

1. Cal Fam Code § 4055, (2010), FAMILY CODE, Division 9. Support, Part 2. Child Support, Chapter 2. Court-Ordered Child Support, Article 2. Statewide Uniform Guideline, § 4055. Formula for statewide uniform guideline for determining child support, Deering's California Codes Annotated

CORE TERMS: earner, child support, low-income, child support, net disposable income, formula, noncustodial parent, obligor's, computer program, statewide, guideline, amount calculated, amount of support, net monthly disposable income, default proceeding, custodial parent, particular case, inappropriate, affirmatively, time-sharing, approximate, allocated, fraction, rebutted, youngest, monthly, default, noticed, minus

(a) The statewide uniform **guideline** for determining **child support** orders is as follows: $CS = K [HN - (H\%) (TN)]$. (b) (1) The components of the formula are as follows: (A) CS = **child support** amount. (B) K = amount of both parents' income to be allocated for **child support** as set forth in paragraph (3). (C) HN = ...
... percentages of time the high earner parent spends with each **child**. (E) TN = total net monthly disposable income of ...
... K (amount of both parents' income allocated for **child support**) equals one plus H% (if H% is less than or equal to ...
... x 0.25, or 0.30. (4) For more than one **child**, multiply CS by: [Click here to view image](#). (5) If the ...
... affidavit pursuant to Section 2336, or in any proceeding for **child support** in which a party fails to appear after being ...
... obligor and the obligee. The low-income adjustment shall reduce the **child support** amount otherwise determined under this section by an amount that is no greater than the amount calculated by multiplying the **child support** amount otherwise determined under this section by a ...
... 8) Unless the court orders otherwise, the order for **child support** shall allocate the **support** amount so that the amount of **support** for the youngest **child** is the amount of **support** for one **child**, and the amount for the next youngest **child** is the difference between that amount and the amount for two children, with ...
... c) If a court uses a computer to calculate the **child support** order, the computer program shall not automatically default ...
... § 1 (SB 541). Cross References: Application to **child support** order during pendency of action: Fam C § 3621 ...
... formula: Fam C § 4057. Additions to amount of **child support** calculated under formula: Fam C § 4061. ...
... Affidavits generally: CCP §§ 2009 et seq. **Guidelines** for the Operation of Family Law Information Centers and Family ...
... Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 40, Duty to **Support** Children and Jurisdiction to Order **Support** § 40.05. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 40, Duty to **Support** Children and Jurisdiction to Order **Support** § 40.09. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 40, Duty to **Support** Children and Jurisdiction to Order **Support** § 40.25. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 40, Duty to **Support** Children and Jurisdiction to Order **Support** § 40.45. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 40, Duty to **Support** Children and Jurisdiction to Order **Support** § 40.46. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 40, Duty to **Support** Children and Jurisdiction to Order **Support** § 40.100. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 40, Duty to **Support** Children and Jurisdiction to Order **Support** § 40.102. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders §

41.03.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.05.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender (R)), ch 41, **Child Support** Orders § 41.06.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.07.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.08.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.30.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.31.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.42.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.100.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.101.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.106.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.100A.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 42, Modification of **Child Support** Orders § 42.21.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 42, Modification of **Child Support** Orders § 42.22.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 42, Modification of **Child Support** Orders § 42.23.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 42, Modification of **Child Support** Orders § 42.24.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender (R)), ch 42, Modification of **Child Support** Orders § 42.26.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 91, Initial Client Contact § 91.04 ...

... Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 141, Special Remedies for Enforcement of **Support** § 141.221.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 141, Special Remedies for Enforcement of **Support** § 141.225.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 160, Tax Effects of Dissolution § 160.04 ...

... Guide".10 Witkin Summary (10th ed) Parent and **Child** §§ 387, 396, 405, 406, 409, 411, ...

... Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 223 "Dissolution Of Marriage: **Child** Custody".Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 224 "Dissolution Of Marriage: **Child Support**".Cal. Legal Forms, (Matthew Bender) §§ 123.21[...

... et seq. Law Review Articles:Silver spoon **child support**. 25 Bev Hills BJ 207.The new statewide uniform **child support guideline**: Background & commentary. 15 Family L News No. 3 p 11.An introduction to California's **child support guidelines**. 3 San Diego Justice Journal 551.Lurking in the shadow (**child** custody bargains). 68 S Cal LR 493. ...

... Family Law Revisited: Current Inequities in California's **Child Support** Law. 35 USF LR 593.Hierarchy Notes: ...

1. Generally **Guideline** amount of **child support** is calculated by applying a mathematical formula to the relative ...

... In re Marriage of De Guigne (2002, Cal App 1st Dist) 97 Cal App 4th 1353, 119 Cal Rptr 2d 430, 2002 Cal App LEXIS 4034. 2. Legislative Intent In proceedings to modify **child support**, the trial court erred in directing a noncustodial ...

... assets, where there was no question as to the father's ability to pay any reasonable **support** order, and where he had stipulated that he could and would pay any reasonable amount of **child support**. The judicial rule that discovery is unnecessary, unduly burdensome, and oppressive ...

... abrogated by legislative enactments, and nothing in the uniform **guideline** formula in Fam C § 4055 (formerly ...

... Legislature adopted the rule when it provided that the presumption of correctness of the amount of **child support** established by the **guideline** formula may be rebutted on a showing that the parent being ...

... 1994 Cal LEXIS 2074. In determining the amount of **support** a father was

required to pay for his disabled adult **child**, the trial court did not err in using the uniform **child support guidelines** (Fam C § 4050 et seq.). The express statutory language demonstrate that the **guidelines** apply to cases involving adult children. With one exception, the Legislature uses the term "**child**" rather than "minor **child**" throughout these provisions. In related statutes, the Legislature differentiated ...

... minor and adult children, and the Legislature's use of the unqualified word "**child**" in the **guidelines** must be deemed to have been a conscious, deliberate choice intended to refer to any **child** owed a duty of **support** by a parent. Also, Fam C § 3910 (duty to **support** incapacitated **child** of any age), does not displace the **guidelines** with respect to **support** for adult children. Further, although cases involving ...

... different from a typical case involving a minor and the **guidelines** embody various assumptions about parents and minor children, the **guidelines** are not fatally inflexible with respect to the special circumstances of disabled adult children and their parents. Generally, when any assumption operating through the **guideline** formula produces an unjust or inappropriate result due to special ...

... 1997 Cal LEXIS 3395. 3. Construction The amount of **child support** ordered pursuant to the statutory formula in Fam C § 4055 ...

... parent. If only one parent is employed, the full burden of **child support** can fall on the employed parent, although both parents have the responsibility to **support the child**. When **child support** is ordered at a time when both parents are employed, and thereafter ...

... discretion to consider that parent's earning capacity in ordering **child support** orders. Otherwise, one parent, by a unilateral decision, could eliminate his or her own responsibility to contribute to the **support of the child**, thereby causing the entire burden of supporting the **child** to fall upon the employed parent. In re Marriage of Paulin (1996, Cal App 1st Dist) 46 Cal App 4th 1378, 54 Cal Rptr 2d 314, 1996 Cal App LEXIS 616. ...

... dissolution proceeding to adjudicate the wife's petition to modify a **child support** order concerning the couple's disabled adult **child**, the trial court properly determined the husband's obligation under the uniform **child support guidelines** (Fam C § 4050 et seq.). First, the **child's** income from a trust that the wife had previously established did not directly discharge or offset any **support** obligation the husband had. Although a trial court has the discretion to reduce the amount of **child support** when a disabled adult **child** has independent income or assets, in this case there was no abuse of discretion. The court treated the trust as if it were one of the **child's** parents, rather than as an independent source of income. This treatment was warranted ...

... place after her death, and her directing the trust administrators to maintain the **child's** environment of care. Second, the award represented an amount roughly ...

