



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 24, 2019

Title

Family Law: Registration of Support Order

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Adopt form FL-445; revise forms FL-570 and FL-575

Effective Date

January 1, 2020

Date of Report

September 6, 2019

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Contact

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt a new Judicial Council form and revise two other Judicial Council forms for registration of support orders. These changes are required to make the forms suitable for use by all parties to the action and to correct inadvertent omissions.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Adopt *Request for Hearing Regarding Registration of California Support Order* (form FL-445); and
2. Revise *Notice of Registration of Out-of-State Support Order* (form FL-570) and *Request for Hearing Regarding Registration of Support Order* (form FL-575).

The new and revised forms are attached at pages 7–14.

Relevant Previous Council Action

The council adopted forms 1285.88 and 1285.90¹, effective January 1, 1999. The council revised both forms, effective January 1, 2017, to comply with modifications that were made to federal forms by the Office of Child Support Enforcement (OCSE) and due to modifications and renumbering of the Uniform Interstate Family Support Act.

Analysis/Rationale

The committee proposes the council adopt form FL-445 to request a hearing regarding the registration of a California support order. Additionally, the committee proposes the council revise forms FL-570 and FL-575 to replace references to federal child support forms with references that describe both the relevant federal forms or paperwork submitted by an individual and make other technical changes, and revise form FL-575 so that it may only be used to request a hearing regarding the registration of an *out-of-state* support order.

Separate forms to contest registration of California or out-of-state support orders

If a support order is entered in one jurisdiction and one or both parents move to a different jurisdiction, the support order can be registered for enforcement purposes in the new jurisdiction of the support obligor. Consequently, it is common practice for support orders from other counties in California, other states within the U.S., or even from foreign countries to be registered in California courts.

California support orders can be registered (from one county to another county) by a local child support agency (LCSA) or an individual party. (Fam. Code, §§ 5601, 5602; see Link A) If the named obligor wishes to contest the registration of the support order, currently form FL-575 must be filed with the court. This form was originally created to contest either the registration of a California support *or* the registration of an out-of-state support order. Consequently, the current form contains defenses to both types of registration listed on the same form: item 2a applies only to California orders, items 2b–2d and 2g apply only to out-of-state orders, and items 2e and 2f apply to both types of orders. However, while the grounds for contesting each type of registration are similar, they are not identical.

Family Code section 5603(a) states that the defenses available to contest the registration of a California support order “shall be limited strictly to the identity of the obligor, the validity of the underlying ... order, or the accuracy ... of the amount of support remaining unpaid unless the amount has been previously established by a judgment or order.” Additionally, if the underlying support order has been appealed, the court must stay enforcement until the appeal process has concluded, if the obligor has provided security for payment of the ordered support. (Fam. Code, § 5603(b).) These limited defenses to the registration of a California support order are listed on the new proposed form FL-445, which also includes instructions regarding filing and service specific to contesting this type of registration.

¹ Effective January 1, 2003, these forms were renumbered to FL-570 and FL-575 respectively.

Additionally, the committee proposes revising form FL-575 to limit its use to contesting the registration of out-of-state orders and to revise the form title accordingly. Item 2a on form FL-575, which states, “I am not the Obligor named in the Letter of Transmittal Requesting Registration,” has been removed, as this defense is only applicable to contest the registration of a California support order. A new defense was added as it was not previously included on the form, “there is another support order that is the controlling (correct) order.” (Fam. Code, § 5700.607.) Finally, minor technical changes are proposed to the attached information sheet, such as replacing “attorney” with the more plain language “lawyer” and replacing the term “notice or statement of registration” with “notice of registration.” This is because “statement of registration” refers to forms FL-440 and FL-650, which are only used to register a California support order, not an out-of-state order.

Replacing references to federal forms on forms FL-570 and FL-575

The framework for registering out-of-state support orders is set forth in the Uniform Interstate Family Support Act (UIFSA) as amended in 2008 (adopted in California as Fam. Code, §§ 5700.101–5700.905). In addition to submitting a certified copy of the support order, “a letter of transmittal to the tribunal requesting registration and enforcement” must be included, along with a sworn statement stating “the amount of any arrearage” and identifying information of the obligor, such as address, social security number, employer information, etc., if known. (Fam. Code, § 5700.602; see Link B.)

When a court receives a request to register an out-of-state support order, it is required to send notice to the nonregistering party. (Fam. Code, § 5700.605; see Link C.) The vast majority of these requests come from an LCSA after receiving an intergovernmental request from a child support agency in a different state, which includes a copy of the support order and various federal forms. However, on occasion, courts also receive requests to register support orders from individuals. In fact, the comments to section 603 of UIFSA state:

UIFSA provides that either the obligor, the obligee, or a support enforcement agency, may register a support order of another state or a foreign support order. In fact, even a stranger to the litigation, for example a grandparent or an employer of an alleged obligor, may register a support order.

