

JUDICIAL COUNCIL OF CALIFORNIA

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www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT SPR19-31

Title Family Law: Registration of Support Order	Action Requested Review and submit comments by June 10, 2019
Proposed Rules, Forms, Standards, or Statutes Adopt form FL-445; revise forms FL-570 and FL-575	Proposed Effective Date January 1, 2020
Proposed by Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack, Cochair Hon. Mark A. Juhas, Cochair	Contact John Henzl, 415-865-7607 john.henzl@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes a new form, *Request for Hearing Regarding Registration of California Support Order* (form FL-445), and revisions to *Notice of Registration of Out-of-State Support Order* (form FL-570) and *Request for Hearing Regarding Registration of Support Order* (form FL-575) to make the forms suitable for use by all parties to the action and to correct inadvertent omissions.

Background

The Judicial Council revised forms FL-570 and FL-575 effective January 1, 2016, to replace the term “Registration Statement” with “Letter of Transmittal Requesting Registration” to reflect the new name given to the federal form revised by the Office of Child Support Enforcement (OCSE). However, as detailed below, the forms are not suitable for use by parties or the courts when an individual registers a support order. Additionally, while form FL-575 is used to request a hearing regarding the registration of a California support order or an out-of-state support order, the committee concluded a separate form should be available to contest the two different types of registration.

The Proposal

A new form would be adopted, *Request for Hearing Regarding Registration of California Support Order* (form FL-445), to request a hearing regarding the registration of a California

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.

support order, instead of form FL-575. *Notice of Registration of Out-of-State Support Order* (form FL-570) would be revised to replace references to federal child support forms with descriptive references that could refer to the relevant federal forms or paperwork submitted by an individual and make other technical changes. *Request for Hearing Regarding Registration of Support Order* (form FL-575) would be revised to replace references to federal child support forms with descriptive references that could refer to the relevant federal forms or paperwork submitted by an individual and to make the form only for use to request a hearing regarding the registration of an out-of-state support order.

Separate forms to contest registration of California or out-of-state support orders

If a support order is entered in one jurisdiction, but then one or both parents move to a different jurisdiction, the support order can be registered for enforcement purposes in the new jurisdiction of the support obligor. Consequently, it is common practice for support orders from other counties in California, other states within the U.S., or even from foreign countries to be registered in California courts.

California support orders can be registered (from one county to another county) by a local child support agency (LCSA) or an individual party. (Fam. Code, §§ 5601, 5602.) If the named obligor wishes to contest the registration of the support order, currently form FL-575 must be filed with the court. This form was originally created to contest either the registration of a California support *or* the registration of an out-of-state support order. Consequently, the current form contains defenses to both types of registration listed on the same form: item 2a applies only to California orders, items 2b–2d and 2g apply only to out-of-state orders, and items 2e and 2f apply to both types of orders. However, while the grounds for contesting each type of registration are similar, they are not identical.

Family Code section 5603(a) states that the defenses available to contest the registration of a California support order “shall be limited strictly to the identity of the obligor, the validity of the underlying ... order, or the accuracy ... of the amount of support remaining unpaid unless the amount has been previously established by a judgment or order.” Additionally, if the underlying support order has been appealed, the court must stay enforcement until the appeal process has concluded. (Fam. Code, § 5603(b).) These limited defenses to the registration of a California support order are listed on the new proposed form FL-445, which also includes instructions regarding filing and service specific to contesting this type of registration.

Additionally, the committee proposes revising form FL-575 to make it only for use to contest the registration of out-of-state orders and to revise the form title accordingly. Item 2a on form FL-575, which states, “I am not the Obligor named in the Letter of Transmittal Requesting Registration,” has been removed, as this defense is only applicable to contest the registration of a California support order. Finally, minor technical changes are proposed to the attached information sheet, such as replacing “attorney” with the more plain language “lawyer” and replacing the term “notice or statement of registration” with “notice of registration.” (This is

because “statement of registration” refers to forms FL-440 and FL-650, which are only used to register a California support order, not an out-of-state order.)

