

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 01/31/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0000625

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: RHEA ASHLEY MOORE

and

RESPONDENT: KEIVAN CHRISTOPHER
KIMIYAIE

NATURE OF PROCEEDINGS: 1) REVIEW HEARING – RECEIPT OF FCS REPORT
2) CASE PROGRESS CONFERENCE

RULING

This matter is set for hearing on review of child custody/visitation regarding the parties' son, Kian (DOB 12-2-23) and for Case Progress Conference.

Both parents met, together, with Family Court Services ("FCS") on 1/21/25, and FCS filed its Report & Recommendations on 1/23/25. Father requests that overnights with Kian begin. Petitioner/Mother complains about Father wanting additional time, as she says he doesn't use all of the time he already has. Respondent/Father states Mother is very angry, and he has only missed visits when he has had work obligations – for which he has always provided advance notice to Mother) and once when he had a dental emergency (followed by dental surgery).

On 1/27/25 Respondent/Mother filed a Statement of Agreement/Disagreement with the FCS Recommendations. On 1/28/25 Father filed his Statement of Agreement/Disagreement with the FCS Recommendations.

The Court reminds the parties that their mutual cooperation and support of each other as parents is extremely important for Kian's well-being, and they have a responsibility to be mindful of that in building their co-parent relationship.

After review and consideration of the history of this case, as well as the FCS Report & Recommendations, both the parties' Statements of Agreement/Disagreement, the Court agrees with FCS that it is in the best interests of Kian to adopt the FCS recommendations, as modified below. Therefore, the Court orders as follows:

All current orders shall remain in effect with the following additions/modifications:

Timeshare

1. Kian shall continue to live primarily with Rhea and shall be with Keivan on the following schedule:
 - Every Tuesday from 4:00 p.m. to 7:00 p.m.
 - Every Thursday from 4:00 p.m. to Friday at 9:00 a.m. Father shall drop off Kian directly at day-care on Friday mornings by 9:00 am.
 - Every Sunday from 10:00 a.m. to 5:00 p.m.
2. All exchanges that do not occur at daycare shall occur at the Montecito Shopping Center. Rhea shall remain in her car while Keivan removes Kian from the car or places him in the car.

Collateral Issues

3. Both parents shall ensure that Kian is properly supervised and that he is exposed to only safe and sanitary living conditions.
4. Neither parent shall be under the influence of any drugs or alcohol while caring for Kian.
5. Neither parent shall change Kian's residence from Novato without written agreement of the other parent, or court order.

SO ORDERED.

Counsel for Respondent to prepare the order.

TEMPORARILY, under current orders, litigants who require the assistance of a Spanish language interpreter shall appear in person. Interpreter services via video technology are currently not available.

Any party contesting the ruling and requesting oral argument shall appear in person or remotely through Zoom either by video or telephone. Please follow the guidelines set forth on the court website at www.marin.courts.ca.gov

The Zoom appearance information is as follows:

***January 2025 at 09:00 AM
Join Zoom Meeting***

***<https://marin-courts-ca-gov.zoomgov.com/j/1601114119?pwd=p6bV9Ef8WHjm1j7jzyTrwjExIV0by4.1>
Meeting ID: 160 111 4119
Passcode: 636308***

If you are only able to appear by phone you may dial the phone number below, follow the prompts and enter the meeting ID and passcode.

FL0000625

+1-669-254-5252 US (San Jose)

Meeting ID: 160 111 4119

Passcode: 636308

If a party and/or counsel elects to appear over Zoom they must follow proper Zoom etiquette. This includes joining the call five minutes early, speaking only one at a time, avoiding disruptions, and wearing proper attire appropriate for a court environment. Parties must act and speak in a professional and respectful manner as though they are in an actual courtroom. If a party or counsel is unable to follow proper Zoom etiquette, the court may halt the hearing and order the parties to return in person.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 01/31/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0000644

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: LISA SIRABELLA

and

RESPONDENT: BRYAN ETKIE

NATURE OF PROCEEDINGS: 1) TRIAL READINESS CONFERENCE
2) ORDER TO SHOW CAUSE – CONTEMPT/FAILURE TO COMPLY
3) STATUS ONLY HEARING – RE: PSYCH EVAL

RULING

Appearances required.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 01/31/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0000837

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: LINDA MIREYA LOPEZ
LOPEZ

and

RESPONDENT: LUIS GEOVANY DE
LEON ESCOBAR

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – CHILD
CUSTODY/VISITATION
2) CASE PROGRESS CONFERENCE

RULING

This matter is set for hearing on Respondent/Father’s 12/12/24 Request for Order (“RFO”) re custody/visitation regarding the parties’ children, Muller (DOB 4/12/16) and Geovany (DOB 9/8/18). Petitioner/Mother filed a Responsive Declaration on 1/2/25.

