

*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
4059	Calculating net disposable income: a. Deduct state and federal tax per filing status and dependents (actually payable) b. Deduct self employment tax or FICA c. Deduct mandatory union dues and retirement benefits d. Deduct CS or SS actually being paid on court order for the benefit of someone else (must prove payment) e. Deduct job related expenses f. Deduct 4071 hardship (discretionary)	<u>Carlton & D'Allessandro</u> : Must use actual tax filing status <u>Haggard</u> : No hardship for stepchildren <u>Paulin</u> : Hardship for birth of twins
4062	Additional CS: 1. Child care costs for employment or training 2. Uninsured health care costs 3. Ed or special needs of children 4. Travel expenses for visitation (This is a negative add-on)	<u>Gigliotti</u> : Cannot reduce CS for travel trust <u>Wilson v. Shea</u> travel cost for visitation is a negative add on <u>Gigliotti</u> : Court may decide what is "reasonable"
4064	The court may adjust the CS order to accommodate seasonal or fluctuating income of either parent	
4065	Prerequisites to a lower than GL stip: 1. Parties are informed 2. No coercion or duress 3. Best interests of the child 4. The needs are met 5. The right is not assigned to welfare	If below GL : no COC required to modify If above GL : COC required to modify down
4066	Family Support is an unallocated total of CS and SS. The amount must be adjusted to reflect the deductibility.	