

16th Annual AB 1058 Child Support Training Conference



For Child Support Commissioners,
Family Law Facilitators,
Title IV-D Administrative
and Accounting Staff,
Paralegals, and Court Clerks

SEPTEMBER 4–7, 2012
The San Jose Marriott Hotel
Downtown San Jose



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

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For Attendees of the 16th Annual AB 1058 Child Support Training Conference

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We appreciate your attendance at the 16th Annual AB 1058 Child Support Training Conference. If you have any questions or comments, please contact the editors:

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TAB N

**Insights and Strategies for Managing
the Stressors Common to
Family Law Professionals**

**Mr. Richard Carlton &
Ms. Kristine Van Dorsten**



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Stress, Anxiety and Depression


But why would these problems be greater in the legal profession?






Depression

Certain personality traits appear to make us more susceptible to depression, while other traits seem to be protective. This may also be linked somehow to brain chemistry.



What Personality Traits are Attracted to the Field of Law?




Lawyers vs. General Population (Susan Daicoff, PhD, JD)

AS PRE-LAW STUDENTS

Characterized by:


- Need for dominance and leadership
- More authoritarian
- Low interest in emotions and other's feelings
- Normal levels of psychological distress



Lawyers vs. General Population
(Susan Daicoff, PhD, JD)

EFFECTS OF LAW SCHOOL


- Increased aggression under stress
- Preference for competition
- Failure to rely on peers for social support
- Increased tension, insecurity, and substance abuse (confirmed by numerous studies)



Lawyers vs. General Population
(Susan Daicoff, PhD, JD)


AS LAWYERS

- Competitive, argumentative, aggressive
- Low interest in emotional concerns (their's or other's); disproportionate preference for "Thinking" versus "Feeling"
- Higher incidence of distress and substance abuse
- Pessimistic outlook on life*




Pessimists Do Better At Law
(Martin Seligman, PhD)

- Tested the entire entering class of Virginia Law School (1990) with a measure of optimism versus pessimism and then followed these students for all three years.
- Pessimists outperformed the more optimistic students on traditional measures of success such as grades and law journal.
- Pessimism level was higher than the beliefs of clinically depressed individuals.




Form of Pessimism in Lawyers

- Pessimism was internal (its all my fault if things go wrong)
- Stable (bad things happen frequently)
- Global instead of situational attribution (the problem is pervasive—will ruin my career)
- While positive events are external, unstable and situational (when good things do occasionally happen, happen by chance—not because of me)
- **Does this pessimistic thinking SOUND FAMILIAR??**




Prof. Krieger: Thinking like a lawyer “**is a legal skill, not a life skill.**”

- Your skills as a lawyer are useful in certain professional contexts, but need not and should not dictate how you approach your personal life nor assume your entire identity.



STRESS !!!

(And how to Cope with the legal profession)




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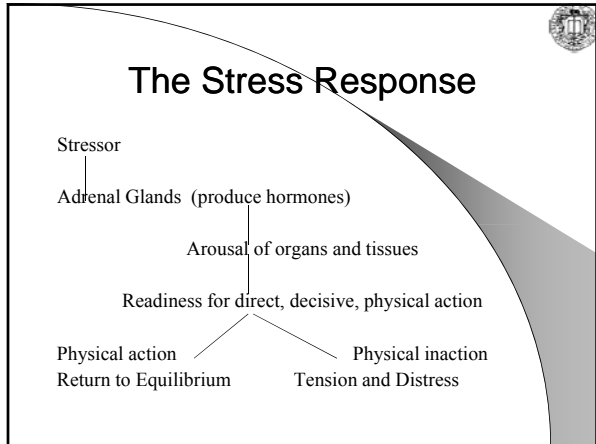


Thinking Vs. Circumstances

E V E N T	I N T E R P R E T A T I O N	STRESS!!
-----------------------	--	----------

“These things are neither good nor bad; is thinking that makes it so.”

Hamlet, William Shakespeare



WORRY

When it comes to managing stress, your MIND is your own WORST ENEMY

"I've known many troubles in my life—most of which didn't happen."

Mark Twain

MINDFULNESS

A meditation practice:

The practice of paying absolute attention to where you are and what you are doing

The Mindful Lawyer Conference


- **On October 29-31, 2010**, a growing community of judges, lawyers, mediators, and other legal professions gathered at **UC Berkeley School of Law** for the first ever national conference exploring the integration of meditation and contemplative practices with legal education and practice.
- **The Mindful Lawyer: Practices & Prospects for Law School, Bench, and Bar** offered a blend of practical experience and discussion, meditation and movement practice, and recent developments in neuroscience and psychology. Up to 8 MCLE credits was available.

**From *Learned Optimism* (by
Martin Seligman, PhD)**

“Learn to treat catastrophic thoughts as if they were uttered by an external person whose mission in life is to make your life miserable, and then marshaling evidence against the thoughts.”


Pace

**What were futurists writing fifty
years ago?**





How Did We Get Here?

- The pace of life has changed tremendously in our lifetimes
- The practice of law has changed even more rapidly and significantly
- We weren't designed for this pace



Time Shifting

- Its not only about TIME MANAGEMENT
- Its also about deciding HOW HARD and for HOW LONG you are willing to drive on
- Its about creating some *balance* in your life
- Its about creating spaces and places in your life where you can "downshift" to a more normal pace



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- CAREER COUNSELING—2 no
cost sessions for any member
- THE OTHER BAR



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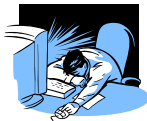
The Other Bar
800 222-0767



Insights and Strategies for Managing Stressors Common to Family Law Professionals

Kristine Van Dorsten

Get you from here...



...To Here...



Internal Stressors

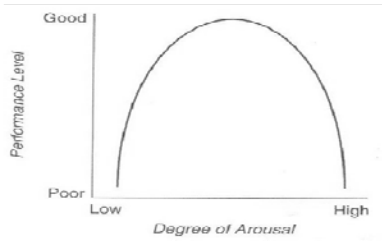
External Stressors

Public Sector
Vs.
Private Sector

What are the differences when it comes to stress?

Too much
Too little
Just Right...

Yerkes & Dodson



Our Bodies...

Vs.

Our Minds...



**The Key to Managing
Stress...**



Self-Awareness

**Do You Like What You
Do Each Day?**

Career wellbeing = 2x
more likely to be thriving
in lives overall

FLOW

Values
Strengths
Purpose

**4 Insights and
Strategies to Manage
Stressors**

#1 Our Conscious Thinking is Limited

What's the Truth about Multi-tasking?



Dual Task Interference

Constant emailing, text messaging reduces mental capability by average of 10 points on IQ test.

“Always On” Can Lead to Burnout

Takes a toll on the body
Impacts performance and memory

Strategies

Practice establishing embedded routines
Get ideas out of head
Mix up attention
Right order of decisions

Timing is Everything

What is the degree of difficulty?
HALT

**#2 Our Brains Crave
Certainty and
Autonomy**

Strategies

Normalize Experience
Cognitive Reappraisal

Perspective

We create our own
interpretation of what is
real.

Expectations drive
reactions

Exercise 1

What do you see here?



Exercise 2

What do you see here?



Labeling:

How does it help?

How does it hurt?

Word Puzzle
H,I,J,K,L,M,N,O

Inhibition
Central to creativity

Create Positivity
Find ways to use strengths at work
Exercising a strength releases positive emotion
Focus on strengths during impasse

**Put crossword puzzles
and cards in waiting
room.**

**What one experience in
life has consistently
been found to increase
happiness over a long
time?**

**#3 We Need to Feel
Connected to Others**



We Mirror Others



When I see you smile
I smile.

Friend or Foe?

Automatic response of
mistrust with strangers.

Generate more Oxytocin

Establishing rapport or
connection at beginning
of interaction is crucial

Importance of Social Support

Associated with reduced reactivity to other stressors.

Importance of Play

Lack of play: effects similar to sleep deprivation.

Strategies

Emotional & Social Intelligence
Identify commonalities
Smile, handshake
Acknowledge, listen
Water cooler conversations

Dealing with Impasse

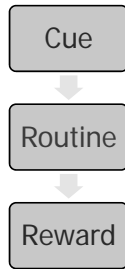
Requires creative thinking
Need for safety, certainty
Need for fairness
Requires ability to self regulate
Transparency critical

Say colors below

Black
Grey
Black
Grey

**#4 Habits Can Not Be
Extinguished; We Need
to Develop New Ones**

Habit equation



Change Habit

Keep cue and reward the same,
develop new routine



Strategies

Link new routine with
stimulation (create
craving)

Belief, support linked to
success

Chain Reaction

Changing habit in one area will spill over into other areas

Visualization...



Gratitude

Now that my house has burned down, I have a better view of the sky.

Zen saying

Secondary Traumatic Stress in Attorneys and Their Administrative Support Staff Working With Trauma-Exposed Clients

Andrew P. Levin, MD,*† Linda Albert, LCSW,‡ Avi Besser, PhD,§ Deborah Smith, JD,|| Alex Zelenski, MBA,‡ Stacey Rosenkranz, PhD,¶ and Yuval Neria, PhD†#

Abstract: Although secondary trauma has been assessed in various groups of mental health professionals, few studies, to date, have examined secondary trauma among attorneys exposed to clients' traumatic experiences. This study examined indicators of secondary trauma among attorneys ($N = 238$) and their administrative support staff ($N = 109$) in the Wisconsin State Public Defender Office. Attorney participants demonstrated significantly higher levels of post-traumatic stress disorder symptoms, depression, secondary traumatic stress, burnout, and functional impairment compared with the administrative support staff. This difference was mediated by attorneys' longer work hours and greater contact with clients who had experienced or had been directly involved with trauma. Sex, age, years on the job, office size, and personal history of trauma did not predict symptoms. These findings suggest a need to support attorneys experiencing these symptoms and to address high workloads as well as the intensity of contact with trauma-exposed clients.

Key Words: Attorneys, secondary traumatic stress, PTSD, depression, functional impairment, burnout.

(*J Nerv Ment Dis* 2011;199: 946–955)

The phenomenon of Secondary Traumatic Stress (STS; Figley, 1995) or Vicarious Traumatization (VT; McCann and Pearlman, 1990) have been described since the mid-1980s, roughly coinciding with the growth in treatments focused on clients who were victims of trauma. Originally described in therapists, secondary trauma occurs when the professional develops intrusive thoughts, avoidance and withdrawal, and symptoms of tension and disturbed sleep related to exposure to traumatic material presented by the client (Figley, 1995). In addition, the professional may develop alterations in "basic assumptions" about themselves, people, society, and safety (McCann and Pearlman, 1990). In addition to STS and VT, professionals working intensely with clients develop Burnout (BO), an accumulation of stress and the erosion of idealism characterized by fatigue, poor sleep, headaches, anxiety, irritability, depression, hopelessness, aggression, cynicism, and substance abuse (Farber and Heifetz, 1982). In this study, we examined the impact of work with clients who have experienced or have been directly involved in trauma on attorneys and their administrative support staff in the Wisconsin State Public Defender Office.

Available research among mental health and social service providers has identified several risk factors for the development of

STS and VT including female sex (Kassam-Adams, 1999), intensity of the exposure (Creamer and Liddle, 2005; Erikson et al., 2001; Kassam-Adams, 1999), history of previous trauma (Brady et al., 1999; Bride et al., 2007; Kassam-Adams, 1999), and less experience on the job (Pearlman and Mac Ian, 1995). Subsequent studies have suggested the primary importance of organizational and work-related factors compared with exposure (Baird and Jenkins, 2003; Devilly et al., 2009; Regehr et al., 2004) and have found no relationship with personal trauma history (Boscarino et al., 2004; Ortlepp and Friedman, 2002; Schnaube and Frazier, 1995). Risk factors for BO include female sex, overwork, the slow and erratic pace of the work, lack of success, and the tendency of the work to raise personal issues (Jenkins and Baird, 2002; Maslach et al., 2001).

Drawing on the concepts of STS and VT, the "clinical" (practice-related) law literature was the first to address the impact of lawyer-client relationship on the attorney (Meier, 1993; Silver, 1999) and the need for increased training of attorneys in managing the "face-to-face, long-term, and intensely personal relationship" that develops between client and attorney (Allegretti, 1993, p. 7). Early quantitative studies of attorneys focused on rates of depression, identifying a 20% rate of clinically significant depression in the attorneys who were surveyed (Benjamin et al., 1990; Eaton et al., 1990).

Only a handful of studies have attempted to characterize and quantify secondary trauma and BO symptoms experienced by attorneys and delineate their relationship to risk factors. Using semistructured interviews of 23 Canadian prosecutors working with "sensitive cases" involving domestic violence and incest, Gomme and Hall (1995) found symptoms of demoralization, anxiety, helplessness, exhaustion, and social withdrawal that were qualitatively linked to high caseloads and long work hours. Lynch (1997) reported that public defenders ranked work overload, the unpredictability of trials, the frequent lack of a defense, harsh sentences, arguing with prosecutors, and interactions with angry clients and families as the most frequent and intense sources of job stress but did not relate these to any symptom measures. More recently, Levin and Greisberg (2003) compared 55 attorneys working in family and criminal court with 87 mental health professionals and 25 social service workers. Their results indicated that compared with the other groups, attorneys demonstrated higher levels of secondary trauma and BO that were correlated with caseload. Comparing 50 attorneys working in criminal courts with 50 working in the civil arena, Vrlevski and Franklin (2008) found more depressive symptoms, subjective stress, and changes in sense of safety and intimacy among the criminal attorneys. A personal history of multiple traumas predicted higher scores on measures of vicarious trauma, post-traumatic stress, and depression. Piwowarczyk et al. (2009) reported that among 57 attorneys specializing in asylum cases, the hours per week devoted to those cases correlated with trauma score. All three of these studies of distress in attorneys suggest a relationship between exposure to trauma and distress but suffer from small sample size, selection bias involving convenience samples, and relatively low percentage responses from the pool of possible subjects (Levin and Greisberg, 2003; Piwowarczyk et al., 2009; Vrlevski and Franklin, 2008).

The current study sought to address those limitations in a relatively larger study, assessing the relationships between exposure to

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clients' traumatic experiences and a range of outcomes including posttraumatic stress disorder (PTSD) symptoms, depression, functional impairment, and STS and BO symptoms in attorneys and administrative support staff working at the Wisconsin State Public Defender Office. In light of previous studies, we hypothesized that a) the average number of hours working and the caseload of trauma-exposed clients would predict higher symptom load and b) attorneys would experience greater symptoms than would administrative support staff because of their greater client involvement. Moreover, we conceptualized attorneys' work-related exposure (hours per week working and number of trauma-exposed clients) as mediating variables¹ based on our interpretation of the literature on both exposure and STS. As such and consistent with the literature on exposure, our primary hypothesis was that c) work-related exposure would serve as a vehicle through which being directly versus indirectly exposed to clients who had experienced or had been directly involved in trauma is associated with psychological symptoms. Specifically, attorneys, in comparison with administrative support staff, were expected to report high levels of exposure, which, in turn, would be associated with their significantly higher levels of PTSD symptoms, depression, functional impairment, STS, and BO symptoms. Lastly, the study explores the relationship between personal characteristics such as age, sex, years on the job, office size, and personal trauma history and the outcome variables. Given that the findings have varied for these factors in previous studies, we did not predict specific effects for these independent variables.

METHODS

Participants and Procedures

We sampled participants for this study from the Wisconsin State Public Defender Office. At the time of the study (in early 2010) there were a total of 474 potential participants, including 307 attorneys and 167 administrative support staff, in the 38 offices across the state. The attorneys routinely interact closely with defendants in local jails, prisons, courthouses, and in their own offices. Cases run the gamut from mild violence or substance abuse to homicide and sexual offenses such as rape or child abuse. In addition to hearing first-hand accounts, the attorneys review reports and photographs and have contact with physical evidence such as bloody clothing. Administrative support staff typically performs brief financial eligibility evaluations in their offices and at times, at the jail. On occasion, defendants spontaneously relate details of their offense to the support staff, who also have contact with reports and photographs.

Potential participants received encouragement to participate in the study from the Wisconsin State Public Defender Office and the State Bar of Wisconsin as part of a program to raise awareness about stress. Survey materials were made available online by the survey office of the State Bar of Wisconsin. Potential participants received an email providing the necessary link to the questionnaires and were encouraged to complete the survey from personal computers on the job site. All subjects were provided with informed consent in the form of a cover letter at the start of the online survey packet. Proceeding to the questionnaire indicated consent. Participation was voluntary and anonymous. The research proposal was reviewed and approved by the Westchester Jewish Community Services Research Committee as well

¹Baron and Kenny (1986) characterize mediation as a case in which a variable, such as exposure, functions as a "generative mechanism through which a focal independent variable [such as attorney vs. support staff] is able to influence the dependent variable of interest" (p. 1173; see also Frazier et al., 2004). Mediation occurs when an external variable such as exposure better explains a relationship between a predictor, such as being directly (attorneys) versus indirectly (administrative support staff) exposed to trauma-exposed clients, and an outcome, such as various symptoms (Frazier et al., 2004).

as its board of directors and chief executive officers. Leadership at both the Wisconsin Public Defenders Office and the Wisconsin Bar also reviewed and approved the study. The final sample contains 347 participants (an overall response rate of 73.20%) including 238 attorneys (response rate of 77.52%) and 109 administrative support staff (response rate of 65.27%).

Measures

Background and Trauma Exposure Assessments

Demographic and personal information included age, sex, job description (attorney versus administrative support staff), number of years on the job, average number of hours worked per week (for the previous 3 months), and size of local office (total staff) specified on a 1-to-4 scale: less than 10 (1), 10 to 20 (2), 21 to 40 (3), and greater than 40 (4). Because participants expressed a strong need to protect their anonymity, information regarding the specific office where the participant worked as well as ethnic origin was omitted.

Personal history of trauma was gathered by asking, "Have you been a victim of any of the following types of trauma? Please estimate numbers of incidents from childhood/adolescence (up to age 15)." Types of trauma were divided into six groups: a) physical assault or abuse, b) sexual assault or abuse, c) witness to violence, d) other crime victim, e) fire, and f) natural disaster. The question was repeated for age 16 years and older. Sum scores were generated for each of the age periods for the a) total number of physical and sexual assault or abuse incidents and b) total number of nonphysical/nonsexual trauma incidents.

Exposure to client trauma was assessed by asking, "How many clients have you worked with, within the last three months who had experienced or been directly involved with trauma such as death, physical assault or abuse, domestic violence, rape, violence or fire?" Participants were instructed to select the closest number on a 0-to-5 scale: none (0), 1 to 20 (1), 21 to 40 (2), 41 to 60 (3), 61 to 80 (4), and 81 or more (5).

Outcome Variables

PTSD symptoms

The Impact of Events Scale-Revised (IES-R; Weiss and Marmar, 1997) was used to assess the symptoms of PTSD. This instrument is composed of 22 items derived from the PTSD criteria according to the *DSM-IV* (American Psychiatric Association, 1994). Respondents were asked to rate each item on a scale of 0 (not at all), 1 (a little bit), 2 (moderately), 3 (quite a bit), and 4 (extremely), according to how distressed they had been by symptoms of intrusion, hyperarousal, and avoidance over the past 7 days. All participants were asked to specifically link the symptoms to traumatic material related to a case or cases they had encountered as part of their work. No time frame was specified regarding when the material was encountered. The IES-R has good psychometric properties (Creamer et al., 2003) and has good convergent validity with other measures of PTSD (Ljubotina and Muslic, 2003). In the present study, we obtained internal consistency Cronbach's alpha reliability coefficients of $\alpha = 0.80, 0.82,$ and $0.87,$ for avoidance, hyperarousal, and intrusion, respectively. The maximum score for the scale is 88; a cutoff of 1.5 (equivalent to a total score of 33) was found to provide the best diagnostic accuracy (Creamer et al., 2003).

Depressive symptoms

The Center for Epidemiological Studies Depression Scale (CES-D; Radloff, 1977) is a 20-item scale designed to measure the severity of current depression in the general population. The items, each of which is assessed on a scale from 0 to 3, measure depressed mood, feelings of guilt and worthlessness, feelings of helplessness and hopelessness, psychomotor retardation, loss of appetite, and sleep

disturbances (Radloff, 1977). All participants were asked to report symptoms they had felt in the past week. The CES-D is in wide use and has acceptable levels of internal consistency (Radloff, 1977). Extensive evidence from a variety of samples attests to the reliability and validity of the CES-D (Eaton et al., 2004). In the present sample, the estimate of internal consistency Cronbach's alpha reliability coefficient was 0.90. A score of 16 or higher (of a possible maximum of 60) has been used as the cutoff point for high likelihood of clinically significant depression (Radloff, 1977).

Functional impairment levels

The Sheehan Disability Scale (SDS; Sheehan et al., 1996) was used to assess the extent to which exposure to clients' traumatic material interfered with functioning in three spheres. Participants rated the following question (in three forms): "My feelings about the clients and cases at work have disrupted my (work, social life/leisure, or family life/home responsibilities)" on a 0-to-10 visual analogue scale with the following descriptions: none (0), mild (1 to 3), moderate (4 to 6), severe (7 to 9), and very severe (10). In the present sample, the estimate of internal consistency Cronbach's alpha reliability coefficient was 0.92. According to the scale's authors, a score of 5 or higher for any of the three questions is associated with significant functional impairment (Sheehan et al., 1996).

Levels of STS and BO

The Professional Quality Of Life Scale Version 5 (ProQOL5; Stamm, 2010) is a 30-item questionnaire broken into three 10-item groups measuring Compassion Satisfaction (CS), STS, and BO. The CS dimension (CS) "is about the pleasure you derive from being able to do your work well" (Stamm, 2010, p. 12), with higher scores indicating greater work satisfaction. STS items measure fear, sleep difficulties, intrusive images, or avoiding reminders of the person's traumatic experiences. BO items measure feelings of hopelessness and difficulties in dealing with work. Higher scores on these dimensions indicate more distress. Participants were instructed to answer questions with respect to their reactions and symptoms in the previous 30 days as related to work at the Wisconsin State Public Defender Office. Responses were scored on a 1-to-5 visual analogue scale, with never (1), rarely (2), sometimes (3), often (4), and very often (5). In the present sample, the estimates of internal consistency Cronbach's alpha reliability coefficients were 0.90, 0.85, and 0.83 for CS, STS, and BO, respectively. These are similar to alpha coefficients reported by Stamm (2010): 0.88, 0.81, and 0.75 for CS, STS, and BO, respectively. Analysis of the scale produces Z scores that are then converted to T-scores, with a mean (SD) of 50 (10). A T-score greater than 57 for CS or greater than 56 for STS and BO are above the 75th percentile in samples used in the development of the scale (Stamm, 2010).

Data Analysis

Descriptive statistics were first calculated for demographics, trauma history, and work and exposure variables and compared between groups using *t*-tests. Groups were compared regarding sex differences using chi-square analyses. Mean scores for the IES-R, CES-D, SDS, and the three subscales of the ProQOL5 were calculated and compared between groups using *t*-tests. In addition, the cutoff scores for each of the measures for the two groups were compared using chi-square analyses. We then performed a bivariate analysis correlating demographics, work variables, exposure and trauma history with the symptoms scales.

After these initial tests, we tested our hypotheses regarding the mediating role of work-related exposure for the outcome variables using multivariate analyses with an structural equation modeling (SEM; Hoyle and Smith, 1994) strategy that assessed measurement errors for the dependent and independent variables using AMOS software (Version 18.0.0; Arbuckle, 2009) and the maximum likelihood method. A nonsignificant chi-square value has traditionally been

used as a criterion for not rejecting an SEM model; a nonsignificant chi-square value indicates that the discrepancy of the matrix of the parameters estimated based on the model being evaluated is not different from the one based on empirical data. Because of the restrictiveness of the chi-square approach for assessing model fit (Bentler and Bonnet, 1980; Jöreskog and Sörbom, 1993; Kenny and McCoach, 2003; Landry et al., 2000), we also used alternate criteria that reflect the real-world conditions of clinical research, in addition to the overall chi-square test of exact fit to evaluate the proposed models: a) the chi-square/*df* ratio, b) the root mean square error of approximation (RMSEA), c) the comparative fit index (CFI), and d) the nonnormed fit index (NNFI). A model in which the chi-square/*df* was 2 or less, CFI and NNFI were greater than 0.95, and the RMSEA index was between 0.00 and 0.06 with confidence intervals between 0.00 and 0.08 (Hu and Bentler, 1999) was deemed acceptable. These moderately stringent acceptance criteria clearly reject inadequate or poorly specified models while accepting for consideration models that meet real-world criteria for reasonable fit and representation of the data (Kelloway, 1998).

RESULTS

Group Differences

We first compared the attorneys and the administrative support staff groups on background and work characteristics (Table 1), work-related exposure and personal history of previous trauma (Table 1), and the study outcome variables (Table 2). No significant differences were found with regard to age and size of local office. However, as shown in Table 1, the administrative support staff group has significantly fewer men than the attorneys group, and participants in the attorneys' group reported significantly more years on the job and of hours per week working compared with the administrative support staff group. No significant differences were found for childhood or adulthood-related exposure variables. However, as shown in Table 1, participants in the attorneys group reported working with significantly more clients who experienced or were directly involved in trauma compared with the administrative support staff group.

Comparing attorneys and support staff on outcome variables (Table 2), attorneys had significantly higher mean scores on all measures except CS, the latter being lower among attorneys than among administrative support staff. Furthermore, significantly more participants in the attorney group met screening criteria for PTSD (11% vs. 1%), depression (39.5% vs. 19.3%), functional impairment (74.8% vs. 27.5%), BO (37.4% vs. 8.3%), and STS (34% vs. 10.1%) compared with the administrative support group. Only a minority of attorneys (19.3%) and administrative supports staff (25.7%) reported CS above the 75th percentile level (the groups did not differ) compared with norms for the ProQOL5 CS.

Bivariate Associations

Table 3 provides a summary of the zero-order correlations for all of the study variables. Sex, age, years on the job, size of local office, and a personal history of childhood or adult trauma did not significantly correlate with any of the outcome variables. Group membership (attorneys vs. administrative support staff) was significantly associated with all outcomes, except with the ProQOL5 CS scale, with attorneys reporting higher scores for symptoms and impairment. In addition, work-related exposure as measured by the average number of hours working and the number of clients worked with in the last 3 months who experienced or were directly involved with trauma were both significantly and positively correlated with symptom measures, again with the exception of the ProQOL5 CS scale. For each of the three variables with significant correlations to outcome variables, the strongest correlations were consistently seen with BO and functional impairment.

TABLE 1. Background and Trauma Exposure Variables Among Attorneys and Administrative Support Staff

Background Variables	Attorney (N = 238)		Administrative Support Staff (N = 109)		Statistic	
	Mean	SD	Mean	SD		
Sex						
Female	132		94		$\chi^2 = 34.29^{**}$	
Male	106		13			
	Mean	SD	Mean	SD	t (df = 343)	Effect Size (d)
Age	45.72	11.00	45.07	11.32	0.50, ns	0.06
Years on the job	15.22	10.26	12.11	8.47	2.65*	0.31
Average number of hours working	46.43	9.08	34.73	9.74	10.72**	1.24
Size of local office	2.39	1.02	2.53	1.00	-1.17, ns	-0.14
Trauma exposure variables						
Childhood trauma						
Physical and sexual abuse	3.16	15.37	3.27	15.13	-0.60, ns	-0.07
Not physical and sexual abuse	4.02	16.37	1.50	5.90	1.54, ns	0.18
Adulthood trauma						
Physical and sexual abuse	4.90	15.43	3.96	11.26	0.57, ns	0.07
Not physical and sexual abuse	3.59	13.79	1.78	5.88	1.31, ns	0.15
Work-related trauma						
Number of clients working with in the last 3 mos who experienced or were directly involved with trauma	3.20	1.299	1.98	1.455	7.70**	0.89

*p < 0.01 (two-tailed).
 **p < 0.001 (two-tailed).
 ns indicates not significant.

Multivariable Analyses

The Mediating Models

In testing our primary hypothesis that work-related exposure variables mediate the relationships between groups and PTSD symptoms (IES-R), depressive symptoms (CES-D), functional impairment (SDS), and levels of STS and BO (ProQOL5), we followed Baron and Kenny's (1986) criteria for mediation, according to which, a) there must be a significant association between the predictor and criterion variables; b) in an equation including both the mediator and the criterion variable, there must be a significant association between the predictor and the mediator, and the mediator must be a significant predictor of the criterion variable; and c) there must be a decrease in the direct relationship between the independent and the dependent variables (Baron and Kenny, 1986; Kenny et al., 1998). If the significant direct relationship between the predictor and the criterion variables decreases when both the mediator and the predictor variable are included in the equation, then the obtained pattern is consistent with the mediation hypothesis. If the direct association approaches zero, the mediator fully (although not necessarily exclusively) accounts for the relation between the predictor and the criterion (Baron and Kenny, 1986). As a further test of mediation, MacKinnon et al.'s (2002) z' test was used to examine the significance of the indirect relationship between the independent variable and the dependent variable via the hypothesized mediator.

Models for the Prediction of PTSD symptoms (IES-R)

Direct association model

We first confirmed the existence of a significant direct relation between groups and PTSD symptoms. We defined the latent PTSD construct (factor) using participants' intrusion, avoidance, and hyperarousal scores as its indicators. This model fit the observed data well ($\chi^2[2] = 2.081, p = 0.35, \chi^2/df = 1.04, NNFI = 1.0, CFI = 1.00, RMSEA = 0.01$ [confidence interval (CI), 0.000 to 0.08]). As predicted, attorneys were significantly associated with high levels of

PTSD symptoms ($\beta = 0.26, t = 4.833, p < 0.0001$). This model significantly explained 7% of the variance in PTSD symptoms.

Mediational association model

We tested whether work-related exposure (the mediators) significantly reduced (accounted for) the direct relation between groups and PTSD symptoms (the outcome). To do this, we specified a model in which groups had a direct path to PTSD symptoms, as well as an indirect path through work-related exposure variables (controlling for the shared variance among mediators). The mediational model fit the observed data well ($\chi^2[6] = 6.346, p = 0.386, \chi^2/df = 1.06, NNFI = 1.0, CFI = 1.0, RMSEA = 0.01$ [CI, 0.000 to 0.07]). As noted earlier, the direct path from groups to PTSD symptoms was significant. However, this path became significantly weaker ($\beta = 0.09, t = 1.46$, not significant [ns]) when hours at work ($z' = 3.06, p < 0.01$) and exposure to trauma-exposed clients ($z' = 3.003, p < 0.01$) were included in the model. As shown in Figure 1, attorneys were significantly associated with higher hours at work ($\beta = 0.50; t = 10.71, p < 0.0001$), which, in turn, was associated with PTSD symptoms ($\beta = 0.20; t = 3.18, p < 0.001$); moreover, attorneys were significantly associated with higher exposure to trauma-exposed clients ($\beta = 0.39; t = 7.76, p < 0.0001$), which, in turn, was associated with PTSD symptoms ($\beta = 0.19; t = 3.23, p < 0.001$). Therefore, the work-related exposure variables mediated (albeit not exclusively) the attorneys' vulnerability to PTSD symptoms. This model significantly explained 14% of the variance in PTSD symptoms. Therefore, when work-related exposure (the mediators) was included in the model, it added a significant 7% to the explained variance in PTSD symptoms.

Models for the Prediction of Functional Impairment Levels (SDS)

Direct association model

We first confirmed the existence of a significant direct relation between groups and functional impairment. We defined the latent SDS construct (factor) using the participants' SDS scales scores as its

TABLE 2. Means, SDs, and Prevalence of Cutoff Scores for Outcome Variables

	Attorney (N = 238; 69%)		Administrative Support Staff (N = 109; 31%)		t (df = 343)	Effect Size (d)
	Mean	SD	Mean	SD		
PTSD						
IES-R intrusion	0.73	0.58	0.46	0.34	4.52**	0.52
IES-R avoidance	0.65	0.65	0.33	0.49	4.42**	0.51
IES-R hyperarousal	0.55	0.65	0.25	0.44	4.31**	0.50
<33	212		108		$\chi^2 = 10.21^{**}$	
>33	26 (11%)		1 (0.92%)			
CES-D	14.08	10.27	8.91	7.68	4.66**	0.54
<16	144		88		$\chi^2 = 13.11^{**}$	
>16	94 (39.5%)		21 (19.3%)			
SDS	9.80	6.77	3.61	4.57	8.58**	0.99
<5	60		79		$\chi^2 = 66.30^{**}$	
>5	178 (74.8%)		30 (27.5%)			
ProQOL5 ^a -CS	34.92	6.53	36.62	6.46	2.24*	0.26
<57	192		81		$\chi^2 = 2.05$, ns	
>57	46 (19.3%)		28 (25.7%)			
ProQOL5 ^a -BO	27.36	6.09	21.57	5.36	8.47**	0.98
<56	149		100		$\chi^2 = 34.99^{**}$	
>56	89 (37.4%)		9 (8.3%)			
ProQOL5 ^a -STS	21.20	5.91	16.82	4.80	6.73**	0.78
<56	157		98		$\chi^2 = 21.30^{**}$	
>56	81 (34%)		11 (10.1%)			

^aAt the 75th percentile.

*p < 0.05 (two-tailed).

**p < 0.001 (two-tailed).

PTSD indicates posttraumatic stress disorder; IES-R, Impact of Events Scale–Revised; CES-D, Center for Epidemiological Studies Depression Scale; SDS, Sheehan Disability Scale; ProQOL5, Professional Quality of Life Scale version 5; CS, Compassion Satisfaction; BO, Burnout; STS, Secondary Traumatic Stress; ns, not significant.

indicators. This model fit the observed data well ($\chi^2[2] = 0.70$, $p = 0.71$, $\chi^2/df = 0.35$, NNFI = 1.0, CFI = 1.00, RMSEA = 0.000 [CI, 0.000 to 0.07]). As predicted, attorneys were significantly associated

with high levels of functional impairment symptoms ($\beta = 0.44$, $t = 8.370$, $p < 0.0001$). This model significantly explained 20% of the variance in SDS.

TABLE 3. Correlations Between Predictors and Outcome Variables

	PTSD (IES-R)			ProQOL5			CES-D	SDS
	Intrusion	Avoidance	Hyper-Arousal	CS	BO	STS		
Group ^a	0.24*	0.24*	0.23*	-0.12	0.42*	0.34*	0.24*	0.42*
Sex ^b	-0.00	-0.07	-0.04	0.07	0.02	-0.09	-0.04	-0.05
Age	0.01	-0.06	-0.05	0.07	-0.03	-0.05	-0.09	-0.07
Years on the job	0.10	0.04	0.05	0.00	0.09	0.09	0.03	0.08
Average number of hours working	0.29*	0.26*	0.25*	-0.05	0.38*	0.37*	0.26*	0.40*
Size of local office	0.12	0.01	0.10	0.10	-0.02	-0.00	0.04	0.07
Childhood physical and sexual abuse	0.12	0.11	0.16	-0.04	0.10	0.15	0.13	0.15
Childhood not physical and sexual abuse	-0.01	-0.01	0.06	-0.03	0.08	0.07	0.05	0.04
Adulthood physical and sexual abuse	0.02	-0.02	0.04	-0.03	0.05	0.05	0.03	-0.00
Adulthood not physical and sexual abuse	-0.00	-0.04	0.02	-0.02	0.04	0.02	0.01	-0.02
Work-related exposure	0.24*	0.28*	0.27*	-0.17	0.38*	0.31*	0.30*	0.37*

To ensure that the overall chance of a type I error remained less than 0.05; we applied a full Bonferroni correction.

^aGroup is a binary-coded variable (0, administrative support staff; 1, attorney).

^bSex is a binary-coded variable (0, women; 1, men).

*p < 0.001 (two-tailed).

PTSD indicates posttraumatic stress disorder; IES-R, Impact of Events Scale–Revised; CES-D, Center for Epidemiological Studies Depression Scale; SDS, Sheehan Disability Scale; ProQOL5, Professional Quality of Life Scale version 5; CS, Compassion Satisfaction; BO, Burnout; STS, Secondary Traumatic Stress.

Models for the Prediction of Levels of STS and BO (ProQOL5)

Direct association model

We first confirmed the existence of a significant direct relation between groups and ProQOL5 STS and BO. We defined the latent ProQOL5 construct (factor) using participants' STS and BO scales as its indicators. This model has zero degrees of freedom; thus, fit indices could not be estimated. As predicted, attorneys were significantly associated with high levels of STS and BO symptoms ($\beta = 0.45, t = 6.74, p < 0.0001$). This model significantly explained 20% of the variance in ProQOL5 STS and BO.

Mediational association model

We tested whether work-related exposure (the mediators) significantly reduced (accounted for) the direct relation between groups and STS and BO symptoms (the outcome). To do this, we specified a model in which groups had a direct path to ProQOL5 symptoms, as well as an indirect path through work-related exposure variables (controlling for the shared variance among mediators). The mediational model fit the observed data well ($\chi^2[2] = 2.939, p = 0.23, \chi^2/df = 1.47, NNFI = 1.0, CFI = 1.0, RMSEA = 0.004 [CI, 0.000 to 0.08]$). As noted earlier, the direct path from groups to ProQOL5 symptoms was significant. However, this path became significantly weaker ($\beta = 0.24, t = 3.866, p < 0.0001$) when hours at work ($z' = 3.60, p < 0.001$) and

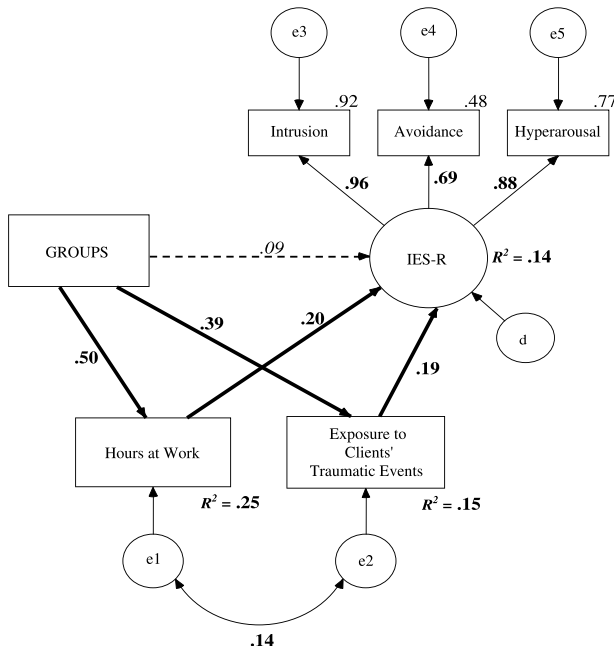


FIGURE 1. Mediation model for PTSD symptom levels (IES-R). Rectangles indicate measured variables and large circles represent latent constructs. Small circles reflect residuals (e) or disturbances (d); bold numbers above or near endogenous variables represent the amount of variance explained (R^2). Unidirectional arrows depict hypothesized directional or "causal" links. Standardized maximum likelihood parameters are used. Bold estimates are statistically significant. GROUPS is a binary-coded variable (0, administrative support staff; 1, attorney). IES-R indicates Impact of Events Scale-Revised.

Mediational association model

We tested whether work-related exposure (the mediators) significantly reduced (accounted for) the direct relation between groups and functional impairment symptoms (the outcome). To do this, we specified a model in which groups had a direct path to SDS symptoms, as well as an indirect path through work-related exposure variables (controlling for the shared variance among mediators). The mediational model fit the observed data well ($\chi^2[6] = 6.103, p = 0.412, \chi^2/df = 1.02, NNFI = 1.0, CFI = 1.0, RMSEA = 0.007 [CI, 0.000 to 0.07]$). As noted earlier, the direct path from groups to SDS symptoms was significant. However, this path became significantly weaker ($\beta = 0.25, t = 4.24, p < 0.0001$) when hours at work ($z' = 3.83, p < 0.001$) and exposure to clients' traumatic events ($z' = 3.60, p < 0.001$) were included in the model. As shown in Figure 2, attorneys were significantly associated with higher hours at work ($\beta = 0.50; t = 10.69, p < 0.0001$), which, in turn, was associated with SDS symptoms ($\beta = 0.21; t = 4.09, p < 0.0001$); moreover, attorneys were significantly associated with higher exposure to trauma-exposed clients ($\beta = 0.39; t = 7.78, p < 0.0001$), which, in turn, was associated with SDS symptoms ($\beta = 0.19; t = 4.03, p < 0.0001$). Therefore, work-related exposure variables mediated (albeit not exclusively) the attorneys' vulnerability to functional impairment symptoms. This model significantly explained 29% of the variance in SDS. Therefore, when work-related exposure (the mediators) was included in the model, it added a significant 9% to the explained variance in SDS.

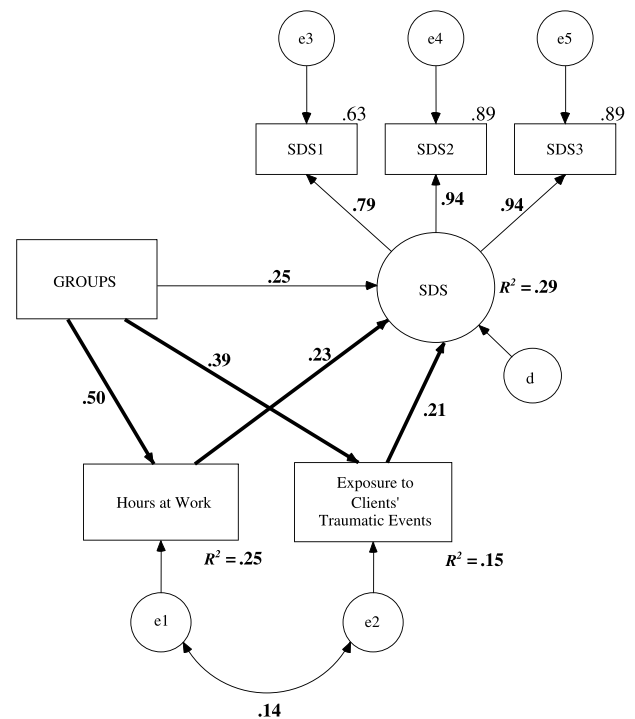


FIGURE 2. Mediation model for functional impairment levels (SDS). Rectangles indicate measured variables and large circles represent latent constructs. Small circles reflect residuals (e) or disturbances (d); bold numbers above or near endogenous variables represent the amount of variance explained (R^2). Unidirectional arrows depict hypothesized directional or "causal" links. Standardized maximum likelihood parameters are used. Bold estimates are statistically significant. GROUPS is a binary-coded variable (0, administrative support staff; 1, attorney). SDS indicates Sheehan Disability Scale.

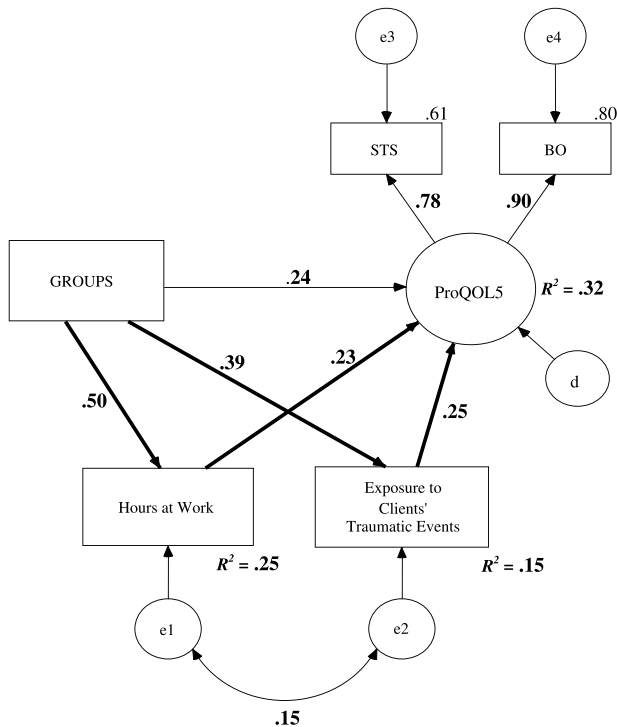


FIGURE 3. Mediation model for secondary traumatic stress and burnout levels (ProQOL5). Rectangles indicate measured variables and large circles represent latent constructs. Small circles reflect residuals (e) or disturbances (d); bold numbers above or near endogenous variables represent the amount of variance explained (R^2). Unidirectional arrows depict hypothesized directional or “causal” links. Standardized maximum likelihood parameters are used. Bold estimates are statistically significant. GROUPS is a binary-coded variable (0, administrative support staff; 1, attorney). ProQOL5 indicates Professional Quality of Life Scale version 5.

exposure to trauma-exposed clients ($z' = 3.85, p < 0.001$) were included in the model. As shown in Figure 3, attorneys were significantly associated with higher hours at work ($\beta = 0.50; t = 10.70, p < 0.0001$), which, in turn, was associated with ProQOL5 symptoms ($\beta = 0.23; t = 3.81, p < 0.0001$); moreover, attorneys were significantly associated with higher exposure to trauma-exposed clients ($\beta = 0.39; t = 7.80, p < 0.0001$), which, in turn, was associated with ProQOL5 symptoms ($\beta = 0.25; t = 4.38, p < 0.0001$). Therefore, work-related exposure variables mediated (albeit not exclusively) the attorneys' vulnerability to STS and BO symptoms. This model significantly explained 32% of the variance in ProQOL5 STS and BO. Therefore, when work-related exposure (the mediators) was included in the model, it added a significant 12% to the explained variance in ProQOL5 STS and BO.

Models for the Prediction of Depressive Symptoms (CES-D)

Direct association model

We first confirmed the existence of a significant direct relation between groups and depressive symptoms. We defined the observed variable CES-D scores. This model has zero degrees of freedom; thus, fit indices could not be estimated. As predicted, attorneys were significantly associated with high levels of depressive symptoms ($\beta = 0.24,$

$t = 4.67, p < 0.0001$). This model significantly explained 6% of the variance in CES-D symptoms.

Mediation association model

We tested whether work-related exposure (the mediators) significantly reduced (accounted for) the direct relation between groups and depressive symptoms (the outcome). To do this, we specified a model in which groups had a direct path to CES-D symptoms, as well as an indirect path through work-related exposure variables (controlling for the shared variance among mediators). This model (Fig. 4) has zero degrees of freedom; thus, fit indices could not be estimated. As noted earlier, the direct path from groups to CES-D symptoms was significant. However, this path became significantly weaker ($\beta = 0.08, t = 1.39, ns$) when hours at work ($z' = 2.45, p < 0.05$) and exposure to trauma-exposed clients ($z' = 3.20, p < 0.01$) were included in the model. As shown in Figure 4, attorneys' were significantly associated with higher hours at work ($\beta = 0.50; t = 10.72, p < 0.0001$), which, in turn, was associated with CES-D symptoms ($\beta = 0.15; t = 2.51, p < 0.05$); moreover, attorneys were significantly associated with higher exposure to trauma-exposed clients ($\beta = 0.39; t = 7.76, p < 0.0001$), which, in turn, was associated with CES-D symptoms ($\beta = 0.22; t = 3.90, p < 0.0001$). Therefore, work-related exposure mediated (albeit not exclusively) the attorneys' vulnerability to depressive symptoms. This model significantly explained 12% of the variance in CES-D symptoms. Therefore, when work-related exposure

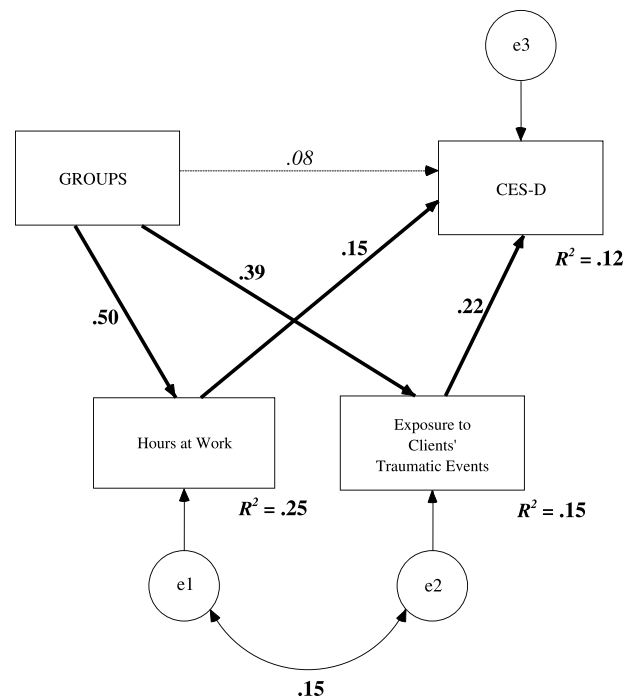


FIGURE 4. Mediation Model for Depressive Symptoms Levels (CES-D). Rectangles indicate measured variables and large circles represent latent constructs. Small circles reflect residuals (e) or disturbances (d); bold numbers above or near endogenous variables represent the amount of variance explained (R^2). Unidirectional arrows depict hypothesized directional or “causal” links. Standardized maximum likelihood parameters are used. Bold estimates are statistically significant. GROUPS is a binary-coded variable (0, administrative support staff; 1, attorney). CES-D indicates Center for Epidemiological Studies Depression Scale.

(the mediators) was included in the model, it added a significant 6% to the explained variance in CES-D symptoms.

DISCUSSION

To our knowledge, this is the largest study of attorneys' emotional responses to work with clients who have experienced or have been directly involved with trauma. Our data, collected from 238 attorneys and 109 administrative support staff of the Wisconsin State Public Defender Office, indicated a significant level of distress among the attorneys compared with administrative support staff. Measures of PTSD symptoms, depression, functional impairment, BO, and STS were consistently higher among attorneys compared with administrative support staff, which was predicted given the longer work hours and higher level of exposure to clients with a history of trauma among the attorneys. Bivariate analysis demonstrated that these measures of distress were, in fact, significantly correlated with hours worked per week and the number of trauma-exposed clients. Subsequent SEM modeling illustrated that work-related exposure variables (hours at work and number of trauma-exposed clients) were significant, albeit not exclusive, mediators of the differences of group membership on symptoms. Therefore, although both attorneys and administrative support staff were exposed to trauma-exposed clients, the attorneys' longer work hours and greater direct contact with these clients associated with their vulnerability to PTSD symptoms, depression, functional impairment, STS, and BO compared with the administrative support staff's indirect exposure to these trauma-exposed clients.

The findings of this study confirmed the results of earlier small studies (Levin and Greisberg, 2003; Vrlevski and Franklin, 2008) and also demonstrated a significant relationship between work and exposure variables and depression and functional impairment. Specifically, we found significant impairment in the attorney group, with 74.8% scoring above threshold on the SDS, 39.5% demonstrating significant symptoms of depression (compared with the earlier findings of a 20% rate of depression in attorneys [Benjamin et al., 1990; Eaton et al., 1990]), more than a third scoring above the 75th percentile on STS and BO, and 11% with clinically significant PTSD symptoms. In a recent review of secondary trauma, Elwood et al. (2011) pointed out that the secondary trauma literature has largely failed to characterize impairment in professionals experiencing secondary trauma. It appears that at least for attorneys working in the public defender setting, PTSD, secondary trauma, and BO symptoms are accompanied by significant impairment and rates of depression (Kessler et al., 1994) and PTSD (Kessler et al., 1995) greater than those reported in community samples.

In addition, the attorneys reported less compassion satisfaction on the ProQOL5 compared with administrative support staff, and only a minority in both groups reported high levels of satisfaction with their work. Linley and Joseph (2007), also using the ProQOL, found the therapeutic bond was the best predictor of compassion satisfaction in a sample of therapists. This suggests a need to better characterize the relationship between public defenders and their clients and its impact on work satisfaction, particularly given Lynch's (1997) finding that public defenders felt stressed by encountering angry clients and families.

Our SEM analysis raises a question concerning the relative contribution of general workload as measured in hours per week compared with that of exposure to traumatized clients, given that each made nearly equal contributions to the outcome measures. Although Figley (1995) proposed that secondary trauma is "the stress resulting from helping or wanting to help a traumatized or suffering person" (p. 7), Regehr et al. (2004) found that work load stressors such as documentation and lack of resources, as well as public scrutiny and organizational issues, played a stronger role in mediating STS and depression compared with client exposure. The stress of the work setting itself, particularly a public legal setting where attorneys have

high caseloads, are often not valued by clients, the justice system, or society and generally lack sufficient resources appears to make at least an equal contribution to overall distress (see also Lynch, 1997). Future studies are needed to better characterize the relationships between these stressors and attorneys' symptoms and functioning.

In contrast with the previous study by Vrlevski and Franklin (2008), no relationships were found between personal trauma and distress variables. Given that the literature for mental health providers is inconsistent (Brady et al., 1999 versus Boscarino et al., 2004), our finding is expectable. The disparate findings across studies may be related to the challenges of accurately measuring past trauma, that is, the subjects' hesitancy to record this information and their widely varying interpretations of this type of question. The two other findings were the lack of impact of sex or years on the job. Because previous literature studying therapists has found female sex predictive of STS (Kassam-Adams, 1999) our finding raises questions about differences between attorneys and their administrative support staff and mental health professionals. Regarding years on the job, available results are contradictory, at times indicating greater risk of symptoms of STS and BO with increasing years on the job (e.g., Jaffe et al., 2003) versus a protective effect of greater experience (Maslach et al., 2001; Pearlman and Mac Ian, 1995), suggesting that this variable is multidimensional and that its effects vary in different settings.

What emerges is that similar to mental health professionals, attorneys working as public defenders with clients who have experienced or have been directly involved in trauma are at high risk of developing clinically significant symptoms of secondary trauma and BO as well as depression and functional impairment. Our study adds a potential mechanism by which this high vulnerability is a result of the intensity of their exposure and the length of work hours. These findings point to the need to support attorneys in identifying the development of these symptoms and to implement interventions to reduce them. The current trend is to encourage professionals with STS and BO to seek peer and supervisory support, increase leisure and physical activity, seek counseling and psychiatric treatment as needed, and develop a variety of resiliency skills (e.g., Gentry et al., 2002). However, Bober and Regehr (2006) found that these individual approaches did not reduce traumatic stress scores. Instead, they recommended institutional interventions. Our findings reinforce this more nuanced picture and suggest that emphasis must be placed on reducing long work hours as well as on the extent of client exposure such as the rotation of attorneys between different types of services. Given that public defender services are underfunded and overloaded, these types of institutional changes remain a significant challenge.

There are several limitations to this study. Our study's cross-sectional nature limits any assignment of causality; our model cannot provide a definitive answer to the question of the direction of the observed effects. One might argue that mediation variables may have been affected by the outcome variables, that is, attorneys with more symptoms and impairment may have worked longer hours because of low efficiency or may have been attracted to work with clients who had experienced trauma. Second, the administrative support staff may not have represented the best comparison group. Although this group did provide a good comparator because of differences in work and exposure variables, another group of attorneys working with clients with no trauma exposure (e.g., corporate attorneys) may have been a better comparison, particularly given that attorneys and support staff differ in education and responsibilities. The administrative support staff group also had significantly fewer men than the attorney group, although the absence of a relationship between sex and outcomes suggests that this difference did not affect the study's findings.

Despite these limitations, our naturalistic study investigated a unique phenomenon that may well have significant ecological validity. To the best of our knowledge, the present study represents the first attempt to apply SEM analysis to the association between indicators

of STS symptoms and to examine the mediating role of work-related exposure in attorneys and administrative support staff. Our findings highlight the importance of theoretical models that include job-related description (direct versus indirect exposure to clients' traumatic events) and related job exposure (intensity and amount of exposure) and their role in the development of symptoms and impairment.

CONCLUSIONS

Attorneys working in the Wisconsin State Public Defender Office demonstrated significantly higher levels of PTSD symptoms, depression, STS, BO, and functional impairment compared with administrative support staff. This difference was mediated by attorneys' longer work hours and greater contact with clients who had experienced trauma. These findings suggest a need to support attorneys and administrative support staff experiencing these symptoms and to address high workloads as well as the intensity of contact with trauma-exposed clients.

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DISCLOSURE

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The authors have nothing to disclose.

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IMPACT OF EVENT SCALE - REVISED

INSTRUCTIONS: Below is a list of difficulties people sometimes have after stressful life events.

Please read each item, and then indicate how distressing each difficulty has been for you **DURING THE PAST SEVEN DAYS** with respect to _____, how much were you distressed or bothered by these difficulties?

		Not at All	A little Bit	Moderately	Quite a Bit	Extremely
1.	Any reminder brought back feelings about it.	0	1	2	3	4
2.	I had trouble staying asleep.	0	1	2	3	4
3.	Other things kept making me think about it.	0	1	2	3	4
4.	I felt irritable and angry.	0	1	2	3	4
5.	I avoided letting myself get upset when I thought about it or was reminded of it.	0	1	2	3	4
6.	I thought about it when I didn't mean to.	0	1	2	3	4
7.	I felt as if it hadn't happened or wasn't real.	0	1	2	3	4
8.	I stayed away from reminders about it.	0	1	2	3	4
9.	Pictures about it popped into my mind.	0	1	2	3	4
10.	I was jumpy and easily startled.	0	1	2	3	4
11.	I tried not to think about it.	0	1	2	3	4
12.	I was aware that I still had a lot of feelings about it, but I didn't deal with them.	0	1	2	3	4
13.	My feelings about it were kind of numb.	0	1	2	3	4
14.	I found myself acting or feeling like I was back at that time.	0	1	2	3	4
15.	I had trouble falling asleep.	0	1	2	3	4
16.	I had waves of strong feelings about it.	0	1	2	3	4
17.	I tried to remove it from my memory.	0	1	2	3	4
18.	I had trouble concentrating.	0	1	2	3	4
19.	Reminders of it caused me to have physical reactions, such as sweating, trouble breathing, nausea, or a pounding heart.	0	1	2	3	4
20.	I had dreams about it.	0	1	2	3	4
21.	I felt watchful and on guard.	0	1	2	3	4
22.	I tried not to talk about it.	0	1	2	3	4

TAB O

**Best Practices in Managing Your
Courtroom and Collaborating with the
LCSA and Facilitator's Office**

**Hon. Jana Kast-Davids &
Hon. Jean Zlotkin**

Collaborative Best Practices between Courts and LCSA Survey

1. County Name (Required)		
Answer Options	Response Percent	Response Count
Alameda	5.0%	2
Alpine	0.0%	0
Amador	2.5%	1
Butte	0.0%	0
Calaveras	2.5%	1
Colusa	2.5%	1
Contra Costa	0.0%	0
Del Norte	2.5%	1
El Dorado	0.0%	0
Fresno	0.0%	0
Glenn	5.0%	2
Humboldt	0.0%	0
Imperial	0.0%	0
Inyo	2.5%	1
Kern	0.0%	0
Kings	0.0%	0
Lake	2.5%	1
Lassen	0.0%	0
Los Angeles	7.5%	3
Madera	2.5%	1
Marin	0.0%	0
Mariposa	0.0%	0
Mendocino	2.5%	1
Merced	0.0%	0
Modoc	0.0%	0
Mono	0.0%	0
Monterey	2.5%	1
Napa	0.0%	0
Nevada/Sierra	2.5%	1
Orange	2.5%	1
Placer	0.0%	0
Plumas	2.5%	1
Riverside	2.5%	1
Sacramento	2.5%	1
San Benito	2.5%	1
San Bernardino	2.5%	1
San Diego	2.5%	1
San Francisco	2.5%	1
San Joaquin	2.5%	1
San Luis Obispo	0.0%	0
San Mateo	0.0%	0
Santa Barbara	2.5%	1
Santa Clara	2.5%	1

Santa Cruz	2.5%	1
Shasta	0.0%	0
Siskiyou	2.5%	1
Solano	2.5%	1
Sonoma	2.5%	1
Stanislaus	0.0%	0
Sutter	2.5%	1
Tehama	2.5%	1
Trinity	0.0%	0
Tulare	2.5%	1
Tuolumne	2.5%	1
Ventura	2.5%	1
Yolo	2.5%	1
Yuba	5.0%	2
<i>answered question</i>		40
<i>skipped question</i>		0

2. Do Family Law Facilitators come to court?

Answer Options	Response Percent	Response Count
Yes	33.3%	12
No	66.7%	24
If Yes, what role do they play?		15
<i>answered question</i>		36
<i>skipped question</i>		4

1. Very active. Advises me that he can meet with the parties outside the courtroom and attempt a mediation (usually successful); when he can see parties and have paperwork done; very helpful to myself and the parties in court and outside of court.
2. Active. He communicates with me in Court about his willingness to speak to the parties to try to mediate, to get clarification on the Order or other docs to prepare; when he can see the parties, etc. He is extremely helpful.
3. We only have one FLF who does not come to court on the regular calendars. We started a status conference calendar within the last year for family law cases and she is in court for that calendar. Self-represented litigants who show up (many don't) are referred to the FLF for assistance in finalizing their case or moving it forward. They are usually able to meet with someone that morning.
4. Active. Book appts after court appearances by parties, provide instructions to litigants. Sometimes if litigant does not understand what I am saying after several tries, I will ask them to meet with the FLF outside, and then come back in. Scott Lyon always gets them to understand what I was saying outside of the pressure of the court proceedings. He also advises me how much time he needs to get the paperwork done, so I can schedule the next court to insure that the paperwork is done in time.
5. Very passive. We actually only have a staff person from FLF office
6. Standing by to schedule appointments with litigants, get directions from court on forms to file and text of Orders; advise court of time frames when they can get the paperwork done and back to court.
7. Available during discussions between DCSS and parties. I also refer to the facilitator as needed.
8. Just observe, and schedule an appointment with some individuals referred from the bench.
9. Help litigants with procedural issues and completion of forms such as reissuances, address verifications, etc.
10. Calculating time share and answering questions from litigants

11. FLF does have representatives present in other family law departments. Mainly in regards to the part of their funding related to self represented litigants. They prepare orders after hearing and assist in preparation and direction as to other orders...judgements etc.
12. They USED to come to court, but budget cuts impacted that practice. They are contemplating coming back into the court, and potentially (as they did in the past) be helping litigants with: filling out forms, including motions to modify (e.g. if they came in on a different matter, such as a license release, but had lost their job and still had a current running order), as well as explaining court orders.
13. Court identifies and introduces FLF. FLF takes clients individually into conference room to discuss DCSS guideline computation or other issues on the calendar. Visitation and custody cases within 1058 cases are offered help in preparing orders. FLF helps with medical reimbursement NOM.
14. They consult with the parties prior to the hearing, as parties are reviewing the court's tentative rulings. The facilitator often will assist parties in reaching an agreement under Fam. 4065 or other issues the parties feel are important.

