

**LIST OF CITATION/STATUTES FOR PRESENTATION:
Guideline Calculation and Certification for Commissioners**

Legal References

CA Rules of Court, Rule 5.275. Standards for computer software to assist in determining support, including, in particular, subdivision (j) which states:

(j) Acceptability in the courts

(1) In all actions for child or family support brought by or otherwise involving the local child support agency under title IV-D of the Social Security Act, the Department of Child Support Services' California Guideline Child Support Calculator software program must be used by:

- (A) Parties and attorneys to present support calculations to the court; and
- (B) The court to prepare support calculations.

(2) In all non-title IV-D proceedings, the court may use and must permit parties or attorneys to use any software certified by the Judicial Council under this rule.

Family Code §§4050 et. seq., including in particular

§4053 (Principles of Statewide Uniform Guideline)

§4055 (Formula for determining support)

§4056 (Required findings on record)

§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 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).

§4052.5 (Statewide guideline applies in cases where child has more than two parents)

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

Resources

CA Dept. of Child Support Services–link to Welcome Page for DCSS Guideline Calculator:

<http://www.childsup.ca.gov/resources/calculatechildsupport.aspx> [has link to User Guide]

California Dept. of Child Support Services – link to Portal Page of Public Guideline Calculator:

<https://www.cse.ca.gov/ChildSupport/cse/guidelineCalculator>

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