

## AB 1058 Court Clerks Training

Anna L. Maves  
Child Support Program Manager/Supervising Attorney  
Judicial Council  
Center for Families, Children & the Courts

22nd Annual AB 1058 Training Conference  
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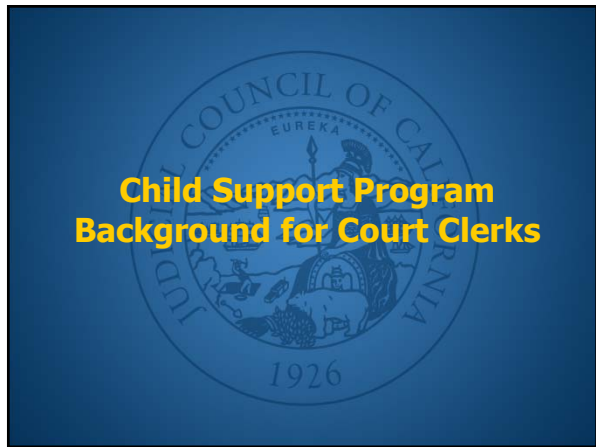
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## Child Support Program Background for Court Clerks



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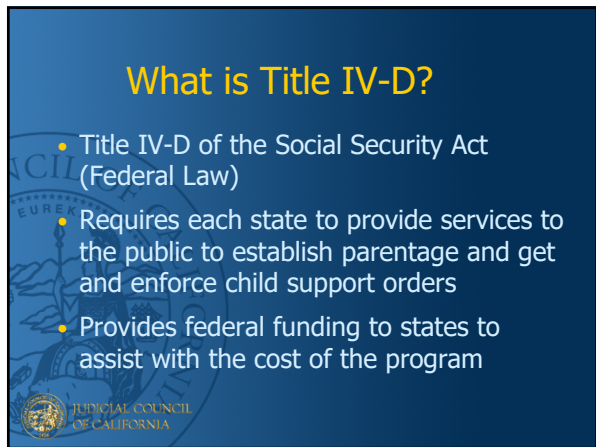
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## What is Title IV-D?

- Title IV-D of the Social Security Act (Federal Law)
- Requires each state to provide services to the public to establish parentage and get and enforce child support orders
- Provides federal funding to states to assist with the cost of the program



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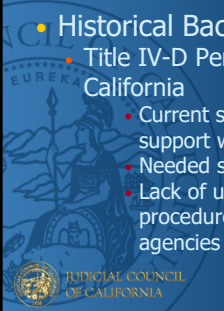
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## Child Support Program Background

- Historical Background
  - Title IV-D Performance Problems in California
    - Current system of establishing child support was inadequate
    - Needed system that was quick & efficient
    - Lack of uniformity of policies and procedures among courts/child support agencies



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## Legislature's Response

- Enacted AB 1058 in 1996 (Child Support Commissioner and Family Law Facilitator Program)
  - Provided the courts with direction on how to develop an effective program
  - Provided the courts with funding



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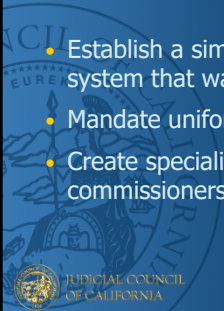
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## AB 1058 Program Objectives

- Establish a simple, speedy and cost-effective system that was accessible to families
- Mandate uniform and simplified procedures
- Create specialized child support commissioners and family law facilitators



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### AB 1058 Program Realized

- Child support commissioners/family law facilitators in each county
- Specialized court procedures that are streamlined and unique to Title IV-D
- Created specialized rules & forms
- Set up minimum qualifications for staff and standard training requirements



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### Court Clerk Training Requirement

- California Rule of Court 5.355 Minimum standard of training for court clerk staff whose assignment includes Title IV-D child support cases



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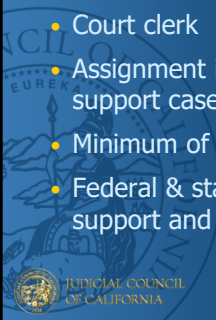
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### California Rule of Court 5.355

- Court clerk
- Assignment includes Title IV-D child support cases
- Minimum of 6 hours annually
- Federal & state laws concerning child support and related issues



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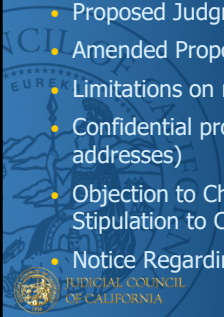
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## Specialized Court Procedures for IV-D Cases

- Proposed Judgment Process
- Amended Proposed Judgment
- Limitations on review of default judgments
- Confidential proof of service (redaction of addresses)
- Objection to Child Support Commissioner vs. Stipulation to Commissioner
- Notice Regarding Payment of Support



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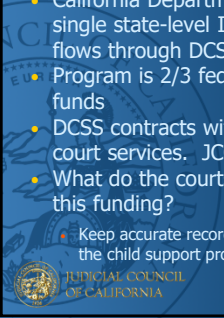
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## Title IV-D Funding

- California Department of Child Support Services is the single state-level IV-D agency. All program funding flows through DCSS
- Program is 2/3 federal Title IV-D funds & 1/3 state funds
- DCSS contracts with the JCC to provide child support court services. JCC then contracts with each court
- What do the courts and the JCC have to do to keep this funding?
  - Keep accurate records including having each person who works on the child support program keep accurate time records.



