



Judicial Council of California

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Title

Child Support: Statutory Relief for Incarcerated or Involuntarily Institutionalized Obligor (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommends revising eight forms to remove outdated language, which became effective on July 1, 2011 under Senate Bill 1355 and sunsetted on June 30, 2015, regarding suspension of child support orders for obligors who are incarcerated or involuntarily institutionalized. In addition, the committee recommends implementing the mandates of Assembly Bill 610, which became effective October 8, 2015, by revising the same eight forms and an additional five forms to incorporate current provisions regarding temporary suspension of child support obligations by operation of law for incarcerated and involuntarily institutionalized obligors (unless certain exceptions apply). These proposed form revisions also provide guidance regarding the adjustment of arrears for a suspended support order, the procedure to object to the local child support agency's adjustment, and the information needed by the court to consider and approve a request to adjust arrears.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2017, revise:

1. The following 10 forms to add a notification, in plain language, regarding the temporary suspension of the obligor's duty to pay child support while incarcerated or involuntarily institutionalized:
 - a. Form FL-342, *Child Support Information and Order Attachment*
 - b. Form FL-350, *Stipulation to Establish or Modify Child Support and Order*
 - c. Form FL-530, *Judgment Regarding Parental Obligations*
 - d. Form FL-615, *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment*
 - e. Form FL-625, *Stipulation and Order*
 - f. Form FL-630, *Judgment Regarding Parental Obligations*
 - g. Form FL-665, *Findings and Recommendation of Commissioner*

- h. Form FL-687, *Order After Hearing*
 - i. Form FL-688, *Short Form Order After Hearing*
 - j. Form FL-692, *Minutes and Order or Judgment*
- 2. Form FL-490, *Application to Determine Arrears*, to request the adjustment of arrears due to incarceration or involuntarily institutionalization in cases in which the local child support agency is not providing services;
- 3. Form FL-676, *Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization*, to clarify that a request for adjustment of arrears due to incarceration or involuntary institutionalization applies only to child support orders issued or modified on or after October 8, 2015; and
- 4. Form FL-676-INFO, Information Sheet for Request for Judicial Determination of Support Arrearages or Adjustment of Arrearages Due to Incarceration or Involuntary Institutionalization, to update and clarify instructions.