

2015
AB 1058
COURTROOM
TRAINING

KATHRYN WHITNEY,
CALAVERAS SUPERIOR COURT

KARI KORRENG,
SONOMA SUPERIOR COURT

Welcome to the Courtroom training

- 3X5 cards:
- Write down any areas you would like to talk about during today's training.
- Please feel free to ask question.
- Every question is welcomed.

2015 19TH Annual AB 1058
Child Support Training Conference

1. Why am I here

- (a) Great place for a vacation
- (b) Nothing better to do
- (c) Requirement per California Rules of Court
- (d) None of the above

2015 California Rules of Court

Rule 5.355.
Minimum standards of training for court clerk staff whose assignment includes title IV-D child support cases
Any court clerk whose assignment includes title IV-D child support cases must participate in a minimum of six hours of continuing education annually in federal and state laws concerning child support and related issues.
Rule 5.355 amended effective January 1, 2007; adopted as rule 1280.11 effective July 1, 2000; previously amended and renumbered effective January 1, 2003.

2. LCSA stands for

- (a) Last Chance Support Act
- (b) Local Child Support Agency
- (c) Legal Cause Senate Action
- (d) Welfare & Institutions Code

(b) Local Child Support Agency

Also known as DCSS

The Department of Child Support Services

3. Three governing statutes for Local Child Support cases can be found in what code

(a) Government Code

(b) Family Code

(c) Code of Civil Procedure

(d) Welfare & Institutions Code

Family Code Section 17100 et seq., as well as various sections of the Family Code and California Rules of Court Section 5.300 et, seq.

Can a IV D Commissioner set spousal support?

Yes. They can even hear the Custody and Visitation issue in a case, as they are Pro Tem Judicial Officer.

1 COMMISSIONER LOUISE BAYLES-FIGHTMASTER
2 COMMISSIONER OF THE SUPERIOR COURT
3 Civil Family Law Courthouse
4 3055 Cleveland Avenue
5 Santa Rosa, CA 95403

6 SUPERIOR COURT OF CALIFORNIA COUNTY OF SONOMA

7

8 Plaintiff/Petitioner Case No. **Case Number**
9 Defendant/Respondent **STIPULATION RE JUDGE**
10 Other Parent/Claimant **PROTEM**

11

12 It is hereby stipulated that Superior Court Commissioner Louise Bayles-
13 Fightmaster may act as Judge Pro Tempore pursuant to her prior appointment by the
14 judges of the Superior Court to act in that capacity in all matters assigned to her for the
15 hearing, trial and determination of

16 The hearing on the matter calendared to be heard this date and
17 any motion to reconsider, clarify, or vacate any order or
18 judgment rendered therein.

19 The entire action through all proceedings including trial and
20 final determination.

21 DATED _____ Plaintiff/Petitioner

What is the authority regarding
LCSA issuing their own writs?

FC 5100 “allows for support enforcement by Writ of Execution or Notice of Levy without prior court approval. A properly issued levy provides for enforcement of the delinquent support on those who have, or will have, any credits owed by the obligor or any debts that are owed to the obligor”. Also FC 5104

How are arrears reflected
on
form FL692?

Page 3, number 18

18. The parent ordered to pay support must pay child support for the following past periods and in the following amounts:

Name of child	Period of support	Amount
---------------	-------------------	--------

a. Other (specify):

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

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

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

a. Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____ Other: \$ _____

b. Interest is not computed and is not waived.

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

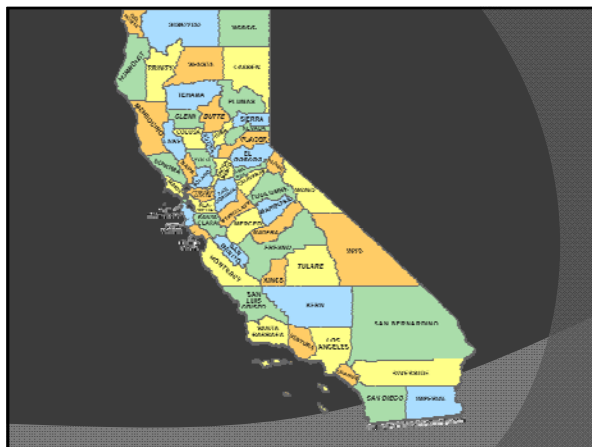
d. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

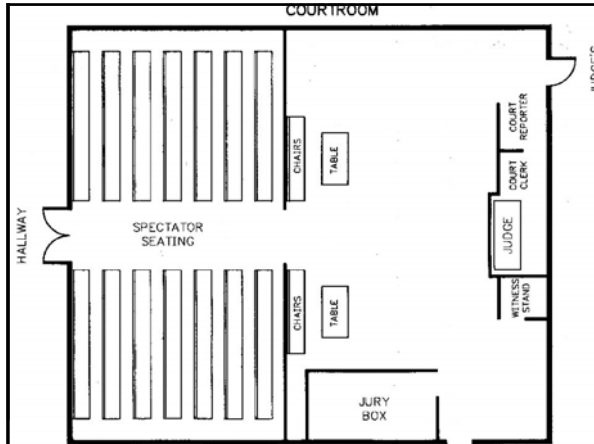
20. No provision of this judgment can operate to limit any right to collect all sums owing in this matter as otherwise provided by law.