While UIFSA contemplates that individuals, not just LCSAs, will register out-of-state support orders, forms FL-570 and FL-575 in their current format can only be used when an LCSA is the registering party. This is because the forms refer multiple times to two different OCSE forms, *Letter of Transmittal Requesting Registration* (five times on form FL-570 and two times on form FL-575) and *Personal Information Form* (one time on form FL-570), without making any mention of the paperwork that could instead be submitted by an individual. Therefore, when an individual registers an out-of-state support order, there is no corresponding Judicial Council form that is appropriate for the courts to give the required notice to the nonregistering party, nor is there a form for a party to use to contest the registration in the same scenario.

The committee proposes making all references to the required letter of transmittal on the current forms lower case, so that the forms would state “letter of transmittal requesting registration.” This way, the reference is descriptive of *any* letter of transmittal received by the court (instead of being limited to just the federal form by the same name) and the forms could then be used if the request to register was made by an LCSA or an individual using their own letter of transmittal. Additionally, the reference to the federal *Personal Information Form* in item 7 of form FL-570 would be removed.

Technical revisions to form FL-570

As stated above, when registering an out-of-state support order, the request must include a sworn statement that includes the amount of any alleged arrearage. Item 3 of form FL-570 states, “The amount of arrears is specified in section 1 on the attached Letter of Transmittal Requesting Registration.” While the amount of support in arrears is listed in section 1 of the OCSE transmittal form, this information might not be listed in a letter of transmittal submitted by an individual; instead, an individual could just state the amount of arrearage in a separate sworn affidavit. The committee proposes revising item 3 of the form to read, “The amount of arrears is specified in the attached letter of transmittal requesting registration or sworn statement.”

Finally, if an individual registers a support order, the court would not be required to return a copy of the paperwork to the LCSA, but would instead only return a conformed copy to the registering party. Therefore, the committee proposes revising item 8 in the Clerk’s Certificate of Mailing section to state, “A copy was sent to the registering party on *(date)* ...”

Policy implications

By removing references on the Judicial Council forms to federal child support forms, making the forms suitable for use when an individual registers a support order, and by having one form to contest the registration of a California order and another form to contest the registration of an out-of-state order, the whole process of registering a support order would become more consistent and increase access to justice: courts would have a Judicial Council form available to give the notice required upon registration, and litigants would be made more aware what defenses are available to the type of registration particular to their case.

Comments

This proposal circulated for comment as part of the spring 2019 invitation-to-comment cycle, from April 12 to June 10, 2019, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, and other family law professionals. The proposal also went to the Department of Child Support Services, the Child Support Directors Association of California’s Legal Practices Committee chair, the Judicial Council Forms Subcommittee chair, and child support commissioners.

Seven organizations or individuals provided comment: all seven commenters agreed with the proposal, although four commentators suggested some slight modifications to the forms. A chart with the full text of the comments received and the committee's responses is attached at pages 15–26.

Two of the commenters suggested revising the item on form FL-445—requesting a stay of enforcement of the support order because the order has been appealed—to also indicate that security for the payment of the support ordered has been provided, which the committee proposes be included in the form. Two commenters stated that the term “documents and relevant information accompanying the order” found in the clerk’s certificate of mailing section on form FL-570 is not clearly defined and could cause confusion; however, the committee recommends using this term as it is taken directly from the applicable statute. Two commenters suggested revising form FL-575 to include all of the defenses to contest the registration of an out-of-state support order listed in the statute, and the committee recommends revising the form accordingly. The committee also proposes including other formatting revisions proposed by some commenters to make the forms clearer and more consistent, such as having portions of the instruction sections of forms FL-445 and FL-575 mirror each other.

Alternatives considered

The committee considered keeping form FL-575 as a dual-use form to contest the registration of a California or out-of-state support order, with additional warning language added regarding the defenses available to each type of registration. However, the committee instead thought it preferable to create a separate form to contest each type of registration. Additionally, the committee considered revising the references to federal forms on forms FL-570 and FL-575 as technical changes but chose to circulate both forms for comment in order to obtain suggestions for alternative language and to give the public, justice partners, and the courts proper notice that the forms would be modified.

Fiscal and Operational Impacts

The committee anticipates that this proposal will result in some initial costs to the courts to train judicial officers and court staff and would require courts to create copies of the new and updated forms but, because the forms are used on an as-needed basis, there may be no additional printing costs imposed. Additionally, any increased costs would be offset by the time saved by the courts now being able to use form FL-570 to give the required notice to the nonregistering party, where previously no Judicial Council form existed. Finally, having two separate forms to contest the registration of a California or out-of-state support order would help eliminate confusion for litigants regarding which potential defenses apply to which type of registration.

