

# Index

## ABANDONMENT

- Attorney profile on third-party web site, § **A.105.0.3.23**
- Bankruptcy trustee's notice of abandonment of family home, § **O.45.2**
- Emotional abandonment, custody grant to nonparent based on, §§ **G.29.1, G.29.2**
- Evaluator's report or child's view, effect of court's failure to consider, § **G.168.25**
- Free from parental custody and control, proceedings to declare minor, §§ **G.168.5-G.168.35**
- Guardian appointed for child, abandonment under Fam C § 7822 where, § **G.168.15**
- Intent to abandon, §§ **G.168.0.28, G.168.7**
- Noncustodial parent voluntarily surrendered parental obligations, abandonment criteria met where, §§ **G.168.6, G.168.7**
- Special immigrant juvenile status, eligibility for, § **G.166.3.35**
- Stepparent adoption, § **G.168.0.50**

## ABATEMENT

- Death of spouse, § **C.156.20**

## ABDUCTION

- See **CHILD ABDUCTION**

## ABORTION

- Parental notification or consent requirement with judicial bypass provision, §§ **C.160.2.1, C.160.2.1.5, C.160.2.2**

## ABSTENTION BY FEDERAL COURT

- Bankruptcy court, §§ **O.27, O.28**

## ACCOMMODATION, APPLICATIONS FOR

- See **DISABILITIES**

## ACCOUNTING

- Breach of fiduciary duty to spouse, § **J.80.3.2.2**
- Default judgment cannot exceed amount and type of relief sought in pleadings, accounting request not exempt from rule that, § **C.150.7.15**
- Law partnershipsSee **LAW FIRMS**

## ACCOUNTS RECEIVABLE

- Characterization and valuation, §§ **M.27-M.31.5**
- Judgment liens against personal property, § **S.130.2**
- Reservation of jurisdiction, § **M.31**
- Tax liability, §§ **N.13, N.150**

## AD LITEM GUARDIAN

- See **GUARDIAN AD LITEM**

## ADMISSIONS

- See **REQUESTS FOR ADMISSIONS**

## ADOPTION

- Adverse report, right to full hearing to contest, § **C.93.5**
- Alleged and presumed fathers' right to notice, § **G.168.0.1**
- Attorney as services provider, § **A.76.2**
- Beneficial relationship exception to termination of parental rights, §§ **G.168.0.5, G.168.0.85**
- Biological mother's insurance policies, adoptive mother established colorable claim that adopted children may be entitled to benefits under, § **L.48.35**
- Birth certificate amended where child stands to gain valuable rights, § **E.0.0.13.40**
- Caretaker placement preference, § **G.29.2.0.10**
- Child-support obligation, effect on, § **E.1.0.1.0.10**
- Closed hearings, § **C.93**

## ADOPTION—Cont'd

### Consent

- FPKPA applied to proceeding to withdraw, § **H.100.9**
- Full commitment to parenthood required of biological father withholding, § **G.168.0.15**
- Joint legal custody, presumed father with, §§ **G.18.1.8, G.168.0.45**
- Noncustodial parent's failure to support and communicate with child, § **G.168.0.45**
- Presumed father's consent to adoption, §§ **G.168.0.1, G.168.0.45**
- Revocation of, §§ **A.76.1, G.168.0.26, G.168.0.31, §§ A.76.1, G.168.0.26, G.168.0.31**
- Surrogate mother, § **G.166.6**
- Temporary custody order authorized if birth mother fails to sign, § **G.168.0.45**
- Then-current UCCJA applied to proceeding to withdraw, § **H.100.9**
- Third parent adoption, § **G.163.5.20**
- Co-parenting agreement, consent of parents to adoption by third party to, § **G.163.5.20**
- Counseling before relinquishment, § **G.168.0.32**
- Dependent child, relinquishment of, § **G.168.0.38**
- Developmental disability, set-aside based on, § **G.167.20**
- Disabled child, requisite findings of likelihood of adoption of, § **G.168.1.9**
- Domestic partner may file petition to adopt partner's child, §§ **G.163.5.15, U.165**
- Dual representation, §§ **A.76.0.6, A.76.1**
- Emotional and behavioral problems, § **G.168.1.9**
- Federal tax credit for adoption expenses, § **N.123.3.15**
- Foreign-born children, set-aside statute does not apply to adoptions of, § **G.167.20**
- Free from parental custody and control, proceedings to declare minor, §§ **G.168.5-G.168.35**

## ADOPTION—Cont'd

- Full faith and credit for out-of-state adoption judgment, §§ **B.28, G.163.5.15**
- Funds expended not reimbursable if birth parent revokes consent, § **A.76.1**
- Habeas corpus, § **G.167.5**
- Home schooling as impediment to adoption, § **G.168.1.9**
- Impediment to adoption of dependent child by relative caregiver, relevance of, § **G.168.1.8**
- Indian childrenSee INDIAN CHILD WELFARE ACT (ICWA)
- Intended adoptive parents, § **G.168.0.30**
- Intent to abandon, §§ **G.168.0.28, G.168.7**
- Intercountry adoptions, set-aside statute does not apply to, § **G.167.20**
- Interracial placement, § **G.169**
- Interstate adoptions, jurisdiction and venue, § **H.5.15**
- Intestate succession, parent-child relationship for purposes of, § **E.0.0.13.33**
- Jurisdiction over interstate adoptions, § **H.5.15**
- Limitations period for contesting adoptions, § **G.168.0.36**
- Mental illness, set-aside based on, § **G.167.20**
- Noncustodial parent's failure to support and communicate with child, effect of, § **G.168.0.45**
- Nonrelative extended family member, placement with, § **G.169**
- Out-of-state birth parents relinquishing children for adoption placement, § **G.168.0.32**
- Parental rightsSee TERMINATION OF PARENTAL RIGHTS
- Physical condition of adoptive parents immaterial when determining likelihood of, § **G.168.1.8**
- PKPA and UCCJA applied to proceeding to withdraw consent to independent adoption, § **H.100.9**
- Placement preferences, § **G.169**
- Postadoption contact agreements, § **G.146.3**

## INDEX

### **ADOPTION—Cont'd**

- Presumed father's consent to adoption, §§ **G.168.0.1, G.168.0.45**
- Private attorney-general fees denied in second-parent adoption case, § **A.18.2.4**
- Procedure for terminating parental rightsSee **TERMINATION OF PARENTAL RIGHTS**
- Relative caretaker unwilling to adopt, legal guardianship to, § **G.29.2.0.8, G.168.0.85**
- Relatives, adoptive placement with, § **G.169**
- Rescission of agency relinquishment, § **G.168.0.30**
- Revocation of consent, §§ **A.76.1, G.168.0.26, G.168.0.31**
- RICO, claims against adoption agency under, § **G.167.20**
- Same-sex partner of parent, §§ **G.163.5.15, G.163.5.20, U.165**
- Second-parent adoption by same-sex partner where birth parent retains parental rights, § **G.163.5.20**
- Setting aside decree, §§ **G.167.20, G.168.0.36**
- Specifically adoptable, finding that child is, § **G.168.1.9**
- State tax credit for adoption expenses, § **N.123.3.10**
- StepparentSee **STEPPARENTS**
- Surrogacy, § **G.166.5**
- Temporary custody order authorized if birth mother fails to sign placement agreement, consent or relinquishment, § **G.168.0.45**
- Terminating parental rights in adoption proceedings, §§ **G.168.0.1-G.168.0.60**
- Termination of adoptive placement, right to full hearing before, § **C.93.5**
- Third party to co-parenting agreement, consent of parents to adoption by, § **G.163.5.20**
- Time limits for revoking consent, § **G.168.0.28**
- Tribal customary adoption of Indian children, procedure for, § **G.168.0.90**

### **ADOPTION—Cont'd**

- Tribal intervention in independent adoption proceedings, § **G.171.25**
- Validity of relinquishment, § **G.168.0.31**
- Visitation with birth relatives, § **G.146.3**
- Waiver
  - Confidentiality waived by adoptees or siblings, § **G.146.3**
  - Right to revoke relinquishment, waiver of, § **G.168.0.30**

### **ADVERSE INTERESTS**

- See **DUAL REPRESENTATION**

### **ADVERTISING**

- Attorneys, §§ **A.105.0.3-A.105.0.15**
- Private child-support collectors, § **S.64.20**

### **AIDS**

- Discovery of medical records and sexual history, § **C.160.4.3.5**
- Visitation with parent diagnosed with, § **G.142.3.1**
- Willful exposure to, § **C.160.8**

### **AID TO FAMILIES WITH DEPENDENT CHILDREN**

- See **PUBLIC ASSISTANCE**

### **ALCOHOL ABUSE**

- Custody determination, § **G.26.2**
- Drug and alcohol testing authorized for parents in custody disputes, §§ **G.25, G.43**
- Grave-risk exception to return of child under Hague Convention, § **H.5.9.0.2.6**
- Gun violence restraining orders (GVRO), § **C.13.50**
- Minor's consent to treatment, § **G.18.1.7.10**
- Permissible drug tests, § **G.43**

### **ALIENS**

- Alien Tort Statute, § **H.5.7.20**
- Dissolution of marriage to citizen, § **C.0.5.25**
- Immigration marriage fraud, § **C.0.5.25**
- Proof of identity by applicants for driver's license, § **S.61.1**
- Residence for disso purposes, § **B.3.6**

**ALIENS—Cont'd**

- Revocation of permanent resident status, dissolution resulting in, § **C.0.5.25**
- Special immigrant juvenile status/findings, § **G.166.3.35**
- Spousal abuse justifying deportation, § **C.15.0.0.4**
- Support obligation of sponsoring spouse, §§ **F.110, S.59.50**

**ALTERNATIVE VALUATION DATE**

- See PROPERTY DIVISION

**ALZHEIMER'S DISEASE**

- Dismissal of dissolution proceedings, § **C.29.4.4**
- Guardian ad litem for incapacitated spouse, § **C.29.4.3**

**AMERICANS WITH DISABILITIES ACT (ADA)**

- Continuance under, §§ **C.29.11.40, C.42.1.20**
- Physician-patient privilege waived by filing ADA request, § **C.42.1.20**
- Terminating parental rights of mentally disabled parent, ADA does not preempt, § **G.168.10**

**ANNULMENT**

- Based on fraud where fraud goes to essence of marital relationship, § **C.0.6.5**
- Bigamous marriage void, § **C.0.6.20**
- Cohabitation after discovery of facts constituting fraud, § **C.0.6.5**
- Death of defrauded spouse, fraud-based nullity action survives, §§ **C.0.6.10, C.0.6.15**
- Dismissal of dissolution does not preclude subsequent petition for, § **C.0.3.1**
- Exceptions to dismissal for delay in prosecution, § **C.29.14.2**
- Income tax filing status, effect of fraudulently obtained annulment on, § **N.15.1.5**
- Judgment of nullity, § **C.0.6.4**
- Motion to quash, grounds for, § **C.29.6**
- Premarital mahr agreement, differing interpretations of, § **C.0.6.5**
- Standing, § **C.0.6.15**

**ANTENUPTIAL AGREEMENTS**

- See PREMARITAL AGREEMENTS

**ANTI-HARASSMENT ORDERS**

- See HARASSMENT

**ANTI-HEARTBALM STATUTE**

- Tort action based on premarital representations barred by, § **C.161**

**ANTI-SLAPP STATUTE**

- Analysis of provision extending protection to speech related to issues of public interest, § **A.103.2.95**
- Attorneys' fees
  - Evidence of attorney-client relationship, §§ **A.16.3.2.10, A.103.2.95**
  - Fees as sanctions for filing frivolous motion, § **A.103.3.0.39.20**
- Breach of duty of loyalty, inapplicable to suit against attorneys for, §§ **A.103.2.110, A.121.40**
- Child-support evasion statutes, application to suit against attorneys in probate proceedings based on, § **A.103.2.115**
- Commercial speech exemption, § **A.103.2.125**
- Custody evaluator, request to set reasonable fee did not constitute claim against, § **A.103.2.125**
- Declarations supporting request for restraining orders, § **A.103.2.125**
- Defamation suit against attorney based on voice-mail messages related to anticipated litigation, § **A.103.2.115**
- Demand letter that constituted extortion, anti-SLAPP statute does not apply to, § **A.103.2.105**
- Disciplinary proceedings against attorneys, § **A.103.2.130**
- False reports to police not protected activity for purposes of anti-SLAPP motion to strike malicious prosecution action, §§ **A.103.3.0.39.10, C.163.10**
- Internal affairs investigator, ex-wife's anti-SLAPP motion to strike former husband's breach of contract claim based on her statements to, § **A.103.3.0.39.10**

## INDEX

### ANTI-SLAPP STATUTE—Cont'd

- Lack of subject matter jurisdiction to decide claim, effect of, § **A.103.2.130**
- Late filing did not make anti-SLAPP motion frivolous or delaying tactic, § **A.103.3.0.39.20**
- Legal malpractice suit, inapplicable in, § **A.103.2.100**
- Litigation privilege, application to suits against attorneys based on actions protected by, § **A.103.2.115**
- Malicious prosecution actions, §§ **A.103.3.0.39-A.103.3.0.39.20**
- Private investigator's/spouse's anti-SLAPP motion filed in civil action for disclosure of confidential information in connection with dissolution action, § **A.103.2.115**
- Protected speech or petitioning activity must be basis of claim, § **A.103.2.140**
- Public interest, speech related to issues of, § **A.103.2.95**
- Redact personal information from document attached to motion, SLAPP motion against suit filed by litigant based on failure to, § **A.103.2.120**
- SLAPPback suits for malicious prosecution or abuse of process, § **A.103.3.0.39**

### APPEALS

- Abandonment of appeal in support-enforcement action, § **R.10.15**
- Abuse of discretion, § **R.19**
- Analysis of appellate opinion, § **R.89**
- Appealable orders, §§ **R.20.5-R.34.4**
- Appellate counsel, right to, §§ **R.3.2-R.3.3.15**
- Arbitration award, judgment on, §§ **C.47.8.3.6, R.49.0.5**
- Attorney general's role in appeal of child-support orders, § **E.25.1.50**
- Attorneys
  - Associating specialist, § **R.41.1**
  - Family law specialist, §§ **R.0.5-R.3**
  - Motion to withdraw, § **A.122.15**
  - Oral argument, failure to appear for, § **A.114.10**

### APPEALS—Cont'd

- Attorneys' fees
  - Appealability, §§ **A.38.5-A.40**
  - Arbitration, denial of petition to compel, § **A.45.20**
  - Award on appeal, § **A.4**
  - Bad-faith appeal, § **A.6**
  - Disentitlement doctrine, § **R.10.25**
  - Disparity of access to funds and ability to pay, § **A.17.1**
  - Down payment, acceptance of, § **A.5**
  - Enforcement of support orders, § **A.14.1.5**
  - Fees as sanctions, §§ **A.18.3.2, A.18.3.22**
  - Frustrates settlement, for conduct that, § **R.54.17.10**
  - Pendente lite awards, §§ **A.3, A.39**
  - Postjudgment award, § **A.41**
  - Private attorney-general statute, request for fees under, § **A.18.2.4**
  - Showing of need, § **A.4**
  - Standing to appeal, § **R.10.10**
  - Stay for failure to pay, § **A.37**
  - Time limit for motion for appellate fees, § **A.18.3.2**
  - Undertaking required to stay enforcement, § **R.52.4**
- Bifurcated issues, § **R.29**
- Briefs
  - Cost, § **R.14**
  - Preparation, §§ **R.68.2-R.68.12**
  - Procedure, §§ **R.68.2, R.68.4-R.68.10**
  - Summary judgment affirmed on different grounds, § **R.68.12.10**
  - Supplemental briefing, §§ **R.3.4.7, R.68.6**
  - Wende review, §§ **R.3.4-R.3.4.10**
- Calendar priority, § **R.12**
- California Supreme Court, review in, §§ **R.89.5-R.93**
- Certification of bifurcated issues, § **R.29**
- Client, obligation to, §§ **R.36-R.38**
- Client considerations, § **R.11**
- Costs, §§ **R.13, R.14, R.15, R.54.18**
- CustodySee **CUSTODY**
- De facto parent motion, standing to appeal denial of, § **G.29.2.1.10**
- Default judgments, § **R.31**
- Depublication, §§ **R.86.5, T.2.0.5**

## APPEALS—Cont'd

Different theory on appeal, parties generally not permitted to argue, § **R.20.3**

Discovery sanctions, §§ **D.126.5-D.126.9**

Dismissal of appeal

Disentitlement doctrineSee **DISENTITLEMENT DOCTRINE**

Parental rights termination, appeal of, § **R.70.4**

Disqualify opposing counsel, grant or denial of motion to, §§ **R.30, R.52.10**

Electronic transmission of notice, failure in, § **R.56.10**

Enforcement of supportSee **ENFORCEMENT OF SUPPORT ORDERS**

Failure to appeal and finality of judgment, § **B.37**

Family law specialist, §§ **R.0.5-R.3**

Filing procedure, § **R.57**

First-document filing fee, § **R.13**

Frivolity

Case-law applications, §§ **R.54.3-R.54.11**

Clear and convincing evidence, § **R.54.16**

Designation of who pays sanction, § **A.116**

Disciplinary action, § **A.118**

Due process, §§ **R.54.12-R.54.14**

Federal courts deterring, § **A.118.1**

Inherent authority to impose sanctions, §§ **A.117.10, R.54.4.5**

Nondischargeable sanctions, § **R.54.10.15**

In opposing nonfrivolous appeal, § **A.117**

Per se malpractice, § **A.116.1.5**

Professional obligations, § **A.116.1**

Pro per appellant, § **R.54.17**

Sanctions, §§ **A.16.1.0.1, A.117, A.117.0.5**

Test for, §§ **A.116.2-A.117.1, R.54.3**

Frustrates settlement, appellate fees for conduct that, § **R.54.17.10**

Hague Convention proceedings, § **H.5.9.0.45**

## APPEALS—Cont'd

Implied findings doctrine, §§ **R.20.1, R.45.5**

Important issues of public policy, § **R.10.35**

Incomplete record, effect of, § **R.59.1**

Indian Child Welfare Act notice issues, §§ **G.170.10.17, G.170.10.40, G.170.10.45, G.170.12**

Inferences drawn in favor of respondent, § **R.20**

Interlocutory orders, trial court authorized to note differing opinions on controlling questions of law in, § **R.5.5**