21. All payments, unless specified in items 14b, c, and d above, must be made to the State Disbursement Unit at the address listed below (specify address):

FL 692 (Rev. July 1, 2011) **MINUTES AND ORDER OR JUDGMENT** Page 3 of 4
(Governmental)

- **California Courts at a Glance**
- Population served: more than 38 million—12.1 percent of the United States population
- Total court system filings: almost 7.7 million cases in fiscal year 2012–2013
- Total authorized judicial officer positions (including commissioners and referees): 2,024
- Court levels: Two—trial and appellate
- Trial courts: 58—one in each county
- Court of Appeal districts: 6 in 9 locations
- Highest court: California Supreme Court
- Judicial branch budget as a share of the total state budget: 2.1 percent
- Court employees statewide: nearly 19,000





**CODE OF ETHICS FOR THE COURT
EMPLOYEES OF CALIFORNIA**

A fair and independent court system is essential to the administration of justice in a democratic society. Exemplary conduct by court employees inspires public confidence and trust in the courts, and conveys the values of impartiality, equity, and fairness that bring integrity to the court's work. Further, court employees are expected to adhere to a high standard of ethical behavior. To advance these values and to achieve justice we believe certain ethical principles should govern all that we do. We therefore commit ourselves to:

Tenet One

Provide impartial and
evenhanded treatment of all
persons;

Tenet Two

Demonstrate the highest standards of personal integrity and honesty in all our professional and personal dealings, avoiding the misuse of court time, equipment, supplies, or facilities for personal business;

Tenet Three

Behave toward all persons with respect, courtesy, patience, and responsiveness, acting always to promote public esteem in the court system;

Tenet Four

Safeguard confidential information, both written and oral, unless disclosure is authorized by the court, refusing ever to use such information for personal advantage, and abstain at all times from public comment about pending court proceedings, except for strictly procedural matters;

Tenet Five

Refrain from any actual impropriety, such as:

- violating the law,
- soliciting funds on the job,
- receiving gifts or favors related to court employment,
- accepting outside employment that conflicts with the employee's duties,
- recommending private legal service providers to the public on the job, or
- using position at court to benefit self, friends, or relatives;

Tenet Six

Avoid any appearance of impropriety that might diminish the integrity and dignity of the court;

Tenet Seven

Serve the public by providing accurate information about court processes that is as helpful as possible without taking one side over the other, or appearing to favor one side of a case;

Tenet Eight

Provide responsible and accountable stewardship of public resources;

Tenet Nine

Provide accurate information as requested in a competent, courteous, and timely manner. Improve personal work skills and performance through continuing professional education and development;

Tenet Ten

Guard against and, when necessary, repudiate any act of discrimination or bias based on race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, or sexual orientation;

Tenet Eleven

Renounce any use of positional or personal power to harass another person sexually or in any other way based on that person's race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, sexual orientation, or other personal choices and characteristics; and

Tenet Twelve

Protect the technological property of the court by preserving the integrity of electronically stored information.

A code of ethics cannot possibly anticipate every moral dilemma and ethical choice that may arise in the execution of one's day-to-day professional responsibilities. Personal discretion in the interpretation of this Code of Ethics is both necessary and desirable. Court employees should cultivate within themselves the ethical judgment that will foster the fair and impartial administration of justice.

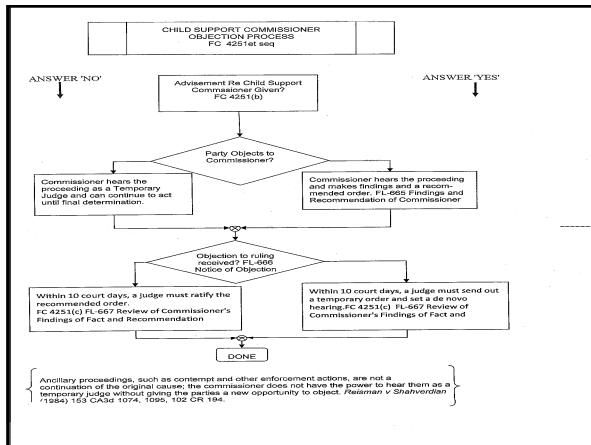
Adopted 5/17/94 Revised 10/23/09

4251. (a) Commencing July 1, 1997, each superior court shall provide sufficient commissioners to hear Title IV-D child support cases filed by the local child support agency. The number of child support commissioners required in each county shall be determined by the Judicial Council as prescribed by paragraph (3) of subdivision (b) of Section 4252.

All actions or proceedings filed by a party other than the local child support agency to modify or enforce a support order established by the local child support agency or for which enforcement services are being provided pursuant to Section 17400 shall be referred for hearing to a child support commissioner unless a child support commissioner is not available due to exceptional circumstances, as prescribed by the Judicial Council pursuant to paragraph (7) of subdivision (b) of Section 4252.....

(b) The commissioner shall act as a temporary judge unless an objection is made by the local child support agency or any other party.....

(c) If any party objects to the commissioner acting as a temporary judge, the commissioner may hear the matter and make findings of fact and a recommended order. Within 10 court days, a judge shall ratify the recommended order unless either party objects to the recommended order, or where a recommended order is in error. In both cases, the judge shall issue a temporary order and schedule a hearing de novo within 10 court days. Any party may waive his or her right to the review hearing at any time.....