Replacing references to federal forms on forms FL-570 and FL-575

The framework for registering out-of-state support orders is set forth in the Uniform Interstate Family Support Act (UIFSA) as amended in 2008 (adopted in California as Fam. Code, §§ 5700.101–5700.905). In addition to submitting a certified copy of the support order, “a letter of transmittal to the tribunal requesting registration and enforcement” must be included, along with a sworn statement stating “the amount of any arrearage” and identifying information of the obligor, such as address, social security number, employer information, etc., if known. (Fam. Code, § 5700.602.)

When a court receives a request to register an out-of-state support order, it is required to send notice to the nonregistering party. (Fam. Code, § 5700.605.) The vast majority of these requests come from an LCSA after receiving an intergovernmental request from a child support agency in a different state, which includes a copy of the support order and various federal forms. However, on occasion courts also receive requests to register support orders from individuals. In fact, the comments to section 603 of UIFSA state:

UIFSA provides that either the obligor, the obligee, or a support enforcement agency, may register a support order of another state or a foreign support order. In fact, even a stranger to the litigation, for example a grandparent or an employer of an alleged obligor, may register a support order.

While UIFSA contemplates that individuals, not just LCSAs, will register out-of-state support orders, forms FL-570 and FL-575 in their current format can only be used when an LCSA is the registering party. This is because the forms make reference multiple times to two different OCSE forms, *Letter of Transmittal Requesting Registration* (five times on form FL-570 and two times on form FL-575) and *Personal Information Form* (one time on form FL-570), without making any mention of the paperwork that could instead be submitted by an individual. Therefore, when an individual registers an out-of-state support order, there is no corresponding Judicial Council form that is appropriate for the courts to give the required notice to the nonregistering party, nor is there a form for a party to use to contest the registration in the same scenario.

The committee proposes making all references to the required letter of transmittal on the current forms lowercase, so that the forms would state “letter of transmittal requesting registration.” This way, the reference is descriptive of *any* letter of transmittal received by the court (instead of being limited to just the federal form by the same name) and the forms could then be used if the request to register was made by an LCSA or an individual using their own letter of transmittal. Additionally, the reference to the federal *Personal Information Form* in item 7 of form FL-570 would be removed.

Technical revisions to form FL-570

As stated above, when registering an out-of-state support order, the request must include a sworn statement that includes the amount of any alleged arrearage. Item 3 of form FL-570 states, “The amount of arrears is specified in section 1 on the attached Letter of Transmittal Requesting Registration.” While the amount of support in arrears is listed in section 1 of the OCSE transmittal form, this information might not be listed in a letter of transmittal submitted by an individual; instead an individual could just state the amount of arrearage in a separate sworn affidavit. The committee proposes revising item 3 of the form to read, “The amount of arrears is specified in the attached letter of transmittal requesting registration or sworn statement.”

Finally, if an individual registers a support order, the court would not be required to return a copy of the paperwork to the LCSA, but would instead only return a conformed copy to the registering party. Therefore, the committee proposes revising item 8 in the Clerk’s Certificate of Mailing section to state, “A copy was sent to the registering party on *(date)* ...”

Alternatives Considered

The committee considered keeping form FL-575 as a dual-use form to contest the registration of a California or out-of-state support order, with additional warning language added regarding the defenses available to each type of registration. However, the committee instead thought it preferable to create a separate form to contest each type of registration. Additionally, the committee considered revising the references to federal forms on forms FL-570 and FL-575 as technical changes, but chose to circulate both forms for comment in order to obtain suggestions for alternative language and to give the public, justice partners, and the courts proper notice that the forms would be modified.

