



TRAVERSING THE CHANGING TIDES OF CHILD SUPPORT



CHILD SUPPORT DIRECTORS ASSOCIATION



An Appealing Day to Kayak Monterey Bay

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CHILD SUPPORT DIRECTORS ASSOCIATION



Appellate Advisory Committee



History

When and why?

⚓ **First Meeting:** August 24, 2001

⚓ **Purpose:**

- ◆ Collective minds from LCSAs, State DCSS, and the DOJ
- ◆ Coordination of the statewide program's appellate practice



CHILD SUPPORT DIRECTORS ASSOCIATION





Appellate Advisory Committee



History

Initial membership

- ⚓ Representatives from seven counties
- ⚓ Two representatives from DCSS
- ⚓ Five representatives from the DOJ
- ⚓ Role was to serve in an advisory capacity to all counties



CHILD SUPPORT DIRECTORS ASSOCIATION





Appellate Advisory Committee



History

Initial tasks

- ⚓ Survey current appellate practices
- ⚓ Survey pending appeals with the DOJ
- ⚓ Propose procedures for coordination of child support appeals
- ⚓ Formation of the *Dupont* subcommittee





History

What were the “hot issues” in child support in August of 2001?

- ⚓ “Old” arrears cases
- ⚓ Parentage
- ⚓ Guideline cases
- ⚓ Set aside orders
- ⚓ UIFSA cases
- ⚓ Dismissal of old, pending cases





Appellate Advisory Committee



Evolution to Today's Version of the Committee

Current Composition

- ⚓ Eleven standing members from LCSAs
- ⚓ Three CA DCSS
- ⚓ Two from the DOJ
- ⚓ New members welcome!!!

Meetings: fourth Wednesday of every month via Microsoft Teams



CHILD SUPPORT DIRECTORS ASSOCIATION





Why the AAC does what it does

Doctrine of *stare decisis*:

“[A]ll tribunals exercising inferior jurisdiction are required to follow decisions of courts exercising superior jurisdiction. . . . The decisions of [the Supreme Court] are binding upon and must be followed by all the state courts in California. Decision of every division of the District Courts of Appeal are binding upon all the justice and municipal courts and upon all the superior courts of this state, and this is so whether or not the superior court is acting as a trial or appellate court.”

Auto Equity Sales, Inc. v. Super. Ct. of Santa Clara County (1962)
57 Cal.2d 450





Notable Impact

- ⚓ *Dupont v. Dupont* (2001) 88 Cal.App.4th 192 and SB 97 (2002)
- ⚓ *S.C. v. G.S. (Silva)* (2019) 38 Cal.App.5th 591
- ⚓ *County of Los Angeles CSSD v. Watson* (2019) 42 Cal.App.5th 638
- ⚓ *Lak v. Lak* (2020) 50 Cal.App.5th 581
- ⚓ *In re Marriage of Siva* (2020), First District Court of Appeal, A157554





Significant Actions

Dupont v. Dupont (2001) 88 Cal.App.4th 192

- ⚓ At the time, FC 155 read: “‘Support order’ means a judgment or order of support in favor of an obligee, whether temporary or final, or subject to modification, termination, or remission, regardless of the kind of action or proceeding in which it is entered.”
- ⚓ Meanwhile, CCP 685.020(b) provides “[u]nless the judgment otherwise provides, if a money judgment is payable in installments, interest commences to accrue as to each installment on the date the installment becomes due.”





Significant Actions

Dupont Timeline

- ⚓ **April 2, 2001:** *Dupont* held a money judgment for child support arrearages that is payable in installments and does not otherwise provide for a different computation of interest is subject to then-FC 155
- ⚓ **August 24, 2001:** AAC established a *Dupont* subcommittee.
- ⚓ **August 14, 2002:** Then-SB 97 was gutted and amended to reflect an amendment to FC 155 for the express purpose of abrogating *Dupont*





Significant Actions

Dupont Timeline

- ⚓ **September 15, 2002:** SB 97 signed into law
- ⚓ **January 1, 2003:** FC 155 amended to clarify that only the initial support order is considered an installment judgment for purposes of CCP 685.020, and no order on arrearages shall be considered a money judgment for purposes of CCP 685.020(b)





