

Emergency Rule 13. Effective date for requests to modify support

(a) Application

Notwithstanding any other law, including Family Code sections 3591, 3603, 3653, 20 and 4333, this rule applies to all requests to modify or terminate child, spousal, partner, or family support. For the purpose of this rule, “request” refers to *Request for Order* (form FL-300), *Notice of Motion (Governmental)* (form FL-680), or other moving papers requesting a modification of support.

(b) Effective date of modification

Except as provided in Family Code section 3653(b), an order modifying or terminating a support order may be made effective as of the date the request and supporting papers are mailed or otherwise served on the other party, or other party’s attorney when permitted. Nothing in this rule restricts the court’s discretion to order a later effective date.

(c) Service of filed request

If the request and supporting papers that were served have not yet been filed with the court, the moving party must also serve a copy of the request and supporting papers after they have been filed with the court on the other party, or other party’s attorney when permitted. If the moving party is the local child support agency and the unfiled request already has a valid court date and time listed, then subsequent service of the request is not required.

(d) Court discretion

Nothing in this rule is meant to limit court discretion or to alter rule 5.92 or 5.260 regarding which moving papers are required to request a modification of support.

(e) Sunset of rule

This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

Emergency Rule 13 adopted effective April 20, 2020.

Appendix I amended effective April 20, 2020; adopted effective April 6, 2020; previously amended effective April 17, 2020.