



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-158

For business meeting on: October 1, 2021

Title

Family Law: Reenactment of Family Code
Section 4007.5

Agenda Item Type

Action Required

Effective Date

January 1, 2022

Rules, Forms, Standards, or Statutes Affected

Revise forms FL-192, FL-350, FL-490,
FL-676, FL-676-INFO, and FL-688

Date of Report

September 3, 2021

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 proposes revising several forms to provide court users and the public with information regarding relief available to incarcerated or involuntarily institutionalized child support obligors. The proposed revisions are needed to reflect new law under recently reenacted Family Code section 4007.5.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2022, to provide court users and the public with information regarding relief available to incarcerated or involuntarily institutionalized child support obligors:

- *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order* (form FL-192);
- *Stipulation to Establish or Modify Child Support and Order* (form FL-350);
- *Application to Determine Arrears* (form FL-490);

- *Request for Determination of Support Arrears* (form FL-676);
- *Information Sheet: Request for Determination of Support Arrears* (form FL-676-INFO); and
- *Short Form Order After Hearing* (form FL-688).

The proposed revised forms are attached at pages 11–22.

Relevant Previous Council Action

Effective July 1, 2011, the Judicial Council revised forms FL-530, FL-615, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, and FL-692 in response to Senate Bill 1355 (Wright; Stats. 2010, ch. 495), which enacted Family Code section 4007.5¹ and provided a process for formerly incarcerated or involuntarily institutionalized obligors to petition the court for forgiveness of child support arrears that accrued during their incarceration or involuntary institutionalization. Section 4007.5 contained a sunset date and expired accordingly on June 30, 2015.

Effective January 1, 2017, the Judicial Council revised those same forms, along with forms FL-342, FL-350, FL-490, and FL-688, in response to Assembly Bill 610 (Jones-Sawyer; Stats. 2015, ch. 629), which enacted a new version of section 4007.5 that revived and expanded the relief previously available to child support obligors.

Effective January 1, 2020, the Judicial Council again revised those same forms to remove references to relief formerly available to child support obligors under section 4007.5, as the statute sunsetted effective January 1, 2020.

Analysis/Rationale

Section 4007.5 (see Link A) provides that, by operation of law, any money judgment or order for child support is automatically suspended when an obligor is incarcerated or involuntarily institutionalized for more than 90 consecutive days for the period of time the obligor is confined. It was reenacted effective January 1, 2021, by Assembly Bill 2325 (Carrillo; Stats. 2020, ch. 217). As stated earlier, this section was originally put into place effective July 1, 2011, but then sunsetted effective June 30, 2015. It was reenacted, effective October 8, 2015, expanding the relief, but was then allowed to sunset a second time, effective January 1, 2020. The relief available in the current version is identical to the relief in the prior statute, but it now contains a sunset date of January 1, 2023.

The legislation also requires the California Department of Child Support Services (DCSS), in consultation with the Judicial Council, to develop forms to implement section 4007.5. This proposal, however, solely addresses Judicial Council forms that are integral to the judicial process and provide notice to the parties regarding the provisions of AB 2325.

¹ All further statutory references are to the Family Code.

Restoring references to section 4007.5

To comply with recently enacted AB 2325, the committee proposes revising forms FL-192, FL-350, FL-490, FL-676, FL-676-INFO, and FL-688. Specifically, the committee proposes adding the following information regarding the current relief available to child support obligors who become incarcerated or involuntarily institutionalized for longer than 90 days, in plain language, as shown in the screenshot below:

Information About Child Support for Incarcerated or Detained Parents

1. Child support. Under current California law, child support ordered or changed after December 31, 2020, automatically stops if the parent who has to pay

- is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.

2. Exceptions. Child support does not automatically stop if the parent who has to pay

- is confined for:
 - domestic violence against the other parent or child; or
 - failing to pay a child support order; or
- has money available to pay child support.

3. Timing. Child support will automatically restart at the old amount the first day of the first full month after the parent is released. If you need to change your child support order, see page 2.

4. Past confinement. If your child support order was entered or modified between October 8, 2015 and December 31, 2019, and you were confined against your will for more than 90 days in a row during the same time frame, you may also qualify for relief. See item 5 for how to obtain more info.

5. More info. For more information about child support and incarcerated parents, see [Family Code section 4007.5](#) or talk to the [family law facilitator](#) or [self-help center](#) in your county.

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Unlike previous proposals where this language was added to multiple child support order and judgment forms, it would instead be included only on *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* and *Information Sheet on Changing a Child Support Order* (form FL-192). The information currently on form FL-192 is required to be provided to parties anytime a court makes an order for child support or reimbursement for uninsured medical costs.²

However, of the 10 Judicial Council forms related to child support orders or judgments, form FL-192 is required to be attached to eight of those forms. The only two forms that currently do not require form FL-192 to be attached are form FL-350 (*Stipulation to Establish or Modify Child Support and Order*) and form FL-688 (*Short Form Order After Hearing*). Consequently, the committee further proposes that these two forms be revised to include language stating that form FL-192 must also be attached.

Given the costs for courts, legal professionals, self-help centers, and form-generation software developers anytime Judicial Council forms are revised, the committee considers that a more prudent approach would be to include the above language only on one form (form FL-192), making it a mandatory form and requiring that the form be attached to all child support order or judgment forms. Additionally, including language on court orders and judgments can lead case participants to believe that this relief is available as an order of the court instead of just information about the current state of the law.

² See Fam. Code, §§ 4010, 4063.

The committee also proposes that the following three forms be revised so parties can easily request the relief available under section 4007.5 from the court:

- *Application to Determine Arrears* (form FL-490);
- *Request for Determination of Support Arrears* (form FL-676); and
- *Information Sheet: Request for Determination of Support Arrears* (form FL-676-INFO).

Regarding proposed revised form FL-676, the Proof of Service section on page 2 of the current version of the form was deleted. Form FL-676 is designed to be used by the party receiving or paying child support, but not the local child support agency. Including the Proof of Service as part of a motion form can be confusing to self-represented litigants. It may create the impression that parties do not need to serve a copy of a filed motion (with a court date listed) on the other party, because parties may believe they need to complete the Proof of Service section on the form first before filing it with the court.

Other revisions

As detailed below, the committee proposes that the Judicial Council take the opportunity to make other revisions to the forms, such as expanding the use of gender inclusive and plain-language terms, and by making other technical changes to make them easier to understand for self-represented litigants.

FL-192

The committee proposes that form FL-192 be revised to indicate that the guideline for child support is based on the “net disposable incomes” of both parents to accurately reflect California law, as the form previously stated it was based on just the “net incomes,” and that the form include a plain-language definition of this term, which would also be added to form FL-350.³ It also proposes that this form be revised by breaking up page 2 into two columns to match the layout of page 1, and including new headers to clearly delineate each section of the form.

FL-350

The current version of form FL-350 uses the gendered nouns “mother” and “father” multiple times throughout the form; the committee proposes to make it gender inclusive to conform with California law and public policy.⁴ It also proposes to reorganize the form and incorporate plain-language concepts found on other Judicial Council family law forms, in order to make it more user-friendly for self-represented litigants. For example, (1) an instructions section was added to page 1, (2) a new easy-to-complete table was created for child support add-ons on page 2, (3) section headers were added throughout to break-up the form, (4) a plain-language definition for

³ See Fam. Code, § 4055.

⁴ Making forms gender inclusive is consistent with various amendments to the Family Code and other California statutes, as evidenced by Senate Bill 179 (Atkins; Stats. 2018, ch. 853) regarding gender identity, Assembly Concurrent Resolution 260 (Low; Stats. 2018, res. ch. 190) regarding the use of gender-neutral language and pronouns, and Assembly Bill 2684 (Bloom; Stats. 2018, ch. 876), which replaced the word “paternity” with “parentage” and made certain statutes gender neutral where possible.

the term “net disposable income” was included, and (5) links to resources and other useful information were added.

FL-676-INFO

In general, Judicial Council family law forms use the “standard form” layout. However, family law informational forms (e.g., *Information Sheet for Request for Order* (form FL-300-INFO)) are now drafted using the “plain-language form” layout and are written as clearly and as simply as possible. As the current version of form FL-676-INFO is in the standard layout, the committee proposes to update it to the plain-language format. The proposed revisions include: (1) using plain-language definitions and explanations, (2) breaking-up the form into two columns to make it more readable, (3) adding new sections with useful information such as how to request an interpreter or a disability accommodation, and (4) including icons, which user testing has demonstrated helps individuals more quickly and accurately understand the information provided.

