



PREVENTIVE LAW SERIES
CALIFORNIA CHILD SUPPORT



Prepared by:
Legal Assistance Department
Region Legal Service Office Southwest
3395 Sturtevant Street Suite 9
San Diego CA 92136-5072
(619) 556-2211

A parent's first and principal obligation is to support his or her minor children. A parent shall make a court-ordered child support payment as his or her first priority before payment of any other debts owed to creditors. Each parent has equal responsibility to support the child.

HOW IS THE AMOUNT OF CHILD SUPPORT CALCULATED?

The state uniform child support guidelines consider various factors. Child support is determined by income of the parties, number of children, tax filing status, share of physical responsibility for child, and other factors. Courts may allow income deductions for extreme financial hardship due to justifiable expenses, such as extraordinary health expenses, uninsured catastrophic losses, and minimum basic living expenses of natural or adopted children who reside with the parent. California courts do not consider stepchildren living in your household to be a hardship.

ARE THERE ANY ADD-ONS TO THE COURT-ORDERED CHILD SUPPORT AMOUNT?

California courts are required to add to basic child support payments the costs for work-related childcare, childcare related to the reasonable and necessary education/training of an unemployed or underemployed custodial parent, and reasonable child's uninsured health care costs. Courts may also include as additional child support the costs of a child's special education and visitation travel expenses, and certain other expenses. Courts must order health insurance be maintained by either or both parents if health insurance is available at no cost or at nominal cost.

HOW LONG DO I HAVE TO SUPPORT MY CHILD?

California support continues until age 19 while still in high school, completion of high school and over 18, or age 18 graduated high school already self-supporting. A disabled adult child is entitled to child support beyond this period. If you want a child support order and you don't have an existing court case, you need to start a case.

HOW DO I GO ABOUT OBTAINING A COURT-ORDERED CHILD SUPPORT ORDER?

If you are married to the other parent, you must file either an action for custody of the minor children, or for a divorce or for a legal separation. By filing a divorce or legal separation, you may request an amount for child support. If you are married and do not want to start a dissolution or legal separation case, you may instead file a petition for custody of minor children and in this petition you may ask for an amount of child support. If you are not married to the other parent, you must first file a Complaint to Establish Paternity. A petition to establish parental relationship may be filed by either the mother or the father. If you file a paternity action yourself, you may also request orders for child custody, visitation and child support. The Department of Child Support Services provides a variety of child support services to custodial and non-custodial parents in California. You can find additional information about the Department of Child Support Services at the end of this handout.

CAN I GET CHILD SUPPORT FROM BEFORE THE COURT ORDERED IT (BACK PAY)?

If you do not get public assistance, you may get child support from the day that you filed your case with the court asking for child support. To get support from this date, you must serve the other parent within 3 months after you file your case. The judge may also award child support starting from the date of the hearing, the date the motion for the hearing was filed, or another date depending on the facts in the case. (www.sdcourt.ca.gov)

WHAT IS THE DEPARTMENT OF CHILD SUPPORT SERVICES'S FAMILY SUPPORT PROGRAM?

The San Diego County Department of Child Support Services (DCSS) provides services to determine paternity and to enforce the obligation of a parent to support his or her children. They do **NOT** assist in enforcing or arranging child visitation agreements. These services are available free of charge to all San Diego custodial parents, regardless of their financial status.

HOW DO I GET HELP FROM THE FAMILY SUPPORT PROGRAM?

DCSS is located at 220 West Broadway, 6th Floor, in downtown San Diego. They can be reached via telephone at 619-236-7600 (866-230-2273 outside San Diego County), or online at www.sandiegochildsupport.com. Complete the on-line or paper application, then attend an orientation session which lasts approximately 1.5 hours and bring the necessary forms and supporting documentation to the orientation session. Call or go online to find out when and where the orientation sessions

are held.

Important Note: The following guidelines are a simplified version of how the **California** court calculates support. However, different circumstances in each case affect the amounts of child support ordered by the court.

CUSTODIAL VERSUS NON-CUSTODIAL:

Both parents are financially responsible for supporting their child(ren). The custodial parent supports the child(ren) by providing housing, food, paying for school, clothing, health care, day care, school activities and other expenses. The noncustodial parent pays child support to help cover these costs.

The amount of child support to be paid by each parent is based on the amount of time each parent spends with the child and their NET INCOME. Net income is calculated by taking mandatory deductions -- social security, Medicare, state disability, federal income tax, state income tax, health insurance premiums, and court-ordered support payments for other relationships out of your gross income to arrive at your net income. Welfare grants and child support from other relationships are not considered income for the purposes of calculating child support. Income is money from sources including self-employment, wages, savings accounts, unemployment money, disability and worker's compensation, and Social Security. The judge may consider the amount of money the parent could be making, instead of the parent's actual income.

The judge may also consider other expenses, including the cost of raising a child from another relationship, exceptional health care expenses, uninsured catastrophic losses, mandatory union dues, or retirement contributions, and certain other expenses.

After calculating each parent's net income, and the amount of time each parent spends with the minor child, the child support guidelines are used to determine the percentage of net income to be paid as child support.

The example below is a GENERAL guideline for calculating child support. The final amount of child support is carefully determined by a judge based on individual case information.

Number of children in household	Percent of net income going towards child support
1	25%
2	40%
3	50%

The judge also considers how much time each parent spends with the child(ren).

For example, the custodial parent and non-custodial parent have 1 child. The non-custodial parent's net income is \$2,000 per month resulting in a child support share of \$500 per month (25% of 2,000). If the custodial parent's net income is \$1,500 per month, the child support share is \$375 per month (25% of 1,500). But these percentages can be further adjusted according to how much time each parent spends with the child.

Parents may ask for additional support due to childcare, medical bills not paid by insurance, travel expenses for visitation with the non-custodial parent or a child's special education needs. Parents must specifically ask the judge to include these additional expenses in the child support order. If they do not, the costs may be divided so each parent pays 50 percent, or may not be addressed by the court at all.

The law requires the judge to order one or both parents to provide health insurance coverage for their child(ren), including vision and dental care coverage, if it is available through a job or group insurance plan at no or reasonable cost to the parent.

LEGAL ASSISTANCE SERVICES

A legal assistance attorney is available by appointment Monday through Thursday from 0800 - 1030 and 1300 - 1500, and Friday from 0900 - 1100. Powers of attorney and notaries are available Monday through Friday at the same times. For more information, please contact the Legal Assistance Office, located in Building 56, 32nd Street Naval Station, San Diego, CA, by telephone at (619) 556-2211, or our office at Naval Air Station North Island – Coronado, Building 318 – Second Deck, above the Fleet and Family Support Center, Saufley Road, by telephone at (619) 545-6437.

RESOURCES

San Diego Department of Child Support Services: www.sdcounty.ca.gov/dcss

California Department of Child Support Services: <http://www.childsup.ca.gov>

California Family Code §§ 3900-3902, 4050-4076 (2013)

Nevada Division of Welfare and Supportive Services: <https://dwss.nv.gov>