Significant Actions

S.C. v. G.S. (*Silva*) 38 Cal.App.5th 591

- ⚓ **Facts:** Order established in 1995, obligor incarcerated from 1998-2005. Court arrears determinations in 2010 and 2015. After multiple hearings in 2015-16 court applied FC 290 and effectively waived \$70K in arrears. DCSS/LCSA appealed.
- ⚓ **Appellate Court:** cited prohibitions against retroactive modifications. No court authority to waive or forgive arrears. Court's equitable powers under FC 290 limited to circumstances where parent has otherwise contributed to child's care. Trial court REVERSED, but decision UNPUBLISHED.





Significant Actions

S.C. v. G.S. (2019) 38 Cal.App.5th 591

⚓ **7/12/2019:** Opinion filed

⚓ **7/22/2019:** Ad Hoc AAC meeting to discuss seeking publication

⚓ **8/9/2019:** *Silva* opinion ordered published





Significant Actions

County of Los Angeles CSSD v. Watson (2019) 42 Cal.App.5th 638

- ⚓ **Facts:** LCSA filed a complaint and proposed judgment which ordered support to commence 12/1/2017. LCSA personally served PPS on 2/19/2018, 96 days after complaint was filed. LCSA file request to enter default on 5/2/2018.
- ⚓ **Trial Court:** Entered default on 5/2/2018, but changed commencement date to 3/1/2018 “pursuant to [FC] 4009.” Case brought to the AAC. DCSS appealed.
- ⚓ **FC 4009:** “If [PPS] was not served with the [complaint] within 90 days after filing and the court finds that the parent was not intentionally evading service, the . . . order shall be effective no earlier than the date of service.”





Significant Actions

County of Los Angeles CSSD v. Watson (2019) 42 Cal.App.5th 638

- ⚓ **Appellate Court:** Reversed and remanded. Trial court impermissibly postponed effective date, contrary to FC 4009 and FC 17430. However, case was UNPUBLISHED.
- ⚓ **11/6/2019:** Opinion filed
- ⚓ **11/8/2019:** Ad Hoc AAC meeting to discuss seeking publication
- ⚓ **11/26/2019:** *Watson* opinion ordered published





Significant Actions

Lak v. Lak (2020) 50 Cal.App.5th 581

- ⚓ **Issue:** FC 5246(d)(3) and 17450(c)(2) apply the same four-part test to limit collections against SSDI recipients. *In re Marriage of Hopkins* (2009) 173 Cal.App.4th 281 out of the 5th District Court of Appeal says only two of the four elements applicable to SSDI recipients need to be proven.
- ⚓ **9/7/2018:** PPS appeals underlying order
- ⚓ **9/27/2018:** appeal brought to AAC





Significant Actions

Lak v. Lak (2020) 50 Cal.App.5th 581

- ⚓ **5/22/2020:** 4th District issues its decision, “respectfully declin[ing]” to follow Hopkins. “The plain language and legislative history support the conclusion that every element of the four part test must be satisfied.” However, decision is UNPUBLISHED.
- ⚓ **5/27/2020:** AAC meeting
- ⚓ **6/12/2020:** opinion ordered to be published





Significant Actions

In re Marriage of Siva (2020), First District Court of Appeal, A157554

- ⚓ **Facts:** in a highly contested case, after the child moved lived 100% with PPS for 10 months, PPS filed request for order seeking Jackson credits in the amount of support he already paid along with reimbursement of expenditures. Trial court granted Jackson credits.
- ⚓ **Appellate Court:** AFFIRMED. Expanded judicial equitable authority, finding the trial court had discretion to award Jackson credits notwithstanding the fact that no arrears existed because PPS had paid.
- ⚓ **8/25/2020:** PUBLISHED opinion issued.





