# NOTICE TO ALL CUSTODIAL PARTIES AND NON-CUSTODIAL PARENTS DEPLOYING OUT-OF-STATE

ATTENTION: All recently activated National Guard Members and Military Reservists

with child support orders

SUBJECT: Opportunity to request a review and possible modification of your

support order prior to out-of-state deployment

Opportunity to request a lower interest rate on past-due child support

debts

## Review and Possible Modification of Child Support Orders

If you have a child support obligation, or are receiving child support payments for a child or children in your custody, and are being deployed out-of-state, you have an opportunity to request a review and possible modification of the child support order <a href="mailto:before">before</a> you deploy. If you will experience a change in income based on your call to active duty, your child support order may be modified accordingly.

If your support order is being enforced by a local child support agency (LCSA), complete a Notice of Deployment – Request for Review of Child Support Order (DCSS 0585). Attach a copy of your order of deployment, a copy of your Leave and Earnings Statement, an Income and Expense Declaration (FL-150), copies of your paycheck stubs for the last two months, your most recent W-2 forms, and any other required documentation. Submit the complete packet to the LCSA which is enforcing your support order. (See attached list of LCSA names, addresses, and telephone numbers.)

Within five (5) business days of receiving your request, the LCSA will review your case and, if appropriate for modification, file a motion with the court to modify the support order. Please note that the review may result in an upward modification, a downward modification, or no change to the child support order.

If your support order is not being enforced by an LCSA, complete a Notice of Activation of Military Service and Deployment and Request to Modify a Support Order (FL-398), attach the appropriate documentation, file the packet directly with the court, and serve the other party to the order. Instructions for completing the form, filing it with the court, and serving the other party, are included with the form.

If possible, the court will schedule a hearing on the matter prior to your date of deployment. If the court is unable to hear the matter prior to your deployment date, you have 90 days from the date you return from deployment to request that a hearing be scheduled or you will lose the right to change the support order retroactively. If your modification is approved, it will be effective on the date the FL-398 was served on the other party, or your date of deployment, whichever is later.

## Reduction of Interest Rate on Past-Due Child Support Debts

If your support order is being enforced by an LCSA, you may use a Notice of Deployment – Request for Review of Child Support Order (DCSS 0585) to request that the interest rate charged on any child support arrears that accrued prior to your deployment be reduced to six percent (6%) for the duration of your deployment in accordance with the Servicemembers Civil Relief Act. To be eligible for a reduction in interest rate, you must prove that your activation to military service has had a "material effect" on your ability to pay the usual interest rate of ten percent (10%). Submit the request to the LCSA which is enforcing your support order. (See attached list of LCSA names, addresses, and telephone numbers.)

If your support order is being enforced by an entity other than an LCSA, you must contact that entity in writing to request a reduction in the interest rate.

## For Assistance

For assistance with these processes, you may seek advice from the Judge Advocate General's Corps Legal Assistance Office, the Family Law Facilitator in your county, or the LCSA handling your case.

## Attachments:

- Notice of Deployment Request for Review of Child Support Order (DCSS 0585)
- Income and Expense Declaration (FL-150)
- Notice of Activation of Military Service and Deployment and Request to Modify a Support Order (FL-398)
- California Local Child Support Agencies Mailing Addresses and Telephone Numbers

## NOTICE OF DEPLOYMENT - REQUEST FOR REVIEW OF CHILD SUPPORT ORDER

DCSS 0585 (04/21/06)

**Note:** Use this form if you have a child support order currently being enforced by a local child support agency (IV-D case). If you have a child support order not being enforced by a local child support agency, use Judicial Council court form FL-398, Notice of Activation of Military Service and Deployment and Request to Modify a Support Order (available at www.courtinfo.ca.gov).

Please complete sections I through IV of this form. After completing, return the form and the appropriate attachments to the local child support agency that enforces your child support order. Do not submit this form directly to the court. See the attached list of local child support agencies for mailing addresses.

	•	,, ,			
SECTION	ON I - SERVICE MEMBER INFORMATION				
SERVIC	E MEMBER'S NAME (FIRST, MIDDLE,LAST,SUFFIX)	SOCIAL SECURITY NUMBER (* SEE PRIVACY NOTICE ON PAGE 2.)			
MAILING	G ADDRESS (STREET)	I			
CITY	STATE	ZIP CODE			
CITT	SIATE	Zii GGDE			
BRANCH	H OF SERVICE				
DATE O	FOUT-OF-STATE DEPLOYMENT (Attach a Copy of	the Order of Deployment.)			
IF ORDE	R OF DEPLOYMENT IS CLASSIFIED AND/OR UNAV	AILABLE, CHECK HERE.			
EXPECT Beginnin	ED DURATION OF ACTIVATION (Specify beginning g Date:  Ending Date:	and ending dates)			
SERVICE	MEMBER IS THE (Check one):	DN-CUSTODIAL PARENT CUSTODIAL PARTY			
SECTI	ON II - CHILD SUPPORT CASE INFORMAT	TION			
LOCAL	CHILD SUPPORT AGENCY (County name)	IV-D CASE NUMBER			
OTHER I	PARENT'S NAME (Other party to the Child Support of	Order)			
SECTION	ON III - ACTION BEING REQUESTED (Check	k all that apply. You must check at least one box.)			
I reque	est that the local child support agency:				
	Review my current child suport order for possible changes. I understand that reviewing my support order may result in an increase, a decrease, or no change to the child support order.				
	Reduce the interest rate on past-due child support that accrued prior to my deployment to six percent (6%) during my deployment, in accordance with the Servicemembers Civil Relief Act. I understand that to receive this reduction, my activation and deployment must have had a material effect on my ability to pay the usual interest rate of ten percent (10%).				
SECTI	ON IV - EMPLOYER INFORMATION				
EMPLOY	ER'S NAME				
MAILING	ADDRESS (STREET)				
CITY	STATE	ZIP CODE			
MY CUI	RRENT (Pre-Deployment) SALARY IS:				
MY MIL \$	TARY (After Deployment) SALARY IS:				

