

LOS ANGELES COUNTY CSSD - ENCINO
15531 VENTURA BLVD
ENCINO CA 91436-3126



10/08/2009



CSE Case Number:
Custodial Party:
MICHELLE R ARROYO
Noncustodial Parent:
SLADE DANIEL SMILEY
Court Case Number:

Dear

The Department of Child Support Services (DCSS) has finished an audit of your support account(s). In doing this audit, the DCSS applied all the support payments made by SLADE DANIEL SMILEY or by the employer on his or her behalf to the support payments that are owed to you. For any month that the support payments were late or not paid, interest was added to the account(s).

The California Code of Civil Procedure (CCP), Section 685.010, states if court ordered payments are not paid, then 10 percent interest is added to the total unpaid amount. Also, CCP, Section 658.020, states that if the court ordered payments are to be made in installments, then 10 percent interest is added to the missed installment payment amount on the day it becomes late.

Generally, support payments are first applied to the support that is owed for the month that the support payment was received by DCSS. If any money is left over, it is used to pay any past due support owed. Payments received prior to January 1, 2009, were used to pay accrued interest first, then the principal balance. Per Assembly Bill 2669, payments received as of January 1, 2009 will be used to pay the principal balance first, then accrued interest (CCP Section 695.221).

As of 10/08/2009 our records show that you are owed \$71339.61 in late support payments, and you are owed \$6017.14 in interest which equals a total of \$77356.75 that is owed to you.

If you have any questions about this notice or believe a mistake has been made, visit CustomerConnect on the web, <https://www.childsup-connect.ca.gov> for assistance on-line or call CustomerConnect at (866) 901-3212. Persons with hearing or speech impairments, please call the TTY number (866) 399-4096

Sincerely,

INJA CHUN
Child Support Representative

CP ACCOUNT RECONCILIATION NOTICE
DCSS 0481 (11/06/08)



DS204*884528

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF CHILD SUPPORT SERVICES

AUDIT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): FESIA DAVENPORT, LEAD ATTORNEY		
LOS ANGELES COUNTY CSSD - ENCINO 15531 VENTURA BLVD ENCINO CA 91436-3126		
0370025249477	TELEPHONE NO.: (866) 901-3212 ATTORNEY FOR (Name): 17400 & 17408	
SUPERIOR COURT OF CALIFORNIA, COUNTY LOS ANGELES STREET ADDRESS: 600 S COMMONWEALTH AVE MAILING ADDRESS: 600 S COMMONWEALTH AVE CITY AND ZIP CODE: LOS ANGELES 90008-4001 BRANCH NAME: CENTRAL CIVIL WEST		
PETITIONER/PLAINTIFF: MICHELLE ARROYO RESPONDENT/DEFENDANT: SLADE SMILEY		
RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION		CASE NUMBER: BL0062375
HEARING DATE: 02/16/2010	TIME: 08:00 AM	DEPARTMENT OR ROOM: 2G 1809

1. CHILD CUSTODY
 - a. I consent to the order requested.
 - b. I do not consent to the order requested but I consent to the following order:

2. CHILD VISITATION
 - a. I consent to the order requested.
 - b. I do not consent to the order requested but I consent to the following order:

3. CHILD SUPPORT
 - a. I consent to the order requested.
 - b. I consent to guideline support.
 - c. I do not consent to the order requested, but I consent to the following order:
 - (1) Guideline
 - (2) Other (specify): Pursuant to Family Code Section 213, the responding party, "may seek affirmative relief to that requested by the moving party." The Child Support Services Department requests an upward modification of child support.

4. SPOUSAL SUPPORT
 - a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:

5. ATTORNEY FEES AND COSTS
 - a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:

PETITIONER/PLAINTIFF: MICHELLE ARROYO	CASE NUMBER:
RESPONDENT/DEFENDANT: SLADE SMILEY	BL0082375

5. PROPERTY RESTRAINT
- a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:

7. PROPERTY CONTROL
- a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:

8. OTHER RELIEF
- a. I consent to the order requested.
 - b. I do not consent to the order requested.
 - c. I consent to the following order:

9. SUPPORTING INFORMATION
- contained in the attached declaration



NOTE: To respond to a request for domestic violence restraining orders requested in the Request for Order (Domestic Violence Prevention) (form DV-100) you must use the Answer to Temporary Restraining Order (Domestic Violence Prevention) (form DV-120).

