


Telephonic Appearances
 23rd Annual AB 1058 Child Support Training Conference
 August 29, 2019

JUDICIAL COUNCIL OF CALIFORNIA

Presentation Objectives

- ❖ Understand the request process
- ❖ Identify deadlines
- ❖ Review the requirements for opposition



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Request for Telephonic Appearance Form FL-679

- ❖ Adopted Mandatory Use
 - ❖ Note: Courts may choose to use their own forms and/or practices
- ❖ Some Court Call Vendors may charge/waive fee.
- ❖ All relevant participants may request to appear telephonically
 - ❖ Note: Commissioner advisement is stated on the form



Not Allowed:

- ❖ Contested Trials
- ❖ Contempts
- ❖ OEXs
- ❖ Under Subpoena
- ❖ As ordered by Court

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Opposing Telephonic Appearances

Party

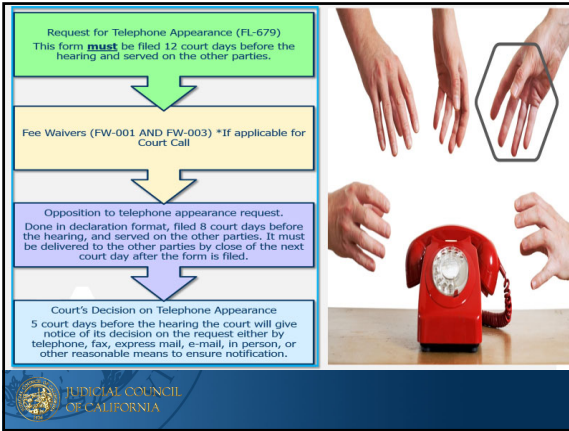
- ❖ NO Exclusive Form (May Use Declaration MC-030)
- ❖ Must be Signed "Under Penalty of Perjury"
- ❖ Filed at Least 8 Court Days Before Hearing
- ❖ Served on All Parties by Next Day

Court

- ❖ Flag for Court's review
- ❖ Court Issues Decision on Objections 5 Days Before Hearing
- ❖ Certificate of Notice

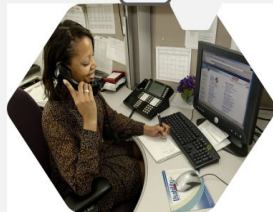
**Court Practices may vary*





In Your Court...

- ❖ What are your Court's guidelines for persons wishing to appear telephonically?
- ❖ How are oppositions handled in your Courtroom?



A photograph of several call center workers wearing headsets, smiling and talking. The image is overlaid with a white hexagonal pattern.

**QUESTIONS
&
COMMENTS**

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A photograph of a courtroom scene with people seated at desks. The image is overlaid with a white hexagonal pattern.


Minute Orders
23rd Annual AB 1058 Child Support
Training Conference
August 29, 2019

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Presentation

Objectives

- ❖ Identify basic minute order requirements
- ❖ Understand basic minute order guidelines
- ❖ Discuss different techniques to complete daily multiple minute orders

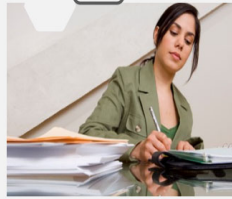
A black and white illustration of a woman sitting at a desk, looking at papers and a computer monitor. There are several sheets of paper floating around her.

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A Minute Order is...

"The clerk's minutes is the official record of the Court's proceedings, required by law, showing who was present at the hearing and what happened, as well as what findings and orders the court made."

Meskell v. Culver City Unified School District
(1970) 12 Cal.App.3d 815, 821



Guidelines for Minutes

The clerk of the superior court:
shall keep the minutes and other records of the court,
entering at length within the time specified by law,
or forthwith if no time is specified.



Content

The content of a minute order may be divided into the following categories:

- Heading
- Body
- Closure



The minute order:

- is not a detailed word-for-word description of hearing
- is an outline of the important components of the court hearing

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WHAT NOT TO DO...

Can you repeat the part of the stuff where you said all about the things?

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Can you identify -

What is required on a minute order?

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Mandatory items

needed on minutes




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Mandatory items

needed on minutes

- ❖ Date of hearing
- ❖ Judicial Officer
- ❖ Court Clerk
- ❖ Court Reporter (if any)
- ❖ Bailiff (if any)
- ❖ Type of Hearing
- ❖ Parties who are present



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Mandatory items

needed on minutes

- ❖ Date of hearing
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- ❖ Court Reporter (if any)
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- ❖ Type of Hearing
- ❖ Parties who are present


Family Law Code §4251
Advisement (if case heard
by Commissioner)

Findings made by judge

Orders made by judge

Future hearing dates (if
any)

Exhibits (if any)



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Group Discussion

- ❖ Do you have any strategies for multitasking and listening for orders for your minutes?
- ❖ Do you have any creative ways to get your minute orders completed?



Family Code §4056(a)

To comply with federal law, the court shall state, in writing or on the record, the following information when deviating from guideline:

- ❖ Amount of support that would have been ordered under the guideline formula.
- ❖ Reasons the amount ordered differs from the guideline formula amount.
- ❖ Reasons the amount is consistent with the best interests of the children.



FC §4065 –

The parties must declare all of the following if their stipulation is less than guideline amount:

- ❖ Fully informed of their rights.
- ❖ Agreed to without coercion or duress.
- ❖ Best interests of the children involved.
- ❖ Needs of the children will be adequately met.
- ❖ Not assigned to the county pursuant to W&I Section 11477 and no public assistance application is pending.



Family Code §4057(b)(5)

Application of the formula would be unjust or inappropriate due to special circumstances:

- ❖ Different time-sharing arrangements for different children.
- ❖ Equal time-sharing of the children and one parent much lower or higher percentage of income used for housing.
- ❖ Special medical/other needs for child.
- ❖ More than two parents are found.



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A man with short dark hair, wearing a dark jacket over a light-colored shirt, is sitting on a couch. The image is framed within a hexagonal shape.

Marriage of Cryer, Jon & Sarah
Court of Appeal, Second District,
California Case No. B222906

- ❖ Court deviated UPWARD per Family Code §4057 (b) and ordered Dad to pay Mom child support of \$8,000 due to the disparity in their incomes.
- ❖ Court of Appeal upheld trial court's orders.



23

Three children, two boys and one girl, are sitting at a table in a living room. They are dressed in formal attire (suits and dresses). The girl is looking at a book, and the boys are looking at papers on the table. A clock is visible on the wall behind them.

Wanna play a game??



24

Who wants to be a
AB 1058 Clerk
Millionaire

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**QUESTIONS
& COMMENTS**

CLERK
Only Because...
FULL TIME
MULTITASKING
NINJA
IS NOT AN ACTUAL
JOB TITLE

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Thank You!!

Cyndi Thompson
Multi-tasking Ninja Clerk
Family Law Court Clerk II
Mariposa County Superior Court

Zeke Armenta
Multi-tasking Ninja Trainer
Training and Procedures Specialist
Orange County Superior Court

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