



§ 4055. Statewide uniform guideline for determining child support

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West's Ann.Cal.Fam.Code § 4055

§ 4055. Statewide uniform guideline for determining child support

Effective: September 1, 2024

Currentness

<Section operative Sept. 1, 2024. See, also, § 4055 operative until Sept. 1, 2024.>

(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 = high earner's net monthly disposable income.

(D) H% = approximate percentage of time that the high earner has or will have primary physical responsibility for the children compared to the other parent. In cases in which parents have different time-sharing arrangements for different children, H% equals the average of the approximate percentages of time the high earner parent spends with each child.

(E) TN = total net monthly disposable income of both parties.

(2) To compute net disposable income, see Section 4059.

(3) K (amount of both parents' income allocated for child support) equals one plus H% (if H% is less than or equal to 50 percent) or two minus H% (if H% is greater than 50 percent) times the following fraction:

Income Per Month	Total Net Disposable K
\$0-2,900	$0.165 + TN/82,857$
\$2,901-5,000	$0.131 + TN/42,149$
\$5,001-10,000	0.250
\$10,001-15,000	$0.10 + 1,499/TN$
Over \$15,000	$0.12 + 1,200/TN$

For example, if H% equals 20 percent and the total monthly net disposable income of the parents is \$1,000, $K = (1 + 0.20) \times (0.165 + 1,000/82,857)$, or 0.21. If H% equals 80 percent and the total monthly net disposable income of the parents is \$1,000, $K = (2 - 0.80) \times (0.165 + 1,000/82,857)$, or 0.21.

(4) For more than one child, multiply CS by:

2 children	1.6
3 children	2
4 children	2.3
5 children	2.5
6 children	2.625
7 children	2.75
8 children	2.813
9 children	2.844

10 children

2.86

(5) If the amount calculated under the formula results in a positive number, the higher earner shall pay that amount to the lower earner. If the amount calculated under the formula results in a negative number, the lower earner shall pay the absolute value of that amount to the higher earner.

(6) In any default proceeding where proof is by affidavit pursuant to Section 2336, or in any proceeding for child support in which a party fails to appear after being duly noticed, H% shall be set at zero in the formula if the noncustodial parent is the higher earner or at 100 if the custodial parent is the higher earner, where there is no evidence presented demonstrating the percentage of time that the noncustodial parent has primary physical responsibility for the children. H% shall not be set as described in paragraph (3) if the moving party in a default proceeding is the noncustodial parent or if the party who fails to appear after being duly noticed is the custodial parent. A statement by the party who is not in default as to the percentage of time that the noncustodial parent has primary physical responsibility for the children shall be deemed sufficient evidence.

(7) In all cases in which the net disposable income per month of the obligor is less than the amount of monthly gross income earned from full-time minimum wage, established by Section 1182.12 of the Labor Code, at 40 hours per week, 52 weeks per year, there is a rebuttable presumption that the obligor is entitled to a low-income adjustment. The presumption may be rebutted by evidence showing that the application of the lowest amount of child support permitted pursuant to this paragraph would be unjust and inappropriate in the particular case. In determining whether the presumption is rebutted, the court shall consider the principles provided in Section 4053, and the impact of the contemplated adjustment on the respective net incomes of the 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 fraction, the numerator of which is the amount of monthly gross income earned from full-time minimum wage, established by Section 1182.12 of the Labor Code, at 40 hours per week, 52 weeks per year, minus the obligor's net disposable income per month, and the denominator of which is the amount of monthly gross income earned from full-time minimum wage, established by Section 1182.12 of the Labor Code, at 40 hours per week, 52 weeks per year.

(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 similar allocations for additional children. However, this paragraph does not apply

to cases in which there are different time-sharing arrangements for different children or where the court determines that the allocation would be inappropriate in the particular case.

(c) If a court uses a computer to calculate the child support order and the obligor's income qualifies for a low-income adjustment, the computer program shall provide the range of the adjustment permitted by paragraph (7) of subdivision (b).

(d) This section shall be operative September 1, 2024.

Credits

(Added by Stats.2023, c. 213 (S.B.343), § 3, eff. Jan. 1, 2024, operative Sept. 1, 2024.)

West's Ann. Cal. Fam. Code § 4055, CA FAM § 4055

Current with urgency legislation through Ch. 156 of 2024 Reg.Sess. Some statute sections may be more current, see credits for details.



