



# Judicial Council of California

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## INVITATION TO COMMENT

### SPR25-16

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**Title**

Family Law: Standards for Computer  
Software Used to Assist in Determining  
Support

**Action Requested**

Review and submit comments by May 23,  
2025

**Proposed Effective Date**

January 1, 2026

**Proposed Rules, Forms, Standards, or Statutes**

Amend Cal. Rules of Court, rule 5.275

**Contact**

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**Proposed by**

Family and Juvenile Law Advisory  
Committee  
Hon. Tari L. Cody, Cochair  
Hon. Stephanie E. Hulse, Cochair

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### Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes amending California Rules of Court, rule 5.275, which provides standards for computer software used to assist in determining child support and spousal support. The action is necessary to bring the rule into conformity with existing law as well as with Family Code provisions related to additional child support that were amended, effective September 1, 2024, by Senate Bill 343 (Stats. 2023, ch. 213). This proposal would also update terminology and clarify language relating to (1) computer hardware and software and (2) guideline calculator software testing and certification.

### Background

The complexity of California's child support guidelines necessitates the use of computer software to assist in calculating child support in accordance with the mathematical formula set by statute.<sup>1</sup> Computer software that incorporates guidelines provided for by local rules can also assist with calculating temporary spousal support.<sup>2</sup> As a result, the Legislature enacted former

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<sup>1</sup> *In re Marriage of Cheriton* (2001) 92 Cal.App.4th 269, 284.

<sup>2</sup> It is appropriate for courts to use computer programs to assist with setting temporary spousal support as the purpose of temporary spousal support is to maintain the financial status quo of the parties pending trial. (*In re*

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

Civil Code section 4395 in 1992.<sup>3</sup> This statute prohibited the court, effective January 1, 1994, from using any computer software to assist in determining the appropriate amount of child support or spousal support, unless the software met standards set by the Judicial Council in the rules of court to ensure that the software performed in a manner consistent with applicable statutes and rules of court for determination of child support or spousal support.<sup>4</sup> A year later, the Legislature repealed Civil Code section 4395 and recast the provision as Family Code section 3830.<sup>5</sup>

In response to the mandate that the court use only software that meets the standards prescribed by the Judicial Council for determining child and spousal support, the council adopted standards in 1993. Under rule 5.275 (former rule 1258), the Judicial Council is required to test the software submitted by developers for certification to ensure it accurately calculates support and otherwise meets the standards set. Once software has been certified for use by the court, developers must annually apply to renew the certification. As part of the renewal process, the Judicial Council reviews and tests the software to ensure it continues to comply with the standards set forth in the rule.

SB 343 amended the provisions of Family Code section 4061 related to the method for apportioning additional child support between parents. The amendment to Family Code section 4061, which took effect on September 1, 2024, changed the presumption for apportionment of additional child support from one-half to each parent to an allocation in proportion to the parents' net incomes. Because of the change in the presumption for apportioning child support expenses, the standards for software that assists with calculating child and spousal support must now be updated to bring the rule into conformity with current law.

## **The Proposal**

Rule 5.275(b) provides the standards for software used to assist the court in determining child and spousal support to ensure such software conforms with applicable statutes and rules of court. To bring the standards into conformity with existing law and recent changes made to Family Code section 4061 by SB 343, the committee proposes amending rule 5.275(b)(4), and (5) of the California Rules of Court, effective January 1, 2026. The committee also proposes amending rule 5.275(b)(2) to update terminology related to the technology necessary for the Judicial Council to

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*Marriage of Olson* (1993) 14 Cal.App.4th 1, fn. 3.) Courts cannot, however, rely on a computer program to set or modify a permanent spousal support order as such an order requires an exercise of the court's discretion after considering and weighing factors enumerated in Family Code section 4320 (formerly Civil Code section 4801(a)). (*In re Marriage of Olson, supra*, 14 Cal.App.4th at fn. 3.)

<sup>3</sup> Stats. 1992, ch. 1157, § 1.

