

# INCARCERATED PARENTS MANUAL: Chapter 6

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## Child Support Issues for Incarcerated Parents in California

This manual (written in 2023) is designed to help incarcerated parents who are faced with a new request for child support for their children or who owe past child support. California law recognizes that most parents do not have the ability to pay child support while they are incarcerated. A special law suspends your child support under certain circumstances. This manual explains those circumstances and how you can make sure that this law protects you. It covers situations where child support is being requested by the other parent as well as where the Department of Child Support Services is involved. The rules and procedures are sometimes different in those two situations. It also addresses how you can proactively seek to modify a current child support order in anticipation of your release.

We hope that this manual will give you the information and tools you need to address your child support matter.



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## ATTACHMENTS

Attachment 1: California Family Law Facilitator addresses

Attachment 2: Sample letter to Family Law Facilitator (seeking forms and information)

Attachment 3: Sample letter to Court Clerk (with forms to be filed)

**Note on reproduction:** You are welcome to copy and distribute this manual, but please do not charge for the copies.

**Note to attorneys:** Legal services providers and other attorneys may distribute this manual to incarcerated people, formerly incarcerated people, and/or their loved ones who contact them for legal assistance.

**Disclaimer for non-attorneys:** This manual is not intended to answer all of your legal questions or take the place of an attorney. Legal Services for Prisoners with Children (LSPC) does not provide direct legal representation. We have provided current information to the best of our ability. However, laws and procedures change frequently. It is your responsibility to check relevant legal cases, codes, court rules and forms when using this manual.

## General information

An important duty of parenthood is to provide financial support to your child. However, this may be impossible for incarcerated parents. It may also be very difficult once you are released, until you are able to obtain employment and stabilize your living situation. Failure to pay court-ordered child support can result in various negative outcomes that can hinder your successful reentry or otherwise penalize you. For this reason, it is important to deal with court cases that are brought by your child's parent or the Department of Child Support Services (DCSS) to obtain a court order that you pay child support. It is also important to learn about the remedies that may be available to you regarding current support orders and back child support debt.

## Organization of this manual

Please review all of the information in this "General Information" section and the later sections which pertain to your situation.

**Family court case with no DCSS involvement:** Sections 1 - 5 of this manual concern child support orders sought and obtained by the other parent in a family court case. For example, it could be an issue in a divorce case, or a dissolution of a domestic partnership. It also could be an issue in a parentage case called a "Petition to Establish Parental Relationship," or a similar lawsuit called a "Petition for Custody and Support of Minor Children." If you are (or have been) sued by the other parent for child support *and DCSS is not involved in that case*, then the information you need is in the first five sections of this manual.

**Child support case with DCSS involvement:** If the *DCSS is involved* in your child support case, then Sections 6 - 10 may apply to you. DCSS could sue you for child support directly if the government is providing public assistance for your child, either to the other parent or to a caregiver (such as a foster parent). DCSS could also be involved if the other parent asked DCSS for help.

## California Family Code § 4007.5

California Family Code § 4007.5 provides that, starting September 27, 2022, a child support order automatically stops if the parent who is ordered to pay support (the payor) is incarcerated for more than 90 days in a row. The only exception is if that parent has the funds to pay support.

The child support order is suspended starting "on the first day of the first full month of incarceration" and will start up automatically at the same amount "on the first day of the first full month" after release.

There is a similar rule for the suspension of arrearages (past due support). If a child support order was entered or modified *between* October 8, 2015 and December 31, 2019, *or between* January 1, 2021 and September 26, 2022. If the payor was incarcerated for more than 90 days in a row during the same time frame, the child support order during that time frame is suspended. There are exceptions to

this rule: if the payor had the funds to pay support; or if the payor was incarcerated for failure to pay child support *or* for domestic violence against the child's other parent.

The remedies in California Family Code § 4007.5 apply in all child support cases, whether or not DCSS is involved. Sections 4 and 9 of this manual address this remedy further. In addition to seeking the benefits of that law, there are other things an incarcerated parent can do to address their child support obligation. Sections 5 and 10 address this subject.

### **Court forms**

Our state courts use standard statewide forms. These forms each have a name and number. Most family court forms start with **FL**. For example, **FL-150** is the standard Income and Expense Declaration form. All of the standard statewide forms are available on the internet at the website of the California Judicial Council. That address is: [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm). You may be able to obtain the forms you need from your prison law library.

Alternatively, you can write to the Family Law Facilitator in the county where your child support case is filed for assistance.

### **Family Law Facilitator**

The Family Law Facilitator's office is a branch of the county court that provides free assistance to people who do not have lawyers. They do not provide legal advice, but they can provide court forms and information about court procedures. A list of their addresses is attached as Attachment 1.

#### **►California Family Law Facilitator addresses – Attachment #1**

You can use this sample letter to write to the Family Law Facilitator:

#### **►Sample Letter to Family Law Facilitator (seeking legal forms and assistance) – Attachment #2**

### **Court order to appear in at your hearing**

If you file for, or want to attend, a court hearing at which your child support obligation will be determined, you can ask the court to issue an order for you to be transported there. [Cal. Penal Code § 2625(e).] You do not have an absolute right to be transported to court for such a hearing, but the judge *may* grant your request and issue the order.