Issue ready for appeal, § **R.10.30**

Judicial conduct, challenges based on, §§ **C.69.9.0.3-C.69.9.1**

Jurisdictional orders, § **R.34**

Juvenile court orders entered after dispositional hearing, § **R.30**

Malicious prosecution, § **R.54.15**

Motions on appeal, §§ **R.68.13-R.70.3**

Motion to vacate, order on, §§ **R.30, T.47**

Negative option letter, § **R.83**

New authority, procedure for informing appellate court of, § **R.68.6**

New trial, order on motion for, §§ **R.32, R.56.30, T.59**

Nonappealable orders, § **R.32**

Notice of appeal, §§ **R.56.10-R.56.28, R.57-R.58, R.56.30**

Nunc pro tunc filing of notice of appeal, § **R.56.10**

One final judgment rule, §§ **R.24-R.34**

Oral argument, §§ **R.73.5-R.84**

Parental rights termination, dismissal of appeal of, § **R.70.4**

Peremptory challenge, order denying, § **R.32.5**

Perfecting appeal, §§ **R.54.19-R.68.1**

Petition for rehearing, § **R.88**

Post-appeal procedure, §§ **R.96.5-R.99**

Postjudgment orders, appealability of, §§ **R.27, R.30**

Preferences on appellate calendars, § **R.12**

Preparing issues, § **R.3.5**



## INDEX

### APPEALS—Cont'd

- Private attorney-general statute, award of fees under, § **A.18.2.4**
- Procedure after oral argument, §§ **R.84.5-R.86.7**
- Pro forma objections without stated grounds, § **R.10.25**
- Pro per appellant, § **R.54.17**
- Proper party, § **R.10.5**
- Publication, § **R.86**
- Public policy, points may be considered for first time on appeal if they raise important issues of, § **R.10.35**
- Reconsideration motion, review of order on, § **R.56.20**
- Record on appeal
  - Agreed statements, § **R.62**
  - Alternative designations, § **R.61**
  - Designation of, §§ **R.59-R.63**
  - Failure to procure record, § **R.60**
  - Implied findings doctrine, §§ **R.20.1, R.45.5**
  - Incomplete record, effect of, § **R.59.1**
  - Settled statements, §§ **R.45.5, R.63**
  - Transcripts, § **R.60**
- Reevaluation on remand, §§ **J.99.4.10-J.99.4.20**
- Rehearing, petition for, § **R.88**
- Remittitur, §§ **R.97, R.97.5**
- Remittitur recall, § **R.99**
- Response or cross-appeal, time limits on, § **R.56.40**
- Retrial, § **R.98**
- Review of entire record, §§ **R.3.4-R.3.4.10**
- Review standards, §§ **R.17-R.20.4**
- Right to counsel, §§ **R.3.2-R.3.3.15**
- Sanctions
  - Fam C § 271 fees as sanctions, §§ **A.18.3.2, A.18.3.22**
  - Frivolity, see Frivolity, supra
  - Inherent authority to impose, §§ **A.115.10.10, A.117.10**
  - Misrepresentations to appellate court, § **A.115.10.10**
  - Standing to appeal sanction, § **A.115.10.5**
  - Undertaking required to stay enforcement, § **R.52.4**

### APPEALS—Cont'd

- Set aside default, order on motion to, § **T.21**
- Set aside judgment, order on motion to, § **T.12**
- Settled statement
  - Alternative to reporter's and clerk's transcripts, § **R.63**
  - Failure to rule on timely motion for, § **R.63**
  - Implied findings doctrine, § **R.45.5**
- Settlement conferences, §§ **R.70.5-R.73**
- Significant new authority, procedure for informing court of, § **R.68.6**
- Social worker's decision not to file dependency petition, affirmance of, § **R.32**
- Spousal supportSee SPOUSAL SUPPORT
- Stay of proceedings
  - Custody order, §§ **G.159, R.54**
  - Disqualify opposing counsel, appeal from grant or denial of motion to, §§ **R.30, R.52.10**
  - Expert witness fees, § **R.52.5**
  - Failure to pay attorneys' fees, § **A.37**
  - Generally, § **R.51**
  - Limited power of trial court, §§ **R.52-R.52.4**
  - Out-of-state custody order stayed pending appeal, § **H.61**
  - Procedural requirement, § **R.54.1**
  - Undertaking required to stay enforcement of award of fees, costs or sanctions, § **R.52.4**
- Stipulated reversals, restriction on, § **C.88.5**
- Substantial evidence test for sufficiency of evidence, § **R.17**
- Summary denial of writ petition without oral argument or written opinion, § **R.20.4**
- Summary judgment affirmed on different grounds, § **R.68.12.10**
- Supplemental briefing, §§ **R.3.4.7, R.68.6**
- Time limitations
  - Case law, §§ **R.56.60-R.56.90**
  - Electronic filing, § **R.56.10**
  - Filing briefs, § **R.68.2**

## APPEALS—Cont'd

### Time limitations—Cont'd

General considerations, §§ **R.7-R.9, R.12**

Motion for appellate fees, § **A.18.3.2**

New trial motion, filing notice of appeal after denial of, § **R.56.30**

Notice of appeal, §§ **R.56.10-R.56.28**

Post-trial motions, § **R.56.30**

Rebutting presumption that order filed on file-stamped date, § **R.56.75**

Rehearing, petition for, § **R.88**

Response or cross-appeal, § **R.56.40**

Set-aside time limits, effect of, §§ **R.56.78, T.33.6.17**

Vacate judgment, effect of filing motion to, § **R.56.28**

Writs, § **R.23.10**

### Transcripts

Allowable costs, § **A.24**

Alternative designations, § **R.61**

Computer-readable form, § **R.14.15**

Fees for transcriptions, § **R.14**

Indigent appellants, § **R.14.5**

Notice designating transcript, time for filing, § **R.60**

### Types of cases, §§ **R.4-R.6**

UCCJEA, enforcement orders under, § **H.69**

U.S. Supreme Court, review in, §§ **R.93.5-R.96**

Valuation of community property on remand, §§ **J.99.4.10-J.99.4.20**

Vexatious litigant's request to file new litigation, denial of, § **C.42.2.20**

Waiver of right to appeal, §§ **R.10.25, R.55.1**

Wende appeals, §§ **R.3.4-R.3.4.10**

## APPEARANCE

Default proceedings, § **C.141**

Ex parte relief, hearing for, § **B.5.3.1**

General, §§ **B.5-B.5.3.1**

Special, §§ **B.5, C.29.5.1**

Telephone, statute authorizing and fees for appearance by, §§ **C.47.5, C.50**

Warrant for disobeying subpoena or order to appear, § **S.168.1.2**

## APPRAISAL

See VALUATION

## APPRAISERS

Expert witnesses, §§ **P.19, P.20**

## ARBITRATION

Appeal, §§ **C.47.8.3.6, R.49.0.5**

Appointment of arbitrator, §§ **C.47.5, C.47.8.4.4**

Attorneys' fee disputeSee ATTORNEYS' FEES

### Award

Appeal, §§ **C.47.8.3.6, R.49.0.5**

Beyond scope of contract, § **C.47.8.8**

Challenging in nonjudicial proceeding, §§ **C.47.8.4.5-C.47.8.15**

Confirmation, § **C.47.6.5**

Grounds for disqualification, failure to timely disclose, § **C.47.7**

Limited statutory grounds to vacate or correct award, § **C.47.8.4.7**

Minor's disaffirmance, § **C.47.4.10**

Request for trial de novo or dismissal to prevent entry of, § **C.47.7.5**

Set-aside, §§ **C.47.7, T.8.15, T.11.5**

Timely response to petition to vacate award, failure to file, § **C.47.8.5.5**

Waiver of right to appeal, § **C.47.8.4.15**

Binding nonjudicial, §§ **C.47.8.4.3-C.47.8.15**

Cause, arbitrator may be challenged for, § **C.47.5**

Child-support disputes, binding arbitration to settle, § **E.24.3.10**

Conduct of hearing, § **C.47.6**

Consent of client, § **C.47.4.1**

Costs, § **A.24**

Delay in making demand for, § **C.47.8.30**

### Disclosure requirements

Disclosure declarations when property issues resolved through arbitration, § **J.80.3.0.42**

Fee agreement, duty to disclose arbitration provision in, § **A.49.10**

Mandatory Fee Arbitration Act, disclosures by arbitrators under, § **A.45.20.2**

Proposed neutral arbitrators, disclosures required from,



## INDEX

### ARBITRATION—Cont'd

- Disclosure requirements—Cont'd
  - §§ **C.47.5, C.47.8.4.4.4**
- Set-aside of award for failure to timely disclose grounds for disqualification, § **C.47.7**
- Dismissal statute, tolling of, §§ **C.47.8.1-C.47.8.3.3**
- Disqualification of arbitrator, § **C.47.5**
- Ethics standards for arbitrators, § **C.47.8.4.4.4**
- Factual inquiry by court to determine whether parties agreed to binding, § **C.47.8.4.3.10**
- Failure to file timely response to petition to vacate award, § **C.47.8.5.5**
- Federal preemption of state disclosure requirements, § **C.47.8.4.4.4**
- Finality of decision based on interpretation of contract, § **C.47.8.4.7**
- Gender bias as grounds for disqualification of arbitrator, § **C.47.5**
- Governing law, § **C.47.4**
- Inconsistent with intent to arbitrate, effect of taking steps, § **C.47.8.30**
- Judicial immunity, § **C.47.6**
- Limited statutory grounds to vacate or correct award, § **C.47.8.4.7**
- Litigation privilege, §§ **A.103.0.0.1.31, C.47.6.4**
- Malpractice claims, §§ **A.55.0.1.5-A.55.0.1.7**
- Mandatory set-aside provisions of CCP § 473(b) inapplicable to arbitration award, § **T.11.5**
- Minor's disaffirmance of contract and of arbitration award, § **C.47.4.10**
- Nonbinding nonjudicial, §§ **C.47.8.3.8-C.47.8.4**
- Nonjudicial, §§ **C.47.8.3.7-C.47.8.15**
- Oral stipulation to, § **C.47.8.15**
- Partiality, appearance of, § **C.47.8.4.4.4**
- Peremptory challenge, § **C.47.5**
- Powers of arbitrator, § **C.47.6**
- Ratify attorney's actions by participating in proceedings, § **C.47.4.5**
- Referral to, § **C.47.4.0.5**
- Repudiation of agreement to submit claim to arbitration, § **C.47.4.5**
- Residential care facility, authority to enter into arbitration agreement

### ARBITRATION—Cont'd

- incidental to admission to, § **C.47.4.15**
- Set-aside of award, §§ **C.47.7, T.8.15, T.11.5**
- Stipulation to selection of nonattorney as arbitrator, § **C.47.5**
- Testimony inadmissible at subsequent trial, § **P.110**
- Trial de novo, §§ **C.47.7.5-C.47.8.3.3**
- Unilateral selection of arbitrator, § **C.47.5.5**
- Vacate or correct award, petition to, §§ **C.47.8.4.5-C.47.8.15**
- Waiver
  - Appeal from award or judgment, waiver of right to, § **C.47.8.4.15**
  - Compel arbitration, waiver of right to, § **C.47.8.30**

### ARTIFICIAL INSEMINATION

- Decedent's sperm, § **G.166.30**
- Doctor cannot be sued by husband for artificially inseminating wife with doctor's own sperm, § **A.108.6**
- Paternity claims, §§ **G.166.15, G.166.17**
- Posthumously conceived children, establishing parentage of, § **E.0.0.13.35**
- Sexual orientation, free-speech and religious rights do not exempt doctors from prohibition against discrimination based on, § **U.200**
- Sperm-donor contract, enforceability of confidentiality agreement in, § **D.40.20**
- Sperm-donor paternity claim, § **G.166.17**
- Unjust-enrichment suit by man who consented to and cared for child that resulted from ex-partner's, § **C.170**

### ASSIGNMENT

- Bankruptcy, effect on discharge in, §§ **O.71.15, O.71.20**
- Court orders for, §§ **S.127-S.130**
- Debtor's remedies, § **S.130**
- Factors in granting order, § **S.129**
- Legal malpractice claims, § **A.103.2.1**
- Life story, agreement for, § **A.65.6**
- Procedure for orders, § **S.128**

**ASSIGNMENT—Cont’d**

Wages see **WAGE ASSIGNMENTS**

**ASSISTED REPRODUCTION  
AGREEMENTS**

See **SURROGACY**

**ATTACHMENT**

Levy and other remedies under Uniform  
Voidable Transactions Act,  
§§ **S.48.0.50-S.48.0.75**

**ATTORNEY-CLIENT PRIVILEGE**

Burden of proof, §§ **D.92, P.75**

Cash-reporting requirement,  
§ **A.49.0.1.15**

Between clients, §§ **D.101, P.82**

Clients’ identities, applicability to infor-  
mation on, §§ **A.121.12, D.40.5,**  
**D.102.5**

Confidential communication defined,  
§ **D.96**

Court review of documents, § **D.99.10**

Crime-fraud exception, § **A.115.11**

Criminal defendant, § **P.81.10**

Definitions, §§ **D.96, P.78.3**

Disclosure prohibited, § **A.121**

Discovery abuse, sanction for,  
§ **D.123.0.20**

Dual representation, §§ **A.71.5, D.101**

E-mail between employee and attorney  
sent over employer-defendant’s  
computer in violation of company  
policy, § **P.81.7**

Expert witness designation of party,  
effect of, §§ **D.75.18, P.83.15**

Holder, §§ **D.96, D.97, P.74, P.78.6**

Inadvertent receipt of privileged docu-  
ments, §§ **A.115.11, D.63.20,**  
**D.103**

Inspection of documents by court,  
§ **D.99.10**

Joint representation, §§ **A.71.5, D.101**

Law corporations, §§ **D.98, P.79**

Personal representative of deceased cli-  
ent, § **P.74**

Physical evidence, §§ **D.102, P.83-**  
**P.83.5**

Prevent crime likely to cause great  
bodily harm, disclosure necessary  
to, §§ **A.98.3, P.81.5**

**ATTORNEY-CLIENT PRIVILEGE  
—Cont’d**

Receipt of privileged documents, duties  
on, §§ **A.115.11, D.63.20, D.103**

Referral service-client privilege,  
§§ **D.103.50, P.83.50**

Standing to assert privilege without  
intervening in suit, § **C.42.0.25**

Subpoena duces tecum, hearing on  
motion to quash, § **P.83.10**

Waiver of privilege, §§ **D.63.10, D.89**

When claimed, §§ **D.99, P.80**

When inapplicable, §§ **D.100, P.81**

Will, discovery during lifetime of testa-  
tor, § **D.118.10**

**ATTORNEYS**

Abuse of process, § **A.109.20**

AdoptionSee **ADOPTION**

Advancing costs, § **A.24.1**

Adverse interests

Charging lien creates adverse interest  
that requires attorney to comply  
with rule 3-300, § **A.65.4**

Dual representationSee **DUAL REP-**  
**RESENTATION**

Advertising, §§ **A.105.0.3-A.105.0.15**

Advocate-witness rule, violation of,  
§ **A.71.51**

Affidavit of fault, mandatory set-aside  
based on, §§ **T.7, T.9.1-T.11.20**

Anti-SLAPP statute applicability to suits  
against attorneys, §§ **A.103.2.95,**  
**A.103.2.110, A.121.40**

Appearance of impropriety,  
§§ **A.71.117, A.125.1.0.1**

Authority to bind clients, §§ **A.110.1-**  
**A.110.10, C.86**

Avoid service, assisting client to,  
§ **A.109**

Both parties, representation ofSee  
**DUAL REPRESENTATION**

Breach of data security, § **A.121.35**

Breach of duty of loyalty, anti-SLAPP  
statute inapplicable to suit against  
attorneys for, §§ **A.103.2.110,**  
**A.121.40**

Business agreement between attorney  
and client unenforceable due to  
violation of rule 3-300, § **A.115.22**

Calendaring error, § **T.11.8**

## INDEX

### ATTORNEYS—Cont'd

- Case-management-plan discovery limitations affecting duty of care, § **C.47.9.4**
- Cash-reporting requirement, §§ **A.49.0.1.10-A.49.0.1.50**
- Causation, mandatory set-aside unavailable for failure to properly present evidence of, § **T.11.15**
- Change in law after settlement, § **A.111**
- Child supportSee CHILD SUPPORT
- Civil conspiracies with clients, §§ **A.103.3.0.40-A.103.3.0.65**
- Client confidences and secrets, duty to maintain, §§ **A.121-A.121.45**
- Client files
  - Closed case files, attorneys' obligations with regard to, § **A.122.27**
  - Data breaches, § **A.121.35**
  - Electronic versions of client's documents, duty to release, § **A.122.25**
  - Joining another firm, ethical obligations of attorney, § **A.122.45**
  - Release of client file on withdrawal, §§ **A.122.20, A.122.25**
- Client funds
  - Bank's duty of care to attorney whose office manager misappropriated, § **A.103.3.2**
  - Trust accountSee ATTORNEYS' FEES
- Client Security Fund
  - Generally, § **A.125.3.4**
  - Restitution to clients reimbursed by fund, § **A.125.3.55**
  - Subrogation rights of State Bar, § **A.125.3.50**
- Client's flight, aiding and abetting, § **A.109.5**
- Communications with adverse party, §§ **A.110.0.1-A.110.0.3**
- Communications with client
  - Data breaches, disclosure of, § **A.121.35**
  - Increase in hourly rate, § **A.49.7**
  - Malpractice claim, disclosure of facts giving rise to, § **A.103.0.0.0.9.5**
  - Referral service-client privilege, §§ **D.103.50, P.83.50**

### ATTORNEYS—Cont'd

- Communications with client—Cont'd
  - Settlement offer, communication of, § **A.110.1**
  - Significant developments, duty to inform client of, § **A.122**
- Compensation agreements with nonlawyers, §§ **A.123.15, A.123.17**
- Competent representation, § **A.103.2**
- Conflicting interests
  - Dual representationSee DUAL REPRESENTATION
  - In-house or outside counsel, consultation with, § **A.103.0.0.0.9.5**
  - Joining another firm, ethical obligations of attorney, § **A.122.45**
  - Potential for malpractice claim creates, § **A.103.0.0.0.9.5**
  - Screening protocols, § **A.122.45**
- Consent to representation by attorney-witness, § **A.86.2**
- ContemptSee CONTEMPT
- Continuance following death of attorney before trial, § **C.29.11.25**
- Continuing education requirements
  - Constitutionality of program, § **A.130**
  - Representation by attorney suspended for noncompliance with, § **A.103.2**
- Court-appearance service, use of, §§ **A.47.5, A.70, A.103.2, A.105.0.3.10**
- Court-appointed counsel
  - AFDC reimbursement cases, § **S.64.3**
  - Appellate counsel, right to, §§ **R.3.2-R.3.3.15**
  - Compensation, §§ **A.30.5-A.30.6.1, G.124.52**
- CustodySee CUSTODY
- Dependency proceedingsSee DEPENDENCY PROCEEDINGS
- DVRO proceedings, § **G.124.20**
- Nonminor dependents, appointed counsel for, **G.124.30**
- Pilot projects to provide appointed counsel for civil litigants, § **A.30.5.2**
- Creation of attorney-client relationship, § **A.120**

