TC Electronic) Revised 10/02										SSN OR EMPLOYEE NUMBER*		COURT				
CLAIMANT'S NAME					OFFICE					E-MAIL ADDRESS						
RESIDENTIAL ADDRESS					HEADQUARTERS ADDRESS					TELEPHONE NUMBER						
CITY			STATE		ZIP CODE			CITY		STATE		ZIP CODE				
(1) MONTH/YEAR	(2)		(3)	(4)			(5)	(6)	(7)		(8)		(9)	(10)	(11)	
	DATE	TIME		LOCATION WHERE EXPENSES WERE INCURRED	LODGING	BREAK			MEALS	INCIDENTALS	COST	TYPE				TRANS
(12) SUBTOTALS										(13) COLUMN CODE (ACCTG USE ONLY)						
CLAIM TOTAL																
(14) PURPOSE OF TRIP, REMARKS, AND DETAILS (Attach receipts/vouchers when required)										(15) ACCOUNTING OFFICE USE ONLY						
										CLAIMANT #						
										INVOICE DATE						
										INVOICE AMOUNT						
										ACCOUNT #						
(16) NORMAL WORK HOURS										(17) PRIVATE VEHICLE LICENSE NUMBER		(18) MILEAGE RATE CLAIMED				
(19) THEREBY CERTIFY that the above statement is a true statement of the travel expenses incurred by me in accordance with the State of California travel reimbursement policy and guidelines as included in the Trial Court Financial Policies and Procedures Manual.										PAID BY REVOLVING FUND CHECK NUMBER						
CLAIMANT'S SIGNATURE					DATE		(20) SIGNATURE OFFICER APPROVING TRAVEL AND PAYMENT					DATE				

Judicial Council of California - Administrative Office of the Courts

TRAVEL EXPENSE CLAIM (TEC) FORM INSTRUCTIONS

All TEC's must be completed in ink (other than black), unless electronically printed. Completion of the upper portion of the form in its entirety is required. Submit the signed original and two copies with supporting documentation within 30 days of travel. Receipts should be arranged in chronological order and taped onto an 8 1/2 x 11 sheet of paper. "Headquarters" is defined as the traveler's primary place of assigned employment. ****Your CBID Number is your Agency/Unit Code as printed on your paycheck stub or your timesheet.**

1. **MONTH/YEAR** – Enter numerical designation of calendar month and four digit year which expenses were incurred. Example: 8 – 2002 (August 2002).
2. **DATE & TIME** – Enter numeric day of the month. **Time of departure and return must be entered using a 24-hour clock, example: 1700 = 5:00 p.m.** If departure and return are same date, enter departure time above and return time below on the same line. Otherwise, use two lines to enter activity.
3. **LOCATION** – Enter the location where the expenses were incurred. To be eligible for lodging and/or meal reimbursement, expenses must be incurred in excess of 25 miles from headquarters.
4. **LODGING** – Enter the actual cost of lodging not to exceed the maximum authorized rate, plus tax per day. Each day of lodging must be listed separately on the form. **An itemized receipt is mandatory.**
5. **MEALS** – **Actual amounts** not to exceed **\$8 for breakfast, \$12 for lunch, and \$20 for dinner.** One day trips: breakfast may be claimed for actual cost up to \$8 if travel begins one hour before normal work hours; dinner may be claimed for actual cost up to \$20 if travel ends one hour after normal work hours; lunch may not be claimed or reimbursed. Note: all meal reimbursement for one day trips are taxable and reportable income unless the travel included an overnight stay.
6. **INCIDENTALS** – **Actual amount up to \$6** for each full 24-hour period. Incidentals may not be claimed or reimbursed for travel of less than 24 hours or fractional days.
7. **TRANSPORTATION** – The most efficient and least costly mode of transportation shall be reimbursed.
 - A. Enter the cost of transportation. Enter "BSA" for billed to state (court), "C" for cash, "CC" for credit card, and "SCC" for state (court) credit card.
 - B. Enter the method of transportation used. Enter "A" for commercial airlines, "B" for bus, airport shuttle, light rail or BART, "PC" for privately owned vehicle, "R" for railway, "RA" for rental aircraft, "RC" for rental vehicle, "SC" for state vehicle, and "T" for taxi.
 - C. Enter carfare, bridge tolls, and parking charges. Enter "C" for carfare, "P" for parking, and "T" for tolls.

Original receipts are mandatory for all taxi fares, shuttle fares, bridge and road tolls, public ground transportation fares, and parking fees of more than \$3.50. In cases where receipts cannot be obtained or have been lost, a statement to that effect shall be made in the expense account and the reason given. A statement as to a lost receipt will not be accepted for lodging, airfare, rental car, and/or business expenses. For a ticketless flight, submit the itinerary. The itinerary includes the same information that would be found on a ticket.

Also, the airfare itinerary and the car rental agreement must be attached to the TEC even when these items are booked and paid through the Judicial Council.

8. **BUSINESS EXPENSE** – Receipts are mandatory for all business expenses, except telephone charges of \$2.50 or less. However, all telephone calls must include a statement of the party called,

place, and business purpose of the call. Record business meals/business lodging in this column.

