

*Jim Scott's 100 Favorite California Family Code Sections
and 105 Laws of Evidence, 2008*

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Family Code Section	Topic	Related Cases and Code Sections
2640	<p>“Contributions to the acquisition of property,” money down, improvements, reduction in principal (b) Unless there is a written waiver, the party gets reimbursed to the extent they trace the contribution to a SP source. <u>Limited to the amount of the original investment.</u></p> <p style="text-align: center;"><i>Note: For over twenty-five years the subject of reimbursement v. contribution to the community has washed back and forth between the appellate courts and the legislature. Any case reflecting a pre-1984 purchase mandates a meticulous research of the chain of title and a thorough review of the law.</i></p> <p style="text-align: center;"><i>Recent decisions show that the controversy is far from resolved.</i></p>	<p><u>Walrath</u>: 2640 extends both from the initial asset purchased with SP and to other CP subsequently acquired from funds derived from the first asset.</p> <p><u>Pereira vs. Pereira</u>: Fair rate of return as SP; balance is CP.</p> <p><u>Van Camp v. Van Camp</u>: Where primary factor is SP capital, impute to the CP what ordinary wages for the spouses CP labor would be, then subtract out the CP draws and the rest is SP</p>
2641	Community reimbursement for education or training during marriage or payment of student loans during marriage: at value with 10% interest. Except 10 years have passed, community substantially benefited	<p><u>Sullivan</u></p> <p><u>Watt</u>: does not apply to loans for living expenses</p>
2650	The court may divide jointly held separate property	
2660	If CP or QCP is held in another state the court will try to preserve those interests as they are of title, or order parties to sign deeds.	
CHILD PLACEMENT		
3011	<p>Best Interests considerations:</p> <ul style="list-style-type: none"> a. health, safety and welfare b. history of abuse c. nature and amount of contact d. use of drugs or habitual use of alcohol 	<p><u>Wainwright v. Super. Ct.</u>: no authorization for drug testing.</p> <p><u>Williams</u>: Do not separate siblings unless compelling circumstances</p>