Appellate Advisory Committee



Significant Actions

In re Marriage of Siva (2020), First District Court of Appeal, A157554

- ⚓ **8/25/2020:** PUBLISHED opinion issued
- ⚓ **9/4/2020:** Ad hoc AAC meeting to discuss depublication
- ⚓ **12/9/2020:** Supreme Court GRANTS requests for depublication





How to Avoid a Capsize



Preserving the Record for Appeal

Why Preserving the Record Matters

- ⚓ The appellate court must have a clear, reviewable record of what happened in the trial court (*especially those parts you believe were wrong or in error!!!!*).
- ⚓ Remember, an appeal **is not a new trial**, appellate courts only review the record from the trial court. So, if something is not in the record, it cannot be raised on appeal!
- ⚓ “When practicing appellate law, there are at least three immutable rules: first, take great care to prepare a complete record; second, if it is not in the record, it did not happen; and third, when in doubt, refer back to rules one and two.” *Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362.





How to Avoid a Capsize



Preserving the Record for Appeal

Make timely objections

⚓ At hearing or trial before the IV-D Commissioner, you must ensure that any legal errors, objections, and any important/necessary evidence are clearly documented in the court's record.

- ◆ State the reason/basis for the objection.
- ◆ Cite code sections and/or cases.
- ◆ Request the Commissioner state on the record their findings for that support the ruling.
- ◆ If the Commissioner simply grants or denies a request, there will be no record to base an appeal.
- ◆ Merely using phrases like "it is in the best interest of the child" without making specific findings related to this case is not enough! Request a specific finding of what fact shows it is in the best interest of the child.



⚓ "'A party cannot argue that the court erred in failing to conduct an analysis it was not asked not conduct.'" A.G. v. C.S. (2016) 246 Cal.App.4th 1269, 1289.





How to Avoid a Capsize



Preserving the Record for Appeal

At least put an offer of proof on the record!



⚓ Making an offer of proof

- ◆ Describe or summarize what excluded (or unavailable) evidence would have shown.
- ◆ Remember, if it is not raised at trial, it is waived. An offer a proof will make a record that can be argued on appeal that the evidence should have been admitted.



How to Avoid a Capsize



Preserving the Record for Appeal

What exactly is the record on appeal???

⚓ Pursuant to **Rules of Court Rule, Rule 8.120:**

- ◆ Written Documents: Clerk's Transcript
- ◆ Oral Proceedings: Reporter's Transcript (or Settled Statement/Statement of Decision/Agreed Statement)

APP-003

ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE:	ZIP CODE:	
TELEPHONE NO.:	FAX NO.:		
E-MAIL ADDRESS:			
ATTORNEY FOR (name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF			
STREET ADDRESS:			
MAILING ADDRESS:			
CITY AND ZIP CODE:			
BRANCH NAME:			
PLAINTIFF/PETITIONER:			
DEFENDANT/RESPONDENT:			
OTHER PARTY/PARTY:			
APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)		SUPERIOR COURT CASE NUMBER:	
RE: Appeal filed on (date):		COURT OF APPEAL CASE NUMBER (if known):	

Notice: Please read the instructions for Unlimited Civil Cases (form APP-001-INFO) before filing this form in the Court of Appeal.

1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

I choose to use the following method of providing the Court of Appeal with a record of the documents filed in the superior court (check a, b, c, or d, and fill in any required information):

a. ☐ I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.

(1) ☐ I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (check (a) or (b)):

(a) ☐ An order granting a waiver of court fees and costs under rules 3.50-3.58; or

(b) ☐ An application for a waiver of court fees and costs under rules 3.50-3.58. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)

b. ☐ An appendix under rule 8.124.

c. ☐ The original superior court file under rule 8.128. (NOTE: Local rules in the Court of Appeal, First, Third, and Fourth Appellate Districts, permit parties to stipulate (agree) to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.)

d. ☐ I will provide the documents that are required to be included in the record (see item 2b(2) below and attach to your agreed statement copies of the documents that are required to be included in the record. These documents are listed in rule 8.134(a).)

2. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

I choose to proceed (you must check a or b below):

a. ☐ I will provide a transcript of the hearing or trial in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in deciding whether an error was made in the superior court proceedings.

Page 1 of 4

Form Approved for Optional Use
Judicial Council of California
APP-003 (Rev. January 1, 2019)

APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL
(Unlimited Civil Case)

Cal. Rules of Court, rules 3.50,
8.121-8.124, 8.128, 8.130, 8.134, 8.137
www.courts.ca.gov



How to Avoid a Capsize



Preserving the Record for Appeal

Written Documents: Clerk's Transcript *Rule of Court Rule 8.122*



⚓ What is it???