9. **TOTAL EXPENSES FOR DAY** – Daily total must be entered.
10. **SUBTOTALS/TOTAL** – Enter column totals (claim should be in balance). Accounting Codes must be entered in the Claim Total section.
11. **PURPOSE OF TRIP, REMARKS AND DETAILS** – Explain the need (purpose) for travel and any unusual expenses. Enter details or explanation of items included in above columns. The budgetary account code is mandatory and must be included on the form. Provide account number.
12. **PROJECT COST CENTER** – Indicate the applicable project cost center.
13. **NORMAL WORK HOURS** – Mandatory for meal reimbursement.
14. **PRIVATE VEHICLE LICENSE NUMBER** – Mandatory for mileage reimbursement.
15. **MILEAGE RATE CLAIMED** – Mandatory for personal car mileage reimbursement.
16. **CLAIMANT'S CERTIFICATION, SIGNATURE AND DATE** – **Mandatory.**
17. **SIGNATURE AND DATE OF APPROVING OFFICER** – **Mandatory.** (Each employee must have a legitimate and reasonable need to travel before supervisors and/or managers give their approval. It is inappropriate for an employee to travel without this approval. The most reasonable mode of transportation and/or lodging must be acquired when traveling. It is the approving officers responsibility to ascertain the accuracy, necessity and reasonableness of the expenses for which reimbursement is claimed.) Travelers must submit a signed original and 2 copies of the form to the approving manager or supervisor.

PRIVACY STATEMENT

The information Practices Act of 1977 (Civil Code Section 1798.17) and the Federal Privacy Act (Public Law 93-579) require that the following notice be provided when collecting personal information from individuals.

AGENCY NAME: Appointing powers, the Judicial Council of California, and Superior Courts of California.

UNITS RESPONSIBLE FOR REVIEW: The accounting office within each appointing power and the Internal Audit Unit of the Judicial Council of California.

AUTHORITY: The reimbursement of travel expenses is governed by Board of Control (BOC). The BOC is authorized to adopt the rules and regulations that define the amount, time, and place that expenses and allowances may be paid to State judicial branch officers and employees while on State business per Government Code Section 13920.

PURPOSE: The information you furnish will allow the above-named agencies to reimburse you for expenses you incur while on official State business.

OTHER INFORMATION: While your social security number (SSN) and home address are

voluntary information under Civil Code Section 1798.17, the absence of this information may cause payment of your claim to be delayed or rejected. Please note: Your social security number is required for reportable, taxable benefits (i.e., meal reimbursement when no overnight lodging occurs, relocation reimbursement, etc.).

LEAVE EARN REPORT INSTRUCTIONS

COURT NAME:

Enter county name.

PROGRM PERIOD:

Enter program period, such as July 1, 2014 through June 30, 2015.

ITEM (COLUMN A):

Enter a chronological number for each employee.

EMPLOYEE NAME (COLUMN B):

Enter court employee name.

VACATION (COLUMN C):

Enter total vacation hour earn by court employees during this grant contract period (July 1, 2014 to June 30, 2015).

ANNUAL LEAVE (COLUMN D):

Enter total annual leave hour earn by court employees during this grant contract period (July 1, 2014 to June 30, 2015).

SICK LEAVE (COLUMN E):

Enter total sick leave hour earn by court employees during this grant contract period (July 1, 2014 to June 30, 2015).

HOLIDAYS (COLUMN F):

Enter total holiday hour earn by court employees during this grant contract period (July 1, 2014 to June 30, 2015).

PERSONAL LEAVE (COLUMN G):

Enter total personal leave hour earn by court employees during this grant contract period (July 1, 2014 to June 30, 2015).

TOTAL LEAVE EARN (COLUMN H)"

Enter total of column C through G for each employee.

COMMON ERRORS IN COURT'S CLAIM

To avoid delay in processing the claims and receive reimbursements, review the following items before submitting the claims to Judicial Council for reimbursements.

- Has the cover page of the invoice been signed and dated?
- Are the amounts same as they reflect on the summary sheet by category?
- Has the court and accounting contact information been provided?
- Has the correct contract number been used?
- Has the reimbursement amount been properly calculated (federal drawdown option fund)?
- Has the payroll summary reporting dates match the reporting dates on the timesheets?
- Has any formula on the payroll summary been removed or altered?
- Has the certification (attestation) on the payroll summary sheet been altered?
- Has the payroll summary been signed and dated?
- Has the authorized court official title and name been provided?
- Has the timesheet reporting dates match the reporting dates on the payroll summary sheet?
- Has the timesheet reflects program names "Insert Program Name"?
- Has the timesheets been signed by the employee and the supervisor?
- Are the timesheet hours reported properly on the payroll summary sheet?
- Has the certification (attestation) on the timesheet been altered or removed?
- Has the timesheet been signed by two separate court official for the employee is no longer with the court and unable to sign the timesheet?
- Have all the supporting backup documentation been provided?
- Has the operating expense been calculated properly?
- Has the disallowed item been included in the claim?
- Has the Judicial Council Program Manager approval been provided (where required)?
- Has the indirect costs been calculated properly?
- Has a copy of the contract commissioner and facilitator agreement been provided to Judicial Council Grant Accounting?

FEDERAL AND STATE GOVERNMENT CODES AND REGULATIONS

- Office of Management and Budget (OMB) Circular A-87, Cost Principles of State, Local, and Indian Governments
- 45 Code of Federal Regulations, part 302, and 304
- American with Disabilities Act (42 U. S. C. § 012102 et seq.
- Standard agreement
- California Rules of Court, including rule 810
- Trial Court Policies and Procedures Manual
- State of California's Manual of Accounting for Audit Guidelines for Trial Court published by the State Controller's Office (applicable when utilizes county administrative services)
- California Family Code, Section 10000 et seq.
- California Family Code, section 7571
- California Family Code, Sections 4250-4252
- California Family Code, Section 4930 (f)
- California Family Code, Section 17212
- California Family , Sections 17604
- California Code of Civil Procedures, section 259
- Fair Employment and Housing Act, California Government Code, Section 12990 et seq.
- California Code of Regulations, Title 2, Section 7285 et seq.
- California Government Code, Sections 8355-8357
- The Family Law Facilitator Data Collection Handbook
- Welfare and Institutions Code, Section 11478.1



JUDICIAL COUNCIL
OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

May 2015

Child Support Commissioner and Family Law Facilitator Program

The Child Support Commissioner and Family Law Facilitator Program (Assem. Bill 1058) is a mandated statewide program to expedite child support cases. The Judicial Council administers it by adopting rules and forms, setting standards for the Office of the Family Law Facilitator, overseeing budget administration, and in other ways ensuring successful implementation of the program.

