

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

Title	Action Requested
Review of Statewide Uniform Child Support Guideline 2010 (Draft Report)	Review and Submit Comments by January 28, 2011 at 5:00 p.m.
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
None	N/A
Proposed by	Contact
Administrative Office of the Courts Center for Families, Children & the Courts Diane Nunn, Director	Michael L. Wright, Supervising Attorney 415-865-7739 phone 415-865-4297 fax ab1058@jud.ca.gov

Summary

Under Family Code section 4054, the Judicial Council periodically reviews the statewide uniform child support guideline to recommend to the Legislature any appropriate revisions. Prior to submission to the Legislature, the draft report is made available for public comment.

Discussion

This report is prepared under California Family Code section 4054(a), which requires that at least every four years the Judicial Council review the Statewide Uniform Child Support Guideline to recommend appropriate revisions to the Legislature. Federal regulations (45 C.F.R. § 302.56) also require that each state review its guideline at least every four years. The primary purpose of this requirement is to ensure that the guideline results in the determination of appropriate child support award amounts. Federal and state requirements additionally specify that the review must include an assessment of the economic data on child-rearing costs and a review of case data to analyze the application of the guideline and to ensure that deviations from the guideline are limited.

In January 2010, the Judicial Council, through a competitive bidding process, contracted with the Center for Policy Research (CPR) to provide technical assistance for California's child support guideline review. Federal and state requirements for review of the guideline were met through the following activities:

- Reviewing the economic studies underlying the existing California guideline formula;

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 These proposals are circulated for comment purposes only.

- Conducting a literature review of studies estimating child-rearing expenditures;
- Examining other economic factors considered in the guideline formula (e.g., the adjustment for low-income obligors);
- Examining California's and other states' treatment of medical support in the context of new federal medical support requirements;
- Collecting and analyzing court case file data from a review of recently established and modified child support orders;
- Measuring how frequently the guideline is applied and deviated from, as well as the reasons for, amount of, and upward and downward direction of deviations;
- Adding context to the statistical results of case data analysis and improving interpretation through focused discussion groups with a broad cross-section of child support commissioners and stakeholder groups involved in child support issues;
- Seeking input from stakeholders about the comprehensiveness and fairness of the California guideline; and
- Comparing selected provisions of the California guideline and their application with those of other states' guidelines.

The study arrived at five recommendations as follows:

1. Update or modify the low-income adjustment in the guideline.
2. Evaluate the current income attribution policies. This includes codifying case law on income imputation and reviewing the existing income presumption provision to determine if it continues to be consistent with the legislative principles regarding child support.
3. Educate stakeholders and equip them with information so that they can make the current system work better. In addition, develop strategies to engage stakeholders and encourage their active participation in the child support process.
4. Adopt any necessary conforming changes so that California can meet the 2008 federal medical support rules, but also recognize that the 2010 national health reform may produce future changes to the federal rules as well as changes in how states approach medical support.
5. Encourage better and more detailed information in the case file.

The Administrative Office of the Courts (AOC) invites the public to comment on the draft report. The comment period is from November 30, 2010 to January 28, 2011 at 5:00 p.m. Upon completion of the public comment period, the draft report, including public comments, will be submitted to the Judicial Council through the standard process for its review and approval prior to submission to the Legislature.

The easiest way to comment on the draft recommendations is to use the electronic comment form on the California Courts website at www.courtinfo.ca.gov/invitationstocomment.

Comments can also be provided by e-mail to ab1058@jud.ca.gov, fax to 415-865-4297, or by regular mail c/o Michael Wright, Administrative Office of the Courts, 6th Floor, 455 Golden Gate Avenue, San Francisco, California 94102. If you plan to comment on more than one recommendation, please submit comments via the electronic comment form. If you submit by fax or mail, you should first download the comment form from the California Courts website above.

Please note that public comments will become part of the public record and will include the names and titles of the commentators.