A good alternative to your being physically transported to court is for you to appear by video-conference or telephone. Be sure to request such a court order in any motion or response that you file. There is usually a place on standard forms for you to make "other requests." You will need a court order for the prison or jail to set up the technology for you to be connected to the courtroom proceedings and to escort you to the proper location at your facility to make your appearance.

## Hearings generally

It is important to prepare for any court hearing, especially if you are representing yourself. Make sure that the proper arrangements have been made at your institution for you to be connected with the court on your hearing date. The Litigation Coordinator at your institution may be helpful with this. You may need a ducat to get to the room where the technology to make a telephone or video-conference appearance is located. Be proactive. Bring your documents and a list of the points you want to make.

When your case is called, you may be sworn to tell the truth. Judges often call on the party who is bringing the motion to present their case first. The judge can ask questions of both sides. It is helpful to anticipate what the judge might ask you and to prepare your responses. If you have something new to present that was not in your documents, be sure to tell the judge. The judge usually makes a ruling that day and it is put in writing, by the court clerk, an attorney or a party to the case.

## Hearings involving DCSS

Before your case is called, the court will require you to “meet and confer” with someone from the DCSS and the other parent (if present) to see if a settlement can be reached. If not, a child support commissioner will hear your case and may make a decision that day. The commissioner’s decision will be written up on form **FL-678** or **FL-688**.

You can object to a commissioner hearing your case. The commissioner will still hear the case, but you will have the right to have a judge review the commissioner’s decision if you disagree with it. To do so, you would file a Notice of Objection (**FL-666**) within ten days of the ruling.

## SECTION 1: Family Court: Responding to a lawsuit or motion for child support

If you are served with a petition in a new lawsuit that involves the custody and support of a child brought by the other parent<sup>1</sup> or a new motion for child support in such a case, it is in your interest to inform the court that you are incarcerated and have no current ability to pay support. Unless you have outside income, you will likely receive a current child support order of zero. You need not be incarcerated for 90 days to make this request – child support is based on a parent’s current ability to pay. Zero child support is better for you than an order of some dollar amount that is suspended while you are incarcerated under Cal. Fam. Code § 4007.5. This is because the order will automatically go into effect the month after you are released, whether or not you have any income. You will likely be ordered to inform the other parent when you start earning income and the court can modify the support order from zero to a monthly dollar amount at that time.

If you dispute that you are the parent of the child, you should inform the court of that as well.

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<sup>1</sup> It could be a petition for a dissolution of marriage or domestic partnership, a “Petition to Establish Parental Relationship,” or a “Petition for Custody and Support of Minor Children.”

## Filing a response to a new lawsuit

Generally, you have 30 calendar days from the day you are served with a new lawsuit to file a response. You should have been served with a blank copy of the appropriate response forms.<sup>2</sup> They will include a blank income and expense declaration. Here are the steps to filing your response:

- Fill out and sign the blank responsive forms that you have been sent
- Attach a current Inmate Trust Account statement to the income and expense form
- Request an order to allow you to appear at the hearing (especially if you are seeking visiting rights)
- If you need a fee waiver, fill out **FW-001** (Request to Waive Court Fees) and **FW-003** (Order on Court Fee Waiver)
- Attach a current Inmate Trust Account statement to your fee waiver request
- Make three copies of each form & attachment, except fee waiver forms (two copies of each)
- Keep one copy of each form for yourself
- Mail the originals and two copies to the court, except fee waiver forms (send original & one copy)
- Include a self-addressed stamped envelope
- You can use the sample letter to the court clerk.

► **Sample letter to Court Clerk (with forms to be filed) – Attachment #3**

## Serving your response

The court clerk will file your responses, process your fee request, file-stamp your documents, and mail your copies back to you in the envelope you provided.

You are required to serve (deliver) a copy of your filed documents to the other parent (except your fee waiver forms). You personally are not allowed to serve the documents yourself. A staff person, another prisoner, or a friend or family member in the community can mail them for you. Here are the steps:

- Find someone who is willing to mail these documents for you
- Put one set of file-stamped forms (but not fee waiver forms) in an envelope
- Address the envelope to the other parent (or their attorney) using the address on the court forms you were served with
- Put sufficient first-class postage on the envelope
- Give the envelope to your sender to mail
- Have your sender fill out the **FL-335 form**, mail the envelope and sign the form
- Either you or your sender should make two copies of the **FL-335 form**, mail the original and one copy to the court with a stamped return envelope addressed to you.

**FL-335-INFO** provides more information for your sender on how to fill out the **FL-335** form.

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<sup>2</sup> The response forms are: **FL-120** (for a dissolution/separation of marriage or domestic partnership), **FL-220** (for a petition to establish parental relationship), **FL-270** (for a petition for custody and support of minor children).

If you need assistance, you can write to the Family Law Facilitator in the county in which the petition was filed.

### **Default judgment**

Read carefully the documents you were served with.<sup>3</sup> If you object to anything that the other parent is requesting, the court will not take your concerns into account unless you file a response. Even if you agree with the other parent's requests, there is no guarantee that the court will not issue an order that you disagree with.

