



Judicial Council of California . Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2011

Title	Agenda Item Type
Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child Support	Action Required
	Effective Date
	January 1, 2012
Rules, Forms, Standards, or Statutes Affected	Date of Report
Adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686; approve form FL-334; and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685	October 18, 2011
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Recommended by	
Family and Juvenile Law Advisory Committee	
Hon. Kimberly J. Nystrom-Geist, Cochair	
Hon. Dean Stout, Cochair	

Executive Summary

To implement changes to the California Family Code section 215 made by Assembly Bill 939¹ (Assembly Committee on Judiciary; Stats. 2010, ch. 352), the Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise its family law proof of service by mail form and governmental child support forms that have a proof of service as part of the form, adopt a stand alone governmental proof of service by mail form, and approve a declaration regarding address verification. These statutory changes allow a party to serve the other party by mail with a postjudgment motion to modify a child custody, visitation, or child support judgment

¹ Available at http://leginfo.ca.gov/pub/09-10/bill/asm/ab_0901-0950/ab_939_bill_20100927_chaptered.html

or permanent order. These changes also provide that the proof of service must include an address verification for any party served by mail.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2012, take the following actions to ensure compliance with the requirements of Assembly Bill 939 (Assem. Com. on Judiciary; Stats. 2010, ch. 352):

1. Revise form FL-330, *Proof of Personal Service*;
2. Adopt form FL-330-INFO, *Information Sheet for Personal Service*;
3. Approve form FL-334, *Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order*;
4. Revise form FL-335, *Proof of Service by Mail*;
5. Adopt form FL-335-INFO, *Information Sheet for Service by Mail*;
6. Revise form FL-640, *Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (Governmental)*;
7. Adopt form FL-640-INFO, *Information Sheet for Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (Governmental)*;
8. Revise form FL-661, *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action*;
9. Adopt form FL-661-INFO, *Information Sheet for Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action*;
10. Revise form FL-662, *Responsive Declaration to Motion for Joinder of Other Parent—Consent Order of Joinder (Governmental)*;
11. Adopt form FL-662-INFO, *Information Sheet for Responsive Declaration to Motion for Joinder of Other Parent—Consent Order of Joinder (Governmental)*;
12. Revise form FL-676, *Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization (Governmental)*;
13. Revise form FL-677, *Notice of Opposition and Notice of Motion on Claim of Exemption (Governmental)*;
14. Revise form FL-679, *Request for Telephone Appearance (Governmental)*;
15. Revise form FL-680, *Notice of Motion (Governmental)*;
16. Revise form FL-685, *Response to Governmental Notice of Motion or Order to Show Cause*; and
17. Adopt form FL-686, *Proof of Service by Mail (Governmental)*.

The proposed forms are attached at pages 15–44.

Previous Council Action

Effective July 1, 2011, the Judicial Council revised *Request for Judicial Determination of Support Arrearages (Governmental)* (form FL-676) to implement changes to the Family Code

made by Senate Bill 1355 (Wright; Stats. 2010, ch. 495), 45 Code of Federal Regulations section 303.31, and Senate Bill 580, that require that every child support order enforced by the local child support agency (LCSA) include a provision regarding the effect of incarceration or involuntary institutionalization on child support orders and an order for medical support, including a definition of the reasonable cost for medical insurance.

Effective January 1, 2008, the Judicial Council revised *Request for Telephone Appearance (Governmental)* (form FL-679) to allow a LCSA to request a telephone appearance in title IV-D child support cases on behalf of a parent, a party, or a witness and adopted *Information Sheet—Request for Telephone Appearance* (form FL-679-INFO) as a separate Judicial Council form.

Effective January 1, 2007, the Judicial Council revised *Notice of Opposition and Notice of Motion on Claim of Exemption* (form FL-677) to add the inadvertently omitted “Other Parent” to the caption box on page 1 of the form and to correct the numbering of the form.

Effective January 1, 2003, the Judicial Council revised *Proof of Service by Mail* (form FL-335), *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form FL-661), and *Response to Governmental Notice of Motion or Order to Show Cause* (form FL-685) to renumber the forms in an effort to help users locate needed forms more easily.

Effective July 1, 2005, the Judicial Council revised *Responsive Declaration to Motion for Joinder of Other Parent—Consent Order of Joinder (Governmental)* (form FL-662) and *Notice of Motion (Governmental)* (form FL-680) to implement changes made by Assembly Bill 3078 (Assem. Com. on Judiciary; Stats. 2004, ch. 171), which revised the deadlines from calendar days to court days for service and filing of specified moving, supporting, opposing, and reply papers regarding motions and other hearings.

Effective January 1, 2005, the Judicial Council revised *Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (Governmental)* (form FL-640) to correct the format of the form and to add language that was omitted from the information sheet.

Rationale for Recommendation

Effective January 1, 2011, Assembly Bill 939 (Assem. Com. on Judiciary; Stats. 2010, ch. 352) amended Family Code section 215 to allow a party to serve a postjudgment motion to modify a child custody, visitation, or child support judgment or permanent order on the other party or parties by first-class mail or air mail, postage prepaid. The law also provides that, for any party served by mail, the proof of service must include an address verification.

To implement these statutory changes, the Family and Juvenile Law Advisory Committee recommends modification or adoption of proof-of-service forms used in family law proceedings.

Family law forms

Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) would serve as an optional address verification declaration as required under Family Code section 215. Modeled after the existing *Declaration in Support of Attorney’s Motion to Be Relieved as Counsel—Civil* (form MC-052), form FL-334 would require that the declarant verify the residence or office address of the other party 30 days before serving the party with the request for order and supporting documents, including the address verification form.

In addition, *Proof of Service by Mail* (form FL-335) would be revised to include a new item with a check box to specify that service of a request to modify a child custody, visitation, or child support judgment or permanent order must include a declaration verifying the address of the party being served by mail. The form would reference proposed new form FL-334 to inform a party or the person effecting service that a verification form approved by the Judicial Council is available for use.

Postjudgment motions filed by a LCSA will have a different address verification procedure because of the automated verification process used by the local child support agency as discussed below. A proof of service for use by the local child support agency is discussed below.

The proposed new *Information Sheet for Proof of Service by Mail* (form FL-335-INFO) would be approved as a separate form rather than as part of *Proof of Service by Mail* (form FL-335). This separation is part of the Judicial Council’s ongoing effort to make information sheets readily available to the public and eliminate excess and unnecessary paper from being filed with the court. It also eliminates the potential problem of a motion or request for order being rejected by the clerk of the court if a party fails to include the instruction sheet at the time of filing.

Proof of Personal Service (form FL-330) would be revised at the caption to be consistent with a revision made to FL-335 which changed “Other Party” to “Other Parent/Party.” Because this is a minor technical change, this form was not circulated for comment.

Proposed new form FL-330-INFO, *Information Sheet for Proof of Personal Service* would be approved as a separate form rather than as part of *Proof of Personal Service* (form FL-330). This separation is part of the ongoing effort of the Judicial Council to make information sheets readily available to the public and eliminate excess and unnecessary paper from being filed with the court. Also it eliminates the potential problem of a motion or request for order being rejected by the clerk of the court if a party fails to include the instruction sheet at the time of filing.

Governmental child support forms

Local child support agencies provide services in more than 1.5 million child support cases statewide. The LCSAs generate all pleadings from a federally certified statewide child support case management system. This case management system is programmed to verify addresses through interfaces with various state and federal databases, including the Federal Case Registry

(FCR), the National Directory of New Hires (NDNH), the National Change of Address (NCOA), and the California Employment Development Department's New Employee Registry (NER). The process for verifying addresses is standard for all LCSAs and does not vary from case to case.

Given the highly automated process for address verifications for cases with services provided by the LCSA, developing a governmental proof-of-service form with standardized language regarding the address verifications for these cases is the most effective way to comply with the requirements of Family Code section 215.

To implement the provision of AB 939 in governmental child support matters, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt *Proof of Service by Mail (Governmental)* (form FL-686). This would serve as a mandatory form for use by the LCSAs and would include a standard address verification declaration that references that the address was verified using the Department of Child Support Services statewide automated child support enforcement system.

In addition to adopting a new governmental proof-of-service-by-mail form, other governmental Judicial Council forms that include a proof of service as part of the form would be revised to comply with the requirements of AB 939. These governmental forms are routinely filed by parents whose support obligation is being enforced by the LCSA. These forms would be revised to parallel the language and declaration process proposed for the family law forms.

Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (form FL-640) would be revised to include a section that specifies that the service of the motion included an address verification declaration and would reference the proposed new *Declaration Re Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334).

The proposed new *Information Sheet for Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income* (form FL-640-INFO) would be approved as a separate form rather than as part of form FL-640. This separation is part of the Judicial Council's ongoing effort to make information sheets readily available to the public and eliminate excess and unnecessary paper from being filed with the court. It also eliminates the potential problem of a motion being rejected by the clerk of the court if a party fails to include the instruction sheet at the time of filing.

Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action (form FL-661) would be revised to include a section that specifies that the service of the motion included an address verification declaration and would reference the proposed new declaration form, form FL-334.

The proposed new *Information Sheet for Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form FL-661-INFO) would be approved as a separate form rather than as part of form FL-661. This separation is part of the ongoing effort of the Judicial Council to make information sheets readily available to the public and eliminate excess and unnecessary paper from being filed with the court. It also eliminates the possibility that the clerk of the court may reject a motion if a party fails to include the instruction sheet at the time of filing.

Responsive Declaration to Motion for Joinder of Other Parent—Consent Order of Joinder (form FL-662) would be revised to include a section that specifies that the service of the motion included an address verification declaration and would reference the proposed new declaration form, form FL-334.

The proposed new *Information Sheet for Responsive Declaration to Motion for Joinder of Other Parent—Consent Order of Joinder* (form FL-662-INFO) would be approved as a separate form rather than as part of form FL-662. This separation is part of the ongoing effort of the Judicial Council to make information sheets readily available to the public and eliminate excess and unnecessary paper from being filed with the court. It also eliminates the potential problem of a motion being rejected by the clerk of the court if a party fails to include the instruction sheet at the time of filing.

Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization (form FL-676) would be revised to include a section that specifies that the service of the motion included an address verification declaration and would reference the proposed new declaration, form FL-334.

Notice of Opposition and Notice of Motion on Claim of Exemption (form FL-677), which is a form only filed by the local child support agency, would be revised to delete the existing proof of service by mail. The LCSA will then be able to attach the new *Proof of Service by Mail (Governmental)* (form FL-686), which would meet the requirements of AB 939.

Request for Telephone Appearance (form FL-679) would be revised to include a section that specifies that the service of the motion included an address verification declaration and would reference the proposed new declaration, form FL-334.

Notice of Motion (Governmental) (form FL-680), which is only filed by the LCSA, would be revised to include a standard address verification declaration that references the address was verified using the Department of Child Support Services statewide automated child support enforcement system.

Response to Governmental Notice of Motion or Order to Show Cause (form FL-685) would be revised to include a section that specifies that the service of the motion included an address verification declaration and would reference the proposed new declaration, form FL-334.

Comments, Alternatives Considered, and Policy Implications

Comment process

The invitation to comment on the proposal was circulated for public comment from April 21, 2011, through June 20, 2011, to the standard mailing list for family and juvenile law proposals including child support professionals, as well as to the regular rules and forms mailing list. These distribution lists include appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, child support commissioners, court administrators, attorneys, family law facilitators, court clerks, social workers, probation officers, mediators, the California Department of Child Support Services, Child Support Directors Association (CSDA) forms committee and legal practices committee, title IV-D program directors, and other family and juvenile law professionals.

During the formal comment period, the committee received 21 written comments. Of these, 5 commentators agreed with the proposed revisions, 8 agreed if suggested modifications were made, 5 did not indicate a position, 2 disagreed with the proposed revisions in their entirety; and 1 specifically disagreed with form FL-334. The committee reviewed and analyzed the comments and responded to many with revisions to the proposed forms. A chart of comments received and the committee's responses is attached at pages 45–105.

Comments on family law forms

As described below, commentators proposed several changes to *Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334).

One commentator stated that “visitation” should be replaced with “parenting time” throughout forms FL-334, FL-335, FL-661, and in all forms that make reference to form FL-334. To be consistent with the language in Family Code section 215(b), the committee recommends the continued use of the term “visitation” on form FL-334. The committee recommends the use of the term “parenting time” on information sheets relating to child custody proceedings.

In addition, the commentator suggested a change to the caption in form FL-334 relating to the term “Other Parent.” The commentator believes that the forms should be consistent and allow for cases in which the caption would be completed by a parent or a joined party. Currently, some family law form captions have a space for “Other Parent” and others for “Other Party.” The commentator favors using the term “Other Party” and believes this would encompass a variety of parties that may be joined. The commentator assumes that the terms “Other Parent” and “Other Party” are interchangeable. However, they are not. The term “Other Parent” is the legally required designation for the custodial parent in a governmental child support case under Family Code section 17404. In order to encompass use of these forms in both family and governmental cases, the term “Other Parent/Party” will be used in the caption, and a check box at item 1 will be added to include “Other Party” on the form.

The CSDA suggested that the form include a separate item to cover postjudgment requests solely to change a child support order in which the local child support agency is providing services. In such cases, Family Code section 17404(e)(3) allows the nonmoving party to be served by mail at the address of the local child support agency. Further, the LCSA must serve on a parent all pleadings relating to support that have been served on the agency by the other parent under Family Code section 17406(f). The committee believes that this change will assist a greater number of litigants and has agreed to incorporate language substantially similar to that proposed by the commentator into the revised recommendation. In addition, the committee agreed to change the instructions on page 2 of the form to provide for service in this situation.

Another commentator disagreed with multiple items on the form and provided legal analysis of statutes and case law to support the need for specific changes. These included (1) changing the form to require verification of the other party's current "residence or office address" instead of his or her "current address"; (2) deleting item 4, as service by mail is not permitted at the other party's last known address (it should be noted that the committee received another comment on this point); (3) removing reference to the limitation regarding service on an address of record; and (4) expanding the 30-day timeframe for the moving party to verify the other party's current residence or business address.

The committee agreed with most of these suggestions and incorporated them, with some changes, into the revised form it recommends for adoption. The committee agreed to make the change indicated in (1) to avoid the implication that a moving party may serve the other party at a post office box or an address that isn't the party's residence or office address. The committee also agreed with the suggested changes in (2) and recommended deleting item 4 on the form. Instead, the form would provide a notice that if the other party's current residence or office address cannot be verified, the motion must not be served by mail; it must be personally served on the other parent or other party.

With regard to (3), the commentator disagreed with form item 3c, which provided, "It is the same address that the other party gave to the court within the past 30 days." The commentator stated that there is no time limit or expiration time of the validity of service on an address of record and suggested there be a separate section of the proof-of-service form for service on the party at an address of record that does not reference the 30-day limit for the other methods of verification. The committee agreed and revised the form by creating a separate item (see item 3b(4)) to provide for situations in which the verification is based on obtaining the other party's address of record. The committee also changed item 3c (now item 3b(3)) to provide an option indicating that the party obtained the information from the court file in which the other party filed notice of a change of address. Specifically, the form would provide, "It is the new address provided on *Notice of Change of Address* (form MC-040) or other pleading that the other party filed with the court on (specify date):"

Finally, the commentator disagreed with the 30-day period the party is given to verify the other party's address and stated that it would not be unreasonable to use another time period of 45

days, 60 days, or even 90 days for this verification. The committee believes that 30 days to verify the other party's address is a reasonable period of time. The timeframe is based, in part, on rule 3.1362 and the companion *Declaration in Support of Attorney's Motion to Be Relieved as Counsel—Civil* (form MC-052). In that rule and form, "current" means that the address was confirmed within 30 days before the filing of the motion to be relieved. However, for purposes of proposed new form FL-334, the committee believes it reasonable that verification of the other's party's current address be made within 30 days of serving (not filing) a request to modify the judgment or permanent orders for child custody, visitation, or child support. This difference could provide the party with more time to obtain service information than if the period were measured from the date of filing.

Two commentators suggested changes to the second page of form FL-334. One commentator suggested that the form clarify whether a party must complete an address verification form when filing a postjudgment motion for issues other than modifying child support, custody, or visitation/parenting time or when the postjudgment motion includes one of these issues in addition to another issue. As this form relates only to the requirements for requests to modify judgments or permanent orders for child custody, visitation, or child support, the committee prefers to limit the form accordingly and does not agree to recommend that the form include a legal interpretation of Family Code section 215.

The other commentator suggested that the form be revised to make service requirements on the form clearer to reduce procedural delays that might otherwise arise. The committee agreed to revise the form to make it more consistent with the requirements of Code of Civil Procedure sections 1013 and 1013a in terms of the addresses at which a nonmoving party may be served with the postjudgment request. To this end and to avoid confusion, the committee agreed to delete the instruction on the form that the request may not be served on the other party's attorney.

One commentator disagreed with the committee's recommendation to approve form FL-334 before adoption of a rule that addresses address verification. The commentator stated that form FL-334 does not give guidance to judicial officers making decisions as to whether the attempts made to verify the address are sufficient to constitute "address verification" under Family Code section 215(b) and the form does not detail for litigants what efforts will be sufficient to constitute address verification.

While Family Code section 215 does not define what efforts will be sufficient to constitute "address verification," proposed form FL-334 at item 3b (1)-(6) includes a list of methods which the litigant may check to demonstrate how he or she obtained the other party or the other parent's current business or office address. The list is based, in part, on existing forms and statutes. The list also includes a section for the litigant to describe any other method used to obtain the service address. As with the pre-printed list, the court will have to interpret the statute as it is currently worded and make the necessary determination as to whether the attempts to verify the address are adequate to effect service of the motion by mail.

The committee notes that form FL-334 is both a rule and a form under rule 5.25, Status of family law and domestic violence forms, which provides that all forms adopted or approved by the Judicial Council for use in any proceeding under the Family Code, including any form in the FL, ADOPT, DV, and FJ series, are adopted as rules of court under the authority of Family Code section 211; article VI, section 6 of the California Constitution; and other applicable law. Based on the foregoing, the committee does not agree to withhold form FL-334 from the proposal it is recommending for adoption.

Comments on *Proof of Service by Mail* (form FL-335)

The committee received several comments relating to form FL-335. One commentator stated that it should be only a one-page form to be consistent with the practice of the Judicial Council with regard to the information sheets for other form sets. The committee agrees to recommend that the Judicial Council adopt separate information sheets for service by mail and for personal service, respectively titled *Information Sheet for Service by Mail* (form FL-335-INFO) and *Information Sheet for Personal Service* (form FL-330-INFO).

Another comment stated that changing the form to include an additional check box (item 5) is unnecessary, because the same information could be and in fact is part of check box item 3, and a separate check box presents one more opportunity for the self-represented to make a mistake. The committee does not agree with this comment. Family Code section 215(b) is a new law that requires an address verification be attached to the proof of service. Item 5 would increase compliance with the new law by informing parties and process servers of the new requirement and by specifying that an approved Judicial Council form is available for use. Further, the committee believes that a party would not be prejudiced if the same form were listed in item 3 and not listed in item 5. The statute requires that the verification be attached to the proof of service. As long as the address verification is listed somewhere on the form and attached to the proof of service by mail, the party has complied with the statute.

Finally, a commentator suggested deleting the hearing date, time, and department number from the revised form FL-335, as this information is not necessary for all mail services and will confuse self-represented litigants. The committee prefers that the information appear on form FL-335 as well as *Proof of Personal Service* (form FL-330) to provide additional information to the parties, their attorneys, and the court about the proceeding; however, the committee also agrees to include on the form that the information be provided, if applicable.