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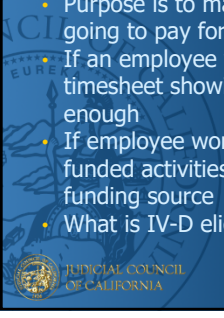
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## Time Studying

- Purpose is to make sure that grant funding is going to pay for grant-related activities
- If an employee works 100% on Title IV-D work timesheet showing all hours under Title IV-D is enough
- If employee works on Title IV-D and other non-funded activities must track time spent by funding source
- What is IV-D eligible activity for court clerk?



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## Significant Audit Findings

- Documentation of Time Working on the Grant
  - Federal grant rules require that individuals working on the grant identify the **actual** time worked on the AB 1058 grant and only submit time worked for reimbursement.
  - Most common finding was "court did not have sufficient support for personnel expenses claimed".
  - Court staff did not report **actual direct labor hours** worked in AB 1058 activities but instead used some other unauthorized method that included:
    - Filling out timesheet based upon proportion of budget rather than actual hours (for example, if funding for FLF was 50% grant and 50% self-help just recorded 1/2 of hours to the grant).
    - Filling out timesheets based upon what a manager "thought" or projected the AB 1058 workload to be.
    - Reporting all hours worked as AB 1058 even though individual staff worked on both AB 1058 and other activities.



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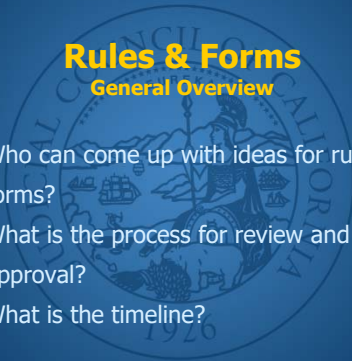
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## Rules & Forms General Overview

- Who can come up with ideas for rules & forms?
- What is the process for review and approval?
- What is the timeline?



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## Rules & Forms

### Governmental Forms

- Special role of these forms given the volume of IV-D cases; numbers of self-represented litigants and the DCSS statewide automated environment
- Role of Local Agencies in forms development and review
- Special concerns



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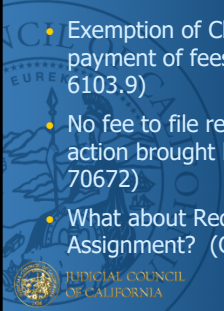
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## Fees & Costs in Title IV-D Cases

- Exemption of Child Support Agency from payment of fees and costs (Government Codes 6103.9)
- No fee to file response or subsequent paper in action brought by DCSS (Government Code 70672)
- What about Requests for Hearing on Wage Assignment? (CRC 5.335(c))



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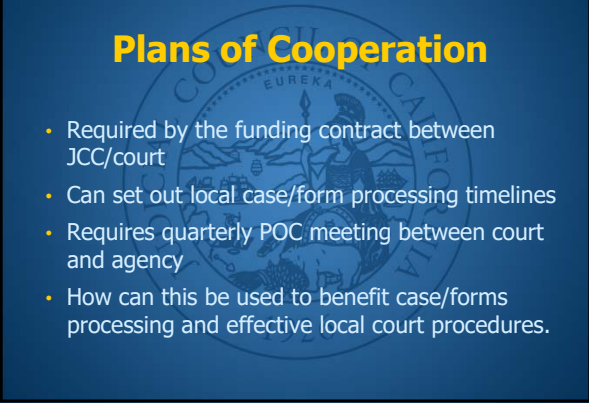
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## Plans of Cooperation

- Required by the funding contract between JCC/court
- Can set out local case/form processing timelines
- Requires quarterly POC meeting between court and agency
- How can this be used to benefit case/forms processing and effective local court procedures.



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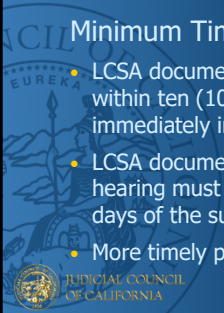
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## Time Standards Required by the Contract

### Minimum Time Standards:

- LCSA documents must filed and processed within ten (10) Court working days or immediately in exceptional circumstances.
- LCSA documents which require a Court hearing must processed within five (5) Court days of the submission.
- More timely processing of FL-191



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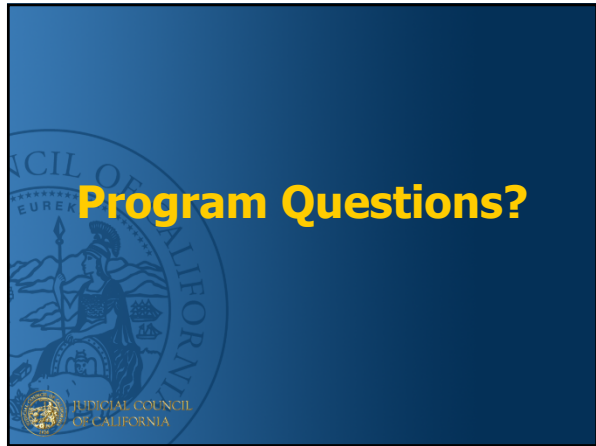
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