If you do not file a timely response, or negotiate a written settlement agreement with the other parent, the court can enter a default judgment against you. This is a legal finding that you have failed to respond to the lawsuit and allows the court to issue court orders without hearing from you.

### **Responding to a motion for child support**

If you have been served with a **FL-300** (Request for Order) seeking child support and a hearing date has been set, you have until nine court days before the hearing to file your written response with the court, unless the court gives a different deadline. The hearing date is item 2 on the first page of the **FL-300**. A different deadline would be written on item 5 on the first page. You should have been provided with a blank response form for this purpose, which is **FL-320** (Responsive Declaration to Request for Order). **FL-320-INFO** provides information on how to fill out, file and serve this form.

You will also have to fill out and serve an income and expense form (either **FL-150** or **FL-155**).

Be sure to request the court to order that you be able to appear at the court hearing. There is no obvious place on **FL-320** to make this request. You could write in an item 11, "Order to Appear in Court" and make your specific request (to be transported, or for a video-conference or telephone appearance). Since these arrangements can take time, you may also need to make a request in item 9b to have a later hearing date than the date currently scheduled.

### **Other resources**

In addition to seeking assistance from your county's Family Law Facilitator, you can contact LSPC to send you other relevant manuals. If you have been served with a petition for divorce (or dissolution of a domestic partnership), LSPC's manual called "Manual on Divorce Issues for People in California Prisons and Jails" applies to you. In the section on "Responding to a Petition" it explains in detail how to file and serve these and other documents.

If you have been served with a Petition to Establish Parental Relationship (**FL-200**) or a Petition for Custody and Support of Minor Children (**FL-260**), LSPC's manual called "Family Court: Child Custody and Visiting Rights Manual for Incarcerated Parents" has useful information about how to fill out and serve court forms and prepare for court hearings.

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<sup>3</sup> The lawsuit you were served with may also be addressing child custody and visiting issues. This manual only addresses child support.

## **SECTION 2: Family Court: Challenges to a recent order for child support**

If you believe a child support order issued against you was entered improperly, you may be able to have the order “set aside” (reversed). There are several grounds (reasons) to set aside a support order, depending on the type of order and why you need it set aside.

**Fraud, perjury, or lack of notice:** If you can show the order was based on fraud or perjury, you must bring a motion to set it aside within *six months* after you learned of the fraud or perjury. If you want to set it aside based on lack of notice to you, the action must be brought within *six months* after you knew or should have known of the order. [Cal. Fam. Code §§ 3690-3691.] Use **FL-360** to request a hearing on these claims.

**Your mistake, inadvertence, surprise or excusable neglect:** After the entry of a default judgment against you, you have up to six months to ask that it be set aside because of your mistake, inadvertence, surprise, or excusable neglect. [Cal. Code Civ. Pro. § 473(b).] Use **FL-300** to make this motion. You could use **FL-360** as a model. One example of such a ground is that you reasonably believed that your default would not be taken while you were in settlement discussions with the other parent (or their attorney).

If you want to challenge a court judgment that you are the parent of a child, you can use forms **FL-272** (Notice of Motion to Cancel (Set Aside) Judgment of Parentage) and **FL-273** (Declaration in Support of Motion to Cancel (Set Aside) Judgment of Parentage).

**Service:** For any of these requests, you would fill out the appropriate forms, file them with the court, and serve them on the other parent, as described in Section 1 above, under “Filing a response” and “Serving your response.”

Remember, you can seek assistance from the Family Law Facilitator in the county where this case was heard.

## **SECTION 3: Family Court: Bringing a motion to modify a previous child support order**

If there is already a child support order requiring you to pay child support and none of the remedies in Section 2 apply to you, you may be able to have the order modified going forward. Generally, to modify a child support order you must show a change in financial circumstances from the situation when the previous order was issued. This means that the income or expenses of the payor parent or the custodial parent have changed enough to justify a change (up or down) in the support level.

Even if your child support order is currently suspended, it will automatically resume at the beginning of the month following your release if your child is still a minor. If you are confident that you will be able to resume making child support payments at that level immediately upon your release, then



it is unlikely that the judge would reduce the current court order. Otherwise, if you anticipate needing more time to get on your feet financially, requesting a reduction now might make sense.

It is important to know that a court cannot modify a child support retroactively; a new order is only retroactive to the date that you file the motion for a reduction. In other words, upon your release, the higher amount will be owed until (at the earliest) you file a motion to reduce it. If your current child support order was based on your having an income that you no longer have due to incarceration, then you have grounds to reduce the current order to zero.<sup>4</sup>

To ask the court to change your child support order:

- Fill out **FL-300** (Request for Order)
- Be sure to request that you be ordered transported to court or provided with a video or telephone appearance
- Fill out either **FL-150** (Income and Expense Declaration) or **FL-155** (Financial Statement Simplified)
- If you need a fee waiver, fill out **FW-001** (Request for Court Fee Waiver) and **FW-003** (Order on Court Fee Waiver)
- Attach a current Inmate Trust Account statement to your income and waiver request forms
- Make three copies of each form & attachment, except fee waiver forms (two copies of each)
- Keep one copy of each form for yourself
- Mail the originals and two copies to the court, except fee waiver forms (send original & one copy)
- Send a filing fee (unless requesting a fee waiver)
- Include a self-addressed stamped envelope.