Comments on governmental child support forms

One commentator did not agree with the proposed form changes because he believes that the proposed verification language with regard to the local child support agencies fails to comply with the requirements of Family Code section 215. He contends that the address information contained in the Department of Child Support Services automated child support enforcement system is neither accurate nor current. He alleges that address information for every party is accessible by any LCSA worker and can be changed by any worker in any county with access to the case management system. This information is also changed automatically as the system

receives and processes information from its interfaces with other databases. The commentator claims that, as a result, recent information that has been confirmed as correct is overwritten by old, and often previously deactivated, address information within the CSE system, and such automated replacement of address information puts into question the reliability of the information in the system.

There is no dispute that the changes to Family Code section 215, which require that every proof of service include an address verification, apply to motions filed by the local child support agencies. The LCSAs, however, are in a unique position from other family law litigants, as they provide services in over 1.5 million child support cases statewide and are mandated by both state and federal law to maintain a federally certified statewide child support enforcement system. This system, which has as a primary business and legal function to perform “locate” functions for both parents, has the advantage of interfacing with various state and federal databases, including the Federal Case Registry (FCR), National Directory of New Hires (NDNH), National Change of Address (NCOA), and New Employee Registry (NER). This allows the LCSA to obtain and update addresses for the parties that are not available to other litigants. Addresses within the system are updated in one of two ways: by automated interface or by user input. The source of the address is always provided, either by the user making a manual address entry or by the system if the address is received via an automated interface file. While the system will maintain an unlimited number of addresses for a party (called a “participant” within the system), the party can only have one primary mailing address and one primary physical address.

The child support enforcement system receives daily address data from the FCR and the NHR. This data is considered reliable and is updated within the child support enforcement system as a verified address. Addresses received from interfaces considered potentially unreliable will be updated to the system as unverified. If a party has an unverified primary address within the system, a US Postal Verification letter will be automatically generated in an attempt to verify the address.

If the system has a primary verified address, regardless of the effective date, the system will not override it and update it with another address obtained via automated interface. The primary verified address is considered good. Any new addresses received from an interface will be added to the party’s address list as secondary addresses. The only time that a primary address will be changed by the system and updated with a new address is if mail is returned by the post office. If returned mail is received, the system will evaluate all of the secondary addresses to determine which one to promote to a primary address.

In addition to the child support enforcement system’s automated updates to the address information, a local child support agency employee will also verify and update addresses on confirmation with the parties. LCSA employees receive training and are instructed to inquire about current address information every time there is contact with a party. The employee will update the address after evaluation of current address information in the system as well as new information received from the parties. As appropriate, the employee will update the address

status (both primary and secondary), address source, and effective date of the updated address. The primary address will not be automatically overridden. The primary address must be inactivated by the worker or because of returned mail. Only if a worker manually adds a new primary address and chooses to make the other secondary will the confirmed primary be made secondary.

Additionally, if a secondary address in the system is promoted to primary automatically, as when returned mail from the post office is scanned and inactivates the address, the system will automatically send out a postmaster verification letter to the post office to confirm that the party receives mail at that location. Additionally, the system sends many documents and notices to that address, such as monthly billing statements and complaint resolution forms. If the address is not good, mail will be returned and the address inactivated. Generally, returned mail is received faster than verifications from the post office.

This address information is received on a daily basis through the state and federal interfaces. Further, the system sends out dozens of documents to participants yearly, and if the participant is no longer at that address, the documents are returned. Also, the parties' address data continues to be verified in the "locate" section of the database. Additionally, the system is programmed to reject data from all sources (based on source-specific logic) when it would be considered stale—for example, IRS data not processed after the reporting year.

The new requirement of Family Code section 215 applies to all parties in a family law action including LCSAs. Contrary to the commentator's claim, the child support enforcement system meets the address verification requirement through its automated interfaces with other reliable databases, and the training of LCSA employees to request updated address information when making contact with the parties, and the process of independently verifying addresses through these automated interfaces on a daily basis.

The Child Support Directors Association (CSDA) requested that, in an effort to bring consistency and uniformity to the numerous proofs of service that are incorporated into a number of Judicial Council family law and governmental forms, the Judicial Council delete and eliminate all current proofs of service that are an integrated part of any form set and replace them with standard proofs of service by mail, one for use by LCSAs and the other for use by parties or their attorneys. They argued that any revisions that may be required by future legislative or regulatory changes will be more quickly and efficiently implemented if such changes need only be made to two forms rather than a wide number of forms. CSDA is correct that there are a number of proofs of services that have been incorporated into family law and governmental child support forms. Incorporating the proof of service as part of the form provides a benefit to both the court and the parties in the case, particularly self-represented litigants. Increasingly, in family law and governmental child support cases, the parties to the action are self-represented. Having a proof of service as part of the form is helpful to the litigant because he or she only has to complete one Judicial Council form to file the motion with the court rather than finding and completing a separate proof-of-service form. It also serves as a reminder of the requirement and provides

instruction regarding the service of the pleading to all of the other parties to the action. It also provides a convenience for the court. When reviewing the file to ensure due process, the court only has to review one Judicial Council form rather than searching through the file for an additional form. This practice also reduces the amount of paper necessarily generated and contained in a court file. Finally, making the suggested change would cause substantial programming costs for the Department of Child Support Service to remove the proofs of service from the forms in its automated child support enforcement system. Because of these benefits, the proofs of service will not be removed from the Judicial Council forms.

CSDA also suggested that a number of forms be revised to allow the LCSA to have the authority to use the form by adding them to the caption. These governmental child support forms were revised to make this change. In addition, the incorporated proofs of service were revised to add a check box in front of the address verification language, and the address verification particular to the LCSA was added to the form with a check box.

Several commentators requested that many minor technical changes, unrelated to the reason for the circulation of the forms, be made throughout the forms to provide more information and clarity for the parties using the forms. These requests included removing references to the payment of filing fees where the pleading is being filed in governmental child support cases and including additional instruction on the information sheets that the person serving the pleading must be 18 years of age or older and not a party to the action. These requested changes were made on the governmental child support forms.

These commentators also requested that some changes be made to the caption of the forms. First the commentators suggested that the caption be changed to combine the “department,” “division,” and “room” boxes into one check box. The committee rejected this request, as the requested change is inconsistent with other Judicial Council forms. Also, having this information available to the parties provides them with more accurate information without regard to differing practices throughout the state by individual courts in titling their courtrooms. Second, these commentators also suggested revising the caption to replace “Other Parent” with “Other Party.” Family Code section 17404(e) provides that a “parent who has requested or is receiving support enforcement services of the local child support agency shall become a party to the action” for the purpose allowed by that section. The term “Other Parent” is used consistently throughout the governmental child support forms to identify this party as joined by the authority of this section. The current language complies with this statutory authority and the committee did not change it.

Some commentators also pointed out that the *Instruction Sheet for Responsive Declaration to Motion for Joinder of Other Parent* (form FL-662-INFO) that was circulated for comment had some accidental strikeover printing at item 1. There was no change made to the existing language on this portion of the form, and a clear version of the form was available for review on the California Courts website. The corrected form will not be circulated for additional comments.

Alternatives considered

The committee considered taking no action, but because legislation requires that every proof of service by mail in a family law case include an address verification effective January 1, 2011, the Family and Juvenile Law Advisory Committee rejected the option of taking no action. In addition, the need for uniformity and consistency persuaded the committee that the proposed changes were both necessary and desirable. The committee concluded that the changes to the forms would streamline procedures for local courts in its case file review to determine whether the parties met the requirements of the legislation. This uniformity will result in reduced court time and ultimately result in cost saving for the courts.

Implementation Requirements, Costs, and Operational Impacts

The committee is not aware of any implementation requirements, increased costs, or operational impacts on the local courts arising out of the revision of the forms.

Attachments

1. Forms FL-330, FL-330-INFO, FL-334, FL-335, FL-335-INFO, FL-640, FL-640-INFO, FL-661, FL-661-INFO, FL-662, FL-662-INFO, FL-667, FL-679, FL-685, and FL-686, at pages 15–44
2. Chart of Comments, at pages 45–105

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400,17406 <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT Not Approved by the Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER: <i>(If applicable, provide):</i> HEARING DATE: HEARING TIME: DEPT.:
PROOF OF PERSONAL SERVICE	

1. I am at least 18 years old, not a party to this action, and not a protected person listed in any of the orders.
2. Person served *(name)*:
3. I served copies of the following documents *(specify)*:

4. By personally delivering copies to the person served, as follows:
 - a. Date: _____
 - b. Time: _____
 - c. Address: _____


5. I am
 - a. not a registered California process server.
 - b. a registered California process server.
 - c. an employee or independent contractor of a registered California process server.
 - d. exempt from registration under Business & Profession Code section 22350(b).
 - e. a California sheriff or marshal.

6. My name, address, and telephone number, and, if applicable, county of registration and number *(specify)*:

7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
8. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)



 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)

INFORMATION SHEET FOR PROOF OF PERSONAL SERVICE

Use these instructions to complete the *Proof of Personal Service* (form FL-330).

A person at least 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery and (2) by mail. See the *Proof of Service by Mail* (form FL-335) if the documents are being served by mail. The person who serves the documents must complete a proof of service form for the documents being served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVES THE DOCUMENTS (TYPE OR PRINT IN BLACK INK)

You must complete a proof of service for each package of documents you serve. For example, if you serve the respondent and the other parent, you must complete two proofs of service; one for the respondent and one for the other parent.

Complete the top section of the proof of service forms as follows:

First box, left side: In this box print the name, address, and phone number of the person for whom you are serving the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

Third box, left side: Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the documents you are serving.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. This number is also stated on the documents you are serving.

Third box, right side: Print the hearing date, time, and department. Use the same information that is on the documents you are serving.

1. You are stating that you are over the age of 18 and that you are neither a party of this action nor a protected person listed in any of the orders.
2. Print the name of the party to whom you handed the documents.
3. List the name of each document that you delivered to the party.
4.
 - a. Write in the date that you delivered the documents to the party.
 - b. Write in the time of day that you delivered the documents to the party.
 - c. Print the address where you delivered the documents.
5. Check the box that applies to you. If you are a private person serving the documents for a party, check box "a."
6. Print your name, address, and telephone number. If applicable, include the county in which you are registered as a process server and your registration number.
7. You must check this box if you are not a California sheriff or marshal. You are stating under penalty of perjury that the information you have provided is true and correct.
8. Do not check this box unless you are a California sheriff or marshal.

Print your name, fill in the date, and sign the form.

If you need additional assistance with this form, contact the family law facilitator in your county.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT- Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	
DECLARATION REGARDING ADDRESS VERIFICATION— POSTJUDGMENT REQUEST TO MODIFY A CHILD CUSTODY, VISITATION, OR CHILD SUPPORT ORDER	CASE NUMBER:

1. I am the attorney for petitioner respondent other parent other party in this matter.
2. **The request is to modify a judgment or permanent order only for child support and a local child support agency is providing services in the case.** Service of the request solely to modify child support will be made on other party by serving the local child support agency at least 30 days prior to the hearing as provided in Family Code sections 17404(e)(3) and 17406(f).
3. **The request is to modify a judgment or permanent orders for child custody, visitation, or child support.**
 Note: If you cannot verify the other party's current residence or office address, mail service may not be used. The other party must be personally served. *Proof of Personal Service* (form FL-330) may be used for this purpose.
- a. Before the request was served on the other party by mail, I verified in the previous 30 days that the other party's current residence or office address is (*specify*):
- b. I can confirm that the above address is the other party's **current residence or office address** because (*specify*):
- (1) I contacted the other party directly within the past 30 days and he or she gave me the above address.
 - (2) I have been at that address in connection with a custody and visitation or other matter within the past 30 days.
 - (3) It is the new address that the other party provided on *Notice of Change of Address* (form MC-040) or other pleading and filed with the court on (*specify date*):
 - (4) It is the office address that he or she last gave on a document filed with the court in this case which was also served on me as a party in the case.
 - (5) I sent the other party a letter by mail to the address in (2) with return receipt requested and the other party signed and accepted the letter at that address within the past 30 days.
 - (6) I confirmed by another method (*specify*):
 Continued in Attachment 3b(6).

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.
 Date:

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF PERSON COMPLETING THIS FORM)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARTY:	CASE NUMBER:
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NOTICE AND SERVICE INFORMATION

If you want to change a judgment or permanent order for child custody, visitation, or child support, a person at least 18 years of age or older must serve the request on the other party by (1) personal delivery or (2) first-class mail or airmail, postage prepaid. Requests to modify a judgment or permanent order for matters other than child custody, visitation, or child support must be served on the other party by personal service.

• **If your request is to change a judgment or permanent orders only for child support and a local child support agency is currently providing services, the other party may be served by mail at the office of the local child support agency. Where service is made by mail on the local child support agency, the following apply:**

1. The local child support agency must be served not less than 30 days before the hearing date.
2. Attach a copy of this completed form to the proof of service by mail; and
3. File this original form at the court clerk’s office.

• **If your request is to change a judgment or permanent order for child custody, visitation, or child support and you have verified the other party’s current residence or office address, you must:**

1. Complete this form to provide the other party’s current residence or business address and indicate how you obtained the other party’s current residence or office address.
2. Attach a copy of this completed form to the proof of service by mail; and
3. File this original form at the court clerk’s office.

• **If you cannot verify the other party’s current residence or office address, mail service may not be used. The other party must be personally served. *Proof of Personal Service* (form FL-330) may be used for this purpose.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <p style="text-align: center;">DRAFT Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
PROOF OF SERVICE BY MAIL	(If applicable, provide): HEARING DATE: HEARING TIME: DEPT.:

NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:

3. I served a copy of the following documents (specify):

by enclosing them in an envelope AND

- a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelope was addressed and mailed as follows:
 - a. Name of person served:
 - b. Address:

 - c. Date mailed:
 - d. Place of mailing (city and state):

5. I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. (Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR PROOF OF SERVICE BY MAIL

Use these instructions to complete the *Proof of Service by Mail* (form FL-335).

A person at least 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery and (2) by mail. See the *Proof of Personal Service* (form FL-330) if the documents are being personally served. The person who serves the documents must complete a proof of service form for the documents being served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVES THE DOCUMENTS (TYPE OR PRINT IN BLACK INK)

You must complete a proof of service for each package of documents you serve. For example, if you serve the respondent and the other parent, you must complete two proofs of service; one for the respondent and one for the other parent.

Complete the top section of the proof of service forms as follows:

First box, left side: In this box print the name, address, and phone number of the person for whom you are serving the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

Third box, left side: Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the documents you are serving.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. This number is also stated on the documents you are serving.

Third box, right side: Print the hearing date, time, and department. Use the same information that is on the documents you are serving.

You cannot serve a temporary restraining order by mail. You must serve those documents by personal service.

1. You are stating that you are at least 18 years old and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. List the name of each document that you mailed (the exact names are listed on the bottoms of the forms).
 - a. Check this box if you put the documents in the regular U.S. mail.
 - b. Check this box if you put the documents in the mail at your place of employment.
4.
 - a. Print the name you put on the envelope containing the documents.
 - b. Print the address you put on the envelope containing the documents.
 - c. Print the date that you put the envelope containing the documents in the mail.
 - d. Print the city and state you were in when you mailed the envelope containing the documents.
5. Check this box if you are serving an address verification form (required for service by mail of a postjudgment request to change a child custody, visitation, or child support order).
6. You are stating under penalty of perjury that the information you have provided is true and correct.

Print your name, fill in the date, and sign the form.

If you need additional assistance with this form, contact the family law facilitator in your county.

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) OR ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<h2 style="margin: 0;">DRAFT Not Approved by the Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER PARENT: _____	
NOTICE AND MOTION TO CANCEL (SET ASIDE) SUPPORT ORDER BASED ON PRESUMED INCOME	CASE NUMBER: _____

If the support order is based on presumed income, you may file this motion and ask the court to cancel (set aside) the support order. If the court agrees with you, the court will issue another order based on the actual income, earning capacity, or income allowable by law. You must file the original of this motion and the attachments with the court clerk within one year from the date the first collection of support was made and serve a copy on all other parties in this case. Keep a copy of this motion for your records.

1. To: Petitioner/Plaintiff Respondent/Defendant Local child support agency Other (specify): _____

A hearing on this motion will be held as follows (see instructions on how to get a hearing date):

a. Date: _____	Time: _____	<input type="checkbox"/> Dept.: _____	<input type="checkbox"/> Div.: _____	<input type="checkbox"/> Room: _____
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b. Address of court: same as noted above other (specify): _____

2. I am asking the court to cancel (set aside) the child support order in this case.
3. I am asking the court to issue another order because the current order is based on a presumed income that is different from the actual income.
4. Attached is an *Income and Expense Declaration* (form FL-150) or a *Financial Statement (Simplified)* (form FL-155), or other information concerning income for any relevant years.
5. Attached is my proposed *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (form FL-610).
6. My address and telephone number for receipt of all notices and court dates are as follows:

Address: _____
 City, state, and zip code: _____
 Home telephone: _____
 Work telephone: _____

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

Date: _____

(TYPE OR PRINT NAME)		(SIGNATURE)
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This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, before the hearing, you or any other party objects to the commissioner acting as a temporary judge. The court commissioner may still hear your case to make findings and recommendations to a judge. However, if you object to the commissioner acting as a temporary judge, an order will not be made until a judge reviews your case.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. My residence or business address is (*specify*):
3. I served a copy of the foregoing *Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income (Governmental)* and all attachments as follows (*check either a, b, or c for each person served*):

a. **Personal delivery.** I personally delivered a copy and all attachments as follows:

- | | |
|--|---|
| (1) <input type="checkbox"/> Name of party or attorney served: | (2) <input type="checkbox"/> Name of local child support agency served: |
| (a) Address where delivered: | (a) Address where delivered: |
| (b) Date delivered: | (b) Date delivered: |
| (c) Time delivered: | (c) Time delivered: |

b. **Mail.** I am a resident of or employed in the county where the mailing occurred.

- (1) I enclosed a copy in an envelope and
 - (a) **deposited** the sealed envelope with the U.S. Postal Service with the postage fully prepaid.
 - (b) **placed** the envelope for collection and mailing on the date and at the place shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.
- (2) Name of party or attorney served:

(a) Address:	(a) Address:
(b) Date mailed:	(b) Date mailed:
(c) Place of mailing (<i>city and state</i>):	(c) Place of mailing (<i>city and state</i>):

(3) **Address Verification** (*please specify*):

- (a) I served a request to modify a child custody, visitation, or child support judgment or permanent order, which included an address verification declaration (*Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334) may be used for this purpose).
- (b) The address for each individual identified in items 3a and 3b was
 - (i) verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.
 - (ii) other (*specify*):

c. **Other** (*specify code section*):

Additional page is attached.

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

Date: _____

_____ (TYPE OR PRINT NAME)	 _____ (SIGNATURE OF PERSON WHO SERVED MOTION)
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INFORMATION SHEET FOR NOTICE AND MOTION TO CANCEL (SET ASIDE) SUPPORT ORDER BASED ON PRESUMED INCOME

These instructions are for parties other than the local child support agency. Please follow these instructions to complete the *Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income* (form FL-640) if you do not have a lawyer to represent you. If you have a lawyer, he or she will complete this form.

WARNING: Do not wait to file your motion. See a lawyer or the family law facilitator for help.

This form should be used only if your support order was based on presumed income and the presumed income is different from your actual income. If you are not sure whether your order is based on presumed income, look at your copy of the *Judgment Regarding Parental Obligations* (form FL-630). If the box for item 3 on the front of the judgment is checked, your support amount is based on presumed income. If it is not checked, your support amount is based on income information that was available then, and you should not use this form (form FL-640). If you do not have a copy of the judgment, you can get one from either the court clerk or the local child support agency office.

