

The Child Support Court Process

California Child Support Services

www.childsupport.ca.gov

What is a child support case?

Child support is the ongoing contribution of money to help pay for the living and medical expenses of a child until adulthood – certain cases may continue past the child's 18th birthday. The amount required to be paid is called the "child support order." Under federal and state law, parents have a legal duty to provide financial support for their children. The goal is to have children share in the standard of living of their parents.

Overview of the court process

- 1.** A parent, legal guardian, or caretaker of a minor enrolls for child support, or a case is opened after a referral is made on behalf of a CalWORKS recipient.
- 2.** The participants are contacted by a child support specialist and may receive documents in the mail to complete and return.
- 3.** A legal document called a Summons and Complaint is filed based on information available in the enrollment form and served on the parent from whom child support is being requested.
- 4.** The party served has 30 days after receiving it to respond to the Summons and Complaint.
- 5.** If the served party does not respond, the original information becomes an enforceable child support order by default.
- 6.** If the served party responds, the parents have an opportunity to agree upon a support amount, called a Stipulation, which is reviewed and approved/denied by a judge.
- 7.** If an agreement cannot be reached, a court hearing is scheduled, and a judge determines the court-ordered amount for child support.
- 8.** Enforcement of the court order begins.

What is a Summons and Complaint and Proposed Judgment?

The Summons and Complaint is a legal document used to establish parentage and financial and/or medical support orders for a minor child.

A Proposed Judgment is what the child support agency handling the case is asking the judge to order. California law requires courts to comply with statewide uniform guidelines in setting child support orders.

These legal documents are served upon the parent being asked to pay child support.

What happens if I do not respond to a Summons and Complaint?

If you do not respond to these legal documents within 30 days, you may be named the legal parent of a child and may be ordered to pay financial and/or medical support based on the Proposed Judgment. It is important that you respond so that your income, expenses, and personal situation are taken into account when determining a child support amount. If you are not sure you are the child's parent, contact a child support agency to get FREE genetic testing.

California Child Support Services does not provide legal services to parents or legal guardians. Custody and visitation are handled by the Family Law Court in your county. If you need assistance, contact the Family Law Facilitator's office in your county court.

How will I be notified if a Summons and Complaint is filed against me?

You will be served the Summons and Complaint personally, or sometimes someone you know will be served on your behalf. Before serving you the papers, the child support agency may send you a courtesy letter that informs you of the complaint. The letter may offer an opportunity for you to pick up the complaint at the child support office rather than being served at your home or workplace.

What should I do after I am served?

You have 30 days from the date you were served to respond.

There are several ways to respond:

File an answer - If you disagree with any part of the Proposed Judgment you must file an Answer to Complaint with the court. The forms are included with the Summons and Complaint. The Family Law Facilitator at the courthouse can help you prepare an Answer to Complaint. The Family Law Facilitator provides free legal assistance and is not part of California Child Support Services.

Sign a Stipulation - Contact the child support office named in the Summons and Complaint to sign an agreement (Stipulation) to establish parentage, child support, and medical support.

Get genetic testing - If you don't think you are the biological parent of the child named in the complaint, contact a child support agency so you can arrange for genetic testing.

Hire an attorney - A Summons and Complaint is a legal document requiring a timely response. The process will include the completion of legal documents and may include court appearances. You may want to hire a private attorney to represent you.

Get legal help - Contact the Family Law Facilitator at your county court for free help in reviewing and completing forms.

Modifying a child support order

Who can modify (request a change) to a current child support order?

- Either party named in the child support order
- California child support agencies
- Child support agencies from other states or some foreign governments

My situation has changed, how can I get my child support modified?

If your financial, medical, living, or custody and visitation situation has changed, and you need a change in your child support order, contact the agency handling your case and request a review and adjustment. The Family Law Facilitator's office at your county court may also be able to assist you. You can also hire a private attorney to represent you.

You can ask for a modification if your circumstances change, such as:

- You've had a change in your employment
- Either party's income increases or decreases
- Custody or visitation changes
- Family size changes
- You go to jail or prison
- You are deployed to active military service

What do I need to provide?

The agency handling your case will need the following information to review your case for modification:

- Your income and expense information (pay stubs, benefit statements, tax returns, etc.)
- Jail or prison status
- Current custody and visitation arrangements

What should I expect?

If the support order will change by 20% or \$50, whichever is less, the child support agency will process your request for modification. If all parties agree to the new support amount they may sign a Stipulation that will be filed with the court. If there is no agreement, all parties will receive a notice to appear in court for a hearing where a judge will set a child support amount. If the other person lives out of state, the agency may request the other state to conduct a review and request a modification.

California Child Support Services

www.childsupport.ca.gov

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