

## MEMORANDUM

From: Hon. JoAnn Johnson  
Re: Retroactive Support  
Date: April 20, 2020

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“The following is posted on the California Courts website:

‘The Judicial Council by circulating order approved temporary emergency rule #13, which makes it easier for parties to request changes to child, spousal, partner, or family support orders during the state of emergency.

Emergency rule 13 gives judges discretion to backdate the modified support order starting from when the person seeking the change mailed or served the request on the other party, rather than the date the request was filed with the court.

Allowing for the service of an unfiled request is especially important during this state of emergency, as changes made to court operations to address public health and safety are making it more challenging for requests to be filed and processed by the courts. The rule helps make sure people whose jobs have been affected by the COVID-19 pandemic can get relief as close as possible to their loss of income.’

A formal order will be forthcoming. Attorneys and parties may serve an unfiled RFO for support. The court may make the order retroactive to the date of service of the unfiled RFO. Please continue to monitor the court's website for more details. My thought- but not yet a formal procedure - is that the RFO would be served without a date. When the RFO is filed, a date will be given and the documents them must be re-served. Please take care to retain the proof of service of the original unfiled RFO.

Hopefully this will resolve some concerns about obtaining retroactive support for your clients, albeit, not back to the court closure.”