3. How do you give the advisement?		
Answer Options	Response Percent	Response Count
Beginning of the calendar	76.5%	26
When each case is called	23.5%	8
<i>answered question</i>		34
<i>skipped question</i>		6

4. How is the advisement given?		
Answer Options	Response Percent	Response Count
Orally	79.4%	27
In writing	23.5%	8
Other (please specify)		7
<i>answered question</i>		34
<i>skipped question</i>		6

1. We also play a tape before the calendar call. The tape was prepared and features our facilitator
2. DVD
3. By video tape recording, played at the beginning of the calendar (for those using the interpreter and if the interpreter is not present at the time the video is played, most interpreters will take litigants outside and explain to them their right to object) (note that with the video tape, or with an announcement at the beginning of the calendar, late arrivals do not get the advisement)
4. And the writing is translated to Spanish as well
5. The parties are given a written "advisement of rights" at the meet and confer with DCSS, which they sign acknowledging receipt and understanding. The advisement is also posted outside and inside the courtroom.
6. We are working on a video version of the advisement. It will be given in english. Non english speakers always have the assistance of the interpreter during the advisement.
7. The interpreters are instructed to give it to all litigants with language needs (so it does not have to be repeated). It is repeated for every telephone appearance.

5. Do you provide an explanation of how child support is calculated?		
Answer Options	Response Percent	Response Count
Yes	71.4%	25
No	28.6%	10
<i>answered question</i>		35
<i>skipped question</i>		5

6. Do you go over the data entry fields on the guideline calculator?		
Answer Options	Response Percent	Response Count
Yes	58.3%	21
No	41.7%	15
<i>answered question</i>		36
<i>skipped question</i>		4

7. If you do go over the data entry fields on the guideline calculator, do you do it		
Answer Options	Response Percent	Response Count
On a case by case basis?	80.0%	16
General explanation at the beginning of the calendar?	20.0%	4
Other	5.0%	1
If other please specify		2
<i>answered question</i>		20
<i>skipped question</i>		20

- | |
|--|
| 1. One or the other depending on the make up of the calendar |
| 2. as needed, on each case as well if there are issues |

8. Is your courtroom's physical layout done in a way that maintains neutrality?		
Answer Options	Response Percent	Response Count
Yes	100.0%	34
No	0.0%	0
Other (please specify)		5
<i>answered question</i>		34
<i>skipped question</i>		6

- | |
|---|
| 1. except DCSS staff is in the courtroom to prepare orders as they are made |
| 2. DCSS attorneys sit at a table, and parents each have their own table. |
| 3. Parents are seated together and apart from DCSS counsel. |
| 4. We moved DCSS to a separate table so it wouldn't appear that they represented either party |
| 5. Our courtroom was specifically RE-designed to accomplish this |

9. Does your court use educational videos before the calendar is called?

Answer Options	Response Percent	Response Count
Yes	8.8%	3
No	91.2%	31
If yes, what information does the video cover?		3
		answered question
		34
		skipped question
		6

- | |
|---|
| 1. Role of the "players" and how support is calculated. |
| 2. General advisement of the nature of the proceedings being heard and the function of the Commissioner, and the process for calculating child support. |
| 3. There is an informational video used by DCSS, not the court, that is played on a loop in the DCSS office waiting area. I am not sure of everything it covers, but I believe it covers what the process and procedures are on the day of the hearing. |

10. Do you have a policy regarding continuances?

Answer Options	Response Percent	Response Count
Yes	50.0%	17
No	50.0%	17
If yes, please specify.		20
		answered question
		34
		skipped question
		6

- | |
|---|
| 1. No policy, but unless there is an objection and there have been prior continuances, the first request is generally granted. Will nearly grant if there is a pending mediation to resolve the time share issue. |
| 2. Continuances granted if time is needed to file papers. If there is not yet any child support order, I make an interim order and reserve jurisdiction to retro mod at the next hearing on the NOM. |
| 3. If paperwork needs to be filed, then I give continuances. If there is no present child support order, I make an interim order, subject to retro adjustment at the next stage of the NOM proceedings. The DCSS attorney in this county does not like interim orders, as she does not want to prepare the OAH and Wage Garnishment twice, but I do it anyway so the CP and child can start getting child support earlier. |
| 4. Require good cause |
| 5. In general, for contempt arraignment, I will continue once for plea or purge, but usually only once (unless there is a good reason, like a pending COAP application, to continue again). For law and motion calendars, continuances are on a case by case basis. If someone is asking for a continuance to get a lawyer or to bring pay stubs or something like that, I usually make temporary orders and reserve jurisdiction with a review date. If both parents and DCSS agree to a continuance, I always grant one. If the moving party requesting an order be established or modified doesn't present proof of income and an I/E (or F/S), I usually continue once to give moving party a chance to get their act together (it is often the case that DCSS will file a mod for CP, for example, and CP shows up but hasn't submitted any required docs such as an I/E; in those cases, I usually continue once and offer other parent opportunity to appear by phone at the next hearing if they have complied with bringing docs and stubs and were ready to go) |

6. Two stipulated continuances without appearance - After two an appearance and a showing of good cause are required.
7. Continuances granted as long as not for stalling purposes. If there is not already a support order above zero, then I make a temporary order, reserving jurisdiction to retro mod. I then continue the NOM for further docs and proceedings.
8. Continuances require prior court approval and will be granted for good cause.
9. usually granted unless extraordinary circumstances. If there is a zero order, then I will make an interim order; reserve jurisdiction to retro mod; and continue the NOM for further proceedings; ordering the parties to file their appropriate docs.
10. At the first setting for a Judgment, I am liberal with continuances to file a motion for genetic testing, if appropriate, or to bring additional financial information. For modifications, we may make a temporary order and continue for complete financial documents.
11. On enforcements, we give one continuance automatically on a "seek work" proceeding and others need to be justified by facts; i.e., needing medical data.
12. Everybody is entitled to at least one continuance to be prepared for the hearing.
13. case by case basis
14. case by case basis
15. We have an expedited process for DCSS to continue motions they initiated. The parties can stip to a continuance or file a written request if they initiated the motion. DCSS assists with sending notices since many times we don't have each party's address. We keep 10 slots open per calendar for continuances so the date has to be cleared through the courtroom clerk.
16. Each side can continue once. We do not continue cases that are also set for the family law calendar. Those cases are referred back to the DCSS calendar when time share is established. We do not continue seek work cases. People with seek work orders send the work search results directly to DCSS (not the court).
17. If everyone is in agreement, I will generally allow it (liberal policy). If there is opposition (and this depends), my policy is to set a temporary order if the initial facts warrant it (so someone is not taking advantage of and/or prejudiced by the continuance).
18. Must be approved by Court and reason must be shown on minute order.
19. Upon a showing of good cause, each side is granted one continuance. Where notice of the court date is untimely, a continuance is mandated on a motion for modification. However, with requests for repayment plans and release of licenses, the court will make a temporary order which will become the court's permanent order unless an objection by the other parent is received by CSSD within 60 days.
20. If at the first setting one party requests a continuance it is usually granted. Exceptions are when there is a reserved order, then I may set a TSO and continue it for review.

11. What is your process regarding review hearings?	
Answer Options	Response Count
	31
<i>answered question</i>	31
<i>skipped question</i>	9

1. Case by case basis
2. Depends. If an obligor recently lost his job under "fishy" circumstances I would probably set a review hearing to see if the loss of job or hours was artificial of legitimate.
3. don't know what you are referring to by use of "review" for a hearing
4. They are set on the regular calendar.

5. Review of what?
6. If there is a specific reason (e.g. new employment expected or recovery from an injury or illness) a case will be continued to an appropriate date for financial review, or if it is a seek work review periodic hearings will be held to track the progress of the seek work efforts, or if contempt compliance review hearings may be held if no wage assignment.
7. Hear them. Require proof of a change in circumstances before modding order. It seems that there are more reviews as a result of establishment hearings (because, for example, parents are newly broken up and need stability on timeshare) instead of reviews because of mods or enforcement hearings.
8. I set them as needed when there are issues in flux.
9. Review of what exactly? What do you mean by "process"?
10. If obligor parent is receiving UIBs, social security, disability or other benefits, an order is made and obligor is ordered to notify DCSS of employment with no review hearing. Other cases may warrant a review hearing in anticipation of custody changes, known employment opportunity, etc.
11. You would need to be more specific on what you are referring to as "my process" and "review hearings" for me to answer that question. Otherwise, I would have to guess at what you are referring to, and I am not comfortable with doing so
12. I usually don't have "review" hearings but advise the litigants that they can restore the matter to the calendar by filing a motion. the FL facilitator is just down my hallway.
13. Set the matter as a review hearing
14. We are fairly open as the calendars are not overcrowded here presently but I do not do them unless DCSS or a party shows good cause
15. Generally set if requested by any party.
16. It depends upon the issue
17. Review hearings are only set when it is known that circumstances will change (i.e., someone's job is changing, or someone has just started a job with a promise of more hours in the near future) or when issuing seek work orders.
18. work search review hrgs each 3 mos. Cs rev/mod hrgs set if anticipated change expected.
19. Case by case.
20. work search reviews held each 3 months. Review and mod cs hrgs set if known change expected.
21. We set review hearings if a change is expected, e.g. UIB running out, disability ending, etc. and for seek work orders. We do prospective orders for known occurrences, e.g. new baby to be born and don't set another hearing.
22. We set a review hearing if we have a good idea someone's income will change. If someone is on UIB, etc., we usually do not set a review hearing. We order the party to notify DCSS (and other parent) within 10 days if their income exceeds whatever we used on the calculation subject to retro modification if they fail to report.
23. Review hearing set to monitor work searches. Review/mod hearings set to adjust a cs order if an anticipated change is expected, ie, new custody hrg coming next week.
24. We set a two week review on SWO's in Contempt sentencing with a series of in office reviews and a six month review if necessary. I will set a review on a case that gets modified to zero if there is evidence that obligor may return to work. Court reserves jurisdiction to modify OGCS at the time of the next hearing. Parties are required to report new employment and to bring evidence of earnings. The new order is prospective only.
25. Generally, reviews are set out anywhere from 60-90 days. Depending upon the issue set for review, I make it a practice of providing an alternative provision (where appropriate) that might allow "self-compliance" and give any LCSA attorney the authority to release the person's appearance if there has been satisfactory compliance with the alternative provision. Example: work search review, or in the alternative payment review (and if back on track paying CS, then LCSA can excuse party's appearance and matter goes o/c.
26. specific continuance date set to review specific issues, such as job search, reunification with child, change in custody, etc.

27. Decided upon case by case basis, and reason for must be part of record.
28. Don't usually allow unless there is a specific reason - i.e. know things are in flux (income, timeshare)
29. Hearing de novo
30. We have continuances related to seek work motions where we monitor compliance and set appropriate amounts for release of the driver's license.
31. Only in situations where there is a fairly certain change, i.e., employment, visitation. I don't like to clog up the calendar if I can avoid it.

12. Do you fix minor errors on submitted judgments/orders?		
Answer Options	Response Percent	Response Count
Yes	76.5%	26
No	23.5%	8
<i>answered question</i>		34
<i>skipped question</i>		6

13. Do you return submitted judgments/orders to the LCSA?		
Answer Options	Response Percent	Response Count
Yes	100.0%	33
No	0.0%	0
<i>answered question</i>		33
<i>skipped question</i>		7

14. What is your method for removing hearings from your calendar that have been resolved by stipulation?	
Answer Options	Response Count
	32
<i>answered question</i>	32
<i>skipped question</i>	8

1. Left on calendar for "drop as settled..."
2. I usually do not know until the day of the hearing.
3. Off calendar, settled.
4. When I prep the calendar and I see the Stip is filed, I take it off calendar myself
5. The stipulation typically states that all issues have been resolved and the hearing is vacated and the clerk removes it from the calendar.
6. Clerk removes them from calendar. If not, I catch it during my prep and remove it myself
7. clerk removes if provided for in teh stip; otherwise we drop at the time of the hearing.
8. If they were on calendar, then I usually just put on the record that they are off calendar b/c there is a stip
9. The clerk looks for future hearings and asks if I want to drop them. That way I am making the call as to whether the stipulation addresses all of the issues on calendar.
10. Clerk sees that Stip is filed, and takes it off calendar. Sometimes it slips through and so I take it off calendar when I prep for court.
11. When I sign a stipulation, I review file to see if there are any upcoming hearings and advise DCSS to

vacate hearing.
12. Advise court clerk to remove
13. This function is handled by clerical staff.
14. They are taken off calendar by the clerks office or we go over the stipulation with the parents if it is on our calendar on the stipulation date.
15. Communication between the assigned 1058 court clerk and the assigned "scheduler" from DCSS
16. Still call the case in court and drop it.
17. Take them off calendar when advised of the stipulation, usually on the record
18. The court vacates the hearing and notifies the LCSA who then notifies the parents.
19. drop letter
20. Counsel remove the hearings when stipulations are arrived at.
21. Drop letters.
22. We drop it when the stiplation is filed.
23. DCSS notifies the court and the parties.
24. Drop letter to court is submitted by litigants if a stipulation is reached..or the hearing is noted as dropped in the stip itself.
25. Upon signing the Stipulation I add language to Advance and Vacate Hearing date.
26. Our court does not actually fix minor errors, but we have a "quick process" where LCSA is allowed to fix on premises (vs. having them sent back to LCSA office). RE: removing hearings - the LCSA can call the courtroom clerk (or e-mail) in advance, and/or we simply take o/c at the end of court session.
27. Clerk reviews orders and returns them for corrections. I make changes to the findings re: contempt before signing.
28. Minute Order states that matter is resolved by stipulation.
29. If stip is submitted in advance and I sign it, then it is off. If written submitted that day, then I still mention it on the record orally. If stip is oral, then I recite and voir dire parties and counsel.
30. The matter remains on calendar, but the case does not go on the bench.
31. When the stipulation is signed by the court our clerk will check with the moving party by phone to confirm no other relief was requested and then remove the event.
32. Usually at the request of LCSA. I would perfer that they notify the court once a stip is received so we could take the matter off calendar and open up space.

15. Do you have a standard effective date for the beginning of orders?

Answer Options	Response Percent	Response Count
Yes	87.5%	28
No	12.5%	4
Other (please specify)		25
<i>answered question</i>		32
<i>skipped question</i>		8

Other:

1. The first of the month following the filing date of the motion.
2. Typically it would be first day of the month following date of service.
3. 1st of the month after filing the NOM, unless there is no support order yet in effect, and if NOM is filed on or before the 20th of the month, then I start it on the date of filing, renewing again on the first of the next month.
4. If already an order above zero, then the first of the next month. If not already an order, then on the date of filing, renewing again the first of the next month, unless the date of filing is later than the 20th

of the month
5. Generally it is the first day of the month following the filing date of the motion
6. By law, if it's establishment, 1st of the the month following the month it was filed BUT if not served within 90 days of S&C filed, then date of service is the earliest effective date (and usually DCSS here asks for the order to start the 1st of the month following late service date). For welfare mods, by law, earliest effective date is date of service (so if mailing, 5 calendar days after mailing)- DCSS usually asks for 1st of the month following that date). For nonwelfare mods, by law the earliest effective date is date of filing mod, but DCSS usually asks for 1st of month following, but I deal with this on a case by case basis and may choose an earlier or later in time date. NOTE: our DCSS accounting dept. feels it cannot pro rate orders on its own, so they is a hyper-preference to start all orders on the 1st of the month. Doing that certainly saves time, because otherwise I have to prorate order(s) and that can take a few minutes of math.
7. First of the next month, unless the current order is \$0. If the NOM is filed before the 20th of the month, then I start it on that date, renewing again on the first of the next month.
8. 1st day of month of hearing, or month following hearing, depending on circumstances.
9. If there is no prior order, and if the NOM is on or before the 20th of the month, then I order the support to start on the date of the NOM, and renew again on the first of the next month, and continue thereafter on the first of each month until further order of the court. If it is a modification of a non-zero support order, I start the modification for the first of the following month.
10. The standard provision would have a commencement date of "the first day of the first month following the filing of the motin/OSC."
11. Usually new child support orders for modifications take effect on the first day of the month following the filing of the motion.
12. First day of the month following the filing of the S & C or motion, if modification, unless it is an aid case. In aid cases the LCSA will often ask for an effective date following the hearing.
13. Either first day of month or due date is on or before last day of month.
14. Either first day of month or due date is on or before last day of month.
15. Usually the 1st of the month following the filing date.
16. Next first or 15th of the month.
17. Either due on the first day of the month or due on or before last day of the month.
18. I have been setting the starting date dependent upon the way the order goes. If it is an increasing order I set the start date during the current month (if we are bewteen the 1st and 15th) or to the next month if we are past the 15th. I do so in the interest of justice so as to not create new arrears. If an order is a downward mod I set it to the earliest date possible based ont he proof of service date.
19. STANDARD effective date is the first of the month following the filing date of the noticed motion (this is done primarily to help keep the accounting workload consistent)... but it is not an iron clad one, and may depend upon whether there is a request for a different date (e.g. from NW CP) and/or whether the CS order is doubling or tripling (in which case I sometimes get the parties to either agree to a step-up and/or IN LIEU OF a possible step-up order, a different start date... (hope that makes sense).
20. First day of the month after the NOM is filed or after summons and contempt is filed.
21. Generally, the new order commences on the first of the month following the filing of the motion.
22. It depends upon the facts. When there is more than 90 days between filing of S &C and service, or Motion for Judgment more than 90 days post answer, the support starts after the motion is filed generally.
23. Typically motion file date, but can differ if parties stip to a later date or DCSS requests a later date and there is no objection.
24. First of the month following the filing of the motion to modify.
25. Typically it is the first of the month following the filing date.

16. Do you have any special procedures/ requirements for stipulations where there is a waiver of arrears?	
Answer Options	Response Count
	30
<i>answered question</i>	30
<i>skipped question</i>	10

- | |
|---|
| 1. A hearing is required |
| 2. Confirm that there is a a good faith dispute over arrears, that it is voluntarily and in best interest of child. |
| 3. I like to go over it in open court and let the waiving party know that once waived it cannot be restored. If she/he still wants to waive the arrears, i may inquire if there is some side "deal" or other agreement which makes them want to go forward with the waiver. |
| 4. I prefer them in person and I ask for photo ID from the person waiving arrears. At times, that person appears by phone, so then I'll ID them by asking for kids' names, DOBs or some other such information that makes me feel better that I am really talking to the party waiving arrears. |
| 5. I require a hearing and make findings on best interest, no coercion, etc. |
| 6. I want to see the signature of the lead attorney for the Agency, and following review of the file I may require a hearing where I can assure there is informed voluntary consent to the waiver. |
| 7. If the amount is high and accumulated over many years, and there is no compromised payout at all I will place on calendar to make findings required by form |
| 8. It must be calendared and done on the record although occasional exceptions may be made. |
| 9. No (16 No responses) |
| 10. Not really... except that we will place them on calendar for court review that pro pers are not coerced... |
| 11. parent waiving appears personally and is questioned by the court relative to "side deals" understanding of finality of waiver, pressure to waive, etc. |
| 12. The mater must be brought to hearing befor the court will approve the waiver |
| 13. waivers of high arrears require a court appearance |
| 14. Yes - must go on the record or complete the judicial council form so we know they understand their rights and consequences. |
| 15. Yes, I go through the stipulation on the record with the parties and discuss the Sabine factors. |

17. Have you developed standard order language that you include in every order/judgment?		
Answer Options	Response Percent	Response Count
Yes	69.7%	23
No	30.3%	10
If yes, please specify the subject of these orders.		22
<i>answered question</i>		33
<i>skipped question</i>		7

- | |
|--|
| 1. 50/50 unreimbursed health care expenses per FL-192; obtain and maintain health insurance if is or becomes available at no or reasonable expense through employment or otherwise; keep the other party informed as to any change in availability of health insurance through employment. |
| 2. 90 window to restore to calendar. reservation for 90 days and then jurisdiction ends. |
| 3. A fairly typical finding and order would be: Based upon the offer of proof (unless the parties testify or there is other evidence-(hate to say that)) the court will make the Guideline Calculation Result Summary |

<p>the finding of the court. F/M is ordered to pay to F/M for the support of the children XXX the sum of \$X per month commencing XXX. Also have standard language re HI if zero or reasonable cost and 1/2 of med expenses not covered by insurance.</p>
<p>4. All payments to be made to the SDU. A wage and earnings assignment will issue. Any payments not being paid by wage and earnings assignment to be made directly to the SDU. Notwithstanding any other provisions of this judgment/order, all monies collected to be distributed in accordance with state and federal law. The payor must provide SDDCSS with date of birth, SS#, income, employer's name, employer's address, and residential address. No provision of this judgment/order shall operate to limit any right to assess and collect interest and penalties as allowed by law. Interest shall accrue on the entire principal balance owing and not on each payment as it becomes due. All liquidation payments shall be subject to modification. There shall be no limitation on collection from sources other than salary or wages without further notice as allowed by law. All orders previously made in this action shall remain in full force and effect except as specifically modified herein. Respondent/Petitioner/Other Parent must notify SDDCSS of any change in address, income or employment, within 48 hours of such change. As provided in FC 4007.5, the obligation of the person ordered to pay support shall be suspended (set to \$0) for any period exceeding 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless the obligor has the means to pay support while incarcerated or involuntarily institutionalized. The suspension of the support obligation shall only apply for the period of time during which the obligor is incarcerated or involuntarily institutionalized, after which the obligation shall immediately resume in the amount otherwise specified in the child support order. HEALTH INSURANCE COVERAGE – The parent ordered to pay support and/or The parent receiving support must (1) provide and maintain health insurance coverage for the children if it is available through employment or a group plan or otherwise available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage; (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.</p>
<p>5. Expanded 4007.5 orders, Child Care Reimbursement anti Tavares attachment.</p>
<p>6. FC 4007.5 incarceration orders, equal sharing of uninsured health care, update DCSS with any changes in contact info/job/employment within 10 calendar days, c/s not owed while on welfare?GA but automatically revives 1st of the month following when obligor goes off of welfare/GA, etc. For child care orders (when child care is built into the child support order as a dollar amount/add-on), we have standard language re: parent's obligation to bill other parent on a quarterly basis with info and proof of child care (so if NCP doesn't get sufficient proof every 3 months, he's on notice (implicit) that he should file a mod.</p>
<p>7. FC 4007.5; 10-day notice re work, address, phone; child support will modify to zero on first day of month obligor becomes eligible for general assistance or SSI and court-ordered amount will reinstate month no longer eligible. Child-care add-on is conditioned on those expenses being incurred for work-related reasons and receipts being provided each month.</p>
<p>8. Health care provisions and springing language.</p>
<p>9. I will attach a copy of the Standard Orders form we use. It has been adopted by local court rule and is attached to any order that is generated in a child support matter enforced by the LCSA.</p>
<p>10. In virtually EVERY Order Afer Hearing for modification or other substantive ruling, the order states: "Jurisdiction is specifically reserved (e.g. over child support) for a period of 90 days following formal service of this order." (Note: This is done to specifically address the situation where an order is made and one or both of the parties are not present -- and then it is discovered that the information used in the calculation was not good info. and the reason a person didn't show was because they never got the notice of the hearing -- e.g. person had moved & info was old, the person had different job/income, T/S factor wrong or unknown. We do NOT see an avalanche of re-filed motions during this jurisdictional period; rather, because the FLFs know about this short reservation period they are able to help folks get back into court and get the order "replaced" (as long as motion filed w/in 90 days). ALSO: If C/S is being modified due to unemployment (underemployed), disability, or incarceration, the OAH will universally state: "Jurisdiction is specifically reserved to the first of the month following any change in</p>

employment or other status affecting the ability to work." (Or words to that effect)
11. incarcerated/90 days language.
12. incarceration/90 days language
13. Job search order Release of license Failure to comply with court's order for GT
14. Judicial council form language followed and standard wo language
15. Mostly regular language from judicial council forms and work search attachment language.
16. Parentage is admitted (or previously determined...) and judgment shall enter on that basis. The other parent is added as a party to the action. The defendant must provide health insurance for each child named in the action if such insurance is available through an employer or otherwise at a reasonable or no cost. The parties shall share equally in uninsured medical and dental costs for the children named in this action. See Fam. sec 4062 & 4063.
17. standard judicial council form language and work search or step down language is pretty standard.
18. The Dept includes the incarceration/90 days statutory language in every order. I make a standard order that the support order continues until further order of the court or termination by operation of law. I also make the health insurance and 4062 orders mutual unless the parties stipulate that one has insurance and that is sufficient.
19. the incarceration/90 day orders
20. The suspension of support if incarcerated, inpatient treatment, etc.
21. There are numerous macros that are used. Common ones include various bases for departure from guideline.
22. This is the same as the orders developed by Santa Clara Court with a few "tweaks" of our own-- pretty comprehensive and deals with incarceration, child care reimbursement, etc.

18. Do you include springing order language? If so, what is the language?

Answer Options	Response Count
<i>answered question</i>	29
<i>skipped question</i>	11

1. 4007.5 language includes TANF, GA, SSI receipt, or total disability and no income.
2. As provided in FC 4007.5, the obligation of the person ordered to pay support shall be suspended (set to \$0) for any period exceeding 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless the obligor has the means to pay support while incarcerated or involuntarily institutionalized. The suspension of the support obligation shall only apply for the period of time during which the obligor is incarcerated or involuntarily institutionalized, after which the obligation shall immediately resume in the amount otherwise specified in the child support order.
3. Currently an order reinstates on the first of the month 90 days after release, but we are in the process of changing it to mirror the statute.
4. Done on a case by case basis.
5. English
6. N/A
7. no---step down language used but not springing.
8. Not anymore.
9. Not sure I understand this question.
10. Not usually, it is almost impossible with the caseload for my county to actually monitor and implement the springing order due the volume of cases.
11. Rarely
12. same as Santa Clara

13. see the Standard Order. It will be emailed to AOC staff.
14. Yes
15. yes, in standard orders - SEE ABOVE
16. Yes, we are current working to refine it but it provides relief for those parties without income and institutionalized for 30 days or more.
17. yes.
18. Yolo uses springing orders that after support is reduced to zero, it springs back up to original order at time condition ceases.
19. No (11 No Responses)

19. Are telephone appearances:		
Answer Options	Response Percent	Response Count
Incorporated into the regular calendar	73.5%	25
Set on a separate calendar	23.5%	8
Other	2.9%	1
Please specify other. (See below)		5
<i>answered question</i>		34
<i>skipped question</i>		6

1. Although I try to set on separate calendar, if the request is close to the hearing, I will allow appearance on the originally set date/time if possible.
2. set at special time as court directs..case by case basis.
3. set by court at separate time slot. Case by case basis.
4. They are incorporated but set at different times; e.g., on a.m. calendar, at 10:30 or later; for p.m. calendars, 3 p.m. or later.
5. They are VERY time consuming. We do them not only when people file the Request for Telephonic, but a number of phone appearances "creep in" - for example, while I'm taking roll call, DCSS will inform me that so and so wishes to appear by phone (and I allow it even though they haven't filed the request). Phone appearances often result in continuances b/c I need documents, so they are a hassle.

20. Which of the following matches your process for telephone appearances?		
Answer Options	Response Percent	Response Count
Litigants call into courtroom	30.3%	10
The court calls the litigants	36.4%	12
The court uses a commercial provider	33.3%	11
• If you use a commercial provider, explain who pays the fee and how does that process work with the call?		14
<i>answered question</i>		33
<i>skipped question</i>		7

1. All three methods are used. For the most part commercial provider is used. FLF has developed a packet for Court Calls...it includes a fee waiver which if granted is used by local commercial provider to handle the call without cost to party. On review matters or where we need and can get participation of parent
--

who has not appeared the court will call the party. (We use the Comm. provider telephone/telephone line). When we have called a party as a courtesy and party fails to answer we leave a message asking party to return the call by a time certain. (again we use the comm. provider telephone and telephone line.) PS Dont tell the commercial provider!!!!
2. Court Call. The person calling from out of the area pays the fee. We set the telephone appearances at a specific time each calendar (11:00AM)
3. CourtCall is our provider.
4. Litigants required to use FL 679. The litigant is on hold at the begining of the calendar. When the case is called the litigant and other party in the courtroom are identified and the parties are told that we will take a break shortly, and during the break the DCSS attorney gets on the phone, obtains the litigants direct phone number, and then calls them back during the break. The case is then recalled after the break and both parties participate in the hearing.
5. Litigate pays the fee unless a waiver is granted. Arrangments are made and paid for in advance.
6. Party unless fee waiver has been processed...
7. reduced fee on 1058 issues; full fee for other issues. CourtCall accepts fee waivers granted by the Court.
8. The caller/party must pay the fee unless the individual completes the required Request for Waiver of Court Fees.
9. The court uses Court Call and both parents must pay to use it if both wish to appear by telephone.
10. The party pays the fee direct to Court Call, unless the fee is waived by a fee waiver. The set up of the call is done between the litigant and Court Call.
11. We have just started using Court Call, paid for by the litigants unless they obtain a fee waiver. An exception is where the court authorizes at a hearing for a future telephone appearance, in which case the clerk calls the litigant and has them call back before being transferred into the courtroom. All parties on Court Call are on the phone at the commencement of the calendar so the introduction is only given once as opposed to for each individual party appearing by telephone.
12. We use "court call" and the caller (party) pays the fees unless they have applied for, and been granted, a fee waiver by the commissioner
13. We use Court Call. The party calling in is responsible for the fee unless they have a fee waiver. They call into Court Call, the clerk gets Court Call on the line prior to the start of the calendar.
14. While the court calls the litigants, if the litigant lives far away (out of state/country) or the hearing is going to take awhile, the courtroom clerk will initiate the call, and then have the litigant immediately call back the court (so they pay for the call) before the hearing begins.

21. How often do you have plan of cooperation meetings?		
Answer Options	Response Percent	Response Count
Weekly	0.0%	0
Monthly	12.1%	4
Quarterly	48.5%	16
Annually	0.0%	0
As needed	36.4%	12
None	3.0%	1
<i>answered question</i>		33
<i>skipped question</i>		7

22. Who attends your plan of cooperation meeting?

Answer Options	Response Count
	32
<i>answered question</i>	32
<i>skipped question</i>	8

1. All 4 commissioners, the head of the facilitator's office, the division chief of CSSD, and one and/or both administrators from the court.
2. All interested parties depending on the particular agenda.
3. Bi-Monthly - LCSA, FLF, CSC, Family Law Manager, Public Defender, Private Bar Rep
4. Chief attorney and occasionally one or two supervising attorneys with Chief attorney. When necessary Asst. Public Defender. Court managers when needed.
5. Commissioner and DCSS personnel, as needed
6. Commissioner, courtroom clerks, DCSS attorneys and upper supervision, FLFs, supervising clerks.
7. Commissioner, Lead Clerk, Lead Agency Attorney, CSA Managers, and Facilitator.
8. commissioner, sometimes facilitator, from court, and occasionally 1058 clerk and DCSS supervisors and San Benito office manager, attorney
9. Commissioner; Supervising attorney for DCSS; Family Law Officer Manager; Family Law Facilitator; Court Services Supervisor; Court room clerk; and other court room or DCSS staff as deemed appropriate for the particular meeting
10. Commissioners, DCSS reps, facilitator and reps, clerks, court administration, supervising family court judge, representative from private bar
11. commissioners, supervising family law judge, court administration, courtroom clerks, DCSS lead attorney, DCSS court division supervisors, facilitators
12. Court CEO, Local Director of DCSS, sometimes I avoid the meetings, usually our main C/S court clerk, DCSS attorney usually avoids,... DCSS atty & Commish get much more resolved separately...
13. Ct staff, clerks, facilitator dcss attys and private bar reps and commissioner
14. Ct staff, Facilitator staff, clerks, commissioner
15. DCSS attorney, self
16. DCSS director and attorney; usually PJ and CEO
17. DCSS director; DCSS attorney; myself
18. DCSS local director, lead DCSS attorney, FLF, PD is invited but does not attend.
19. DCSS, Clerk's Office and the Executive Office
20. DCSS, DCSS attorney, myself
21. DCSS, presiding judge of family law, 1058 commissioners, FLF and staff, court administrators, private attorney (who represents litigants)
22. Facilitator; court executive officer, occasionally, private counsel.
23. I meet with DCSS when necessary -mostly we talk or e-mail. My court CEO has meetings with DCSS to which I am not invited.
24. LCSA Managing Attorney (and sometimes other LCSA attorneys or other DCSS folks); Legal Aid rep.; Bar Assoc. Fam Law Sec rep.; FLF; courtroom clerk; court operations rep.
25. LCSA, court commishes, court clerks, FLF/SHC, public defender (agency that does contempt), FL bar, pro bono project (represents in custody litigants and the like on non contempt issues), supervising FL judge

26. LCSA, facilitator, court staff, commissioner
27. Myself, DCSS attorneys and typically 2 or 3 case workers
28. Staff of Ct, Facilitator, Commissioner, DCSS attys
29. Supervising Judge, Commissioners, LCSA officials and staff, private bar attorney, family law facilitator and self-help staff, family court services.
30. The supervising judge of the family law dept., the head administrator who has responsibility for the family law dept., the four commissioners, a representative for the family law facilitator (or two), and various representative from the local agency including the director, asst. director, and management staff from our courthouse.
31. We have meetings every other month, which isn't an option above. DCSS attorneys and sometimes staff members attend as well as the family court services manager and 1058 clerk. The FLF and mediators often attend as well.
32. When issues have arisen I have met with the immediate past 1058 commissioner re policies and procedures, the facilitator, the lead "civil" DCSS attorney in the courtroom, and the DCSS attorney in charge of enforcement through contempts, etc. I have never met with the DCSS attorney who handles the contempts without an attorney from the PD's office being present.

23. What issues have you been able to resolve through these meetings?	
Answer Options	Response Count
	29
<i>answered question</i>	29
<i>skipped question</i>	11

1. All practical matters. Standard Order language. Local Rule of Court requests. Request for the Court to consider veering in proverty level income cases. Order of business and number of cases to be heard on each calendar. Changes to type of cases to be heard (Office reviews vs court reviews in SWO matters). Agreements on limitation of calendars (number of cases types to be heard at what time. Process for review of submitted matters and addtional orders court can use regarding deviating; start dates re: FC 4009 issues; Inclusion of Standard Order language. I will send a copy of these additional orders as well. Subservice issues (oldest type issue resolved). Most recently...how to convert to a remote video conferencing court hearing procedure for eastern part of county, due to court closures and new construction of courthouse in east county, where 1/3 if not more of LCSA caseload is.
2. amending court calendar schedule; changing default process; generally tweaking our processes to make them more efficient
3. Calendaring issues, commencement dates, morning introductions.
4. delay reduction, calendar control.
5. How to handle incarcerated obligors; OEX proceedings; payment plans toward arrears. These have been discussed just in 2012. We have successfully resolved all issues raised during my 3 1/2 years as commissioner
6. I am new to this calendar this year and so far it is just a meet and discuss meeting re timing, calendar issues, etc.
7. little through the larger mtgs
8. Mainly streamlining calendar; scheduling, timing issues.

9. Many-- including discussing the reasons behind certain practices on both sides
10. ongoing discussion re: procedures, best/preferred practices, etc.
11. pleading errors and procedural items and new law changes
12. Policy, procedure and establish new programs
13. procedural and pleading issues
14. Procedure and policy issues.
15. procedures and pleading corrections.
16. Procedures and protocols for streamlining court processes in DCSS court and FL court
17. Setting up procedure for doing community work service through probation dept in lieu of jail as since AB 109, there is no room in the TC jail
18. Standard language to attachments to NOM and OAH
19. timeliness of OAHs among others
20. Too many to mention here. We openly discuss procedural and programatic issues as they arise and reach a joint solution. One example is what proof I will accept for maternity judgments. Even in a default, I need something other than the complaint saying "mother gave birth". I have agreed to B/C, POP Dec, Declaration, declarations from CSO's re county records (TANF etc)
21. We have a very good working relationship with our LCSA and seldom have major issues. Past issues have typically related to case/paperwork filing or processing concerns which we have resolved at meetings. Meetings tend to be more informational and educational. We include discussion of recent case law and legislation.
22. We have reached agreements on procedures, standardized language for local forms, and calendaring.

24. Have you developed any community outreach program in conjunction with your LCSA?		
Answer Options	Response Percent	Response Count
Yes	21.2%	7
No	78.8%	26
If yes, what was the nature of the program?		8
<i>answered question</i>		33
<i>skipped question</i>		7

1. Advisement in open court about facilitator help availability and COAP process.
2. At various times, we've agreed to partner in terms of giving educational presentations to other agencies/employees whose services assist the same folks we see -- e.g. Public Defenders Office; Title IV-A social workers and eligibility workers; as well as going to a special school for pregnant high school teens. Next month, we will be partnering/participating in the East Bay Stand Down event to help veterans with C/S issues.
3. Not that I am aware of.
4. one stop assistance help and referrals
5. Veteran outreach, court at Standdown event, use of community resources for employment of unemployed parents. Education programs.
6. Veterans Stand Down
7. Visiting local jail to do educational program

8. We are in the process of developing a procedure where LCSA CSO's are present on our domestic calendars to provide information about their services, and answer questions about their orders and the LCSA services. Also, the LCSA director, attorneys and myself are doing a presentation to the family law bar to educate them about the LCSA services and my courtroom procedures.

25. Have you developed any community outreach program in conjunction with your FLF?		
Answer Options	Response Percent	Response Count
Yes	15.2%	5
No	84.8%	28
If yes, what was the nature of the program?		7
<i>answered question</i>		33
<i>skipped question</i>		7

- | |
|--|
| 1. In the past the FLF and Commissioner have made joint or coordinated educational presentations to high schools and even elementary schools in conjunction with the annual "law day" organized by bar |
| 2. Not that I am aware of. |
| 3. Refer litigants to Facilitator quite often. |
| 4. Same as above |
| 5. She and I have been going to public forum informational meetings at our public libraries to provide people with a variety of information regarding family law, including child support. |
| 6. The FLF is generally included in the same outreach efforts discussed in the previous question. |
| 7. Uncertain if there is a set program in place - do not believe so |

26. Have you participated in any training program educating others about the title IV-D program?		
Answer Options	Response Percent	Response Count
Yes	36.4%	12
No	63.6%	21
If yes, who was the audience for the training?		14
<i>answered question</i>		33
<i>skipped question</i>		7

- | |
|--|
| 1. See the information listed in the community outreach (e.g. PDs, etc.). In addition, I have created and participated in numerous Guideline Calculator trainings for all LCSA attorneys and CSOs, as well as for members of the Fam Law Bar section, and our court's own regular FL bench officers. I've also hosted several middle school classes to come to my courtroom (for a very basic info session). |
| 2. public access TV show |
| 3. Other than the fact the commissioner puts on an annual family law update and includes some IV-D case law in that program - program audience consists of attorneys, LCSA attorneys and case workers and custody evaluators. In the past LCSA and FLF have presented along with the commissioner. LCSA no longer assists in the program, but does attend. |
| 4. Meet with local family bar |

5. Legal aid attorneys and paralegals; LCSA attorneys and directors; social workers, juvenile attorneys and referees
6. Its been sometime ago - but I did a presentation to lcoal bar when 1058 court started. Also did training for local paralegal association regarding two year window for paternity testing in default judgement cases in 2004.
7. I used to go to community meetings as a deputy district attorney, but almost all of the "outreach" now is for attorney education.
8. I have made presentations to local family law bar associations
9. I developed an oral and video program produced by the court and distributed by AOC regarding teenage parents and how they can proceed if they find themselves needing assistance
10. Family Law Bar
11. Family Law Attorneys.
12. Attorneys, the public, judicial officers.
13. Attorneys, law clerks, paralegals, JAG officers and military legal assistance officers.
14. 2010 1058 conference as a speaker.

27. Did you develop the training and present with the LCSA or the FLF?		
Answer Options	Response Percent	Response Count
Yes	25.8%	8
No	74.2%	23
<i>answered question</i>		31
<i>skipped question</i>		9

28. Do you have any other practices or procedures in your court that you think would be beneficial to other courts?	
Answer Options	Response Count
	18
<i>answered question</i>	18
<i>skipped question</i>	22

1. Yes, use of technology. Use of local minutes and order form on NCR paper allowing parties to leave court with order. Use of informational handouts.
2. When pro per case comes up in FL CMC, the Judge will direct the CP to open a file with DCSS and refer the CS issues to the DCSS calendar.
3. Use of certain standard attachments/dispositions for Orders After Hearing for common dispositions(we do clerk-prepared orders usually the same day as the hearing). Setting up a consolidation procedure (with agreement of LCSA/DCSS) that allows consolidation of cases (by any FL judicial officer) w/10 days notice to LCSA/DCSS to object. Development of a "grid" form for use by FLF and/or LCSA (to hand out) for medical reimbursement issues (the "grid" requires the person to list date of service, name of dr./clinic, cost, how much covered by ins. and how much actually paid by litigant). TRAINING of LCSAs to "prep" their case in advance to have certain info available at their fingertips (e.g. "approx. amt." of

arrears and whether they are W, NW or mixed) so that the court can determine whether to make appropriate referrals (e.g. to COAP) in addition to whatever the matter was on calendar for... note: exact figures are not wanted or needed as that would be too burdensome and we don't want anyone to rely on approx. amts. indicated. I am sure there are others, but that's all I can think of at the moment. :)
4. Still learning and putting them together. Been in this assignment since about February, 2012.
5. Steady we review hrs each 3 mos to stay on top of work order compliance.
6. Not at this point!
7. none come to mind presently
8. No.
9. No
10. Lots of LOVE !!!!!!!
11. I think it is VERY important the Court not appear to be too closely linked to DCSS. They are a party and should be treated as such. I do not agree with allowing DCSS attorneys or employees access to courtroom or other restricted areas when court is closed to other litigants. It is helpful to have the LCSA attorney sit in the middle of the table if you have a single table or three table set up. It is more difficult when they are having to sit at one table with one party while the other (typically the non-requesting/non-paying party) is alone at the other table.
12. I issue tentative rulings which really assists in preparation of court orders in the court room immediately following the hearing.
13. I am aware that in the family law departments of our court the LCSA is present with staff and at request of court they will meet with parties and will run calculations which then become part of the orders and that the LCSA attempts to have parties agree to receive the services of the LCSA for enforcement. In cases where parties are not represented the court also makes a referral to the LCSA for investigation and recommendation of Child Support Order in dissolution default judgements and that by court order LCSA is chosen for enforcement services by the court. Parties can opt out. There are local court rules that allow this.
14. How we handle the OEX proceedings: personal service on obligors; DCSS asks questions first; then I inquire about cigarette/alcohol/snack usage per month; I get a set agreement with obligor on a payment amt per month; DCSS has a preprinted form with copies, listing a review date every month for 6 more months, with proviso that if they paid the monthly amt agreed to 7 days before next court date, they need not appear in court. Copies to obligor, court, and DCSS. Otherwise, they must be there or a warrant is issued. It has been very successful so far in getting \$\$ from obligors who have not paid in many years.
15. Excellent communication and cooperation with the family law departments in our cross over cases.
16. DCSS notices litigants to appear a half hour before the calendar is due to begin so they can find out who's present and begin interviewing so cases are ready when the calendar is called. DCSS prints out and stipulations and has them signed while court is in session so the litigants can leave with a copy in hand. We have an expedited process for reducing orders to zero if the recipient is receiving aid.
17. can't think of anything right now
18. Can't think of anything

29. Do you have any other collaborative projects with your LCSA or FLF?

Answer Options	Response Count
	18
<i>answered question</i>	18
<i>skipped question</i>	22

1. Yes, use of technology
2. We tried to do an OEX process, but DCSS would not personally serve the OEX, and it has been a 100% failure
3. We have several extensive administrative job search programs (run by LCSA/monitored by LCSA), including job employment training and placement (through a Dept of Labor grant). We created the EPIC process (outreach BEFORE any defaults are submitted), which has a dedicated calendar as the result of a SIP grant a number of years ago.
4. We had a job search calendar for a period of time. Our 1058 calendar is only heard one day per week. We set aside one week primarily for motions for seek work orders and orders for examination. The LCSA brought representatives from local agencies (Work Force Connection, Family Resource Center) and did a power point presentation on child support, consequences of not paying, ways the LCSA would work with the obligor, community resources available for job training, etc. Due primarily to budget issues (DCSS and community partners), the program was discontinued.
5. not that I can think of at this time.
6. Not right now.
7. none I can think of at this time
8. No.
9. No.
10. No.
11. no projects pending
12. No
13. No
14. no
15. No
16. No
17. Currently working on remote video conferenced court hearings.
18. Attachment with numerous various orders on it, to be attached to NOMs and OAH

30. Identify any responses in Part A that were developed in conjunction with LCSA.

Answer Options	Response Percent	Response Count
Identify Survey Topic in Part A:	100.0%	11
<i>answered question</i>		11
<i>skipped question</i>		29

1. OEX proceedings
2. none
3. N/A
4. job search calendar
5. Coordination with FL and DCSS court
6. community work service in lieu of jail
7. calendaring v stips on some cases
8. Automatic attachments to all NOMs and all OAH, with check boxes
9. All were in conjunction with LCSA. Court and LCSA has very good relationship.
10. All practices of the court were developed in this way.
11. All of them

31. Explain how the practice evolved between the court and LCSA.	
Answer Options	Response Count
	10
<i>answered question</i>	10
<i>skipped question</i>	30

1. The DCSS attorney approached me with the idea, based on something Shasta County was doing. We discussed the format and eventually changed the time of the calendar to allow the extra time necessary for the presentation.
2. PJ asked for joint meeting with DCSS and outlined his preferred plan
3. Meetinga and collaboration have always been part of the Court's and the LCSA method of operation for the betterment of services by each to the community and court users.
4. LCSA came to me with suggestion, we fine tuned it together, and then implemented it.
5. It has been a good relationship and cooperative for as long as I have been involved in these matters in one capacity or another (1984).
6. I met with DCSS to discuss need; we worked together to put together an attachment that met both of our needs and interests; and then approved final draft.
7. I am so sorry - but even it was mentioned there would be two parts to this survey, I did not take notes and cannot recall all of the specific practices I may have identified in Part A. PLEASE FEEL FREE to contact me and we can talk!! (Sorry!)
8. From day one, 1997, our court has had a transparent, communicative and cooperative relationship with our LCSA. There are specifics, but too many to detail here. However, as a general policy all joint matters are jointly discussed and resolved.
9. DCSS approached me with suggestion; we worked out the details; and then implemented it
10. at a quarterly meeting, placed on agenda by commissioner

32. Please identify any collaborative practices NOT covered in Part A as follows:

Answer Options	Response Percent	Response Count
Issue/ Subject matter:	100.0%	3
How the collaboration/ agreement was reached:	33.3%	1
How the result is better than what was/ would happen without it:	33.3%	1
	<i>answered question</i>	3
	<i>skipped question</i>	37

How the collaboration/ agreement was reached:
1. See explanation section above... would be happy to discuss further if you contact me.
2. N/A
3. DCSS outreach and Court cooperation to achieve

How the result is better than what was/ would happen without it:
1. We were able to provide pre arranged court dates and fee waivers for telephone calls for a group IDd as obligors who were homeless and without that they could not have easily accessed a hearing date

Petitioner/Plaintiff: County of Tulare
Respondent/Defendant: Israel Murrietta III
Other Parent: Lisa Jaramillo

Case Number:VFS068793

ADDITIONAL ORDERS

The Court makes the following additional findings and orders in this matter:

All terms of the Standard Orders Attachment are adopted.

Mother/Father shall not be ordered to comply with Standard

Order Number 2 until:

the 1st day of the 2nd month following father/mother's
release from incarceration **OR**

further order of the court.

The Summons and Complaint in this case were not served on the obligor
within 90 days. There being no evidence that the obligor evaded
service, in accordance with Family Code Section 4009, this order is
effective

(Month) (Year)

The Court takes judicial notice that the obligor's income is near the
federal poverty level. The Court finds that it is in the best interest
of the minor(s) that the obligor be self-sustaining and veers from
guideline and sets child support at \$50.00 per month. Child support to
be allocated pursuant to Family Code Section 4055.

In accordance with Tulare County Superior Court Local Rule 928: Pursuant
to California Family Code Section 4062, each parent is responsible for
one-half of day care costs incurred to allow a parent to work or to be
educated or trained for purposes of employment. All expenses for child
care shall be documented, including, but not limited to, name of care
provider, facility license, contract for services, and monthly billing;
and this document shall be provided to the obligor parent in a timely
manner.

Petitioner/Plaintiff: County of Tulare
Respondent/Defendant: Israel Murrietta III
Other Parent: Lisa Jaramillo

Case Number:VFS068793

If any party to this action objects to any of these additional orders, they may file a motion to set aside these orders within 60 days of the date they were served with the order.

Dated: July 18, 2012.
(Month) (Day) (Year)

Judicial Officer

PETITIONER/PLAINTIFF:
RESPONDENT/DEFENDANT:
OTHER PARENT:

STANDARD ORDERS ATTACHMENT

All payments must be made to:

DEPARTMENT OF CHILD SUPPORT SERVICES
CA STATE DISBURSEMENT UNIT
P.O. Box 989067
West Sacramento, CA 95798-9067

1. Child support payments are payable by Order/Notice to Withhold Income for Child Support (form FL-195). An Order/Notice to Withhold Income for Child Support (form FL-195) will issue.
2. Each parent must: (a) provide and maintain health insurance coverage for the children as obligated by law; (b) complete and return a Health Insurance Form within twenty (20) days of Tulare County Dept. of Child Support Services request. Each parent is responsible for one-half (1/2) of all medically necessary uninsured or un-reimbursed medical costs. A Health Insurance Coverage Assignment (form FL-470) will issue. Except as provided for in Family Code Section 3751.
3. 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. Interest will accrue on the entire principal balance owing and not on each liquidation installment as it becomes due. Any liquidation ordered is subject to modification.
4. Each obligated parent must notify the Tulare County Department of Child Support Services; 8040 Doe Avenue; Visalia, CA 93291 within three (3) business days in writing of any change in residence, income, or employment.
5. Each obligated parent is responsible for paying all child support payments as of the effective date of the order, whether or not an Order/Notice to Withhold Income for Child Support is in place.
6. Current child support shall be modified and set at \$zero per month starting on the first day of the month following the grant of SSI to an obligor, who has no other source of income.
7. Commencing July 1, 2011, as provided in Family Code Section 4007.5, the obligation of the person ordered to pay support will be temporarily suspended for any period after the first 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized, unless that person has the ability to pay support during that time or has committed certain crimes. Immediately after the person ordered to pay support is released from incarceration or involuntary institutionalization, the support order will restart in the same amount as it was before it was temporarily suspended. DCSS is authorized to adjust its charging instructions to reflect the suspension of support during any months where DCSS determines support is zero or is projected to be zero without prejudice to a subsequent judicial determination at the request of DCSS or either parent or legal guardian. DCSS will notify the custodial parent or legal guardian by mail prior to adjusting charging instructions.
8. Current child support shall be conditionally modified and set at \$zero per month starting on the first day of the month following the entrance of an obligor into a live-in drug or live-in alcohol treatment program that lasts for at least thirty (30) consecutive days and the program terms prevent the obligor from working outside the program, except for income that is paid to the program as a term of the program, and the obligor has no other source of income. This reduction shall only apply if obligor successfully completes the treatment program. Current child support shall resume as previously set by court order on the first day of the second month following obligor's completing the live-in program.
9. The current child support ordered shall be temporarily set at \$zero any month the obligor is receiving cash aid from TANF or General Relief. The child support shall reinstate to the previously ordered amount the first day of the first month the obligor is no longer receiving cash aid.
10. Except for court ordered visitation, a parent shall not have an obligation to pay court ordered child support during any full month when the obligor lived with and solely supported the child/children who is/are the subject of the obligation.

NOTICE: Any party required to pay child support must pay interest on overdue amounts (arrear) at the statutory rate, which is currently ten (10) percent simple interest per year on California orders.

ARREARS AND RELEASE OF DRIVING PRIVILEGE

- The obligor has been advised that monthly payments of liquidation on arrears in the amount set will prevent the revocation of the obligor's California driver's license by the Tulare County Department of Child Support Services, but will not pay the monthly interest due on the balance of the arrears, and the obligor agrees to this rate being set.
- The obligor's California driving privilege is to be released by the Department forthwith on the condition that the obligor remains current each month with any monthly ongoing support due and the monthly payment of liquidation as set by the court. If the obligor fails to keep current, the Department may summarily report the obligor for revocation of the driver's license.

TRANSFER OF EXEMPTIONS

- As of December 31st of each year, if the obligor was current with each monthly ongoing support and the monthly rate of liquidation for the year, the obligor will be allowed to take the tax exemption(s) for the following child(ren) for that tax year, unless the child takes a personal exemption

The custodian of the child shall execute an IRS Form 8332 for each qualifying year within ten (10) days of submission of the form.

PETITIONER/PLAINTIFF:
RESPONDENT/DEFENDANT:
OTHER PARENT:

Anexo de Norma para Órdenes

Remitir todo pago a: DEPARTMENT OF CHILD SUPPORT SERVICES
CA STATE DISBURSEMENT UNIT
P.O. Box 989067
West Sacramento, CA 95798-9067

1. Pagos de manutención de menores (child support) serán procesados a través de un embargo salarial (formulario FL-195). Una orden de Transferencia de Salario será emitida (formulario FL-195).
2. Todo deudor debe: a) proveer (y mantener en vigor) seguro medico para los niños tal como exige la ley,) completar y entregar un formulario sobre el seguro medico dentro de veinte(20) días al Departamento de Mantenimiento de Niños del Condado de Tulare, según se exija. Todo deudor es responsable pagar la mitad (1/2) de todo gasto medico necesario no pagado o reembolsado por el seguro medico. Se llevara a cabo la expedición de asignación de cobertura de seguro medico (formulario FL-470). Con las excepciones provistas en el Código Familiar Sección 3751.
3. Ninguna disposicion de esta orden puede interponer limites sobre el derecho de recuperar el principal (monto total no pagado), porcentaje de interés acumulado, al igual que recargos tal como permita la ley. El porcentaje de interés se basa en el monto total, y no en la cantidad asignada mensual del saldo. Toda cantidad de liquidación es sujeta a modificación.
4. Todo deudor de manutención debe notificar por escrito al Departamento de Mantenimiento de Niños del Condado de Tulare: 8040 Doe Avenue, Visalia, CA 93291 dentro de los primeros tres(3) días (laborables) cualquier cambio de domicilio, ingresos, o trabajo.
5. Todo deudor de manutención tiene la responsabilidad de hacer su pago en la fecha en que la orden entro en vigor, se halla procesado, o no, un embargo salarial.
6. La orden vigente de manutención de menores será modificada a cero dólares comenzando el primer día del siguiente mes de habersele concedido beneficios del Seguro Social(SSI) a aquellos deudores que no tengan otros recursos económicos.
7. Empezando el 1 de Julio de 2011, como esta previsto en la Sección 4007.5 del FC, la obligación de la persona ordenada de pagar manutención de menores será temporalmente suspendida por cualquier periodo después de los primeros 90 días consecutivos en los que esta persona ordenada a pagar manutención este encarcelada o institucionalizada contra su voluntad, a menos que, esta persona tenga la habilidad de pagar soporte durante este tiempo o haya cometido ciertos crímenes. Inmediatamente después que la persona ordenada a pagar manutención sea puesta en libertad de su encarcelamiento o institucionalización involuntaria, la manutención comenzara otra vez en la misma cantidad que era antes de ser temporalmente suspendida. DCSS esta autorizada a ajustar las instrucciones de cobro para señalar las suspensión de soporte durante cualquier meses donde DCSS determine que la manutención es cero o esta proyectada a ser cero sin perjuicio a una determinación judicial futura a petición del DCSS o cualquier de los padres o guardián legal. DCSS notificara al padre o madre con la custodia o guardián legal por correo antes de ajustar las instrucciones de cobro.
8. La manutención actual será condicionalmente modificada a la cantidad de cero dólares comenzando el primer día del mes siguiente al ingreso del deudor obligado pagar manutención en un programa de tratamiento anti-droga/alcohol, como paciente interno, cuya duración sea un mínimo de treinta(30) días consecutivos y en el cual las condiciones de dicho programa prohíban al deudor trabajar fuera del programa, a menos que ingresos sean pagados directamente al programa como condición de dicho programa, y que el deudor no tenga otros recursos económicos. Esta condición se implementara si el deudor completa exitosamente el programa de tratamiento. La orden de manutención, previamente citada, entrara en vigor el primer día del segundo mes que el deudor haya completado la fase del programa como paciente interno.
9. La orden de manutención actual será provisionalmente modificada a la cantidad de cero dólares cada mes en que el deudor obligado pagar manutención reciba beneficios de los programas TANF o General Relief. La orden de manutención entrara en vigor una vez mas por la cantidad previamente citada el primer día del primer mes que el deudor obligado pagar manutención no este recibiendo asistencia en efectivo.
10. A menos que sea visitación por orden de la corte; El deudor no tendrá la obligación de pagar manutención dictada por el juez durante aquellos meses completos en el cual el deudor halla convivido y halla completamente mantenido niño/s sujeto/s a dicha obligación.

AVISO: Toda persona que se le requiere pagar manutención a menores de edad debe pagar intereses sobre el monto atrasado según la tarifa establecida por ley. Actualmente al diez (10%) por ciento sencillo anual, según las ordenes del estado de California.

PAGOS ATRASADOS Y REPOSICION DEL PRIVILEGIO DE CONDUCIR

- El deudor queda notificado que pagos mensuales de liquidación del monto fijo, previamente citado, evitara la revocación de su licencia de conducir del estado de California por el Departamento de Mantenimiento de Niños del Condado de Tulare, pero este pago no pagara el interés mensual acumulado de la cantidad total atrasada, y el deudor esta de acuerdo en que se fije dicha cantidad de liquidación.
- El privilegio de conducir en el estado de California será re-activado por el Departamento de Mantenimiento de Niños, inmediatamente, bajo la condición de que el deudor se mantenga al día con sus pagos mensuales de manutención y los pagos de liquidación de su cuenta atrasada tal como fue dictada por el juez. Si el deudor no cumple en mantenerse al día, el Departamento de Mantenimiento de Niños, sumariamente, pudiera ordenar la suspensión de su licencia de conducir.

TRANSFERENCIA DE EXCEPCIONES DE IMPUESTOS

- El 31 de diciembre de cada año, si el deudor se ha mantenido al día con sus pagos de manutención, al igual que los pagos del monto atrasado se le permitirá declarar excepción(s) en su declaración a rentas internas (taxes) por el año fiscal correspondiente por el(los) siguiente menor/es, a menos que el menor(s) se declare(n) excepción de impuestos propia.

La persona que tenga tutela del menor tendrá que presentar el formulario 8332 del IRS por cada año que califique, dentro de diez (10) días de entrega de la forma.

TAB P

Child Support Calculations for Family Law Facilitators

**Ms. Diane Bras, Ms. Candace Goldman,
& Ms. Lollie A. Roberts (Moderator)**

16th ANNUAL 1058 CONFERENCE WORKSHOP OUTLINE SUPPORT CALCULATOR PRESENTATION: QUESTIONS, PUZZLES AND CONUNDRUMS

This workshop assumes familiarity with calculating child support and a substantial understanding of the underlying substantive issues in determining support. This workshop will focus on more advanced issues in discussing child support with litigants and addressing more unusual circumstances in preparing child support calculations.

