



**Welcome to the 26th Annual
AB 1058 Child Support
Training Conference**

Child Support and Obligor Who Are Incarcerated

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October 13, 2022



Family Code § 4007.5



Overview of FC 4007.5

- Automatically suspends child support for obligors:
 - Incarcerated or involuntarily institutionalized
 - For more than 90 days
 - Unless they can still afford to pay

Jail

Prison

Juvenile
Detention

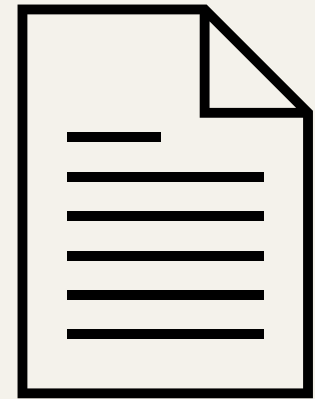
Mental Health
Facility

Other
Institution



How relief is granted

- Notice of Rights & Responsibilities ([FL-192](#))
- Admin process for IV-D matters
 - Notice sent to both parents
 - No objections = relief
 - If objections, go to court ([FL-676](#) & [FL-676-INFO](#))
- Must go to court for non-IV-D cases ([FL-490](#))



Amendments

AB 207

Passed as
Budget
Trailer Bill

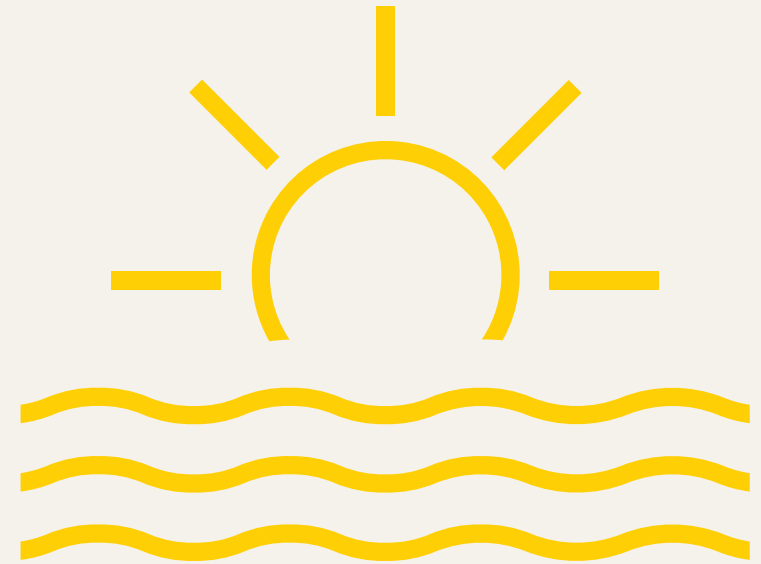
Several
Amendments
to 4007.5

Effective
9/27/2022



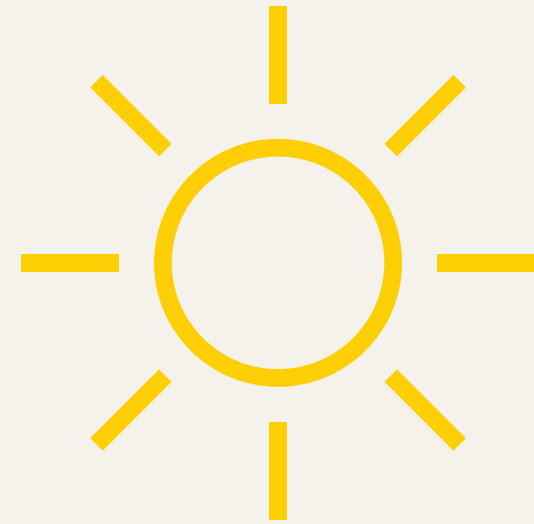
Sunset Date:

- Sunset date finally removed!
- December 31, 2022



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Exceptions:

- Exceptions to relief removed
 1. DV against parent or child
 2. Contempt for non-payment of support
- Ability to pay exception remains

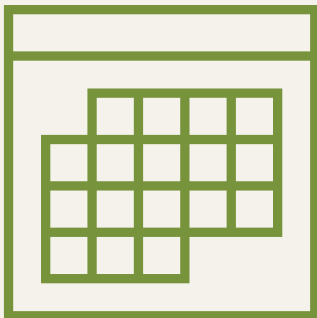


Exceptions:

- Exceptions to relief removed
 - ~~1. DV against parent or child~~
 - ~~2. Contempt for non-payment of support~~
- Ability to pay exception remains



Child Support Orders:



- Now applies to all ongoing support orders
- Regardless of when entered
- Old law applied only to orders made after eff. date



Pre- AB 207 Relief:

- Relief still available for prior versions:
 - When granted by operation of law
 - ↳ Versions 2 & 3
- “Declarative of existing law”



Other Minor Amendments:

- Suspension eff. 1st day of full month of incarceration
 - Codified existing practice

- Report to the Legislature by DCSS only
 - JCC to be consulted but is not co-author

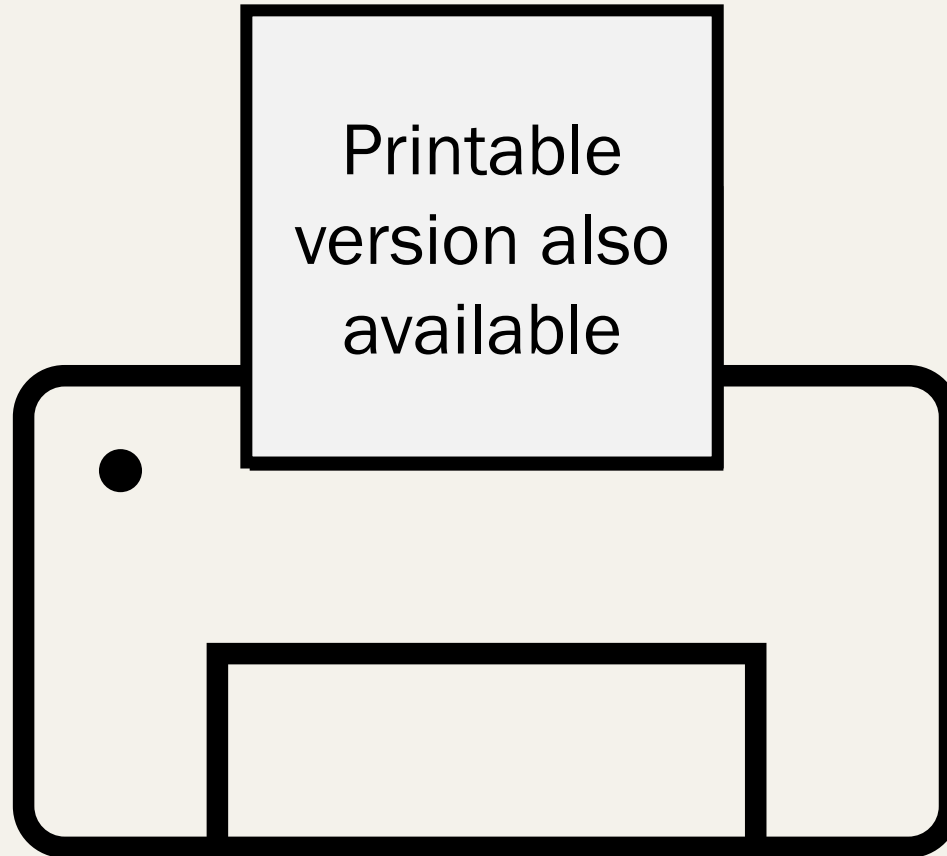


Version Control:

Version	Effective date	Sunset date	Operation of Law (relief still available)	Orders made while version in effect	Orders made before version in effect
1	7/1/2011	6/30/2015	✗	✓	✗
<i>Gap period</i>					
2	10/8/2015	12/31/2019	✓	✓	✗
<i>Gap period</i>					
3	1/1/2021	9/26/2022	✓	✓	✗
4	9/27/2022	N/A	✓	✓	✓



Online Content



Hypothetical Questions



Child support order modified October 4, 2022

- On May 2, 2023, an Uber driver is arrested for driving drunk with an expired license. He spends 120 days in county jail and is released on August 30, 2023. He is now delivering pizzas for Brooklyn Pie Company on his bicycle.
- Does the former Uber driver qualify for relief?



Child support order modified October 4, 2022

- On May 2, 2023, an Uber driver is arrested for driving drunk with an expired license. He spends 120 days in county jail and is released on August 30, 2023. He is now delivering pizzas for Brooklyn Pie Company on his bicycle.
- How many months of support should get wiped out?