## ATTORNEYS—Cont'd

Data breaches, ethical obligations with regard to, § **A.121.35**  
 Default proceedingsSee **DEFAULT PROCEEDINGS**  
 Defense counsel and prosecutor, relationship between, §§ **A.125.0.5-A.125.1**  
 Delaying tacticsSee **SANCTIONS**  
 Delay in prosecution caused by attorney's neglect, § **C.29.14.3**  
 Deposition of opposing counsel, § **A.86.5**  
 Direct-mail solicitation, § **A.105.0.15**  
 Disappearance of client, attorney's ethical duties on, § **A.110.10**  
 Disciplinary proceedings  
     Aiding and abetting client's flight, § **A.109.5**  
     Alternative dispute resolution, § **A.125.3.8**  
     Anti-SLAPP motion, effect of lack of jurisdiction on, § **A.103.2.130**  
     Attorney advertising, § **A.105.0.3.35**  
     Bankruptcy stay, exempt from, § **O.32.5**  
     Certification denied, § **A.125.3.10**  
     Condition of settlement of malpractice claim, § **A.125.3.4**  
     Confidentiality, § **A.125.3.6**  
     Cooperate in proceedings, duty to, § **A.125.3.4**  
     Costs, disciplined attorney ordered to pay, § **A.125.3.4**  
     Dischargeability of disciplinary costs assessment, § **A.125.3.4**  
     Discrimination in law practice, § **A.125.3.9**  
     Domestic dispute of family law attorney, § **A.125.3.15**  
     Felonious possession and control of child pornography, § **A.125.3.20**  
     Inexperience, § **A.103.2**  
     Misleading court, § **A.109.1**  
     Monetary sanctions, § **A.125.3.4**  
     Moral turpitude, disbarment for crime involving, § **A.125.3.20**  
     Reporting statutes, § **A.125.3**  
     Rights of attorney, § **A.125.3.4**  
     Sex with clients, § **A.108.0.5**

## ATTORNEYS—Cont'd

Disciplinary proceedings—Cont'd  
     Willful misrepresentation, § **A.109.1**  
 Discrimination, discharge based on, § **A.120.10**  
 Disentitlement doctrine applied to bar participation in hearing, § **G.168.0.55**  
 DisqualificationSee **DISQUALIFICATION**  
 Dissemination of victim's mental health records by defense attorney, § **D.112.15**  
 Dissolution of firm, notice, § **A.105.1**  
 Distribution of settlement proceeds, breach of fiduciary duty in, § **A.103.0.0.0.6**  
 DMV records, access to, §§ **D.40.3, S.61.1**  
 Dual representationSee **DUAL REPRESENTATION**  
 Electronically stored information  
     Attorney's duties when handling discovery of, §§ **A.115.12, D.63.20**  
     Data breaches, § **A.121.35**  
 Electronic versions of client's documents, duty to release, § **A.122.25**  
 Escrow holder, attorney entrusted with property during settlement negotiations has fiduciary duty as, § **A.103.0.0.0.6**  
 Evidence of ongoing attorney-client relationship, § **A.103.2.6**  
 Excusable neglect, relief based on mistake, inadvertence or, §§ **T.6-T.12**  
 Expert retained who consulted with opposing counsel, § **A.71.95**  
 Extrajudicial statements, §§ **A.103.0.0.10, A.105.5, A.105.7**  
 Failure to pay rent while continuing to take partnership draws, § **A.115.27**  
 FeesSee **ATTORNEYS' FEES**  
 Fiduciaries, serving as, § **A.76.15**  
 Framework retainer agreements for future representation, § **A.71.12**  
 Fraud, ethical considerations with regard to client's, § **A.121.7**  
 Gag order on litigants, free-speech rights violated by, § **D.83.10**

## INDEX

### ATTORNEYS—Cont'd

#### Gifts

Referral, gift or gratuity for, § **A.47**

Rules of professional conduct concerning, §§ **A.47, A.115.35**

Holder of work product privilege, § **D.105**

Impartial mediator, duty to nonclient to exercise reasonable care when acting as, § **A.103.0.0.0.5.5**

Implied consent to communication with represented party, § **A.110.0.2.3**

Inadvertent receipt of privileged documents, §§ **A.115.11, D.63.20, D.103**

Independent attorney who consulted with opposing counsel, firm disqualified that associated with, § **A.71.82**

Inexperience, § **A.103.2**

Information obtained during representation, duty to maintain confidences applies to, § **A.121.45**

Intended beneficiaries of will or trust, duty of care to, § **A.103.0.0.0.5.10**

Intentional breach of fiduciary duty claim, § **A.87.1.3.5**

Investment advice, ethical responsibilities when giving, § **A.123.12**

Joint representationSee **DUAL REPRESENTATION**

Judge, criticism of, § **A.115**

Law firmsSee **LAW FIRMS**

Lawyer referral service-client privilege, §§ **D.103.50, P.83.50**

Legal aid, restrictions on use of term, § **A.105.0.3.10**

Legal process, conduct that frustrates, § **A.108.20 et seq.**

Letter to editor criticizing handling of court proceedings, § **A.115**

Licensee's noncompliance with support orders, §§ **S.64.2.3.5-S.64.2.3.39**

Litigation privilegeSee **LITIGATION PRIVILEGE**

Loyalty, duty of, § **A.70**

Malicious prosecutionSee **MALICIOUS PROSECUTION**

MalpracticeSee **MALPRACTICE**

Mandatory continuing legal education, see **Continuing education requirements, supra**

### ATTORNEYS—Cont'd

Mandatory set-aside provisions of CCP § 473(b), §§ **T.9.1-T.11.20**

Marriage counseling and legal services combined, § **A.123.20**

Mediation confidentiality provisions apply to attorney-client communications, § **D.118.1.2**

Misappropriation of confidential information re pending tender offer, § **A.121.15**

#### Misconduct

Contempt for, §§ **A.114.5-A.114.15**

False report of, § **A.125.4**

Gender bias, § **R68.12**

Monetary sanctions, §§ **A.115.9-A.115.10.15**

Reportable misconduct, § **R68.12**

Threatening legal action, §§ **A.46, A.115.15**

Misrepresentations in settlement negotiations, § **A.115.17**

Missed statute of limitations, relief from dismissal for, § **T.11.15**

Mistake, inadvertence or excusable neglect, relief based on, §§ **T.6-T.12**

Moral turpitude, disbarment for crime involving, § **A.125.3.20**

Multiple representationSee **DUAL REPRESENTATION**

Nonclients, duty toSee subhead: **Third parties, duty to**

Noncompetition clause in partnership agreement, § **M.58**

Nonlawyers, compensation agreements with, §§ **A.123.15, A.123.17**

Nonlegal services, §§ **A.123-A.123.10**  
"Of counsel" listings, § **A.105.10**

Oral argument, failure to appear for, § **A.114.10**

Outrageous conduct, § **A.108.0.23**

PartnershipsSee **LAW FIRMS**

#### Perjury

Client's intent to commit, §§ **A.121.3, A.121.4**

Witness for client, § **A.121.3**

Personal relationships, §§ **A.125.0.5-A.125.1.0.2**

## ATTORNEYS—Cont'd

Prefiling requirements in action based on civil conspiracy with client, § **A.103.3.0.50**

Premarital agreements, representation of parties to, § **U.110.6**

Press publications, §§ **A.103.0.0.10, A.105.5, A.105.7**

Prevent data breaches, reasonable steps to, § **A.121.35**

Prior counsel, duty to, § **A.106**

Private child-support collector, attorney acting as, §§ **S.64.20-S.64.30**

Privileged documents, receipt of

- Crime-fraud exception to attorney-client privilege, applicability of, § **A.115.11**
- Disqualification for improper review and use, §§ **A.115.11, D.103**
- Duties of recipient-attorney, §§ **A.115.11, D.63.20, D.103**
- Electronically stored information, statutory rule for, § **D.63.20**

Professional conduct rule violations not sanctionable, § **A.110.0.1.5**

Pro per opponent, §§ **A.71.15, A.71.20**

Publicity restrictions, § **A.105 et seq.**

Public law firms, standards for disqualification in cases of successive representation by, § **A.72**

Publicly opposing project that was subject of previous representation, § **A.121.40**

Public wireless connection, confidentiality and attorney's use of, § **A.121.35**

Race, discharge solely on basis of, § **A.120.5**

Referrals

- To broker for real-estate loan to fund attorneys' fees, § **A.65.1.10**
- Fee-splitting agreements, §§ **A.46.6-A.49**
- Gift or gratuity for, § **A.47**
- Lawyer referral service-client privilege, §§ **D.103.50, P.83.50**
- Negligent referral, § **A.103.0**
- Standard of care, §§ **A.100-A.103**

Reimbursable contributions to educationSee **EDUCATION**

## ATTORNEYS—Cont'd

Release of client file on withdrawal, §§ **A.122.20, A.122.25**

Relief based on mistake, inadvertence or excusable neglect, §§ **T.6-T.12**

Representative capacity, attorney not liable for check issued in, § **A.86.6**

Restitution to clients reimbursed by Client Security Fund, § **A.125.3.55**

Rules of Professional Conduct

- Attorney profile on third-party web site, § **A.105.0.3.23**
- Attorney's duty and breach, establishing, § **A.87.1.10**
- Avoiding adverse interests, requirements for, § **A.65.2.6**
- Referral, offering or giving gift or gratuity for, § **A.47**
- Sanctions for violation of court rules inapplicable to violations of, § **A.110.0.1.5**
- State Bar, violations referred to, § **A.110.0.1.5**
- Substantial gift, attorney may not induce client to make, § **A.115.35**

SanctionsSee **SANCTIONS**

Setting aside default or dismissal based on attorney affidavit of fault, §§ **T.7, T.9.1-T.11.20**

SettlementSee **SETTLEMENT**

Sexual abuse revealed in confidence by minor client, ethical duties regarding, § **A.113.10**

Sexual harassment cause of action, § **A.108.10**

Sex with clients, §§ **A.108.0.5-A.108.0.23**

Sharing office space and staff, ethical considerations for attorneys, § **A.105.15**

Siblings' counsel relieved where there is actual conflict of interest, § **A.113.5**

Signature affirming agreement as to form and content not actionable representation to opposing counsel, § **A.103.3.1**

Significant developments, duty to inform client of, § **A.122**

Solicitation

- Constitutionality of rule prohibiting, § **A.105.0.15**



## INDEX

### ATTORNEYS—Cont'd

#### Solicitation—Cont'd

Internet chat room for victims of disaster, participation in,  
§ **A.105.0.15**

Joining another firm, ethical obligations of attorney, § **A.122.45**

Litigation privilege bars action for,  
§ **A.103.0.0.1.60**

#### Specialist

Advertising as, § **A.105.0.10**

Appeals by, §§ **R.0.5-R.3**

Certified specialist, §§ **A.105.0.10, A.107**

Denial of certification, § **A.125.3.10**

Referral to, §§ **A.100, A.103**

Spouse of attorney had separate, enforceable oral partnership agreement with plaintiff to advance funds, § **C.175**

#### State Bar

see also Disciplinary proceedings, *supra*

Advertising regulations, enforcement,  
§ **A.105.0.3.25**

Dual representation rule, § **A.70**

Extrajudicial statements, rule re,  
§ **A.105.7**

Reporting delinquent support obligors for possible suspension,  
§ **S.64.2.3.37**

Subrogation rights for funds paid from Client Security Fund,  
§ **A.125.3.50**

Technology for transmitting client info, opinion regarding,  
§ **A.121.35**

Violations of rules of professional conduct referred to,  
§ **A.110.0.1.5**

Web site, posting of disciplinary records on, § **A.125.3.6**

#### State Bar Committee on Professional Responsibility

Fee settlements that include general release and CC § 1542 waiver,  
§ **A.61**

Withdrawal of attorney involved in fee dispute, § **A.122.7**

Tax preparer, § **A.123.5**

### ATTORNEYS—Cont'd

Technology for transmitting client information, § **A.121.35**

#### Third parties, duty to

Impartial mediator, duty to exercise reasonable care when acting as,  
§ **A.103.0.0.0.5.5**

Intended beneficiaries of will or trust, duty of care to,  
§ **A.103.0.0.0.5.10**

Warn third parties of client's dangerous propensities, § **A.98.2**

Threatening legal action, §§ **A.46, A.115.15**

Threats to kill witnesses, admissibility of attorney's testimony regarding client's, § **A.98.3**

Time limit for filing motion under CCP § 473, § **T.7**

Timeliness of substitution motions,  
§ **A.122**

Trial publicity, §§ **A.103.0.0.10, A.105.5, A.105.7**

Unauthorized practice of law,  
§ **A.103.3.0.85**

Unauthorized stipulations, § **A.110.2**

Unfair competition based on unauthorized practice of law, standing to sue online legal services provider for, § **A.103.3.0.85**

Virtual law office practice, ethics of operating, § **A.121.37**

#### Warnings

Client, duty to, §§ **A.94-A.98.1.5, A.98.10**

Third parties, duty to, §§ **A.98.2-A.98.5**

#### Web sites

Attorney profile on third-party web site, § **A.105.0.3.23**

Maintained by attorneys,  
§§ **A.105.0.3.22, A.121.30**

Posted review, disavowal of,  
§ **A.105.0.3.23**

State Bar web site, posting of disciplinary records on,  
§ **A.125.3.6**

#### Withdrawal

After final judgment, § **A.122.10**

Appealability, § **A.122.15**

Attorney-witness, § **A.86.4**

## ATTORNEYS—Cont'd

### Withdrawal—Cont'd

- Client file, release of, §§ **A.122.20, A.122.25**
- Community assets, client's refusal to disclose, § **A.122.35**
- Continuance to obtain new counsel, §§ **C.29.4.43, C.29.11.30**
- Deceit, active concealment or fraud, conduct that constitutes, § **A.122**
- Eve of trial, § **C.29.4.43**
- Fee dispute, CPRC guidelines for withdrawal of attorney involved in, § **A.122.7**
- Joining another firm, ethical obligations of attorney, § **A.122.45**
- Malpractice limitations statute
  - Expectation that attorney will perform more legal services, § **A.103.2.79**
  - Tolling provision for continued representation, applicability of, § **A.103.2.85**
- Mandatory versus permissive, §§ **A.65.6.3, A.122**
- Noncompetition clause in partnership agreement, § **M.58**
- Nonpayment of fees, § **A.122.5**
- Notice per fee agreement, § **A.122.30**
- Notice to clients, § **A.105.1**
- Perjury by client or witness for client, § **A.121.3**
- Potential malpractice claims, §§ **A.61, A.122.7**
- Procedure, § **A.122**
- Quantum meruit recovery, § **A.65.6.3**
- Settlement attempt before withdrawing, § **A.115.17**
- Sufficient information to gauge nature of conflict, attorney must provide court with, § **A.121.17**
- Summary judgment motion anticipated, § **A.122.40**
- Timeliness, § **A.122**
- Witness, attorney as, §§ **A.86.2-A.86.4**
- Witness statements subject to work-product privilege, § **D.106**
- Work-product privilege, §§ **D.104-D.107, J.80.3.0.45**
- Wrongful discharge action against former law firm, duty to protect client

## ATTORNEYS—Cont'd

- confidences in pursuing, § **A.121.27**

## ATTORNEYS' FEES

- Ability to pay, §§ **A.17.1-A.18.2.3**
- Access to legal representation, award to ensure that each party has, §§ **A.1, A.17.1**
- Advance payment of fixed fee, § **A.28.1**
- Adverse interest created by charging lien requires attorney to comply with rule 3-300, § **A.65.4**
- Amount of award, §§ **A.20-A.23**
- AppealsSee APPEALS
- Appointed counsel, §§ **A.30.5-A.30.6.1**
- Apportionment of cost of litigation between parties, § **A.17.0.2**
- Arbitration
  - Admissibility of evidence relating to claims of malpractice and professional misconduct, § **A.45.30**
  - Adverse award, effect of, § **A.45.30**
  - Denial of petition to compel arbitration, appealability of, § **A.45.20**
  - Disbursement order reversed where attorney failed to follow proper procedures to confirm award, § **A.45.25.5**
  - Disclosure requirements for MFAA arbitrators, § **A.45.20.2**
  - Duty to disclose arbitration provision, § **A.49.10**
  - Existence of attorney-client relationship, determination of, § **A.45.5**
  - Failure to give notice of right to demand, § **A.45.10**
  - Fee awards, §§ **A.55.0.2-A.55.0.2.5**
  - Financial issues, § **A.55.0.1.3**
  - Involuntary dismissal following party's rejection of fee award under MFAA, legal effect of, § **A.45.21.5**
  - Involuntary inactive status for failure to pay adverse award, § **A.45.30**
  - Malicious prosecution claim cannot be based on MFAA fee arbitration, § **A.103.3.0.39.15**
  - Malpractice claims, arbitration clause in fee agreement enforceable as to, §§ **A.55.0.1.5-A.55.0.1.7**

**ATTORNEYS' FEES—Cont'd**

Arbitration—Cont'd

- Mandatory for attorneys, § **A.45.5**
- Notice of right to demand, § **A.45.10**
- Panel members, choice of, § **A.45.5**
- Petition to confirm, correct, or vacate award, court's options with regard to, § **A.45.21.10**
- Post-arbitration procedure, § **A.45.25**
- Statutory requirements, § **A.45.5**
- Stays fee action, § **A.45.15**
- Time limit for initiating arbitration, tolling of, § **A.49.10**
- Tolling time period for filing malpractice action, § **A.103.2.6**
- Trial de novo after arbitration
  - Amount in controversy is amount sought by party rejecting arbitration award, § **A.45.20.10**
  - Arbitration award became final after law firm dismissed request for, § **A.45.21**
  - Enforcement of contractual arbitration provision not precluded by right to, § **A.45.20.5**
  - Involuntary dismissal following party's rejection of fee award under MFAA, legal effect of, § **A.45.21.5**
  - Summary judgment motions and demurrers to compel contractual arbitration, § **A.45.20.5**
  - Willful failure to appear constitutes waiver of right to, § **A.55.0.4**
- Waiver of right to arbitrate fee dispute, § **A.45.20**
- Willful failure to appear constitutes waiver of right to trial de novo, § **A.55.0.4**
- Attorneys acting in pro per, award to, §§ **A.16.1.36, A.16.3.2.10, A.16.3.2.11, A.16.3.2.14**
- BankruptcySee **BANKRUPTCY**
- Bifurcated issues, § **A.3.3**
- Bills to clients, contents of, § **A.49.3**
- Borson motion, § **A.30**
- Breach of fiduciary duty to spouse, §§ **J.80.3.2.5, J.80.3.2.10**

**ATTORNEYS' FEES—Cont'd**

- Cal Rules of Court, rule 5.427, forms and other documents required by, § **A.1**
- Case resolution plans, § **A.14.5**
- Cash-reporting requirement, §§ **A.49.0.1.10-A.49.0.1.50**
- CC § 1717 fee awardSee subhead:
  - Contract, fees authorized by
- Charging liens, §§ **A.65.3-A.65.4**
- Child abuse or neglect, sanctions for false allegations of, § **G.173.15**
- Child supportSee **CHILD SUPPORT**
- Circumstances of parties, § **A.17.0.2**
- Client's consent necessary to split fees, §§ **A.48.5, A.48.10**
- Complex cases, equitable allocation in, § **A.14.5**
- Concurrently negotiated client's recovery and attorneys' fees, trial court must review settlement in which counsel, § **A.55.6**
- Conduct justifying fees as sanctions, §§ **A.18.3.1-A.18.3.35, A.30.10**
- Confession of judgment to collect, §§ **A.65.5, S.187**
- Confidentiality clause as part of settlement, larger fees for clients who agree to, § **A.49.2.5**
- Conflicting testimony justifies award, § **A.18.3.15**
- Conscionability, §§ **A.44, A.44.0.1**
- Consolidated actions, §§ **A.13.7.10, A.13.7.15**
- Contingent
  - Applicable agreements, § **A.55.3**
  - Apportionment of interests, § **M.33**
  - Award of fees reversed, § **A.59**
  - Concurrently negotiated client's recovery and attorneys' fees, trial court must review settlement in which counsel, § **A.55.6**
  - Confidential communication, § **A.55.1**
  - Conflict of interests, § **A.56**
  - Discharged attorney's lien, § **A.55.5**
  - Disso proceedings, §§ **A.56-A.60**
  - Malpractice insurance disclosure required, § **A.55.7**
  - Negotiable, contract provision that fee, § **A.55.1**