TOPICS:

A. Explaining Child Support:

- 1) helping litigants understand how child support is calculated in California and how it works over time:
 - a) Fam. C. 4055 basic guideline calculation: $CS = K \{HN - (H\%)(TN)\}$
 - b) see also Fam. C. 4055 – 4073 re support calculation factors
- 2) obtaining accurate income information (and when you can't get it . . .)
- 3) overcoming unreasonable litigant expectations regarding child support
- 4) explaining “change of circumstances” to litigants:
 - a) elements of “change” and when the rule applies
 - b) how much change may be required to modify support

B. Dealing with Awkward Situations and Issues:

- 1) when there isn't enough to go around (and there often isn't)
- 2) calculating non-standard time share arrangements
- 3) alternative calculations when there are discretionary variables
 - a) which settings (tactics) to use, and when – difference between DCSS calculator and other programs
 - b) how many alternatives to run (you mean you might do more than one?!)
 - c) crediting SSDI derivative benefits and other forms of payment or credits in determining child support (IRMO Sayre – unpublished opinion)
- 4) “year to date” income for fluctuating income
- 5) bonuses and other non-standard income
- 6) the recalcitrant litigant vs. the avenger (or: “I'm not paying” vs. “I will bleed them dry.”)
- 7) mediating child support – handling “speed mediations”

C. Liaison with DCSS:

- 1) dealing with discrepancies in approach or policy
- 1) signing off on child support judgments (Fam. C.17404(f)(3))



Don't forget to ask the Judge to make the orders below if they apply to you.

Just say, "Your honor, I also need an order for _____ (i.e. Child support)"

Child Support

- Childcare
- Expense for visitation transportation
- Arrearages (payment schedule)
- Wage assignment
- Healthcare

Parentage

- Finding of paternity
- Change of name

Custody & Visitation

- Specific schedule – date, time, place
- Limits on travel with kids
- Special orders

Spousal Support

- Wage assignment

Exclusive use of car, house, etc.

Consolidation of cases

Other _____

A sample copy of the DCSS child support calculator data input pages was provided during the session, but is not duplicated here.

Persons interested in reviewing the calculator may find it at www.childsup.ca.gov. An electronic copy of the sample may be requested if desired.

TAB Q

**Income Determination: Child Support
Calculations and Advanced**

**Hon. Scott P. Harman &
Hon. Patrick Perry**

TAB Q

Income Determination— Child Support Calculations

**Hon. Scott P. Harman &
Hon. Patrick Perry**

Child Support and Income Determination

2012 AB 1058 Conference
SAN JOSE, CA

Goal

- Ensure compliance with Federal regulations
- To provide consistency throughout the state *where parties can not agree!*
- To ensure children receive support consistent with the State's high standard of living and high cost of raising children compared to other states.
- To encourage settlements of conflicts and minimize litigation

A parents 1st & principal obligation above and beyond payment of their current debts and other monthly expenses is to support children according to their circumstances & station in life?

1. True
2. False



Principal Objectives

- Parents 1st & principal obligation to support child according to circumstances & station in life
- Both parents mutually responsible for support
- Considers each parents income and level of responsibility for children
- Children share the standard of living of both parents. Support may improve the standard of living of custodial household.
 - See Family Code Section 4053

Calculating Guideline Child Support

Is the calculation of guideline child support mandatory in all cases where child support is requested?

1. Yes
2. No



Bench Officer's can exercise discretion when calculating guideline child support?

1. True
2. False



Calculating Guideline Child Support

- It is not a guideline
 - Adherence is mandatory by the court!
- Presumptively correct
 - Rebuttable presumption
 - Exceptions will be discussed and agreements by parents are encouraged
 - Even if only on some points.

Rebuttable Presumption

- Guideline unjust or inappropriate because:
 - **Stipulate to different amount (FC 4065)**
 - Deferred sale of residence
 - Payor has extraordinary high income & GL amount exceeds needs of child
 - Party not contributing to needs of child consistent with custodial time
 - Application unjust or inappropriate due to special circumstances

Special Circumstances

- Include but not limited to:
 - Different custodial plans for different children
 - Substantially equal custodial time & one parent has higher or lower % of income used for housing
 - Children have special medical needs
- List is not exclusive !!

How is Child Support Calculated

- Family Code Section 4055
- $CS = K[HN - (H\%)(TN)]$
- Components of Formula
 - Amount of each parents income allocated for CS
 - High wage earners net monthly disposable income
 - Approximate % high earner has child in their care
 - Total net monthly disposable income of both parents

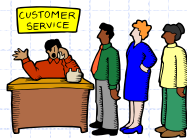


Real World- How calculated

- Certified computer programs:
 - Guideline Calculator, Dissomaster, X-Spouse, Support-Tax, Nolo Press Program
- If calculating child support in a case involving the Dept of Child Support Services, the court must use:
 - Child Support Guideline Calculator-



CHILD SUPPORT AGENCY



- *"Can you help us get our support program to work?"*

Necessary Information

- Court order is only as accurate as the evidence received by the court !!
- While court is neutral, often requires bench officer to make inquiry of parties.
 - Frequently more hands on by bench officer in proper cases. Must balance with Canons.
- If you make inquiry of parties for inputs have clerk administer oath
 - # of children,
 - Parenting arrangement
 - Tax filing status- current as of year end.

Gross Income

Necessary Information (Con't)

- Deductions from Income
 - Taxes
 - Health Insurance (Pre or Post taxes)
 - Retirement Plans
 - Necessary job related expenses, union dues
- Mortgage Interest, Property Taxes, Charitable contributions
- Child Care expenses
- Statutory Hardships

Deductions which have tax effect

- Adjustments to income
 - IRA/ Pre-Tax 401K contributions
 - Pre-tax health insurance premiums or meet AGI threshold (uninsured costs)
 - Home Mortgage Interest
 - Property Taxes
 - Student Loan Interest
 - Charitable Contributions

Child Support Add-Ons

- Mandatory- FC4062
 - Child Care for employment or education
 - Uninsured health care costs.
 - Generally split equally, may also be proportional to net disposable income.
- Discretionary-
 - Education/Special Needs
 - Extra curricular activities
 - Visitation travel expenses

Responsibility for care

- Timeshare does not have to be exact-
 - Close approximation
 - Approved child support software programs have 'guideline' parenting time scenarios
 - Look to responsibility for care-
 - May be responsible for care even when child not with a particular parent (school).
 - Based upon what is actual arrangement, not necessarily what order says.

VOID CS Agreements

- Those agreements which deprive the court of jurisdiction, i.e. binding arbitration
 - IRMO Berezna (2003) 110 CA4th 1062
- Waiver of arrears on a take it or leave it basis without good faith dispute as to amounts owed
 - IRMO Sabine & Toshio M. (2007) 153 Cal.App.4th 1203, 1213-1215

CS orders

- Always modifiable
 - Even Stipulated non-modifiable “floor”, subject to modification.
 - IRMO Alter (2009) 171 Cal.App.4th 718
 - Different than spousal support!

County and Judicial Differences

- Meet and Confer
- FLF
- Volunteer Attorneys
- Calendar Management
 - Mixed calendar or only financial issues

Drilling Down

What is Income for Calculating Child Support?

Income is.....



- “.income from whatever source derived” IRC language--Mandatory: FC 4058(a)(1)
 - Commissions, salary, wages, bonuses
 - Royalties, rents, dividends, interest, gifts maybe if recurring **IRMO Alter** (2009) 171 CA4 718
 - Pensions, annuities, social security benefits
 - Workers’ comp., unemployment, disability
 - Spousal support from another relationship
 - Tribal payments paid directly to member
 - **M.S v O.S** (2009) 176 CA4th 548

What is Income (con’t)

- Gross income to business less operating expenses. FC 4058(a)(2)
 - **Asfaw v. Woldberhan** (2007) 147 CA4th 1407
Depreciation of rental property is not deductible in calculating child support under 4058 and 4059.”
 - Add-Backs**—“was the expenditure necessary for the operation of the business”?

How do you generally treat depreciation when calculating income available for child support?

1. Non taxable income
2. Add back to self employment income as taxable
3. Neither of above but consider as factor for deviation
4. Any of the above depending on circumstances

HYPO

F owns apt. complex. \$200K/yr gross rental income and claims business expenses of \$150K, \$50K of which is depreciation. What is F's income for CS?

1. \$50K taxable
2. \$100K taxable
3. \$50K taxable plus \$50K non-tax
4. Something else

HYPO

F self employed & owns medical transcription business. \$200K gross income, \$150K business expenses, \$50K of which is depreciation. What is F's S/E income

1. \$50K taxable
2. \$100K taxable
3. \$50K taxable plus \$50K non tax
4. Whatever the tax return says
5. Possibly something else

What is Income (con't)

- Discretionary: FC 4058(a)(3) & (b)
 - Employment/self-employment benefits—consider benefit to employee, reduction in living expenses, other relevant factors
 - Earning capacity

What is Income (con't)

- Overtime: Predictable overtime *must* be included unless:
 - Evidence that not likely to continue; or
 - Overtime subjects party to an "excessively onerous work schedule". Parent only required to work "objectively reasonable work regimen". See Co. of Placer v Andrade (1997)55 CA4th 1396; IRMO Simpson (1992) 4 Cal.4th 225.

What is Income (con't)

- Military Allowances
 - BAH—Basic Allowance for Housing
 - BAS—Basic Allowance for Subsistence
 - Although non taxable, federal pre-emption does not apply
 - BAH and BAS are non taxable income for child support
 - IRMO Stanton (2011) 190 CA4th 547

What is Income (con't)

- SEVERANCE PAY
 - Smith Ostler order in effect
 - "35% of all income in excess of \$25,000/mo
 - Payor receives severance pay of \$309K
 - 5 Components

What is Income (con't)

- Yrs of Service \$100,000
 - Lump sum in lieu of commissions \$152,000
 - Qualitative Compensation \$ 35,000
 - Healthcare payout \$ 1,500
 - Retirement benefits \$ 3,422
- TC ruling: % applies to all

What is Income (con't)

- Yrs of Service (limit 12 mo) \$100,000
 - Lump \$ in lieu 6mo commissions \$152,000
 - Qualitative Compensation \$ 35,000
 - Healthcare payout \$ 1,500
 - Retirement benefits \$ 3,422
- TC ruling: % applies to all
- CA: reverses---Allocate rationally

What is Income (con't)

- Allocation of Severance Pay
- TC discretion
 - May follow allocation stated in plan or other reasonable allocation
 - May not allocate all to one month
 - IRMO Tong & Sampson (2011) 197 CA4th 23

What is NOT Income?

- Child support
- Public assistance (AFDC, SSI, TANF, Adoptive Assistance)
- Gifts (maybe)... But see *IRMO Alter* (2009) 171 CA4th 718
- Inheritances, life insurance
- Appreciation in value of primary residence
IRMO Henry (2004) 126 CA4 111
- New mate income—exception in extraordinary circumstances (FC 4057.5)
– *IRMO Knowles* (2009) 178 CA4th 35

What is NOT Income? (Con't)

- Loans
- Undifferentiated lump sum PI awards
- Annuity purchased from undifferentiated lump sum PI award.
- However, just because not income, some of these facts may be basis to deviate from G/L CS.

Calculating Gross and Net Income

- Calculation of “Net Disposable Income”
FC 4058 (gross) and 4059 (deductions).
 - 12-month average. *IRMO Riddle* (2005) 125 CA4th 1075, at 1083, facts may dictate longer or shorter period.
 - Court can adjust support to account for seasonal or fluctuating income. FC 4060-4064.

Calculating Income (cont.)

- Percentage of fluctuating income as child support?
 - Better practice to set base CS and percentage of income (bonuses, incentive pay) over base level.
 - **IRMO Mosley** (2008) 165 Cal.App.4th 1375
 - Contra authority if bonuses/commissions are consistent.
 - See **Co of Placer v. Andrade**, supra.

But Don't Forget.....

- Must consider appropriate deductions per FC 4059
 - Taxes
 - Health Insurance (Pre or Post tax)
 - Mandatory Retirement Plans (Pre or Post tax)
 - Vol. to extent ATI
 - Necessary job related expenses
 - Union dues
 - CS or SS
 - Hardship

Hardships

Must the court grant a hardship deduction to a parent who has a biological or adopted child from a different relationship in the home?

1. Yes
2. No



Allowable Deductions (con't)

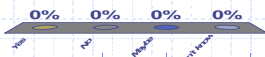
- Hardships
 - Extraordinary health expenses and uninsured catastrophic losses
 - Minimum basic living expenses for children residing with a parent for whom the parent has an obligation to support
 - Does not apply to step-children as there is no 'legal' duty of support owed.

HYPOTHESIS

W works for State, tier 1 (e'er contributes to mandatory retirement also subsidized by e'er). H works for HP and voluntarily contributes to 401K & matched by e'er. H has no other retirement.

Is H's 401K contribution an allowable deduction in calculating G/L Child Support?

1. Yes
2. No
3. Maybe
4. I don't know

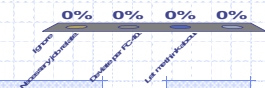


HYPOTHESIS

Due to poor economy, F is laid off. Secures new wage employment but now commutes 100 miles each way to his office. F proves increased costs for commute \$500/mo.

How do you treat the increased commute costs in the calculation of CS?

1. Ignore
2. Necessary job related expense
3. Deviate per FC 4057
4. Let me think about it



Beyond the Paycheck

- Section 4058 language is expansive but must limit application to money actually received or available; not appreciation of residence. IRMO Henry (2005) 126 CA4th 111, at 119, 23 CR3rd 707, at 712.
- IRMO Destein (2001) 91 CA4th 1385, 111 CR2nd 487, appreciation of real estate okay if investment asset, not residence.

Beyond the Paycheck con't

- Partnerships & S-Corps
 - K-1 vital
 - Need to understand various boxes.
 - Look not only to income but also to distributions- positive or negative

HYPO

F \$48K W-2 from S-Corp. S-Corp also gives F a K-1 with \$150K ordinary business income. M stay at home w/ twins- 6 months old.

For calculating G/L CS is F's income:

- \$48K wages
- \$198K wages
- \$48K wages plus \$150K other taxable
- Something entirely different



HYP0

Dad: General partner. Draw \$60,000/yr.
 K-1 shows distribution of \$70,000/yr.
 For calculating G/L CS is Dad's income:

- 70K wages/yr
- 60K/yr S/E income
- 70K/yr S/E
- 60K/yr S/E plus 10K other taxable
- Perhaps something entirely different.
- Whatever the LCSA recommends

Stock Options

- Income when option exercised or sale of stock at a gain. IRMO Cheriton (2001) 92 CA4th 269, at 286, 111 CR2 755, at 767.
- Can option be income prior to being exercised? Murray v. Murray (1999) 128 Ohio App.3d 662, at 668-670, 716 NE2d 288, 293-295.

HYP0

W granted 20K options. Vest ratably 1/5 annually over 5 yrs. Price on grant date \$10/share. 18 mo.'s later H files CS mod & req's. impute income on vested options. Price now \$20/share.

What is income from stock options?

1. \$40K
2. \$80K
3. \$20K
4. I went to law school because I was no good at math

Stock

- IRMO Pearlstein (2006) 137 CA4th 1361, 40 CR3rd 910 distinguishes stock *and cash* traded in sale of business—not income until stock sold or cash spent as opposed to reinvested—OK to impute reasonable rate of return
 - Stock options=compensation
 - Stock/cash sale of business=capital
 - Same result in IRC1031 exchange?

Inheritance

- County of Kern v. Castle (1999) 75 CA4th 1442, at 1453, 89 CR2 874, at 882.
 - Corpus not income.
 - Imputation of interest income to the corpus of the inheritance;
 - actual rental income, plus reduction in living expenses, per FC 4058(a)(3)
 - Compare County of Orange v. Smith (2005) 132 CA4th 1434, at 1447-1448, 34 CR3rd 383, at 392-393.

Life Insurance

- Lump sum payment of life insurance benefits not income—may apply reasonable rate of return. IRMO Scheppers (2001) 86 CA4th 646,

Gambling Winnings

- Return on capital investment, include as income. IRMO Scheppers, supra, at 651 and 533.



Lottery Winnings



- County of Contra Costa v. Lemon (1988) 205 CA3rd 683, at 688, 252 CR2nd 455, at 459—AFDC case. Court held lottery winnings to be income and available for both AFDC reimbursement and ongoing child support.
 - See IRMO Scheppers, supra, at 651 and 533.

Benefits from Employment

- **Discretionary Add-ons**
 - **Automobile.** IRMO Schulze (1997) 60 CA4th 519, at 528, 70 CR2nd 488, at 494.
 - **Housing.** IRMO Schulze, supra, at 529 and 495.
 - **Meals.** Stewart v. Gomez (1996) 47 CA4th 1748, at 1756, 55CR2nd 531, at 536.

Annuity from Undifferentiated lump sum PI award



- IRMO Rothrock (2008) 159 Cal.App.4th 223, held annuity purchased from undifferentiated lump sum PI award not income.
 - BOP on person challenging
- IRMO Heiner (2006) 136 Cal.App.4th 1514 held undifferentiated lump sum PI award not income.

Imputing Income

- Gifts
- Earning Capacity
 - Unemployed/underemployed
- Assets
- Expense Theory
- New Mate Income
 - FC 4057.5

F receives gift of \$18K every year from parents to pay his rent. F wages \$22K/yr. M wages \$48K/yr. Timeshare 0%.

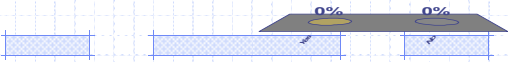
What is F's income for calculating G/L CS?

1. \$22K wages
2. \$22K wages plus \$18K non-tax income
3. \$22K wages plus \$18K taxable income
4. Something else

0%	0%	0%	0%
\$22K wages	\$22K wages plus \$18K non-tax income	\$22K wages plus \$18K taxable income	Something else

Would your answer to the previous question be different if the parents provided H free housing with an annual value of \$18K instead of gifting him 18K?

1. Yes
2. No



Gifts

- One-time gifts are not includable as income unless failure to do so would provide inequitable result. IRMO Schulze, supra at 530 and 495.
 - Court has broad discretion to **deviate up or down** if in the best interests of the children. IRMO deGuigne (2002) 97 CA4th 1353, at 1361, 119 CR2nd 430, at 436.



Gifts (cont.)

- Recurring gifts may be treated as income for child support. IRMO Alter (2009) 171 CA4th 718
- IRMO Shaughnessy (2006) 139 CA4th 1225, held discretion to consider third party gifts in spousal support
 - [FC4057(b)(5) mentioned in dicta].



Earning Capacity



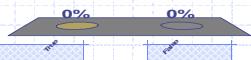
- FC4058(b) Discretion to consider in lieu of income if consistent with best interests
 - May consider EC along with parents receipt of disability benefits. Stewart v. Gomez (1996) 47 CA4th 1748
 - Burden on party seeking to impute to show ability (age, experience, health), and opportunity to work (job availability). IRMO Regnery (1989) 214 CA3rd 1367, 263 CR 243.

Earning Capacity (cont)

- Burden on responding party if employment terminated voluntarily. IRMO Ilas (1993) 12 CA3rd 1630; IRMO Padilla (1995) 38 CA4th 1212.
- Cannot 'automatically' impute to former level if termination involuntary, even if misconduct! IRMO Eggers (2005) 131 CA4th 695, 32 CR3rd 292.

Where a parent retires early & before normal retirement age when there are still minor children, the trial court must impute income as a matter of law to the pre retirement level when calculating an initial guideline child support order?

1. True
2. False



Earning Capacity (cont)

- Retirement scenario
 - IRMO Bardzik (2008) 165 CA4th 292
 - Reiterates BOP on parent who seeks to modify CS order to show parent has ability and opportunity.
 - Retirement distinguished from voluntary termination (IRMO Ilas & Padilla, supra;) ?!?
 - However, perhaps consider viability on Stewart v. Gomez, *infra*, if in best interests to impute and evidence to do so

Earning Capacity (cont.)

- Court may impute to one who is unable to find employer willing to hire them so long as there is a substantial likelihood income can be produced utilizing marketable skills. IRMO Cohn (1998) 65 CA4th 923, at 930, 76 CR2nd 866 at 871.
 - Tangible evidence needed; cannot be “drawn from thin air.” IRMO Cohn (lawyer case); Oregon v. Vargas (incarcerated parent) 70 CA4th 1123. Want ads enough. LaBass and Munsee (1997) 56 CA4th 1331.

Earning Capacity(cont.)

- What if earning capacity greater than actual earnings, i.e. underemployed?
 - Ability to pay standard—if earning capacity greater than actual earnings court may base order on ability so long as in the children’s best interests—sound discretion of the court. Moss v. Superior Court (Ortiz) (1998) 17 C4th 396, at 4245; IRMO Simpson (1992) 4 C4th 225, at 233; IRMO Smith (2001) 90 CA4th 74, at 81.

Earning Capacity(cont.)

- Remarriage and quit job
 - IRMO Paulin (1996) 46 Cal.App.4th 1378

Imputing Income

INTEREST

Can impute reasonable rate of return on non-income-producing assets. IRMO Dacumos (1999) 76 CA4th 150, at 154-155, 90 CR2nd 159, at 161; IRMO Destein (2001) 91 CA4th 1385, at 1393-1396, 111CR2nd 487, at 492-496; IRMO deGuigne, supra, at 1363 and 437-438.

- Rate of return? Substantial evidence test on review: Risk free (6%)--Destein, legal rate (10%)--Scheppers, 4.3 or 4.5 government bond rate--IRMO Ackerman (2006) 146 CA4th 191 all acceptable. Common sense "Theoretical rate" 4.5% IRMO Berger (2009) 170 CA4th 1070

Imputing Income (cont.)

- Brothers v. Kern (2007) 154 CA4th 126 confirms trial court imputing reasonable rate of return on liquidated proceeds already paid to third party.
 - Court also **deviated** from guidelines—payor incarcerated- considered child needs for above guideline award.



Imputing Income (con't)

- Expenses Theory
 - Calculate guideline
 - Make credibility finding if I&E or other evidence of unbelievable income vis a vis expenses
 - Rule out other sources for payments as show by evidence
 - Re-calculate with expenses as non tax income- no tax consid. as expenses are paid after tax.
 - See IRMO Loh (supra); IRMO Calcattera (2005) 132 CA4th 28

Imputing Income(cont.)

- Exceptions to imputing income:
 - CalWorks participant Mendoza v Ramos (2010) 182 CA4th 680
 - IRMO Williams (2007) 150 CA4th 1221 confirms that court cannot impute reasonable rate of return on home equity in primary residence.
 - IRMO Schlafly (2007) 149 Cal.App.4th 747, confirms cannot impute income on mortgage free housing (FRV?) of primary residence
 - But consider Kern v Castle, supra.
 - Also discussed "add-ons" FC 4062

As a result of investments after new marriage H and new spouse have passive investment income of \$5,000/mo. H recently laid off and collecting UI benefits of \$1,950/mo. What is H's income for CS?

1. \$1,950
2. \$6,950
3. \$4,450



Imputing Income (cont.)

- Remarriage—May impute income to custodial parent who terminates employment to care for new children of remarriage (IRMO Hinman (1997) 55 CA4th 988, 64CR2nd 383) or remarriage to wealthy spouse (IRMO Wood (1995) 37 CA4th 1059, 44 CR2nd 236)
 - **CAUTION** re FC 4057.5
 - Need finding of that exclusion of NMI would result in extreme of severe hardship to child
 - IRMO Knowles (2009) 178 CA4th 35

Summary— Determining Income

- Income = gross income from all sources, including commissions, bonuses, overtime
- May include benefits
- Does not include aid, spousal support, etc.
- Average when fluctuating or seasonal
- Imputing income may be available

In 2008 F receives \$319K from Tribe and reports same as taxable income on his tax return. \$35K of this figure is for legal fees paid directly to his attorneys and \$80K represents bi-annual bonuses. The balance is regular monthly disbursements. What is F's income for calculating G/L CS?

1. \$319K
2. \$284K
3. \$204K



Deviating from Guideline

- “The court is not supposed to punch numbers into a computer and award the parties the computer’s result without considering the circumstances in a particular case which would make that order unjust or inequitable”
 - Marriage of Fini (1994) 26 CA4th 1033
 -It’s true, we are not mere robots or potted plants!

Deviating from Guideline (cont.)

- FC 4056
 - If deviating, must state findings and guideline CS and state reasons for deviation on record.
- FC 4057(a)

The amount of child support established by the formula presumed to be the correct amount of child support.

Deviating from Guideline (cont.)

- FC 4057(b)

The presumption of 4057(a) rebuttable-- may be rebutted by showing that formula unjust or inappropriate, consistent with FC 4053, based on one or more identified factors, list is not exclusive.

Deviating from Guideline (cont.)



- Calculation of guideline
 - No statutory exception to requirement that court determine guideline before addressing deviation. IRMO Hubner supra, at 184 and 652.

Deviating from Guideline (cont.)

Stipulation of the parties. FC4057(b)(1)
Guideline calculation &
FC 4065 inquiry/advisement required.

Deferred Sale of Residence FC4057(b)(2)

Discretionary. IRMO Braud (1996) 45CA4th 797,
at 819, 53 CR 2d 179, at 192


Deviating from Guideline (cont.)

- High Income & G/L exceeds C's needs. Burden on high earner to establish that formula is "unjust or inappropriate" and would exceed needs. FC 4053(b)(3). IRMO Cheriton, supra,, at 297 and 776.
- Substantial evidence test—opposite result may be supportable. IRMO Wittgrove (2004)_120 CA4th 1317, at 1326 and 1328, 16 CR3rd 489, at 495 and 497.

Deviating from Guideline (cont.)

- May avoid need to calculate guideline if parties stipulate that paying parent is extraordinary high earner and on what is an appropriate amount of child support. Estevez v. Superior Court (Salley) (1994) 22 CA4th 423, at 431, 27 CR2nd 470, at 475-476. Court makes "assumptions least favorable to the obligor."

Deviating from Guideline (cont.)

- Establishing needs of children 
 - Varies with standard of living of parent, per FC 4053(f). IRMO Hubner (2001) 94 CA4th 175, at 187, 114 CR2nd 646, at 655; IRMO Wittgrove, supra, at 1329 and 498; IRMO Chandler (1997) 60 CA4th 124, at 129, 70 CR2nd 109, at 113.

Deviating from Guideline (cont.)

- Future financial security may be considered. IRMO Kerr (1999) 77 CA4th 87, at 97, 91 CR2nd 374, at 381.
- Consideration of alternative resources may not be appropriate. IRMO Cheriton, supra at 293-294 and 773 (trust not to be considered unless actually satisfying needs of children).

Deviating from Guideline (cont.)

- Court needs information based in fact concerning obligor's actual gross income. Johnson v. Superior Court (Tate) (1998) 66 CA4th 68, at 75, 77 CR2nd 624, at 628; IRMO Hubner supra at 186-187 and 654-655.

Deviating from Guideline (cont.)

Contribution not commensurate with parenting time. FC4057(b)(4)
Clothing, extra curricular, etc.

Deviating from Guideline (cont.)

Guideline child support would be "unjust or inappropriate." FC4057(b)(5)

Including *but not limited to*...

- (A) Different time-share with different children,
- (B) Substantially equal time but housing expense greater for one parent, and
- (C) Special medical or other needs for the children.

Above language is not words of limitation

Deviating from Guideline (cont.)

- Other Examples:
 - Broad discretion given court, as list of circumstances are inclusive, not exclusive. County of Lake v. Antoni. (1993) 18 CA4th 1102, at 1106, 22 CR2nd 804, at 806; IRMO Wood (1995) 37 CA4th 1059, at 1069, 44 CR2nd 236, at 242; IRMO deGuigne supra, at 1361 and 436.

Deviating from Guideline (cont.)

- Edwards v Edwards (2008) 162 Cal.App.4th 136. Where jurisdiction exists to award post age of majority CS, application of GL formula is unjust or inappropriate where neither parent retains primary physical responsibility for adult child for any period of time.

Deviating from Guideline (cont.)

- Assets. IRMO Dacumos supra 154-155 and 161; IRMO Destein supra at 1393-1396 and 492-496; IRMO deGuigne supra at 1363 and 437-438.
- Lavish lifestyle. IRMO deGuigne supra at 1360-1366 and 435-440.
- Nontaxable benefits. IRMO Loh supra at 335-336 and 900.
- Salary Deferral combined with lavish lifestyle. IRMO Berger (2009) 170 Cal.App.4th 1070

Deviating from Guideline (cont.)

-**Extraordinarily low income.** City and County of San Francisco v. Miller (1996) 49 CA4th 866, at 869, 56 CR2nd 887, at 888.

Federal Poverty Guideline

Concept used to reduce arrears in public assistance case. City and County of San Francisco v. Funches (1999) 75 CA4th 243, at 247, 89 R2nd 49, at 52.

Summary—Deviating from Guideline

- Stipulation—findings required
- Deferred Sale of Residence
- Not Contributing commensurate with TS
- Extraordinarily High Income
- Guideline support unjust or inappropriate “catchall” clause

Putting it all together

- Now you have the framework to calculate Child Support
- Conceptually it's like graduating from law school and passing the bar.
- It's applying it in the real world that counts, and that's what has not been taught.

W files and 75 days later serves a Petition for DOM. Six (6) mo's later W files OSC for CS. To what date may the Court make the initial order retroactive to?

1. Date of hearing
2. Date OSC filed
3. Date Petition was filed



W's OSC also seeks spousal support, to what date may the court make the SS order retroactive to?

1. Date of hearing
2. Date OSC filed
3. Date Petition was filed



W's OSC seeks CS and SS, Court makes temporary order and continues to allow discovery. To what date may the court make the support order retroactive to at future hearing?

1. Date of initial hearing
2. Date OSC filed
3. Neither



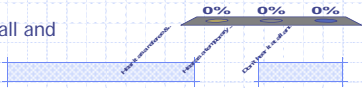
On the DCSS calendar both parties appear, all stipulate to you (Commish) per FC 4251(b). Party 1 is unhappy with ruling and timely files request for reconsideration but will not stipulate to you hearing case again. How do you proceed?

1. Hear case as a temp. judge.
2. Hear case as a referee.
3. Don't hear the case



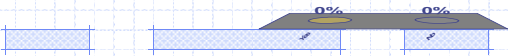
Same facts as previous question but no stipulation in the first instance. You hear as referee and judge ratifies recommendation. Now party timely files request for reconsideration and it's on your calendar. What do you do.

1. Hear it as a referee & make recommendation
2. Hear as a temporary judge
3. Don't hear it at all and reset on judge's calendar.



W files UPA action & checks box there is a vol. decl. of paternity but does not attach copy. Concurrently files OSC for CS. At OSC hearing H does not appear. Should the Court issue an order for child support?

1. Yes
2. No



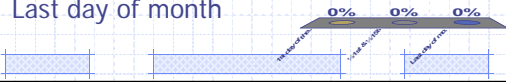
Disso action in SAC Co. with judgment for CS & SS. Judgment is registered in Orange Co. by Oblige Mom who opens case with OC DCSS. Mom then files motion for modification of spousal support in Sac County. In what County is the spousal support "venued" for modification purposes?

1. SAC County.
2. Orange County



An order for child support does not specify a "due date". On what day of the month is the child support "due"?

1. 1st day of the month
2. 1/2 1st & 1/2 15th
3. Last day of month



In an action enforced by the Department pursuant to FC 17400 et. seq., CS order is due on the 1st day of each month. When does interest begin to accrue on unpaid child support?

1. 2nd day of the month
2. Last day of the month
3. 1st day of following month



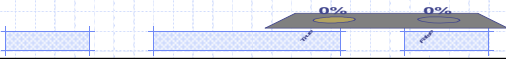
The court may order an obligor to establish a child support security trust account to ensure the payment of child support for what duration of time?

1. 12 months
2. 18 months
3. 24 months
4. Any reasonable amount of time



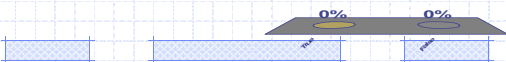
An Obligor must be in arrears before a Court may issue an order for a child support security deposit account?

1. True
2. False



An income withholding order must always be ordered for the payment of child support where the obligor is a wage employee?

1. True
2. False



The Court may require a self-employed obligor to designate an account for the purpose of paying CS by electronic funds transfer in both DCSS and non DCSS cases?

1. True
2. False



Which of the following must the Court find to stay issuance of an earnings withholding order?

1. Doing so is in BIC
2. Uninterrupted timely full pay history for previous 12 mo's
3. Obligor has no arrears
4. EWO causes extraordinary hardship
5. All of the above
6. 1 and 2 above only



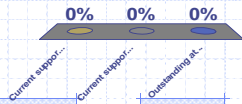
The Department of Child Support Services may issue their own administrative orders for what types of matters?

1. Income withholding Orders
2. Genetic Testing
3. Health Insurance
4. Levies
5. 1 only
6. 1 through 4 above
7. None of the above



Generally when crediting a payment toward a money judgment for support, payments are credited in what order?

1. Current support, unsatisfied principal, accrued interest
2. Current support, accrued interest, unsatisfied principal
3. Outstanding attorney fees, accrued interest, current support



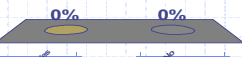
DCSS obtains levy for \$3,000 against H for unpaid CS in amount of \$75,000. H's sole source of funds is SSDI. H moves to quash? What do you do?

1. Grant
2. Deny



Is the Court required to count hours when determining parenting time to calculate guideline child support ?

1. Yes
2. No



M & D 50/50 Custody Order. D deploys overseas. M seeks CS mod with 0% timeshare. Child spends significant time with D's family including weekends and some overnights and various meals (approx. 30% timeshare).

How do you calculate child support?

1. Use 0% Timeshare but deviate
2. Use 50% Timeshare & order G/L CS
3. Use 30% Timeshare & order guideline



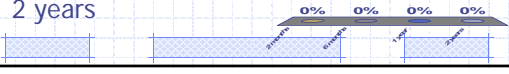
A voluntary declaration of paternity may be rescinded by either parent....

1. Within 60 days
2. Within 2 years
3. Within 6 months
4. Never, unless set aside by court as it is equivalent to a judgment



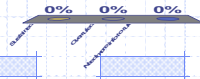
A motion to set aside a voluntary declaration of paternity must be filed within what period of time in relation to the child's birth?

1. 2 months
2. 6 months
3. 1 year
4. 2 years



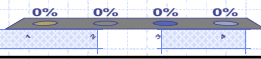
At trial on the issue of parentage, DCSS offers into evidence the paternity test results without calling any witnesses. Counsel objects on hearsay and lack of foundation. What is your ruling?

1. Sustained
2. Overruled
3. Need more info to rule either way



In law, how many different types (classifications) of fathers are recognized? Hint, the classifications are not "good", "bad", "absent" "deadbeat" or "Disneyland" ones!

1. 1
2. 2
3. 3
4. 4



Is spousal support received by a payee includable in payee's income when calculating child support?

1. Yes
2. No
3. Maybe
4. Only in a DCSS case



A person is entitled to a hardship deduction for the minimum basic living expenses of a natural or adopted child living in the home when calculating guideline CS?

1. True
2. False



When calculating guideline child support the Court shall deduct from gross income of the parents the health plan premiums paid

1. Only for the child subject to the CS order
2. For all children whom their exists an obligation to support
3. The total premium including adults and children
4. Premium for parent and all children for whom their exists a legal obligation to support



When calculating a party's net disposable income which of the following are considered health insurance deductions?

1. Vision Premium
2. Dental Premium
3. Health Premium
4. All of above
5. Only 2 and 3



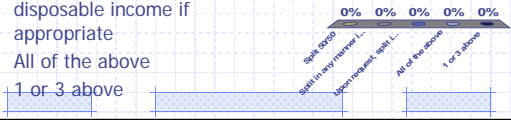
M has free child care to enable her to work. M chooses to put child, age 4, in early learning development program (ELDP) instead of free child care. Is the cost of the ELDP a mandatory child support add-on?

1. Yes
2. No
3. Maybe



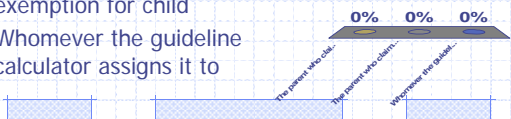
Assume the Court granted the ELDP costs in the previous question, how must the court allocate the costs between the parents?

1. Split 50/50
2. Split in any manner it chooses
3. Upon request, split in proportion to net disposable income if appropriate
4. All of the above
5. 1 or 3 above



When calculating guideline CS, to whom is the child tax credit available?

1. The parent who claims Head of Household filing status
2. The parent who claims the dependency exemption for child
3. Whomever the guideline calculator assigns it to



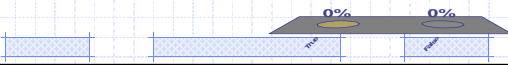
The Servicemembers Civil Relief Act applies to what types of proceedings?

1. All proceedings
2. All proceedings except criminal
3. Only Family Law



In a post judgment proceeding, personal service of the moving papers on the other party is required?

1. True
2. False



In a post judgment proceeding, service of the moving pleadings is valid if made upon the attorney of record?

1. True, if personally served
2. True, if mailed
3. False



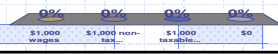
What is the statute of limitations for enforcement by contempt of a child support order?

1. 1 year from due date
2. 2 years from due date
3. 3 years from due date
4. Child attaining age of majority



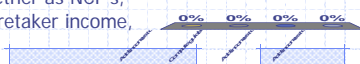
Dad receives Social Security Disability Insurance benefits in the sum of \$1,000 per month. What is Dad's income for calculating guideline child support?

1. \$1,000 wages
2. \$1,000 non-tax as disability
3. \$1,000 taxable disability
4. \$0



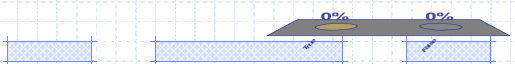
How do you calculate guideline CS owed by parents who reside together for a caretaker on aid?

1. Add incomes together as NCP's and include caretaker income then proportionally allocate
2. Compute guideline separately for each parent
3. Add incomes together as NCP's, do not include caretaker income, proportionally allocate
4. Add incomes together as NCP's, do not include caretaker income, equally allocate.



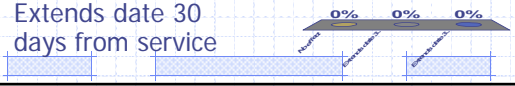
Once a final judgment has been entered in a Department action, a supplemental complaint may only be filed with leave (permission) of the Court?

- 1. True
- 2. False



If the Department obtains new financial info within 30 days of service of complaint and proposed judgment they may file a declaration with new financial info and an amended proposed judgment. The filing and service of such a pleading has what effect, if any, on the date the Defendant's default may be entered?

- 1. No effect
- 2. Extends date 30 days from filing
- 3. Extends date 30 days from service



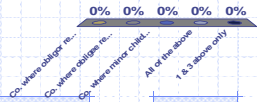
Who may register an order for child support obtained in another county in the State?

- 1. LCSA
- 2. Obligee
- 3. Obligor
- 4. All of the above
- 5. Only 1 & 2 above



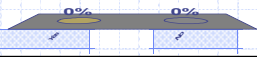
In what county may an obligee register an order for child support?

1. Co. where obligor resides
2. Co. where obligee resides
3. Co. where minor child resides
4. All of the above
5. 1 & 3 above only



Commissioner hears a child support mod hrg. Although disgusted with the quality and quantity of evidence he orders g/l CS based upon the limited evidence. W prepares and submits order which is not served on Dad. 58 days after the order is filed Dad files motion to reconsider and or request for new trial. Over objection, Court grants. Is Dad's motion timely?

1. Yes
2. No



One year after entry of Judgment which provides for child support, Lucy requests Ricky provide her with an updated income and expense declaration and provide a copy of his most recent income tax return. He ignores the request. No motion for support is pending. Lucy files a motion to compel, your ruling?

1. Grant
2. Deny



DISCOVERY



- Limited discovery available without pending motion FC 3662 - 3663
- Discovery permitted to provide sufficient information to allow court to determine "net disposable income"-- extent of discovery is discretionary with the court. Johnson v. Superior Court (Tate) (1998) 66 CA4th 68, at 75-76.



Suggested Answers to Hypo Slides
Income Determination-2012
Commissioner Scott Harman
Commissioner Patrick Perry

#94 Family Code Section 4009 provides that an **initial order for child support** may be made retroactive to date of filing of Petition. If Petitioner not served within 90 days of filing then retroactivity is limited to date of service. Contrast with Family Code Section 3653 which limits retroactivity to date of filing of Motion or OSC in modification context.

#95 Family Code Section 4333 provides that an order for spousal support may be made retroactive to date of filing of Motion or OSC.

#96 Differing Points of View: IRMO Gruen– 191 CA4th 627---Pendente lite orders are immediately appealable and therefore become final if not appealed. The court may not retroactively modify the order. Additionally, the court held that a new osc or motion had to be filed showing a Change of Circumstances. Query if stipulation?

But: If Original OSC is continued and no final order made...may court make different order back to date of filing? Read the case and make up your own mind.

#97 Hear case as Temporary Judge. This is a motion for Reconsideration. A stipulation to a temporary judge to hear the initial motion includes the power to hear any reconsideration motion filed as to the rulings of the Temporary Judge. McCartney v. Superior Court (1990) 223 CA3d 1334

#98 Set it on the Judge's calendar. Only the Judge who made the ruling may rule on a Reconsideration Motion. CCP 1008(a)

#99

#100 Venue is in Orange County per Family Code 5601(e). The term "support" refers to a support obligation "owing on behalf of a child, spouse or family..." per Family Code 150. Under Family Code 5601(e) "Upon registration...No further proceedings regarding the obligor's support obligations shall be filed in other counties."

#101 Family Code 5204 provides that support is due on the date specified in the order and, if no date specified, the last day of the month. FC 5220 defines "timely" as received within 5 days of due date.

#102 Interest on unpaid support accrues from the first day of the month following the month in which the payment was due. Family Code 17433.5

#103 Family Code 4560 allows a Child Support Security Deposit to include "up to one year's child support or such lesser amount as is equal to the child support which will come due prior to termination of child support by operation of law (as in 6 months to emancipation).

#104 There is no requirement that an obligor be in arrears as a condition precedent to ordering a Child Support Security Deposit. However, the order may not be a temporary order. Family Code 4560 and 4551

#105 Family Code 5230 requires an earnings assignment order whenever the court orders support or modifies a support order. The court may, but generally does not, order that service of the assignment order is stayed under Family Code 5260.

#106 For self employed persons only, the court may order designation of an account for electronic funds transfer to pay child support. Family Code 4508

#107 To stay service of an earnings assignment order the court must find all of the following: 1) Court provides written statement of reasons why stay is in best interests of child; 2) history of uninterrupted, full and timely payment for prior 12 months; 3) no arrearages at all 4) court finds by clear and convincing evidence that service of wage assignment would cause extraordinary hardship on obligor. Family Code 5260

#108 Levies Family Code 17522;

#109 Where arrearages exist, support is credited first to current month support, next to arrearage principal, last to accrued interest. CCP 695.221. Note, special rules for TANF recipients.

#110 Fam. Code 17453 (j)(2) provides for an exemption of \$3,500--- but Marriage of Hopkins (2009) 173 Cal.App.4th 281 92 Cal.Rptr.3d 570 holds that DCSS is completely prevented from enforcing a child support order against a SSDI recipient un FC 17540(c)(2).

#111 No. Under Family Code 4055 the court is required to determine the “approximate percentage of time...”

#112 No reported authority to impute Dad’s family’s timeshare to Dad, but would seem reasonable. Other approach would be to use zero timeshare to calculate Guideline Child Support and then deviate.

#113 A Rescission of a Voluntary Declaration of Paternity may be accomplished by filing a Rescission Form with DCSS within 60 days of execution. Family Code 7575.

#114 A Motion to Set Aside a Voluntary Declaration of Paternity must be brought within 2 years of birth under Family Code 7646. A Rescission of a Voluntary Declaration of Paternity may be accomplished by filing a Rescission Form with DCSS within 60 days of execution. Family Code 7575.

#115 This case is controlled by Family Code 7552.5. A copy of the results of all genetic tests must be served upon all parties, by any method of service other than personal service no later than 20 days before the hearing where the results will be offered. The results must be accompanied by a declaration of the custodian of records of the testing agency. The declaration must establish 1) that the custodian has the authority to certify the records; 2) the chain of custody of the sample and various specifics of the lab personnel; 3) that the lab procedures are used in the ordinary course of business of the lab to ensure accuracy and identification of samples; and 4) that the results were prepared at or near the time of completion of testing by qualified personnel. If the foregoing is followed, the results “shall be admitted into evidence at the hearing” without

foundation testimony as to authenticity and accuracy UNLESS a written objection to the results is filed and served on all parties at least 5 days prior to hearing. If objection is filed, “experts appointed by the court shall be called by the court as witnesses to testify” about their findings.

#116 There are four types of parents even though you must only end up with two. The four are biological, presumed, alleged and adjudicated parents.

#117 Maybe. If the spousal support is payable in this case it does not affect the Guideline Child Support calculation because spousal support is calculated **after** child support. If the spousal support is received from a different relationship then spousal support is income under Family Code 4058(a)(1).

#118 No. Hardship deductions are always discretionary. Family Code 4070 refers to “extreme financial hardship.” Family Code 4071 allows (but does not require) allowing a hardship for minimum basic living expenses of natural or adopted children living in the home which the party has a legal obligation to support. Therefore, no hardship deductions for stepchildren, etc.

#119 Family Code 4059(d) states the court shall deduct from gross income “Deductions for health insurance or health plan premiums for the parent and for any children the parent has a legal obligation to support...” Query cost of new spouse coverage.

#120 Family Code 3750 defines “Health Insurance Coverage” as including Vision and Dental coverage as well as coverage for delivery of health care/medical services.

#121 Educational Expenses may be ordered as additional child support but is discretionary. Day Care costs are mandatory add ons. Family Code 4062.

#122 Some might think this is an unusual result---answer is that the legislature provided for only two ways to divide these costs. The only choices for the court are 50-50 or split in proportion to net disposable income. Family Code 4061 and 4062.

#123 The child tax credit follows the Dependency Exemption. Thus, a parent entitled to claim the child as a dependent also claims the child tax credit for that child if the child meets the other requirements of IRS Reg. 46 (under 16 at end of year, income, etc)

#124 The Servicemembers Civil Relief Act applies to all judicial proceedings except criminal ones. 50 USC 512 (a) and (b). See In re A.R. (2009) 170 CA4th 733

#125 Personal Service is NOT required. Since the court already has personal jurisdiction over the party, service by mail is sufficient. Service on the party’s attorney is insufficient and, in a post judgment motion to modify custody, visitation or child support the proof of service by mail must include an address verification. Family Code 215 and CCP 1010.

#126 False. Family Code 215

#127 The Statute of Limitations for contempt for non payment of support is 3 years from the due date under CCP 1218.5

#128 Dad’s income is his SSDI monthly payment.

#129 In a caretaker case where the parents reside together, add the parents income together and utilize the combined income as the non custodial parent's income. Caretaker income is set at zero. Determine child support and then allocate the child support between the two parents based on their proportionate net incomes. Family Code 17402. If the parents do not reside together, simply compute each parent's obligation separately with the caretaker's income set a zero.

#130 False. A supplemental complaint may be filed without leave of court under Family Code 17428.

#131 Family Code 17430(c) The time to answer is extended to 30 days from service of the declaration and proposed amended judgment.

#132 The Local Child Support Agency (LCSA) or the Obligee may register a child support order from another county under Family Code 5600(b). There is no statutory authorization for an obligor to register an order from another county.

#133 Obligee may register a child support order in any county in which the obligor, obligee or the child resides, or in any county where the obligor has income, assets or any other property. Family Code 5600

#134 Motions to reconsider must be filed within 10 days after service of written notice of entry of the order under CCP 1008. Motions for a New Trial must be filed within 15 days of date of mailing notice of entry of judgment by the clerk or service by a party of written notice of entry of judgment or within 180 days of entry of judgment under CCP 659. Here, there was no service of the order so the motion was timely.

#135 Deny. Family Code 3662 allows "Methods of Discovery other than that described in this article may only be used if a motion for modification or termination of a support order is pending." Here, no motion is pending. Therefore, remedy is Family Code 3664 which provides that the requesting party may demand the employer provide income and benefit information. Family Code 3667 provides for sanctions "upon the subsequent filing of a motion."

TAB Q

Income Determination—Advanced

**Hon. Scott P. Harman &
Hon. Patrick Perry**

Scenario 1.

Father and Mother, unmarried, have a child together and later separate. Father is disabled and received Social Security Disability benefits (SSDI) of \$1250 per month. Based upon that income he is ordered to pay child support of \$250 per month. Mother is also disabled and also receives SSDI of \$1400 per month, and she also receives derivative benefits for the minor child. The child's benefits are from Mother's Social Security account as she can get \$300 per month as opposed to \$270 per month based on Father's account. Credit to dad for the derivative benefits available under his account? Any other alternative consideration for relief for Father?

Scenario 2.

Father and Mother, unmarried, have two children together and share 50/50 custody of both. Father works full time and earns minimum wage of \$1,387 gross per month; Mother is on cash aid and participates in the Welfare to Work program. Guideline child support is \$489. 1) What is your order and how did you get there? 2) Assume no Welfare to Work, any difference in the result?



Scenario 3.

Father files Motion to modify child support as he is currently on Unemployment of \$1,950 per month (\$450 per week). The prior order for child support was based on his employment income of \$2,850 per month. Over the past three years he has worked for the same company and averaged that rate of pay for nine months each year and averaged three months of unemployment each year. What do you order and why?



Scenario 4.

Father is ordered to pay child support of \$500 per month for the two children of the marriage, commencing 6/15/07. In May, 2009 mother became homeless and the children moved in with Father. After the children moved in with him Father ceased paying child support. Mother, in 6/12, requests a determination of arrears (children still with Father). What does Father owe from 5/09 to 6/12? Different result if Father continues to pay child support after he got custody? What if only one child moves in with dad and one remains with mom?



Scenario 5.

Mom earns \$900 per month. She has one child who resides with her 60% of the time. The child has a disability that qualifies the child for SSI benefits of \$698 per month. Mom filed the application and is the only parent entitled to receive the benefit from Social Security. Dad wants a dollar for dollar offset against his child support obligation or a portion of the benefit. He earns \$2000 per month. What is your order and why? Would your order be different if time share was 60-40 in Dad's favor?



Scenario 6.

Mother granted move away with 2 children, ages 4 and 7. Prior to move, Mom had temporary job earning \$3,000 per month. Dad granted visitation as follows:

- One weekend per month at father's residence.
- One weekend per month at children's new state.
- Half school holidays and half summer in 2 week increments.

Cost of transportation to visits (round trip) is \$250 per person. Unaccompanied minor's fees are \$100 per child per round trip. Father claims visit in children's location will cost him \$500 for plane fare and hotel/car. Father's income is \$9,000 per month. Mother is not working. Her new spouse makes \$6,000 per month. What orders if any will you make regarding travel expenses? Why? Will you impute income? Why and how much?

Scenario 7.

Mom and boyfriend Tommy, present at birth, sign VDP at hospital at the birth of Joey. They subsequently break up and mom goes back to former boyfriend Jimmy and after Joey's second birthday she signs up for aid, identifying Jimmy as Joey's father. LCSA files Summons and Complaint naming Tommy as dad based on the VDP. At the hearing on the Motion for Judgment mom and Tommy and Jimmy are all present and mom presents a report of genetic testing showing Jimmy to be the bio-dad. Jimmy wants to be dad and Joey hasn't had any contact with Tommy since he was 6 months old and views Jimmy as his father. What do you do?

Scenario 8.

Dad on SSDI of \$871 per month. Child support based on that is \$305 per month for two children and mother receives derivative benefits of \$140 per month per child. Dad goes to jail and his SSDI is cut off for the period of his incarceration plus 30 days, but mother continues to receive her derivative benefits. Motion to modify filed based on dad's incarceration and reduction of his SSDI benefits. What is your ruling and why?



TAB R

**DCSS Guideline Calculator Training:
Beginning and Experienced**

**Hon. David E. Gunn, Hon. Connie
Jimenez, Hon. Adam Wertheimer, &
Hon. Rebecca L. Wightman**

TAB R

DCSS Guideline Calculator Training— Beginning

**Hon. David E. Gunn &
Hon. Connie Jimenez**

**16th Annual Child Support Training Conference
September 4-7, 2012 – San Jose**

DCSS GUIDELINE CALCULATOR TRAINING

◆Presenters' Contact Information (for questions):

Hon. Rebecca Wightman, Superior Court, San Francisco: rwightman@sftc.org

Hon. Adam Wertheimer, Superior Court, San Diego County:

AdamWertheimer@SDCourt.CA.Gov

Hon. Connie Jimenez, Superior Court, Santa Clara County: cjimenez@scscourt.org

Hon. David Gunn, Superior Court, Butte County: dgunn@buttecourt.ca.gov

Public Guideline Calculator

Websites:

<http://www.childsup.ca.gov> [DCSS Home page – click “Calculate Child Support”]

<http://www.childsup.ca.gov/Resources/CalculateChildSupport/tabid/114/Default.aspx>

[Guideline Calculator Welcome page – contains Alerts, link to User Guide]

<https://www.cse.ca.gov/ChildSupport/cse/gidelineCalculator>

[Guideline Calculator “Portal” page – brings you directly to calculator program]

NOTE: On portal page – you must enter the # of children for whom you are calculating support. You cannot change this number after starting a calculation (must start over).

Basic rules of navigation and default settings:

- Better to click OK/CANCEL/CALCULATE vs. browser back/forth buttons
- 30-minute timeout unless click a hyperlink or refresh
- Timeshare is defaulted to 20% visitation value; additional check box makes the timeshare factor of first-born the same as all other children and must be unchecked to enter different timeshare values for other children.
- To print out Results – must click View Printable Results button
- **Parent 1** = NCP (non-custodial parent); **Parent 2** = CP (custodial parent)
- CP tax settings defaulted to include # of children calculating support (must change if split custody case)

◆What to do if you are having problems:

E-mail DCSS: CCSASGC@dcss.ca.gov

For Bench Officers: If you are having password issues (internal GC) – Contact the AOC’s CCTC helpdesk at 1-877-847-3042

16th Annual Child Support Training Conference
September 5-7, 2012
DCSS GUIDELINE CALCULATOR TRAINING
BEGINNING

Practice Exercise -- Scenario #1

Two children, ages 6 and 2, living primarily with Mom.

Timeshare: Dad has children every other weekend, shared or alternating holidays and two weeks in the summer.

Parent 1 (NCP Dad)

Single, 1
\$21.50/hr, 36 hrs/week (W-2)
\$350 health insurance, pre-tax
\$100 mandatory retirement, pre-tax

Parent 2 (CP Mom)

Head of Household, 3
\$500 per week
child care \$600: \$100 for 6 yr old &
\$500 for 2 yr old

Result: Total \$963
 c/s \$663
 c/c \$300

What if Father argues that the child support is too high?

- FC 4061(b) allocation of child support?

Result: c/c \$234

16th Annual Child Support Training Conference
September 5-7, 2012
DCSS GUIDELINE CALCULATOR TRAINING
BEGINNING

Practice Exercise -- Scenario #2

Three children, ages 0, 3 and 5, living primarily with Mom.

Timeshare: Dad has the 3 and 5 year old children every other weekend and one evening per week; he has no visitation yet with infant.

Parent 1 (NCP Dad)

Single, 1

\$8.50/hr, 25 hrs/week (W-2)

Parent 2 (CP Mom)

Head of Household, 3
lives with parents
on aid

Result: Total \$365-\$423 = guideline child support range with LIA

- Low income adjustment (LIA) must be selected (red error banner)

What if Dad asks for an imputation of income to Mom?

- Child care?

What if Mom is in the CalWorks Program? (likely exempt because of age of children)
Barron v. Superior Court (2009) 173 Cal. App. 4th 293

What if DCSS asks for a Seek Work Order for Dad? For Mom?

16th Annual Child Support Training Conference
September 5-7, 2012
DCSS GUIDELINE CALCULATOR TRAINING
BEGINNING

Practice Exercise -- Scenario #3

Two children, ages 14 and 8; 14 year old lives with Dad, 8 year old lives with Mom

Timeshare: Parents each have both children every other weekend, shared or alternating holidays and two weeks in the summer.

Parent 1 (CP Dad)

Head of Household, 2
Worker's Compensation \$2200/mo

Parent 2 (CP Mom)

Head of Household, 2
\$12,000 per month
\$400 property tax
\$2,500 mortgage interest
\$450 health insurance, pre-tax
\$500 401K
child care for 8 year old is \$900/mo

Result: Total \$1,135 (payable by Mom)
 c/s \$1,585
 c/c \$ -450

16th Annual Child Support Training Conference
September 5-7, 2012
DCSS GUIDELINE CALCULATOR TRAINING
BEGINNING

Practice Exercise -- Scenario #4

One child, age 17, lives with Mom.

No timeshare with Dad.

Parent 1 (NCP Dad)

Parent 2 (CP Mom)

Married, files jointly with spouse (MFJ, 4)

Self-employment \$3,500/mo

Wife \$1200/mo

One biological child with Wife

One stepchild (Wife's child)

Child support obligation for another child at \$400/mo

Head of Household, 2

\$20.00/hr full time

\$350 health insurance, pre-tax

Result: Total \$518

FC 4071(a)(2) discretionary hardships allowed for natural or adopted children,

- Not for stepchildren (haggard v. Haggard (1995) 38 Cal. App. 4th 1566

What if Dad complains that child support is too high...any basis for a deviation or departure from guideline – FC 4057?

16th Annual Child Support Training Conference
September 5-7, 2012
DCSS GUIDELINE CALCULATOR TRAINING
BEGINNING

Practice Exercise -- Scenario #5

One child, age 13.

Equal timeshare but Mom claims child.

Parent 1 (CP Dad)

Head of Household, 3
Two other children
YTD \$18,634 through 6/11/2011
Union dues - \$56/mo
Tools - \$50/mo
Receives child support - \$500/mo

Renter - \$1,700/mo

Parent 2 (CP Mom)

Head of Household, 2
SSDI - \$1,200
Child's auxiliary benefit - \$600/mo

Renter - \$275/mo

Result: Total \$352

What if Dad asks for two hardships for children in his household? FC 4071(a)(2)

Result: Total \$256

Does Dad get any credit from the derivative or auxiliary Social Security benefit received by child (\$600)? FC 4504 = No.

What if Dad asks for ½ of child's auxiliary Social Security benefit? Can you divide the benefit? (Social Security will not divide benefit between parents with equal timeshare.)

What if Dad asks for a deviation from guideline because his rent is so much higher than Mom's rent? FC 4057(b)(5)(B) does allow for deviation from guideline where one parent pays a much higher or lower percentage of income for housing.

TAB R

**DCSS Guideline Calculator Training—
Experienced**

**Hon. Adam Wertheimer &
Hon. Rebecca L. Wightman**

16th Annual Child Support Training Conference
September 4-7, 2012 – San Jose

DCSS GUIDELINE CALCULATOR TRAINING

◆Presenters' Contact Information (for questions):

Hon. Rebecca Wightman, Superior Court, San Francisco: rwightman@sftc.org

Hon. Adam Wertheimer, Superior Court, San Diego County:

AdamWertheimer@SDCourt.CA.Gov

Hon. Connie Jimenez, Superior Court, Santa Clara County: cjimenez@scscourt.org

Hon. David Gunn, Superior Court, Butte County: dgunn@buttecourt.ca.gov

Public Guideline Calculator

Websites:

<http://www.childsup.ca.gov> [DCSS Home page – click “Calculate Child Support”]

<http://www.childsup.ca.gov/Resources/CalculateChildSupport/tabid/114/Default.aspx>

[Guideline Calculator Welcome page – contains Alerts, link to User Guide]

<https://www.cse.ca.gov/ChildSupport/cse/gidelineCalculator>

[Guideline Calculator “Portal” page – brings you directly to calculator program]

NOTE: On portal page – you must enter the # of children for whom you are calculating support. You cannot change this number after starting a calculation (must start over).

Basic rules of navigation and default settings:

- Better to click OK/CANCEL/CALCULATE vs. browser back/forth buttons
- 30-minute timeout unless click a hyperlink or refresh
- Timeshare is defaulted to 20% visitation value; additional check box makes the timeshare factor of first-born the same as all other children and must be unchecked to enter different timeshare values for other children.
- To print out Results – must click View Printable Results button
- **Parent 1** = NCP (non-custodial parent); **Parent 2** = CP (custodial parent)
- CP tax settings defaulted to include # of children calculating support (must change if split custody case)

◆What to do if you are having problems:

E-mail DCSS: CCSASGC@dcss.ca.gov

For Bench Officers: If you are having password issues (internal GC) – Contact the AOC's CCTC helpdesk at 1-877-847-3042

ADVANCED GUIDELINE CALCULATION

16th Annual AB1058 Conference—September 2012

Adam Wertheimer, Commissioner - San Diego

Rebecca Wightman, Commissioner - San Francisco

Guideline Calculator (ADVANCED)

“Rules of Engagement”

- **Unless otherwise noted:**
 - Assume income is **W-2**
 - Amounts in Hypos are **MONTHLY**
- If something is not clear: **ASK!**
- No Q is a “stupid” question!
- We are here to **HELP** you! (**Really!!**)

WARM UP SCENARIOS

- **First scenario:** One child, CP mother receives cash assistance (i.e. it is an aided case). Father earns \$15/hr. working full-time, he does not see the child. No other add-ons, deductions, hardships (i.e. no other facts).
- **Second scenario:** Same facts as above, but now NCP father has a second case, and both cases are on your calendar. The second CP is also on aid, NCP does not see this child either, and no other facts.