You must file the completed motion form and attachments with the court clerk within one year of the date of the first collection of support. The address of the court clerk is the same as the one shown for the superior court on the *Judgment Regarding Parental Obligations* (form FL-630). **Keep three copies of the filed motion form and its attachments. Serve one copy on the local child support agency and one copy on the other party.** (See *Information Sheet for Service of Process* (form FL-611).) **The third copy is for your records.**

INSTRUCTIONS FOR COMPLETING THE NOTICE AND MOTION TO CANCEL (SET ASIDE) SUPPORT ORDER BASED ON PRESUMED INCOME FORM (TYPE OR PRINT FORM IN BLACK INK)

Page 1, first box, top of form, left side: Print your name, address, and telephone number in this box if they are not already there.

Page 1, second box, left side: Print your county's name and the court's address in this box. Use the same address for the court that is on the *Judgment Regarding Parental Obligations* (form FL-630).

Page 1, third box, left side: Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the *Judgment Regarding Parental Obligations* (form FL-630).

Page 1, first box, top of form, right side: Leave this box blank for the court's use.

Page 1, second box, right side: Print your case number in this box. This number is also on the *Judgment Regarding Parental Obligations* (form FL-630).

1. You must contact the court clerk's office and ask that a hearing date be set for this motion. The court clerk will give you the information you need to complete this section.
- 2-3. These sections are asking the court to cancel your child support order and issue another one based on your actual income.
4. **Attach a completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155), or other information concerning income for any relevant years. Also, check the local rules of court for any local requirements.**
5. You may attach a completed *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (form FL-610). Talk to a lawyer or the family law facilitator to understand your rights.
6. You must list the address and phone numbers where you can receive all notices and court dates. You must let the court know whenever your address changes. If the court does not have your current address, you may not receive important notices that affect you.

You must date the form, print your name, and sign the form under penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

Top of second page, box on left side: Print the names of petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on page 1.

Top of second page, box on right side: Print your case number in this box. Use the same number as the one on page 1. Instructions for completing the *Proof of Service* on page 2 of this form are in the *Information Sheet for Service of Process* (form FL-611). The person who serves the motion and its attachments must fill out this section of the form. **You cannot serve your own motion.**

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) OR ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
NOTICE OF MOTION AND DECLARATION FOR JOINDER OF OTHER PARENT IN GOVERNMENTAL ACTION	CASE NUMBER:

This form should be used only if a parent is receiving child support services through the local child support agency, and the parent is not listed as a party in the support order or judgment. Instructions for this form begin on page 4.

1. TO: Local child support agency and Respondent/Defendant Other parent (specify name):
2. This motion seeks to join the other parent as a party. A hearing on this motion for joinder will be held as follows:

a. Date:	Time:	Dept.:	Div.:	Room:
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- b. The address of the court is: same as noted above other (specify):

Date: _____

(TYPE OR PRINT NAME)

(ATTORNEY OR PARTY WITHOUT ATTORNEY)

DECLARATION

3. The other parent to be joined as a party is (name):
4. The other parent has requested or is receiving support enforcement services of the local child support agency and has not previously been joined as a party.
5. A request for order, order to show cause or notice of motion requesting support, custody, visitation, or restraining order has been filed along with this motion.
6. a. There are no other family law cases in which custody or visitation orders have been made and in which both parents are parties.
- b. Both parents are parties in the following family law cases:

<u>Name and county of court</u>	<u>Case number</u>
---------------------------------	--------------------
7. Other (specify):

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

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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NOTICE TO THE "OTHER PARENT"

If this motion is granted, the "Other Parent" will become a party to this action. Either parent may then raise issues concerning support, custody, visitation, and restraining orders. Other issues may not be raised in this action. Either parent can go to court to modify the support order, but the local child support agency must first be given notice of the hearing date.

You can also go to court to enforce your support order, but you must first give the local child support agency advance notice that you intend to file your own enforcement action. (See *Notice to Local Child Support Agency of Intent to Take Independent Action to Enforce Support Order* (form FL-645).) If the local child support agency does not respond to your notice within 30 days, or if the local child support agency notifies you that you can proceed, you may then file your own enforcement action as long as all support is payable through the local child support agency office.

You should tell the local child support agency everything you know about the obligor's earnings and assets. If you receive welfare, the local child support agency may agree to settle any parentage or support issues. If you do not receive welfare, the local child support agency cannot settle any support issue without your consent. The local child support agency also cannot negotiate, settle, or contest any issues of custody, visitation, or restraining orders.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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PROOF OF SERVICE

- At the time of service I was at least 18 years of age and not a party to the legal action.
- My residence or business address is (*specify*):

3. I served a copy of the foregoing *Notice of Motion and Declaration* as follows (*check either a or b for each person served*):

- a. **Personal delivery.** I personally delivered a copy and all attachments as follows:
- | | |
|--|---|
| (1) <input type="checkbox"/> Name of party or attorney served: | (2) <input type="checkbox"/> Name of local child support agency served: |
| (a) Address where delivered: | (a) Address where delivered: |
| (b) Date delivered: | (b) Date delivered: |
| (c) Time delivered: | (c) Time delivered: |

- b. **Mail.** I am a resident of or employed in the county where the mailing occurred.
- (1) I enclosed a copy in an envelope and
- (a) **deposited** the sealed envelope with the U.S. Postal Service with the postage fully prepaid.
- (b) **placed** the envelope for collection and mailing on the date and at the place shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

- | | |
|--|---|
| (2) <input type="checkbox"/> Name of party or attorney served: | (3) <input type="checkbox"/> Name of local child support agency served: |
| (a) Address: | (a) Address: |
| (b) Date mailed: | (b) Date mailed: |
| (c) Place of mailing (<i>city and state</i>): | (c) Place of mailing (<i>city and state</i>): |

(3) **Address Verification** (*please specify*):

- (a) I served a request to modify a child custody, visitation, or child support judgment or permanent order, which included an address verification declaration (*Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334) may be used for this purpose).
- (b) The address for each individual identified in items 3a and 3b was
- (i) verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.
- (ii) other (*specify*):

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON WHO SERVED MOTION)

**INFORMATION SHEET FOR NOTICE OF MOTION AND DECLARATION
FOR JOINDER OF OTHER PARENT IN GOVERNMENTAL ACTION**

Please follow these instructions to complete the *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form FL-661) if you do not have an attorney representing you. Your attorney, if you have one, should complete this form.

If this motion is granted, the “Other Parent” will become a party to this action. Either parent may then raise issues concerning support, custody, visitation, and restraining orders. Other issues may not be raised in this action. The local child support agency cannot assist you with or negotiate, settle, or contest any issues of custody, visitation, or restraining orders. Either parent can go to court to modify the support order, but the local child support agency must first be given notice of the hearing date. The other parent can also file an action to enforce the support order but only after giving advance notice to the local child support agency.

This form should be used if a parent is receiving child support services through the local child support agency’s office, but the parent is not listed as a party in the support order or judgment. If both parents’ names are listed on your most recent support order or judgment as a petitioner/plaintiff, respondent/defendant, or other parent, you do not need to complete this motion. If you do not have a copy of your most recent support order or judgment, you can get one from either the court clerk or the local child support agency.

You must file the completed motion with the court clerk. The address of the court clerk is the same as the one shown for the superior court on your most recent support order or judgment. You may have to pay a filing fee. If you cannot afford to pay the filing fee, contact the court clerk. **Keep three copies of the filed motion. Serve one copy on the other parent with a blank *Responsive Declaration to Motion for Joinder of Other Parent—Consent Order of Joinder* (form FL-662), serve the second copy of the motion on the local child support agency, and keep the third copy for your records. You may not serve papers on the other parties. You must have someone who is not a party to the action and is 18 years of age or older serve the papers for you. (See *Information Sheet for Service of Process* (form FL-611).)**

INSTRUCTIONS FOR COMPLETING THE NOTICE OF MOTION AND DECLARATION FOR JOINDER OF OTHER PARENT (TYPE OR PRINT ON FORM IN BLACK INK)

Front page, first box, top of form on left side: Print your name, address, and phone number in this box.

Front page, second box on left side: Print the name of the county in which the legal action is filed and the court’s address in this box. Use the same address for the court that is on your most recent support order or judgment.

Front page, third box on left side: Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on your most recent judgment or order. Print the name of the parent who is being joined as a party in the space for “Other Parent.”

Front page, first box, top of form on right side: Leave this box blank for the court’s use.

Front page, second box on right side: Print the case number in this box. This number is also stated on your most recent judgment or order.

1. Check the box for the respondent/defendant if you are not the defendant, or check the box for the other parent and print the other parent’s name in the space provided if you are not that parent.
2. a. You must contact the court clerk’s office and ask that a hearing date be set for this motion. The court clerk will give you the information you need to complete this section.
b. Check the first box if the address of the court where the hearing will be held is the same as the one you put at the top of the notice. Check the second box if the address of the court where the hearing will be held is different from the one you put at the top of the notice. Print the different court address in the space.

Enter the date and your name, and sign the form.

3. Print the name of the parent who is being joined as a party. This name should be the same as the “other parent” at the top of the notice.

4. You are stating that the other parent has not been a party and that he or she has applied for or is receiving services through the local child support agency.
5. Check this box if you are also filing a *Request for Order* requesting support, custody, visitation, or restraining orders.
6.
 - a. Check this box if neither parent has filed a dissolution action against the other parent and, to the best of your knowledge, the parents are not both parties in any other family law case.
 - b. Check this box if the parents are both parties in another family law case, such as a dissolution action. Fill in the name of the court, the county where it is located, and court case number for any other family law cases involving both parents. You can get this information from the order or judgment from those actions. If you do not have a copy of the order or judgment, you may go to the court clerk's office to get a copy.
7. Check this box if you have other information to provide. In the space provided, explain what the information is.

You must date the form, print your name, and sign the form under a penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

Top of second page, box on left side: Print the names of petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on page 1.

Top of second page, box on right side: Print the case number in this box. Use the same number as on page 1.

The notice to the "other parent" on this page explains what it means for the parent to be joined as a party.

Top of third page, box on left side: Print the names of petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on page 1.

Top of third page, box on right side: Print the case number in this box. Use the same number as on page 1.

Instructions for how to serve this motion are in the *Information Sheet for Service of Process* (form FL-611). The person who serves the motion and its attachment must fill out this section of the form. **You cannot serve your own motion.**

If you need additional assistance with this form, contact the family law facilitator in your county.

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) OR ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <p style="text-align: center;">DRAFT Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
<p style="text-align: center;">RESPONSIVE DECLARATION TO MOTION FOR JOINDER OF OTHER PARENT</p> <input type="checkbox"/> CONSENT ORDER OF JOINDER	CASE NUMBER:

1. Local child support agency Respondent/Defendant Other parent (specify name):
 - a. agrees to an order joining the other parent as a party to this action.
 - b. does not agree to the requested joinder of the other parent as a party to this action.

2. a. There are no other cases where custody or visitation orders have been previously made in which both parents are parties.
 - b. Both parents are parties in the following family law cases:

<u>Name and county of court</u>	<u>Case number</u>
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3. The statements contained in the *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action (Governmental)* (form FL-661) are incorrect or insufficient as follows (specify):

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

Date:

_____ ▶ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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CONSENT ORDER

1. Plaintiff Defendant Other parent having consented and good cause appearing,

IT IS ORDERED that

- a. the other parent is joined as a party to this proceeding.
- b. the hearing on the motion for joinder set on *(date)*: _____ is taken off calendar.

Date:

JUDICIAL OFFICER

PETITIONER/PLANTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to the legal action.

2. My residence or business address is (specify):

3. I served a copy of the foregoing *Responsive Declaration* as follows (check either a or b for each person served):

a. **Personal delivery.** I personally delivered a copy and all attachments as follows:

- (1) Name of party or attorney served: (2) Name of local child support agency served:
- (a) Address where delivered: (a) Address where delivered:
- (b) Date delivered: (b) Date delivered:
- (c) Time delivered: (c) Time delivered:

b. **Mail.** I am a resident of or employed in the county where the mailing occurred.

- (1) I enclosed a copy in an envelope and
 - (a) **deposited** the sealed envelope with the U.S. Postal Service with the postage fully prepaid.
 - (b) **placed** the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.
- (2) The envelope was addressed and mailed as follows:
 - (a) Name of party or attorney served: (b) Name of local child support agency served:
 - (i) Address: (i) Address:
 - (ii) Date mailed: (ii) Date mailed:
 - (iii) Place of mailing (city and state): (iii) Place of mailing (city and state):

(3) Address Verification (please specify):

- (a) I served a request to modify a child custody, visitation, or child support judgment or permanent order, which included an address verification declaration (*Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334) may be used for this purpose).
- (b) The address for each individual identified in items 3a and 3b was
 - (i) verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.
 - (ii) other (specify):

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

Date:

		
(TYPE OR PRINT NAME)		(SIGNATURE OF PERSON WHO SERVED MOTION)

**INFORMATION SHEET FOR RESPONSIVE DECLARATION TO MOTION FOR
JOINDER OF OTHER PARENT—CONSENT ORDER OF JOINDER**

Please follow these instructions to complete the *Responsive Declaration to Motion for Joinder of Other Parent—Consent Order of Joinder* (form FL-662) if you do not have an attorney representing you. Your attorney, if you have one, should complete this form. **This form should be used if a parent wants to respond to a *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form FL-661).** This form must be used if a parent does not agree to the joinder of the “other parent.” This form may also be used if a parent agrees to the joinder of the other parent but does not want to go to the scheduled court hearing.

You must file with the court clerk the completed *Responsive Declaration* and serve copies on all parties at least **nine court days** before the hearing date. Add **five calendar days** if the *Responsive Declaration* is being served by mail within California. (See Code of Civil Procedure section 1005 for other situations.) To determine court and calendar days, go to www.courts.ca.gov/12618.htm. The address of the court clerk is the same as the one shown for the superior court on the *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form FL-661). You may have to pay a filing fee. If you cannot afford to pay the filing fee, contact the court clerk. **Make three copies of your filed response. Serve one copy on the other parent, serve the second copy on the local child support agency, and keep the third copy for your records. You may not serve papers upon the other parties. You must have someone who is not a party to the action and is eighteen years or older serve the papers for you. (See *Information Sheet for Service of Process* (form FL-611).)**

INSTRUCTIONS FOR COMPLETING THE *RESPONSIVE DECLARATION TO MOTION FOR JOINDER OF OTHER PARENT—CONSENT ORDER OF JOINDER* (TYPE OR PRINT IN BLACK INK)

Page 1, first box, top of form, left side: Print the name, address, and phone number in this box.

Page 1, second box, left side: Print the name of the county in which the legal action is filed and the court’s address in this box. Use the same address for the court that is on the *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form FL-661).

Page 1, third box, left side: Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form FL-661).

1. Unless you are the local child support agency, check the box for the respondent/defendant if you are the defendant, or check the box for the other parent and print your name in the space provided if you are the other parent.
 - a. Check this box if you agree to an order joining the other parent as a party to this action.
 - b. Check this box if you do not agree to joining the other parent to this action. If you do not agree, you should complete paragraph 3 below.
2. a. Check this box if neither parent has filed a dissolution action against the other parent or any other action, such as a restraining order involving custody or visitation of the children, and to the best of your knowledge the parents are not both parties in any other family law case.
 - b. Check this box if the parents are both parties in another case that involves custody or visitation of the children, such as a dissolution action. Fill in the name and county of the court and the court case number for any other family law cases involving both parents. You can get this information from the order or judgment from those actions. If you do not have a copy of the order or judgment, you may go to the court clerk’s office in the county in which the legal action is filed to get a copy.
3. Check this box if you do not agree to joining the other parent to this action. Explain why you disagree in the space provided.

You must date the form, print your name, and sign the form under a penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

Top of second page, box on left side: Print the names of petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on page 1.

Top of second page, box on right side: Print the case number here. Use the same number as that on page 1.

Leave the rest of the page blank for the court to complete.

When you file the responsive declaration, ask the court clerk how to obtain a copy once it is signed by the judicial officer. You are responsible for mailing signed copies of the consent order to the petitioner/plaintiff, respondent/defendant, and other parent. Instructions for how to serve this response are in *Information Sheet for Service of Process* (form FL-611). The person who serves the response must fill out this section of the form. **You cannot serve your own response.**

If you need additional assistance with this form, contact the family law facilitator in your county.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <p style="font-size: 24pt; font-weight: bold;">DRAFT</p> <p style="font-size: 18pt; font-weight: bold;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER PARENT: _____	
REQUEST FOR JUDICIAL <input type="checkbox"/> DETERMINATION OF SUPPORT ARREARAGES <input type="checkbox"/> ADJUSTMENT OF ARREARAGES DUE TO INCARCERATION OR INVOLUNTARY INSTITUTIONALIZATION	
CASE NUMBER: _____	

NOTICE OF HEARING

1. A hearing on this application will be held as follows (see instructions on how to get a hearing date):

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:
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b. Address of court: same as noted above other (specify): _____

2. The local child support agency is providing support enforcement services in this case.

3. **DETERMINATION OF SUPPORT ARREARAGES**

- a. The local child support agency states that I owe support arrearages as shown in the attached document.
- b. I disagree with the local child support agency's statement, and I request the court to make a determination of arrearages. I am attaching my statement of the arrearages, which includes a monthly breakdown of amounts ordered and amounts paid.

4. **ADJUSTMENT OF ARREARAGES DUE TO INCARCERATION OR INVOLUNTARY INSTITUTIONALIZATION**

a. I was incarcerated or involuntarily institutionalized for the following periods of time for more than 90 days during which I did not have the means to pay support. (Attach any proof of your incarceration or involuntary institutionalization):

- (1) Date(s) of incarceration or involuntary institutionalization: _____
- (2) Date(s) of release: _____

b. The reason for my incarceration or involuntary institutionalization was not a result of any offense constituting domestic violence as defined in Family Code section 6211 against the parent receiving support or supported child, or for an offense that could be enjoined by a protective order under Family Code section 6320, or as a result of my failure to comply with a court order to pay child support.

5. Other (specify): _____

This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, *before the hearing*, you or any other party objects to the commissioner's acting as a temporary judge. If you or the other party objects, the court commissioner may still hear your case to make findings and a recommended order to a judge. If you do not like the recommended order, you must object to it within **10 court days** in writing (use *Notice of Objection (Governmental)* (form FL-666)); otherwise, the recommended order will become a final order of the court. If you object to the recommended order, a judge will make a temporary order and set a new hearing.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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Number of pages attached:

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.
 Date:

_____ _____
 (TYPE OR PRINT NAME) (SIGNATURE)

An adult *other than you* must complete the Proof of Service below.

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. My residence or business address is (*specify*):

3. I served a copy of the foregoing *Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization* (form FL-676) and all attachments as follows (*check either a, b, or c for each party served*):
 - a. **Personal delivery.** I personally delivered a copy and all attachments as follows:

(1) <input type="checkbox"/> Name of party or attorney served: _____	(2) <input type="checkbox"/> Name of local child support agency served: _____
(a) Address where delivered: _____	(a) Address where delivered: _____
(b) Date delivered: _____	(b) Date delivered: _____
(c) Time delivered: _____	(c) Time delivered: _____

 - b. **Mail.** I am a resident of or employed in the county where the mailing occurred. I deposited this request with the U.S. Postal Service in a sealed envelope with postage fully prepaid. I used first-class mail. The envelope was addressed and mailed as follows:

(1) <input type="checkbox"/> Name of party or attorney served: _____	(2) <input type="checkbox"/> Name of local child support agency served: _____
(a) Address: _____	(a) Address: _____
(b) Date mailed: _____	(b) Date mailed: _____
(c) Place of mailing (<i>city and state</i>): _____	(c) Place of mailing (<i>city and state</i>): _____

 - (3) I served this motion/request, which included an address verification declaration (*Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334) may be used for this purpose).

