

SUPERIOR COURT OF CALIFORNIA • COUNTY OF TULARE

FOR COURT USE ONLY

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Visalia Courthouse
221 S. Mooney Blvd.
Visalia, CA 93291

South County Justice Center
300 E. Olive
Porterville, CA 93257

In Re The Matter of:

PETITIONER:

RESPONDENT:

OTHER PARTY/PARENT:

pa

Attorney (Petitioner):

Attorney (Respondent):

Attorney (Other Party/Parent/DCSS):

CASE NUMBER:

Department:

Judicial Officer:

Hearing Date:

FINDINGS AND ORDER

AFTER HEARING

1. The matter proceeded as follows: Uncontested By stipulation Contested.

2. Petitioner present Attorney present (name):
 Respondent present Attorney present (name):
 Other parent present Attorney present (name):
 Other: _____ Attorney present (name):

3. **Only items included in this document apply to this order. Numbers may not be sequential.**

All orders previously made in this action remain in full force and effect, except as specifically modified below.

4. **CHILD CUSTODY/VISITATION**

This court has jurisdiction to make child custody orders in this case pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (Family Code sections 3400 et seq.).

The responding party was afforded notice of the proceedings and an opportunity to be heard as provided by the laws of the State of California.

The country of habitual residence of the child/ren is the United States Other: _____.

Child abduction prevention orders are set forth in the Attachment.

A violation of this order may subject the party in violation to civil or criminal penalties, or both.

Name of child

Date of Birth

Name of child

Date of Birth

Legal Custody of the minor child/ren is awarded to Petitioner Respondent Other parent Both parents jointly.

Physical Custody of the minor child/ren is awarded to Petitioner Respondent Other parent Both parents jointly.

Visitation/Parenting Plan is as set forth in the Attachment.

5. **NEXT HEARING DATE**

The matter is set for Hearing on _____, 20____, at _____:____ a.m./p.m. as to the issues of: _____

6. **BASE CHILD SUPPORT**

- a. The parent ordered to pay support is the Petitioner Respondent Other Parent.
- b. Attached is a computer printout showing each parent's income and percentage of time each parent spends with the child/ren. The printout, which shows the calculation of child support payable, will become the court's findings.
- c. The parent ordered to pay support is the parent of and must pay current child support for the child/ren listed at item 4.
- d. The base child support obligation for the parent ordered to pay support is \$_____ per month, payable on the ____ day of each month Other: _____ beginning (date): _____, and continuing until further order of the court, or until the child/ren marries, dies, is emancipated, reaches age 19, or reaches age 18 and is not a full-time high school student, whichever occurs first.
- e. The total amount of base child support is apportioned among the minor children as follows: _____.
- f. The issue of child support shall be referred to the Tulare County Department of Child Support Services, for an investigation and report, to be mailed to the parties or his/her attorney prior to expiration of a 120 day period. The parties shall have 15 days after the mailing to object in writing to the Calendar Clerk, with a copy of the objection to the Department of Child Support Services. In the absence of such objection, the recommendation may be adopted as an order of the Court.

7. **STIPULATION TO NON-GUIDELINE CHILD SUPPORT ORDER**

The child support agreed to by the parents is below or above the statewide child support guideline. The amount of support that would have been ordered under the guideline is \$_____ per month. A copy of the guideline child support calculation is attached to this order. The parents have been fully informed of their rights concerning child support. No parent is acting out of duress or coercion. No parent is receiving public assistance and no application for public assistance is pending. The needs of the child/ren will be adequately met by this agreed-upon amount of child support. The agreement is in the child/ren's best interests. If the order is below the guideline, no change of circumstances will be required to modify this order. If the order is above the guideline, a change of circumstances will be required to modify this order.

8. **MANDATORY ADDITIONAL CHILD SUPPORT**

- a. The parent ordered to pay support must pay additional monthly support for child-care costs related to employment or reasonably necessary for job training as follows:
 one-half or _____% or (specify amount) \$_____ per month of the costs.
 Payments must be made to the parent receiving support State Disbursement Unit child-care provider. The parent receiving support is ordered to pay the remaining amount of these expenses.
- b. The parent ordered to pay support must pay reasonable uninsured or unreimbursed health-care costs for the child/ren, as follows:
 one-half or _____% or (specify amount) \$_____ per month of the costs. The parent receiving support is ordered to pay the remaining amount of these expenses.
 Payments must be made to the parent receiving support State Disbursement Unit health-care provider.

9. **CHILD SUPPORT SUSPENSION**

When a person who has been ordered to pay child support is in jail or prison or is involuntarily institutionalized for any period of more than 90 days in a row, the child support order is temporarily stopped. However, the child support order will not be stopped if the person who owes support has the financial ability to pay that support while in jail or prison or an institution. It will also not be stopped if the reason the person is in jail or prison or an institution is because the person did not pay court ordered child support or committed domestic violence against the supported person or child/ren. The child support order starts again on the first day of the month after the person is released from jail or prison or an institution.