<sup>4</sup> *Ibid.*

<sup>5</sup> Stats. 1993, ch. 219, § 46 (repealing Civ. Code provision); Stats. 1993, ch. 219, § 129 (enacting Fam. Code, § 3830). Aside from restructuring the provision into two subdivisions, the language recast in section 3830 has remained substantively the same.

use software submitted for certification, and resolve confusion expressed by developers concerning the certification process.

**Rule 5.275(b)(2)**

Rule 5.275(b)(2) explains the process used by the Judicial Council to determine whether software to calculate child support is accurate to within 1 percent of the correct amount in its default setting. This paragraph would be amended to (1) remove the introductory phrase “Using examples provided by the Judicial Council” from the first sentence, (2) substitute the word “scenario” for “example” in the second sentence, and (3) add language to clarify that the scenarios developed by the Judicial Council are for the purpose of testing software submitted for certification.

The proposed amendment to rule 5.275(b)(2) is necessary because, in recent years, Judicial Council staff have received requests from developers for copies of the “examples” that are to be provided by the Judicial Council under the rule to assist them in programing their software to calculate support within 1 percent of the correct amount. The proposed amendment would make clear that the scenarios developed by the Judicial Council are for the purpose of testing software that developers submit for certification, and not for distribution to developers to assist them in programing their software. Substituting the word “scenario” for “example” and deleting any reference to examples being “provided by the Judicial Council” will further assist in resolving the confusion caused by the current language of the rule.

The committee also proposes updating the language in the fourth sentence of rule 5.275(b)(2) by removing any reference to a specific operating system or computer platform to avoid the need for future updates as technology changes. Instead, the rule would require a person seeking certification of software to provide the Judicial Council with any hardware or operating system required to use the software “[i]f the Judicial Council does not have the computer hardware or operating system necessary to use and test the software.”

**Rule 5.275(b)(4)**

Rule 5.275(b)(4) requires that software used to calculate support contain, either on the screen or in written form, instructions for the entry of each figure required for the computation of child support and provides a list of four items that must be included in the instructions. Rule 5.275(b)(4)(D) currently provides that software must contain written instructions for entry of two factors rebutting the presumptive guideline amount. The committee proposes deleting the second factor, “4057(b)(3) (income of subsequent partner),” because it is no longer a factor that may rebut the guideline child support amount.

In July 1993, Assembly Bill 1500 (Stats. 1993, ch. 219) added section 4057 to the Family Code, which included a provision providing that one of the factors for rebutting the presumption that the guideline amount of child support is correct was that “a parent’s subsequent spouse or nonmarital partner has income that helps meet that parent’s basic living expenses, thus increasing

the parent’s disposable income available to spend on the children.”<sup>6</sup> A few months later, and before section 4057 became operative on January 1, 1994, the Legislature amended subdivision (b) of section 4057, to remove the income of a subsequent spouse or nonmarital partner as a factor for rebutting the amount of child support calculated under the guideline.<sup>7</sup> At that time, a new provision, section 4057.5, was also added to the Family Code prohibiting the consideration of the income of a parent’s subsequent spouse or nonmarital partner when determining or modifying child support, except in “an extraordinary case where excluding that income would lead to extreme and severe hardship to any child subject to the child support award.”<sup>8</sup>

Rule 5.275 as originally adopted in 1993 incorporated the “income of subsequent partner” language originally contained in section 4057(b)(3), rather than conforming with the amendment that removed the language from 4057(b) a few months later that same year. Deleting reference to the income of a subsequent partner from rule 5.275(b)(4)(D) will correct this oversight and bring the rule up to date with the law.

Although the income of a parent’s subsequent partner is no longer grounds for rebutting guideline support, Family Code section 4057.5 does allow the court to consider such income when determining or modifying child support in an extraordinary case. The committee is, therefore, also proposing adding a subparagraph (E) to rule 5.275(b)(4) to require instructions be provided for entry of “the income of a subsequent partner as provided for in Family Code section 4057.5.” Adding the new subparagraph would ensure software continues to provide instructions for entry of this income into support calculators when necessary to compute child support.