Policy implications

This proposal has no major implications to any policies. It aligns with the Judicial Council’s policy to keep forms consistent with related statutes.

Comments

This proposal circulated for comment as part of the spring 2021 invitation-to-comment cycle, from April 15 to May 27, 2021, 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 DCSS, the Legal Practices committee chair of the Child Support Directors Association of California, the Judicial Council Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Joint Rules Subcommittee, and child support commissioners.

In total, nine organizations or individuals submitted comments. Commenters made thoughtful suggestions to the forms, primarily regarding reorganizing the forms and simplifying language, where possible. All nine commenters either agreed with the entire proposal or agreed if certain modifications were made.

In addition to the standard request for comments, the invitation to comment also asked for specific comments, as follows:

- *Does adding language only to form FL-192, instead of all 10 child support order or judgment forms, regarding the relief available under Family Code section 4007.5 adequately disseminate this information to case participants?*
 - Seven commenters responded “yes”; the other two commenters approved the overall proposal. The committee’s proposal therefore follows this approach.

- *Will revising form FL-350 from a mandatory to an optional form create any unintended consequences for case participants or the courts?*
 - Two commenters did not anticipate any unintended consequences, but five others felt the form should remain a mandatory form. The consensus of this group was that if the form were made optional, many self-represented litigants (and even some attorneys) would be inclined to prepare their own stipulation and order and thereby run the risk of not including the mandatory language and findings required anytime a court makes a child support order. Consequently, the committee recommends that this form remain a mandatory form.
- *Will removing the Proof of Service section from page 2 of form FL-676 create any unintended consequences for case participants?*
 - Four commenters did not anticipate any unintended consequences, but two others stated that removing the Proof of Service may lead some filers to think that the form does not need to be served. However, one of these commenters noted that this problem might be mitigated by the fact that proposed form FL-676-INFO includes links to *Proof of Personal Service* (form FL-330) and *Proof of Service by Mail* (form FL-335). Additionally, the requirement to serve the request and file the Proof of Service with the court is now included in a new instructions section on the proposed form. As such, the committee recommends removing the Proof of Service from page 2 of the form.

Including relief for confinement that occurred under prior version of section 4007.5

Finally, DCSS noted that the proposed forms indicated that relief for child support obligors could be requested only if the obligors became incarcerated or involuntarily institutionalized for longer than 90 days for orders entered on or after January 1, 2021. Although this is a correct statement of the current version of section 4007.5, the prior version (which was in effect from October 8, 2015, to December 31, 2019), granted identical relief to obligors. Specifically, both versions state, “[e]very money judgment or order for support of a child shall be suspended, *by operation of law*, for any period exceeding 90 consecutive days in which the person ordered to pay support is incarcerated or involuntarily institutionalized...” [Emphasis added.]⁵

If a child support order was entered or modified and an obligor was confined for longer than 90 days during the time the prior version was in effect, then child support was automatically suspended and set to zero (\$0) for the time the obligor was confined. However, if a dispute later arises between the obligor and obligee about whether child support was suspended by operation of law during the period of time the statute was operational and whether child support is still owed for the months the obligor was confined, it would be up to the court to adjudicate this issue. Consequently, child support obligors could still potentially request to have their arrears adjusted for periods of incarceration or confinement that occurred while the prior version of the

⁵ See Fam. Code, § 4005.5(a); see also Assem. Bill 610 (Jones-Sawyer); Stats. 2015, ch. 629.

statute was in effect, assuming they met the other requirements of the law, even if this request were made after the law sunsetted. As such, DCSS requested that forms FL-490 and FL-676 be revised to allow filers to be able to request relief under both the prior and current versions of section 4007.5.

Legal analysis. The committee recommends including information about the potential ability for the parties to request this relief on certain forms to allow parties to put the dispute at issue, but in doing so makes no determination as to whether relief—which may have been granted by operation of law but not put at issue before the court—can be adjudicated by the court after the sunset date of the statute granting the relief.

The Court of Appeal in *County of San Diego Department of Child Support Services v. C.P.* (2019) 34 Cal.App.5th 1 considered a petition for relief under the first version of section 4007.5 for obligations during the time frame the second version was in effect.⁶ In analyzing the language of the first version, the Court of Appeal determined that no vested right was created for a child support obligor who met the requirements of the statute but failed to petition the court for relief until after that version had sunsetted and the second version was in place. The court found that the first version of the statute required more than just the incarceration of the obligor for arrears to be adjusted to reflect the suspension of support, and the obligor was required to petition the court to obtain relief. Since the obligor had not done so prior to the sunset of the statute, in the absence of a saving clause, the right to relief had not vested and could not be granted; the court further found that there was no express or implied saving clause in the second version of the statute. (*Id.* at pp. 9–10.) In doing so, the court noted:

A statutory right (like that available under former § 4007.5) becomes vested—and, thus, protected in the event the statute is repealed—only if the right is converted into a final judgment before the repeal. [Citations omitted.] Thus, a party in litigation may acquire a vested right only “when the award is final and any appeals have been concluded by a final judgment.” [Citations omitted.] (*Id.*)

However, the court remanded the matter to the trial court to address the issue of whether the first statute, in its “‘sunset provision’, constituted an implied saving clause that affected C.P.’s Request for an adjustment of child support arrears.” (*Id.* at pp. 12–13.)

Nevertheless, as a general principle, where, as here with the second version of section 4007.5, a statute creates a right by operation of law (and continues to exist) if the requirements of the statute that created the right are met prior to its repeal, the right is considered to be vested. Accordingly, if the requirements of the statute are met, then a subsequent repeal of the statute

⁶ The first version of section 4007.5 was in place from July 1, 2001, to June 30, 2015, and the second version was in place from October 8, 2015, until December 31, 2019; C.P. was incarcerated from September 12, 2013, to August 22, 2017, and requested child support be suspended for the entire period of incarceration.

will not affect the vested right, even without the Legislature also adopting a saving clause. (See *Gastineau v. Meyer* (1933) 131 Cal.App. 611, 615–618.)

In contrast to the first version of section 4007.5, the language of the second and current versions of the statute suspend child support by *operation of law* without requiring that the obligor petition the court or take any other affirmative action. These versions allow the local child support agency to adjust account balances through an administrative process, but this process is permissive and not a prerequisite for vesting of the suspension of child support. Rather, it is a way for the agency to easily adjust account balances without having to go to court.⁷ While both versions state, “[t]his section does not prohibit the local child support agency or a party from petitioning a court for a determination of child support or arrears amounts,” petitioning the court for relief is not required for child support to automatically suspend.⁸

In other words, child support suspends automatically—if the conditions of section 4007.5 are met—whether or not the obligor, obligee, or local child support agency do anything affirmatively. But there could be situations where an obligor is not given proper credit for this suspension after the fact and must seek redress from the court. The proper vehicle to do so is via an *Application to Determine Arrears* (form FL-490) or a *Request for Determination of Support Arrears* (form FL-676) in title IV-D cases, both of which are mandatory forms.

While DCSS commented that these forms should allow for relief for the time period the second version of section 4007.5 was in effect to be explicitly stated on the forms, given the lack of clarity regarding this issue, the committee instead recommends that informational forms FL-192 and FL-676-INFO be revised to include the following language, “If your child support order was entered or modified between October 8, 2015, and December 31, 2019, and you were confined against your will for more than 90 days in a row during the same time frame, you may also qualify for relief,” with instructions to talk to the family law facilitator (or self-help center) for more information.

Additionally, the committee recommends that forms FL-490 and FL-676 be revised to include the following language that would still allow a way for obligors to request relief under the second version of section 4007.5, “The child support order entered on *(date)*: _____ was stopped (suspended) because [] the order says it would stop [] by operation of law *(specify the reasons why and attach applicable proof)*: _____.” This language would also be responsive to the comment from DCSS that relief may potentially be available for a child support obligor based on other language included in a child support judgment or order, because many counties use local forms or attachments that contain standard orders in cases with local child support agency

⁷ Under Family Code section 4007.5(c)(1), “A local child support agency...may, upon written notice of the proposed adjustment to the support obligor and obligee along with a blank form provided for the support obligor or obligee to object to the administrative adjustment to the local child support agency, administratively adjust account balances for a money judgment or order for support of a child suspended pursuant to subdivision (a)...”