## ATTORNEYS' FEES—Cont'd

### Contingent—Cont'd

- Public policy prohibitions, §§ **A.56, A.59.5**
- Quantum meruit recovery, § **A.68**
- Rate confirmation, § **A.55.1**
- Settlement or trial, provision requiring client to proceed to, §§ **A.55.1, A.59.5**
- Statutory requirements, § **A.55.1**
- Support-enforcement actions, § **A.60**
- Tax treatment of fee divided per disso judgment, § **N.156.3**
- When entitled to costs, § **A.65.6.4**
- Written agreement, § **A.55.1**
- Continuance, condition for, § **A.29.2**
- Continuing duty to represent despite nonpayment, § **A.122.5**
- Contract, fees authorized by
  - Allowable as costs, § **A.24**
  - In-house counsel entitled to fee award, § **A.16.3.2.12**
  - Interim fees unavailable, § **A.16.3.2**
  - Personal action of attorney represented by member of firm, § **A.16.3.2.13**
  - Prevailing party determination, §§ **A.16.3.2-A.16.3.2.5**
  - Recovery by prevailing party, §§ **A.16.3.2-A.16.3.2.5**
  - Self-represented attorneys not entitled to award as prevailing party, §§ **A.16.3.2.10, A.16.3.2.11, A.16.3.2.14**
  - Setoff to assert cross demand, § **A.16.3.2.2**
- Contractual charging liens, §§ **A.65.3-A.65.4**
- Cooperate, failure to, § **A.18.3.20**
- Court-appearance service, use of, § **A.47.5**
- Credit-card payments, ethical considerations in accepting, § **A.49.3.5**
- Creditor for purposes of ECOA or TILA, law firm as, § **A.49.4.5**
- CustodySee CUSTODY
- Default proceedings, § **A.20.0.0.1**
- Delaying tactics as factor considered in equitably apportioning legal costs, § **A.1**

## ATTORNEYS' FEES—Cont'd

- Dependency proceedings, §§ **A.13.7.20, G.3.5, G.124.30**
- Direct payment to attorney, § **A.26**
- Discharge by client, §§ **A.30, A.65.6.2**
- Disparity in access to legal representation and ability to pay, §§ **A.1, A.17.1**
- Division among attorneys, §§ **A.46.6-A.49**
- Domestic violence proceedings, §§ **A.15, C.13**
- Earning capacity, consideration of, § **A.18.2**
- Enforcement
  - Award in proceedings for, §§ **A.3.1, A.14**
  - Charging liens, §§ **A.65.3-A.65.4**
  - Confession of judgment, §§ **A.65.5, S.187**
- ContemptSee CONTEMPT
- Direct payment to attorney, order for, § **A.26**
- Disso judgment fee award, independent statutory right to enforce, § **A.26.5**
- Recoverable as cost of, § **S.20.0.1**
- Sister State Money Judgments Act, § **A.16.2**
- Equal access to legal representation, §§ **A.1, A.17.1**
- Equitable allocation in complex cases, § **A.14.5**
- Equitable apportionment, § **A.17.0.2**
- Equity, independent action in, § **A.30.4**
- Escrow deposit, wrongful refusal to release, §§ **A.16.0.2, K.61.2.1**
- Excessive settlement demands, Fam C § 271 fee award for, § **A.18.3.1.15**
- Excess liability of client, § **A.30.2**
- Expert witnesses, use of, § **A.22**
- Factors considered in making award, §§ **A.17.0.1-A.18.2.10**
- Failure to obtain more favorable judgment after offer rejected, § **A.16.3.6**
- Failure to request in original pleadings, § **A.18.2.1**
- False allegations of child abuse, § **G.173.15**

## INDEX

### ATTORNEYS' FEES—Cont'd

- Family business paid, equalizing payment where, § **A.18.2.6**
- Family law attorney's real property lien, see FLARPL (Family Law Attorney's Real Property Lien), *infra*
- Fee agreements
  - Ambiguity, effect of, § **A.49.2.5.1**
  - Arbitration, §§ **A.55.0.1-A.55.0.4**
  - Charging liens, §§ **A.65.3-A.65.4**
  - Confidentiality clause as part of settlement, § **A.49.2.5**
  - Contents, § **A.49.2**
  - Contingent fees, see Contingent, *supra*
  - Engagement letter sent to client by email, § **A.49.2.3**
  - Financial declarations as, § **A.49.5**
  - Flat fee agreements may not be denominated as earned on receipt or non-refundable, § **A.49.2.15**
  - Hourly rates, §§ **A.49.6, A.49.7, A.49.8**
  - Increase in hourly rate, § **A.49.7**
  - Interest on unpaid balance, § **A.49.4**
  - Legislative limits on private, § **A.62**
  - Public policy prohibitions, §§ **A.56, A.59.5**
  - Security, see Security agreements, *infra*
  - Unconscionability, §§ **A.44, A.44.0.1**
- Fee-sharing agreement
  - Consent of client, §§ **A.48.5, A.48.10**
  - Contract attorney, hiring of, § **A.47.5**
  - Departing law partner, payment to firm of percentage of fees earned on open files by, § **A.47.10**
  - Division among attorneys, §§ **A.46.6-A.49**
  - Extinguished when client replaced attorney with associate counsel, § **A.48.17**
  - Nonattorney and attorney, agreements between, §§ **A.123.15, A.123.17**
  - Oral promise to compensate investigator enforceable part of, § **A.48.20.1**
- Fees-on-fees, § **A.16.0.1**

### ATTORNEYS' FEES—Cont'd

- Financial circumstances of parties, § **A.17.0.2**
- Findings
  - Complex issues of fact or law, finding that case involves, §§ **A.14.5**
  - Disparity of access to funds and ability to pay, §§ **A.1, A.17.1**
  - Failure to make statutorily required considerations, § **A.3.0.5**
- FLARPL (Family Law Attorney's Real Property Lien)
  - Award of community property encumbered by FLARPL, § **A.65.2.15**
  - Bankruptcy trustee given constructive notice of attorney's interest in sale proceeds, § **O.39**
  - Denial or limitation of lien, §§ **A.1, A.65.2.3, A.65.2.7**
  - Equitable allocation in complex cases in lieu of, § **A.65.2.5**
  - Fees as sanctions under Fam C § 271, availability of, § **A.18.3.4.0.2**
  - General provisions, §§ **A.65.2.3, J.80.5.4**
  - Jurisdiction of disputes, § **A.65.2.7**
  - Notice, § **A.65.2.4**
  - Objections, §§ **A.65.2.5, A.65.2.7**
  - Order vacating FLARPL void absent joinder of lienholder, § **A.65.2.10**
  - Property value, § **A.65.2.7**
  - Propriety of, § **A.65.2.7**
  - Rules of Professional Conduct, § **A.65.2.6**
  - Separate-property interests, § **A.65.2.7**
  - Statutory authority, § **A.1**
  - Unequal division of community property or otherwise unjust, § **A.65.2.7**
- Former attorney's fee action, recovery of fees and costs incurred to defend, § **A.65.6.10**
- Form FL-158 or comparable declaration, option of filing, § **A.1**
- Frustrates settlement, conduct that, §§ **A.18.3.1-A.18.3.35, A.30.10**
- General release and CC § 1542 waiver, ethics opinion on fee settlements

**ATTORNEYS' FEES—Cont'd**

- that include, § **A.61**
- Government agencies, awards against, §§ **A.16.3.0.5, S.64.2.1.85**
- GuardianshipSee GUARDIANSHIP
- Hague Convention on International Child Abduction, proceedings under, § **H.5.9.0.1.5**
- HarassmentSee HARASSMENT
- Income taxesSee INCOME TAXES
- Incorrect conclusion based on application of correct factors, § **A.20.0.1**
- Increase in hourly rate, § **A.49.7**
- Independent action in equity, § **A.30.4**
- Indirect control of alienated assets, § **A.18.2.10**
- In-house counsel entitled to fee award, § **A.16.3.2.12**
- Installment payments, §§ **A.17.1, A.68.0.2**
- Intentional interference with economic advantage for paying successor counsel in full satisfaction of judgment despite lien of discharged attorney, § **A.65.3.10**
- Intent to harass, § **A.18.3.20**
- Interest
  - Fee award, § **A.25**
  - Postjudgment interest, independent statutory right to enforce judgment and collect, § **A.26.5**
  - Trust accounts, §§ **A.28.1-A.28.4**
  - Unpaid balance, § **A.49.4**
- Jurisdiction to award, §§ **A.0.0.1, A.0.1, A.28**
- Liens
  - Attorney time records, § **A.65.3**
  - Conflicting claims to judgment proceeds, § **A.65.3.2**
  - Contractual charging liens, §§ **A.65.3-A.65.4**
  - Conversion claim, § **A.65.3**
  - Discharged attorney's lien, § **A.55.5**
  - Discharge in bankruptcy, contractual lien survives, § **A.65.3.7**
  - Family law attorney's real property lien, see FLARPL (Family Law Attorney's Real Property Lien), *supra*
  - Noncontractual liens, § **A.65.4**

**ATTORNEYS' FEES—Cont'd**

- Liens—Cont'd
  - Priority of lien claimants, §§ **A.65.3.2, S.130.2**
  - Record of fee hearing, lack of, § **A.65.3**
  - Life-story assignment, § **A.65.6**
  - Litigant's slim chance of prevailing, reversal of fees as sanctions based on, § **A.18.3.4**
  - Local court rules, sanctions for noncompliance with, § **A.16.3.1**
  - Lodestar adjustment, § **A.66**
  - Mandatory Fee Arbitration Act (MFAA), see Arbitration, *supra*
  - Marital settlement agreementsSee subhead: Waiver by agreement
  - Mediation of disputes, § **A.45.35**
  - Members of own firm in personal action, attorney represented by, § **A.16.3.2.13**
  - Modification proceedings, § **A.3.1**
  - Motion to quash subpoena, fees incurred in making or opposing, § **D.40**
  - Multiple suits brought to gain advantage in disso, §§ **A.13.7.5, A.20.2**
  - Murder of spouse, conviction for attempting, §§ **A.16.0.0.5, C.15.0.1.30**
  - Needs assessment
    - Award of fees based on income/needs assessment, §§ **A.1, A.17.1-A.18.2.3**
  - Equal access to legal representation, required to ensure, §§ **A.1, A.17.1, A.18.1**
  - Findings of disparity of access to funds and ability to pay, §§ **A.1, A.17.1**
  - Parent's contributions for attorney fees, consideration of, §§ **A.3.15**
  - Trial tactics and conduct of parties, § **A.1**
  - Noncompliance with earlier order for, § **A.18.3.7**
  - "Of counsel" attorneys, § **A.16.3.2.11**
  - Other party's reasonably necessary fees in disso or related proceedings, orders to pay, §§ **A.1, A.17.1**
  - Over-litigation, denial of fee request based on, § **A.17.1**



## INDEX

### ATTORNEYS' FEES—Cont'd

- PaternitySee PATERNITY
- Pendente lite awards
  - Appeal of, §§ **A.3, A.39**
  - Application procedure, § **A.1**
  - Need and ability to pay, §§ **A.3.0.5, A.18.1**
  - Statutory authority, §§ **A.2-A.3.0.1**
  - Third-party, award against, § **A.3.0.1**
  - Time to hear request for, § **A.3.0.5.10**
- PensionsSee PENSIONS
- Personal jurisdiction, § **A.0.0.1**
- Postdisso bankruptcy, discharge in, §§ **O.69.1-O.69.2.5**
- Postjudgment interest, independent statutory right of attorney awarded fees by disso judgment to enforce judgment and collect, § **A.26.5**
- Postjudgment proceedings
  - Appealability of award, § **A.41**
  - Availability in, §§ **A.3.1-A.3.5, A.16.3.2.15**
  - Commingling of assets, motion for additional fees based on, § **A.3.1**
  - Prior waiver of fees, § **A.3.5**
- Prevailing party
  - Actions to enforce contracts, fee awards in, §§ **A.16.3.2-A.16.3.2.5**
  - Dismissal of action for delay in prosecution, §§ **A.16.3.2.5, C.29.30**
  - Marital settlement agreement, prevailing-party fee provision in, § **A.29.1.5**
  - Self-represented attorneys not entitled to award as, §§ **A.16.3.2.10, A.16.3.2.11, A.16.3.2.14**
- Private attorney-general statute, award of fees under, § **A.18.2.4**
- Private child-support collector, attorney acting as, §§ **S.64.20-S.64.30**
- Probate action, fees-on-fees in, § **A.16.0.1**
- Prohibited collection practices, § **A.46.0.1**
- Projected earnings, § **A.18.2**
- Prompt compliance with court order as condition of award, § **A.18.3.1.10**
- Pro per, award to attorneys acting in, §§ **A.16.1.36, A.16.3.2.10,**

### ATTORNEYS' FEES—Cont'd

- A.16.3.2.11, A.16.3.2.14**
- Property payable from, §§ **A.30.9, A.30.10**
- Quantum meruit
  - Basis for awarding attorneys' fees, § **A.15.5**
  - Discharge of attorney, §§ **A.48.17, A.65.6.2**
  - Lodestar adjustment, § **A.66**
  - No valid fee agreement, §§ **A.66-A.67**
  - Withdrawal of attorney, § **A.65.6.3**
- Reconciliation, effect of, § **A.27**
- Reconsideration requirements inapplicable to fee request made after initial request denied, §§ **A.1, T.1**
- Recovery of
  - Breach of fee agreement, §§ **A.65.6.1-A.65.6.4**
  - Discharge of attorney, § **A.65.6.2**
  - Inability to remember signing agreement, § **A.65.6.3.5**
  - No valid fee agreement, §§ **A.66-A.68**
  - Prohibited collection practices, § **A.46.0.1**
  - Quantum meruit, see Quantum meruit, *supra*
- Referral fees, §§ **A.46.6-A.49**
- Referral to broker who may make loan to fund fees, § **A.65.1.10**
- Related actions, §§ **A.13.7, A.18.3.25, A.20.2**
- Relative circumstances of parties, § **A.17.0.2**
- Release of known and unknown claims and CC § 1542 waiver, ethics opinion on settlements that include, § **A.61**
- Repayment of earned legal fees, § **A.68.0.1**
- Rules of Court, rule 5.427, forms and other documents required by, § **A.1**
- SanctionsSee SANCTIONS
- Security agreements
  - Bankruptcy, effect of, § **A.68.7**
  - Consent of both spouses to encumbrance of community property, § **A.65.2**
  - Disclosure of terms, § **A.65.1.5**

## ATTORNEYS' FEES—Cont'd

- Security agreements—Cont'd
  - Family law attorney's real property lien, see FLARPL (Family Law Attorney's Real Property Lien), *supra*
  - Generally, § **A.65.1**
  - Set-aside by nonconsenting spouse, § **A.65.2**
  - Statute of limitations to set a side conveyance, § **A.65.2.1**
- Servicemembers Civil Relief Act, relief available for violations of, § **S.225**
- Sexual felony against spouse, conviction for violent, §§ **A.16.0.0.5, C.15.0.1.30**
- Sister State Money Judgments Act, §§ **A.16.2, S.175**
- SLAPP suitsSee ANTI-SLAPP STATUTE
- Spendthrift provision in trust, fee award exempt from, § **E.37.15**
- Spousal supportSee SPOUSAL SUPPORT
- Statutory authority, §§ **A.1-A.15**
- Statutory limits on amount of, § **A.65.6.2**
- Stay of proceedings
  - Arbitration, fee action stayed by, § **A.45.15**
  - Failure to pay, § **A.36**
- Stipulation, failure to return agreed-upon, § **A.18.3.17**
- Subject-matter jurisdiction, § **A.0.1**
- Substantial unreported income, § **A.18.2.2**
- Substitution, effect of, § **A.30**
- Successor attorney obligated to notify former counsel of settlement, §§ **A.65.3.15, A.106.10**
- Tharp decision, § **A.18.3.1.25**
- Third party joined in disso to pay fees incurred for maintaining or defending issues relating to that party, §§ **A.3.0.1, A.3.10**
- Third-party payor, refund of excess fees to, § **A.44.0.5**
- Three-percent rule disapproved, § **A.21**
- Time for hearing on request for pendente lite award, § **A.3.0.5.10**

## ATTORNEYS' FEES—Cont'd

- Trial de novo after arbitration, see Arbitration, *supra*
- Trial tactics as factor considered in equitably apportioning legal costs, § **A.1**
- Trust account
  - Acceptance of authorized settlement following client's disappearance, § **A.110.10**
  - Advance payment deposited in, § **A.28.1**
  - Clients' identities, discovery of information on, §§ **A.121.12, D.40.5, D.102.5**
  - Credit-card payments for fees, § **A.49.3.5**
  - Distribution of funds earmarked per stipulation, § **C.40.1**
  - Fee dispute arising after attorney properly withdraws funds for fees, § **A.44.0.10**
  - Funds required to be segregated in, § **A.28.1**
  - Interest, §§ **A.28.1-A.28.4**
  - Reporting requirements, § **A.125.3**
  - Satisfaction of client's obligation out of, § **A.30.3**
  - Security for client's future support payments, release of funds as, § **E.63.15**
  - Surrogacy facilitators' clients' fees, deposit of, § **G.166.5**
  - Withdrawal of any amount in controversy prohibited, § **A.44.0.10**
- Truth-in-lending laws, §§ **A.49.4.5, A.68.0.2**
- Types of retainers, § **A.28.1**
- UCCJEA, enforcement proceedings under, §§ **A.10, H.91**
- UIFSA proceedings, § **S.178.20**
- Unconscionability, §§ **A.44, A.44.0.1**
- Waiver by agreement
  - Effect of, § **A.29.1**
  - Implied waiver, § **A.29.1.5**
  - Postjudgment modification proceedings, § **A.3.5**
  - Prevailing-party fee provision, § **A.29.1.5**

## INDEX

### ATTORNEYS' FEES—Cont'd

- Withdrawal of attorney
  - Fee dispute, CPRC guidelines for withdrawal of attorney involved in, § **A.122.7**
  - Malpractice claims, effect of, §§ **A.61, A.122.7**
  - Nonpayment, withdrawal for, § **A.122.5**
  - Quantum meruit recovery, § **A.65.6.3**
- Witness who charges excessive costs, § **A.16.3.4**
- Work in progress, §§ **M.33.5, M.33.8**
- Writ proceedings, § **A.7**
- Written fee agreements, §§ **A.49.2, A.55.1**

### AUTOMOBILE INSURANCE

- Custody affecting coverage, §§ **G.18.1.7.30, G.18.1.7.35**

### BAD FAITH

- AppealsSee APPEALS
- Excessive costs for production of records, § **A.16.3.4**
- SanctionsSee SANCTIONS

### BANK ACCOUNTS

- Bounced checksSee CHECKS
- Characterization of, §§ **J.11.0.6, J.11.0.7, J.11.5.50**
- Consumer records subject to subpoena, § **D.40**
- Delinquent support payors and account holders, system for matching, § **S.64.2.2.40**
- Duty of care owed by banks to third parties, § **A.103.3.2**
- Levying on, §§ **S.38, S.38.1**
- Protective custody warrant and order to freeze funds of alleged abductor, § **G.156**
- Right of each signatory to withdraw funds, § **J.11.0.7**
- Savings accounts for educational expenses not exempt from execution, § **S.35.10**