History

Assembly Bill 1058, signed by Governor Pete Wilson in September 1996, expedited the court process for families involved in child support cases and made the process accessible and cost-effective. The legislation also made assistance with health insurance and spousal support issues available to litigants. Most significantly, the legislation established the Child Support Commissioner and Family Law Facilitator Program.

AB 1058 originated with the Governor's Child Support Court Task Force, which included family law judges and commissioners, private and public attorneys, representatives of the Judicial Council and the California Department of Social Services, and members of groups representing fathers, mothers, and children.

Commissioners

Under the Child Support Commissioner and Family Law Facilitator Program, 74 commissioners hear child support matters that fall under title IV-D of the Social Security Act—that is, actions in which the local child support agency establishes, modifies, or enforces a child support order. Each court is responsible for the recruitment and assignment of commissioners. Smaller counties are encouraged to share commissioners and other resources.

All actions filed by the local child support agency regarding child and spousal support or paternity must be referred for hearing to a child support commissioner. The commissioner's duties include taking testimony, establishing a record, evaluating

evidence, making decisions or recommendations, and entering judgments or orders based on stipulated agreements.

Family Law Facilitators

AB 1058 requires the superior court in each of California's 58 counties to maintain an Office of the Family Law Facilitator to provide litigants with free education, information, and assistance with child support issues. Each court appoints a California-licensed attorney with mediation or litigation experience in family law to head the office. The family law facilitator does not represent any party, and there is no attorney-client relationship.

For the parents, a family law facilitator helps demystify courtroom procedures and humanize the court system. For the court personnel, commissioners, and judges, a family law facilitator increases the effectiveness of child support decisions, because with the facilitator's help parents prepare their legal papers correctly and more fully understand how to present their cases and collect support.

As an individual court's program matures and the need arises—and as additional funding is secured—the court may (within the limits established by statute) create additional duties for the facilitator, such as mediating support issues, helping parties draft agreements, and preparing formal orders consistent with the court's announced order.

Statewide, family law facilitator offices report more than 407,000 visits each year.

Funding

A cooperative agreement between the Department of Child Support Services (DCSS) and the Judicial Council provides for full state funding by DCSS (with two-thirds of the funds originating with the federal government) for 74 commissioners (52 full-time equivalent positions), 117 facilitators (50 full-time equivalent positions), and their support staffs. Commissioner funding for fiscal year 2014–2015 is \$43,798,768 and facilitator funding for fiscal year 2014–2015 is \$15,040,301. Some courts supplement the AB 1058 facilitator funding in order to furnish additional facilitator services. The program staff of the Judicial Council Center for Families, Children & the Courts (CFCC) reevaluates local court staffing, as well as financial and other needs, to support adequate allocation of resources to achieve program goals.

Other AB 1058 Provisions

In addition, AB 1058:

- Requires uniform and simplified procedures for title IV-D child support cases;
- Improved the procedures for establishing child support by lengthening the required notice to the person from whom support payments are sought and by requiring a more expeditious method of establishing support;
- Furnishes administrative remedies for certain difficulties of local child support agencies in enforcing support orders; and
- Requires that the person requesting services become a party to an action brought by the local child support agency once a support order is made, and allows issues of custody, visitation, and restraining orders to be determined in the action.

Role of Judicial Council

The Judicial Council, through CFCC, is responsible for administering the program; adopting rules and forms; adopting minimum standards for Offices of the Family Law Facilitator; overseeing budget administration; and taking other actions to ensure the program's success, such as establishing minimum education and training requirements for commissioners and other court personnel (Fam. Code, § 4252(b)(2)), providing training and technical assistance for facilitators, and serving as a clearing-house for information. The CFCC program staff functions as a communication hub to strengthen and bridge intercounty and Judicial Council-county communication.

Based on recommendations from the Family and Juvenile Law Advisory Committee, the Judicial Council made determinations about the following issues involving child support commissioners:

- Minimum qualifications (Fam. Code, § 4252(b)(1));
- Caseload, case processing, and staffing standards setting forth the maximum number of cases each commissioner may process (Fam. Code, § 4252(b)(3)); and
- Technical assistance for counties with issues related to implementation and operation of the child support system, including the sharing of resources between counties (Fam. Code, § 4252(b)(5)).

Contact:

Irene C. Balajadia, Senior Program Coordinator, Center for Families, Children & the Courts, irene.balajadia@jud.ca.gov

Additional resources:

Reports and publications, <http://www.courts.ca.gov/626.htm>

CHILD SUPPORT COMMISSIONER PROGRAM QUESTIONNAIRE
Superior Court of California, County of _____

Please return this document to:	Judicial Council of California Attn: Michael L. Wright
By mail to:	455 Golden Gate Avenue, 6 th Floor San Francisco, CA 94102
By e-mail to:	irene.balajadia@jud.ca.gov
By fax to:	415-865-4297
PLEASE RETURN BY:	COB, Friday, January 16, 2015

If you are requesting any change in allocation for this fiscal year or next fiscal year, please attach an updated Exhibit F (Budget) form.