FC 665

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and address)

FOR COURT USE ONLY

TELEPHONE NO. FAX NO. (optional)

EMAIL ADDRESS (optional)

ATTORNEY'S BAR NUMBER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

HEARING ADDRESS

CITY AND ZIP CODE

RESPONDENT/DEFENDANT

PETITIONER/PLAINTIFF

OTHER PARENT

CASE NUMBER

FINDINGS AND RECOMMENDATION OF COMMISSIONER

1. Name (agency) _____ objected to Commissioner (name) _____ hearing this matter as a temporary judge.

2. THIS MATTER PROCEEDED AS FOLLOWS

a. By court hearing, appearances as follows:

(1) Date: _____ Dept.: _____ Judicial officer: _____

(2) Petitioner/plaintiff present Attorney present (name): _____

(3) Respondent/defendant present Attorney present (name): _____

(4) Other parent present Attorney present (name): _____

(5) Local child support agency attorney (Family Court, §§ 17400, 17403) by (name): _____

(6) Other (specify): _____

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

3. Attached is a computer printout showing the parent's income and percentage of time each parent shares with the children. The printout, which shows the calculation of child support payable, will become the court's findings.

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

5. THE COMMISSIONER RECOMMENDS THE FOLLOWING

a. All orders previously made in this action remain in full force and effect except as modified below.

b. (Name of parent): _____ mother father

(Name of parent): _____ mother father

are the parents of the children listed below.

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

Name of child _____ Date of birth _____ Monthly support amount _____

(1) Mandatory additional child support

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

one-half or other parent, or (specify amount) \$ _____ per month of the costs.

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

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

Page 1 of 2

RETURN OF PLAINTIFF RESPONDED/DEFENDANT OTHER PARENT. Case Number: FL-605.

6. a. (1) (2) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows: Payments must be paid to the () other parent, () State Disbursement Unit, () health-care provider, () Other (specify):

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

(4) The low-income adjustment applies.

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

(6) As provided in Family Code section 4037.0, 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 voluntarily 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 voluntary institutionalization, the support order will remain in the same parent as it was before it was temporarily suspended.

(7) The parent ordered to pay support () The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost and keep the local child support agency advised of the availability of the coverage (this cost is presumed to be reasonable if it does not exceed 7% of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 30 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; and (6) assign any claim to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-supporting employment because of a physical or mental disability, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

Name of child	Date of birth	Period of support	Amount
(1) Other (specify):			
(2) For a total of \$ _____ payable \$ _____ on the _____ day of each month beginning (date):			

(1) () Child support \$ _____ () Spousal support \$ _____ () Family support \$ _____ () Interest is not included and is not waived. (2) Payable \$ _____ on the _____ day of each month beginning (date): (3) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

FINDINGS AND RECOMMENDATION OF COMMISSIONER

RETURN OF PLAINTIFF RESPONDED/DEFENDANT OTHER PARENT. Case Number: FL-605.

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

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

11. An earnings assignment order is issued.

12. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. The fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 10 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.

13. If the parent ordered to pay support has a health insurance coverage assignment must issue.

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

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

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

17. () The court further recommends (specify):

Date: _____

Number of pages attached: _____ SIGNATURE FOLLOWS LAST ATTACHMENT

CLERK'S CERTIFICATE OF MAILING OR SERVICE

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

(1) Personal service. A true copy of the Findings and Recommendation of Commissioner was handed to the () petitioner/plaintiff, () respondent/defendant, () other parent at the hearing of this matter before the commissioner.

(2) Mail. A true copy of the Findings and Recommendation of Commissioner was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the request was made at (place) _____, California, on (date) _____.

Date: _____ Clerk, by _____, Deputy

FINDINGS AND RECOMMENDATION OF COMMISSIONER

RETURN OF PLAINTIFF RESPONDED/DEFENDANT OTHER PARENT. Case Number: FL-605.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

PLAINTIFF/PETITIONER: _____

DEFENDANT/RESPONDENT: _____

NOTICE OF OBJECTION

1. I object to the Findings and Recommendation of Commissioner made on (date) _____ by Commissioner (name): _____

2. I request that the matter be set for *de novo* (new) hearing before a superior court judge

Date: _____

NOTICE

You must file this notice with the clerk of the court where the Findings and Recommendation of Commissioner was made within 10 court days of the date the recommended order was made.

NOTICE OF OBJECTION Page 1 of 1 (Governmental) (If "Notice" label)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ **FILE NUMBER** **FL-687**
(Street address)
 City and state
 ZIP and office
 PETITIONER/PLAINTIFF _____
 RESPONDENT/DEFENDANT _____
 OTHER PARTY _____

REVIEW OF COMMISSIONER'S FINDINGS OF FACT AND RECOMMENDATION **CASE NUMBER** _____

- HEARING WAS HELD BEFORE Commissioner (name) _____
 on (date) _____
- The Findings and Recommendation of Commissioner was read on (date) _____
- No objection having been filed within 10 court days, the findings of fact and recommended order of the Commissioner are confirmed. Each of the parties is ordered to comply with all the terms of the order.
- a. An objection was filed on (date) _____ by (specify): _____
 OR
 b. The Findings and Recommendation of Commissioner is in error.
- A hearing de novo is set for:
 (1) Date: _____ Time: _____ Dept: _____ Div: _____ Room: _____
 (2) The address of the court is shown above is as follows: _____
- THE FOLLOWING ARE THE TEMPORARY ORDERS:
 (1) The recommended orders of the commissioner:
 (2) Other (specify): _____

Continued in Attachment #4

Date: _____ CLERK OFFICER

5. Number of additional pages attached: _____ SIGNATURE FOLLOWS LAST ATTACHED

Page 1 of 2

PETITIONER/PLAINTIFF _____ **FILE NUMBER** _____
 RESPONDENT/DEFENDANT _____
 OTHER PARTY _____

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the Review of Commissioner's Findings of Fact and Recommendation was mailed first class, postage fully prepaid in a sealed envelope addressed as shown below, and that the form was mailed on (date) _____ California.