Father is the restrained party in a 10-year Criminal Protective Order (“CPO”) issued 3/9/22 in Case No. SC216297A. Mother is the protected party; the children are not protected persons. Father was sentenced to 7 years in prison, but after 2 years was deported to Guatemala. He returned to the US in August 2024 and insisted he shared custody and had a right to see the children. Mother states the children reported Father was hitting them and pulling their hair, and because he did not have a bed for them to sleep in, they had to sleep on the floor. When Mother suggested a change in the schedule, Father stopped seeing or calling the children, but a couple of weeks later showed up unannounced at their school. The children were scared and starting crying when they saw him, and do not want to go with their Father.

Mother was interviewed by Family Court Services (“FCS”). Father did not attend his mediation appointment, despite the fact that this matter is set for hearing on his RFO.

Given the severity of the injuries Father caused to Mother which led to the CPO, as well as the children’s reports to Mother since Father returned from Guatemala, the Court finds that it is in the best interests of the children that Father have no contact with them, and adopts the FCS recommendations, as modified below:

1. Mother shall have sole legal and physical custody of Muller and Geovany.
-

2. Father shall have no contact with the children.
3. Father shall not go to the children's school, nor shall the children be permitted to be released to Father by their school.
4. Pending the hearing on 1/31/25, Mother shall file for ex parte orders prohibiting Father from going to the children's school and having contact with them there. Orders should specifically instruct the children's schools not to release the children to Father.
5. Mother shall call the police for any future violations by Father of the CPO issued 3/9/22 or violations of this Order.
6. If she has not already done so, Mother shall participate in counseling for victims of domestic violence.
7. The children shall participate in counseling as they have been exposed to domestic violence.

SO ORDERED.

The Court will prepare the order per Rule 5.125, California Rules of Court

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 01/31/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0001282

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: PHILLIP FLORES

and

RESPONDENT: DEWAN ANDREA BURNS

NATURE OF PROCEEDINGS: 1) REVIEW HEARING – RE: PARENTING PROGRESS
2) REQUEST FOR ORDER – CHILD SUPPORT
3) CASE PROGRESS CONFERENCE

RULING

The Court notes that both parties are now self-represented. Although the parties are welcome to represent themselves in this matter, they are still required to learn, and abide by, the Court rules and procedures. For example, this matter was continued for hearing on child support, not custody/visitation. The Court just made a custody/visitation order on 11/15/24 set for hearing on child support, not custody. In his Declaration dated 1/15/24 and filed 1/21/25, Father requests an increase in his time-share. The request is not properly before the Court and will not be considered. In addition, Mother filed Declarations regarding child support on 1/21/25, 1/27/25 and 1/28/25. This is also improper. There are specific rules about what can be filed, when to file, and what information and documentation the parties need to provide the Court for each request.

Both parties are referred to the Marin County Family Law Local Rules, available on the Court’s website, and to the Court’s Legal Self-Help Center for assistance in understanding the Court’s rules and procedures, obtaining and filling out forms, etc. The Legal Self-Help Center is located in the Courthouse at Room C-44 and may be contacted through the Court’s website, by email at selfhelp@marin.courts.ca.gov, and/or by telephone at 415-444-7130.

Child Support

This matter is set for hearing on Respondent/Mother’s 10/21/24 Request for Order (“RFO”) re child support for the benefit of the parties’ child, Felipe (DOB 12/1/23). Mother reports that she has been unemployed since 3/2022, but was receiving State Disability of \$5,564/month, which terminated in 12/2024. When she last worked, Mother was earning \$90,000/year. Mother states that she is looking for work and has several interviews lined up, but has provided no details. Her Income & Expense Declaration indicates she has monthly expenses of \$4,520, plus \$1200 in

childcare expenses, no savings or other assets, and owes \$6,181 in credit card debt. Mother files as head of household with 2 exemptions.

Father suggests Mother has other sources of income but provides no evidence to support those claims. His Income & Expense Declaration and 2024 W-2 indicate he earns \$8,899/month, makes a monthly 401(k) contribution of \$747, pays health insurance of \$546/month and monthly property tax and mortgage interest deductions of \$757 and \$1,334, respectively. Father files as head of household with 2 exemptions.