Check all that apply (You must check at least one box):					
While I am deployed, my employer will supplement my military pay (specify amount per month and attach proof):  \$					
While I am deployed, my employer will not supplement my military pay. I will only have military pay in the amount stated on my attached Income and Expense Declaration form (FL-150).					
I do not know if my employer will supplement my military pay.					
While I am deployed, I will have other income in addition to my military pay (specify amount per month, source of income and attach proof. If additional space is needed below, include necessary attachments).					
Amount: \$ Source:					
Notice					
If a modification is ordered, the new court order will become effective on the date this form is served on the opposing party or the date of deployment, whichever is later, unless the court determines there is good cause to do otherwise.					
The deployed person must immediately notify the local child support agency and the other party to the child support order when h or she returns from deployment. If the court was not able to hear the modification request before the deployment date, the servic member must bring any unresolved request to a hearing within 90 days of return or lose the right to change the support order as requested here.					
SECTION V - CERTIFICATION					
I certify that:					
<ul> <li>I have attached a completed Income and Expense Declaration form (FL-150), a copy of my Leave and Earnings Statement, copies of my paycheck stubs for the last two months, and my most recent W-2 forms.</li> </ul>					
<ul> <li>I have included documentation of my active duty status.</li> </ul>					
<ul> <li>If, after submitting this document, I learn that my employer will supplement my military pay, I will immediately inform the local child support agency.</li> </ul>					
<ul> <li>When I return from active duty, I will immediately notify the local child support agency and the other party to the child support order.</li> </ul>					
<ul> <li>I understand that I cannot use this form to request a change of a spousal support order. If I wish to request a change of a spousal support order, I must use form FL-398, Notice of Activation of Military Service and Deployment and Request to Modify a Court Order and apply directly to the court.</li> </ul>					
• If the local child support agency determines that I am eligible to receive a modification of my child support order, but the court is not able to hear the matter prior to my out-of-state deployment, I waive my right to personal appearance and authorize the local child support agency to proceed on my behalf. This request does not constitute a waiver of my right to a stay or rehearing of this matter under the Servicemembers Civil Relief Act.					
(Signature) (Print Name) (Date)					
SECTION VI - SUBSTITUTE MAILING ADDRESS					
If the court is unable to hear this matter prior to my deployment date, send notice of the final results of this request to:					
NAME (FIRST, MIDDLE, LAST, SUFFIX)					
MAILING ADDRESS (STREET)					
CITY STATE ZIP CODE					

## **Privacy Notice**

The Information Practices Act of 1977 (Civil Code Section 1798.17) and the Federal Privacy Act of 1974 (Title 5, United States Code Section 552a(e)(3), Section 7 Note) require that this notice be provided when collecting personal information and social security numbers from individuals. Information requested on this form is used by the Department of Child Support Services and local child support agencies for the purposes of identification and for the processing of the request to modify child support orders. Personal information may be shared with the other parent, state and federal child support agencies, courts and entities providing services to such agencies. It is mandatory to furnish all information requested on this form. Failure to provide the mandatory information may result in the requested action not being processed.

The agency official responsible for maintenance of the forms is the local child support agency handling the child support case. Legal references authorizing solicitation and maintenance of this personal information include Title 42, United States Code Section 666(a)(13)(B), as well as Family Code Sections 17440 and 17212. Copies of the form are maintained in confidential files of the Department of Child Support Services or local child support agencies for 4 years and 4 months after the closure of your child support case. The filers of the form have the right of access to their forms upon request by calling the local child support agency.

DCSS 0585 (04/21/06) Page 2 of 2

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and Address):	TELEPHONE NO.:	FOR COURT USE ONLY				
TELEPHONE NO.: E-MAIL ADDRESS (Optional):						
ATTORNEY FOR (Name):						
SUPERIOR COURT OF CALIFORNIA, COUNTY OF						
STREET ADDRESS:						
MAILING ADDRESS:						
CITY AND ZIP CODE						
BRANCH NAM E:						
PETITIONER/PLAINTIFF:						
DEODONDENT/DEEENDANE						
RESPONDENT/DEFENDANT:						
OTHER PARENT/CLAIMANT:						
	CA	SE NUMBER:				
INCOME AND EXPENSE DECLARATION	CA	SE NUMBER.				
1. Employment Give information on your current job or, if you're un	nemployed, your most i	recent job.				
a. Employer:						
Attach copies of your pay b. Employer's address:						
stubs for last   c. Employer's phone number:						
two months d. Occupation:						
here (black e. Date job started:						
out social f. If unemployed, date job ended:						
security g. I work about hours per week.						
h. I get paid \$ gross (before taxes)	per month	per week per hour.				
(If you have more than one job, attach an $8\frac{1}{2}$ -by-11-inch sheet of	paper and list the sa	me information as above for your other				
jobs. Write "Question 1- Other Jobs" at the top.)		•				
2. Age and Education						
a. My age is (specify):						
b. I have completed high school or the equivalent Yes No If no, highest grade completed (specify):						
c. Number of years of college completed (specify): Degree(s) obtained (specify):						
	d. Number of years of graduate school completed (specify): Degree(s) obtained (specify):					
e. I have: professional/occupational license(s) (specify):						
vocational training (specify):						
3. Tax information						
a. I last filed taxes for tax year (specify year).						
b. My tax filing status is single head of hou	sehold ma	arried, filing separately.				
married, filing jointly with (specify name):						
c. I file state tax returns in California oth	ner (specify state):					
d. I claim the following number of exemptions (including myself						
4. Other party's income. I estimate the gross monthly income (befo	re taxes) of the other p	party in this case at (specify): \$				
This estimate is based on (explain):						
(If you need more space to answer any questions on this form, at	tach an 8½- by-11-inch	n sheet of paper and write the				
question number before your answer.)						
5. Number of pages attached:						
I declare under penalty of perjury under the laws of the State of California any attachments is true and correct.	ornia that the information	on contained on all pages of this form and				
Date:						
•	•					
(TYPE OR PRINT NAME)	(SI	GNATURE OF DECLARANT)				