⁸ See Fam. Code, § 4007.5(d).

involvement, such as an order stating that child support will automatically be suspended if an obligor starts receiving Supplemental Security Income.

Benefits of including information about relief under the second version of section

4007.5. Including information about potential relief on forms FL-192 and FL-676-INFO for the time frame the second version of section 4007.5 was in effect (October 8, 2015, to December 31, 2019), while directing obligors to talk to the family law facilitator or self-help center, will increase access to justice, especially for the large number of self-represented litigants with family law and governmental child support cases. Without including any information about this possible relief on the forms, most litigants would be unaware they could potentially ask for it and would not make such a request. As such, were this language not to be included on forms FL-192 and FL-676-INFO, it would effectively serve as an impediment to most litigants ever making such a request.

As with every motion filed with the court, it will be up to the judicial officer reviewing a request to determine arrears to find if the conditions of section 4007.5 have been met and whether child support did indeed suspend by operation of law. To that end, the Judicial Council provides various training and educational opportunities for judicial officers. In addition to the *Child and Spousal Support Bench Handbook* and other online resources, such as the Family Law Toolkit provided by the Center for Judicial Education and Research, every year the Judicial Council conducts the AB 1058 Child Support Training Conference to provide training, education, and resources for child support commissioners (and family law facilitators).

As stated above, the second and current versions of section 4007.5 required DCSS, in consultation with the Judicial Council, to develop forms to implement this section. As such, effective 2017 the Judicial Council revised all 10 child support order and judgment forms to include the following language:

When a person who has been ordered to pay child support is in jail or prison or is involuntarily institutionalized for any period of more than 90 days in a row, the child support order is temporarily stopped. However, the child support order will not be stopped if the person who owes support has the financial ability to pay that support while in jail, prison, or an institution. It will also not be stopped if the reason the person is in jail, prison, or an institution is because the person didn't pay court ordered child support or committed domestic violence against the supported person or child. The child support order starts again on the first day of the month after the person is released from jail, prison, or an institution.⁹

Consequently, litigants with child support orders contained on Judicial Council forms modified or entered after January 2017 were informed as part of their order that child support would

⁹ See the Judicial Council report for the October 2016 meeting: Judicial Council of Cal., Adv. Com. Rep., *Child Support: Statutory Relief for Incarcerated or Involuntarily Institutionalized Obligors* (Oct. 17, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4734161&GUID=1AEF030B-D520-4666-B341-368CB7DBD5D2>.

automatically suspend if the conditions stated above were met (until this language was removed from the forms when the law sunsetted January 1, 2020).

Lastly, the committee notes that it is DCSS that proposed that this change be made to the forms. Based on this support, it is unlikely that DCSS, the party most interested in and responsible for enforcing support orders, would contest this change to the forms.

For all of these reasons, the committee recommends that forms FL-192 and FL-676-INFO be revised to include information informing litigants that relief may be available for the time frame the second version of section 4007.5 was in effect and to talk to the family law facilitator (or self-help center) for more information. Forms FL-490 and FL-676 would also be revised to allow litigants the ability to make such a request, without explicitly listing the dates the second version was in effect.

Alternatives considered

The committee considered not revising any forms because section 4007.5 will sunset again on January 1, 2023 (if not extended). However, the committee instead proposes revising the forms described above in order to provide information to court users—including self-represented litigants—and the public about the relief available to child support obligors if they become incarcerated or involuntarily institutionalized for longer than 90 days.

Additionally, the committee considered not including any information or the ability for litigants to request their arrears be adjusted for time periods when child support was suspended by operation of law under the former version of section 4007.5. However, as discussed above, the committee instead recommends that this information and language be included in order to increase access to justice for court users, especially self-represented litigants.

Fiscal and Operational Impacts

As with any revisions to forms, the committee anticipates that courts would incur some costs to revise forms and add them to their case management systems, train court staff about the revised forms included in this proposal, and possibly revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council.

Attachments and Links

1. Forms FL-192, FL-350, FL-490, FL-676, FL-676-INFO, and FL-688, at pages 11–22
2. Chart of comments, at pages 23–47
3. Link A: Fam. Code, § 4007.5,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=4007.5

NOTICE OF RIGHTS AND RESPONSIBILITIES

DRAFT

Health-Care Costs and Reimbursement Procedures

Not approved by
Judicial Council

If you have a child support order that includes a provision for the reimbursement of a portion of the child's or children's health-care costs and those costs are not paid by insurance, the **law says**:

1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

2. Proof of full payment. If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

3. Proof of partial payment. If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

4. Payment by notified parent. If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

5. Going to court. Sometimes parents get into disagreements about health-care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.

a. Disputed charges. If you dispute a charge made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay that charge before filing your request.

b. Nonpayment. If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable.

c. Attorney's fees. If the court decides one parent has been unreasonable, it can order that parent to pay the other parent's attorney's fees and costs.

d. Court forms. Use forms [FL-300](#) and [FL-490](#) to get a court date. See form [FL-300-INFO](#) for information about completing, filing, and serving your court papers.

6. Court-ordered insurance coverage. If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

a. Burden to prove. The parent claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

b. Cost of additional coverage. If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

7. Preferred health providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any parent uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the parent incurring those costs.

Information About Child Support for Incarcerated or Detained Parents

1. Child support. Under current California law, child support ordered or changed after December 31, 2020, automatically stops if the parent who has to pay

- is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.

2. Exceptions. Child support does not automatically stop if the parent who has to pay

- is confined for
 - domestic violence against the other parent or child, or
 - failing to pay a child support order; or
- has money available to pay child support.

3. Timing. Child support will automatically restart at the old amount the first day of the first full month after the parent is released. If you need to change your child support order, see page 2.

4. Past confinement. If your child support order was entered or modified between October 8, 2015, and December 31, 2019, and you were confined against your will for more than 90 days in a row during the same time frame, you may also qualify for relief. See item 5 for how to obtain more information.

5. More info. For more information about child support and incarcerated parents, see [Family Code section 4007.5](#) or talk to the [family law facilitator](#) or [self-help center](#) in your county.

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NOTICE OF RIGHTS AND RESPONSIBILITIES

Information Sheet on Changing a Child Support Order

General Info

The court has made a child support order in your case. This order will remain the same unless one of the parents requests that the support be changed (modified). An order for child support can be modified by filing a request to change child support and serving the other parent. If both parents agree on a new child support amount, they can complete, sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) (Note: If the local child support agency is involved in your case, it must be served with any request to change child support and approve any agreement.)

Online Self-Help Guide

For more information about how child support works, visit: <https://selfhelp.courts.ca.gov/child-support>.

When a Child Support Order May Be Changed

The court considers several things when ordering the payment of child support.

- First, the number of children is considered, along with the percentage of time each parent has physical custody of the children.
- Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support ordered and paid are subtracted from a parent's paycheck). The court can also look at earning ability if a parent is not working.
- The court considers both parents' tax filing status and may consider hardships, such as the cost of raising a child of another relationship who lives with a parent.

A parent can request to change an existing order for child support when the net disposable income of one of the parents changes, parenting time changes, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. **Remember:** You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order, you must fill out one of these forms:

- [Form FL-300, Request for Order](#) or
- [Form FL-390, Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support](#)

You must also fill out one of these forms, and attach proof of income for the past two months (like your paycheck stubs):

- [Form FL-150, Income and Expense Declaration](#) or
- [Form FL-155, Financial Statement \(Simplified\)](#)

What if I am not sure which forms to fill out?

Contact the [family law facilitator](#) or [self-help center](#) in your county.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- [Form FW-001, Request to Waive Court Fees](#) **and**
- [Form FW-003, Order on Court Fee Waiver \(Superior Court\)](#)

You must serve the other parent. If the local child support agency is involved, serve it too.

- This means someone 18 or over—not you—must serve the other parent copies of your filed court forms at least **16 court days** before the hearing. Add **5 calendar days** if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations).
- **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to www.courts.ca.gov/holidays.htm.

The server must also serve blank copies both of these forms:

- [Form FL-320, Responsive Declaration to Request for Order](#)
- [Form FL-150, Income and Expense Declaration](#)

Then the server fills out and signs a *Proof of Service* (form FL-330 or form FL-335). Take this form, plus one copy, to the clerk and file it at least one week before your hearing.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- [Form FL-340, Findings and Order After Hearing](#) **and**
- [Form FL-342, Child Support Information and Order Attachment](#)

Need help?

Contact the [family law facilitator](#) or [self-help center](#) in your county, or call your county's bar association and ask for an experienced family lawyer.