#### **Rule 5.275(b)(5)**

Rule 5.275(b)(5) would be amended to change the standard that support calculator software must follow, in its default setting, for the apportionment of expenses for additional child support. Currently the rule requires software allocate additional items of child support, one-half to each parent. The software must also provide, in an easily selected option, for the alternative allocation of the expenses as provided for by Family Code section 4061(b).

SB 343 amended Family Code section 4061, effective September 1, 2024, by changing the method for apportioning expenses for additional child support from one-half to each parent to dividing the expenses in proportion to the net incomes of each parent, unless a party requests or the court finds on its own motion that expenses should be divided in a different manner.<sup>9</sup> To conform the standard in rule 5.275(b)(5) to current law, the committee proposes amending the rule to provide that expenses for each additional item of child support must be allocated in

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<sup>6</sup> This provision was carried over from former Civil Code section 4721(e), when the section was repealed and reenacted under the Family Code as section 4057(b). (Stats. 1992, ch. 46, § 9 [adding former Civ. Code, § 4721]; Stats. 1993, ch. 219, § 50 [repealing former Civ. Code, § 4721]; *id.*, § 138 [adding Fam. Code, § 4057]).

<sup>7</sup> Stats. 1993, ch. 935, § 1; Stats. 1993, ch. 1156, § 3.

<sup>8</sup> Stats. 1993, ch. 935, § 2.

<sup>9</sup> Fam. Code, § 4061(a); Stats. 2023, ch. 213, §§ 8, 9.

proportion to the parents' net incomes, as adjusted under Family Code section 4061(c) and (d).<sup>10</sup> The rule would also be amended to reflect that the software must provide an option for an alternative allocation of expenses as provided for by Family Code section 4061(a), rather than under section 4061(b).

### **Alternatives Considered**

The committee considered whether action to amend rule 5.275 is necessary. The committee concluded that, because the existing rule's standards for computer software that assists with calculating support do not accurately reflect the requirements of Family Code sections 4057 and 4061, it is essential that action be taken to amend the rule at this time.

The committee considered making only the changes needed to bring rule 5.275(b)(4)(D) and (5) into conformity with the law. However, after being made aware of inquiries received from developers and reviewing the rule, the committee concluded that developers and the public would benefit from clarifying the language in rule 5.275(b)(2) related to "examples provided by the Judicial Council" to ensure software calculating child support is accurate to within 1 percent of the correct amount. The committee proposes amending rule 5.275(b)(2) to clarify the responsibilities of both the Judicial Council and software developers. The proposed amendment would also provide greater transparency and promote trust regarding the procedures used by the Judicial Council to ensure software certified for use by the court accurately calculates child support amounts.

The committee further recognized that the terms related to the technology necessary for the Judicial Council to use software submitted for certification were outdated. Accordingly, the committee proposes removing any reference to a specific operating system or computer platform.

### **Fiscal and Operational Impacts**

The committee anticipates that courts will incur some costs to train court staff on the updates made to the software used by the court. However, the committee notes that most of the changes proposed are necessary to conform rule 5.275 to new or existing law and are, therefore, the result of legislative action.

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<sup>10</sup> Family Code section 4061(c) and (d) provide:

(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.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

## Attachments and Links

1. Cal. Rules of Court, rule 5.275 at pages 7-11
2. Link A: Fam. Code, § 3830,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=FAM&division=9.&title=&part=1.&chapter=9.&article=](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=9.&title=&part=1.&chapter=9.&article=)
3. Link B: Fam. Code, § 4057,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=4057](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4057)
4. Link C: Fam. Code, § 4057.5,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=FAM&sectionNum=4057.5](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM&sectionNum=4057.5)
5. Link D: Fam. Code, § 4061,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=FAM&sectionNum=4061](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM&sectionNum=4061)

Rule 5.275 of the California Rules of Court would be amended, effective January 1, 2026, to read:

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

2  
3 **(a) Authority**

4  
5 This rule is adopted under Family Code section 3830.