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER	
OTHER PARENT/CLAIMANT:  Attach copies of your pay stubs for the last two months and proof of any other income and proof of any other income at the court latest federal tax return to the court hearing. (Black out your social security in the court hearing).	ome to the first page. Take a co number on the pay stub and tax n	opy of eturn.)
<ol> <li>Income (For average monthly, add up all the income you received in each category in the divide the total by 12.)</li> </ol>	• •	Average monthly
a. Salary or wages (gross, before taxes)		
b. Overtime (gross, before taxes)	\$	
c. Commissions or bonuses	· · · · · · · \$	
d. Public assistance (for example, TANF, SSI, GA/GR) currently receiving.	\$	
e. Spousal support from this marriage from a different marriage	· · · · · · · · \$	
f. Partner support from this domestic partnership from a different dome	stic partnership \$	-
g. Pension/retirement fund payments	· · · · · · · · · · \$	-
h. Social security retirement (not SSI)	· · · · · · · · · \$	
i. Disability: Social security (not SSI) State disability (SDI) Pr	ivate insurance . \$	
j. Unemployment compensation	\$	
k. Workers' compensation		
I. Other (military BAQ, royalty payments, etc.) (specify):	· · · · · · · · · \$	
6. <b>Investment Income</b> (Attach a schedule showing gross receipts less cash expenses		
a. Dividends/interest	·	
b. Rental property income		
c. Trust Income		
d. Other (specify):	· · · · · · · · · \$	-
7. Income from self-employment, after business expenses for all businesses I am the owner/sole proprietor business partner other (specify): Number of years in this business (specify): Name of business (specify): Type of business (specify):	<b>*</b>	
Attach a profit and loss statement for the last two years or a schedule C from y social security number. If more than one business, provide the information abo 8. Additional income. I received one-time money (lottery winnings, inheritance, amount):	ve for each of your businesses.	
9. Change in income. My financial situation has changed significantly over the	ast 12 months because (specify):	
10. Deductions	0	Last month
a. Required union dues		
b. Required retirement payments (not social security, FICA, 401k or IRA)		
c. Medical, hospital, dental, and other health insurance premiums (total monthly amount of Child support that I pay for my other children from another relationship		
d. Child support that I pay by court order from a different marriage.		
<ul><li>e. Spousal support that I pay by court order from a different marriage</li><li>f. Partner support that I pay by court order from a different domestic partnership</li></ul>		
	парын чинэнин гиу ) Ф	Total
11. Assets <ul> <li>a. Cash and checking accounts, savings, credit union, money market, and other depo</li> </ul>	sit accounts \$	
b. Stocks, bonds, and other assets I could easily sell		
c. All other property, real and personal (estimate fair market value mir	ius trie debts you owe)	

	PETITIONER/PLAINTIFF:					CASE NUMBER:		
	RESPONDENT/DEFENDANT:							
	OTHER PARENT/CLAIMANT:  The following people live with me:							
		A = = =	How the pers		That pers	son's gross	Pays some of	the
-	Name	Age	related to me	? (ex: son)	monthly	income	household exp	
	a.						Yes Yes	No No
	b. c.						Yes	No
	d.						Yes	No
	e.						Yes	No
13.	Average monthly expenses	Estimated	dexpenses	Act	ual expens	ses Prop	osed needs	
	a. Home:			h. Laund	ry and cle	aning	\$	
	(1) Rent or mortgage:	age \$		i. Clothe	s		\$	
	(a) average principal: \$						•	
	(b) average interest: \$			j. Educa	tion		\$	
	(2) Real property taxes	\$ <u> </u>		k. Entert	ainment, g	jifts and vacation	ı \$ <u> </u>	
	(3) Homeowner's or renter's insura (if not included above)	nce \$		I. Auto e (insura	expenses a ance, gas,	and transportatio repairs, bus, etc	n :.) \$	
	(4) Maintenance and repair	\$		m Ingurance (life accident etc.; do not				
	b. Health-care costs not paid by insurance \$			n. Savings and investments \$				
c. Child care				o. Charitable contributions \$				
d. Groceries and household supplies \$			p. Monthly payments listed in item 14 - (itemize below in 14 and insert total here)\$					
e. Eating out								
· · · · · · · · · · · · · · · · · · ·								
	-			r. TOTAL EX PENSES (a-q) (do not add in the amounts in (1)(a) and (b))				
g. Telephone, cell phone, and e-mail \$								
s. Amount of expenses paid by others \$14. Installment payments and debts not listed above								
	Paid to: For	•••		Amo	ount	Balance	Date of las	st payment
				\$		\$		
				\$		\$		
				\$		\$		
				\$		\$		
				\$		\$		
15.	This form does does nOTE: If the form does contain such in Ex Parte Application and Order to Sea	nformation, y	ou may ask th	ne court to		ormation about, ocument by com		
16.	<ul> <li>6. Attorney fees (This is required if either party is requesting attorney fees.): \$</li> <li>a. To date, I have paid my attorney this amount for fees and costs: \$</li> <li>b. The source of this money was (specify):</li> </ul>							
	c. I still owe the following fees and costs to my attorney (specify total owed): \$							
	d. My attorney's hourly rate is (specify): \$							
	I confirm this fee arrangement.  Date:							
	(TYPE OR PRINT NAME OF ATTORI	NEY)		<del></del>		(SIGNATURE OF AT	TTORNEY)	

	PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/CLAIMANT:	CASE NUMBER				
	CHILD SUPPORT IN (NOTE: Fill out this page only if you					
17.	Number of children					
	a. I have (specify number): children under the age of 18 with the other parent in this case.					
	b. The children spend percent of their time with me and	percent of their time with the	•			
	(If you're not sure about percentage or it's not been agreed on	please describe your parenting schedu	le here.)			
18.	18. Children's health-care expenses a. I do I do not have health insurance available to me for the children through my job. b. Name of insurance company: c. Address of insurance company:					
	d. The monthly cost for the <b>children's</b> health insurance is or would be (specify): \$ (Do not include the amount your employer pays.)					
19.	Additional expenses for the children in this case	Amount per month				
	a. Child care so I can work or get job training	\$				
	b. Children's health care not covered by insurance	\$				
	c. Travel expenses for visitation	\$				
	d. Children's educational or other special needs (specify below).	\$				
20.	Special hardships. I ask the court to consider the following special (attach documentation of any item listed here, including court order a. Extraordinary health expenses not included in 19b	rs): Amount per month	For how many months?			