§ 4057. Amount of child support established by formula; rebuttable presumption

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West's Ann.Cal.Fam.Code § 4057

§ 4057. Amount of child support established by formula; rebuttable presumption

Effective: September 1, 2024
Currentness

<Section operative Sept. 1, 2024. See, also, § 4057 operative until Sept. 1, 2024.>

(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 presumption affecting the burden of proof and may be rebutted by admissible evidence showing that application of the formula would be unjust or inappropriate in the particular case, consistent with the principles set forth in Section 4053, because one or more of the following factors is found to be applicable by a preponderance of the evidence, and the court states in writing or on the record the information required in subdivision (a) of Section 4056:

(1) The parties have stipulated to a different amount of child support under subdivision (a) of Section 4065.

(2) The sale of the family residence is deferred pursuant to Chapter 8 (commencing with Section 3800) of Part 1 and the rental value of the family residence where the children reside exceeds the mortgage payments, homeowner's insurance, and property taxes. The amount of any adjustment pursuant to this paragraph shall not be greater than 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 exceed the needs of the children.
- (4) A party is not contributing to the needs of the children at a level commensurate with that party's custodial time.
- (5) A support obligor qualifies for the low-income adjustment pursuant to paragraph (7) of subdivision (b) of Section 4055 and the amount of child support established by the formula exceeds 50 percent of the support obligor's net disposable income as defined in Section 4059 after application of the low-income adjustment. The amount of any adjustment pursuant to this paragraph shall not be greater than the amount exceeding 50 percent of the support obligor's net disposable income.
- (6) Application of the formula would be unjust or inappropriate due to special circumstances in the particular case. These special circumstances include, but are not limited to, the following:
- (A) Cases in which the parents have different time-sharing arrangements for different children.
- (B) Cases in which both parents have substantially equal time-sharing of the children and one parent has a much lower or higher percentage of income used for housing than the other parent.
- (C) Cases in which the children have special medical or other needs that could require child support that would be greater than the formula amount.
- (D) Cases in which a child is found to have more than two parents.
- (c) If the court is made aware that a parent is subject to multiple court orders to pay child support arising from a different case or cases, the court may take steps to determine how to allocate the parent's income and support obligation appropriately across the cases. A court that continues a hearing based on a party's representation that it will file an appropriate request to modify support in a related case may issue a temporary support order.
- (d) This section shall be operative September 1, 2024.

Credits

(Added by Stats.2023, c. 213 (S.B.343), § 5, eff. Jan. 1, 2024, operative Sept. 1, 2024.)

West's Ann. Cal. Fam. Code § 4057, CA FAM § 4057

Current with urgency legislation through Ch. 156 of 2024 Reg.Sess. Some statute sections may be more current, see credits for details.

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§ 4058. Annual gross income of parents

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West's Ann.Cal.Fam.Code § 4058

§ 4058. Annual gross income of parents

Effective: September 1, 2024
Currentness

<Section operative Sept. 1, 2024. See, also, § 4058 operative until Sept. 1, 2024.>

(a) The annual gross income of each parent means income from whatever source derived, except as specified in subdivision (c) and includes, but is not limited to, the following:

(1) Income such as commissions, salaries, royalties, wages, bonuses, rents, dividends, pensions, interest, trust income, annuities, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, social security benefits, severance pay, veterans benefits that are not based on need, military allowances for housing and food, and spousal support actually received from a person not a party to the proceeding to establish a child support order pursuant to this article.

(2) Income from the proprietorship of a business, such as gross receipts from the business reduced by expenditures required for the operation of the business.

(3) In the discretion of the court, employee benefits or self-employment benefits, taking into consideration the benefit to the employee, any corresponding reduction in living expenses, and other relevant facts.

(b)(1)(A) In a case when a parent's annual gross income is unknown, the court shall consider the earning capacity of the parent.

(B) In a case when a parent's annual gross income is known, the court may, in its discretion, consider the earning capacity of a parent in lieu of the parent's income, consistent with the best interests of the children, taking into consideration the overall welfare and developmental needs of the children, and the time that parent spends with the children.

(2) When determining the earning capacity of the parent pursuant to this subdivision, the court shall consider the specific circumstances of the parent, to the extent known. Those circumstances include, but are not limited to, evidence of the parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the parent, prevailing earnings levels in the local community, and other relevant background factors affecting the parent's ability to earn.

(3) Notwithstanding any other law, the incarceration or involuntary institutionalization of a parent shall not be treated as voluntary unemployment in establishing or modifying support orders regardless of the nature of the offense. "Incarcerated or involuntarily institutionalized" has the same meaning as subdivision (e) of Section 4007.5.