BASE ALLOCATION FOR THIS FISCAL YEAR (FY 2014–2015)

- We will not spend our full current base allocation as indicated on Exhibit F (Budget) previously submitted by the court to the Judicial Council. We anticipate spending \$_____ of the awarded base amount.

State the reasons below why allocation will not be spent this year.

- We will spend our full base allocation as indicated on Exhibit F (Budget) previously submitted by the court to the Judicial Council and are not requesting additional base funds.
- If you have not used your entire allocation in the past, but do anticipate using the entire amount in fiscal year 2014–2015, please attach a separate sheet that gives your reasons for the anticipated spending.
- We ask that our total base allocation be increased to \$_____ for this fiscal year.

(Increases in base allocation for this fiscal year will be limited to covering shortfalls that result from emergency or other urgent circumstances. Requests related to expansion of services or staff are unlikely to be approved due to limited base funding).

In the event that there are insufficient base allocation funds available to meet your request, please fill in the “alternative request” box under “Federal Draw Down Option For This Fiscal Year (FY 2014-2015)” and indicate the federal draw down amount you are requesting under those circumstances.

State the reasons for the requested increase.

FEDERAL DRAW DOWN FOR THIS FISCAL YEAR (FY 2014-2015)

- We will not be participating in the federal draw down option and agree to waive the full authorized amount of federal draw down funds.
- We will be participating in the federal draw down option and request that our allocation (check boxes that applies):
 - Remain the same as indicated in Exhibit F (Budget) previously submitted by the court to the Judicial Council.
 - Be reduced to \$_____ for FY 14–15.
 - Be increased to \$_____ for FY 14–15. *In order to participate in the federal draw down option in an increased amount, the court will need to contribute 34% of the total increase from non-grant funds as the state match.*
- Alternative Request: We requested an increase in base allocation but if additional base funding is not available, we request that our federal draw down be funded at \$_____.

BASE ALLOCATION FOR NEXT FISCAL YEAR (FY 2015–2016)

- We will not need the full base allocation granted in fiscal year 2014–2015. Our base allocation for fiscal year 2015–2016 should be reduced to \$_____. *(Note: If you check this box your base allocation will be reduced for next fiscal year).*
- We request the same base allocation in the amount of \$_____ for the next fiscal year 2015–2016. We did not use our entire allocation in the past, but do anticipate using the entire amount in fiscal year 2014–2015. A separate sheet is attached with reasons for the anticipated spending.
- Our base allocation in FY 2014–2015 is \$_____. We ask that our annual base allocation be increased to \$_____ for fiscal year 2015–2016. Please attach a separate sheet that provides a brief justification for an increased allocation.

(There has been no statewide increase in base funding. Any base funding available for requested increases will be limited to base funds returned by other courts).

In the event that there are insufficient base allocation funds available to meet your request, please fill in the “alternative request” box under “Federal Draw Down Option For Next Fiscal Year (FY 2015-2016)” and indicate the federal draw down amount you are requesting under those circumstances.

FEDERAL DRAW DOWN FOR NEXT FISCAL YEAR (FY 2015-2016)

- We will not be participating in the federal draw down option and agree to waive any allocation of federal draw down funds.
- We will be participating in the federal draw down option and request that our allocation be funded at \$ _____. ***In order to participate in the federal draw down option, the court will need to contribute 34% of the total federal draw down allocation from non-grant funds as the state match.***
- Alternative Federal Draw Down Request: We requested an increase in base allocation but if additional base funding is not available, we request that our federal draw down be funded at \$_____.

This request is for a permanent change temporary change in the allocation.

Contact Name:

Title:

Telephone Number:

FAMILY LAW FACILITATOR PROGRAM QUESTIONNAIRE

Superior Court of California, County of _____

Please return this document to:	Judicial Council of California Attn: Michael L. Wright
By mail to:	455 Golden Gate Avenue, 6 th Floor San Francisco, CA 94102
By e-mail to:	irene.balajadia@jud.ca.gov
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BASE ALLOCATION FOR THIS FISCAL YEAR (FY 2014–2015)

- We will not spend our full current base allocation as indicated on Exhibit F (Budget) previously submitted by the court to the Judicial Council. We anticipate spending \$_____ of the awarded base amount.

State the reasons below why allocation will not be spent this year.

- We will spend our full base allocation as indicated on Exhibit F (Budget) previously submitted by the court to the Judicial Council and are not requesting additional base funds.
- If you have not used your entire allocation in the past, but do anticipate using the entire amount in fiscal year 2014–2015, please attach a separate sheet that gives your reasons for the anticipated spending.
- We ask that our total base allocation be increased to \$_____ for this fiscal year. *(Increases in base allocation for this fiscal year will be limited to covering shortfalls that result from emergency or other urgent circumstances. Requests related to expansion of services or staff are unlikely to be approved due to limited base funding).*

In the event that there are insufficient base allocation funds available to meet your request, please fill in the “alternative request” box under the “Federal Draw Down Option For This Fiscal Year (FY 2014-2015)” and indicate the federal draw down amount you are requesting under those circumstances.

State the reasons for the requested increase.

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 - Be reduced to \$_____ for FY 14–15.
 - Be increased to \$_____ for FY 14–15. *In order to participate in the federal draw down option in an increased amount, the court will need to contribute 34% of the total increase from non-grant funds as the state match.*
- Alternative Request: We requested an increase in base allocation but if additional base funding is not available, we request that our federal draw down be funded at \$_____.

