

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): NOEL MURRAY, LEAD ATTORNEY SANTA CLARA COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES 333 W JULIAN ST STE 100 3RD FLOOR SAN JOSE CA 95110-2314 TELEPHONE NO.: (866) 901-3212 E-MAIL ADDRESS: ATTORNEY FOR (name): Under Family Code §§ 17400 & 17406		<small>FOR COURT USE ONLY</small> Electronically filed by Superior Court of CA, County of Santa Clara, on 9/8/2023 1:56 AM Reviewed By: M. Dominguez Case #22FL003144 Env. #12969059
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 201 N 1ST STREET, 5TH FLOOR MAILING ADDRESS: 191 N 1ST ST STE A CITY AND ZIP CODE: SAN JOSE 95113-1006 BRANCH NAME: FAMILY JUSTICE CENTER COURTHOUSE		
PETITIONER/PLAINTIFF: KOSTIANTYN MARS RESPONDENT/DEFENDANT: HANNA MARS OTHER PARENT/PARTY:		
SHORT FORM ORDER AFTER HEARING		CASE NUMBER: 22FL003144

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

a. Date: 09/05/2023 Dept: 71 Judicial Officer: Jillian M. Laxton

b. Petitioner/plaintiff present Attorney present (name):

c. Respondent/defendant present Attorney present (name): Nancy Roberts

d. Other parent/party present Attorney present (name):

e. Attorney for local child support agency present under Family Code sections 17400 and 17406 by (name): Rakhee Mehta

f. Other (specify): Petitioner and both counsel appeared by MS Teams

2. THE COURT FINDS, based upon the moving papers:

a. (Name): KOSTIANTYN MARS is the parent ordered to pay support in this proceeding.

b. The parent ordered to pay support has no ability to pay support because (specify):

c. Health insurance coverage at no or reasonable cost is currently not available to the parent ordered to pay support to cover the minor children in this action.

3. THE COURT ORDERS

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

b. This matter is continued to: in Dept.: for the following purposes only:

c. The parent ordered to pay support is ordered to appear on the continuance date.

d. Current child support is modified to: \$ per month beginning (date):

e. The court retains jurisdiction to order support retroactive to

(1) (specify date):

(2) the date the parent ordered to pay support becomes employed or otherwise has the ability to pay support.

(3) the date the parent ordered to pay support abandons or separates from the children at issue in this case.

f. Any order to liquidate the support arrearage is suspended until further order of this court.

g. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.

h. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.



DD3031074193

PETITIONER/PLAINTIFF: KOSTIANTYN MARS RESPONDENT/DEFENDANT: HANNA MARS OTHER PARENT/PARTY:	CASE NUMBER: 22FL003144
--	----------------------------

3. i. The parent ordered to pay support is ordered to obtain health insurance coverage for the children in this action if it becomes available at no or reasonable cost. The party ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.
- j. If this order includes orders for child support or reimbursement of uninsured health care costs, *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures)* and *Information Sheet on Changing a Child Support Order* (form FL-192) must be attached and is incorporated into this order.
- k. Other (specify):
Matter taken Off Calendar. No underlying Motion filed. Sent over in error.

4. Number of pages attached: _____

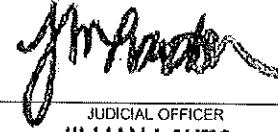
Approved as conforming to court order.

Date:

(SIGNATURE OF ATTORNEY FOR THE PARENT ORDERED TO PAY SUPPORT)

9/8/2023 1:56 AM

Date:



JUDICIAL OFFICER
JILLIAN LAXTON

NOTICE OF RIGHTS AND RESPONSIBILITIES

Health-Care Costs and Reimbursement Procedures

If you have a child support order that includes a provision for the reimbursement of a portion of the child's or children's health-care costs and those costs are not paid by insurance, the law says:

- 1. Notice.** You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.
- 2. Proof of full payment.** If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.
- 3. Proof of partial payment.** If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.
- 4. Payment by notified parent.** If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.
- 5. Going to court.** Sometimes parents get into disagreements about health-care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.
 - a. Disputed charges.** If you dispute a charge made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay that charge before filing your request.

Information About Child Support for Incarcerated or Detained Parents

- 1. Child support.** Under current California law, child support ordered or changed after December 31, 2020, 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.
- 2. Exceptions.** Child support does not automatically stop if the parent who has to pay
 - is confined for
 - domestic violence against the other parent or child, or
 - failing to pay a child support order; or
 - has money available to pay child support.

- b. Nonpayment.** If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable.
- c. Attorney's fees.** If the court decides one parent has been unreasonable, it can order that parent to pay the other parent's attorney's fees and costs.
- d. Court forms.** Use forms FL-300 and FL-490 to get a court date. See form FL-300-INFO for information about completing, filing, and serving your court papers.
- 6. Court-ordered insurance coverage.** If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.
 - a. Burden to prove.** The parent claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.
 - b. Cost of additional coverage.** If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.
- 7. Preferred health providers.** If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any parent uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the parent incurring those costs.

- 3. Timing.** Child support will automatically restart at the old amount the first day of the first full month after the parent is released. If you need to change your child support order, see page 2.

- 4. Past confinement.** If your child support order was entered or modified between October 8, 2015, and December 31, 2019, and you were confined against your will for more than 90 days in a row during the same time frame, you may also qualify for relief. See item 5 for how to obtain more information.

- 5. More info.** 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.