Attachments and Links

1. Forms FL-445, FL-570, and FL-575, at pages 7–14
2. Chart of comments, at pages 15–26

3. Link A: Fam. Code, §§ 5600–5604,
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=9.&title=&part=5.&chapter=8.&article=9
4. Link B: Fam. Code, §§ 5700.601–5700.604,
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=9.&title=&part=6.&chapter=6.&article=1
5. Link C: Fam. Code, §§ 5700.605–5700.608,
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=9.&title=&part=6.&chapter=6.&article=2

PARTY WITHOUT ATTORNEY OR ATTORNEY (name, state bar number, and address): NAME: STATE BAR NO.: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
REQUEST FOR HEARING REGARDING REGISTRATION OF CALIFORNIA SUPPORT ORDER	CASE NUMBER:

NOTICE OF HEARING

1. A hearing on this application will be held as follows (see instructions on how to get a hearing date):

a. Date:	Time:	Dept:	Div:	Room:
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b. The address of the court is same as noted above Other (specify):

2. I request that service of the registration of support order be vacated (canceled) because (check all that apply):

- a. I am not the Obligor (the parent ordered to pay support) named in the statement for registration.
- b. the support order attached to the statement for registration is not a valid order.
- c. the amount of arrears (back support) listed in the paperwork attached to the statement for registration is incorrect.
 The correct amount of arrears is (specify amount): \$ Supporting documents attached.
 (NOTE: You can file this Request without stating what you believe is the correct amount of arrears.)
- d. Other (specify):

3. I request that enforcement of the support order be stayed (stopped) because the order has been appealed. I have furnished security for payment of the support ordered and the appeal is pending or the order has been stayed by another court.

4. Explain the facts in support of your request:

Contained in the attached declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF DECLARANT)	Page 1 of 3
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**INFORMATION SHEET FOR REQUEST FOR HEARING REGARDING
REGISTRATION OF CALIFORNIA SUPPORT ORDER**

(Do NOT deliver this Information Sheet to the court clerk.)

Please follow these instructions to complete the *Request for Hearing Regarding Registration of California Support Order* (form FL-445) if you do not have a lawyer representing you. Your lawyer, if you have one, should complete this form. You can get free help with this form from the [family law facilitator](#) in your county.

This form should be used if you received a notice of registration telling you that a California support order is being registered in a California court but you do not want that support order registered. To request a hearing regarding the registration of an out-of-state support order, use [form FL-575](#). To request a hearing regarding the registration of an International Hague Convention support order, use [form FL-594](#).

You must file your completed request for hearing with the court clerk. The address of the court clerk is the same as the one shown for the superior court on the notice of registration you received. You may have to pay a filing fee to request a hearing. If you cannot afford to pay the filing fee, you must file a *Request to Waive Court Fees* ([form FW-001](#)). You can get this form from the court clerk, the California Courts website at www.courts.ca.gov, or the [family law facilitator](#) in your county (who can also assist you with the application). Provide an original *Request for Hearing Regarding Registration of California Support Order* and any attachments plus at least three copies for filing. Keep copies of the filed request and any attachments for service, and keep the other copy for your records.

Someone other than you, who is at least 18 years old, must serve (deliver) copies of the request on the other parent, or their lawyer if they have one in this case. A copy must also be served on the local child support agency, if that office is providing services in the case. The paperwork must be served at least **15 days** before the hearing date. (**Note:** If the paperwork is served by mail, there are special rules regarding this service deadline.) Be sure to file your *Proof of Service* with the court clerk. More information about how to serve legal paperwork can be found on the California Courts website at www.courts.ca.gov/selfhelp-serving.htm or from the [family law facilitator](#) in your county.

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR HEARING REGARDING REGISTRATION OF CALIFORNIA SUPPORT ORDER (YOU CAN COMPLETE THE FORM ON A COMPUTER, BY TYPING, OR BY PRINTING IN BLACK OR BLUE INK):

Page 1, first box, top of form, left side: Print your name, address, phone number, and e-mail address in this box.

Page 1, second box, left side: Print the name of your county and the court's address in this box. Use the same address for the court that is on the notice of registration you received.

Page 1, third box, left side: Print the names of Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names as listed on the notice of registration you received.

Page 1, first box, top of form, right side: Leave this box blank for the court's use.

Page 1, second box, right side: Print your case number in this box. This number is also shown on the notice of registration you received.

Instructions for Numbered Paragraphs

1. Leave this section blank. The court clerk will fill in the date, time, and location of the hearing.
2. Check this box if you do not want the support order to be registered. Then, check the box or boxes to tell the court the reasons why you do not want the support order to be registered.
 - a. Check this box if you are not the person named in the statement for registration you received.

