

Cal.Rules of Court, Rule 5.260 - General provisions regarding support cases

(a) Financial declarations

Except as provided below, for all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current *Income and Expense Declaration* (form FL-150) on all parties.

(1) A party requesting support orders must include a current, completed *Income and Expense Declaration* (form FL-150) with the *Request for Order* (form FL-300) that is filed with the court and served on all parties.

(2) A party responding to a request for support orders must include a current, completed *Income and Expense Declaration* (form FL-150) with the *Responsive Declaration to Request for Order* (form FL-320) that is filed with the court and served on all parties.

(3) "Current" means the form has been completed within the past three months providing no facts have changed. The form must be sufficiently completed to allow the court to make an order.

(4) In child support hearings, a party may complete a current *Financial Statement (Simplified)* (form FL-155) instead of a current *Income and Expense Declaration* (form FL-150) if he or she meets the requirements allowing submission of a *Financial Statement (Simplified)* (form FL-155).

(5) *Financial Statement (Simplified)* (form FL-155) is not appropriate for use in proceedings to determine or modify spousal or domestic

partner support, to determine or modify family support, or to **determine attorney's fees and costs.**

(b) Deviations from guideline child support in orders and judgments

(1) If a party contends that the amount of support as calculated under the statewide uniform guideline formula is inappropriate, that party must file a declaration stating the amount of support alleged to be proper and the factual and legal bases justifying a deviation from guideline support under Family Code section 4057.

(2) In its discretion, for good cause shown, the court may deviate from the amount of guideline support resulting from the computer calculation. If the court finds good cause to deviate from the statewide uniform guideline formula for child support, the court must state its findings in writing or on the record as required by Family Code sections 4056, 4057, and 4065.

(3) Stipulated agreements for child support that deviate from the statewide uniform guideline must include either a ***Non-Guideline Child Support Findings Attachment*** (form FL-342(A)) or language in the agreement or judgment conforming with Family Code sections 4056 and 4065.

(c) Request to change prior support orders

The supporting declaration submitted in a request to change a prior child, spousal, or domestic partner support order must include specific facts demonstrating a change of circumstances. No change of circumstances must be shown to change a previously agreed upon child support order that was below the child support guidelines.

(d) Notification to the local child support agency

The party requesting court orders must provide the local child support agency timely notice of any request to establish, change, or enforce any child, spousal, or domestic partner support order if the agency is providing support enforcement services or has intervened in the case as described in Family Code section 17400.

(e) Judgment for support

(1) If child support is an issue in a judgment:

(A) Each party should file a proposed support calculation with the **proposed judgment that sets forth the party's assumptions with regard to gross income, tax filing status, time-share, add-on expenses, and any other factor relevant to the support calculation.**

(B) The moving party should file the documents in (A) with the proposed **judgment if the judgment is based on respondent's default or a stipulation** of the parties.

(C) The court may use and must permit parties or their attorneys to use any software certified by the Judicial Council to present support calculations to the court.

(2) If spousal or domestic partner support is an issue in a judgment:

(A) Use of support calculation software is not appropriate when requesting a judgment or modification of a judgment for spousal or domestic partner

support.

(B) Petitioner or the parties may use *Spousal or Partnership Support Declaration Attachment* (form FL-157) to address the issue of spousal or domestic partner support under Family Code section 4320 when relevant to the case.