BASE ALLOCATION FOR NEXT FISCAL YEAR (FY 2015–2016)

- We will not need the full base allocation granted in fiscal year 2014–2015. Our base allocation for fiscal year 2015–2016 should be reduced to \$_____. *(Note: If you check this box your base allocation will be reduced for next fiscal year).*
- We request the same base allocation in the amount of \$_____ for the next fiscal year 2015–2016. (Insert an inset box here) We did not use our entire allocation in the past, but do anticipate using the entire amount in fiscal year 2014–2015. A separate sheet is attached with reasons for the anticipated spending.
- Our base allocation in FY 2014–2015 is \$_____. We ask that our annual base allocation be increased to \$_____ for fiscal year 2015–2016. Please attach a separate sheet that provides a brief justification for an increased allocation.

(There has been no statewide increase in base funding. Any base funding available for requested increases will be limited to base funds returned by other courts).

In the event that there are insufficient base allocation funds available to meet your request, please fill in the “alternative request” box under the “Federal Draw Down Option For Next Fiscal Year (FY 2015-2016) and indicate the federal draw down amount you are requesting under those circumstances.

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- Alternative Federal Draw Down Request: We requested an increase in base allocation but if additional base funding is not available, we request that our federal draw down be funded at \$_____.

This request is for a permanent change temporary change in the allocation.

Contact Name:

Title:

Telephone Number:

COMMISSIONER CASELOAD COMPARISON WORKSHEET 1997 TO 2014

	COURT	1997 CASES	% OF TOTAL CASES	1997-98 STATE FUNDING	% OF 1997-98 STATE FUNDING	2014-15 CASE LOAD	% OF TOTAL CASES	2014-15 STATE FUNDING	% OF 2014-15 STATE FUNDING
1	Alameda	48,103	4.16%	1,140,000	3.82%	29,034	2.59%	1,370,828	3.46%
2	Alpine	111	0.01%	180,000	0.60%	42	0.00%		0.00%
3	Amador	1,608	0.14%	180,000	0.60%	1,221	0.11%	185,061	0.47%
4	Butte	8,582	0.74%	300,000	1.00%	10,596	0.94%	396,893	1.00%
5	Calaveras	1,919	0.17%	180,000	0.60%	1,577	0.14%	158,084	0.40%
6	Colusa	821	0.07%	180,000	0.60%	685	0.06%	58,615	0.15%
7	Contra Costa	38,666	3.34%	900,000	3.01%	27,106	2.42%	1,014,068	2.56%
8	Del Norte	3,024	0.26%	180,000	0.60%	2,563	0.23%	62,742	0.16%
9	El Dorado	8,720	0.75%	180,000	0.60%	5,588	0.50%	268,081	0.68%
10	Fresno	61,224	5.29%	1,380,000	4.62%	51,552	4.60%	2,022,627	5.10%
11	Glenn	1,715	0.15%	180,000	0.60%	1,637	0.15%	154,004	0.39%
12	Humboldt	6,158	0.53%	180,000	0.60%	5,914	0.53%	159,707	0.40%
13	Imperial	7,907	0.68%	180,000	0.60%	9,724	0.87%	212,640	0.54%
14	Inyo	1,540	0.13%	180,000	0.60%	1,051	0.09%	90,410	0.23%
15	Kern	50,318	4.35%	1,140,000	3.82%	45,179	4.03%	838,359	2.12%