You can use the sample letter to the court clerk:

► **Letter to court clerk (with forms to be filed) – Attachment #3**

When you receive file-stamped copies back from the court, you will have to serve one set on the other parent, plus blank forms. For information on how to serve your request, see **FL-300-INFO**.

## **SECTION 4: Family Court: Setting aside arrearages accrued during incarceration**

If child support arrearages have built up during your incarceration and you believe that the order should have been suspended under Cal. Fam. Code § 4007.5, and DCSS was *not* involved in your child support case, you can file a request for a court order to adjust the amount of arrears you owe.

To do so, you would first need to get proof of your incarceration. The records department at your facility should be able to assist you. Then, fill out form **FL-300** (Request for Order) and attach to it **FL-490** (Application to Determine Arrears). A document showing your incarceration period should also be attached.

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<sup>4</sup> If the court denied this request, you could ask for more time before the current order goes back into effect.

To avoid a filing fee, you can fill out:

- Request to Waive Court Fees: **FW-001**
- Order on Court Fee Waiver: **FW-003**

You'll have to make copies of the forms, send the originals and a copy to the court with a self-addressed stamped envelope and keep one set for yourself. After the court returns your file-endorsed copies with the court date, you will need to have someone else send the **FL-300** and attachments only (not the fee waiver forms) to your child's other parent with a blank **FL-320**. More information on how to file and serve your request is in form **FL-300-INFO**.

**Reduction in the current order:** If you are filing a motion in court to reduce your arrearages, you can also seek a reduction in your current child support order in the same motion papers and at the same hearing. See Section 3 for more information about this subject.

## **SECTION 5: Family Court: Dealing with other arrearages**

You may have other arrears owed to your child's other parent (or caregiver) that cannot be eliminated under § 4007.5. You can try and work out a reasonable payment plan over time. Alternatively, you might be able to compromise or settle the debt, as debtors and creditors sometimes do. This usually involves the creditor agreeing to reduce the debt in exchange for an immediate payment of the balance.

If you are able to work out an agreement along these lines, be sure to get it in writing, signed by both parties, and keep a good record of payments made, so that there are no later disputes.

## **SECTION 6: DCSS involvement: Responding to a new case for child support**

If you are served with a summons and complaint (**FL-600**) from the Department of Child Support Services (DCSS), it is very important that you do not ignore these papers.

### **Review the documents**

Read the **FL-600** complaint carefully. It states what the DCSS is requesting.

A proposed judgment (**FL-630**) should be attached to the **FL-600** form. Read it carefully. It sets forth the child support orders that the judge will immediately issue in the case unless you file an answer (**FL-610**) within 30 calendar days of being served, or appear in court (if a hearing date was set).

The proposed judgment identifies:

- The child's/children's parents (item 6a)
- Which party will be ordered to pay child support (item 2c)
- The amount to be paid monthly (item 6b(3)).

It may also specify:

- Either parent's duty to maintain health insurance for the child (item 6c)
- Back child support owed (item 6d).

A blank answer form (**FL-610**) should also be attached to the **FL-600** form which you can use to file your response.

### **If you are not the child's parent**

*If you are not a parent of the child, you should act quickly. This may be your only chance to contest parentage. Item 1 of **FL-610** provides a place to admit or deny that you are a parent. Item 2 is a statement that you request genetic testing. You can also request that the court appoint you an attorney on the issue of parentage and that you request an order for your appearance in court. You can do this by adding a sentence to item 2 or by writing your own item 6 somewhere on the answer forms.*

See instructions below on how to serve and file your answer.

### **Your response**

If you **are** a parent of the child, you will need to file an answer (**FL-610**) to have input on the child support issue. You make DCSS and the court aware that you are incarcerated and have no source of income. You can fill out an income and expense declaration for this purpose. **FL-150** is the standard form; **FL-155** is a simplified form which may be more suitable. Be sure to request a court order for your appearance at any court hearing in the case.

Regarding the issuance of a support order while you are incarcerated, you are better off with a current order of zero than with an order of some dollar amount, even if that order is suspended during your incarceration under Cal. Fam. Code § 4007.5. You need not be incarcerated for 90 days to make this request – child support is based on a parent's current ability to pay. Once you are released and earning income, DCSS can file a motion to modify the support order.

The alternative would be for the court to set a child support amount based on your "presumed" income – income that the court thinks you can earn starting the first month after your release. (See **FL-630**, item 3.) This may be reasonable for someone who has a job waiting for them. If not, it would be fairer for the court to issue an order based on actual income. Once a child support order goes into effect, it can only be modified retroactively to the date that a motion to modify support is filed (unless the terms of Family Code § 4007.5 apply). This means that a child support order that goes into effect the month following your release is binding, even if you have no income. The only way you can modify that month's payment is for you to file a motion to modify child support *before* that month.