... net income jointly available to him and the trust. Third, although the **guidelines** incorporate time-sharing as a factor, and many disabled ...

... in this case the wife and her successors had full responsibility for the **child's** physical situation and care, and the husband had none. Fourth, the requirement that both parents **support** a disabled **child** did not require the court to impose a monetary amount on the ...

... 1997 Cal LEXIS 3395. For purposes of timeshare percentage for **child support**, if a parent desires credit for time the **child** is not physically with them, then the parent has the burden of producing admissible evidence demonstrating he or she is primarily responsible for that **child** during those challenged times; relevant factors include: (1) who pays for transportation or who transports the **child**; (2) who is designated to respond to medical or other emergencies; (3) who was ...

... failure to earn, as that limitation would conflict with the law's policy of making the **child's** best interests the leading consideration in **child support** cases. Accordingly, in a case in which a trial court modified the **child support** obligation of a father, who

was also a defendant in a ...

... husband, a surgeon, was properly ordered to pay temporary **child support** of \$13,488 per month and \$30,000 per month, respectively. The ...

... share in the standard of living of both parents, and the amount of **support** could appropriately improve the standard of living of the custodial household to improve the ...

... In re Marriage of Wittgrove (2004, Cal App 4th Dist) 120 Cal App 4th 1317, 16 Cal Rptr 3d 489, 2004 Cal App LEXIS 1239. Because the trial court calculated **child support** pursuant to Fam C § 4055 in a ...

... Discretion In a proceeding to modify a father's **child support** obligation, the trial court did not abuse its discretion by imputing the **child's** time in boarding school to the father, thus reducing the mother's parenting time from 38 percent to 17 percent and reducing the **child support** she was entitled to under the uniform **guideline** formula (Fam C § 4055), where the father had been the primary ...

... contract with the school and assumed overall physical responsibility for the **child** while he was away at school. Further, the mother's showing was remarkably ...

... adjudicate the wife's request for an upward modification of a **child support** order, in which the trial court calculated the new amount ...

... husband brought the incorrect percentage to the court's attention. California **child support** law has become highly deterministic. In light of such determinism, ascertaining the correct "uniform **guideline**" becomes extraordinarily important, because the trial court may only depart from that **guideline** by specifying three things--the **guideline** amount, the reason why the amount ordered differs, and the reason the different amount is consistent with the best interests of the **child** (Fam C § 4056). Consistent with Fam C §§ 4055 ...

... a trial court is going to use its discretion to vary the **guideline** amount, it must make an accurate computation of that amount, then actually ...

... reasons for the variance on the record, not just estimate the **guideline** amount in a context where it evidently does not intend to vary the **guideline**. In re Marriage of Whealon (1997, Cal App 4th Dist) 53 Cal App 4th 132, 61 Cal Rptr 2d 559, 1997 Cal App LEXIS 153. Exception to the changed circumstances rule for modification of **child support** orders that did not conform to the **guideline** formula did not apply to a **child support** order that postdated the establishment of the **child support guideline** under Fam C § 4055. The parent could not rely on the establishment of the **child support guideline** to satisfy the changed circumstances rule, which was that all the "exception" arising from Fam C § 4069 ...

... In re Schopfer (2010, 3d Dist) 2010 Cal App LEXIS 1060. Mere fact that a supported **child** who is a full-time high school student turns 18 does not constitute a change of circumstances that renders the **guideline** in Fam C § 4055 inapplicable. As long as, ...

... possible to reasonably assign physical "responsibility" for an adult **child**, the **guideline** formula remains applicable, even though neither parent (or any other person) has "custody" of the **child**. In re Schopfer (2010, 3d Dist) 2010 Cal App LEXIS 1060. Father's obligation to pay **guideline support** under Fam C § 4055 continued for a 19-year-old **child** who was finishing high school at a boarding school. The trial court properly found that the **child's** attendance at boarding school did not change the fact that the stepfather was " ...

... enrolling her, maintained frequent and continuing contact, and exchanged visits, and the **child** intended to return home to live with him upon graduating. In re Schopfer (2010, 3d Dist) 2010 Cal App LEXIS 1060. ...

... adjudicate the wife's request for an upward modification of a **child support** order, the husband waived any error in the trial court's ...

... income instead of the average of the last 12 months. California **child support** law now resembles determinate sentencing in the criminal ...

... divorce proceeding, the trial court improperly considered spousal **support** as

gross income for the purpose of determining **guideline support** or a modification therefrom as spousal **support** received from a party to the **child** proceedings did not constitute gross income for the purposes of determining the presumptively correct **guideline child support** under Fam C § 4055 and § 4058; the trial court could not exercise its discretion to consider spousal **support** received from a party to the **child support** proceedings as a special circumstance in justifying departure from the **guideline** under Fam C § 4057. In re Marriage of Corman (1997, Cal App 2d Dist) 59 Cal App 4th 1492, 69 Cal Rptr 2d 880, 1997 Cal App LEXIS 1039. A decision not to order the **guideline** amount for **child support** pursuant to Fam C § 4055 is legal error ...

... a special circumstance is present. The court can deviate from the **guideline** where the supporting parent has an extraordinarily high income, and the **guideline** amount would exceed the needs of the children, in which event the court has the ...
... awarded a percentage of future option income as additional **child support**, it was error to apply the **guideline** formula (Fam C § 4055) without a finding that the amount ordered would not exceed the **child's** needs (Fam C § 4057). A percentage ...

... long as a maximum amount is set that would not exceed the **child's** needs. In re Marriage of Kerr (1999, Cal App 4th Dist) 77 Cal App 4th 87, 91 Cal Rptr 2d 374, 1999 Cal App LEXIS 1108. ...

... proceeding committed reversible error in making a **child support** order requiring the payment of an arbitrary percentage of one parent's ...

... other parent's income. The order differed on its face from the formula **guideline** set forth in Fam C § 4055, and could ...

... custody, and it appeared that the father should have been credited for at least some of the time the **child** spent at school, and thus the court reversed the trial court's timeshare ...

... not abuse its discretion by reducing a father's **child support** obligation below the low-income adjustment calculated under the ...

... may order a low-income adjustment to the amount of **child support** ordered if the obligor's net disposable income per month is ...

... Fam C § 4057, specifically provides that the court has discretion to set **support** in an amount other than that provided in Fam C § 4055. Although the amount of **child support** established by the formula under Fam C § 4055 ...

... court did not abuse its discretion by reducing the father's **support** obligation to zero and urging him to locate a roommate in ...

... a case in which a trial court modified the **child support** obligation of a father, who was also a defendant in a ...

... properly found special circumstances to justify its substantial departure from the **support** figure based on the statutory **guideline** where, among other things, the trial court found that: (1) the **child's** standard of living could not be sustained if the **guideline** figure were used; (2) the father would no longer be contributing **support** via visitation; and (3) the father's own standard of living would ...

... forth in Fam C § 4053 when it found the **guideline** presumption to be rebutted on the basis of the factors that it recited. Brothers v. Kern (2007, 5th Dist) 2007 Cal App LEXIS 1348. Application of **child support guideline** formula would be unjust or inappropriate as contemplated by Fam C § 4057(b)(5) ...

... Public Assistance If public assistance is provided for a **child** as a consequence of separation from or desertion by the parent, the parent is ...

... sums equivalent to those the parent would otherwise be obligated to provide in **child support** under the state **guidelines** for such awards, former W & I C § ...

... CCP § 338(a)). In determining the correct amount of a current **child support** award, or **support** arrearage, the provisions of Fam C § 4057 relating to the state **child support guidelines** come into play, former W & I C § ...

... Fam C § 4057 establishes a rebuttable presumption that the appropriate level of

support is that established by the **guidelines**; the presumption may be rebutted by evidence that the **guideline** amount is unjust or inappropriate due to special circumstances in the ...