### BANKRUPTCY

- Abstention order, §§ **O.27, O.28**
- AFDC reimbursement debt, dischargeability of, §§ **O.71.20-O.71.25**

### BANKRUPTCY—Cont'd

- Apportionment of interests by court, § **O.58.1**
- Assignment of child-support arrears for collection, § **O.71.15**
- Assumed liability for half of judgment, § **O.69.7**
- Attorney disciplinary proceedings, see State Bar disciplinary proceedings, *infra*
- Attorneys' fees
  - Automatic stay, exception to, § **O.32.10**
  - Avoidable preferential transfers, §§ **A.68.3-A.68.6**
  - Bankruptcy-related services, fees for, § **O.40**
  - Confidential client information as basis for opposing discharge of, § **P.81.15**
  - Contractual charging liens, § **A.65.3.7**
  - Court approval of fee arrangement, § **A.68.5.5**
  - Custody action, representing minor in, § **A.68.10**
  - Custody proceedings in nature of child support, § **O.69.1.5**
  - Dischargeability in client's bankruptcy, § **A.68.12**
  - Disgorgement order, § **A.68.5.5**
  - Exempt from avoidance, §§ **A.68.3, A.68.5, A.68.6**
  - Fraudulent conveyances, set-aside of, § **A.68.6.1**
  - Intent to pay, § **O.69.2**
  - Loan transfer to attorney avoidable, § **O.34**
  - Need, § **O.69.1**
  - Nondischargeable if in nature of support, § **A.68.1**
  - Postdisso bankruptcy, discharge in, §§ **O.69.1-O.69.2.5**
  - Post-petition services contracted for pre-petition, § **O.32.10**
  - Reaffirmation, § **A.68.6.0.5**
  - Return of loan proceeds received for legal services, § **O.32.15**
  - Security for payment of, § **A.68.7**
  - Standing to challenge dischargeability per 11 USC 523(a)(15), §§ **A.68.12, A.69.2.5**

## **BANKRUPTCY—Cont'd**

### **Attorneys' fees—Cont'd**

State-law issues regarding enforceability of debt, fees incurred in litigating, § **F.63.5**

Unusual-circumstances exception to nondischargeability, § **O.69.3.5**

Automatic stay, see Stay of proceedings, *infra*

Avoidance of, § **O.2**

Bankruptcy Abuse Prevention and Consumer Protection Act, § **O.1**

Benefit of discharge to debtor-spouse against detriment to creditor-spouse, balancing, § **O.62.10**

Both parties filing for, § **O.28**

Business interests, effect of bankruptcy on, § **O.56**

Chapter 7 bankruptcy

Community claims, payment of, § **O.53**

Dismissal of petition, §§ **O.1, O.5.1**

Generally, §§ **O.4-O.8**

Meeting with creditors, § **O.6**

Chapter 13 proceedings

Automatic stay and support obligations, §§ **O.32.1.1, O.32.1.1.2**

Child-support arrearages, §§ **O.14.5, O.32.1.1, O.32.1.1.2**

Clear discharge, § **O.18**

Community claims, payment of, § **O.54**

Confirmation hearing, § **O.16**

Estate in, § **O.35**

F frivolous filing, § **O.12.1**

Generally, §§ **O.10-O.18**

Hardship discharge, § **O.18**

Meeting with creditors, § **O.15**

Payment plan, § **O.14**

Chapter 11 reorganization, § **O.20**

Child support, see Support obligations, *infra*

Claims

Priority of, §§ **O.37-O.40**

Secured, § **O.38**

Community debts, effect on, §§ **J.81.6, J.83, O.9, O.52-O.54**

Conversion of proceedings, § **O.21**

Co-owner's interest, sale of, §§ **O.49-O.51.0.5**

## **BANKRUPTCY—Cont'd**

Criminal prosecution for nonsupport, automatic stay provision does not preclude, § **O.32.1**

Damages to wife for ex-husband's infliction of gunshot wounds, bankruptcy court awards nondischargeable, § **O.70.2**

Debt counseling requirement, § **O.1**

Deferred-sale-of-home order, § **K.60.1**

Discharge

Ability-to-pay test, § **O.62.10**

After-acquired property, protection of, § **O.9**

Balancing benefit to debtor-spouse against detriment to creditor-spouse, § **O.62.10**

Chapter 7 proceedings, § **O.8**

Chapter 13 proceedings, § **O.18**

Disso-related debts not in nature of support, §§ **O.62-O.69**

False representations, effect of, § **O.62.20**

Support, effect on, §§ **F.84, O.77-O.79**

Willful and malicious injury, debt for, § **O.62.15**

Dismissal of Chapter 7 petition, §§ **O.1, O.5.1**

Dissolution

Bankruptcy after, §§ **O.60-O.70**

Bankruptcy before, §§ **O.46-O.59**

Domestic partners, exemption rights of, §§ **O.36, U.192**

Domestic support obligationSee subhead: Support obligations

Domestic Violence Prevention Act, effect on orders under, § **O.59.1**

Estate, §§ **O.34, O.35, O.47, O.61**

Exempt property, § **O.36**

False representations, nondischargeable debts induced through, § **O.62.20**

Family business, characterization of, § **O.56**

Family farms and fishing enterprises, Chapter 12 coverage includes, § **O.20.10**

Family law attorney's real property lien (FLARPL) gave bankruptcy trustee constructive notice of attorney's interest in sale proceeds, § **O.39**

## INDEX

### **BANKRUPTCY—Cont'd**

- Family residence, avoidability of lien imposed in disso judgment on, §§ **O.39.1, O.61.40**
- Forms of, §§ **O.3-O.20**
- Fraud judgment nondischargeable and attributable to spouse based on agency relationship, § **O.8.5**
- Fraudulent conveyances, set-aside of, §§ **A.68.6.1, O.45.1, O.61.15**
- Frivolous appeal, stay not preventing imposition of sanctions for, §§ **O.32.1.5, R.54.10.5**
- Frivolous filing of Chapter 13 proceedings, § **O.12.1**
- Garrison decision, § **O.32.1.1**
- Government assistance benefits not avoidable domestic support obligations, §§ **O.37, O.73**
- Guardian ad litem fees in nature of support are nondischargeable, § **O.69.1.5**
- HomesteadsSee HOMESTEADS
- Income taxes, see Taxes, *infra*
- Insider for purposes of rules re preferential transfers, § **O.42.1**
- Ivey decision, § **O.51**
- Jail sentence, payment of money to spouse in lieu of, § **O.42.5**
- Jurisdiction of bankruptcy court, §§ **O.23-O.28**
- Juvenile hall, dischargeability of father's debt to county for housing delinquent son in, § **O.70.10**
- Liens
  - Avoidability of liens awarded in disso, §§ **O.39.1, O.61.40**
  - Exempt property, avoidance of liens against, § **O.39.1**
  - Family law attorney's real property lien (FLARPL), § **O.39**
  - Secured claims generally survive bankruptcy, § **O.38**
  - Surplus equity in homestead property, § **O.39.5**
  - Trustee may avoid certain liens, §§ **O.39, O.39.1**
- Live-in partner's income considered in determining ability to pay disso-related debt, § **F.62.12.7**

### **BANKRUPTCY—Cont'd**

- Meetings with creditors
  - Chapter 7 proceedings, § **O.6**
  - Chapter 13 proceedings, § **O.15**
- Military pension share awarded to spouse, § **O.61.5**
- Minors
  - Attorneys' fees, no discharge of, § **A.68.10**
  - Support, see Support obligations, *infra*
- Modification of support after discharge, §§ **F.84, O.77-O.79**
- Nonbankrupt ex-spouse, effect on, § **O.69.0.15**
- Nonexempt assets transferred in exchange for exempt assets, § **O.61.15**
- Nonsupport disso-related debts nondischargeable, § **O.62.10**
- Notice of abandonment of family home by bankruptcy trustee, § **O.45.2**
- Obligations to ex-spouse, dischargeability of, §§ **O.62-O.62.20**
- Out-of-state cases, debt reassignment in, § **O.57.1**
- Paternity actions, exemption from automatic stay for, § **O.32.1**
- Payment of claims, §§ **O.37-O.40**
- Penalties imposed on debtor's attorney for false statements of debt and income, § **O.1**
- Pensions
  - Excludable from bankruptcy estate, share awarded to spouse in disso, § **O.61.10**
  - Pre-petition arrearages in payments, dischargeability of, § **O.63**
  - Share awarded to spouse in disso, dischargeability of, § **O.61.5**
  - Supportification, § **L.209**
- Personal financial management course requirement, § **O.1**
- Postdisso bankruptcy, §§ **O.60-O.70**
- Predisso bankruptcy, §§ **O.46-O.59**
- Preferential transfers
  - Avoidance by trustee, §§ **O.41-O.42.10**
  - Elements of preference, §§ **A.68.4, O.42**

**BANKRUPTCY—Cont'd**

Preferential transfers—Cont'd  
 Exempt from avoidance, §§ **A.68.5, O.43-O.43.5**  
 Time for setting aside, §§ **A.68.6, O.44**  
 Prenuptial agreement, dischargeability of payments under, § **O.70.10**  
 Pre-petition arrearages in payments from retirement benefits, § **O.63**  
 Presumption of abuse based on income, § **O.1**  
 Priority of claims, §§ **O.37-O.40**  
 Property acquired by either spouse after discharge in one spouse's bankruptcy, § **O.9**  
 Purchase at sale by debtor's spouse or other co-owner, § **O.50**  
 Reaffirmation of debt, §§ **A.68.6.0.5, O.45**  
 Reassignment of debts to bankrupt spouse, § **O.57**  
 Rebuild separate business, community efforts to, § **M.83.5**  
 Reimbursement right, effect on, § **J.81.6**  
 Residential homestead exemption, § **S.93.3**  
 Same-sex married couple, joint petition filed by, § **O.12**  
 Sanctions for frivolous appeals, §§ **O.32.1.5, R.54.10.5**  
 Secured claims, § **O.38**  
 Security interests awarded to debtor's spouse, survival of, § **O.61.1**  
 Sham dissolution, refusal to lift withholding order, § **O.59.5**  
 Spousal support, see Support obligations, *infra*  
 Spouse in postdisso bankruptcy, obligations to, §§ **O.62, O.63**  
 State Bar disciplinary proceedings  
 Dischargeability of disciplinary costs assessment, § **A.125.3.4**  
 Exempt from automatic stay, § **O.32.5**  
 Stay of proceedings  
 Action to characterize fees as support precluded by failure to obtain relief from, § **O.32.0.5**  
 Attorneys' fees for post-petition services, exception for collection of, § **O.32.10**

**BANKRUPTCY—Cont'd**

Stay of proceedings—Cont'd  
 Chapter 13 proceedings, §§ **O.32.1.1, O.32.1.1.2**  
 Exemption for disso, custody, support and related proceedings, § **O.32.1**  
 Frivolous appeals, imposition of sanctions for, §§ **O.32.1.5, R.54.10.5**  
 Generally, §§ **O.30-O.32.1.5**  
 Relief from stay, § **O.32**  
 Settlement agreement reached while stay in force, enforceability of, § **O.30**  
 State Bar disciplinary proceedings, § **O.32.5**  
 Willful violation of automatic stay, § **O.32.1**  
 Support obligations  
 AFDC reimbursement, §§ **O.71.20-O.71.25**  
 Assignment, effect of, §§ **O.71.15, O.71.20**  
 Attorneys' fees in nature of support, §§ **A.68.1, A.68.10**  
 Automatic stay provision, §§ **O.32.1, O.32.1.1, O.32.1.1.2**  
 Bankruptcy court determines true nature of obligation, § **O.70.10**  
 Chapter 13 plan must provide for full payment of arrearages, § **O.14.5**  
 Collection purposes, assignment for, § **O.71.15**  
 College-expense provision in disso judgment, § **O.69.0.5**  
 Definition of domestic support obligation, §§ **O.1, O.62.5**  
 Domestic support obligations nondischargeable, § **O.62.5**  
 Generally nondischargeable, §§ **O.62.5, O.71**  
 Government assistance benefits received through state assistance programs, §§ **O.37, O.73**  
 Government entity, accrued arrearages assigned to, § **O.71.20**  
 Judgment lien as domestic support obligation, § **O.37**  
 Late fees, accrued, § **O.70.10**  
 Majority, child beyond age of, § **O.71**



## INDEX

### **BANKRUPTCY—Cont'd**

#### Support obligations—Cont'd

Matured amounts only, claim for,  
§ **O.76**

Modification after discharge, §§ **F.84, O.77-O.79**

Mortgage payments as domestic support obligation, § **O.37**

Nondischargeability, § **O.62.5**

Relief from stay, action to characterize fees as support precluded by failure to obtain, § **O.32.0.5**

Renewal of claim in state court after bankruptcy closed, § **O.71.22**

Right of child-support creditors to appear in proceedings, § **O.76.5**

Tax refund intercepted for child-support arrearages, § **O.73**

Unusual-circumstances exception to nondischargeability, § **O.69.3.5**

#### Taxes

Hold-harmless agreement, § **O.69.5**

Postdisso bankruptcy, § **O.70**

Predisso bankruptcy, § **O.59**

Tax refund intercepted for child-support arrearages, § **O.73**

Third-party creditors, obligations to,  
§§ **O.69.0.10-O.69.10**

#### Transfers

Disso judgment, §§ **O.51.1, O.61.30**

Fraudulent, §§ **A.68.6.1, O.45.1, O.61.15**

Loan transfer to attorney avoidable,  
§ **O.34**

Preferential, see Preferential transfers, *supra*

Transmutation of community property not listed in petition, § **O.58.0.5**

Trustee may avoid certain liens,  
§§ **O.39, O.39.1**

Value, petition as evidence of, § **O.58**

Venue, § **O.29**

Willard decision, § **O.48**

Willful and malicious injury, nondischargeable debt for, § **O.62.15**

### **BANKS**

See FINANCIAL INSTITUTIONS

### **BATTERED WOMEN'S SYNDROME**

See INTIMATE PARTNER BATTERING

### **BATTERY**

Criminal, §§ **C.15.0.1-C.15.0.1.3**

Judicial immunity, § **A.103.1.7**

Sexual, §§ **C.15.0.1.4, C.160.5**

### **BEST INTERESTS OF CHILD**

See CUSTODY

### **BIFURCATION**

Appeals, § **R.29**

Attorneys' fees, § **A.3.3**

Certification for appeal, § **R.29**

Characterization issues, §§ **C.61.5, J.2.0.4**

Conditions on, § **C.63.0.2**

Custody, §§ **G.80-G.84**

Death of party after, §§ **C.63.1-C.63.3.0.2**

Dismissal, §§ **C.61.2-C.61.4.10**

Evidence for, § **C.61.1**

Exceptions to dismissal for delay in prosecution, § **C.29.14.2**

Family-centered case resolution plans,  
§ **C.47.9.4**

Generally, § **C.61**

Income taxes See INCOME TAXES

List of issues appropriate for, § **C.61**

Military pension, effect on, § **C.63.0.1**

Public policy favors, § **N.84**

Rules of Court governing, § **C.61**

Same judge hear all phases of trial, requirement that, § **C.63.0.2.5**

Service of motion on outstanding issue,  
§§ **C.29.4.20, S.21.10**

Social security benefits, effect on,  
§ **C.63.0.1**

Standard conditions on, § **C.63.0.2**

Statutory conditions on, § **C.63.0.2.1**

Survivor benefits, effect on, § **L.18.15**

### **BIGAMOUS MARRIAGE**

Challenge to existence of valid marriage, §§ **F.0.5, F.1, F.2**

Establishing invalidity of void marriage,  
§ **C.0.6.20**

Foreign bigamous marriage, validity of,  
§ **C.0.1**

Support proceeding, challenge to validity in, § **F.2**

Void from inception, § **C.0.6.20**

## **BIRTH CERTIFICATES**

- Amended where adoptee stands to gain valuable rights, § **E.0.0.13.40**
- Custody proceedings, § **H.5.8**
- Paternity, voluntary declarations of, § **E.0.0.14.12**

## **BLOOD TESTS**

- See **PATERNITY**

## **BREACH OF DATA SECURITY**

- See **DATA BREACH**

## **BRIEFS**

- Appeal, §§ **R.68.1.5-68.12**
- Trial, §§ **C.63.3.0.7-C.63.3.2**

## **BURDEN OF PROOF**

- Civil case, § **P.64**
- Clear and convincing evidence, § **P.64**
- Community-property presumption, burden of proof to overcome, § **J.79.10**
- CustodySee **CUSTODY**
- De facto parent status, termination of, § **G.29.2.1.6**
- Deferred sale of home, §§ **K.56.1, K.60.0**
- Disso proceedings, § **P.64**
- Domestic violence restraining orders, termination of, § **C.13.7**
- Equitable set-aside, § **T.33.6.10**
- Guardianship granted over parent's objection, § **G.29.2**
- Guardianship termination, § **G.166.3.15**
- Legal malpractice defense based on statute of limitations, § **A.103.2.6.5**
- Paternity determinations, § **E.0.0.16.5**
- Preponderance of evidence, § **P.64**
- Presumptions affecting, § **P.69**
- Privilege, §§ **D.92, P.75**

## **BUSINESS INTERESTS**

- Allocation of interests
  - Accounts receivable, §§ **M.27-M.31**
  - Bifurcation, issues appropriate for, § **C.61**
  - Community effortSee subhead: Community effort benefiting separate business
  - Contingent fees, § **M.33**
  - Law firmsSee **LAW FIRMS**

## **BUSINESS INTERESTS—Cont'd**

- Allocation of interests—Cont'd
  - Postseparation apportionment, § **M.86-M.95.1**
  - Reverse apportionment for decrease in value, § **M.92**
  - Work in progress, §§ **M.32-M.35.1**
- Alter-ego test, § **M.88**
- Alternative valuation date, §§ **M.4.10-M.22**
- Attorney for family business disqualified from representing spouse in disso, § **A.71.40**
- Capital increase or decrease, § **M.95**
- Child-support, income for purpose of calculating, §§ **E.22.7.3, E.37.1.4**
- Closely held corporations, §§ **M.67.1-M.67.9.1**
- Community effort benefiting separate business
  - Allocation formulas, §§ **M.71-M.75**
  - Bankruptcy, § **M.83.5**
  - Change in form of separate-property business, § **M.68**
  - Community efforts versus capital appreciation/outside forces, § **M.81.5**
  - Factors to determine allocation method, §§ **M.80-M.83**
  - Family-expense presumption, §§ **M.84, M.84.1, M.84.2**
  - Hybrid Pereira/Van Camp approach, § **M.75**
  - Pereira apportionment, §§ **M.72, M.81.5**
  - Reasonable compensation, § **M.83**
  - Rebuild business, § **M.83.5**
  - Todd formula, § **M.74**
  - Van Camp apportionment, §§ **M.73, M.83**
- Co-ownership after disso, § **M.106**
- Corporate loans, § **M.95.1**
- Debt
  - Pendente lite orders, § **M.23**
  - Pension plan, § **M.92.1**
- Discovery
  - Confidentiality, §§ **M.34-M.35.1**
  - Financial information needed to characterize business as separate or community, § **M.24**