### **Serving and filing your documents**

After you fill out your court forms, make three copies of each. The DCSS and the other parent each get a set. You personally are not allowed to serve legal documents because you are a party to the lawsuit. You will have to find someone else (a staff person, another prisoner, or a friend or family member in the community) to serve the documents for you. Your sender should mail **both** sets of copies

to the DCSS, with a note that they should send one set to the other parent. (Keep the remaining copy as a back-up for you).

Your sender will also be required to fill out a Proof of Service. The Proof of Service for the DCSS is on page 2 of the answer (**FL-610**). Your sender must fill out the information on the **original** copy of your **FL-610** and should indicate that they sent two sets to the DCSS, with one to be delivered to the other parent by the DCSS. **F611** is an Information Sheet on how to fill out the Proof of Service.

Next, make two copies of the original **FL-610** (with your original signature and your sender's original signature). Mail the original and one copy to the court with a self-addressed, stamped envelope. Keep the other copy for your records. The court clerk will file the original, file-stamp your copy, and mail it back to you.

### **Court hearing**

After you file your **FL-610**, DCSS will likely file a motion and get a hearing date. There may be additional responsive forms for you to fill out, serve and file. Be sure to request to appear in court, either by being physically transported to the courtroom or by appearing by telephone or video-conference.

Please refer to the information in the General Information section above about court hearings generally and DCSS hearings.

## **SECTION 7: DCSS involvement: Challenges to a recent order for child support**

If you believe that a child support order issued in a case brought by DCSS was entered improperly, you may be able to have the order "set aside" (reversed). There are several grounds (reasons) to set aside a support order, depending on the type of order and why you need it set aside.

### **Fraud, perjury or lack of notice**

Generally, in civil cases, a party can set aside a judgment for **fraud, perjury or lack of notice**, within specified time periods. See Section 2 above for more information. You can serve your documents on the DCSS using **FL-335**. **FL-335-INFO** provides more information on using the form.

### **Mistake, inadvertence, surprise or excusable neglect**

A second category where relief may be granted is your own **mistake, inadvertence, surprise or excusable neglect** in a default situation. Section 2 above has more information about this remedy. You can serve your documents on the DCSS using **FL-335**. **FL-335-INFO** provides more information on using the form.

## Presumed income in default case

A third category, concerning **presumed income**, relates specifically to DCSS cases where the parent ordered to pay child support defaulted – that is, did not file an answer or appear. If item 3 on the actual (not proposed) Judgment Regarding Parental Obligations was checked, then the court did not have information about your actual income or your income history. Instead, the court *presumed* you make enough money to meet your child(ren)'s minimum basic needs.

To set aside a default judgment based on presumed income, you can file a Notice and Motion to Cancel (Set-Aside) Support Order Based on Presumed Income (**FL-640**). This form and attachments must be filed within one year of the date of the first collection of support. (This could occur before your release if, for example, DCSS intercepts a tax refund for arrearages accrued before incarceration.) The attachments are an income and expense declaration (either **FL-150** or **FL-155**) or other income documentation, and an answer (**FL-610**). Tell the court that you are incarcerated. If you have no independent income, the court should set aside the judgment and order zero support.

**FL 640-INFO** provides additional information on how to fill out **FL-640**. The Proof of Service is on page 2 of **FL-640**. **FL-611** contains additional information on how to serve it.

## Mistaken identity

A fourth category is **mistaken identity**. If a child support judgment was issued based on mistaken identity, you can file a claim with the county DCSS along with supporting documents to get the order set aside. There is apparently no standard claim form for this purpose. You would essentially have to write them a letter (called Mistaken Identity Claim), give them your case number, and explain why you believe you were mistaken for someone else and how you can prove it. Keep a copy of your claim and the documentation you send them.

*The department must investigate and resolve your claim within 30 days.* If they think your claim has merit, they must immediately terminate collection efforts and ask the court to set aside the support order.

If DCSS rejects the claim or doesn't follow the required steps to terminate the order, you can file a Request for Order (**FL-300**) in the child support case to establish your mistaken identity. [Cal. Fam. Code §§ 17433, 17530, 17800; Cal. Rules of Court, rule 5.375.] Attach a copy of your claim and DCSS's denial. **FL 300-INFO** provides useful information on how to file and serve a **FL-300** request, using the FL 335 (**Proof of Service by Mail**) form. **FL-335-INFO** is an information sheet on using the **FL-335** form. **FL-611** is an Information Sheet on serving DCSS.

**Note:** It is better to deal with a summons and complaint for child support when you are first notified of it (if you can), rather than having to overturn a court judgment after the fact.

## **SECTION 8: DCSS involvement: Bringing a motion to modify previous child support order**

### **Filling out, filing and serving your documents**

The forms and process for seeking a modification of child support when DCSS *is* involved is very similar to the situation where DCSS *is not* involved, outlined in Section 3 above. Please refer to that section for the steps involved, bearing in mind the differences described here.

One difference is that you will *also* have to fill out form **FL-334** (Declaration Regarding Address Verification - Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order).