... Fam C § 4057(b)(5)). In the present proceeding to determine paternity, **child support** award, and retroactive **support**, the trial court did not abuse its discretion when it reduced the amount of retroactive **support** requested, having found that because the minor was almost 16 years old at the ...

... seeking recoupment, for defendant's obligation for past **support** to be a financial burden he would bear for many years into the ...

... Generally Under CC (former) § 4722 (computation of **child support**), where one spouse does not work outside the home, the other ...

... nonmarital partner in calculating the minimum required amount of **child support**, did not conflict with former CC § 4724, subd. (...

... Fam C § 4057.5 (a)), which permitted the court to consider such income with regard to a **support** award above the minimum required amount. Nor did former CC ...

... community funds of a subsequent marriage were used to satisfy **child** or spousal **support** obligations, the community might be entitled to reimbursement, but which did not ...

... definition of "annual gross income" for purposes of determining **child support** obligations, former CC § 4721, (see now Fam C § 4058 (a) ...

... financial records of an alleged father for purposes of awarding **child support** in an action to establish parentage, pursuant to former CC ...

... need not be divulged with regard to awarding pendente lite **support** until after a prima facie showing of paternity had been ...

... Code section for the purpose of making a temporary **support** award. Thomas B. v. Superior Court (1985, Cal App 4th Dist) 175 Cal App 3d 255, 220 Cal Rptr 577, 1985 Cal App LEXIS 2831. ...

... state income tax returns in proceedings involving **child** or spousal **support**, did not apply in actions to establish parentage until the ...

... action to adjudicate an alleged father's paternity as to plaintiff's minor **child**, and for an award of **child support**, the trial court erred in ordering the putative father to ...

... hearing for an order to show cause for interim **support**, the court's finding of paternity for this limited purpose was not ...

... a trial court which determined the mandatory minimum amount of **child support** under the Agnos **Child Support** Standards Act, former CC § 4722, had considered the minimum necessary to **support** a **child**. However, if the parent's net disposable income as multiplied by the appropriate ...

... standard, the trial court had to set that lesser amount as the minimum **support** award. In re Marriage of Everett (1990, Cal App 1st Dist) 220 Cal App 3d 846, 269 Cal Rptr 917, 1990 Cal App LEXIS 544. 5. Modification In requesting a modification of **child support** payments, the proponent of the request generally must demonstrate changed circumstances to **support** the modification. However, the Agnos **Child Support** Standards Act of 1984, former CC § 4720 ...

... provided that its enactment constitutes a sufficient change of circumstances to **support** a request for modification as to **support** orders entered prior to July 1, 1985. Thus, a proponent of a request for modification of **child support** need have made no further showing. [See Cal. ...

... In re Marriage of Nolte (1987, Cal App 5th Dist) 191 Cal App 3d 966, 236 Cal Rptr 706, 1987 Cal App LEXIS 1697. In an action by a father to modify his **child support** payments, the trial court used an improper method to reduce the ...

... In re Marriage of Norvall (1987, Cal App 5th Dist) 192 Cal App 3d 1047, 237 Cal Rptr 770, 1987 Cal App LEXIS 1835. 6. Error In an action for the establishment of **child support**, the trial court erred in making an award lower than that provided for

in the Agnos **Child Support** Standards Act of 1984, former CC § 4720 ...
 ... fisc in a way that children not receiving such **support** did not. State of
 Washington v. Cobb (1987, Cal App 4th Dist) 194 Cal App 3d 773, 239 Cal Rptr 726,
 1987 Cal App LEXIS 2092. In proceedings to modify **child support**, the trial court's
 finding that former CC § 4721, ...
 ... in determining the husband's ability to pay mandatory minimum **child support**,
 former CC § 4721, (see now Fam C §§ 4055 ...
 ... taxes would constitute changed circumstances justifying modification of the
 award, and the **child support** actually awarded to the wife was slightly less than the
 amount listed ...

2. Cal Fam Code § 4057, (2010), FAMILY CODE, Division 9. Support, Part 2. Child Support, Chapter 2. Court-Ordered Child Support, Article 2. Statewide Uniform Guideline, § 4057. Presumption of amount of award established by formula, Deering's California Codes Annotated

CORE TERMS: child support, formula, particular case, special circumstances, family residence, inappropriate, time-sharing, unjust

(a) The amount of **child support** established by the formula provided in subdivision (a) of Section 4055 is presumed to be the correct amount of **child support** to be ordered. (b) The presumption of subdivision (a) is a rebuttable ...
 ... 4056: (1) The parties have stipulated to a different amount of **child support** under subdivision (a) of Section 4065. (2) The sale of the ...
 ... excess amount. (3) The parent being ordered to pay **child support** has an extraordinarily high income and the amount determined under the formula would ...
 ... in which the children have special medical or other needs that could require **child support** that would be greater than the formula amount.
 ... Section 3011 (factors in determining best interest of **child**). Cross
 References: Inclusion of any rebuttal factors found herein in ...
 ... statement: Fam C § 4056. Additions to amount of **child support** calculated under formula: Fam C § 4061. **Guidelines** for the Operation of Family Law Information Centers and Family ...
 ... Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 40, Duty to **Support** Children and Jurisdiction to Order **Support** § 40.04. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 40, Duty to **Support** Children and Jurisdiction to Order **Support** § 40.47. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.05. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.44. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.101. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.107. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.100A. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 42, Modification of **Child Support** Orders § 42.23. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 42, Modification of **Child Support** Orders § 42.26. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 121, Statement of Decision § 121.04 ...
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 ... seq.10 Witkin Summary (10th ed) Parent and **Child** §§ 392, 395, 409, 411, 412, 413, ...
 ... Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 224 "Dissolution Of Marriage: **Child Support**". Cal. Legal Forms, (Matthew Bender) §§ 123.21[...

... 123.213[1]. Law Review Articles: Silver spoon **child support**. 25 Bev Hills BJ 207. The new statewide uniform **child support guideline**: Background & commentary. 15 Family L News No. ...

... Family Law Revisited: Current Inequities in California's **Child Support** Law. 35 USF LR 593. Million-dollar ...

... Code Anticipates That in Extraordinarily High-income Cases **Guideline Child Support** May Exceed the Needs of the Children. 27 Los Angeles Lawyer 36 ...

1. Generally In fixing the amount of **child support**, the court must adhere to the statewide uniform **guidelines** except where there are special circumstances (Fam C § 4052), and in implementing the **guideline**, the court is required to adhere to certain delineated principles (Fam C § 4053 ...

... circumstances as a whole, and evaluate those circumstances in light of the **guideline** factors and guiding principles. The court has some discretion to adjust awards to ...

... contravene the purposes of the law regarding the attempted uniform calculation of **child support**. County of Stanislaus v. Gibbs (1997, Cal App 5th Dist) 59 Cal App 4th 1417, 69 Cal Rptr 2d 819, 1997 Cal App LEXIS 1035. 2. Legislative Intent In proceedings to modify **child support**, the trial court erred in directing a noncustodial ...

... assets, where there was no question as to the father's ability to pay any reasonable **support** order, and where he had stipulated that he could and would pay any reasonable amount of **child support**. The judicial rule that discovery is unnecessary, unduly burdensome, and oppressive ...

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... 1994 Cal LEXIS 2074. In determining the amount of **support** a father was required to pay for his disabled adult **child**, the trial court did not err in using the uniform **child support guidelines** (Fam C § 4050 et seq.). The express statutory language demonstrate that the **guidelines** apply to cases involving adult children. With one exception, the Legislature uses the term "**child**" rather than "minor **child**" throughout these provisions. In related statutes, the Legislature differentiated ...

