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](http://www.childsup.ca.gov/resources/calculatechildsupport.aspx) [has link to User Guide]
State DCSS mailbox for questions re: DCSS Guideline Calculator: CCSASGC@dcss.ca.gov