- Use this form if the parents have an agreement about child support. After this form is completed and signed by both parents, it must be filed and approved by the court. A court case (for example, a divorce case) must already be open before this form can be used.
- If the local child support agency is involved in your case, a lawyer from their office must also approve and sign the agreement.
- If the local child support agency is not involved in your case, each parent must also complete and submit a *Child Support Case Registry Form* ([form FL-191](#)) when filing this agreement with the court.
- When you file the agreement with the court, the clerk may ask the parents to pay a filing fee. If you cannot afford the fee, you must fill out these forms: *Request to Waive Court Fees* ([form FW-001](#)) and *Order on Court Fee Waiver (Superior Court)* ([form FW-003](#)).
- For more information about child support, go to <https://selfhelp.courts.ca.gov/child-support>, and for help completing this form, talk to the [family law facilitator](#) or [self-help center](#) in your county.

- 1 The child support orders below are agreed to by:
- a. (name): , who is the ☐ Petitioner ☐ Respondent ☐ Other party , and
- b. (name): , who is the ☐ Petitioner ☐ Respondent ☐ Other party .

② We agree that (name): must pay to (name):

a. The children are:

Name of child	Date of birth	Monthly amount
---------------	---------------	----------------

- (1)
- (2)
- (3)
- (4)
- (5) ☐ Additional children are listed on an attached page.

Basic child support. (Add up the monthly amounts for all children listed above.) Total: \$ _____, payable _____

☐ on the first of the month ☐ other (specify): _____

- b. ☐ The parents agree to pay additional child support as follows:

Instructions: For each item you select in the table on page 2, you must also tell the court how the expense will be paid each month.

- **Percentage:** You can select “50% by each parent” or use a different split (for example, *Name 1: 70%, Name 2: 30%*).

-OR-

- *Dollar amount:* You can input a fixed dollar amount (for example, *Name 2* will pay \$150/month for child care costs).

(**Note:** if the actual monthly cost for that item later changes, you will then also need to change the court order; this will **not** happen automatically.)

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
--------------------------------------------	--------------

✓	Additional child support	Percentage		Dollar amount	
		50% by each parent	(name):	(name):	(name):
<input type="checkbox"/>	Reasonable uninsured healthcare costs for child	<input type="checkbox"/>	%	%	\$ /month \$ /month
<input type="checkbox"/>	Childcare costs related to job or job training	<input type="checkbox"/>	%	%	\$ /month \$ /month
<input type="checkbox"/>	Educational costs for child	<input type="checkbox"/>	%	%	\$ /month \$ /month
<input type="checkbox"/>	Costs for other special needs of child	<input type="checkbox"/>	%	%	\$ /month \$ /month
<input type="checkbox"/>	Travel expenses for visitation	<input type="checkbox"/>	%	%	\$ /month \$ /month
<input type="checkbox"/>	Other (specify):	<input type="checkbox"/>	%	%	\$ /month \$ /month

- ② c. **Total monthly child support.** (Basic child support + additional child support, if dollar amount selected.)
 (name): will pay: \$, payable ☐ on the first of the month
☐ other (specify): .

- ③ Health insurance for the child will be provided by (choose one or both parents) ☐ (name):
☐ and (name): if available at no or reasonable cost from their job or self-employment.
 A 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-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

FINANCIAL INFORMATION

- ④ ☐ We have attached a printout of a computer calculation of our financial information. (If you do not attach a printout, fill out items ⑤ and ⑥, and ⑦ if applicable. A free child support calculator is available at www.childsupport.ca.gov/guideline-calculator.)

-OR-

- ⑤ ☐ The net monthly disposable income of (name): is: \$, and
 the net monthly disposable income of (name): is: \$.
 (Note: Child support is based on the *net disposable income* of each parent, which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support paid are subtracted from their pay.)
- ⑥ ☐ Based on our parenting time arrangement, on average the child is with (name): %
 of the time and with (name): % of the time each month.
- ⑦ ☐ We agree to allow hardships in calculating child support. A hardship is being experienced by one or both parents as follows:
 a. ☐ (name): : \$ per month because of (specify):
 b. ☐ (name): : \$ per month because of (specify):

GUIDELINE SUPPORT AMOUNT

(You must complete item ⑧, and item ⑨ or ⑩, as applicable.)

- ⑧ Guideline child support is \$ per month, payable by (name): .
- ⑨ ☐ We agree to guideline child support.
- ⑩ ☐ We do not agree to guideline child support.
 a. We agree to child support in the amount of: \$ per month; the agreement is in the best interest of the children; the needs of the children will be adequately met by the agreed amount; and application of the guideline would be unjust or inappropriate in this case.
 b. ☐ Other reasons why the guideline amount should not be used (specify):

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
--------------------------------------------	--------------

OTHER ORDERS

- ⑪ a. ☐ We agree to promptly tell each other our new mailing address if it changes.
- b. ☐ We agree to promptly tell each other our new employment information if we change jobs.
- ⑫ ☐ Other agreements related to child support (specify):
- ⑬ a. An earnings assignment order is issued. All child support payments must be made through the State Disbursement Unit.
- b. ☐ We agree to stay (stop) the service of the earnings assignment because we have made the following alternative arrangements to ensure payment (specify):
- ⑭ In the event that there is a contract between a parent receiving support and a private child support collector, the parent 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 in arrears 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 parent receiving support, jointly.
- ⑮ We agree that we are fully informed of our rights under the California child support guidelines. This agreement is in the best interest of the child. We make this agreement freely without coercion or duress.
- ⑯ Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order (form FL-192) must be attached and is incorporated into this order.
- ⑰ Has the right to support been assigned to a county or is an application for public assistance pending? ☐ Yes ☐ No
 (If you checked "Yes" a lawyer from the local child support agency must also approve and sign the agreement.)
- ⑱ ☐ The local child support agency has reviewed and approves of this agreement.

Date: _____

(TYPE OR PRINT NAME)

 (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

NOTICE: Any parent required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent per year. If the parents agree to a child support order less than the guideline amount, the order can be modified without showing a change of circumstances. If the order is above the guideline, a change of circumstances will be required to modify the order. This form must be signed by all parties and the court to be effective.

Date: _____

(TYPE OR PRINT NAME)

 (SIGNATURE OF ☐ PETITIONER ☐ RESPONDENT ☐ OTHER PARTY)

Date: _____

(TYPE OR PRINT NAME)

 (SIGNATURE OF ☐ PETITIONER ☐ RESPONDENT ☐ OTHER PARTY)

Date: _____

(TYPE OR PRINT NAME)

 (ATTORNEY FOR ☐ PETITIONER ☐ RESPONDENT ☐ OTHER PARTY)

Date: _____

(TYPE OR PRINT NAME)

 (ATTORNEY FOR ☐ PETITIONER ☐ RESPONDENT ☐ OTHER PARTY)

THE COURT ORDERS

- ⑲ a. ☐ The guideline child support amount in item ⑧ is rebutted by the factors stated in item ⑩.
- b. Items ① through ③ and items ⑪ through ⑭ are ordered. All child support payments must continue until further order of the court, or until the child marries, dies, is emancipated, or reaches age 18. The duty of support continues as to an unmarried child who has attained the age of 18 years, is a full-time high school student, and resides with a parent, until the time the child completes the 12th grade or attains the age of 19 years, whichever first occurs. Except as modified by this agreement, all provisions of any previous orders made in this action will remain in effect.

Date: _____

 JUDICIAL OFFICER

**Not approved by
the Judicial Council**

Attachment to *Request for Order* ([form FL-300](#))

- ☐ Child Support ☐ Spousal or partner support ☐ Family support ☐ Medical support
☐ Unreimbursed expenses ☐ Unreimbursed medical expenses ☐ Other (specify):

1. I ask that the amount of past due support payments (arrears) be decided in this case because *(check all that apply)*:

- a. ☐ I have already paid ☐ some ☐ all of the support ordered. Proof of payment is attached.
- b. ☐ The children for whom support is to be paid were living with me full time for the period from:
to: . I provided all of their support during that period. I am attaching a detailed declaration explaining these facts and supporting documentation, including any proof that the children were living with me.

c. ☐ I could not pay child support because

(1) After **December 31, 2020**, my child support order was entered or modified, and I was confined against my will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution (*attach proof*).

(a) Start date:

(b) End date:

(2) I was not confined for

(a) domestic violence against the other parent or our child; or

(b) failing to pay a child support order.

