

Guide to Child Support for Incarcerated Parents

KEY INFORMATION

Child support

Starting September 27, 2022 under California law, child support automatically stops if the parent who has to pay is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.

Exception

Child support does not automatically stop if the parent who has to pay has money available to pay child support.

Timing

Child support will automatically restart at the old amount the first day of the first full month after the parent is released. For example, if you were released on May 10, child support would restart on June 1. If you need to change your child support order, see below.

Past confinement

If your child support order was entered or modified between October 8, 2015, and December 31, 2019 or January 1, 2021 and September 26, 2022, and you were confined against your will for more than 90 days in a row during the same time frame, you also qualify for relief. **(There are some exceptions.** Child support would not automatically stop if the parent had money available to pay child support. It also would not stop if the parent was in jail or prison for not paying child support or domestic violence against the other parent or their child.)

More information

For more information about child support and incarcerated parents, see [Family Code section 4007.5](#) or talk to the [family law facilitator](#) or [self-help center](#) in your county.

⚠ Is the local child support agency involved in your case? ⚠

How you get help or change your child support order is different if the local child support agency (LCSA) is involved in your case.

The LCSA will be part of your case if:

- one of the parents is getting money from the government for your children, **OR**
- one of the parents asks for help from the LCSA.

One way to tell if the LCSA is involved in your case is if the County is listed as one of the parties. For example: *County of San Diego v. John Doe*

If you aren't sure if the LCSA is involved, call the Child Support Customer Connect line to find out: **866-901-3212**.

To find a local office, visit: <https://childsupport.ca.gov/find-my-local-agency/>

How to ask for relief if you qualify (LCSA is involved in your case)

Step 1: Get proof of confinement

You will need to prove to the **LCSA** that you were confined against your will for longer than 90 days. For example:

- Request a copy of your criminal records from the CA Department of Justice: <https://oag.ca.gov/fingerprints/record-review>
- Ask your parole officer for proof
- Get proof from the mental health facility



Step 2: Contact the LCSA

Visit or call the LCSA and ask to speak to your case worker to:

- tell them you were confined against your will for longer than 90 days, and
- ask them to adjust your account balance for the months you were confined.



Step 3: Ask the court to adjust your back support

If the LCSA doesn't give you proper credit for the months you were confined against your will or if the other parent objects, you can ask the court for relief:

- complete *Request for Determination of Support Arrears* (form [FL-676](#))
- make three sets of copies (including your proof of confinement)
- file your request with the court
- have someone serve your request on the LCSA and the other party
- go to your court hearing.

For more info about how to complete, file, and serve your request, see form [FL-676-INFO](#).

Step 4: Go to your court hearing

For info about what to expect at your court hearing, see selfhelp.courts.ca.gov/request-for-order/LCSA/hearing.



How to ask for relief if you qualify (LCSA is NOT involved in your case)

Step 1: Get proof of confinement

You will need to prove to the **court** that you were confined against your will for longer than 90 days. For example:

- Request a copy of your criminal records from the CA Department of Justice: <https://oag.ca.gov/fingerprints/record-review>
- Ask your parole officer for proof
- Get proof from the mental health facility



Step 2: Ask the court to adjust your back support

You will need to ask the court for relief:

- complete the following forms
 - *Request for Order* (form [FL-300](#))
 - *Application to Determine Arrears* (form [FL-490](#))
- make two sets of copies (including your proof of confinement)
- file your request with the court
- pay a \$60 fee (unless you've gotten a [fee waiver](#))
- have someone serve your request on other party

For more info about how to complete, file, and serve your request, see form [FL-300-INFO](#).

Step 3: Go to your court hearing

For info about what to expect at your court hearing, see <https://selfhelp.courts.ca.gov/request-for-order/hearing/what-to-expect-at-hearing>.



See next page for more information about changing a child support order, responding to court paperwork, and filing by mail.



How to change your child support order (LCSA is involved in your case)

⚠️ If you need to change your support order, don't wait. The court can only change the order back to the day you file your request. ⚠️

Step 1: Get proof of your current income

You will need to give the court proof of your income for the past two months which may include:

- paycheck stubs
- unemployment benefits
- other proof



If you filed taxes in the past year, bring a copy of your tax return to the court hearing.

Step 2: Fill out forms

To ask the court to change your child support order:

- complete the following forms:
 - *Request for Order* (form [FL-300](#))
 - *Income and Expense Declaration* (form [FL-150](#)) **OR** *Financial Statement (Simplified)* (form [FL-155](#))
 - *Declaration Regarding Address Verification- Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form [FL-334](#)),
- make **three** sets of copies (including your proof of income),
- file your request with the court, and
- have someone serve two copies of your paperwork on the LCSA, who will then serve the other party for you. (To use this option, the LCSA must be served at least 30 days before your court date.)

For more info about how to complete, file, and serve your request, see form [FL-300-INFO](#).

Step 3: Go to your court hearing

For info about what to expect at your court hearing, see selfhelp.courts.ca.gov/request-for-order/LCSA/hearing.



How to change your child support order (LCSA is NOT involved in your case)

Step 1: Get proof of your current income

You will need to give the court proof of your income for the past two months which may include:

- paycheck stubs
- unemployment benefits
- other proof



If you filed taxes in the past year, bring a copy of your tax return to the court hearing.

Step 2: Fill out forms

To ask the court to change your child support order:

- complete the following forms:
 - *Request for Order* (form [FL-300](#))
 - *Income and Expense Declaration* (form [FL-150](#)) **OR** *Financial Statement (Simplified)* (form [FL-155](#)),
- make **two** sets of copies (including your proof of income),
- file your request with the court,
- pay a \$60 fee (unless you've gotten a [fee waiver](#)), and
- have someone serve your request on the other party.

For more info about how to complete, file, and serve your request, see form [FL-300-INFO](#).

Step 3: Go to your court hearing

For info about what to expect at your court hearing, see <https://selfhelp.courts.ca.gov/request-for-order/hearing/what-to-expect-at-hearing>.



How to respond to court paperwork

Step 1: When to file a response

You must file a response if you were served with court paperwork making requests you don't agree with.

Step 2: Fill out the correct forms

	FORM	RESPONSE	
You will need to fill out the correct forms, depending on what paperwork you were served with:	FL-100	→	FL-120
	FL-200	→	FL-220
	FL-260	→	FL-270
	FL-300	→	FL-320
	FL-600	→	FL-610

Include a fee unless you qualify for a [fee waiver](#)

If the other party is asking for financial orders, like child support, you must also fill out [FL-150](#) **OR** [FL-155](#).

After you fill out the proper response:

- make two sets of copies (if the LCSA is involved, make three sets of copies)
- file your response with the court
- have someone 18 years or older, serve the other party (and the LCSA if they're involved)
 - service can be done by mail or in person
 - have your server complete a Proof of Service form
 - file the Proof of Service with the court.

by mail → [FL-335](#)
in person → [FL-330](#)

Step 3: Go to your court hearing

If you received notice of a court hearing, make sure you attend the hearing.



FREE HELP

Every county has free legal assistance.

Talk or write a letter to the [family law facilitator or self-help center](#) in your county. They can:

- explain court papers
- give you free forms
- help you fill out forms



FILE BY MAIL

You can file your court paperwork by mail.

If you can't file your paperwork in person at the courthouse, you can file by U.S. mail. Make sure to include:



- your original paperwork, plus copies,
- a self-addressed, stamped envelope, **AND**
- any filing fees that are owed.

ONLINE SERVICES

You may be able to:

- file paperwork electronically (e-file)
- attend your hearing remotely

Check your [local court's website](#) for more info.