What is the guideline child support amount for:

- **Scenario 1?** _____
- **Scenario 2?** 1st case _____ 2nd case _____

WARM UP RESULTS

- Scenario 1: \$536
- Scenario 2:
 - 1st case \$429
 - 2nd case \$429

HYPOTHESIS #1

- **Your findings are:**
 - Timeshare with Bob (NCP):
 - 10 yr. old Alice = 24%
 - 5 yr. old Ted = 5%
 - Gross monthly incomes:
 - Bob: \$10K Self-Employed + \$3K non-tax. income + \$1050 interest
 - Carol: \$5K W-2 + \$12K annual bonus
 - Tax filing status:
 - Bob: Single & one
 - Carol: Head of Household & three
 - Other factors:
 - Bob: \$2,200 mortgage int., \$350 Prop tax + \$375 pre-tax health ins + other child support of \$675
 - Carol: \$95 union dues + \$575 post tax health ins. + \$275 non Roth IRA, Texas resident
- "Optimize" the results, i.e. release exemptions (aka "tactic 9")

HYPOTHESIS #1 RESULTS

NON-OPTIMIZED RESULTS	OPTIMIZED RESULTS
▪ Bob's net inc: \$9,824	▪ Bob: S & 3 Carol: H/H & 1
▪ Carol's net inc: \$4,577	▪ Bob's net inc: \$10,042
▪ Child Support:	▪ Carol's net inc: \$4,252
▪ Ted Support: \$1,686	▪ Child Support:
▪ Alice Support: \$ 802	▪ Ted Support: \$1,723
	▪ Alice Support: \$ 834
▪ Total Support: \$2,488	▪ Total Support: \$2,557

HYPO #2

- You have two cases left on your Tuesday calendar, line items 3 & 4. Here are the facts:
- Both cases involve the same NCP father, but different CP mothers, each with one child only.
- **Father (NCP):**

	Mother (line 3)	Mother (line 4)
▪ \$4,625/mo. (W-2)	\$2,627/mo. (W-2)	\$6,375/mo. (W-2)
▪ Single 1	HH2	HH2
▪ Timeshare → → → →	3% w/F	→ → 25% w/F
▪ \$375 health ins. (post-tax)	\$125 health ins. (pre-tax)	\$275 health ins. (post-tax)
▪ \$50 Job related expenses	\$250/mo. Mand. Ret. (tax-deferred)	\$50 union dues
▪ \$1,125 mortgage interest		
▪ \$275/mo. property taxes		

- Your ruling as to monthly guideline child support? (Assume no deviation issues raised)

HYPO #2 RESULTS

- **Father net income:**
 - Line 3: \$3,159
 - Line 4: \$2,623
- Line 3 Mother net income: \$2,125
- Line 4 Mother net income: \$4,674
- Child support Line 3: \$773
- Child support Line 4: \$237

HYPO #3

- Both you in County A and a commissioner in County B, at the opposite end of the State have a case with the same NCP, but different mothers.
- You initiate a telephone conference with the other commissioner to coordinate the setting of support.
- Partner with the person next to you and simulate that call and calculate support using the following facts:

HYP0 #3 (cont.)

- **Father (NCP):** "A" Mother (1 child) "B" Mother (2 kids)
- \$4,425/mo. (W-2) \$1,387/mo. (W-2) \$2,425/mo. (W-2)
- Single & 1 HH & 2 HH & 4
(1 child different father)
- Timeshare → → 0% w/Father → → 15% w/Father
- \$325 hlth ins. \$125 hlth ins. \$315 hlth ins.
(pre tax) (pre-tax) (post-tax)
- \$50 union dues \$250/mo. child care \$1,215 mortgage int.
- \$225 other c/s (no pro-rate) \$275/mo. property tax
(3rd CP-not A or B)
- Your ruling as to monthly guideline child support? (Assume no deviation issues raised)

HYP0 #3 RESULTS

- **Father net income:**
 - County "A": \$2,179
 - County "B": \$2,199
- "A" Mother net income: \$1,636
- "B" Mother net income: \$2,455
- **Child support "A": \$670**
- **Child support "B": \$690 (total)**
 - Allocated: Eldest Child: \$253
 - Youngest Child: \$437

HYP0 #4

- You're down to your *last* case on your Wednesday calendar:
- Two children – split custody. Both file HH & 2. Father has the youngest child and is receiving CalWorks and participating in the welfare to work program ; Mother has the older child, and earns \$3775/mo. (W-2). Mother also has extraordinary medical expenses of \$75/mo. Father does not see the older child at all. Mother sees the younger child 40% of the time.
- Your order? Guideline monthly child support: _____, payable from ____ to ____.
- Allocation? 1st born _____ 2nd born _____
(payable in what direction for each?)
- What if the younger child emancipates *before* older child?

HYPO #4 RESULTS

- \$499, "net" payable from Mother to Father.
- 1st born \$140 payable Father to Mother
- 2nd born \$639 payable Mother to Father
- If the younger child emancipates early (before older child), \$0

HYPO #5

- In the middle of your long Monday afternoon calendar two parties are seated at counsel table to present the facts in their matter...
- Your order? Guideline monthly child support: _____, payable from _____ to _____.
- Allocation (payable in what direction for each)?
1st born _____ 2nd born _____ 3rd born _____

HYPO #5

- DAD: Your honor, my youngest son Max is living with me, he sees his mom every other weekend, every other holiday and two weeks each summer. Sam, my middle child stays with me three days each week and my eldest Jack is with me half the time. I also have my daughter Kim from my first marriage living with me full time. I would like you to give me a hardship for her.
- MOM: Its OK to give him the hardship, Kim is expensive. Adam is telling the truth about our custody and visitation arrangement, but I think they should spend more time with me. I am their mother after all and they would be better off with me. Can you change that?
- DAD: If you ask them they would want to spend all the time with me. Do you want me to get them on the phone for you? I guess not... Anyway, ever since I retired from the Marines after honorably serving my country for 20 years including 3 combat tours of duty in the middle east I started my own business and I am now clearing \$4,775 each month on the average according to my profit and loss. I receive \$1,375 from my military retirement and \$775 in VA disability, which is not taxed. I claim Kim and Max for taxes. I pay \$475 per month for health insurance after taxes.
- MOM: I don't contest any of those facts. I have a good job making \$5,500 each month salary. I claim Sam and Jack for taxes. My union dues are \$75 each month, my health insurance before taxes is \$325 per month and I contribute \$175 each month to my 401(k). My mortgage interest is \$1235 each month and I pay \$225 each month in property taxes.

HYP0 #5 RESULTS

- \$258, payable from Mother to Father
- 1st born \$76 payable from F → M
- 2nd born \$264 payable from F → M
- 3rd born \$598 payable from M → F

HYP0 #6

- The first three matters on your Thursday calendar involve the same NCP mother, two separate CP fathers and one child in foster care (father deceased). Mother has split custody with father 1 of 2 children, and 2 children with father 2 who lives in Nevada. You make the following findings:
- **Mother:** \$2,600, HH & 2, \$335 post-tax health ins., \$298 in mandatory retirement, \$200 child care for child in her custody
- **Father #1:** \$4,967, HH & 2, \$576 health ins. (pre-tax), \$300 child care, child care to be split with mother, mort. int, \$1132, prop tax \$208, 67% with eldest child, 5% with youngest child
- **Father #2:** \$1560, MFJ & 4, new spouse \$8760, mort. int. \$2342, prop. tax \$387, \$50 union dues, 90% time share
- 0 time share with child in foster care
- Your findings?

HYP0 #6 RESULTS

- Mother net monthly income:
#1: \$1015, #2: \$1586, #3: \$1354
- Father #1 net monthly income: \$3888
- Father #2 net monthly income: \$1297
- Children with father #1:
 - \$1105, total "net" payable from Father to Mother
 - 1st born \$256 payable from Father to Mother
 - 2nd born \$899 payable from Father to Mother
 - Child care: \$50 net payable from Mother to Father
- Children with father #2:
 - Total: \$571 payable Mother to Father:
 - 1st born: \$213, 2nd born: \$358
- Child in foster care: \$339

ANSWER SHEET

Advanced Guideline Calculation – 16th Annual AB1058 Conference- September 2012

WARM UP

Scenario #1: \$536

Scenario #2: Each case-\$429

HYPO #1

Non-Optimized: Total CS \$2,488

Bob's net income: \$9,824, Carol's net income: \$4,577

CS Allocation: Ted \$1,686, Alice \$802

Optimized: Total CS \$2,557

Bob's net income: \$10,042, Carol's net income: \$4,252

CS Allocation: Ted \$1,723, Alice \$834

HYPO#2

Child Support Line #3: \$773

Father net income \$3,159, Mother net income \$2,125

Child Support Line #4: \$237

Father net income \$2,623, Mother net income \$4,674

HYPO #3

County "A": CS \$670

Father's net income: \$2,179, Mother's net income: \$1,636

County "B": CS \$690 (total) – Allocated to eldest child: \$253, youngest child: \$437

Father's net income: \$2,199, Mother's net income: \$2,455

HYPO #4

Child Support: \$499, "net" payable Mother to Father

1st born: \$140 payable Father to Mother

2nd born: \$639 payable Mother to Father

If the younger child emancipates early (before older child), CS \$0

HYPO #5

Child Support: \$258, payable Mother to Father

1st born: \$76 payable Father to Mother

2nd born: \$264 payable Father to Mother

3rd born: \$598 payable Mother to Father

HYPO #6

Case with Father #1: Child Support \$1,105, total "net" payable Father to Mother

1st born \$256 payable F→M; 2nd born \$899 payable F→M; childcare \$50 net payable M→F

Mother's net income: \$1,015; Father's net income: \$3,888

Case with Father #2: Child Support \$571 payable Mother to Father

1st born: \$213; 2nd born \$358

Mother's net income: \$1,586; Father's net income: \$1,297

Child in Foster Care: \$339

Mother's net income: 1,354

Subject: HYPO #1 (non-optimized)

Calculation Results Summary

Monthly Support Totals		Parent 1	Parent 2					
Monthly Child Support Amount		2488.00	0.00					
Basic Child Support Amount		2488.00	0.00					
Child Support Add-Ons Amount		0.00	0.00					
Child Care		0.00	0.00					
Visit/Travel Expenses		0.00	0.00					
School Expenses		0.00	0.00					
Uninsured Health Expenses		0.00	0.00					
Total Arrears Support Amount		0.00	0.00					
Temporary Spousal Support Amount (N/A)		0.00	0.00					
Monthly Tax/Income Information (Tax Year: 2012)		Parent 1	Parent 2					
Monthly Net Disposable Income		9824.00	4577.00					
Monthly Taxable Gross Income		14050.00	6000.00					
Monthly Non-Taxable Gross Income		3000.00	0.00					
Federal Adjusted Gross Income		10078.00	5725.00					
Federal Taxable Income		7212.00	4067.00					
Net Income Of Parties With Support		7336.00	7065.00					
Federal Tax Filing Status		SINGLE	HEAD OF HOUSEHOLD					
Number of Tax Exemptions (Federal)		1	3					
State Tax Filing Status		SAME AS FEDERAL						
Number of Tax Exemptions (State)		1	0					
Federal Tax Liabilities		1487.00	414.00					
State Tax Liabilities		496.00	0.00					
FICA		0.00	339.00					
Self Employment Tax		1193.00	0.00					
CASDI		0.00	0.00					
TANF/CalWORKS		NO	NO					
Other Monthly Deduction Totals		Parent 1	Parent 2					
Child Support Paid (Other Relationships)		675.00	0.00					
Required Union Dues		0.00	95.00					
Mandatory Retirement		0.00	0.00					
Other Guideline Deductions		0.00	0.00					
Health Insurance Premium		375.00	575.00					
Hardship Deduction Amount		0.00	0.00					
Hardship Deduction Children		0.0	0.0					
Necessary Job-Related Expenses		0.00	0.00					
Extraordinary Health Expenses		0.00	0.00					
Uninsured Catastrophic Losses		0.00	0.00					
Monthly Support Amounts Per Child		% Time with Parent1	Parent 1 Add-Ons	Parent 1 Support	Parent 1 Total	Parent 2 Add-Ons	Parent 2 Support	Parent 2 Total
FIRST-BORN		24.0	0.00	802.00	802.00	0.00	0.00	0.00
SECOND-BORN		5.0	0.00	1686.00	1686.00	0.00	0.00	0.00

Average % Time with NCP	15.0%	0.00	2488.00	2488.00	0.00	0.00	0.00

PARENT 1 is required to pay PARENT 2 \$2488.00 in CURRENT SUPPORT

Total Child Support Arrears Per Child							
Child Name	Prior Period Date Range	Parent1 Add-Ons	Parent1 Support	Parent1 Total	Parent2 Add-Ons	Parent2 Support	Parent2 Total
FIRST-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
SECOND-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00

Calculation Results Detail

Tax Setting Details		
	Parent 1	Parent 2
Federal Tax Settings		
Include Self-Employment Taxes	YES	YES
Include FICA	YES	YES
Include Medicare	YES	YES
Include Advance Earned Income Credit	YES	YES
Number of Children for Child Care Credits	0	2
Number of Children for Earned Income Credits	0	2
Number of Children for Child Tax Credits	0	2
Parent is Blind	NO	NO
Parent is 65 or Older	NO	NO
New Spouse is Blind	NO	NO
New Spouse is 65 or Older	NO	NO
Married Filing Separately, Lived with Spouse Part of the Year	YES	YES
State Tax Settings		

Include California State Income Taxes	YES	NO
California State Disability Insurance	YES	NO
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	NO	NO
Number of Children for Child Tax Credits	0	0
Include Other State Income Taxes	NO	YES
Other State Tax Rate	%	0.0%
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		

Monthly Income Details		
	Parent 1	Parent 2
Wages/Salary	0.00	6000.00
Parent 1: Based on earned income: \$0.00 MONTHLY Parent 2: Based on earned income: \$6000.00 MONTHLY		
Self-Employment Income	10000.00	0.00
Unemployment Compensation	0.00	0.00
Disability (Taxable)	0.00	0.00
Other Taxable Income	1050.00	0.00
Interest Received	1050.00	0.00
Nonqualified Dividends	0.00	0.00
Qualified Dividends	0.00	0.00
Operating Losses and Other Income	0.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Rental Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00
Unrecaptured Section 1250 Gains	0.00	0.00
Royalties	0.00	0.00
Other Taxable Income Adjustments	0.00	0.00
Other Non-Taxable Income	3000.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Significant Other/New-Mate Income	0.00	0.00

Tax Exempt Interest	0.00	0.00
Depreciation or Other	3000.00	0.00
Disability	0.00	0.00
Worker's Compensation	0.00	0.00
Public Assistance and Child Support Received	0.00	0.00
Public Assistance	0.00	0.00
Child Support Received	0.00	0.00
New-Spouse Income	0.00	0.00
Wages/Salary	0.00	0.00
Self-Employment Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Spousal Support Paid Other Marriage	0.00	0.00
Retirement Contribution if Adjustments to Income	0.00	0.00
Required Union Dues	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00

Monthly Deduction Details		
	Parent 1	Parent 2
Child Support Paid (Other Relationships)	675.00	0.00
Spousal Support Paid This Relationship	0.00	0.00
Property Tax	350.00	0.00
Mortgage Interest	2200.00	0.00
Other Itemized Deductions	0.00	0.00
Other Medical Expenses	0.00	0.00
Deductable Interest Expenses	0.00	0.00
Contribution Deduction	0.00	0.00
Miscellaneous Itemized	0.00	0.00
Required Union Dues	0.00	95.00
Health Insurance Premium	375.00	575.00
Paid By Party (Pre-Tax)	375.00	0.00
Paid By Party (Post-Tax)	0.00	575.00
Wage Deduction (Pre-Tax)	0.00	0.00
Wage Deduction (Post-Tax)	0.00	0.00

Retirement Contributions	0.00	275.00
Mandatory Retirement (Tax-Deferred)	0.00	0.00
Mandatory Retirement (Non-Tax-Deferred)	0.00	0.00
Voluntary Retirement (Tax-Deferred)	0.00	275.00
Other Guideline Deductions	0.00	0.00
Spousal/Other Partner Support Paid Other Relationship	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00
State Adjustments		
State Adjustments to Income	0.00	0.00
State Adjustments to Itemized Deduction	0.00	0.00
Monthly Hardship Deduction		
Hardship Deduction Amount	0.00	0.00
Hardship Deduction Children	0.0	0.0
Hardship Deduction Expenses		
Extraordinary Health Expenses	0.00	0.00
Uninsured Catastrophic Losses	0.00	0.00
Other Tax Deductions	0.00	0.00
Adjustments to Income	0.00	0.00
Other Discretionary Deductions	0.00	0.00
Alternative Minimum Tax Information	0.00	0.00
Certain Interest on Home Mortgage	0.00	0.00
Investment Interest	0.00	0.00
Post-1986 Depreciation	0.00	0.00
Adjusted Gain or Loss	0.00	0.00
Incentive Stock Options	0.00	0.00
Passive Activities	0.00	0.00
Estates and Trusts, Schedule K-1	0.00	0.00
Tax Exempt Interest From Private Activity Bond	0.00	0.00
Other Preferences	0.00	0.00
Alternative Minimum Tax Operating Loss Deduction	0.00	0.00

Subject: HYPO #1 (optimized)

Calculation Results Summary

Monthly Support Totals		Parent 1	Parent 2					
Monthly Child Support Amount		2557.00	0.00					
Basic Child Support Amount		2557.00	0.00					
Child Support Add-Ons Amount		0.00	0.00					
Child Care		0.00	0.00					
Visit/Travel Expenses		0.00	0.00					
School Expenses		0.00	0.00					
Uninsured Health Expenses		0.00	0.00					
Total Arrears Support Amount		0.00	0.00					
Temporary Spousal Support Amount (N/A)		0.00	0.00					
Monthly Tax/Income Information (Tax Year: 2012)		Parent 1	Parent 2					
Monthly Net Disposable Income		10042.00	4252.00					
Monthly Taxable Gross Income		14050.00	6000.00					
Monthly Non-Taxable Gross Income		3000.00	0.00					
Federal Adjusted Gross Income		10078.00	5725.00					
Federal Taxable Income		6578.00	4700.00					
Net Income Of Parties With Support		7485.00	6809.00					
Federal Tax Filing Status		SINGLE	HEAD OF HOUSEHOLD					
Number of Tax Exemptions (Federal)		3	1					
State Tax Filing Status		SAME AS FEDERAL						
Number of Tax Exemptions (State)		3	0					
Federal Tax Liabilities		1322.00	739.00					
State Tax Liabilities		443.00	0.00					
FICA		0.00	339.00					
Self Employment Tax		1193.00	0.00					
CASDI		0.00	0.00					
TANF/CalWORKS		NO	NO					
Other Monthly Deduction Totals		Parent 1	Parent 2					
Child Support Paid (Other Relationships)		0.00	0.00					
Required Union Dues		0.00	95.00					
Mandatory Retirement		0.00	0.00					
Other Guideline Deductions		0.00	0.00					
Health Insurance Premium		375.00	575.00					
Hardship Deduction Amount		0.00	0.00					
Hardship Deduction Children		0.0	0.0					
Necessary Job-Related Expenses		0.00	0.00					
Extraordinary Health Expenses		0.00	0.00					
Uninsured Catastrophic Losses		0.00	0.00					
Monthly Support Amounts Per Child		% Time with Parent1	Parent 1 Add-Ons	Parent 1 Support	Parent 1 Total	Parent 2 Add-Ons	Parent 2 Support	Parent 2 Total
FIRST-BORN		24.0	0.00	834.00	834.00	0.00	0.00	0.00
SECOND-BORN		5.0	0.00	1723.00	1723.00	0.00	0.00	0.00

Average % Time with NCP	15.0%	0.00	2557.00	2557.00	0.00	0.00	0.00

PARENT 1 is required to pay PARENT 2 \$2557.00 in CURRENT SUPPORT

Total Child Support Arrears Per Child							
Child Name	Prior Period Date Range	Parent1 Add-Ons	Parent1 Support	Parent1 Total	Parent2 Add-Ons	Parent2 Support	Parent2 Total
FIRST-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
SECOND-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00

Calculation Results Detail

Tax Setting Details		
	Parent 1	Parent 2
Federal Tax Settings		
Include Self-Employment Taxes	YES	YES
Include FICA	YES	YES
Include Medicare	YES	YES
Include Advance Earned Income Credit	YES	YES
Number of Children for Child Care Credits	0	2
Number of Children for Earned Income Credits	0	2
Number of Children for Child Tax Credits	2	0
Parent is Blind	NO	NO
Parent is 65 or Older	NO	NO
New Spouse is Blind	NO	NO
New Spouse is 65 or Older	NO	NO
Married Filing Separately, Lived with Spouse Part of the Year	YES	YES
State Tax Settings		

Include California State Income Taxes	YES	NO
California State Disability Insurance	YES	NO
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	NO	NO
Number of Children for Child Tax Credits	0	0
Include Other State Income Taxes	NO	YES
Other State Tax Rate	%	0.0%
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		

Monthly Income Details		
	Parent 1	Parent 2
Wages/Salary	0.00	6000.00
Parent 1: Based on earned income: \$0.00 MONTHLY Parent 2: Based on earned income: \$6000.00 MONTHLY		
Self-Employment Income	10000.00	0.00
Unemployment Compensation	0.00	0.00
Disability (Taxable)	0.00	0.00
Other Taxable Income	1050.00	0.00
Interest Received	1050.00	0.00
Nonqualified Dividends	0.00	0.00
Qualified Dividends	0.00	0.00
Operating Losses and Other Income	0.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Rental Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00
Unrecaptured Section 1250 Gains	0.00	0.00
Royalties	0.00	0.00
Other Taxable Income Adjustments	0.00	0.00
Other Non-Taxable Income	3000.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Significant Other/New-Mate Income	0.00	0.00

Tax Exempt Interest	0.00	0.00
Depreciation or Other	3000.00	0.00
Disability	0.00	0.00
Worker's Compensation	0.00	0.00
Public Assistance and Child Support Received	0.00	0.00
Public Assistance	0.00	0.00
Child Support Received	0.00	0.00
New-Spouse Income	0.00	0.00
Wages/Salary	0.00	0.00
Self-Employment Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Spousal Support Paid Other Marriage	0.00	0.00
Retirement Contribution if Adjustments to Income	0.00	0.00
Required Union Dues	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00

Monthly Deduction Details		
	Parent 1	Parent 2
Child Support Paid (Other Relationships)	0.00	0.00
Spousal Support Paid This Relationship	0.00	0.00
Property Tax	350.00	0.00
Mortgage Interest	2200.00	0.00
Other Itemized Deductions	0.00	0.00
Other Medical Expenses	0.00	0.00
Deductable Interest Expenses	0.00	0.00
Contribution Deduction	0.00	0.00
Miscellaneous Itemized	0.00	0.00
Required Union Dues	0.00	95.00
Health Insurance Premium	375.00	575.00
Paid By Party (Pre-Tax)	375.00	0.00
Paid By Party (Post-Tax)	0.00	575.00
Wage Deduction (Pre-Tax)	0.00	0.00
Wage Deduction (Post-Tax)	0.00	0.00

Retirement Contributions	0.00	275.00
Mandatory Retirement (Tax-Deferred)	0.00	0.00
Mandatory Retirement (Non-Tax-Deferred)	0.00	0.00
Voluntary Retirement (Tax-Deferred)	0.00	275.00
Other Guideline Deductions	0.00	0.00
Spousal/Other Partner Support Paid Other Relationship	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00
State Adjustments		
State Adjustments to Income	0.00	0.00
State Adjustments to Itemized Deduction	0.00	0.00
Monthly Hardship Deduction		
Hardship Deduction Amount	0.00	0.00
Hardship Deduction Children	0.0	0.0
Hardship Deduction Expenses		
Extraordinary Health Expenses	0.00	0.00
Uninsured Catastrophic Losses	0.00	0.00
Other Tax Deductions	0.00	0.00
Adjustments to Income	0.00	0.00
Other Discretionary Deductions	0.00	0.00
Alternative Minimum Tax Information	0.00	0.00
Certain Interest on Home Mortgage	0.00	0.00
Investment Interest	0.00	0.00
Post-1986 Depreciation	0.00	0.00
Adjusted Gain or Loss	0.00	0.00
Incentive Stock Options	0.00	0.00
Passive Activities	0.00	0.00
Estates and Trusts, Schedule K-1	0.00	0.00
Tax Exempt Interest From Private Activity Bond	0.00	0.00
Other Preferences	0.00	0.00
Alternative Minimum Tax Operating Loss Deduction	0.00	0.00

Average % Time with NCP	3.0%	0.00	773.00	773.00	0.00	0.00	0.00	

PARENT 1 is required to pay PARENT 2 \$773.00 in CURRENT SUPPORT

Total Child Support Arrears Per Child							
Child Name	Prior Period Date Range	Parent1 Add-Ons	Parent1 Support	Parent1 Total	Parent2 Add-Ons	Parent2 Support	Parent2 Total
FIRST-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00

Calculation Results Detail

Tax Setting Details			
	Parent 1	Parent 2	
Federal Tax Settings			
Include Self-Employment Taxes	YES	YES	YES
Include FICA	YES	YES	YES
Include Medicare	YES	YES	YES
Include Advance Earned Income Credit	YES	YES	YES
Number of Children for Child Care Credits	0	0	1
Number of Children for Earned Income Credits	0	0	1
Number of Children for Child Tax Credits	0	0	1
Parent is Blind	NO	NO	NO
Parent is 65 or Older	NO	NO	NO
New Spouse is Blind	NO	NO	NO
New Spouse is 65 or Older	NO	NO	NO
Married Filing Separately, Lived with Spouse Part of the Year	YES	YES	YES
State Tax Settings			

Include California State Income Taxes	YES	YES
California State Disability Insurance	YES	YES
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	NO	YES
Number of Children for Child Tax Credits	0	1
Include Other State Income Taxes	NO	NO
Other State Tax Rate	%	%
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		

Monthly Income Details		
	Parent 1	Parent 2
Wages/Salary	4625.00	2627.00
Parent 1: Based on earned income: \$4625.00 MONTHLY Parent 2: Based on earned income: \$2627.00 MONTHLY		
Self-Employment Income	0.00	0.00
Unemployment Compensation	0.00	0.00
Disability (Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Interest Received	0.00	0.00
Nonqualified Dividends	0.00	0.00
Qualified Dividends	0.00	0.00
Operating Losses and Other Income	0.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Rental Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00
Unrecaptured Section 1250 Gains	0.00	0.00
Royalties	0.00	0.00
Other Taxable Income Adjustments	0.00	0.00
Other Non-Taxable Income	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Significant Other/New-Mate Income	0.00	0.00

Tax Exempt Interest	0.00	0.00
Depreciation or Other	0.00	0.00
Disability	0.00	0.00
Worker's Compensation	0.00	0.00
Public Assistance and Child Support Received	0.00	0.00
Public Assistance	0.00	0.00
Child Support Received	0.00	0.00
New-Spouse Income	0.00	0.00
Wages/Salary	0.00	0.00
Self-Employment Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Spousal Support Paid Other Marriage	0.00	0.00
Retirement Contribution if Adjustments to Income	0.00	0.00
Required Union Dues	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00

Monthly Deduction Details		
	Parent 1	Parent 2
Child Support Paid (Other Relationships)	237.00	0.00
Spousal Support Paid This Relationship	0.00	0.00
Property Tax	275.00	0.00
Mortgage Interest	1125.00	0.00
Other Itemized Deductions	0.00	0.00
Other Medical Expenses	0.00	0.00
Deductable Interest Expenses	0.00	0.00
Contribution Deduction	0.00	0.00
Miscellaneous Itemized	0.00	0.00
Required Union Dues	0.00	0.00
Health Insurance Premium	375.00	125.00
Paid By Party (Pre-Tax)	0.00	125.00
Paid By Party (Post-Tax)	375.00	0.00
Wage Deduction (Pre-Tax)	0.00	0.00
Wage Deduction (Post-Tax)	0.00	0.00

Retirement Contributions	0.00	250.00
Mandatory Retirement (Tax-Deferred)	0.00	250.00
Mandatory Retirement (Non-Tax-Deferred)	0.00	0.00
Voluntary Retirement (Tax-Deferred)	0.00	0.00
Other Guideline Deductions	50.00	0.00
Spousal/Other Partner Support Paid Other Relationship	0.00	0.00
Necessary Job-Related Expenses	50.00	0.00
State Adjustments		
State Adjustments to Income	0.00	0.00
State Adjustments to Itemized Deduction	0.00	0.00
Monthly Hardship Deduction		
Hardship Deduction Amount	0.00	0.00
Hardship Deduction Children	0.0	0.0
Hardship Deduction Expenses		
Extraordinary Health Expenses	0.00	0.00
Uninsured Catastrophic Losses	0.00	0.00
Other Tax Deductions	0.00	0.00
Adjustments to Income	0.00	0.00
Other Discretionary Deductions	0.00	0.00
Alternative Minimum Tax Information	0.00	0.00
Certain Interest on Home Mortgage	0.00	0.00
Investment Interest	0.00	0.00
Post-1986 Depreciation	0.00	0.00
Adjusted Gain or Loss	0.00	0.00
Incentive Stock Options	0.00	0.00
Passive Activities	0.00	0.00
Estates and Trusts, Schedule K-1	0.00	0.00
Tax Exempt Interest From Private Activity Bond	0.00	0.00
Other Preferences	0.00	0.00
Alternative Minimum Tax Operating Loss Deduction	0.00	0.00

Average % Time with NCP	25.0%	0.00	237.00	237.00	0.00	0.00	0.00	0.00

PARENT 1 is required to pay PARENT 2 \$237.00 in CURRENT SUPPORT

Total Child Support Arrears Per Child							
Child Name	Prior Period Date Range	Parent1 Add-Ons	Parent1 Support	Parent1 Total	Parent2 Add-Ons	Parent2 Support	Parent2 Total
FIRST-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00

Calculation Results Detail

Tax Setting Details		
	Parent 1	Parent 2
Federal Tax Settings		
Include Self-Employment Taxes	YES	YES
Include FICA	YES	YES
Include Medicare	YES	YES
Include Advance Earned Income Credit	YES	YES
Number of Children for Child Care Credits	0	1
Number of Children for Earned Income Credits	0	1
Number of Children for Child Tax Credits	0	1
Parent is Blind	NO	NO
Parent is 65 or Older	NO	NO
New Spouse is Blind	NO	NO
New Spouse is 65 or Older	NO	NO
Married Filing Separately, Lived with Spouse Part of the Year	YES	YES
State Tax Settings		

Include California State Income Taxes	YES	YES
California State Disability Insurance	YES	YES
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	NO	YES
Number of Children for Child Tax Credits	0	1
Include Other State Income Taxes	NO	NO
Other State Tax Rate	%	%
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		

Monthly Income Details		
	Parent 1	Parent 2
Wages/Salary	4625.00	6375.00
Parent 1: Based on earned income: \$4625.00 MONTHLY Parent 2: Based on earned income: \$6375.00 MONTHLY		
Self-Employment Income	0.00	0.00
Unemployment Compensation	0.00	0.00
Disability (Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Interest Received	0.00	0.00
Nonqualified Dividends	0.00	0.00
Qualified Dividends	0.00	0.00
Operating Losses and Other Income	0.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Rental Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00
Unrecaptured Section 1250 Gains	0.00	0.00
Royalties	0.00	0.00
Other Taxable Income Adjustments	0.00	0.00
Other Non-Taxable Income	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Significant Other/New-Mate Income	0.00	0.00

Tax Exempt Interest	0.00	0.00
Depreciation or Other	0.00	0.00
Disability	0.00	0.00
Worker's Compensation	0.00	0.00
Public Assistance and Child Support Received	0.00	0.00
Public Assistance	0.00	0.00
Child Support Received	0.00	0.00
New-Spouse Income	0.00	0.00
Wages/Salary	0.00	0.00
Self-Employment Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Spousal Support Paid Other Marriage	0.00	0.00
Retirement Contribution if Adjustments to Income	0.00	0.00
Required Union Dues	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00

Monthly Deduction Details		
	Parent 1	Parent 2
Child Support Paid (Other Relationships)	773.00	0.00
Spousal Support Paid This Relationship	0.00	0.00
Property Tax	275.00	0.00
Mortgage Interest	1125.00	0.00
Other Itemized Deductions	0.00	0.00
Other Medical Expenses	0.00	0.00
Deductable Interest Expenses	0.00	0.00
Contribution Deduction	0.00	0.00
Miscellaneous Itemized	0.00	0.00
Required Union Dues	0.00	50.00
Health Insurance Premium	375.00	275.00
Paid By Party (Pre-Tax)	0.00	0.00
Paid By Party (Post-Tax)	375.00	275.00
Wage Deduction (Pre-Tax)	0.00	0.00
Wage Deduction (Post-Tax)	0.00	0.00

Retirement Contributions	0.00	0.00
Mandatory Retirement (Tax-Deferred)	0.00	0.00
Mandatory Retirement (Non-Tax-Deferred)	0.00	0.00
Voluntary Retirement (Tax-Deferred)	0.00	0.00
Other Guideline Deductions	50.00	0.00
Spousal/Other Partner Support Paid Other Relationship	0.00	0.00
Necessary Job-Related Expenses	50.00	0.00
State Adjustments		
State Adjustments to Income	0.00	0.00
State Adjustments to Itemized Deduction	0.00	0.00
Monthly Hardship Deduction		
Hardship Deduction Amount	0.00	0.00
Hardship Deduction Children	0.0	0.0
Hardship Deduction Expenses		
Extraordinary Health Expenses	0.00	0.00
Uninsured Catastrophic Losses	0.00	0.00
Other Tax Deductions	0.00	0.00
Adjustments to Income	0.00	0.00
Other Discretionary Deductions	0.00	0.00
Alternative Minimum Tax Information	0.00	0.00
Certain Interest on Home Mortgage	0.00	0.00
Investment Interest	0.00	0.00
Post-1986 Depreciation	0.00	0.00
Adjusted Gain or Loss	0.00	0.00
Incentive Stock Options	0.00	0.00
Passive Activities	0.00	0.00
Estates and Trusts, Schedule K-1	0.00	0.00
Tax Exempt Interest From Private Activity Bond	0.00	0.00
Other Preferences	0.00	0.00
Alternative Minimum Tax Operating Loss Deduction	0.00	0.00

Average % Time with NCP	0.0%	125.00	545.00	670.00	0.00	0.00	0.00

PARENT 1 is required to pay PARENT 2 \$670.00 in CURRENT SUPPORT

Total Child Support Arrears Per Child							
Child Name	Prior Period Date Range	Parent1 Add-Ons	Parent1 Support	Parent1 Total	Parent2 Add-Ons	Parent2 Support	Parent2 Total
FIRST-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00

Calculation Results Detail

Tax Setting Details		
	Parent 1	Parent 2
Federal Tax Settings		
Include Self-Employment Taxes	YES	YES
Include FICA	YES	YES
Include Medicare	YES	YES
Include Advance Earned Income Credit	YES	YES
Number of Children for Child Care Credits	0	1
Number of Children for Earned Income Credits	0	1
Number of Children for Child Tax Credits	0	1
Parent is Blind	NO	NO
Parent is 65 or Older	NO	NO
New Spouse is Blind	NO	NO
New Spouse is 65 or Older	NO	NO
Married Filing Separately, Lived with Spouse Part of the Year	YES	YES
State Tax Settings		

Include California State Income Taxes	YES	YES
California State Disability Insurance	YES	YES
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	YES	YES
Number of Children for Child Tax Credits	0	1
Include Other State Income Taxes	NO	NO
Other State Tax Rate	%	%
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		

Monthly Income Details		
	Parent 1	Parent 2
Wages/Salary	4425.00	1387.00
Parent 1: Based on earned income: \$4425.00 MONTHLY Parent 2: Based on earned income: \$1387.00 MONTHLY		
Self-Employment Income	0.00	0.00
Unemployment Compensation	0.00	0.00
Disability (Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Interest Received	0.00	0.00
Nonqualified Dividends	0.00	0.00
Qualified Dividends	0.00	0.00
Operating Losses and Other Income	0.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Rental Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00
Unrecaptured Section 1250 Gains	0.00	0.00
Royalties	0.00	0.00
Other Taxable Income Adjustments	0.00	0.00
Other Non-Taxable Income	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Significant Other/New-Mate Income	0.00	0.00

Tax Exempt Interest	0.00	0.00
Depreciation or Other	0.00	0.00
Disability	0.00	0.00
Worker's Compensation	0.00	0.00
Public Assistance and Child Support Received	0.00	0.00
Public Assistance	0.00	0.00
Child Support Received	0.00	0.00
New-Spouse Income	0.00	0.00
Wages/Salary	0.00	0.00
Self-Employment Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Spousal Support Paid Other Marriage	0.00	0.00
Retirement Contribution if Adjustments to Income	0.00	0.00
Required Union Dues	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00

Monthly Deduction Details		
	Parent 1	Parent 2
Child Support Paid (Other Relationships)	915.00	0.00
Spousal Support Paid This Relationship	0.00	0.00
Property Tax	0.00	0.00
Mortgage Interest	0.00	0.00
Other Itemized Deductions	0.00	0.00
Other Medical Expenses	0.00	0.00
Deductable Interest Expenses	0.00	0.00
Contribution Deduction	0.00	0.00
Miscellaneous Itemized	0.00	0.00
Required Union Dues	50.00	0.00
Health Insurance Premium	325.00	125.00
Paid By Party (Pre-Tax)	325.00	125.00
Paid By Party (Post-Tax)	0.00	0.00
Wage Deduction (Pre-Tax)	0.00	0.00
Wage Deduction (Post-Tax)	0.00	0.00

Retirement Contributions	0.00	0.00
Mandatory Retirement (Tax-Deferred)	0.00	0.00
Mandatory Retirement (Non-Tax-Deferred)	0.00	0.00
Voluntary Retirement (Tax-Deferred)	0.00	0.00
Other Guideline Deductions	0.00	0.00
Spousal/Other Partner Support Paid Other Relationship	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00
State Adjustments		
State Adjustments to Income	0.00	0.00
State Adjustments to Itemized Deduction	0.00	0.00
Monthly Hardship Deduction		
Hardship Deduction Amount	0.00	0.00
Hardship Deduction Children	0.0	0.0
Hardship Deduction Expenses		
Extraordinary Health Expenses	0.00	0.00
Uninsured Catastrophic Losses	0.00	0.00
Other Tax Deductions	0.00	0.00
Adjustments to Income	0.00	0.00
Other Discretionary Deductions	0.00	0.00
Alternative Minimum Tax Information	0.00	0.00
Certain Interest on Home Mortgage	0.00	0.00
Investment Interest	0.00	0.00
Post-1986 Depreciation	0.00	0.00
Adjusted Gain or Loss	0.00	0.00
Incentive Stock Options	0.00	0.00
Passive Activities	0.00	0.00
Estates and Trusts, Schedule K-1	0.00	0.00
Tax Exempt Interest From Private Activity Bond	0.00	0.00
Other Preferences	0.00	0.00
Alternative Minimum Tax Operating Loss Deduction	0.00	0.00

Subject: HYPO #3 ("B")

Calculation Results Summary

Monthly Support Totals	Parent 1		Parent 2				
Monthly Child Support Amount	690.00		0.00				
Basic Child Support Amount	690.00		0.00				
Child Support Add-Ons Amount	0.00		0.00				
Child Care	0.00		0.00				
Visit/Travel Expenses	0.00		0.00				
School Expenses	0.00		0.00				
Uninsured Health Expenses	0.00		0.00				
Total Arrears Support Amount	0.00		0.00				
Temporary Spousal Support Amount (N/A)	0.00		0.00				
Monthly Tax/Income Information (Tax Year: 2012)	Parent 1		Parent 2				
Monthly Net Disposable Income	2199.00		2455.00				
Monthly Taxable Gross Income	4425.00		2425.00				
Monthly Non-Taxable Gross Income	0.00		0.00				
Federal Adjusted Gross Income	4100.00		2425.00				
Federal Taxable Income	3300.00		0.00				
Net Income Of Parties With Support	1509.00		3145.00				
Federal Tax Filing Status	SINGLE		HEAD OF HOUSEHOLD				
Number of Tax Exemptions (Federal)	1		4				
State Tax Filing Status	SAME AS FEDERAL		SAME AS FEDERAL				
Number of Tax Exemptions (State)	1		4				
Federal Tax Liabilities	502.00		-511.00				
State Tax Liabilities	150.00		0.00				
FICA	250.00		137.00				
Self Employment Tax	0.00		0.00				
CASDI	53.00		29.00				
TANF/CalWORKS	NO		NO				
Other Monthly Deduction Totals	Parent 1		Parent 2				
Child Support Paid (Other Relationships)	895.00		0.00				
Required Union Dues	50.00		0.00				
Mandatory Retirement	0.00		0.00				
Other Guideline Deductions	0.00		0.00				
Health Insurance Premium	325.00		315.00				
Hardship Deduction Amount	0.00		0.00				
Hardship Deduction Children	0.0		0.0				
Necessary Job-Related Expenses	0.00		0.00				
Extraordinary Health Expenses	0.00		0.00				
Uninsured Catastrophic Losses	0.00		0.00				
Monthly Support Amounts Per Child	% Time with Parent1	Parent 1 Add-Ons	Parent 1 Support	Parent 1 Total	Parent 2 Add-Ons	Parent 2 Support	Parent 2 Total
FIRST-BORN	15.0	0.00	253.00	253.00	0.00	0.00	0.00
SECOND-BORN	15.0	0.00	437.00	437.00	0.00	0.00	0.00

Average % Time with NCP	15.0%	0.00	690.00	690.00	0.00	0.00	0.00	0.00

PARENT 1 is required to pay PARENT 2 \$690.00 in CURRENT SUPPORT

Total Child Support Arrears Per Child							
Child Name	Prior Period Date Range	Parent1 Add-Ons	Parent1 Support	Parent1 Total	Parent2 Add-Ons	Parent2 Support	Parent2 Total
FIRST-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
SECOND-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00

Calculation Results Detail

Tax Setting Details		
	Parent 1	Parent 2
Federal Tax Settings		
Include Self-Employment Taxes	YES	YES
Include FICA	YES	YES
Include Medicare	YES	YES
Include Advance Earned Income Credit	YES	YES
Number of Children for Child Care Credits	0	3
Number of Children for Earned Income Credits	0	3
Number of Children for Child Tax Credits	0	3
Parent is Blind	NO	NO
Parent is 65 or Older	NO	NO
New Spouse is Blind	NO	NO
New Spouse is 65 or Older	NO	NO
Married Filing Separately, Lived with Spouse Part of the Year	YES	YES
State Tax Settings		

Include California State Income Taxes	YES	YES
California State Disability Insurance	YES	YES
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	YES	NO
Number of Children for Child Tax Credits	0	2
Include Other State Income Taxes	NO	NO
Other State Tax Rate	%	%
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		

Monthly Income Details		
	Parent 1	Parent 2
Wages/Salary	4425.00	2425.00
Parent 1: Based on earned income: \$4425.00 MONTHLY Parent 2: Based on earned income: \$2425.00 MONTHLY		
Self-Employment Income	0.00	0.00
Unemployment Compensation	0.00	0.00
Disability (Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Interest Received	0.00	0.00
Nonqualified Dividends	0.00	0.00
Qualified Dividends	0.00	0.00
Operating Losses and Other Income	0.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Rental Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00
Unrecaptured Section 1250 Gains	0.00	0.00
Royalties	0.00	0.00
Other Taxable Income Adjustments	0.00	0.00
Other Non-Taxable Income	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Significant Other/New-Mate Income	0.00	0.00

Tax Exempt Interest	0.00	0.00
Depreciation or Other	0.00	0.00
Disability	0.00	0.00
Worker's Compensation	0.00	0.00
Public Assistance and Child Support Received	0.00	0.00
Public Assistance	0.00	0.00
Child Support Received	0.00	0.00
New-Spouse Income	0.00	0.00
Wages/Salary	0.00	0.00
Self-Employment Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Spousal Support Paid Other Marriage	0.00	0.00
Retirement Contribution if Adjustments to Income	0.00	0.00
Required Union Dues	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00

Monthly Deduction Details		
	Parent 1	Parent 2
Child Support Paid (Other Relationships)	895.00	0.00
Spousal Support Paid This Relationship	0.00	0.00
Property Tax	0.00	275.00
Mortgage Interest	0.00	1215.00
Other Itemized Deductions	0.00	0.00
Other Medical Expenses	0.00	0.00
Deductable Interest Expenses	0.00	0.00
Contribution Deduction	0.00	0.00
Miscellaneous Itemized	0.00	0.00
Required Union Dues	50.00	0.00
Health Insurance Premium	325.00	315.00
Paid By Party (Pre-Tax)	325.00	0.00
Paid By Party (Post-Tax)	0.00	315.00
Wage Deduction (Pre-Tax)	0.00	0.00
Wage Deduction (Post-Tax)	0.00	0.00

Retirement Contributions	0.00	0.00
Mandatory Retirement (Tax-Deferred)	0.00	0.00
Mandatory Retirement (Non-Tax-Deferred)	0.00	0.00
Voluntary Retirement (Tax-Deferred)	0.00	0.00
Other Guideline Deductions	0.00	0.00
Spousal/Other Partner Support Paid Other Relationship	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00
State Adjustments		
State Adjustments to Income	0.00	0.00
State Adjustments to Itemized Deduction	0.00	0.00
Monthly Hardship Deduction		
Hardship Deduction Amount	0.00	0.00
Hardship Deduction Children	0.0	0.0
Hardship Deduction Expenses		
Extraordinary Health Expenses	0.00	0.00
Uninsured Catastrophic Losses	0.00	0.00
Other Tax Deductions	0.00	0.00
Adjustments to Income	0.00	0.00
Other Discretionary Deductions	0.00	0.00
Alternative Minimum Tax Information	0.00	0.00
Certain Interest on Home Mortgage	0.00	0.00
Investment Interest	0.00	0.00
Post-1986 Depreciation	0.00	0.00
Adjusted Gain or Loss	0.00	0.00
Incentive Stock Options	0.00	0.00
Passive Activities	0.00	0.00
Estates and Trusts, Schedule K-1	0.00	0.00
Tax Exempt Interest From Private Activity Bond	0.00	0.00
Other Preferences	0.00	0.00
Alternative Minimum Tax Operating Loss Deduction	0.00	0.00

Subject: HYPO #4

Calculation Results Summary

Monthly Support Totals		Parent 1	Parent 2					
Monthly Child Support Amount		0.00	499.00					
Basic Child Support Amount		0.00	499.00					
Child Support Add-Ons Amount		0.00	0.00					
Child Care		0.00	0.00					
Visit/Travel Expenses		0.00	0.00					
School Expenses		0.00	0.00					
Uninsured Health Expenses		0.00	0.00					
Total Arrears Support Amount		0.00	0.00					
Temporary Spousal Support Amount (N/A)		0.00	0.00					
Monthly Tax/Income Information (Tax Year: 2012)		Parent 1	Parent 2					
Monthly Net Disposable Income		0.00	3199.00					
Monthly Taxable Gross Income		0.00	3775.00					
Monthly Non-Taxable Gross Income		0.00	0.00					
Federal Adjusted Gross Income		0.00	3775.00					
Federal Taxable Income		0.00	2433.00					
Net Income Of Parties With Support		499.00	2700.00					
Federal Tax Filing Status		HEAD OF HOUSEHOLD	HEAD OF HOUSEHOLD					
Number of Tax Exemptions (Federal)		2	2					
State Tax Filing Status		SAME AS FEDERAL	SAME AS FEDERAL					
Number of Tax Exemptions (State)		2	2					
Federal Tax Liabilities		0.00	231.00					
State Tax Liabilities		0.00	11.00					
FICA		0.00	213.00					
Self Employment Tax		0.00	0.00					
CASDI		0.00	45.00					
TANF/CalWORKS		NO	NO					
Other Monthly Deduction Totals		Parent 1	Parent 2					
Child Support Paid (Other Relationships)		0.00	0.00					
Required Union Dues		0.00	0.00					
Mandatory Retirement		0.00	0.00					
Other Guideline Deductions		0.00	0.00					
Health Insurance Premium		0.00	0.00					
Hardship Deduction Amount		0.00	0.00					
Hardship Deduction Children		0.0	0.0					
Necessary Job-Related Expenses		0.00	0.00					
Extraordinary Health Expenses		0.00	75.00					
Uninsured Catastrophic Losses		0.00	0.00					
Monthly Support Amounts Per Child		% Time with Parent1	Parent 1 Add-Ons	Parent 1 Support	Parent 1 Total	Parent 2 Add-Ons	Parent 2 Support	Parent 2 Total
FIRST-BORN		0.0	0.00	140.00	140.00	0.00	0.00	0.00
SECOND-BORN		60.0	0.00	0.00	0.00	0.00	639.00	639.00

Average % Time with NCP	30.0%	0.00	140.00	140.00	0.00	639.00	639.00	

PARENT 2 is required to pay PARENT 1 \$499.00 in CURRENT SUPPORT

Total Child Support Arrears Per Child							
Child Name	Prior Period Date Range	Parent1 Add-Ons	Parent1 Support	Parent1 Total	Parent2 Add-Ons	Parent2 Support	Parent2 Total
FIRST-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
SECOND-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00

Calculation Results Detail

Tax Setting Details			
	Parent 1	Parent 2	
Federal Tax Settings			
Include Self-Employment Taxes	YES	YES	
Include FICA	YES	YES	
Include Medicare	YES	YES	
Include Advance Earned Income Credit	YES	YES	
Number of Children for Child Care Credits	1	1	
Number of Children for Earned Income Credits	1	1	
Number of Children for Child Tax Credits	1	1	
Parent is Blind	NO	NO	
Parent is 65 or Older	NO	NO	
New Spouse is Blind	NO	NO	
New Spouse is 65 or Older	NO	NO	
Married Filing Separately, Lived with Spouse Part of the Year	YES	YES	
State Tax Settings			

Include California State Income Taxes	YES	YES
California State Disability Insurance	YES	YES
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	YES	YES
Number of Children for Child Tax Credits	0	2
Include Other State Income Taxes	NO	NO
Other State Tax Rate	%	%
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		

Monthly Income Details		
	Parent 1	Parent 2
Wages/Salary	0.00	3775.00
Parent 1: Based on earned income: \$0.00 MONTHLY Parent 2: Based on earned income: \$3775.00 MONTHLY		
Self-Employment Income	0.00	0.00
Unemployment Compensation	0.00	0.00
Disability (Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Interest Received	0.00	0.00
Nonqualified Dividends	0.00	0.00
Qualified Dividends	0.00	0.00
Operating Losses and Other Income	0.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Rental Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00
Unrecaptured Section 1250 Gains	0.00	0.00
Royalties	0.00	0.00
Other Taxable Income Adjustments	0.00	0.00
Other Non-Taxable Income	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Significant Other/New-Mate Income	0.00	0.00

Tax Exempt Interest	0.00	0.00
Depreciation or Other	0.00	0.00
Disability	0.00	0.00
Worker's Compensation	0.00	0.00
Public Assistance and Child Support Received	0.00	0.00
Public Assistance	0.00	0.00
Child Support Received	0.00	0.00
New-Spouse Income	0.00	0.00
Wages/Salary	0.00	0.00
Self-Employment Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Spousal Support Paid Other Marriage	0.00	0.00
Retirement Contribution if Adjustments to Income	0.00	0.00
Required Union Dues	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00

Monthly Deduction Details		
	Parent 1	Parent 2
Child Support Paid (Other Relationships)	0.00	0.00
Spousal Support Paid This Relationship	0.00	0.00
Property Tax	0.00	0.00
Mortgage Interest	0.00	0.00
Other Itemized Deductions	0.00	0.00
Other Medical Expenses	0.00	0.00
Deductable Interest Expenses	0.00	0.00
Contribution Deduction	0.00	0.00
Miscellaneous Itemized	0.00	0.00
Required Union Dues	0.00	0.00
Health Insurance Premium	0.00	0.00
Paid By Party (Pre-Tax)	0.00	0.00
Paid By Party (Post-Tax)	0.00	0.00
Wage Deduction (Pre-Tax)	0.00	0.00
Wage Deduction (Post-Tax)	0.00	0.00

Retirement Contributions	0.00	0.00
Mandatory Retirement (Tax-Deferred)	0.00	0.00
Mandatory Retirement (Non-Tax-Deferred)	0.00	0.00
Voluntary Retirement (Tax-Deferred)	0.00	0.00
Other Guideline Deductions	0.00	0.00
Spousal/Other Partner Support Paid Other Relationship	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00
State Adjustments		
State Adjustments to Income	0.00	0.00
State Adjustments to Itemized Deduction	0.00	0.00
Monthly Hardship Deduction		
Hardship Deduction Amount	0.00	0.00
Hardship Deduction Children	0.0	0.0
Hardship Deduction Expenses		
Extraordinary Health Expenses	0.00	75.00
Uninsured Catastrophic Losses	0.00	0.00
Other Tax Deductions	0.00	0.00
Adjustments to Income	0.00	0.00
Other Discretionary Deductions	0.00	0.00
Alternative Minimum Tax Information	0.00	0.00
Certain Interest on Home Mortgage	0.00	0.00
Investment Interest	0.00	0.00
Post-1986 Depreciation	0.00	0.00
Adjusted Gain or Loss	0.00	0.00
Incentive Stock Options	0.00	0.00
Passive Activities	0.00	0.00
Estates and Trusts, Schedule K-1	0.00	0.00
Tax Exempt Interest From Private Activity Bond	0.00	0.00
Other Preferences	0.00	0.00
Alternative Minimum Tax Operating Loss Deduction	0.00	0.00

Subject: HYPO #5

Calculation Results Summary

Monthly Support Totals	Parent 1		Parent 2				
Monthly Child Support Amount	0.00		258.00				
Basic Child Support Amount	0.00		258.00				
Child Support Add-Ons Amount	0.00		0.00				
Child Care	0.00		0.00				
Visit/Travel Expenses	0.00		0.00				
School Expenses	0.00		0.00				
Uninsured Health Expenses	0.00		0.00				
Total Arrears Support Amount	0.00		0.00				
Temporary Spousal Support Amount (N/A)	0.00		0.00				
Monthly Tax/Income Information (Tax Year: 2012)	Parent 1		Parent 2				
Monthly Net Disposable Income	5221.00		4554.00				
Monthly Taxable Gross Income	6925.00		5500.00				
Monthly Non-Taxable Gross Income	775.00		0.00				
Federal Adjusted Gross Income	5857.00		5000.00				
Federal Taxable Income	4198.00		2524.00				
Net Income Of Parties With Support	5479.00		4296.00				
Federal Tax Filing Status	HEAD OF HOUSEHOLD		HEAD OF HOUSEHOLD				
Number of Tax Exemptions (Federal)	3		3				
State Tax Filing Status	SAME AS FEDERAL		SAME AS FEDERAL				
Number of Tax Exemptions (State)	3		3				
Federal Tax Liabilities	447.00		161.00				
State Tax Liabilities	111.00		8.00				
FICA	0.00		311.00				
Self Employment Tax	586.00		0.00				
CASDI	0.00		66.00				
TANF/CalWORKS	NO		NO				
Other Monthly Deduction Totals	Parent 1		Parent 2				
Child Support Paid (Other Relationships)	0.00		0.00				
Required Union Dues	0.00		75.00				
Mandatory Retirement	0.00		0.00				
Other Guideline Deductions	0.00		0.00				
Health Insurance Premium	475.00		325.00				
Hardship Deduction Amount	86.00		0.00				
Hardship Deduction Children	1.0		0.0				
Necessary Job-Related Expenses	0.00		0.00				
Extraordinary Health Expenses	0.00		0.00				
Uninsured Catastrophic Losses	0.00		0.00				
Monthly Support Amounts Per Child	% Time with Parent1	Parent 1 Add-Ons	Parent 1 Support	Parent 1 Total	Parent 2 Add-Ons	Parent 2 Support	Parent 2 Total
FIRST-BORN	50.0	0.00	76.00	76.00	0.00	0.00	0.00
SECOND-BORN	43.0	0.00	264.00	264.00	0.00	0.00	0.00
THIRD-BORN	81.0	0.00	0.00	0.00	0.00	598.00	598.00

Average % Time with NCP	58.0%	0.00	340.00	340.00	0.00	598.00	598.00

PARENT 2 is required to pay PARENT 1 \$258.00 in CURRENT SUPPORT

Total Child Support Arrears Per Child							
Child Name	Prior Period Date Range	Parent1 Add-Ons	Parent1 Support	Parent1 Total	Parent2 Add-Ons	Parent2 Support	Parent2 Total
FIRST-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
SECOND-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
THIRD-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00

Calculation Results Detail

Tax Setting Details		Parent 1	Parent 2
Federal Tax Settings			
Include Self-Employment Taxes		YES	YES
Include FICA		YES	YES
Include Medicare		YES	YES
Include Advance Earned Income Credit		YES	YES
Number of Children for Child Care Credits		2	2
Number of Children for Earned Income Credits		2	2
Number of Children for Child Tax Credits		2	2
Parent is Blind		NO	NO
Parent is 65 or Older		NO	NO
New Spouse is Blind		NO	NO
New Spouse is 65 or Older		NO	NO
Married Filing Separately, Lived with Spouse Part of the Year		YES	YES
State Tax Settings			

Include California State Income Taxes	YES	YES
California State Disability Insurance	YES	YES
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	YES	NO
Number of Children for Child Tax Credits	0	3
Include Other State Income Taxes	NO	NO
Other State Tax Rate	%	%
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		

Monthly Income Details		
	Parent 1	Parent 2
Wages/Salary	0.00	5500.00
Parent 1: Based on earned income: \$0.00 MONTHLY Parent 2: Based on earned income: \$5500.00 MONTHLY		
Self-Employment Income	4775.00	0.00
Unemployment Compensation	0.00	0.00
Disability (Taxable)	0.00	0.00
Other Taxable Income	1375.00	0.00
Interest Received	0.00	0.00
Nonqualified Dividends	0.00	0.00
Qualified Dividends	0.00	0.00
Operating Losses and Other Income	1375.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Rental Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00
Unrecaptured Section 1250 Gains	0.00	0.00
Royalties	0.00	0.00
Other Taxable Income Adjustments	0.00	0.00
Other Non-Taxable Income	775.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Significant Other/New-Mate Income	0.00	0.00

Tax Exempt Interest	0.00	0.00
Depreciation or Other	0.00	0.00
Disability	775.00	0.00
Worker's Compensation	0.00	0.00
Public Assistance and Child Support Received	0.00	0.00
Public Assistance	0.00	0.00
Child Support Received	0.00	0.00
New-Spouse Income	0.00	0.00
Wages/Salary	0.00	0.00
Self-Employment Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Spousal Support Paid Other Marriage	0.00	0.00
Retirement Contribution if Adjustments to Income	0.00	0.00
Required Union Dues	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00

Monthly Deduction Details		
	Parent 1	Parent 2
Child Support Paid (Other Relationships)	0.00	0.00
Spousal Support Paid This Relationship	0.00	0.00
Property Tax	0.00	225.00
Mortgage Interest	0.00	1235.00
Other Itemized Deductions	0.00	0.00
Other Medical Expenses	0.00	0.00
Deductable Interest Expenses	0.00	0.00
Contribution Deduction	0.00	0.00
Miscellaneous Itemized	0.00	0.00
Required Union Dues	0.00	75.00
Health Insurance Premium	475.00	325.00
Paid By Party (Pre-Tax)	0.00	325.00
Paid By Party (Post-Tax)	475.00	0.00
Wage Deduction (Pre-Tax)	0.00	0.00
Wage Deduction (Post-Tax)	0.00	0.00

Retirement Contributions	0.00	175.00
Mandatory Retirement (Tax-Deferred)	0.00	0.00
Mandatory Retirement (Non-Tax-Deferred)	0.00	0.00
Voluntary Retirement (Tax-Deferred)	0.00	175.00
Other Guideline Deductions	0.00	0.00
Spousal/Other Partner Support Paid Other Relationship	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00
State Adjustments		
State Adjustments to Income	0.00	0.00
State Adjustments to Itemized Deduction	0.00	0.00
Monthly Hardship Deduction		
Hardship Deduction Amount	86.00	0.00
Hardship Deduction Children	1.0	0.0
Hardship Deduction Expenses		
Extraordinary Health Expenses	0.00	0.00
Uninsured Catastrophic Losses	0.00	0.00
Other Tax Deductions	0.00	0.00
Adjustments to Income	0.00	0.00
Other Discretionary Deductions	0.00	0.00
Alternative Minimum Tax Information	0.00	0.00
Certain Interest on Home Mortgage	0.00	0.00
Investment Interest	0.00	0.00
Post-1986 Depreciation	0.00	0.00
Adjusted Gain or Loss	0.00	0.00
Incentive Stock Options	0.00	0.00
Passive Activities	0.00	0.00
Estates and Trusts, Schedule K-1	0.00	0.00
Tax Exempt Interest From Private Activity Bond	0.00	0.00
Other Preferences	0.00	0.00
Alternative Minimum Tax Operating Loss Deduction	0.00	0.00

Subject: HYPO #6 (F#1)

