

**Court Clerk Processing**

23<sup>rd</sup> Annual AB 1058 Child Support Training Conference

MOTIONS - I

1926

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**Classroom Etiquette**

- Cell Phones on Vibrate
- Ask ANY Question Relevant to the Subject Matter
- Index Cards
- Respect your Colleagues

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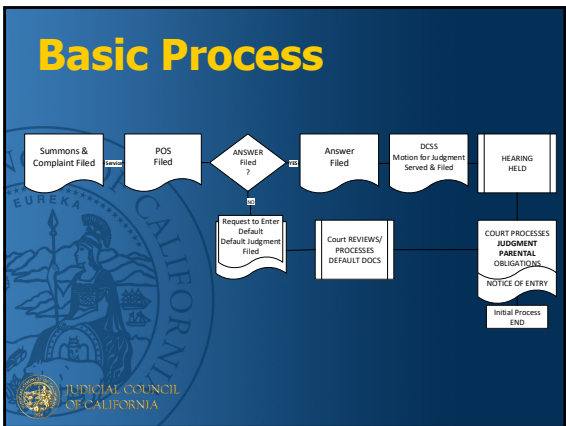
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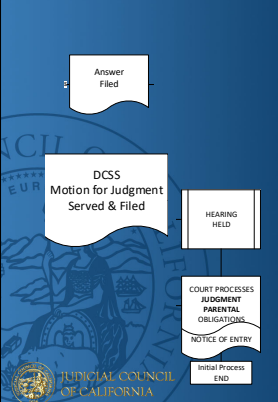
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graph TD; A[Answer Filed] --> B[DCSS Motion for Judgment Served & Filed]; B --> C[HEARING HELD]; C --> D[COURT PROCESSES JUDGMENT PARENTAL OBLIGATIONS]; D --> E[NOTICE OF ENTRY]; E --> F[Initial Process END]
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**INITIAL MOTIONS**

- Answer **MUST** be Filed
- Motion **MUST** Include Judgment
- Establishes Parentage, Support, Health Insurance
- Order After Hearing is **JUDGMENT**

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**MOTIONS**

- **Initiating Motions**
  - Establish Orders
  - First Time Orders
    - Parentage
    - Child Support
    - Health Insurance
- **Modifications**
  - Change Orders
  - Specialty Motions
- **Enforcement**
  - Post Judgment
  - Motions II

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**Initial Motions (Most Common)**

- Notice of Motion (Govt)
- Department Initiated Cases
- Request for Order (FL)
  - Party Initiated
- Motions to Intervene
  - Both Types

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# Initial Motions

Filed by Local Child Support Agency

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### Initial: Notice of Motions

- FL-680 Limited to LCSA
- Other Parent? NO
- Issues:
  - Judgment/Parentage/Support/Health/Other
  - Modification
- Intervene
  - Dated/Signed
  - Order (Optional) : OST, etc.
  - Attachments
  - Service should be completed per CCP
  - File & Calendar

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- Page 2 of Motion
- Service: 16 Court Days add Mailing (CCP 1005/1013)
- Fam Code 17212

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**Required Attachment to Notice of Motion/Order to Show Cause Request for Order and Supporting Declaration FL-684**

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**Compare Notice to Motion to Order to Show Cause**

- FL-683 Also Limited to LCSA
- Other Parent? NO
- Issues:
  - Child Support Parentage/Health/Other: Judgment
  - Modification
- Compare to NOM
- Issued by Court/Judicial Officer
- Order Specific in item 3
- Attachments
- Service should be completed per CCP / Personal Service File & Calendar

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**Motion to Intervene**

- Department Files to Intervene with regards to Support
- Motion Filed in Existing Family Law Case
- Intervenes in Establishment, Enforcement
- Adds Department In Case File as Indispensable Party re Support

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# Modifications (Most Common)

- Notice of Motion for Simplified Modification FL-680
- Motions to Set-Aside Notice of Motion (Govt)
- Request for Order (FL) FL-300
- Department Initiated
- Notice of Motion to Cancel Support Order FL-640
- Motions to Intervene
- Request for Hearing and Application to Set Aside Support FL-360
- Department Initiated




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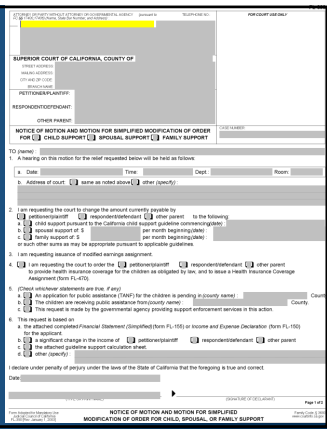
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# Modification: Notice of Motion Simplified FL-390

- POST JUDGMENT ORDER
- Filed by ANY Party or LCSA
- Party Completes
- Dates/Signs
- Financial Declaration or I&E Required
- Proceeds to Service on Page 2
- GREAT RESOURCE:**  
Information/Instruction Sheet on FL-391