Under the current order, the Court calculates Father's timeshare at 32%. Attached hereto as Exhibit "A" is a Dissomaster support calculation using the above assumptions, which calculates guideline child support payable from Father to Mother from January 1, 2024 until further order of the Court of \$1,548/month. Attached as Exhibit "B" is a Dissomaster support calculation which includes Mother's monthly income of \$5,564/month, and the parties' timeshare at 25%, which calculates guideline child support payable from Father to Mother from October 21, 2024 through December 31, 2024 at \$890/month.

Based on the above information, the Court orders as follows:

1. Effective January 1, 2025, Father shall pay to Mother, as and for child support, the sum of \$1,548/month, payable on or before the 1st day of each month.
2. For the period from October 21, 2024 through December 31, 2024, Father shall pay to Mother as and for child support, the sum of \$890/month.
3. Child support shall continue until (1) the child reaches the age of 18, or if still a full-time student in high school at age 18, until the child reaches age 19 or graduates from high school, whichever first occurs; (2) the child dies; or (3) the child is emancipated. The amount of child support is modifiable if there is a material change of circumstances for either party.
4. In addition, the parties shall share equally all reasonable uninsured medical and dental expenses incurred on behalf of the child, and childcare costs related to either party's employment or reasonably necessary education or training for employment skills. The parties are ordered to comply with the provisions of Family Code § 4063 in seeking reimbursement for uninsured medical and dental expenses, and a copy of the NOTICE OF RIGHTS AND RESPONSIBILITIES – Health-Care Costs and Reimbursement Procedures is attached to the Order After Hearing. These provisions shall apply to reimbursement for childcare expenses, as well.
5. The parties shall also share equally all expenses for agreed-upon extracurricular activities and related expenses.
6. Mother is required to actively seek work, as she is responsible for contributing to the support of the parties' son. The Court orders Mother to make at least 3 inquiries about work per day, and to keep a log of all inquiries, including date, time of contact,

name and location of type of employment, name of potential employer, and result (e.g., interview, etc.)

7. The matter will be set for review hearing on Mother's work search efforts on March 28, 2025 at 9:00 am in Department D. No later than March 21, 2024 Mother shall file her work search log with the Court. If Mother has not yet found employment, the Court will consider imputing her with income.

SO ORDERED.

The Court will prepare the order per Rule 5.125, California Rules of Court

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JUDICIAL OFFICER (NAME AND ADDRESS): Prepared by the Court Marin County Superior Court California <i>Flores v. Burns</i>		TELEPHONE NO: Superior Court Of The State of California, County of Marin COURT NAME: Marin County Superior Court STREET ADDRESS: 3501 Civic Center, Vera Schultz Dr San Rafael 94903 MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2025, Monthly		CASE NUMBER: FL0001282

Input Data	Phillip	Dewan	Guideline (2025)	Cash Flow Analysis	Phillip	Dewan
Number of children	0	1	Nets (adjusted)	Guideline		
% time with Second Parent	32%	0%	Phillip	6,900	Payment (cost)/benefit	(1,548) 1,548
Filing status	HH/MLA	HH/MLA	Dewan	0	Net spendable income	5,352 1,548
# Federal exemptions	2	2	Total	6,900	% combined spendable	77.6% 22.4%
Wages + salary	8,889	0	Support		Total taxes	1,443 0
401(k) employee contrib	747	0	CS Payor	Phillip	Comb. net spendable	6,900
Self-employment income	0	0	Presumed	1,548	Proposed	
Other taxable income	0	0	Basic CS	1,548	Payment (cost)/benefit	(1,548) 1,548
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	5,352 1,548
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Felipe	1,548	% combined spendable	77.6% 22.4%
Ordinary dividends	0	0	Spousal support	blocked	% of saving over gdl	0% 0%
Tax. interest received	0	0	Total	1,548	Total taxes	1,443 0
Social Security received	0	0	Proposed, tactic 9		Comb. net spendable	6,900
Unemployment compensation	0	0	CS Payor	Phillip	Percent change	0.0%
Operating losses	0	0	Presumed	1,548	1 Setting Changed	
Ca. operating loss adj.	0	0	Basic CS	1,548	Addons Calculation Method: Allocated Per	
Roy, partnerships, S corp, trusts	0	0	Add-ons	0	FC 4061(b)	
Rental income	0	0	Presumed Per Kid			
Misc ordinary tax. inc.	0	0	Felipe	1,548		
Other nontaxable income	0	0	Spousal support	blocked		
New-spouse income	0	0	Total	1,548		
SS paid other marriage	0	0	Savings	0		
CS paid other relationship	0	0	Mother	0		
Adj. to income (ATI)	0	0	Father	0		
9.3% elective PTE payment	0	0	No releases			
Ptr Support Pd. other P'ships	0	0				
Health insurance	546	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	2,091	0				
Other medical expenses	0	0				
Property tax expenses	757	0				
Ded. interest expense	1,334	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

