AMENDMENT TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on December 12, 2025, effective January 1, 2026, to read:

Rule 5.275. Standards for computer software to assist in determining support

(a) * * *

(b) Standards

The standards for computer software to assist in determining the appropriate amount of child or spousal support are:

(1) * * *

(2) ~~Using examples provided by the Judicial Council,~~ The software must calculate a child support amount, using its default settings, that is accurate to within 1 percent of the correct amount. ~~In making this determination~~ To determine the accuracy of the software, the Judicial Council ~~must~~ will develop scenarios for internal use to test the software, calculate the correct amount of support for each ~~example~~ scenario, and ~~must~~ then calculate the amount for each ~~example~~ scenario using the software program. Each person seeking certification of software must supply a copy of the software to the Judicial Council. If the ~~software does not operate on a standard Windows 95 or later compatible or Macintosh computer,~~ Judicial Council does not have the computer hardware or operating system necessary to use and test the software, the person seeking certification of the software must make available to the Judicial Council any hardware or operating system required to use and test the software. The person seeking certification must also grant or obtain all licenses necessary for the Judicial Council to use and test the software. The Judicial Council may delegate the responsibility for the calculation and determinations required by this rule.

(3) The software must contain, either on the screen or in written form, a glossary defining each term used on the computer screen or in printed hard copy produced by the software.

(4) The software must contain, either on the screen or in written form, instructions for the entry of each figure that is required for computation of child support using the default setting of the software. These instructions must include but not be limited to the following:

(A) The gross income of each party as provided for by Family Code section 4058;

(B) The deductions from gross income of each party as provided for by Family Code section 4059 and ~~subdivision~~ (b)(1) of this rule;

(C) The additional items of child support provided for in Family Code section 4062; ~~and~~

(D) The ~~following factors~~ factor rebutting the presumptive guideline amount under Family Code section 4057(b)(2) (deferred sale of residence) ~~and 4057(b)(3) (income of subsequent partner).~~; and

(E) The income of a subsequent partner as provided for in Family Code section 4057.5.

(5) In making an allocation of the additional items of child support under ~~subdivision~~ (b)(4)(C) of this rule, the software must, as its default setting, allocate the expenses ~~one-half~~ for each additional item of child support to each parent in proportion to the parents' net incomes, as adjusted under Family Code section 4061(c) and (d). The software must also provide, in an easily selected option, ~~the~~ an alternative allocation of the expenses as provided for by Family Code section ~~4061(b)~~ 4061(a).

(6) The printout of the calculator results must display, on the first page of the results, the range of the low-income adjustment as permitted by Family Code section 4055(b)(7), if the low-income adjustment applies. If the software generates more than one report of the calculator results, the range of the low-income adjustment only must be displayed on the report that includes the user inputs.

(7) The software or a license to use the software must be available to persons without restriction based on profession or occupation.

(8) The sale or donation of software or a license to use the software to a court or a judicial officer must include a license, without additional charge, to the court or judicial officer to permit an additional copy of the software to be installed on a computer to be made available by the court or judicial officer to members of the public.

(Subd (b) amended effective January 1, 2026; previously amended effective January 1, 2003, January 1, 2007, and January 1, 2020.)

(c) Expiration or revocation of certification

(1) Any certification provided by the Judicial Council under Family Code section 3830 and this rule must expire one year from the date of its issuance unless another expiration date is set forth in the certification. The Judicial Council may provide for earlier expiration of a certification if ~~(1)~~ (A) the provisions involving the calculation of tax consequences change or ~~(2)~~ (B) other provisions involving the calculation of support change.

(2) The Judicial Council may revoke certification if a calculator is not submitted, as requested, for review and testing to ensure its accuracy under (b)(2).

(Subd (c) amended effective January 1, 2026; previously amended effective January 1, 2003, and December 13, 2025.)

(d) Statement of certified public accountant

If the software computes the state and federal income tax liability as provided in ~~subdivision~~ (b)(1)(B) of this rule, the application for certification, whether for original certification or for renewal, must be accompanied by a statement from a certified public accountant that:

(1) The accountant is familiar with the operation of the software;

(2) The accountant has carefully examined, in a variety of situations, the operation of the software in regard to the computation of tax liability;

(3) In the opinion of the accountant the software accurately calculates the estimated actual state and federal income tax liability consistent with Internal Revenue Service and Franchise Tax Board procedures;

(4) In the opinion of the accountant the software accurately calculates the deductions under the Federal Insurance Contributions Act (FICA), including the amount for social security and for Medicare, and the deductions for California State Disability Insurance and properly annualizes these amounts; and

(5) States which calendar year the statement includes and must clearly indicate any limitations on the statement. The Judicial Council may request a new statement as often as it determines necessary to ensure accuracy of the tax computation.

(Subd (d) amended effective January 1, 2026; previously amended effective January 1, 2003.)

(e) * * *

(f) Modifications to the software

The certification issued by the Judicial Council under Family Code section 3830 and this rule imposes a duty ~~up~~on the person applying for the certification to promptly notify the Judicial Council of all changes made to the software during the period of certification. Upon request, the Judicial Council will keep the information concerning changes confidential. The Judicial Council may, after receipt of information concerning changes, require that the software be recertified under this rule.

(Subd (f) amended effective January 1, 2026; previously amended effective January 1, 2003.)

(g) Definitions

As used in this chapter:

(1) "Software" refers to any program or digital application used to calculate the appropriate amount of child or spousal support.

(2) "Default settings" refers to the status in which the software first starts when it is installed on a computer system. The software may permit the default settings to be changed by the user, either on a temporary or a permanent basis, if (1) the user is permitted to change the settings back to the default without reinstalling the software, (2) the computer screen prominently indicates whether the software is set to the default settings, and (3) any printout from the software prominently indicates whether the software is set to the default settings.

(3) "Contain~~s~~" means, with reference to software, that the material is either displayed by the program code itself or is found in written documents supplied with the software.

(h) Explanation of discrepancies

Before the Judicial Council denies a certificate because of failure to comply with the standards in ~~paragraph~~ (b)(1) or (b)(2) of this rule, the Judicial Council may request the person seeking certification to explain the differences in results.

(Subd (h) amended effective January 1, 2026.)

(i) * * *

(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 Guideline 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 the event the certification of the California Child Support Guideline Calculator is revoked under (c) or the calculator is determined by Judicial Council staff to be inaccessible, the parties, attorneys, and court may use an alternate software program certified by the Judicial Council until the courts are notified by Judicial Council staff that the California Child Support Guideline Calculator has been recertified or is available for use again.

~~(2)~~(3) In all nontitle 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.

(Subd (j) amended effective January 1, 2026; adopted as subd (k) effective January 1, 2000; previously relettered effective January 1, 2003; previously amended effective January 1, 2009, and December 13, 2025.)

Rule 5.275 amended effective January 1, 2026; adopted as rule 1258 effective December 1, 1993; previously amended and renumbered as rule 5.275 effective January 1, 2003; previously amended effective January 1, 2000, January 1, 2007, January 1, 2009, January 1, 2016, January 1, 2020, and December 13, 2025.