Another difference is that you will also have to serve your motion papers on DCSS. However, you may not have to serve the other parent yourself, as DCSS may serve that parent for you. If this is the case, you will have to make an extra set of copies and mail two sets to DCSS. Some counties require that you file a motion to request that DCSS file the other parent for you. If DCSS is going to serve the other parent, you must serve DCSS at least 30 days before your court date.

As described in Section 1 under “Serving your response,” you have to find someone else to mail the documents to DCSS. That section outlines the steps to have your sender serve your documents, fill out a **FL-335** form (Proof of Service by Mail), and send the **FL-335** to the court. **FL-611-INFO** is an information sheet about serving DCSS.

### **Court hearing**

Please refer to the information in the General Information section above about court hearings generally and DCSS hearings.

## **SECTION 9: DCSS involvement: Setting aside arrearages accrued during incarceration**

### **Contact DCSS**

If child support arrearages have built up during your incarceration and you believe that the order should have been suspended under Cal. Fam. Code § 4007.5, and DCSS **was** involved in your child support case, you can contact DCSS directly for relief.

To do so, you would first need to get proof of your incarceration. The records department at your facility should be able to assist you. Then, write or call your local DCSS office, tell them that you have been (or were) incarcerated for more than 90 days, and ask them to adjust your arrearages accordingly.

## Go to court

If the DCSS does not give you the correct amount of credit, or if your child's other parent objects, you can request the court to determine your arrearage amount. The form you would use is **FL-676** (Request for Determination of Support Arrears). To serve it by mail, you would use **FL-335**. **FL-676-INFO** gives detailed information about how to fill out this form, file it, and serve it. **FL-611** is an information sheet about serving DCSS. You will have to find someone else to serve it for you.

## Court hearing

The court will schedule a court hearing to consider and rule on your request. As noted in the introduction to this manual, you can request to be transported to this hearing and should at least request that you appear by video-conference or telephone. You can make this request in item 5d ("Other (specify)") of the **FL-676** form. Please refer to the information in the General Information section above about court hearings generally and DCSS hearings in particular.

## SECTION 10: DCSS involvement: Dealing with other arrearages

California has a Child Support Debt Reduction Program that can help some eligible parents who have arrearages that are owed to the county (not to the other parent) and which cannot be eliminated under Cal. Fam. Code § 4007.5.<sup>5</sup> Formerly called the Compromise of Arrears Program (COAP), it allows eligible parents to compromise the amount that they owe the county by making a lump sum payment of a reduced amount, or by working out a payment plan. Criteria include being able to make an ongoing debt payment as well as pay current support. Your local DCSS can provide you with more information and an application.

Another program to reduce back child support owed to the county is available for low income parents who have been released from prison and are now living with their minor child at least half of the time. It is called the Compromise of Assigned Arrearages – Family Reunification (COAA-FR) program.

You can contact the county DCSS for information on these programs.

## CONCLUSION

We hope that this information has been helpful to you.

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<sup>5</sup> Child support would be owed to the county if the child received public assistance or was in foster care.

## **ATTACHMENTS**

Attachment 1: California Family Law Facilitator addresses

Attachment 2: Sample letter to Family Law Facilitator (seeking forms and information)

Attachment 3: Sample letter to Court Clerk (with forms to be filed)



## California Family Law Facilitator Addresses (Updated June 2023)

### **Alameda**

24405 Amador St.  
Hayward, CA 94544  
510-690-2700

### **Alpine**

495 Main St.  
Placerville, CA 95667  
530-621-5098

### **Amador**

500 Argonaut Ln.  
Jackson, CA 95642  
209-257-2627

### **Butte**

1) One Court St.  
Oroville, CA 95965  
530-532-7002

2) 1775 Concord St.  
Chico, CA 95928  
530-532-7002

### **Calaveras**

400 Government Center Dr.  
San Andreas, CA 95249  
209-754-1443

### **Colusa**

#### **Mailing**

532 Oak St.  
Colusa, CA 95932  
530-458-0598

#### **Office**

547 Market St.  
Courthouse Annex  
Colusa, CA 95932  
530-458-0598

### **Contra Costa**

751 Pine St.  
Martinez, CA 94553  
925-608-1000

### **Del Norte**

450 H St., Rm. 209  
Crescent City, CA 95531  
707-465-8634

### **El Dorado**

1) 2850 Fairlane Ct., Ste. 120  
Placerville, CA 95667  
530-621-6426

2) 1354 Johnson Blvd.