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

_____ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF PERSON WHO SERVED REQUEST)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): <hr/> <p style="text-align: center;">TELEPHONE NO.: FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p>	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT Not Approved by the Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
NOTICE OF OPPOSITION AND NOTICE OF MOTION ON CLAIM OF EXEMPTION	LEVYING OFFICER FILE NO.: COURT CASE NO.:

— DO NOT USE THIS FORM FOR WAGE GARNISHMENTS —

The original of this form must be filed with the court, and a copy must be served on the judgment debtor and other claimant at least 10 days before the hearing.

TO THE JUDGMENT DEBTOR OR OTHER CLAIMANT:

1. A hearing to determine the claim of exemption of judgment debtor other claimant will be held as follows:

a. Date:	Time:	Dept.:	Div.:	Room:
b. Address of court:	<input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

If you do not attend the hearing, the court may determine your claim based on the Claim of Exemption, Financial Statement (form WG-007/EJ-165) (when one is required), this form, and other evidence that may be presented.

2. Name and address of judgment debtor: <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	3. <input type="checkbox"/> Name and address of claimant (if other than judgment debtor): <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
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Social security number (if known):

4. The Notice of Filing of Claim of Exemption (form WG-008) states it was mailed on (date):

5. The item or items claimed as exempt are
- a. not exempt under the statutes relied upon in the Claim of Exemption (form EJ-160).
 - b. not exempt because the judgment debtor's equity is greater than the amount provided in the exemption.
 - c. other (specify):

6. The local child support agency requests any property found to be exempt be applied to the satisfaction of the judgment under Code of Civil Procedure section 703.070.

7. The facts necessary to support item 5 are

continued on the attachment labeled Attachment 7.

as follows (specify):

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

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) OR ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<h2 style="margin: 0;">DRAFT Not Approved by the Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER PARENT: _____	
REQUEST FOR TELEPHONE APPEARANCE	CASE NUMBER: _____
HEARING DATE: _____ TIME: _____ DEPT., ROOM, OR DIVISION: _____	

See Information Sheet—Request for Telephone Appearance (form FL-679-INFO) for deadlines for filing this request, filing any opposition, and service.

1. I, (name): _____, am the petitioner/plaintiff
 respondent/defendant other parent attorney for (name): _____
 local child support agency (LCSA) representative other (specify): _____ in this case.

If there are domestic violence or other confidentiality issues in this case and you do not want your home or work phone number made publicly available, provide another phone number in item 2 below. You will need to participate from this phone number, unless other options are available under local rules or procedures. Check with your court clerk.

2. I ask the court to allow me _____ to appear from telephone number () set on (date) _____ (time) _____ in Department _____ of the above-named court.
3. I would like the court to consider the following information in making its decision whether to allow a telephone appearance (check all that apply). (Note: The court can still deny your request, even though boxes are checked.)
- a. I live or work outside the state of California in (specify location): _____
 - b. I live in _____ County in California, which is _____ miles from the above courthouse where the hearing is set.
 - c. I am disabled.
 - d. I am asking not to appear personally because of domestic violence.
 - e. I will be incarcerated or confined in (specify): _____ prison, jail, or other institution at the time of the hearing.
 - f. The LCSA makes this request on behalf of _____ (insert reason for request at g)
 - g. Other (specify): _____
4. a. I have filed this request at least **12 court days** before the hearing and have served or will serve all parties (the local child support agency and other parent) and attorneys, if any, with this form by personal delivery, fax, express mail, or other reasonable means to ensure delivery by the close of the **next court day** after filing this form.
- b. If there are financial issues to be decided, a current *Income and Expense Declaration* (form FL-150) or a *Financial Statement (Simplified)* (form FL-155) has been filed and served on all parties along with the request or response to the hearing. (Read page 2 of form FL-155 to determine which form to use.)
- c. I have complied with all requirements of the local rules of court for other supporting proof.
5. I agree to be responsible for the costs and arrangements of this telephone appearance if required by the court. If this telephone appearance request is made by a LCSA on behalf of a party, parent, or witness, that person may be responsible for costs of the telephone appearance as may be required by the court.
6. Number of pages attached: _____

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

Date: _____

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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ADVISEMENT REGARDING TELEPHONE APPEARANCE

1. I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn upon request by the court clerk, holding up my right hand and agreeing under penalty of perjury under the laws of the State of California to tell the truth and nothing but the truth.
2. I will provide my driver’s license number, social security number, or other information to verify my identity when asked by the court staff or conference call provider.
3. I understand that the court may not have videoconferencing capabilities. I understand and assume the risk that I may not be able to personally see or inspect the pleadings, documents, or evidence; the witnesses’ facial reactions, demeanors, or hand gestures; or other visual or nonverbal aspects of the hearing.
4. I understand that if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents I filed for this hearing.
5. I understand that the court, in its discretion, may decide to terminate the telephone appearance if it determines during the hearing that a personal appearance would materially assist in the determination of the proceedings. Other reasons for terminating the telephone appearance could include my not being available at the calendar call, delay, questions about credibility, disruption, noise, misconduct, a communication problem, a technical problem, and other problems.
6. I understand that the court may decide at any time to require my personal appearance and continue my hearing.
7. I assume the risks of cost, time, delay, repeated telephone calls, technical failure, a wrong number, and other problems that could arise out of this telephone appearance. I understand that if problems occur, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents I filed for this hearing.
8. I understand that if I need to present documents, present witnesses, cross-examine witnesses, or provide information that is not available at the hearing, it is my responsibility to ask the court to continue the hearing. The court may decide to grant or deny my request. I understand that any arguments or supporting proof should be served and filed on time before the hearing so that the court, the local child support agency, and the other parent have an opportunity to know about my case.
9. I understand that the court may require me to make all arrangements for the telephone appearance at my own expense.
10. I understand that if I have low income or no income, I may apply for a waiver of any filing fees and a possible waiver of conference call vendor fees. If the court makes collect calls for telephone appearances and so orders me, I will be available to receive a collect call from the court at the date and time specified. The telephone number will not be one that is blocked from receiving collect calls. If there are domestic violence or other confidentiality issues in the case and I do not wish my home or work phone number to be made publicly available, I may provide a number other than my home and work numbers at which the court can call me collect. I understand that I can check with the local court clerk or local rules of court regarding any additional local procedures that may be available to protect my confidentiality.
11. If there are financial issues to be decided, I understand that it is my responsibility to timely file with the court and serve on the local child support agency and the other parent all necessary and appropriate pleadings and documents, including:
 - a. *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155), whichever is appropriate.
 - b. My pay stubs from the last two months or other proof of income.
 - c. The proposed guideline support calculation (optional unless required by local court rule).


This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, *before the hearing*, you or any other party objects to the commissioner’s acting as a temporary judge. If you or the other party objects, the court commissioner may still hear your case to make findings and a recommended order to a judge. If you do not like the recommended order, you must object to it within **10 court days** in writing (use *Notice of Objection (Governmental)* (form FL-666)); otherwise, the recommended order will become a final order of the court. If you object to the recommended order, a judge will make a temporary order and set a new hearing.

I have read the Advisement Regarding Telephone Appearance section of this form and I understand that the terms apply to me. If the LCSA is making this request, it verifies this advisement was provided to the party, parent, or witness, and that person indicated that he or she understands that the terms apply to him or her.

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. My residence or business address is *(specify)*:
3. I served a copy of the foregoing *Request for Telephone Appearance (Governmental)* and all attachments as follows *(check a, b, or c for each person served)*:

a. **Personal delivery.** I personally delivered a copy and all attachments as follows:

- | | |
|--|---|
| (1) <input type="checkbox"/> Name of party or attorney served: | (2) <input type="checkbox"/> Name of local child support agency served: |
| (a) Address where delivered: | (a) Address where delivered: |
| (b) Date delivered: | (b) Date delivered: |
| (c) Time delivered: | (c) Time delivered: |

b. **Mail.** I am a resident of or employed in the county where the mailing occurred.

(1) I enclosed a copy in an envelope and

- (a) **deposited** the sealed envelope with the U.S. Postal Service with the postage fully prepaid.
- (b) **placed** the envelope for collection and mailing on the date and at the place shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

- | | |
|--|---|
| (2) <input type="checkbox"/> Name of party or attorney served: | (3) <input type="checkbox"/> Name of local child support agency served: |
| (a) Address: | (a) Address: |
| (b) Date mailed: | (b) Date mailed: |
| (c) Place of mailing <i>(city and state)</i> : | (c) Place of mailing <i>(city and state)</i> : |

(3) **Address Verification** *(please specify)*:

- (a) I served a request to modify a child custody, visitation, or child support judgment or permanent order, which included an address verification declaration *(Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose)*.
- (b) The address for each individual identified in items 3a and 3b was
- (i) verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.
- (ii) other *(specify)*:

c. **Other** *(specify)*:

Additional page is attached.

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

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PERSON WHO SERVED REQUEST)

GOVERNMENTAL AGENCY (Under Family Code, §§ 17400 and 17406): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
NOTICE OF MOTION <input type="checkbox"/> JUDGMENT <input type="checkbox"/> MODIFICATION <input type="checkbox"/> Child Support <input type="checkbox"/> Health Care <input type="checkbox"/> Injunctive Order <input type="checkbox"/> Other:	CASE NUMBER:

1. TO (name):
2. **READ THE ATTACHED REQUEST FORM.** A hearing on the motion for the relief requested will be held as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Div.: _____	<input type="checkbox"/> Rm.:
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b. Address of court is same as noted above other (specify):

3. Supporting attachments:

- | | |
|--|---|
| a. Completed <i>Request for Order and Supporting Declaration</i> (form FL-684) and blank <i>Response to Governmental Notice of Motion or Order to Show Cause</i> (form FL-685) | c. <input type="checkbox"/> Points and authorities |
| b. <input type="checkbox"/> Financial information and blank <i>Income and Expense Declaration</i> (form FL-150) | d. <input type="checkbox"/> <i>Order for Genetic (Parentage) Testing</i> (form FL-627) (If you ignore this order, you may be found to be the parent.) |
| | e. <input type="checkbox"/> Other (specify): |

4. NOTICE: IF YOU WISH TO HAVE A TRIAL, YOU MUST APPEAR AT THE HEARING ON THIS REQUEST.

Date:

_____ ▶ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF ATTORNEY)

ORDER

IT IS ORDERED THAT

5. Time for service hearing is shortened. Service must be on or before (date):
6. Any responsive declaration must be served on or before (date):
7. Petitioner/Plaintiff Respondent/Defendant Other parent is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of the following property (describe):
8. Other (specify):
9. Number of pages attached: _____

Date:

 JUDICIAL OFFICER

PETITIONER/PLANTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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NOTICE

This case may be referred to a court commissioner for hearing. By law court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, *before the hearing*, you or any other party objects to the commissioner acting as a temporary judge. The court commissioner may still hear your case to make findings and a recommended order. If you do not like the recommended order, you must object to it within 10 court days; otherwise, the recommended order will become a final order of the court. If you object to the recommended order, a judge will make a temporary order and set a new hearing.

Child support is based on your ability to pay, which may include your income, earning capacity, lifestyle, or presumed income set by statute. The amount of child support can be large and can continue until the children reach age 18. You should give the court information about your income and expenses. If you do not, the support order will be based on other information given to the court or presumed income set by statute.

You do not have to pay any fee to file your *Response to Governmental Notice of Motion or Order to Show Cause (Governmental)* (form FL-685) and your completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155). You must file any documents with the court and have the copies served at least 9 court days before the hearing date to the local child support agency and the other party unless ordered otherwise. Add 5 calendar days if the motion is served by mail within California. (See Code of Civil Procedure section 1005 for other situations.) To determine court days and calendar days, go to www.courts.ca.gov/12618.htm.

PROOF OF SERVICE BY MAIL

1. I am at least 18 years of age, **not a party to this cause**, and a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
3. I served a copy of this motion by enclosing it in a sealed envelope and depositing the envelope directly in the U.S. mail with postage paid OR at my place of business for same-day collection and mailing with the U.S. mail, following our business practices, with which I am readily familiar.
 - a. Date of deposit:
 - b. Place of deposit (*city and state*):
 - c. Addressed as follows:
4. The address for each individual identified in item 3 was
 - a. verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.
 - b. other (*specify*):
5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ ▶ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF PERSON WHO SERVED MOTION)



Request for Accommodations
 Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the trial. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
RESPONSE TO GOVERNMENTAL NOTICE OF MOTION OR ORDER TO SHOW CAUSE	
HEARING DATE: _____ TIME: _____ DEPT., ROOM, OR DIVISION: _____	CASE NUMBER: _____

1. **PARENTAGE**
 I do do not admit that I am the parent of all of the children.
 I admit that I am the parent of all of the children except (*specify*):

2. **CHILD SUPPORT**
 a. I consent to the order requested.
 b. I request the following child support order:

3. **HEALTH INSURANCE COVERAGE**
 a. I consent to the order requested.
 b. I request the following health insurance coverage order:

4. **FEES AND COSTS**
 I do do not consent to the order requested.

5. **PROPERTY RESTRAINT**
 I do do not consent to the order requested.

6. **OTHER**
 I do do not consent to the other orders requested.


PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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7. **FACTS IN SUPPORT** of this response are:

contained in an attached declaration.

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

Date:

_____  _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

PROOF OF SERVICE BY MAIL

1. I am at least 18 years of age, not a party to this cause, and a resident of or employed in the county where the mailing took place.
2. My residence or business address is (*specify*):

3. I served a copy of this response by enclosing it in a sealed envelope with postage fully prepaid and depositing it in the U.S. mail as follows:
 - (a) Date of deposit: _____
 - (b) Place of deposit (*city and state*): _____
 - (c) Addressed as follows: _____

4. I served this *Response*, which included an address verification declaration (*Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334) may be used for this purpose.)

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

Date:

_____  _____

(TYPE OR PRINT NAME) (SIGNATURE OF PERSON WHO SERVED RESPONSE)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER PARENT: _____	
PROOF OF SERVICE BY MAIL	CASE NUMBER: _____

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My business address is (specify):

3. I served a copy of the following documents (specify):

- Notice of Motion (Governmental) (form FL-680) and supporting attachments
- Responsive Declaration to Order to Show Cause or Notice of Motion (form FL-320)
- Response to Notice of Motion to Set Aside Judgment of Paternity (Family Law—Governmental) (form FL-276)
- Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity (Family Law—Governmental) (form FL-285)
- Notice of Opposition and Notice of Motion on Claim of Exemption (Governmental) (form FL-677)
- Other (specify):

by enclosing them in an envelope AND

- a. **depositing** the sealed envelope with the U.S. Postal Service with the postage fully prepaid.
- b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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4. Each envelope was addressed and mailed as follows:

(a) Date mailed:

(b) Place of mailing (*city and state*):

Name of party or attorney served:

Name of party or attorney served:

(c) Address:

(c) Address:

Name of party or attorney served:

Name of party or attorney served:

(c) Address:

(c) Address:

Name of party or attorney served:

Name of party or attorney served:

(c) Address:

(c) Address:

5. The address for each individual identified in item 4 was

a. verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.

b. other (*specify*):

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

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Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Hon. Irma Poole Asberry, Supervising Judge Superior Court of Riverside County	A	No specific comment.	No response required.
2.	Bay Area Legal Aid Santa Clara County Office Nicole Ford, Staff Attorney	NI	I didn't really see anything to comment on – we've already talked about the verification of address on postjudgment motions that went into effect on Jan 1, 2011. This just puts the same requirements on government forms (particularly for child support and DCSS cases).	No response required.
3.	California Judges Association Jordan Posamentier, Esq. Legislative Counsel San Francisco	NI	On Page 2 of 2 of the <i>Declaration Re Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order</i> (Form FL-334), it states, “You cannot serve documents if you are a party to the action. The documents must be served on the other party; they must not be served on the other party’s attorney.” This language appears inconsistent. The California Judges Association recommends that the form clarify that service is required at the address of record, that service on any other address the party thinks is appropriate should also be attempted, and documents should/must (it is unclear which) also be sent to an attorney of record, as opposed to an attorney who is longer in the case. These revisions should make service requirements on the form clearer and could reduce procedural delays that might otherwise arise.	The committee agrees revise the form to make it more consistent with the requirements of Code of Civil Procedure sections 1013 and 1013a in terms of the appropriate addresses at which a nonmoving party may be served with the postjudgment request. To this end and to avoid confusion, the committee recommends deleting the instruction on the form that the request may not be served on the other party’s attorney.
4.	Child Support Directors Association William M. Molloy, Chair- CSDA/Judicial Council	AM	The passage and implementation of AB 939 provides a unique opportunity to bring consistency and uniformity to the disparate	Consistency and uniformity of Judicial Council forms is an important objective when forms are revised, but in this situation incorporating the

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Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child

Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
	<p>Forms Committee Sacramento</p> <p>David G. Oppenheim CSDA Executive Director</p>		<p>proofs of service that exist in the current patchwork of family law and governmental Judicial Council forms. Our committee has long maintained a list of those forms that need revision to accomplish this goal. It is our fervent hope that the Judicial Council will take advantage of this opportunity to standardize and provide uniformity while improving efficiencies and cost effectiveness to the administration of California’s child support enforcement program. To accomplish this we recommend that the Judicial Council delete and eliminate all current proofs of service that are an integrated part of any form set, and replace them with standard proofs of service by mail, one for use by local child support agencies, the other for use by parties or their attorneys. Any revisions that may be required by future legislative or regulatory changes will be more quickly and efficiently implemented if such changes need only be made to two forms, rather than a wide number of forms.</p> <p>1. FL-334 Declaration Re Address Verification – Post-Judgment Request To Modify A Child Custody, Visitation, Or Child Support Order</p> <p>When support enforcement services are being provided by a local child support agency, and a party files a motion to modify child support related issues, FC §17404(e)(3) allows the party</p>	<p>proof of service as part of the form provides a greater benefit to both the court and the parties in the case, particularly self-represented litigants. It is convenient and less time consuming for the court to review the proof of service in conducting its review when the proof of service is part of the form rather than as a separate form. It also reduces the amount of paper necessarily generated and contained in a court file. Further it provides additional instruction particularly to self-represented litigants of the requirement to serve the pleadings on all other parties to the action. Finally, there would be substantial programming costs for the Department of Child Support Service to remove the proofs of service from the forms in its automated child support enforcement system. Because of these benefits, the committee recommends that the proofs of service remain as part of the form.</p> <p>The committee agrees with the suggestions regarding form FL-334 and will add an additional item to specify the circumstances where service of the motion is made under Family Code section 17404(e)(3)</p>

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Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>to serve the local child support agency, which creates a rebuttable presumption of service on the non-moving party. This process affords a party a method to accomplish service when the address of the non-moving party is unknown to them. To enable use of FL-334 in those situations, we suggest revising paragraph 2, as follows:</p> <p>Insert the following instructions at paragraph 2:</p> <p><i>(Check and complete either subparagraph a or b, but not both.)</i></p> <p>And further revise paragraph 2, as follows:</p> <p>a. <input type="checkbox"/> Before the post judgment request to modify child custody, visitation, or child support orders was served on the other party, I verified in the past thirty (30) days that the other party’s current address is <i>(specify)</i>:</p> <p>b. <input type="checkbox"/> This post-judgment request to modify child support related issues was served on the other parent, who is a party to this action, by serving a copy on the local child support agency providing services in this case, at its address of record, at least 30 days prior to the hearing pursuant to Family code section</p>	

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Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child

Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>17404(e)(3).</p> <p>2. FL-335 Proof Of Service By Mail</p> <p>This should be a one page form only. To be consistent with the practice of the Judicial Council with regard to the information sheets for other form sets, the existing page 2 Information Sheet For Proof Of Service By Mail should be revised as a standalone form that is not to be filed with the underlying Proof Of Service By Mail, and thus, re-numbered as “FL-335-INFO.”</p> <p>3. FL-640 Notice And Motion To Cancel (Set Aside) Support Order Based On Presumed Income (Governmental)</p> <p>The beginning of the caption should also refer to a governmental agency as this form and the relevant attachments are also used by local child support agencies.</p> <p>We do not agree with the “all attachments” language added to the declaration under penalty of perjury at the bottom of page 1 of the form. When this form is used by a local child support agency, the agency representative may not have the knowledge to assert or declare under penalty of perjury that “all attachments” are true and correct. Rather, the information used as the basis for the motion by a local child support</p>	<p>As part of the Judicial Council’s policy to remove information sheets from forms, the information sheet will be removed from FL-335 and be made a stand alone form.</p> <p>The committee agrees with this suggestion and will revise the caption of the form to add the governmental agency as an appropriate user of the form.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it recommends for adoption.</p>

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Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>agency may very well be financial information submitted by one of the parties, and therefore, the agency representative is not in a position to verify the truth of such information under penalty of perjury. Thus, the attached documents may already be signed under penalty of perjury by someone other than the person preparing and signing the motion.</p> <p>Consistent with the proposed revisions to FL-677 <i>Notice Of Opposition And Notice Of Motion On Claim Of Exemption</i> in SPR11-44, the Proof Of Service on page 2 should be removed from this form. Governmental agencies should use the proposed new FL-686 <i>Proof Of Service By Mail (Governmental)</i> form, and, non-governmental persons should use the FL-335 <i>Proof Of Service By Mail</i> together with the FL-334 <i>Declaration Re Address Verification</i>, etc., or alternatively, any party may use the FL-330 <i>Proof Of Personal Service</i>.</p> <p>However, if the Proof Of Service on page 2 of FL-640 is retained by the Judicial Council, a check box should be placed in front of the proposed new address verification language set forth in paragraph 3.b.(3) of the Proof Of Service as this language is not required or applicable when the form set and Proof Of Service is prepared and filed by a local child support agency.</p>	<p>As indicated in a prior response, because of the benefits to the courts, the parties in the action and the local child support agencies, the proof of service will not be removed from the form.</p> <p>The committee agrees with this suggestion and has revised the proof of service to add the applicable language for both the parents in the action and the local child support agency.</p>

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Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>In addition, if used by a local child support agency, the form must also have the Family Code section 215 verification language set forth in either the proposed revisions to FL-680 <i>Notice Of Motion (Governmental)</i> or the proposed new FL-686 <i>Proof Of Service By Mail (Governmental)</i>, as discussed below.</p> <p>We do not agree with the “and all attachments are” language added to the Proof Of Service on page 2 of the form as this declaration under penalty of perjury is only to attest to the facts of service set forth in paragraphs 1 through 4, not to the veracity of the attachments to the form set.</p> <p>This should be a 2 page form only. To be consistent with the practice of the Judicial Council with regard to the information sheets for other form sets, the existing page 3 Information Sheet For Notice And Motion To Cancel (Set Aside) Support Order Based On Presumed Income should be revised as a standalone form that is not to be filed with the underlying Notice And Motion To Cancel (Set Aside), etc., and thus, re-numbered as “FL-640-INFO.”</p> <p>4. FL-661 Notice Of Motion And Declaration For Joinder Of Other Parent In Governmental Action (Governmental)</p>	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it recommends for adoption.</p> <p>The committee agrees with this suggestion and the identified language will be removed from the form.</p> <p>As part of the Judicial Council’s policy to remove information sheets from forms, the information sheet will be removed from FL-335 and be made a stand alone form.</p>

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Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>Consistent with the proposed revisions to FL-677 <i>Notice Of Opposition And Notice Of Motion On Claim Of Exemption</i> in SPR11-44, the Proof Of Service on page 3 should be removed from this form. Governmental agencies should use the proposed new FL-686 <i>Proof Of Service By Mail (Governmental)</i> form, and, non-governmental persons should use the FL-335 <i>Proof Of Service By Mail</i> together with the FL-334 <i>Declaration Re Address Verification</i>, etc., or alternatively, any party may use the FL-330 <i>Proof Of Personal Service</i>.</p> <p>This should be a 2 page form only. To be consistent with the practice of the Judicial Council with regard to the information sheets for other form sets, the existing page 3 Information Sheet For Notice And Motion And Declaration For Joinder Of Other Parent In Governmental Action should be revised as a standalone form that is not to be filed with the underlying Notice Of Motion And Declaration For Joinder, etc., and thus, re-numbered as “FL-661-INFO.”</p> <p>5. FL-662 Responsive Declaration To Notice Of Motion And Declaration For Joinder Of Other Parent – Consent Order Of Joinder (Governmental)</p> <p>The beginning of the caption should also refer to a governmental agency as this form and the</p>	<p>As indicated in a prior response, because of the benefits to the courts, the parties in the action and the local child support agencies, the proof of service will not be removed from the form.</p> <p>As part of the Judicial Council’s policy to remove information sheets from forms, the information sheet will be removed from FL-335 and be made a stand alone form.</p> <p>The committee agrees with this suggestion and will revise the caption of the form to add the</p>

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Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child

Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>relevant attachments are also used by local child support agencies.</p> <p>Consistent with the proposed revisions to FL-677 <i>Notice Of Opposition And Notice Of Motion On Claim Of Exemption</i> in SPR11-44, the Proof Of Service on page 3 should be removed from this form. Governmental agencies should use the proposed new FL-686 <i>Proof Of Service By Mail (Governmental)</i> form, and, non-governmental persons should use the FL-335 <i>Proof Of Service By Mail</i> together with the FL-334 <i>Declaration Re Address Verification</i>, etc., or alternatively, any party may use the FL-330 <i>Proof Of Personal Service</i>.</p> <p>However, if the Proof Of Service on page 3 of FL-662 is retained by the Judicial Council, a check box should be placed in front of the proposed new address verification language set forth in paragraph 3.b.(3) of the Proof Of Service as this language is not required or applicable when the form set and Proof Of Service is prepared and filed by a local child support agency.</p> <p>In addition, if used by a local child support agency, the form must also have the Family Code section 215 verification language set forth in either the proposed revisions to FL-680 <i>Notice Of Motion (Governmental)</i> or the proposed new FL-686 <i>Proof Of Service By Mail</i></p>	<p>governmental agency as an appropriate user of the form.</p> <p>As indicated in a prior response, because of the benefits to the courts, the parties in the action and the local child support agencies, the proof of service will not be removed from the form.</p> <p>The committee agrees with this suggestion and has revised the proof of service to add the applicable language for both the parents in the action and the local child support agency.</p> <p>See response above on the same comment.</p>

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Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child

Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>(Governmental), as discussed below.</p> <p>This should be a 2 page form only. To be consistent with the practice of the Judicial Council with regard to the information sheets for other form sets, the existing page 4 Information Sheet For Responsive Declaration To Motion For Joinder Of Other Parent – Consent Order Of Joinder should be revised as a standalone form that is not to be filed with the underlying Responsive Declaration, etc., and thus, re-numbered as “FL-662-INFO.”</p> <p>6. FL-676 Request For Judicial Determination Of Support Arrearages Or Adjustment Of Arrearages Due To Incarceration Or Involuntary Institutionalization (Governmental)</p> <p>Consistent with the proposed revisions to FL-677 Notice Of Opposition And Notice Of Motion On Claim Of Exemption in SPR11-44, the Proof Of Service on page 2 should be removed from this form. Governmental agencies should use the proposed new FL-686 Proof Of Service By Mail (Governmental) form, and, non-governmental persons should use the FL-335 Proof Of Service By Mail together with the FL-334 Declaration Re Address Verification, etc., or alternatively, any party may use the FL-330 Proof Of Personal Service.</p>	<p>As part of the Judicial Council’s policy to remove information sheets from forms, the information sheet will be removed from FL-335 and be made a stand alone form.</p> <p>As indicated in a prior response, because of the benefits to the courts, the parties in the action and the local child support agencies, the proof of service will not be removed from the form.</p>

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	Commentator	Position	Comment	Committee Response
			<p>However, if the Proof Of Service is retained, paragraph 3.c. (Other, specify, etc.) should be deleted as it is not relevant to a Proof Of Service.</p> <p>7. FL-677 Notice Of Opposition And Notice Of Motion On Claim Of Exemption (Governmental)</p> <p>In particular, we agree with the proposed deletion of the existing Proof Of Service, to be replaced with the proposed new standalone FL-686 <i>Proof Of Service By Mail (Governmental)</i> form.</p> <p>8. FL-679 Request For Telephone Appearance (Governmental)</p> <p>The beginning of the caption should also refer to a governmental agency as this form and the relevant attachments are also used by local child support agencies.</p> <p>Consistent with the proposed revisions to FL-677 <i>Notice Of Opposition And Notice Of Motion On Claim Of Exemption</i> in SPR11-44, the Proof Of Service on page 3 should be removed from this form. Governmental agencies should use the proposed new FL-686 <i>Proof Of Service By Mail (Governmental)</i> form, and, non-governmental persons should use the FL-335</p>	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The proof of service will be removed from the FL-677 because it is a form exclusively used by the LCSA.</p> <p>The committee agrees with this suggestion and will revised the caption of the form to add the governmental agency as an appropriate user of the form.</p> <p>As indicated in a prior response, because of the benefits to the courts, the parties in the action and the local child support agencies, the proof of service will not be removed from the form.</p>

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	Commentator	Position	Comment	Committee Response
			<p><i>Proof Of Service By Mail</i> together with the FL-334 <i>Declaration Re Address Verification</i>, etc., or alternatively, any party may use the FL-330 <i>Proof Of Personal Service</i>.</p> <p>However, if the Proof Of Service is retained, paragraph 3.c. (Other, specify, etc.) should be deleted as it is not relevant to a Proof Of Service.</p> <p>And, we do not agree with the “and all attachments are” language added to the Proof Of Service on page 2 of the form as this declaration under penalty of perjury is only to attest to the facts of service set forth in paragraphs 3.a. or 3.b., not to the veracity of any attachments to the form set.</p> <p>9. FL-680 Notice Of Motion (Governmental)</p> <p>Consistent with the proposed revisions to FL-677 <i>Notice Of Opposition And Notice Of Motion On Claim Of Exemption</i> in SPR11-44, the Proof Of Service By Mail on page 2 should be removed from this form. Governmental agencies should use the proposed new FL-686 <i>Proof Of Service By Mail (Governmental)</i> form, and, non-governmental persons should use the FL-335 <i>Proof Of Service By Mail</i> together with the FL-334 <i>Declaration Re Address Verification</i>, etc., or alternatively, any party may use the FL-330 <i>Proof Of Personal Service</i>.</p>	<p>Because California Rules of Court, rule 5.324(e)(2) allows service to made by personal delivery, fax, express mail, or other means reasonably calculated to ensure delivery by the close of the next court day, the committee declines to remove the paragraph that sets out methods of service.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it recommends for adoption.</p> <p>As indicated in a prior response, because of the benefits to the courts, the parties in the action and the local child support agencies, the proof of service will not be removed from the form.</p>

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	Commentator	Position	Comment	Committee Response
			<p>However, if the Proof Of Service By Mail is retained by the Judicial Council, the language of the new paragraph 4 (which was added to page 2 of FL-680 to comply with the verification requirements of Family Code section 215) should and must be identical to the verification language set forth in paragraph 5 of the proposed new FL-686 <i>Proof Of Service By Mail (Governmental)</i> form. As proposed in SPR11-44, these two paragraphs are entirely different.</p> <p>Thus, to promote uniformity and consistency, we suggest paragraph 4 of the Proof Of Service By Mail (on page 2 of 2) be replaced with the same language of paragraph 5 of the new FL-686, as follows:</p> <p>The address for each individual identified in paragraph 3 was</p> <p>a. <input type="checkbox"/> verified by the California Child Support Enforcement System (CSE) as their current primary mailing address on file.</p> <p>b. <input type="checkbox"/> other (<i>specify</i>):</p> <p>In addition, we do not agree with the “and all attachments are” language added to paragraph 5 of the Proof Of Service as this declaration under penalty of perjury is only to attest to the facts of service set forth in paragraphs 3 and 4, not to</p>	<p>The committee agrees with this suggestion and has revised the proof of service to add the applicable language for both the parents in the action and the local child support agency.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption.</p>

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			<p>the veracity of the attachments to the motion.</p> <p>10. FL-685 Response To Governmental Notice Of Motion Or Order To Show Cause (Governmental)</p> <p>Consistent with the proposed revisions to FL-677 <i>Notice Of Opposition And Notice Of Motion On Claim Of Exemption</i> in SPR11-44, the Proof Of Service By Mail on page 2 should be removed from this form. Governmental agencies should use the proposed new FL-686 <i>Proof Of Service By Mail (Governmental)</i> form, and, non-governmental persons should use the FL-335 <i>Proof Of Service By Mail</i> together with the FL-334 <i>Declaration Re Address Verification</i>, etc., or alternatively, any party may use the FL-330 <i>Proof Of Personal Service</i>.</p> <p>In addition, the paragraph 7 “Facts In Support” should be rolled over to the second page to enable meaningful use of the response form without the need to prepare and attach a separate declaration. In its present form, there is only one partial line of space for entry of supporting facts. By rolling this paragraph to the second page, parties will have sufficient space to state their position. This suggested revision is consistent with changes to the “Facts In Support” of paragraph of the FL-684 <i>Request For Order And Supporting Declaration (Governmental)</i> form that were approved by the</p>	<p>The proof of service was removed from the FL-677 because that is a form only used by the LCSA. That justification does not apply to the FL-685 as is utilized by both parties and the LCSA. Therefore the rationale to retain an integrated proof of service for the benefit of self-represented litigants and the courts applies.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption.</p>

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			<p>Judicial Council effective January 1, 2010.</p> <p>11. FL-686 Proof Of Service By Mail (Governmental)</p> <p>1) As each party and their respective attorneys (if any) will be served by mail on the same date and from the same location, re-stating the date and place of mailing for each such person is redundant and inefficient from a programming perspective. Thus, the form should be revised to allow for insertion of that information in single data field rather than manually repeating such information as to each addressee.</p> <p>2) To accommodate the use of this form in most situations without the necessity of completing multiple versions or utilizing attachments (which must be produced manually) when insufficient data fields exist for the number of persons who must be served from time-to-time, we suggest the form be adopted as a 2 page form, as set forth in the proposed replacement form FL-686, submitted together with these comments.</p>	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>Because the form will be expanded to a two page form to add a caption to allow for its use as a stand alone form, there is additional space on the form which will allow additional fields for additional service addresses to be added to the form.</p>
5.	Roberta Fitzpatrick San Jose	N	One of your stated objectives is to ensure “access to justice for Family Law Litigants,” 70% of whom, you say, are unrepresented. Your multiple word-dense forms fail to meet your objectives. You especially make justice inaccessible for the poor and the poorly	The proposed changes in this proposal are being made pursuant to a legislative mandate to ensure that parties to a motion for modification of child custody, child support and visitation receive notice that a hearing is scheduled that could affect their rights. Significant consideration was given in

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			educated, and you endanger the defenseless children of the poor. Although another stated objective is “to act in the best interest of the children,” Judges are not even required to mandate an objective investigation of the facts when it is known that a child has been sexually abused. Use of the word “may” negates the “responsibility” of the Judge. Please take protection of children seriously.	the proposed language to ensure that the proposed language in the forms complies with the requirements of the legislation and is clear and understandable for all persons, no matter their financial circumstances or education.
6.	Harriett Buhai Center for Family Law Erin Dabbs, Staff Attorney	N	<p>We propose that before any Judicial Council forms on address verification be finalized, a rule of court should be written and reviewed. The proposed <i>Declaration Re Address Verification - Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order</i> (FL-334) form would be confusing to litigants, legal service providers and judicial officers without further guidance in the form of a rule of court.</p> <p>Presumably the factors listed on form FL-334 at items 3 and 4 are a good starting point. While we agree that an address verification form is useful and necessary, it should not substitute for a rule of court, nor should it precede a rule of court. The form itself does not give guidance to judicial officers making decisions as to whether the attempts made to verify the address are sufficient to constitute “address verification” under Family Code section 215(b). Nor does it detail for litigants what efforts will be sufficient</p>	<p>While Family Code section 215 does not define what efforts will be sufficient to constitute “address verification,” proposed form FL-334 at item 3b (1)-(6) includes a list of methods which the litigant may check to demonstrate how he or she obtained the other party or the other parent’s current residence or office address. The list is based, in part, on existing forms and statutes. The list also includes a section for the litigant to describe any other method used to obtain the service address. As with the pre-printed list, the court will have to interpret the statute as it is currently worded and make the necessary determination as to whether the attempts to verify the address are adequate to effect service of the motion by mail.</p> <p>The committee notes that form FL-334 is both a rule and a form under rule 5.25, Status of family law and domestic violence forms, which provides that all forms adopted or approved by the Judicial Council for use in any proceeding under the</p>

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			to constitute address verification.	Family Code, including any form in the FL, ADOPT, DV, and FJ series, are adopted as rules of court under the authority of Family Code section 211; article VI, section 6 of the California Constitution; and other applicable law.
7.	Jerry A. Johnson Attorney at Law Yuba City	N	<p>This comment will address specific concerns with only the proposed forms FL-334, FL-680, and FL-686. These comments apply to all of the forms in this set of forms for their failure to comply with the law of service of postjudgment motions by mail and Fam. C. § 215(b). But for brevity this comment will be limited to these three forms. The comments on these forms would be merely repeated on the proof of service issues on all of the forms in this set published for comment.</p> <p>The basis of the objections to these forms in this comment is strictly legal. Therefore, this comment will commence by reviewing the law of service by first class mail of postjudgment motions to modify prior to AB 939, and the amendment of Fam. C § 215. It will then discuss how the amendment of Fam. C § 215 has changed that law, and finally how the proposed forms fail to conform to the law as it now exists.</p> <p>I. Service of Post Judgment Motions Mail By First Class Mail to Modify Custody, Visitation and Support prior to the</p>	<p>Please Note: Given the nature of the comment in the form of a legal brief, the committee’s response does not necessarily correspond to each comment made by this commentator. As discussed in more detail below, the committee agrees with some of the suggestions made by the commentator and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption. However, with regard to many of the comments, the committee believes that there are factual and legal inaccuracies, and has not made the suggested changes.</p> <p>No response required.</p>

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			<p>enactment of AB 939</p> <p>It has long¹ been well established law that notice of postjudgment motions for modification of support, custody, and visitation may be served by ordinary first class mail. <u>Forslund v. Forslund</u>, (1964, 1st Dist.) 225 Cal.App.2d 476; <u>Parker v. Parker</u>, (1974, 2nd Dist.) 43 Cal.App.3rd 610; <u>West v. West</u>, (1979, 4th Dist.) 92 Cal.App.3rd 120. This rule has been so well established that counsel for the party who contended otherwise in <u>Parker v. Parker</u>, supra, was sanctioned for bringing a frivolous appeal.</p> <p>The requirements for making such service and proving such service also have been well established. The service of notices by mail have been governed by CCP §§ 1012 and 1013. The proof of service has been governed by CCP § 1013a. <u>Silver v. McvNamee</u>; (1999, 4th Dist.) 69 Cal. App.4th 269; <u>Moghaddam v. Bone</u> (2005, 4th Dist.) 142 Cal.App.4th 283.</p> <p>However, to merely state that service of post judgment motions to modify custody visitation and support by mail was authorized is insufficient. The next question is how must such notice to a party be addressed?</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

¹ The rule was established prior to the enactment of the law that is now Fam. C. § 215(a), which was originally CC § 147 and later moved to CC § 4809 before being moved into the Family Code.

