

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR16-16

Title

Child Support: Statutory Relief for
Incarcerated/Involuntarily Institutionalized
Obligors

Action Requested

Review and submit comments by June 14,
2016

Proposed Rules, Forms, Standards, or Statutes

Revise forms FL-342, FL-350, FL-490,
FL-530, FL-615, FL-625, FL-630, FL-665,
FL-676, FL-676-INFO, FL-687, FL-688 and
FL-692

Proposed Effective Date

January 1, 2017

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Proposed by

Family and Juvenile Law Advisory
Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee recommends revising eight forms to remove a provision regarding forgiveness of child support arrears for incarcerated obligors, which became effective as former Family Code section 4007.5 on July 1, 2011, and sunsetted July 1, 2015. The committee also recommends revising the same eight forms and an additional five forms to incorporate provisions of recently enacted Family Code section 4007.5 regarding temporary suspension of child support obligations for incarcerated and involuntarily institutionalized obligors, which became effective as current Family Code section 4007.5 on October 8, 2015.

Recent legislation authorizes the suspension of a child support order to occur *by operation of law* when an obligor is incarcerated or involuntarily institutionalized, unless certain exceptions apply. It also authorizes the local child support agency to administratively adjust account balances for a suspended support order and, if either party objects to the administrative process, requires the agency to file a motion with the court to request to adjust the arrears. That adjustment will be allowed only upon approval by the court.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Background

Effective July 1, 2011, the Judicial Council revised nine forms to implement changes to the Family Code made by Senate Bill 1355 (Wright; Stats. 2010, ch. 495) that required: (1) every child support order and agreement made on or after July 1, 2011, which is enforced by a local child support agency to include a provision regarding the effect of incarceration or involuntary institutionalization on child support orders; and (2) a procedure to allow an obligor to petition the court for an adjustment of arrears after release from incarceration or involuntary institutionalization. An explanatory provision regarding Family Code section 4007.5 was added to forms FL-530 (item 6.b.(6)), FL-615 (item 3.e.(6)), FL-625 (item 3.d.(6)), FL-630 (item 6.b.(6)), FL-665 (item 5.c.(6)), FL-687 (item 4.b.(6)), and FL-692 (item 14.i).

The Judicial Council also revised the title of FL-676, *Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization (Governmental)*, and added items to allow a child support obligor to petition the court for an adjustment of arrears upon release from incarceration or involuntary institutionalization. An approved information sheet, form FL-676-INFO, *Information Sheet for Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization*, provided instructions on the use of form FL-676 to seek relief. Form FL-676 was subsequently revised effective January 1, 2012, to comply with the requirements of Assembly Bill 939 (Assem. Com. on Judiciary; Stats. 2010, ch. 352).

The provisions of SB 1355 (codified as Fam. Code, § 4007.5) sunsetted on July 1, 2015, and the option for incarcerated or involuntarily institutionalized obligors to request adjustment of child support arrears expired. In response, AB 610 (Jones-Sawyer; Stats. 2015, ch. 629), was approved as urgency legislation, effective October 8, 2015. AB 610 replaces former Family Code section 4007.5 with a new provision (current Fam. Code, § 4007.5), which authorizes the suspension of child support orders *by operation of law* when an obligor is incarcerated or involuntarily institutionalized for more than 90 consecutive days, unless (1) the obligor has the means to pay support, or (2) the obligor was incarcerated or involuntarily institutionalized for failure to pay child support or for an offense constituting domestic violence against the supported party or child. The legislation applies both to child support cases that are enforced by the local child support agency (title IV-D cases), and to those without local child support agency involvement.

Assembly Bill 610 authorizes the local child support agency to administratively adjust child support account balances, requires the agency to give notice of the adjustment, and provides the obligor and the obligee with the opportunity to object to the adjustment. If either party objects, the agency is required to file a motion asking the court to adjust the arrears; in those instances, the adjustment will be allowed only upon approval by the court. When the local child support agency is not involved in a case, the legislation permits the obligor or obligee to petition the court for a determination of the level of child support or of arrears amounts.

The legislation requires the child support obligation to resume on the first day of the month following the obligor's release from incarceration or involuntary institutionalization. The legislation also requires the Department of Child Support Services, in consultation with the Judicial Council, to develop forms to implement the administrative process. The proposal set forth below, however, solely addresses Judicial Council forms that are integral to the judicial process and provide notice to the obligor regarding the provisions of AB 610.

The Proposal

To comply with the statutory sunset provision of SB 1355 and that of recently enacted AB 610, the Family and Juvenile Law Advisory Committee proposes to replace, on the eight forms listed below, the current provision regarding determination of support arrearages or adjustment of arrearages due to incarceration or involuntary institutionalization with the following provision, designed to incorporate the terms of AB 610 and drafted in "plain language":

When a person who has a duty to pay child support is in jail or prison, or is placed in an institution (a juvenile facility or a mental health facility) against his or her will, and is held for more than 90 days in a row, the duty to make child support payments is automatically suspended (temporarily stopped). The duty to pay child support will NOT be stopped if the person who owes support still has the financial ability to pay that support even while in jail, prison, or an institution. The duty also continues if the reason the person is in jail, prison, or an institution is because he or she didn't pay the child support owed, or committed domestic violence against the person who was to receive the child support or against the supported child.

Once a person who has to pay support is released from jail, prison, or the institution, the duty to pay child support starts again on the first day of the month after the person is released. The person must then begin to pay child support in the same amount as before he or she was in jail, prison, or an institution. This law that allows the duty to pay child support to be suspended while a person is in jail, prison, or an institution applies ONLY to people who have a child support order that was issued (created), or was changed, on or after October 8, 2015.

The eight forms and specific items to be revised are:

- **Form FL-350**, *Stipulation to Establish or Modify Child Support and Order*, item 7.d.
- **Form FL-530**, *Judgment Regarding Parental Obligations (UIFSA)*, item 6.b.(6).
- **Form FL-615**, *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental)*, item 3.e.(6).
- **Form FL-625**, *Stipulation and Order (Governmental)*, item 3.d.(6).
- **Form FL-630**, *Judgment Regarding Parental Obligations (Governmental)*, item 6.b.(6).
- **Form FL-665**, *Findings and Recommendation of Commissioner (Governmental)*, item 5.c.(6).
- **Form FL-687**, *Order After Hearing (Governmental)*, item 4.b.(6).

- **Form FL-692**, *Minutes and Order or Judgment (Governmental)*, item 14.i.

The committee proposes adding the same provision to two forms that do not currently include a provision regarding determination of support arrearages or adjustment of arrearages due to incarceration or involuntary institutionalization:

- **Form FL-342**, *Child Support Information and Order Attachment*, item 6.f.
- **Form FL-688**, *Short Form Order After Hearing*, item 3.h.

The committee also proposes revise form FL-676, *Request For Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization (Governmental)*, and the corresponding instruction form, FL-676 INFO, *Information Sheet For Request For Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization (Governmental)*, as described below:

FL-676

- Replace the term “arrearages” with the term “arrear” in the title of the form: *Request For Determination of Support Arrear or Adjustment of Child Support Arrear Due to Incarceration or Involuntary Institutionalization (Governmental)*.
- Item 3:
 - Replace the term “arrearages” with the term “arrear” in the title of the item.
 - Replace current subdivision (a) with the statement, “The local child support agency states that support arrear are owed as shown in the attached document.”
 - Replace the term “arrearages” with the term “arrear” in subdivision (b).
- Item 4:
 - Replace the term “arrearages” with the term “arrear” in the title of the item.
 - Replace current subdivision (a)(1) with the statement, “Date(s) incarceration or involuntary institutionalization started: _____.”
 - Add subdivision (c), “My child support order was issued or modified on or after October 8, 2015.”

FL-676-INFO

- Replace the term “arrearages” with the term “arrear” in every location where it appears on the form, including the title.
- Revise all references to form FL-676 to include the revised name of that form.
- In the second paragraph, replace the phrase “...that the local child support agency says that you owe...” with the phrase “...that the local child support agency says are owed...”
- In the instructions for “Front page, fourth box, left side,” item 3a, replace the phrase “...the amount of your support arrearages.” with the phrase, “...amount of support arrear owed.”

- In the instructions for “Front page, fourth box, left side,” item 3b, replace the phrase, “...statement of the amount of your support arrearages.” with the phrase, “...statement of the amount of support arrears owed.”