**Information Sheet for Request for Hearing Regarding Registration
of California Support Order (continued)**

- b. Check this box if the support order attached to the statement for registration you received is not a valid order. You will need to explain to the court why you believe the order is not valid in item 3 of the form.
 - c. You should check this box if you disagree with the amount of arrears (back support) listed in the paperwork attached to the statement for registration. Tell the court the correct amount of arrears owed in the space provided (if known). If you attach any documents to support your position, check the applicable box. (**Note:** This is not a valid defense if the amount of arrears listed in the paperwork attached to the statement for registration was already determined by another court.)
 - d. Check this box if you have another reason to object to the registration of the support order and state your reason in the space provided.
3. Check this box if you want enforcement of the support order stayed (stopped) because you have appealed the order, you have furnished security for the support order, and the appeal is still pending or if the order has been stayed by another court to give you time to appeal the order.
4. You must fully explain all of the reasons that you checked in item 2 or 3 of this request. If you need more space, you may attach additional sheets. Check the box labeled "Contained in the attached declaration" if you are attaching a declaration or additional pages explaining your reasons for this request.

You must date the form, print your name, and sign the form under penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

If you need assistance with this form, contact a lawyer or the [family law facilitator](#) in your county.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> DRAFT 2 NOT APPROVED BY THE JUDICIAL COUNCIL
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
NOTICE OF REGISTRATION OF OUT-OF-STATE SUPPORT ORDER <input type="checkbox"/> Support Order <input type="checkbox"/> Income Withholding Order	CASE NUMBER:

1. To *(name)*:

2. You are notified that an Out-of-State Support Order Out-of-State Order for Income Withholding has been registered with this court. A copy of the order and the letter of transmittal requesting registration are attached.

3. The amount of arrears is specified in the attached letter of transmittal requesting registration or sworn statement.
 The amount of the alleged arrears is: _____ as of _____ .
 The arrears have a U.S. dollar equivalence of _____ as of _____ . *(Only applicable to foreign support orders.)*

4. The registered order is enforceable in the same manner as a support order made by a California court as of the date that the letter of transmittal requesting registration and order are filed.

5. If you want to contest the validity or enforcement of the registered order, you must request a hearing within 20 days after notice. You can request a hearing by completing and filing a *Request for Hearing Regarding Registration of Out-of-State Support Order* ([form FL-575](#)).

6. If you fail to contest the validity or enforcement of the attached order within 20 days after notice, the order will be confirmed by the court and you will be unable to contest any portion of the order including the amount of arrears as specified in the letter of transmittal requesting registration or sworn statement.

CLERK'S CERTIFICATE OF MAILING

7. I certify that I am not a party to this cause and that a copy of the out-of-state order, and the documents and relevant information accompanying the order, were sent to the person named in item 1 by first-class mail. The copies were enclosed in an envelope with postage fully prepaid. The envelope was addressed to the person named in item 1 only at the address listed in the documents and relevant information accompanying the order, sealed, and deposited with the U.S. Postal Service

at *(place)*:
 on *(date)*:

8. A copy was sent to the registering party on *(date)*:

Date: _____ Clerk, by _____, Deputy

PARTY WITHOUT ATTORNEY OR ATTORNEY (name, state bar number, and address): NAME: _____ STATE BAR NO.: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT 2 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER PARENT: _____	
REQUEST FOR HEARING REGARDING REGISTRATION OF OUT-OF-STATE SUPPORT ORDER	CASE NUMBER: _____

NOTICE OF HEARING

1. A hearing on this application will be held as follows (see instructions on how to get a hearing date):

a. Date:	Time:	Dept:	Div:	Room:
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b. The address of the court is same as noted above Other (specify): _____

2. I request that service of the registration of support order be vacated (canceled) because (check all that apply):

- a. the court or tribunal that issued the order did not have personal jurisdiction over me.
- b. the support order was obtained by fraud.
- c. the support order has been vacated, suspended, or modified by a later order. (Attach a copy of the later order.)
- d. the order has been stayed pending appeal.
- e. the amount of arrears (back support) listed in the letter for transmittal requesting registration or sworn statement is incorrect. The correct amount of arrears is (specify amount): \$ _____ Supporting documents attached.
(NOTE: You can file this Request without stating what you believe is the correct amount of arrears.)
- f. some or all of the arrears are not enforceable.
- g. there is a defense under California law to the remedy sought.
- h. there is another support order that is the controlling (correct) order. (Attach a copy of the other order.)
- i. Other (specify): _____

3. Explain the facts in support of your request:

Contained in the attached declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the *Request for Hearing Regarding Registration of Out-of-State Support Order* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed

at (*place*): _____, California,

on (*date*): _____

Date: _____ Clerk, by _____, Deputy

<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

INFORMATION SHEET FOR REQUEST FOR HEARING REGARDING REGISTRATION OF OUT-OF-STATE SUPPORT ORDER

(Do NOT deliver this Information Sheet to the court clerk.)