- ◆ An official, written record of all the documents and filings in a court case necessary for appeal.
- ◆ For example, pleadings, motions, orders, declarations, exhibits and other documents filed with the court.

⚓ There is a cost for the Clerk's Transcript, however it is waived for counties pursuant to *Government Code* Section 6103.5.





How to Avoid a Capsize



Preserving the Record for Appeal

Exhibits: *Rule of Court Rule 8.122(b)(3)(B)*

- ⚓ Exhibits are part of the Clerk's Transcript.
- ⚓ Include anything presented as evidence during a trial or hearing to help prove or disprove a material fact in a case.
- ⚓ Usually in child support cases, the exhibits will be documents.
- ⚓ Also includes any exhibit refused or lodged. (Rule 8.122(b)(3)(B))
- ⚓ Be sure that the document becomes a part of the record by asking the Court to admit it into evidence.





How to Avoid a Capsize



Preserving the Record for Appeal

Oral Proceedings: Recorder's Transcript *Rule of Court Rule 8.130*

- ⚓ “Gold Standard”  for the record of oral proceedings. Appellant will designate the portions of the proceedings, then Respondent may designate additional proceedings to be included.
- ⚓ If the Appellant opts to proceed without the Reporter's Transcript, the Respondent must move the Court to (or the Court may on its own motion) augment the record with the Reporter's Transcript under rule 8.155.
- ⚓ There is a fee (even to Counties) to prepare the Reporter's Transcript.



How to Avoid a Capsize



Preserving the Record for Appeal

Fact Sheet: Shortage of Certified Shorthand Reporters in California

June 2024



Background

The California Supreme Court, in a 2018 opinion, stated that “the absence of a verbatim record of trial court proceedings will often have a devastating effect” on a litigant’s ability to have an appeal decided on the merits.¹ The verbatim record is captured and transcribed exclusively by certified shorthand reporters (court reporters) in case types where a court reporter is required² and electronic recording is not authorized.³ Parties may arrange for the services of a court reporter in other case types.⁴ However, a declining number of court reporters threatens access to justice for court users, especially Californians who can’t afford to pay for their own court reporter.

Number of Court-Employed Reporters Falls Short of Need

To meet minimum requirements,⁵ the most recent report from the Legislative Analyst’s Office estimates that California courts need an additional 691 full-time court reporters.⁶ In addition to court reporters employed by the courts, courts also contract with pro tempore⁷ reporters to help meet the need.

California trial courts reported in recent surveys that between January 1, 2023 and March 31, 2024:

- 46 of the 58 courts have actively recruited for court reporters;
- 118.6 (FTE) court reporters were hired, 30.0 (FTE) of whom came from other courts (25.3% of all hires) and 11.8 (FTE) of whom are voice writers (9.9%); and
- 145.7 (FTE) court reporters have left employment at the courts, for a net loss of 27.1 (FTE) reporters.⁸

Recruitment and Retention Challenges

California courts are challenged to recruit and retain court reporters to meet the needs of court users and legal requirements. These challenges include an ever-decreasing number of California-licensed court reporters and difficulty competing with private employers in the labor market.

Declining availability of California-licensed court reporters

There were 4,752 California-licensed court reporters residing in the state as of July 1, 2023.⁹ However, according to the California Department of Consumer Affairs, between FY 2013–14 and FY 2021–22 the total number of licensees declined 19.2% and the number of new license applications declined 70.1%.¹⁰ Potential indicators that the decline will continue include:

- **Challenging pathway to licensure:** Sixty-eight new licenses were issued statewide in 2022–23.^{11,12} Of the 326 individuals who applied to take the skills (dictation) portion of the past three California certified shorthand reporter exams (held Jul. 2023, Nov. 2023, and Mar. 2024), 42.6% passed. The November 2022 exam was the first to include voice writing; a total of 45 individuals have since passed the skills exam as voice writers.¹³

¹ *Jameson v. Desta* (2018) 5 Cal.5th 594, 622.

² Felony and juvenile cases.

³ Electronic recording is not authorized except in limited civil, misdemeanor, and infraction proceedings when a court reporter is unavailable (Gov. Code, § 69957(a)).