Exhibit "A"

JUDICIAL OFFICER (NAME AND ADDRESS): Prepared by the Court Marin County Superior Court California <i>Flores v. Burns</i>		TELEPHONE NO: Superior Court Of The State of California, County of Marin COURT NAME: Marin County Superior Court STREET ADDRESS: 3501 Civic Center, Vera Schultz Dr San Rafael 94903 MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER: FL0001282

Input Data	Phillip	Dewan	Guideline (2024)	Cash Flow Analysis	Phillip	Dewan
Number of children	0	1	Nets (adjusted)	Guideline		
% time with Second Parent	25%	0%	Phillip	6,869	Payment (cost)/benefit	(890) 890
Filing status	HH/MLA	HH/MLA	Dewan	5,286	Net spendable income	5,980 6,176
# Federal exemptions	2	2	Total	12,155	% combined spendable	49.2% 50.8%
Wages + salary	8,889	0	Support		Total taxes	1,474 278
401(k) employee contrib	747	0	CS Payor	Phillip	Comb. net spendable	12,156
Self-employment income	0	0	Presumed	890	Proposed	
Other taxable income	0	5,564	Basic CS	890	Payment (cost)/benefit	(890) 890
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	5,980 6,176
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Felipe	890	% combined spendable	49.2% 50.8%
Ordinary dividends	0	0	Spousal support	blocked	% of saving over gdl	0% 0%
Tax. interest received	0	0	Total	890	Total taxes	1,474 278
Social Security received	0	0	Proposed, tactic 9		Comb. net spendable	12,156
Unemployment compensation	0	0	CS Payor	Phillip	Percent change	0.0%
Operating losses	0	0	Presumed	890	Default Case Settings	
Ca: operating loss adj.	0	0	Basic CS	890		
Roy, partnerships, S corp, trusts	0	0	Add-ons	0		
Rental income	0	0	Presumed Per Kid			
Misc ordinary tax. inc.	0	5,564	Felipe	890		
Other nontaxable income	0	0	Spousal support	blocked		
New-spouse income	0	0	Total	890		
SS paid other marriage	0	0	Savings	0		
CS paid other relationship	0	0	Mother	0		
Adj. to income (ATI)	0	0	Father	0		
9.3% elective PTE payment	0	0	No releases			
Ptr Support Pd. other P'ships	0	0				
Health insurance	546	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	2,091	0				
Other medical expenses	0	0				
Property tax expenses	757	0				
Ded. interest expense	1,334	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

Exhibit "B"

NOTICE OF RIGHTS AND RESPONSIBILITIES REGARDING CHILD SUPPORT

Childcare and Health Care Costs and Reimbursement Procedures

Your child support order may include a provision for payment of childcare or uninsured health care costs. Childcare costs may be included as part of the monthly child support payment or reimbursable as a percentage of the costs. If the childcare costs are included as part of the monthly child support payment, you must pay that amount each month until the court changes (modifies) the child support order. If you need to change your child support order because there has been a change in the cost of childcare, see page 2.

If you have a child support order that includes a provision for the reimbursement of a percentage of childcare costs or a portion of the child's or children's health care costs and those costs are not paid by insurance, the **law says**:

1. **Notice.** You must give the other parent an itemized statement of the charges that have been billed for any childcare costs or health care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 90 days after those costs were given to you.
 2. **Proof of full payment.** If you have already paid all of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.
 3. **Proof of partial payment.** If you have paid only your share of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the childcare or health care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.
 4. **Payment by notified parent.** If you receive notice from a parent that a childcare or uninsured health care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.
 5. **Going to court.** Sometimes parents get into disagreements about childcare and health care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.
- a. **Disputed requests for payment.** If you dispute a request for payment made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay the requested amount before filing your request.
 - b. **Nonpayment.** If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute.
 - c. **Paid charges.** The court will presume that if uninsured health care costs or childcare costs for employment or necessary training for job skills have been paid, those costs were reasonable. If you want to dispute paid charges, you will have to show the court that the costs were unreasonable.
 - d. **Attorney's fees.** If the court decides one parent has been unreasonable, it can order that parent to pay the other parent's attorney's fees and costs.
 - e. **Court forms.** Use forms [FL-300](#) and [FL-490](#) to get a court date. See form [FL-300-INFO](#) for information about completing, filing, and serving your court papers.
6. **Court-ordered insurance coverage.** If a parent provides health care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health care costs.
 - a. **Burden to prove.** The parent claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.
 - b. **Cost of additional coverage.** If a parent purchases health care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.
 7. **Preferred health providers.** If the court-ordered coverage designates a preferred health care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any parent uses a health care provider other than the preferred provider, any health care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the parent incurring those costs.
 8. **Need help?** Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Exhibit "C"

Information Sheet on Changing a Child Support Order

General Info

The court has made a child support order in your case. This order will remain the same unless one of the parents requests that the support be changed (modified). An order for child support can be modified by filing a request to change child support and serving the other parent. If both parents agree on a new child support amount, they can complete, sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form [FL-350](#)). (**Note:** If the local child support agency is involved in your case, it must be served with any request to change child support and approve any agreement.)

Online Self-Help Guide

For more information about how child support works, visit: <https://selfhelp.courts.ca.gov/child-support>.

When a Child Support Order May Be Changed

The court considers several things when ordering the payment of child support.

- First, the number of children is considered, along with the percentage of time each parent has physical custody of the children.
- Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support ordered and paid are subtracted from a parent's paycheck). The court can also look at a parent's earning ability.
- The court considers both parents' tax filing status and may consider hardships, such as the cost of raising the parent's child from another relationship who lives with the parent.

A parent can request to change an existing order for child support when circumstances change significantly. For example if the net disposable income of one of the parents changes, parenting time changes, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based on having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order, you must fill out one of these forms:

- Form [FL-300](#), *Request for Order* or
- Form [FL-390](#), *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms, and attach proof of income for the past two months (like your paycheck stubs):

- Form [FL-150](#), *Income and Expense Declaration* or
- Form [FL-155](#), *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Contact the family law facilitator in your county. You can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form. The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form [FW-001](#), *Request to Waive Court Fees and*
- Form [FW-003](#), *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

- This means someone 18 or over—not you—must deliver copies of your filed court forms to the other parent, at least **16 court days** before the hearing. Add **5 calendar days** if delivered by mail within California (see Code of Civil Procedure section 1005 for other situations).
- **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to: www.courts.ca.gov/holidays.htm.

Blank copies of both of these forms must also be served:

- Form [FL-320](#), *Responsive Declaration to Request for Order*
- Form [FL-150](#), *Income and Expense Declaration*

Then the server fills out and signs a *Proof of Service*. Take this form, plus one copy, to the clerk and file it at least one week before your hearing.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your proof of income for the past two months (like your paycheck stubs). The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- Form [FL-340](#), *Findings and Order After Hearing and*
- Form [FL-342](#), *Child Support Information and Order Attachment*

Need help?

Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information About Child Support for Incarcerated or Confined Parents

- 1. Child support.** As of September 27, 2022, child support automatically stops if the parent who has to pay is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.

Exception. Child support does not automatically stop if the parent who has to pay has money available to pay child support.

- 2. Past confinement.** Child support also automatically stops during past confinement if it was ordered from October 8, 2015, through December 31, 2019, or January 1, 2021, through September 26, 2022, and the parent who has to pay was confined for more than 90 days in a row during the same time frame.

Exceptions for past confinement. Child support does not automatically stop if the parent who has to pay was in jail or prison for failing to pay child support or for domestic violence against the other parent or the child, or if they had money available to pay support.

- 3. Timing.** The date child support automatically restarts will depend on the parent's release date. If you need to change your child support order, see page 2.

a. If released before January 1, 2024, child support automatically restarts the first day of the first full month after the parent is released.

b. If released after January 1, 2024, child support will automatically restart the first day of the 10th month after the parent is released.

Employment before the 10-month period ends: If the parent who has to pay support starts working before the date child support is set to automatically restart, the person who is owed support or the local child support agency can request the court restart the child support order early. The court may order a different amount of child support if appropriate.

- 4. More info.** For more information about child support and incarcerated parents, see Family Code section 4007.5 or go to <https://selfhelp.courts.ca.gov/child-support/incarcerated-parent>. You can also contact the family law facilitator in your county and can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

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