South Lake Tahoe, CA 96150  
530-573-3044

### **Fresno**

1130 O St.  
Fresno, CA 93721-2220  
559-457-2143

### **Glenn**

119 N. Butte St.  
Willows, CA 95988  
530-934-7304

### **Humboldt**

825 5<sup>th</sup> St., Rm. 310  
Eureka, CA 95501  
707-445-7256

### **Imperial**

939 W. Main St.  
El Centro, CA 92243  
760-482-2233

### **Inyo**

301 W. Line St.  
Bishop, CA 93514  
760-872-6240

### **Kern**

1) 1122 Jefferson St.  
Delano, CA 93215  
661-720-5800

2) 325 Central Valley Hwy.  
Shafter, CA 93263  
661-746-7500

### **Kings**

1640 Kings County Dr.  
Hanford, CA 93230  
559-582-1010

### **Lake**

7000-A S. Center Dr.  
Clearlake, CA 95422  
707-994-4612

### **Lassen**

2610 Riverside Dr.  
Susanville, CA 96130  
530-251-3935

## California Family Law Facilitator Addresses (Updated June 2023)

### Los Angeles

1) 111 N. Hill St.  
Fl. 4, Rm. 426F  
Los Angeles, CA 90012

2) 9425 Penfield Ave.  
Fl. 3, Rm. 3700  
Chatsworth, CA 91311

3) 200 W. Compton Blvd.  
Fl. 2 Rm. 200F  
Compton, CA 90220

4) One Regent St.  
Fl. 1, Rm. 107  
Inglewood, CA 90301

5) 42011 4<sup>th</sup> St. W.  
Fl. 3, Rm. 3700  
Lancaster, CA 93534

6) 275 Magnolia Ave.  
Fl. 3, Rm. 3101  
Long Beach, CA 90802

7) 300 E. Walnut St.  
Fl. 3, Rm. 300  
Pasadena, CA 91101

8) 400 Civic Center Plz.  
Fl. 7, Rm. 730  
Pomona, CA 91766

9) 1725 Main St.  
Fl. 2, Rm. 210  
Santa Monica, CA 90401

10) 825 Maple Ave.  
Fl. 1, Rm. 160  
Torrance, CA 90503

11) 6230 Sylmar Ave.  
Fl. 3, Rm. 350  
Van Nuys, CA 91401

12) 7339 S. Painter Ave.  
Fl. 3, Rm. 300  
Whittier, CA 90603

### Madera

200 S. G St.  
Madera, CA 93637  
559-416-5520

### Marin

3501 Civic Center Dr., Rm. C-44  
San Rafael, CA 94903  
415-444-7130

### Mariposa

5088 Bullion St.  
Mariposa, CA 95338  
209-742-5322

### Mendocino

1) 100 N. State St., Rm. 304  
Ukiah, CA 95482  
707-468-2020

2) 700 S. Franklin St.  
Fort Bragg, CA 95437  
707-468-2020

### Merced

2260 N St., Rm. 1400  
Merced, CA 95340  
209-725-4168

### Modoc

205 S. East St.  
Alturas, CA 96101  
530-233-6516

### Mono

100 Thompsons Wy.  
Mammoth Lakes, CA 93546  
760-923-2314

### Monterey

1) 1200 Aguajito Rd., Fl. 1  
Monterey, CA 93940  
831-647-5800, ext. 3005

2) 118 W. Gabilan St.  
Salinas, CA 93901  
831-647-5800, ext. 3005

3) 250 Franciscan Wy.  
King City, CA 93930  
831-647-5800, ext. 3005

### Napa

825 Brown St., Fl. 2  
Napa, CA 94559  
707-299-1137

### Nevada

201 Church St., Fl. 1, Ste. 9  
Nevada City, CA 95959  
530-362-5328

### Orange

341 The City Dr. S. Thompsons  
Fl. 1, Rm. 101  
Orange, CA 92868  
657-622-5077

### Placer

10820 Justice Center Dr.  
Roseville, CA 95678  
916-408-6446

### Plumas

89 Court St.  
Quincy, CA 95971  
530-283-4792

## California Family Law Facilitator Addresses (Updated June 2023)

### **Riverside**

1) 265 N. Broadway  
Blythe, CA 92225  
760-775-8500

2) 880 N. State St.  
Hemet, CA 92543  
951-766-2525

3) 46200 Oasis St.  
Indio, CA 92201  
760-393-2617

4) 3535 10<sup>th</sup> St., Fl. 2  
Riverside, CA 92501  
951-274-4499

### **Sacramento**

3341 Power Inn Dr.  
Sacramento, CA 95826  
916-875-3400

### **San Benito**

450 4<sup>th</sup> St.  
Hollister, CA 95023  
831-636-4057

### **San Bernardino**

351 N. Arrowhead Ave.  
San Bernardino, CA 92415  
909-269-8789

### **San Diego**

1) 1100 Union St.  
San Diego, CA 92101  
619-844-2200

2) 325 S. Melrose Dr.  
Vista, CA 92081  
760-201-8200

3) 250 E. Main St.  
El Cajon, CA 92020  
619-844-2200

4) 500 3rd Ave.  
Chula Vista, CA 91910  
619-844-2200

### **San Francisco**

400 McAllister St.  
San Francisco, CA 94102  
415-551-0605

### **San Joaquin**

180 E. Weber Ave., Ste. 105  
Stockton, CA 95202  
209-992-5283

### **San Luis Obispo**

1050 Monterey St.  
San Luis Obispo, CA 93408  
805-706-3617

### **San Mateo**

400 County Center, Fl. 6  
Redwood City, CA 94063  
650-261-5100

### **Santa Barbara**

1) 1100 Anacapa St.  
Santa Barbara, CA 93101  
805-882-4660

2) 312 E. Cook St.  
Santa Maria, CA 93454  
805-614-6442

### **Santa Clara**

201 N. First St.  
San Jose, CA 95113  
408-882-2826

### **Santa Cruz**

1 2<sup>nd</sup> St., Rm. 301  
Watsonville, CA 95076  
831-786-7200

### **Shasta**

1655 Court St., Rm. 115  
Redding, CA 96001  
530-245-6900

### **Sierra**

100 Courthouse Square  
Downieville, CA 95936  
530-289-3698

### **Siskiyou**

311 4<sup>th</sup> St.  
Yreka, CA 96097  
530-842-8182

### **Solano**

600 Union St.  
Fairfield, CA 94533  