Calculation Results Summary

Monthly Support Totals	Parent 1	Parent 2					
Monthly Child Support Amount	0.00	1105.00					
Basic Child Support Amount	0.00	1155.00					
Child Support Add-Ons Amount	0.00	-50.00					
Child Care	200.00	300.00					
Visit/Travel Expenses	0.00	0.00					
School Expenses	0.00	0.00					
Uninsured Health Expenses	0.00	0.00					
Total Arrears Support Amount	0.00	0.00					
Temporary Spousal Support Amount (N/A)	0.00	0.00					
Monthly Tax/Income Information (Tax Year: 2012)	Parent 1	Parent 2					
Monthly Net Disposable Income	1015.00	3888.00					
Monthly Taxable Gross Income	2600.00	4967.00					
Monthly Non-Taxable Gross Income	0.00	0.00					
Federal Adjusted Gross Income	2302.00	4391.00					
Federal Taxable Income	960.00	2358.00					
Net Income Of Parties With Support	2120.00	2783.00					
Federal Tax Filing Status	HEAD OF HOUSEHOLD	HEAD OF HOUSEHOLD					
Number of Tax Exemptions (Federal)	2	2					
State Tax Filing Status	SAME AS FEDERAL	SAME AS FEDERAL					
Number of Tax Exemptions (State)	2	2					
Federal Tax Liabilities	-108.00	170.00					
State Tax Liabilities	-28.00	-7.00					
FICA	147.00	281.00					
Self Employment Tax	0.00	0.00					
CASDI	31.00	60.00					
TANF/CalWORKS	NO	NO					
Other Monthly Deduction Totals	Parent 1	Parent 2					
Child Support Paid (Other Relationships)	910.00	0.00					
Required Union Dues	0.00	0.00					
Mandatory Retirement	298.00	0.00					
Other Guideline Deductions	0.00	0.00					
Health Insurance Premium	335.00	576.00					
Hardship Deduction Amount	0.00	0.00					
Hardship Deduction Children	0.0	0.0					
Necessary Job-Related Expenses	0.00	0.00					
Extraordinary Health Expenses	0.00	0.00					
Uninsured Catastrophic Losses	0.00	0.00					
Monthly Support Amounts Per Child	% Time with Parent1	Parent 1 Add-Ons	Parent 1 Support	Parent 1 Total	Parent 2 Add-Ons	Parent 2 Support	Parent 2 Total
FIRST-BORN	33.0	0.00	0.00	0.00	0.00	256.00	256.00
SECOND-BORN	95.0	50.00	0.00	50.00	0.00	899.00	899.00

Average % Time with NCP	64.0%	50.00	0.00	50.00	0.00	1155.00	1155.00

PARENT 2 is required to pay PARENT 1 \$1105.00 in CURRENT SUPPORT

Total Child Support Arrears Per Child							
Child Name	Prior Period Date Range	Parent1 Add-Ons	Parent1 Support	Parent1 Total	Parent2 Add-Ons	Parent2 Support	Parent2 Total
FIRST-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
SECOND-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00

Calculation Results Detail

Tax Setting Details		Parent 1	Parent 2
Federal Tax Settings			
Include Self-Employment Taxes		YES	YES
Include FICA		YES	YES
Include Medicare		YES	YES
Include Advance Earned Income Credit		YES	YES
Number of Children for Child Care Credits		1	1
Number of Children for Earned Income Credits		1	1
Number of Children for Child Tax Credits		1	1
Parent is Blind		NO	NO
Parent is 65 or Older		NO	NO
New Spouse is Blind		NO	NO
New Spouse is 65 or Older		NO	NO
Married Filing Separately, Lived with Spouse Part of the Year		YES	YES
State Tax Settings			

Include California State Income Taxes	YES	YES
California State Disability Insurance	YES	YES
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	YES	NO
Number of Children for Child Tax Credits	0	2
Include Other State Income Taxes	NO	NO
Other State Tax Rate	%	%
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		

Monthly Income Details		
	Parent 1	Parent 2
Wages/Salary	2600.00	4967.00
Parent 1: Based on earned income: \$2600.00 MONTHLY Parent 2: Based on earned income: \$4967.00 MONTHLY		
Self-Employment Income	0.00	0.00
Unemployment Compensation	0.00	0.00
Disability (Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Interest Received	0.00	0.00
Nonqualified Dividends	0.00	0.00
Qualified Dividends	0.00	0.00
Operating Losses and Other Income	0.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Rental Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00
Unrecaptured Section 1250 Gains	0.00	0.00
Royalties	0.00	0.00
Other Taxable Income Adjustments	0.00	0.00
Other Non-Taxable Income	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Significant Other/New-Mate Income	0.00	0.00

Tax Exempt Interest	0.00	0.00
Depreciation or Other	0.00	0.00
Disability	0.00	0.00
Worker's Compensation	0.00	0.00
Public Assistance and Child Support Received	0.00	0.00
Public Assistance	0.00	0.00
Child Support Received	0.00	0.00
New-Spouse Income	0.00	0.00
Wages/Salary	0.00	0.00
Self-Employment Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Spousal Support Paid Other Marriage	0.00	0.00
Retirement Contribution if Adjustments to Income	0.00	0.00
Required Union Dues	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00

Monthly Deduction Details		
	Parent 1	Parent 2
Child Support Paid (Other Relationships)	910.00	0.00
Spousal Support Paid This Relationship	0.00	0.00
Property Tax	0.00	208.00
Mortgage Interest	0.00	1132.00
Other Itemized Deductions	0.00	0.00
Other Medical Expenses	0.00	0.00
Deductable Interest Expenses	0.00	0.00
Contribution Deduction	0.00	0.00
Miscellaneous Itemized	0.00	0.00
Required Union Dues	0.00	0.00
Health Insurance Premium	335.00	576.00
Paid By Party (Pre-Tax)	0.00	576.00
Paid By Party (Post-Tax)	335.00	0.00
Wage Deduction (Pre-Tax)	0.00	0.00
Wage Deduction (Post-Tax)	0.00	0.00

Retirement Contributions	298.00	0.00
Mandatory Retirement (Tax-Deferred)	298.00	0.00
Mandatory Retirement (Non-Tax-Deferred)	0.00	0.00
Voluntary Retirement (Tax-Deferred)	0.00	0.00
Other Guideline Deductions	0.00	0.00
Spousal/Other Partner Support Paid Other Relationship	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00
State Adjustments		
State Adjustments to Income	0.00	0.00
State Adjustments to Itemized Deduction	0.00	0.00
Monthly Hardship Deduction		
Hardship Deduction Amount	0.00	0.00
Hardship Deduction Children	0.0	0.0
Hardship Deduction Expenses		
Extraordinary Health Expenses	0.00	0.00
Uninsured Catastrophic Losses	0.00	0.00
Other Tax Deductions	0.00	0.00
Adjustments to Income	0.00	0.00
Other Discretionary Deductions	0.00	0.00
Alternative Minimum Tax Information	0.00	0.00
Certain Interest on Home Mortgage	0.00	0.00
Investment Interest	0.00	0.00
Post-1986 Depreciation	0.00	0.00
Adjusted Gain or Loss	0.00	0.00
Incentive Stock Options	0.00	0.00
Passive Activities	0.00	0.00
Estates and Trusts, Schedule K-1	0.00	0.00
Tax Exempt Interest From Private Activity Bond	0.00	0.00
Other Preferences	0.00	0.00
Alternative Minimum Tax Operating Loss Deduction	0.00	0.00

Average % Time with NCP	10.0%	0.00	571.00	571.00	0.00	0.00	0.00

PARENT 1 is required to pay PARENT 2 \$571.00 in CURRENT SUPPORT

Total Child Support Arrears Per Child							
Child Name	Prior Period Date Range	Parent1 Add-Ons	Parent1 Support	Parent1 Total	Parent2 Add-Ons	Parent2 Support	Parent2 Total
FIRST-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
SECOND-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00

Calculation Results Detail

Tax Setting Details			
	Parent 1	Parent 2	
Federal Tax Settings			
Include Self-Employment Taxes	YES	YES	
Include FICA	YES	YES	
Include Medicare	YES	YES	
Include Advance Earned Income Credit	YES	YES	
Number of Children for Child Care Credits	1	2	
Number of Children for Earned Income Credits	1	2	
Number of Children for Child Tax Credits	1	2	
Parent is Blind	NO	NO	
Parent is 65 or Older	NO	NO	
New Spouse is Blind	NO	NO	
New Spouse is 65 or Older	NO	NO	
Married Filing Separately, Lived with Spouse Part of the Year	YES	YES	
State Tax Settings			

Include California State Income Taxes	YES	NO
California State Disability Insurance	YES	NO
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	YES	NO
Number of Children for Child Tax Credits	0	0
Include Other State Income Taxes	NO	YES
Other State Tax Rate	%	0.0%
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		

Monthly Income Details		
	Parent 1	Parent 2
Wages/Salary	2600.00	1560.00
Parent 1: Based on earned income: \$2600.00 MONTHLY Parent 2: Based on earned income: \$1560.00 MONTHLY		
Self-Employment Income	0.00	0.00
Unemployment Compensation	0.00	0.00
Disability (Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Interest Received	0.00	0.00
Nonqualified Dividends	0.00	0.00
Qualified Dividends	0.00	0.00
Operating Losses and Other Income	0.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Rental Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00
Unrecaptured Section 1250 Gains	0.00	0.00
Royalties	0.00	0.00
Other Taxable Income Adjustments	0.00	0.00
Other Non-Taxable Income	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Significant Other/New-Mate Income	0.00	0.00

Tax Exempt Interest	0.00	0.00
Depreciation or Other	0.00	0.00
Disability	0.00	0.00
Worker's Compensation	0.00	0.00
Public Assistance and Child Support Received	0.00	0.00
Public Assistance	0.00	0.00
Child Support Received	0.00	0.00
New-Spouse Income	0.00	8760.00
Wages/Salary	0.00	8760.00
Self-Employment Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Spousal Support Paid Other Marriage	0.00	0.00
Retirement Contribution if Adjustments to Income	0.00	0.00
Required Union Dues	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00

Monthly Deduction Details		
	Parent 1	Parent 2
Child Support Paid (Other Relationships)	339.00	0.00
Spousal Support Paid This Relationship	0.00	0.00
Property Tax	0.00	387.00
Mortgage Interest	0.00	2342.00
Other Itemized Deductions	0.00	0.00
Other Medical Expenses	0.00	0.00
Deductable Interest Expenses	0.00	0.00
Contribution Deduction	0.00	0.00
Miscellaneous Itemized	0.00	0.00
Required Union Dues	0.00	50.00
Health Insurance Premium	335.00	0.00
Paid By Party (Pre-Tax)	0.00	0.00
Paid By Party (Post-Tax)	335.00	0.00
Wage Deduction (Pre-Tax)	0.00	0.00
Wage Deduction (Post-Tax)	0.00	0.00

Retirement Contributions	298.00	0.00
Mandatory Retirement (Tax-Deferred)	298.00	0.00
Mandatory Retirement (Non-Tax-Deferred)	0.00	0.00
Voluntary Retirement (Tax-Deferred)	0.00	0.00
Other Guideline Deductions	0.00	0.00
Spousal/Other Partner Support Paid Other Relationship	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00
State Adjustments		
State Adjustments to Income	0.00	0.00
State Adjustments to Itemized Deduction	0.00	0.00
Monthly Hardship Deduction		
Hardship Deduction Amount	0.00	0.00
Hardship Deduction Children	0.0	0.0
Hardship Deduction Expenses		
Extraordinary Health Expenses	0.00	0.00
Uninsured Catastrophic Losses	0.00	0.00
Other Tax Deductions	0.00	0.00
Adjustments to Income	0.00	0.00
Other Discretionary Deductions	0.00	0.00
Alternative Minimum Tax Information	0.00	0.00
Certain Interest on Home Mortgage	0.00	0.00
Investment Interest	0.00	0.00
Post-1986 Depreciation	0.00	0.00
Adjusted Gain or Loss	0.00	0.00
Incentive Stock Options	0.00	0.00
Passive Activities	0.00	0.00
Estates and Trusts, Schedule K-1	0.00	0.00
Tax Exempt Interest From Private Activity Bond	0.00	0.00
Other Preferences	0.00	0.00
Alternative Minimum Tax Operating Loss Deduction	0.00	0.00

Average % Time with NCP	0.0%	0.00	339.00	339.00	0.00	0.00	0.00	

PARENT 1 is required to pay PARENT 2 \$339.00 in CURRENT SUPPORT

Total Child Support Arrears Per Child							
Child Name	Prior Period Date Range	Parent1 Add-Ons	Parent1 Support	Parent1 Total	Parent2 Add-Ons	Parent2 Support	Parent2 Total
FIRST-BORN	Not Applicable	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00

Calculation Results Detail

Tax Setting Details		
	Parent 1	Parent 2
Federal Tax Settings		
Include Self-Employment Taxes	YES	YES
Include FICA	YES	YES
Include Medicare	YES	YES
Include Advance Earned Income Credit	YES	YES
Number of Children for Child Care Credits	1	1
Number of Children for Earned Income Credits	1	1
Number of Children for Child Tax Credits	1	1
Parent is Blind	NO	NO
Parent is 65 or Older	NO	NO
New Spouse is Blind	NO	NO
New Spouse is 65 or Older	NO	NO
Married Filing Separately, Lived with Spouse Part of the Year	YES	YES
State Tax Settings		

Include California State Income Taxes	YES	YES
California State Disability Insurance	YES	YES
Dependency Credit for Dependent Parent(s)	NO	NO
Joint Custody Head of Household Credit	NO	NO
California Renter's Credit	YES	YES
Number of Children for Child Tax Credits	0	1
Include Other State Income Taxes	NO	NO
Other State Tax Rate	%	%
Other State Tax Amount		
Deduction type when NCP and Other Parent are Married Filing Separately		

Monthly Income Details		
	Parent 1	Parent 2
Wages/Salary	2600.00	0.00
Parent 1: Based on earned income: \$2600.00 MONTHLY		
Parent 2: Based on earned income: \$0.00 MONTHLY		
Self-Employment Income	0.00	0.00
Unemployment Compensation	0.00	0.00
Disability (Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Interest Received	0.00	0.00
Nonqualified Dividends	0.00	0.00
Qualified Dividends	0.00	0.00
Operating Losses and Other Income	0.00	0.00
Short-Term Capital Gains	0.00	0.00
Long-Term Capital Gains	0.00	0.00
Rental Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Line 4e from IRS Form 4952	0.00	0.00
Unrecaptured Section 1250 Gains	0.00	0.00
Royalties	0.00	0.00
Other Taxable Income Adjustments	0.00	0.00
Other Non-Taxable Income	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Significant Other/New-Mate Income	0.00	0.00

Tax Exempt Interest	0.00	0.00
Depreciation or Other	0.00	0.00
Disability	0.00	0.00
Worker's Compensation	0.00	0.00
Public Assistance and Child Support Received	0.00	0.00
Public Assistance	0.00	0.00
Child Support Received	0.00	0.00
New-Spouse Income	0.00	0.00
Wages/Salary	0.00	0.00
Self-Employment Income	0.00	0.00
Social Security Income (Taxable)	0.00	0.00
Social Security Income (Non-Taxable)	0.00	0.00
Other Taxable Income	0.00	0.00
Spousal Support Paid Other Marriage	0.00	0.00
Retirement Contribution if Adjustments to Income	0.00	0.00
Required Union Dues	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00

Monthly Deduction Details		
	Parent 1	Parent 2
Child Support Paid (Other Relationships)	571.00	0.00
Spousal Support Paid This Relationship	0.00	0.00
Property Tax	0.00	0.00
Mortgage Interest	0.00	0.00
Other Itemized Deductions	0.00	0.00
Other Medical Expenses	0.00	0.00
Deductable Interest Expenses	0.00	0.00
Contribution Deduction	0.00	0.00
Miscellaneous Itemized	0.00	0.00
Required Union Dues	0.00	0.00
Health Insurance Premium	335.00	0.00
Paid By Party (Pre-Tax)	0.00	0.00
Paid By Party (Post-Tax)	335.00	0.00
Wage Deduction (Pre-Tax)	0.00	0.00
Wage Deduction (Post-Tax)	0.00	0.00

Retirement Contributions	298.00	0.00
Mandatory Retirement (Tax-Deferred)	298.00	0.00
Mandatory Retirement (Non-Tax-Deferred)	0.00	0.00
Voluntary Retirement (Tax-Deferred)	0.00	0.00
Other Guideline Deductions	0.00	0.00
Spousal/Other Partner Support Paid Other Relationship	0.00	0.00
Necessary Job-Related Expenses	0.00	0.00
State Adjustments		
State Adjustments to Income	0.00	0.00
State Adjustments to Itemized Deduction	0.00	0.00
Monthly Hardship Deduction		
Hardship Deduction Amount	0.00	0.00
Hardship Deduction Children	0.0	0.0
Hardship Deduction Expenses		
Extraordinary Health Expenses	0.00	0.00
Uninsured Catastrophic Losses	0.00	0.00
Other Tax Deductions	0.00	0.00
Adjustments to Income	0.00	0.00
Other Discretionary Deductions	0.00	0.00
Alternative Minimum Tax Information	0.00	0.00
Certain Interest on Home Mortgage	0.00	0.00
Investment Interest	0.00	0.00
Post-1986 Depreciation	0.00	0.00
Adjusted Gain or Loss	0.00	0.00
Incentive Stock Options	0.00	0.00
Passive Activities	0.00	0.00
Estates and Trusts, Schedule K-1	0.00	0.00
Tax Exempt Interest From Private Activity Bond	0.00	0.00
Other Preferences	0.00	0.00
Alternative Minimum Tax Operating Loss Deduction	0.00	0.00

TAB S

**UIFSA: Interjurisdictional Case
Processing**

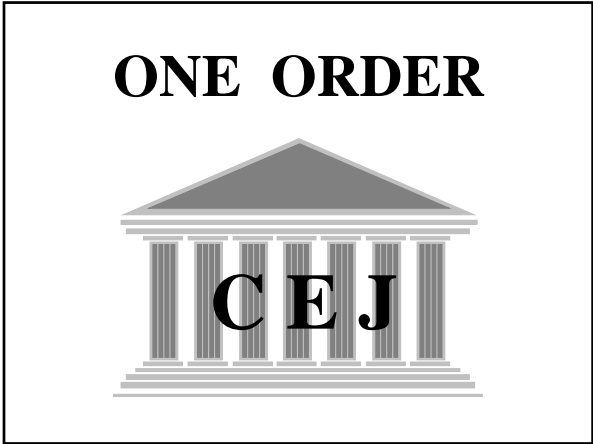
Mr. Barry J. Brooks

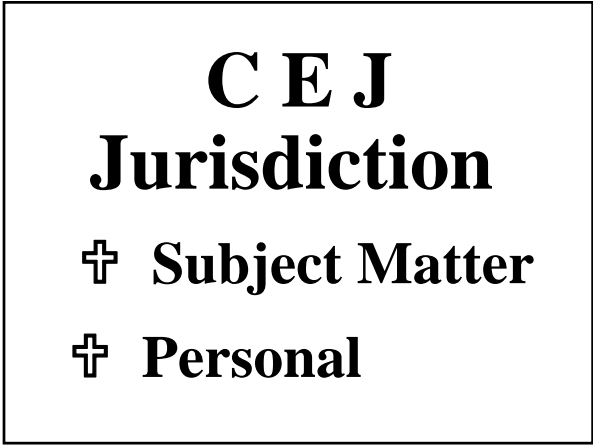
UIFSA Interjurisdictional Case Processing

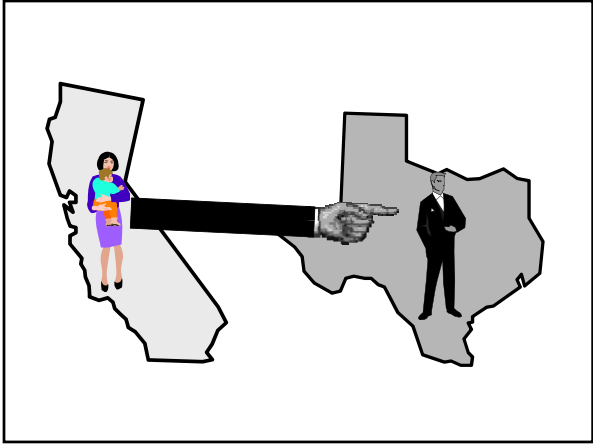
16th Annual Child Support Training Conference
September 4-7, 2012













resided in state and
residence and
expenses, including
possibilities on
expenses or support
directives
for the child

C E J
Continuing
Until “lost”

C E J
Exclusive
To
Modify

Enforcement

- ☺ Against the PERSON
- ☺ Against an ASSET
- ☺ Simultaneously in multiple States
- ☹ Interstate Income Withholding

Enforcement

↓

Registration

Registration

- Notice
- No Contest - Confirmation
- Contest - Limited Defenses

Enforcement

UIFSA

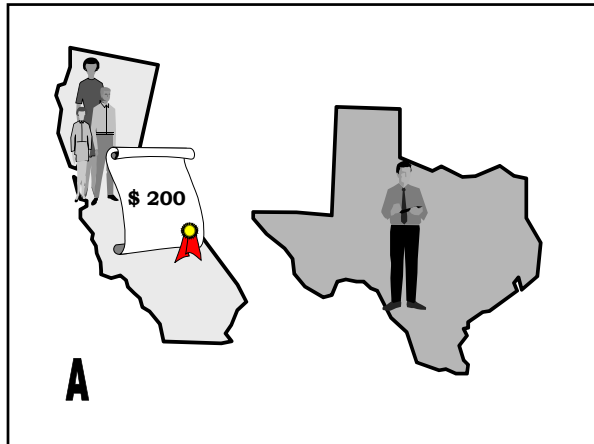
- Issuing State Law
 - Nature, Extent, Amount
 - Computation of Arrears
 - Interest Rate and Method
 - Defenses to Judgment

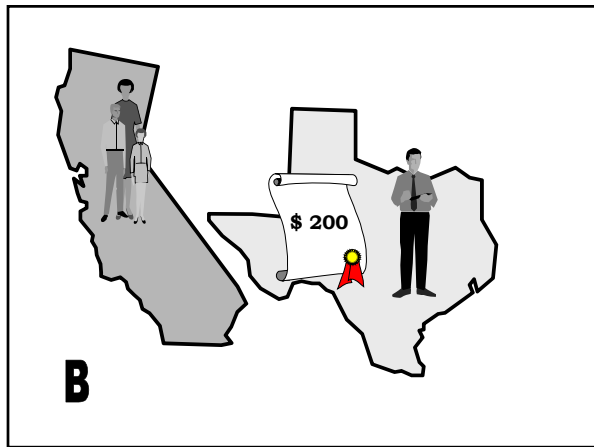
Enforcement

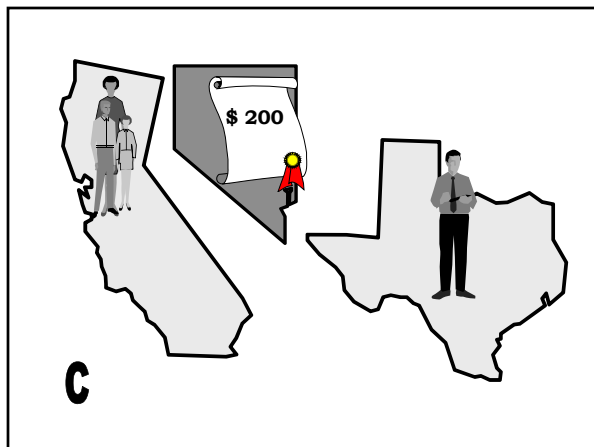
UIFSA

- Enforcing State Law
 - Defenses to Remedy
- Statute of Limitation
 - Longer of Issuing or Enforcing

C E J
Exclusive
To
Modify







Modification

- Assumption Upon Showing
 - All Parties Left Issuing State
 - Petitioner is Nonresident
 - Jurisdiction over Respondent
- Agreement

Modification

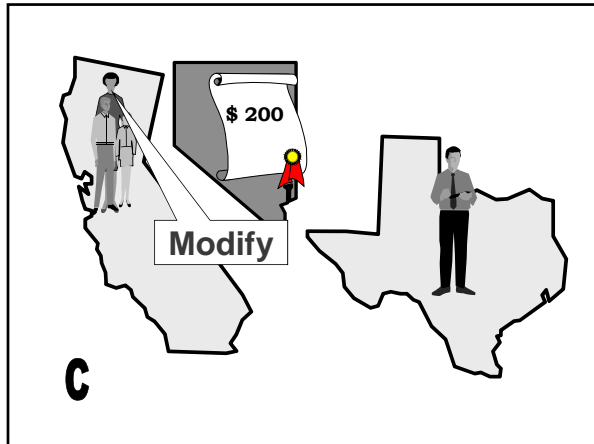


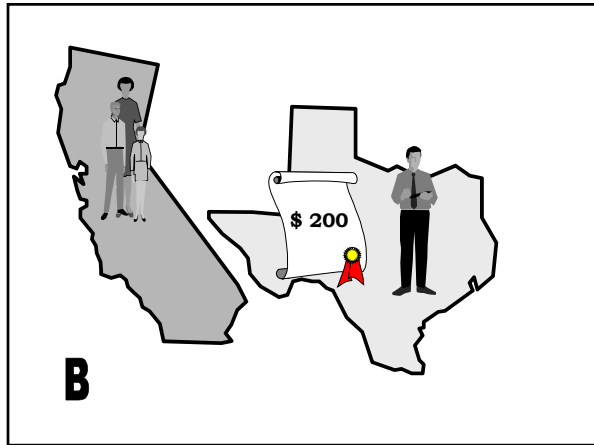
Registration

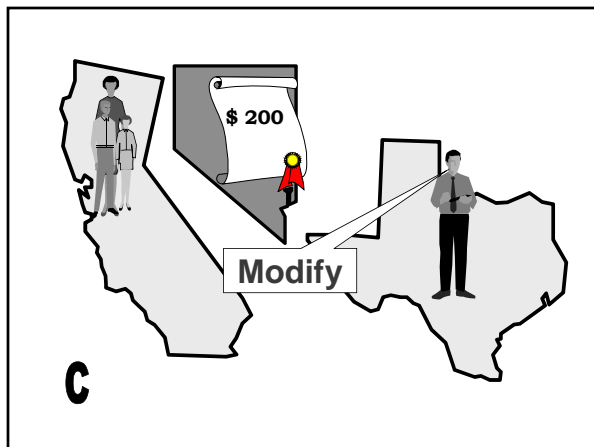
Modification

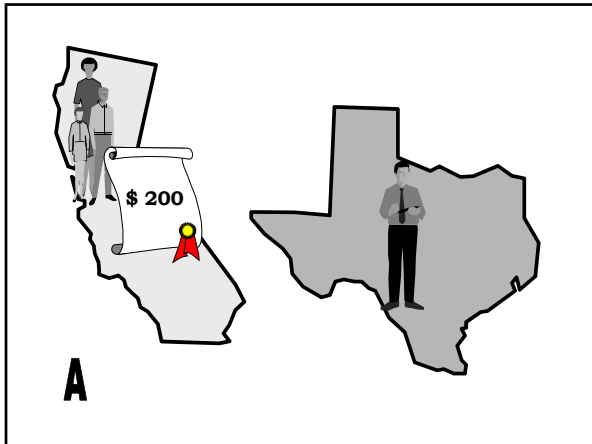
UIFSA

- Upon Assuming
 - Modify CHILD Support
 - NOT Spousal Support
 - Assuming State's Guidelines
- Can NOT Modify Duration

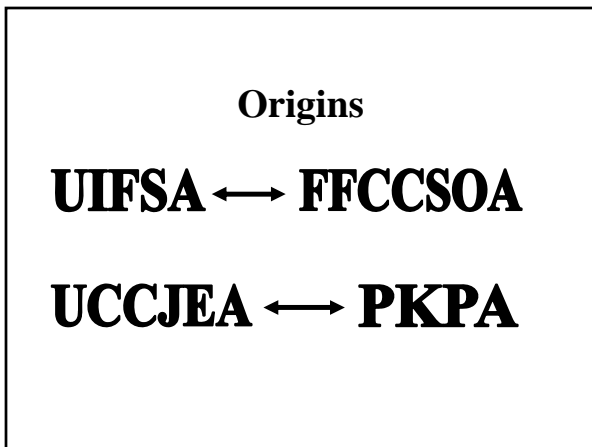












**Jurisdiction
Subject Matter**

<p>UCCJEA</p> <ul style="list-style-type: none"> ▶ Custody ▶ Visitation 	<p>UIFSA</p> <p>Support</p> <ul style="list-style-type: none"> ▶ Child ▶ Spousal
--	---

**Jurisdiction
Additional**

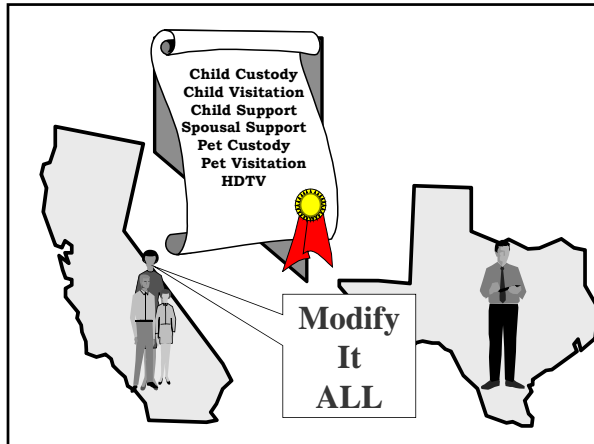
<p>UCCJEA</p> <ul style="list-style-type: none"> ▶ “Status” ▶ Home State ▶ Significant Contacts 	<p>UIFSA</p> <ul style="list-style-type: none"> ▶ Personal ▶ Long-Arm
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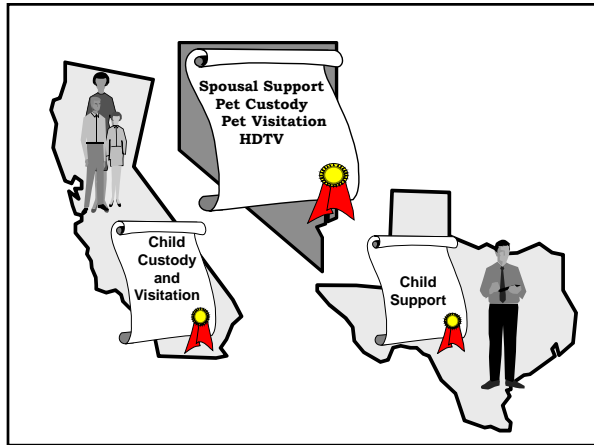
ONE ORDER



UCCJEA	UIFSA
ECJ	CEJ

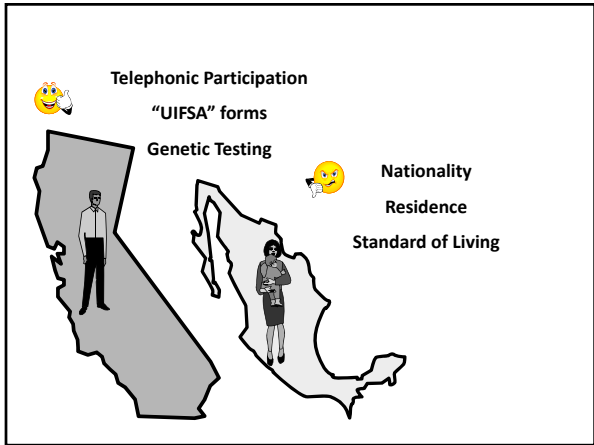
Exclusive Jurisdiction to MODIFY

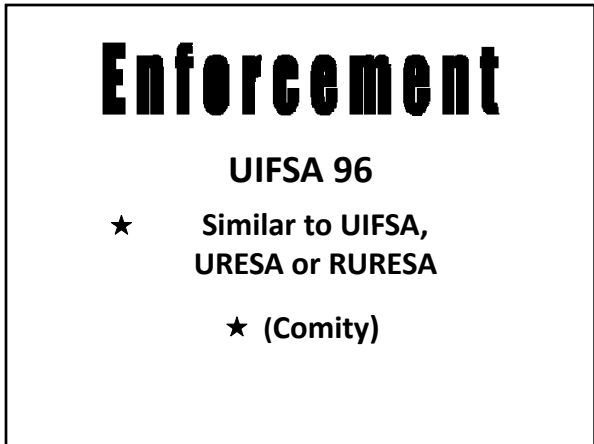








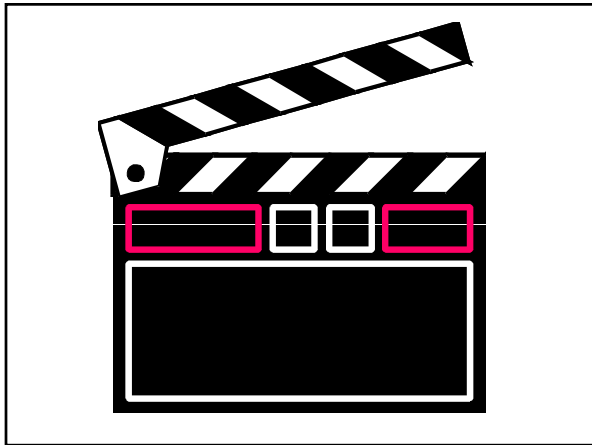




Modification

UIFSA 96

If the "State" is a foreign jurisdiction that has not enacted a law substantially similar, consent to assume not required of the individual in this state.



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UIFSA - the Basics

I. Uniform

- A. Pursuant to **PRWORA** (Personal Responsibility Work Opportunity Recognition Act), all states were required to adopt UIFSA 96 by January 1, 1998 .
- B. It is the only **NCCUSL** (National Conference of Commissioners on Uniform State Laws) Act to be federally mandated for adoption.
- C. During the time states were adopting UIFSA, **FFCCSOA** (Full Faith and Credit for Child Support Orders Act, 28 U.S.C. 1738b) was enacted October 20, 1994, and contains similar provisions to UIFSA.
- D. UIFSA was revised in 2001 and states can adopt UIFSA 2001 by obtaining a waiver from **OCSE** (Office of Child Support Enforcement) while awaiting federal legislation mandating its adoption.
- E. UIFSA was revised again in 2008 to have it comport with the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance which the US Senate has approved. Implementation requires the enactment of **UIFSA 2008** by all states. Federal legislation to mandate adoption of UIFSA 2008 has not been introduced.

II. Interstate

- A. Applies any time not all parties are residing in the same state. EX: parties both in State O at the time of the divorce; one party now in another state and either party wants a modification.
- B. Applies when a state is exercising long-arm jurisdiction.
- C. UIFSA has always had the ability to apply to cases involving international residents or foreign jurisdiction orders and UIFSA 2001 enhances the ability.
- D. Remedies are cumulative. § 103 [96], § 104 [01]

III. Family Support

- A. “Family support” includes child and spousal support. § 101(21) [96], § 102(23) [01]
- B. UIFSA does not apply to custody or visitation issues. § 104 [01]

IV. Users

- A. UIFSA creates a State information agency to process incoming requests. § 310
- B. UIFSA sets out the duties of the support enforcement (IV-D) agency in interstate cases. § 307
- C. UIFSA is the law to be used by private practitioners. § 309

V. CEJ - Continuing, Exclusive Jurisdiction § 205

- A. “Exclusive” means the exclusive jurisdiction to modify the prospective support obligation. Any tribunal with personal or *in rem* jurisdiction can enforce the obligation.
- B. Having exclusivity results in ONE order.
 - 1. **URES**A (Uniform Reciprocal Enforcement of Support Act) and **RURES**A (Revised Uniform Reciprocal Enforcement of Support Act) allowed for the creation of subsequent valid orders as the obligor moved from state to state. There was no requirement that the previous order be given full faith and credit as to prospective support. However, the obligation continued to accrue.
 - 2. UIFSA & FFCCSOA contain the rules for determining the one prospectively “controlling” order when multiple, valid orders exist. § 207
 - 3. Case law has held that subsequent orders created after the adoption of UIFSA or FFCCSOA are VOID since the tribunal lacked subject matter jurisdiction to enter them.
- C. A tribunal may lose the exclusivity to modify child support, but will still retain the continuing jurisdiction to enforce the support obligation. § 206 [01]
- D. The tribunal that issued the spousal support order retains the exclusive jurisdiction to modify it regardless of the location of the parties. § 205(f) [96], § 211 [01]

VI. Establishment

Long-arm Jurisdiction

- A. UIFSA created a uniform set of criteria for asserting long-arm personal jurisdiction over a non-resident. § 201
 - 1. The individual is personally served with summons within this state;

2. The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
 3. The individual resided with the child in this state;
 4. The individual resided in this state and provided prenatal expenses or support for the child;
 5. The child resides in this state as a result of the acts or directives of the individual;
 6. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;
 7. [the individual asserted parentage in the [putative father registry] maintained in this state by the [appropriate agency];] or
 8. There is any basis consistent with the Constitution of this state and the United States for the exercise of the personal jurisdiction.
- B. While most of the bases are relevant to child support, these can also serve as a basis to assert personal jurisdiction for spousal support.
- C. The long-arm bases are also the bases for establishing paternity under the **UPA** (Uniform Parentage Act). UPA § 604(b)
- D. The tribunal that establishes the order applies its laws regarding the support amount and duration of the support obligation. § 303
- E. Long-arm jurisdiction under this section of UIFSA cannot be used to modify an order unless the requirements of § 611 or § 615 are met. § 201(b) [01]

Two-State Case:

- F. If a state cannot exercise long-arm jurisdiction over the non-resident to establish paternity and/or support, an interstate case must be filed to that party's state of residence. This process includes:
1. Completing all UIFSA required paperwork
 2. Forwarding the documents to the Central Registry of the responding state
 3. Continued follow-up of case
 4. The tribunal that establishes the order applies its laws regarding the

support amount and duration of the support obligation and typically continues to enforce its order on behalf of the initiating state.

VII. Enforcement

- A. Multiple states can have or acquire continuing jurisdiction to enforce a support order. The jurisdiction is based on personal jurisdiction over the obligor or *in rem* jurisdiction over an asset.
- B. UIFSA “legalized” the practice of sending a support order issued in a case in State O to an employer in State E. §§ 501-506
 - 1. An employer who receives an order that appears “regular on its face” is to honor the order as if it was issued in the employer’s state.
 - 2. OCSE has promulgated a “federal form” to implement income withholding.
 - 3. The terms of the obligation are fixed by the law of the state that issued the support order.
 - 4. The process to be followed by the employer is determined by the law of the obligor’s principle place of employment.
 - a. One component is the maximum that can be withheld.
 - b. Another component is the allocation of support when there are multiple obligees.
 - 5. UIFSA allows for a withholding order to be sent from state A to an employer in state B based on a support order not issued by state A. The payment destination cannot be changed from that of the underlying support order. OCSE PIQ 01-01.
 - 6. If the employee wishes to contest the withholding order, it may be done in the employer state, in the same manner as if the order had been issued in the employer state. § 506
- C. UIFSA provides processes for enforcement and modification but is not the exclusive enforcement remedy.
 - 1. Administrative enforcement without Registration is limited to support enforcement agencies. § 507
 - 2. Other non-UIFSA remedies:

- a Lien
- b. **UEFJA** (Uniform Enforcement of Foreign Judgments Act), but not **UFMJRA** (Uniform Foreign Money Judgments Recognition Act)
- c. FIDM, IRS intercept and passport denial – available to IV-D agencies

VIII. Registration §§ 601- 603, §§ 605 - 610

- A. The initial process for enforcement and modification.
 - 1. The registering party provides the tribunal with a certified copy of the order and an arrears calculation.
 - 2. The clerk of the tribunal sends the nonregistering party a Notice that includes the amount of asserted arrears along with a copy of the order.
 - 3. The Notice informs the nonregistering party that failure to contest in the statutory time allowed results in confirmation, by operation of law of:
 - a. The validity of the order
 - b. The amount of arrears
- B. A remedy can be sought simultaneously with Registration
- C. A limited number of defenses to registration.
 - 1. The issuing tribunal lacked personal jurisdiction over the contesting party
 - 2. The order was obtained by fraud
 - 3. The order has been vacated, suspended, or modified by a later order
 - 4. The issuing tribunal has stayed the order pending appeal
 - 5. There is a defense under the law of this State to the remedy sought
 - 6. Full or partial payment has been made
 - 7. The statute of limitation under Section 604 (Choice of Law) precludes enforcement of some or all of the alleged arrearage
 - 8. The alleged controlling order is not the controlling order

9. Nonparentage is not a defense § 315

IX. Modification § 611, § 613, § 615 [01]

- A. The tribunal that issued the spousal support order retains the exclusive jurisdiction to modify regardless of the location of the parties.
- B. The tribunal that issued the child support order retains the exclusive jurisdiction to modify:
 - 1. So long as the obligor, individual obligee, or child resides in the state at the time of filing.
 - 2. The parties who are individuals have filed written consent for the issuing tribunal to continue the exclusive jurisdiction. § 205 [01]
- C. Another tribunal can assume the exclusive jurisdiction to modify child support
 - 1. If it determines:
 - a. The obligor, individual obligee, and the child have left the issuing state;
 - b. The party seeking the modification is not a resident of the state being asked to assume jurisdiction; and
 - c. The tribunal has jurisdiction over the respondent to the motion to modify.
 - 2. The parties agree that a tribunal with jurisdiction over at least one individual party can assume jurisdiction
 - 3. No consent is needed if all parties move to the same state.
- D. If the conditions for assumption of jurisdiction are met, the consent of the original issuing tribunal is not an issue.
- E. Upon assuming jurisdiction, the tribunal
 - 1. Can prospectively modify the support amount in accordance with the guidelines of the assuming state
 - 2. Cannot modify the duration of the support obligation unless it was modifiable in the original issuing state.
- F. When all parties have left the issuing state with one in another US state and the

other in another country, the original order state retains the exclusive jurisdiction to modify and the “play away” requirement does not apply § 611(f) [08]

X. Multiple Orders § 207

- A. URESA and RURESA allowed for the creation of subsequent valid orders as the obligor moved from state to state. There was no requirement that the previous order be given full faith and credit as to prospective support. However, the initial obligation continued to accrue. In applying UIFSA, a consolidated arrears amount should be obtained. This is accomplished by accruing at the highest amount in existence at the time.
- B. UIFSA & FFCCSOA contain similar rules for determining the one prospectively “controlling” order when multiple, valid orders exist. (Note: this process applies to original orders issued before 10/20/94.)
 - 1. If only one issuing state still has a person residing in it, that state’s order controls.
 - 2. The order in the “home state” of the child always controls.
 - 3. If there are multiple orders, none in the child’s home state, but orders in both the obligee’s and obligor’s states, the most recent order controls. (This most often occurs when the obligee and child have moved within the last six months, so the child doesn’t have a “home state”.)
 - 4. If there are multiple orders and no one (obligor, individual obligee, or child) resides in any state that issued an order, a tribunal with jurisdiction must establish a new, controlling order and apply its guidelines and duration.
 - 5. In determining the prospectively controlling order or issuing a new controlling order, the tribunal should make a finding of the consolidated arrears under all previous, valid orders.

Resources

The home website of the Uniform Law Commission (ULC) which contains information about the adoption of Acts:

<http://www.uniformlaws.org/>

The latest version of Uniform Acts as well as copies of drafts of those acts:

<http://www.law.upenn.edu/bll/ulc/ulc.htm#drafts>

The Office of Child Support Enforcement has

<http://www.acf.dhhs.gov/programs/cse/index.html>

a link to the Online Interstate Roster and Referral Guide (IRG)

<http://ocse3.acf.hhs.gov/ext/irg/sps/selectastate.cfm>

a link to Forms, Reports, & Other Resources [withholding, lien, and “UIFSA” forms]
choose “Selected ACF/OCSE Forms”

<http://www.acf.hhs.gov/programs/cse/forms/>

NCSEA also has helpful resources

<http://www.ncsea.org/resources/links.php3>

John J. Sampson & Barry Brooks, *Uniform Interstate Family Support Act (2001) With Prefatory Note and Comments (With Still More Unofficial Annotations)*, 36 FAM. L. Q. 329 (2002)
(Available on Westlaw and Lexis).

John J. Sampson, *Uniform Interstate Family Support Act (1996) (with More Unofficial Annotations by John J. Sampson)*, 32 FAM. L. Q. 385 (1998).

According to the NCCUSL website, as of August 10, 2011, the following 22 states have enacted UIFSA 2001:

Arizona	Nevada*
California	New Mexico*
Colorado	Oklahoma
Connecticut	Rhode Island*
Delaware	South Carolina
District of Columbia	Texas
Idaho	Utah*
Illinois	Virginia
Maine*	Washington
Mississippi	West Virginia
Nebraska	Wyoming

* and UIFSA 2008

According to the NCCUSL website, as of July 30, 2012, the following 10 states have enacted UIFSA 2008:

Florida	North Dakota
Maine	Rhode Island
Missouri	Tennessee
Nevada	Utah
New Mexico	Wisconsin



What is an IWO?

Commonly known as an income withholding order or IWO, the Income Withholding for Support is the standard form approved by the Office of Management and Budget that must be used by all entities to direct employers to withhold income for child support payments.

What is the SDU?

The State Disbursement Unit (SDU) is a centralized collection and disbursement unit for child support payments from employers, income withholders, and others. An SDU is responsible for:

- Receiving and distributing all payments
- Accurately identifying payments
- Promptly disbursing payments to custodial parents
- Furnishing payment records to any parent or to the court

Why were standard forms and payment directions developed?

Under provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Congress required the use of a standard withholding process to increase child support collections for all families, promote self-sufficiency for low-income families, and reduce the burden on employers. States were also required to establish and maintain SDUs to receive child support payments from employers and other sources (1) for all IV-D cases and (2) for all non-IV-D cases with support orders initially issued on or after January 1, 1994 payable through income withholding.

How is income withholding ordered?

When entering a child support order, judicial and administrative officials must enter an IWO. Some states use the following language in the child support order:

“Reference is hereby made to a separate income withholding order, the entry of which is required of this (Court) (Agency) by law and specifically incorporated herein as part of this (Court’s) (Agency’s) order in this case.”

Are there exceptions to income withholding?

Yes, section 466(a)(8)(B)(i) of the Social Security Act allows two exceptions as stated below:

“The income of a noncustodial parent shall be subject to withholding, regardless of whether support payments by such parent are in arrears, on the effective date of the order; except that such income shall not be subject to withholding under this clause in any case where (I) one of the parties demonstrates, and the court (or administrative process) finds, that there is good cause not to require immediate income withholding, or (II) a written agreement is reached between both parties which provides for an alternative arrangement.”

Must I use the OMB-approved IWO form?

Yes, the IWO form has been required since August 22, 1996, for orders issued or modified on or after January 1, 1994.

The revised IWO form, instructions, and process flow was published on May 16, 2011. However, other requirements concerning the revised IWO form became effective May 31, 2011 [see AT-11-05]:

! All IWOs that order an employer to withhold payments, including those issued by courts and private attorneys, must direct payments to the SDU.

Employers/income withholders are instructed to return the IWO to the sender if payment is not directed to the SDU.

! All entities or individuals authorized under state law to issue income withholding orders to employers must use the OMB-approved IWO form.

Effective May 31, 2012, any IWO received that is not on the OMB-approved IWO form will be returned to the sender by the employer.

A fillable version of the form is available at: www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154.pdf.

Additional Web Resources

- [Section 466 of the Social Security Act](#)
- [Action Transmittal 11-05 \(AT-11-05\)](#)
- [45 CFR 303.100](#), Procedures for income withholding
- [Intergovernmental Referral Guide](#) containing each state’s IWO procedures
- [State Contact and Program Information Matrices](#) for state-specific information and contacts for questions
- [Income Withholding](#), choose Private Sector Employers or Federal Agency Employers to get information on processing the IWO notice and calculating withholding amounts, with examples



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THE OFFICE OF CHILD SUPPORT ENFORCEMENT

Giving Hope and Support to America's Children

ACTION TRANSMITTAL**AT-12-01****DATE:** June 18, 2012**TO:** State Agencies Administering Child Support Enforcement Plans under Title IV-D of the Social Security Act and Other Interested Individuals**SUBJECT:** Turner v. Rogers Guidance**CONTENT:****I. Turner v. Rogers Overview**

In June 2011, the United States Supreme Court decided the case of *Turner v. Rogers*.¹ The question in *Turner* was whether the due process clause of the 14th Amendment of the U.S. Constitution requires states to provide legal counsel to an indigent person at a child support civil contempt hearing that could lead to incarceration in circumstances where the custodial parent or opposing party was not represented by legal counsel.² The United States Supreme Court held that under those circumstances, the state does not necessarily need to provide counsel to an unrepresented noncustodial parent if the state has "in place alternative procedures that assure a fundamentally fair determination of the critical incarceration-related question, whether the supporting parent is able to comply with the court order."³

The Supreme Court in *Turner* specifically left unresolved the question of what due process protections may be required where: (1) the other parent or the state is represented by an attorney; (2) the unpaid arrears are owed to the state under an assignment of child support rights; or, (3) the case is unusually complex. Accordingly, this guidance, directed to state child support agencies (and prosecuting attorneys funded with title IV-D funds), is based upon the due process considerations expressed in *Turner*. This AT is not designed to define for IV-D agencies what is constitutionally required when there is a IV-D attorney or representative participating in the civil contempt hearing that may lead to incarceration. However, using *Turner* as a guidepost, this AT urges state IV-D agencies to implement procedural safeguards when utilizing contempt procedures to enforce payment of child support and encourages IV-D agencies to individually screen cases prior to initiating or referring any case for civil contempt.

In 2003, Mr. Turner, the noncustodial parent, was ordered to pay \$51.73 per week in child support. Over the course of several years, he was held in civil contempt for nonpayment on five occasions and was incarcerated on several occasions. In South Carolina, each month the family court clerk identifies child support cases in which the obligor has fallen more than five days behind and automatically initiates a civil contempt hearing.⁴ In 2008, under the facts giving rise to this lawsuit, Mr. Turner was held in civil contempt and served a 12-month jail term. At the hearing, Mr. Turner was not represented by counsel, nor was a IV-D attorney involved. In ordering that Mr. Turner be jailed, the lower court did not make any findings on the record regarding Mr. Turner's ability to pay the entire arrears amount, which the court set as the purge amount. Mr. Turner subsequently appealed alleging that his rights were violated because the due process clause of the 14th Amendment required the state to provide him with appointed counsel in a civil contempt hearing that could lead to incarceration.

In *Turner*, the United States Supreme Court held that a state does not need to automatically provide counsel to a defendant in a child support civil contempt proceeding, under the specific facts of the case, as long as the state provides adequate procedural safeguards. In *Turner*, neither the state nor the custodial parent were represented by legal counsel. The *Turner* Court indicated that adequate substitute procedural safeguards might include:

- Providing notice to the noncustodial parent that "ability to pay" is a critical issue in the contempt proceeding;
- Providing a form (or the equivalent) that can be used to elicit relevant financial information;
- Providing an opportunity at the contempt hearing for the noncustodial parent to respond to statements and questions about his/her financial status (e.g., those triggered by his/her responses on the form declaring financial assets); and
- Requiring an express finding by the court that the noncustodial parent has the ability to pay based upon the

individual facts of the case.

The *Turner* Court concluded that, used together, these four procedures would have been sufficient to meet minimum due process requirements under the circumstances of the case where neither the custodial party nor the state was represented by counsel. The Court emphasized that these four procedures are not an exclusive list, and there may be other pathways to satisfying minimum due process requirements in similar proceedings. This remains an evolving and uncertain area of constitutional law, and states are encouraged to carefully review their own civil contempt procedures and consult with their attorneys to determine appropriate minimum due process protections warranted where incarceration is a possible outcome.

II. State Contempt Practices

Title IV-D agencies are bound to ensure that noncustodial parents receive due process protections.⁵ The federal government has an interest in ensuring that the constitutional principles articulated in *Turner* are carried out in the child support program, that child support case outcomes are just and comport with due process, and that enforcement proceedings are cost-effective and in the best interest of children. Accordingly, this guidance is directed to state and local IV-D agencies and prosecuting attorneys funded with IV-D matching funds.

Child support civil contempt practices, including the right to appointed counsel in certain proceedings, vary considerably from state to state.⁶ For example, some state child support agencies rarely, if ever, bring civil contempt actions, and many states provide for legal counsel in a civil contempt action when it can lead to incarceration. In light of *Turner*, states continue to have latitude in determining the precise manner in which the state implements due process safeguards in the conduct of contempt proceedings, including the respective roles of the IV-agency, prosecuting attorneys, and court. It should be noted, however, that when there is a IV-D attorney or state representative participating in the civil contempt proceeding, even the procedural safeguards identified in the *Turner* case may not be sufficient to satisfy due process requirements in all cases.

Using *Turner* as a guidepost may be useful, however, as states review their civil contempt procedures. OCSE strongly recommends that IV-D agencies consult their attorneys concerning their existing practices, including notices, in light of the *Turner* decision. States should consider whether the procedures employed in the state's contempt practice are fundamentally fair, and whether additional procedural safeguards should be implemented to reduce the risk of erroneous decision making with respect to the key question in the contempt proceeding, the noncustodial parent's ability to pay.

This guidance identifies minimum procedures that IV-D programs should consider in bringing child support civil contempt actions that can lead to incarceration. At the same time, this guidance is not intended to prohibit the *appropriate* use of contempt. The issue is not the use of contempt procedures *per se*, but contempt orders that do not reflect the true circumstances of the noncustodial parent, and if not satisfied, can lead to jail time. Some states routinely use show cause or contempt proceedings to elicit information from the noncustodial parent, and jail is not a typical outcome. Other states have redirected their enforcement resources away from civil contempt to practices that encourage voluntary compliance with child support orders, such as setting realistic orders through early intervention programs when the noncustodial parent falls behind.⁷ Civil contempt proceedings may also be used to direct certain actions by the obligor, such as obtaining or maintaining employment or participating in job search or other work activities. Due process protections, where incarceration is not a possibility, may be quite different depending upon individual case circumstances.

III. Distinguishing Between Civil and Criminal Contempt

Contempt is commonly understood as conduct that intentionally defies a court order, and which may be punishable by a fine or incarceration. The Supreme Court recognized a distinction between civil contempt and criminal contempt, which have different purposes and require different constitutional protections. Criminal contempt is punitive in nature, designed to punish a party for disobeying a court order. Defendants in criminal contempt cases are entitled to the protections of the Sixth and Fourteenth Amendments, including the right to counsel.

A civil contempt proceeding, on the other hand, is remedial and is designed to bring about compliance with the court order – “to coerc[e] the defendant to do’ what a court had previously ordered him to do.”⁸ Incarceration for civil contempt is conditional, and thus any sentence must include a purge clause under which the contemnor would be released upon compliance. As noted in *Turner*, under established Supreme Court principles, “[a] court may not impose punishment in a civil contempt proceeding when it is clearly established that the alleged contemnor is unable to comply with the terms of the order.”⁹ Because once the civil contempt is purged the contemnor is free to go, it is often said that the contemnor “carr[ies] the keys of [his] prison in [his] own pockets.”¹⁰

In the child support context, it is conceivable that either proceeding may be warranted, but ability to pay commonly “marks a dividing line between civil and criminal contempt.”¹¹ A finding of civil contempt for failure to pay support typically requires that an obligor has been subject to a support order, was able to comply with

the order, and failed to do so. Although state statutes vary in setting forth the elements of civil contempt, many civil contempt statutes require that the underlying order was willfully, or intentionally, violated. The *Turner* Court also suggested that an express finding that the obligor has the actual and present ability to comply with the court's purge order may be required prior to sentencing the contemnor. In other words, the obligor "must hold the key to the jailhouse door," whether it is satisfying a purge payment, participating in an employment or substance abuse treatment program, or other required actions.

IV. Using Civil Contempt in Child Support Cases in Which Ability to Pay is at Issue

A. Screening Cases Before Referring or Initiating Civil Contempt Proceedings that Can Lead to Incarceration

Turner highlights the importance of carefully screening cases prior to initiating contempt proceedings. Child support agencies should re-examine state and local policies and practices regarding civil contempt to ensure that obligors are afforded sufficient due process protections and that initiation of civil contempt proceedings is appropriate. This includes an assessment of the screening mechanism used by child support agencies before referring a case for prosecution or initiating or filing a request for an order to show cause or other contempt action that can lead to incarceration. Whether or not the state provides appointed counsel in civil contempt proceedings, effective screening to identify appropriate contempt actions will save child support program costs, preserve scarce judicial resources, avoid unnecessary court hearings, and avoid the risk of constitutional violations.

All IV-D programs are urged to screen cases before referring, initiating, or litigating any civil contempt action for non-payment of support that could lead to incarceration, regardless of the role of the IV-D program in the court action. Generally, a "show cause" or other contempt action should only be initiated in these cases where there is evidence of the noncustodial parent's ability to comply with the underlying child support order and evidence that there is actual and present ability to pay the purge amount ordered.

Agency screening procedures should include the following elements:

(1) cases should be individually reviewed;

(2) the individual review should include an assessment as to whether there is sufficient evidence of the obligor's ability to pay the underlying child support order at the time a payment was due and the obligor's actual and present ability to comply with the requested remedy in a civil contempt proceeding, i.e., pay the purge order amount, or participate in an employment program, or other required activities.

1. Cases Should Be Individually Reviewed

IV-D agencies are encouraged to consider the obligor's individual circumstances. Therefore, a screening process, whether automated or manual, that identifies a case for contempt proceedings based solely upon the obligor's failure to pay (e.g. a threshold amount or period of arrears) may often result in the state's inability to show willfulness. State laws may vary as to whether it is the obligor's primary burden to "show cause" why he or she should not be held in contempt, or whether the state must first present a *prima facie* ("on its face") case sufficient to warrant a finding of contempt. While states may use automation to identify such obligors who are *potentially* eligible for a civil contempt case, wherever possible the IV-D agency should also make an inquiry into the actual and present circumstances of the individual obligor before initiating contempt.

2. The Individual Review Should Examine Actual and Present Ability to Comply

The child support agencies should only pursue a civil contempt action leading to incarceration when there is: 1) *prima facie* evidence, or a good-faith basis to believe, that the obligor willfully violated the underlying child support order, i.e. the obligor had the ability to pay the order, but did not do so; and 2) the obligor has an actual and present ability to comply with the purge order. The purge amount may be the full amount of child support arrears, or a lesser amount, or a schedule of payments the noncustodial parent is required to make in order to pay the full amount of arrears. The fact that there are overdue payments on an existing support order should not, standing alone, usually be considered sufficient to result in an order of incarceration. Screening for actual and present ability to pay is especially important when the underlying support order amount is based on imputed income.

To the extent possible, the screening should be based upon current data or information. For example, IV-D programs could use data from the National Directory of New Hires or the State Directory of New Hires to ascertain whether the individual has any record of employment and income and Financial Institution Data Match (FIDM) information to ascertain whether the individual has available funds in any accounts in a financial institution (other than SSI or other needs-based income). Additionally, custodial parents may provide information on income or assets or circumstantial evidence of the obligor's income and assets may be available from other sources.

If the screening process reveals that the obligor does not have an appropriate support order based upon the obligor's ability to pay, the IV-D agency should conduct a review and adjustment of the order or provide information to the obligor about requesting review and adjustment upon proper notice to the parties.

B. Notice Should Be Provided to the Obligor that "Ability to Pay" is a Critical Issue in the Contempt Proceeding

The four criteria identified in the *Turner* case, though not necessarily sufficient to satisfy due process requirements where the custodial parent is represented or the state IV-D agency is involved in the case, provide insight into minimal due process protections that should be observed. The four criteria, taken together, may be sufficient in most circumstances, but states may also have additional or other protections that guarantee due process. States may use the *Turner* decision as a guide in determining the appropriate procedural safeguards necessary in IV-D civil contempt hearings. At a minimum, states should provide the noncustodial parent with specific notice about the hearing.

Notice that is sufficient to inform the obligor of the critical nature of the proceedings is the essential first criterion to assure due process. In *Turner*, the Supreme Court indicated that noncustodial parents charged with civil contempt must be given written notice that ability to pay will be a critical issue in the contempt proceeding. A IV-D agency should include this notice provision in its contempt process, for example, a statement that the court will consider evidence of inability to pay. Such a notice typically also includes an order to appear at a specific date, the amount of the claimed arrears, the dates during which the arrears accrued, and notice that a finding that the obligor willfully failed to pay support may lead to incarceration. The exact language should be clear, simple, and concise. Because this notice should be designed for obligors without legal representation, the notice should be written plainly and not use complicated legal language.

When providing the required notice, IV-D agencies may want to use this opportunity to provide information to, or elicit additional information from, the person charged with contempt. For example, they may enclose forms designed to obtain current financial information, and to inform the obligor that he should bring specific information to the civil contempt hearing or that he may have an opportunity to submit financial information in advance of the hearing. IV-D agencies may want to consider implementing a face-to-face meeting or conference with the obligor in advance of scheduling a contempt hearing. Additionally, IV-D agencies may wish to provide information about legal resources available to the noncustodial parent, such as self-help centers, legal services programs or pro bono attorneys, or legal representation projects that provide assistance to noncustodial parents in child support matters.

Some child support agencies may be required to use a contempt notice approved by the court, including a standardized Order to Show Cause notice applicable to all types of cases, not just child support cases or matters where ability to pay is at issue. In these situations, the IV-D agency could lend its expertise in developing new forms specifically for child support civil contempt cases or assist in developing an addendum with specific notice provisions applicable to child support contempt proceedings that can be attached to the notice. For example, following the *Turner* decision, a number of child support agencies have worked closely with their judiciary or with their state or local Access to Justice Commissions to develop new notice materials and other appropriate procedural safeguards for unrepresented litigants.¹²

Turner did not address the questions of whether notice of the proceedings should be provided to custodial parents or whether they should have an opportunity to participate in such proceedings. State practices vary on the level and type of notice provided to custodial parents (who are frequently not a party to the proceeding). Nevertheless, states may wish to inform custodial parents of the civil contempt proceeding. For example, the custodial parent may have information on the noncustodial parent's ability to pay. Some local IV-D offices have had success in routinely involving both parents in an informal conference early in the case and thereafter.