10. **HEALTH-CARE EXPENSES/INSURANCE**

- a. The parent ordered to pay support The parent receiving support must provide and maintain health insurance coverage for the children if available at no or reasonable cost through his or her employment or self-employment (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child/ren). Both parents are ordered to cooperate in the presentation, collection, and reimbursement of any health-care claims. The parent ordered to provide health insurance must seek continuation of coverage for the child/ren after the child/ren attains the age when the child/ren is no longer considered eligible because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.
- b. Health insurance is not available to the Petitioner Respondent Other parent at a reasonable cost at this time.
- c. The parent providing coverage must assign the right of reimbursement to the other parent.
- d. The form *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order)* (Form FL-192) is attached.

11. **SPOUSAL/PARTNER/FAMILY SUPPORT**

- a. Attached is a computer printout showing each spouse's income. The printout, which shows the calculation of spousal/partner/family support payable, will become the court's findings.
- b. The Petitioner Respondent Other Party must pay to the other party as Temporary Spousal Support Partner Support Family Support \$_____ per month, beginning (date):_____ until further order of the court payable through (specify end date):_____.
- c. Support is payable on the (specify): _____ day of the month Other: _____.
- d. Petitioner Respondent Other Party is given a Gavron warning and is advised by the court that the recipient of spousal/partner support should make reasonable efforts to assist in providing for his or her support. Failure to do so may be considered by the court in future proceedings regarding spousal/partner support.
- e. The obligation to pay spousal or partner support is terminated upon the death of either party, the remarriage of the party receiving spousal support, or further order of the court.
- f. The issue of spousal partner family support for the Petitioner Respondent Other Party is reserved for later determination.
- g. The court terminates jurisdiction over the issue of spousal or partner support for the Petitioner Respondent, Other Party and the effective date of this order is: _____.
- h. The parties must promptly inform each other of any change of employment, including the employer's name, address, and telephone number.
- i. Any spousal or partner support ordered will continue until the death of either party, the remarriage of the party receiving support, or further order of the court.

12. **SUPPORT ARREARS**

- a. The parent ordered to pay support owes support arrears as of (date):_____.
- Child Support \$_____.
- Spousal Support \$_____.
- Family Support \$_____.
- Partner Support \$_____.
- Child-care costs \$_____. Health-care costs \$_____.
- Interest is not included and is not waived.
- Arrears are payable: \$_____ on the ____ day of each month beginning:_____, until paid in full.
- Interest accrues on the entire principal balance owing and not on each installment as it becomes due.
- b. No provision of this order may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

13. **INTEREST ON ALL UNPAID CHILD, SPOUSAL, PARTNER AND/OR FAMILY SUPPORT**

- a. **NOTICE: Any party required to pay child, spousal, partner, and/or family support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.**

14. **EARNINGS ASSIGNMENT/INCOME WITHHOLDING ORDER**

- a. An earnings assignment order will be issued upon request of the party entitled to receive support. NOTE: The payor of support is responsible for the payment of support directly to the recipient until the support payments are deducted from the payor's wages and for payment of any support not paid by the assignment order.

15. **ATTORNEY'S FEES**

- a. The Petitioner Respondent Other Party is ordered to pay pendente lite attorney's fees and costs in these legal proceedings in the amount of \$_____ in fees, and \$_____ in costs.
- Interest is not included and is not waived.
- b. The fees and costs must be paid to the Petitioner Respondent Other Party Attorney: _____.
- c. The payment schedule is as follows:
 - Due in full, on or before (date):_____.
 - Due in installments, with monthly payments of \$_____, due on the ____ day of each month, beginning (date):_____ until paid in full.
 - If any payment is not timely made and is more than ____ days overdue, the entire unpaid balance will immediately become due with interest at the legal rate, which is currently 10 percent per year, from the date of default to the date of payment.
 - No interest will accrue as long as payments are timely made.
 - Other:

16. **PROPERTY ORDERS**

a. The exclusive use, possession and control of the following property that the parties own or are buying is as set forth below:

Property Item

Possession to

- b. The Petitioner Respondent Other Party Party In Possession of each listed item is ordered to make and keep current any and all loan payments for said items, as well as any insurance or property tax payments owed on any items.
- c. These are temporary orders only. The court will make final orders at the time of Trial.
- d. The automatic temporary restraining orders listed in the Summons remain in effect until further order of the court.
- e. The court orders the sale of the items of property listed in the Attachment to Order, on the terms set forth in the Attachment to Order. The automatic temporary restraining orders listed in the Summons remain in effect as to all other assets and debts of the parties until further order of the court.

17. **RESTRAINING ORDERS**

If this order is attached to or made pursuant to a Restraining Order request, the custody, visitation and support orders issued in this order remain in effect after the restraining order ends.

18. **OTHER ORDERS**

- a. As set forth in the Attachment to Order.
- b. All documents attached hereto are incorporated into this order by reference.

19. The parties declare and agree to the following:
Each party declares under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Petitioner: _____

Attorney: _____

Respondent: _____

Attorney: _____

Other Parent/Party: _____

Attorney: _____

IT IS SO ORDERED:

JUDGE OF THE SUPERIOR COURT

DATE SIGNED

- John P. Bianco
- Nathan D. Ide
- Tara K. James
- Glade F. Roper
- _____