In addition, the committee proposes to revise form FL-490, *Application to Determine Arrearages*, as follows:

- Replace the term “arrearages” with the term “arrears” in the title of the form: *Application to Determine Arrears*.
- Revise Item 3:
 - Replace current subdivision (c) with the following: insert a check box with the title, “Jail, Prison, or an Institution (juvenile facility or mental health facility)” and the following provisions:
 - (1) I was incarcerated or involuntarily institutionalized for the following periods for more than 90 days during which I did not have the ability to pay support. (*Attach any proof of your incarceration or involuntary institutionalization.*)
 - a. Date(s) incarceration or involuntary institutionalization began:
_____.
 - b. Date(s) incarceration or involuntary institutionalization ended:
_____.
 - (2) The reason that I was in jail, prison, or an institution (juvenile facility or mental health facility) was NOT because I failed to pay child support or committed domestic violence against the supported person or child.
 - (3) My child support order was made or changed by the court on or after October 8, 2015.
 - Retitle current subdivision (c) as subdivision (d).
- Revise Item 5 as follows: I am asking the other person to pay a. Attorney Fees
b. Costs.
- Add a reference to Family Code section 4007.5 to form footer.

Alternatives Considered

In addition to the above form revisions, the Family and Juvenile Law Advisory Committee considered developing a new Judicial Council form for use by the local child support agency to ask the court to adjust the arrears when one of the parties objects to the proposed administrative action. The committee also considered revising form FL-680, *Notice of Motion (Governmental)*, to add an option for the local child support agency to inform the court that an objection was made to the request to adjust arrears. The committee concluded that either a new form or revisions to current form FL-680 would generate unnecessary costs for courts.

Implementation Requirements, Costs, and Operational Impacts

The committee is not aware of any implementation requirements, costs, or operational impacts affecting the local courts that will result from approval of the proposed forms other than standard

reproduction costs. The forms will be posted on the California Courts website. Courts will not incur costs beyond those that they may incur if they provide the forms to the public.

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?
- Are the proposed revisions an effective way to address the legislation that added new Family Code section 4007.5?
- Should the Judicial Council develop a specific form for the local child support agency's motion for a court determination on suspension of child support, or is form FL-680, *Notice of Motion (Governmental)* sufficient for this purpose?
- What is the impact of this modification on low and moderate income persons?

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 two 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. Revised forms FL-342, FL-350, FL-490, FL-530, FL-615, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692 at pages 7–42.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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CHILD SUPPORT INFORMATION AND ORDER ATTACHMENT

- TO Findings and Order After Hearing (form FL-340) Judgment (form FL-180)
 Restraining Order After Hearing (CLETS-OAH) (form DV-130)
 Other (specify):

THE COURT USED THE FOLLOWING INFORMATION IN DETERMINING THE AMOUNT OF CHILD SUPPORT:

1. A printout of a computer calculation and findings is attached and incorporated in this order for all required items not filled out below.

2. **Income**

	Gross monthly <u>income</u>	Net monthly <u>income</u>	Receiving <u>TANF/CalWORKS</u>
a. Each parent's monthly income is as follows:			
Petitioner/plaintiff: \$		\$	<input type="text"/>
Respondent/defendant: \$		\$	<input type="text"/>
Other parent: \$		\$	<input type="text"/>

b. Imputation of income. The court finds that the petitioner/plaintiff respondent/defendant
 other parent has the capacity to earn:
 \$ _____ per _____ and has based the support order upon this imputed income.

3. **Children of this relationship**

- a. Number of children who are the subjects of the support order (specify): _____ %
 b. Approximate percentage of time spent with petitioner/plaintiff: _____ %
 respondent/defendant: _____ %
 other parent: _____ %

4. **Hardships**

Hardships for the following have been allowed in calculating child support:

	Petitioner/ <u>plaintiff</u>	Respondent/ <u>defendant</u>	Other parent	Approximate ending time <u>for the hardship</u>
a. <input type="checkbox"/> Other minor children:	\$	\$	\$	
b. <input type="checkbox"/> Extraordinary medical expenses:	\$	\$	\$	
c. <input type="checkbox"/> Catastrophic losses:	\$	\$	\$	

THE COURT ORDERS

5. **Low-income adjustment**

- a. The low-income adjustment applies.
 b. The low-income adjustment does not apply because (specify reasons):

6. **Child support**

a. **Base child support**

Petitioner/plaintiff Respondent/defendant Other parent must pay child support beginning (date): _____ and continuing until further order of the court, or until the child marries, dies, is emancipated, reaches age 19, or reaches age 18 and is not a full-time high school student, whichever occurs first, as follows:

<u>Child's name</u>	<u>Date of birth</u>	<u>Monthly amount</u>	<u>Payable to (name):</u>
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Payable on the 1st of the month one-half on the 1st and one-half on the 15th of the month
 other (specify):

THIS IS A COURT ORDER.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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THE COURT FURTHER ORDERS

6. b. **Mandatory additional child support**

- (1) Child-care costs related to employment or reasonably necessary job training
 - (a) Petitioner/plaintiff must pay: % of total or \$ per month child-care costs.
 - (b) Respondent/defendant must pay: % of total or \$ per month child-care costs.
 - (c) Other parent must pay: % of total or \$ per month child-care costs.
 - (d) Costs to be paid as follows (*specify*):

c. **Mandatory additional child support**

- (2) Reasonable uninsured health-care costs for the children
 - (a) Petitioner/plaintiff must pay: % of total or \$ per month.
 - (b) Respondent/defendant must pay: % of total or \$ per month.
 - (c) Other parent must pay: % of total or \$ per month.
 - (d) Costs to be paid as follows (*specify*):

d. **Additional child support**

- (1) Costs related to the educational or other special needs of the children
 - (a) Petitioner/plaintiff must pay: % of total or \$ per month.
 - (b) Respondent/defendant must pay: % of total or \$ per month.
 - (c) Other parent must pay: % of total or \$ per month.
 - (d) Costs to be paid as follows (*specify*):
- (2) Travel expenses for visitation
 - (a) Petitioner/plaintiff must pay: % of total or \$ per month.
 - (b) Respondent/defendant must pay: % of total or \$ per month.
 - (c) Other parent must pay: % of total or \$ per month.
 - (d) Costs to be paid as follows (*specify*):

e. **Non-Guideline Order**

This order does not meet the child support guideline set forth in Family Code section 4055. *Non-Guideline Child Support Findings Attachment* (form FL-342(A)) is attached.

Total child support per month: \$

f. **Child Support Order Suspension (Family Code § 4007.5)**

When a person who has a duty to pay child support is in jail or prison, or is placed in an institution (a juvenile facility or a mental health facility) against his or her will, and is held for more than 90 days in a row, the duty to make child support payments is automatically suspended (temporarily stopped). The duty to pay child support will NOT be stopped if the person who owes support still has the financial ability to pay that support even while in jail, prison, or an institution. The duty also continues if the reason the person is in jail, prison, or an institution is because he or she didn't pay the child support owed, or committed domestic violence against the person who was to receive the child support or against the supported child.

Once a person who has to pay child support is released from jail, prison, or the institution, the duty to pay child support starts again on the first day of the month after the person is released. The person must then begin to pay child support in the same amount as before he or she was in jail, prison, or an institution. This law that allows the duty to pay child support to be suspended while a person is in jail, prison, or an institution applies ONLY to people who have a child support order that was issued (created), or was changed, on or after October 8, 2015.

7. **Health-care expenses**

- a. Health insurance coverage for the minor children of the parties must be maintained by the petitioner/plaintiff respondent/defendant other parent if available at no or reasonable cost through their respective places of employment or self-employment. Both parties are ordered to cooperate in the presentation, collection, and reimbursement of any health-care claims. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

THIS IS A COURT ORDER.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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- b. Health insurance is not available to the petitioner/plaintiff respondent/defendant other parent at a reasonable cost at this time.
- c. The party providing coverage must assign the right of reimbursement to the other party.

8. Earnings assignment

An earnings assignment order is issued. **Note:** The payor of child support is responsible for the payment of support directly to the recipient until support payments are deducted from the payor’s wages and for payment of any support not paid by the assignment.

- 9. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.

10. **Employment search order (Family Code § 4505)**

Petitioner/plaintiff Respondent/defendant Other parent is ordered to seek employment with the following terms and conditions:

11. **Other orders** (*specify*):

12. Notices

- a. *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order* (form FL-192) must be attached and is incorporated into this order.
- b. If this form is attached to *Restraining Order After Hearing* (form DV-130), the support orders issued on this form (form FL-342) remain in effect after the restraining orders issued on form DV-130 end.