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

Date: 11/05/2009

SYLVIA L JOHNSON
 (TYPE OR PRINT NAME)

Sylvia Johnson
 (SIGNATURE OF DECLARANT)

1 **AN OBLIGOR MUST BE IN COMPLIANCE WITH THE JUDGMENT OR**
2 **ORDER FOR SUPPORT BEFORE THE OBLIGOR'S DRIVER'S LICENSE**
3 **CAN BE RELEASED BY THE CHILD SUPPORT SERVICES DEPARTMENT**

4 California Family Code Section 17520 states that "except as otherwise provided in this
5 section, the local child support agency shall not issue a release if the applicant is not in
6 compliance with the judgment or order for support."

7 Family Code Section 17520 (k) (1)(2)(3) and (4) provide that Judicial review of the local
8 child support agency's decision in matters regarding licenses shall be limited to a determination
9 of only four issues:

- 10 (1) Whether there is a support judgment, order or payment schedule on arrears or
11 reimbursement,
12 (2) Whether the petitioner is the obligor covered by the support judgment or order, and
13 (3) Whether the support obligor is or is not in compliance with the judgment or order of
14 support, and
15 (4) The extent to which the needs of the obligor, taking into account the obligor's payment
16 history and current circumstances of both the obligor and the obligee, warrant a
17 conditional history as described in this subdivision.

18 A driver's license is a privilege, not a right, and as such is subject to regulation including
19 suspension for failure to pay child support at the discretion of the Legislature. See Roger
20 Sunpath Tolces v. Grover Trask, 76 Cal. App. 4th 285 (1999). The Respondent owes \$71,339.61
21 in principal and \$6,623.04 in interest. The Respondent owes substantial arrears in this case due
22 to his failure to make consistent payments over the course of the child support order. He has
23 not made a payment on this case in over a year. See Exhibit 2. If the court decides to release
24 the driver's license, we request that the Respondent be ordered to make a lump sum payment
25 prior to the release of the driver's license and comply with a reasonable repayment plan.
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1 **MODIFICATION OF SUPPORT**

2 The Child Support Services Department requests that the court adhere to the statewide
3 uniform guidelines as set forth in Family Code Section 4050 et sec. Accordingly, the current
4 child support order should remain in full force and effect or be increased if appropriate pursuant
5 to guidelines. The Respondent has presented this court with no evidence that the application of
6 said guidelines would be inappropriate or unjust in this case. Further, no special circumstances
7 exist which warrant a deviation from the guideline amount.
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10 Additionally, the Child Support Services Department requests that the court in
11 accordance with Family Code 4058 (b), take the earning capacity of Respondent into account
12 and weigh this ability to earn, in deciding the child support amount, as it relates to the best
13 interest of the minor child, Grayson Arroyo-Smiley. The court requires that there be a change in
14 circumstances to justify a change in a support order, In Re Marriage of Popenhager, 99 Cal. App
15 3d 514, 521 (1979). Absent such a change in circumstances, the Respondent's motion should be
16 denied.
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18
19 **STAY ARREARS ENFORCEMENT**

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21 The Respondent has provided no legal or factual basis to stay arrears enforcement. The
22 Child Support Services Department's Records indicate that the Respondent currently owes
23 \$71,339.61 in principal and \$6,623.04 in interest on child support arrears in this case. See
24 Exhibit 1. Until the arrears are paid in full, the Child Support Services Department has the right
25 to enforce this case, Green v. Cutler, 79 Cal. App. 4th (2000). As such, the Respondent's request
26 to stay arrears enforcement should be denied.
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1 DATED: 11/5/09
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Respectfully Submitted,


SYLVIA L. JOHNSON
State Attorney



Case Balance Detail

Case Number: 0370025249477 Managing County: LOS ANGELES NCP: SMILEY, SLADE DANIEL CP: ARROYO, I