... minor and adult children, and the Legislature's use of the unqualified word "**child**" in the **guidelines** must be deemed to have been a conscious, deliberate choice intended to refer to any **child** owed a duty of **support** by a parent. Also, Fam C § 3910 (duty to **support** incapacitated **child** of any age), does not displace the **guidelines** with respect to **support** for adult children. Further, although cases involving ...

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... Cal) 1997 Cal LEXIS 3395. 3. Construction **Guideline** amount of **child support** is calculated by applying a mathematical formula to the relative ...

... Fam C § 4057, subd. (b)(5), to apply the **guideline child support** formula to a **child** who has turned 18 but is still a full-time high school student. Therefore, a father's **child support** obligation continued for a 19-year-old **child** who was finishing high school at a boarding school. In re Schopfer (2010, 3d Dist) 2010 Cal App LEXIS 1060. 4. Applicability In modifying a father's **child support** order, the trial court did not abuse its discretion in setting the father's **support** payment obligation at \$294 per month, notwithstanding its calculation of ...

... Fam C § 4057). The court cited two circumstances: the father was providing

support for two children, including one stepchild, living with him, with the ...
... now Fam C § 4058), did not include **support** of stepchildren or payment of staggering consumer debt, former CC ...
... County of Lake v. Antoni (1993, Cal App 1st Dist) 18 Cal App 4th 1102, 22 Cal Rptr 2d 804, 1993 Cal App LEXIS 951. In a **child support** modification proceeding, the trial court properly denied a ...
... subsequent marriage, neither of whom he had adopted. A variance from the statutory **guidelines on child support** is allowed if application of the formula would be unjust or inappropriate due to special ...
... children of his or her former marriage whom he or she is under a court order to **support**. Moreover, application of the hardship deduction here would have reduced the **support** payment to only \$21 per month. Additionally, only ...
... months remained before the parent's obligation for continuing **support** ended. Moreover, the parent did not raise this argument to the trial ...
... not abuse its discretion by reducing a father's **child support** obligation below the low-income adjustment calculated under the ...
... may order a low-income adjustment to the amount of **child support** ordered if the obligor's net disposable income per month is ...
... Fam C § 4057, specifically provides that the court has discretion to set **support** in an amount other than that provided in Fam C § 4055. Although the amount of **child support** established by the formula under Fam C § 4055 ...
... court did not abuse its discretion by reducing the father's **support** obligation to zero and urging him to locate a roommate in ...
... husband, a surgeon, was properly ordered to pay temporary **child** and spousal **support** of \$13,488 per month and \$30,000 per month, respectively. The ...
... share in the standard of living of both parents, and the amount of **support** could appropriately improve the standard of living of the custodial household to improve the ...
... In re Marriage of Wittgrove (2004, Cal App 4th Dist) 120 Cal App 4th 1317, 16 Cal Rptr 3d 489, 2004 Cal App LEXIS 1239. Because the trial court calculated **child support** pursuant to Fam C § 4055 in a ...
... fair rental value of the family home as an offset against his **support** obligations, under Fam. Code § 4057, subd. (b)(2) (adjustment in **child support** where deferred sale of home order is entered), and deferring sale of the ...
... not an abuse of the trial court's discretion to adjust the husband's **child support** obligations in an equitable manner. In re Marriage of Braud (1996, Cal App 1st Dist) 45 Cal App 4th 797, 53 Cal Rptr 2d 179, 1996 Cal App LEXIS 476. ...
... Trial court did not abuse its discretion in setting **child** and spousal **support** amounts that exceeded three times the husband's total monthly ...
... existence of special circumstances permitted a deviation from the codified **support guidelines** under the provisions of Cal. Fam. Code §§ 4053, 4057 ...
... In re Marriage of De Guigne (2002, Cal App 1st Dist) 97 Cal App 4th 1353, 119 Cal Rptr 2d 430, 2002 Cal App LEXIS 4034. 6. Statutory Preclusion In fixing **child support** for defendant's 16-year-old son, whose mother was ...
... children from his current marriage. Since defendant sought the modification of the **support** order, it was his burden to establish application of the formula would be unjust or inappropriate (Fam C § 4057 ...
... family. Moreover, it was up to defendant to prove the unemployment of the supported **child's** mother was intentional or voluntary in order for the court to consider this factor in determining **child support**, and he failed to do so. The fact that a **child support** order for the presumptively correct amount might improve the standard of living of the supported **child's** household, including his sibling and mother, was not a special ...
... against a father to recover amounts the county had paid to **support** defendant's daughter and to compel him to pay future **support**, defendant failed to meet his

burden of proof under CC ...

... subd. (e)(6), to rebut the presumption that the statewide uniform **guideline** for **child support** orders established the correct amount of **child support** to be ordered. Neither the fact that an Aid to Families With Dependent Children ...

... mother's family who were unrelated to defendant might benefit from the payment of **support** beyond mere subsistence levels was a special circumstance that ...

... defendant's income was substantial tended to establish that he should pay more **child support** than the average noncustodial parent, not less, since the daughter was ...

... County of Alameda v. Johnson (1994, Cal App 1st Dist) 28 Cal App 4th 259, 33 Cal Rptr 2d 483, 1994 Cal App LEXIS 916. In a **child support** case, a father did not raise the issue of whether a deviation from the California **child support guidelines** was warranted due to a lower standard of living in ...

... Abuse of Discretion In an action to establish paternity and for **child support** brought by the mother of an 18-month-old **child** born out of wedlock, where the father admitted paternity, the court's award of \$2,150 monthly **child support** constituted an abuse of discretion. The court apparently considered the father's ...

... accountants. Furthermore, the trial court's assessment of the best interests of the **child** (based on an additional amount of \$750 ordered deposited each month into an account for the **child's** higher education) did not give sufficient consideration to the **child's** right to share in the standard of living of his extraordinarily high ...

... Moreover, a satisfactory reason for determining that a **support** award would be adequate required at least an approximation of the father's net ...

... point at which that income became extraordinarily high. Without these findings, the **support** award might have been set in an amount lower than that required of an ...

... earner, thus according the father an undue advantage from his ability to rebut the **guidelines** presumption based on his extraordinarily high earnings. McGinley v. Herman (1996, Cal App 2d Dist) 50 Cal App 4th 936, 57 Cal Rptr 2d 921, 1996 Cal App LEXIS 1041. ...

... 700 a month hardship deduction in calculating **child support** for **support** of his elderly mother, as a special circumstance under Fam C § 4057, subd. (b)(5), which permits departure from the **child support guideline** formula. The fact that the father's elderly mother looked to her son for financial **support** was not in any sense so unusual or extraordinary as to diminish the father's ...

... father would have any acute difficulty in providing both the full **guideline** level of **support** to his children and **support** for his mother. In light of the father's \$6,160 in ...

... month he had been paying previously, the \$1,000 a month in **support** required by the **guideline** in the absence of the deduction did not represent the sort of drastic increase in a **child support** burden that would warrant a special circumstance deduction. In re Marriage of Butler & Gill (1997, Cal App 4th Dist) 53 Cal App 4th 462, 61 Cal Rptr 2d 781, 1997 Cal App LEXIS 182. ...

... divorce proceeding, the trial court improperly considered spousal **support** as gross income for the purpose of determining **guideline support** or a modification therefrom as spousal **support** received from a party to the **child** proceedings did not constitute gross income for the purposes of determining the presumptively correct **guideline child support** under Fam C § 4055 and § 4058; the trial court could not exercise its discretion to consider spousal **support** received from a party to the **child support** proceedings as a special circumstance in justifying departure from the **guideline** under Fam C § 4057. In re Marriage of Corman (1997, Cal App 2d Dist) 59 Cal App 4th 1492, 69 Cal Rptr 2d 880, 1997 Cal App LEXIS 1039. ...

... 9. Special Circumstances A decision not to order the **guideline** amount for **child support** pursuant to Fam C § 4055 is legal error ...