C. Judicial Procedures Should Provide an Opportunity to Be Heard on the Issue of Ability to Pay and Result in Express Court Findings

The remaining three procedural safeguards — eliciting financial information on ability to pay, providing the noncustodial parent an opportunity to be heard, and requiring express court findings about the noncustodial parent's ability to pay the purge amount — fall within the responsibility of the court in conducting a hearing in a child support civil contempt case. (States with administrative hearings may not have the capability to order incarceration, and do not routinely rely on civil contempt proceedings to enforce child support.) Additional or alternative procedures may be constitutionally required where one side is represented, where the case involves state debt, or where the case is unusually complex in order to ensure a fundamentally fair process.

To expedite these proceedings, it may be useful for the state agency to provide the obligor with a form, or the equivalent, that can be used to elicit relevant financial information. The purpose of this form is to assist the judicial officer in obtaining necessary information to make a determination about the noncustodial parent's actual and present ability to pay a purge amount, or possibly order other measures, such as participation in a work or substance abuse program, to avoid incarceration.

Providing a form is a relatively easy and efficient method of collecting information that can complement automated data available to the child support program. Although *Turner* did not state what might be required in the form, child support agencies are in a unique position to assist the judiciary in identifying the type of information that is most useful, readily obtained and relevant in the child support context. Courts are accustomed to eliciting information on financial status for purposes of determining whether a party is eligible for

court fees to be waived or for appointed counsel, but this inquiry may not be as extensive, or appropriately tailored to assist the court in determining whether the obligor willfully failed to pay the underlying support order and the obligor's ability to pay the purge amount. A form may include, for example, questions about the noncustodial parent's expenses, employment information and specific questions about current income and assets. If the IV-D program uses forms in the civil contempt screening process, this information may be admissible at the contempt hearing. The form should be clear and easy for unrepresented obligors to understand and respond to.

In addition, basic due process requires that the alleged contemnor be provided an opportunity at the contempt hearing to respond to statements and questions about his or her financial status (e.g., those triggered by his/her responses on the form declaring financial assets). Having an opportunity to be heard is a foundation of due process. The civil contempt hearing should present an opportunity to fully develop a record. Research finds that noncustodial parents are more likely to comply with child support obligations when they perceive that the proceedings have been fair, they have been able to explain their circumstances and to be heard, and they have been treated respectfully.¹³ In light of *Turner*, at the conclusion of the hearing, the court should make an express finding that the noncustodial parent has the ability to pay the purge amount ordered. To best serve families, courts should consider requiring that this finding be written and tailored to the facts of the individual case before the court. A determination that the noncustodial parent has the actual and present ability to pay or otherwise comply with the purge order should be based upon the individual circumstances of the obligor. Thus, in calculating a purge amount, states are discouraged from setting standardized purge amounts — such as a fixed dollar amount, a fixed percentage of arrears, or a fixed number of monthly payments — unrelated to actual, individual ability to pay. A purge amount that the noncustodial parent is ordered to pay in order to avoid incarceration should take into consideration the actual earnings and income as well as the subsistence needs of the noncustodial parent. In addition, purge amounts should be based upon a written evidentiary finding that the noncustodial parent has the actual means to pay the amount from his or her current income or assets.

In some cases, the result of the contempt review may be a determination by the IV-D agency that the underlying order was inappropriately established or is no longer justifiable. If the noncustodial parent fails to respond to a support petition, some states have a practice of imputing income, which may not result in a support order based upon ability to pay and, ultimately, may not be effective in collecting child support. Research shows that support orders based on imputed income often go unpaid because they are set beyond the ability of parents to pay them. For example, research consistently shows that orders set above 15 to 20 percent of a noncustodial parent's income results in lower compliance than more accurate orders that are based upon actual ability to pay.¹⁴ There also is evidence that when orders are set too high, even partial compliance drops off.¹⁵ The result is high uncollectible arrears balances that can provide a disincentive for obligors to maintain employment in the regular economy. Inaccurate support orders also can help fuel resentment toward the child support system and a sense of injustice that can decrease willingness to comply with the law.¹⁶ The research supports the conclusion that accurate support orders that reflect a noncustodial parent's actual income are more likely to result in compliance with the order, make child support a more reliable source of income for children, and reduce uncollectible child support arrearages.¹⁷

V. Using Civil Contempt in Child Support Cases in Which Ability to Comply is at Issue

Some states or localities use the threat of contempt sanctions to direct noncustodial parents to participate in programs or activities that will improve their ability to reliably support their children, such as requiring participation in workforce programs, fatherhood programs, or substance abuse treatment programs. Research indicates that these kinds of programs and services can be successful in increasing child support payment and sustaining those increases for years.¹⁸ In this context, the use of contempt proceedings may be a procedural mechanism to order a noncustodial parent to participate in programs or take advantage of other services as an alternative to incarceration.

These are also considered to be civil contempt actions because the obligor has the ability to comply with the contempt order (e.g. the ability to participate in a "jobs not jail" program or services offered by a problem-solving court), and thus "holds the key to the jailhouse door." In this context, ability to comply with the order may depend upon access to services (e.g. transportation, scheduling) or screening for any relevant disabilities.

More information on programs and services as an alternative to incarceration in civil contempt proceedings is provided in separate policy guidance.¹⁹ These practices also include setting accurate orders based upon the noncustodial parent's actual ability to pay support, improving review and adjustment processes, developing debt management programs, and encouraging mediation and case conferencing to resolve child support issues. For example, establishing child support orders based on parents' ability to comply results in higher compliance and increased parental contact and communication with the child support agency. When parents are involved in setting orders and those orders are based on accurate information, they are more likely to avoid default orders and arrears, and thus less likely to be involved in civil contempt cases. Effective review and adjustment or modification of orders is also an important step in ensuring that noncustodial parents continue to comply with

accurate orders based on actual ability to pay them.²⁰ Alternative dispute resolution, debt management, employment programs, and self-help resources²¹ may also avoid the unnecessary build up of arrears and civil contempt actions.

Civil contempt that leads to incarceration is not, nor should it be, standard or routine child support practice. By implementing procedures to individually screen cases prior to initiating a civil contempt case and providing appropriate notice to alleged contemnors concerning the nature and purpose of the proceeding, child support programs will help ensure that inappropriate civil contempt cases will not be brought. By using *Turner* as a guidepost and urging the adoption of, at least, minimum safeguards in all such proceedings, this AT builds upon the innovations already incorporated into many child support programs over the past decade to limit the need for and use of civil contempt.

EFFECTIVE DATE: This action transmittal is effective immediately.

INQUIRIES: Please contact your ACF/OCSE Regional Program Manager if you have any questions.

Sincerely,

Vicki Turetsky
Commissioner
Office of Child Support Enforcement

Endnotes

¹ *Turner v. Rogers*, 564 U.S. ___, 131 S. Ct. 2507 (2011).

² Due process refers to the conduct of legal proceedings and the rules established to protect the rights of individuals, including notice and the right to a fair hearing.

³ *Turner*, 131 S. Ct. at 2512.

⁴ *Turner*, 131 S. Ct. at 2512. See S.C. Rule Family Ct. 24 (2011). This method of automatic judicial procedure appears to be unique among states.

⁵ See 42 USC 466(a)(a)A – state tax refund; 42 USC 466(a)(6) – requirement for noncustodial parent to post bond/security for payment; 42 USC 466(a)(7) – credit bureau reporting; 42 USC 466(a)(8)(B)(iv) – IWO; 42 USC 466(a)(14)(A)(ii)(II)(bb) – AEI; 42 USC 466(c) – Expedited Procedures; 45 CFR 303.5(g)(2)(iii) – Paternity establishment; 45 CFR 303.100(a)(6) – IWO; 45 CFR 303.101(c)(2) – Expedited Processes under 466(a)(2) and (c); 45 CFR 303.104(b) – Procedures for noncustodial parent posting bond/security.

⁶ Karen Gardiner, *Administrative and Judicial Processes for Establishing Child Support Orders*, Lewin Group, 2002.

⁷ See “Establishing Realistic Child Support Orders: Engaging Noncustodial Parents” OCSE fact sheet, available at http://www.acf.hhs.gov/programs/cse/pubs/factsheets/paid/establishing_realistic_child_support_orders.pdf.

⁸ *Turner*, 131 S. Ct. at 2516 (citing *Gompers v. Bucks Stove and Range Co.*, 221 US 418, 442 (1911)).

⁹ *Turner*, 131 S. Ct. at 2516 (quoting *Hicks v. Feiock*, 485 U. S. 624, 638, n. 9)

¹⁰ *Turner*, 131 S. Ct. at 2516 (quoting *Hicks v. Feiock*, 485 U. S. 624 at 633).

¹¹ *Turner*, 131 S. Ct. at 2518, (quoting *Hicks v. Feiock*, 485 US 624, 635, n.7 (1988)).

¹² See

http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice

¹³ Maureen Waller and Robert Plotnick, *Effective Child Support Policy for Low-Income Families: Evidence from Street Level Research Journal of Policy Analysis and Management*, Vol. 20, No. 1, Winter, 2001; I-Fen Lin, *Perceived Fairness and Compliance with Child Support Obligations*, Institute for Research on Poverty, Discussion Paper no. 1150-97, 1997 (based on a sample of divorced parents in 1986 and 1988).

¹⁴ Carl Formoso, *Determining the Composition and Collectability of Child Support Arrearages*. WA: Washington Department of Social and Health Services, Division of Child Support (2003); Mark Takayesu, *How Do Child Support Order Amounts Affect Payments and Compliance?* CA, Orange County Child Support Services (2011); U.S. Department of Health and Human Services. Office of Inspector General. *The Establishment of Child*

Support Orders for Low Income Non-custodial Parents, Washington, D.C.: U.S. Department of Health and Human Services. OEI-05-99-00390 (2000).

¹⁵ Mark Takayesu, *How Do Child Support Order Amounts Affect Payments and Compliance?* CA, Orange County Child Support Services (2011).

¹⁶ Christy Visser and Shannon Courtney, *Cleveland Prisoners' Experience Returning Home*, Urban Institute, 2006, available at http://www.urban.org/UploadedPDF/311359_cleveland_prisoners.pdf; Maureen Waller and Robert Plotnick, *Effective Child Support Policy for Low-Income Families: Evidence from Street Level Research* *Journal of Policy Analysis and Management*, Vol. 20, No. 1, Winter, 2001.

¹⁷ For further information, see the report, *The Story Behind the Numbers: Understanding and Managing Child Support Debt*, OCSE Study (2008), available at: <http://www.acf.hhs.gov/programs/cse/pol/IM/2008/im-08-05a.pdf>.

¹⁸ See, for example, Irma Perez-Johnson, Jacqueline Kauff, and Alan Hershey. 2003. *Giving Noncustodial Parents Options: Employment and Child Support Outcomes of the SHARE program*. NJ: Mathematica Policy Research (October). Irene Luckey and Lisa Potts. "Alternative to Incarceration for Low-Income Non-custodial Parents." *Child and Family Social Work*. (March) 2010: 1-11. Susan Gunsch. *PRIDE: Parental Responsibility Initiative for the Development of Employment*. Presented at Client Success Through Partnership: 2010 State TANF and Workforce Meeting. Dallas, Texas. July 2010. Pearson, Jessica, Lanae Davis, and Jane Venohr. 2011. *Parents to Work!* CO: Center for Policy Research (February). Daniel Richard and John Clark. "NEON program marks \$10 million Milestone." *Child Support Report* 33:5 (May) 2011.

¹⁹ These innovations are discussed further in an Information Memorandum on alternatives to incarceration, available at <http://www.acf.hhs.gov/programs/cse/pol/IM/2012/im-12-01.htm>.

²⁰ See "Providing Expedited Review and Modification Assistance" OCSE fact sheet, available at http://www.acf.hhs.gov/programs/cse/pubs/factsheets/paid/providing_expedited_review_and_modification.pdf.

²¹ See "Access to Justice Innovations" OCSE fact sheet, available at http://www.acf.hhs.gov/programs/cse/pubs/factsheets/paid/access_to_justice_innovations.pdf.

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UIFSA Modification Scenarios



One Order = CEJ state = controlling order

Obligee/ "home" state

Enforcement - anywhere with jurisdiction over obligor's person or property; can have simultaneous enforcement in multiple states

Modification - CEJ state, unless all parties agree in writing for another state (obligor) to assume CEJ

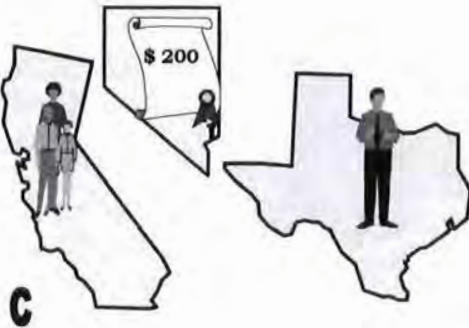


One Order = CEJ state = controlling order

Obligor state

Enforcement - anywhere with jurisdiction over obligor's person or property; can have simultaneous enforcement in multiple states

Modification - CEJ state, unless all parties agree in writing for another state (obligee) to assume CEJ



One Order = CEJ state = controlling order

Enforcement - anywhere with jurisdiction over obligor's person or property; can have simultaneous enforcement in multiple states

Modification - Petitioner must "play away" and have respondent state assume CEJ, unless all parties agree in writing for CEJ to go to petitioner's state or (2001) remain in issuing state.

UCCJEA Modification Scenarios



One Order = ECJ State

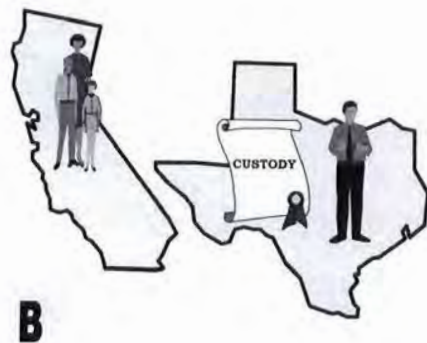
Custodian/ "Home" State of child

Modification - ECJ State

unless the ECJ Court transfers the custody issue to a new state finding:

Neither child, nor child and one parent, nor child and person acting as a parent have a significant connection with ECJ State and there is no substantial evidence in ECJ State

OR New State is more convenient



One Order = ECJ State

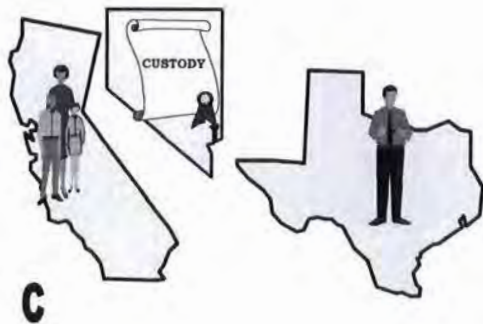
Non-Custodian State

Modification - ECJ State

unless the ECJ Court transfers the custody issue to a New State finding:

Neither child, nor child and one parent, nor child and person acting as a parent have a significant connection with ECJ State and there is no substantial evidence in ECJ State

OR New State is more convenient



One Order = ECJ State

Modification - ECJ State

Unless

ECJ State transfers finding no one (child, parent, or person acting as a parent) resides in Order State

OR

New State assumes finding no one (child, parent, or person acting as a parent) resides in Order State and New State is "Home" State or there are significant connections

International Child Support Cases under UIFSA 2001

Barry J. Brooks

When a State enacts the revisions to the Uniform Interstate Family Support Act promulgated by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 2001 (UIFSA 2001)¹, the ability of attorneys and courts to prosecute international child support cases is enhanced. Before discussing the international aspects, several general observations are appropriate.

UIFSA in general

Since its original version, UIFSA has provided a legal construct for interstate and international family support cases. With regards to support, there is one tribunal that has the exclusive jurisdiction to modify the existing support order.² The exclusive jurisdiction to modify child support remains with the original order issuing tribunal except in very specific circumstances when another tribunal can assume the jurisdiction. The exclusive jurisdiction to modify spousal support always remains with the original order issuing tribunal.³ This continuing, exclusive jurisdiction (CEJ) has been held to be subject matter jurisdiction. Thus, subsequent orders entered contrary to the provisions are void.⁴

UIFSA applies in all cases where not all of the parties reside in the same State. This can include actions in the order issuing State to modify that order. UIFSA sets out the procedures available to all parties - residents, non-residents, obligors, obligees, petitioners, and respondents. The parties can reside in another State or another country. Use of UIFSA is not restricted to support enforcement agencies. It also is available to private practitioners.⁵

UIFSA only applies to issues related to family support. Family support does include spousal support.⁶ In determining whether there is a duty of support to a child, the issue of paternity may also be involved. What are not in issue in a UIFSA case are custody and visitation.⁷ In the situation where not all parties reside in the same State, custody and visitation matters are governed in most States by the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). The UCCJEA has separate and distinct jurisdictional requirements that must be met independent of those related to support. These requirements also involve subject matter jurisdictions. An attempt to commingle custody and support often can result in a partially void order.

In discussing the various scenarios, it is posited that the child resides with the obligee who is the mother of the child. It is also assumed that the obligee is the party requesting the action, unless otherwise noted. Lastly, the discussion will be in the context of seeking child support. As mentioned above, UIFSA is the statute by which a nonresident can also seek to establish or modify a spousal maintenance order.

Because of distinctions that will impact enforcement issues, the term "U.S." includes States of the United States, the District of Columbia, Puerto Rico, Guam, and the United State Virgin Islands and is used synonymously with "IV-D state". "Foreign" denotes residence in a

non-“IV-D state” or an order issued by a tribunal in a foreign jurisdiction that is not a “IV-D state”. For the illustrations, the State of Texas is used.

Establishment - Obligor is a resident of Texas; Obligee is a foreign resident

Perhaps the easiest situation to explain and handle is where there is no existing order and the potential obligor resides in Texas. The nonresident obligee can submit to the personal jurisdiction of Texas just as she can in any other civil action. Whether the nonresident resides in another “UIFSA state” is not relevant to the personal jurisdiction issue. The “UIFSA state” issue will be discussed later in connection with enforcement actions. When the nonresident obligee submits to the personal jurisdiction of Texas, Texas courts will also have personal jurisdiction over the resident, potential obligor and subject matter jurisdiction over the duty of support issue.

After obtaining the requisite personal and subject matter jurisdiction, an interstate or international establishment case is pursued the same as an intrastate child support case. Texas courts apply the applicable provisions of the Texas Family Code (TFC), including the Uniform Parentage Act (UPA).⁸ There are no choice of law issues. The amount of support is set in accord with Texas child support guidelines and the duration of the support obligation is in accord with Texas law.

As noted above, the nonresident obligee has only submitted to the personal jurisdiction of Texas for purposes of obtaining child support. This does not confer the requisite subject matter jurisdiction needed to establish a custody or visitation order.

Establishment - Obligor is a foreign resident

UIFSA also sets forth the legal basis for Texas to establish a support order when the potential obligor is not a resident of Texas. Again, whether the nonresident resides in another “state” is not relevant. In fact, it is possible for Texas to establish an order in a case where neither the obligor nor obligee currently reside in Texas. The relevant factor is whether the obligor has taken some action related to his duty of support that provides a sufficient “nexus” with Texas. Seeking to make the assertion of personal jurisdiction as broad as possible while still adhering to fundamental U.S. Constitutional standards, UIFSA specifies:

§ 201(a) In a proceeding to establish or enforce a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- (1) The individual is personally served with summons within this state;
- (2) The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) The individual resided with the child in this state;
- (4) The individual resided in this state and provided prenatal expenses or support for the child;

- (5) The child resides in this state as a result of the acts or directives of the individual;
- (6) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;
- (7) the individual asserted parentage in the [parentage registry] maintained in this state by the [bureau of vital statistics]; or
- (8) There is any basis consistent with the Constitution of this state and the United States for the exercise of the personal jurisdiction.

In setting out what actions may be sufficient for obtaining personal jurisdiction, a caveat remains that the action must be timely and meet a “minimum contacts” scrutiny. Thus, having one sex act in Texas that possibly resulted in conception or last residing with the child twelve years ago may not be sufficient. The minimum contacts issue is an inquiry into whether there is some course of conduct or ongoing relationship with the forum state. A component is the timeliness of the contacts relative to the time of filing the action. Perhaps a better example is the fact that the Drafting Committee specifically rejected as a basis for long-arm jurisdiction the fact the father acknowledged the child in the birth records of the state. It was thought that many people cross state lines for better birthing facilities and that basis alone should not create personal jurisdiction.

While the bases are more focused on child support, items (1), (2), and (8) may be used for the establishment of a spousal support obligation. Of all the ways to obtain personal jurisdiction, perhaps the most overlooked on both sides of the litigation is the fact that personal jurisdiction can be obtained by conscious submission to the jurisdiction or by inadvertence in failing to properly raise the issue. Or, submission may be an informed decision based upon considerations of the amount and duration standards for Texas versus some other venue.

The list of actions supporting personal jurisdiction attempts to be as inclusive as possible. However, there is another omission that is deliberate and has impact in the international situation. United States jurisprudence does not recognize jurisdiction based solely on the nationality or “home state” of the child. A child being born to one or more Texans or having resided in Texas for a number of years does not confer jurisdiction upon a Texas court to order a person with no other or current contacts with Texas to pay child support. This issue does arise and will be discussed later in regards to the enforcement of another nation’s order.

Conversely, there is a basis for personal jurisdiction that may create difficulties for future enforcement in another country. The assertion of personal jurisdiction based on serving the person while in Texas is sometimes referred to as “tag jurisdiction”. Some nations do not recognize this as a sufficient basis. It should also be noted that a one-time visit to Texas without other “minimum contacts” may not be sufficient under U.S. law.

In establishing a Texas order against a resident of another country, the practitioner must be mindful of service of process issues. Initially, to be a valid Texas order, the service laws of Texas must be followed. This may include obtaining a private process server in another country. Even when only domestic enforcement is contemplated, the service of process must not violate the laws of the country where the service is accomplished. If there is any contemplation that the

Texas order obtained against the nonresident will be enforced in another nation, service of process acceptable to the laws of the potential enforcing country must be accomplished. This may include service under The Hague Service Convention or Inter-American Convention on Letters Rogatory. The U.S. is a member of both service conventions.

Like the establishment case against a resident of Texas, the issues when the obligor is a nonresident subject to personal jurisdiction are resolved the same. The laws and procedures of Texas apply to all issues. Assuming Texas is the “home state” of the child, a proceeding against a nonresident for support under UIFSA may be joined with a proceeding for custody and visitation under the UCCJEA.

Enforcement - U.S. Order

Enforcement of a child support order is generally premised on the enforcing tribunal having either personal jurisdiction over the obligor or *in rem* jurisdiction over some asset of the obligor. With the proliferation of multinational employers and the advent of rather intrusive databases, *in rem* enforcement actions against an asset are increasing. Often a foreign resident obligor may own property or have financial institution accounts in the U.S.

When the order being enforced has been issued by another U.S. “state”, UIFSA and other laws provide various procedures by which that order is to be given “full faith and credit”. Because of case law that supported the establishment of multiple orders for prospective support instead of giving prospective full faith and credit to an existing order, the federal Full Faith and Credit for Child Support Orders Act (FFCCSOA at 28 U.S.C.A. 1738B) was enacted in 1994. Consistent with UIFSA, it provides an expansive definition of the “states” to which it applies:

“State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and Indian country (as defined in section 1151 of title 18).

Because it is a federal law, appropriately absent is any inclusion of foreign nations as “states”. As a federal statute, it reaffirms the U.S. Constitutional principle that one State will honor the child support judgments of another State and not re-litigate the core issues. When FFCCSOA and UIFSA are read in conjunction, they provide the framework for the one order, CEJ concept.

If a Texas court is being asked to enforce a Texas order, long standing rules of judicial notice and transfer of venue enable the enforcing tribunal to know the contents of the order being enforced. UIFSA implemented a “registration” process for non-Texas orders to achieve the same result.⁹ However, the process has some significant additional components. The UIFSA registration process is a shifting of the traditional burdens regarding the validity of an order. The registering party has the Clerk of the Court send a Notice of Registration to the nonregistering party, usually the obligor. Along with a copy of the order, the Clerk notifies the nonregistering party of an alleged arrears amount. The nonregistering party is given 20 days in which to contest either the validity of the order or the amount of the alleged arrears. Failure of the nonregistering party to contest results in confirmation of not only the validity of the order but also the amount of arrears by operation of law.

It is not always necessary that the registration process be utilized. UIFSA allows an income withholding (garnishment) order issued in another state to be sent directly to a Texas employer. If the order contains the essential elements (amounts, frequency, *etc.*), the Texas employer should honor the order and send the withheld amounts to the proper registry or individual.

UIFSA enables the support enforcement agency to take “administrative” enforcement actions based on another state’s order without initially registering the order.¹⁰ These can include intercepts of unemployment benefits, and lottery winnings as well as submissions for denial of a passport. If the action is challenged, the order must then be registered with a tribunal that is able to resolve the underlying enforcement issues.

UIFSA provides it is not the exclusive enforcement remedy.¹¹ Thus, liens on financial institution accounts or real property can be asserted by following the other applicable laws of the State where the asset is located. While not always specifically articulated, registration is a process available to have the tribunal that is going to resolve the enforcement issues become aware of the terms of the order. Classic judicial notice is also available.

Enforcement - nonUS Order

When it comes to enforcement of child support obligations imposed by a tribunal in a foreign jurisdiction, it is as important to know what remedies are not available as well as those that are. As noted above, FFCCSOA is a federal U.S. law that does not apply. Neither it nor the Constitutional principle upon which it is based require any State to give “full faith and credit” to the order of a foreign jurisdiction.

For other civil litigation, most States have some version of the Revised Uniform Enforcement of Foreign Judgments Act which only applies to judgments of other States. It can apply to child or spousal support judgments. In addition, many states have a version of the Uniform Foreign Money-judgments Recognition Act; however, it provides in Section 1:

(2) "foreign judgment" means any judgment of a foreign state granting or denying a sum of money other than a judgment for taxes, a fine, or other penalty; or a judgment for support in a matrimonial or family matter. [emphasis supplied]

Thus, the challenge becomes finding a legal approach that can be used that not only will pass Constitutional scrutiny but also will be supported by statutory or case law. A fundamental Constitutional requirement is that the court be assured proper notice and due process have been afforded the obligor. This goes directly to the issue of the foreign jurisdiction’s order being based solely on the child’s “state” or nationality. Even if the foreign jurisdiction’s order recites that it is based on this concept, if there is some other “nexus” such as conception or residence with the child in the foreign jurisdiction, the U.S. court should uphold the order assuming other due process safeguards have been followed.

In seeking enforcement of a foreign order in Texas, the residence or citizenship “state” of the obligee is not relevant. So long as Texas can obtain personal or in *rem* jurisdiction, enforcement actions can be taken by the nonresident obligee either through private counsel or by requesting the services of the state enforcement agency.

In addition to having a recognized basis for personal jurisdiction, due process requires proper notice and a meaningful ability to participate. Basically, the scrutiny of a foreign order is similar to the scrutiny of a domestic order. Default orders raise potential challenges. Default orders after notice by citation by publication are most often lacking the requisite notice and due process.

Assuming the foreign jurisdiction's order meets Constitutional requirements, there are several legal approaches available for a tribunal to recognize the order for enforcement. This is where the foreign "state" issue arises. It relates to the status of the jurisdiction issuing the order. Reiterating, it is not an issue linked to the residence or citizenship of the individual either submitting to the personal jurisdiction of Texas or over whom Texas is able to assert personal jurisdiction.

National Reciprocal Declaration

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) empowered the State Department and the Office of Child Support Enforcement (OCSE) to enter into reciprocal declarations with foreign jurisdictions regarding international enforcement of support orders. Recognizing this capability, UIFSA 2001 defines "state" to include foreign jurisdictions declared to be a federal reciprocating country or political subdivision.¹² The declaration is still subject to fundamental Constitutional requirements. The major issue is the necessity for personal jurisdiction. However, if Constitutional requirements are met, an order entered by a foreign reciprocating "state" is enforceable in a State even if the procedures used to obtain the order would not be followed in that State. A State is not able to refuse enforcement absent some fundamental Constitutional defect in the process. Negotiations are ongoing and, as of June 2008, there are federal declarations with 13 nations and 11 Canadian provinces.

State Reciprocal Declaration

Recognizing that federal declarations might take time, PRWORA reserved to each U. S. state the authority to enter into reciprocal declarations with foreign jurisdictions. These state-based declarations also are subject to fundamental Constitutional requirements. Being state-based, the declaration can only provide that the order entered by a foreign jurisdiction is enforceable in the specific U.S. state. UIFSA 2001 considers a foreign jurisdiction subject to a state reciprocating declaration to be a "state".¹³ The Texas version of UIFSA 2001 empowers the Governor of Texas to make such declarations.¹⁴ The Governor can certainly insist on additional due process, notice, or other requirements beyond those Constitutionally mandated. Once made, the declaration is binding on all courts in Texas. Since the enactment of UIFSA in 1993, Texas has made reciprocating declarations with the Mexican states of Coahuila, Nuevo Leon, and Tamaulipas and the Canadian province of New Brunswick. In 1980, there was also a declarations of reciprocity made by the then Attorney Generals regarding Germany.

Substantially Similar Laws and Procedures

A determination that a foreign jurisdiction has laws and procedures that are "substantially similar" to UIFSA is sufficient to make that jurisdiction a "state" for purposes of enforcing the order issued by it.¹⁵ The operable concept for "substantially similar" should be whether the other

nation has “legal reciprocity”, *i.e.* similar concepts of due process and notice. It should not be “operational reciprocity” such as having equivalent agencies providing legal services or the waiving of fees and costs. Initially, the finding will most often be applied on a case-by-case basis involving a specific foreign jurisdiction. However, this standard does allow for a “ruling” of similarity to obtain precedential authority to be applied throughout the state. To date, Texas does not appear to have utilized this approach in any reported case.

Comity

Comity is a case specific finding, usually based on elements of similarity of process and reciprocity, that it would not be “unfair” to enforce the foreign order. Obviously, considerations of notice, due process, and appropriate personal jurisdiction are involved. But, the essential inquiry should be whether the parties were afforded a fair opportunity in an impartial forum to fully litigate the issues. The court would then find that the principle of comity obviates the need for the court to re-litigate the issues. While such a ruling might be persuasive in a similar case involving an order from the same foreign jurisdiction, it does not create a binding precedent. An important distinction regarding recognition of an order based on comity is that it does not require a finding that the issuing foreign jurisdiction is a “state” under other UIFSA definitions.

Being an equitable remedy, comity is not prescribed by statute. Nevertheless, UIFSA 2001 seeks to provide improvements to the process. A foreign jurisdiction support order can be registered under the provisions of UIFSA and enforcement sought on the basis of comity. This process not only should shift the burden of contesting the order but is less cumbersome than requesting a court take judicial notice. UIFSA 2001 does contain provisions making the ability to obtain discovery and evidence in long-arm or “two-state” interstate cases also applicable to international cases being tried under this doctrine.¹⁶

Nonresident participation

One focus of the on-going development of UIFSA is creating a set of rules of evidence and procedure that will maximize actual participation by nonresident parties. Based upon the reported experiences since UIFSA was first enacted by states in 1993, UIFSA 2001 tries to improve upon the procedures and deal with issues that were identified in the interim. Not all improvements were driven by international case considerations, but all improvements were discussed in the context of international cases.

It was always contemplated that the nonresident would not be required to physically attend proceedings. Thus, the original language concerning the “petitioner” was revised to apply to any nonresident individual party.¹⁷ However, this provision should not be read to mean that courts can hold an obligor in contempt *in absentia*. If the remedy requires the presence of the obligor, nothing in UIFSA 2001 changes this requirement.

For international cases, several of the improvements have been in place since the original Act. Evidence presented using the OCSE promulgated General Testimony or Affidavit in Support of Establishing Paternity is admissible over a hearsay objection.¹⁸ Probably the most important change wrought by UIFSA 2001 is the changing of a single word. A tribunal shall permit a party or witness to testify by telephonic or other electronic means.¹⁹ Given the time

zone differences, this provision should greatly facilitate the meaningful participation by persons not residing in the U.S.

International provisions

While improvements for all cases were certainly an impetus, a major focus of the UIFSA 2001 revisions was international cases. The statutory framework for how a foreign jurisdiction could be considered a “state” was set out. Lest it be argued that UIFSA is the only way to enforce a foreign support order, it acknowledges the validity of pursuing other means including the long standing principle of comity discussed above.²⁰ One of the most important considerations involves the issue that is one of the most beguiling - currency conversion.

While it has always been an implied power of a court to convert a debt denominated in a foreign currency into a U.S. dollar equivalence, UIFSA 2001 makes this an explicit duty.²¹ A couple of observations concerning this duty are in order. First, the applicable date of conversion is deliberately not specified. UIFSA provides for the conversion using “the applicable official or market exchange rate as publicly reported”.²² This is in recognition that case law has upheld the concept that the determination may depend and vary based upon currency fluctuation.²³ The flexibility is based on general civil debt principles and does not fully take into account the unique features of child support. One argument goes that the conversion should be fixed at the time of the judgment which should be the date of the confirmation of arrears. Another argument is for conversion on the date of the “breach”. For child support this would mean a calculation that varies monthly over several years. The most pragmatic approach is to allege the converted amount as of the date the arrears are verified for the Registration process. If appropriate, the amount of converted arrears can be redetermined on the date the court makes the finding regarding the applicable rate for prospective support.

Whichever approach is used, if the UIFSA process is used it must be remembered who has what burdens. The proponent should assert a converted arrears amount as part of the Registration process. The respondent then has the option to agree to the figure by not contesting or has the burden to contest by demonstrating what the correct calculation should be. The same is true for prospective support. The ultimate resolution is obtained from the official records of the order issuing nation. Most nations give credit based upon the conversion rate at the time of receipt, i.e. the “payment” date. Thus, a case involving a foreign support order should be monitored by both sides for either overpayment or increasing arrears. To accommodate currency fluctuation, the one finding neither side should seek is a U.S. court ruling that the arrears or prospective support are a fixed U.S. dollar amount. At best, it is an accounting nightmare; at worst, it may be considered an impermissible modification.

While the actual standard to be used is flexible and leaves room for advocacy, presenting the issue to the Texas court is facilitated by UIFSA. Most publicly reported market exchange rates are now found on the Internet. Documentary evidence under UIFSA is based upon the concept of a “record” which includes information stored in an electronic medium that can be presented in perceivable form.²⁴ Simply stated, copies of the Internet obtained conversion rate and calculation should be admissible evidence.

Modification of a Foreign Support Order

Because of currency conversion issues as well as cost of living and social services issues, the temptation to seek to modify another county's order may be very compelling. While it can be done, the process is specific and quite limited in all cases. For cases involving a foreign jurisdiction's order, UIFSA has made a special accommodation.

As a general principle under UIFSA, a tribunal in one state can only modify the order of another state if all parties (including the child) have left the order issuing state or both obligor and obligee agree in a record in the order issuing tribunal. If these requirements are not strictly adhered to, the successor tribunal will not have subject matter jurisdiction and the resulting order is void.²⁵ It should also be noted that the original tribunal that issues a spousal support continues to always have subject matter jurisdiction over the issue and it can not be assumed under any circumstances.

When foreign jurisdiction support orders were discussed, an inequity arose. The Drafting Committee was informed that certain nations would not modify their order unless both parties were physically present and the tribunal had no way to compel the appearance of the nonresident. In 1996, UIFSA was revised to provide that Texas could assume jurisdiction to modify a foreign jurisdiction's order where someone (usually the obligee) continued to live in that jurisdiction upon a showing that the foreign jurisdiction did not have a process similar to UIFSA, *i.e.* the ability of the issuing tribunal to modify its own order when not all parties resided in the issuing jurisdiction. The Texas resident could not block the process by refusing to consent. The process was deemed cumbersome and possibly inequitable since the Texas resident could only obtain a modification by returning to the issuing tribunal. Thus, UIFSA 2001 revised the process to provide that either party can request a Texas court assume jurisdiction over the child support issue upon a showing that the foreign jurisdiction can not or may not modify its order.²⁶ The ability of Texas to modify a foreign jurisdiction's order is further limited to only those jurisdictions that are "states". An order being enforced on the basis of comity is not subject to modification.

To prevent subsequent claims regarding the continued viability of the original order, UIFSA 2001 makes it clear that the resulting Texas order is the only one that will be prospectively recognized. There is one "quirk" in UIFSA regarding subsequent modifications that may have significant impact in international cases. UIFSA provides when Texas assumes jurisdiction and modifies another State's order, the support is set in accordance with Texas guidelines. However, Texas can not modify the duration of the support obligation.²⁷ Most U.S. states have duration in the 18 to 21 year range. There are foreign jurisdictions where the duration goes significantly beyond this.

Conclusion

International support cases present issues and challenges not often encountered in family law. However, UIFSA provides the framework to work the cases and assure that all children regardless of location are able to receive the support they deserve and are entitled to.

Resources

Complete versions of UIFSA 2001 and other Uniform Acts with Official Comments are available at the NCCUSL web site: http://www.law.upenn.edu/bll/ulc/ulc_frame.htm

Information about what states have enacted what Uniform Acts is available at the NCCUSL home page: <http://www.nccusl.org/Update/>

John J. Sampson & Barry J. Brooks, *Uniform Interstate Family Support Act (2001) With Prefatory Note and Comments (With Still More Unofficial Annotations)*, 36 FAM. L. Q. 329 (2002) - also available on Westlaw and Lexis

The OCSE home page

<http://www.acf.dhhs.gov/programs/cse/>

provides links to the federally promulgated UIFSA forms

<http://www.acf.dhhs.gov/programs/cse/forms/>

and a link to International Resources

<http://www.acf.dhhs.gov/programs/cse/international/index.html>

NCSEA also has an International Child Support section

<http://www.ncsea.org/international/>

The sites below have “publicly reported market exchange” rate information and provide historical rates as well as conversion calculators. The first two addresses have a conversion application that can be used to convert historical data.

www.oanda.com

www.fxtop.com

www.exchangerate.com

www.x-rates.com

www.xe.com

Sample Pleadings

Notice of Registration of Foreign Support Order (UIFSA)

The amount of the alleged arrearage as of January 9, 2004, is DM 24,000.00 Federal Republic of Germany Currency having a United States of America Dollar equivalence of \$ 16,188.87.

Motion for Enforcement (UIFSA)

Prior Orders

On 1/10/91 a tribunal ordered {Obligor Name} to pay regular child support of DM 300 Federal Republic of Germany Currency monthly, beginning 1/1/91, and monthly thereafter. The amount and frequency of {Obligor Name}'s child support obligation remains unchanged.

Exchange Rate

The Court should find the United States of America Dollar equivalence of any foreign currency ordered payable by an appropriate foreign tribunal. The court should make all further monetary findings in United States of America Dollars based on the finding of United States of America Dollar equivalence.

Order Enforcing Child Support Obligation (UIFSA)

The Court FINDS that on 1/10/91 a tribunal ordered {Obligor Name} to pay regular child support of DM 300.00 Federal Republic of Germany Currency, monthly, beginning 1/1/91 and monthly thereafter. The Court finds that the United States of America legal tender equivalent of the prospective child support ordered payable in foreign currency by the tribunal in this cause is \$ 192.98. All further monetary findings are stated in United States of America Dollars.

Notes

1. The cites in this paper are those in the NCCUSL version of UIFSA.
2. § 205
3. § 211
4. *Thompson v. Thompson*, 893 S.W.2d 301 (Tex. App.-Houston (1 Dist.), Feb 16, 1995); *Moore v. Moore*, 2001 WL 1390921 (Tex. App.-Dallas, Nov 09, 2001)
5. § 309
6. § 102(23)
7. § 104(b)(2)
8. Although the most recent version of the UPA has only been enacted in 9 states as of September 25, 2009, all states have statutory provisions for determinations of parentage.
9. § § 601 - 610
10. § 507
11. § 104
12. § 102(21)(B)(i)
13. § 102(21)(B)(ii)
14. § 308
15. § 102(21)(B)(iii)
16. § 210
17. § 316(a)

18. § 316(b)
19. § 316(f)
20. § 104
21. § 305(f)
22. § 305(f)
23. *El Universal v. Phoenician Imports*, 802 S.W.2d 799 (Tex. App.- Corpus Christi, Dec. 6, 1990)
24. § 102(15)
25. *Moore v. Moore*, 2001 WL 1390921 (Tex. App.-Dallas, Nov 09, 2001)
26. § 615
27. § 611

TAB T

Case Law Update

**Hon. Patrick J. Perry, Hon. Dylan
Sullivan, & Ms. Candace Goldman**

Case Law Update

16th Annual Child Support Training Conference
September 6, 2012

Hon. Dylan Sullivan, Child Support Commissioner, El Dorado
Hon. Patrick J. Perry, Child Support Commissioner, San Luis Obispo
Candace Goldman, Family Law Facilitator, Alameda

IRMO Cryer, a.k.a. the downside of wealth

- Upward CS modifications approved per FC §4057(b)(5)
- Mother WIC 300 case dispositive
- No retro modification to date of filing
- Large Atty's Fees award to Mom

IRMO Adler

- Cryer warning:
 - FC § 4057(b) deviations from GL req's written findings
 - FC § 4057(b) deviations req' more than ability to pay

**IRMO LaMoure, a.k.a
can't hide \$**

- IRAs/Retirement Accounts subject to DCSS Levy
- Admin process does not violate constitution
- Ct rejects retro. mod., CP & SS arguments made by Obligor

**IRMO Wilson & Bodine,
a.k.a. marital bliss**

- Holding: marriage extinguishes any pre-existing CS orders
- No arrears on previous order
- New order from the date of filing

**IRMO Sorge, a.k.a.
pick your sanctions**

- FC §2102(c) only applies between the DOS and judgment
 - But FC §271 viable in appropriate circumstances
- FC § 4058 gives TC full discretion to impute or use actual income based on BIOC

**Martin v. Massey, a.k.a
AC works hard for TC**

- FC § 4056 does not req' findings where TC uses FC § 4058 discretion
 - By def'n it is a GL decision

**IRMO Rice & Eaton,
a.k.a. Mom knows...**

- Contempt case
 - 1218.5 controls
 - double jeopardy does not attach where TC considered all arrears

Parentage Overview

- Conclusive Presumption = marriage (FC § 7540)
- VDOP (FC §§ 7573, 7575)
- Uniform Parentage Act (FC § 7600 et seq.)
- Rebuttable Presumptions (FC § 7611)

Parentage Overview

- *Kelsy S.* fathers
 - Constitutional rights of parents
- *Elisa B.* – same-sex parents
- *Nicholas H.* – biology is not dispositive
- Multiple presumed parents (FC § 7612)

Neil S. v. Mary L.

- Mary + Scott – twins born during marriage
- Mary + Neil = conception of twins born during marriage to Scott (Oops!)
- 7540 prevails, bio not dispositive, no *Kelsy S.*, prenatal relationship only

E.C. v. J.V.

- Presumed parents – not casual friend or even long term boyfriend/girlfriend
- Familial relationship with child (don't focus on parents' relationship)
- UPA discerns persons committed to child regardless of biology

In re D.S.

- Bio moms given preference
- FC § 7610 (a) – Bio trumps (for moms)
- FC § 7612 (b) only applies to moms in very limited situations
- Step-parent adoption = remedy

Tax Issues--

Form 8332—Dependency Exempt.
Filing Status—HH-MLA
Child Credits

Dependency Exemptions

- Philemond v Comm'r IRS (TC Memo-12-29)
- Stip Agrmt: JH to live with father 80% of time; Jt Legal Custody; Mom pays 160/mo of day care and cs; Dad pays 641/mo

Mom's Tax Return

- Claim child as dependent
- Claims HH-MLA status
- Claimed child care credit
- Claimed earned income credit

- IRS disallows all

Tax Court

- Dependency Exemption
 - Must have "Qualifying Child"
 - Same principal abode as taxpayer
 - Meets Age Restriction
 - Not violate self support prohibition

- Child did not reside with Mother more than 1/2 year
- Custodial Parent did not execute Form 8332 or similar declaration
- Therefore—not qualifying child

• Mom argues: Child is a Qualifying Relative---Tax Court: NO

- Taxpayer must provide >1/2 support
- Child must meet income restrictions
- Child must not be Qualifying Child of another taxpayer
- Proof of providing over half support must be by competent evidence.
- "Support" includes food, shelter, clothing, medical, dental, education, etc

• FORM 8332

- Written Declaration that Custodial Parent signs that parent will not claim dependency exemption
- Attached to tax return
- For disso's entered after 84 and before 09
 - May attach copy of judgment if states
 - Name of Child
 - Both parties SSN's
 - Years released

• Head of Household Status

- Individual maintains household for more than 1/2 year which is principal abode for qualifying child or any other person for whom a dependency exemption can be claimed.

- Child Tax Credit

- May claim only if have "qualifying child" under age 17

- Earned Income Credit

- Increases if have qualifying child

Alarcon v Comm'r (2011) T.C. Memo 2011-245

- 2006 Order—Mom has temporary possession of marital residence.
- Children reside there more than 1/2 year with Mom
- Dad claims HH status, 2 dependency exemptions, child tax credits

• IRS DISALLOWS ALL—DAD APPEALS

• Argues:

- I was sole provider for kids
- I maintained home where they lived “completely—100%
- I’m entitled to HH status

• Dependency Exemption

- No qualifying child---children lived with Mom more than ½ year
- No 8332 Declaration’
- Not a “temporary absence”
 - Dad’s argument that he was temporarily absent because of “delays of the divorce”
 - Rejected: He could not live there due to exclusive possession order

• Child Tax Credit—No, No qualifying child

• HH Status-- No, No qualifying child

Brisco v. Comm'r (2011) T.C.
Memo 2011-165

- Support order states Dad is granted the right to claim the tax dependency exemption for the minor children.
- He claims exemption and attaches the order. No 8332 Declaration
- Both parents claim children

- Dad did not demonstrate that the children lived with him more than ½ year
- Dad did not demonstrate that he provided more than ½ support
- Kids are qualifying child of another taxpayer---Mom

- As to the Order:
 - Must contain all the information found in Form 8332
 - Child's name
 - Both parent's SSN
 - Tax years effective for

- Since support order does not state the years in which dependency exemption is transferred, it is ineffective.
- Therefore, no exemption and therefore no child tax credit.

Robertson v. D'Amico

(2012) unpublished

- Judgment: Parties shall equally share child care costs related to employment or education for employment skills.
- TC concluded: Mom was paying 77% of CCE, her mother was paying the rest

- TC orders Dad to reimburse Mom 50% of 77% (38.5% of actual)
- CA reverses---Abuse of Discretion
 - Original Order failed to track the statute
 - Only permitted orders are that expenses be "divided one-half to each party" or resort to "complex formula"
 - He is required to pay one-half whether Mom or someone else was paying her half

CASE LAW UPDATE
S.O. P.: THE SCINTILLATING,
THE ODD, and the PUZZLING

IRMO BODO (2011) – 198 Cal. App. 4th 373
 L.K. v. GOLIGHTLY (2011) – 199 Cal. App. 4th 641
 PERRY v. BROWN (2012)– 681 F. 3d 1065
 COMMONWEALTH of MASS. v. U.S. DEPT. of HEALTH &
 HUMAN SERVICES (2012) – 682 F. 3d 1
 IRMO SAYRE (2012)– WL469252 (UNPUBLISHED)
 IRMO MORGAN (2012)– WL1305924 (UNPUBLISHED)

IRMO BODO
198 Cal. App. 4th 373

- “Substantial” vs. “material” change of circumstances in modifying child support: a distinction without a difference.
- What controls? MSA vs. Judicial authority for modifications.
- Analysis of T/C testimony on appeal – background statement or independent review?
- Timeshare change matters!

L.K. v. GOLIGHTLY
199 Cal. App. 4th 641

- Administrative complaint against LCSA (L.A.) with ALJ split decision:
 - a) DCSS ordered to prepare final audit
 - b) Monetary demand denied (M claimed account mishandled)
 - c) Notice w/ instructions re post-decision procedures provided to M: request for rehearing in 30 days or writ of review w/in 1 yr. per CCP §1094.5.
- M filed lawsuit for damages instead.
- Dismissal on 2nd demurrer sustained on appeal – 3 times and you’re out!
- Sole remedy per Fam C. §17803 – writ of review
 - a) may raise §17803 first time on appeal

**IRMO SAYRE
WL469252 (Unpublished)**

- SSDI for F approved w/ dependent (derivative) benefits.
- Lump sum of accrued benefits for children paid directly to M by Fed. Govt. – retroactive mod?
- F seeks to terminate cs due to derivative benefits. Seeks credit against cs on dollar-for-dollar basis.
- T/C treated benefits as taxable income to M, not as 1-1 credit against cs to F.
- Fam. C. §4504(b) options in considering and crediting benefit payments.
- See also Fam. C. §4053(e) and generally (principles to apply in determining cs).

**IRMO MORGAN
WL1305924 (Unpublished)**

- *Coram Vobis* – applicable in appellate proceeding for relief from T/C error not apparent on record.
- *Coram Nobis* – applicable in trial court proceeding for relief from T/C's own ruling.
- Lack of access to hearing = due process denial.
- Practical procedures for T/Cs re phone appearances by incarcerated persons.

**PERRY v. BROWN
(2012) 681 F. 3d 1065**

- *In re Marriage Cases* (2008), 43 Cal. 4th 757: statute limiting marriage to heterosexuals unconstitutional.
- Prop. 8 passed, overturning "Cases".
- *Perry v. Brown* filed (originally *Perry v. Prop. 8 Proponents*) and after trial, Dist. Ct. rules:
 - a) Prop.8 violates both due process and equal protection clauses of 14th Amendment
 - b) No rational basis
 - c) No compelling state interest
 - d) Issues permanent injunction against enforcement of Art. 1, §7.5 Cal. Const.
 - e) Prop. 8 proponents appeal.
- 9th Circuit certifies Prop. 8 standing issue to CASCT (*134 Cal. Rptr.3d 499*) – which affirms standing of Prop. 8 proponents.

PERRY v. BROWN cont'd

- 9th Circuit hears appeal.
- 9th Circuit rules (2/7/12):
 - a) Prop. 8 proponents have standing to appeal, per CASCT opinion.
 - b) Prop. 8 violates Equal Protection Clause; court cites ruling in *Romer* (1996) 517 U.S. 620, holding Colorado law permitting discrimination on basis of sexual orientation to be unconstitutional

PERRY v. BROWN cont'd.

- 9th Circuit ruling cont'd.:
- Prop. 8 serves no "legitimate state interest" (Compelling? Rational?)
 - Prop. 8 violates Equal Protection Clause by removing previously protected right of minority without legitimate reason.
 - Denies Prop.8 proponents' motion to vacate Dist. Court judgment on grounds of conflict of interest (judge himself party in same sex relationship)
 - Stays ruling pending appeal to USSCT.

COMMONWEALTH of MASS. v. U.S. DEPT. of HEALTH and HUMAN SERVICES (2012) 682 F. 3d 1

- 1st Circuit directly attacks DOMA (Defense of Marriage Act) in holding that Sec. 3 of Act defining marriage as legal union of only one man and one woman is unconstitutional.
- Ruling stayed pending assumed appeal to USSCT.
- Stems from 2 Mass. Cases: *Gill* and *Hara*.
- Scrutiny level required – "intensified" "intermediate" as opposed to rational basis, "heightened" or strict scrutiny, when affected group is traditionally disadvantaged though not recognized as suspect group. Cites *Romer*. Also cites federalism issues and state interest in regulation of marriage for use of "closer than usual" review.
- Traces relevant other federal and USSCT history of equal protection cases to establish basis for their review standard.

**COMMONWEALTH OF MASS et
al. cont'd.**

- Basic Issues in Case:
 - a) 5th Amendment equal protection under due process clause
 - b) Spending Clause of Const.
 - c) 10th Amendment
 - d) federalism vs. state's interest
- Court dismisses "full faith and credit" issue as not before court
- Court asserts neither the Spending Clause nor the 10th Amendment invalidate DOMA.
- However, the court also states the usual extreme deference given to economic legislation is not applicable here due to the burden on choices the federal legislation imposes in area traditionally regarded as a state-based interest (citing the *Burns* case from 1890)

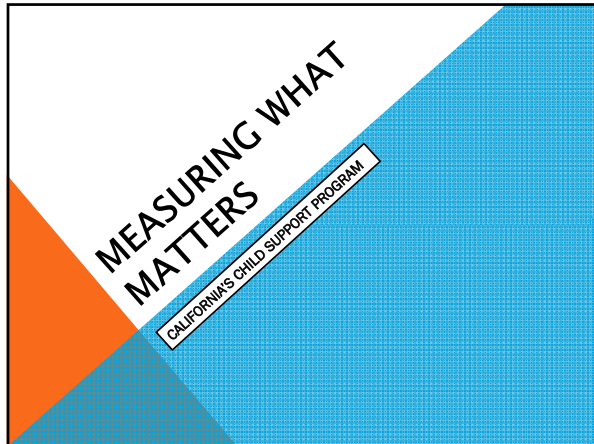
**COMMONWEALTH of MASS. et
al. cont'd.**

- The court identifies 4 traditional grounds asserted to support acts such as DOMA
 - a) protection of traditional heterosexual marriage
 - b) defense of traditional ideas of morality
 - c) protection of sovereign & democratic self governance
 - d) preservation of scarce government resourcesbut then cites scant effort by Congress to make any findings based on these grounds, along with contrary information from OMB which rebuts the economic argument
- Acknowledging tradition as societal glue, the court nonetheless points out that more recent court history requires closer scrutiny when touching on minority interests and federal law which affects state concerns.
- What happens next???

TAB U

DCSS Presents

Ms. Vickie Contreras &
Ms. Rebecca Stilling



STRATEGIC PLANNING PROCESS

- Every five Years DCSS convenes a Strategic Planning Process
- Planning is a collaborative effort and includes DCSS, LCSAs, Region IX OCSE, CSDA, and AOC representatives
- Program objectives are identified for the upcoming five year period
- Five year goals are established on the five federal performance measures

10/1/2012 2

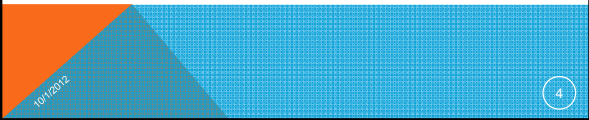
FFY 2010 – 2014 STRATEGIC GOALS

- **Goal 1 - All children have parentage established –**
 - Ensure statewide paternity establishment percentage is at least 100 percent
- **Goal 2 – All children in the California child support program have support orders**
 - Increase the percentage of cases with a support order from 80.2 percent to 84 percent
- **Goal 3 – All children in the California child support program have medical coverage**
 - The percentage of cases in CA child support program with support orders in which medical support is ordered and provided will increase from 49 percent to 60 percent

10/1/2012 3

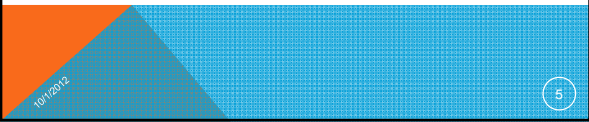
STRATEGIC GOALS CONTINUED

- **Goal 4 - All children in the California child support program receive financial support from parents as ordered**
 - Increase the percentage of current support collected from 52.8 percent to 62.8 percent
 - Increase the total dollar amount collected and distributed by 20 percent
 - Increase the percentage of cases with arrears collections from 59 percent to 69 percent



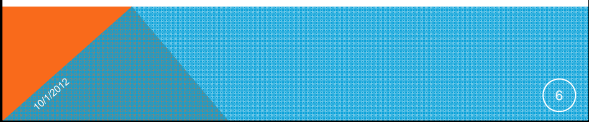
STRATEGIC GOALS CONTINUED

- **Goal 5 - The California child support program will operate efficiently and effectively**
 - Total dollars collected per dollar of expenditures will increase from \$1.96 to \$3.17
 - Increase statewide uniformity of California's child support program's operations
 - Expand alternative approaches to providing California child support program services
 - Obtain best value goods and services
- **Goal 6 - The child support services program will provide excellent customer service**



FIVE FEDERAL PERFORMANCE MEASURES

1. **Paternity Establishment Percentage (IV-D and Statewide)**
2. **Cases with an Order for Child Support**
3. **Collections of Current Support**
4. **Cases Owing and Paying Arrears**
5. **Cost Effectiveness**



STATEWIDE PEP VS. IV-D PEP



Statewide PEP is calculated based on the number of all children born out-of-wedlock in California

IV-D PEP is calculated based on the number of children born out-of-wedlock anywhere with paternities established by the LCSA

10/12/2012

7

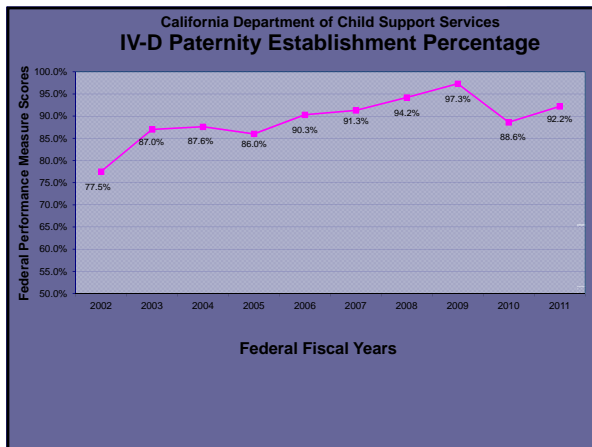
CALIFORNIA'S IV-D PATERNITY ESTABLISHMENT PERCENTAGES (PEP):

<i>FFY 2011</i>	92.2%	<i>FFY 2006</i>	90.3%
<i>FFY 2010</i>	88.6%	<i>FFY 2005</i>	86.0%
<i>FFY 2009</i>	97.3%	<i>FFY 2004</i>	87.6%
<i>FFY 2008</i>	94.2%	<i>FFY 2003</i>	87.0%
<i>FFY 2007</i>	91.3%	<i>FFY 2002</i>	77.5%

Minimum threshold: 50% + 2-6% increase annually if under 90%

10/12/2012

8



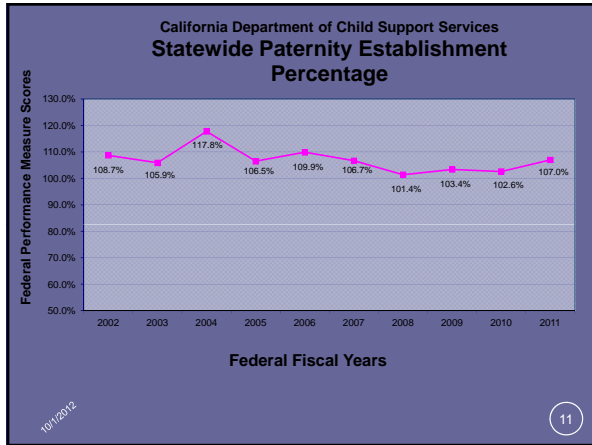
CALIFORNIA'S STATEWIDE PATERNITY ESTABLISHMENT PERCENTAGES (PEP):

FFY 2011	107.0%	FFY 2006	109.9%
FFY 2010	102.6%	FFY 2005	106.5%
FFY 2009	103.4%	FFY 2004	117.8%
FFY 2008	101.4%	FFY 2003	105.9%
FFY 2007	106.7%	FFY 2002	108.7%

Minimum threshold: 50% + 2-6% increase annually if under 90%

10/17/2012

10



10/17/2012

11

PATERNITY FOCUS

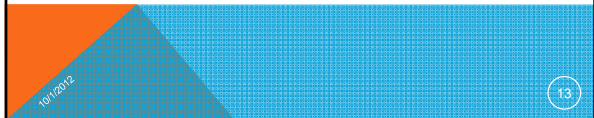
- Doing very well on this measure
- Continue to educate the public on the importance of establishing paternity
- Continue outreach and training on the Paternity Opportunity Program (POP)

10/17/2012

12

PERCENT OF CASES WITH AN ORDER FOR CHILD SUPPORT

This data element measures cases with support orders as compared with the total caseload. Support orders are broadly defined as all legally enforceable orders, including orders for medical support only, and zero support orders, expressed as a percentage.