707-207-7300

### **Sonoma**

3055 Cleveland Ave.  
Santa Rosa, CA 95403  
707-521-6500

## California Family Law Facilitator Addresses (Updated June 2023)

### **Stanislaus**

800 11<sup>th</sup> St.  
Modesto, CA 95354  
209-530-3100

### **Sutter**

1175 Civic Center Blvd.  
Yuba City, CA 95993  
530-822-3300

### **Tehama**

1740 Walnut St.  
Red Bluff, CA 96080  
530-527-3563

### **Trinity**

11 Court St.  
Weaverville, CA 96093  
530-623-5641

### **Tulare**

1) 221 S. Mooney Blvd., Rm. 203  
Visalia, CA 93291  
559-737-5500

2) 300 E. Olive Ave.  
Porterville, CA 93257

### **Tuolumne**

12855 Justice Center Dr.  
Sonora, CA 95370  
209-533-6565

### **Ventura**

1) 4353 E. Vineyard  
Fl. 3, Rm. 30  
Oxnard, CA 93036  
805-289-8864

2) 800 S. Victoria Ave., Rm. 206  
Ventura, CA 93009  
805-289-8732

### **Yolo**

1000 Main St., Fl. 2  
Woodland, CA 95695  
530-406-6794

### **Yuba**

215 5<sup>th</sup> St.  
Marysville, CA 95901  
530-740-1850

## SAMPLE LETTER TO THE FAMILY LAW FACILITATOR

(Your name)  
(Your address)  
(City, CA zip code)  
(Date)

Office of the Family Law Facilitator  
County of \_\_\_\_\_  
(Street address or PO Box)  
(City, CA zip code)

Re: Case name & number \_\_\_\_\_

Dear Family Law Facilitator office:

I am incarcerated and need help in a family court/child support case. I don't have an attorney to assist me.

[Select the requests that are relevant to you:]

\_\_\_\_\_ I need a copy of the following documents filed in that case: \_\_\_\_\_ [list them, such as: petition, response, request for order, financial declaration, current support order, etc.] <sup>1</sup>

\_\_\_\_\_ I need the following blank court forms/information sheets: \_\_\_\_\_  
[list form numbers such as **FW-001, FW-003, FL-120, FL-150, FL-155, FL-220, FL-270, FL-335, FI-300-INFO, FL-610, FL-676, FL-676-INFO** (or use names if you don't know the form number, such as an income and expense declaration, or a response form to a child support motion, etc.)].

\_\_\_\_\_ I intend to file a \_\_\_\_\_ case [state the type of case, such as dissolution, petition for custody and support of minor children, etc.] Please send me the forms I will need to file this case, including fee waiver forms.

\_\_\_\_\_ Please send me information about filing fees and service requirements in your court.

\_\_\_\_\_ Please send me information about how I might appear in court while I am incarcerated.

\_\_\_\_\_ Please send me any other information you think might be helpful for me.

\_\_\_\_\_ If I mail you a copy of my forms filled out, would you be able to review them and let me know if I have filled them out properly?

\_\_\_\_\_ Once I have finished my forms and have made copies, should I send them to your office for filing, or should I send them directly to the court clerk's office?

Thank you for your attention and assistance.

Sincerely,

(Your signature)  
Your printed name

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<sup>1</sup> If your case may be sealed (because it involves unmarried parents), state that you are entitled to the documents because you are the mother/father.

## SAMPLE LETTER TO THE COURT CLERK

(Your name)  
(Your address)  
(City, CA zip code)  
(Date)

Superior Court Clerk's Office  
County of \_\_\_\_\_  
(Street address)  
(City, CA zip code)

Re: Case name/number \_\_\_\_\_ or type of  
case (dissolution, petition to establish parental  
relationship, etc.)

Dear Superior Court Clerk:

I am incarcerated and do not have an attorney to assist me with these documents which I have prepared for filing.

Enclosed please find:

1. One original and one copy of the following:

LIST THE DOCUMENTS YOU ARE SENDING [such as: Request to Waive Court Fees, Order on Court Fee Waiver, etc.]

2. One original and two (or three) copies of the following:

LIST THE DOCUMENTS YOU ARE SENDING [for example: Request for Hearing, Income and Expense Declaration, etc.]

3. A self-addressed stamped envelope.

Please file and stamp these documents for me and return the copies to me in the envelope enclosed with this letter.

[I am also requesting that you provide me with a hearing date on this matter at least six weeks after the date of this letter – **only include this request if your documents request a hearing date.**]

Thank you for your attention and assistance.

Sincerely,

(Your signature)  
Your printed name

**[Note: Keep a copy of this letter until you receive the stamped copies back.]**