... a special circumstance is present. The court can deviate from the **guideline**

where the supporting parent has an extraordinarily high income, and the **guideline** amount would exceed the needs of the children, in which event the court has the ...

... a case in which a trial court modified the **child support** obligation of a father, who was also a defendant in a ...

... properly found special circumstances to justify its substantial departure from the **support** figure based on the statutory **guideline** where, among other things, the trial court found that: (1) the **child's** standard of living could not be sustained if the **guideline** figure were used; (2) the father would no longer be contributing **support** via visitation; and (3) the father's own standard of living would ...

... forth in Fam C § 4053 when it found the **guideline** presumption to be rebutted on the basis of the factors that it recited. *Brothers v. Kern* (2007, 5th Dist) 2007 Cal App LEXIS 1348. Adding a sum to the **child support guideline** amount to account for the father's mortgage-free housing as ...

... Fam C § 4057(b) of special circumstances rendering **guideline support** unjust or inappropriate, the trial court abused its discretion under Fam C § 4053 ...

... equity in determining his income for purposes of calculating **guideline child support**. In re Marriage of Williams, (2007, 6th Dist) 150 Cal App 4th 1221, 58 Cal Rptr 3d 877, 2007 Cal App LEXIS 765, ...

... Dist.) 2007 Cal. App. LEXIS 935. Application of **child support guideline** formula would be unjust or inappropriate as contemplated by Fam C § 4057(b)(5) ...

... viewed as a justification for reducing his obligation to pay **child support** because trial court should have either interpreted the husband's current voluntary ...

... Fam C § 4057(b)(5) warranting a departure from **guideline** amounts, in an amount that would elevate his **support** payments to the amount that he would have been ordered to pay if he were actually receiving his company ...

... own lifestyle with other assets, and for purposes of calculating **support** that decision was indistinguishable from one in which the husband actually did receive the ...

... Public Assistance If public assistance is provided for a **child** as a consequence of separation from or desertion by the parent, the parent is ...

... sums equivalent to those the parent would otherwise be obligated to provide in **child support** under the state **guidelines** for such awards (former W & I C § ...

... CCP § 338(a)). In determining the correct amount of a current **child support** award, or **support** arrearage, the provisions of Fam C § 4057 relating to the state **child support guidelines** come into play (W & I C § 903(c)(4) ...

... Fam C § 4057 establishes a rebuttable presumption that the appropriate level of **support** is that established by the **guidelines**; the presumption may be rebutted by evidence that the **guideline** amount is unjust or inappropriate due to special circumstances in the ...

... Fam C § 4057(b)(5)). In the present proceeding to determine paternity, **child support** award, and retroactive **support**, the trial court did not abuse its discretion when it reduced the amount of retroactive **support** requested, having found that because the minor was almost 16 years old at the ...

... seeking recoupment, for defendant's obligation for past **support** to be a financial burden he would bear for many years into the ...

... in adjudicating a former husband's motion to reduce his **child support** payments, erred in considering the income of his former wife's ...

... new spouse's income is "extreme and severe hardship" to a **child**. If a **child** suffers because one of his or her parents quits working deliberately, for ...

... only consider this income to prevent a hardship to the supported **child**. Under Fam C § 4057, subd. (b)(...

... court has discretion not to use the statutory formula for **support** arises when application of the formula would be unjust or inappropriate due to special ...

... a trial court could make any equitable adjustment to the amount of **child support**, within reason. In this case, however, the court made an adjustment that

the ...

... Fam C § 4057(b)(3)) and who admitted an ability to pay any amount of **child support** could not refuse to reveal his actual income where the appropriate amount of **child support** remained disputed. Before a court could exercise its discretion to determine that a deviation from the **guideline** amount was warranted, it must first calculate the amount of **support** required by strict adherence to the **guideline**. In other words, only after the **guideline** formula was computed on a legitimate evidentiary basis as to the supporting parent's income could a court conclude that the **guideline** amount exceeded the **child's** reasonable needs. Fam C § 4056(a) similarly supported this conclusion in that it required a court whose **support** order differed from the **guideline** amount to state the amount of **support** that would have been ordered under the **guideline** formula. In re Marriage of Hubner (2001, Cal App 2d Dist) 94 Cal App 4th 175, 114 Cal Rptr 2d 646, 2001 Cal App LEXIS 2836, ...

... awarded a percentage of future option income as additional **child support**, it was error to apply the **guideline** formula (Fam C § 4055) without a finding that the amount ordered would not exceed the **child's** needs (Fam C § 4057). A percentage ...

... long as a maximum amount is set that would not exceed the **child's** needs. In re Marriage of Kerr (1999, Cal App 4th Dist) 77 Cal App 4th 87, 91 Cal Rptr 2d 374, 1999 Cal App LEXIS 1108. ...

... presumptively correct as to a parent's income in a **child support** proceeding. Cases involving significant nontaxable benefits should be dealt with ...

... court erred in upwardly modifying a father's **child support** obligation, where the mother did not first obtain his most current ...

... Fam C § 4058 subd. (a), for purposes of the **guideline support** calculation. Because the payments went directly to the attorneys and were not part of the parent's income or cash flow available for **child support**, the attorney fees benefit could be considered only under Fam C, § 4057, as a circumstance potentially warranting an upward departure from **guideline** amount. M.S. v. O.S. (2009, 4th Dist) 2009 Cal App LEXIS 1297. ...

... Generally Under former CC § 4722 (computation of **child support**), where one spouse does not work outside the home, the other ...

... nonmarital partner in calculating the minimum required amount of **child support**, did not conflict with former CC § 4724, subd. (...

... Fam C § 4057.5 (a)), which permitted the court to consider such income with regard to a **support** award above the minimum required amount. Nor did former CC ...

... community funds of a subsequent marriage were used to satisfy **child** or spousal **support** obligations, the community might be entitled to reimbursement, but which did not ...

... definition of "annual gross income" for purposes of determining **child support** obligations, former CC § 4721, (see now Fam C § 4058 (a) ...

... financial records of an alleged father for purposes of awarding **child support** in an action to establish parentage, pursuant to former CC ...

... need not have been divulged with regard to awarding pendente lite **support** until after a prima facie showing of paternity had been ...

... Code section for the purpose of making a temporary **support** award. Thomas B. v. Superior Court (1985, Cal App 4th Dist) 175 Cal App 3d 255, 220 Cal Rptr 577, 1985 Cal App LEXIS 2831. ...

... state income tax returns in proceedings involving **child** or spousal **support**, did not apply in actions to establish parentage until the ...

... action to adjudicate an alleged father's paternity as to plaintiff's minor **child**, and for an award of **child support**, the trial court erred in ordering the putative father to ...

... hearing for an order to show cause for interim **support**, the court's finding of

paternity for this limited purpose was not ...

... a trial court which determines the mandatory minimum amount of **child support** under the Agnos **Child Support** Standards Act (former CC § 4722), has considered the minimum necessary to **support a child**. However, if the parent's net disposable income as multiplied by the appropriate ...

... trial court must set that lesser amount as the minimum **support** award. In re Marriage of Everett (1990, Cal App 1st Dist) 220 Cal App 3d 846, 269 Cal Rptr 917, 1990 Cal App LEXIS 544. 5. Modification In requesting a modification of **child support** payments, the proponent of the request generally must demonstrate changed circumstances to **support** the modification. However, the Agnos **Child Support** Standards Act of 1984 (former CC § 4720 ...

... provides that its enactment constitutes a sufficient change of circumstances to **support** a request for modification as to **support** orders entered prior to July 1, 1985. Thus, a proponent of a request for modification of **child support** need make no further showing. [See Cal. ...

... In re Marriage of Nolte (1987, Cal App 5th Dist) 191 Cal App 3d 966, 236 Cal Rptr 706, 1987 Cal App LEXIS 1697. In an action by a father to modify his **child support** payments, the trial court used an improper method to reduce the ...

