



JUDICIAL COUNCIL
OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

Background, Policy, and Services of the Child Support Commissioner and Family Law Facilitator Program (AB 1058)

Background

Assembly Bill 1058 (Stats. 1996, ch. 957), signed by Governor Wilson in September 1996, established the child support commissioner and family law facilitator program in California. The legislative findings in support of the bill found that the current system for obtaining, modifying, and enforcing child and spousal support orders was inadequate, and that the success of California's child support enforcement program depends on its ability to establish and enforce child support orders quickly and efficiently. The legislature found a compelling state interest in having a simple, speedy, conflict-reducing system that is both cost-effective and accessible to families. The bill provided for commissioners to hear child support cases being enforced by the local child support agency, it provided for adoption of uniform and simplified procedures for all child support cases, and it created the Office of the Family Law Facilitator in the courts to provide education, assistance, and information to parents with child support issues. This program is funded through a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council. The council, in turn, funds the local court programs through a standard agreement between the council and the local court.

Prior to the establishment of the child support commissioner and family law facilitator program, the judicial officers hearing child support cases were generalists who did not have a child support background. Under the AB 1058 program, the judicial officers who hear child support cases have specific training in child support. Each local court is required to have a child support commissioner to hear cases brought by the local child support agency. Over the years, specialized legal procedures have been developed that are a mix of streamlined judicial and nonjudicial processes, the latter being subject to judicial review. Having judicial officers who are well trained and skilled in these procedures is a critical component in maintaining an efficient program and providing accurate and appropriate support orders. The system is cost-effective and flexible while still providing litigants with due process and the ability to participate in a hearing with a neutral decision maker.

AB 1058 also provides funds for and requires each superior court to establish and maintain an Office of the Family Law Facilitator to provide education, information, and assistance to parents who have child support issues. The basic duties of the family law facilitator are to

- Make available educational materials;
- Distribute court forms;

Background, Policy, and Services of the Child Support Commissioner and Family Law Facilitator Program (AB 1058)

- Give assistance in completing forms;
- Prepare child support calculations consistent with the state child support guidelines and
- Provide referrals to the local child support agency, family court services, and other community agencies.

Each superior court has a family law facilitator's office. Frequently, these offices are located in or very near the superior court departments that handle family law and IV-D cases. Some larger counties also staff offices at the branch courts to improve access. By law, the facilitators cannot represent parents, but they can help with filling out court forms and offer information to parents on support issues. Facilitators are a valuable resource to demystify courtroom procedures and help humanize the court system. Some offices see people individually, others provide services to groups of parents in a workshop setting, and others provide a combination of both individual and group services.

The commissioners and facilitators have made a significant impact on increasing parents' access to the courts and allowing child support cases to be heard in a timely manner. Family law facilitators' offices throughout California report more than 345,000 visits each year.

Policy and Standards of Practice

To implement the legislative findings that were the basis for creating the child support commissioner and family law facilitator program, the Judicial Council adopted numerous rules of court. These rules give the court, in its discretion, the authority to allow parties to appear by telephone or other electronic means in title IV-D child support hearings and conferences. DCSS' California Guideline Child Support Calculator, which is accessible on the Internet, must be used by parties and attorneys to present support calculations to the court and by the court to prepare support calculations. The rules also include a definition of exceptional circumstances when a judge can hear title IV-D cases, as well as training requirements for child support commissioners, family law facilitators, and court clerks.

The council also adopted, approved, or amended many forms as needed to implement the intent of the legislation. Three of the more significant forms are a combined simplified summons and complaint form, an answer form, and a proposed judgment form. Other forms include those to join the parent who is not a defendant in the action, to assist in processing interstate cases, and to determine support arrearages. In addition, many forms include instruction sheets to assist persons filling them out, especially parents who do not have attorneys.