13. Child Support Case Registry Form

Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this order. Thereafter, the parties must notify the court of any change in the information submitted within 10 days of the change by filing an updated form.

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

THIS IS A COURT ORDER.

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 <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">NOT APPROVED BY THE JUDICIAL COUNCIL</h3>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
STIPULATION TO ESTABLISH OR MODIFY CHILD SUPPORT AND ORDER	CASE NUMBER: _____

1. a. Mother's net monthly disposable income: \$
 Father's net monthly disposable income: \$
 -OR-
 - b. A printout of a computer calculation of the parents' financial circumstances is attached.
2. Percentage of time each parent has primary responsibility for the children: Mother: % Father: %
3. a. A hardship is being experienced by the mother \$ _____ per month because of (specify):
 The hardship will last until (date): _____
- b. A hardship is being experienced by the father \$ _____ per month because of (specify):
 The hardship will last until (date): _____
4. The amount of child support payable by (name): _____, referred to as "the parent ordered to pay support," as calculated under the guideline is: \$ _____ per month.
5. We agree to guideline support.
6. The guideline amount should be rebutted because of the following:
 - a. We agree to child support in the amount of \$ _____ per month; the agreement is in the best interest of the children; the needs of the children will be adequately met by the agreed amount; and application of the guideline would be unjust or inappropriate in this case.
 - b. Other rebutting factors (specify): _____
7. The parent ordered to pay support must pay child support as follows beginning (date):
 - a. BASIC CHILD SUPPORT

	Monthly amount	Payable to (name):
Total: \$ _____ payable <input type="checkbox"/> on the first of the month <input type="checkbox"/> other (specify): _____		
 - b. In addition, the parent ordered to pay support must pay the following:
 - (1) \$ _____ per month for child care costs to (name): _____ on (date): _____
 - (2) \$ _____ per month for health-care costs not covered by insurance to (name): _____ on (date): _____
 - (3) \$ _____ per month for special educational or other needs of the children to (name): _____ on (date): _____
 - (4) other (specify): _____
 - c. **Total monthly child support** payable by the parent ordered to pay support will be: \$ _____ payable on the first of the month other (specify): _____
 - d. When a person who has a duty to pay child support is in jail or prison, or is placed in an institution (a juvenile facility or a mental health facility) against his or her will, and is held for more than 90 days in a row, the duty to make child support payments is automatically suspended (temporarily stopped). The duty to pay child support will NOT be stopped if the person who owes support still has the financial ability to pay that support even while in jail, prison, or an institution. The duty also continues if the reason the person is in jail, prison, or an institution is because he or she didn't pay the child support owed, or committed domestic violence against the person who was to receive the child support or against the supported child.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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APPLICATION TO DETERMINE ARREARS

Attachment to Request for Order (form FL-300)

- Child support Spousal or partner support Family support Medical support
- Unreimbursed expenses Unreimbursed medical expenses
- Other (specify):

1. I ask that the amount of back support that I owe (arrear) be decided in this case.

2. I have attached (check all that apply):

- a. a Declaration of Payment History (FL-420)
- b. a Payment History Attachment (FL-421)
- c. Other (specify):

3. I ask that the amount of back support (arrear) be changed as follows:

- a. I have already paid some all of the support ordered. Proof of payment is attached.
- b. The children for whom support is to be paid were living with me full time for the period from _____ to _____. I provided all of their support during that period. I am attaching a detailed declaration explaining these facts and supporting documentation, including any proof that the children were living with me.
- c. Jail, prison, or an Institution (juvenile facility or mental health facility.)
- (1) I was incarcerated or involuntarily institutionalized for the following periods for more than 90 days during which I did not have the ability to pay support. (Attach any proof of your incarceration or involuntary institutionalization.)
- (a) Date(s) incarceration or involuntary institutionalization began: _____
- (b) Date(s) incarceration or involuntary institutionalization ended: _____
- (2) The reason that I was in jail, prison, or an institution (juvenile facility or mental health facility) was NOT because I failed to pay child support or committed domestic violence against the supported person or child.
- (3) My child support order was made or changed by the court on or after October 8, 2015.
- d. Other (specify):

4. I have previously asked the other parent for payment and provided the other parent with an itemized statement of the unreimbursed childcare expense medical expense (Attach copies of all bills being claimed and proof of any payments that you have made on these bills.)

5. I am asking the other person to pay a. Attorney Fees b. Costs
Income and Expense Declaration (form FL- 150) is attached.

6. Facts in support of the relief requested are (specify):

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)

- Petitioner/Plaintiff Respondent/Defendant
- Attorney Other (specify):

NOTICE: This form must be attached to Request for Order (FL-300)

NOT A COURT ORDER

APPLICATION TO DETERMINE ARREARS

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ 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: RESPONDENT: OTHER:	
JUDGMENT REGARDING PARENTAL OBLIGATIONS (UIFSA) <input type="checkbox"/> _____ AMENDED <input type="checkbox"/> _____ SUPPLEMENTAL	CASE NUMBER: _____

1. a. **NOTICE: THIS IS A PROPOSED JUDGMENT.** This *Judgment Regarding Parental Obligations (UIFSA)* will be entered by the court and will become legally binding unless you fill out and file the *Response to Uniform Support Petition (UIFSA)* (form FL-520) with the court clerk within 30 days of the date you were served with the *Summons (UIFSA)* (form FL-510) and *Uniform Support Petition* (form OMB 0970-0085). If you need a *Response* form, you may get one from the local child support agency, the court clerk, or the family law facilitator. The family law facilitator will help you fill out the forms. To file the *Response*, follow the procedures listed in the information sheet attached to that form.
- b. **NOTICE: THIS IS A JUDGMENT.** It is now legally binding.
2. **THIS MATTER PROCEEDED AS FOLLOWS:**
 - a. Judgment entered under Family Code section 5002.
 - b. By court hearing, appearances as follows:

(1) Date: _____	Dept.: _____	Judicial officer: _____
(2) <input type="checkbox"/> Petitioner present	<input type="checkbox"/> Attorney present (name): _____	
(3) <input type="checkbox"/> Respondent present	<input type="checkbox"/> Attorney present (name): _____	
(4) Child support agency (Family Code, §§ 17400, 17406) by (name): _____		
(5) <input type="checkbox"/> Other (specify): _____		
 - c. The parent ordered to pay support is the petitioner respondent other (specify): _____
3. This order is based on presumed income for the parent ordered to pay support under Family Code section 5002.
4. Attached is a computer printout showing the parents' income and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.
5. This order is based on the attached documents (specify): _____
6. **THE COURT ORDERS:**
 - a. The parent ordered to pay support is the parent of the children named in item 6b.
 has previously been determined to be the parent of the children named in item 6b.
 - b. The parent ordered to pay support must pay current child support as follows:

<u>Name of child</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
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NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

PETITIONER: RESPONDENT: OTHER:	CASE NUMBER:
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6. b. (1) Mandatory additional child support
- (a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit child-care provider.
- (b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit health-care provider.

(2) Other (specify): _____

(3) For a total of \$ _____ payable on the _____ day of each month beginning (date): _____

(4) The low-income adjustment applies.
 The low-income adjustment does not apply because (specify reasons): _____

(5) Any support ordered will continue until further order of court, unless terminated by operation of law.

(6) When a person who has a duty to pay child support is in jail or prison, or is placed in an institution (a juvenile facility or a mental health facility) against his or her will, and is held for more than 90 days in a row, the duty to make child support payments is automatically suspended (temporarily stopped). The duty to pay child support will NOT be stopped if the person who owes support still has the financial ability to pay that support even while in jail, prison, or an institution. The duty also continues if the reason the person is in jail, prison, or an institution is because he or she didn't pay the child support owed, or committed domestic violence against the person who was to receive the child support or against the supported child.