## INDEX

### BUSINESS INTERESTS—Cont'd

- Disposition
  - Co-ownership after disso, § **M.106**
  - Discretion of court, § **M.104.1**
  - Forced unemployment, § **M.102**
  - Interspousal auction, § **M.108**
  - Limitations on, § **M.103**
  - More capable party, award to, § **M.101**
  - Neither party wants business, § **M.107**
  - Nonoperating spouse, award to, § **M.101.1**
  - Sale of business, § **M.107**
- Disregard of corporate entity, § **M.87**
- Double recovery by spouse and nonmarital partner, § **M.31.5**
- Equalizing payment where community business paid fees of spouse, § **A.18.2.6**
- Family-expense presumption, §§ **M.84, M.84.1, M.84.2**
- GoodwillSee GOODWILL
- Hypothetical employment contract as basis for valuation, § **M.62.5**
- Income for child-support purposes, §§ **E.22.7.3, E.37.1.4**
- Income taxesSee INCOME TAXES
- Incorporation of separate-property business during marriage, § **M.68**
- Increase in value of separate-property business
  - ApportionmentSee subhead: Community effort benefiting separate business
  - Characterization, effect on, § **M.68**
  - Increased value not due to community effort, § **M.69**
- Interspousal auction, §§ **M.67.9.1, M.108**
- Inventory, § **M.37**
- Kick-out order, § **M.1.1**
- Law firmsSee LAW FIRMS
- Liquidation of business, tax treatment of, § **N.156.1**
- Minority shareholder protection, § **M.104.2**
- More capable party, award to, § **M.101**
- Noncompetition covenant, §§ **M.58-M.58.15**

### BUSINESS INTERESTS—Cont'd

- Nonoperating spouse, award to, § **M.101.1**
- Operating spouse's skill, reputation and guidance, § **M.22**
- Partial trial to determine character, § **M.23**
- Postseparation appreciation prorated, § **M.86-M.95.1**
- Post-separation lump-sum payment, characterization of, § **L.25.5**
- Pre-trial losses, risk of, § **M.1.1**
- Primary management and control, § **J.80.3**
- Rebuild separate business, § **M.83.5**
- Reservation of jurisdiction
  - Accounts receivable, § **M.31**
  - Uncertain value, asset with, § **M.38.1**
- Restraining orders, § **M.1**
- Sale of business, § **M.107**
- Separate business, see Community effort benefiting separate business, *supra*
- Sole control pending trial, § **M.1.1**
- Tangible and intangible assets, § **M.38**
- Valuation
  - Accounts receivable, §§ **M.27-M.31**
  - Auction method, § **M.67.9.1**
  - Bankruptcy, § **M.83.5**
  - Closely held corporations, §§ **M.67.1-M.67.9.1**
  - Community effort, see Community effort benefiting separate business, *supra*
  - Expert witnesses, § **P.21**
  - Goodwill, §§ **M.42-M.59.5**
  - Inventory, § **M.37**
  - Operating spouse's skill, reputation and guidance, § **M.22**
  - Portion of business and relocates, one spouse keeps, § **M.64**
  - Reservation of jurisdiction, § **M.38.1**
  - Work in progress, §§ **M.32-M.35.1**
- Valuation date, §§ **M.4-M.22**
- Work in progress, §§ **M.32-M.35.1**

**CACI (CHILD ABUSE CENTRAL INDEX)**

See CHILD ABUSE

**CALENDAR PREFERENCE**

Child support, § **C.72.3**

**CALENDAR PREFERENCE—Cont'd**

Custody litigation, § **C.72.2**  
Elderly or terminally ill litigants,  
§§ **C.42.1, C.42.1.3**

**CAPACITY**

Mental capacitySee COMPETENCE  
DETERMINATIONS  
Motion to quash, lack of capacity to sue  
as grounds for, § **C.29.6**

**CASE RESOLUTION PLAN**

Attorney fees and costs, equitable  
allocation of, § **A.14.5**  
Bifurcation of issues, § **C.47.9.4**  
Discovery limitations, § **C.47.9.4**  
Legislative intent, § **C.47.9.2**  
Modification or waiver of procedural  
requirements, § **C.47.9.4**  
Purpose, § **C.47.9.4**  
Teleconferencing, § **C.47.9.4**

**CASH**

Attorneys reporting receipt of,  
§§ **A.49.0.1.10-A.49.0.1.50**

**CENTRAL INTELLIGENCE AGENCY**

Division of retirement benefits,  
§ **L.5.5.60**

**CERTIFICATES OF MERIT**

Childhood sexual abuse, § **G.193.1**

**CERTIFICATION OF PLEADINGS**

Basis for imposition of sanctionsSee  
SANCTIONS

**CHAMPUS (CIVILIAN HEALTH AND  
MEDICAL PROGRAM FOR THE  
UNIFORMED SERVICES)**

See MILITARY BENEFITS

**CHANGE OF CIRCUMSTANCES**

Child supportSee CHILD SUPPORT  
CustodySee CUSTODY  
Spousal supportSee SPOUSAL SUP-  
PORT

**CHANGE OF VENUE**

See VENUE

**CHARACTERIZATION**

See COMMUNITY OR SEPARATE  
PROPERTY

**CHECKS**

Filing fee, effect of bounced check for,  
§ **C.29.4.75**  
Treble damages for bounced check  
under CC § 1719, § **S.20.2**

**CHILD ABDUCTION**

Aggravating and mitigating factors,  
§ **G.156**  
Airlines, right to sue for assistance in,  
§ **G.172.10**  
Alien Tort Statute, applicability of,  
§ **H.5.7.20**  
Amended statute, effect of,  
§ **G.156.0.2.5**  
Civil rights violation, § **B.26.2.1**  
Confidentiality of records kept in course  
of investigation, § **S.63.2.7**  
Consular officials, immunity bars suit  
against, § **G.172.5**  
Continued concealment after kidnapping  
conviction, prosecution for,  
§ **G.156.0.2.3**  
Criminal child abduction statutes,  
§§ **G.156, H.101**  
Custodial parents, abduction statutes  
applied to, § **G.156**  
Dependent children, parents removing,  
§ **G.156.0.2.7**  
Disentitlement doctrine applied,  
§ **G.168.0.55**  
District attorney, role of, § **G.156**  
Exceptions to application of child  
abduction statutes, § **G.156.0.1.5**  
Extradition, § **H.101.10**  
False imprisonment, §§ **G.156,**  
**G.156.0.2.9**  
Foreign countries, removal to,  
§§ **H.5.6.5, H.5.8.1-H.5.9.0.30**  
Fugitive Felon Act, § **H.5.7**  
Government agency information, use of,  
§ **S.63.2.7**  
Hague Convention, §§ **H.5.9.0.1-**  
**H.5.9.0.50**  
Illegal purpose, custody rights exercised  
for, § **G.156.0.2.9**  
Intent to deprive custody right of  
another, §§ **G.156, H.101**  
Interception of communications autho-  
rized, international parental kidnap-

## INDEX

### CHILD ABDUCTION—Cont'd

- ping as offense for which,  
§ **H.5.6.5**
- International Parental Kidnapping Crime Act, § **H.5.6.5**
- Joint-custody-order specificity, §§ **G.26, G.26.0.1**
- Jurisdiction provisions, § **G.156.0.2**
- Justice Department unit to assist law enforcement agencies with child abduction recoveries, § **H.5.6.5**
- Missing Children Act, § **H.5.8**
- Nonpresumed father, enforcement against, § **G.156.0.4**
- Parental Kidnapping Prevention Act (PKCA) see CUSTODY
- Penal Code provisions, §§ **G.156, H.101**
- Preventative measures in custody orders, § **G.25.5**
- Probable cause, § **G.156.0.2.1**
- Protective custody warrant for minor, issuance of, § **G.156**
- Removal in violation of custody order, §§ **G.156, H.101**
- Restitution of costs of locating and recovering child, § **G.156**
- Risk factors and preventative measures, court must consider, § **G.25.5**
- Subject-matter jurisdiction to prosecute father for violation outside country, § **G.156.0.2**
- Utility service information, DA may obtain, § **S.61.0.7**

### CHILD ABUSE

- Allegations
  - Authority to order investigation or evaluation, §§ **G.84.2, G.173.10**
  - Custody or visitation rights, effect on, §§ **G.26.4, G.84.2, G.173.10, G.173.15**
  - Litigation privilege, § **A.103.0.0.1.50**
  - Sanctions for false, § **G.173.15**
- Attorneys reporting, §§ **A.113.10, A.121.1**
- Authorized recipients of child abuse reports, § **G.177.5**
- Best-interests factor, §§ **G.26.2, G.42, G.205**
- Certificates of merit, § **G.193.1**

### CHILD ABUSE—Cont'd

- Child Abuse Central Index (CACI)
  - Challenges to listing, § **G.177**
  - General neglect ineligible for inclusion in, § **G.177**
  - Hearing to rebut charge in report filed with, § **G.185.5**
  - Legislative response to due-process violations, § **G.185.5**
  - Minors listed in CACI, § **G.177**
  - Procedural due-process rights violations, § **G.185.5**
  - Stigmatizing effect, § **G.177**
- Child pornography, privacy claim re patients viewing or possessing, §§ **G.188, P.86**
- Child Welfare Services Case Management System (CWS/CMS), § **G.177**
- Child-witnessesSee CHILD-WITNESSES
- Clergy member's obligation to report, § **G.175**
- Collateral estoppel defense, § **G.190**
- Computer technicians, immunity for, § **G.176**
- Confidentiality of mandated reports, § **G.177.5**
- Confidential settlement agreements prohibited, § **G.193.3**
- Continuance of dependency proceeding pending outcome of criminal abuse trial, § **G.195**
- Criminal conviction, effect on custody determination of, § **G.42**
- Cross-report child abuse, duty of law enforcement agencies to, § **G.175**
- Custody determination, §§ **G.26.2, G.26.4, G.42, G.205**
- De facto parent status, § **G.29.2.1.6**
- Defendant's versus minor's rights, §§ **G.196-G.196.15, P.14.0.1-P.14.0.20**
- Delayed-discovery doctrine, §§ **G.192-G.194.5**
- Discipline, parent's right to, §§ **G.185, G.199**
- Discovery of child welfare files by criminal defendant, § **G.196.5**
- Dog, presence during child victim's testimony of support, § **P.14.4**

**CHILD ABUSE—Cont'd**

Domestic relations exception to diversity jurisdiction, § **B.26.1.5**  
 Expert testimony, §§ **P.24.1-P.24.4**  
 False allegations, sanctions for, § **G.173.15**  
 Foster care, delayed-discovery doctrine applied to claim for abuse that occurred in, § **G.194.10**  
 Generic testimony, § **P.14.2.1**  
 Grave-risk exception to return of child under Hague Convention, § **H.5.9.0.2.6**  
 Hearing to rebut charge in report filed with Child Abuse Central Index, § **G.185.5**  
 Hearsay exceptions, §§ **P.12.0.4, P.14.5, P.89, P.89.5**  
 Homelessness insufficient basis for reporting abuse/neglect, § **G.175**  
 Immunity for reporters, §§ **G.176, G.181-G.184**  
 Information sharing among agencies, § **G.198.5**  
 Insurer liability, § **G.197**  
 Juvenile court dependency proceedings—  
   See **DEPENDENCY PROCEEDINGS**  
 Juvenile court restraining orders, § **C.1**  
 Limits on right of child protective workers to investigate, § **G.181**  
 Litigation privilege, § **A.103.0.0.1.50**  
 Medical examination, parental notification and consent to, § **G.181**  
 Minor client's confidential revelation of sexual abuse, § **A.113.10**  
 Personal data on children, distribution of, § **G.198.10**  
 Play therapy, testimony based on, § **P.24.2**  
 Police negligent in failing to investigate report of, § **G.181**  
 Polygraph evidence, § **P.24.4**  
 Presumed-father status denied registered sex offender accused of molesting stepdaughter, § **E.0.0.13.5**  
 Probation conditions, § **G.201**  
 Procedural due-process rights and Child Abuse and Neglect Reporting Act provisions, § **G.185.5**

**CHILD ABUSE—Cont'd**

Rebuttable presumption that parent convicted of sexual abuse poses substantial risk of harm, § **G.201**  
 Refusal to accept reports of suspected abuse, § **G.177**  
 Refusal to testify, § **P.14.3**  
 Removal of child from parental custody without judicial authorization, § **G.181**  
 Reporting requirement  
   Agency action on reports, § **G.177**  
   Cases interpreting, §§ **G.179-G.189**  
   Constitutionality, §§ **G.185, G.185.5**  
   Cross-report abuse, duty of law enforcement agencies to, § **G.175**  
   Designated agencies, § **G.175**  
   Duty to report, § **A.121.1**  
   Failure to report, §§ **G.176, G.176.5**  
   Federal civil rights violation claim arising from child abuse report, § **G.184**  
   Generally, §§ **C.15.2-C.15.2.8**  
   Hearing to rebut charge in report filed with Child Abuse Central Index, § **G.185.5**  
   Homelessness insufficient basis for reporting abuse/neglect, § **G.175**  
   Immunity for reporters, §§ **G.176, G.181-G.184**  
   Legislative response to due-process violations, § **G.185.5**  
   List of mandated reporters, § **G.175**  
   Mandatory, §§ **C.15.2-C.15.2.8**  
   Privacy claims re patients viewing or possessing child pornography, §§ **G.188, P.86**  
   Privileges, §§ **G.188-G.189**  
   Procedural due-process rights violations, § **G.185.5**  
   Recipients of child abuse reports, § **G.177.5**  
   Refusal to accept reports of suspected abuse, § **G.177**  
   Types of injury, §§ **C.15.2.3, G.175.5**  
   Visitation monitors, § **G.175**  
 Restitution of victims, §§ **C.15.0.5-C.15.0.6.5**



## INDEX

### CHILD ABUSE—Cont'd

- Sanctions for false allegations,  
§ **G.173.15**
- Sexual abuse accommodation syndrome,  
§ **P.24.3**
- Sibling, assumption of jurisdiction by  
juvenile court based on abuse of,  
§ **G.168.1.9**
- Sodium amytal's use to recover  
repressed memories, § **P.24.3.3**
- Spontaneously recalled memories,  
expert testimony regarding,  
§ **P.24.3.4**
- Supervised visitation, §§ **G.26.7, G.142,**  
**G.142.0.2.10, G.175**
- Testimony of child, §§ **P.14-P.14.1**
- Tolling statute of limitations, §§ **G.192-**  
**G.194.5**
- Unavailable-witness concept, §§ **P.14.2,**  
**P.14.2.0.5**
- Unreasonable search and seizure,  
protection from, § **G.181**
- Vicarious liability of public school  
district, § **G.197.10**
- Victim advocate, § **P.14.3**
- Warrantless seizure and interrogation of  
victim of sexual abuse, § **G.181**

### CHILD-SNATCH LAWS

See CHILD ABDUCTION

### CHILD SUPPORT

- Ability-to-earn standardSee subhead:  
Earning capacity
- Ability to pay, §§ **E.35-E.40.4**
- Add-ons, §§ **E.22.9.0.1-E.22.9.1.5**
- Adoption affecting obligation for,  
§ **E.19**
- Adult child
  - Child Support Recovery Act,  
§ **S.78.8.9**
  - Generally, §§ **E.1.0.1.1, E.1.0.1.2,**  
**E.56.3.1**
  - Guideline inapplicable after child  
moved away to college,  
§§ **E.1.0.2, E.23.9.4.3**
  - Incapacitated or disabled, §§ **E.2.1.1-**  
**E.2.20, E.3.25, E.56.3.1,**  
**E.63.10**
  - Payment of college expensesSee  
subhead: College expenses

### CHILD SUPPORT—Cont'd

- Adult child—Cont'd
  - Standards for determining incapacity,  
§ **E.2.15**
- Agnos Child Support Standards Act,  
§ **E.23**
- Allowable deductions from gross  
income for purposes of calculating,  
§ **E.22.7.5**
- Anticipated expenses, § **E.33**
- Arrearages
  - Amount of repayment, §§ **E.3.20,**  
**E.50.1**
  - Civil liability for helping obligor  
avoid paying support,  
§ **S.56.0.12.5**
  - Concealment as defense, §§ **E.78,**  
**G.156.1.1-G.156.1.20,**  
**S.56.0.13.5**
  - Credit for overpayments, § **E.45**
  - Credit for period support obligor de  
facto custodial parent, § **E.50**
  - Derivative benefits received on behalf  
of child of SSDI recipient,  
§ **E.34.3**
- EnforcementSee ENFORCEMENT  
OF SUPPORT ORDERS
- Equitable considerations, § **E.50**
- Equitable set-aside where support  
paid to grandparents with whom  
child lived, § **E.50.0.5**
- Federal crime, § **S.78.8**
- Generally, §§ **E.48-E.50.1**
- Incarcerated parent, adjustment of  
support obligation of, § **E.69**
- Interest, §§ **S.12-S.14.2**
- Laches doctrine, applicability of,  
§ **E.49**
- Notice of child-support arrearage,  
§ **S.64.2.2.75**
- Priority of lien claimants,  
§§ **A.65.3.2, S.130.2**
- Reduced where full reimbursement  
detrimental to child, § **E.3.20**
- Statement of arrearages, § **S.64.2.2.5**
- Suspension or revocation of license,  
§§ **S.64.2.3.5-S.64.2.3.39**
- Waiver based on agreement,  
§ **E.69.0.5**
- Waiver based on conduct, § **E.50.0**

## **CHILD SUPPORT—Cont'd**

### **Arrearages—Cont'd**

Writs of execution for support orders,  
§§ **S.44.10-S.44.30**

### **Assignments and withholdings**

Earnings withholdingSee **EARNINGS  
WITHHOLDING ORDERS**

Health insurance coverage assign-  
ment, §§ **E.25.5.5, E.25.5.10**

Wage assignmentsSee **WAGE  
ASSIGNMENTS**

Attorney general's role in appeal of  
child-support orders, § **E.25.1.50**

### **Attorneys**

Aiding and abetting client's flight,  
§ **A.109.5**

Alternative modification procedure,  
§ **E.75.9**

More favorable result but for attorney  
malpractice, § **A.87.3**

Private child-support collector,  
attorney acting as, §§ **S.64.20-  
S.64.30**

Attorney's client trust account, release  
of funds from, § **E.63.15**

### **Attorneys' fees**

Authority for, §§ **A.11-A.13**

Discretionary add-on, no authority to  
award fees as, § **E.22.9.1.4**

Failure to exercise visitation, § **A.13.1**

Financial equality between parties,  
§ **A.13**

Forms required to be filed by party  
seeking order, § **C.29.4.20**

Government agencies, awards against,  
§§ **A.13.6, S.64.2.1.85**

Interference with visitation, § **A.13.1**

Modification proceedings, §§ **A.3.1,  
A.3.5**

Private child-support collector,  
attorney acting as, §§ **S.64.20-  
S.64.30**

Pro bono legal services lawyer,  
§ **A.13.5**

UIFSA proceedings, § **S.178.20**

URESAs modification action, award in  
then-current, § **A.13.6.5**

Waiver by agreement, §§ **A.3.5,  
A.29.1**

BankruptcySee **BANKRUPTCY**

## **CHILD SUPPORT—Cont'd**

Bifurcated issues, precludes dismissal  
of, §§ **C.61.2, §§ C.61.3**

Binding arbitration to settle child-sup-  
port disputes, § **E.24.3.10**

Boarding school, attributing timeshare  
while child in, § **E.23.9.4.2**

Bonus income, § **E.37.2**

Born after disso petition or judgment,  
orders for children, § **E.19.35**

Business expenses, consideration of,  
§§ **E.22.7.5, E.37.1.4**

Calculating guideline net income,  
§§ **E.22.7-E.22.7.7**

Calendar preference, § **C.72.3**

CalWORKS welfare-to-work program,  
compliance with, § **E.38.25**

Cash gifts as income, consideration of  
recurring, § **E.37.1.20**

### **Change of circumstances**

Current circumstances, support order  
should reflect, § **E.75**

De novo provision in stipulated judg-  
ment impermissible attempt to  
avoid rule, § **E.74.1.5**