⁴ Courts must also provide an official court reporter in civil cases when a party with a fee waiver requests one, and the proceeding cannot otherwise be electronically recorded.

⁵ Covering all case types where a court reporter is required or electronic recording is not authorized.

⁶ Legislative Analyst’s Office: March 5, 2024, lao.ca.gov/letters/2024/Letter-Jimberg-Court-Reporters-030524.pdf.

⁷ Refers to an individual who is retained by the court on an intermittent or contractual basis.

⁸ Court Reporter Recruitment, Retention, and Attrition dashboard, www.courts.ca.gov/76328.htm.

⁹ Court Reporters Board: April 4, 2024, Board Meeting Packet, www.courtreportersboard.ca.gov/about-us/20240404_packet.pdf.

¹⁰ Department of Consumer Affairs: <https://www.dca.ca.gov/press-releases/2024/03/2024-03-20-01.htm>.

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

Sacramento Superior Court Issues Statement on Assembly Bill 882

July 1, 2025

Sacramento, CA – The Sacramento Superior Court is voicing concerns about Assembly Bill 882, citing its potential to further restrict access to justice for thousands of Sacramentans.

Due to California’s ongoing court reporter shortage, more than 1.7 million family, probate, and unlimited civil hearings took place between April 2023 and March 2025 without a verbatim record—many in courtrooms fully equipped with state-approved electronic recording (ER) systems that are prohibited by law from being used.

“The California Supreme Court has made clear that the absence of a record can be devastating for litigants who seek to appeal,” said Presiding Judge Bunmi O. Awoniyi. “We must be able to use available tools, like electronic recording, to ensure fair access to justice—especially for those who cannot afford a private court reporter.”

While the court strongly supports efforts to recruit and retain certified shorthand reporters, AB 882 contains harmful provisions that would:

- Forbid courts from using ER in most civil proceedings unless litigants provide advance written notice—an unrealistic requirement for many, especially self-represented parties.
- Impose hiring rules that override courts’ discretion and invite costly litigation.
- Prohibit reassignment of court reporters even when urgent coverage is needed in criminal cases.
- Ban the use of ER in criminal proceedings altogether, despite existing court orders that allow its limited use when no reporter is available.

“Electronic recording doesn’t replace court reporters—it’s a safety net when none are available,” said Judge Awoniyi. “Our priority is to ensure that all parties—especially those without resources—have a meaningful opportunity to appeal. AB 882, as written, works against that goal.”

The Sacramento Superior Court urges lawmakers to amend AB 882 to remove unnecessary restrictions, preserve judicial discretion, and allow for the responsible use of ER technology. The court remains committed to partnering with the Legislature and other stakeholders to expand the court reporter workforce and uphold Californians’ right to a complete and accessible record of their day in court.

###



How to Avoid a Capsize



Preserving the Record for Appeal

California Court Reporter Shortage

- ⚓ Not a new concern . . . In 2018, California Supreme Court stated in *Jameson v. Desta* (2018) 5 Cal.5th 594, 622:
 - ◆ “. . . The absence of a verbatim record of trial court proceedings will often have a devastating effect on a litigant’s ability to have an appeal of a trial court judgment decided on the merits.”
- ⚓ In a 2023 article, the Orange County Bar Association went further: “Additionally, lack of a record could also result in law enforcement being unable to adequately enforce certain orders such as restraining orders or child visitation orders.”





How to Avoid a Capsize



Preserving the Record for Appeal California Court Reporter Shortage

- ⚓ *Government Code* Section 69957 allows the use of electronic recordings if a court reporter is not available, but only in **limited civil cases, misdemeanor** or **infraction** cases.
- ⚓ AB882 is attempting to add GC Section 69957.5 to expand the use of digital recordings, when certain findings are made, inter alia:
 - ◆ The litigant has requested a verbatim record of the proceeding.
 - ◆ The litigant cannot afford to retain a private court reporter.
 - ◆ No official reporter is available.
 - ◆ No other party has retained a private court reporter





How to Avoid a Capsize



Preserving the Record for Appeal

California Court Reporter Shortage

- ⚓ Not everyone is a fan of this proposed amendment to the *Government Code*.
- ⚓ As of the July 12, 2025 Bill Analysis for the State Senate Judiciary Committee, AB 882 “is opposed by over 20 private organizations, and public entities, including a number of legal aid organization and the superior courts of four counties.”



