

AB 1058 Court Clerks Training

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21st Annual AB 1058 Training Conference
September 14, 2017

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

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

**Child Support Program
Background for Court Clerks**

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

**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

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

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

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

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?

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.

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?

DCSS Audits

- Department of Child Support Audit Update
 - Completed 10 on-site audits during FY 2016-2017 of the CSC and FLF program.
 - DCSS auditors have interviewed various court staff while on site to verify that the information that was submitted by the court accurate reflects the work being performed.
 - DCSS has identified addition courts for audits for FY 2017-2018.

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?

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

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 DCS (Government Code 70672)
- What about Requests for Hearing on Wage Assignment? (CRC 5.335(c))

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.

Time Standards Required by the Contract

Minimum Time Standards:

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

**Judicial Council Forms
Effective January 1, 2017**

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*

**Judicial Council Forms
Effective January 1, 2017**

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

Program Questions?
