

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1483

Introduced by Senator Alquist

February 23, 2006

An act to add and repeal Section 17441 of the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

SB 1483, as amended, Alquist. Child support.

Existing law sets forth provisions by which a child support order may be revised by the court and specifies that a support order may not be modified or terminated as to an amount that accrued before filing of a motion or an order to show cause to modify, except as specified.

This bill, effective until January 1, 2009, would establish a child support pilot project for the counties of Alameda, Fresno, Orange, San Mateo, and Santa Clara. The bill would authorize the court in those counties to modify a child support order when a local child support agency submits an application for modification of support that complies with specified provisions. The bill would specifically authorize a local child support agency to seek modification of an existing child support order or to set an amount for support when the issue has been reserved if it determines that an existing order is not in substantial conformity with state child support guidelines, as specified.

The bill would also establish procedures by which a party may object to the proposed order. The bill would require each county to work in conjunction with the local courts to develop necessary and appropriate forms for implementation of the expedited order modification process and would require the Department of Child

Support Services to compile appropriate statistics to determine the effectiveness of this pilot project and report the results to the Governor and the Legislature by July 1, 2008. By placing additional duties on local officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17441 is added to the Family Code, to
2 read:

3 17441. (a) Whenever a local child support agency is
4 providing child support services pursuant to Title IV-D of the
5 Social Security Act and pursuant to Section 17400, 17402, or
6 17404, the court ~~shall~~ *may* modify a child support order when a
7 local child support agency submits an application for
8 modification of support in compliance with this section. An order
9 issued pursuant to this section shall be known as an expedited
10 modification order.

11 (b) The local child support agency may seek modification of
12 an existing child support order or to set an amount for support
13 when the issue has been reserved if it determines that an existing
14 order is not in substantial conformity with state child support
15 guidelines. An order is not in substantial compliance when a
16 guideline calculation on the present factors results in a change of
17 20 percent or fifty dollars (\$50) to the existing order, whichever
18 is less.

19 (c) To establish an expedited modification order the local child
20 support agency shall serve an application to modify child
21 support, child support guideline worksheet, proposed order of
22 support, objection to modification and request for hearing, and

1 objection to support modification instructions on both parents.
2 The child support guideline worksheet shall include a simple to
3 read statement of the financial and visitation factors used to
4 determine the guideline level of child support. Service of the
5 application and supporting documents may be made as specified
6 in ~~Section 1013~~ of the Code of Civil Procedure.

7 (d) A party may object to the proposed order and request a
8 hearing by serving the local child support agency, within 30 days
9 of receipt of the application to modify child support, with all of
10 the following: (1) an objection to modification and request for
11 hearing, (2) a completed income and expense declaration, and (3)
12 either the three most recent pay stubs or the most recent income
13 tax return. The objection shall include a declaration that
14 identifies the reason why the proposed order is not appropriate.

15 (e) Upon receipt of an objection, the local child support
16 agency shall file the objection with the court. The court shall set
17 the matter for hearing within 45 days of receipt. The local child
18 support agency shall give each party ~~30 days'~~ 30 days' written
19 notice of the hearing date. At the hearing on the objection to the
20 proposed order, the court shall enter a child support order that is
21 in accordance with the state child support guideline.

22 (f) If the local child support agency does not receive an
23 objection and request for hearing within 30 days of mailing the
24 application, it may file the proposed order with the court, along
25 with a declaration in support of final order, that shall include a
26 statement verifying that the local child support agency has
27 personally served or mailed service according to the
28 requirements of this section, and the local child support agency
29 has not received an objection to the proposed order. The court
30 ~~shall~~ may issue a final order of modification upon receipt of these
31 documents without further hearing or evidence.

32 (g) ~~Any~~ Except for good cause shown, any order modified
33 pursuant to the terms of this section shall be effective on the first
34 day of the month following the date service of the application
35 and supporting documents is complete, as provided in Section
36 1013 of the Code of Civil Procedure.

37 (h) This section shall apply only to the counties of Alameda,
38 Fresno, Orange, San Mateo, and Santa Clara as a pilot project.
39 The Department of Child Support Services shall compile
40 appropriate statistics to determine the effectiveness of this pilot

1 project and shall report the results of the pilot project to the
2 Governor and the Legislature on or before July 1, 2008.

3 (i) Each county shall work in conjunction with the local courts
4 to develop necessary and appropriate forms for implementation
5 of the expedited order modification process.

6 (j) This section shall remain in effect only until January 1,
7 2009, and as of that date is repealed, unless a later enacted
8 statute, that is enacted before January 1, 2009, deletes or extends
9 that date.

10 SEC. 2. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.