(3) I had no money available to pay child support while I was confined.

d. ☐ The child support order entered on (date): _____ was stopped (suspended) because ☐ the order says it would stop ☐ by operation of law (specify the reasons why and attach applicable proof): _____

e. ☐ Other (*specify*):

2. ☐ I have previously asked the other parent for payment and provided the other parent with an itemized statement of the unreimbursed ☐ childcare expense ☐ medical expense. (Attach copies of all bills being claimed and proof of any payments that you have made on these bills.)

3. ☐ I am asking the other person to pay ☐ attorney fees ☐ costs.
My *Income and Expense Declaration* (form FL-150) is attached.

4. I have attached (check all that apply):

a. ☐ a Declaration of Payment History ([form FL-420](#)).

b. ☐ a *Payment History Attachment* (form FL-421).

c. ☐ Other (*specify*):

5. Facts in support of the relief requested are (specify):

☐ contained in the attached declaration.

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

☐ Petitioner/plaintiff☐ Respondent/defendant☐ Other parent/party☐ Other (specify): _____

NOTICE: This form must be attached to *Request for Order* (form FL-300).
For help completing this form, talk to the [family law facilitator](#) or [self-help center](#) in your county.

NOT A COURT ORDER

Page ____ of ____

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
--------------------------------------------	--------------

5. ☐ I could not pay child support because

(1) After **December 31, 2020**, my child support order was entered or modified, and I was confined against my will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution (*attach proof*).

(a) Start date:

(b) End date:

(2) I was not confined for

(a) domestic violence against the other parent or our child; or

(b) failing to pay a child support order.

(3) I had no money available to pay child support while I was confined.

c. ☐ The child support order entered on (date): _____ was stopped (suspended) because ☐ the order says it would stop ☐ by operation of law (*specify the reasons why and attach applicable proof*): _____

d. ☐ Other (*specify*): _____

6. I have attached (*check all that apply*):

a. ☐ a Declaration of Payment History ([form FL-420](#)).

b. ☐ a Payment History Attachment ([form FL-421](#)).

c. ☐ a printout listing support payments received by the local child support agency.

d. ☐ Other (*specify*): _____

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)

This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, *before the hearing*, you or any other party objects to the commissioner's acting as a temporary judge. If you or the other party objects, the court commissioner may still hear your case to make findings and a recommended order to a judge. If you do not like the recommended order, you must object to it within **10 court days** in writing (use *Notice of Objection* ([form FL-666](#))); otherwise, the recommended order will become a final order of the court. If you object to the recommended order, a judge will make a temporary order and set a new hearing.

FL-676-INFO

Information Sheet: Request for Determination of Support Arrears

When do I use form FL-676?

Use this form if the local child support agency is involved in your child support case and you:

- Disagree with how much in back support (arrears) they say is owed; or
- They refused to adjust the back support (arrears) for the time you were in jail, prison, juvenile detention, or a mental health facility for longer than 90 days and couldn't pay support.

Do NOT use form FL-676 to change the order

If you want to change the support order, you need to file a *Request for Order* (form [FL-300](#)) and an *Income and Expense Declaration* (form [FL-150](#)). See form [FL-300-INFO](#) for more information.

How do I get a court date?

Step 1: Fill out the form (in black or blue ink)

- 1 Put your name, address, and contact information at the top of the form. Next, enter the court name and address. Then insert the names of the Petitioner, Respondent, and Other Party, and the case number. (You can find this information on your child support order.)



- 2 Start with item 4 to tell the court why you want the back support (arrears) changed.

- Item 4(a): Tell the court if you asked for the local child support agency to conduct an administrative review of support payments received.*

- Item 4(b): Tell the court if you've attached a printout listing payments received by the local child support agency.*

(***Note:** You can file this request without first asking for an administrative review or attaching a printout from the local child support agency.)

- Item 5(a): Attach your own support payment history, breaking down how much was owed and how much was paid each month. (You can use forms [FL-420](#) and [FL-421](#) for this purpose.)

- Item 5(b): Tell the court if after **December 31, 2020**, your child support order was entered or modified and you were also confined.*

(If your child support order was entered or modified between **October 8, 2015**, and **December 31, 2019** and you were confined* during the same time-frame, you may also qualify for relief. Talk to the [family law facilitator](#) in your county for more information.)

*To qualify, you must be incarcerated or confined for more than 90 days in a row.

List the start and end dates of your incarceration or confinement and attach proof.

- Item 5(c): Tell the court if the order gives other reasons for stopping (suspending) child support.
- Item 5(d): If the other items don't apply, tell the court why the back support should be adjusted.
- Item 6: Tell the court what paperwork (evidence) you have attached to your request.

- 3 Enter the date, print your name, and sign the form to tell the court that everything in your paperwork is true and correct.

Step 2: Make copies of your court papers

Make three sets of copies of your request, including any attachments, and keep the signed originals.

Step 3: File your request with the court

- 1 Take your originals, plus the three sets of copies, and file them with the court clerk. Find your court here: www.courts.ca.gov/find-my-court.htm



- 2 The court clerk will fill out item 1 with information about your court hearing date and return the three sets of copies to you with a "filed" stamp in the top right corner.

Tip: Check your [local court's website](#) to see if you can file your request electronically (e-file).

- 3 You will not be charged a fee to file this request.

FL-676-INFO

Information Sheet: Request for Determination of Support Arrears

Step 4: Have someone "serve" your request

- 1 Service is the act of giving your court papers to the local child support agency and the other party in the case. Service can be done in person or by U.S. mail.
- 2 A "server" (someone else 18 years or older) must serve your request. You can not serve your own court papers.
- 3 Give two sets of copies of your request, plus any attachments, to your server.
- 4 There are two options for service:

Option 1

Your server must hand-deliver or mail both sets of copies to the local child support agency, which will then send one set to the other party. To do this option, your server must deliver the papers at least **30 days** before the court date.

Option 2

Your server must hand-deliver or mail one set of copies to the local child support agency and one set to the other party. To do this option, your server must deliver the papers at least **16 court days** before the court date. (Add **5 more days** if served by mail.)

- 5 Your server must then complete, sign, and date a *Proof of Service* form to tell the court where and when your request was delivered.

In person: Have your server fill out form [FL-330](#).

By mail: Have your server fill out form [FL-335](#).

- 6 Double check the *Proof of Service* form to make sure your server correctly completed and signed the form. File the original form, plus one copy, with the court at least one week before your court date.

Go to your court hearing

- 1 You must appear at your court hearing or else your request can be denied. Check your [local court's website](#) to see if the court is conducting hearings in person or remotely (by videoconference). Complete and file form [FL-679](#) if you want to appear by phone.



- 2 For information about what to expect at the hearing: www.selfhelp.courts.ca.gov/request-for-order/LCSA/hearing.

How can I get free help?

Every county has a family law facilitator that can:

- Explain the legal process;
- Give you free legal forms; and
- Help you fill out court papers.



Depending on your county, the facilitator may help you in person, online, or by phone. Talk to the [facilitator in your county](#) for more information.

Ask for a Disability Accommodation Request



If you have a disability and need an accommodation while you are at court, you can use [form MC-410](#) to make your request. For more information, see [form MC-410-INFO](#).

Do you need a court interpreter?

If you don't speak or understand English very well, you may need a court interpreter to help you in court. You can use form [INT-300](#) to request an interpreter for your court hearing. Ask the court clerk or [family law facilitator in your county](#) for more information.

I got served with a Request for Determination of Support Arrears. Now what?

If you disagree with the requests made by the other party in form FL-676, you need to:

- File and serve your own court papers, at least **9 court days** before the court date; and
- Appear at the court hearing.

To respond to the request, file and serve:

- *Response to Governmental Notice of Motion or Order to Show Cause* ([form FL-685](#)); and
- Your own payment history. (You can use forms [FL-420](#) and [FL-421](#) for this purpose.)

See Step 4 for more information about serving court papers and use Option 2.

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): 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:	CASE NUMBER:
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	
SHORT FORM ORDER AFTER HEARING	

1. **This matter proceeded as follows:** ☐ Uncontested ☐ By stipulation ☐ Contested

- a. Date: _____ Dept: _____ Judicial Officer: _____
- b. ☐ Petitioner/plaintiff present ☐ Attorney present (name): _____
- c. ☐ Respondent/defendant present ☐ Attorney present (name): _____
- d. ☐ Other parent/party present ☐ Attorney present (name): _____
- e. Attorney for local child support agency present under Family Code sections 17400 and 17406 by (name): _____
- f. ☐ Other (specify): _____

2. **THE COURT FINDS**, based upon the moving papers:

- a. (Name): _____ is the parent ordered to pay support in this proceeding.
- b. ☐ The parent ordered to pay support has no ability to pay support because (specify): _____
- c. ☐ Health insurance coverage at no or reasonable cost is currently not available to the parent ordered to pay support to cover the minor children in this action.

