

## Chapter XIV

### PARENT AND CHILD

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- C. Judicial Council Forms.**
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- B. **[§2] The Family Code.**
- C. **[§3] Judicial Council Forms.**
- D. **[§4] Texts and Practice Works.**

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- (d) Parent Convicted of Felony.
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    - (2) [§379] Sufficient Showing.
    - (3) [§380] Insufficient Showing.
  - (e) Parent Mentally Disabled.
    - (1) [§381] Parents Previously Adjudged Disabled.
    - (2) [§382] Parents Found Disabled.
3. Procedure.
- (a) In General.
    - (1) [§383] Who May Bring Action.
    - (2) [§384] Venue, Petition, and Investigation.
    - (3) [§385] Citation.
    - (4) [§386] Inspection of Records.
    - (5) [§387] Offer of Less Detrimental Alternatives.
  - (b) Counsel.
    - (1) [§388] Constitutional Problem.
    - (2) [§389] Statutory Rights.
    - (3) [§390] Role of Child's Counsel.
    - (4) [§391] Separate Counsel for Child.
    - (5) [§392] Effective Assistance of Counsel.
    - (6) [§393] Waiver of Counsel.
    - (7) [§394] Self-Representation.
  - (c) Trial.
    - (1) [§395] Speedy Trial.
    - (2) [§396] Conduct of Hearing.
    - (3) [§397] Testimony.
    - (4) [§398] Clear and Convincing Evidence Is Required.
  - (d) Findings.
    - (1) [§399] Detriment.
    - (2) [§400] Least Detrimental Alternative.

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- (3) [§401] Family Reunification.
- (4) [§402] Additional Findings for Indian Child.
- (e) Order and Judgment.
  - (1) [§403] In General.
  - (2) [§404] Vacating Order for Fraud.
- (f) Appeal.
  - (1) [§405] In General.
  - (2) [§406] Free Transcript.
  - (3) Counsel on Appeal.
    - (aa) [§407] Case Law.
    - (bb) [§408] Statutory Right.
  - (4) [§409] Review on Appeal.
  - (5) [§410] Change in Circumstances Pending Appeal.
  - (6) [§411] Effect of Late Appeal.

**G. Multiple Custody Proceedings.**

- 1. [§412] In General.
- 2. [§413] Dissolution Proceeding.
- 3. Habeas Corpus Proceeding.
  - (a) [§414] Nature of Remedy.
  - (b) [§415] Issuance by Appellate Court.
  - (c) [§416] Effect of Prior Determination of Award.
- 4. [§417] Applicability of Family Code Custody Provisions.
- 5. Effect of Prior Proceeding on Subsequent Proceeding.
  - (a) [§418] Jurisdictional Problems.
  - (b) [§419] Jurisdiction of Guardianship Court.
  - (c) [§420] Jurisdiction of Dissolution Court.
  - (d) Jurisdiction of Juvenile Court.
    - (1) Superseding Jurisdiction.
      - (aa) [§421] In General.

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- (bb) [§422] Where Issues Are Identical.
- (2) [§423] Dependency Proceeding Pending.
- (3) Termination of Dependency Proceeding.
  - (aa) [§424] In General.
  - (bb) [§425] Modification of Order.
  - (cc) [§426] Order Splitting Custody.
  - (dd) [§427] Order Requiring Therapy.
- (e) [§428] Appellate Court Proceeding.

**V. SUPPORT**

**A. In General.**

- 1. [§429] Governing Law.
- 2. Liability of Adult Child To Support Disabled Indigent Parent.
  - (a) [§430] Civil and Criminal Liability.
  - (b) [§431] Limitations on Child's Liability.

**B. Bases of Liability.**

- 1. [§432] Former Law.
- 2. Statutory Duty of Support.
  - (a) [§433] Children to Whom Duty Is Owed.
  - (b) [§434] Duty To Support Minor Child.
  - (c) [§435] Liability to Others Who Support Child.
  - (d) [§436] Compensation for Custodial Parent's Breach.
- 3. Court-Ordered Child Support.
  - (a) [§437] In General.
  - (b) [§438] Information Required.
  - (c) [§439] Support During Action.
  - (d) Expedited Order for Support During Action.
    - (1) [§440] In General.
    - (2) [§441] Application and Order or Response.

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- (3) [§442] Hearing and Order After Hearing.
- 4. [§443] Agreement Between Spouses.
- 5. [§444] Liability of Stepparent.
- 6. [§445] Liability of Person Assisting Evasion.

**C. Extent of Liability.**

- 1. In General.
  - (a) [§446] Former Law.
  - (b) [§447] Discretion of Lower Court.
  - (c) [§448] Crediting Federal Retirement or Disability Payments.
- 2. Statewide Uniform Child Support Guideline.
  - (a) [§449] In General.
  - (b) [§450] Guiding Principles.
  - (c) Determining Guideline Award.
    - (1) [§451] Basic Formula.
      - (2) Annual Gross Income.
        - (aa) [§452] Items Included.
        - (bb) [§453] Extent of Business Income Included.
        - (cc) [§454] Items Not Included.
        - (dd) [§455] Treatment of Unallocated Personal Injury Recovery.
        - (ee) [§456] Tax Returns as Evidence.
    - (3) Earning Capacity From Employment.
      - (aa) [§457] In General.
      - (bb) [§458] Application of Rule.
      - (cc) [§459] Establishing Earning Capacity.
    - (4) [§460] Earning Capacity of Assets.
    - (5) [§461] Annual Net Disposable Income.
    - (6) [§462] Income of Subsequent Spouse or Nonmarital Partner.