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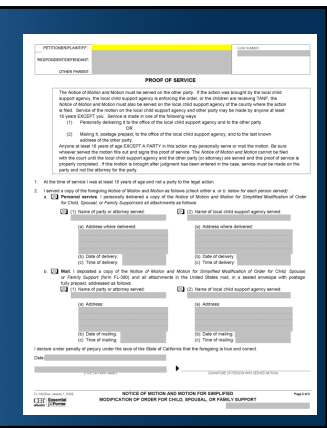
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# Service on Page 2

- Service to All Interested Parties
- Service Rules Apply
- No Fees for Filing in LCSA Support Case
- Blank Response to Simplified Motion to Modify FL-392


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## Responsive Dec to Simplified Motion FL-392

**RESPONSE TO MOTION FOR ORDER FOR CALIFORNIA COUNTY OF**

**NOTICE TO BOTH PARTIES**  
This must bring together all parties who have been named and who are necessary to the hearing.

**RESPONSIVE DECLARATION TO MOTION FOR SUPPORT**  
RESPONSE TO MOTION FOR ORDER FOR CALIFORNIA COUNTY OF

Blank horizontal lines for handwritten notes or signatures.

## Request for Order FL-300

- Universal Form for Requests
  - Filed by ANY Party :  
*Note Joinder*
  - Financial Declaration or I&E Required
  - Service to All Interested Parties
  - Service Rules Apply
  - Responsive Dec FL-320
  - No Fees for Filing in LCSA Support Case
- IF ONLY Support  
Related*

**REQUEST FOR ORDER**  
Change of Order | Temporary Emergency Orders

**NOTICE OF HEARING**  
1. TO NAME: [ ] Defendant [ ] Respondent [ ] Other Party [ ] Other (specify):

**A COURT HEARING WILL BE HELD AS FOLLOWS**  
2. A Date: [ ] Time: [ ] Court: [ ] Room: [ ]

**SUBJECT ORDER**  
4. I am ordered that: [ ] I do not wish to be ordered [ ] I do not wish to be ordered [ ] I do not wish to be ordered

Blank horizontal lines for handwritten notes or signatures.

**REQUEST FOR ORDER**  
Change of Order | Temporary Emergency Orders

**NOTICE OF HEARING**  
1. TO NAME: [ ] Defendant [ ] Respondent [ ] Other Party [ ] Other (specify):

**A COURT HEARING WILL BE HELD AS FOLLOWS**  
2. A Date: [ ] Time: [ ] Court: [ ] Room: [ ]

**SUBJECT ORDER**  
4. I am ordered that: [ ] I do not wish to be ordered [ ] I do not wish to be ordered [ ] I do not wish to be ordered

Blank horizontal lines for handwritten notes or signatures.

## Department Initiated Notice of Motions

- FL-680 Limited to LCSA
  - Can be used to Modify Support
- Dated/Signed
- Order (Optional) : OST, etc.
- Attachments
- Service should be completed per CCP
- File & Calendar



## Post Judgment Support Motions to Cancel/Set Aside

- Notice of Motion to Cancel Support Order FL-640
  - Conditions Apply for Filing Eligibility
  - Provisions built into Form/Info Sheet FL-640
  - Attachments Required
  - No Fee
- POS Prior to Filing



## Post Judgment Support Motions to Cancel/Set Aside

- Notice of Motion to Cancel Support Order FL-640
  - Conditions Apply for Filing Eligibility
  - Provisions built into Form/Info Sheet FL-640
  - Attachments Required
  - No Fee
- POS Prior to Filing









# Importance of Joinder

## NOTICE TO THE PARENTS

This order makes the parent designated as the "Other Parent" a party to this action. Either parent may now raise issues concerning support, custody, visitation, and restraining orders. Other issues may not be raised in this action. Either parent can go to court to modify the support order, but the local child support agency must first be given proper notice of the hearing date.

The Other Parent can also file an action to enforce the support order, but only after giving the local child support agency at least 30 days' notice that an independent enforcement action will be filed. (See form FL-645.) If the local child support agency does not respond to the notice within 30 days, or if the local child support agency agrees to the filing of the enforcement action, the Other Parent may then file the enforcement action as long as all support is payable through the local child support agency's office.

The local child support agency does not represent any individual in this action. If the Other Parent receives welfare, the local child support agency may agree to settle any parentage or support issues without the Other Parent's consent. If the Other Parent does not receive welfare, the local child support agency cannot settle any support issue without the consent of the Other Parent. The local child support agency cannot assist you with or negotiate, settle, or contest any issues of custody, visitation, or restraining orders.



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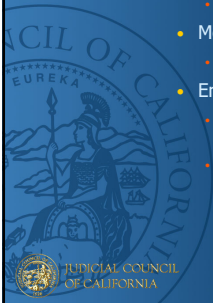
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## RECAP

- Initiating Motions
  - Establish Orders
- Modifications
  - Change Orders
- Enforcement Motions
  - Seek to collect or otherwise Enforce.
  - Arrearages; Contempts, Licenses, etc.



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