Once a person who has to pay child support is released from jail, prison, or an institution, the duty to pay child support starts again on the first day of the month after the person is released. The person must then begin to pay child support in the same amount as before he or she was in jail, prison, or an institution. This law that allows the duty to pay child support to be suspended while a person is in jail, prison, or an institution applies ONLY to people who have a child support order that was issued (created), or was changed, on or after October 8, 2015.

c. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children, if available at no or reasonable cost, and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

d. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below:

Name of child	Date of birth	Period of support	Amount
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PETITIONER: RESPONDENT: OTHER:	CASE NUMBER:
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(1) Other (*specify*):

(2) For a total of \$ _____ payable \$ _____ on the _____ day of each month beginning (*date*):

(3) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

6. e. No provision of this judgment operates to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

f. All payments, unless specified in item 6b(1) above, must be made to the State Disbursement Unit at the address listed below (*specify address*):

g. An earnings assignment order is issued.

h. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.

i. If "The parent ordered to pay support" box is checked in item 6c, a health insurance coverage assignment must issue.

j. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.


k. The *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

l. The court further orders (*specify*):

Date: _____

Number of pages attached: _____

 JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order. Date: _____  _____ (SIGNATURE OF ATTORNEY FOR THE PARENT ORDERED TO PAY SUPPORT)
--

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> 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:	
STIPULATION FOR <input type="checkbox"/> JUDGMENT <input type="checkbox"/> SUPPLEMENTAL JUDGMENT REGARDING PARENTAL OBLIGATIONS AND JUDGMENT	CASE NUMBER:

1. This matter proceeded as follows:

- a. By written stipulation without court appearance.
- b. By court hearing, appearances as follows:
 - (1) Date: _____ Dept.: _____ Judicial officer: _____
 - (2) Petitioner/plaintiff present Attorney present (name): _____
 - (3) Respondent/defendant present Attorney present (name): _____
 - (4) Other parent present Attorney present (name): _____
 - (5) Local child support agency (Family Code, §§ 17400, 17406) by (name): _____
 - (6) Other (specify): _____

c. The parent ordered to pay support is the petitioner/plaintiff respondent/defendant other parent.

2. This order is based on the attached documents (specify): _____

3. The parties agree that:

- a. The parent ordered to pay support has read and understands the *Advisement and Waiver of Rights for Stipulation* on page 5 of this form. The parent ordered to pay support gives up these rights and freely agrees that a judgment may be entered in accordance with this stipulation.
- b. The amount of support payable by the party ordered to pay support as calculated under the guideline is \$ _____ per month.
 - We agree to guideline support.
 - The guideline amount should be rebutted because of the following:
 - (1) We have been fully informed of the guideline amount of support; we agree voluntarily to child support in the amount of \$ _____ per month; the agreement is in the best interest of the children; the needs of the children will be met adequately by the agreed amount; the children are not receiving public assistance; no application for public assistance is pending; and application of the guideline would be unjust and inappropriate in this case. We understand that if the order is below the guideline, no change of circumstances need be shown for the court to raise this order to the guideline amount. If the order is above the guideline, a change of circumstances will be required to modify this order.
 - (2) Other rebutting factors (specify): _____
- c. The computer printout attached shows the parents' incomes and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. d. Petitioner/plaintiff Respondent/defendant Other parent are the parents of the children named in item 3e below.

e. The parent ordered to pay support must pay current child support as follows:

<u>Name of child</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
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(1) Mandatory additional child support

(a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:

one-half or % or (specify amount): \$ _____ per month of the costs.

Payments must be made to the other parent State Disbursement Unit child-care provider.

(b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:

one-half or % or (specify amount): \$ _____ per month of the costs.

Payments must be made to the other parent State Disbursement Unit health-care provider.

(2) Other (specify): _____

(3) For a total of \$ _____ payable on the _____ day of each month beginning (date): _____

(4) The low-income adjustment applies.

The low-income adjustment does not apply because (specify reasons): _____

(5) Any support ordered will continue until further order of court, unless terminated by operation of law.

(6) When a person who has a duty to pay child support is in jail or prison, or is placed in an institution (a juvenile facility or a mental health facility) against his or her will, and is held for more than 90 days in a row, the duty to make child support payments is automatically suspended (temporarily stopped). The duty to pay child support will NOT be stopped if the person who owes support still has the financial ability to pay that support even while in jail, prison, or an institution. The duty also continues if the reason the person is in jail, prison, or an institution is because he or she didn't pay the child support owed, or committed domestic violence against the person who was to receive the child support or against the supported child.

Once a person who has to pay child support is released from jail, prison, or an institution, the duty to pay child support starts again on the first day of the month after the person is released. The person must then begin to pay child support in the same amount as before he or she was in jail, prison, or an institution. This law that allows the duty to pay child support to be suspended while a person is in jail, prison, or an institution applies ONLY to people who have a child support order that was issued (created), or was changed, on or after October 8, 2015.

f. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost, and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. g. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below.

<u>Name of child</u>	<u>Date of birth</u>	<u>Period of support</u>	<u>Amount</u>
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(1) Other (*specify*):

(2) For a total of \$ _____ payable \$ _____ on the _____ day of each month beginning (*date*):

(3) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

- h. If this is a judgment on a *Supplemental Complaint*, it does not modify or supersede any prior judgment or order for support or arrearages, unless specifically provided.
- i. No provision of this judgment may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.
- j. All payments, unless specified in item 3e(1) above, must be made to the State Disbursement Unit at the address listed below (*specify address*):

k. An earnings assignment order is issued.

- l. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.
- m. If "The parent ordered to pay support" box is checked in item 3f, a health insurance coverage assignment must issue.
- n. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- o. The *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* and *Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- p. The following person (the "other parent") is added as a party to this action (*name*):

q. Other (*specify*):

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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Date: _____

_____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

Date: _____

_____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF PETITIONER)

Date: _____

_____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF ATTORNEY FOR PETITIONER)

Date: _____

_____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF RESPONDENT)

Date: _____

_____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF ATTORNEY FOR RESPONDENT)

Date: _____

_____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF OTHER PARENT)

Date: _____

_____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF ATTORNEY FOR OTHER PARENT)

JUDGMENT

4. THE COURT SO ORDERS.

Date: _____

Number of pages attached: _____ _____ JUDICIAL OFFICER

_____ SIGNATURE FOLLOWS LAST ATTACHMENT

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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ADVISEMENT AND WAIVER OF RIGHTS FOR STIPULATION

- | | | |
|--|--|--|
| <p>1. RIGHT TO BE REPRESENTED BY A LAWYER. I understand that I have the right to be represented by a lawyer of my choice at my expense. If I cannot afford a lawyer to represent me, I can ask the court to appoint one to represent me free of charge only if I dispute that I am the parent of the children named in this action and only on the issue of parentage. I understand that the attorney for the local child support agency does not represent me.</p> <p>2. RIGHT TO A TRIAL. I understand that I have a right to have a judicial officer (1) determine if I am the parent of the children named in the stipulation, (2) decide how much child support I must pay, and (3) decide how much I owe for arrearages (unpaid support).</p> <p>3. RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES. I understand that in a trial any allegations made against me must be proved. At the trial I may be present with a lawyer when witnesses testify, and I may ask them questions. I may also present evidence and witnesses.</p> <p>4. RIGHT TO HAVE PARENTAGE TESTS WHERE THE LAW PERMITS. I understand that, where the law permits, I have the right to have the court order parentage tests. The court will decide on the tests. The court could order that I pay none, some, or all of the costs of the tests.</p> | <p>5. ADMISSION AND WAIVER OF RIGHTS. I understand that by agreeing to the terms of this stipulation, I am admitting that I am the parent of the children named in the stipulation and I am giving up the rights stated above.</p> <p>6. WHERE THE STIPULATION INCLUDES CHILD SUPPORT.</p> <p>a. I understand that I will have the duty to obey the support order for the children named in the stipulation until the order is changed by the court or ended by law.</p> <p>b. I also understand that the court will order any support payments to be paid directly from my wages or other earnings and sent to the local child support agency if one is assigned to collect the support.</p> <p>c. I have been advised of the amount of guideline child support and how the proposed child support amount was determined.</p> <p>7. WHERE THE STIPULATION INCLUDES A PROVISION FOR HEALTH INSURANCE. I understand that I must keep health insurance coverage for the minor children if insurance is available or becomes available to me at no or reasonable cost. A health insurance coverage assignment/<i>National Medical Support Notice</i> may be ordered to get health insurance for my children.</p> | <p>8. I agree to the terms of this stipulation freely and voluntarily.</p> <p>9. I understand that the local child support agency is required by state law to enforce the duty of support.</p> <p>10. I UNDERSTAND THAT IF I WILLFULLY FAIL TO SUPPORT MY CHILDREN, CRIMINAL PROCEEDINGS MAY BE INITIATED AGAINST ME.</p> <p>11. COLLECTION OF SUPPORT. I understand that any support I owe may be collected from any of my property. This collection may be made by intercepting money owed to me by the state or federal government (such as tax refunds, unemployment and disability benefits, and lottery winnings), by taking property I own, by placing a lien on my property, or by any other lawful means.</p> <p>12. IF I AM REPRESENTED BY AN ATTORNEY, MY ATTORNEY HAS READ AND EXPLAINED TO ME THE TERMS OF THE STIPULATION AND THIS ADVISEMENT AND WAIVER OF RIGHTS, AND I UNDERSTAND THESE TERMS.</p> |
|--|--|--|

I have read and understand the *Advisement and Waiver of Rights for Stipulation*; or

Attached is a translation of this *Advisement and Waiver of Rights for Stipulation* in (specify language):

I understand the translation.