The child support commissioner and family law facilitator program promotes title IV-D goals and objectives. There is a high level of coordination between the Judicial Council and DCSS. DCSS and the Judicial Council cochair a monthly judicial stakeholders'

Background, Policy, and Services of the Child Support Commissioner and Family Law Facilitator Program (AB 1058)

meeting where DCSS provides updates to the judicial branch on pending policies and procedures. This forum also allows for a policy and implementation discussion between the judicial and executive branches regarding proposed program changes. The judicial stakeholders consist of a group of child support commissioners, family law facilitators, the council's staff, and DCSS executive staff. Other coordination efforts include having representatives from each agency participate in the others' workgroups. The Judicial Council also requires each superior court to have a plan of cooperation with their local child support agency that includes having quarterly meetings between the agency and the court to resolve any local program administrative issues.

Services

Child support staff at the Center for Families, Children & the Courts (CFCC) provide ongoing assistance to the courts in administering the child support commissioner and family law facilitator program. Such aid includes budgeting, handling reimbursement claims, allocating funds for commissioners and facilitators, providing technical assistance, and performing other duties as needed.

Research

CFCC has conducted several studies on child support. Every four years, the Judicial Council is required by federal and state law to review the statewide uniform child support guideline. The following child support guideline studies are available online.

[2005](#) (pdf)

[2001](#) (pdf)

[1998 Chapters 1 to 10](#) (pdf)

[1998 Appendices](#) (pdf)

[1993](#) (pdf)

CFCC also completed a study entitled *California's Child Support Commissioner System: An Evaluation of the First Two Years of the Program*. This study was sent to the Legislature in May 2000. It evaluated the child support commissioner system, including commissioners and family law facilitators, and determined that both programs are meeting the objectives of the legislation. [This study is available in PDF format.](#)

Clearly, research is an important component in administering the child support commissioner and family law facilitator program, and CFCC staff for the program include a senior research analyst and staff analyst. Studies are used not only as a program evaluation tool, but also to evaluate funding and other resources needed to meet the program's goals. Statewide demographics data are maintained on the people served by family law facilitators. The information acquired through research can be used to create innovative practices to better serve the public.

Background, Policy, and Services of the Child Support Commissioner and Family Law Facilitator Program (AB 1058)

Training

Child support staff at CFCC are actively engaged in training efforts to assist courts in administering and improving the child support commissioner and family law facilitator program. The following are examples of the available training opportunities.

Annual Statewide Training: Every fall, CFCC child support staff provide training for child support commissioners, family law facilitators, court administrators, accounting staff, court clerks, and paralegals working in the title IV-D program. Presentations by child support commissioners, family law facilitators, and CFCC program staff provide the judicial branch's perspective. Presenters also include other experts in federal and state child support law, such as judges, other court staff, private attorneys, and experts in related fields. The DCSS executive team presents at the plenary session. Topics of the training have included various substantive areas of child support law; Title IV-D of the Social Security Act, which governs child support enforcement; updates on developments in federal and state child support policy and procedures; strategies for interacting successfully with litigants who face substance-abuse, literacy, or language problems; effective case-processing practices; and meeting various accounting and reporting requirements.

Family Law Facilitator Midyear Training: This training is often provided for subject matter and policy updates and roundtable discussions.

Child Support Commissioner Roundtable in Conjunction With the CJER Family Law Institute: Each spring the Judicial Council, through the Center for Judicial Education and Research (CJER), organizes a family law institute to train family law judges and commissioners. The institute includes a segment coordinated by CFCC child support staff for child support commissioners' roundtable discussions.

Other Training and Education: CFCC child support staff provide numerous other training and educational opportunities throughout the year. For example, they offer training in substantive law and procedure for family law facilitators in conjunction with the DCSS/California Child Support Directors Advanced Attorney Trainings, training in alternative dispute resolution through the Straus Institute for Dispute Resolution at Pepperdine University School of Law, and distance training to local court program staff through the National Child Support Enforcement Association's Child Support Tele-Talks and various DCSS video broadcasts.

Please send any questions or requests for more information to the following e-mail box ab1058@jud.ca.gov