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- (7) [§463] Where Child Has More Than Two Parents.
  - (8) [§464] Family Support.
  - (9) [§465] Judicial Council Forms.
  - (d) Adjustments to Guideline Award.
    - (1) [§466] Hardship Deduction.
    - (2) [§467] Adjustment for More Than One Child.
    - (3) [§468] Other Adjustments.
    - (4) [§469] Statement Supporting Deviation From Guideline.
  - (e) Additional Support.
    - (1) [§470] In General.
    - (2) [§471] Allocation of Additional Support.
    - (3) [§472] Uninsured Health Care Costs.
  - (f) Rebuttable Presumption of Correct Award.
    - (1) [§473] Factors Rebutting Presumption.
    - (2) [§474] Extraordinarily High Income.
    - (3) [§475] Special Circumstances.
  - (g) [§476] Stipulated Support Agreements.
3. Health Insurance.
- (a) [§477] In General.
  - (b) Health Insurance Coverage Assignment.
    - (1) [§478] Application and Order.
    - (2) [§479] Provision and Termination of Coverage.

**D. Duration of Liability.**

- 1. [§480] Liability of Parent's Estate or Trust.
- 2. Support After Majority or Emancipation.
  - (a) [§481] In General.
  - (b) [§482] Emancipation.
  - (c) [§483] Agreement To Support Adult Child.
  - (d) [§484] Support of High School Student.

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- (e) [§485] Support of Disabled Indigent Adult Child.
- 3. [§486] Termination on Contingency or Other Event.
- 4. [§487] Suspension on Incarceration.

**E. Enforcement of Duty.**

- 1. [§488] In General.
- 2. [§489] Job Search Requirements.
- 3. Action for Support.
  - (a) [§490] Action by Child or Parent.
  - (b) [§491] Recovery of Arrearages.
- 4. [§492] Child Support Security Deposit.
- 5. Deposit of Assets.
  - (a) [§493] In General.
  - (b) [§494] Order for Deposit.
  - (c) [§495] Assets Subject to Order.
  - (d) [§496] Defenses.
  - (e) [§497] Ex Parte Restraining Order.
  - (f) [§498] Use or Sale of Assets.
- 6. [§499] Security for Payment.
- 7. Civil Penalty for Child Support Delinquency.
  - (a) [§500] In General.
  - (b) [§501] Avoiding or Reducing Penalty.
  - (c) [§502] Notice of Delinquency and Motion for Judgment.
- 8. Contempt Proceedings.
  - (a) [§503] In General.
  - (b) [§504] Ability To Pay.
  - (c) [§505] Representation of Indigent Obligor.

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9. [§506] Criminal Prosecution.
10. [§507] Private Child Support Collectors.
11. Governmental Enforcement.
  - (a) In General.
    - (1) [§508] Background and Scope.
    - (2) [§509] State Department of Child Support Services.
    - (3) [§510] Collection of Information About Support Obligations.
    - (4) [§511] Local Child Support Agency.
    - (5) [§512] Duties of Public Assistance Recipient.
    - (6) [§513] Referral to Agency by County Welfare Department.
    - (7) [§514] Court Order for Payment to County.
    - (8) [§515] Acquisition and Confidentiality of Information.
    - (9) [§516] Complaint Resolution by Agency.
    - (10) [§517] Judicial Council Forms.
  - (b) Judicial Proceedings.
    - (1) [§518] Nature of Proceedings.
    - (2) [§519] Agency's Representation of Public Interest.
    - (3) [§520] Venue.
    - (4) Determinable Issues.
      - (aa) [§521] In General.
      - (bb) [§522] Custody and Visitation.
      - (cc) [§523] Allocation of Dependency Exemption.
    - (5) [§524] Party Status of Parents.
    - (6) [§525] Pleadings.
    - (7) [§526] Consolidation of Claims.
    - (8) [§527] Time and Notice Requirements.

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- (9) [§528] Child Support Commissioners.
  - (10) [§529] Conduct of Hearing.
  - (11) [§530] Agreement, Stipulation, or Compromise.
  - (12) Default and Relief From Default.
    - (aa) [§531] Entry of Default.
    - (bb) [§532] Relief From Order Based on Presumed Income.
    - (cc) [§533] Relief From Order Based on Mistaken Identity.
  - (13) [§534] Appeal.
  - (14) [§535] Temporary Support.
  - (c) Recovery of Arrearages.
    - (1) [§536] In General.
    - (2) [§537] Levy by Agency.
    - (3) [§538] Lien on Personal Property.
    - (4) [§539] Collection by Department.
    - (5) [§540] Nonissuance, Nonrenewal, or Suspension of License.
  - (d) Reimbursement of Public Assistance.
    - (1) [§541] In General.
    - (2) [§542] Aid to Aged, Blind, and Disabled.
    - (3) [§543] Aid to Indigents.
    - (4) [§544] Aid to Mentally Ill.
    - (5) [§545] CalWORKs Aid.
12. Intercounty Enforcement.
- (a) [§546] In General.
  - (b) [§547] Registration by Local Child Support Agency.
  - (c) [§548] Registration by Obligee.
  - (d) [§549] Vacation of Registration.

**F. Modification, Set-Aside, or Termination of Support Order.**

- 1. [§550] In General.

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2. [§551] Change of Circumstances.
  3. [§552] Retroactive Modification.
  4. [§553] Simplified Procedure.
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