6  
7 **(b) Standards**

8  
9 The standards for computer software to assist in determining the appropriate  
10 amount of child or spousal support are:

- 11  
12 (1) The software must accurately compute the net disposable income of each  
13 parent as follows:
- 14  
15 (A) Permit entry of the “gross income” of each parent as defined by Family  
16 Code section 4058;
  - 17  
18 (B) Either accurately compute the state and federal income tax liability  
19 under Family Code section 4059(a) or permit the entry of a figure for  
20 this amount; this figure, in the default state of the program, must not  
21 include the tax consequences of any spousal support to be ordered;  
22
  - 23 (C) Ensure that any deduction for contributions to the Federal Insurance  
24 Contributions Act or as otherwise permitted by Family Code section  
25 4059(b) does not exceed the allowable amount;
  - 26  
27 (D) Permit the entry of deductions authorized by Family Code sections  
28 4059(c) through (f); and
  - 29  
30 (E) Permit the entry of deductions authorized by Family Code section  
31 4059(g) (hardship) while ensuring that any deduction subject to the  
32 limitation in Family Code section 4071(b) does not exceed that  
33 limitation.
- 34  
35 (2) ~~Using examples provided by the Judicial Council,~~ The software must  
36 calculate a child support amount, using its default settings, that is accurate to  
37 within 1 percent of the correct amount. ~~In making this determination To~~  
38 determine the accuracy of the software, the Judicial Council ~~must will~~  
39 develop scenarios to test the software, calculate the correct amount of support  
40 for each ~~example scenario,~~ and ~~must~~ then calculate the amount for each  
41 example scenario using the software program. Each person seeking  
42 certification of software must supply a copy of the software to the Judicial

1 Council. If the software does not operate on a standard Windows 95 or later  
2 ~~compatible or Macintosh computer~~, Judicial Council does not have the  
3 computer hardware or operating system necessary to use and test the  
4 software, the person seeking certification of the software must make available  
5 to the Judicial Council any hardware or operating system required to use and  
6 test the software. The Judicial Council may delegate the responsibility for the  
7 calculation and determinations required by this rule.  
8

- 9 (3) The software must contain, either on the screen or in written form, a glossary  
10 defining each term used on the computer screen or in printed hard copy  
11 produced by the software.  
12
- 13 (4) The software must contain, either on the screen or in written form,  
14 instructions for the entry of each figure that is required for computation of  
15 child support using the default setting of the software. These instructions  
16 must include but not be limited to the following:  
17
- 18 (A) The gross income of each party as provided for by Family Code section  
19 4058;  
20
- 21 (B) The deductions from gross income of each party as provided for by  
22 Family Code section 4059 and subdivision (b)(1) of this rule;  
23
- 24 (C) The additional items of child support provided for in Family Code  
25 section 4062; ~~and~~  
26
- 27 (D) The ~~following factors~~ factor rebutting the presumptive guideline  
28 amount under Family Code section 4057(b)(2) (deferred sale of  
29 residence) ~~and 4057(b)(3) (income of subsequent partner); and~~  
30
- 31 (E) The income of a subsequent partner as provided for in Family Code  
32 section 4057.5.  
33
- 34 (5) In making an allocation of the additional items of child support under  
35 subdivision (b)(4)(C) of this rule, the software must, as its default setting,  
36 allocate the expenses ~~one half for each additional item of child support to~~  
37 each parent in proportion to the parents' net incomes, as adjusted under  
38 Family Code section 4061(c) and (d). The software must also provide, in an  
39 easily selected option, ~~the an~~ alternative allocation of the expenses as  
40 provided for by Family Code section ~~4061(b)~~ 4061(a).  
41
- 42 (6) The printout of the calculator results must display, on the first page of the  
43 results, the range of the low-income adjustment as permitted by Family Code



1 section 4055(b)(7), if the low-income adjustment applies. If the software  
2 generates more than one report of the calculator results, the range of the low-  
3 income adjustment only must be displayed on the report that includes the user  
4 inputs.  
5

6 (7) The software or a license to use the software must be available to persons  
7 without restriction based on profession or occupation.  
8