Fiscal and Operational Impacts

The proposal would require courts to create copies of the new and updated forms but, because the forms are used on a case-by-case basis, there may be no additional printing costs imposed. Additionally, any increased costs would be offset by the time saved by the courts now being able to use form FL-570 to give the required notice to the nonregistering party, where previously no Judicial Council form existed.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Do forms FL-445 and FL-575 adequately set forth the defenses available to contest each type of registration of support order?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms FL-445, FL-570, and FL-575, at pages 6–13
2. Fam. Code, §§ 5600–5604,
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=9.&title=&part=5.&chapter=8.&article=9
3. Fam. Code, §§ 5700.601–5700.604,
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=9.&title=&part=6.&chapter=6.&article=1
4. Fam. Code, §§ 5700.605–5700.608,
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=9.&title=&part=6.&chapter=6.&article=2

PARTY WITHOUT ATTORNEY OR ATTORNEY <i>(name, state bar number, and address)</i> : NAME: _____ STATE BAR NO.: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR <i>(name)</i> : _____	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:	
REQUEST FOR HEARING REGARDING REGISTRATION OF CALIFORNIA SUPPORT ORDER	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:	Dept:	Div:	Room:
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b. The address of the court is same as noted above Other *(specify)*:

2. I request that service of the registration of support order be vacated (canceled) because:

- a. I am not the Obligor (the parent ordered to pay support) named in the statement for registration.
- b. the support order attached to the statement for registration is not a valid order.
- c. the amount of arrears (back support) listed in the paperwork attached to the statement for registration is incorrect.
 The correct amount of arrears is *(specify amount)*: \$ _____ Supporting documents attached.
- d. the order has been appealed, and the appeal is pending or the order has been stayed by another court.
- e. Other *(specify)*:

3. Explain the facts in support of your request:

Contained in the attached declaration.

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)

**INFORMATION SHEET FOR REQUEST FOR HEARING REGARDING
REGISTRATION OF CALIFORNIA SUPPORT ORDER**

(Do NOT deliver this Information Sheet to the court clerk.)

Please follow these instructions to complete the *Request for Hearing Regarding Registration of California Support Order* (form FL-445) if you do not have a lawyer representing you. Your lawyer, if you have one, should complete this form. You can get free help with this form from the [family law facilitator](#) in your county.

This form should be used if you received a notice of registration telling you that a California support order is being registered in a California court but you do not want that support order registered. To request a hearing regarding the registration of an out-of-state support order use [form FL-575](#). To request a hearing regarding the registration of an International Hague Convention support order, use [form FL-594](#).

You must file your completed request for hearing with the court clerk. The address of the court clerk is the same as the one shown for the superior court on the notice of registration you received. You may have to pay a filing fee to request a hearing. If you cannot afford to pay the filing fee, you must file a *Request to Waive Court Fees* ([form FW-001](#)). You can get this form from the court clerk, the California Courts website at www.courts.ca.gov, or the [family law facilitator](#) in your county (who can also assist you with the application). Provide an original *Request for Hearing Regarding Registration of California Support Order* and any attachments plus at least three copies for filing. Keep copies of the filed request and any attachments for service and keep the other copy for your records.

Someone other than you, who is at least 18 years old, must serve (deliver) copies of the request on the other parent, or their lawyer if they have one in this case. A copy must also be served on the local child support agency, if that office is providing services in the case. The paperwork must be served at least **15 days** before the hearing date. (**Note:** If the paperwork is served by mail, there are special rules regarding this service deadline.) Be sure to file your *Proof of Service* with the court clerk. More information about how to serve legal paperwork can be found on the California Courts website at www.courts.ca.gov/selfhelp-serving.htm or from the [family law facilitator](#) in your county.

INSTRUCTIONS FOR COMPLETING THE *REQUEST FOR HEARING REGARDING REGISTRATION OF CALIFORNIA SUPPORT ORDER* (YOU CAN COMPLETE THE FORM ON A COMPUTER, BY TYPING, OR BY PRINTING IN BLACK OR BLUE INK):

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

Page 1, second box, left side: Print the name of your county and the court's address in this box. Use the same address for the court that is on the notice of registration you received.

Page 1, third box, left side: Print the names of Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names as listed on the notice of registration you received.

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 shown on the notice of registration you received.

Instructions for Numbered Paragraphs

1. Leave this section blank. The court clerk will fill in the date, time, and location of the hearing.
2. In this section you are telling the court why you do not want the support order to be registered. You must check the box by your reason.
 - a. Check this box if you are not the person named in the statement for registration you received.