3. **THE COURT ORDERS**

- a. All orders previously made in this action will remain in full force and effect except as specifically modified below.
- b. ☐ This matter is continued to: _____ in Dept.: _____ for the following purposes only:
- c. ☐ The parent ordered to pay support is ordered to appear on the continuance date.
- d. ☐ Current child support is modified to: \$ _____ per month beginning (date): _____
- e. ☐ The court retains jurisdiction to order support retroactive to
- (1) ☐ (specify date): _____
- (2) ☐ the date the parent ordered to pay support becomes employed or otherwise has the ability to pay support.
- (3) ☐ the date the parent ordered to pay support abandons or separates from the children at issue in this case.
- f. ☐ Any order to liquidate the support arrearage is suspended until further order of this court.
- g. 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. 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.
- h. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
-----------------------------------------------------------------------	--------------

3. i. ☐ The parent ordered to pay support is ordered to obtain health insurance coverage for the children in this action if it becomes available at no or reasonable cost. The party 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-sustaining employment because of a physically or mentally disabling injury, illness or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.
- j. ☐ If this order includes orders for child support or reimbursement of uninsured health care costs, *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order* ([form FL-192](#)) must be attached and is incorporated into this order.
- k. ☐ Other (*specify*):

4. Number of pages attached: _____

Approved as conforming to court order.

Date:



(SIGNATURE OF ATTORNEY FOR THE PARENT ORDERED TO PAY SUPPORT)

Date:

JUDICIAL OFFICER

SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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

	Commenter	Position	Comment	Committee Response
1.	The Child Support Directors Association, Judicial Council Forms Committee by Lisa Saporito, Chair	AM	<p>The Committee agrees the proposed form changes appropriately addresses the stated purpose of providing court users and the public with information regarding relief available to incarcerated or involuntarily institutionalized child support obligors.</p> <p>The Committee recommends form FL-192 Notice of Rights and Responsibilities Health-Care Costs and Reimbursement Procedures be a mandatory form attachment to all support orders, IV-D and non-IV-D cases alike, and on forms such as FL-350 <i>Stipulation to Establish or Modify Child Support and Order</i> and FL-688 <i>Short Form Order After Hearing</i>.</p> <p>The Committee recommends modification of the language on form FL-350 <i>Stipulation to Establish or Modify Child Support and Order</i> as follows (draft attached with suggested changes in yellow highlight): Sections 2.a. and 2.c. both ask for total amount. We think this could be confusing to the parties. We believe the following changes will make the basic child support amount and any additional child support clearer. The suggested changes are as follows:</p>	<p>No response required.</p> <p>The committee agrees with the suggestion to make form FL-192 as a mandatory form and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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

	Commenter	Position	Comment	Committee Response
			<p>Under item 2, on the second line add “basic” in front of child support. On the line immediately following 2.a.(5) add “Basic” in front of child support.</p> <p>On page 2 change “medical” to “healthcare”.</p> <p>Under item 2.c. add “from sections 2.a. and 2.b (does not include additional child support percentage amounts)</p> <p>The Committee is in support of and recommends no changes to FL-490 <i>Application to Determine Arrears Attachment to Request for Order (form FL-300)</i>, FL-676 Request for Determination of Support Arrears, and FL-676-INFO <i>Information Sheet: Request for Determination of Support Arrears</i>.</p>	No response required.
2.	Department of Child Support Services by Shannon Richards, Attorney III	AM	<p>Does the proposal appropriately address the stated purpose?</p> <p>The department believes the proposal to include notice by way of the FL-192 <i>Notice of Rights and Responsibilities (Health Care Costs and Reimbursement Procedures)</i> and making that form mandatory on all child support orders or judgments generally does address the stated purpose.</p>	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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	Commenter	Position	Comment	Committee Response
			<p>Does adding language only to form FL-192, instead of all 10 child support order or judgment forms, regarding the relief available under Family Code section 4007.5 adequately disseminate this information to case participants?</p> <p>The department is pleased with the efforts JCC has made at revising the specified forms to reflect the new Family Code section 4007.5 intent. By making form FL-192 mandatory additions to all judgments or orders dealing with child support we believe this is adequate to inform case participants of the relief available to them. However, we do believe that there are some revisions that would enhance this notice as set forth below.</p> <p>Will revising form FL-350 from a mandatory to an optional form create any unintended consequences for case participants or the courts?</p> <p>Revising for FL-350 <i>Stipulation to Establish or Modify Child Support and Order</i> from a mandatory form to an optional form may create unintended consequences. First, allowing participants to provide a stipulation to set or</p>	<p>No response required.</p> <p>The committee agrees with the suggestion to keep form FL-350 as a mandatory form and has incorporated it into the revisions that it is recommending for adoption.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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	Commenter	Position	Comment	Committee Response
			<p>modify child support on other than judicial council forms will allow for a lack of consistency and format. The department understands that this form is not one typically utilized by government agencies, however when the department opens a case with a child support order obtained outside of the IV-D system, a mandatory format for orders allows for ease in determining what has been ordered, and what may be left open. The FL-350 is a nice checklist of items that litigants should consider when stipulating to support orders. Leaving the option open for a pleading-type format allows for greater deviation in style and substance. The result is more time for LCSAs to review and determine, or indeed, interpret what they believe was meant by an individual style, and could lead to additional court actions to clarify or add orders for those items inadvertently left off an order not utilizing the standardized format. Next, the ability to stipulate to establish or modify child support in a format that does not require the new version of FL-192 will limit or circumvent the required notice regarding support suspension for incarcerated individuals proposed to be mandated on all other orders or judgments related to child support and defeating the purpose for the proposed revisions of this</p>	

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SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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Commenter	Position	Comment	Committee Response
		<p>Invitation to Comment – to provide notice regarding support suspension on all child support orders and judgments.</p> <p>Will removing the Proof of Services section from page 2 of form FL-676 create any unintended consequences for case participants?</p> <p>Removal of the Proof of Service may create delays in court proceedings as participants do not always read the information/instruction sheets provided. The department believes the information on the FL-676 INFO is adequate information, but there could also be a notice added to page two of the FL-676. See below for suggested language.</p> <p>Department Comments/Suggestions:</p> <p>1. FL-192: The current title of the form <i>Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information on Changing a Child Support Order</i> does not provide adequate notice that there is information related to suspension of child support for incarcerated obligors. The Department suggests one of two approaches to address this issue:</p>	<p>No response required.</p>

