

# When you are served with a Summons & Complaint . . .

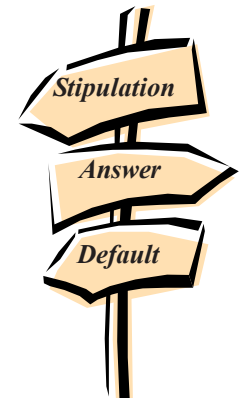


If you have been served with a *Summons & Complaint and Proposed Judgment*, you may have questions about what will happen.

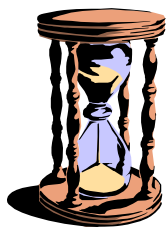
Here is general information regarding legal processes, blood tests, child support payments, CalWorks (welfare) charges, and medical insurance for your children. This is basic information; specific circumstances may vary.

## About the options you have. . .

1. **Sign a stipulation. . .** Upon receiving a complaint, you can make an appointment with an FSO (Family Support Officer) to sign a stipulation, a legal document that states *you agree you are the father*. The complaint contains a *proposed judgment* for a child support amount based upon information DCSS has about your income. The amount can be recalculated if you provide sufficient documentation about your actual income.



2. **File an answer to the complaint. . .** If you believe you are NOT the father, or otherwise disagree with the proposed judgment (or do not stipulate as stated above), you must file an answer with the *court* within 30 days of the date you are served. The forms for filing the answer are included in the complaint.



3. **If you do not sign a stipulation or file an answer. . .** The proposed judgment will become a final judgment of the court 30 days after you are served. A wage assignment for the child support amount will be served on your employer.

4. **If you want legal help. . .** you may hire an attorney, who may be present at any meeting you have with our office. If you cannot afford an attorney, call (408) 882-2900 and press #7 for the Family Law Facilitator.

## When you are served. . .



### About genetic tests . . .

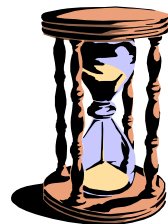
1. **Where they are taken . . .** At DCSS by appointment only. You will receive the results in six to eight weeks through the mail.
2. **Cost of the tests . . .** Initially DCSS will pay the genetic test fee, which is approximately \$47.00 per person. If tests show you to be the father, the court may order you to pay the total fee for the tests.
3. **If the tests show you are not the father . . .** The court action will be dismissed and the case against you will be closed.

### About who initiated the complaint against you . . .

1. **If your child receives aid or is enrolled in Medi-Cal. . .** Your case was referred to DCSS by the county Social Services Agency. Upon receipt of the referrals the law requires us to establish and enforce a court order for child support and reimbursement of public money spent for child support. We will seek an order requiring you to obtain health insurance for your child.
2. **If your child does not receive aid. . .** The other parent, the court or another agency has asked DCSS to establish and/or enforce a court order for child support.

### About child support payments. . .

1. **How much the payment will be . . .** DCSS and the court use California child support guidelines to set a child support amount; it is based mainly on the incomes of the parents, number of children, and custody and visitation.
2. **When the payments start . . .** Payments begin as ordered by the court. *Do not wait for DCSS to serve your employer with a wage assignment.* If you do not pay as required, you will be in violation of the court order. If you are self-employed or if all



## When you are served. . .

parties agree, you can make monthly child support payments through an automatic payment program. Call (408) 503-5200 for an enrollment form.

3. **If you do not pay . . .** The amounts due will be added to an arrear account; the law requires that 10% interest be charged on overdue accounts. If you are drawing unemployment or disability benefits or Worker's Compensation, up to 25% of the benefit will be deducted for child support.
4. **If you are in jail when we are obtaining the order. . .** You may be entitled to a free attorney to represent you.
5. **If you don't want a wage assignment served on your employer but want to make payments voluntarily . . .** When DCSS establishes a new or modified order, we are required by law to serve your employer with a wage assignment.
6. **When the wage assignment goes into effect. . .** When DCSS serves your employer, the wage assignment becomes effective within seven days of the date the employer receives it.

### About paying CalWorks costs . . .

1. **Why you pay CalWorks costs . . .** If your child receives aid or is in foster care, DCSS is required to collect money from you to repay the state and federal governments for your share of child support costs.
2. **If the child is living or has lived with you . . .** If you believe that CalWorks money was paid out fraudulently, call the Welfare Fraud line at (408) 299-4660. You must also notify DCSS if you suspect fraud.

## When you are served. . .

### About foster care . . .

1. **Why you must pay for the support of a child who is in foster care or in an institution . . .** When your child is placed in foster care or when a court removes a child from your home, you remain responsible to pay for the support of your child.
2. **Yes, the other parent has to pay, too . . .** When a child is institutionalized or placed in foster care, DCSS establishes a separate case against each natural or adoptive parent.

### About visitation and custody . . .

**DCSS does not handle custody and visitation.** If you have questions about these issues, you can call the Family Law Facilitator at the Family Court (408) 882-2900.

### About medical insurance and Medi-Cal . . .

**The law requires that health insurance be included** in a court order if the coverage is available at little or reasonable cost.

Medi-Cal is a form of public aid; if you have health insurance available at reasonable cost through your work, then it is your responsibility to add your child to that medical coverage.

### About “minor mothers” . . .

**Both parents are responsible for supporting a daughter who becomes a “minor mother.”** The support will be used to reimburse welfare costs.