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Title 22@ Social Security

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Division 13@ Department of Child Support Services

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Chapter 5@ Review and Adjustment of Child Support Orders

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Section 115510@ Processing a Review for Adjustment of a Support Order - Request by a Party

## **115510 Processing a Review for Adjustment of a Support Order - Request by a Party**

### **(a)**

When the local child support agency becomes aware, during communication with a party to a child support order with a current support obligation, that a change in circumstance pursuant to Section 115520 appears to exist, the local child support agency shall ask if the party wants the local child support agency to review the case and, if appropriate pursuant to Section 115535, seek an adjustment. The local child support agency shall: (1) Immediately make a verbal inquiry if the local child support agency becomes aware of an apparent change in circumstance during verbal communication with a party. (2) Make a verbal or written inquiry within 15 business days of becoming aware of an apparent change in circumstance by written communication from a party.

#### **(1)**

Immediately make a verbal inquiry if the local child support agency becomes aware of an apparent change in circumstance during verbal communication with a party.

#### **(2)**

Make a verbal or written inquiry within 15 business days of becoming aware of an apparent change in circumstance by written communication from a party.

### **(b)**

Within 180 days from the date of a request for review for adjustment; or the date a

non-requesting party has been located, whichever is later, the local child support agency shall conduct a review of the order and obtain an adjusted order or determine that the order should not be adjusted. The date of receipt of the request is the date the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency.

**(c)**

A local child support agency may, but is not required, to review a case for adjustment if the case has been reviewed for adjustment within the last six months and nothing has changed. If the local child support agency exercises its discretion not to review a case based upon this subsection, the local child support agency shall terminate the review and adjustment process in accordance with Section 115545(c).

**(d)**

Intergovernmental cases shall be handled pursuant to Title 22 California Code of Regulations, Section 117300.

**(e)**

Within 15 business days of receiving an oral or written request for review for adjustment, the local child support agency shall: (1) Determine whether one of the following appears to exist: (A) A change in circumstance pursuant to Section 115520 is reasonably expected to last for more than three months. (B) The parties stipulated to a child support order below the amount established by the statewide uniform guideline. No change of circumstance need be demonstrated to obtain an adjustment of the child support order to the applicable guideline level or above. (C) A request is based upon the need to include a provision for medical support in the child support order. (2) Terminate the review and adjustment process in

accordance with Section 115545(c) if none of the three situations set forth in Section 115510(e)(1) appears to exist. (3) Proceed pursuant to 22 California Code of Regulations, Section 116114 if a request is based upon the need to include a provision for medical support in the child support order. (4) Take the following actions if a change in circumstance appears to exist pursuant to Section 115520 and is reasonably expected to last for more than three months, or the parties stipulated to a child support order below the amount established by statewide uniform guideline: (A) Determine whether the non-requesting party's location is known. (B) Determine whether a requesting party, who is a non-custodial parent, has multiple cases within the county. If so, the local child support agency shall proceed pursuant to Section 115510(e)(6)(E). (5) Follow the procedure set forth in Section 115550 if the location of a non-requesting party is unknown. (6) Provide to all parties, on the same date, by mail or personal delivery, the appropriate income and expense Judicial Council forms and/or a written notice as follows if the non-requesting party's location is known: (A) A requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include the following information: (i) The requesting party's current and complete income and expense Judicial Council forms, and requested documents are required to process the request for review for adjustment. (ii) No action will be taken by the local child support agency until the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency. (iii) The requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency terminating the review and adjustment process. (iv) The date of

receipt of the request for review for adjustment is the date the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency. (B) A requesting party, who is not a parent, shall be provided with a written notice. The written notice shall include the following information: (i) An acknowledgment of receipt of the request for review for adjustment. (ii) The local child support agency's request that the requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice. (C) A non-requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include all of the following information: (i) A request for a review for adjustment has been made by another party. (ii) The local child support agency requests that the non-requesting party provide his or her current and complete income and expense Judicial Council forms and requested documents. (iii) The non-requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency proceeding with the review for adjustment based upon the information provided by the other party and/or other verified information obtained by the local child support agency. (D) A non-requesting party, who is not a parent, shall be provided with a written notice. The written notice shall include the following information: (i) A request for a review for adjustment has been made by another party. (ii) The local child support agency's request that the non-requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice. (E) When a requesting party is a non-custodial parent who has multiple cases with the local child support agency,

the local child support agency shall: (i) Provide the forms and notice as discussed in Section 115510(e)(6)(A) to the requesting party and add a provision to the notice which states that a request for review for adjustment will be construed as a request for review of all of the party's cases within the county. (ii) Process each of the custodial parties' cases collectively, if possible. If the location of a non-requesting party is unknown, the local child support agency shall follow the procedure set forth in Section 115550 for that particular non-requesting party. If the location of a non-requesting party is known, the local child support agency shall continue to process the request for review for adjustment by providing the forms and/or written notices to the non-requesting party as set forth in Section 115510(e)(6)(C) and (D).