(c) Annual gross income does not include any income derived from child support payments actually received, and income derived from any public assistance program, eligibility for which is based on a determination of need. Child support received by a party for children from another relationship shall not be included as part of that party's gross or net income.

(d) This section shall be operative September 1, 2024.

Credits

(Added by Stats.2023, c. 213 (S.B.343), § 7, eff. Jan. 1, 2024, operative Sept. 1, 2024.)

West's Ann. Cal. Fam. Code § 4058, CA FAM § 4058

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§ 4061. Additional support for children; computation

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West's Ann.Cal.Fam.Code § 4061

§ 4061. Additional support for children; computation

Effective: September 1, 2024

Currentness

<Section operative Sept. 1, 2024. See, also, § 4061 operative until Sept. 1, 2024.>

The amounts in Section 4062 shall be considered additional support for the children and shall be computed in accordance with the following:

(a) If there needs to be an apportionment of expenses pursuant to Section 4062, the expenses shall be divided in proportion to the parents' net incomes as adjusted pursuant to subdivisions (c) and (d), unless a party requests or the court finds on its own motion that expenses should be divided in a different manner.

(b)(1) The basic child support obligation shall first be computed using the formula set forth in subdivision (a) of Section 4055, as adjusted for any appropriate rebuttal factors in subdivision (b) of Section 4057.

(2) Any additional child support required for expenses pursuant to Section 4062 shall thereafter be ordered to be paid by the parents in proportion to their net disposable incomes as adjusted pursuant to subdivisions (c) and (d).

(c) In cases when spousal support is or has been ordered to be paid by one parent to the other, for purposes of allocating additional expenses pursuant to Section 4062, the gross income of the parent paying spousal support shall be decreased by the amount of the spousal support paid and

the gross income of the parent receiving the spousal support shall be increased by the amount of the spousal support received for as long as the spousal support order is in effect and is paid.

(d) For purposes of computing the adjusted net disposable income of the parent paying child support for allocating any additional expenses pursuant to Section 4062, the net disposable income of the parent paying child support shall be reduced by the amount of any basic child support ordered to be paid under subdivision (a) of Section 4055. However, the net disposable income of the parent receiving child support shall not be increased by any amount of child support received.

(e) This section shall be operative September 1, 2024.

Credits

(Added by Stats.2023, c. 213 (S.B.343), § 9, eff. Jan. 1, 2024, operative Sept. 1, 2024.)

West's Ann. Cal. Fam. Code § 4061, CA FAM § 4061

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§ 4062. Additional child support

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West's Ann.Cal.Fam.Code § 4062

§ 4062. Additional child support

Effective: September 1, 2024

Currentness

<Section operative Sept. 1, 2024. See, also, § 4062 operative until Sept. 1, 2024.>

(a) The court shall order the following as additional child support:

(1) Childcare costs, if those expenses are actually incurred, related to employment or to reasonably necessary education or training for employment skills, as described in Section 4063, unless those costs are specifically included in the guideline calculation itself.

(2) The reasonable uninsured health care costs for the children as provided in Section 4063.

(b) The court may order the following as additional child support:

(1) Costs related to the educational or other special needs of the children.

(2) Travel expenses for visitation.

(c) This section shall be operative September 1, 2024.

Credits

(Added by Stats.2023, c. 213 (S.B.343), § 11, eff. Jan. 1, 2024, operative Sept. 1, 2024.)

West's Ann. Cal. Fam. Code § 4062, CA FAM § 4062

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§ 4063. Uninsured health care costs; payment procedures

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West's Ann.Cal.Fam.Code § 4063

§ 4063. Uninsured health care costs; payment procedures

Effective: September 1, 2024

Currentness

<Section operative Sept. 1, 2024. See, also, § 4063 operative until Sept. 1, 2024.>

(a) When making an order pursuant to subdivision (a) of Section 4062, the court shall:

(1) Advise each parent, in writing or on the record, of the parent's rights and liabilities, including financial responsibilities.

(2) Include in its order the time period for a parent to reimburse the other parent for the reimbursing parent's share of the reasonable additional child support costs subject to the requirements of this section.

