

LIST OF CITATIONS/STATUTES FOR PRESENTATION:

New Child Support Commissioners' Orientation

Legal references

Family Code §§4250-4253 re: duties/powers of Child Support Commissioners, and specifically **§4251(b)** re: required advisement by the court prior to commencement of hearing(s)

Family Code §§4050 et. seq. re: calculating support

§4053 (Principles of Statewide Uniform Guideline)

§4055 (Formula for determining support)

§4056 (Required findings on record)

§4058 (definition of gross income)

§4057 (Guideline *presumptively* correct; authority for deviations from guideline)

- §4057(b)(1)-(4): lists specific factors court can consider for departing from guideline – i.e. may rebut *presumptively* correct guideline
- §4057(b)(5): lists special circumstances (list not exhaustive) court can consider for departing from guideline. Although there are a number of other cases and circumstances, one common situation and case law example not specifically listed in statute:

City and County of San Francisco v. Miller (1966) 49 CA4th 866
(deviation downward proper where obligor's net disposable, if guideline imposed, is insufficient to meet his or her basic minimum monthly living expenses).

Note: Must calculate accurate guideline before court may depart from it; cannot make an estimate. *Marriage of Hall* (2000) 81 CA4th 313, 316-17; *Marriage of Whealon* (1997) 53 CA4th 132, 144-45

California Rules of Court (CRC):

CRC Rule 5.275(j) (must use DCSS Guideline Calculator program in IV-D cases)

CRC Rules 5.300-5.375 – rules governing Title IV-D support cases

(includes special educational rule, IV-D telephone appearance rule, and more)

CRC Rule 5.125 (re: preparation, service, and submission of order after hearing)

Resources

California Courts – Home page: <http://www.courts.ca.gov>

California Department of Child Support Services – Home page: <http://www.childsup.ca.gov>

State DCSS mailbox for questions re: DCSS Guideline Calculator: CCSASGC@dcss.ca.gov