Date: _____ Clerk, by: _____ Deputy: _____

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REVIEW OF COMMISSIONER'S FINDINGS OF FACT AND RECOMMENDATION
(Governmental)

OATHS

OATH TO WITNESS

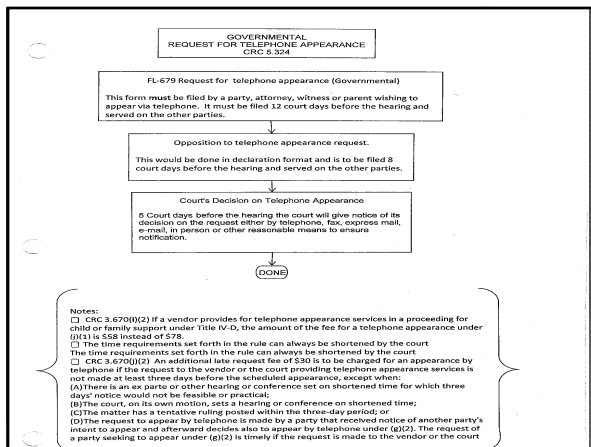
- DO YOU SOLEMNLY STATE UNDER PENALTY OF PERJURY THAT THE EVIDENCE THAT YOU SHALL GIVE IN THIS ISSUE OR MATTER SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?
- PLEASE BE SEATED, STATE YOUR FULL NAME, AND SPELL YOUR LAST NAME FOR THE RECORD. [CCP §2094(2)]

OATH TO HEARING IMPAIRED INTERPRETER

- DO YOU SOLEMNLY STATE UNDER PENALTY OF PERJURY THAT YOU WILL WILL AND TRULY INTERPRET THE SPOKEN LANGUAGE INTO THE SIGN LANGUAGE, AND THE SIGN LANGUAGE INTO THE SPOKEN LANGUAGE, IN THE CASE NOW PENDING BEFORE THIS COURT? [EVID §751(a)]

Before a document is presented to a witness or referred to, it should be "marked for identification". The clerk will place a tag or label to the exhibit according to their court's procedure. Do not place exhibit tags on any printed portion of documents. The minute order must include that the exhibit was marked, if it was received into evidence, the number/letter assigned to it, and a brief description. *If the exhibit is returned to the submitting party during the hearing, so indicate on the minutes.*

- Once introduced, marked for identification only, or received/admitted into evidence, the exhibit becomes the sole responsibility of the clerk. (PC §1417.) The clerk must not release any exhibit except on order of the court. The clerk must require a signed receipt for a released exhibit [CRC 2.400(c)(1)].
- Exhibits that are marked for identification only cannot be considered by a Judicial Officer as evidence. Only exhibits that have been admitted (received) into evidence may be considered by a Judicial Officer.



Lunch time

12:00 to 1:00

Minutes are to be maintained by the clerk as part of the permanent record of the court [GC§098-44] - it is the official record of the Court's proceedings, required by law, showing who was present at the hearing and what happened, as well as what findings and orders the court made.

Judicial Council Form FL-692, adopted for alternative mandatory use.

IMPORTANT INFO/TIPS

- The minutes should be written, using complete sentences.
- Present tense vs. Past tense (need to be consistent)
- Better to say too much than too little
- Chronological record of events
- No abbreviations should be used in body of minute order
- Keep in mind your minutes may be read by Judicial Officers, counsel, the public, and possibly the Supreme Court

Minute Orders

The minute order is the official record of the Court's proceedings. It is a written record of a court proceeding, required by law, showing who was present at a given hearing and what took place, including what findings and orders the court made. Minute orders are important in the legal world. Not only because it details the Judicial Officer's decision or decisions in a given case, but because those decisions can serve as the basis for appeal.

When there is no court reporter or settled statement, the Minute Order is the ONLY record of the proceedings used for the appeal. Because of their significance, great care must be taken in the preparation of minute orders. No Strikeovers, bad erasures, misspellings, or grammatical errors should be left on the minute order.

The format of a minute order can vary between jurisdictions but they generally include the same basic information. The length of a minute order can be a single piece of paper, or it can be several pages long. The reason for the varying lengths of minute orders primarily lies in whether reasoning, detail, and supporting law is included in the document. A minute order that concerns complex or important issues, for example, is often longer.

Definitions and Statute Requirements

(a) Minute order—a memorandum of what takes places in court, made by authority of the court. (Black’s Law Dictionary)

(b) Minutes are to be maintained by the clerk as part of the permanent record of the court. [GC §69844]

(c) Minutes constitute the only official record of the actions of the court. (Meskell v. Culver City Unified School District (1970) 12 Cal.App.3d 815, 821)

Preparation (CCP §§185(a), 186)

- (a) Should be prepared within the time parameters established by statute and the court.
- (b) Should be composed using correct grammar and composition, written English and acceptable abbreviations.
- (c) Should contain accurate spelling and punctuation.
- (d) Should maintain a consistent format.
- (e) Should use concise wording.
- (f) Should be neatly typed or handwritten per court policy.