... In re Marriage of Norvall (1987, Cal App 5th Dist) 192 Cal App 3d 1047, 237 Cal Rptr 770, 1987 Cal App LEXIS 1835. 6. Error In an action for the establishment of **child support**, the trial court erred in making an award lower than that provided for in the Agnos **Child Support** Standards Act of 1984 (former CC § 4720 ...

... fisc in a way that children not receiving such **support** do not. State of Washington v. Cobb (1987, Cal App 4th Dist) 194 Cal App 3d 773, 239 Cal Rptr 726, 1987 Cal App LEXIS 2092. In proceedings to modify **child support**, the trial court's finding that former CC § 4721, ...

... in determining the husband's ability to pay mandatory minimum **child support**, former CC § 4721, (see now Fam C §§ 4055 ...

... taxes would constitute changed circumstances justifying modification of the award, and the **child support** actually awarded to the wife was slightly less than the amount listed ...

3. Cal Fam Code § 4056, (2010), FAMILY CODE, Division 9. Support, Part 2. Child Support, Chapter 2. Court-Ordered Child Support, Article 2. Statewide Uniform Guideline, § 4056. Information in writing or on record, Deering's California Codes Annotated

CORE TERMS: guideline, amount of support, formula, statewide, married

... following information whenever the court is ordering an amount for **support** that differs from the statewide uniform **guideline** formula amount under this article:

(1) The amount of **support** that would have been ordered under the **guideline** formula. (2) The reasons the amount of **support** ordered differs from the **guideline** formula amount. (3) The reasons the amount of **support** ordered is consistent with the best interests of the children. (b) At the request of any ...

... writing or on the record the following information used in determining the **guideline** amount under this article: (1) The net monthly disposable ...

... Section 3011 (factors in determining best interest of **child**). Cross

References: **Guidelines** for the Operation of Family Law Information Centers and Family ...

... Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.04. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender (R)), ch 41, **Child Support** Orders § 41.08. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.10. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.101. Cal.

Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support Orders** § 41.106.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support Orders** § 41.107.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 42, Modification of **Child Support Orders** § 42.08.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 42, Modification of **Child Support Orders** § 42.23.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 121, Statement of Decision § 121.04 ...

... Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 141, Special Remedies for Enforcement of **Support** § 141.225.Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 160, Tax Effects of Dissolution § 160.04.10 Witkin Summary (10th ed) Parent and **Child** §§ 407, 411, 412.Cal Jur 3d (...

... Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 224 "Dissolution Of Marriage: **Child Support**".Cal. Legal Forms, (Matthew Bender) §§ 123.21[...

... 123.201[1]. Law Review Articles: Silver spoon **child support**. 25 Bev Hills BJ 207.The new statewide uniform **child support guideline**: Background & commentary. 15 Family L News No. ...

... Family Law Revisited: Current Inequities in California's **Child Support** Law. 35 USF LR 593.Million-dollar ...

... Code Anticipates That in Extraordinarily High-income Cases **Guideline Child Support** May Exceed the Needs of the Children. 27 Los Angeles Lawyer 36 ...

... Reversible Error 5. Statement of Decisions 6. Deviation from **Guideline** Amount 7. Extraordinarily High Earners Decisions Under ...

... Fam C § 4056, subd. (a), when a court deviates from the statutory **guidelines** for **child support**, is mandatory. Fam C § 4056, subd. (a), states that the court "shall" render certain information when deviating from the **guideline child support** formula. Fam C § 4056, subd. (b), ...

... Fam C § 4052, provides that the court shall adhere to the statewide uniform **guideline** and may depart from the **guideline** only in the special circumstances set forth in Fam C § 4057 ...

... presumption created by Fam C § 4057, that the **guideline support** is the correct amount to be awarded and permitting deviation only in ...

... court to render the specified information sua sponte when deviating from the **guideline** formula. Further, the statute uses the term "information" which, read ...

... requirement that court issue statement of decision when deviating from statutory **guidelines for child support**), made within 10 days of the court's order, was timely. The ...

... calls for the court's reasons and a recitation of the amount of **support** that would have been ordered under the **guideline** formula, that is, issues that are normally disputed. Both a motion to ...

... adjudicate the wife's request for an upward modification of a **child support** order, in which the trial court calculated the new amount ...

... husband brought the incorrect percentage to the court's attention. California **child support** law has become highly deterministic. In light of such determinism, ascertaining the correct "uniform **guideline**" becomes extraordinarily important, because the trial court may only depart from that **guideline** by specifying three things--the **guideline** amount, the reason why the amount ordered differs, and the reason the different amount is consistent with the best interests of the **child** (Fam C § 4056). Consistent with Fam C §§ 4055 ...

... a trial court is going to use its discretion to vary the **guideline** amount, it must make an accurate computation of that amount, then actually ...

... reasons for the variance on the record, not just estimate the **guideline** amount in a context where it evidently does not intend to vary the **guideline**. In re Marriage of Whealon (1997, Cal App 4th Dist) 53 Cal App 4th 132, 61 Cal Rptr 2d 559, 1997 Cal App LEXIS 153. ...

... denying a mother's motion to modify, pursuant to statutory **guidelines**, the

father's **support** for their minor **child**, the trial court committed reversible error by failing to ...

... required by Fam C § 4056, in **support** of its order. The parties had originally entered into a stipulated judgment ...

... father entered into a new baseball contract, finding that this **support** order met the reasonable needs of the minor. Section 4056, ...

... states that the court "shall" render certain information when deviating from the **guideline child support** formula. Although the trial court expressly found that a \$5,500 monthly **child support** award met the reasonable needs of the **child**, it did not give the reasons for this finding. This error could not be ...

... proceeding committed reversible error in making a **child support** order requiring the payment of an arbitrary percentage of one parent's ...

... other parent's income. The order differed on its face from the formula **guideline** set forth in Fam C § 4055, and could ...

... state its reasons for granting the husband's petition to modify his **child support** obligation by imputing to the wife the starting salary of a ...

... a court to state its reasons for departing from mandatory **child support guidelines**, the court in this case was not departing from the **guidelines**. Instead, it merely exercised the discretion expressly vested in it ...

... earning capacity for actual income in applying the **guideline** formula. Although Fam C § 4053, states that the courts shall adhere to the principle that the **guidelines** take into account each parent's "actual" income, that section does ...

... subd. (d), states that each parent should pay for the **support** of the children "according to his or her ability." Read together, these two statutes ...

... capacity for actual earnings, consistent with the best interest of the **child**. In re Marriage of LaBass & Munsee (1997, Cal App 3d Dist) 56 Cal App 4th 1331, 66 Cal Rptr 2d 393, 1997 Cal App LEXIS 632, ...

... 1997 Cal LEXIS 6643. Imputation of income in calculating **child support** was not a deviation requiring a statement of reasons because it related to an input in the **guideline** calculation and was not a deviation from the final **guideline** amount. In re Marriage of Schlafly (2007, Cal App 6th Dist) 149 Cal App 4th 747, 57 Cal Rptr 3d 274, 2007 Cal App LEXIS 521. 6. Deviation from **Guideline** Amount In a **child support** proceeding arising out of the mother's relocation to South Carolina, the ...

... frequent and continuing contact with the noncustodial parent justified reducing the **guideline** amount to provide for necessary travel expenses and satisfied the ...

... rule that visitation cannot be a sufficient reason to vary the **guideline** amount in a move-away case. In addition, reduction of the **guideline** amount to create a travel fund within the control of the ...

... Wilson v. Shea (2001, Cal App 4th Dist) 87 Cal App 4th 887, 104 Cal Rptr 2d 880, 2001 Cal App LEXIS 187. 7. Extraordinarily High Earners In a **child support**

proceeding, where the unmarried father asserted that his annual income exceeded \$1 million and that he had the ability to pay any amount of **support** the court determined to be reasonable, and the mother countered that discovery was required because she had ...