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SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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	Commenter	Position	Comment	Committee Response
			<p>A. Revise the Title to Read “<i>Notice of Rights and Responsibilities</i>” and have Sub-headings for the 3 areas you are providing notice: (1) Health Care Costs and Reimbursement Procedures (2) Information on Changing a Child Support Order and (3) Information About Suspension of Support for Incarcerated Parents. The subheading you have proposed for incarcerated parents “Information About Incarcerated Parents for Support Orders Made or Modified After December 31, 2020” seems to indicate that the information is about incarcerated parents, and not about suspension of support for such parents. Therefore, even if the suggested change of title is not adopted, a change to your proposed subheading should be considered. The Department suggests “Information About Suspension of Support for Incarcerated Parents.”</p> <p>B. Assuming the Title/subheadings are revised as suggested, the body of the text may want to include language regarding the availability of support suspension. Under current law, this means suspension for support orders made or modified after December 31, 2020, but relief could also be available for other timeframes.</p>	<p>The committee does not recommend changing the name of FL-192 at this time. The current name of this form is referenced on several other Judicial Council forms that are not a part of the current proposal, which would also have to be revised if the name of FL-192 were to be changed. However, the committee may consider this suggestion during a future rules cycle. The committee does agree with the suggestion to create sub-headings on the form, with minor alterations.</p> <p>The committee agrees with this suggestion and has incorporated it, with alterations, into the revisions that it is recommending for adoption.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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	Commenter	Position	Comment	Committee Response
			(See item 2., below). It is suggested to add a new paragraph stating: “ Date of Order. The date your order was made may play a role in whether relief may be available. The current law makes relief available for orders made or modified after December 31, 2020, but there are other ways relief may be available. See the More Info. section below.” In this way the Information is given that there are definite orders that allow relief and other reasons why relief could be granted.	
			C. This form shows that it is an “optional” form, however you propose to make it a mandatory attachment to specified orders and judgments. The department agrees that the form should be mandatory for all orders and judgments related to child support. The form label as an “optional” form could, however, be confusing. Therefore, we propose that this form become “mandatory” for all child support orders and judgments.	The committee agrees with the suggestion to make form FL-192 as a mandatory form and has incorporated it into the revisions that it is recommending for adoption.
			2. Inclusion of December 31, 2020: Both Forms FL-490 <i>Application to Determine Arrears</i> and FL 676 <i>Request for Determination of Support Arrears</i> have a new section on why the applicant could not pay support and include appropriate information related to the current	The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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	Commenter	Position	Comment	Committee Response
			<p>version of FC §4007.5. The final section states: ““(4) My child support order was entered or modified after December 31, 2020.” (Emphasis in original). While this is a correct statement of the current version of the statute, it is believed that there are circumstances where there could be relief based upon the prior version of the statute (for orders modified on or after October 8, 2015 through December 31, 2020) due to the “by operation of law” clause within that statute. In addition, there are some standard orders attachments that have been made orders of the court that provide relief like that contained within the 4007.5 statute that are not limited with respect to the order date. Presently there is an “Other” box that could be used for this purpose, but the Department suggests that the inclusion of the December 31, 2020 date may confuse and prevent individuals who may have a valid claim for relief from making application. The Department suggests that the text be modified to say:</p> <p>“My child support was entered or modified: <input type="checkbox"/> on or after December 31, 2020, <input type="checkbox"/> between October 8, 2015 and December 31, 2020” and add a new box that says “<input type="checkbox"/> Relief from support is contained in my child support order entered .” In this way parties will be</p>	

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Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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	Commenter	Position	Comment	Committee Response
			<p>able to select the specific dates upon which relief may be granted and notice is provided to the court and parties regarding the basis upon which the applicant is seeking relief.</p> <p>3. FL-676: On page two, below the signature, there could be added language such as: “The court must have a proof of service on file to proceed with a hearing in this matter. Please see FL-676-INFO for more information.” This option would alert case participants that they must do something to have their case heard and where they can find the appropriate information, without requiring a full proof of service on the document itself.</p> <p>4. FL-676-INFO: On page one on the top of the second column (under item 5(b)) there is a statement: “(Note: This relief can only be requested to orders made or modified after December 31, 2020).” While this is a correct statement of the law as it applies to the current version of FC §4007.5, it does not allow for consideration of other bases for relief, including relief under the prior version of the same statute (the appellate court has not made any ruling on whether relief is available by operation of law, or whether a savings clause is</p>	<p>The committee does not recommend making this revision as the requirement to serve the motion and file a proof of service is already included in the instructions box on page 1, including a link to form FL-676-INFO.</p> <p>The committee agrees with this suggestion and has incorporated it, into the revisions that it is recommending for adoption.</p>

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SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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	Commenter	Position	Comment	Committee Response
			in the prior statute, effective October 8, 2015 through December 31, 2020), or under any court order made prior to December 31, 2020 related to suspension of support due to incarceration. For this reason, the Department suggests removal of the “Note” entirely, or alternately remove the word “only” from the statement in the Note.	
3.	The Executive Committee of the Family Law Section of the California Lawyers Association (FLEXCOM) by Justin M. O’Connell, FLEXCOM Legislation Chair	AM	<p>FLEXCOM agrees with this proposal.</p> <p>As to the specific request for comment regarding the optional versus mandatory nature of Form FL-350, FLEXCOM suggests the form be mandatory.</p> <p>Form FL-350 provides an easily readable format setting forth the mandatory factors in adjudicating child support, which ensures such orders comply with the law. The use of this form is very helpful to self-represented litigants to ensure they have code-compliant and enforceable orders. Also, the trial court is not faced with having to later reconstruct prior factors and circumstances because they are</p>	<p>No response required.</p> <p>The committee agrees with the suggestion to keep form FL-350 as a mandatory form and has incorporated it into the revisions that it is recommending for adoption.</p>

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SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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	Commenter	Position	Comment	Committee Response
			plainly laid out in the form. Making the form optional might invite non-compliant, simple stipulated orders that could arguably be unenforceable.	
4.	Orange County Bar Association by Larisa M. Dinsmoor, President	AM	<p>The proposal appropriately addresses the stated purpose.</p> <p>Adding the language to the form FL-192 disseminates the information to case participants, but the document should then be entitled “NOTICE OF RIGHTS AND RESPONSIBILITIES Including Health Care Costs and Reimbursement Procedures” due to the expansion of information now contained in the form.</p> <p>Yes, even seasoned attorneys leave out necessarily language in a Stipulation, so keeping the form Mandatory is recommended.</p> <p>Yes, since most self-represented parties do not know about the Proof of Service form or filing procedure, but the revised form includes the direction to use the appropriate forms FL-330 or FL-335</p>	<p>No response required.</p> <p>The committee does not recommend changing the name of FL-192 at this time. The current name of this form is referenced on several other Judicial Council forms that are not a part of the current proposal, which would also have to be revised if the name of FL-192 were to be changed. However, the committee may consider this suggestion during a future rules cycle.</p> <p>The committee agrees with the suggestion to keep form FL-350 as a mandatory form and has incorporated it into the revisions that it is recommending for adoption.</p> <p>No response required.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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	Commenter	Position	Comment	Committee Response
5.	Superior Court of Los Angeles County by Bryan Borys	A	<p>In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:</p> <p>Does the proposal appropriately address the stated purpose?</p> <p>Yes</p> <p>Does adding language only to form FL-192, instead of all 10 child support order or judgment forms, regarding the relief available under Family Code section 4007.5 adequately disseminate this information to case participants?</p> <p>Yes</p> <p>Will revising form FL-350 from a mandatory to an optional form create any unintended consequences for case participants or the courts?</p> <p>No, but item 3 on page 2 of the FL350 form should allow inclusion of more than one parent to provide health insurance to be consistent with the language currently included in Form FL 342, item 7 Healthcare Expenses section.</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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	Commenter	Position	Comment	Committee Response
			<p>Will removing the Proof of Service section from page 2 of form FL-676 create any unintended consequences for case participants?</p> <p>No</p> <p>The advisory committee also seeks comments from courts on the following cost and implementation matters:</p> <p>Would the proposal provide cost savings? If so, please quantify.</p> <p>No</p> <p>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.</p> <p>There would be costs to updating the existing guided interview form and training of Family Law Facilitator paralegals and attorneys.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

	Commenter	Position	Comment	Committee Response
			Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes	No response required.
6.	Superior Court of Orange County by Vivian Tran, Administrative Analyst	AM	<p>Does the proposal appropriately address the stated purpose?</p> <p>Yes.</p> <p>Does adding language only to form FL-192, instead of all 10 child support order or judgment forms, regarding the relief available under Family Code section 4007.5 adequately disseminate this information to case participants?</p> <p>Yes, requiring the FL-192 to be attached to any order regarding child support will ensure that both parties are aware of Family Code section 4007.5.</p> <p>Will revising form FL-350 from a mandatory to an optional form create any unintended consequences for case participants or the courts?</p> <p>FL-350 contains language of the required code sections that must be cited in a child support</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee agrees with the suggestion to keep form FL-350 as a mandatory form and has</p>

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Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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	Commenter	Position	Comment	Committee Response
			<p>order. Changing the form to optional may cause stipulations to be submitted in other formats that do not contain the required language. This could increase the amount of rejected stipulations and cause a delay for the parties in obtaining the order.</p> <p>Will removing the Proof of Service section from page 2 of form FL-676 create any unintended consequences for case participants?</p> <p>No, removing this section will make it far less confusing for SRLs who may have completed the proof of service section prior to obtaining a hearing date.</p> <p>The advisory committee also seeks comments from courts on the following cost and implementation matters:</p> <p>Would the proposal provide cost savings? If so, please quantify.</p> <p>Yes, the proposal of adding the language to the FL-192 and requiring the form to be attached to all child support orders will save the cost of reprinting all other forms regarding child support.</p>	<p>incorporated it into the revisions that it is recommending for adoption.</p> <p>No response required.</p> <p>No response required.</p>

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SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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