16	Kings	9,132	0.79%	180,000	0.60%	8,837	0.79%	381,988	0.96%
17	Lake	3,377	0.29%	180,000	0.60%	2,493	0.22%	172,156	0.43%
18	Lassen	1,529	0.13%	180,000	0.60%	1,584	0.14%	123,203	0.31%
19	Los Angeles	226,752	19.60%	5,280,000	17.67%	238,698	21.28%	6,524,767	16.46%
20	Madera	5,765	0.50%	180,000	0.60%	5,469	0.49%	279,488	0.71%
21	Marin	3,840	0.33%	180,000	0.60%	2,560	0.23%	124,696	0.31%
22	Mariposa	794	0.07%	180,000	0.60%	614	0.05%	99,247	0.25%
23	Mendocino	4,110	0.36%	180,000	0.60%	4,134	0.37%	224,670	0.57%
24	Merced	13,858	1.20%	300,000	1.00%	15,524	1.38%	712,177	1.80%
25	Modoc	739	0.06%	180,000	0.60%	374	0.03%		0.00%
26	Mono	224	0.02%	180,000	0.60%	253	0.02%	44,688	0.11%
27	Monterey	13,470	1.16%	300,000	1.00%	15,382	1.37%	482,110	1.22%
28	Napa	4,231	0.37%	180,000	0.60%	3,664	0.33%	233,703	0.59%
29	Nevada	5,261	0.45%	180,000	0.60%	3,278	0.29%	432,260	1.09%
30	Orange	73,686	6.37%	1,680,000	5.62%	60,203	5.37%	2,801,466	7.07%
31	Placer	6,030	0.52%	240,000	0.80%	8,274	0.74%	420,619	1.06%
32	Plumas	762	0.07%	180,000	0.60%	899	0.08%	102,291	0.26%
33	Riverside	80,119	6.92%	1,860,000	6.22%	69,796	6.22%	1,257,049	3.17%
34	Sacramento	35,237	3.05%	780,000	2.61%	70,849	6.32%	1,340,135	3.38%
35	San Benito	2,400	0.21%	180,000	0.60%	2,017	0.18%	149,799	0.38%
36	San Bernardino	41,584	3.59%	960,000	3.21%	99,986	8.91%	3,304,520	8.34%
37	san Diego	54,751	4.73%	1,260,000	4.22%	64,328	5.74%	2,298,717	5.80%
38	San Francisco	28,302	2.45%	660,000	2.21%	11,847	1.06%	1,208,409	3.05%
39	San Joaquin	32,532	2.81%	720,000	2.41%	34,205	3.05%	735,865	1.86%
40	San Luis Obispo	6,991	0.60%	180,000	0.60%	3,696	0.33%	293,177	0.74%
41	San Mateo	14,447	1.25%	300,000	1.00%	9,945	0.89%	514,165	1.30%
42	Santa Barbara	21,364	1.85%	480,000	1.61%	11,771	1.05%	598,531	1.51%
43	Santa Clara	49,128	4.25%	1,140,000	3.82%	35,100	3.13%	2,041,379	5.15%
44	Santa Cruz	5,196	0.45%	180,000	0.60%	5,435	0.48%	238,451	0.60%
45	Shasta	15,807	1.37%	360,000	1.20%	11,670	1.04%	549,804	1.39%
46	Sierra	160	0.01%	180,000	0.60%	111	0.01%	-	0.00%
47	Siskiyou	4,015	0.35%	180,000	0.60%	2,807	0.25%	302,917	0.76%
48	Solano	16,348	1.41%	360,000	1.20%	16,059	1.43%	625,582	1.58%
49	Sonoma	18,320	1.58%	450,000	1.51%	11,666	1.04%	633,910	1.60%
50	Stanislaus	25,495	2.20%	570,000	1.91%	28,049	2.50%	912,273	2.30%
51	Sutter	5,211	0.45%	180,000	0.60%	4,263	0.38%	231,921	0.59%
52	Tehama	4,321	0.37%	180,000	0.60%	3,947	0.35%	119,780	0.30%
53	Trinity	1,075	0.09%	180,000	0.60%	637	0.06%	-	0.00%
54	Tulare	26,837	2.32%	600,000	2.01%	24,163	2.15%	671,471	1.69%
55	Tuolumne	3,139	0.27%	180,000	0.60%	2,567	0.23%	209,228	0.53%
56	Ventura	35,077	3.03%	780,000	2.61%	19,693	1.76%	731,522	1.85%
57	Yolo	9,051	0.78%	180,000	0.60%	7,389	0.66%	250,959	0.63%
58	Yuba	6,271	0.54%	180,000	0.60%	3,949	0.35%	258,178	0.65%
	TOTAL	1,157,154	100.00%	29,880,000	100.00%	1,121,654	100.00%	39,629,390	100.00%