Date:

Date:

 (TYPE OR PRINT NAME)

 (PARTY'S SIGNATURE)

 (TYPE OR PRINT NAME)

 (PARTY'S SIGNATURE)

DECLARATION OF PERSON PROVIDING INTERPRETATION/TRANSLATION: The party/parties indicated below is/are unable to read or understand this *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* because

<p><input type="checkbox"/> (Insert name): _____'s primary language is (specify): _____ and he or she <input type="checkbox"/> has <input type="checkbox"/> has not read the form stipulation translated into this language.</p>	<p><input type="checkbox"/> (Insert name): _____'s primary language is (specify): _____ and he or she <input type="checkbox"/> has <input type="checkbox"/> has not read the form stipulation translated into this language.</p>
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I certify under penalty of perjury under the laws of the State of California that I am competent to interpret or translate in the primary language indicated above and that I have, to the best of my ability, read to, interpreted for, or translated for the above-named party the *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* in the party's primary language. The above-named party said he or she understood the terms of this *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* before signing it.

Date:

Date:

 (TYPE OR PRINT NAME)

 (SIGNATURE)

 (TYPE OR PRINT NAME)

 (SIGNATURE)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> 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:	
STIPULATION AND ORDER	CASE NUMBER:

1. This matter proceeded as follows:

- a. By written stipulation without court appearance.
- b. By court hearing, appearances as follows:

(1) Date: _____	Dept.: _____	Judicial officer: _____
(2) <input type="checkbox"/> Petitioner/plaintiff present	<input type="checkbox"/> Attorney present (name): _____	
(3) <input type="checkbox"/> Respondent/defendant present	<input type="checkbox"/> Attorney present (name): _____	
(4) <input type="checkbox"/> Other parent present	<input type="checkbox"/> Attorney present (name): _____	
(5) Local child support agency (Family Code, §§ 17400, 17406) by (name): _____		
(6) <input type="checkbox"/> Other (specify): _____		

c. The parent ordered to pay support is the petitioner/plaintiff respondent/defendant other parent.

2. This order is based on the attached documents (specify):

3. The parties agree that

- a. All orders previously made in this action remain in full force and effect except as specifically modified below.
- b. The amount of support payable by the parent ordered to pay support as calculated under the guideline is \$ _____ per month.

- We agree to guideline support.
- The guideline amount should be rebutted because of the following:

- (1) We have been fully informed of the guideline amount of support; we agree voluntarily to child support of \$ _____ per month; the agreement is in the best interest of the children; the needs of the children will be met adequately by the agreed amount; the children are not receiving public assistance; no application for public assistance is pending; and application of the guideline would be unjust and inappropriate in this case. We understand that if the order is below the guideline, no change of circumstances need be shown for the court to raise this order to the guideline amount. If the order is above the guideline, a change of circumstances will be required to modify this order.
- (2) Other rebutting factors (specify):

c. The attached computer printout shows the parents' incomes and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. d. The parent ordered to pay support must pay current child support as follows:

<u>Name of child</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
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- (1) Mandatory additional child support
- (a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit child-care provider.
- (b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit health-care provider.
- (2) Other (*specify*):

(3) For a total of \$ _____ payable on the _____ day of each month beginning (*date*):

(4) The low-income adjustment applies.
 The low-income adjustment does not apply because (*specify reasons*):

(5) Any support ordered will continue until further order of court, unless terminated by operation of law.

(6) When a person who has a duty to pay child support is in jail or prison, or is placed in an institution (a juvenile facility or a mental health facility) against his or her will, and is held for more than 90 days in a row, the duty to make child support payments is automatically suspended (temporarily stopped). The duty to pay child support will NOT be stopped if the person who owes support still has the financial ability to pay that support even while in jail, prison, or an institution. The duty also continues if the reason the person is in jail, prison, or an institution is because he or she didn't pay the child support owed, or committed domestic violence against the person who was to receive the child support or against the supported child.

Once a person who has to pay child support is released from jail, prison, or an institution, the duty to pay child support starts again on the first day of the month after the person is released. The person must then begin to pay child support in the same amount as before he or she was in jail, prison, or an institution. This law that allows the duty to pay child support to be suspended while a person is in jail, prison, or an institution applies ONLY to people who have a child support order that was issued (created), or was changed, on or after October 8, 2015.

e. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

3. f. The parent ordered to pay support owes support arrears as follows, as of *(date)*:
- (1) Child support: \$ Spousal support: \$ Family support: \$
 - (2) Interest is not included and is not waived.
 - (3) Payable: \$ _____ on the _____ day of each month beginning *(date)*:
 - (4) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.
- g. No provision of this judgment may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.
- h. All payments, unless specified in item 3d(1) above, must be made to the State Disbursement Unit at the address listed below *(specify address)*:
- i. **An Income Withholding for Support (form FL-195/OMB No. 0970-0154) will issue.**
- j. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.
- k. If "The parent ordered to pay support" box is checked in item 3e, a health insurance coverage assignment must issue.
- l. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- m. The *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* and *Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- n. The following person (the "other parent") is added as a party to this action *(name)*:
- o. Other *(specify)*:

Date: _____		
(TYPE OR PRINT NAME)		(SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)
Date: _____		
(TYPE OR PRINT NAME)		(SIGNATURE OF PETITIONER)
Date: _____		
(TYPE OR PRINT NAME)		(SIGNATURE OF ATTORNEY FOR PETITIONER)
Date: _____		
(TYPE OR PRINT NAME)		(SIGNATURE OF RESPONDENT)
Date: _____		
(TYPE OR PRINT NAME)		(SIGNATURE OF ATTORNEY FOR RESPONDENT)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF OTHER PARENT)

Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF ATTORNEY FOR OTHER PARENT)

ORDER

4. THE COURT SO ORDERS.

Date: _____
 Number of pages attached: _____ JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

DECLARATION OF PERSON PROVIDING INTERPRETATION/TRANSLATION: The party/parties indicated below is/are unable to read or understand this *Stipulation and Order* because

(Insert name) _____'s primary language is (*specify*):

and he or she has has not read the form stipulation translated into this language.

(Insert name) _____'s primary language is (*specify*):

and he or she has has not read the form stipulation translated into this language.

I certify under penalty of perjury under the laws of the State of California that I am competent to interpret or translate in the primary language indicated above and that I have, to the best of my ability, read to, interpreted for, or translated for the above-named party the *Stipulation and Order* in the party's primary language. The above-named party said he or she understood the terms of this *Stipulation and Order* before signing it.