	Commenter	Position	Comment	Committee Response
			<p>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?</p> <p>No, changes to processes or case management system are necessary. A written communication to clerk's office and courtroom clerks will be sufficient to make them aware of the changes.</p> <p>Would three (3) months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>This should work well for a court of any size.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
7.	Superior Court of Riverside County by Susan D. Ryan, Chief Deputy of Legal Services	AM	Consideration should also be given to addressing suspension in the FL-421 Payment History Attachment. This may be addressed by	Because this suggestion would entail important substantive changes to the proposal, the committee believes public comment should be

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	Commenter	Position	Comment	Committee Response
			adding to the instructions on page. 2, end of paragraph 2. "Indicate which month(s) orders were suspended due to the payor being confined against their will for more than 90 days in a row, in jail, prison, juvenile detention, or a mental facility, pursuant to Family Code section 4007.5."	sought before it is considered for adoption. The committee may consider this suggestion during a future rules cycle.
			Does adding language only to form FL-192, instead of all 10 child support order or judgment forms, regarding the relief available under Family Code section 4007.5 adequately disseminate this information to case participants?	
			Yes, given that Family Code section 4007.5 has a sunset provision referencing the forms is more efficient.	No response required.
			Will revising form FL-350 from a mandatory to an optional form create any unintended consequences for case participants or the courts?	
			While making the form optional will allow for litigants to prepare their own stipulations tailored to the needs of the parties, this increases	The committee agrees with the suggestion to keep form FL-350 as a mandatory form and has incorporated it into the revisions that it is recommending for adoption.

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SPR21-10

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	Commenter	Position	Comment	Committee Response
			<p>the risk of such parties omitting required language.</p> <p>Will removing the Proof of Service section from page 2 of form FL-676 create any unintended consequences for case participants?</p> <p>No negative consequences are foreseen. Eliminating the Proof of Service will encourage litigants to file before serving and discourage rejection by the clerk's office for an incomplete Proof of Service.</p> <p>Suggested edits: FL-192 NOTICE OF RIGHTS AND RESPONSIBILITIES</p> <p>1. Child support. Under current California law, child support "ordered or modified after December 31, 2020" automatically stops if the parent who has to pay . . .</p> <p>FL-350 STIPULATION TO ESTABLISH OR MODIFY CHILD SUPPORT AND ORDER</p> <p>2. Move or repeat "beginning on (date)" to 2 c and clarify as follows:</p>	<p>No response required.</p> <p>The committee agrees with this suggestion and has incorporated it, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>

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Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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Commenter	Position	Comment	Committee Response
		<p>2c. Total monthly child support (from a and b). \$ _____, payable _____ on the first of the month, _____ other (specify): _____ beginning on (date): _____.</p> <p>4. Add a header "Child Support Calculation"</p> <p>then demote sections 4, 5, 6, 7 as subsections to 4.</p> <p>8. Restart numbering with 4.</p> <p>11. add "c. We agree to inform each other parent of changes in costs included in additional child support."</p> <p>FL-676-INFO Information Sheet: Request for Determination of Support Arrears</p> <p>Step 3 #2 Tip</p> <p>Check your local court's website to see if you can file your request electronically. [Delete (e-file)].</p>	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend making the suggested change due to space limitations on the form.</p> <p>The committee does not recommend making the suggested change as this provision may cause confusion if additional child support was agreed to as a percentage or if no additional child support was agreed to by the parties.</p> <p>The committee does not recommend making the suggested change as the term "e-file" is a more</p>

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	Commenter	Position	Comment	Committee Response
				commonly understood plain-language explanation of filing pleadings electronically.
8.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	<p>Does the proposal appropriately address the stated purpose?</p> <p>Yes.</p> <p>Does adding language only to form FL-192, instead of all 10 child support order or judgment forms, regarding the relief available under Family Code section 4007.5 adequately disseminate this information to case participants?</p> <p>Yes. The proposal to limit changes to the FL-192 will, as the Committee noted, reduce costs as courts will not need to order additional revised forms.</p> <p>Will revising form FL-350 from a mandatory to an optional form create any unintended consequences for case participants or the courts?</p> <p>No. The revisions to FL-350 appear appropriate and beneficial.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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	Commenter	Position	Comment	Committee Response
			Will removing the Proof of Service section from page 2 of form FL-676 create any unintended consequences for case participants?	
			No. As stated in the Invitation, the inclusion of the Proof of Service creates confusion, as litigants are unsure if they need to serve prior to or after filing the request.	No response required.
			Would the proposal provide cost savings? If so, please quantify.	
			Yes, to the extent the FL-192 will be revised in lieu of the 10 child support and judgment forms that would need to be revised if the language was added to those forms.	No response required.
			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?	
			Notification to staff and updating internal procedures.	No response required.

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SPR21-10

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	Commenter	Position	Comment	Committee Response
			<p>Would three (3) months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>There should be no disparate impact between courts of different sizes.</p> <p>No additional Comments.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
9.	<p>Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)</p> <p>(no name provided)</p>	AM	<p>The JRS notes the following impact to court operations:</p> <p>The proposed changes to FL-192 would not be effective for the following reasons:</p> <ul style="list-style-type: none"> • An excess of detailed information on page 1 of the form. Due to this, people may not read it carefully. • Fl-192 is somewhat misleading. The top of the form indicates that the rest of the information pertains to Health Care Costs and Reimbursement Procedures and does not advise that other rights and responsibilities are also included. 	

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SPR21-10

Family Law: Reenactment of Family Code section 4007.5 (revise forms FL-342, FL-350, FL-490, FL 530, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, FL-688, and FL-692)

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

	Commenter	Position	Comment	Committee Response
			<p>The JRS suggests reformatting FL-192 by separating out the different sections. The title of the form should remain the same Notice of Rights and Responsibilities, then have a clear separation that outlines the different sections as follows:</p> <ol style="list-style-type: none">1. General Information2. Health Care and Reimbursement3. Parents who may be Incarcerated or detained4. Modification Procedure	<p>The committee agrees with the suggestion to create sub-headings on the form, with minor alterations.</p>
			<p>The changes to FL-350 do not appear user friendly as it is too dense. One option is to break down the form more than it is in its current form. The form could have more bold headings to break the different sections down more clearly.</p>	<p>The committee agrees with the suggestion to create different sections with sub-headings on the form, with minor alterations.</p>
			<p>The form could also separate guideline from non-guideline support into different sections.</p>	<p>The committee does not agree with this suggestion as guideline support must always be calculated, even if the parties agree to a non-guideline order; if separated, parties may think they can agree to a non-guideline order without stating what guideline support would be.</p>

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	Commenter	Position	Comment	Committee Response
			Another option is to have separate forms for child support agency cases with that related language in that form only.	The committee does not recommend creating two separate child support stipulation forms as the only part of FL-350 that refers to Title IV-D cases is found in items 17 and 18.
			No comment regarding the proposed changes to FL-490, FL-676, or FL-688.	No response required.
			Request for Specific Comments	
			Does the proposal appropriately address the stated purpose? <ul style="list-style-type: none">If FL-192 is made more user-friendly, then it meets the stated purpose.	No response required.
			Does adding language only to form FL-192, instead of all 10 child support order or judgment forms, regarding the relief available under Family Code section 4007.5 adequately disseminate this information to case participants? <ul style="list-style-type: none">Requiring FL-192 with all orders could make senseAlso consider referencing Judicial Council website link for more information about Rights and	The committee does not recommend requiring all family law orders require FL-192 to be attached, as the current proposal will require the form to be attached to all 10 child support judgment or order forms. The committee does not recommend revising all 10 child support judgment or order forms to

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	Commenter	Position	Comment	Committee Response
			<p>Responsibilities somewhere on each order.</p> <ul style="list-style-type: none">Consider Rule that sentencing court shall provide some form to persons with sentencing longer than 90 actual days about rights related to child support. It could be done along with the Firearm findings. <p>How well would this proposal work in courts of different sizes?</p> <ul style="list-style-type: none">Don't foresee any cost savings or hardship to small courts with proposed changes.	<p>include a hyperlink about rights and responsibilities, as only two of the 10 forms are part of the current proposal. However, all 10 forms include a link to www.courts.ca.gov in the footer and FL-192 has been revised to include a link to relevant information.</p> <p>Because this suggestion would entail important substantive changes to the proposal and require drafting a new rule of court, the committee believes public comment should be sought before it is considered for adoption. The committee may consider this suggestion during a future rules cycle.</p> <p>No response required.</p>

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