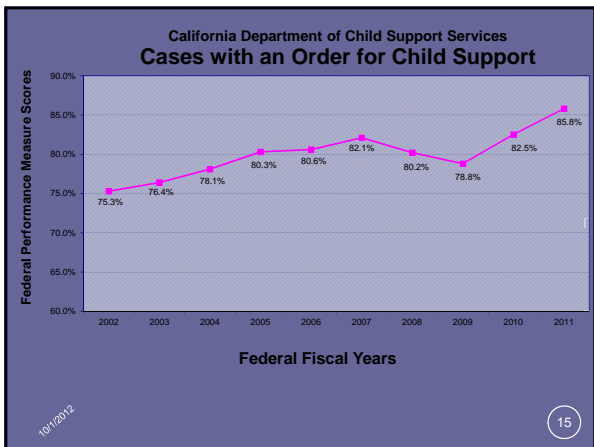
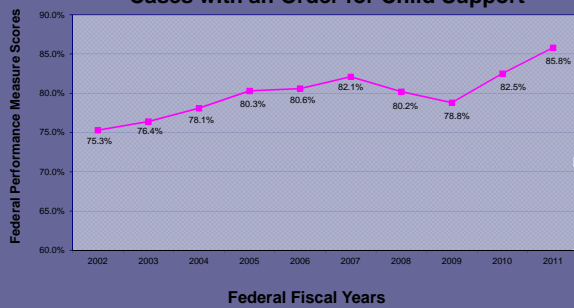
CALIFORNIA'S PERCENTAGE OF CASES WITH A CHILD SUPPORT ORDER:

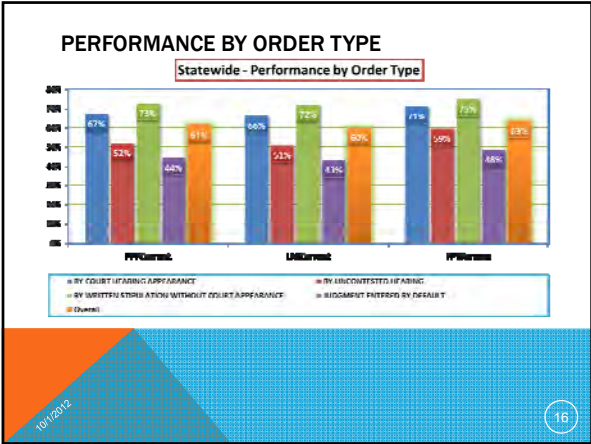
FFY 2011	85.8%	FFY 2006	80.6%
FFY 2010	82.5%	FFY 2005	80.3%
FFY 2009	78.8%	FFY 2004	78.1%
FFY 2008	80.2%	FFY 2003	76.4%
FFY 2007	82.1%	FFY 2002	75.3%

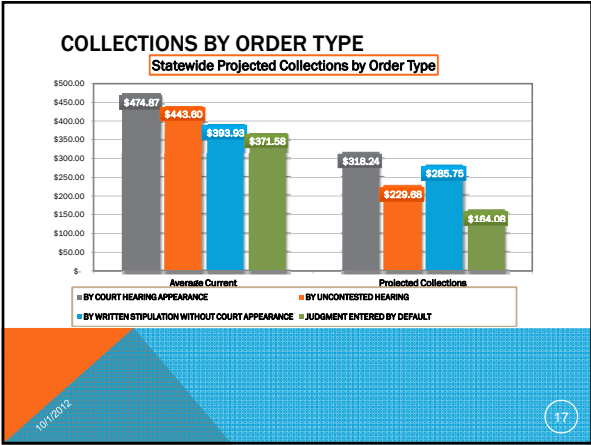
Minimum threshold: 50% or 5% increase annually



California Department of Child Support Services Cases with an Order for Child Support







COLLECTIONS OF CURRENT SUPPORT

This performance standard measures the amount of current support collected as compared to the total amount of current support owed, expressed as a percentage.

10/17/2012 18

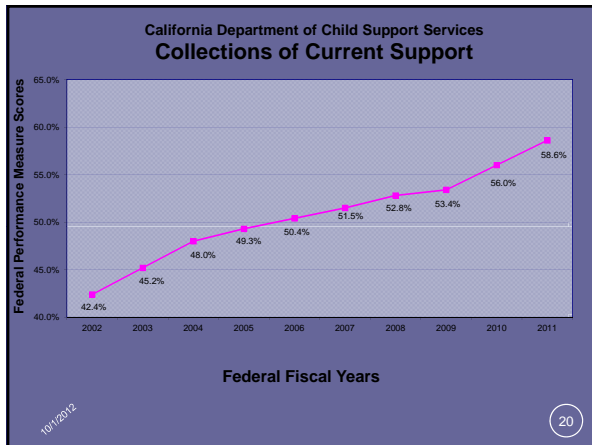
CALIFORNIA'S CURRENT COLLECTIONS PERFORMANCE:

FFY 2011	58.6%	FFY 2006	50.4%
FFY 2010	56.0%	FFY 2005	49.3%
FFY 2009	53.4%	FFY 2004	48.0%
FFY 2008	52.8%	FFY 2003	45.2%
FFY 2007	51.5%	FFY 2002	42.4%

Minimum threshold: 40%

10/17/2012

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10/17/2012

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COLLECTIONS OF ARREARS

This performance standard measures the number of cases with child support arrearage collections as compared with the number of cases owing arrearages during the federal fiscal year, expressed as a percentage.

10/17/2012

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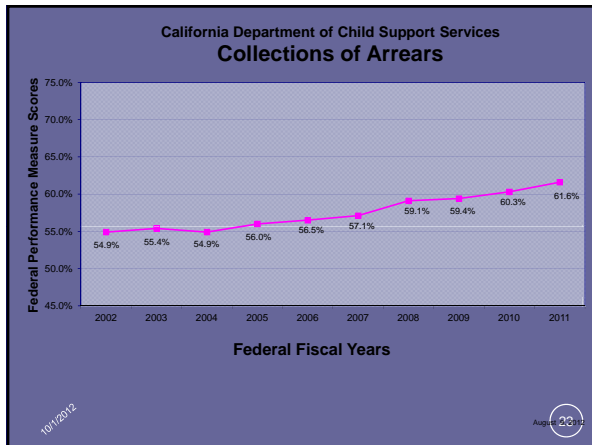
CALIFORNIA'S ARREARAGE COLLECTIONS PERFORMANCE

FFY 2011	61.6%	FFY 2006	56.5%
FFY 2010	60.3%	FFY 2005	56.0%
FFY 2009	59.4%	FFY 2004	54.9%
FFY 2008	59.1%	FFY 2003	55.4%
FFY 2007	57.1%	FFY 2002	54.9%

Minimum threshold: 40%

10/17/2012

22



COST EFFECTIVENESS

This measure compares the total amount of distributed collections to the total amount of expenditures for the fiscal year, expressed as distributed collections per dollar of expenditure.

10/17/2012

24

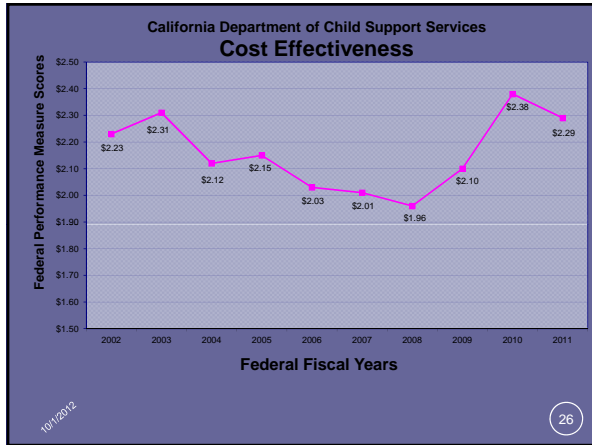
**CALIFORNIA'S COST
EFFECTIVENESS PERFORMANCE:**

FFY 2011	\$2.29	FFY 2006	\$2.03
FFY 2010	\$2.38	FFY 2005	\$2.15
FFY 2009	\$2.10	FFY 2004	\$2.12
FFY 2008	\$1.96	FFY 2003	\$2.31
FFY 2007	\$2.01	FFY 2002	\$2.23

Minimum threshold: \$2.00

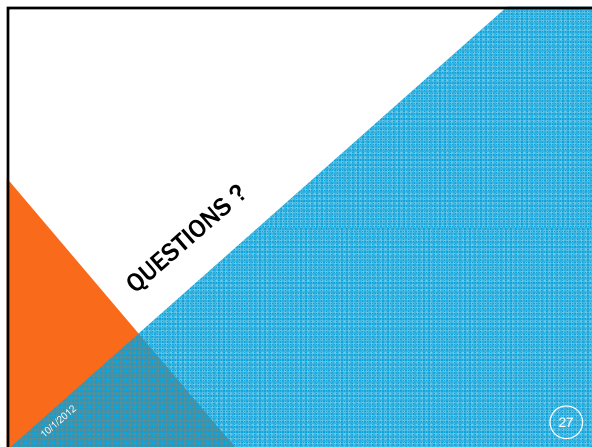
10/17/2012

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10/17/2012

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10/17/2012

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16th Annual AB 1058 Child Support Training Conference

September 7, 2012

Presenters:

- Rebecca Stilling, CIO & Deputy Director
Technology Services Division
California Department of Child Support Services
- Vickie Contreras, Deputy Director
Child Support Services Division
California Department of Child Support Services



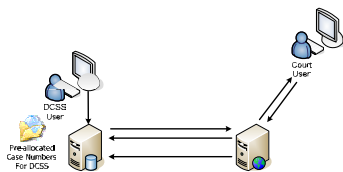
1

Statewide Child Support e-Filing Solution



2

Solution Overview



3

XML Data Exchange Elements

- CSE generates one XML file per document that is being submitted for filing to the courts.¹ These XML files contain needed data elements as well as an embedded PDF image.
- Courts send XML files in the same format to CSE once documents have been filed or rejected.¹

¹ These XML files will be bundled together in ZIP files, with one ZIP file per court.



4

XML Data Exchange Elements

- XML follows the Global Justice XML Data Model (GJXDM) standard
- A data reference model for the exchange of information within the justice and public safety communities



5

XML Data Exchange Elements

- CSE sends the following types of information in each XML file:
 - Court Case Participant Names
 - Document Title and Generation Date
 - Embedded Document Image (in PDF format)
 - Document-specific information:
 - Court Caption Header fields
 - Dependent Fields (for S&C form sets)
 - Proof of Service fields (for Proof of Service form sets)



6

XML Data Exchange Elements

- Once a court files or rejects a document, the court creates an XML response file for CSE which contains all original information plus:
 - The document status (Filed or Rejected)
 - For filed documents:
 - The file date
 - The court case number if one has been assigned by the court
 - The updated document image containing the file date, file stamp, court clerk's signature, etc.
 - For rejected documents:
 - The rejection date
 - The rejection reason



7

Reported e-Filing Benefits within e-Filing Courts

- Reduced staffing resources allow the courts to redirect staff to other areas within the court
- With the received images of the documents, the courts no longer find it necessary to scan document images
- Courts report a dramatic increase in productivity
- Reduced potential for document error
 - Based on application business logic
 - Eliminates misdirect or routing of documents



8

Counties Utilizing e-Filing Solution

- Seven e-Filing Counties
 - Orange
 - Riverside
 - San Diego
 - San Joaquin
 - Los Angeles
 - San Bernardino
 - San Francisco



9

Court Systems that Support e-Filing

- ISD/Genesis
- Sustain
- Fast Track
- Show Me/EDAR (as an interface)



10

CSE e-Filing Form Sets

- 13 e-File Form Sets
 - Summons and Complaint
 - Initial, Amended and Supplemental
 - Amended Proposed Judgments
 - Defaults
 - Proof of Service
- LCSAs and courts can determine which of the 13 form sets they wish to exchange



11

CSE e-Filing Screen Layouts

- CA Superior Court Detail Page
- Form Set Parameter Detail Page
- Legal Action Detail Page



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Legal Action Detail Page



Legal Action Detail

Case Number: FS05218588 Strategy Name: GRABER, NOL, FUDGE, ARTHUR, GR, CHODOLYN, CHRISTINA

Party Case Number: J0520220

Party Case Name: COUNTY OF RIVERSIDE

Assigned Counsel Name: ARTHUR, FUDGE

Case Name: CHODOLYN, CHODOLYN

Notification Detail

Notification Type: SUMMARY AND COMPLAINT

Notification Date: IN 170519 San Joaquin County, Calif

Notification Status: RECALLED - SYSTEM-RECALLED JUDGE

Print New Document: [Link]

File Detail

File Date: [Field]

Save the Service Notification

Comments [Field]

Document Review Process: [Field]

Document: [Field]

Requested By (Court Detail)

Requested Date: [Field]

Comments: [Field]

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e-Filed Forms by County



Forms Set	Riverside, San Bernardino	Los Angeles	Orange	Riverside	San Bernardino	San Diego	San Francisco	San Joaquin
FS-EST-009	Summons and Complaint	x	x	x	x	x	x	x
FS-EST-010	Summons and Complaint More than 5 Children	x	x	x	x	x		x
FS-EST-011	Amended Summons & Complaint		x	x		x	x	x
FS-EST-012	Amended Summons & Complaint - More than 5 Children							
FS-EST-013	Supplemental Summons & Complaint		x	x	x	x	x	x
FS-EST-014	Supplemental Summons and Complaint - More than 5 Children		x	x	x	x	x	x
FS-EST-020	Amended Proposed Judgment		x				x	
FS-EST-021	Default (Judgment Regarding Parental Obligations)							
FS-EST-036	Default (Judgment Regarding Parental Obligations) More than 5 Children							
FS-EST-043	Amended Proposed Judgment More than 5 Children							
FS-FL-330	Proof of Personal Service			x			x	
FS-FL-686(FL335)	Proof of Service by Mail			x	x		x	
FS-POS-010	Proof of Service of Summons			x			x	x

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Forms for New Automation

- FS-EST-025 ORDER TO SHOW CAUSE (MODIFICATION)
- FS-EST-069 NOTICE OF MOTION (MODIFICATION AND CONSOLIDATION)



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e-Filing Lessons Learned



- Accept CSE case numbering for effective LCSA and court communications.
- Courts Stamp Application – reduces scanning and imaging.
- Identify court and county requirements for implementation.
- Understand CSE process and county/court business processes.

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E-Filing Contact Information

- For further information, please contact:
 - Kathy Sanchez, eFiling contact
 - Kathy.Sanchez@dcss.ca.gov
 - (916) 464-5485
 - Paul Celaya, Interface Services Manager
 - Paul.Celaya@dcss.ca.gov
 - (916) 464-0406



20

- DCSS Enhancements to Guideline Calculator



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Guideline Calculator Enhancements

- Phase I - 24 improvements to the GC User Interface
 - Condensed as much of the entries as possible to reduce scrolling
 - Lined up all the columns under the "NCP" and "Other Parent" headings
 - Changed the order of the tax settings from a consecutive entry for each parent to one section with the tax settings in side by side columns.



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Guideline Calculator Enhancements

- Phase I continued:
 - Moved fields that were used on a regular basis to locations outside the collapsed sections
 - Moved fields that were seldom used to locations within collapsed sections
 - Radio buttons were programmed to automatically activate when appropriate



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Guideline Calculator Enhancements

- Phase II (Aug. 2012) - improvements to the functionality of the calculator
 - Moved all the expand buttons (+) from the far right side to the left side just next to the section title
 - Added a check box to the dependent section that defaults to checked so that when the user enters a timeshare for the eldest child that timeshare will apply to all the children
 - If one parent selects the Tax Filing Status of "Married filing separately with other parent" the calculator no longer requires the other parent to have that same tax filing status.
 - We changed Federal Insurance Contribution Act to FICA (Social Security and/or Medicare)

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Guideline Calculator Enhancements

- Phase II Continued:
 - Renters Credit vs. Home Ownership - Users complained that the California Renters Credit should not have to be manually unchecked for home owners. Now when a value is added to the Mortgage Interest field the California Renters Credit is automatically unchecked. If the value is removed, then the renter's credit box is rechecked automatically. If anyone needs both then the renter's credit box can be manually checked.
 - The calculator can now model impact of exceptions to the Guideline. A maximized calculation can be created by checking the **Show Maximized Exemptions and Credits (Court Discretion/Stipulations Only)** box located in the Tax Information Section.



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Future Guideline Calculator Enhancements

- Coming in October 2012
 - Will align the Calculations Results Summary with all the changes we made to the calculator
 - Calculations Results Summary will now reflect the same field names that are on the calculator
 - Fields will appear in the same order as they do on the calculator
 - The date the calculation was printed will appear on the bottom of the page



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That's IT!

- Any Questions?



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TAB V

Procedural How-To's for Family Law Facilitators

**Ms. Diane Bras, Ms. Carla Khal,
Ms. Pamela Peery, &
Ms. Lollie A. Roberts (Moderator)**

How to attack an arrear balance problem (DCSS cases)

Diane Bras
Placer County FLF

1. Get an accounting
2. Customer should check their records against the accounting, looking for:
 - Inaccuracies in dates/amounts of orders
 - Payments not credited
 - Periods where child was in the care of payor (equitable forgiveness)
3. In case of inaccuracies
 - Use complaint resolution process/ombuds
 - If no resolution, file a motion.
4. Using the court process to deal with arrears issues
 - Use a narrow motion
 - e.g. “credit intercepted 2007 tax refund on arrears balance”
 - credit on arrears for period minor child living with NCP (date) to (date)
 - Dangers of “Motion to determine arrears”
 - Once arrears are “determined” for a particular period, that determination is *res judicata*, even if additional payments are discovered later.
 - Are there any periods kids were with payor during arrears period? If so, motion for equitable credit. (*IRMO Trainotti* 212 Cal.App.3d 1072)
5. Special issues with payors on Social Security
 - Child’s derivative benefits paid to CP are credit against c/s order
 - Order of credit: Current, principal arrears, interest (FC 4504(b), CCP 695.211
 - Derivatives usually exceed c/s order, so extra should be credited.
 - Check to make sure retro benefits paid when award made are credited.

SETTING ASIDE PATERNITY . . . LET US COUNT THE WAYS

Voluntary Declaration of Paternity –

1. Family Code 7575(a): Rescission – Use the state form to cancel the VDOP. Must complete the form, serve the other parent by certified mail return receipt requested, and mail form with proof of service (return receipt card) to California Department of Child Support Services **within 60 days** of signing the VDOP.
2. Family Code 7575(b): Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity (FL280) – Use this form when it has been more than 60 days since VDOP signed. Grounds for request: Mistake of fact or law, inadvertence, surprise, or excusable neglect OR fraud or perjury. Time limit applies = **2 years from date of birth of child** as long as no judgment based on the VDOP has been entered. However, if there is a judgment, time limits are different – 6 months from entry of judgment or order for mistake of fact or law, inadvertence, surprise, or excusable neglect (CCP 473 standard). 1 year from “knew or should have known” of fraud or perjury. Form does provide for an “as quickly as possible” catchall.

Code of Civil Procedure –

1. All default judgments are subject to Code of Civil Procedure 473 (b) within six months of entry of judgment. Party may move for set aside based on mistake, inadvertence, surprise, and excusable neglect. Also judgments are subject to 473 (d) – court may set aside any void judgment. Most common 473 (d) “void judgment” motions are for failure to effect proper service.
2. Default judgments are also subject to Code of Civil Procedure 473.5 which provides discretionary relief when the defaulted party claims there was no actual notice and that was not caused by his/her avoidance of service or excusable neglect. Motion must be brought within 2 years of entry of judgment or 180 days after service of a written notice of entry of judgment.

Uniform Parentage Act Judgments –

Family Code 7646: Notice of Motion to Set Aside Judgment of Paternity (FL272 & 273) – Time limits apply – Earlier of: 2 years since previously established father knew or should have known of judgment establishing paternity or since father knew or should have known of the existence of a paternity action against

him. If a VDOP was also signed then the time limits and requirements of FL7575(b) apply. The statutory scheme set forth in Family Code 7645-7649.5 is the procedure for setting aside or vacating paternity judgments when genetic testing shows that the man who has been determined to be a child's father (legally) is not the biological father. Applies to paternity judgments including those based on a VDOP or Juvenile court orders. Does not apply to divorce judgments, FC 7540 presumption cases or out-of-state paternity judgments.

Governmental Judgments –

Family Code 3690 et seq.: Request for Hearing and Application to Set Aside Support Order (FL360). This statutory scheme provides the method by which a governmental judgment for support and/or paternity can be challenged **after the 6 months of CCP 473 has expired**. Grounds are: Actual Fraud; Perjury; and Lack of Notice. Time limits apply = six months after party knew or should have known of the grounds being alleged for set aside. (Courts have ruled that this is the exclusive equitable set-aside remedy for support orders preempting traditional equitable relief.)

Family Law Cases –

Family Code Section 7541 allows for the filing of a motion for genetic testing within two years of the birth of a child who is subject to the FL7540 marital presumption. Motion may be filed by husband, mother, child and “presumed father” under FC 7611 and 7612. Only test results ordered by the court have evidentiary value in these motions.

INSTRUCTIONS FOR COMPLETING A DECLARATION AND ORDER FOR ISSUANCE OF AN ABSTRACT OF JUDGMENT or a WRIT OF EXECUTION.

PAGE #1 – Follow the instructions detailed on the first page.

PAGE #2 – This page requires you to provide the Court with a detailed transaction history of when the court-ordered amounts were due, how much you charged for interest, and the payments you received from the person ordered to pay you.

The example on page 1 stated that Johnny Smith was to pay monthly child support in the amount of \$180.00 beginning 2/1/2010. If Johnny Smith did not make all his payments, the transaction history on page 2 would look something like this:

Date Due	Amount	Interest	Date Paid	Amount	Interest	Balance
2/1/2010	\$90.00		2/1/2010	\$180.00		-\$90.00
2/15/2010	\$90.00		2/1/2010			\$0.00
3/1/2010	\$90.00		3/1/2010	\$90.00		\$0.00
3/15/2010	\$90.00		3/15/2010	\$90.00		\$0.00
4/1/2010	\$90.00			\$0.00		\$90.00
4/15/2010	\$90.00	\$0.37	4/16/2010	\$90.00		\$90.37
5/1/2010	\$90.00	\$0.45	5/3/2010	\$120.00		\$60.82

and so on

A NOTE ABOUT CALCULATING INTEREST: If you want interest, you must calculate it. If you fail to claim interest now, you give up your right to be able to obtain the interest later.

HOW TO CALCULATE INTEREST: Use the following formula: \$ _____ (balance due) X .10 (interest rate) / 365 days per year X _____ (number of days amount has not been paid) = \$ _____ interest due.

As shown in the example above, \$90.00 balance was due on 4/1/2010. The next payment did not arrive until 4/16/2010. So, the 4/1/2010 payment was late 15 days. When you apply the interest formula, you get \$90.00 (balance due) X .10 / 365 X 15 days = \$0.37 interest due.

“Principal” means the total amount that has not been paid.

“Costs” enter \$0.00 or the amount you filed with the Court on form MC-012 (Memorandum of Costs).

“Attorney Fees” enter \$0.00 or the amount you filed with the Court on form MC-012.

“Interest” enter \$0.00 or the amount you calculated and listed above on this declaration.

“Statutory Fees” enter \$0.00 if you have a fee waiver and do not have to pay court filing fees. If you are required to pay court filing fees, an Abstract costs \$25.00 and a Writ of Execution costs \$25.00. If you are only asking for an Abstract, enter \$25.00. If you are only asking for a Writ of Execution, enter \$25.00. If you are requesting both Abstract and a Writ, enter \$50.00.

When you are filling in the County, fill in the County name where the assets are located. For example, if the person you are trying to collect from has a bank account in Palm Desert, write in RIVERSIDE because that is the county where the asset can be found by the Sheriff’s Dept. or process server. If assets are in more than one county, write in both counties where the assets are located.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

- | | |
|---|--|
| <input type="checkbox"/> BANNING 135 N. Alessandro Rd., Banning, CA 92220 | <input type="checkbox"/> MORENO VALLEY 13800 Heacock St., Ste. D201, Moreno Valley, CA 92553 |
| <input type="checkbox"/> BLYTHE 265 N. Broadway, Blythe, CA 92225 | <input type="checkbox"/> RIVERSIDE 4050 Main St., Riverside, CA 92501 |
| <input type="checkbox"/> HEMET 880 N. State St., Hemet, CA 92543 | <input type="checkbox"/> TEMECULA 41002 County Center Dr., Ste. 100, Temecula, CA 92591 |
| <input checked="" type="checkbox"/> INDIO 46-200 Oasis St., Indio, CA 92201 | |

RI-F06

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</p> <p>PRINT YOUR NAME PRINT YOUR MAILING ADDRESS PRINT CITY, STATE & ZIP CODE</p> <p>TELEPHONE NO.: _____ FAX NO. (Optional): _____</p> <p>E-MAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): _____</p>	<p><i>FOR COURT USE ONLY</i></p>
<p>PETITIONER: FILL-IN</p> <p>RESPONDENT: FILL-IN</p>	<p>CASE NUMBER: FILL-IN</p>
<p>DECLARATION and ORDER FOR ISSUANCE OF</p> <p><input type="checkbox"/> ABSTRACT OF JUDGMENT <input type="checkbox"/> WRIT OF EXECUTION</p>	

NOTE: Use only for Installment Judgment.

Mark this box if you want to lien real property. Mark this box if you want to levy wages or bank accounts.

I, **PRINT YOUR NAME**, say:

I am the judgment creditor attorney for the judgment creditor; and that the following judgment/order was entered on: **FILL-IN DATE**, in the court's minute order:

#1 Use this space to write in exactly what your Minute Order or Judgment states about the money award. A money award could be child support, spousal support, arrearages, an equalization payment, or some other order stating that a person owes another person a specific amount of money.

The following is an example:
 The Court's Minute Order of 3/1/2010 states: "The Court hereby orders Johnny Smith to pay monthly child support in the amount of \$180.00, allocated between the minor children as indicated on the attached dissomaster printout and the court reporter's record, payable on the 1st and 15th of each month commencing 2/1/2010."

#2 After you write in what the Court ordered in the Minute Order or Judgment, then use the additional space to tell the judicial officers about the person's failure to make payments or that partial payments were made.

Name and Mailing Address of Judgment Debtor(s): **NOTE:** The judgment debtor is the person who owes you money.

Name: FILL-IN	Name:
Address: FILL-IN	Address:
City, State, Zip: FILL-IN	City, State, Zip:



PETITIONER: FILL-IN RESPONDENT: FILL-IN	CASE NUMBER: FILL-IN
--	-------------------------

Where payments accrue at different times, the below-required information must be furnished (failure to claim interest shall be deemed a waiver thereof):

RECORD OF

Date Due	ACCRUALS Amount	Interest	Date Paid	PAYMENTS Amount	Interest	BALANCE Due
Please See instructions to complete this section.						

Please see instructions to complete.

There is actually due on said judgment/order the sum of \$ FILL-IN principal, \$ FILL-IN costs, \$ FILL-IN attorney fees and \$ FILL-IN interest, plus \$ FILL-IN statutory fee for issuance of Abstract/Writ, total of \$ FILL-IN for which sum I pray that an Abstract of Judgment a Writ of Execution issue in favor of WRITE IN YOUR NAME HERE to FILL-IN County.

I declare (or certify) under penalty of perjury that the foregoing is true and correct.

Executed on WRITE IN THE DATE, at WRITE IN YOUR CITY (e.g., Indio), California.

(DATE)

Jane Smith
(SIGNATURE OF DECLARANT)

ORDER

Leave Blank

Upon reading the foregoing declaration and good cause appearing therefor, it is hereby ordered that the Abstract/Writ issue as prayed.

(DATE)

(JUDGE OF THE SUPERIOR COURT)

INSTRUCTIONS FOR COMPLETING WRIT OF EXECUTION (MONEY JUDGMENT)

A Writ is a court order that authorizes a Sheriff or registered California process server to seize property/assets of the person or company who owes you money.

You should complete more than 1 Writ (EJ-130) if the person or company who owes you money has assets (for example: a bank account) in multiple counties. Complete 1 Writ form for each county.

For the purposes of collection, you are the judgment creditor. The person who was ordered to pay you money is called the judgment debtor.

Questions #1-7: Follow the instructions on the sample writ provided.

Questions #8-10: Most of these questions will not apply to your order/judgment. If you believe these questions apply in your case, please seek legal assistance.

Question #11: Fill in the amount of money that the Court ordered the judgment debtor to pay you. Please refer to the Court's Minute Order or Judgment to find the amount.

Question #12: If you filed a Memorandum of Costs form MC-012 after the date of the order/judgment, then use the total costs listed on #3 of MC-012 and write the same amount here. If you have not filed MC-012, write \$0.00.

Question #14: If the judgment debtor paid you any money to apply towards the judgment/order, then write the total amount paid here. If the judgment debtor has paid no money to apply to the judgment/order, then write \$0.00.

Question #16: If you want to claim interest after entry of the judgment/order, then use the attached form MC-025 (Calculation of Interest After Judgment). If you do not want to claim interest, then write \$0.00.

Question #17: If you have a fee waiver of your court fees, write \$0.00. If you have to pay your court fees, the fee for issuance of a writ is \$25.00.

Question #19: To calculate the daily interest, **multiply** the total of #18 by 0.10 and **divide** by 365. If you do not want to claim daily interest, then leave this question blank.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):

FOR COURT USE ONLY

Write in Your Name
Write in Your Mailing Address
Write in Your City, State, Zip Code

TELEPHONE NO.: FILL-IN

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

ATTORNEY FOR [X] JUDGMENT CREDITOR [] ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside

STREET ADDRESS: 46-200 Oasis Street

MAILING ADDRESS: 46-200 Oasis Street

CITY AND ZIP CODE: Indio, CA 92201

BRANCH NAME: Desert

PLAINTIFF: FILL-IN Name of Person Who Started Case

DEFENDANT: FILL-IN Name of Person Who Responded

WRIT OF

[X] EXECUTION (Money Judgment)
[] POSSESSION OF [] Personal Property
[] Real Property
[] SALE

CASE NUMBER:

FILL-IN

1. To the Sheriff or Marshal of the County of: FILL-IN (Example: RIVERSIDE)

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.

3. (Name): WRITE IN YOUR NAME

is the [X] judgment creditor [] assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name and last known address):

WRITE IN THE PERSON'S NAME AND ADDRESS WHO WAS ORDERED TO PAY YOU MONEY in the judgment or minute order

9. [] See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. [] This writ is issued on a sister-state judgment.

11. Total judgment per judgment or order \$ FILL-IN

12. Costs after judgment (per filed order or memo CCP 685.090) per MC-012 form \$ FILL-IN

13. Subtotal (add 11 and 12) \$ FILL-IN

14. Credits (sum of all payments to date) \$ FILL-IN

15. Subtotal (subtract 14 from 13) \$ FILL-IN

[] Additional judgment debtors on next page

5. Judgment entered on (date): FILL-IN

16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) \$ FILL-IN

6. [] Judgment renewed on (dates):

17. Fee for issuance of writ \$ 25.00

18. Total (add 15, 16, and 17) \$ FILL-IN

7. Notice of sale under this writ

a. [X] has not been requested.

b. [] has been requested (see next page).

19. Levying officer:

(a) Add daily interest from date of writ

(at the legal rate on 15) (not on GC 6103.5 fees) of \$ FILL-IN

8. [] Joint debtor information on next page.

(b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68511.3; CCP 699.520(i)) \$

[SEAL]

20. [] The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

Issued on (date):

Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

PLAINTIFF: FILL-IN Name of Person Who Started Case — DEFENDANT: FILL-IN Name of Person Who Responded	CASE NUMBER: FILL-IN
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— Items continued from page 1 —

21. Additional judgment debtor (name and last known address):

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22. Notice of sale has been requested by (name and address):

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23. Joint debtor was declared bound by the judgment (CCP 989-994)

a. on (date): b. name and address of joint debtor:	a. on (date): b. name and address of joint debtor:
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--	--	--

c. additional costs against certain joint debtors (itemize):

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24. (Writ of Possession or Writ of Sale) Judgment was entered for the following:

a. Possession of real property: The complaint was filed on (date): (Check (1) or (2)):

(1) The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.
 The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ _____ was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

b. Possession of personal property.
 If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.

c. Sale of personal property.

d. Sale of real property.

e. Description of property:

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

▶ A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

SHORT TITLE: FILL-IN	CASE NUMBER: FILL-IN
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ATTACHMENT (Number): EJ-130 #16

(This Attachment may be used with any Judicial Council form.)

CALCULATION OF INTEREST AFTER JUDGMENT ATTACHMENT TO WRIT OF EXECUTION

- 1. I am the judgment creditor in the above-titled action.
- 2. The Court ordered _____ (judgment debtor) to pay me \$ _____.
The date of the order/judgment was _____.

3. (Mark One)

As of today's date, the judgment debtor has not paid me any money towards the court order/judgment.
 As of today's date, the judgment debtor has paid the following payments to apply to the court order/judgment: _____

4. Interest began accruing on the date of the order/judgment at the rate of 10% per annum per CCP 685.010.

5. There has been a total of _____ days that have passed since the date of the order or judgment.

6. (Mark One)

I calculate the post-judgment/post-order interest to be as follows:
 \$ _____ (principal amount of the order/judgment) X .10 (interest rate) / 365 days per year
 X _____ (number of days since entry of the order/judgment) = \$ _____ interest due as of today's date.
 Since payments have been made, the post-judgment interest is calculated on the attached accounting.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

State DCSS Policy re Collection of Arrears After the Children Emancipate

The duty of support by a mother and father for an unmarried child who has attained the age of 18 years, is a full-time high school student, and who is not self-supporting, continues until the child completes the 12th grade or reaches the age of 19, whichever occurs first. "High school" includes junior high school, 4-year high school, senior high school, and continuation high school unless a contrary intention appears. Evening high schools, sometimes called "adult schools", are not considered high schools. Emancipation may occur prior to the 18th or 19th birthday (if still enrolled in high school) in some instances such as marriage of child, death of child or other specified event. Likewise, emancipation may not always occur at the 18th or 19th birthday if the court order for the support of the child has terms contrary to the above emancipation rules.

The court may order a Noncustodial Parent (NCP) to make child support payments until the occurrence of a contingency, such as:

- The child is married or otherwise emancipated
- The child is deceased
- The occurrence of a specified event; for example, the child graduates from college

The court may also order an NCP to make child support payments beyond a child's age of majority for a child who is incapacitated from earning a living and without sufficient means.

If the child support order has any contingencies requiring support beyond the child's 18th birthday, the Local Child Support Agency (LCSA) must continue to provide services as long as the case meets **ALL** of the following criteria:

- The LCSA has an open case
- The LCSA has been providing ongoing enforcement activities
- The case was opened and the child support order was established while the child was a minor

The portion of a current support obligation that is not paid in the month that it is due becomes part of the arrears. Whether payments applied to arrears are paid to the family or are retained for reimbursement of public assistance depends on if the arrears have been assigned to the state, and when the assignment was executed. An LCSA must keep a case open and continue to enforce a child support obligation if arrears exist, even after a child emancipates. Any arrears owed by the NCP are enforceable until paid in full. The principal balance of the arrears owed will continue to accrue interest at an annual rate of 10%. Any payments that are received on a case with arrears only are applied to the principal balance first and then the interest. The Custodial Party can request the

LCSA to discontinue enforcing on the arrears payable to the family, although the support order remains enforceable. The LCSA will continue to enforce on the arrears assigned to the state for reimbursement of public assistance.

Child support arrears are not dischargeable through bankruptcy.

When a NCP's current support obligation for a child terminates by operation of law but an arrears balance exists, the LCSA must serve an amended income withholding order (IWO) on the NCP's employer within 30 calendar days if an employer is known. The amended IWO must specify the amount to be withheld and applied towards the arrears liquidation, which must equal the court ordered current support amount that has terminated plus the prior monthly payment on arrears. This results in the NCP paying the same total amount towards arrears as was being paid when current support was due, until the arrears are paid in full. The total amount that the employer withholds must not exceed 50% of the NCP's net disposable earnings.

The liquidation payment on the arrears owed may be established by the court or set administratively by the local child support agency (LCSA) as described above. A NCP may request a hearing to set a court ordered arrears payment.

Child Support Owed to the County

Permanently assigned arrears are those arrears owed back to the county for reimbursement of distributed cash aid. Permanently assigned arrears can be collected past the age of majority of a child. DCSS may use any and all enforcement capabilities to collect on the arrears. If the NCP's taxes are intercepted, monies will go to pay permanently assigned arrears prior to arrears owed to the other party.

DCSS established the Compromise of Arrears Program (COAP) as a tool to enhance arrears collection by LCSA's accepting offers in compromise of arrears and interest owed as reimbursement for public assistance. If a NCP has an arrears only case, they may be eligible for COAP and should inquire at the LCSA enforcing their case. Again, only those arrears owed to the county are eligible for compromise.

Child Support Owed to the Other Party

Child support arrears owed to the other party are due until they are paid in full and are paid in priority to permanently assigned arrears if both exist on the same case. There is no compromise program available to reduce the amount owed, however the parties may stipulate via a court order to change or reduce the arrears owed to the other party. If the parties on the case have terms for a possible stipulation in mind, they can go to their LCSA where a stipulation can be facilitated or a court date can be scheduled for waiver/modification of arrears.

Spousal Support

Per CSS Letter 10-02 "Current spousal support orders must be enforced so long as the current child support obligation is being enforced and the child lives with the parent who is owed support."

The enforcement of spousal support is limited to situations where spousal support is included in a child support order. The LCSA's obligation to enforce spousal support changes when the children emancipate. The LCSA must continue enforcing spousal support arrears that accrue due to non-payment of support if child support arrears also exist, regardless of where the child lives. However, assigned spousal support arrears must be enforced until paid in full or the Unreimbursed Assistance Pool is satisfied, whichever occurs first. When there is no enforceable child support obligation, leaving only spousal support, the case must be closed.

Child support owed to the county & owed to the other parent

The duty of support by a mother and father for an unmarried child, who has attained the age of 18 years, is a full-time high school student, and who is not self-supporting, continues until the child completes the 12th grade or reaches the age of 19, whichever occurs first. "High school" includes junior high school, 4-year high school, senior high school, and continuation high school unless a contrary intention appears. Evening high schools, sometimes called "adult schools", are not considered high schools.

TAB W

**Court-Based Conflict Resolution:
An Overview of the Process and
Special Issues Facing Those Who
Provide Court-Based Mediation Services**

**Hon. Irwin Joseph &
Ms. Fariba Soroosh (Moderator)**

MEDIATION WHEN TIME IS NOT
ON YOUR SIDE—
COURT-BASED FAMILY
MEDIATION

Comm. Irwin Joseph
Fariba Soroosh
Santa Clara Superior Court

High Conflict Divorce

Timeline for wife

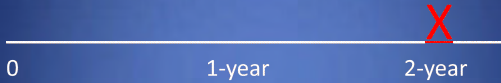


Timeline for husband

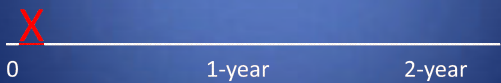


High Conflict Divorce

Timeline for wife



Timeline for husband



MODELS OF MEDIATION

- Facilitative
- Evaluative
- Transformative
- Strategic

FACILITATIVE MEDIATION

- Client-centered
- Interest-based
- Process-oriented
- Communication-focused

FACILITATIVE MEDIATION

- The mediator acts as a guest conductor of an orchestra.
- Refrains from pressing own opinions.
- Allows parties to craft the precise terms of the settlement.
- Enhances and clarifies communication.
- Recognizes the challenge of promoting effective communication within a court-based mediation setting.

FACILITATIVE MEDIATION

- The mediator is neutral.
- The mediator guides the parties through the decision-making process, regardless of whether the decisions are in the best interests of the child(ren) or of anyone else.

Assumptions in Facilitative Mediation

- *Parents* are best equipped to decide what is in their children's best interests.
- Parties to mediation need more help *communicating* than *getting advice...*
- Empowerment.

Assumptions in Facilitative Mediation

- Good process leads to good communication leads to good agreements.
- *Voluntarily* arriving at agreements is powerful.

IMPASSE...

- Understand the parties' priorities and values.
- Look at the history of negotiations between the parties.
- Look at the behavior of the parties for inconsistencies with their requests.

IMPASSE...

- Aim for final resolution.
- Discuss BATNA.
- Consider Interim and Short-term agreements.

DILEMMA

- Is Gathering and Giving information a dilemma for the Judicial Officer? (Might these be seen as evaluative?)
- Wouldn't it be easier to just give opinions?

TRANSFORMATIVE MEDIATION

DEFINITION:

Resolution of the problem isn't the goal; increasing the ability to communicate is the target.

Whether the issue is settled or not is secondary to whether the future has been altered by improved communication and empowerment.

EVALUATIVE MEDIATION

- The mediator takes an active role in assessing the evidence and facts and may provide an opinion about the issues, predicting or forecasting what will happen at trial.
- The mediator's role is active, involved, and specific about content.

EVALUATIVE MEDIATION

- There is motivation to settle the case.
- In a *civil* assignment, this means arriving at an agreeable amount or "number" to resolve the dispute.
- In a *family* dispute, there is so much more at stake than a dollar figure for resolving the disputes.

EVALUATIVE MEDIATION

- Offers opportunities for using substantive knowledge of mediator.
- May be more effective than facilitative mediation for reaching resolution in some cases.
- Can empower the weaker party.
- Allows for face-saving on the road to agreement.
- Has elements of a *Settlement Conference*, but is a different process.

EVALUATIVE MEDIATION

- A level of expertise is brought to the table.
- Mediator's evaluation is probably more reliable than the parties' information.
- It maximizes court efficiency.
- There is a potential for effectively balancing power between the parties.
- It provides an excuse for agreement.
- It settles the case.

EVALUATIVE MEDIATION STYLES

- *How* does the mediator express opinions, values, predictions, decisions?
- There is a continuum from *Suggestion* to *Instruction*.
- Using Statements v. *Questions*.

EVALUATIVE MEDIATION STYLES

- Use Effective Questions:
 - What will that look like?
 - How will that work?
 - What will that feel like?
 - How will he/she feel about that?

STRATEGIC MEDIATION

- The method that leads to the best results, if the measurement of success is agreement short of trial.

STRATEGIC MEDIATION

- This approach seems to cross over and have elements of all of the more mainstream approaches, including facilitative, evaluative, and even transformative, yet is also unlike each of these.

STRATEGIC MEDIATION

- Underlying emotional, psychological, and interactional dynamics that are the stuff of impasses are intentionally but subtly surfaced and dealt with both directly and indirectly.

STRATEGIC MEDIATION

- Acknowledges disputants' resistance to develop agreements that are systemically feasible.
- Requires a certain level of expertise in mediating and often arises spontaneously as a style, over the course of mediating many cases.

Mini-Mediation

- *What the heck is that, and how is it different from the mediation we know?*

Mini-Mediation vs. Fuller Mediation

25

Mini-Mediation	Fuller Mediation
Conducted by a Bench Officer with a robe.	Conducted by Family Court Services personnel.

26

Mini-Mediation	Fuller Mediation
An alternative to Family Court Services <i>in certain limited situations</i> , but <i>not</i> as a substitute service.	Mediation by Family Court Services is state-mandated in custody matters.

27

Mini-Mediation	Fuller Mediation
Meant to resolve loose-ends and less significant issues.	Meant to resolve major differences.

28

Mini-Mediation	Fuller Mediation
Takes place immediately while the parties are in court.	Takes place many weeks later, after scheduling and attending orientation.

29

Mini-Mediation	Fuller Mediation
More facilitative.	More evaluative (in <i>Recommending Mediation</i> counties).

30

Mini-Mediation	Fuller Mediation
Five to ten minutes in length.	An hour or more in length.

31

Mini-Mediation	Fuller Mediation
Impartial, so long as the bench officer/mediator is perceived so by the parties.	Impartial.

32

Mini-Mediation	Fuller Mediation
Lawyer(s) may be present.	Lawyer(s) usually are not present.

33

Mini-Mediation	Fuller Mediation
Bench Officer/ Mediator should be alert to, and assess other issues (e.g. DV, Mental Illness).	Mediator must be fully informed of other issues (e.g. DV, Mental Illness).

34

Mini-Mediation	Fuller Mediation
Done in open court with public present.	Done in private, with <i>professional privilege</i> .

35

Mini-Mediation	Fuller Mediation
The <i>court record</i> is the entire record of the mediation proceedings.	Agreements reached usually are reduced to writing, and signed by the parties.

36

Power of the Courthouse



Power of the Courthouse

- Just being in the Courthouse brings a new dynamic to mediation.
- When two people face a desk or a bench in a Courthouse, they are on their best behavior.
- Be mindful of how the Power of the Courthouse affects what you say and how you say it....

38

Power of the Courthouse

- Being neutral-in-speech during mediation is very difficult when there are signs of power present, such as the robe and all things related to the court.
- Even a neutral statement may be considered less than neutral if stated by a person in power.

39

Power of the Courthouse

- Each of us engages in conversation in open court that we think is neutral, even-handed and non-assertive. We might even think of it as a “Facilitative Mini-Mediation.”
- Suggesting temporary or band-aid visitation plans is an example.
- *Consider the following:*

40

Power of the Courthouse

A Bench Officer conducts a Mini-Mediation in open court with parents that are in need of a band-aid visitation plan for the next three weeks, until their mediation date with Family Court Services. Their child is four months old. Dad wants lots of time with the baby. Mom is unsure of Dad’s ability to care for the child, so she wants to supervise all visits.

41

Power of the Courthouse

The Bench Officer says:

“ When you go see the mediators in a few weeks, I think they will likely talk to you both about developmentally appropriate visitation plans. It’s likely that they will speak with you about the unique needs of infants and the benefits of frequent, short visits with Dad until your baby gets older.”

42

Power of the Courthouse

The Bench Officer continues:

- “ Does each of you see the wisdom in such an approach? Does this sound reasonable to both of you?
- Can each of you see that long periods of time away from either of you may not be in the child’s best interests? ”

43

Power of the Courthouse

The Bench Officer continues:

- “ So, as a temporary solution, until you see the mediators, how do each of you feel about selecting three or four days each week when Dad can see the baby for an hour or so?
- Does that sound reasonable to each of you? ”

44

Power of the Courthouse

The Bench Officer continues:

- “How about on Monday, Wednesday and Friday of each week, you set up one and-a-half hour visits by Dad at Mom’s house starting at 5:00 pm?
- Doesn’t that seem reasonable to you?”

45

Power of the Courthouse

Query:

Has the above Mini-Mediation discussion in Court morphed into an evaluative mediation without anyone stating it as such?

46

Power of the Courthouse

Query (cont.):

Can a person in a position of power (as one wearing a robe or working in the courthouse as an employee/agent of the court) use entirely neutral language, and avoid taking a position on an issue like the one described above?

Examples??

47

Power of the Courthouse

Query (cont.):

What are the ethical obligations that must be respected in this scenario?

48

Power of the Courthouse

Query (cont.):

Can you be perceived as neutral if you are the one making the final decision?

49

Power of the Courthouse

Query (cont.):

Will the parties perceive you as neutral when making a decision on the matter, if you have conducted the session described above?

50

Family Law
Fortune Cookies

51

Family Law Fortune Cookies

- Ideally, a child should not regularly be away from a parent to whom the child is attached (and it could be to *both* parents) more than one day for each year of the child's life (one year old child = 1 day; 2 year old = 2 days; etc.) up to about age 6 or 7.

52

Family Law Fortune Cookies

- Cases in Family Court that go to trial frequently result in both sides losing.

53

Family Law Fortune Cookies

- Among litigants, given the choice of mediation or trial, it is no contest.

54

Family Law Fortune Cookies

- Almost 80% of the cases in Family Court involve a self-represented party.

55

Family Law Fortune Cookies

- There are very few courts in California that can give a long-cause Family Law case consecutive trial days; in contrast, Civil trials are universally heard on consecutive days.

56

Family Law Fortune Cookies

- Though a majority of the counties in California use a Recommending (Non-Confidential) model of mediation, the Elkins Task Force recommends *Confidential* Mediation as a first step.

57

Family Law Fortune Cookies

- Many judges believe that mediation isn't a part of their job description—that they were elected to just try cases and make decisions for others.

58

Family Law Fortune Cookies

- Some counties have staff attorneys whose sole job it is to check papers being filed in the Family Department for completeness.

59

Family Law Fortune Cookies

- Domestic Violence, as defined in the Family Code, does not require physical violence.

60

Family Law Fortune Cookies

- Children under 5 usually are not interviewed by Family Court Services.
- At most only 16% of children *ever* are interviewed by FCS or by private mediators.

61

Family Law Fortune Cookies

- Children approximately above 12 years of age (and 14 years of age statutorily) should be listened to regarding custody and visitation—their opinions are valuable, but should not be determinative.

62

Family Law Fortune Cookies

- Some attorneys are helpful in moving mediation forward. Some attorneys impede progress and are motivated by:
 - Billable hours
 - Anger at the opposing attorney
 - Enmeshment with client
 - Retaliation at ghosts from one's past
 - _____.

63

Family Law Fortune Cookies

- The anger and frustration of a party sometimes affects the attorney.
- The zealotness of an attorney sometimes affects her/his client.

64

Family Law Fortune Cookies

- Family lawyers don't often have a clear knowledge of the Evidence Code.

65

Family Law Fortune Cookies

- Some well-respected researchers believe that a child should be in the primary custody of its Mother for the first two years of its life. They think that equal time-share in infancy inhibits maximum brain development.

66

Family Law Fortune Cookies

- Other well-respected researchers believe that a child should spend the first two years of life in an equal time-share arrangement between its parents.

67

Family Law Fortune Cookies

- The question most often asked by self-representeds when they leave the courtroom is: *"What happened?"*

68

Family Law Fortune Cookies

- Domestic Violence allegations are often used as means of getting the upper-hand in a custody dispute by obtaining the first visitation order via DVPRO.

69

Family Law Fortune Cookies

- Family lawyers often don't have a clear knowledge of properly propounding, responding to, or compelling Discovery.

70

Family Law Fortune Cookies

- CA Family Code 3042 now provides that the voices of 14 year-olds must be heard by the court with respect to custody matters. Many judges will find good cause to prevent them from being in the courthouse.

71

JUDICIAL MEDIATION A MATTER OF STYLE

- What are the lawyers looking for?
- What are the represented parties looking for?
- What are the unrepresented parties looking for?
- What is your style? Your process?

SPECIAL ISSUES

- “I want 50/50!”
- Babies and Toddlers and rules of thumb
- Adolescents—seeking the paths of least resistance (or best food, computers/videos and FREEDOM)

MORE SPECIAL ISSUES

- “Would you just sign the Stipulation—we know what is best for our baby.”
- Overpaying child support
- Strangers in the Night.



Strangers in the Night: *Parents Who Hardly Know Each Other*



76

Strangers in the Night: Parents Who Hardly Know Each Other

- Have no mutual history, friends or extended families as a couple.
- No ideas regarding possible shared values.
- No basis for predicting future behavior of each other.

77

Strangers in the Night: Parents Who Hardly Know Each Other (cont.)

- Mother often sees no need for a Father for the child.
- Mother has implicit legal and societal preference as “gatekeeper”.
- Father may actually have *stronger* commitment to the child.

78

Strangers in the Night:
Parents Who Hardly Know Each Other (cont.)

STRATEGIES for MEDIATING STRANGERS

- Strangers need to *learn* each other (Whereas, long-time marrieds have to *UN-learn* and *RE-learn* each other).

79

Strangers in the Night:
Parents Who Hardly Know Each Other (cont.)

STRATEGIES for MEDIATING STRANGERS (cont.)

- Take *more* time to help build a knowledge base of each other and to build trust.
- Make a series of *short-term agreements* to learn about and anchor trust in each other.
- Be more directive, using educational, strategic, and evaluative approaches.

80

Strangers in the Night:
Parents Who Hardly Know Each Other (cont.)

STRATEGIES for MEDIATING STRANGERS

- Use individual caucuses to build bridge for co-parenting.
- May need to discuss benefits of a Father for the child.

81

TAB X

Criminal Justice Realignment and Child Support

**Ms. Marisa de Almeida, Mr. Arturo
Castro, Ms. Pamela K. Posehn, Ms. Lisa
Saporito, & Mr. Michael L. Wright
(Moderator)**

Criminal Justice Realignment

16th Annual Child Support Training Conference
September 4-7, 2012

What is Criminal Justice Realignment (CJR)?

- Realignment
- Reinvestment
- Rehabilitation
- Public Safety



Why CJR?

- Corrections budget
- Lawsuits
- Recidivism
- Community Corrections and Evidence Based Practices



Community Corrections Partnerships (CCPs)

- CJR=County implementation
- Financed by shift of state funds to counties
- CCPs per PC 1230; local plans
- Justice partner collaboration



What Does CJR Do?

- FELONY SENTENCING:
- Eliminates prison option for certain crimes and eligible offenders
- Authorizes "mandatory supervision"



What Does CJR Do?

- PAROLE OVERHAUL:
- Shifts supervision of low-level parolees to local probation departments (PRCS)
- Shifts all parole revocation responsibilities to courts



What Does CJR NOT Do?

- Misdemeanors
- No impact on probation
- Alternative sentences
- Collaborative justice courts
- Sentence lengths unchanged



Effective Dates

- October 1, 2011: County jail felonies, PRCS, and mandatory supervision
- July 1, 2013: Parole revocations by courts



4 Types of Supervision

- Old: Probation
- New:
 - Mandatory Supervision
 - PRCS
 - Parole



Prison or County Jail?

- Prison only felonies
- New county jail felonies—see PC 1170(h)
- Excludes: Current or past strike offenders, sex offenders, and aggravated theft offenders



Mandatory Supervision

- Applies to jail felonies only
- Split or Straight Sentence?
- Split at court discretion
- Example: 10-year sentence



Mandatory Supervision

- Court sets terms and conditions
- Probation supervises
- If revoked, can be returned to jail for remainder of original term



PRCS

- Only applies to persons released from prison
- Excludes: Prisoners serving for strike offenses, sex offenders, and persons required to receive DMH treatment under PC 2962



PRCS

- PRCS= supervision by local probation departments
- Excluded persons remain under state parole supervision
- 3-year maximum; tolled when absconding; early discharges



PRCS Revocations

- Intermediate sanctions, including flash incarceration
- Court revocations
- Maximum per violation= 180 days in county jail, not prison



Parole Revocations

- Parolees ineligible for PRCS
- July 1, 2013
- Intermediate sanctions
- Court revocations
- 180-day maximum sentences



Parole Revocations

- County jail sentences, not prison, UNLESS: Lifer sentenced to 30 days or more
- Result? Drastic reduction of prison population



County Jail Impacts

- Steep increase in jail inmates
- Longer jail sentences
- Capacity issues, early release
- Need for more rehabilitative services



Supervision Culture

- Emphasis on custody alternatives: house arrest, residential treatment, work furlough
- Intermediate sanctions
- Evidence based practices





Chief Probation Officers of California
CPOC ISSUE BRIEF
REALIGNMENT PERSPECTIVE
A First Look at Statewide Data Trends and Impacts

Volume I | Issue I

**Future Editions
of Realignment
Perspectives**

- *A Closer Look at Split Sentences*
- *Regional Perspectives on PRCS Supervision*
- *PRCS Offender Outcomes*

**Chief Probation
Officers of
California**

1415 L Street, Ste. 1000
Sacramento, CA 95814
(916) 447-2762

Public Safety Realignment – What is it?

California enacted historic criminal justice system changes to respond to a variety of factors present in 2011: a significant U.S. Supreme Court decision which could have led to arbitrary early release of tens of thousands of prison inmates; years of state and local government budget deficits; and an unacceptably high recidivism rate for criminal offenders. The plan resulted in what is commonly called “Public Safety Realignment,” enacted through California Assembly bills AB 109 and AB 117. As a result, in the first six months of Realignment, over 38,000 individuals who would have been the responsibility of the State prior to these changes were instead being supervised and housed by local county probation and sheriff departments.

Instead of serving their parole time on state parole jurisdiction, 23,000 are now under the supervision of local probation departments as “Post Release Community Supervision” (PRCS) offenders. These individuals are eligible for local supervision if their most recent conviction was a non-violent, non-serious, and non-sexual offense. It is important to note that while the PRCS population may not have a recent conviction of a serious, violent or sex offense many are still assessed as high risk. These offenders could also have a sex offense in their criminal history and be placed on PRCS as long as they are not currently assessed as a high risk sex offender. While probation departments are equipped to handle this population, they often fall into a high need and higher level of supervision.

In addition to those being supervised by probation as a PRCS, an additional 15,000 offenders are serving their sentences in local jails, rather than state prison, under the new Penal Code section 1170(h). Many of these offenders will eventually serve a portion of their local time under the supervision of the probation department, on “Mandatory Supervision” (MS). It is clear that Realignment is dramatically changing criminal justice in California with the state prison population under 140,000 for the first time since 1996, and the state parole supervision population is under 70,000. The key question moving forward -- how are communities responding to the populations that are no longer under the state responsibility and must be addressed locally?

Every community has the flexibility to develop their local Realignment plan, and collect their data in a manner that addresses local priorities and needs. In order to best measure, plan, and manage this historic

change, the Chief Probation Officers of California (CPOC) agreed to collect data from all 58 counties. It is with recognition of the significance of this change that all counties agreed to collect common information, to ensure statewide understanding of Realignment impacts, and inform further policy decisions. This brief is the first of a series that will analyze trends and outcomes as Realignment progresses.

Realignment and Probation's Role

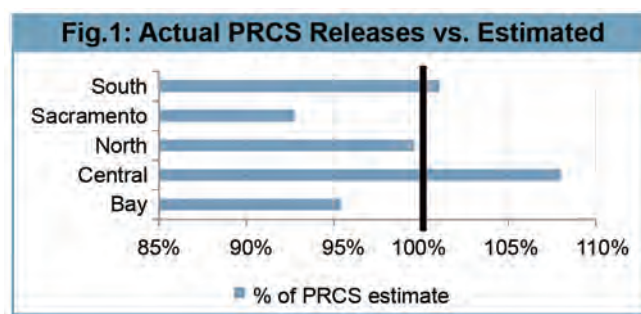
The expansion of local control and resources provides counties with an opportunity to improve offender outcomes. In addition to saving lives and preventing future victims, lowering criminal recidivism saves taxpayer dollars, by reducing societal costs of crime, and costly attempts to address criminality. To respond to this significant change, localities have created collaborative decision making bodies known as Community Corrections Partnerships (CCPs), chaired by the county Probation Chief. These bodies bring together county and other agencies to develop local fiscal and strategic policies, based on local realities. CCPs assist jurisdictions by ensuring that justice agencies work together in the creation of county plans, and by supporting the delivery of practices that have been scientifically shown to reduce risk, and improve outcomes.¹

Post Release Community Supervision (PRCS)

is provided by local Probation Departments. Eligible offenders who would have previously been under parole supervision will now be supervised by Probation. PRCS can last for up to 3 years, but can end earlier if the offender does not violate terms of supervision resulting in a return to custody.

Post Release Community Supervision Offenders

As part of the AB109 planning process, each county received estimates of the number of offenders anticipated to be placed on PRCS in their communities after serving their full prison term.



Data for the first six months demonstrates that, on a statewide basis, the estimates closely approximated the actual numbers (23,100 predicted by the state, compared to 22,500 actual releases). However, the statewide average obscures the experiences of individual counties. As shown in Figure 1, counties in California's central region received 8% more offenders than expected, while counties in the Sacramento and Bay Areas received approximately 5% fewer than expected.

A community corrections agency can only effectively supervise and case-manage offenders who are engaged with their probation officer. Once the PRCS offender is released from prison, s/he is mandated to check in at the local probation office within two business days. Seven percent of PRCS releases from state prison have had a warrant issued

for their arrest for failing to appear within the ordered timeline. Warrants are also issued for offenders who do not maintain adequate contact with their probation officer, after they have arrived in the county. Fewer than 4% of PRCS offenders were on this type of warrant status as of March 31, 2012, compared to a similar statistic for parolees monitored by the state at a rate of 14%.² Several variables factor into that statistic but it does demonstrate while early concerns were expressed that Realignment would lead to offenders evading probation supervision, this trend suggests those concerns have been overstated.

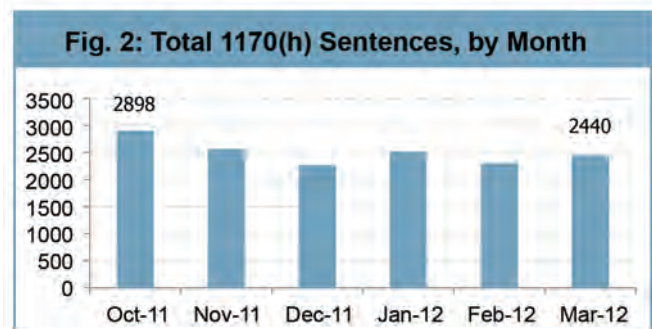
However, just showing up is only one part of the puzzle. Outcome measures, such as six-month and one-year terminations, and terminations after 18 months, will eventually provide information for both amount of time spent on local supervision, as well as relative levels of success. Probation departments, as their data systems permit, will be tracking and addressing recidivism of offenders under their supervision, as well as improvements in community factors that lead to success, e.g., education, housing stability, sobriety, and other criminogenic factors. These long term outcomes for communities will ultimately measure the success of Realignment as a criminal justice policy.

New Custody Option – Split Sentences with Mandatory Supervision

Felons ineligible for state prison under Realignment are being sentenced under Penal Code 1170(h). This sentence can be structured in several ways- with a sentence that includes the entire period served in jail; a sentence that is split between a custody term in jail followed by mandatory supervision by probation; or the entire sentence served on mandatory supervision, under probation jurisdiction. When the sentence includes a combination of custody and mandatory supervision, it is known as a “split sentence.” This option allows probation officers to provide supervision and case-management services to offenders in the community as part of a re-entry plan, once the custody term has ended. When offenders are released directly from local custody without supervision, these opportunities are missed. For this reason, probation departments believe that the usage of split sentences benefits community safety under the realigned system.