Preserving the Record for Appeal

California Court Reporter Shortage



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How to Avoid a Capsize



Preserving the Record for Appeal

California Court Reporter Shortage

- ⚓ If is AB882 passed, it provides for GC Section 69957.5 to sunset on January 1, 2028.
- ⚓ As of July 17, 2025, AB882 was re-referred to the Senate Judiciary Committee.





How to Avoid a Capsize



Preserving the Record for Appeal

California Court Reporter Shortage



Currently before the CA Supreme Court, *Family Violence Appellate Project v. S.C.* asks the question:

Does the prohibition on electronic recording of certain proceedings in Government Code section 69957, subdivision (a) violate the California Constitution when an official court reporter is unavailable and a litigant cannot afford to pay a private court reporter?





How to Avoid a Capsize



Preserving the Record for Appeal Alternatives to Reporter's Transcript

⚓ *Rules of Court, Rule 8.120 . . .*

“(b)Record of the oral proceedings - If an appellant intends to raise any issue that requires consideration of the oral proceedings in superior court, the record on appeal must include a record of the oral proceedings in the form of one of the following:

- (1) A reporter's transcript under rule 8.13;
- (2) An **agreed statement** under rule 8.134; **or**
- (3) A **settled statement** under rule 8.137.” (Emphasis added.)





How to Avoid a Capsize



Preserving the Record for Appeal

Is an Agreed Statement or Settled Statement enough?

- ⚓ Remember, the trial court orders are presumed to be correct.
- ⚓ Doctrine of “Implied Findings” requires the court of appeal to assume the trial court made all necessary factual findings in favor of the prevailing party to support the judgment.
- ⚓ “As a summarized narrative of what was *said*, a settled statement may not capture the judge’s complete analysis . . .”
A.G. v. C.S. (2016) 246 Cal.App.4th 1269, 1282.





How to Avoid a Capsize



Preserving the Record for Appeal

You need a Statement of Decision!

- ⚓ “A Statement of Decision is to a court trial what a verdict is to a jury trial. And just as you would never voluntarily leave a jury trial without a verdict, you should never leave a court trial without a Statement of Decision. ”

-Certified Appellate Law Specialist, Attorney Herb Fox

- ⚓ The Statement of Decision is the court's statement to explain factual/legal basis for decision on a controverted issue. *Code of Civil Procedure Section 632, Rule of Court, Rule 3.1590*





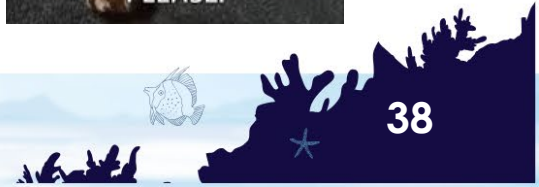
How to Avoid a Capsize



Preserving the Record for Appeal

Statement of Decision

- ⚓ When to request? Unless your trial is longer than one day or 8 hours CCP Section 632 requires you to request a statement of decision PRIOR TO THE SUBMISSION OF THE MATTER FOR DECISION.
- ⚓ CCP Section 632 provides: “The request for a statement of decision shall specify those controverted issues . . . The party is requesting a statement of decision.”
- ⚓ There are several requirements that must be met before the Court is *required* to provide a Statement of Decision, but you can always ask for one, even if you are not technically entitled.





Involving the AAC



Respondent Cases

- ⚓ Complete Appellate Case Review (ACR) form DCSS 0691
- ⚓ Click the “Submit by Email” button near the top of the form, or
- ⚓ Manually email the form to: DCSSAppealsTeam@dcss.ca.gov
- ⚓ Be sure to include a copy of the trial court order being appealed
- ⚓ Include any other documents relevant to the appeal



ACR Form: Section I

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

DEPARTMENT OF CHILD SUPPORT SERVICES

APPELLATE CASE REVIEW FORM

DCSS 0091 (09/01/13)

Submit by Email

Print Form

Clear Form

NOTE: LCSAs are required to notify DCSS upon receipt of a Notice of Appeal from a case participant, or if they would like to appeal a case. Wherever possible, include with your submission a copy of the order appealed from, pleadings, and the Notice of Appeal. Please click on the Submit by Email button above to send the form by email.