Components

- (a) Heading
 - Date and Time of Hearing
 - Court Name and Department number
 - Names of court staff members: Judicial Officer, Court Clerk, Court Reporter and Bailiff
 - Title of Case and Case Number
 - Parties to the Action

- (b) Opening
 - Nature of proceedings
 - Appearances
 - Status of the Hearing (continued from last date, proof of compliance or review, etc.)
- (c) Body of Minute Order
 - Summary of Events that Occurred
 - Witnesses and Interpreters
 - Exhibits
 - Stipulations, Waivers and Motions
 - Court orders, rulings and findings

(d) Closing Events

- Date, time, department of continuance
- Nature of proceedings being continued (may be different than nature of proceedings from hearing that day)
- Statement of any continued orders
- Adjournment

Important Information

- The minutes should be written, using complete sentences.
- Present tense vs. Past tense
- Better to say too much than too little, conciseness, however, is a virtue
- The Minute order is a *chronological* record of events
- No abbreviations in the body of the minute order (Note Taking only)
- When preparing the minute order, keep in mind who is reading it: Judicial Officers, counsel, public, etc.)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS _____ COUNTY AND ZIP CODE _____ JUDICIAL DISTRICT _____ PETITIONER/PLAINTIFF _____ RESPONDENT/DEFENDANT _____ OTHER PARTY(IES) _____		FOR COURT USE ONLY FL-657 <div style="border: 1px solid red; padding: 2px; font-size: small;"> To keep other parties from finding what you entered on your form, please print the Court Title Form below at the end of the form when finished. </div>
<input type="checkbox"/> MINUTES AND <input type="checkbox"/> ORDER <input type="checkbox"/> JUDGMENT <input type="checkbox"/> RECOMMENDED ORDER		CASE NUMBER _____
<p>This form may be used for preparation of court minutes, and/or as an alternative to form FL-616, FL-626, FL-630, FL-666, or FL-667, if this form is prepared as both court minutes and an alternative to one of these forms, then the parties do not need to prepare any additional form of order.</p> <p>1. This matter proceeded as follows: <input type="checkbox"/> Uncontested <input type="checkbox"/> By stipulation <input type="checkbox"/> Contested</p> <p>a. Date: _____ Time: _____ Department: _____ b. Judicial officer (name): _____ Court reporter (name): _____ Court clerk (name): _____ Bailiff (name): _____ c. <input type="checkbox"/> Respondent(s) present (name): _____ for (name): _____ (specify language): _____</p> <p>d. <input type="checkbox"/> Petitioner present <input type="checkbox"/> Attorney present (name): _____ e. <input type="checkbox"/> Respondent present <input type="checkbox"/> Attorney present (name): _____ f. <input type="checkbox"/> Other party present <input type="checkbox"/> Attorney present (name): _____ g. Agency for local child support agency (name) present (name): _____ h. The court ordered the following: <input type="checkbox"/> Attorney present (name): _____ i. <input type="checkbox"/> Other (specify): _____</p> <p>2. <input type="checkbox"/> This is a recommended order/judgment based on the objection of (specify name): _____</p> <p>3. a. <input type="checkbox"/> This matter is taken off calendar. b. <input type="checkbox"/> This entire matter is stayed <input type="checkbox"/> with <input type="checkbox"/> without prejudice. c. <input type="checkbox"/> This matter is continued at the request of the <input type="checkbox"/> local child support agency <input type="checkbox"/> petitioner <input type="checkbox"/> respondent <input type="checkbox"/> other parent (to _____) Date: _____ Time: _____ Department: _____ (Specify issues): _____ d. <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other parent is ordered to appear at that date and time. The court takes the following matters under submission (specify): _____</p> <p>4. <input type="checkbox"/> Order of examination <input type="checkbox"/> petitioner <input type="checkbox"/> respondent <input type="checkbox"/> other (specify): _____ was sworn and examined.</p> <p>5. <input type="checkbox"/> Examination was held outside of court.</p> <p>6. <input type="checkbox"/> Refereed a. <input type="checkbox"/> The parties are referred to family court services or mediation. b. <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other parent is referred to the family law facilitator. c. <input type="checkbox"/> Other (specify): _____</p>		
<p>THE COURT FINDS</p> <p>7. <input type="checkbox"/> Respondent <input type="checkbox"/> Petitioner <input type="checkbox"/> Other parent <input type="checkbox"/> yes <input type="checkbox"/> was not served regarding this matter. <input type="checkbox"/> Respondent <input type="checkbox"/> Petitioner <input type="checkbox"/> Other parent <input type="checkbox"/> joint <input type="checkbox"/> shares percentage. <input type="checkbox"/> The parent(s) of the children named below in item 14a are (specify names): _____</p> <p style="text-align: right;">Page 1 of 4 <small>Form Approved by California Judicial Branch</small> <small>MINUTES AND ORDER OR JUDGMENT</small> <small>Form Approved by California Judicial Branch</small></p>		

PETITIONER/PLAINTIFF: _____ CASE NUMBER: FL-699
 RESPONDENT/DEFENDANT: _____
 OTHER PARENT: _____

0. Respondent Petitioner Other parent has read, understands, and has signed the Advice and Waiver of Rights for Custody (Governmental) Form FL-694, or he or she gives up those rights and freely agrees that a judgment may be entered in accordance with these findings.

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

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

THE COURT ORDERS

12. All orders previously made in this action must remain in full force and effect except as specifically modified below.

13. Genetic testing must be conducted by the local child support agency.
 a. Respondent Petitioner Mother of the children
 b. Other (specify): _____
 c. The parent ordered to pay support must reimburse the local child support agency for genetic testing costs of \$ _____.
 d. The court finds that there is sufficient evidence that the parent ordered to pay support is the parent of the children listed below and therefore there is sufficient evidence to enter a support order.
 Name of child: _____ Date of birth: _____ Monthly basic support amount: _____

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

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

PETITIONER/PLAINTIFF: _____ CASE NUMBER: FL-699
 RESPONDENT/DEFENDANT: _____
 OTHER PARENT: _____

14. f. For a total of \$ _____ payable on the _____ day of each month beginning (date) _____.
 g. The low-income adjustment applies.
 h. Any support ordered will continue until further order of court, unless terminated by operation of law.