View Options

View Criteria: Debt Type: All Court Case Number: All Payee: All Interstate: All Other Agencies: All Child: All

Case Balance Detail

Obligation	Beginning Balance (\$)	Current Obligations (\$)	Current Interest (\$)	Collections (\$)	Adjusted Collections (\$)	Other Balance Changes (\$)	Balance (\$)	Payee
Court Case Number: <u>BL0062375</u>								
CHILD SUPPORT - UNASSIGNED CURRENT			0.00	0.00	0.00	(3,500.00)	3,500.00	ARRC MICH R
CHILD SUPPORT - NAA PRINCIPAL	71,339.61	0.00	0.00	0.00	0.00	3,500.00	74,839.61	ARRC MICH R
CHILD SUPPORT - NAA INTEREST	6,623.04	0.00	0.00	0.00	0.00	0.00	6,623.04	ARRC MICH R
SubTotal	81,462.65	3,500.00	0.00	0.00	0.00	0.00	84,962.65	
Court Case Number: OTHER								
SubTotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total	81,462.65	3,500.00	0.00	0.00	0.00	0.00	84,962.65	

View All



Exhibit 1

Case Balance History

Case Number: 0370025249477 Managing County: LOS ANGELES - NCP: SMILEY, SLADE DANIEL CP: ARROYO, I

View Options

- Balance Month Range: 6 months
 12 months

Case Balance History

Month Δ	Assistance Status	Managing Office	Beginning Balance (\$)	Current Obligations (\$)	Current Interest (\$)	Collections (\$)	Adjusted Collections (\$)	Other Balance Changes (\$)
11/2009	NA	Division I - Encino	81,462.65	[REDACTED]	0.00	0.00	0.00	0.00
10/2009	NA	Division I - Encino	77,356.75	[REDACTED]	605.90	0.00	0.00	0.00
09/2009	NA	Division I - Encino	73,299.16	[REDACTED]	557.59	0.00	0.00	0.00
08/2009	NA	Division I - Encino	69,252.71	[REDACTED]	546.45	0.00	0.00	0.00
07/2009	NA	PC270 - Criminal	65,235.99	[REDACTED]	516.72	0.00	0.00	0.00
06/2009	NA	Division I - Encino	61,264.71	[REDACTED]	471.28	0.00	0.00	0.00
05/2009	NA	Division I - Encino	57,307.44	[REDACTED]	457.27	0.00	0.00	0.00
04/2009	NA	Division I - Encino	53,393.69	[REDACTED]	413.75	0.00	0.00	0.00
03/2009	NA	Division I - Encino	49,495.87	[REDACTED]	397.82	0.00	0.00	0.00
02/2009	NA	Division I - Encino	45,663.40	[REDACTED]	332.47	0.00	0.00	0.00
01/2009	NA	Division I - Encino	41,825.04	[REDACTED]	338.36	0.00	0.00	0.00
12/2008	NA	Division I - Encino	38,017.25	[REDACTED]	307.79	0.00	0.00	0.00

Exhibit 2

1 **PROOF OF SERVICE BY MAIL – C.C.P. 1013a, 2015.5**

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3 I am a citizen of the United States and employed in the County of Los Angeles, California; I am
4 over the age of eighteen years and not a party of this action; my business address is Los Angeles County
5 Child Support Services Department, 15531 Ventura Boulevard, Encino, California 91436-3157.
6

7 On November 6, 2009, I served the within
8

9 **RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION**
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12 on the parties herein, by serving a copy thereof by enclosing it in a sealed envelope and depositing the
13 envelope at my place of business for same-day collection and mailing with the United States mail at
14 Encino, California, following our ordinary business practices with which I am readily familiar and
15 addressed as follows:
16

17 **SLADE SMILEY / MICHELLE T. ARROYO**

18 On record at the Child Support Services Department. Address may be released only upon
19 an order from the Court pursuant to Family Code Section 17212 (c) (6).

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on November 6, 2009, at Encino, California.
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26 **Case Number: BL 62375**
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