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			<p>A. Authorized Addresses For Mail Service Of Post Judgment Motions</p> <p>CCP § 1012 authorizes service of notices to a parties to one of two addresses as stated, “Service by mail may be made where the person on whom it is to be made resides or has his office . . .” CCP § 1013 also authorizes mail service to two possible addresses, “. . . addressed to the person on whom it is to be served, at the office address as last given by that person on any document filed in the cause and served on the party making service by mail; otherwise at that party’s place of residence.”</p> <p>So the effect of these two sections is to allow service of motions by mail on a party to one of three possible addresses: A party’s office address, residence address, or the, “office address as last given by that person on any document filed in the cause and served on the party making service by mail. . .” (This third address shall hereinafter be referred to as “Address of Record”.)</p> <p>There is no other statutory, nor has the author found any case authority, for the service of notices of motion not governed by a specific statute to any address other than these three for the party. Specifically, there is no authority for mail service to a last known address, or to another address where a party may receive mail.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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			<p>There is no provision for substituted service of notices by mail to an address where a party regularly receives mail such as is allowed for substituted service of a summons under CCP § 415.20. There is authority for substituted service of notices of motion where a party’s address is unknown, but not by substituted service by mail. See CCP §§1011(b) and 1015.</p> <p>B. Strict Compliance With The Statutory Requirements For The Proof Of Service by Mail Are Required And Failure To Strictly Comply Deprives The Court Of Jurisdiction To Act.</p> <p>The courts have consistently held that the requirements of CCP §§ 1012, 1013 and 1013a must be strictly complied with to effectuate service of a motion by mail. <u>Moghaddam v. Bone</u>, supra; <u>Silver v. McNamee</u>, supra; <u>Lee v. Placer Title Co.</u>; (1994, 3rd Dist.) 28 Cal.App.4th 503; <u>Dobrick v. Hathaway</u>, (1984, 2nd Dist.) 160 Cal.App.3rd 913; <u>West v. West</u>, supra; <u>Forslund v. Forslund</u>, supra.</p> <p>In <u>Moghaddam v. Bone</u>, supra, an incorrect zip code in the address of the party served on the proof of service was sufficient to invalidate the service by mail. In <u>Lee v. Placer Title Co</u>, supra, the clerk of the court mailing a notice to a party at an address of record that had been superseded</p>	<p>It appears that the commentator is referring to the language on the proposed address verification rather than suggesting that the address on the proof of service be revised to include a description of the address being served. Consistently, Judicial Council proof of service forms merely list the address served and does not provide an address descriptor.</p> <p>No response required.</p>

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			<p>by the party filing a notice of change of address with the court, deprived the court of jurisdiction to proceed.</p> <p>C. Service To The Address Of Record In Cases Involving Support And Custody Of Minors Remains Valid So Long As The Children Remain Minors.</p> <p>Parties to a lawsuit are required to notify the clerk of the court and all other parties of changes in their address so long as the case remains pending² by CRC 2.200. A case that concerns the support or custody of minors is never final and remains pending so long as the children remain minors. <u>In Re Marriage of Kreiss</u>, (2004, 2nd Dist) 122 Cal.App.4th 1082; <u>In Re Marriage of Armato</u>, (2001, 2nd Dist) 88 Cal.App.4th 1030; <u>Reynolds v. Reynolds</u>, 21 Cal.2nd 580 (1943); <u>Moore v. Superior Ct.</u>, 203 Cal 238 (1928).</p> <p>In the case of <u>In Re Marriage of Armato</u>, supra, it was contended that the enactment of CCP § 285.1 authorizing an attorney to withdraw at the conclusion of a case and the enactment of what is now Fam. C. § 215(a) (See footnote 1 above for its history) abrogated the rule that these cases remained pending after entry of a</p>	<p>No response required.</p> <p>No response required.</p>

² CRC 2.200. Service and filing of notice of change of address “A party or attorney whose address changes while an action is pending must serve on all parties and file a written notice of the change of address.”

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			<p>judgment. The court held that these enactments changed who needed and could be served with post judgment motions, but did not change the rule that these cases remained pending.</p> <p>In a case decided upon the fact that the service of a motion had been made to the former attorney instead of the party on a post judgment motion, the contention was made that service of a post judgment motion could not be by mail service to the party. The court noted that while service must be directed to the party on a post judgment motion, service could be made by ordinary first class mail. <u>Gortner v. Gortner</u>, (1976, 2nd Dist.) 60 Cal.App.3rd 996, footnote 5.</p> <p>In <u>Reynolds v. Reynolds</u>, supra, the court found that the requirement of CCP § 1015 that a out of state litigant without an attorney must keep the clerk of the court updated with a current address where the clerk could forward notices served on the clerk on that party’s behalf was appropriate and constitutional. It held that in such cases involving custody or support of children, the judgment was never final and the duty update the address continued and a party’s failure to maintain with the court and the parties an updated address would not invalidate service on the clerk for the party.</p>	<p>No response required.</p> <p>No response required.</p>

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			<p>So immediately prior to the effective date of the enactment of Fam. C § 215(b) postjudgment modification motions could be served by first class mail. They could be served to one of three addresses for the party being served, current actual office address, current actual residence address or that party’s address of record if he/she had one. Strict compliance with the statutory requirements for mail service and for the proof of mail service was required. The failure to strictly comply with the requirements for service and proof of service would deprive the court of the jurisdiction to act.</p> <p>II. The Change In The Law Of Mail Service Of Post Judgment Motions To Modify Custody And Support Orders Resulting From The Enactment Of AB 939 And Fam. C § 215(b).</p> <p>Fam. C § 215(a) is the former text of Fam. C. § 215. AB 939 renumbered it as subsection (a) and added the following as subsection (b):</p> <p>(b) A postjudgment motion to modify a custody, visitation, or child support order may be served on the other party or parties by first-class mail or airmail, postage prepaid, to the persons to be served. For any party served by mail, the proof of service must include an address verification.</p> <p>As discussed above the first sentence of this</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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			<p>subparagraph did not change existing law, service of postjudgment motions involving custody and support by first class mail was authorized before this subparagraph was added. Therefore the only question is, what effect does the second sentence of the subparagraph have on the law of the service by mail of postjudgment motions for modification of custody, visitation or support?</p> <p>A. Fam. C § 215(b) Does Not Change The Addresses Where A Party May Be Served With A Post Judgment Motion By First Class Mail.</p> <p>There is neither any explicit nor any ambiguous language in this statute that suggests any change in the three addresses where a party may be served by mail. The only reference to address is a new requirement for the proof of service that the address where the motion was served be verified. Further there is nothing in the legislative history that shows any legislative intent to expand upon or alter in way the addresses where a party may be served a post judgment motion by mail.</p> <p>In the legislative history of AB 939 the new Fam. C §215(b) it is only discussed in the Senate Analysis dated 6/28/10. This states that this amendment was put into the bill to address the recommendation of the Elkins Commission</p>	<p>No response required.</p> <p>No response required.</p>

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	Commentator	Position	Comment	Committee Response
			<p>on page 36 (item 5(b) of the report).</p> <p>This recommendation was that a proof of service by mail on a post judgment motion must include verification of the served party’s address. It also suggests that the Judicial Council develop a proof of service form that does this and that the Judicial Council should “consider developing a form for proof of service for these post judgment motions using language <u>similar to that in form MC-052</u>.” (Emphasis added.) This part of the Elkins Commission Report does show that the Commission intended that the address where a mailed service was served be verified to show by competent evidence that it is an address that is a legally appropriate address to give proper legal notice to the addressee. It would appear that the legislature has adopted that purpose in enacting Fam. C. § 215(b).</p> <p>There is nothing in the text of this section, or in the history of this bill that suggests that service by mail can be made on a party at any address other than that party’s actual office or actual residence address or their address of record. There is no legitimate basis for believing that this amendment allows service to party’s last known address if a diligent search has been made or to some other address where the party making the service believes the person being served regularly receives mail or is the most</p>	<p>No response required.</p> <p>No response required.</p>

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			<p>recent address currently existing in a governmental database unless it can be verified as a legal address for service.</p> <p>B. What is required to verify an address for service by mail under Fam. C. § 215(b)?</p> <p>The purpose of the requirement for verification of the address in the proof of service is to show by competent evidence that the address to which a notice of motion is mailed is a valid address for mail service of the person being served. This is shown by the Elkins Commission report as discussed above.</p> <p>Any form of proof of service that does not require that the address to which the mail service is directed be <u>shown to be a valid address for service of the notice</u>, would be inadequate to meet the new legal requirement for a proof of service on a post judgment notice of motion to modify custody, visitation or support.</p> <p>AB 939 does not provide a definition for the term verified as used in Fam. C. § 215(b). Nor is there a generalized definition of verified in either the Family Code or the Code of Civil Procedure. However, it is clear from how the word verified is commonly used in the Code of Civil Procedure that the person who is making the verification is required to swear under oath</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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			<p>or penalty of perjury to the truth of facts that require verification and that the verifier is competent to testify to as to their truth.</p> <p>The author of this comment of the proposed forms would not dispute that such verification could be made based upon governmental or business records that contain competent evidence to prove the truth of the facts required to be verified. However, if the verification is based upon governmental or business records that are in fact based upon hearsay or other legally incompetent evidence, reported to and contained within a governmental or business entity’s records, they are not sufficient to verify any fact as true.</p> <p>This would also be true if it can’t be determined from the form of the verification that the governmental or business records used to make the verification of the addressee’s address are in each instance of a proof of service competent to prove the fact that the notice has been mailed to one of the three legal addresses for service.</p> <p>III. The Proof Of Service Forms Contained In FL-334, FL-680, And FL-686 Fail to Correctly Reflect the Law of Mail Service of Postjudgment Motions and Fail To Strictly Comply With The Statutory Requirements For A Proof Of Service By Mail.</p>	<p>The commentator’s assertion that an address cannot be verified through hearsay is inaccurate. The question of reliability is a question for the court, but many hearsay sources, such as a new spouse or parent may provide accurate address information. In fact much of the time, the person who serves the underlying motion has no independent knowledge of the other parties’ address, but relies on information provided by the person requesting service.</p>

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			<p>This comment will address these forms in two parts the non-governmental form FL-334 and the governmental forms FL-680, and FL-686.</p> <p>A. FL-334 Declaration Re Address Verification – Postjudgment Request Modify A Child Custody, Visitation, Or Child Support Order</p> <p>This form is clearly based upon the form MC-052 as suggested by the Elkins Commission. However, this form contains some significant defects. It is important to understand the difference between purposes for each of these two forms. Form MC-052 is a form designed to conform to CRC 3.1362 as a declaration in support of an attorney’s motion to be relieved as a party’s counsel. It is not a proof of service form and the inability of the attorney to verify the address of the client within 30 days of filing the motion and service doesn’t prevent the service by mail from being valid or prevent the motion to withdraw being granted. It serves a different purpose than the verification required by Fam. C. § 215(b).</p> <p>The thirty day limit contained in item 2 of this form appears to be taken from the MC-052 and does not seem based upon any factual evaluation of the actual relative likelihood of how long is a reasonable time for information about the address of the party to become stale.</p>	<p>No response required.</p> <p>As described below, the committee agrees with some of the suggestions made by the commentator regarding form FL-334 and recommends incorporating them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee believes that a thirty day timeframe in which to verify the other party’s address is a reasonable period of time. The timeframe is based, in part, on rule 3.1362 and the companion form MC-052. In that rule and form, “current” means that the address was confirmed</p>

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			<p>It is clearly logical that the time between obtaining the address information and service of the motion will affect the accuracy of the information. However the selection of a 30 day limit on how current the information used to verify a party’s address appears based only on the fact that 30 days was included in the rule of court for which MC-052 designed to comply. It would not be unreasonable to use another time period of forty five days, sixty days or even ninety days for this verification.</p> <p>Item three describes the address being verified as the “party’s current address.” This implies that an address that isn’t the party’s office or residence address or an address of record could be “verified” under this form even though it is not a valid address for service. For example, a party may have a post office box, but unless it is an address of record on a case it isn’t a valid service address as it isn’t the party’s office or residence address.</p> <p>Items 3(a), (b), (d), and (e) are all appropriate. However, item 3(c) does not equate to address of record. An address of record is, “. . . addressed to the person on whom it is to be served, at the office address as last given by that person on any document filed in the cause and served on the party making service by mail. . . .” As discussed above there is <u>no time limit or</u></p>	<p>within 30 days before the filing of the motion to be relieved. However, for purposes of proposed new form FL-334, the committee believes it reasonable to recommend that verification of the other’s party’s current address be made within 30 days of serving (not filing) the postjudgment motion to modify child custody, visitation, or child support.</p> <p>The committee agrees to change the form by replacing the terms “current address” with “current residence or office address.”</p> <p>The committee agrees to change item 3c. to state, “It is the new address provided on <i>Notice of Change of Address</i> (form MC-040) or other pleading that the other party filed with the court on (specify date).” In addition, the committee recommends revising the form to include a provision that relates to service on a party as his or her address of record.</p>

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			<p><u>expiration time of the validity of service on an address of record.</u> There should be a separate section of the proof of service form for service on the party at an address of record, that does not reference the 30 day limit for the other methods of verification. It should also include all of the elements of an address being an address of record.</p> <p>As is discussed above there is no law that allows for service by mail of a post judgment motion on the other party’s last known address. If a party has not been able to verify the address for mail service, mail service may not be used.</p> <p>Strict compliance with both the requirements for service and the proof of service is required. Strict compliance with CCP §§ 1012, 1013, 1013a and now Fam. C. § 215(b) is required for the court to have jurisdiction to act based upon mailed service of the notice of motion. See <u>West v. West</u>, supra; <u>Moghaddam v. Bone</u>, supra; <u>Silver v. MaNamee</u>, supra, <u>Lee v. Placer Title Co</u>, supra; <u>Forslund v. Forslund</u>, supra; and <u>Dobrick v. Hathaway</u>, supra.</p> <p>Since there is no provision for mail service to last known address, with or without a due diligence search, item 4 in its entirety should be removed from this form as it will mislead an unwary litigant and even some judicial officers to believe that such service can give the court</p>	<p>The committee agrees with this suggestion and has incorporated it into the form it is recommending for adoption.</p> <p>No response required.</p> <p>The committee agrees with this suggestion and has incorporated it into the form it is recommending for adoption.</p>

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			<p>jurisdiction to proceed. This will result in a void order.</p> <p>B. FL-680 NOTICE OF MOTION (Governmental) and FL-686 PROOF OF SERVICE BY MAIL (Governmental)</p> <p>Each of these forms purports to verify the addresses for the parties served by stating that it was mailed to an address that was verified by the California Child Support Enforcement System (CSE) as the primary mailing address on file for the party. The questions are, does this statement actually verify that the notice of motion was mailed to a legally appropriate address? And if so, does this statement meet the requirements of CCP § 215(b) for a proof of service? The answer to each of these questions is no.</p> <p>The invitation to comment contains the following information as an explanation for these provisions:</p> <p>The local child support agencies (LCSAs) provide services in over 1.5 million child support cases statewide. The LCSAs generate all pleadings from a federally certified statewide child support case management system. This case management system is programmed to verify addresses through interfaces with various state and federal data</p>	<p>Addresses contained within the Department of Child Support Services' child support enforcement system include both a mailing address and physical address for the parties in the case. While the system will maintain an unlimited number of addresses for a party, called a participant within the system, the party can only have one primary mailing and one primary physical address. Addresses with the system are updated in one of two ways: (1) automated interfaces or (2) user input. The source of the address is always provided, either by the user making a manual address entry or by the system if the address is received via an automated interface file.</p> <p>Address information can be received by a variety of automated interfaces. The child support enforcement system receives daily address data from the Federal Case Registry and the New Hire Registry from the Employment Development Department. This data is considered to be reliable and is updated within the child support enforcement system as a verified address.</p>

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			<p>bases including the Federal Case Registry (FCR), National Directory of New Hires (NDNH), National Change of Address (NCOA), and New Employee Registry (NER from state Employment Development Department). The process for verifying addresses is standard for all LCSAs and does not vary from case to case. Given the highly automated process for address verifications for cases with services provided by the local child support agency, developing a governmental proof of service form with standardized language regarding the address verifications for these cases is the most effective way to comply with the requirements of Family Code section 215.</p> <p>Except for this last sentence this statement is substantially true concerning CSE receiving information from a variety of governmental databases.</p> <p>This, does not in any way assure that the information in CSE is <u>either current or accurate</u>. And it certainly does not mean the address listed as the primary mailing address in CSE is the party’s actual office or residence or if the address is the party’s address of record for service of motions. To understand this some description of the information contained in the CSE system needs to be provided.</p>	<p>Addresses received from interfaces considered potentially unreliable will be updated to the system as unverified. If a party has an unverified address primary address within the system, a US Postal Verification letter will automatically generate in an attempt to verify the address.</p> <p>When new address information is received, the child support enforcement system sets the address status as “primary” or “secondary.” If the party has a primary address in the system, but that address is not marked as verified and a new address is received from a reliable source, the child support enforcement system will change the existing primary address to secondary and mark the newly received address as primary and verified.</p> <p>If the system has a primary verified address regardless of the effective date, the system will not override it and update it with another address. The primary verified address is considered good. Any new addresses received from an interface will be added to the party’s address list as a secondary address.</p> <p>The only time that a primary address will be changed by the system (updated with a new address) is if it is returned mail. If returned mail is received, the system will evaluate all of the secondary addresses to determine which one to promote to a primary address.</p>

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			<p>The author of this comment is an IV-D child support attorney who has used the CSE system since its inception in May, 2007. To start with an explanation of the vocabulary used will be needed as words that are used within the CSE system are also used within the legal environment <u>but they do not have the same meanings.</u></p> <p>A “court case” is a legal case filed in court that involves a single father, mother and their children in common. In the legal world this is generally called a “case.”</p> <p>A “CSE case” is a support case within the CSE system which follows the “federal case construct” for a support case. It has an obligor parent, a custodial obligee and dependents shared between the obligor parent and the custodial obligee. The obligee may be the other parent of the dependents or a third party care taker or foster care or other agency. This is also called a “case.”</p> <p>Because of the differences between these two types of cases, a single court case may be associated to several CSE cases due to children changing from one custodial party to another or because children of a single mother and father are with different custodial parties at the same time. But can also means that several different court cases can be associated to a single CSE</p>	<p>In addition to the child support enforcement system automated updates to the address information, a local child support agency employee will also verify and update addresses upon confirmation with the parties. The employee will update the address after evaluation of current address information in the system as well as now information received by the parties. As appropriate, the employee will update the address status, both primary and secondary, address source, and the effective date of the updated address.</p> <p>The commentator’s assertion that primary address will automatically be overwritten is inaccurate. The primary address must be inactivated by the worker or because of returned mail. Only if a worker manually adds a new primary address and chooses to make the other secondary, will the confirmed primary be made secondary.</p> <p>Additionally, if a secondary address in the system is promoted to primary automatically (when returned mail from the post office is scanned and inactivates the address) the system will automatically send out a post master verification letter to the post office to confirm that the participant receives mail at that location. Additionally, the system will send the many documents to that address such as monthly billing statements and complaint resolution forms. If the</p>