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE)

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ 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:	
JUDGMENT REGARDING PARENTAL OBLIGATIONS <input type="checkbox"/> _____ AMENDED <input type="checkbox"/> _____ SUPPLEMENTAL	CASE NUMBER: _____

1. a. NOTICE: THIS IS A PROPOSED AMENDED PROPOSED JUDGMENT. This *Judgment Regarding Parental Obligations* will be entered by the court and will become legally binding unless you fill out and file the *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (form FL-610) with the court clerk within 30 days of the date you were served with the *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (form FL-600). If you need form FL-610, you may get one from the local child support agency’s office, the court clerk, or the family law facilitator. The family law facilitator will help you fill out the forms. To file the answer, follow the procedures listed in the attached instructions.
- b. NOTICE: THIS IS A JUDGMENT. It is now legally binding.
2. This matter proceeded as follows:
 - a. Judgment entered under Family Code section 17430.
 - b. By court hearing, appearances as follows:

(1) Date:	Dept.:	Judicial officer:
(2) <input type="checkbox"/> Petitioner/plaintiff present	<input type="checkbox"/> Attorney present (name):	
(3) <input type="checkbox"/> Respondent/defendant present	<input type="checkbox"/> Attorney present (name):	
(4) <input type="checkbox"/> Other parent present	<input type="checkbox"/> Attorney present (name):	
(5) Local child support agency attorney (Family Code, §§ 17400,17406) (name):		
(6) <input type="checkbox"/> Other (specify):		
 - c. The parent ordered to pay support is the petitioner/plaintiff respondent/defendant other parent.
3. This order is based on presumed income for the parent ordered to pay support under Family Code section 17400.
4. Attached is a computer printout showing the parents’ incomes and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court’s findings.
5. This order is based on the attached documents (specify):

THE COURT ORDERS

6. a. Petitioner/plaintiff Respondent/defendant Other parent are the parents of the children named in item 6b below.
- b. The parent ordered to pay support must pay current child support as follows:

<u>Name of child</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
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NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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6. b. (1) Mandatory additional child support
- (a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit child-care provider.
- (b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:
 one-half or % or (specify amount): \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit health-care provider.
- (2) Other (specify): _____

(3) For a total of \$ _____ payable on the _____ day of each month beginning (date): _____

- (4) The low-income adjustment applies.
 The low-income adjustment does not apply because (specify reasons): _____

(5) Any support ordered will continue until further order of court, unless terminated by operation of law.

(6) When a person who has a duty to pay child support is in jail or prison, or is placed in an institution (a juvenile facility or a mental health facility) against his or her will, and is held for more than 90 days in a row, the duty to make child support payments is automatically suspended (temporarily stopped). The duty to pay child support will NOT be stopped if the person who owes support still has the financial ability to pay that support even while in jail, prison, or an institution. The duty also continues if the reason the person is in jail, prison, or an institution is because he or she didn't pay the child support owed, or committed domestic violence against the person who was to receive the child support or against the supported child.

Once a person who has to pay child support is released from jail, prison, or an institution, the duty to pay child support starts again on the first day of the month after the person is released. The person must then begin to pay child support in the same amount as before he or she was in jail, prison, or an institution. This law that allows the duty to pay child support to be suspended while a person is in jail, prison, or an institution applies ONLY to people who have a child support order that was issued (created), or was changed, on or after October 8, 2015.

c. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

d. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below:

Name of child	Date of birth	Period of support	Amount
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PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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6. d. (1) Other (specify):

(2) For a total of \$ _____ payable \$ _____ on the _____ day of each month beginning (date):

(3) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

e. If this is a judgment on a *Supplemental Complaint*, it does not modify or supersede any prior judgment or order for support or arrearage, unless specifically provided.

f. No provision of this judgment can operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

g. All payments, unless specified in item 6b(1) above, must be made to the State Disbursement Unit at the address listed below (specify address):

h. An earnings assignment order is issued.

i. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.

j. If "The parent ordered to pay support" box is checked in item 6c, a health insurance coverage assignment must issue.

k. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

l. The form *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* and *Information Sheet on Changing a Child Support Order* (form FL-192) is attached.


m. The following person (the "other parent") is added as a party to this action (name):

n. The court further orders (specify):

Date: _____

Number of pages attached: _____

 JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order. Date: _____  _____ (SIGNATURE OF ATTORNEY FOR THE PARENT ORDERED TO PAY SUPPORT)
--

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> 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:	
FINDINGS AND RECOMMENDATION OF COMMISSIONER	CASE NUMBER: _____

1. Name *(specify)*: _____ objected to Commissioner *(name)*: _____
 hearing this matter as a temporary judge.
2. **THIS MATTER PROCEEDED AS FOLLOWS**
 - a. By court hearing, appearances as follows:

(1) Date: _____	Dept.: _____	Judicial officer: _____
(2) <input type="checkbox"/> Petitioner/plaintiff present	<input type="checkbox"/> Attorney present <i>(name)</i> : _____	
(3) <input type="checkbox"/> Respondent/defendant present	<input type="checkbox"/> Attorney present <i>(name)</i> : _____	
(4) <input type="checkbox"/> Other parent present	<input type="checkbox"/> Attorney present <i>(name)</i> : _____	
(5) Local child support agency attorney (Family Code, §§ 17400, 17406) by <i>(name)</i> : _____		
(6) <input type="checkbox"/> Other <i>(specify)</i> : _____		
 - b. The parent ordered to pay support is the petitioner/plaintiff respondent/defendant other parent.
3. Attached is a computer printout showing the parents' income and percentage of time each parent spends with the child(ren). The printout, which shows the calculation of child support payable, will become the court's findings.
4. This recommended order is based on the attached documents *(specify)*: _____

5. THE COMMISSIONER RECOMMENDS THE FOLLOWING

- a. All orders previously made in this action remain in full force and effect except as modified below.
- b. (Name of parent): mother father
 (Name of parent): mother father
 are the parents of the children listed below.
- c. The parent ordered to pay support must pay current child support as follows:

Name of child	Date of birth	Monthly support amount
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- (1) Mandatory additional child support
 - (a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:
 one-half or _____ % or *(specify amount)*: \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit child-care provider.
 - (b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:
 one-half or _____ % or *(specify amount)*: \$ _____ per month of the costs.
 Payments must be made to the other parent State Disbursement Unit health-care provider.

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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5. c. (2) Other (*specify*):

(3) For a total of \$ _____ payable on the _____ day of each month beginning (*date*):

(4) The low-income adjustment applies.
 The low-income adjustment does not apply because (*specify reasons*):

(5) Any support ordered will continue until further order of court, unless terminated by operation of law.

(6) When a person who has a duty to pay child support is in jail or prison, or is placed in an institution (a juvenile facility or a mental health facility) against his or her will, and is held for more than 90 days in a row, the duty to make child support payments is automatically suspended (temporarily stopped). The duty to pay child support will NOT be stopped if the person who owes support still has the financial ability to pay that support even while in jail, prison, or an institution. The duty also continues if the reason the person is in jail, prison, or an institution is because he or she didn't pay the child support owed, or committed domestic violence against the person who was to receive the child support or against the supported child.

Once a person who has to pay child support is released from jail, prison, or an institution, the duty to pay child support starts again on the first day of the month after the person is released. The person must then begin to pay child support in the same amount as before he or she was in jail, prison, or an institution. This law that allows the duty to pay child support to be suspended while a person is in jail, prison, or an institution applies ONLY to people who have a child support order that was issued (created), or was changed, on or after October 8, 2015.

d. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children, if available at no or reasonable cost, and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

e. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below:

Name of child	Date of birth	Period of support	Amount
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(1) Other (*specify*):

(2) For a total of \$ _____ payable \$ _____ on the _____ day of each month beginning (*date*):

(3) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

f. The parent ordered to pay support owes support arrears as follows, as of (*date*):

(1) Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____

(2) Interest is not included and is not waived.

(3) Payable: \$ _____ on the _____ day of each month beginning (*date*):

(4) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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- 5. g. No provision of this judgment/order may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.
- h. All payments, unless specified in item 5c(1) above, must be made to the State Disbursement Unit at the address listed below (*specify address*):
- i. **An earnings assignment order is issued.**
- j. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.
- k. If "The parent ordered to pay support" box is checked in item 5d, a health insurance coverage assignment must issue.
- l. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- m. The form *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* and *Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- n. The following person (the "other parent") is added as a party to this action (*name*):
- o. The court further recommends (*specify*):

Date: _____

 COMMISSIONER
 SIGNATURE FOLLOWS LAST ATTACHMENT

Number of pages attached: _____

CLERK'S CERTIFICATE OF MAILING OR SERVICE

I certify that I am not a party to this cause and that

- 1. **Personal service.** A true copy of this *Findings and Recommendation of Commissioner* was handed to the petitioner/plaintiff respondent/defendant other parent at the hearing of this matter before the commissioner.
- 2. **Mail.** A true copy of this *Findings and Recommendation of Commissioner* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the request was mailed
 at (*place*): _____ California,
 on (*date*): _____

Date: _____ Clerk, by _____, Deputy

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 Determination of Support Arrears* or *Adjustment of Child Support Arrears 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)

INFORMATION SHEET FOR REQUEST FOR DETERMINATION OF SUPPORT ARREARS OR ADJUSTMENT OF CHILD SUPPORT ARREARS DUE TO INCARCERATION OR INVOLUNTARY INSTITUTIONALIZATION

Please follow these instructions to complete a *Request for Determination of Support Arrears or Adjustment of Child Support Arrears Due to Incarceration or Involuntary Institutionalization* (form FL-676). If you need free help completing form FL-676, you can contact the Family Law Facilitator's Office in your county. For more information on finding a family law facilitator, see the California Courts Online Self-Help Center at www.courts.ca.gov/selfhelp.

