


ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): FESIA DAVENPORT , CHIEF ATTORNEY LOS ANGELES COUNTY CSSD - ENCINO 15531 VENTURA BLVD ENCINO CA 91436-3128 TELEPHONE NO.: (866) 901-3212 FAX NO. : (818) 501-3203 ATTORNEY FOR (Name): 17400 & 17406 0370025141216	<div style="text-align: center;">  <p>FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</p> <p>NOV 08 2010</p> <p>John A. Clarke, Executive Officer/Clerk BY <u>S. Trinh</u> Deputy</p> </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY LOS ANGELES STREET ADDRESS: 600 South Commonwealth Avenue MAILING ADDRESS: 600 South Commonwealth Avenue CITY AND ZIP CODE: Los Angeles, California 90005 BRANCH NAME: Central Civil West	
PETITIONER/PLAINTIFF: JERMAINE L. JACKSON RESPONDENT/DEFENDANT: ALEJANDRA JACKSON	
RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION	
HEARING DATE: 11/22/2010 TIME: 08:00 AM DEPARTMENT OR ROOM: 2G 1609	
CASE NUMBER: BD0416964	

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): Current order to remain in full force and effect, unless a material change of circumstances indicates a change in child support pursuant to guideline, in which case, affirmative relief for guideline support is requested. Family Code Section 213.

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:

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RESPONDENT/DEFENDANT: ALEJANDRA JACKSON	

6. 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

PLEASE SEE ATTACHED.

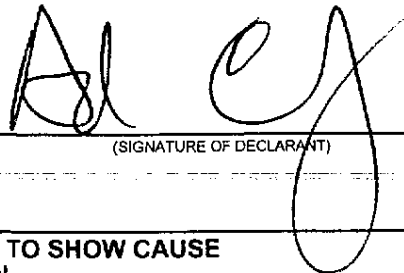
NOTE: To respond to a request for domestic violence restraining orders requested in the *Request for Order (Domestic Violence Prevention)* (form DV-100) you must use the *Answer to Temporary Restraining Order (Domestic Violence Prevention)* (form DV-120).

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

Date: 11/01/2010

ADRIAN C JACKSON

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

1 **MEMORANDUM OF POINTS AN AUTHORITIES**

2 **Case Number BD0416964**

3
4 **A. PETITIONER'S REQUEST SHOULD BE DENIED WITHOUT FULL COMPLIANCE**
5 **WITH LOS ANGELES SUPERIOR COURT RULES, RULE 14.9, AND CALIFORNIA**
6 **RULES OF COURT, RULE 5.128**

7 Rule 14.0 proves: "All blanks on Financial Declarations, as defined by the California Rules of
8 Court, must be completely filled in. If a previously filed Financial Declaration is claimed to be
9 "current," a copy must be attached to the moving or responding papers. In addition to the schedules
10 and pay stubs required to be attached to the Income and Expense Declaration, parties will bring copies
11 of State and Federal Income Tax Returns (including all supporting schedules) and all loan applications
12 (whether or not the loan was granted) for the past two years."

13 Moreover, California Rules of Court 5.128(a) provides a "current Income and Expense
14 Declaration (form FL-150) or a current Financial Statement (Simplified) (form FL-155), when such
15 form is appropriate, and a current Property Declaration (*form FL-160*) must be served and filed by any
16 party appearing at any hearing at which the court is to determine an issue as to which such
17 declarations would be relevant. ... Those forms must be sufficiently completed to allow determination
18 of the issue."

19 The Income and Expense Declaration requires the following attachments: 1) copies of paystubs
20 for the last two months and proof of any other income, 2) a copy of one's latest tax return, 3) for
21 investment income, attach a schedule showing gross receipts less cash expenses for each piece of
22 property, 4) for self-employment, for each business, attach a profit and loss statement for the last two
23 years or a Schedule C from your last federal tax return, and 5) attach any documentation for special
24 hardships.

25 Child Support Services Department (CSSD) requests no hearing without full compliance with
26 Rules 14.9 and 5.128. It should be noted the Income and Expense form filed with Petitioner's moving
27 papers is incomplete, as it fails to fill-in sections 1, 5, 6, 10, or 11. In addition, though Petitioner filed
28

1 a "Profit and Loss" statement with his Income and Expense form, it is only for January 1, 2010 – June
2 30, 2010 (6 months). Pursuant to the instructions on the Income and Expense form, a Profit and Loss
3 statement for the past 2 years is required.

4 CSSD further requests that the Court order Petitioner to provide evidence of all earnings,
5 royalties, and/or residuals, for 2008 and 2009, for work projects.

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7 **B. PETITIONER'S REQUEST FOR MODIFICATION SHOULD BE DENIED UNLESS**
8 **PETITIONER IS ABLE TO SHOW A CHANGE OF CIRCUMSTANCES**

9 Petitioner has failed to make a showing of "material change of circumstance" and thus the
10 request to modify support must be denied. Petersen v. Petersen (1972) 24 C.A. 3d 201; Marriage of
11 Kirk (1990) 217 C.A. 597. In addition, the court should consider the Petitioner's earning capacity
12 pursuant to F.C. Section 4058(b).

13 Petitioner contends that his monthly income is \$1,448 per month. However, he has not
14 indicated whether his employment is part-time or full-time, as section 1 is left blank. If Petitioner
15 alleges that he is employed for less than forty hours per week, the court may order child support based
16 on Petitioner's earning capacity in lieu of his actual earnings in the best interest of the minor. Family
17 Code section 4058(b).

18 Should Petitioner assert that he is unemployed, then CSSD may request that the court order
19 Petitioner to attend job training, job placement, and vocational rehabilitation, and work programs, and
20 provide said documentation pursuant to Family Code section 3558.

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22 **C. PETITIONER'S REQUEST FOR PAYMENT PLAN AND LICENSE RELEASE**

23 Petitioner's owes \$91,921.55 in child support arrears, without prejudice, as of November 1,
24 2010, according to CSSD records. Prior to releasing Petitioner's driver's license, CSSD requests the
25 Court order the Petitioner to make a lump sum payment and be subject to a reasonable plan covering
26 the principal and interest.

1 **D. PETITIONER'S REQUSET FOR CREDIT OR OFF-SET FOR PAYMENT OF**
2 **SCHOOL TUITION SHOULD BE DENIED.**

3 CSSD is currently enforcing the most recent court order in this matter. CSSD is unaware of
4 any order in this matter that allows for Petitioner to pay for school tuition in lieu of paying child
5 support, nor is CSSD aware of any agreement between the parties that allows for such credit. As such,
6 CSSD is not agreeable to giving the credit. However, if at the time of hearing the custodial parent has
7 no objection to giving such a credit, CSSD would not object.

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9 **Signature appears on Judicial Council Form FL-320, which is herein incorporated by reference.**

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

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

On November 3, 2010, I served the within

RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION


on the parties herein, by serving a copy thereof by enclosing it in a sealed envelope and depositing the envelope at my place of business for same-day collection and mailing with the United States mail at Encino, California, following our ordinary business practices with which I am readily familiar and addressed as follows:

DENISE A. HOUGHTON, ESQ.
86 Long Court, Suite B
Thousand Oaks, California 91360

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

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

Executed on November 3, 2010, at Encino, California.



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