FACILITATOR CASELOAD COMPARISON WORKSHEET 1997 TO 2014

	COURT	1997 CASES	% OF TOTAL CASES	1997-98 STATE FUNDING	% OF 1997-98 STATE FUNDING	2014-15 CASE LOAD	% OF TOTAL CASES	2014-15 STATE FUNDING	% OF 2014-15 STATE FUNDING
1	Alameda	48,103	4.16%	308,560	3.80%	29,034	2.59%	472,643	3.49%
2	Alpine	111	0.01%	48,720	0.60%	42	0.00%		0.00%
3	Amador	1,608	0.14%	48,720	0.60%	1,221	0.11%		0.00%
4	Butte	8,582	0.74%	81,200	1.00%	10,596	0.94%	132,750	0.98%
5	Calaveras	1,919	0.17%	48,720	0.60%	1,577	0.14%	126,603	0.93%
6	Colusa	821	0.07%	48,720	0.60%	685	0.06%	67,018	0.49%
7	Contra Costa	38,666	3.34%	243,600	3.00%	27,106	2.42%	342,973	2.53%
8	Del Norte	3,024	0.26%	48,720	0.60%	2,563	0.23%	53,114	0.39%
9	El Dorado	8,720	0.75%	48,720	0.60%	5,588	0.50%	135,055	1.00%
10	Fresno	61,224	5.29%	373,520	4.60%	51,552	4.60%	500,190	3.69%
11	Glenn	1,715	0.15%	48,720	0.60%	1,637	0.15%	96,552	0.71%
12	Humboldt	6,158	0.53%	48,720	0.60%	5,914	0.53%	113,590	0.84%
13	Imperial	7,907	0.68%	48,720	0.60%	9,724	0.87%	67,018	0.49%
14	Inyo	1,540	0.13%	48,720	0.60%	1,051	0.09%	72,834	0.54%
15	Kern	50,318	4.35%	308,560	3.80%	45,179	4.03%	450,220	3.32%
16	Kings	9,132	0.79%	48,720	0.60%	8,837	0.79%	74,288	0.55%
17	Lake	3,377	0.29%	48,720	0.60%	2,493	0.22%	75,106	0.55%
18	Lassen	1,529	0.13%	48,720	0.60%	1,584	0.14%	142,556	1.05%
19	Los Angeles	226,752	19.60%	1,429,120	17.62%	238,698	21.28%	2,363,706	17.43%
20	Madera	5,765	0.50%	48,720	0.60%	5,469	0.49%	105,105	0.78%
21	Marin	3,840	0.33%	81,200	1.00%	2,560	0.23%	178,185	1.31%
22	Mariposa	794	0.07%	48,720	0.60%	614	0.05%	46,234	0.34%
23	Mendocino	4,110	0.36%	48,720	0.60%	4,134	0.37%	78,513	0.58%
24	Merced	13,858	1.20%	81,200	1.00%	15,524	1.38%	128,357	0.95%
25	Modoc	739	0.06%	48,720	0.60%	374	0.03%	73,377	0.54%
26	Mono	224	0.02%	48,720	0.60%	253	0.02%	48,719	0.36%
27	Monterey	13,470	1.16%	81,200	1.00%	15,382	1.37%	153,275	1.13%
28	Napa	4,231	0.37%	48,720	0.60%	3,664	0.33%	78,513	0.58%
29	Nevada	5,261	0.45%	48,720	0.60%	3,278	0.29%	151,348	1.12%
30	Orange	73,686	6.37%	454,720	5.61%	60,203	5.37%	684,215	5.05%
31	Placer	6,030	0.52%	64,960	0.80%	8,274	0.74%	114,151	0.84%
32	Plumas	762	0.07%	48,720	0.60%	899	0.08%	61,654	0.45%
33	Riverside	80,119	6.92%	503,440	6.21%	69,796	6.22%	843,596	6.22%
34	Sacramento	35,237	3.05%	211,120	2.60%	70,849	6.32%	392,485	2.89%
35	San Benito	2,400	0.21%	48,720	0.60%	2,017	0.18%	78,513	0.58%
36	San Bernardino	41,584	3.59%	259,840	3.20%	99,986	8.91%	582,318	4.29%
37	San Diego	54,751	4.73%	341,040	4.20%	64,328	5.74%	751,208	5.54%
38	San Francisco	28,302	2.45%	178,640	2.20%	11,847	1.06%	312,372	2.30%
39	San Joaquin	32,532	2.81%	194,880	2.40%	34,205	3.05%	263,045	1.94%
40	San Luis Obispo	6,991	0.60%	48,720	0.60%	3,696	0.33%	85,193	0.63%
41	San Mateo	14,447	1.25%	81,200	1.00%	9,945	0.89%	165,425	1.22%
42	Santa Barbara	21,364	1.85%	129,920	1.60%	11,771	1.05%	216,406	1.60%
43	Santa Clara	49,128	4.25%	308,560	3.80%	35,100	3.13%	564,829	4.17%
44	Santa Cruz	5,196	0.45%	48,720	0.60%	5,435	0.48%	94,235	0.69%
45	Shasta	15,807	1.37%	97,440	1.20%	11,670	1.04%	205,144	1.51%
46	Sierra	160	0.01%	48,720	0.60%	111	0.01%		0.00%
47	Siskiyou	4,015	0.35%	48,720	0.60%	2,807	0.25%	97,112	0.72%
48	Solano	16,348	1.41%	97,440	1.20%	16,059	1.43%	168,387	1.24%
49	Sonoma	18,320	1.58%	113,680	1.40%	11,666	1.04%	175,627	1.30%
50	Stanislaus	25,495	2.20%	154,280	1.90%	28,049	2.50%	285,791	2.11%
51	Sutter	5,211	0.45%	48,720	0.60%	4,263	0.38%	84,193	0.62%
52	Tehama	4,321	0.37%	48,720	0.60%	3,947	0.35%	29,971	0.22%
53	Trinity	1,075	0.09%	48,720	0.60%	637	0.06%	-	0.00%
54	Tulare	26,837	2.32%	162,400	2.00%	24,163	2.15%	389,703	2.87%
55	Tuolumne	3,139	0.27%	48,720	0.60%	2,567	0.23%	84,193	0.62%
56	Ventura	35,077	3.03%	211,120	2.60%	19,693	1.76%	321,295	2.37%
57	Yolo	9,051	0.78%	48,720	0.60%	7,389	0.66%	97,112	0.72%
58	Yuba	6,271	0.54%	48,720	0.60%	3,949	0.35%	83,488	0.62%
	TOTAL	1,157,154	100%	8,111,880	100.00%	1,121,654	100.00%	13,559,500	100.00%