**(1)**

Determine whether one of the following appears to exist: (A) A change in circumstance pursuant to Section 115520 is reasonably expected to last for more than three months. (B) The parties stipulated to a child support order below the amount established by the statewide uniform guideline. No change of circumstance need be demonstrated to obtain an adjustment of the child support order to the applicable guideline level or above. (C) A request is based upon the need to include a provision for medical support in the child support order.

**(A)**

A change in circumstance pursuant to Section 115520 is reasonably expected to last for more than three months.

**(B)**

The parties stipulated to a child support order below the amount established by the statewide uniform guideline. No change of circumstance need be demonstrated to obtain an adjustment of the child support order to the applicable guideline level or above.

**(C)**

A request is based upon the need to include a provision for medical support in the child support order.

**(2)**

Terminate the review and adjustment process in accordance with Section 115545(c) if none of the three situations set forth in Section 115510(e)(1) appears to exist.

**(3)**

Proceed pursuant to 22 California Code of Regulations, Section 116114 if a request is based upon the need to include a provision for medical support in the child support order.

**(4)**

Take the following actions if a change in circumstance appears to exist pursuant to Section 115520 and is reasonably expected to last for more than three months, or the parties stipulated to a child support order below the amount established by statewide uniform guideline: (A) Determine whether the non-requesting party's location is known. (B) Determine whether a requesting party, who is a non-custodial parent, has multiple cases within the county. If so, the local child support agency shall proceed pursuant to Section 115510(e)(6)(E).

**(A)**

Determine whether the non-requesting party's location is known.

**(B)**

Determine whether a requesting party, who is a non-custodial parent, has multiple cases within the county. If so, the local child support agency shall proceed pursuant to Section 115510(e)(6)(E).

**(5)**

Follow the procedure set forth in Section 115550 if the location of a non-requesting party is unknown.

**(6)**

Provide to all parties, on the same date, by mail or personal delivery, the appropriate income and expense Judicial Council forms and/or a written notice as follows if the non-requesting party's location is known: (A) A requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include the following information: (i) The requesting party's current and complete income and expense Judicial Council forms, and requested documents are required to process the request for review for adjustment. (ii) No action will be taken by the local child support agency until the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency. (iii) The requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency terminating the review and adjustment process. (iv) The date of receipt of the request for review for adjustment is the date the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency. (B) A requesting party, who is not a parent, shall be provided with a written notice. The written notice shall include the following information: (i) An acknowledgment of receipt of the request for review for adjustment. (ii) The local child support agency's request that the requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice. (C) A non-requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include all of the following information: (i) A request for a review for adjustment has been made by another party. (ii) The local child support agency requests that the non-requesting party

provide his or her current and complete income and expense Judicial Council forms and requested documents. (iii) The non-requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency proceeding with the review for adjustment based upon the information provided by the other party and/or other verified information obtained by the local child support agency. (D) A non-requesting party, who is not a parent, shall be provided with a written notice. The written notice shall include the following information: (i) A request for a review for adjustment has been made by another party. (ii) The local child support agency's request that the non-requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice. (E) When a requesting party is a non-custodial parent who has multiple cases with the local child support agency, the local child support agency shall: (i) Provide the forms and notice as discussed in Section 115510(e)(6)(A) to the requesting party and add a provision to the notice which states that a request for review for adjustment will be construed as a request for review of all of the party's cases within the county. (ii) Process each of the custodial parties' cases collectively, if possible. If the location of a non-requesting party is unknown, the local child support agency shall follow the procedure set forth in Section 115550 for that particular non-requesting party. If the location of a non-requesting party is known, the local child support agency shall continue to process the request for review for adjustment by providing the forms and/or written notices to the non-requesting party as set forth in Section 115510(e)(6)(C) and (D).

**(A)**

A requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include the following information: (i) The requesting party's current and complete income and expense



Judicial Council forms, and requested documents are required to process the request for review for adjustment. (ii) No action will be taken by the local child support agency until the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency. (iii) The requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency terminating the review and adjustment process. (iv) The date of receipt of the request for review for adjustment is the date the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency.

**(i)**

The requesting party's current and complete income and expense Judicial Council forms, and requested documents are required to process the request for review for adjustment.

**(ii)**

No action will be taken by the local child support agency until the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency.

**(iii)**

The requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency terminating the review and adjustment process.

**(iv)**

The date of receipt of the request for review for adjustment is the date the requesting party provides current and complete income and expense Judicial Council forms and requested documents to the local child support agency.

**(B)**

A requesting party, who is not a parent, shall be provided with a written notice. The written notice shall include the following information: (i) An acknowledgment of receipt of the request for review for adjustment. (ii) The local child support agency's request that the requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice.

**(i)**

An acknowledgment of receipt of the request for review for adjustment.

**(ii)**

The local child support agency's request that the requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice.

**(C)**

A non-requesting party, who is a parent, shall be provided with the appropriate income and expense Judicial Council forms and a written notice. The written notice shall include all of the following information: (i) A request for a review for adjustment has been made by another party. (ii) The local child support agency requests that the non-requesting party provide his or her current and complete income and expense Judicial Council forms and requested documents. (iii) The non-requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency proceeding with the review for adjustment based upon the information provided by the other party and/or other verified information obtained by the local child support agency.