Generally, §§ **E.74-E.75.4.0.10**

Support based on stipulation,  
§§ **E.74.1-E.74.2**

### **Child-care expenses**

Education or training for employment  
skills, costs related to,  
§ **E.22.9.0.1**

Generally, §§ **E.29, E.29.1**

### **Child of current marriage**

Below-guideline award based on  
consumer debt and support of,  
§§ **E.37.1.5, E.37.1.7**

Hardship deduction for noncustodial  
parent's support of, § **E.25.1.20**

Children not named in original plead-  
ings, § **E.19.25**

Child's property, § **E.42**

Child Support Recovery Act, §§ **S.78.8-  
S.78.8.25**

Civil liability for helping obligor avoid  
paying support, § **S.56.0.12.5**

### **College expenses**

Adult child cannot sue parent for,  
§ **E.1.0.1.4**

Contempt finding for refusal to  
comply with MSA provision

**CHILD SUPPORT—Cont'd**

- College expenses—Cont'd
  - requiring payment of, § **E.56.3.15**
  - Guideline inapplicable after child moved away to college, §§ **E.1.0.2, E.23.9.4.3**
  - Jurisdiction to modify MSA provision requiring parties to share expense equally, § **E.56.3.5**
  - Reimbursement for other parent's refusal to pay in violation of MSA clause, § **E.56.3.10**
- Commissioners, referral to, §§ **C.69.4.10, S.64.2.2.7**
- Competing child support orders, equity between, § **E.25.1.20**
- Computer software, § **P.102.7**
- Concealment as defense to payment of, §§ **G.156.1.1-G.156.1.20**
- Consumer debt, below-guideline award because of, §§ **E.37.1.5, E.37.1.7**
- ContemptSee CONTEMPT
- Contribution for child support, § **E.2.0.2**
- Credit for overpayments, § **E.45**
- Credit for period support obligor de facto custodial parent, § **E.50**
- Custodial household standard of living, effect of high-earner exception on, § **E.22.8.12**
- Custodian under Uniform Transfers to Minors Act, parent holding property as, § **E.42**
- Death of parent
  - Custodial parent, §§ **C.63.3.0.2, E.68.3-E.68.7.20**
  - Noncustodial parent, §§ **E.65.30-E.68**
- Debt reduction, voluntary, § **E.37.1**
- Deferred salary of support payor, consideration of, § **E.37.1.2**
- Deferred-sale-of-home order
  - Awards custodial parent exclusive use, §§ **K.56.0.1, K.58.1.1.2**
  - Bankruptcy, § **K.60.1**
  - Burden of proof, §§ **K.56.1, K.60.0**
  - Case law, §§ **K.56.0.1-K.56.10**
  - Constitutes noncash support, § **K.58**
  - Disabled adult child, § **E.2.1.2**
  - Economic feasibility, § **K.58.1.1.2**

**CHILD SUPPORT—Cont'd**

- Deferred-sale-of-home order—Cont'd
- Enforcement of support orders, § **K.58.1.0.5**
- Lack of evidence, § **K.58.1.4**
- Opposing request for, §§ **K.60, K.60.0, K.60.0.1**
- Remarriage or cohabitation of in-spouse, § **K.58.1**
- Separate-property interest of support obligor, §§ **J.89.15, K.56.10**
- Statutory authority, § **K.58.1.1.2**
- Tax considerations, § **K.60.0.1**
- Delay in prosecution, existence of support order precludes dismissal for, § **C.29.14.2**
- Deliberate avoidance, §§ **E.38.2, E.38.5**
- Dependency exemption, allocation of, §§ **E.40.4, N.116.1.5**
- Depreciation as deduction for purposes of calculating, §§ **E.22.7.5, E.22.7.7**
- Derivative disability benefits received on behalf of child of Social Security disability recipient, §§ **E.22.7.3, E.34.3**
- Deviating from guideline amount, §§ **E.22.6.5, E.22.8.10-E.22.8.15, E.37.1.2-E.37.1.10, E.39.5**
- Disability benefits, § **E.38.7**
- Disabled adult child, §§ **E.2.1.1-E.2.20, E.56.3.1, E.63.10**
- Discovery
  - Ability to pay, stipulating to, §§ **A.18.2.3, E.37**
  - Financial records of cohabitants, § **E.13.5**
  - High-income payor's finances, § **E.37**
  - Modification procedure, §§ **E.75.4.1, N.67.5**
  - Paternity, interim support in action to establish, § **E.0.0.21**
  - Sanction for failure to produce financial documents, § **E.75.4.1**
- Discretionary add-ons to guideline amounts, § **E.22.9.1**
- Disentitlement doctrine applied for refusal to comply with orders, § **R.10.25**
- Disparity in postdisso lifestyles of father and children, § **E.22.8.10.5**

**CHILD SUPPORT—Cont'd**

- Domestic Violence Prevention Act orders, §§ **C.13, C.13.7**
- Duration of support, §§ **E.55.5-E.59.5**
- Duty of parents, § **E.1.0.1**
- Earning capacity
  - Avoidance of support obligation, §§ **E.38.2, E.38.5**
  - Best interests of children, consideration of, § **E.38.20**
  - Business losses, court not required to consider, § **E.37.1.4**
  - Custodial parent, imputation of income to, § **E.38.20**
  - Depreciation deductions, § **E.22.7.7**
  - Disability benefits, § **E.38.7**
  - Establishing new business, applicability to payor, §§ **E.38.2, E.38.5**
  - Extraordinary work regimen, § **E.38.8**
  - Incarcerated parent, § **E.38.9**
  - Income-producing assets, § **E.38.12**
  - Loss of job due to misconduct, § **E.38.9.5**
  - Mandatory guidelines calculating, § **E.22.7.7**
  - Opportunity to work as element of, §§ **E.38.9, E.38.9.5, E.38.10**
  - Overtime, § **E.38.8**
  - Part-time work, § **E.38.1**
  - Payor, application of ability-to-earn standard to, §§ **E.38.2, E.38.5**
  - Proof required, § **E.38.1**
  - Reasonable work regimen as standard for measuring, § **E.38.8**
  - Reduced work schedule, § **E.38.8**
  - Self-employable payor, § **E.38.10**
  - Support recipients, ability-to-earn standard applied to, § **E.38.20**
  - Suppression of income, §§ **E.38-E.38.8**
  - Voluntary, treatment of job termination as, § **E.38.9.5**
  - When considered in lieu of income, §§ **E.38-E.38.8**
  - Emancipation of child, effect of, §§ **E.56.7-E.59.5**
  - Employee benefits taxable for purposes of support calculation, § **E.22.7.3**
  - Employers
    - Dependent-care assistance, tax deductions for, § **E.29.1**

**CHILD SUPPORT—Cont'd**

- Employers—Cont'd
  - Health insurance, duty to maintain, § **E.25.5**
- EnforcementSee ENFORCEMENT OF SUPPORT ORDERS
- Equal incomes, effect of, § **E.40.3**
- Equal responsibility of parents, §§ **E.1.0.1, E.40.3**
- Equating children's needs with their expenses, trial court erred in, § **E.28**
- Equity between competing child support orders, § **E.25.1.20**
- Equity value increase of payor's residence not income for support calculation purposes, § **E.38.12**
- Erroneous income findings and miscalculations regarding ability to pay, § **E.35**
- Establishing business, applicability of ability-to-earn standard to payor, §§ **E.38.2, E.38.5**
- Estoppel
  - Concealment of child, § **E.78**
  - Stepparent estopped from denying paternity, §§ **E.10, E.10.1**
- Exchange student, § **E.1.0.1.1**
- Exemptions from family income for CalWORKS purposes, § **E.38.25**
- Expedited orders for, § **E.20.1**
- Family law facilitator, role of, § **C.29.4.4.21**
- Family residence
  - Co-tenancy as additional support, § **K.58**
  - Deferred sale, see Deferred-sale-of-home order, *supra*
  - Disabled adult child, § **E.2.1.2**
  - Equity value increase of payor's residence, § **E.38.12**
- Federal agencies, § **E.21.0.0.10**
- Financial circumstances and station in life, children's needs based on parent's, § **E.22.8.12**
- Financial hardship, consideration of, §§ **E.25.1-E.25.1.20**
- Financial records of cohabitant, discovery of, § **E.13.5**
- Financial statement, Judicial Council form of, § **E.22.9.35**

## INDEX

### CHILD SUPPORT—Cont'd

- Findings re guideline support,  
§§ **E.22.6-E.22.6.15**
- Fluctuating income, representative  
sample period used to calculate  
income where payor has,  
§ **E.37.0.10**
- Former guidelines, § **E.22.2**
- Forms required to be filed by party seek-  
ing order, rule of court governing,  
§ **C.29.4.20**
- Formula for statewide guideline,  
§ **E.22.4.7**
- Fraudulent inducement of stipulations,  
§ **E.21.0.0.2**
- Full faith and credit, §§ **B.35.5, E.73.5,**  
**S.185.25**
- Future bonuses, § **E.37.2**
- Generally, § **E.1**
- Gifts
  - Income, consideration of gifts of cash  
as, § **E.37.1.20**
  - Uniform Transfers to Minors Act,  
§ **E.42**
- Gross income, guidelines calculating,  
§ **E.22.7.3**
- Guideline support, see Statewide  
guideline, *infra*
- Hardship deduction, §§ **E.25.1-**  
**E.25.1.20**
- Health insurance provisions, §§ **E.25.2-**  
**E.25.8.1**
- High-income payor, §§ **E.22.8.12, E.28,**  
**E.34, E.37, E.74.5**
- High school, continuation until comple-  
tion of, §§ **E.1.0.1.1, E.1.0.1.2,**  
**E.56.3.1**
- Housing and meal allowance as income,  
§ **E.22.7.3**
- Implied finding of avoidance of obliga-  
tion, § **E.38.5**
- Incarcerated parent, §§ **E.38.9, E.69**
- Income and expense form, § **E.22.9.35**
- Income-producing assets, imputing  
income to payor from, § **E.38.12**
- Income taxesSee **INCOME TAXES**
- Income tax refunds includable in gross  
income for purposes of calculating  
support, § **E.22.7.3**
- Indigent or incapacitated adults, necessi-  
ties supplied to, § **E.3.25**

### CHILD SUPPORT—Cont'd

- Inheritance, consideration of, § **E.22.7.3**
- Inquiry into finances, discretion to  
make, § **E.37**
- Insurance
  - Employers' responsibilities,  
§§ **E.25.5.5, E.25.5.10**
  - Health insurance, §§ **E.25.3-E.25.8.1**
  - Includability in income of life insur-  
ance proceeds, § **E.22.7.3**
  - Insurance carriers' responsibilities,  
§§ **E.25.6.2-E.25.6.5**
  - Life insurance as security, §§ **E.64,**  
**E.64.1**
  - Notification provisions, §§ **E.25.3.5,**  
**E.25.6.2**
  - Reasonable-cost presumption,  
§ **E.25.3**
  - Upper age limit for dependent cover-  
age of children, §§ **E.25.3,**  
**E.25.6.3**
- Interest income imputed to incarcerated  
parent based on liquidated assets  
turned over to defense attorney,  
§ **E.38.9.2**
- Interstate support enforcement under  
Child Support Recovery Act,  
§§ **S.78.8-S.78.8.25**
- Job search orders, § **E.38.25**
- Job training, authority to order participa-  
tion in, § **F.56.0.30**
- Judgment exceeds relief requested,  
§ **C.150.6**
- Jurisdiction
  - Abandonment, effect of, § **B.21.2**
  - Change of venue, support orders  
made in conjunction with,  
§ **C.29.1.0.5**
  - Disabled adult child, jurisdiction to  
order support for, § **E.2.5**
  - Disso remains pending with regard to  
support and custody,  
§ **C.87.1.0.7**
  - Minimum contacts, §§ **B.8-B.17,**  
**B.21.3**
  - Modification of support, § **E.69**
  - Personal jurisdiction required,  
§§ **B.1.2, B.35**
  - Visitation, exercise of, §§ **B.21.5,**  
**B.21.5.5**

**CHILD SUPPORT—Cont'd**

- Life insurance as security, §§ **E.64**, **E.64.1**, **E.68.1**
- Living trust, support order enforced against deceased payor's, § **E.66.5**
- Loan application as evidence of income, § **E.37.0.5**
- Low-income adjustment, §§ **E.22.8.15**, **E.22.9.3.5**
- Majority of child
  - Continuation past age of majority, §§ **E.1.0.1.1**, **E.1.0.1.2**, **E.56.3.1**
  - Determined by law in effect at time of entry of interlocutory judgment, § **E.56.2**
  - Spousal-support increase on, §§ **E.56.3.1**, **F.97.62**
  - Termination at age of majority, §§ **E.1.0.1.1**, **E.1.0.1.2**, **E.56.3.1**
- Mandatory add-ons to, § **E.22.9.0.1**
- Meal allowance as income, § **E.22.7.3**
- Mediation in modification proceedings, § **E.75.14**
- Medical expenses, modification for, § **E.70**
- Military allowances for housing and food includable in gross income for purposes of calculating support, § **E.22.7.3**
- Military personnel, §§ **E.21.0.0.10**, **E.69**, **E.73.2**
- Modification
  - Attorneys' fees, § **A.3.1**
  - Authority to modify regardless of agreement of parties, § **E.69.0.10**
  - Change of circumstances, §§ **E.74-E.75.4.0.10**
  - Child care credit impermissible retroactive modification, § **E.73.3.7**
  - Contemnor's motion for, §§ **S.166**, **S.167**
  - Creating procedure for future modifications without judicial supervision, § **E.69.5**
  - Death of moving parent, OSC not abated by, § **E.68.7.20**
  - De novo provision in stipulated judgment impermissible attempt to avoid change of circumstances rule, § **E.74.1.5**
  - Discovery, §§ **E.75.4.1**, **N.67.5**

**CHILD SUPPORT—Cont'd**

- Modification—Cont'd
  - Disentitlement doctrine applied for failure to comply with orders, § **R.10.25**
  - Evidence of income in support proceedings, § **E.37.0.5**
  - Filing fee exemption, § **C.91.1**
  - Full faith and credit, §§ **B.35.5**, **E.73.5**, **S.185.25**
  - Generally, § **E.69**
  - Good cause to deny retroactivity, standard for determining, § **E.69.1**
  - Hardship deduction, §§ **E.25.1-E.25.1.20**
  - High income earner's salary reduction, § **E.74.5**
  - Incarcerated parent, support obligation of, § **E.69**
  - Jurisdiction, § **E.69**
  - Local child-support agencies seeking, § **E.73.3.5**
  - Marital standard of living inapplicable to child support, § **E.74.2**
  - Medical expenses, § **E.70**
  - Military personnel, §§ **E.69**, **E.73.2**
  - More than one child, modification of support for, § **E.75.1**
  - No-contest clause precluding support modification enforceable, § **C.157.0.1.5**
  - Notice to local child-support agency required, § **E.69**
  - Passage of time as factor, § **E.75.2**
  - Pending appeal, effect of, § **A.4**
  - Quash, motion to, § **E.72**
  - Reduction to guideline level despite nonmodification clause in MSA, § **E.69.0.10**
  - Retroactivity, §§ **E.69**, **E.69.1**, **E.73.3.7**
  - Rules of Court, § **E.69**
  - Service of postjudgment motion, §§ **C.29.4.20**, **T.67**
  - Settlement officer's recommended reduction affirmed without requisite findings, § **E.69.10**
  - SSI benefits received by custodial parent not includable in gross income, § **E.34.7.5**



## INDEX

### CHILD SUPPORT—Cont'd

#### Modification—Cont'd

Striking support obligor entitled to reduction, § **E.75.4.0.10**

Support based on stipulation, modification of, §§ **E.74.1-E.74.2**

Temporary support, § **E.20**

UIFSA (Uniform Interstate Family Support Act), §§ **E.73.5.10, S.185.20, S.185.25**

Wage assignments, §§ **E.75.4, S.56.0.4**

Waiver of fees, § **A.3.5**

Waiver of future support, parties' agreement unenforceable as, § **E.69.0.5**

Without judicial supervision, § **E.69.5**

More than two parents, application of guideline when child has, §§ **E.22.4.7, E.22.8.10**

Moved away to college, guideline inapplicable after adult child, §§ **E.1.0.2, E.23.9.4.3**

Multiple offenses under CSRA, failure to pay support for more than one child does not constitute, § **S.78.8.9.5**

Native American parent ordered to pay support despite exempt nature of income, § **E.37.10**

Necessities, reimbursement for, §§ **E.3-E.3.25**

Needs of child, §§ **E.28-E.34.7.5**

#### Net income calculations

Add-on net income, § **E.22.9.1.5**

Generally, §§ **E.22.7-E.22.7.7**

Low-income adjustment, § **E.22.8.15**

#### New-mate income

Availability for consideration in calculating support, §§ **E.4.0.1.5, E.13, E.22.9.3.10, E.38**

Enhanced lifestyle, consideration of, § **E.22.9.3.32**

Financial records of cohabitant, discovery of, § **E.13.5**

Guideline formula, amount includable in, § **E.22.9.3.45**

Hardship exception to general rule of unavailability, §§ **E.4.0.1.5, E.13, E.22.9.3.10**

### CHILD SUPPORT—Cont'd

#### New-mate income—Cont'd

Investment income attributable to new mate, § **E.22.9.3.42**

Local court rules, § **E.22.9.3.50**

Tax liability, determining, § **E.22.9.3.47**

Voluntary unemployment or underemployment of parent, § **E.38**

No-contest clause precluding support modification enforceable, § **C.157.0.1.5**

Nonmarital cohabitationSee

#### NONMARITAL COHABITATION

Nonmarital partners, see Subsequent spouse or nonmarital partner, *infra*

Nonresidents, see Jurisdiction, *supra*

Offsetting payment of support for child from another relationship, § **E.39.5**

Oral contract with stepparent, § **E.9**

Other sources of income, consideration of, § **E.22.7.3**

Out-of-state decrees, duration of, § **E.56.4**

Overpayment of support, §§ **E.45, E.69**

Overtime, §§ **E.37.2, E.38.8**

Parental rights terminated, support obligation ceases when, §§ **E.1.0.1.0.10, E.19.1**