Section I: LCSA Information

County Name	☐ Appealing ☐ Responding	LCSA File number
Judicial Officer Name	Superior Court Case Number	Court of Appeal Case Number
LCSA Appellate Coordinator	Phone Number ()	Email Address
LCSA Attorney Present at Hearings	Phone Number ()	Email Address

ACR Form: Sections II & III

Section II: Custodial Parent's Information

Custodial Parent's Name	☐ Appellant ☐ Respondent	Domestic Violence at Issue?	☐ Yes ☐ No
If Represented, Counsel's Name and Contact Information			

Section III: Noncustodial Parent's Information

Noncustodial Parent's Name	☐ Appellant ☐ Respondent	Domestic Violence at Issue?	☐ Yes ☐ No
If Represented, Counsel's Name and Contact Information			

ACR Form: Section IV

Section IV: Hearing, Appeal, Decision and Record Dates

Date of Hearing 	Date of Decision 	Date Order on Appeal Filed
Date Order on Appeal Served 	Date Notice of Appeal Filed 	Date Designation of Record Filed

ACR Form: Section V

Section V: Summaries and Problems Identified

Brief Summary of Relevant Facts

ACR Form: Section V

Brief Summary of Issues for Appeal

ACR Form: Section V

Problems Identified *(including equitable facts in favor of defendant/respondent)*



Involving the AAC



Respondent Cases

- ⚓ DCSS requests representation by the DOJ
- ⚓ Case will be included on the next month's agenda
- ⚓ LCSA that submitted the ACR will be asked to attend
- ⚓ Regular schedule is fourth Wednesday of every month
- ⚓ Case will be discussed and assessed for impacts





Involving the AAC



Appellant Cases

- ⚓ LCSA receives a legally erroneous order
- ⚓ Complete and submit an ACR form **immediately**
- ⚓ AAC will convene to discuss the appeal
- ⚓ LCSA attends the meeting to explain the case, order, and issue(s)
- ⚓ AAC members vote on whether to pursue an appeal
- ⚓ If yes, AAC's position is taken to the DCSS Director for final decision on whether to appeal
- ⚓ DCSS requests representation
- ⚓ Notice of Appeal filed*





Appellant Cases: why “immediately?”

⚓ **CRC 8.104(a)(1):**

Unless a [statute or non-applicable CRCs] provides otherwise, a notice of appeal must be filed on or before the earliest of:

60 days after service of the “Notice of Entry” or a filed-endorsed copy of judgment, showing date of service, by the court (A);

60 days after serving or being served the “Notice of Entry” or a filed-endorsed copy of the judgment, accompanied by a proof of service, on or by a party (B); OR

180 days after entry of judgment (C)





Appellate Cases



DOJ Representation

- ⚓ LCSA signs a substitution of attorney (SOA)
- ⚓ SOA also transfers interest in the appeal to DCSS pursuant to CCP § 368.5
- ⚓ Appellate case proceeds in the name of the LCSA
- ⚓ DOJ represents DCSS in the appeal pursuant to Government Code § 11040 et seq.*





Appellate Decisions



Requesting Publication or Depublication

- ⚓ LCSA (or DCSS) notices a case of interest
- ⚓ Notify the DCSS Appellate Team immediately
- ⚓ AAC meeting (regular or ad hoc) to discuss opinion
- ⚓ Committee votes on whether to seek publication or de-publication
- ⚓ If yes, AAC's position is taken to the DCSS Director for final decision on whether DCSS shall take action*
- ⚓ If yes, DOJ prepares letter on DCSS's behalf





Appellate Decisions



Timelines for Requesting Publication or Depublication

- ⚓ **Publication:** request must be delivered to the rendering court within 20 days after the opinion is filed (CRC 8.1120(a)(3).)
- ⚓ **Depublication:** request must be delivered to the Supreme Court within 30 days after the decision is final in the Court of Appeal (CRC 8.1125(a)(4).)





Thank You!

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CHILD SUPPORT DIRECTORS ASSOCIATION