... million admitted by the father would be significant in determining the **child's** reasonable needs, the trial court erred in granting the ...

... discovery of his lifestyle. When the information sought is irrelevant to the issue of the amount of **child support** to be paid by an extraordinarily high earner who has stipulated that he can and will pay any reasonable amount of **child support**, and where the extraordinarily high earner resists detailed discovery of his or her financial ...

... Fam C § 4057(b)(3)) and who admitted an ability to pay any amount of **child support** could not refuse to reveal his actual income where the appropriate amount of **child support** remained disputed. Before a court could exercise its discretion to determine that a deviation from the **guideline** amount was warranted, it must first

calculate the amount of **support** required by strict adherence to the **guideline**. In other words, only after the **guideline** formula was computed on a legitimate evidentiary basis as to the supporting parent's income could a court conclude that the **guideline** amount exceeded the **child's** reasonable needs. Fam C § 4056(a) similarly supported this conclusion in that it required a court whose **support** order differed from the **guideline** amount to state the amount of **support** that would have been ordered under the **guideline** formula. In re Marriage of Hubner (2001, Cal App 2d Dist) 94 Cal App 4th 175, 114 Cal Rptr 2d 646, 2001 Cal App LEXIS 2836, ...

... Generally Under former CC § 4722 (computation of **child support**), where one spouse does not work outside the home, the other ...

... nonmarital partner in calculating the minimum required amount of **child support**, did not conflict with former CC § 4724, subd. (...

... Fam C § 4057.5 (a)), which permitted the court to consider such income with regard to a **support** award above the minimum required amount. Nor did former CC ...

... community funds of a subsequent marriage were used to satisfy **child** or spousal **support** obligations, the community might be entitled to reimbursement, but which did not ...

... definition of "annual gross income" for purposes of determining **child support** obligations, former CC § 4721, (see now Fam C § 4058 ...

... financial records of an alleged father for purposes of awarding **child support** in an action to establish parentage, pursuant to former CC ...

... need not have been divulged with regard to awarding pendente lite **support** until after a prima facie showing of paternity had been ...

... Code section for the purpose of making a temporary **support** award. Thomas B. v. Superior Court (1985, Cal App 4th Dist) 175 Cal App 3d 255, 220 Cal Rptr 577, 1985 Cal App LEXIS 2831. ...

... state income tax returns in proceedings involving **child** or spousal **support**, did not apply in actions to establish parentage until the ...

... action to adjudicate an alleged father's paternity as to plaintiff's minor **child**, and for an award of **child support**, the trial court erred in ordering the putative father to ...

... hearing for an order to show cause for interim **support**, the court's finding of paternity for this limited purpose was not ...

... a trial court which determines the mandatory minimum amount of **child support** under the Agnos **Child Support** Standards Act (former CC § 4722), has considered the minimum necessary to **support** a **child**. However, if the parent's net disposable income as multiplied by the appropriate ...

... trial court must set that lesser amount as the minimum **support** award. In re Marriage of Everett (1990, Cal App 1st Dist) 220 Cal App 3d 846, 269 Cal Rptr 917, 1990 Cal App LEXIS 544. 5. Modification In requesting a modification of **child support** payments, the proponent of the request generally must demonstrate changed circumstances to **support** the modification. However, the Agnos **Child Support** Standards Act of 1984 (CC § 4720 et ...

... provides that its enactment constitutes a sufficient change of circumstances to **support** a request for modification as to **support** orders entered prior to July 1, 1985. Thus, a proponent of a request for modification of **child support** need make no further showing. [See Cal. ...

... In re Marriage of Nolte (1987, Cal App 5th Dist) 191 Cal App 3d 966, 236 Cal Rptr 706, 1987 Cal App LEXIS 1697. In an action by a father to modify his **child support** payments, the trial court used an improper method to reduce the ...

... In re Marriage of Norvall (1987, Cal App 5th Dist) 192 Cal App 3d 1047, 237 Cal Rptr 770, 1987 Cal App LEXIS 1835. 6. Error In an action for the establishment of **child support**, the trial court erred in making an award lower than that provided for in the Agnos **Child Support** Standards Act of 1984 (former CC § 4720 ...

... fisc in a way that children not receiving such **support** do not. State of Washington v. Cobb (1987, Cal App 4th Dist) 194 Cal App 3d 773, 239 Cal Rptr 726, 1987 Cal App LEXIS 2092. In proceedings to modify **child support**, the trial court's finding that CC § 4721, subd. (...

... in determining the husband's ability to pay mandatory minimum **child support** (CC § 4721), did not err in refusing to ...

... taxes would constitute changed circumstances justifying modification of the award, and the **child support** actually awarded to the wife was slightly less than the amount listed ...

4. Cal Fam Code § 4053, (2010), FAMILY CODE, Division 9. Support, Part 2. Child Support, Chapter 2. Court-Ordered Child Support, Article 2. Statewide Uniform Guideline, § 4053. Child support according to parent's circumstances and station in life, Deering's California Codes Annotated

CORE TERMS: guideline, support orders, child support, standard of living, parent's circumstances, statewide, station, raising

In implementing the statewide uniform **guideline**, the courts shall adhere to the following principles: (a) A parent's first and principal obligation is to **support** his or her minor children according to the parent's circumstances and station in life.

(b) Both parents are mutually responsible for the **support** of their children. (c) The **guideline** takes into account each parent's actual income and level of ...

... for the children. (d) Each parent should pay for the **support** of the children according to his or her ability. (e) The **guideline** seeks to place the interests of children as the state's top priority. (...

... Children should share in the standard of living of both parents. **Child support** may therefore appropriately improve the standard of living of the custodial household to improve the lives of the children. (g) **Child support** orders in cases in which both parents have high ...

... contributes a significant portion of available resources for the **support** of the children. (j) The **guideline** seeks to encourage fair and efficient settlements of conflicts between parents and seeks to minimize the need for litigation. (k) The **guideline** is intended to be presumptively correct in all cases, and only under special circumstances should **child support** orders fall below the **child support** mandated by the **guideline** formula. (l) **Child support** orders must ensure that children actually receive fair, timely, and sufficient **support** reflecting the state's high standard of living and high costs of ...

... Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 40, Duty to **Support** Children and Jurisdiction to Order **Support** § 40.03. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.04. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.06. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.07. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.08. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 41, **Child Support** Orders § 41.101. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender(R)), ch 42, Modification of **Child Support** Orders § 42.03. Cal. Fam. Law Practice & Procedure 2d (Matthew Bender (R)), ch 140, General Enforcement Principles and Remedies § 140.81.10 Witkin Summary (10th ed) Parent and **Child** §§ 392, 395, 406, 411. Rutter Cal ...

... Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 224 "Dissolution Of Marriage: **Child Support**". Cal. Legal Forms, (Matthew Bender) § 123.208[1]. Law Review Articles: The new statewide uniform **child support guideline**: Background & commentary. 15 Family L News No. ...