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			<p>case.</p> <p>Each person or entity included in one or more CSE cases has a set of records within CSE as a “Participant.” Address information for any person who is a part of a CSE case is maintained in CSE at the participant level. This means that this information is maintained in a single record for the participant and shared with all CSE cases and used for all court cases in which they are a party. This information can be changed by any worker in any county with access to the CSE system. This information is also changed automatically as the system receives and processes information from the interfaces with other databases.</p> <p>This often results in recent information that has been confirmed as correct being overwritten by old, and often previously deactivated address information within the CSE system. The automated replacement of address information in the system is a major drawback for the reliability of the information in the CSE system.</p> <p>Each participant can have four active addresses within their address page. They are mailing address, residence address. Each of these two can have two classifications as either primary or secondary. A single address can be both the mailing and residence address. It can be the primary mailing and residence address or it can</p>	<p>address is not good, it will be returned and the address is inactivated. Generally, the returned mail is received faster than the verification from the post office.</p> <p>The local child support agencies receive information from many sources that are assumed to be the residence of the participant because they use that data for their employment, DMV, receiving government benefits, and even when the local child support agency is provided the information directly from the parties. Unless the local child support agency is specifically informed that the address being use is a friend or relatives that they use for mail purposes (and the address can be marked as such in the system), it is assumed to be their address. For practical purposes it would be nearly impossible to verify the obligor actually physically lives at an address he/she uses for all of these purposes. Many times the local child support agency is told to send all his/her documents to that address because of frequent moving, working in different locations, or the obligor does not want his/her new family to see the documents that come in the mail.</p> <p>The statement that the information is also changed automatically if the system receives and processes information from the interfaces with other databases is not correct as to the primary addresses that would be used for service of the documents. Additional addresses are added as</p>

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			<p>be primary of either mailing or residence and secondary of the other. Each of these addresses can be classified as verified or not.</p> <p>The use of the word “verified” within CSE bears no relationship to any legal definition of the word “verified.”</p> <p>Within CSE verified means that it is confirmed as “accurate” in any one of several ways. This can be that the information was obtained from what is considered a reliable source or confirmed by a second source. In some cases this is reliable, such as the address information is provided or confirmed by the party himself/herself.</p> <p>In the majority of cases this “confirmation” is based upon unreliable and legally incompetent and inadmissible information and hearsay sources. This includes that another participant such as a custodial party on one of a party’s CSE Cases has stated³ that another participant has this address. It also is based upon records of other agencies such as public assistance agencies and is of unknown age and accuracy.</p>	<p>secondary and then verified when and if the primary is found to no longer be valid.</p> <p>Although the system can hold only one primary mailing and one primary physical address, it can hold unlimited number of secondary addresses. These addresses are always available to the local child support agency worker and if a primary address is no longer used by the obligor, the worker can attempt to use the secondary addresses in an effort to locate the obligor. So the commentator’s assertion that each party can have only four active addresses within their address page is not correct.</p> <p>The commentator’s assertion that “the majority of the confirmations of these addresses is done by what is called a postmaster check” is correct, however the statement “for purposes of serving documents by mail this is insufficient” is a legal conclusion.</p> <p>Many hearsay sources, such as a new spouse or parent may provide accurate address information. The question of reliability is a question for the court,</p>

³ As this comment was being finalized the author had to review address information for a particular support obligor. An address had been entered into CSE as both primary mailing and residence address for the obligor and marked as verified within CSE by the LCSA caseworker. This was based only upon the hearsay statement of the support obligee on a CSE case who stated that it was the address of the homeless shelter where the obligor sometimes stays and that he receives mail there. Under the proposed verification language this would be a verified address under Fam. C § 215(b) for the IV-D agency to mail serve a motion on this obligor.

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			<p>But the vast majority of the “confirmations” of these addresses is done by what is called a postmaster check. This is a letter sent to the postmaster of the local post office for the address asking if mail is delivered to that party at that address. If the postmaster responds positively then the address is confirmed and called verified within CSE. <u>For purposes of serving documents by mail, this is insufficient.</u></p> <p>Participants within the IV-D case load cover the complete spectrum of the economic scale of society. But it is especially weighted with people on the lower end of the economic scale. Many of these people move frequently for economic and other reasons. Many are homeless or nearly homeless as they stay and live with friends and relatives for short periods of time and then move to another location. People forced to live this way frequently establish an address with a friend or relative and use these established addresses to receive mail. These addresses are not their residences or their offices.</p> <p>Nevertheless these addresses will be responded to by the postmaster as being an address where mail is delivered. Additionally postmasters will often confirm mail is delivered to an address that is either an old address for the person, or even for the friend or relative who receives mail</p>	<p>Although the commentator’s statement that the child support enforcement system does not maintain the party’s address of record for the court case is correct (specifically by court case – meaning if they have more than one court order each could have its own record). To do so would be an automation and resource nightmare. Participants generally only update the court on one of their orders and assume it updates the court. Additionally, since the participants are required to update all records, it is logical to assume that the latest address is the address of record.</p> <p>The commentator’s assertion that the verification of any address within CSE is often several months old, even years old is not correct. The system sends out dozens of documents to participants yearly and if the participant is no longer at that address, the documents are returned. Also, the parties’ address data continues to be verified in the locate section of the database. Additionally, the system is programmed to reject data from all sources (based on source specific logic) when it would be considered stale – for example IRS data is not processed after the reporting year.</p> <p>Also, the system is programmed to task a worker if a notice of motion is received undeliverable from the post office, the address is automatically updated by a bar-coding process and the system recognizes the form as a notice of motion. The</p>

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			<p>for person. These addresses can include a post office box. It is clearly true that no person resides in a post office box.</p> <p>It is even possible that an address could be confirmed by a postmaster in the following circumstances. An address is put into CSE for a participant, and mail is sent by the CSE system to that address and delivered by postal employees. A postal verification subsequently sent to that postmaster, could result in being confirmed that mail is delivered for that participant at that address only because mail has been directed to the participant at that address by the CSE system.</p> <p>A party’s address of record, is an address only usable for service of a motion on the <u>court case</u> in which the party filed and served the legal document. This is shown by the following quote from CCP 1013, “. . . at the office address as last given by that person on any document <u>filed in the cause</u> and served on the party making service by mail. . .” (Emphasis added.) It is possible in CSE to enter the information for an address that it is an address that a party has placed on a filing and served. However this address will not remain the primary mailing address for the party based on that entry of information, and as discussed above that would only be an address of record for that court case. CSE does not maintain as information for a</p>	<p>worker then pulls the case from the court calendar for lack of service.</p>

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			<p>court case a party’s address of record for the court case.</p> <p>An address that is in CSE has been confirmed as an address as described is called within CSE “verified.” As has been discussed, this has no relationship to the legal concept of verification which is to prove as true by competent evidence under penalty of perjury that the address is a valid service address. In a substantial percentage of cases, most likely in excess of 30% of cases, when a process server is sent to personally serve a document such as an Order for Examination of a Judgment Debtor on a participant, the participant can’t be served because he/she does not reside at the “verified” address in CSE.</p> <p>There is also no requirement within this proposed verification of addresses for IV-D cases which states if the information is current or stale. For Example in form FL-334 to verify an address the person making the verification is required to state that their information is no older than 30 days, while the IV-D verification would allow the address to “verified” based on information of any age. The “verification” of any address within CSE is often several months, even years, old.</p> <p>The proposed “verification” statement included in these proofs of service is:</p>	

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Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

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			<p>I am employed by local child support agency and this motion was addressed to an address that was verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file for each party referenced on the Proof of Service.</p> <p>This fails to strictly comply with the requirements of CCP §§ 1012, 1013, 1013a and Fam. C §215(b) because it does not show that the document is being mailed to a valid address for service. It also uses the CSE meaning of the word verified in place of the legal word verified as used in Fam. C. § 215(b).</p> <p>There is also no evidence in the legislative history of this bill that the legislature intended a lower level of verification of the address of a party being mail served by a LCSA than a party being served by any other party to a court case. Except where the legislature has provided a different law for a LCSA, a LCSA is just another litigant before the court and must follow the law the same as any other litigant. This is true regardless of how many cases LCSAs participate in before the courts.</p> <p>Without discussing any possible constitutional issues that might arise from a different standard for service of notices for LCSAs from other</p>	<p>There is no dispute that the new requirement of Family Code section 215 applies to all parties in a family law action, including a local child support agency. The child support enforcement system through its automated interfaces with other reliable databases, training of its child support employees to request updated address information when it has contact with the parties, and process of independently verifying addresses as accurate through other sources on a daily basis meets the address verification requirement.</p>

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			<p>litigants, there is no support in the legislative history of this bill for any such double standard for Fam. C. § 215(b). The legislature has shown in the past that they could include a different standard for service of motions for LCSAs when they choose to. Consider the following language from the former Fam. C. § 17441(f) (now repealed by its own terms) which provided for modification of support orders based on service as follows:</p> <p>The court may issue a final order of modification upon receipt of these documents without further hearing or evidence. However, no final order shall be issued unless the local child support agency certifies that service was made to an address verified as current and active, within the last 90 days, through a reliable government database. The local child support agency shall serve the final order upon the parties by mail along with forms and information necessary to set aside the order. (Emphasis added.)</p> <p>The author of this comment is not unaware that requiring LCSAs to comply with the verification requirement of Fam. C. § 215(b) will cause them some difficulty and inconvenience. This will cause some difficulty and inconvenience to private litigants as well. Remedying that inconvenience is an issue</p>	

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			<p>appropriately addressed to the legislature, not the Judicial Council. This inconvenience is not as significant as some may believe. Attached as an exhibit to this comment is a generic version of an address verification form⁴ which has been in use for nearly six months in one or more LCSAs as a temporary measure. Using a version of this form and substituted service⁵ under CCP § 1011(b) when no address can be verified no significant disruption has taken place in modifying child support orders within the agency where the author practices.</p> <p>The interests of the participants in IV-D child support cases are not worthy of less due process notice than are participants in non IV-D family law matters. They all have a right to notice and opportunity to be heard before, their support orders are modified. Many of these parties are poor and they are the least likely persons to be able to know and understand how to seek a set aside of an order that was made without proper notice to them.</p> <p>Finally, there is a very practical reason for the Judicial Council taking a conservative position on these proofs of service forms. If the governmental forms are approved and used by</p>	

⁴ The author of this comment developed this form in collaboration with other IV-D attorneys.

⁵ When substituted legal service is made under CCP § 1011(b) in addition to that service copies of the motion are sent to all other addresses believed likely addresses to attempt to make sure that the person served gets actual notice of the motion as well as legal service.

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			<p>California LCSAs as proposed, within in a few months there will be tens of thousands of child support orders made where one or both parties did not appear on hearings for postjudgment motions noticed with the use of these forms.</p> <p>If a court of appeals subsequently holds that this proposed form of verification of the address is legally inadequate, all of these orders will be void and subject to being set aside. Such set aside motions may clog the court calendars for years to come. They would also result in the loss of many millions of dollars of set aside child support for support obligees.</p> <p>The only appropriate conclusion is that the IV-D child support agencies should be required to fully comply with the requirements of Fam. C. § 215(b). It is not only in the best interest of all of the other participants in these cases, but in the long run in the best interest of the IV-D agencies and the courts.</p>	
8.	Orange County Bar Association John Hueston, President	A	No specific comment.	No response required.
9.	State Bar of California, Family Law Section Saul Bercovitch, Legislative Counsel San Francisco	AM	<p>FLEXCOM suggests the following modifications:</p> <p>A. <u>FL-334</u>: Declaration Re: Address Verification. This form is listed for “optional” use. This form should be mandatory, as it appropriately lists</p>	The committee has recommended that this form be approved for optional use because the local child support agencies have an automated procedure for verifying the service address.

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			<p>out the requirements for verification. If declarations are used, they may not contain all the necessary information.</p> <p>B. FL-676: Request for Judicial Determination/Adjustment re: support. Item 4a should include a provision stating that the incarceration was more than ninety days, so that obligors are aware that shorter time periods of incarceration do not allow for modification. Specifically, we propose that “(more than ninety days)” be inserted between the words “time” and “during.”</p>	<p>Because the form will not be used uniformly by all parties it is recommended for optional use.</p> <p>The committee agrees with this suggestion and will add the suggested language to better inform its users of the required time period for the applicability of the legislations.</p>
10.	State Bar of California, Standing Committee on the Delivery of Legal Services (SCDLS) Sharon Ngim, Program Developer and Staff Liaison	A	This recommendation is another attempt to simplify and clarify the forms for both represented and self-represented litigants. FL-335 adds language on verification of address which is now required for post-judgment modification requests for order. Also, adding the hearing date and time on the proof of service will be helpful to identify what hearing was served on Opposing Party. The new form Declaration Re Address Verification FL-334 is adequate and straight forward for use by a litigant whether represented or not.	No response required.
11.	Superior Court of Amador County Janet Davis, Court Manager	NI	<p>Proposed Revised form FL-335 contains many warnings temporary restraining orders cannot be served by mail. This will be confusing as the DV-110 allows for service by mail.</p> <p>Proposed Revised FL-335</p>	The committee disagrees with the statements of law in this comment and accordingly has made no changes to FL-335.

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Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

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			You cannot serve a temporary restraining order by mail. You must serve those documents by personal service.	
12.	Superior Court of Contra Costa County Kathleen Shambaugh Business Operations Administrator	NI	<p>Form FL-335 Delete the hearing date, time and department number on revised FL-385; it is not necessary for all mail services and will confuse self-represented litigants.</p> <p>Form FL-640 3rd paragraph: delete reference to filing fee; there is no filing fee when DCSS is a party and the motion is paternity or support-related.</p> <p>Paragraph 5 is confusing. A litigant can't file an Answer once default has been entered. The Answer could be <u>attached</u> to FL-540, but not filed separately unless the default is set aside.</p> <p>Form FL-661 Section 5: replace OSC and NOM with Request for Order.</p>	<p>The committee prefers that the information appear on form FL-335 as well as Proof of Personal Service (form FL-330) to provide additional information to the parties, their attorneys, and the court about the proceeding; however, the committee also agrees to include on the form that the information be provided only if applicable.</p> <p>The committee agrees with this suggestion and has incorporated it on the instruction page, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee revised item 5 of FL-640 to clarify that the attached answer is proposed. The instruction sheet was revised at item 5 to clarify that the answer will be attached to the motion rather than filed independent. The committee also removed the language regarding the option for filing an answer since the default judgment would already have been entered in this case.</p> <p>Because of the proposal to revise FL-300 and revoke FL-301, the committee agrees with this suggestion. However, that proposal is not scheduled to go into effect on January 1, 2012,</p>

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Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

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			<p>Page 4: delete reference to filing fees.</p> <p>Form FL-662 Page 2, “Consent Order.” Generally, responsive documents are filed with no judicial review. This form seems to suggest that a judge will review the responsive declaration and then make an order for joinder and to take the hearing off calendar. This would require an ex parte process, not the filing of a responsive declaration.</p>	<p>and so the committee recommends a more generic statement referring to the party filing a request for order, notice of motion or order to show cause. This will also reflect the option for a party to file a request for order in a domestic violence matter using form DV-100.</p> <p>The motion for joinder contemplates motions for custody, visitation or restraining orders. If other non-governmental child support issues are filed in conjunction with this motion, filing fees may be required. The requested change will not be made.</p> <p>The form contemplates a streamlined procedure for resolving the issue where the other party does not object to the order requested. This form gives the court the option of making an order based on the pleadings if the parties consent to the order requested and remove the motion from the court’s calendar. Because this order is appropriate the committee did not change the language on the form.</p>
13.	Superior Court of Monterey County Minnie Monarque, Director of Civil & Family Law Division	A	No specific comment.	No response required.
14.	Superior Court of Orange County Family Law Operations	AM	“Visitation” should be replaced with “Parenting Time” throughout forms FL-344, FL-335, FL-661, and in all forms where form FL-334, Declaration Re Address Verification-Postjudgment Request to Modify a Child	The committee recommends that the form include the term “visitation” to be consistent with the language in Family Code section 215(b).

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			<p>Custody, Visitation, Parenting Time or Child Support Order form is referenced.</p> <p>Form FL-334 - Page 2, under Notice and Service Information, item 3, suggest changing the sentence to read “File with the clerk of the court the original form FL-334 with the court.” Referring to the form number itself is confusing. Throughout the forms, clerk’s office, court clerk, court clerk’s office and clerk of the court are used interchangeably, suggest there be a standard; clerk’s office would be the preference as we like to avoid taking filings in the courtrooms as it delays processing (imaging) and clerk of the court is not a modern phrase.</p> <p>Form FL-640 - Item 1, combine Dept and Div. and Room to Dept/Room/Div. and include (b) within the hearing box; this area is inconsistent on the forms; preference would be for all hearing information to be within the box.</p> <p>- Page 3, Information Sheet, Item 1, not all courts reserve court dates over the phone, or require that a date be reserved; suggest Item 1 read, “Contact the clerk’s office to obtain information about how to schedule a hearing date.”</p> <p>Form FL-677</p>	<p>The committee recommends changing item 3 to read “File this original, completed form (form FL-334) at the court clerk’s office.”</p> <p>To provide better information to the parties where the hearing will take place and to be consistent with other governmental child support forms, the committee did not make this change.</p> <p>The form generically directs the parties to contact the clerk’s office to get a court date. The form cannot take into account every local practice for obtaining the date.</p>

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			<p>- Item 1, combine Dept and Div. and Room to Dept/Room/Div.</p> <p>Form FL-680</p> <p>- Item 2, combine Dept and Room to Dept/Room/Div. and include (b) within the hearing box; this area is inconsistent on the forms; preference would be for all hearing information to be within the box.</p> <p>- Page 2, Item 4, “I am employed by a local child support agency...was addressed to an address that was verified...”</p> <p>Form FL-686</p> <p>- This form is not an attachment, it would be filed separately and needs a header.</p> <p>- Spacing between the 1st lines of Items 3 and 4, and Item 5 and (a) is unequal.</p>	<p>As stated in the above response, to provide better information to the parties where the hearing will take place and to be consistent with other governmental child support forms, the committee will did make this change.</p> <p>See response above on the same comment. To be consistent with other Judicial Council forms, “Div.” was added within the hearing box.</p> <p>The committee agreed to add the word “a” before the word “local” to this item.</p> <p>This form was originally drafted as a one page attachment at the request of the CSDA forms committee, but as shown on the draft form attached to the comment, the commentator requests this be a standalone form. This change will be made.</p>
15.	Superior Court of Riverside County, Staff Michael Capelli	AM	<p>FL-335 Proof of Service by Mail</p> <p>The modification of the Proof of Service by Mail to include an additional check box (#5) is unnecessary. The same information could be and in fact is part of check box #3. A separate check box is one more opportunity for the self-represented to make a mistake.</p>	<p>The committee believes that revising the form to include item 5 would help inform parties and process servers that an approved Judicial Council form is available for use. Further, as long as the address verification is listed in 3 among the other documents served on the other party, the committee believes that a party would not be prejudiced if the same form were not listed in item</p>

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				5.
16.	Superior Court of Sacramento County Robert Turner, ASO II	NI	<p>Form FL-335 Change “write” to “print” #4.c and 4.d</p> <p>Form FL-640 Page 3 paragraph 2, third sentence on “You may have to pay filing fee”. This is incorrect because in governmental cases there is no filing fee. This sentence and the next should be deleted.</p> <p>Form FL-662 Page 4, item 1- This needs to be corrected and resubmitted to the courts for review.</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it on the instruction page, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>An error was made in that there was an overstrike of text when this form was produced and distributed for comment. There was no change made to the existing language on this portion of the form and the form is available for review on the Judicial Council’s website. It is not necessary to recirculate the form for comment.</p>
17.	Superior Court of San Diego County Michael Roddy, Executive Officer	A	No specific comment.	No response required.
18.	Superior Court of Shasta County Stacy Larson, Family Law Facilitator	AM	<p>All references to visitation should be replaced with “parenting time” or “visitation/parenting time” in accordance with Elkins recommendations.</p> <p>Nearly all the instructions require the party to print or type the information in blank ink. Blue ink would be equally appropriate.</p>	<p>See response to the same comment made by the Superior Court of Orange County.</p> <p>The instruction mentioned in the comment generally appears on information sheets relating to proofs of service. Form FL-334 is not a proof of service, but would be attached to a form such as</p>