15. An order in Family Code section 4027.5, 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.

16. The parent ordered to pay support must (1) provide and maintain health insurance coverage for the children of available at no or reasonable cost and keep the local child support agency informed of the availability of the coverage the cost of the insurance must not exceed 5% of gross income to any child;
 (2) if health insurance is not available, provide coverage when it becomes available; (3) within 30 days of the local child support agency's request, provide and return a health insurance form; (4) provide to the local child support agency and reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; and (5) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to pay support must provide the same level of coverage for the child after the child obtains the right when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-maintaining employment because of a physical or mental disability from, illness, or condition and is a child dependent upon the parent providing health insurance for support and maintenance.

17. The parent ordered to pay support may claim the children for tax purposes as long as all child support payments are current as of the last day of the year for which the exemptions are claimed.
 a. Respondent Other parent must pay to petitioner other parent as spousal support family support \$ _____ per month, beginning (date) _____.
 b. payable on the _____ day of each month.
 18. The parent ordered to pay support must pay child support for the following past periods and in the following amounts:
 Name of child: _____ Period of support: _____ Amount: _____

a. Other (specify): _____
 b. For a total of \$ _____ payable \$ _____ on the _____ day of each month beginning (date) _____.
 c. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

19. The parent ordered to pay support owes support arrears as follows, as of (date) _____.
 a. Child support \$ _____
 b. Spousal support \$ _____
 c. Family support \$ _____
 d. Other: \$ _____
 e. Interest is not computed and is not waived.
 f. Payable: \$ _____ on the _____ day of each month.
 g. beginning (date) _____.
 h. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

20. No provision of this judgment can operate to limit any right to collect all sums owing in this matter as otherwise provided by law.
 21. All payments, unless specified in items 14b, c, and d above, must be made to the State Disbursement Unit at the address listed below (specify address): _____

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PETITIONER/PLAINTIFF: _____ CASE NUMBER: FL-699
 RESPONDENT/DEFENDANT: _____
 OTHER PARENT: _____

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

24. If the parent ordered to pay support box is checked in item 15, a health insurance coverage assignment must issue.
 25. Self-earnings (Gross support) _____ jobs per week and report those job applications and results to the court and the local child support agency at the continuance date. These job applications are to be made in person, not by phone, fax, or e-mail.
 26. For purposes of the licensing issue only, the parent ordered to pay support is found to be in compliance with the support order in this action. The local child support agency must issue a release of lien(s).
 27. Notwithstanding any noncompliance issues with the support order in this action, the court finds that the needs of the party ordered to pay support warrant a conditional release. The local child support agency must issue a release of lien(s). Such release is effective only as long as the parent ordered to pay support complies with all payment terms of this order.
 28. A writ of attachment/detachment warrant issues for (specify name): _____
 a. Bail is set in the amount of \$ _____.
 b. Bail is waived until (date) _____.
 29. The court retains jurisdiction to make orders retroactive to (date) _____.
 30. The court reserves jurisdiction over all issues the issues of (specify): _____

31. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
 32. The Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order (Form FL-192) are attached and incorporated.
 33. The following person (the "non-parent") is added as a party to this action (name): _____
 34. The court further orders (specify): _____

Approved as conforming to court order:
 Date: _____
 Signature of Attorney for the Parent Ordered to Pay Support: _____
 Signature of Attorney for the Respondent: _____
 Signature of Attorney for the Non-Parent: _____
 Signature of the Court Officer: _____
 Signature follows last attachment.

Number of pages attached: _____
 FL-699 (Rev. 06/1/2015) MINUTES AND ORDER OF JUDGMENT Page 2 of 2

How does your court handle contempts?

292. (a) The Judicial Council shall modify the title of its existing form, "Order to Show Cause and Declaration for Contempt (Family Law)," to "Order to Show Cause and Affidavit for Contempt (Family Law)." (b) The Judicial Council shall prescribe a form entitled "Affidavit of Facts Constituting Contempt" that a party seeking to enforce a judgment or order made or entered pursuant to this code by contempt may use as an attachment to the Judicial Council form entitled "Order to Show Cause and Affidavit for Contempt (Family Law)." The form shall provide in the simplest language possible:

(1) The basic information needed to sustain a cause of action for contempt, including, but not limited to, the elements of a cause of action for contempt. (2) Instructions on how to prepare and submit the Order to Show Cause and Affidavit for Contempt (Family Law) and the Affidavit of Facts Constituting Contempt. (3) Lines for the date and a signature made under penalty of perjury. (c) Section 1211.5 of the Code of Civil Procedure shall apply to the Order to Show Cause and Affidavit for Contempt (Family Law) and the Affidavit of Facts Constituting Contempt.

4502. The period for enforcement and procedure for renewal of a judgment or order for child, family, or spousal support is governed by Section 291.

Horizontal lines for handwritten notes or signatures.