NOTICE OF RIGHTS AND RESPONSIBILITIES

Information Sheet on Changing a Child Support Order

General Info

The court has made a child support order in your case. This order will remain the same unless one of the parents requests that the support be changed (modified). An order for child support can be modified by filing a request to change child support and serving the other parent. If both parents agree on a new child support amount, they can complete, sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) (**Note:** If the local child support agency is involved in your case, it must be served with any request to change child support and approve any agreement.)

Online Self-Help Guide

For more information about how child support works, visit:
<https://selfhelp.courts.ca.gov/child-support>.

When a Child Support Order May Be Changed

The court considers several things when ordering the payment of child support.

- First, the number of children is considered, along with the percentage of time each parent has physical custody of the children.
- Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support ordered and paid are subtracted from a parent's paycheck). The court can also look at earning ability if a parent is not working.
- The court considers both parents' tax filing status and may consider hardships, such as the cost of raising a child of another relationship who lives with a parent.

A parent can request to change an existing order for child support when the net disposable income of one of the parents changes, parenting time changes, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. **Remember:** You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order, you must fill out one of these forms:

- Form FL-300, *Request for Order* or
- Form FL-390, *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms, and attach proof of income for the past two months (like your paycheck stubs):

- Form FL-150, *Income and Expense Declaration* or
- Form FL-155, *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Contact the family law facilitator or self-help center in your county.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form FW-001, *Request to Waive Court Fees and*
- Form FW-003, *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

- This means someone 18 or over — not you — must serve the other parent copies of your filed court forms at least 16 court days before the hearing. Add 5 calendar days if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations).
- **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to www.courts.ca.gov/holidays.htm.

The server must also serve blank copies both of these forms:

- Form FL-320, *Responsive Declaration to Request for Order*
- Form FL-150, *Income and Expense Declaration*

Then the server fills out and signs a *Proof of Service* (form FL-330 or form FL-335). Take this form, plus one copy, to the clerk and file it at least one week before your hearing.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- Form FL-340, *Findings and Order After Hearing and*
- Form FL-342, *Child Support Information and Order Attachment*

Need help?

Contact the family law facilitator or self-help center in your county, or call your county's bar association and ask for an experienced family lawyer.

GOVERNMENTAL AGENCY (<i>under Family Code, §§ 17400, 17406</i>) NOEL MURRAY, LEAD ATTORNEY SANTA CLARA COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES 333 W JULIAN ST STE 100 3RD FLOOR SAN JOSE CA 95110-2314 TELEPHONE NO.: (866) 901-3212 E-MAIL ADDRESS: ATTORNEY FOR (Name): Under Family Code, §§ 17400 & 17406		FOR COURT USE ONLY
STREET ADDRESS: 201 N 1ST STREET, 5TH FLOOR MAILING ADDRESS: 191 N 1ST ST STE A CITY AND ZIP CODE: SAN JOSE 95113-1006 BRANCH NAME: FAMILY JUSTICE CENTER COURTHOUSE		
PETITIONER/PLAINTIFF: KOSTIANTYN MARS RESPONDENT/DEFENDANT: HANNA MARS OTHER PARENT:		
PROOF OF SERVICE BY MAIL		CASE NUMBER: 22FL003144

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.

2. My business address is (*specify*):

333 W JULIAN ST STE 100
 3RD FLOOR
 SAN JOSE CA 95110-2314

3. I served a copy of the following documents (*specify*):

- Notice of Motion (Governmental) (form FL-680) and supporting attachments
 Responsive Declaration to Request for Order (form FL-320)
 Response to Notice of Motion to Cancel (Set Aside) Judgment of Parentage (form FL-276)
 Responsive Declaration to Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity (form FL-285)
 Notice of Opposition and Notice of Motion on Claim of Exemption (Governmental) (form FL-677)
 Other (*specify*):

SHORT FORM ORDER AFTER HEARING; FILED 9/8/23

by enclosing them in an envelope AND

- a. depositing the sealed envelope with the U.S. Postal Service with the postage fully prepaid.
 b. placing the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

Page 1 of 2



PETITIONER/PLAINTIFF: KOSTIANTYN MARS RESPONDENT/DEFENDANT: HANNA MARS OTHER PARENT:	CASE NUMBER: 22FL003144
--	----------------------------

4. Each envelope was addressed and mailed as follows:

(a) Date mailed: 09/27/2023

(b) Place of mailing (*city and state*):
SAN JOSE, CA

Name of party or attorney served:
KOSTIANTYN MARS

Name of party or attorney served:
HANNA MARS

(c) Address:
PO BOX 8081
SAN JOSE CA 95155-8081

(c) Address:
The address/place of service is on file with the
Department of Child Support Services shown
above pursuant to Family Code section 17212(b)
(3) and may be released only upon order of the
court pursuant to Family Code section 17212(c)(6).

Name of party or attorney served:

Name of party or attorney served:
NANCY ROBERTS/LAW OFFICES OF NANCY
ROBERTS

(c) Address:

(c) Address:
The address/place of service is on file with the
Department of Child Support Services shown
above pursuant to Family Code section 17212(b)
(3) and may be released only upon order of the
court pursuant to Family Code section 17212(c)(6).

Name of party or attorney served:

Name of party or attorney served:

(c) Address:

(c) Address:

5. The address for each individual identified in item 4 was

- a. verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.
- b. other (*specify*):

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 09/27/2023

E VALDIVIA

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

SANTA CLARA COUNTY DEPARTMENT OF CHILD SUPPORT
SERVICES
333 W JULIAN ST STE 100
3RD FLOOR
SAN JOSE CA 95110-2314

KOSTIANTYN MARS
PO BOX 391751
MOUNTAINVIEW CA
94039-1751



DS2514223345

This page intentionally left blank