Form FL-676 should be used only if you disagree with the support arrears that the local child support agency says are owed or if an adjustment of child support arrears due to incarceration or institutionalization is needed and you cannot reach an agreement with the local child support agency. Child support includes the basic amount plus any additional amount for child care costs related to employment, or education, or training to get job skills and reasonable uninsured health care costs for the children. Form FL-676 cannot be used if you want to change your child support order.

When you have completed form FL-676, file the original and attachments with the court clerk. The court clerk's address is listed in the telephone directory under "County Government Offices" or online at www.courts.ca.gov/courts/find.htm. **Keep three copies of the filed form and its attachments. Serve one copy on the local child support agency, one copy on the other parent, and keep the other for your records. (See *Information Sheet for Service of Process* (form FL-611).)**

INSTRUCTIONS FOR COMPLETING FORM FL-676 (TYPE OR PRINT IN BLACK INK):

Front page, first box, top of form, left side: Print your name, address, and telephone number in this box if it is not already there.

Front page, second box, left side: Print your county's name and the court's address in the box. Use the same address for the court that is on your most recent support order or judgment. 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.

Front page, third box, left side: Print the names of the Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names listed in your most recent support order or judgment. If no name is listed for the Other Parent leave that line blank.

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

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

Front page, fourth box, left side: Check the box to indicate whether you are asking for a determination of support arrears or adjustment of child support arrears due to incarceration or involuntary institutionalization. Check both boxes if you are asking for both a determination of arrears and an adjustment of child support arrears.

- 1.a.–b 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. This section states that the local child support agency is handling your support case.
- 3a. **This section requires you to attach the statement or other document from the local child support agency that tells the amount of support arrears owed.**
- 3b. **This section requires you to attach your own statement of the amount of support arrears owed.** Your statement must show a monthly breakdown of the amount of support ordered and the amount paid each month. You may use *Declaration of Payment History* (form FL-420) and *Payment History Attachment* (form FL-421) to complete your statement of arrears.
4. **Complete all that apply.** If you check the box in item 4a, attach or bring to the court hearing proof of the dates of incarceration or involuntary institutionalization. If you have any evidence or documentation that you had no income or assets, in addition to your sworn statement on the form, please bring that to court with you.

You must date the request, 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 the front page.

Top of second page, box on right side: Print your case number in this box. Use the same number as the one on the front page. Instructions for how to complete the Proof of Service section of the *Request* form are in the *Information Sheet for Service of Process* (form FL-611). The person who serves the request and its attachments must fill out this section of the form. **You cannot serve your own form FL-676.**

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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4. b. (2) Other (specify):

(3) For a total of \$ _____ payable on the _____ day of each month beginning (date):

(4) The low-income adjustment applies.

The low-income adjustment does not apply because (specify reasons):

(5) Any support ordered will continue until further order of court, unless terminated by operation of law.

(6) When a person who has a duty to pay child support is in jail or prison, or is placed in an institution (a juvenile facility or a mental health facility) against his or her will, and is held for more than 90 days in a row, the duty to make child support payments is automatically suspended (temporarily stopped). The duty to pay child support will NOT be stopped if the person who owes support still has the financial ability to pay that support even while in jail, prison, or an institution. The duty also continues if the reason the person is in jail, prison, or an institution is because he or she didn't pay the child support owed, or committed domestic violence against the person who was to receive the child support or against the supported child.

Once a person who has to pay child support is released from jail, prison, or an institution, the duty to pay child support starts again on the first day of the month after the person is released. The person must then begin to pay child support in the same amount as before he or she was in jail, prison, or an institution. This law that allows the duty to pay child support to be suspended while a person is in jail, prison, or an institution applies ONLY to people who have a child support order that was issued (created), or was changed, on or after October 8, 2015.

c. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost, and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

d. The parent ordered to pay support owes support arrears as follows, as of (date):

(1) Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____

(2) Interest is not included and is not waived.

(3) Payable: \$ _____ on the _____ day of each month beginning (date):

(4) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

e. No provision of this order may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

f. All payments, unless specified in item 4b(1) above, must be made to the State Disbursement Unit at the address listed below (specify address):

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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4. g. **An earnings assignment order is issued.**


- h. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.
- i. If "The parent ordered to pay support" box is checked in item 4c, a health insurance coverage assignment must issue.
- j. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- k. The form *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* and *Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- l. The following person (the "other parent") is added as a party to this action (*name*):
- m. The court further orders (*specify*):

Date:

JUDICIAL OFFICER

Number of pages attached: _____

SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order. Date:  _____ (SIGNATURE OF ATTORNEY FOR THE PARENT ORDERED TO PAY SUPPORT)
--

GOVERNMENTAL AGENCY (Under Family Code, §§ 17400,17406): TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">NOT APPROVED BY THE JUDICIAL COUNCIL</h3>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
SHORT FORM ORDER AFTER HEARING	CASE NUMBER: _____

1. **This matter proceeded as follows:** Uncontested By stipulation Contested
- a. Date: _____ Dept.: _____ Judicial officer: _____
- b. Petitioner/plaintiff present Attorney present (name): _____
- c. Respondent/defendant present Attorney present (name): _____
- d. Other parent present Attorney present (name): _____
- e. Attorney for local child support agency present under Family Code sections 17400 and 17406 by (name): _____
- f. Other (specify): _____

2. **THE COURT FINDS**, based upon the moving papers:

- a. (Name): _____ is the parent ordered to pay support in this proceeding.
- b. The parent ordered to pay support has no ability to pay support because (specify): _____
- c. Health insurance coverage at no or reasonable cost is currently not available to the parent ordered to pay support to cover the minor children in this action.

3. **THE COURT ORDERS**

- a. All orders previously made in this action will remain in full force and effect except as specifically modified below.
- b. This matter is continued to _____ in Dept.: _____ for the following purposes only:
- c. The parent ordered to pay support is ordered to appear on the continuance date.
- d. Current child support is modified to \$ _____ per month beginning (date): _____
- e. The court retains jurisdiction to order support retroactive to:
- (1) (Specify date): _____
- (2) The date the parent ordered to pay support becomes employed or otherwise has the ability to pay support.
- (3) The date the parent ordered to pay support abandons or separates from the children at issue in this case.
- f. Any order to liquidate the support arrearage is suspended until further order of this court.
- g. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.
- h. When a person who has a duty to pay child support is in jail or prison, or is placed in an institution (a juvenile facility or a mental health facility) against his or her will, and is held for more than 90 days in a row, the duty to make child support payments is automatically suspended (temporarily stopped). The duty to pay child support will NOT be stopped if the person who owes support still has the financial ability to pay that support even while in jail, prison, or an institution. The duty also continues if the reason the person is in jail, prison, or an institution is because he or she didn't pay the child support owed, or committed domestic violence against the person who was to receive the child support or against the supported child.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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Once a person who has to pay child support is released from jail, prison, or an institution, the duty to pay child support starts again on the first day of the month after the person is released. The person must then begin to pay child support in the same amount as before he or she was in jail, prison, or an institution. This law that allows the duty to pay child support to be suspended while a person is in jail, prison, or an institution applies ONLY to people who have a child support order that was issued (created), or was changed, on or after October 8, 2015.

- i. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- j. The parent ordered to pay support is ordered to obtain health insurance coverage for the children in this action if it becomes available at no or reasonable cost. The party ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.
- k. Other (*specify*):

4. Number of pages attached: _____

Approved as conforming to court order.

Date:

Date:



 (SIGNATURE OF ATTORNEY FOR THE PARENT ORDERED TO PAY SUPPORT)

 JUDICIAL OFFICER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
<input type="checkbox"/> MINUTES <input type="checkbox"/> ORDER <input type="checkbox"/> JUDGMENT <input type="checkbox"/> RECOMMENDED ORDER	CASE NUMBER:

This form may be used for preparation of court minutes and/or as an alternative to form FL-615, FL-625, FL-630, FL-665, or FL-687. If this form is prepared as both court minutes and an alternative to one of these forms, then the parties do not need to prepare any additional form of order.

