

## AB 1058 Court Clerks Training

Anna L. Maves  
Child Support Program Manager/Supervising Attorney  
Judicial Council  
Center for Families Children & the Courts

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## Court Clerk Training Requirement

- California Rule of Court 5.355  
Minimum standard of training for court clerk staff whose assignment includes Title IV-D child support cases

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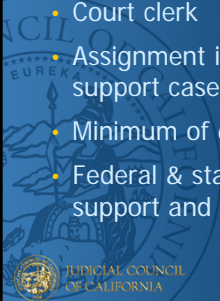
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## California Rule of Court 5.355

- Court clerk
- Assignment includes Title IV-D child support cases
- Minimum of 6 hours annually
- Federal & state laws concerning child support and related issues

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## Child Support Program Background for Court Clerks

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### What is Title IV-D?

- Title IV-D of the Social Security Act (Federal Law)
- Requires each state to provide services to the public to establish parentage and get and enforce child support orders
- Provides federal funding to states to assist with the cost of the program



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### Title IV-D Funding

- California Department of Child Support Services is the single state-level IV-D agency. All program funding flows through DCSS
- Program is 2/3 federal Title IV-D funds & 1/3 state funds
- DCSS contracts with the JCC to provide child support court services. JCC then contracts with each court
- What do the courts and the JCC have to do to keep this funding?
  - Keep accurate records including having each person who works on the child support program keep accurate time records.



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## Time Studying

- Purpose is to make sure that grant funding is going to pay for grant-related activities
- If an employee works 100% on Title IV-D work timesheet showing all hours under Title IV-D is enough
- If employee works on Title IV-D and other non-funded activities must track time spent by funding source
- What is IV-D eligible activity for court clerk?



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## Child Support Program Background

- Historical Background
  - Title IV-D Performance Problems in California
    - Current system of establishing child support was inadequate
    - Needed system that was quick & efficient
    - Lack of uniformity of policies and procedures among courts/child support agencies



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## Legislature's Response

- Enacted AB 1058 in 1996 (Child Support Commissioner and Family Law Facilitator Program)
  - Provided the courts with direction on how to develop an effective program
  - Provided the courts with funding



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### AB 1058 Program Objectives

- Establish a simple, speedy and cost-effective system that was accessible to families
- Mandate uniform and simplified procedures
- Create specialized child support commissioners and family law facilitators



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### AB 1058 Program Realized

- Child support commissioners/family law facilitators in each county
- Specialized court procedures that are streamlined and unique to Title IV-D
- Created specialized rules & forms
- Set up minimum qualifications for staff and standard training requirements



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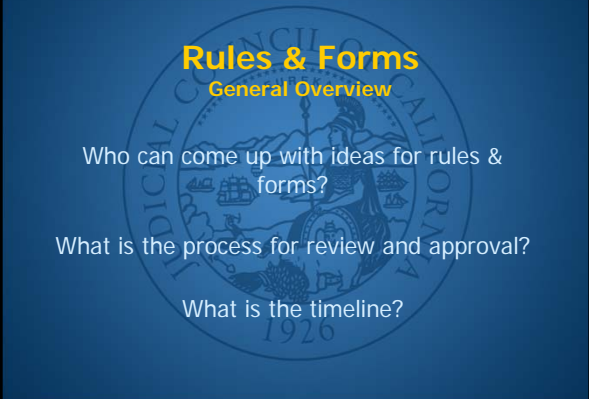
### Rules & Forms

#### General Overview

Who can come up with ideas for rules & forms?

What is the process for review and approval?

What is the timeline?



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## Rules & Forms

### Governmental Forms

- Special role of these forms given the volume of IV-D cases; numbers of self-represented litigants and the DCSS statewide automated environment
- Role of Local Agencies in forms development and review
- Special concerns



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## Specialized Court Procedures for IV-D Cases

- Proposed Judgment Process
- Amended Proposed Judgment
- Limitations on review of default judgments
- Confidential proof of service (redaction of addresses)
- Objection to Child Support Commissioner vs. Stipulation to Commissioner
- Others?