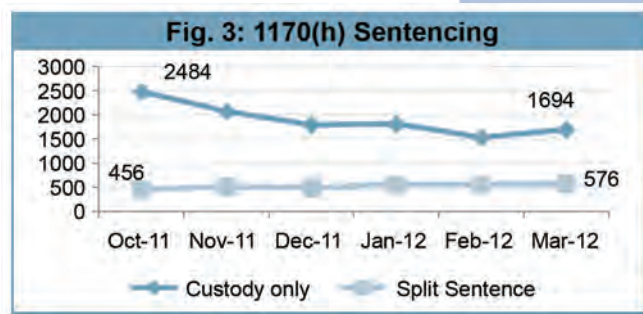
Through March 31, 2012, more than 15,000 offenders were sentenced under PC1170(h) (See Fig. 2). Offenders being sentenced to local custody/mandatory supervision rather than state prison/parole are causing an immediate impact on local resources, with jails feeling this most acutely in the first six months. However, as 1170(h) offenders whose sentence was split

PC1170(h)
allows judges to impose a local prison term, or a split sentence of a local prison term followed by a mandatory term of supervision for offenders convicted of a non-serious, non-violent and non-sexual offense.



begin to exit custody and start mandatory supervision, they will also start taxing probation resources. The impact is not consistent across the state, due to the uneven use of split sentences made by courts, as well as the length and number of offenders serving custody terms. Even more so than with PRCS numbers, variables that are predictive of offenders receiving 1170(h) sentences are complex, and are still being assessed.

Statewide, the number of split sentences ordered per month has stayed relatively constant over the first six months of Realignment. However, as the monthly number of 1170(h) sentences overall has declined, the percent that are receiving split sentences has risen from 15% in October 2011, to 24% in March 2012.



As of March 31, 20% of offenders given a split sentence have finished their custody time and are currently being supervised by probation departments on mandatory supervision. In the coming year, the number of offenders supervised by probation under mandatory supervision will continue to rise, as offenders receiving split sentences finish their custody terms. It will be crucial to assess whether actual 1170(h) sentences and the average daily population are continuing to trend above projections, to ensure local jurisdictions have the appropriate resources to make Realignment successful.

Impacts on Traditional Felony Probation Sentences

Probation supervises adult criminal offenders within local communities, using a balance of supervision techniques involving offender accountability, enforcement, and rehabilitation, to protect public safety, and reduce recidivism. By focusing on approaches that are evidence based, probation is able to identify the risk of reoffending, provide supervision intensity and interventions that effectively reduce recidivism, hold offenders accountable, and reduce the movement of offenders in and out of very costly incarceration options.

Probation has been the most commonly used sanction within the criminal justice system prior to Realignment, with roughly 70% of convictions including probation as part of the sentence.³ That reliance makes probation a unique and critical partner in the justice system. The actions of local agencies, particularly in the area of probation, effect state-level public safety programs.

During the first six months of Realignment, the monthly amount of felony probation grants has declined by 20%. This may reflect

changes occurring in the wake of the new sentencing options; however, prior to October, there had already been a trend of decreasing felony probation grants. It is expected that Realignment will have an impact on regular felony grants of probation, but it is too early to draw conclusions. The first six months of Realignment has already seen some decline in total 1170(h) sentencing, and the relationship between 1170(h) sentencing and traditional probation will be an area for further study. As with other parts of Realignment, there is great variability when looking at this from a regional and county-by-county perspective.

In 2009, Senate Bill 678 supported probation departments' use of evidence based practices to achieve greater success with their offenders. To the extent fewer probationers fail and are sentenced to state prison, the state achieves significant savings. The act mandated the state share between 40-45% of the savings with counties who were successful at reducing the rate at which they revoke probationers to state prisons. After the first year of implementation in 2010, probation departments reduced their revocations to state prison by 23%, from baseline years of 2006-2008. Fifty county probation departments used Senate Bill 678 funds to invest in practices that reduce recidivism, such as risk-needs assessment, and the targeted lowering of caseload ratios for high risk offenders.⁴ These efforts allowed probation departments to create foundational pieces that prepared them as they were presented with the challenges of Realignment. Building on these strategies from this program, and broadening the lessons to the greater county's efforts through its CCP (as envisioned by Realignment legislation) could lead to similar success with the newly realigned population. This could generate county general fund savings when local programs are successful in reducing recidivism and preventing excessive increases in jail population.

What's Next?

The \$375 million allocated to Realignment in year one will be followed by an allocation of \$842 million in year two. Protecting this funding on an ongoing basis is imperative to ensure that strategies planned by CCPs can be implemented, and allowed to bear fruit. Each county has established a Community Corrections Partnership of key criminal justice, health, human service, and education leaders to work as a collaborative group to put actions to strategies. In addition, probation departments across the state have imposed upon themselves a statewide data collection effort. As more data is gathered we will be able to analyze how probation strategies will benefit local communities and the state, by working to ensure public safety and improve offender outcomes, in a cost effective way.

¹ County Re-alignment plans can be found at <http://cpoc.org/php/realign/countyplans.php>.

² http://www.cdcr.ca.gov/COMPSTAT/docs/DAPO/COMPSTAT_DAPO_Statistical_Report_04_12.pdf

³ <http://oag.ca.gov/sites/all/files/pdfs/cjsc/prof10/table6.pdf?>

⁴ <http://www.courts.ca.gov/documents/SB678-Year-1-Report-FINAL.pdf>

To interact with the statewide data from this report in a dashboard:

<http://www.cpoc.org/php/realign/dashboardinfo/dashboard.swf>

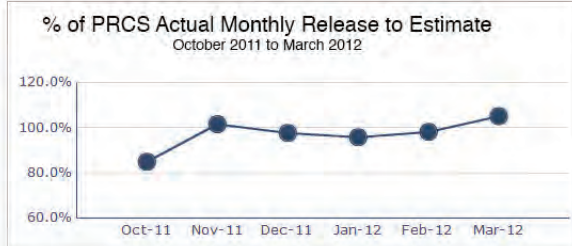
California Realignment Dashboard

Get the Raw Data

Key Metrics	Q4-2011	Q1-2012	Total
Total PRCS Received	12,346	10,138	22,484
PRCS FTA Before Arrival	692	900	1,592
Total 1170(h) Sentences	7,721	7,248	14,969
1170(h)(a) Jail Only	5,696	5,168	10,864
1170(h)(b) Split Sentence	1,465	1,694	3,159
1170(h)(b) Supervision Only	560	386	946

Choose a metric

- PRCS Offender Release
- PRCS Actual Monthly Release to Estimate
- Cumulative PRCS difference(%) from Estimate
- PRCS Warrants

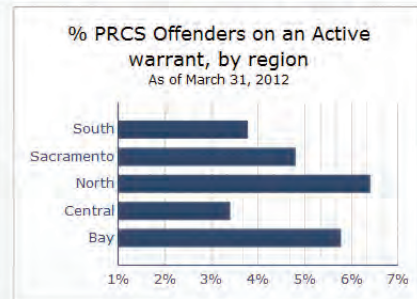
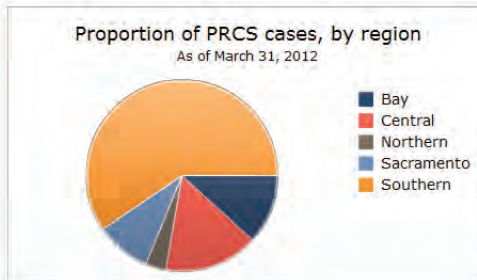


Click to learn more about:

- Statewide Trends
- PRCS Offenders
- 1170(h) Sentences

Show County Info

Print the Data



This data is current through March 31, 2012.

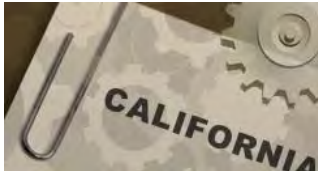
To obtain the county level data: <http://www.bscc.ca.gov/resources>



For questions about this report, please contact Cpoc@cpoc.org, or visit our website at <http://cpoc.org/php/realign/ab109home.php>

CPOC would like to thank **The James Irvine Foundation** for its support of data collection and the publication of this report.

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California's criminal justice realignment represents one of the most significant changes in criminal justice policy since statehood.

Criminal justice realignment, enacted via the Budget Act of 2011 and various budget trailer bills, is intended to make changes to California's correctional system... "to stop the costly, ineffective and unsafe 'revolving door' of lower-level offenders and parole violators through our state prisons," according to Governor Jerry Brown. This site contains materials for the courts, justice partners, and public regarding current implementation efforts for criminal justice realignment.

OF CURRENT INTEREST

The Criminal Law Advisory Committee is [seeking comment](#) on two proposals drafted in response to criminal justice realignment legislation that rendered certain existing forms and rules obsolete.

The [Frequently Asked Questions](#) page has been updated to reflect many new changes over the past year under realignment.

"Prison Break" investigates the unprecedented and far-reaching efforts to overhaul California's prison system. Source: KQED California Report



[Recent Budget Trailer Legislation: Summary of Criminal-Related Provisions](#) (Senate Bills [1021](#) and [1023](#)) (July 5, 2012)

[Letter sent by California Department of Corrections and Rehabilitation \(CDCR\)](#) to all Presiding Judges detailing the sunset of the Civil Addict program by [SB 1021](#).

[Criminal Justice Realignment related bills that are currently under consideration in the California State Legislature](#). (September 14, 2012)

[Actual and Projected Expenditure of FY 2011-2012 Funding for Workload Required by or Related to Criminal Justice Realignment](#) (April 2012)

An update on the status of criminal justice realignment from the California Legislative Analyst's Office, [The 2012-13 Budget: The 2011 Realignment of Adult Offenders – An Update](#)

At its [October 28, 2011 business meeting](#), the Judicial Council adopted two rules of court and a mandatory form to govern procedure for revoking postrelease community supervision, as required by recently enacted criminal justice realignment legislation. [Learn more here](#).

[Criminal Justice Realignment and Related Videos](#)
Sentencing After Criminal Justice Realignment Judge Richard Couzens (Ret), and Judge David Danielsen, discuss the application of these new

[Print](#) [Español](#)

VIDEO



Judge Richard Couzens (Ret.) responds to a few questions including, "How has Realignment impacted the courts?"
 1:23
[more video](#)

CONTACT US

For assistance regarding criminal justice realignment, issues and questions may be submitted to:

**Administrative Office of the Courts
 Criminal Justice Court Services
 Office**
 455 Golden Gate Avenue
 San Francisco, CA 94102-3688

E-mail:
crimjusticerealign@jud.ca.gov

Phone: 415- 865-8994

Fax: 415-865-8795

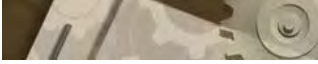
Sign up for the [Realignment Listserve](#) to receive updates and share ideas.

sentencing provisions and review the recently passed legislation.

Evidence-Based Practices: Reducing Recidivism to Increase Public Safety Judge J. Richard Couzens (Ret.) discusses the principles of evidence-based practices, and the role of the courts and probation in implementation.

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Overview

COURT-RELATED IMPACT OF CRIMINAL JUSTICE REALIGNMENT

Sentencing. The Criminal Justice Realignment Act will eliminate prison as a sentence option for various felonies by authorizing courts to impose terms of over one year in county jail for certain felonies committed by specified defendants. There is no limit to the amount of time that may be served in county jail if the conviction is for a felony punishable by imprisonment in county jail. Offenders who serve their sentences in county jail pursuant to this change in the law are not subject to automatic parole or postrelease supervision. However, the court will be authorized to impose a sentence that includes a period of county jail time less than the maximum allowed by law, and a subsequent period of mandatory supervision, for a total period not to exceed that of the maximum sentence allowed by law.
(Pen. Code § 1170(h), effective October 1, 2011.)

Revocation hearing officer. Superior courts will be authorized to appoint hearing officers to carry out the duties of the courts in conducting parole and community postrelease revocation hearings. Appointment to serve as a revocation hearing officer will require that the individual has been an active member of the State Bar for at least 10 years continuously prior to appointment; was a judge of a court of record of California within the last 5 years or is currently eligible for the Assigned Judges Program; or was a commissioner, magistrate, referee, or hearing officer authorized to perform the duties of a subordinate judicial officer of a court of record of California within the last 5 years. The superior courts of two or more counties may appoint the same person as a hearing officer.
(Gov. Code § 71622.5, effective October 1, 2011.)

Postrelease community supervision. Persons released from state prison on or after October 1, 2011, after serving a prison term for a felony that is not a serious felony (as described in Pen. Code § 1192.7(c)), a violent felony (as described in Pen. Code § 667.5(c)), a third strike (pursuant to paragraph (2) of subdivision (e) of Pen. Code § 667 or paragraph (2) of subdivision (c) of Pen. Code § 1170.12), a crime where the person is classified as a high risk sex offender, or a crime where the person is required as a condition of postrelease supervision to undergo treatment by the California Department of Mental Health, will be supervised by a county agency, such as a probation department (to be determined by the board of supervisors). All other persons released from state prison on or after October 1, 2011, and all persons currently on parole will continue to be supervised by state parole.
(Pen. Code, § 3451, effective October 1, 2011.)

Violation of condition of postrelease community supervision. County supervising agencies will have authority to dispose of violations of conditions of postrelease supervision using specified intermediate sanctions up to and including a period of "flash incarceration" in county jail for up to 10 days. There is no court involvement in cases disposed of in this way.
(Pen. Code, § 3454, effective October 1, 2011.)

Revocation of postrelease supervision. If a supervising county agency determines, following application of its assessment processes, that authorized intermediate sanctions up to and including flash incarceration are not appropriate, the supervising county agency shall petition the revocation hearing officer to revoke and terminate postrelease supervision. The Judicial Council must adopt forms and rules of court to establish uniform statewide procedures to implement the final revocation process.

Upon a finding that the person has violated the conditions of postrelease supervision, the revocation hearing officer shall have authority to (1) return the person to postrelease supervision with modifications of conditions, if appropriate, including a period of incarceration in county jail; (2) revoke postrelease supervision and order the person to confinement in the county jail; or (3) refer the person to a reentry court pursuant to Penal Code section 3015 or other evidence-based program in the hearing officer's discretion. Confinement pursuant to paragraphs (1) and (2) shall not exceed a period of 180 days in the county jail.
(Pen. Code, § 3455, effective October 1, 2011.)

State parole supervision. Phase I (October 1, 2011, to July 1, 2013). Persons released from state prison on or after October 1, 2011, who do not meet the criteria described above for postrelease community supervision will continue to

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CONTACT US

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455 Golden Gate Avenue
San Francisco, CA 94102-3688

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crimjusticerealign@jud.ca.gov

Phone: 415- 865-8994

Fax: 415-865-8795

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be subject to the jurisdiction of and parole supervision by the California Department of Corrections and Rehabilitation (CDCR). Until July 1, 2013, the Board of Parole Hearings will continue to conduct all revocation proceedings. Persons whose parole is revoked by the board will be referred to county jail, rather than being returned to state prison. There is no court involvement in revocation of parole for these individuals during phase I. (Pen. Code, § 3000.08, effective October 1, 2011, and operative until July 1, 2013.)

Phase II (beginning July 1, 2013. The supervising parole agency will have authority to dispose of violations of conditions of parole using authorized intermediate sanctions up to and including a period of "flash incarceration" in county jail for up to 10 days. There is no court involvement in cases disposed of in this way. If the supervising parole agency has determined, following application of its assessment processes, that intermediate sanctions up to and including flash incarceration are not appropriate, the supervising agency shall petition the revocation hearing officer to revoke parole. The Judicial Council must adopt forms and rules of court to establish uniform statewide procedures to implement the final revocation process.

Upon a finding that the person has violated the conditions of parole, the revocation hearing officer shall have authority to (1) return the person to parole supervision with modifications of conditions, if appropriate, including a period of incarceration in county jail; (2) revoke parole and order the person to confinement in the county jail; or (3) refer the person to a reentry court pursuant to section 3015 or other evidence-based program in the hearing officer's discretion. Confinement pursuant to paragraphs (1) and (2) shall not exceed a period of 180 days in the county jail. (Pen. Code, § 3000.08, effective July 1, 2013.)

Community corrections partnership. Each county's local community corrections partnership is required to recommend a local plan to the county board of supervisors for the implementation of the Realignment Act. The plan shall be voted on by an executive committee consisting of the chief probation officer of the county as chair, a chief of police, the sheriff, the district attorney, the public defender, the presiding judge of the superior court, or his or her designee, and specified county representatives.

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An ad hoc steering committee including the chair of the Trial Court Presiding Judges Advisory Committee, the chair of the Court Executives Advisory Committee, and other subject matter experts, with the assistance of staff in the AOC's Office of the General Counsel and the Office of Governmental Affairs, have prepared the attached document of frequently asked questions regarding the Criminal Justice Realignment Act, which became operative October 1, 2011.

These materials are for informational purposes only and the responses are not to be construed as legal opinion or advice. Questions and responses will be updated on a regular basis. Please check for most recent version.

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[FAQ - Criminal Justice Realignment](#) (September 5, 2012)

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**PARTNERSHIP
FOR COMMUNITY
EXCELLENCE**

SUPPORTING COUNTIES IN IMPLEMENTING THE 2011 PUBLIC SAFETY REALIGNMENT



**COUNTY AB 109 PLANS
ANALYSIS & SUMMARY**

Here's the link: <https://cafwd.box.com/s/ala46b535db1c875be0a>

May 2012

Danielle Williams and Mai Yang Vang
Research Analysts

cafwd.org/pce

STANISLAUS COUNTY

Department of Child Support Services
and Probation Department

Partnering to provide more effective services to our shared customers

Sharon Wardale-Trejo, Manager III
Stanislaus County Dept. of Child Support Services

BACKGROUND

- ❖ Building upon the CA DCSS and DOC Incarcerated Obligor Project
- ❖ Outreach to local law enforcement agencies
 - Identified liaisons for each agency
 - Established clear lines of communication
- ❖ Initiated a Plan of Cooperation with the Probation Department to pilot a local project

WHY THE PROBATION DEPARTMENT?

- ❖ Established rapport with top-level administrators
- ❖ Local effort between local agencies
- ❖ Participants with lesser offenses, higher probability of participation
 - With jail facilities at capacity probation caseload increases, thus higher potential for LCSA matches
- ❖ Financial Opportunity to Partner
 - DCSS had cost savings
 - Probation facing year-end shortfalls

IDENTIFYING SHARED PARTICIPANTS

- ❖ Conducted data match to identify shared participants
- ❖ Penal Code § 11105(b)(17) and Family Code § 17505(b) authorized the Probation Department to share criminal history
- ❖ Probation Department active adult caseload 11,395
- ❖ Data match from DR identified 1,397 shared participants

ROLES AND RESPONSIBILITIES - PROBATION

- ❖ Initiate contact with probationers with delinquent child support case(s).
 - Have probationer complete a Probation Department Income and Asset Form (CR 115)
 - Compliance with lawful orders includes child support orders
 - Direct probationer to local child support agency – make a payment!

ROLES AND RESPONSIBILITIES - LCSA

- ❖ Review and evaluate probationer case for
 - Modification
 - Compromise of Arrears Program (COAP)
 - Driver's License Release
- ❖ Educate probationer on child support process
- ❖ Get a payment!

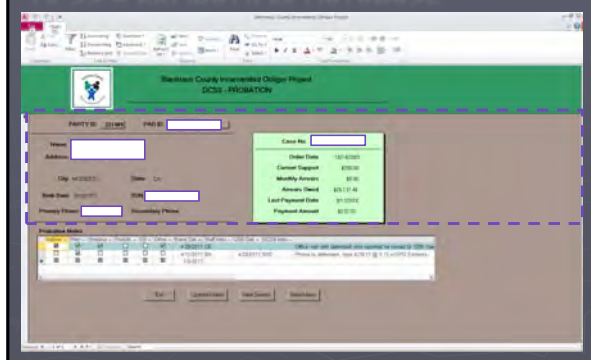
ROLES AND RESPONSIBILITIES – STAFFING LEVELS

- ❖ Probation Staff Dedicated to Project
 - Eleven (11) – Deputy Probation Officers
 - One (1) – Supervising Probation Officer
 - One (1) – Supervising Legal Clerk
 - One (1) – Legal Clerk IV
- ❖ DCSS Staff on Project
 - One (1) – Child Support Supervisor/Liaison (part-time)
 - One (1) – IT Application Specialist (part-time)
 - Caseworkers handle walk-ins as regular caseload

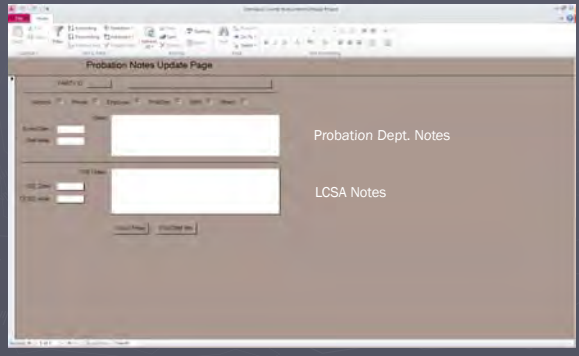
COMMUNICATION BETWEEN AGENCIES

- ❖ Caseload loaded into an Access Database
- ❖ Both Probation and DCSS staff able to view and make updates to database
 - Both agencies review cases for updates
 - Make sure to capture payment information in database
- ❖ Updated weekly with new Probationers and monthly with CSE case information

DCSS – PROBATION DATABASE



CASEWORKER ACTIVITY LOGS



RESULTS AS OF MAY 31ST - PROBATION

- ❖ Project initiated mid-March, fully implemented by April 4, 2011
- ❖ Probation Department has contacted 1,375 probationers
 - Contact included in office appointments, phone, mail, field contact and in custody visits
 - Several referrals to CPS, APS and other agencies has resulted from the home visits

RESULTS AS OF MAY 31ST - DCSS

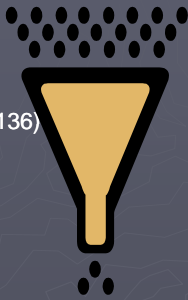
- ❖ DCSS has made 494 CSE entries on probation cases
- ❖ DCSS received payments from 261 participants
- ❖ Number of cases making their **first payment** this fiscal year?
 - + April 2011 – 17
 - + May 2011 – 58

LET'S TALK COLLECTIONS

- ❖ Total REG Collections: **\$14,632.16** from **261** Participants (not Withholdings, UIB, DIS, IRS)
 - April: Total Collections: \$5,964.79
 - May: Total Collections: \$8,667.37
- ❖ Probation doing a big push for the month of June.

LESSONS LEARNED – 1ST MONTH

- ❖ Probation – Successful at getting initial contact. In April = 1,003
- ❖ DCSS - April walk-ins and phone calls received were less than 14% (136)
- ❖ April collections on 58 cases
- ❖ Lesson learned?



Get the payments while they're still at the Probation Dept.

CAN YOU MAKE A PAYMENT TODAY?

- ❖ May 31st the Probation Department began collecting child support!
 - + Collecting in their office and in the field
- ❖ As of June 14th they've collected over 22 payments!
- ❖ Collections are pretty small, but if it's towards an arrears balance, we're good!
- ❖ **June 14th they collected over \$500 on two cases!**



CELEBRATE OUR SUCCESSES

- ❖ The communication and collaboration between the two agencies
- ❖ Participant involvement
 - ❖ Opportunities to negotiate & educate
 - ❖ Modifications
 - ❖ License Release
 - ❖ COAP
- ❖ 75 cases made their first payment this fiscal year!



LESSONS LEARNED?

- ❖ Focus Your Efforts By Stratifying Cases
 - No collections this fiscal year
 - Arrears only cases with no collections
- ❖ Training and Follow Through
 - + Probation Department Initiating Process
 - LCSA staff ask for a payment
 - Remember to document payments in database!
- ❖ Meet regularly with partnering agencies
 - Celebrate achievements
 - Seek opportunities for improvement

WHERE DO WE GO FROM HERE?

- ❖ Look at a short-term annual project for next year
- ❖ Expand data sharing opportunities with other local law enforcement agencies
- ❖ Explore other agencies, including Federal level, (ie Federal Probation program)
- ❖ Offer in-depth information or training to key law enforcement staff at various agencies

COUNTY OF STANISLAUS

DEPARTMENT OF CHILD SUPPORT SERVICES AND
THE DEPARTMENT OF PROBATION
PLAN OF COOPERATION FOR SERVICES TO INCREASE CHILD SUPPORT COLLECTIONS AND
PROGRAM IMPROVEMENT

This agreement is made and entered into effective July 1, 2012, between the Stanislaus County Department of Probation, hereinafter referred to as "Probation" and the Stanislaus County Department of Child Support Services, hereinafter referred to as "DCSS".

DCSS has requested that an experienced and knowledgeable Deputy Probation Officer II (and related supervision) continue to collaborate with DCSS to provide services of the IV-D child support enforcement program. This agreement is specific to performing work that will increase collections on child support obligations of individuals under the jurisdiction of the Probation Department and DCSS, and increase DCSS program performance.

1. Duties and Responsibilities

The Deputy Probation Officer shall:

- a) Serve as the liaison and point of contact between the DCSS and all Probation Officers with Child Support/Probation shared cases, including supervised and non-supervised probationers;
- b) Perform locate services on probationers with shared DCSS cases on whom DCSS has no locate information;
- c) Accept child support payments on behalf of the DCSS;
- d) Facilitate probation duties with an emphasis on probationer responsibility and obligation related to child support court orders;
- e) Provide DCSS with new demographic information and/or employer information related to probationers with child support cases;
- f) Refer probationers to DCSS to address case negotiation opportunities; and

- g) Assist with increasing collections on child support obligations, increasing program performance, and increasing public awareness of child support matters.

DCSS shall:

- a) Provide the Deputy Probation Officer with terminal access to the automated child support system in order to share casework details;
 - b) Provide child support training to the Deputy Probation Officer.
 - c) Provide workspace at the DCSS Office as needed.
2. **Standards of Performance:** Probation shall assure all county policies and procedures are adhered to. DCSS shall report any violations of county policy or DCSS departmental rules to Probation for review and administration of corrective action or county discipline.
3. **Compliance:** Probation and DCSS hereby stipulate to comply with all state and federal laws, regulations and requirements relative to the objectives, intent and content of the Plan.
4. **Financial Arrangements:**
- a) The rate of compensation for services shall be limited to the actual salary and benefit costs of the Probation Officer assigned to DCSS, and 2.5% of supervision costs; both based upon the hours recorded by the employees, not to exceed \$: for the term of this agreement. The classifications expected to be assigned to the project will include (but are not limited to) one FTE of a Deputy Probation Officer position, and 0.025 FTE of a Supervising Deputy Probation Officer position.
 - b) Probation shall submit the billing with supporting documentation showing the time expended and total employee costs at the end of each month to DCSS. DCSS will pay the reimbursement via a journal entry to Probation.
5. **Records and Safeguards:**
- a) Records maintained or created by the Probation staff will include information concerning confidential child support case matters and shall be kept confidential and locked in a secure area or in a secure computer system with

restricted access, or under lock and key. The said records must be used solely for the administration of the IV-D program.

- b) Any criminal history information provided by Probation, in the possession of DCSS, and all copies made from it shall be destroyed within 30 days of the termination of this agreement.

- 6. **Term and Termination:** The term of this agreement will be for the period from July 1, 2012 until June 30, 2013 or until termination by either party upon 30 day advance written notification. Grounds for termination of the Plan include, but are not limited to, DCSS budgetary considerations, Probation staffing needs, and unsatisfactory performance by either party.
- 7. **Monitoring:** The Enforcement Manager of DCSS shall monitor the success of the Plan of Cooperation. The Probation Division Director shall communicate directly with the DCSS Manager II related to the performance of DCSS staff, policy, procedure and regulations. In addition, DCSS shall communicate routinely with Probation about any issue related to the performance of the Probation staff.
- 8. **Notice of Performance:** Deficiencies in contracted performance shall be communicated to the deficient party in writing.

Department of Probation _____
Date

Department of Child Support Services _____
Date



Enhanced Parental Involvement Collaborative (EPIC)

The EPIC program focuses on establishing and maintaining inclusive and non-threatening communication with noncustodial parents at the beginning of the life of their cases. By working *with* parents—instead of against them—SF DCSS is able to establish realistic orders that noncustodial parents and their children can live with.

Enhanced Paternity Opportunity Program—Outreach Program (POP)

SF DCSS works with hospitals and healthcare providers to educate staff and expectant parents about paternity and child support. Outreach projects include presentations to and meetings with expectant parents, birth clerks, health educators, social workers and nurses at birthing hospitals. Additional outreach includes a weekly booth at San Francisco General Hospital and a semi-annual paternity newsletter.

Compromise of Arrears (COAP)

The COAP program offers noncustodial parents the possibility of compromising up to 90% of the arrears owed on their child support cases. To qualify, a parent must owe governmental arrears of at least \$501. For qualified applicants, cases are further analyzed to review for assets and payment ability. Once a case is approved for a compromise, participants either pay a lump-sum amount or commence a three-year payment plan. COAP offers a solution to the State of California and to parents who would otherwise not be able to pay their case balance.

San Francisco Department of Child Support Services



Karen M. Roye, Director



617 Mission Street
San Francisco CA 94105



Toll-Free Number:
1 (866) 901-3212
TTY: 1 (866) 399-4096



www.sfgov.org/dcsc



www.facebook.com/sfdcsc



Helping
Parents to
Help
Their
Children



**San Francisco Department of
Child Support Services**



***SOLUTIONS
FOR PARENTS***



San Francisco Department of Child Support Services—Real Solutions for Parents

Prompted by the steady economic downturn, the San Francisco Department of Child Support Services (SF DCSS) has developed new ways of delivering innovative services to our customers. Our SCORE (Supporting Children through Opportunities, Resources and Employment) initiative provides targeted services to noncustodial parents who are unemployed, underemployed, incarcerated, ex-offenders, and under-educated—thus building a stronger and more valuable program for families. Working together with noncustodial parents on their child support issues affects establishment of paternity and support orders, collections for current support and arrears, and our future relationship with these parents.

The programs described in this brochure work on those cases in which traditional enforcement has not worked. By helping noncustodial parents to gain financial self-sufficiency, these parents are more likely to engage the child support program and become actively involved in the financial *and* emotional support of their children. Descriptions of the ten innovative SCORE programs can be found to the right.

Enhanced Transitional Jobs Demonstration Project (ETJD)

In collaboration with three other agencies, SF DCSS won an Enhanced Job Training Demonstration grant from the Department of Labor for its "Transitions SF" program. Transitions SF helps noncustodial parents aged 18-59, with minor children, who reside in San Francisco and who are either delinquent in child support payments or non-job ready. Successful graduates are expected to move from subsidized to permanent employment. SF DCSS is providing intensive services to assist in modifying child support orders, repaying arrears, and getting reasonable child support obligations.

Domestic Violence Prevention Initiatives

A significant rise in the number cases with family violence issues has required an immediate response. The response focuses on providing the noncustodial parent with outreach, education, and structured case management that promotes a commitment to child support payments and reduces the likelihood of violence. Specific caseworkers and attorneys communicate with victims and perpetrators of family violence and work with noncustodial parents to safely secure child support for the custodial parent.

County Jail Outreach

Through this program, caseworkers and attorneys meet weekly with both male and female noncustodial parents who are incarcerated in San Francisco jails to respond to client concerns and modify orders. Staff also attends parole meetings to give presentations, answer questions, and meet with recently-released parents.

Collaboration with the Adult Probation Department

Helping to re-engage low-income parents who are currently or formerly incarcerated, this partnership utilizes strategies such as the gradual re-introduction of realistic orders as participants transition from incarceration, consolidation of out-of-county cases,

paternity establishment and timely modification of orders. This program reduces the negative impact that full child support enforcement may have on the successful reintegration of post-release parents while prioritizing positive parent-child relationships.

Job Support Program

A partnership between SF DCSS and the Mayor's Office of Workforce Development, Job Support is an alternative enforcement tool that helps parents obtain employment and pay support. Participants receive access to career centers and employment training programs, work-readiness evaluations, and up-to-date job listings. Job Support allows participants to modify current support orders, avoid court appearances, and obtain releases of their driver's or professional licenses through an administrative process. To date, 84% of those who have completed the program have become employed and are paying child support.

Enhancements for Performing Community Outreach (EPCOT)

Through the EPCOT Program, the SF DCSS Community Outreach and Customer Services Program team reaches out to the community to engage parents in their child support cases. The team gives presentations at community organizations and agencies. Through these activities, the team identifies individuals with child support cases, schedules appointments for and meets with them to provide assistance in all aspects of their child support case(s).

Custodial and Noncustodial Parent Employment and Training Program (C-NET)

C-NET helps parents who are struggling to pay child support and face barriers to employment such as lack of housing, substance abuse, anger issues, and past incarceration. Through our partners, Goodwill and Florence Crittenton Services, participants in C-NET get wrap-around services to address their issues. Parents and service providers report regularly to SF DCSS on parents' progress as they move toward family stability and steady employment.

The San Francisco Department of Child Support Services' ten innovative, cutting-edge programs are designed to give parents the tools they need to support their children—financially and emotionally.



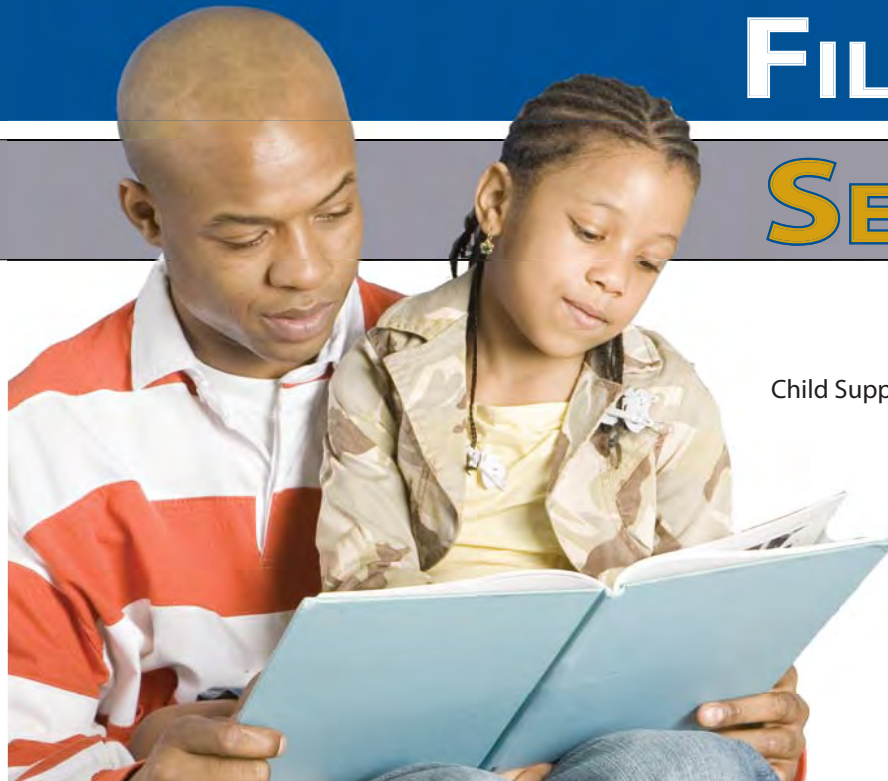
Working with the Child Support Program: What You Need To Do



GET THE FORM

FILL IT OUT

SEND IT IN



Child Support Services- Incarcerated Correspondence
P. O Box 391
Placerville, California 95667

(866) 901-3212



This poster was made possible through the contributions of the California Department of Child Support Services, the California Department of Corrections and Rehabilitation, and the Child Support Directors Association.

STATE OF CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

INCARCERATED PARENT'S REQUEST TO REVIEW CHILD SUPPORT

DCSS FORM 100 (01/01)

INSTRUCTIONS: Fill in the information below and mail this form to: P. O. Box 391, Placerville, CA 95667. It will be submitted to the local child support agency that handles your child support case.

I am requesting a review of my child support order to see if it can be lowered or stopped while I am incarcerated. I understand this does not change what I currently owe in back child support (arrears).*

NAME (PLEASE PRINT): (LAST) _____ (FIRST) _____

SOCIAL SECURITY NUMBER _____ DATE OF BIRTH _____

CURRENT ADDRESS (INSTITUTION) _____ CDCR NUMBER/BOOKING NUMBER/JAIL NUMBER _____

DATE OF CURRENT INCARCERATION _____ EXPECTED DATE OF RELEASE _____

ADDRESS WHERE YOU WILL RECEIVE MAIL WHEN RELEASED (STREET OR P.O. BOX) _____

CITY _____ STATE _____ ZIP CODE _____

I am requesting a review of my child support order for the following child(ren).

CHILD'S NAME (First and Last Name)	CHILD'S AGE/ BIRTHDATE	COURTY HANDLING THIS CHILD SUPPORT CASE	OTHER PARENTS

IF YOU NEED MORE SPACE USE ADDITIONAL PAPER

OTHER QUESTIONS/CONCERNS:

* Check here if you would like information regarding the Compromise of Arrears Program.

Privacy Statement

The Information Practices Act of 1977 (Civil Code Section 179B.17) and the Privacy Act of 1974 (Public Law 93-502) requires that this notice be provided when collecting personal information from individuals. Information requested on this form, including your Social Security Number, is used by the Department of Child Support Services (DCSS) for purposes of identification and communication with you. The DCSS is required, under Section 18610.1 (i) of the Social Security Act, to collect the Social Security Number of any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment. Social Security Number information is mandatory and will be used by the local child support agency to locate and identify individuals and assist for the purpose of establishing, modifying, and enforcing child support obligations. Enforcing a child's health insurance may require the release of the child's Social Security Number and mailing address to the other parent's employer or to the release of the child's Social Security Number to the other parent. The information in your case may be disclosed (or given) to the State, other public agencies that can legally receive such information, and to the other parent or his/her attorney to the extent required by law.

I understand that if the order is changed while I am incarcerated the order may be changed again when I am released and that I should contact my local child support agency upon my release. I declare under penalty of perjury that I have no income or assets and have no way of paying child support.

SIGNATURE OF PARENT _____ DATE _____

INCARCERATED PARENT'S REQUEST TO REVIEW CHILD SUPPORT

DCSS 0018 (11/12/10)

INSTRUCTIONS: Fill in the information below and mail this form to:

It will be submitted to the local child support agency that handles your child support case.

I am requesting a review of my child support order to see if it can be lowered or stopped while I am incarcerated. I understand this does not change what I currently owe in back child support (arrear).*

NAME (PLEASE PRINT) (LAST)		(FIRST)
SOCIAL SECURITY NUMBER		DATE OF BIRTH
CURRENT ADDRESS/INSTITUTION		CDCR NUMBER/BOOKING NUMBER/JAIL NUMBER
DATE OF CURRENT INCARCERATION		EXPECTED DATE OF RELEASE
ADDRESS WHERE YOU WILL RECEIVE MAIL WHEN RELEASED (STREET OR P.O. BOX):		
CITY	STATE	ZIP CODE

I am requesting a review of my child support order for the following child(ren).

CHILD'S NAME (First and Last Name)	CHILD'S AGE/ BIRTHDATE	COUNTY HANDLING THIS CHILD SUPPORT CASE	OTHER PARENTS

IF YOU NEED MORE SPACE, USE ADDITIONAL PAPER

OTHER QUESTIONS/CONCERNS:

 * Check here if you would like information regarding the Compromise of Arrear Program.**Privacy Statement**

The Information Practices Act of 1977 (Civil Code Section 1798.17) and the Federal Privacy Act of 1974 (Public Law 93 579) requires that this notice be provided when collecting personal information from individuals. Information requested on this form, including your Social Security Number, is used by the Department of Child Support Services (DCSS) for purposes of identification and communication with you. The DCSS is required, under Section 466(a)(13) of the Social Security Act, to collect the Social Security Number of any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgement. Social Security Number information is mandatory and will be kept on file at the local child support agency to locate and identify individuals and assets for the purpose of establishing, modifying, and enforcing child support obligations. Enrolling a child in health insurance may require the release of the child's Social Security Number and mailing address to the other parent's employer or the release of the child's Social Security Number to the other parent. The information in your case may be discussed with or given to the State, other public agencies that can legally receive such information, and to the other parent or his/her attorney to the extent required by law.

I understand that if the order is changed while I am incarcerated the order may be changed again when I am released and that I should contact my local child support agency upon my release. I declare under penalty of perjury that I have no income or assets and have no way of paying child support.

SIGNATURE OF INMATE

DATE

SOLICITUD DE PADRES PRESOS PARA LA REVISIÓN DEL MANTENIMIENTO DE HIJOS

DCSS 0018 SPA (11/12/10)

INSTRUCCIONES: Escriba la información que se le pide a continuación y envíe este formulario por correo a:

El formulario se entregará a la agencia local de mantenimiento de hijos que se ocupa de su caso.

Yo, solicito una revisión de mi orden de mantenimiento de hijos para ver si se puede reducir o suspender mientras me encuentro preso/a. Tengo claro que eso no cambia lo que actualmente debo en pagos atrasados de mantenimiento de hijos (deudas atrasadas).*

NOMBRE (CON LETRA DE MOLDE) (APELLIDO) (NOMBRE DE PILA)

NÚMERO DE SEGURO SOCIAL FECHA DE NACIMIENTO

DOMICILIO/INSTITUCIÓN ACTUAL NÚMERO DEL CDCR/NÚMERO DE REGISTRO/NÚMERO DE CÁRCEL

FECHA DEL ENCARCELAMIENTO ACTUAL FECHA PREVISTA DE LIBERACIÓN

DOMICILIO DONDE RECIBIRÁ CORRESPONDENCIA CUANDO SEA LIBERADO/A (CALLE O APARTADO POSTAL):

CIUDAD ESTADO CÓDIGO POSTAL

Yo, solicito una revisión de mi orden de mantenimiento de hijos para el/la/los/las siguiente/s hijo/a/os/as.

NOMBRE DEL/DE LA HIJO/A (Nombre de pila y apellido)	EDAD DEL/DE LA HIJO/A /FECHA DE NACIMIENTO	EL CONDADO A CARGO DEL CASO DE MANTENIMIENTO DE HIJO	OTROS PADRES

SI NECESITA MÁS ESPACIO, USE UNA HOJA ADICIONAL

OTRAS PREGUNTAS/ O PREOCUPACIONES:

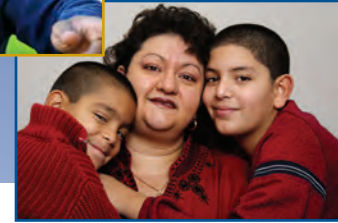
 * Marque esta casilla si desea obtener más información acerca del Programa de Compromiso de Deudas Atrasadas.**Declaración de Privacidad**

La Ley de las Prácticas de la Información (*Information Practices Act*) de 1977 (Sección 1798.17 del Código Civil) y la Ley Federal de Privacidad (*Federal Privacy Act*) de 1974 (Ley Pública 93 579) exigen que se dé a conocer este aviso cuando se reúna información personal de los individuos. La información que se pide en este formulario, incluido su Número del Seguro Social, es usada por el Departamento de Servicios de Manutención de Menores (*Department of Child Support Services*, DCSS) con el fin de identificarlo y poder comunicarse con usted. Según la Sección 466(a)(13) de la Ley del Seguro Social (*Social Security Act*), el DCSS debe obtener el Número del Seguro Social de todo individuo que se someta a una sentencia de divorcio, una orden de mantenimiento o la determinación o el reconocimiento de la paternidad. La información sobre el Número del Seguro Social es obligatoria y se guardará en un archivo en la agencia local de mantenimiento de hijos para localizar e identificar a los individuos y sus activos con el fin de establecer, modificar y hacer cumplir las obligaciones del mantenimiento de hijos. Para inscribir a un/a hijo/a en un seguro médico, es posible que sea necesario proporcionar el Número del Seguro Social del/de la niño/a y el domicilio al empleador del otro padre o proporcionar el Número del Seguro Social del/de la niño/a al otro padre. Es posible que la información de su caso se discuta o se proporcione al Estado, u otras agencias públicas con autorización legal para recibir dicha información, o al otro padre o su abogado/a según lo exija la ley.

Tengo claro que, si se cambia la orden mientras me encuentro en prisión, es posible que la orden se cambie de nuevo cuando me pongan en libertad y que debo ponerme en contacto con la agencia local de mantenimiento de hijos en cuando me pongan en libertad. Yo declaro bajo pena de perjurio que no tengo los ingresos ni las ventajas o manera de pagar mantenimiento de hijos.

FIRMA DEL PRESO

FECHA



Child Support Information for the Incarcerated Parent

■ What if I am served with legal papers while I am incarcerated?

A Summons and Complaint is the first step in the child support process and your chance to tell the child support office about your situation. You only have 30 days to file the form called an "Answer To Complaint" that is attached to the Summons and Complaint or to contact the child support office if you do not agree with what the papers say.

■ What if I am not sure if I'm the child's father?

If paternity (legal fatherhood) has not been established, you can request free **DNA** testing to make sure you are the father. The testing can be done while you are incarcerated **but you must request it**.

■ What if I don't complete and return the "Answer To Complaint?"

You will legally become the child's father and may be ordered to pay child support.

■ I already have a child support order. Will that order continue while I'm incarcerated?

YES. Once a child support order is in place, you will continue to owe child support each and every month. You must act immediately to get your child support order changed. Being incarcerated does not automatically change your obligation to support your children. If you do not pay your child support, 10% interest will be added any unpaid amount.

■ How do I get my child support order changed?

Complete the **Incarcerated Parent's Request to Review Child Support** form available at your institution and mail it to your Local Child Support Agency (LCSA). Once this form is received it will be forwarded to the child support agency that manages your case for a review to determine if you are eligible for a modification of your child support order.

Remember that even after mailing the form it takes time to process and your child support obligation will continue until your child support order is changed.

GET THE FORM - FILL IT OUT - TURN IT IN

Don't put it off because the longer you wait the more money you will owe. It is your responsibility to contact the child support office and follow up to make sure your child support is lowered or stopped.

Contact your local child support office: 1-866-901-3212, or: TTY: 1-866-399-4096

"Child Support... An Investment in the Future of Our Children"

CHILD SUPPORT DIRECTORS ASSOCIATION

www.csdata.org



Help for the Previously Incarcerated



The Department of Child Support Services (DCSS) is here to assist with your successful re-entry. There are a number of ways we can help you deal with your child support issues and help you get back on track.

Get Back On Track:

- **Release Your Driver And Other Licenses**
Call us or come to the office to see what you can do to get your license released and help you get back on track.
- **Change Your Child Support Order**
If you cannot pay your child support because it is too high, we may be able to change your child support order. Bring proof of any income you have to our office.
- **Lower Part of Your Child Support Welfare Arrears**
If you owe back child support because your child(ren) received welfare, we may be able to reduce part of the arrears you owe.
- **Help You Find a Job**
We may be able to direct you to job centers for help with resumé writing, interview skills and job searches.
- **Reconnect With Your Children**
We can give you phone numbers of family law clinics that may be able to help you.

*Call Your Local Child Support Agency Today
1-866-901-3212, or TTY: 1-866-399-4096*



**Child Support
Directors Association**

*A Coalition of Experts Collecting Billions
for California's Children*

We Can Help.

"Child Support... An Investment in the Future of Our Children"

CHILD SUPPORT DIRECTORS ASSOCIATION

www.csdata.org

Remember!

- Your child support order continues while you are in jail or prison, unless a court changes it. Contact the local child support agency handling your case immediately if you are in jail or prison.
- Changes in your child support order are not automatic and do not go back to the date your income changed, so you need to act quickly.
- Interest is added to the child support you have not paid.



Contact your local child support agency today.

It could save you money.



Arnold Schwarzenegger, *Governor*
State of California

Kimberly Belshé, *Secretary*
California Health and Human Services Agency

Jan C. Sturla, *Director*
Department of Child Support Services

1-866-901-3212 (toll-free)
TTY 1-866-223-9529 (toll-free)
www.childsup.ca.gov

PUB 248 (4/2010)



Supporting California's Children

Child Support Information for the Parent in Jail or Prison



Department of
Child Support Services

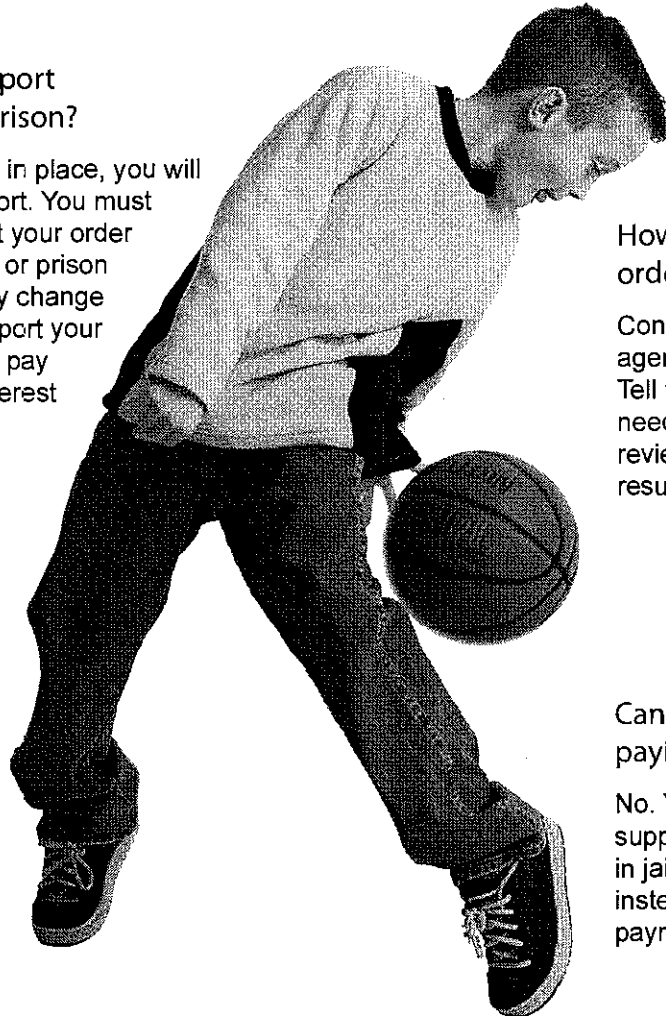
What if I am served with child support papers while in jail or prison?

As soon as you get the papers, contact the local child support agency listed on the paperwork. Contact can be made either by telephone or in writing. You only have 30 days from the date the papers were served (given) to respond to the court.

If paternity (child's father) has not been established and you don't think you're the father, testing can be done while you are in jail or prison. A blood test is not required and testing can be done quickly and painlessly. The results will be mailed to you.

Will I owe child support while I'm in jail or prison?

Yes. Once an order is in place, you will continue to owe support. You must act immediately to get your order changed. Being in jail or prison does not automatically change your obligation to support your children. If you do not pay your child support, interest will be added to the unpaid amount.



How do I get my order changed?

Contact the local child support agency that is enforcing your order. Tell them that you are in jail and need a modification. They will review your case and tell you the results.

Can I do time instead of paying child support?

No. You can't get credit for child support owed for time served in jail, and you cannot do time instead of making child support payments.

What is a modification?

A modification is a change in the amount of child support you pay.



How much interest is charged when I don't pay?

California's interest rate is 10% per year and is charged monthly to your balance of unpaid child support.

Will I be able to visit my child after I am released?

Child custody and visitation orders are handled by the courts. If visitation is a problem, some Family Law Facilitators can refer you to someone who can help you. The Family Law Facilitator provides free legal assistance for child support issues or you can hire a private attorney.

Should I contact the local child support agency handling my case when I am released?

Yes. You must let the local child support agency handling your case know of any address, employment and income changes.

The California Department of Child Support Services does not provide legal services to parents or guardians.

THE BASICS OF CHILD SUPPORT FOR INCARCERATED PARENTS

This pamphlet provides a quick reference for general information and answers to commonly asked questions on child support and the court process.

This pamphlet is not a substitute for legal advice in your case.

Protect your rights. Always get legal advice so you understand your rights, responsibilities, and any legal documents.

Published by:

Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102-3688

<http://www.courts.ca.gov/selfhelp.htm>

November 2011

Do I still have to pay my child support order when I am incarcerated?

Yes. Until the court changes your order, you continue to owe the monthly child support plus 10 percent interest on any past-due support until the court changes the order. To ask the court to change the child support amount, you must file a request for a court hearing.

NOTE: The court does not have the power to change your child support until you file your court papers asking for a change. When the court hears your case, the earliest date that a change in your support order can become effective is the date you filed the papers.

Where do I get the forms to request a hearing to change my child support court order?

Court forms are available at every court clerk's office in California. If you want forms to be mailed to you, always include a self-addressed stamped envelope when you write to the court clerk. Child support forms are also available at the Office of the Family Law Facilitator. You can get information about the family law facilitator in your county at <http://www.courts.ca.gov/selfhelp-facilitators.htm>

You can also get court forms by printing them from the California Courts website: <http://www.courts.ca.gov/forms.htm>. **Many of the forms on this website are fillable online.**

Are there free resources to prepare a child support calculation?

Yes. The California Department of Child Support Services has a child support calculator on the Internet: www.childsup.ca.gov/Resources/CalculateChildSupport/tabid/114/Default.aspx

Does the California Department of Child Support Services have any other free online resources?

Yes. They publish a handbook that is available at www.childsup.ca.gov/Portals/0/resources/docs/pub16_0_english.pdf. It is available in both English and Spanish. It provides information on paternity, paying

child support, and resolving problems with your child support case.

Is there a filing fee to request a hearing on child support?

It depends. There is no filing fee if child support is the only issue and the local child support agency is providing services in your case. If there are issues in addition to child support, such as custody or visitation, fees may be charged. If you get public assistance, have no or low income, or are not sure if the local child support agency is providing services in your case, you can ask the court to waive any court filing or copy fees by completing a *Request to Waive Court Fees* (form FW-001).

How can I get a copy of a past court order or other court papers filed in my case?

You must contact the court clerk in the courthouse where your case is filed to get copies of orders or court papers in your file.

Provide your name, the other party's name, the type of case, the case number (if available), and the approximate date of the court order or document requested. There is a photocopy charge unless you have no or low income or receive public assistance. To have this charge waived, you can ask the court clerk for a fee waiver application form, *Request to Waive Court Fees* (form FW-001).

Which forms do I need to file to change my child support order?

There are many different forms that you may use. Here are the typical forms you will need to fill out for each child support order you want to change:

- A. **Notice of Motion** (form FL-301).
- B. **Application for Order and Supporting Declaration** (form FL-310). Explain all the reasons why you are asking to change the court order. (For example, state when you became unemployed, why you are no longer employed, why you cannot pay the court-

ordered support, why you cannot attend the court hearing, and what change you are asking the court to make in the current order.)

- C. **Financial Statement (Simplified)** (form FL-155).
- D. **Request to Waive Court Fees** (form FW-001).

Complete and sign (in black or blue ink) the above forms. All four of these forms are fillable online at the California Courts website: <http://courts.ca.gov/forms>

Make 3 copies of each document. **(Always keep 1 copy for your records!)**

File your forms with the proper court in the county where you owe child support.

To file the documents with the court by mail, send **the original and 2 copies** to the court clerk, **along with a self-addressed stamped return envelope** and a cover letter asking the court clerk to file your forms. When the court clerk returns the "Filed" stamped copy to you, find someone at least 18 years old, and not a party in your case, to serve your documents. **You cannot serve your own documents.** There are two ways to serve documents: (1) by personal delivery or (2) by first-class mail. The person who serves the documents must complete a *Proof of Service* and file it with the court clerk. He or she must serve the local child support agency and the other parent at least:

- o **16 court days** before the hearing (if serving by personal delivery), or
- o **ADD 5 calendar days** (+16 court days) if serving by mail within California, or
- o **ADD 10 calendar days** (+16 court days) if serving by mail outside California but within the U.S.A.
- o See Code of Civil Procedure section 1005 for other situations.

What paper do I file if I am served with a Notice of Motion or an Order to Show Cause?

You must **file** a *Responsive Declaration* at the court clerk's office at least **9 court days** before the hearing

date, or the court may grant the relief requested in the papers without any input from you.

You must also have someone (at least 18 years old who is not a party to your case) **serve a copy of the document** on the other parent and the local child support agency (if applicable)

- o **9 court days** (if by personal delivery). **ADD 5 days** if by mail service within California. (See Code Civ. Proc., § 1005 for other situations.)

Where can I get free help or information about my child support questions?

Information is available at no charge from the Office of the Family Law Facilitator (FLF) in every county. The FLF can help with child support, paternity, spousal support, and health insurance issues. The FLF can:

- Provide educational materials.
- Provide court forms.
- Provide assistance with court forms.
- Prepare guideline child support calculations.
- Provide referrals to the local child support agency, family court services, and other community agencies.

The FLF is *not* your attorney and does not represent either party. A FLF may assist both parties in the same case. The FLF is not responsible for the outcome of your case.

There is no attorney-client privilege and no confidential relationship between any person and the FLF. The FLF can also help the other parent in your case.

You should contact your own attorney if you want personalized advice or strategy, a confidential conversation, or representation in court. For information on finding an attorney who might be willing to help for a lower fee, you can check:

<http://www.courts.ca.gov/selfhelp-lowcosthelp.htm>

How is child support calculated?

The California Family Code (sections 4050–4076) establishes a statewide **guideline for child support**. The amount of child support ordered by the court depends on:

- Number of children
- Percentage of time each parent shares with the children
- Income, earnings, or earning capacity of each parent
- Tax filing status
- Support of children from other relationships
- Health insurance expenses
- Mandatory union dues
- Mandatory retirement contributions
- Child-care and uninsured health expenses
- Other factors

The court will order that health insurance be maintained if available at no or reasonable cost through the employment of the parents. The court will also order, as additional child support, reasonable uninsured health-care costs and child-care costs related to employment or to education or training for employment.

The child support order may also include the cost of travel for visitation, educational expenses, and other special needs.

When will the child support order end?

Child support payments are usually court ordered until the child reaches the age of 18 years and completes high school, or age 19 if the child is still in high school full time and not self-supporting. Disabled adult children may be entitled to be supported by both parents beyond this period.

What paper do I file if I am served with a **Summons and Complaint (form FL-600)** or a **Petition—Marriage (form FL-100)**, and how soon must I file it?

You **must file** the **Answer to Complaint** (form FL-610) or the **Response** (form FL-120) at the court clerk’s office within **30 days** after you receive the papers, or the court can make an order awarding the amount of child support the other party asked for without any input from you. If the *Summons and Complaint* was filed by a local child support agency, there is no fee charged for filing your *Answer to Complaint*. If the *Summons and Complaint* was filed by someone other than the local child support agency, or if you were served with a *Petition—Marriage*, there is a fee charged to file the *Answer to Complaint* or *Response*. If you have no or low income or receive public assistance, you can **ask the court to waive the filing fee with a Request to Waive Court Fees** (form FW-001). After you have filed your papers, you must have someone at least 18 years old who is not a party to your case **serve your Answer to Complaint or Response** on the other party (and the local child support agency if they are involved in your case), and **file a Proof of Service** with the court clerk.

The court “presumed” that I earned a certain amount of money. How can I change the order?

If a judgment for child support was based on a “presumed income” and your actual income is lower than the amount the court presumed, you have 1 year from the date of the first collection of money by the local child support agency to file a **Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income** (form FL-640) and a *Financial Statement (Simplified)* (form FL-155). If the local child support agency is enforcing your case, there is no fee charged for filing this motion.

WARNING: Do not wait to file your motion. Your deadline for filing may be less than 1 year if there are other legal grounds. Contact a lawyer for help.

The court may, where appropriate, set aside the original support order and recalculate the guideline amount based on your actual income, or possibly your income earning ability, for the period of time for which a support judgment was entered.

If you are not successful in setting aside an order for child support, you may also seek to change the order by filing a **Notice of Motion** (using form FL-301 or other appropriate form) for modification of child support.

How can I avoid the interest charges?

The law requires interest be charged for missed child support payments. To avoid incurring unnecessary interest charges, you must ask the court to modify your child support order as quickly as possible. You may also file a request for a court hearing for the court to determine exactly how much child support arrears and interest you owe.

Which agency in California is responsible for child support enforcement and how do I contact it?

The Department of Child Support Services (DCSS) is the state agency responsible for child support enforcement. The local office in each county is called the local child support agency or the local Department of Child Support Services.

Toll-free DCSS number: 1-866-249-0773
TDD: 1-866-223-9529

The locations of local child support agencies throughout the state are at:

www.childsup.ca.gov/Home/LCSAOffices/tabid/301/Default.aspx

Who can I contact if the local child support agency does not respond to my request for assistance?

Call 1-866-249-0773 (toll free) to get information on what to do if you are experiencing problems with a local child support agency.

Suggested Resources to Provide to CDCR Law Libraries

- Child Support Handbook
- LCSA Address list
- FLF Address list
- Collateral materials developed for the Incarcerated Obligor Video:
 - Incarcerated Obligor Fact Sheet and form to request a review of their child support case
- CSDA Fact Sheets:
 - Genetic Testing for Paternity
 - Paternity Establishment
 - Modifying your Child Support Order
 - Benefits of Working with Child Support Services
 - Help your Child Support Professional Help You
 - How is the Amount of my Child Support Determined
 - The Child Support Enforcement Tool Kit
 - License Suspension and Release Process
 - Family Reunification Compromise of Arrears Program
 - Are you Eligible for the Compromise of Arrears Program (COAP)?
 - Help for the Recently Incarcerated

TAB Y

Judicial Ethics for Child Support Commissioners

*(For child support commissioners and
judicial officers only)*

Hon. Sue Alexander & Mr. Rod Cathcart

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