... Code Anticipates That in Extraordinarily High-income Cases **Guideline Child**

Support May Exceed the Needs of the Children. 27 Los Angeles Lawyer 36 ...
... Construction 5. Application 6. Discretion 7. Deviation from **Guidelines** 8. Error 9.
Good Cause Decisions Under ...
1. Generally In fixing the amount of **child support**, the court must adhere to the statewide uniform **guidelines** except where there are special circumstances (Fam C § 4052), and in implementing the **guideline**, the court is required to adhere to certain delineated principles (Fam C § 4053 ...
... circumstances as a whole, and evaluate those circumstances in light of the **guideline** factors and guiding principles. The court has some discretion to adjust awards to ...
... contravene the purposes of the law regarding the attempted uniform calculation of **child support**. County of Stanislaus v. Gibbs (1997, Cal App 5th Dist) 59 Cal App 4th 1417, 69 Cal Rptr 2d 819, 1997 Cal App LEXIS 1035. **Child support** could improve the standard of living of the custodial household to improve the lives of the ...
... trial court's paramount concern in adhering to or departing from the **guideline** amount had to have been the interests of the children. In re Marriage of De Guigne (2002, Cal App 1st Dist) 97 Cal App 4th 1353, 119 Cal Rptr 2d 430, 2002 Cal App LEXIS 4034. ...
... husband, a surgeon, was properly ordered to pay temporary **child** and spousal **support** of \$13,488 per month and \$30,000 per month, respectively. The ...
... share in the standard of living of both parents, and the amount of **support** could appropriately improve the standard of living of the custodial household to improve the ...
... Constitutionality Trial court erred in modifying the father's **child support** payments upon finding former Cal. Rules of Court, ...
... parents generally in allowing a reduction in **support** based on visitation. County of Los Angeles v. Patrick (1992, Cal App 2d Dist) 11 Cal App 4th 1246, 14 Cal Rptr 2d 665, 1992 Cal App LEXIS 1472. In proceedings to modify a father's **child support** order, the trial court did not abuse its discretion in ...
... a parent's ability to earn in setting the amount of **child support**. A parent's motivation for reducing available income is irrelevant when the ability and opportunity to adequately and reasonably provide for the **child** are present. Because children's interests are a top priority (Fam C § 4053, subd. (a)) and payment of appropriate **support** is a parent's primary obligation (Fam C § 4053, subds. (a) & (d)), a **child support** obligation must be taken into account whenever an obligor wishes to pursue a different lifestyle or endeavor. **Child support** is an overhead that must be paid first before any other expenses. ...
... Although the consideration of a parent's assets in awarding **child support** was not expressly mandated, the trial court's refusal to consider a father's substantial wealth in setting **child support** effectively permitted him to avoid his obligation to **support** his children according to his ability, his circumstances and station in life, and his ...
... Depreciation of rental property is not deductible in calculating **child support** under Fam C §§ 4058, 4059 because it is not an ...
... California's strong public policy in favor of adequate **child support**, as expressed in Fam C § 4053, indicates that a **child** should not receive less financial **support** from a parent who is permitted under tax laws and accounting ...
... a deduction that does not reduce funds available for **support**. Asfaw v. Woldberhan (2007, Cal App 2d Dist) 147 Cal App 4th 1407, 55 Cal Rptr 3d 323, 2007 Cal App LEXIS 269. 4. Construction **Guideline** amount of **child support** is calculated by applying a mathematical formula to the relative ...
... in outlining relevant considerations, the legislature does not limit the **guidelines** simply to parental income from salary, return on investment, or from any other ...
... err in finding that incarcerated father had an obligation to pay **child support**

even if that obligation could not currently be satisfied where, although unlikely, it was ...

... opportunity in the future to generate an income with which he might provide some **support** or health insurance for his **child**; trial court had accepted father's declaration that he had no income, and he was not ordered to pay any **support** amount or to provide any health insurance coverage at the current time, ...

... in the future if he could afford it. *El Dorado County Dept. of Child Support Services v. Nutt* (2008, 3d Dist) 167 Cal App 4th 990, 84 Cal Rptr 3d 523, 2008 Cal App LEXIS 1656. ...

... state its reasons for granting the husband's petition to modify his **child support** obligation by imputing to the wife the starting salary of a ...

... a court to state its reasons for departing from mandatory **child support guidelines**, the court in this case was not departing from the **guidelines**. Instead, it merely exercised the discretion expressly vested in it ...

... earning capacity for actual income in applying the **guideline** formula. Although Fam C § 4053, states that the courts shall adhere to the principle that the **guidelines** take into account each parent's "actual" income, that section does ...

... subd. (d), states that each parent should pay for the **support** of the children "according to his or her ability." Read together, these two statutes ...

... capacity for actual earnings, consistent with the best interest of the **child**. In re *Marriage of LaBass & Munsee* (1997, Cal App 3d Dist) 56 Cal App 4th 1331, 66 Cal Rptr 2d 393, 1997 Cal App LEXIS 632, ...

... discretion in choosing to allocate add-on expenses for **child support** based on the parents' income as of the time the expenses were incurred, rather than as of the ...

... In re *Marriage of Lusby* (1998, Cal App 4th Dist) 64 Cal App 4th 459, 75 Cal Rptr 2d 263, 1998 Cal App LEXIS 494. 7. Deviation from **Guidelines** Trial court did not abuse its discretion in setting **child** and spousal **support** amounts that exceeded three times the husband's total monthly ...

... existence of special circumstances permitted a deviation from the codified **support guidelines** under the provisions of Cal. Fam. Code §§ 4053, 4057 ...

... a case in which a trial court modified the **child support** obligation of a father, who was also a defendant in a ...

... properly found special circumstances to justify its substantial departure from the **support** figure based on the statutory **guideline** where, among other things, the trial court found that: (1) the **child's** standard of living could not be sustained if the **guideline** figure were used; (2) the father would no longer be contributing **support** via visitation; and (3) the father's own standard of living would ...

... forth in Fam C § 4053 when it found the **guideline** presumption to be rebutted on the basis of the factors that it recited. *Brothers v. Kern* (2007, 5th Dist) 2007 Cal App LEXIS 1348. ...

... Fam C § 4057(b) of special circumstances rendering **guideline support** unjust or inappropriate, the trial court abused its discretion under Fam C § 4053 ...

... equity in determining his income for purposes of calculating **guideline child support**. In re *Marriage of Williams*, (2007, 6th Dist) 150 Cal App 4th 1221, 58 Cal Rptr 3d 877, 2007 Cal App LEXIS 765, ...

... viewed as a justification for reducing his obligation to pay **child support** because trial court should have either interpreted the husband's current voluntary ...

... Fam C § 4057(b)(5) warranting a departure from **guideline** amounts, in an amount that would elevate his **support** payments to the amount that he would have been ordered to pay if he were actually receiving his company ...

... own lifestyle with other assets, and for purposes of calculating **support** that decision was indistinguishable from one in which the husband actually did receive the ...

... *Marriage of Berger* (2009, 4th Dist) 2009 Cal App LEXIS 106. 8. Error A decision not to order the **guideline** amount for **child support** pursuant to Fam C §

4055 is legal error ...

... a special circumstance is present. The court can deviate from the **guideline** where the supporting parent has an extraordinarily high income, and the **guideline** amount would exceed the needs of the children, in which event the court has the ...

... Fam C § 3653(b) required a finding that nonretroactivity of a **child support** modification was justified by real circumstances, substantial reasons, and objective conditions, as well as by statutory **child-support** principles. A good cause finding was proper where, had the father's retroactivity request been granted, the mother would have received no **child support** for over five months and the father would have been entitled to a ...

... spouse or nonmarital partner of a parent obligated to pay **child support**, to the extent that such income met the obligated parent's basic living expenses, the "obligated" parent referred to was the noncustodial parent from whom **child support** was sought. Thus, in **child support** proceedings by a custodial father against the noncustodial ...

... consider the income of the father's spouse to relieve the mother of the duty to **support her child** in accordance with the mandatory statutory minimum calculated under the Agnos **Child Support** Standards Act of 1984 (former CC § 4720 ...

... parent" was a factor to consider in calculating discretionary **child support**, the "obligated parent" was any parent with a legal obligation to **support the child**, regardless of whether the parent had physical custody. If the Legislature had meant "noncustodial ...

... increased the parent's disposable income, and the trial court in **support** modification proceedings erred in finding the statute unconstitutional on ...

Source: **Combined Source Set 1**  - CA - Deering's California Codes Annotated, Constitution, Court Rules & ALS, Comb

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