**Information Sheet for Request for Hearing Regarding Registration
of California Support Order (continued)**

- b. Check this box if the support order attached to the statement for registration you received is not a valid order. You will need to explain to the court why you believe the order is not valid in item 3 of the form.
 - c. You should check this box if you disagree with the amount of arrears (back support) listed in the paperwork attached to the statement for registration. You must write in the correct amount of arrears in the space provided. If you attach any documents to support your position, check the applicable box. (**Note:** This is not a valid defense if the amount of arrears listed in the paperwork attached to the statement for registration was already determined by another court.)
 - d. Check this box if you have appealed the order and the appeal is still pending or if the order has been stayed (temporarily stopped) by another court to give you time to appeal the order.
 - e. Check this box if you have another reason to object to the registration of the support order and state your reason in the space provided.
3. You must fully explain all of the reasons that you checked in item 2 of this request. If you need more space, you may attach additional sheets. Check the box labeled "Contained in the attached declaration" if you are attaching a declaration or additional pages explaining your reasons for this request.

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.

If you need assistance with this form, contact a lawyer or the [family law facilitator](#) in your county.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> DRAFT 2 NOT APPROVED BY THE JUDICIAL COUNCIL
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: <input type="checkbox"/> OTHER PARENT:	CASE NUMBER:
NOTICE OF REGISTRATION OF OUT-OF-STATE SUPPORT ORDER <input type="checkbox"/> Support Order <input type="checkbox"/> Income Withholding Order	

- To (name):
- You are notified that an Out-of-State Support Order Out-of-State Order for Income Withholding has been registered with this court. A copy of the order and the **letter of transmittal requesting registration** are attached.
- The amount of arrears is specified in the attached **letter of transmittal requesting registration or sworn statement**.
 The amount of the alleged arrears is: _____ as of _____ .
 The arrears have a U.S. dollar equivalence of _____ as of _____ . *(Only applicable to foreign support orders.)*
- The registered order is enforceable in the same manner as a support order made by a California court as of the date that the **letter of transmittal requesting registration and order** are filed.
- If you want to contest the validity or enforcement of the registered order, you must request a hearing within 20 days after notice. You can request a hearing by completing and filing a *Request for Hearing Regarding Registration of Out-of-State Support Order* ([form FL-575](#)).
- If you fail to contest the validity or enforcement of the attached order within 20 days after notice, the order will be confirmed by the court and you will be unable to contest any portion of the order including the amount of arrears as specified in the letter of transmittal requesting registration **or sworn statement**.

CLERK'S CERTIFICATE OF MAILING

7. I certify that I am not a party to this cause and that a copy of the out-of-state order, **and the documents and relevant information accompanying the order**, were sent to the person named in item 1 by first-class mail. The copies were enclosed in an envelope with postage fully prepaid. The envelope was addressed to the person named in item 1 only at the address listed in the **documents and relevant information accompanying the order**, sealed, and deposited with the U.S. Postal Service

at (place):
on (date):

8. A copy was sent to the **registering party** on (date):

Date: _____ Clerk, by _____, Deputy

PARTY WITHOUT ATTORNEY OR ATTORNEY <i>(name, state bar number, and address)</i> : NAME: STATE BAR NO.: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR <i>(name)</i> :	FOR COURT USE ONLY DRAFT 2 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:	
REQUEST FOR HEARING REGARDING REGISTRATION OF OUT-OF-STATE SUPPORT ORDER	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:	Dept:	Div:	Room:
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b. The address of the court is same as noted above Other *(specify)*:

2. I request that service of the registration of support order be vacated (canceled) because

- a. the court or tribunal that issued the order did not have personal jurisdiction over me.
- b. the support order was obtained by fraud.
- c. the support order has been vacated, suspended, or modified by a later order. *(Attach a copy of the later order.)*
- d. the order has been stayed pending appeal.
- e. the amount of arrears **(back support) listed in the letter for transmittal requesting registration or sworn statement** is incorrect. The correct amount of arrears is *(specify amount)*: \$ Supporting documents attached.
- f. some or all of the arrears are not enforceable.
- g. 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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CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the *Request for Hearing Regarding Registration of Out-of-State Support Order* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed

at (*place*): _____, California,

on (*date*): _____

Date: _____ Clerk, by _____, Deputy

<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

INFORMATION SHEET FOR REQUEST FOR HEARING REGARDING REGISTRATION OF OUT-OF-STATE SUPPORT ORDER

(Do NOT deliver this Information Sheet to the court clerk.)

Please follow these instructions to complete the *Request for Hearing Regarding Registration of Out-of-State Support Order* (form FL-575) if you do not have a lawyer representing you. Your lawyer, if you have one, should complete this form. You can get free help with this form from the [family law facilitator](#) in your county.

This form should be used if you received a notice of registration telling you that an out-of-state support order is being registered in a California court but you do not want that support order registered. To request a hearing regarding the registration of an International Hague Convention support order, use [form FL-594](#). To request a hearing regarding the registration of a California support order, use [form FL-445](#).

You must file your completed request for hearing with the court clerk. You must also give the court clerk addressed envelopes with postage paid to mail copies of your request for hearing to the other parties. The address of the court clerk is the same as the one shown for the superior court on the **notice of registration** you received. You may have to pay a filing fee to request a hearing. If you cannot afford to pay the filing fee, you must file a *Request to Waive Court Fees* ([form FW-001](#)). You can get this form from the court clerk, [family law facilitator](#), or California Courts website at www.courts.ca.gov.

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR HEARING REGARDING REGISTRATION OF OUT-OF-STATE SUPPORT ORDER (YOU CAN COMPLETE THE FORM ON A COMPUTER, BY TYPING, OR BY PRINTING IN INK):

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

Page 1, second box, left side: Print the name of your county and the court's address in this box. Use the same address for the court that is on the **notice of registration** you received.

Page 1, third box, left side: Print the names of Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names as listed on the **notice of registration** you received.

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 shown on the **notice of registration** you received.

1. **Leave this section blank. The court clerk will fill in the date, time, and location of the hearing.**
2. In this section you are telling the court why you do not want the support order to be registered. You must check the box by your reason.
 - a. You should check this box if the court that issued the support order did not have jurisdiction over you to issue the order. You may need legal advice to find out if this is a valid reason in your case.
 - b. Check this box if your support order was obtained by fraud. You may need legal advice to find out if this is a valid reason in your case.
 - c. You should check this box if a court has suspended or vacated your support order. You should also check this box if your support order was modified by a later order. **If the order was modified, you must attach a copy of your most recent support order to your request for hearing.**
 - d. Check this box if you have already filed an appeal to your support order and a court has stopped the order until the appeal is decided.
 - e. You should check this box if you disagree with the amount of **arrears (back support) listed in the letter of transmittal requesting registration or sworn statement.** You must write in the correct amount of **arrears** in the space provided.

**Information Sheet for Request for Hearing Regarding Registration
of Out-of-State Support Order (continued)**

2. f. Check this box only if your support order was made by a court outside California and cannot be enforced due to the statute of limitations in that jurisdiction.
- g. Check this box if you have another reason to object to the registration of the support order and then specify the other reason.

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.

Page 2, box on left side: Print the names of Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names as on the front page.

Page 2, box on right side: Print your case number in this box. Use the same number as on the front page.

The court clerk will sign and date the request for hearing form before mailing it to the Petitioner/Plaintiff, Respondent/Defendant, Other Parent and the local child support agency if that office is providing services in the case.

You must print the name and address in the brackets of the Petitioner/Plaintiff, Respondent/Defendant, Other Parent, and the local child support agency if that office is providing services in the case. The names are the same as those at the top of the page. You must also provide the court clerk with stamped envelopes addressed to each of the parties listed in the brackets.

If you need assistance with this form, contact a lawyer or the [family law facilitator](#) in your county.