The expenses listed in a, b and c create an extreme financial hardship because (explain):

21. Other information I want the court to know concerning support in my case (specify):

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (Under Family Code, §§ 17400 and 17406): (Name, State Bar number, and address)	FOR COURT USE ONLY			
TELEPHONE NO.: ( ) - FAX NO. (Optional): ( ) -				
E-MAIL ADDRESS (optional): ATTORNEY FOR (Name):				
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS:				
MAILING ADDRESS:				
CITY AND ZIP CODE: BRANCH NAME:				
PETITIONER/PLAINTIFF:				
RESPONDENT/DEFENDANT:				
OTHER PARENT:				
NOTICE OF ACTIVATION OF MILITARY SERVICE AND DEPLOYMENT	CASE NUMBER:			
AND REQUEST TO MODIFY A SUPPORT ORDER				
1. TO (name):				
2. A hearing on this request will be held as follows:				
a. Date: Time: Dept.:	Rm.:			
b. Address of court same as noted above other (specify):				
ORDER SHORTENING TIME				
3. Time for service hearing is shortened. Service must be on or before (date):				
4. Any responsive declaration must be served on or before (date):				
Date:				
	(JUDICIAL OFFICER)			
NOTICE				
If you are requesting modification of spousal support or family support, you MUST use this	s form.			
If the court grants this Request, the new court order will become effective on the date this form was served, or on the date of deployment, whichever is later in time, unless the court determines there is good cause to do otherwise.				
The deployed person <b>MUST</b> immediately notify the court and all parties when he or she returns from deployment. If the court was not able to hear the modification request before the deployment date, the service member <b>MUST</b> ask the court to bring any unresolved modification request to a hearing within 90 days of return or lose the right to change the support order as requested here.				



#### Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the trial. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Order (form MC-410). (Civil Code, §54.8)

## NOTICE FOR CASES INVOLVING A LOCAL CHILD SUPPORT AGENCY

This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, before the hearing, you or any other party objects to the commissioner acting as a temporary judge. The court commissioner may still hear your case to make findings and a recommended order. If you do not like the recommended order, you must object to it within 10 court days; otherwise, the recommended order will become a final order of the court. If you object to the recommended order, a judge will make a temporary order and set a new hearing.

Page 1 of 5

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT	
OTHER PARENT:	
5. I am requesting the court to change the existing	
a. child support spousal support family support	order made under the case number
above to an amount based on my income while deployed.	
b. earnings assignment order to state the new support amount if the request in item 5a is	s granted.
c. This support is payable by	
petitioner/plaintiff respondent/defendant other pare	nt.
6. This request is based on:	
a petitioner's/plaintiff's respondent's/defendant's other pare	, , ,
<ul> <li>completed attached Financial Statement (Simplified) (form FL-155) or completed Incomform FL-150)</li> </ul>	•
c the attached service member's Notice of Deployment that has been submitted to (Attach this form if the local child support agency is involved.)	the local child support agency
7. Additional required information	
a. service member's out-of-state deployment date is (specify date and attach a copy of the	he order of deployment):
b. service member's duration of activation is (specify beginning and end dates):	
8. A blank Responsive Declaration to Order to Show Cause or Notice of Motion (form FL-320) (Simplified) (form FL-155) or a <b>blank</b> Income and Expense Declaration (form FL-150) will be	and a <b>blank</b> <i>Financial Statement</i> eserved with the moving papers.
9. Check all that apply (you must check at least one box):	
a. While the service member is deployed, his or her employer will supplement the month and attach proof): \$	nilitary pay (specify amount per
b. While the service member is deployed, his or her employer will not supplement the	he military pay, and the service
member will only have military pay in the amount stated on the attached <i>Financia</i>	
FL-155) or <i>Income and Expense Declaration</i> (form FL-150).  c. It is unknown whether the service member's employer will supplement the milita	iry nav
d. While deployed, the service member will have other income (specify amount per	• • •
attach proof): \$	
O. The other party and the service member have previously agreed that spousal suppor (attach a copy of the agreement.)	rt cannot be modified or terminated
1. The facts in support of this request are (specify):	
Contained in an attached declaration.	
2. Send notice of the hearing to the service member at (specify address):	
3. I will be deployed out of state at the time of the hearing. I waive appearing in personal state at the time of the hearing.	on at the court hearing. I ask the court
to go forward with the hearing to decide if the support will be temporarily modified	until I can appear in person. This
request is not a waiver of my right to a stay or rehearing of the matter under the Se (This waiver is only valid if the service member signs below.)	ervicemembers Civil Relief Act (SCRA).
( · · · · · · , · · · · · · · · · · · ·	
4. Number of pages attached:	
I declare under penalty of perjury under the laws of the State of California that the foregoing is	true and correct.
Date:	
(TYPE OR PRINT NAME)	(SIGNATURE)

# INFORMATION SHEET FOR COMPLETING AND RESPONDING TO NOTICE OF ACTIVATION OF MILITARY SERVICE AND DEPLOYMENT AND REQUEST TO MODIFY A SUPPORT ORDER

#### If you are the person requesting that the support order be changed:

Please follow these instructions to complete the *Notice of Activation of Military Service and Deployment and Request to Modify a Support Order* if you do not have an attorney to represent you. This form is intended to be used by a service member to ask the court to modify support based on his or her military activation and out-of-state deployment. If you have an attorney, he or she should complete this form. If you would like the local child support agency to assist you, fill out a *Notice of Deployment* and submit it to the local child support agency. They will prepare a request for modification, and you will not need to appear if you are already deployed. The local child support agency must attach the *Notice of Deployment* to form FL-398 to show the court that the service member has authorized the agency to act on his or her behalf. You can obtain a *Notice of Deployment* from any local child support agency. Please note that the child support agency cannot provide services for a modification of spousal support.