(b) Unless there has been an assignment of rights pursuant to Section 11477 of the Welfare and Institutions Code, when either parent accrues or pays costs pursuant to an order under this section, that parent shall provide the other parent with an itemized statement of the costs within a reasonable time, but not more than 90 days after accruing the costs. These costs shall then be paid as follows:

(1) If a parent has already paid all of these costs, that parent shall provide proof of payment and a request for reimbursement of that parent's court-ordered share to the other parent.

(2) If a parent has paid the parent's court-ordered share of the costs only, that parent shall provide proof of payment to the other parent, request the other parent to pay the remainder of the costs directly to the provider, and provide the reimbursing parent with any necessary information about how to make the payment to the provider.

(3) The other parent shall make the reimbursement or pay the remaining costs within the time period specified by the court, or, if no period is specified, within a reasonable time not to exceed 30 days from notification of the amount due, or according to any payment schedule set by the health care provider for either parent unless the parties agree in writing to another payment schedule or the court finds good cause for setting another payment schedule.

(4) If the reimbursing parent disputes a request for payment, that parent shall pay the requested amount and thereafter may seek judicial relief under this section and Section 290. If the reimbursing parent fails to pay the other parent as required by this subdivision, the other parent may seek judicial relief under this section and Section 290.

(c) Either parent may file a noticed motion to enforce an order issued pursuant to this section. In addition to the court's powers under Section 290, the court may award filing costs and reasonable attorney's fees if it finds that either party acted without reasonable cause regarding the party's obligations pursuant to this section.

(d) There is a rebuttable presumption that the costs actually paid for the uninsured health care needs of the children and for childcare that is for employment or reasonably necessary for education or training for employment skills are reasonable, except as provided in subdivision (e).

(e) Except as provided in subdivision (g):

(1) The health care insurance coverage, including, but not limited to, coverage for emergency treatment, provided by a parent pursuant to a court order, shall be the coverage to be utilized at all times, consistent with the requirements of that coverage, unless the other parent can show that the health care insurance coverage is inadequate to meet the child's needs.

(2) If either parent obtains health care insurance coverage in addition to that provided pursuant to the court order, that parent shall bear sole financial responsibility for the costs of that additional

coverage and the costs of any care or treatment obtained pursuant thereto in excess of the costs that would have been incurred under the health care insurance coverage provided for in the court order.

(f) Except as provided in subdivision (g):

(1) If the health care insurance coverage provided by a parent pursuant to a court order designates a preferred health care provider, that preferred provider shall be used at all times, consistent with the terms and requirements of that coverage.

(2) If either parent uses a health care provider other than the preferred provider inconsistent with the terms and requirements of the court-ordered health care insurance coverage, the parent obtaining that care shall bear the sole responsibility for any nonreimbursable health care costs in excess of the costs that would have been incurred under the court-ordered health care insurance coverage had the preferred provider been used.

(g) When ruling on a motion made pursuant to this section, in order to ensure that the health care needs of the child and the need for childcare for employment or reasonably necessary for education or training for employment skills pursuant to this section are met, the court shall consider all relevant facts, on both of the following categories:

(1) With regard to health care, the court shall consider all relevant facts, including, but not limited to, the following:

(A) The geographic access and reasonable availability of necessary health care for the child that complies with the terms of the health care insurance coverage paid for by either parent pursuant to a court order. Health insurance shall be rebuttably presumed to be accessible if services to be provided are within 50 miles of the residence of the child subject to the support order. If the court determines that health insurance is not accessible, the court shall state the reason on the record.

(B) The necessity of emergency medical treatment that may have precluded the use of the health care insurance, or the preferred health care provider required under the insurance, provided by either parent pursuant to a court order.

(C) The special medical needs of the child.

(D) The reasonable inability of a parent to pay the full amount of reimbursement within a 30-day period and the resulting necessity for a court-ordered payment schedule.

(2) With regard to childcare costs for employment or that are reasonably necessary for education or training for employment skills, the court shall consider all relevant facts, including, but not limited to, the following:

(A) The nature and extent of job-related childcare needs, including, but not limited to, work schedule needs and the duration of education or training for employment skills.

(B) The necessity and reasonableness of the cost under the circumstances of the case.

(C) The special needs of the child.

(D) The reasonable inability of a parent to pay the full amount of reimbursement within a 30-day period and the resulting necessity for a court-ordered payment schedule.

(h) This section shall become operative September 1, 2024.

Credits

(Added by Stats.2023, c. 213 (S.B.343), § 13, eff. Jan. 1, 2024, operative Sept. 1, 2024.)

West's Ann. Cal. Fam. Code § 4063, CA FAM § 4063

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