Presumed income default judgment entered November 1, 2022

- On July 4, 2023, an obligor who is suffering from a schizophrenic episode, breaks into a liquor store, steals several bottles of Cutty Sark whisky, and is arrested. Under the new CARE act, the police officer initiates a petition. The obligor is put into a mental health facility for treatment, where they are treated for 5 months, and the criminal charges are eventually dismissed. They are referred to the FLF in San Diego for assistance.
- What should the FLF tell them?



Marital Settlement Agreement with child support order entered December 12, 2017

- On May 10, 2023, the CFO of Pfizer is convicted for insider trading and is sentenced to 4 years in FCI Danbury (aka “Club Fed”). Despite the conviction, the former CFO still receives a generous severance package.
- Should the disgraced financial officer be granted relief by the court?



Divorce Judgment with child support order entered May 10, 2021

- On November 24, 2022, after another dispiriting Thanksgiving Day loss, a drunk Detroit Lions fan takes his aggression out on his ex-wife. He is criminally charged and convicted of domestic violence and serves 1½ years in prison.
- Does the Lions fan qualify for relief?



Child support stipulation filed September 1, 2022

- On April 15, 2023, a struggling actor with a voracious cocaine habit checks herself into the Betty Ford Clinic for drug treatment. After 120 days, she is released from the clinic with a new lease on life and contacts the LCSA to ask for her support to be zeroed-out for the time she was in rehab.
- Should the LCSA give her administrative relief?



Child support order modified December 2, 2015

- On April 20, 2018, a fish monger is arrested for *allegedly* selling black market shark fins and is placed in Yolo County jail awaiting trial. Unable to afford bail, the monger spends 6 months behind bars until the charges are dropped, and they are released. On October 10, 2022, the fish dealer files a motion to determine arrears, requesting that child support be set to zero for the 6 months they were in jail.
- What should the court do?



Child support order entered August 10, 2012

- On November 17, 2022, the same fish monger files another motion requesting to have child support set to zero for an earlier time period when they were in jail. As detailed in their request, on June 1, 2014, the monger was arrested for *allegedly* selling endangered bluefin tuna and was placed in Del Norte County jail awaiting trial. The well-connected seller spent 8 months in jail until the charges were dropped and they were released
- How should the court rule on this 2nd request?



DVRO entered on May 5, 2020, ordering the restrained part to pay child support

- On July 29, 2020, the restrained party, who is undocumented, is picked up by ICE and placed in federal detention pending a deportation hearing. However, it is later discovered that they have an asylum claim pending and are released after being detained for 4½ months.
- Should their support order be suspended for this time?



Child support agreement approved by the court on September 11, 2017

- On February 4, 2021, the notorious jewel thief known as “The Shadow” is sentenced to just 9 months in LA County Jail after stealing Kylie Jenner’s purse at a Golden Globes after party. As reported on TMZ, the second-degree felony robbery charges are later reduced to a misdemeanor after it’s discovered the “diamond” earrings he stole were actually cubic zirconias purchased on QVC.
- Should the now-penniless Shadow be granted relief?



Judgment of Dissolution with support order entered January 6, 2021, after contentious 4-day trial

- On June 1, 2022, on what would've been the parties' 20th wedding anniversary, the obligor is arrested for stalking and then physically attacking her ex-husband and his (much younger) new spouse. At her arraignment the following day she pleads guilty, is sentenced to 300 days in county jail, and is released on March 29, 2023.
- Is the jealous obligor entitled to relief?



Outreach to the County Jail in Sacramento



In The Beginning...

- Relationship Matters
- Needs, Expectations and Desired Outcomes
- Evaluate Resources



Getting Prepared...



- Become Educated About the Facility
- Attend and Provide Training
- Develop Relevant Materials
- Examine Thoughts and Beliefs



What It Looks Like...

- Pre Workshop Planning
- Environment
- Format
- Post Workshop Activity



Along The Way...



- Maintain Flexibility
- Communicate Continuously
- Monitor Progress
- Be Patient



Feedback Loop...

- Incarcerated Parents
- Jail Personnel
- Sacramento FLFO and DCSS Staff



Lessons Learned...

- Stigma
- Trust
- Existing Processes Improved
- Workshops are Needed



Prison Outreach: Do

- ✓ Lead with education campaign
- ✓ Educate corrections staff on confidentiality
- ✓ Emphasize goal of helping children
- ✓ Start small
- ✓ Anticipate delays
- ✓ Prepare
- ✓ Treat each contact as an opportunity



Prison Outreach: Don'ts

- ✘ Assume anything
- ✘ Start too big
- ✘ Bring too many attorneys
- ✘ Ignore the chain of command
- ✘ Get discouraged



Questions?

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