You may also ask to appear by telephone. See rule 5.324 of the California Rules of Court, and form FL-679 Request for Telephone Appearance (Governmental). If you are in the military, you may also ask for the assistance of a JAG (Judge Advocate General) officer.

In addition to the modification procedures contained in the *Notice of Activation of Military Service and Deployment and Request to Modify a Support Order*, a service member who has been activated may be eligible for a modification based on a change in circumstances, specifically a change in income due to military activation. To request a modification of support for reasons other than out-of-state deployment, see FL-391 *Information Sheet--Simplified Way to Change Child, Spousal, or Family Support* for what forms to use and instructions. The service member may also have certain protections provided by the Servicemembers Civil Relief Act (SCRA). Please note that a modification of support cannot be effective any earlier than the filing with the court of the request to modify support.

When you have completed this form, file the original and attachments with the court clerk. The address of the court clerk is listed in the telephone directory under "County Government Offices." Keep two copies of the filed Notice of Activation of Military Service and Deployment and Request to Modify a Support Order form and its attachments. Serve one copy as well as a blank Responsive Declaration to Order to Show Cause or Notice of Motion (form FL-320) and blank Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155) on the other party. If the local child support agency is involved, serve it too. Keep another copy for your records. (See Information Sheet for Service of Process, form FL-611, Proof of

# INSTRUCTIONS FOR COMPLETING THE NOTICE OF ACTIVATION OF MILITARY SERVICE AND DEPLOYMENT AND REQUEST TO MODIFY A SUPPORT ORDER (TYPE OR PRINT FORM IN BLACK INK):

Front page, first box, top of form, left side: Print your name, address, telephone number, and fax number or e-mail address in this box if they are not already there.

<u>Front page, second box, left side</u>: Print your county's name and the court's address in the box. Use the same address for the court that is on your most recent support order or judgment. If you do not have a copy of your most recent support order or judgment, you can get one from either the court clerk or the local child support agency.

<u>Front page, third box, left side</u>: Print the names of the Petitioner/Plaintiff, Respondent/Defendant and Other Parent in this box. Use the same names listed on your most recent support order or judgment. If no name is listed for the other parent, leave that line blank.

Front page, first box, top of form, right side: Leave this box blank for the court's use.

Front page, second box, right side: Print your case number in this box. Use the same number that is listed on your most recent support order or judgment.

#### Page 1, items 1 through 4:

- 1. Insert the name of the person(s) other than you. Include the local child support agency if they are involved in your case.
- a. You must contact the court clerk's office to get information on obtaining a hearing date for this request. The court clerk will give
  you the information you need to complete this section. The hearing date must be written on the copies of the pages served on
  the other party.
  - b. Check the first box if the address of the court where the hearing will be held is the same as the one you put at the top of the request. Check the second box if the address of the court where the hearing will be held is different from the one you put at the top of the notice. Print the different court address in the space.
- 3-4. If you need to have the court hear your case in less than the statutorily required time, you can ask the court for an order shortening time. If you need assistance, contact the court's family law facilitator in your county or go to www.courtinfo.ca.gov/selfhelp/.

- 5. a. Check the box for the type of support order that you are asking to have changed.
  - b. If the person who pays support is in the military, and the support order is changed and the court issues a new earnings assignment order to show the new support amount, the new earnings assignment order must be served on one of the following finance centers. If the service member is in the Army, Navy, Air Force or Marines, it must be served on: DFAS Cleveland Center, DFAS-DGI/CL, P.O. Box 998002, Cleveland, OH 44199-8002. If the service member is in the Coast Guard, the new earnings assignment order must be served on: Commanding Officer (LGL), U.S. Coast Guard Pay and Personnel Center, Federal Building, 444 SE Quincy Street, Topeka, KS 66683-3591
  - c. Check the box that correctly describes the person who is paying the support.
- 6. a. Check the box to show who is being deployed by the military.
  - b. Fill out the *Financial Statement (Simplified)* (form FL-155), if you are allowed to use the form. See the instructions on the back side of the form to see if you qualify. If you are not allowed to use the *Financial Statement (Simplified)* (form FL-155), fill out the *Income and Expense Declaration* (form FL-150). You must attach copies of your most recent W-2 forms and paycheck stubs for the last two months to the *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150). If you are requesting a modification of spousal support, you must fill out the *Income and Expense Declaration* (form FL-150).
    - A service member must include his or her Basic Pay, Basic Allowance for Subsistence, Basic Allowance for Quarters benefits (BAQ), and any other non-taxable entitlements in the income section of the *Income and Expense Declaration* (form FL-150). Attach a copy of the Leave and Earnings Statement (LES) from the last two months, if available.
  - c. Check this box if you are in the military and are asking the local child support agency to seek a modification of support while you are deployed out-of-state. You must attach a completed copy of the Notice of Deployment form provided to you by the local child support agency.
- 7. a. Print the date that the service member was first deployed out of state or the expected date of deployment if he or she has not yet been deployed, and attach a copy of the order of deployment.
  - b. Print the dates showing the duration of the service member's activation, listing both the beginning date and the end date.
- 8. Include a blank Responsive Declaration to Order to Show Cause or Notice of Motion (form FL-320) in the papers you serve on the other party. Also include a blank Financial Statement (Simplified) (form FL-155) or a blank Income and Expense Declaration (form FL-150).
- 9. a. Check the box if the employer will supplement military pay while the person is deployed; specify monthly amount and attach proof (such as a letter from the employer).
  - b. Check the box if the employer will not supplement military pay during the deployment, and the service member will only have military pay in the amount stated on the attached *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).
  - c. Check the box if it is unknown whether the service member's employer will supplement the military pay.
  - d. Check the box if there will be other income (such as rental income); specify the monthly amount and attach proof. You will also need to indicate any investment or other income on the *Income and Expense Declaration* (form FL-150). If you have rental property income you will need to include a schedule showing gross receipts less cash expenses. See form FL-150 for specific instructions on other attachments that may be needed if you have investment or business income.
- 10. Check the box if you and the other party have previously agreed that spousal support cannot be modified or terminated. Attach a copy of your agreement.
- 11. Tell the court about any other information that supports your request. If you need additional space, you may attach pages.
- 12. List the service member's APO address or a local address where the service member will receive timely notice of the court proceedings.
- 13. If you will be deployed out of state and unavailable to appear at the time of the hearing, you may sign this waiver and ask the court to hold the hearing without you. The court may or may not grant your request. If you check this box, you must sign the bottom of page 2 of the form and make sure that it is fully and accurately completed and has all necessary attachments. You may also have certain protections provided by the Servicemembers Civil Relief Act (SCRA). You may ask for the assistance of a JAG (Judge Advocate General) officer.
- 14. Put the number of pages attached.