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	Commentator	Position	Comment	Committee Response
			<p>FL-334, Caption: The caption has a space for “Other Parent.” I agree that we need a space for joined parties, but other forms refer to this party as “Other Party” or the less favorable “Joined Party.” We should be consistent. I favor “Other Party” as this would encompass a variety of parties that may be joined.</p> <p>FL-334, Caption: We should place a colon after “RE:”</p> <p>FL-334, subdivision 1: We should replace “Other Parent” with “Other Party.”</p> <p>It is not clear in FL-215 nor in this form whether a party must complete an address verification form when filing a post-judgment motion for issues other than modifying child support, custody, or visitation/parenting time or when the post-judgment motion includes one of these issues in addition to another issue. Clarification should be included on this form.</p> <ul style="list-style-type: none"> FL-334, page 2, “NOTICE AND 	<p>FL-335. Therefore, the committee does not recommend revising form FL-334 as the commentator suggests.</p> <p>The committee does not agree with this suggestion. However, the committee does agree to recommend revising the form’s caption and item 1 to provide for “the other parent” and “the other party.”</p> <p>The committee prefers to recommend changing the form by providing for the complete spelling of the word “regarding” in the form’s title.</p> <p>As stated in the response above, the committee does not agree with this suggestion. However, the committee does agree to recommend revising the form’s caption and item 1 to provide for “the other parent” and “the other party.”</p> <p>As this form relates only to the requirements of motions for modification of judgments or permanent orders for child custody, visitation, or child support, the committee prefers to limit the form accordingly and does not agree to recommend that the form include a legal interpretation of Family Code section 215.</p> <p>Same response as above indicated.</p>

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	Commentator	Position	Comment	Committee Response
			<p>SERVICE INFORMATION”: This section should clarify whether post-judgment or post-permanent-order requests for relief other than custody, child support, or visitation/parenting time (or motions for other relief in addition to custody/visitation/child support) may serve by mail and must include address verification.</p> <ul style="list-style-type: none"> • FL-335, Caption: The caption has a space for “Other Parent.” I agree that we need a space for joined parties, but other forms refer to this party as “Other Party” or the less favorable “Joined Party.” We should be consistent. I favor “Other Party” as this would encompass a variety of parties that may be joined. • FL-335, subdivision (5): We should place a colon after “Re:” • FL-335, subdivision (5): This section makes it sound as though the FL-334 must be served on the other party when the FL-334 must merely be filed with the court with the proof of service. Suggested rewording would be as follows: “I served a request . . . or permanent order. Attached to is an address verification declaration. (Declaration Re: Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)” 	<p>See response to same comment regarding form FL-334.</p> <p>Same response as above indicated.</p> <p>The committee does not recommend the proposed changes. The form currently is drafted to comply with the requirement of Family Code section 215(b) that: “For any party served by mail, the proof of service must include an address verification.”</p>

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			<ul style="list-style-type: none"> • FL-335, page 2, heading that states “You cannot serve a temporary restraining order by mail. You must serve those documents by personal service.” We should add “or temporary order.” • FL-335, subdivision (5): This section makes it sound as though the FL-334 must be served on the other party when the FL-334 must merely be filed with the court with the proof of service. Suggested rewording would be as follows: “Check this box if you are attaching an address verification form. An address verification form is required if the documents served by mail pertain to a post-judgment or post-permanent-order request pertaining to child support, custody, or visitation. (Declaration Re: Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)” • FL-640, page 2, subdivision (3): We should place a colon after “Re:” • FL-661, subdivision (1): We should replace “defendant” with “respondent/defendant.” • FL-661, subdivision (5): “Order to Show Cause (form FL-300) or Notice of Motion (form 	<p>The committee does not recommend the proposed change as it is beyond the scope of the proposal.</p> <p>See response above on the same comment regarding form FL-334.</p> <p>See response above on the same comment.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>Because of the proposal to revise FL-300 and revoke FL-301, the committee agrees with this</p>

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			<p>FL-301)” should be replaced with “Request for Order (form FL-300).”</p> <ul style="list-style-type: none"> • FL-661, page 2: In the second paragraph, on the second line, we should either eliminate the parentheses around “(See form FL-645)” and replace it with “See form FL-645 for more information.” Alternatively, we should make this parenthetical part of the former sentence, e.g., “You can also go to court . . . own enforcement action (see form FL-645).” • FL-661, page 2, third paragraph: We should clarify that the child support agency does not represent either party and clarify the second sentence regarding the child support agency’s ability to settle cases without the other parent’s consent when aid is being received. E.g., “You should tell the . . . earnings and assets. The child support agency represents the state; it does not represent either party. If you receive . . . support issues without your consent. The local child support . . .” • FL-661, page 3, subdivision (3)(b)(3): We should place a colon after “Re:” This section 	<p>suggestion. However, that proposal is not scheduled to go into effect on January 1, 2012, and so the committee recommends a more generic statement referring to the party filing a request for order, notice of motion or order to show cause. This will also reflect the option for a party to file a request for order in a domestic violence matter using form DV-100.</p> <p>The parenthesis is a punctuation mark to set apart and interject other text. It is appropriate that the code reference be set apart by parenthesis.</p> <p>The committee does not recommend the suggested change as it is beyond the scope of the proposal. The purpose of the notice is to advise the newly joined party of what his or her role is in the case. This information would have already been provided by that local child support agency through the application process.</p> <p>See response above on the same comment.</p>

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			<p>makes it sound as though the FL-334 must be served on the other party when the FL-334 must merely be filed with the court with the proof of service. Suggested rewording would be as follows: “I served this motion/request. Attached to is an address verification declaration. (Declaration Re: Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)”</p> <ul style="list-style-type: none"> • FL-661, page 4, ¶2, last sentence: We should eliminate the comma before the “but” as there is no complete sentence after the conjunction and there are only two items in the series. • FL-661, page 4, ¶4: We should clarify that the party himself/herself cannot serve these papers, as follows: “You should file an original and three copies of this motion. You will receive three file-stamped copies back. One of these copies must be served on the other parent with a blank . . . Another of these copies must be served on the local child support agency. Keep the third copy for your records. Remember, you may not serve papers upon the other parties. You must have someone who is not a party to the action and is eighteen years or older serve the papers for you.” 	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has revised the instruction page to include additional information clarifying that a person, over the age of eighteen and not a party to the action must serve the documents.</p>

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • FL-661, page 4, subdivision 1: “defendant” should be replaced with “respondent/defendant.” • FL-661, page 5, subdivision (5): “Order to Show Cause or Notice of Motion” should be replaced with “Request for Order.” • FL-661, page 5, subdivision (6)(a) and (b): This explanation should also name other cases that may include custody/visitation orders with both parents being the parties such as Petitions to Establish Custody and Support, Restraining Orders, or Petitions to Establish Parentage, guardianship cases, etc., filed by either parent or another individual. • FL-662, subdivision (1) on page 1 and subdivision (1) on page 2: “Defendant” should be replaced with “Defendant/Respondent.” • FL-662, page 3, subdivision (3)(b)(3): We should place a colon after “Re:” This section 	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>Because of the proposal to revise FL-300 and revoke FL-301, the committee agrees with this suggestion. However, that proposal is not scheduled to go into effect on January 1, 2012, and so the committee recommends a more generic statement referring to the party filing a request for order, notice of motion or order to show cause. This will also reflect the option for a party to file a request for order in a domestic violence matter using form DV-100.</p> <p>The form uses a general example of a family law case. Providing all possible case types would only confuse self-represented litigants and require subsequent forms changes if more case types are created in the future. The committee therefore declines to make the suggested change.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>See response above on the same comment.</p>

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	Commentator	Position	Comment	Committee Response
			<p>makes it sound as though the FL-334 must be served on the other party when the FL-334 must merely be filed with the court with the proof of service. Suggested rewording would be as follows: “I served this motion/request. Attached to is an address verification declaration. (Declaration Re: Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)”</p> <ul style="list-style-type: none"> • FL-662, page 4, ¶2: The sentence pertaining to service should be revised to clarify that the party cannot serve the motion himself or herself, e.g., “Add five calendar days if the Responsive Declaration is being served by mail within California.” The parentheses around “See Code of . . . situations.” should be removed. • FL-662, page 4, ¶2: The parentheses in the last sentence are unnecessary. Additionally, we should clarify that the party himself/herself cannot serve these papers, as follows: “filing fee, contact the court clerk. You should file an original and three copies of this motion. You will receive three file-stamped copies back. One of these copies must be served on the other parent with a blank . . . Another of these copies must be served on the local child support agency. Keep the third copy for your records. 	<p>The parenthesis is a punctuation mark to set apart and interject other text. It is appropriate that the code reference be set apart by parenthesis. The committee agrees with the suggestion regarding service and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption</p> <p>The parenthesis is a punctuation mark to set apart and interject other text. It is appropriate that the code reference be set apart by parenthesis.</p> <p>The committee agrees with this suggestion and has revised the instruction page to include additional information clarifying that a person, over the age of eighteen and not a party to the action must serve the documents.</p>

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Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

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	Commentator	Position	Comment	Committee Response
			<p>Remember, you may not serve papers upon the other parties. You must have someone who is not a party to the action and is eighteen years or older serve the papers for you. See Information Sheet for Service of Process, form FL-611 for more information.”</p> <ul style="list-style-type: none"> • FL-662, page 4, subdivision 1: “defendant” should be replaced with “defendant/respondent.” • FL-662, page 4, subdivision (2)(a) and (b): This explanation should also name other cases that may include custody/visitation orders with both parents being the parties such as Petitions to Establish Custody and Support, Restraining Orders, or Petitions to Establish Parentage, guardianship cases, etc., filed by either parent or another individual. • FL-676, Caption: “Other Parent” should be replaced with “Other Party” for consistency and for cases in which DCSS has intervened as the “Other Party.” • FL-676: We should include a section for the petitioning party to identify whether he/she is the petitioner/respondent/other party. 	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The form uses a general example of a family law case. Providing all possible case types would only confuse self-represented litigants and require subsequent forms changes if more case types are created in the future. The committee therefore declines to make the suggested change.</p> <p>Family Code 17404, which authorized the procedure for the other parent to become a party to the action, refers to this joined party as the “other parent.” This term is used consistently throughout the governmental child support forms.</p> <p>The committee disagrees with this suggestion and has not made the change. The party making the request signs the form. Adding the suggested information would be redundant.</p>

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • FL-676, page 2, caption above “PROOF OF SERVICE”: This should be reworded to state, “A person over eighteen years of age who is not a party to this case must complete the proof of service below.” • FL-676, page 2, subdivision 1: A comma should be placed after “service.” • FL-676, subdivision (5)(3): We should place a colon after “Re:” This section makes it sound as though the FL-334 must be served on the other party when the FL-334 must merely be filed with the court with the proof of service. Suggested rewording would be as follows: “I served this motion/request. Attached to is an address verification declaration. (Declaration Re: Address Verification—Postjudgment Request to Modify a Child Custody, Visitation/Parenting Time, or Child Support Order (form FL-334) may be used for this purpose.)” • FL-677, Caption: “Other Parent” should be replaced with “Other Party” for consistency and for cases in which DCSS has intervened as the “Other Party.” • FL-679, Caption: “Other Parent” should 	<p>The committee disagrees with this suggestion and has not made the change. The current language of the form is clear and easy for a self-represented litigant to understand and the change will not be made.</p> <p>The committee believes the current language is more appropriate and grammatically accurate.</p> <p>See response above on the same comment.</p> <p>As stated above, Family Code 17404, which authorized the procedure for the other parent to become a party to the action, refers to this joined party as the “other parent.” This term is used consistently throughout the governmental child support forms. The suggested change has not been made.</p> <p>See response directly above on the same</p>

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	Commentator	Position	Comment	Committee Response
			<p>be replaced with “Other Party” for consistency and for cases in which DCSS has intervened as the “Other Party.”</p> <ul style="list-style-type: none"> • FL-679, subdivision 1: “other parent” should be replaced with “other party” for consistency. • FL-679, subdivision 2: Our court, and I suspect many other courts, require parties to appear from a telephone number that accepts collect calls. This requirement should be listed, so the number provided will be one from which the party can actually appear. • FL-679: We should include an informational item that parties must be available at the number provided from the time of the hearing until they receive the call from the court. Many courts call cases involving telephonic appearances at the end of the calendar, which can be several hours after the time the hearing is set. People in the courtroom understand this. Parties appearing by telephone often do not. • FL-679, page 2, subdivision (10): We should also include a sentence informing parties that the number provided must accept calls from blocked numbers. • FL-679, page 3, subdivision (1): We 	<p>comment.</p> <p>See response above on the same comment.</p> <p>Item 10 on page 2 of the form, specifies that the applicant must be available to receive a collect call from the court. No additional information is needed for this form.</p> <p>The telephone appearance Rule of Court and form were designed to be sufficiently generic so as to apply to the more individualized procedures in all courts. Therefore any such additional clarifying information should be developed by the specific court and communicated to the parties.</p> <p>See response directly above on the same comment.</p> <p>The committee believes the current language is</p>

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	Commentator	Position	Comment	Committee Response
			<p>should place a comma after “service.”</p> <ul style="list-style-type: none"> • FL-679, subdivision (3)(b)(3): We should place a colon after “Re:” This section makes it sound as though the FL-334 must be served on the other party when the FL-334 must merely be filed with the court with the proof of service. Suggested rewording would be as follows: “I served this motion/request. Attached to is an address verification declaration. (Declaration Re: Address Verification—Postjudgment Request to Modify a Child Custody, Visitation/Parenting Time, or Child Support Order (form FL-334) may be used for this purpose.)” • FL-680, Caption: “Other Parent” should be replaced with “Other Party” for consistency and for cases in which DCSS has intervened as the “Other Party.” • FL-680, Caption, “Notice of Motion”: Other commonly used topics should be provided, such as parentage, arrears, fees and costs, etc. 	<p>more appropriate and grammatically accurate.</p> <p>See response above on the same comment.</p> <p>As stated above, Family Code 17404, which authorized the procedure for the other parent to become a party to the action, refers to this joined party as the “other parent.” This term is used consistently throughout the governmental child support forms.</p> <p>The caption contains the most commonly plead issues for which the form is used. Other specialized governmental child support Judicial Council forms are available to bring other issues, such as arrears, before the court. There are no “fees and costs” issues in governmental child support matters. The form also has “Other” as an option which allows parties to use the form to address other less common issues.</p>

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • FL-680, subdivision 3(b): We should list the forms on which financial information may be provided (FL-150 or FL-155) and that a blank copy of whichever form provided is being served (similar to our present FL-300). • FL-680, subdivision (d): This should be reworded more clearly and to eliminate unnecessary parentheses, as follows: “Order for . . . (form FL-627). Note: If you ignore this order, you may be found to be the parent.” • FL-680, page 2, ¶3: The sentence pertaining to service should be revised to clarify that the party cannot serve the motion himself or herself, e.g., “You must have copies of any documents filed with the court and served on the other parties at least nine court days before the hearing date unless ordered otherwise.” The parentheses around “See Code of . . . situations.” should be removed. • FL-680, Caption: “Other Parent” should be replaced with “Other Party” for consistency and for cases in which DCSS has intervened as the “Other Party.” 	<p>The committee does not recommend the suggested change as it is beyond the scope of the proposal.</p> <p>The committee disagrees with this suggestion and the change will not be made. The language on the form provides a clear warning that if the order is ignored, the party may be found to be the parent. Also, the parentheses around the work “Parentage” and the form number is part of the form name and would be inappropriate to remove.</p> <p>The committee agrees with this suggestion and has revised the instruction page to include additional information clarifying that a person, over the age of eighteen and not a party to the action must serve the documents.</p> <p>As stated above, Family Code 17404, which authorized the procedure for the other parent to become a party to the action, refers to this joined party as the “other parent.” This term is used consistently throughout the governmental child support forms.</p>

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"><li data-bbox="800 363 1354 488">• FL-685, subdivision (2)-(3): We should replace subdivision (b) with an option to not consent to the order and then make subdivision (c) a request for a specific order.<li data-bbox="800 630 1367 954">• FL-685, subdivision (2)(b): The categories listed should match those on the caption of the FL-680. For example, there is no “Parentage,” “Fees and Costs” or “Property Restraining” box on the FL-680. I have suggested on the FL-680 that other options/boxes be added to the caption. If this suggestion is followed, the same should be done here. This from does not have a box for “Injunctive Order” even though it is on the FL-680.<li data-bbox="800 997 1360 1424">• FL-685, page 2, subdivision (4): We should place a colon after “Re:” This section makes it sound as though the FL-334 must be served on the other party when the FL-334 must merely be filed with the court with the proof of service. Suggested rewording would be as follows: “I served this motion/request. Attached to is an address verification declaration. (Declaration Re: Address Verification—Postjudgment Request to Modify a Child Custody, Visitation/Parenting Time, or Child Support Order (form FL-334) may be used for this purpose.)”	<p data-bbox="1396 363 1990 586">The committee does not recommend the suggestion because the items for child support and health insurance require more information than just not consenting to the order requested. Rather the form allows the party to detail another option or information from which the court can make an order.</p> <p data-bbox="1396 630 1976 755">This form is not intended to mirror the caption of FL-680. Rather it is intended to mirror the substantive request of FL-684. The existing format of this form parallels FL-684.</p> <p data-bbox="1396 997 1892 1024">See response above on the same comment.</p>

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Support (adopt forms FL-330-INFO, FL-335-INFO, FL-640-INFO, FL-661-INFO, FL-662-INFO, FL-686, approve FL-334, and revise forms FL-330, FL-335, FL-640, FL-661, FL-662, FL-676, FL-677, FL-679, FL-680, and FL-685)

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	Commentator	Position	Comment	Committee Response
19.	Superior Court of Ventura County Irene Lopez, Court Program Manager	AM	Responsive Declar to Mot for Joinder of Other Parent - cionset Order of Joinder Pg 4 - Unable to read #1 after 2nd greyed out portion. Appears to be three sentences that have been typed over and unable to read.	An error was made in that there was an overstrike of text when this form was produced and distributed for comment. There was no change made to the existing language on this portion of the form and the form is available for review on the Judicial Council's website.
20.	Superior Court of Ventura County Caron Smith, Family Law Case Coordinator	AM	Form FL-334. Section 4 must be deleted. It appears that this was copied from MC-052. However, Family Code 215 states that "the proof of service must include an address verification." (emphasis added) The statute does not allow for "best efforts" or mailing to last known address. Section 4 will mislead litigants (and perhaps some attorneys and judicial officers) into thinking that service of a post-judgment request can be accomplished by mailing to a last known address or by some other method that is not authorized by the statute.	The committee agrees with the suggestion and has incorporated it into the form being recommended for approval.
21.	John Zeis, Asst. Court Executive Officer Superior Court of Shasta County	AM	FL-662 <i>Responsive Declaration to Motion for Joinder of Other Parent</i> , page 4, item 1 – appears to have information typed over each other/jumbled together.	An error was made in that there was an overstrike of text when this form was produced and distributed for comment. There was no change made to the existing language on this portion of the form and the form is available for review on the Judicial Council's website.