Please follow these instructions to complete the *Request for Hearing Regarding Registration of Out-of-State Support Order* (form FL-575) if you do not have a lawyer representing you. Your lawyer, if you have one, should complete this form. You can get free help with this form from the [family law facilitator](#) in your county.

This form should be used if you received a notice of registration telling you that an out-of-state support order is being registered in a California court but you do not want that support order registered. To request a hearing regarding the registration of an International Hague Convention support order, use [form FL-594](#). To request a hearing regarding the registration of a California support order, use [form FL-445](#).

You must file your completed request for hearing with the court clerk. You must also give the court clerk addressed envelopes with postage paid to mail copies of your request for hearing to the other parties. The address of the court clerk is the same as the one shown for the superior court on the notice of registration you received. You may have to pay a filing fee to request a hearing. If you cannot afford to pay the filing fee, you must file a *Request to Waive Court Fees* ([form FW-001](#)). You can get this form from the court clerk, the California Courts website at www.courts.ca.gov, or the [family law facilitator](#) in your county (who can also assist you with the application).

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR HEARING REGARDING REGISTRATION OF OUT-OF-STATE SUPPORT ORDER (YOU CAN COMPLETE THE FORM ON A COMPUTER, BY TYPING, OR BY PRINTING IN INK):

Page 1, first box, top of form, left side: Print your name, address, phone number, and e-mail address in this box.

Page 1, second box, left side: Print the name of your county and the court's address in this box. Use the same address for the court that is on the notice of registration you received.

Page 1, third box, left side: Print the names of Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names as listed on the notice of registration you received.

Page 1, first box, top of form, right side: Leave this box blank for the court's use.

Page 1, second box, right side: Print your case number in this box. This number is also shown on the notice of registration you received.

1. Leave this section blank. The court clerk will fill in the date, time, and location of the hearing.
2. In this section you are telling the court why you do not want the support order to be registered. Check the box or boxes to tell the court the reasons why you do not want the support order to be registered.
 - a. You should check this box if the court that issued the support order did not have jurisdiction over you to issue the order. You may need legal advice to find out if this is a valid reason in your case.
 - b. Check this box if your support order was obtained by fraud. You may need legal advice to find out if this is a valid reason in your case.
 - c. You should check this box if a court has suspended or vacated your support order. You should also check this box if your support order was modified by a later order. **If the order was modified, you must attach a copy of your most recent support order to your request for hearing.**
 - d. Check this box if you have already filed an appeal to your support order and a court has stopped the order until the appeal is decided.
 - e. You should check this box if you disagree with the amount of arrears (back support) listed in the letter of transmittal requesting registration or sworn statement. Tell the court the correct amount of arrears owed in the space provided (if known). If you attach any documents to support your position, check the applicable box.

**Information Sheet for Request for Hearing Regarding Registration
of Out-of-State Support Order (continued)**

2.
 - f. Check this box only if your support order was made by a court outside California and cannot be enforced due to the statute of limitations in that jurisdiction.
 - g. Check this box if there is a defense under California law to the remedy sought.
 - h. Check this box if there is another support order involving the parties and children that is the controlling (correct) order. *(Attach a copy of the other order.)*
 - i. Check this box if you have another reason to object to the registration of the support order and then specify the other reason.
3. You must fully explain all of the reasons that you checked in item 2 of this request. If you need more space, you may attach additional sheets. Check the box labeled "Contained in the attached declaration" if you are attaching a declaration or additional pages explaining your reasons for this request.

You must date the form, print your name, and sign the form under penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

Page 2, box on left side: Print the names of Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names as on the front page.

Page 2, box on right side: Print your case number in this box. Use the same number as on the front page.

The court clerk will sign and date the request for hearing form before mailing it to the Petitioner/Plaintiff, Respondent/Defendant, Other Parent, and the local child support agency if that office is providing services in the case.

You must print the name and address in the brackets of the Petitioner/Plaintiff, Respondent/Defendant, Other Parent, and the local child support agency if that office is providing services in the case. The names are the same as those at the top of the page. You must also provide the court clerk with stamped envelopes addressed to each of the parties listed in the brackets.

If you need assistance with this form, contact a lawyer or the [family law facilitator](#) in your county.

SPR19-31

Family Law: Registration of Support Order

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Deidre Kelly, President	AM	<p>The proposal appropriately addresses the stated purpose.</p> <p>Specific Comments:</p> <p><i>Does Form FL-445 adequately set forth defenses?</i></p> <p>Yes.</p> <p><i>Does Form FL-575 adequately set forth defenses?</i></p> <p>Yes, but the form appears to require a “letter of transmittal requesting registration” which is done for interstate enforcement through the Local Child Support Agency (in California, that’s the Dept. of Child Support Services), but is NOT part of a private registration process. Confusion by litigants or court clerks could result in denial of registration when no “letter of transmittal requesting registration” can be provided.</p> <p>In addition, the form also refers to “documents and relevant information accompanying the order” without guidance or definition of what those items are.</p>	<p>No response required.</p> <p>Fam. Code § 5700.602(a) requires that “a letter of transmittal requesting registration and enforcement” be submitted, along with copies of the order, a statement of arrears and the name of the support obligor, regardless of if the request to register is from an LCSA or is a private request. In order for the court to give proper notice to the non-registering party “[t]he notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.” (Fam. Code, § 5700.605(a).) The committee discussed the suggestion to include a definition of “documents and relevant information” but does not recommend doing so as this term is taken directly from the statute.</p>
2.	The Executive Committee of the Family Law Section of the California Lawyers Association	A	FLEXCOM agrees with this proposal.	No response required.