You must date the request, print your name, and sign the form under penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

For instructions on how to complete the *Proof of Service*, see *Information Sheet for Service of Process* (form FL-611). The person who serves the request and its attachments must fill out the *Proof of Service* form. **You cannot serve your own request.** 

### If you are the person receiving the request that the support order be changed:

You will need to file a response and go to the hearing unless a written agreement is reached and signed by the court before the hearing.

- Complete the Responsive Declaration to Order to Show Cause or Notice of Motion (form FL-320). If a blank Responsive Declaration to Order to Show Cause or Notice of Motion (form FL-320) was not given to you when you received the Notice of Activation of Military Service and Deployment and Request to Modify a Support Order (form FL-398), the court clerk's office, the court's Office of the Family Law Facilitator, or the local child support agency can tell you where one can be found. Or you can get one from the California Court's Web site: www.courtinfo.ca.gov/forms/.
- Fill out the form Financial Statement (Simplified) (form FL-155) if you are allowed to use the form. See the instructions on the back of the form to see if you qualify; otherwise, you must fill out the form Income and Expense Declaration (form FL-150). You must attach copies of your most recent W-2 forms and paycheck stubs for the last two months to the Financial Statement (Simplified) (form FL-155) or the Income and Expense Declaration (form FL-150). Make at least three copies of the completed form and all attachments.

You must have one completed copy of each of the following papers served on the other party. If the local child support agency is involved; serve it to:

- Your Responsive Declaration to Order to Show Cause or Notice of Motion (form FL-320).
- Your Financial Statement (Simplified) (form FL-155) or Income and Expense Declaration (form FL-150).

For instructions on how to serve these papers properly, see *Information Sheet for Service of Process* (form FL-611), *Proof of Personal Service* (form FL- 330) and *Proof of Service by Mail* (form FL-335). Whoever serves the papers should fill out and must sign the *Proof of Service*. If there are reasons to file your own motion for modification, see FL-391 *Information Sheet-Simplified Way to Change Child, Spousal, or Family Support*. **NOTICE: Consult the courts Office of the Family Law Facilitator or the local court rules to see if there are any other documents you will need to have served on the local child support agency and on the other party.** 

The local child support agency or the court's family law facilitator's office may be able to provide you with a child support calculation based on both parents' income to determine the amount of guideline support. If you agree with the proposed changes, you may be able to have one of these offices prepare an agreement to change the child support and have it signed by both parents and the court. If you are able to reach an agreement with the other party and the agreement is signed by the court before the hearing, you do not need to appear at the hearing.

NOTICE: Unless you know the hearing has been taken off calendar, you should go to the hearing as scheduled to protect your rights. You might consider calling the court the day before the hearing to see if the hearing is still on the calendar.

If you need additional assistance with this form, contact an attorney or the court's family law facilitator.

FL-398 [New December 2, 2005]

## **Alameda County Department of Child Support Services**

2901 Peralta Oaks Court Oakland, CA 94605

(800) 809-2955 (toll-free voice)

(510) 639-7299 (voice)

(510) 639–3523 (fax)

#### Alpine County - Central Sierra Child Support Agency

75A Diamond Valley Road Markleeville, CA 96120

(888) 250-3849 (toll-free interactive voice response)

(530) 694-2235 (voice)

(530) 694-2252 (fax)

## Amador County - Central Sierra Child Support Agency

P.O. Box 880

Jackson, CA 95642

(877) 466-5437 (toll-free voice)

(888) 251-4739 (toll-free interactive voice response)

(209) 223-6318 (voice)

(209) 223-6295 (fax)

## **Butte County Department of Child Support Services**

1474 Meyers Street

Oroville, CA 95965

(530) 538-7221 (voice)

(530) 538–6500 (fax)

## Calaveras County - Central Sierra Child Support Agency

P.O. Box 1510

San Andreas, CA 95249

(888) 251-4769 (toll-free interactive voice response)

(209) 754-6780 (voice)

(209) 754–6795 (fax)

## **Colusa County Department of Child Support Services**

P.O. Box 847

Colusa, CA 95932

(530) 458-0555 (voice)

(530) 458-0565 (fax)

## **Contra Costa County Department of Child Support Services**

50 Douglas Drive, Suite 100

Martinez, CA 94553-8507

(866) 244-5382 (toll-free)

(925) 957-7300 (voice)

(925) 335-3636 (fax)

## **Del Norte County Department of Child Support Services**

P.O. Box 66

Crescent City, CA 95531

(707) 464-7232 (voice)

(707) 465-0126 (fax)

## **El Dorado County Department of Child Support Services**

Placerville Office :

P.O. Box 391

Placerville, CA 95667

(530) 621-5600 (voice)

(530) 621-2022 (fax)

South Lake Tahoe Office:

3368 Lake Tahoe Blvd, Suite 100

South Lake Tahoe, CA 96150

(530) 573-3455 (voice)

(530) 541-1820 (fax)

## Fresno County Department of Child Support Services

P.O. Box 12946

Fresno, CA 93779-2946

(559) 494-1090 (voice)