**(i)**

A request for a review for adjustment has been made by another party.

**(ii)**

The local child support agency requests that the non-requesting party provide his or her current and

complete income and expense Judicial Council forms and requested documents.

**(iii)**

The non-requesting party's failure to submit current and complete income and expense Judicial Council forms and requested documents to the local child support agency within 20 business days from the date of the notice will result in the local child support agency proceeding with the review for adjustment based upon the information provided by the other party and/or other verified information obtained by the local child support agency.

**(D)**

A non-requesting party, who is not a parent, shall be provided with a written notice. The written notice shall include the following information: (i) A request for a review for adjustment has been made by another party. (ii) The local child support agency's request that the non-requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice.

**(i)**

A request for a review for adjustment has been made by another party.

**(ii)**

The local child support agency's request that the non-requesting party provide information, which may affect a child support determination, within 20 business days of the date of the notice.

**(E)**

When a requesting party is a non-custodial parent who has multiple cases with the local child support agency, the local child support agency shall: (i) Provide the forms and notice as discussed in Section 115510(e)(6)(A) to the requesting party and add a provision to the notice which states that a request for review for adjustment will be construed as a request for review of all of the party's cases within the county. (ii) Process each of the custodial parties' cases collectively, if possible. If the location of a non-requesting party is unknown, the local child support agency shall follow the procedure set forth in Section 115550 for that particular

non-requesting party. If the location of a non-requesting party is known, the local child support agency shall continue to process the request for review for adjustment by providing the forms and/or written notices to the non-requesting party as set forth in Section 115510(e)(6)(C) and (D).

**(i)**

Provide the forms and notice as discussed in Section 115510(e)(6)(A) to the requesting party and add a provision to the notice which states that a request for review for adjustment will be construed as a request for review of all of the party's cases within the county.

**(ii)**

Process each of the custodial parties' cases collectively, if possible. If the location of a non-requesting party is unknown, the local child support agency shall follow the procedure set forth in Section 115550 for that particular non-requesting party. If the location of a non-requesting party is known, the local child support agency shall continue to process the request for review for adjustment by providing the forms and/or written notices to the non-requesting party as set forth in Section 115510(e)(6)(C) and (D).

**(f)**

Within 15 business days of receipt of the requesting party's income and expense Judicial Council forms and requested documents, the local child support agency shall review the requesting party's income and expense Judicial Council forms and requested documents for completeness and, if incomplete, notify the requesting party, verbally or in writing, of the following: (1) The requesting party's complete income and expense Judicial Council forms and requested documents are required before commencement of the review for adjustment. (2) The specific deficiencies of the income and expense forms and/or failure to submit the forms or requested documents. (3) Failure to correct the deficiencies within 35 business days of the date of the initial notice set forth in Section 115510(e)(6)(A) will result in the local

child support agency terminating the review and adjustment process.

**(1)**

The requesting party's complete income and expense Judicial Council forms and requested documents are required before commencement of the review for adjustment.

**(2)**

The specific deficiencies of the income and expense forms and/or failure to submit the forms or requested documents.

**(3)**

Failure to correct the deficiencies within 35 business days of the date of the initial notice set forth in Section 115510(e)(6)(A) will result in the local child support agency terminating the review and adjustment process.

**(g)**

Any alteration(s) to the requesting party's income and expense Judicial Council forms require the requesting party's signature prior to a hearing.

**(h)**

If the requesting party fails to correct the deficiencies within 35 business days of the date of the initial notice set forth in Section 115510(e)(6)(A), the local child support agency shall terminate the review and adjustment process pursuant to Section 115545(c).

**(i)**

If the requesting party completes and submits income and expense Judicial Council forms and requested documents, the local child support agency shall review for adjustment as set forth in Section 115535 using the following, if applicable: (1) The non-requesting party's complete and current income and expense Judicial Council forms and requested documents if the non-requesting party submitted such forms and requested documents within 20 business days of the date of the written

notices as set forth in Section 115510(e)(6). (2) The presumption as discussed in Section 115540 if the non-requesting party failed to submit current income and expense Judicial Council forms and requested documents within 20 business days of the date of the written notices as set forth in Section 115510(e)(6) and the presumption criteria is met. (3) The court findings pursuant to Family Code Section 4058(b). (4) The non-requesting party's current income and expense information contained within the case file and/or information obtained through automated locate tools and the Federal Case Registry.

**(1)**

The non-requesting party's complete and current income and expense Judicial Council forms and requested documents if the non-requesting party submitted such forms and requested documents within 20 business days of the date of the written notices as set forth in Section 115510(e)(6).

**(2)**

The presumption as discussed in Section 115540 if the non-requesting party failed to submit current income and expense Judicial Council forms and requested documents within 20 business days of the date of the written notices as set forth in Section 115510(e)(6) and the presumption criteria is met.

**(3)**

The court findings pursuant to Family Code Section 4058(b).

**(4)**

The non-requesting party's current income and expense information contained within the case file and/or information obtained through automated locate tools and the Federal Case Registry.