SPR19-31

Family Law: Registration of Support Order

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3.	Superior Court of San Diego County by Mike Roddy, Executive Director	AM	<p><i>Does the proposal appropriately address the stated purpose?</i></p> <p>Yes.</p> <p><i>Do forms FL-445 and FL-575 adequately set forth the defenses available to contest each type of registration of support order?</i></p> <p>Yes.</p> <p><i>Would the proposals provide cost savings? If so, please quantify.</i></p> <p>No.</p> <p><i>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</i></p> <p>Notifying staff, revising internal procedures, and updating/adding filings in case management system.</p> <p><i>Would three months from Judicial Council approval of these proposals until their effective date provide sufficient time for implementation?</i></p> <p>Yes.</p> <p><i>How well would these proposals work in courts</i></p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

SPR19-31

Family Law: Registration of Support Order

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			<p><i>of different sizes?</i></p> <p>It appears that the proposal would work for courts of all sizes.</p> <p>GENERAL COMMENTS:</p> <p>FL-575 (Page 3, Paragraph 3): For consistency, the fourth sentence should be revised to mirror the instructions included on FL-445.</p> <p>“You can get this form from the court clerk, the California Courts website at www.courts.ca.gov, or the family law facilitator in your county (who can also assist you with the application).”</p>	<p>No response required.</p> <p>The committee agrees with the suggestion for the identified instruction language on form FL-575 to mirror the language on form FL-445 and has incorporated it into the revisions that it is recommending for adoption.</p>
4.	Judy B. Louie, Director/Family Law Facilitator, ACCESS Center, Superior Court of San Francisco County	AM	<p>Changing “attorney” to “lawyer” to make it more “plain English” doesn’t make sense. Everyone knows what an attorney is. Registration of support order: proposed forms seem easier to use and understand.</p>	<p>With the large number of limited English proficient speakers in California, the committee does not agree with the suggestion to use the term “attorney” but to instead use the more commonly understood term “lawyer”.</p>
5.	California Department of Child Support Services by Kristen Donadee, Assistant Chief Counsel	AM	<p>General Comments</p> <p>Overall, the department likes the concept of separating out the CA from the foreign support orders. We believe it is a much clearer process; however, the department wishes to point out that individual may utilize federal forms for this process.</p> <p>FL-445 (new)</p> <p>1) Page 1, item 2 c. The department understands a court’s need to know</p>	<p>FL-445</p> <p>1) The committee agrees with this suggestion and has incorporated it, with</p>

SPR19-31

Family Law: Registration of Support Order

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			<p>obligor’s position regarding arrearages, FC §5603 does not require an objector to specify what the correct amount of arrears are.</p> <p>2) Page 1, item 2 d. Pursuant to FC §5603 (b) the court must make a finding regarding an appeal; it technically isn’t a defense to registration like those listed in §5603(a), but instead will stay enforcement <i>only when obligor furnishes security for the support payment</i>. For this reason, JCC should either (1) remove this from the request; or (2) add information to inform the registering party that they will be required to bring evidence of the appeal to the hearing, that checking this box will not stop the registration, but only enforcement <u>if ordered by the court and obligor posts security for the support</u>.</p> <p>3) Page 1, above the declaration under penalty of perjury. Add a box that says “ ___ Additional pages attached” to denote any attachments and the number of pages. Since item 2c suggests that supporting documents are attached it may be helpful to know the number of pages that are supposed to be attached.</p> <p>4) Page 2 Instructions for Numbered Paragraphs, item 2. This instruction should provide for the circumstance where an obligor objects on multiple items. It could read: “You must check</p>	<p>minor alterations, into the revisions that it is recommending for adoption, by indicating on the form that this information is not obligatory.</p> <p>2) The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption, by creating a new item 3 to request that the court stay enforcement of the order due to a pending appeal and that security for support has been furnished.</p> <p>3) The committee discussed the suggestion to add a section regarding the number of pages attached but does not recommend its inclusion as it could cause confusion to the parties and the court if this item is referring to attached documents regarding arrears, an attached declaration, or both.</p> <p>4) The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption, by revising item 2 (and the corresponding</p>