CHILD SUPPORT COMMISSIONER PROGRAM

FY 2013-14 FULL TIME EQUIVALENT POSITION AND COMMISSIONER TO SUPPORT STAFF ALLOCATION					
	COURT	# OF CSC ETE	# OF CSC SUPPORT FTE	TOTAL FTE	SUPPORT PER 1.0 CSC
1	Alameda	1.50	13.30	14.80	8.87
2	Alpine	0.50		0.50	-
3	Amador	0.70	1.10	1.80	1.57
4	Butte	0.50	3.81	4.31	7.62
5	Calaveras	0.30	0.95	1.25	3.17
6	Colusa	0.30		0.30	-
7	Contra Costa	0.80	8.00	8.80	10.00
8	Del Norte	0.30	0.40	0.70	1.33
9	El Dorado	0.50	2.10	2.60	4.20
10	Fresno	2.00	13.44	15.44	6.72
11	Glenn	0.30	1.30	1.60	4.33
12	Humboldt	0.30	0.41	0.71	1.37
13	Imperial	0.40	2.40	2.80	6.00
14	Inyo	0.10	0.30	0.40	3.00
15	Kern	0.60	8.60	9.20	14.33
16	Kings	0.50	3.00	3.50	6.00
17	Lake	0.60	1.30	1.90	2.17
18	Lassen	0.30	1.00	1.30	3.33
19	Los Angeles	4.00	53.10	57.10	13.28
20	Madera	0.50	3.00	3.50	6.00
21	Marin	0.40	1.15	1.55	2.88
22	Mariposa	0.60	0.68	1.28	1.13
23	Mendocino	0.40	1.45	1.85	3.63
24	Merced	0.70	9.80	10.50	14.00
25	Modoc	No CSC			n/a
26	Mono	0.25	0.09	0.34	0.36
27	Monterey	0.60	2.40	3.00	4.00
28	Napa	0.60	1.40	2.00	2.33
29	Nevada	0.60	3.85	4.45	6.42
30	Orange	2.50	18.45	20.95	7.38
31	Placer	0.47	2.43	2.90	5.17
32	Plumas	0.30	7.00	7.30	23.33
33	Riverside	0.30	13.50	13.80	45.00
34	Sacramento	1.70	10.70	12.40	6.29
35	San Benito	0.30	1.00	1.30	3.33
36	San Bernardino	2.30	24.30	26.60	10.57
37	San Diego	3.00	17.40	20.40	5.80
38	San Francisco	1.00	7.70	8.70	7.70
39	San Joaquin	1.00	4.00	5.00	4.00
40	San Luis Obispo	0.30	3.30	3.60	11.00
41	San Mateo	0.50	3.50	4.00	7.00
42	Santa Barbara	1.00	6.10	7.10	6.10
43	Santa Clara	2.00	10.00	12.00	5.00
44	Santa Cruz	0.50	0.50	1.00	1.00
45	Shasta	0.70	5.00	5.70	7.14
46	Sierra/Nevada	0.40		0.40	-
47	Siskiyou	0.50	3.50	4.00	7.00
48	Solano	0.70	5.10	5.80	7.29
49	Sonoma	1.00	3.90	4.90	3.90
50	Stanislaus	0.80	7.00	7.80	8.75
51	Sutter	0.30	2.30	2.60	7.67
52	Tehama	0.30	1.40	1.70	4.67
53	Trinity/Shasta	0.30		0.30	-
54	Tulare	1.00	2.90	3.90	2.90
55	Tuolumne	0.60	2.35	2.95	3.92
56	Ventura	0.70	5.40	6.10	7.71
57	Yolo	0.40	2.00	2.40	5.00
58	Yuba	0.30	1.75	2.05	5.83
	TOTAL	44.32	310.81	355.13	7.01

TOTAL PROGRAM FTE

355.13

FAMILY LAW FACILITATOR PROGRAM

FY 2013-14 FULL TIME EQUIVALENT POSITION AND FACILITATOR TO SUPPORT STAFF ALLOCATION					
	COURT	# OF FLF ETE	# OF FLF SUPPORT FTE	TOTAL FTE	SUPPORT PER 1.0 FLF
1	Alameda	0.48	3.35	3.83	6.98
2	Alpine/El Dorado	0.50		0.50	-
3	Amador/Calaveras	0.50		0.50	-
4	Butte	0.50	1.15	1.65	2.30
5	Calaveras/Amador	0.50	0.83	1.33	1.66
6	Colusa	0.40		0.40	-
7	Contra Costa	0.50	2.00	2.50	4.00
8	Del Norte	1.00		1.00	-
9	El Dorado/Alpine	0.40	1.00	1.40	2.50
10	Fresno	1.00	4.65	5.65	4.65
11	Glenn	0.30	1.00	1.30	3.33
12	Humboldt	0.55	0.10	0.65	0.18
13	Imperial	0.50	1.00	1.50	2.00
14	Inyo	1.00		1.00	-
15	Kern	0.70	3.70	4.40	5.29
16	Kings	1.00	0.50	1.50	0.50
17	Lake	1.00	0.60	1.60	0.60
18	Lassen	0.20	0.50	0.70	2.50
19	Los Angeles	0.05	18.50	18.55	370.00
20	Madera	1.00	0.30	1.30	0.30
21	Marin	0.70	0.70	1.40	1.00
22	Mariposa	1.00		1.00	-
23	Mendocino	0.50	0.70	1.20	1.40
24	Merced	0.80	1.00	1.80	1.25
25	Modoc	1.00		1.00	-
26	Mono	1.00		1.00	-
27	Monterey	0.60	0.40	1.00	0.67
28	Napa	0.70	0.25	0.95	0.36
29	Nevada/Sierra	0.75	0.75	1.50	1.00
30	Orange	2.00	4.00	6.00	2.00
31	Placer	0.58	0.26	0.84	0.45
32	Plumas	1.00		1.00	-
33	Riverside	3.20	4.10	7.30	1.28
34	Sacramento	0.60	5.40	6.00	9.00
35	San Benito	0.50	1.00	1.50	2.00
36	San Bernardino	2.00	2.30	4.30	1.15
37	San Diego	0.50	5.50	6.00	11.00
38	San Francisco	0.50	1.50	2.00	3.00
39	San Joaquin	1.00	1.00	2.00	1.00
40	San Luis Obispo	0.50	0.80	1.30	1.60
41	San Mateo	0.90		0.90	-
42	Santa Barbara	2.00	0.50	2.50	0.25
43	Santa Clara	1.00	3.00	4.00	3.00
44	Santa Cruz	0.95	0.20	1.15	0.21
45	Shasta	0.60	1.50	2.10	2.50
46	Sierra/Nevada	0.25		0.25	-
47	Siskiyou	0.65		0.65	-
48	Solano	0.85		0.85	-
49	Sonoma	1.00	0.75	1.75	0.75
50	Stanislaus	0.60	2.00	2.60	3.33
51	Sutter	0.35	0.45	0.80	1.29
52	Tehama	0.30		0.30	-
53	Trinity	0.10	0.80	0.90	8.00
54	Tulare	0.75	3.75	4.50	5.00
55	Tuolumne	1.00	0.60	1.60	0.60
56	Ventura	0.70	2.00	2.70	2.86
57	Yolo	0.40	0.50	0.90	1.25
58	Yuba	0.70		0.70	-
	TOTAL	44.61	84.89	129.50	1.90

TOTAL PROGRAM FTE

129.50