

AB 1058 Case Law Update  
August, 2019

Match the findings with the case name.

Ans	FINDINGS		CASE NAME
E	Child Support reduced to zero under current FC 4007.5 only for orders issued on or after 10/8/2015.	A	C.A. v. C.P. (2018) 29 Cal.App.5th 27—3
A	Conclusive Presumption of Parentage does not preclude finding of 3 parents; forced separation does not preclude a finding of parentage by estoppel.	B	Calvert v. Binali (2018) 29 Cal.App.5th 954
L	Court can consider past income to project likely future income, but must use most current income available when making retrospective orders.	C	Christensen v. Lightbourne (7/8/2019) S245395
I	CP may seek reimbursement for education necessary to enable CP to find employment sufficient to support his/her family without the need of aid.	D	Cook v. Commissioner (5/7/19) T.C. Memo. 2019-48
B	Failure to serve the Summons properly results in a void judgment which can be vacated/set aside at any time. Service by publication is improper if petitioner fails to publish in the newspaper listed in the order.	E	County of San Diego Dept. of Child Support Services v. C.P. (2019) 34 Cal.App.5th 1
N	FC 3950 relief (reimbursement to 3rd party when parent neglects to provide child's necessities) cannot be used as a means of retroactively modifying child support after emancipation.	F	County of San Diego Dept. of Child Support Services v. C.A. (2019) 34 Cal.App.5th 614
G	Genetic testing is appropriate in cases involving the Marital Presumption if timely and relevant to the case.	G	County of Riverside v. Estabrook (2019) 30 Cal.App.5th 1144
D	In order to claim a child, the child must live with the parent more than ½ of the tax year or have IRS 8332 (or proper written substitute).	H	David L. v. Superior Court (Mariana C.) (2018) 29 Cal.App.5th 359
O	In order to require live testimony at a hearing the procedures set forth in FC 217 must be followed.	I	Greiner v. Keller (6/18/2019) 2019 DJ 5289
F	Non-Parent Custodian can obtain child support only when the child is with them pursuant to a court order.	J	S.C. v. G.S., 2019 DJDAR 7519, August 12, 2019
H	Personal jurisdiction is not met by two sexual encounters and a few business trips in California when child is conceived out of state.	K	In re Marriage of Martin (2019) 32 Cal.App.5th 1195
M	Tax refunds and 401K contributions are income available for child support.	L	In re Marriage of Ciprari (2019) 32 Cal.App.5th 83
C	Under new CalWorks legislation, amount paid in child support for kids outside home still considered income for purpose of computing eligibility for benefits.	M	Launa Morton v. David Morton (2018) 27 Cal.App.5th 1025
K	When using a Judicial Council or other Form relative to Spousal Support, the failure to check a box that specifically sets forth the death/remarriage language waives these elements.	N	Look v. Penovatz (2019) 34 Cal. App. 5th 61
J	Trial Court lacks equitable power to retroactively forgive child support arrears that accrued during NCP's incarceration (pre-FC 4007.5).	O	In re Marriage of George and Deamon (2019) WL 2148074