SPR19-31

Family Law: Registration of Support Order

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			<p>the box(es) by your reason(s).”</p> <p>5) Page 3, item c. This instruction makes it mandatory to write in the correct arrears amount. As stated above, FC §5603 does not require this; although it would be helpful for the court to know the obligor’s position. Suggestion: Make this an optional piece of the form rather than mandatory. It could say: “Write in the correct amount of arrears in the space provided, alternately, explain why you believe the amount of arrears stated in the statement for registration you received was wrong in item 3 of this form.”</p> <p>6) Page 3, item d. Either remove this from the form or explain to the objecting obligor that they must provide evidence at the hearing and it will not stop registration, but instead stay enforcement if the court makes the findings required <u>and if obligor posts security for the support during the stay.</u></p> <p>Form FL-570 Clerk’s Certificate of Mailing: The term “and the documents and relevant information accompanying the order” is vague. Unless the clerk is sending all “documents and information accompanying the order” I could see a challenge later. FC 5700.602(5)(b) uses the term “documents</p>	<p>instructions_ to state, “check all that apply.”</p> <p>5) The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption, by indicating on the form an in the instructions that this information is not obligatory.</p> <p>6) The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption, by creating a new item 3 to request that the court stay enforcement of the order due to a pending appeal and that security for support has been furnished.</p> <p>FL-570 While Family Code section 5700.602(5)(b) uses the term “documents and information,” section 5700.605(a) uses more general language: “[t]he notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.” The committee discussed the suggestion to include a</p>

SPR19-31

Family Law: Registration of Support Order

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			<p>and information”. I suggest that JCC use the term within the statute to avoid the concern that the clerk is determining what is “relevant”, or alternatively have a place for the clerk to list the documents that were served with the accompanying order so that it is clear what the party(ies) received.</p> <p>Form FL-575</p> <ol style="list-style-type: none"> 1) Page 1, item 2(e). The department understands a court’s need to know obligor’s position regarding arrearages, FC § 5700.606 does not require an objector to specify what the correct amount of arrears are. 2) The defenses listed did not include two set forth in FC § 5700.607 as follows: (7) Statute of Limitations; but this is not necessary as CA has an “until paid” statute. (8) the alleged controlling order is not the controlling order.I suggest adding an additional checkbox that says something like: [] There is another order involving the same parties and child(ren) that I believe is the correct order to enforce. (<i>Attach a copy of the order</i>) 3) Page 3, item 2(e). This instruction makes it mandatory to write in the correct arrears amount. As stated above, FC §5700.606 does not require this; although it would be helpful for the court to know the obligor’s position. 	<p>space on the form for the court clerk to list out the documents sent to the nonregistering party the but does not recommend doing so as this change would increase the workload for the courts and the term “documents and relevant information” is taken directly from the statute.</p> <ol style="list-style-type: none"> 1) The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption, by indicating on the form that this information is not obligatory. 2) The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption, by adding a new checkbox and item 3) The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption, by indicating on the form an in the instructions that this information is not

SPR19-31

Family Law: Registration of Support Order

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			<p>Suggestion: Make this an optional piece of the form rather than mandatory. It could say: “Write in the correct amount of arrears in the space provided, alternately, explain why you believe the amount of arrears stated in the statement for registration you received was wrong in the “Other” box on this form.” [Or add an explanation section like was proposed in FL-445]</p> <p>4) If the controlling order defense is added on page 1, a corresponding instruction will be required on page 4.</p> <p>5) Page 4, Instructions Box on right side: In some cases, the objecting party will not know if the LCSA is involved in the case. It may be likely that individuals will not provide a stamped envelope or provide the LCSA address. Most LCSAs have interoffice mail or a box that is utilized with their courts. Would it be possible to have a requirement that the court clerk place a copy of the registration in the LCSA interoffice mailbox/will call?</p> <p>Request for Specific Comments</p> <p>1. Does the proposal appropriately address the stated purpose? Yes.</p> <p>2. Do forms FL-455 and FL-575 adequately set forth the defenses available to contest each type of registration of support order?</p>	<p>obligatory.</p> <p>4) The committee agrees with this suggestion and has incorporated it, with minor alterations, into form and instructions.</p> <p>5) The committee does not recommend making the suggested change as not all court operations are identical across the state and the suggested change would create an increased workload for court staff on cases where the LCSA might not be involved. Additionally, assuming a case is properly identified in a court’s case management system as having LCSA involvement, any hearing set because of the filing of form FL-575 would be set in on a IV-D calendar with LCSA attorneys present.</p> <p>No response required.</p>

SPR19-31**Family Law: Registration of Support Order**

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	Commenter	Position	Comment	Committee Response
			FL-455 – Yes FL- 575 – No – suggestion to add one additional defense is above.	No response required. See above.
6.	Susan Ryan, Chief Deputy - Legal Services, Riverside Superior Court	AM	Does the proposal appropriately address the stated purpose? Yes. Do forms FL-445 and FL-575 adequately set forth the defenses available to contest each type of registration of support order? Yes. Would the proposal provide cost savings? No. What would the court’s need to do to implement the proposed changes? The court would need to inform clerks and courtroom staff of the changes to the forms. The court would also need to create a new hearing code to distinguish between the “Request for Hearing Regarding Registration of California Support Order” vs “Request for Hearing Regarding Registration of Out-of-State Support Order”. Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	No response required. No response required. No response required. No response required. No response required.