Department of Child Support Services 2425 WILSON AVENUE, STE 300 SACRAMENTO, CA 95811 SUPERIOR COUNTY OF CALIFORNIA, COUNTY OF SOROMA JUDICIAL DISTRICT: SACRAMENTO CITY AND ZIP CODE: SANTA ROSA, CA 95901 COUNTY NUMBER: RESPONDENT/DEFENDANT: OTHER PARTY/COUNTERPARTY:		CASE NUMBER:
WAIVER OF CONSTITUTIONAL RIGHTS PRIOR TO ENTRY OF PLEA OF GUILTY OR NOLIT CONTENDERE		
Obligor to Initial After Reading:		
I, _____, UNDERSTAND THAT I AM CHARGED WITH CONTEMPT OF COURT TO WHICH I INTEND TO ADMIT AND I HEREBY SPECIFICALLY, INTENTIONALLY, AND WITH FULL KNOWLEDGE AND UNDERSTANDING THEREOF, GIVE UP EACH AND ALL OF MY FOLLOWING RIGHTS:		
1. To be represented by an attorney of my own choice, or if I cannot afford an attorney, to have the court appointed one to represent me, subject however, to the possibility that the court may at the conclusion of these proceedings against me, require that I pay a portion or all of the cost thereof based upon my then financial ability.		
2. To a public trial by court.		
3. To a speedy trial.		
4. To confront the witnesses against me in trial and to cross-examine them myself or through my attorney.		
5. To subpoena witnesses for my defense.		
6. To testify in my own defense.		
7. To refuse to testify if I so desire and to thereby refuse to give evidence that may be used against me.		
8. To the presumption of innocence until the prosecution shall have proved me guilty beyond a reasonable doubt.		
I UNDERSTAND THE NATURE OF THE CHARGES AGAINST ME, THE ELEMENTS THEREOF, AND THE AVAILABLE PLEAS AND DEFENSES THEREIN.		
I UNDERSTAND THAT THE PENALTIES FOR THIS OFFENSE ARE AS FOLLOWS:		
First finding of contempt: no mandatory minimum sentence.		
Second finding of contempt: 200 hours of community service or 200 hours of imprisonment, for each course of contempt.		
Third and subsequent finding of contempt: no mandatory minimum sentence.		
Maximum sentence: 100 hours of community service and 100 hours of imprisonment, for each course of contempt.		
Maximum sentence: 200 hours of community service and 200 hours of imprisonment for each course of contempt.		
I understand that if I do not do the community service as ordered by the Court for any finding of contempt, a jail sentence will be imposed.		
WAIVER OF CONSTITUTIONAL RIGHTS PRIOR TO ENTRY OF PLEA OF GUILTY OR NOLIT CONTENDERE		

Horizontal lines for handwritten notes or signatures.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARTY/COUNTERPARTY:	CASE NUMBER:
4. I UNDERSTAND THAT IF I AM NOT A CITIZEN OF THE UNITED STATES, THE CONVICTION FOR THE OFFENSE CHARGED MAY HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.	
5. MY PLEA IS ENTERED FREELY AND VOLUNTARILY.	
6. OBLIGOR: I have personally intimated each of the above and understand each and every one of the rights outlined above and hereby waive and give up each of them in order to enter my plea to the above charge.	
DATED: _____ SIGNED: _____ (Obligor's Signature)	
7. OBLIGOR'S ATTORNEY ONLY: I am the obligor's attorney of record and I have explained each of the above rights to the obligor, and having explored the facts with both/er and studied together possible defenses to the charge(s), I concur in both/er decision to waive the above rights and to admit to the charge(s). I further stipulate that this document may be received by the court as evidence of the obligor's intelligent waiver of these rights and that it shall be filed by the clerk as permanent record of the waiver. I have witnessed the reading of this form by the obligor and both/er initials and signature upon it.	
DATED: _____ SIGNED: _____ (Attorney's Signature)	
INTERPRETER:	
I, _____ a qualified interpreter, having been sworn, truly translated this form and all the questions therein to the obligor in the _____ language. With the exception of the obligor's signature, I have completed the form at the obligor's direction. The obligor indicated understanding the contents of the form, and then signed the form.	
DATED: _____ SIGNED: _____ (Interpreter's Signature)	

Horizontal lines for handwritten notes or signatures.

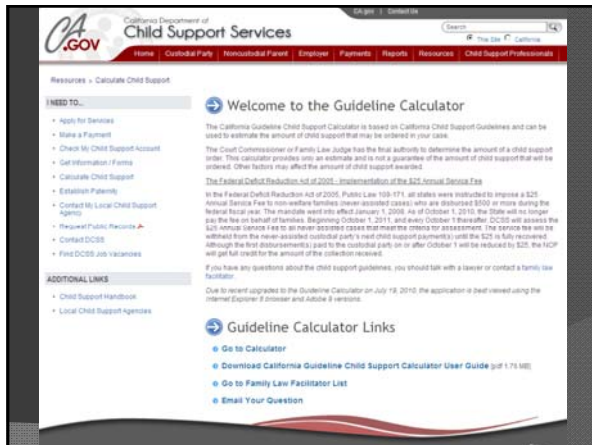
Contempt

For an order to be contempt enforceable it **MUST** be specific!

For example:

\$100.00 per month - is NOT

\$100.00 per month payable Father on the 15th of each month to DCSS - IS





This screenshot displays the 'Dependent Information' and 'Tax Information' sections of the California State Tax Software. The interface includes a sidebar with navigation options like 'Home', 'Dependent Information and Status', and 'Other Tax Settings'. The main content area shows a 'Dependent Information' section with fields for Name (FIRST-BORN, SECOND-BORN), Prior Period Data Range, and Time with Parent (STX) in the same for each child. Below this is the 'Parents Living Together Without Custody of Children' section with a checkbox for checking tax for Parent 1 and Parent 2. The 'Tax Information' section includes fields for Tax Year (2015), Federal Income Taxes, Federal Tax Filing Status (SINGLE, HEAD OF HOUSEHOLD), Federal Tax Exemptions (1), State Income Taxes (California), and Other Modified Payments and Credits (NONE AS FEDERAL, NONE AS FEDERAL). There is also a 'Monthly Income Information' section with checkboxes for 'Wages/Salary' and 'Calculate Wages/Salary'.