(559) 494–1920 (fax)

#### **Glenn County Department of Child Support Services**

120 S. Marshall Avenue

Willows, CA 95988

(530) 934-6527 (voice)

(530) 934–6603 (fax)

#### **Humboldt County Department of Child Support Services**

P.O. Box 128

Eureka, CA 95502-0128

(707) 441-3200 (voice)

(707) 441-3289 (fax)

(800) 963-8704 (toll-free voice outside California)

## Imperial County Department of Child Support Services

2795 South 4th Street

El Centro, CA 92243

(760) 482-2300 (voice)

(760) 352-4612 (fax)

## Inyo County - Eastern Sierra Child Support Services

Eastern Sierra Child Support Services

P.O. Box 1147

Bishop, CA 93515

(760) 873-3659 (voice)

(760) 873–3646 (fax)

## **Kern County Department of Child Support Services**

1300 18th Street

Bakersfield, CA 93301

(661) 868-6500 (voice)

(661) 868–8558 (fax) (800) 980–2021 (toll–free)

Ridgecrest Branch:

400 N. China Lake Blvd

Ridgecrest, CA 93555

(760) 384-5885 (voice)

(760) 760–7427 (fax)

#### **Kings County Department of Child Support Services**

P.O. Box 1289

Hanford, CA 93232

(888) 252-9656 (toll-free 24 hour information)

(559) 584-1425 (voice)

(559) 582-0277 (fax)

#### **Lake County Department of Child Support Services**

P.O. Box 1679

Lakeport, CA 95453

(888) 313-0863 (toll-free automated payment information)

(707) 262-4300 (voice)

(707) 263-3948 (fax)

#### **Lassen County Department of Child Support Services**

P.O. Box 999

Susanville, CA 96130

(800) 377-1933 (toll-free)

(530) 251–2630 (voice)

(530) 251–2667 (fax)

2/09/06 Page 1 of 4

## Los Angeles County Child Support Services Department

Division I Office (San Fernando Valley, Antelope Valley, Glendale, Burbank, West Los Angeles, Santa Monica, Venice):

15531 Ventura Blvd.

Encino, CA 91463

Division II Office (Central Los Angeles, East Los Angeles, Highland Park, Bell Gardens, Hollywood, Exposition Park, Pico Rivera):

5770 S. Eastern Ave. Commerce, CA 90040

Division III Office (San Gabriel Valley, Covina, El Monte, Pasadena, Pomona, West Covina): 2934 Garvey Ave.

West Covina, CA 91791

Division IV Office (South Central Los Angeles, Southwest Los Angeles, Huntington Park, Manhattan Beach, Downey, Lawndale): 621 Hawaii Street El Segundo, CA 90245

Division V Office (Norwalk, Compton, Torrance, Lakewood, Paramount, San Pedro, Long Beach, Harbor City, Carson): 20221 S. Hamilton Ave. Torrance, CA 90502

Division VI Office (Antelope Valley): 1020 E. Palmdale Blvd.

Palmdale, CA 93550

(323) 890-9800 (local and outside CA) (800) 615-8858 (local toll and CA)

(323) 725-3907 (TDD)

## **Madera County Department of Child Support Services**

P.O. Box 1079 Madera, CA 93639 (559) 675-7885 (voice)

(559) 674-6593 (fax)

## **Marin County Department of Child Support Services**

P.O. Box 6145

Novato, CA 94948-6145

(800) 497-7774 (toll-free)

(415) 507-4068 (voice)

(415) 499-6436 (fax)

#### **Mariposa County Department of Child Support Services**

P.O. Box 748

Mariposa, CA 95338

(209) 966-3400 (voice)

(209) 966-0411 (fax)

## **Mendocino County Department of Child Support Services**

P.O. Box 970

Ukiah. CA 95482

(800) 669-7477 (toll-free voice)

(707) 463-4216 (voice)

(707) 472-2820 (fax)

#### **Merced County Department of Child Support Services**

P.O. Box 3199 Merced, CA 95344

(877) 521-5437 (toll-free voice)

(209) 381-1300 (voice)

(209) 722-0556 (fax)

## **Modoc County Department of Child Support Services**

P.O. Box 1171

Alturas, CA 96101

(866) 233-6216 (toll-free)

(530) 233-6216 (voice)

(530) 233-6244 (fax)

#### Mono County Department of Child Support Services

Eastern Sierra Child Support Services

P.O. Box 5044

Mammoth Lakes, CA 93546

(760) 924-1720 (voice)

(760) 924-1721 (fax)

## **Monterey County Department of Child Support Services**

P.O. Box 2059

Salinas, CA 93902

(831) 755-3200 (voice)

(831) 755-3272 (fax)

#### Napa County Department of Child Support Services

P.O. Box 5720

Napa, CA 94581

(707) 253-4251 (voice)

(707) 253-6041 (fax)

#### **Nevada County Department of Child Support Services**

Sierra Nevada Regional DCSS

840 E. Main St., Suite A

Grass Valley, CA 92945

(888) 786-1253 (toll-free)

(530) 271-KIDS (5437) (voice)

(530) 271-5436 (fax)

## **Orange County Department of Child Support Services**

P.O. Box 22099

Santa Ana, CA 92702-2099

(888) 594-7600 (toll-free voice)

(714) 541-7600 (voice)

(714) 347-4811 (fax)

## **Placer County Department of Child Support Services**

Auburn Office:

P.O. Box 5700

Auburn, CA 95604-5700

(530) 889-5700 (voice)

Tahoe Office:

P.O. Box 970

Carnelian Bay, CA 96140

(530) 546-1940 (voice)

## **Plumas County Department of Child Support Services**

522 Lawrence Street

Quincy, CA 95971

(530) 283-6264 (voice)

(530) 283-6250 (fax)

2/09/06 Page 2 of 4

## **Riverside County Department of Child Support Services**

Riverside Main Office: 2081 Iowa Avenue Riverside, CA 92507 (800) 521–2778 (toll–free) (909) 955–4100 (voice)