SPR19-31

Family Law: Registration of Support Order

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			How well would this proposal work in courts of different sizes? The size of the court would have no impact.	No response required.
7.	Ronald Ladage, Chair, CSDA, Judicial Council Forms Committee, Director/Chief Attorney, El Dorado County DCSS	A	<p>The Committee agrees with the proposal to create a new request for hearings form regarding registrations of specifically California orders. The continued use of the FL-575 for this purpose will cause confusion and delay for many court customers with the references to Federal forms, paperwork and defenses that are not relevant when registering a California (not out-of-state) order. Separating the forms will provide more clarity to pro per litigants about the appropriate defenses to a registration of a California support order instead of the defenses only appropriate to the registration of an out-of-state support order. Generally, dual use forms may cause confusion for litigants, attorneys and judges. We believe it is best to separate out such forms for direct use in the correct relevant circumstance.</p> <p>Form FL-445 The Committee believes that the listed defenses to registration on the FL-445 comport with the defenses as set out in Family Code §5603.</p> <p>1) However, the Committee believes that the obligor may request a stay of enforcement under Family Code §5603 subsection (b), thus, we recommend adding a new provision 4 to read as follows:</p>	<p>No response required.</p> <p>1) The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption, by creating a new item 3 to request that the court stay</p>

SPR19-31

Family Law: Registration of Support Order

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			<p>Add 4. I request a stay of enforcement of the support order and will provide security for payment if the court grants my request. Explain the reasons for your request to stay enforcement: (See attached FL-445 draft Example)</p> <p>2) Information Sheet FL-445 - The Committee recommends modifying the language as follows: In the second full paragraph, delete the second and third sentences. That instruction referring to other forms is unnecessary and confusing and should be eliminated. A similar change should be made to the Information Sheet on page 3 of 4 of form FL-575.</p> <p>3) Also, in the Instruction Sheet for form FL-445, in the middle of page 2 of 3, it directs the litigant to print their name, address, and phone number on the form. The Committee recommends that the instruction be modified to direct the litigant to also include their email address. This comment also applies to other Instruction Sheets (FL-575). (See attached FL-445 draft example)</p> <p>4) The committee also would like to point out that if the changes proposed are implemented, then the FL-650 (Statement for Registration of a California Support</p>	<p>enforcement of the order due to a pending appeal and that security for support has been furnished.</p> <p>2) The committee prefers to leave the references to the other forms in the instructions section for forms FL-445 and FL-575, as any potential confusion to litigants is outweighed by informing the public of the proper form to contest each type of registration and providing hyperlinks to the other forms.</p> <p>3) The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption</p> <p>4) The committee agrees that the suggested change would be beneficial to litigants and attorneys and will consider this suggestion during the next rules cycle, as form FL-650</p>

SPR19-31

Family Law: Registration of Support Order

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			<p>Order) should also be modified to include reference to the new FL-445 form that is needed to request a hearing when the registration is objected to; similar to items 5 and 6 on the proposed FL-570. Adding these items to the FL-650 to notify litigants that if they want to request a hearing they can file the Request for Hearing Regarding Registration of California Support Order (FL-445) would provide consistency between the notices of registration (CA and out of state) as well as provide useful information to litigants and attorneys.</p> <p>5) Form FL-570 - The Committee agrees with the proposed changes.</p> <p>6) Form FL-575 - The Committee recommends modifying the language as follows:</p> <ul style="list-style-type: none"> • Modify item f. to add "because (state reasons):" It would then read "f. Check box - some or all of the arrears are not enforceable because (state reasons):" • Add items as follows: g. Check box - There is a defense under California law to the remedy sought. h. Check box - The registered order is not the controlling order. i. Other (specify): • The listed defenses in provision 2 do not 	<p>is not currently part of the present proposal.</p> <p>5) No response required.</p> <p>6) Form FL-575</p> <ul style="list-style-type: none"> • The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption, by including a new item 3 directing litigants to “explain the facts in support of your request,” which would apply to any potential defense. • The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption. • See above.

SPR19-31

Family Law: Registration of Support Order

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			adequately address all of the defenses under Family Code §5700.607(a). Thank you for the opportunity to provide input, express our ideas, experiences and concerns with respect to the proposed rules and form changes.	