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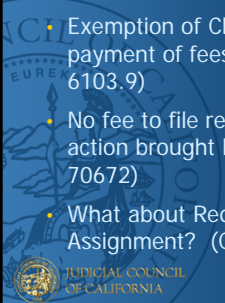
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## Fees & Costs in Title IV-D Cases

- Exemption of Child Support Agency from payment of fees and costs (Government Codes 6103.9)
- No fee to file response or subsequent paper in action brought by DCSS (Government Code 70672)
- What about Requests for Hearing on Wage Assignment? (CRC 5.335(c))



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### Plans of Cooperation

- Required by the funding contract between JCC/court
- Can set out local case/form processing timelines
- Requires quarterly POC meeting between court and agency
- How can this be used to benefit case/forms processing and effective local court procedures.

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### Registration vs. Change in Case Management Responsibility

#### Use of FL-634

- Development of the Child Support Computer Program
- Change in Local Agency Policy & Practice
- Rationale behind the change
- Impact on the court

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### How Can You Tell If the Local Agency Is Still Part of the Case?

#### Use of FL-632

- This form is used when the local child support agency enters the case.
  - Current Support
  - Support Arrears
  - Medical Support
- This form is used when the local child support agency leaves the case.

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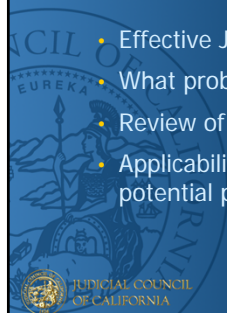
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## California Rule of Court 5.125

- Effective January 1, 2013
- What problem was rule trying to fix?
- Review of the provisions of the Rule
- Applicability to Title IV-D cases & potential program impact



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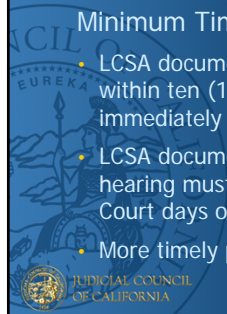
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## Time Standards Required by the Contract

Minimum Time Standards:

- LCSA documents must be filed and processed within ten (10) Court working days or immediately in exceptional circumstances.
- LCSA documents which require a Court hearing must be processed within five (5) Court days of the submission.
- More timely processing of FL-191



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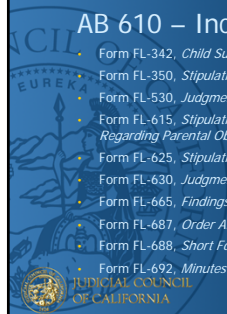
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## Judicial Council Forms Currently Under Review

AB 610 – Incarcerated Obligors

- Form FL-342, *Child Support Information and Order Attachment*
- Form FL-350, *Stipulation to Establish or Modify Child Support and Order*
- Form FL-530, *Judgment Regarding Parental Obligations*
- Form FL-615, *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment*
- Form FL-625, *Stipulation and Order*
- Form FL-630, *Judgment Regarding Parental Obligations*
- Form FL-665, *Findings and Recommendation of Commissioner*
- Form FL-687, *Order After Hearing*
- Form FL-688, *Short Form Order After Hearing*
- Form FL-692, *Minutes and Order or Judgment*



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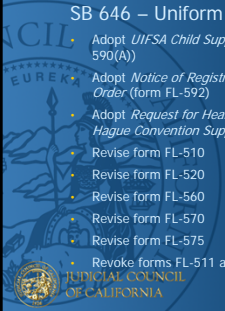
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## Judicial Council Forms Currently Under Review

SB 646 – Uniform Interstate Family Support Act

- Adopt *UIFSA Child Support Order Jurisdictional Attachment* (form FL-590(A))
- Adopt *Notice of Registration of an International Hague Convention Support Order* (form FL-592)
- Adopt *Request for Hearing Regarding Registration of an International Hague Convention Support Order* (form FL-594)
- Revise form FL-510
- Revise form FL-520
- Revise form FL-560
- Revise form FL-570
- Revise form FL-575
- Revoke forms FL-511 and FL-515



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## Program Questions?



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