9 (8) The sale or donation of software or a license to use the software to a court or  
10 a judicial officer must include a license, without additional charge, to the  
11 court or judicial officer to permit an additional copy of the software to be  
12 installed on a computer to be made available by the court or judicial officer to  
13 members of the public.  
14

15 **(c) Expiration of certification**  
16

17 Any certification provided by the Judicial Council under Family Code section 3830  
18 and this rule must expire one year from the date of its issuance unless another  
19 expiration date is set forth in the certification. The Judicial Council may provide for  
20 earlier expiration of a certification if (1) the provisions involving the calculation of  
21 tax consequences change or (2) other provisions involving the calculation of  
22 support change.  
23

24 **(d) Statement of certified public accountant**  
25

26 If the software computes the state and federal income tax liability as provided in  
27 subdivision (b)(1)(B) of this rule, the application for certification, whether for  
28 original certification or for renewal, must be accompanied by a statement from a  
29 certified public accountant that:  
30

31 (1) The accountant is familiar with the operation of the software;  
32

33 (2) The accountant has carefully examined, in a variety of situations, the  
34 operation of the software in regard to the computation of tax liability;  
35

36 (3) In the opinion of the accountant the software accurately calculates the  
37 estimated actual state and federal income tax liability consistent with Internal  
38 Revenue Service and Franchise Tax Board procedures;  
39

40 (4) In the opinion of the accountant the software accurately calculates the  
41 deductions under the Federal Insurance Contributions Act (FICA), including  
42 the amount for social security and for Medicare, and the deductions for

1 California State Disability Insurance and properly annualizes these amounts;  
2 and

- 3  
4 (5) States which calendar year the statement includes and must clearly indicate  
5 any limitations on the statement. The Judicial Council may request a new  
6 statement as often as it determines necessary to ensure accuracy of the tax  
7 computation.

8  
9 **(e) Renewal of certification**

10  
11 At least three months prior to the expiration of a certification, a person may apply  
12 for renewal of the certification. The renewal must include a statement of any  
13 changes made to the software since the last application for certification. Upon  
14 request, the Judicial Council will keep the information concerning changes  
15 confidential.

16  
17 **(f) Modifications to the software**

18  
19 The certification issued by the Judicial Council under Family Code section 3830  
20 and this rule imposes a duty upon the person applying for the certification to  
21 promptly notify the Judicial Council of all changes made to the software during the  
22 period of certification. Upon request, the Judicial Council will keep the information  
23 concerning changes confidential. The Judicial Council may, after receipt of  
24 information concerning changes, require that the software be recertified under this  
25 rule.

26  
27 **(g) Definitions**

28  
29 As used in this chapter:

- 30  
31 (1) “Software” refers to any program or digital application used to calculate the  
32 appropriate amount of child or spousal support.  
33  
34 (2) “Default settings” refers to the status in which the software first starts when it  
35 is installed on a computer system. The software may permit the default  
36 settings to be changed by the user, either on a temporary or a permanent  
37 basis, if (1) the user is permitted to change the settings back to the default  
38 without reinstalling the software, (2) the computer screen prominently  
39 indicates whether the software is set to the default settings, and (3) any  
40 printout from the software prominently indicates whether the software is set  
41 to the default settings.  
42

1 (3) “Contains” means, with reference to software, that the material is either  
2 displayed by the program code itself or is found in written documents  
3 supplied with the software.  
4

5 **(h) Explanation of discrepancies**  
6

7 Before the Judicial Council denies a certificate because of failure to comply with  
8 the standards in paragraph (b)(1) or (b)(2) of this rule, the Judicial Council may  
9 request the person seeking certification to explain the differences in results.  
10

11 **(i) Application**  
12

13 A person seeking certification of software must apply in writing to the Judicial  
14 Council.  
15

16 **(j) Acceptability in the courts**  
17

18 (1) In all actions for child or family support brought by or otherwise involving  
19 the local child support agency under title IV-D of the Social Security Act, the  
20 Department of Child Support Services’ California Guideline Child Support  
21 Calculator software program must be used by:  
22

23 (A) Parties and attorneys to present support calculations to the court; and  
24

25 (B) The court to prepare support calculations.  
26

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