

NOTICE OF RIGHTS AND RESPONSIBILITIES

Child 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 OR CHILDREN'S CHILD CARE COSTS, YOU MUST DO THE FOLLOWING:

1. NOTICE. You must give the other parent an itemized statement of the charges that have been billed for any child care costs related to employment or to reasonably necessary education or training for employment skills. You must give this statement to the other parent within a reasonable time, but no later than 30 days after those costs were given to you.

2. PROOF OF FULL PAYMENT. If you have already paid all of the child care costs, you must (1) provide the other parent with proof that you have paid those costs, and (2) ask for reimbursement for the other parent's court-ordered share of those costs. Proof of payment should be in the form of canceled checks, timely receipts, billing statements from the child care provider, or the provider's declaration under penalty of perjury.

3. PROOF OF PARTIAL PAYMENT. If you have only paid your share of the child care costs, you must (1) provide the other parent with proof that you have paid your share, (2) ask that the other parent pay his or her share of the costs directly to the child care provider, and (3) provide the other parent with the information necessary for that parent to be able to pay the bill. Proof of payment should be in the form of canceled checks, timely receipts, billing statements from the child care provider, or the provider's declaration under penalty of perjury.

4. PAYMENT BY NOTIFIED PARENT. If you receive notice from the other parent that child care costs related to employment or to reasonably necessary education or training for employment skills have been incurred, you must pay your share of the costs within the time the court orders, or if the court has not specified a period of time, you must make payment within 30 days from the time you were given notice of the amount due.

5. DISPUTED CHARGES. If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion. If you claim that the other party has failed to reimburse you for a payment, or the other parent has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court may award attorney fees against a party who has been unreasonable.

6. INTENT OF ORDER. An order for reimbursement of child care expenses is intended to be paid 50 percent by each parent subject to proof of the actual cost. (If the court orders a different percentage per FC 4061(b) the intent is still that each parent pays the ordered percentage of the actual cost).