



Subject Text

Meeting materials
are available through

File #: 19-215, Version: 1

Title

Rules and Forms | Technical Changes Required by Sunset of Family Code Section 4007.5 (Action Required)

Summary

Family Code section 4007.5, which currently provides that any money judgment or order for child support is automatically suspended and set to zero (\$0.00) when an obligor is incarcerated or involuntarily institutionalized for more than 90 consecutive days, is due to sunset January 1, 2020. Legislation was proposed this session to remove the sunset date and make the measure permanent. However, the bill unexpectedly lost support and is now inactive, meaning that this statute will expire as of January 1, 2020. The Family and Juvenile Law Advisory Committee recommends making the necessary corrections to certain forms to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation

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

1. Revise the following forms to remove references to relief currently available to child support obligors under Family Code section 4007.5, which will sunset effective January 1, 2020:
 - *Child Support Information and Order Attachment* (form FL-342),
 - *Stipulation to Establish or Modify Child Support and Order* (form FL-350),
 - *Application to Determine Arrears* (form FL-490),
 - *Judgment Regarding Parental Obligations* (form FL-530),
 - *Stipulation and Order* (form FL-625),
 - *Judgment Regarding Parental Obligations* (form FL-630),
 - *Findings and Recommendation of Commissioner* (form FL-665),
 - *Request for Determination of Support Arrears or Adjustment of Child Support Arrears Due to Incarceration or Involuntary Institutionalization* (form FL-676),
 - *Information Sheet: Request for Determination of Support Arrears or Adjustment of Child Support Arrears Due to Incarceration or Involuntary Institutionalization* (form FL-676-INFO),
 - *Order After Hearing* (form FL-687),
 - *Short Form Order After Hearing* (form FL-688), and
 - *Minutes and Order or Judgment* (form FL-692).
2. Make additional, minor technical changes to forms FL-342, FL-350, FL-490, FL-530, FL-625, FL-676, and FL-676-INFO as detailed below.