1. **This matter proceeded as follows:** Uncontested By stipulation Contested
- a. Date: _____ Time: _____ Department: _____
- b. Judicial officer (*name*): _____ Judge pro Tempore Commissioner
 Court reporter (*name*): _____
 Court clerk (*name*): _____ Bailiff (*name*): _____
- c. Interpreter(s) present (*name*): _____
 for (*name*): _____ (specify language): _____
- d. Petitioner present Attorney present (*name*): _____
- e. Respondent present Attorney present (*name*): _____
- f. Other parent present Attorney present (*name*): _____
- g. Attorney for local child support agency (*name*): _____
- h. The parent ordered to pay support for purposes of this order is the petitioner respondent other parent.
- i. Other (*specify*): _____

2. This is a recommended order/judgment based on the objection of (*specify name*): _____

3. a. This matter is taken off calendar.
- b. This entire matter is denied with without prejudice.
- c. This matter is continued at the request of the local child support agency petitioner respondent
 other parent to
 Date: _____ Time: _____ Department: _____
 (*specify issues*): _____
 Petitioner Respondent Other parent is ordered to appear at that date and time.
- d. The court takes the following matters under submission (*specify*): _____

4. **Order of examination**
 The petitioner respondent other (*specify*): _____ was sworn and examined.
 Examination was held outside of court.

5. **Referrals**
- a. The parties are referred to family court services or mediation.
- b. Petitioner Respondent Other parent is referred to the family law facilitator.
- c. Other (*specify*): _____

THE COURT FINDS

6. Respondent Petitioner Other parent was was not served regarding this matter.
7. Respondent Petitioner Other parent admits denies parentage.
8. The parents of the children named below in item 14a are (*specify names*): _____

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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9. Respondent Petitioner Other parent has read, understands, and has signed the *Advisement and Waiver of Rights for Stipulation (Governmental)* (form FL-694). He or she gives up those rights and freely agrees that a judgment may be entered in accordance with these findings.

10. a. Guideline support amount: \$
- b. This order is is not based on the guideline.
- c. The attached *Guideline Findings Attachment (Governmental)* (form FL-693) is incorporated into these findings.
- d. A printout, which shows the calculation of child support payable, is attached and must become the court's findings.
- e. The child support agreed to by the parents is below above the statewide child support guideline. The amount of support that would have been ordered under the guideline formula is \$ _____ per month. The parties have been fully informed of their rights concerning child support. Neither party is acting out of duress or coercion. Neither party is receiving public assistance, and no application for public assistance is pending. The needs of the children will be adequately met by this agreed-upon amount of child support. The order is in the best interest of the children. If the order is below the guideline, no change of circumstance will be required for the court to modify this order. If the order is above the guideline, a change of circumstance will be required for the court to modify this order.
- f. The low-income adjustment applies.
 The low-income adjustment does not apply because (*specify reasons*):

11. Arrearages from (*specify date*): _____ through (*specify date*): _____
 are \$ _____ including interest interest not computed and not waived.

THE COURT ORDERS

12. All orders previously made in this action must remain in full force and effect except as specifically modified below.
13. Genetic testing must be coordinated by the local child support agency.
- a. Respondent Petitioner Mother of the children
 Other (*specify*): _____
 and the minor children must each submit to genetic testing as directed by the local child support agency.
- b. The parent ordered to pay support must reimburse the local child support agency for genetic testing costs of \$ _____
14. a. The parent ordered to pay support is the parent of the children listed below and must pay current child support for them.
 The court finds that there is sufficient evidence that the parent ordered to pay support is the parent of the children listed below and therefore there is sufficient evidence to enter a support order.
- | <u>Name of child</u> | <u>Date of birth</u> | <u>Monthly basic support amount</u> |
|----------------------|----------------------|-------------------------------------|
| | | |
| | | |

- Additional children are listed on an attached page.
- b. The parent ordered to pay support must pay additional support monthly for actual child-care costs of
 (*specify amount*): \$ _____ one-half (*specify percent*): _____ percent of said costs.
 Payments must be made to the State Disbursement Unit other party child-care provider.
- c. The parent ordered to pay support must pay reasonable uninsured health-care costs for the children of
 (*specify amount*): \$ _____ one-half (*specify percent*): _____ percent of said costs.
 Payments must be made to the State Disbursement Unit other party health-care provider.
- d. The parent ordered to pay support must pay additional support monthly for the following (*specify*):
 (*specify amount*): \$ _____ one-half (*specify percent*): _____ percent of said costs.
 Payments must be made to the State Disbursement Unit other party.
- e. Other (*specify*): _____



NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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14. f. For a total of \$ _____ payable on the _____ day of each month beginning (date):
- g. The low-income adjustment applies.
 The low-income adjustment does not apply because (specify reasons):
- h. Any support ordered will continue until further order of court, unless terminated by operation of law.
- i. When a person who has a duty to pay child support is in jail or prison, or is placed in an institution (a juvenile facility or a mental health facility) against his or her will, and is held for more than 90 days in a row, the duty to make child support payments is automatically suspended (temporarily stopped). The duty to pay child support will NOT be stopped if the person who owes support still has the financial ability to pay that support even while in jail, prison, or an institution. The duty also continues if the reason the person is in jail, prison, or an institution is because he or she didn't pay the child support owed, or committed domestic violence against the person who was to receive the child support or against the supported child.
- Once a person who has to pay child support is released from jail, prison, or an institution, the duty to pay child support starts again on the first day of the month after the person is released. The person must then begin to pay child support in the same amount as before he or she was in jail, prison, or an institution. This law that allows the duty to pay child support to be suspended while a person is in jail, prison, or an institution applies ONLY to people who have a child support order that was issued (created), or was changed, on or after October 8, 2015.
15. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.
16. The parent ordered to pay support may claim the children for tax purposes as long as all child support payments are current as of the last day of the year for which the exemptions are claimed.
17. Petitioner Respondent Other parent must pay to petitioner respondent other parent as spousal support family support \$ _____ per month, beginning (date): payable on the _____ day of each month.
18. The parent ordered to pay support must pay child support for the following past periods and in the following amounts:
- | Name of child | Period of support | Amount |
|---|-------------------|--------|
| a. <input type="checkbox"/> Other (specify): | | |
| b. <input type="checkbox"/> For a total of \$ _____ payable \$ _____ on the _____ day of each month beginning (date): | | |
| c. <input type="checkbox"/> Interest accrues on the entire principal balance owing and not on each installment as it becomes due. | | |
19. The parent ordered to pay support owes support arrears as follows, as of (date):
- a. Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____ Other: \$ _____
- b. Interest is not computed and is not waived.
- c. Payable: \$ _____ on the _____ day of each month beginning (date):
- d. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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- 20. No provision of this judgment can operate to limit any right to collect all sums owing in this matter as otherwise provided by law.
- 21. All payments, unless specified in items 14b, c, and d above, must be made to the State Disbursement Unit at the address listed below (*specify address*):
- 22. **An earnings assignment order is issued.**
- 23. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.
- 24. If "The parent ordered to pay support" box is checked in item 15, a health insurance coverage assignment must issue.
- 25. Job search. (*Specify name(s)*): _____ must seek employment for at least (*specify number*): _____ jobs per week and report those job applications and results to the court and the local child support agency at the continuance date. These job applications are to be made in person, not by phone, fax, or e-mail.
- 26. For purposes of the licensing issue only, the parent ordered to pay support is found to be in compliance with the support order in this action. The local child support agency must issue a release of license(s).
- 27. Notwithstanding any noncompliance issues with the support order in this action, the court finds that the needs of the party ordered to pay support warrant a conditional release. The local child support agency must issue a release of license(s). Such release is effective only as long as the parent ordered to pay support complies with all payment terms of this order.
- 28. A warrant of attachment/bench warrant issues for (*specify name*):
 - a. Bail is set in the amount of \$ _____
 - b. Service is stayed until (*date*): _____
- 29. The court retains jurisdiction to make orders retroactive to (*date*): _____
- 30. The court reserves jurisdiction over all issues the issues of (*specify*): _____
- 31. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- 32. The *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* and *Information Sheet on Changing a Child Support Order* (form FL-192) are attached and incorporated.
- 33. The following person (the "other parent") is added as a party to this action (*name*): _____
- 34. The court further orders (*specify*): _____

Approved as conforming to court order. Date: _____  (SIGNATURE OF ATTORNEY FOR THE PARENT ORDERED TO PAY SUPPORT)  (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)
--

Date: _____

 JUDICIAL OFFICER

Number of pages attached: _____

Signature follows last attachment.