Southwest Office:

1370 South State Street San Jacinto, CA 92583 (866) 922–3200 (toll–free) (909) 791–2000 (voice)

Indio Office: 47-950 Arabia Street

Indio, CA 92201 (866) 922–4200 (toll–free) (760) 863–7100 (voice)

Blythe Office: 1287 W. Hobsonway Blythe, CA 92225 (866) 922–5200 (toll–free) (760) 921–7974 (voice)

#### **Sacramento County Department of Child Support Services**

P.O. Box 269112 Sacramento, CA 95826–9112 (916) 875–7400 (voice) (916) 875–7499 (fax)

#### San Benito County Department of Child Support Services

2320 Technology Parkway Hollister, CA 95023 (831) 636–4130 (voice) (831) 636–4134 (fax)

## San Bernardino County Department of Child Support Services

Main Office: 10417 Mountain View Loma Linda, CA 92354 (909) 799–1790 (voice) (909) 478–7470 (fax)

Desert Region: 15456 W. Sage Street Victorville, CA 92392 (760) 243–5227 (voice) (760) 243–8347 (fax)

West Valley Region: 10565 Civic Center Drive, Suite 250 East Rancho Cucamonga, CA 91730 (909) 987–9984 (voice) (909) 945–4323 (fax)

## San Diego County Department of Child Support Services

P.O. Box 122031 San Diego, CA 92112 (866) 230–CARE (2273) (toll–free statewide) (619) 236–7600 (voice)

#### San Francisco County Department of Child Support Services

617 Mission Street San Francisco, CA 94105 (888) 823–2734 (toll–free 24 hour automated child support system) (415) 356–2700 (voice)

## San Joaquin County Department of Child Support Services

P.O. Box 50 Stockton, CA 95201 (209) 468–2601 (voice) (209) 468–2577 (fax)

#### San Luis Obispo County Department of Child Support Services

P.O. Box 841 San Luis Obispo, CA 93406 (805) 781–5734 (voice) (805) 781–5156 (fax)

## San Mateo County Department of Child Support Services

555 County Center – 2nd Floor Call Box 8084 Redwood City, CA 94063 (650) 366–8221 (voice) (650) 366–4711 (fax)

## Santa Barbara County Department of Child Support Services

Santa Barbara Office: 4 East Carrillo Street Santa Barbara, CA 93101 (800) 818–1386 (voice) (805) 568–2387 (fax)

Lompoc Office: 401 East Ocean Avenue Lompoc, CA 93436 (800) 818–1386 (voice) (805) 737–7992 (fax)

Santa Maria Office: 201 South Miller Street, Suite 206 Santa Maria, CA 93454 (800) 818–1386 (voice) (805) 346–7492 (fax)

## Santa Clara County Department of Child Support Services

2851 Junction Avenue San Jose, CA 95134–1910 (888) 687–7500 (toll-free) (408) 503–5230 (TTY) (408) 503–5252 (fax)

#### Santa Cruz County Department of Child Support Services

P.O. Box 1841 Santa Cruz, CA 95061 (831) 454–3700 (voice) (831) 454–3752 (fax)

## **Shasta County Department of Child Support Services**

P.O. Box 994130 Redding, CA 96099–4130 (866) 440–4443 (toll–free) (530) 225–5300 (voice)

## **Sierra County Department of Child Support Services**

Sierra Nevada Regional DCSS P.O. Box 463 Downieville, CA 95936 (888) 823–2845 (toll-free) (530) 289–3260 (voice) (530) 289–2822 (fax)

2/09/06 Page 3 of 4

## Siskiyou County Department of Child Support Services

P.O. Box 1047 Yreka, CA 96097 (888) 823–6318 (toll–free 24–hour case information) (530) 841–2950 (voice) (530) 841–2999 (fax)

### **Solano County Department of Child Support Services**

435 Executive Court North
Fairfield, CA 94534–9742
(888) 823–2735 (toll–free 24 hour automated payment information line)
(707) 784–7210 (voice)
(707) 784–7483 (fax)

### **Sonoma County Department of Child Support Services**

P.O. Box 6534 Santa Rosa, CA 95406 (888) 271–4214 (toll–free)

#### Stanislaus County Department of Child Support Services

P.O. Box 4189 Modesto, CA 95352–4189 (209) 558–3000 (voice) (209) 558–3135 (fax)

## **Sutter County Department of Child Support Services**

P.O. Box 689 Yuba City, CA 95992 (888) 823–2757 (toll–free automated CASES information system) (530) 822–7338 (voice) (530) 822–7170 (fax)

#### **Tehama County Department of Child Support Services**

940 Diamond Avenue Red Bluff, CA 96080 (530) 527–3110 (voice) (530) 527–5130 (fax)

#### **Trinity County Department of Child Support Services**

P.O. Box 489 Weaverville, CA 96093 (888) 331–2033 (toll–free) (888) 823–6151 (toll–free payment information) (530) 623–1306 (voice) (530) 623–1479 (fax)

## **Tulare County Department of Child Support Services**

8040 Doe Avenue Visalia, CA 93291–9721 (888) 823–6588 (toll–free 24 hour automated message system) (559) 713–5700 (main switchboard) (559) 730–2595 (fax)

## **Tuolumne County Department of Child Support Services**

975 Morning Star Drive Sonora, CA 95370 (209) 533–6400 (voice) (209) 533–6455 (fax)

## **Ventura County Department of Child Support Services**

4651 Telephone Road, Suite 101 Ventura, CA 93003 (866) 709–8077 (toll–free) (805) 654–5200 (voice) (805) 654–5529 (TDD) (805) 658–4179 (fax)

## **Yolo County Department of Child Support Services**

P.O. Box 1385 Woodland, CA 95776 (530) 661–2880 (voice) (530) 661–2820 (fax)

#### **Yuba County Department of Child Support Services**

6000 Lindhurst Avenue Suite 801 Marysville, CA 95901 (530) 749–6000 (voice) (530) 634–7654 (fax)

2/09/06 Page 4 of 4