Child Support Basics

Both parents have the legal duty to provide financial support for their child whether they are married, divorced, or even live with their children. The court may order either or both parents to make regular payments to cover a child's living and medical expenses. This periodic payment is called "child support."

Married parents can request child support orders in court cases for divorce or separation. Unmarried parents can request child support orders in parentage cases. However, whether married or unmarried, parents can open a case with the California Department of Child Support Services (DCSS), which will file court papers for them, including Sacramento County (https://childsupportservices.saccounty.gov/). The primary purpose of the DCSS is to collect child support payments for families. Various activities are undertaken to achieve this objective including; locating parents obligated to pay support, establishing parentage, obtaining child support court orders, including health insurance, and collecting payments pursuant to court orders for support.

California has a statewide guideline for child support using a standard formula based on after-tax income of the parents and the amount of time each parent has physical custody of the child. The court sets the amount based on this formula and takes into account many factors when determining a child support order. The main factors are discussed on the California Courts Self-Help website (http://www.courts.ca.gov/1020.htm). Since California has a statewide guideline for calculating how much child support should be paid, if parents cannot agree on child support, the judge will decide the child support amount based on the guideline calculation.

Many counties now require parents to attach a computer printout of support calculations to their paperwork. The website of the DCSS has an online child support calculator (https://childsupport.ca.gov/calculate-child-support/) which is the official calculator used by Family Court Commissioners.

2026 UPDATE: The DCSS version has not been updated to include important federal tax changes. The Judicial Council provides a list of up-to-date support calculation programs (https://courts.ca.gov/programs-initiatives/families-and-children/family-law/ab-1058-child-support-program/guideline-support-calculators) which are not free, but may offer a free trial period. The law library offers free access to one of these programs, X-Spouse, available only in the law library.

Under California Family Code section 4057.5 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM&sectionNum=4057.5.) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM&sectionNum=4057.5.) , the income of either parent's subsequent spouse shall not be considered when determining or modifying child support, except in an extraordinary case where excluding that income would lead to extreme and severe hardship to the children.

Although the new spouses' incomes cannot be considered, remarriage of the parents can have some effect on child support payments, because some of the factors considered when making an order may change, such as new children, different tax filing status, etc. A more complete list of the factors considered when determining child support is available at the California Courts Self-Help website (http://www.courts.ca.gov/1020.htm) .

According to the California Courts Self-Help website (http://www.courts.ca.gov/1020.htm) court-ordered child support usually ends when the child marries or registers a domestic partnership, dies, is emancipated, turns 18 and is not a full-time high school student, or turns 19, whichever occurs first. If a child is 18 but is still attending High School, then his or her parents are still responsible for support, however, parents may agree to support a child longer. The court may also order that both parents continue to support a disabled adult child who is not self-supporting.

More general information about child support can be found on the California Courts Self-Help website (http://www.courts.ca.gov/1020.htm) including links to forms, instructions for setting up and changing a support order, and more. The California Department of Child Support Services also has several publications (https://childsupport.ca.gov/forms/) available that provide general information on California child support.

Finally, the Family Law Facilitator (FLF) may be able to help with support questions. Every court in California has an FLF, a lawyer that can help with most family law problems for free. The FLFs cannot represent anyone in court, but they can help in other ways. In some counties, they can show people how to fill out court forms. In all counties they can give brochures about family law and provide information about other places to get help, like lawyer referral services, legal aid clinics, and self-help law centers. Find the Family Law Facilitator (http://www.courts.ca.gov/selfhelp-facilitators.htm) located in each county using the California Courts website.

rmm 06/22

Useful Resources

Online Child Support Calculator (https://childsupport.ca.gov/calculate-child-support/)