This screenshot shows the 'Other Taxable Income' and 'Monthly Deduction Information' sections. The 'Other Taxable Income' section includes 'Other Taxable Income' and 'New Spouse Taxable Income Details'. The 'Monthly Deduction Information' section contains multiple rows for 'Child Support Paid (Other Relationship)', 'Special Support Paid (Other Relationship)', 'Property Tax', 'Mortgage Interest', 'Insured Loan Debt', 'Health Insurance Post Tax', 'Mandatory Retirement (Tax-Deferred)', 'Other Retirement Contributions', 'Job-Related Expenses & Spousal Support (Other Relationship)', 'Other Standard Deductions', 'Other Tax Deductions', 'Alternative Minimum Tax Information (IRS Form 6251) & State Adjustments', and 'Extraordinary Health and Catastrophic Losses'. At the bottom, there is a 'Monthly Child Support Add-On Information' section with 'Parent 1' and 'Parent 2' sub-sections.

This screenshot displays the 'Monthly Child Support Add-On Information' and 'Other Settings' sections. The 'Monthly Child Support Add-On Information' section includes 'Parent 1' and 'Parent 2' sub-sections. The 'Other Settings' section includes 'Apply Low Income Adjustment' and 'Calculate Temporary Spousal Support'. At the bottom, there are 'Cancel' and 'Calculate Qualifier Support' buttons, and a copyright notice for '© 2014 State of California - California State Tax Software'.

Input Data	Father	Mother	Guideline (2015)
Number of children	0	2	Nets (adjusted)
% time with NCP	20%	0%	Father 3,675
Filing status	Single	HH/MLA	Mother 1,670
# Federal exemptions	1*	3*	Total 5,345
Wages + salary	5,000	1,170	Support
401(k) emp. contribution	0	0	CS Payor Father
Self-employment income	0	0	Presumed 1,251
Other taxable income	0	0	Basic CS 1,251

Cash Flow Analysis	Father	Mother
Guideline		
Payment (cost)/benefit	(1,251)	1,251
Net spendable income	2,424	2,921
% combined spendable	45.4%	54.6%
Total taxes	1,325	(500)
# withholding allowances	1	2
Net wage paycheck/mo	3,566	1,039

Child 1	455
Child 2	796
Spousal support	blocked
Total	1,251

Input Data	Father	Mother	Guideline (2015)	
Number of children	0	2	Nets (adjusted)	
% time with NCP	20%	0%	Father	4,065
Filing status	Single	HH/MLA	Mother	1,526
# Federal exemptions	3	1	Total	5,591
Wages + salary	5,000	1,170	Support	
401(k) emp. contribution	0	0	CS Payor	Father
Self-employment income	0	0	Presumed	1,415
Other taxable income	0	0	Basic CS	1,415

Cash Flow Analysis	Father	Mother
Guideline		
Payment (cost)/benefit	(1,415)	1,415
Net spendable income	2,651	2,940
% combined spendable	47.4%	52.6%
Total taxes	935	(356)
# withholding allowances	6	2
Net wage paycheck/mo	4,000	1,039

Child 1	530
Child 2	884
Spousal support	blocked
Total	1,415

Input Data	Father	Mother	Guideline (2015)
Number of children	0	2	Nets (adjusted)
% time with NCP	20%	0%	Father 4,065
Filing status	Single	HH/MLA	Mother 1,526
# Federal exemptions	3	1	Total 5,591
Wages + salary	5,000	1,170	Support
401(k) emp. contribution	0	0	CS Payor Father
Self-employment income	0	0	Presumed 1,415
Other taxable income	0	0	Basic CS 1,415

New-spouse income	3,000
Wages + salary	3,000

Cash Flow Analysis	Father	Mother
Guideline		
Payment (cost)/benefit	(1,415)	1,415
Net spendable income	2,651	2,940
% combined spendable	47.4%	52.6%
Total taxes	935	(356)
# withholding allowances	6	2
Net wage paycheck/mo	4,000	1,039

Child 1	530
Child 2	884
Spousal support	blocked
Total	1,415

Input Data	Father	Mother	Guideline (2015)
Number of children	0	2	Nets (adjusted)
% time with NCP	45%	0%	Father 4,102
Filing status	Single	HH/MLA	Mother 1,526
# Federal exemptions	3	1	Total 5,628
Wages + salary	5,000	1,170	Support
401(k) emp. contribution	0	0	CS Payor Father
Self-employment income	0	0	Presumed 910
Other taxable income	0	0	Basic CS 910

Cash Flow Analysis	Father	Mother
Guideline		
Payment (cost)/benefit	(910)	910
Net spendable income	3,191	2,436
% combined spendable	56.7%	43.3%
Total taxes	898	(356)
# withholding allowances	6	2
Net wage paycheck/mo	4,000	1,039

New-spouse income	3,000
Wages + salary	3,000

Child 1	341
Child 2	569
Spousal support	blocked
Total	910

The Court can deviating from Guideline per

- Family Code 4056
– If deviating, must state findings and guideline CS and state reasons for deviation on record.
- Family Code 4057(a)
The amount of child support established by the formula presumed to be the correct amount of child support.
- Family Code 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.

Please fill out the survey.

Your feed back is important to us.
Thank you for coming and see you
next year.