Part-time work, § **E.38.1**

Passage of time as factor, § **E.75.2**

PaternitySee PATERNITY

Penalties for unpaid support, §§ **S.56.0.11.10-S.56.0.11.47**

Pension payments subject to enforcement of support orders, §§ **S.35, S.35.1**

Personal injury damages not includable as income for support purposes, § **E.22.7.3**

Personal jurisdiction required, §§ **B.1.2, B.35**

Post-1972 orders, duration of, §§ **E.56.1-E.56.4**

Presumed parentage

PaternitySee PATERNITY

Same-sex partner of biological mother is presumed parent of partner's children, §§ **E.0.0.13.6, G.163.5.30**

## **CHILD SUPPORT—Cont'd**

- Principles for implementation of statewide guideline, § **E.22.9.4**
- Priority over any debt owed to creditors, § **E.1.0.5**
- Private-school attendance, § **E.31**
- Qualified medical support orders, §§ **E.25.8.1**
- Quash, motion to, § **E.72**
- Railroad retirement benefits, credit for, §§ **E.34.1-E.34.6**
- Reasonable rate of return on investment assets, § **E.22.7.3**
- Reasonable work regimen, § **E.38.8**
- Reciprocal duties of maintenance, §§ **E.2, E.2.0.2**
- Reduction in payor's discretionary spending, § **E.39.5**
- Reduction in payor's living expenses, § **E.22.7.3**
- Reimbursement
  - Indigent or incapacitated adults, necessities supplied to, § **E.3.25**
  - Individuals with Disabilities Education Act, child covered under, § **E.3.22**
  - Necessities, §§ **E.3-E.3.25**
  - Obligation of prior marriage, §§ **E.4.0, J.81.7.0.1, J.81.7.1**
  - Payment of court-ordered child support, effect of, § **E.3.5**
  - Voluntary support, no obligation to reimburse other parent or relative for, § **E.3.5**
- Relative financial status, § **E.40**
- Remarriage, § **E.14**
- Rental income imputed from underutilized real estate, § **E.38.12**
- Rescission of declaration of emancipation, effect of, § **E.59.5**
- Restitution after tests disprove paternity, man who supported child may not sue for, § **C.170.5**
- Retroactivity
  - Child Support Recovery Act, § **S.78.8.7**
  - DA actions for paternity or child support, § **E.21.0.0.1.5**
  - Fraudulent inducement of stipulations, § **E.21.0.0.2**
  - Generally, § **E.21.0.0.1**

## **CHILD SUPPORT—Cont'd**

- Retroactivity—Cont'd
  - Good cause to deny retroactivity, standard for determining, § **E.69.1**
  - Modification or termination of support, §§ **E.69, E.73.1**
- Same-sex partner of biological mother is presumed parent of partner's children, §§ **E.0.0.13.6, G.163.5.30**
- Secondary physical custody, award to parent with, § **E.23.9.5**
- Security deposit, §§ **E.65.5-E.65.20, S.56.0.10.5-S.56.0.10.20**
- Security for payments
  - Asset-deposit order, § **E.65.25**
  - Attorney's client trust account, release of funds from, § **E.63.15**
  - Defense to motion for security, § **E.65.25**
  - Disabled adult child, security order for, § **E.63.10**
  - Generally, §§ **E.62.10-E.65.25, S.56.0.10.5-S.56.0.10.20**
  - Lien on community property awarded to payor, § **E.65.1**
  - Statutory authority, § **E.63**
  - Welfare recipient's standing to request, § **E.63.5**
- Self-employable payor, earning capacity of, § **E.38.10**
- Separate property of child, § **E.42**
- Service providers, direct payment to, § **E.22.9.2**
- Shared physical custody, § **E.23.9.4**
- Social security benefits, credit for, §§ **E.34.1-E.34.6**
- Social security survivor benefits, § **E.34.6**
- Software for calculating, §§ **E.22.9.3.5, P.102.7**
- Special needs children, award for, §§ **E.30, E.31, E.33**
- Spousal support received from other party not includable in recipient-spouse's gross income, § **E.22.7.3**
- SSI benefits received by custodial parent not includable in gross income, § **E.34.7.5**
- Standard-of-living considerations, §§ **E.22.8.10.5, E.22.8.12, E.28, E.34, E.39.5**

## INDEX

### CHILD SUPPORT—Cont'd

- Statement of decision on, § **E.44.2**
- Statewide guideline
  - Allocating support between children, § **E.22.6.15**
  - Below-guideline award, §§ **E.37.1.5, E.37.1.10**
  - Calculations using, §§ **E.22-E.23.9.4**
  - Capping awards, § **E.22.8.12**
  - Constitutionality, § **E.22.3**
  - Deviating from, §§ **E.22.6.5, E.22.8.10-E.22.8.15, E.37.1.2-E.37.1.10, E.39.5**
  - Discretionary add-ons, §§ **E.22.9.1, E.22.9.1.3**
  - Discretionary findings, § **E.22.6.10**
  - Disparity in lifestyles, deviation based on, § **E.22.8.10.5**
  - Family support under, § **N.110.1.3.15**
  - Federal mandate, § **E.22.3**
  - Gross income, inclusions and exclusions from, § **E.22.7.3**
  - High-earner exception, § **E.22.8.12**
  - Inapplicable after adult child moved away to college, §§ **E.1.0.2, E.23.9.4.3**
  - Low-income adjustment, §§ **E.22.8.15, E.22.9.3.5**
  - Mandatory findings for deviating from, § **E.22.6.5**
  - More than two parents, application when child has, §§ **E.22.4.7, E.22.8.10**
  - Presumptively correct, guideline amount is, §§ **E.22.3, E.22.8.10**
  - Principles for implementation, § **E.22.9.4**
  - Rebuttal factors, § **E.22.8.10**
  - Reduction to guideline level despite nonmodification clause in MSA, § **E.69.0.10**
  - Software standards, §§ **E.22.9.3.5, P.102.7**
  - Stipulating to ability to pay any reasonable amount, effect of, §§ **A.18.2.3, E.37**
  - Timeshare discount, § **E.23.9.4**
  - UIFSA, support orders issued under, § **S.178.35**
  - Unjust or inappropriate, finding that application, §§ **E.22.3, E.22.8.10**

### CHILD SUPPORT—Cont'd

- Statutory obligation for, § **E.1**
- Stepparent adoption finalized, support obligation ceases when, § **E.1.0.1.0.10**
- Stipulations
  - Ability to pay any reasonable support, §§ **A.18.2.3, E.37**
  - Alternate amounts, stipulations to, § **E.24.3**
  - Binding arbitration to settle child-support disputes, § **E.24.3.10**
  - Disregarding standard amount, §§ **E.24.1, E.24.3**
  - Filing fee exemption, § **C.91.1**
  - Fraudulent inducement, § **E.21.0.0.2**
  - High income earner stipulating to ability to pay any reasonable amount, §§ **A.18.2.3, E.37**
  - Modification of support based on stipulation, §§ **E.74.1-E.74.2**
  - Termination of father's parental rights and child-support obligation, § **E.1.0.1.0.15**
- Stock options, §§ **E.37.5, E.37.5.5**
- Stock received as consideration for sale of equity interest in business, § **E.22.7.3**
- Striking support obligor entitled to reduction, § **E.75.4.0.10**
- Subsequent spouse or nonmarital partner
  - Calculating support, consideration of income in, §§ **E.4.0.1.5, E.13, E.22.9.3.10, E.38**
  - Deviation from guideline amount, § **E.37.1.5**
  - Enhanced lifestyle, consideration of, § **E.22.9.3.32**
  - Guideline formula, amount of new-mate income includable in, § **E.22.9.3.45**
  - Hardship exception to general rule that income unavailable, §§ **E.4.0.1.5, E.13, E.22.9.3.10**
  - Investment income attributable to new mate, § **E.22.9.3.42**
  - Liability of, § **E.4**
  - Local court rules for consideration of new-mate income, § **E.22.9.3.50**
  - Nonsupport, agreements for, § **E.11**

**CHILD SUPPORT—Cont'd**

- Subsequent spouse or nonmarital partner—Cont'd
  - Support obligation from prior marriage, § **E.4.0**
  - Support of child ofSee subhead: Child of current marriage
  - Surviving spouse, direct action against, § **E.68**
  - Survivor benefits, stepchild's right to, § **E.68.7**
  - Termination of marriage, liability on, §§ **E.8-E.11**
- Subsistence-level income of supporting parent, § **E.39**
- Substantiating evidence, § **P.69.5**
- Supplemental complaints, §§ **E.19.30, S.64.2.1.25**
- Suppression of income, §§ **E.38-E.38.8**
- Surrogate children's action against estate of deceased father barred by limitations statute, § **E.67.5**
- Survivor benefits
  - Social security survivor benefits, § **E.34.6**
  - Stepchildren entitled to, § **E.68.7.5**
- Suspension of support obligation of incarcerated parent, §§ **E.38.9, E.69**
- Tax returns and loan application, discrepancies between income reported on, § **E.37.0.5**
- Temporary support, § **E.20**
- Termination of parental custody and control, §§ **E.1.0.1.0.10, E.19.1**
- Third parties
  - Discovery of financial records of cohabitants, § **E.13.5**
  - Necessities, reimbursement for, §§ **E.3-E.3.25**
  - Voluntary debt reduction paid to, § **E.37.1**
- Time of effect of order, § **E.27**
- Timeshare calculation, § **E.23.9.4.1**
- Timeshare discount, § **E.23.9.4**
- Trustee ordered to pay current and past-due support directly from trust despite spendthrift clause, § **E.37.15**
- Trust for add-ons and future expenses, error to order part of support to be

**CHILD SUPPORT—Cont'd**

- paid into, § **E.22.9.1.3.5**
- Unallocated support, use of, § **E.22.9.3**
- Uniform Interstate Family Support ActSee UIFSA (UNIFORM INTERSTATE FAMILY SUPPORT ACT)
- Uniform Parentage Act proceedings, § **E.0.0.23 et seq.**
- Vested stock options as income available for child support, § **E.37.5.5**
- Veteran's dependent benefits, credit for, § **E.34.3**
- Visitation
  - Deviation from guideline support for travel expenses, § **E.22.8.13**
  - Duty to support child despite interference, §§ **E.76-E.79.1**
  - Financial compensation for interference with, § **E.79.2**
  - Reduction of support payments during, § **E.73.3**
- Vocational programs, authority to order participation in, § **F.56.0.30**
- Voiding gift of community property to children, § **E.42**
- Voluntary debt reduction, § **E.37.1**
- Wage assignmentsSee WAGE ASSIGNMENTS
- Wealth of parent, consideration of, §§ **E.22.8.12, E.28, E.34, E.37**
- Welfare-to-work program, compliance with, § **E.38.25**

**CHILD-WITNESSES**

- Avoiding testimony, § **P.12.1**
- Child abuse cases, §§ **P.14-P.14.1**
- Closed-circuit TV, testimony via, §§ **P.14.0.10, P.14.0.12**
- Custody or visitation preferences, child's right to state, §§ **G.35, G.139.10, P.11**
- Defendant's versus minor's rights, §§ **G.196-G.196.15, P.14.0.1-P.14.0.20**
- Dog, presence during child victim's testimony of support, § **P.14.4**
- Establishing child's competency, § **P.11**
- Exclusion of testimony, §§ **P.12-P.12.0.5, P.14.0.0.9**

## INDEX

### **CHILD-WITNESSES—Cont'd**

- Federal protective order restraining harassment of minor victim or witness, § **C.13**
- Hearsay exceptions, §§ **P.12.0.4, P.14.5, P.89, P.89.5**
- Oath, § **P.16**
- Parental rights termination action, § **P.14.0.0.5**
- Parent's right to call child as witness, § **P.12.0.5**
- Primary purpose test, § **P.14.5**
- Psychological harm, exclusion of testimony to avoid, § **P.14.0.0.9**
- Questionable ability to tell truth, § **P.14.0.17**
- Refusal to testify, § **P.14.3**
- Special care, § **P.13**
- Statutory authority, § **P.10**
- Subpoena, § **P.12**
- Sufficient age, § **P.11**
- Sufficient indicia of reliability
  - Exception to hearsay rule under Ev C § 1360, § **P.14.5**
  - Failure to evaluate statements of truth-incompetent child, § **P.89.2.5**
- Support person or dog present during testimony, §§ **P.14, P.14.4**
- Testimonial statements, admissibility of, § **P.14.5**
- Testimony in chambers, §§ **P.14.0.0.5, P.14.0.0.7, P.14.1**
- Unavailable-witness concept, §§ **P.14.2, P.14.2.0.5**
- Victim advocate, § **P.14.3**

### **CIVIL HARASSMENT RESTRAINING ORDERS**

See **HARASSMENT**

### **CIVIL RIGHTS**

- Child abduction as violation, § **B.26.2.1**
- Domestic violence victim, misuse of confidential address information re, § **C.22.50**
- Gender-motivated violence, cause of action for, §§ **C.15.0.1.20, C.15.0.1.25**
- Judicial immunity, § **A.103.1.6**

### **CIVIL RIGHTS—Cont'd**

- Sexual orientation violence, cause of action for, § **C.15.0.1.20**

### **CIVIL SERVICE**

- Garnishment of pensions, § **L.213**
- Health insurance coverage, §§ **F.56.5.3, L.63.3**
- Retirement benefits, §§ **L.63-L.63.3, L.72.5, L.76, L.213**
- Writs against federal civil personnel, §§ **S.39-S.41.1**

### **CLERICAL ERRORS**

- Motion to correct, §§ **T.59.5-T.65**
- Sanctions for failure to comply with discovery request containing, § **D.123.3**

### **CLETS**

- See **LAW ENFORCEMENT  
TELECOMMUNICATIONS  
SYSTEM**

### **CLIENT SECURITY FUND**

- See **ATTORNEYS**

### **CLOSED TRIAL OR HEARING**

- Constitutional limitations, § **C.97.1**
- List, §§ **C.92-C.96**
- Nonparty's motion to unseal court file, § **C.97.3**

### **CLOSELY HELD CORPORATIONS**

- Alimony disguised as pension payments nondeductible, § **N.106.4.9.0.10**
- Estate tax purposes, value of shares for, § **M.67.8**
- Joinder for discovery, restraining orders, or attorneys' fees, § **C.42.0.4**
- Redemption of stock, tax treatment of, §§ **N.153-N.156.0.35**
- Tax returns discoverable, § **N.69**
- Valuation, §§ **M.67.1-M.67.9.1**

### **COHABITATION**

- Annulment based on fraud, effect on, § **C.0.6.5**
- NonmaritalSee **NONMARITAL  
COHABITATION**

### **COLLABORATIVE LAW PROCESS**

- Statutory authority for use to resolve family law disputes, § **C.47.9.20**

**COLLATERAL ATTACK**

Default judgment, § **T.20.12**  
Foreign judgmentsSee FOREIGN JUDGMENTS

**COLLATERAL ESTOPPEL**

Child abuse charge, § **G.190**  
Legal malpractice actions, §§ **A.87.2, A.87.2.5**  
Putative-spouse status, § **C.0.4**

**COLLEGE**

Campus violence protective orders, § **C.23.15**  
Reimbursable contributions to educationSee EDUCATION  
Spousal supportSee SPOUSAL SUPPORT  
Support of adult childSee CHILD SUPPORT

**COMMERCIAL SPEECH**

Anti-SLAPP motion barred by commercial speech exemption, § **A.103.2.125**

**COMMINGLED ASSETS**

See COMMUNITY OR SEPARATE PROPERTY

**COMMISSIONERS**

Assigned to hear family law proceedings, §§ **C.69.4-C.69.9**  
Authorization to act as temporary judge, § **C.69.5**  
Child-support commissioners in enforcement proceedings, §§ **C.69.4.10, C.69.4.15, S.64.2.2.7**  
Custody and visitation issues joined to support enforcement proceedings, § **C.69.4.15**  
De novo review of commissioner's findings and order, § **C.69.4.12**  
Disqualification of firms hiring, § **C.69.9.0.0.5**  
Implied stipulation to commissioner's authority, § **C.69.7.5**  
Oath of temporary judges, applicability of requirement for, § **C.69.6.10**  
Objections to commissioner acting as temporary judge in child-support case, § **C.69.4.12**  
Qualifying, § **C.69.6**

**COMMISSIONERS—Cont'd**

Restrictions on appointment as referees in family law actions, § **C.69.8**  
Stipulation to appoint, §§ **C.69.6.5, C.69.7, C.69.7.5**  
Tantamount stipulation doctrine, § **C.69.7.5**  
Unauthorized appointment, § **C.69.9**

**COMMON-LAW MARRIAGE**

Marriages validly contracted elsewhere, § **C.0.5**

**COMMUNICATIONS**

AttorneysSee ATTORNEYS  
Confidential marital communications, §§ **D.108, J.100.40-J.106, P.84**  
Electronic communicationSee ELECTRONIC COMMUNICATION  
Litigation privilegeSee LITIGATION PRIVILEGE  
Mediation confidentiality, §§ **D.118, D.118.1.2**  
WiretappingSee WIRETAPPING AND EAVESDROPPING

**COMMUNITY OR SEPARATE PROPERTY**

Alternative valuation dateSee PROPERTY DIVISION  
ATROs do not prevent sale of community real property in ordinary course of business, § **C.1.0.10**  
Attorneys' fees  
Family law attorney's real property lien, §§ **A.65.2.2-A.65.2.15**  
Property payable from, § **A.30.9**  
Security interest to secure, §§ **A.65.1-A.65.2.1**  
Bank accounts, §§ **J.11.0.6, J.11.0.7, J.11.5.50**  
Bifurcation of characterization issues, §§ **C.61.5, J.2.0.4**  
Bitcoins and cryptocurrency, failure to disclose, § **J.80.3.2**  
Bond to secure third party judgment against community property, § **C.24.0.1**  
Bonuses, contingent, § **J.71**



**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

- Breach of fiduciary duty
  - Accounting and title reformation, § **J.80.3.2.2**
  - Attorneys' fees, §§ **J.80.3.2.5, J.80.3.2.10**
  - Award of 100% of value of undisclosed asset, §§ **J.80.3.2.5, J.80.3.2.15**
  - Bitcoins and cryptocurrency, failure to disclose, § **J.80.3.2**
  - Claims during or after marriage, § **J.80.3.2**
  - Default judgment that exceeds amount demanded void, § **C.150.7.4.10**
  - Effective date of source statute, § **J.80.3.2**
  - Failure to fulfill promise to add spouse's name to title of family home, § **J.80.3.0.4**
  - Good conduct and full disclosure, sanctions intended to induce, § **J.80.3.5**
  - Harm need not be shown to impose sanctions, § **J.80.3.5**
  - Investments, spouses' fiduciary duties with regard to, §§ **J.80.3.0.3.15, J.80.3.0.8, J.80.3.0.9**
  - Monetary remedies, § **J.80.3.2.5**
  - Nonprobate transfer of community property, set aside of, § **J.57.0.30**
  - Postjudgment claim for, § **J.80.3.2**
  - Sanctions, §§ **J.80.3.0.6.5, J.80.3.5, J.80.3.10**
  - Statute of limitations, § **J.80.3.2**
  - Statutory remedies apply to breaches that impair community, not separate, property interests, § **J.80.3.2.1**
  - Transfer to trading account in excess of agreed amount, § **J.80.3.0.3.15**
  - Undisclosed and reckless trading, funds lost through, § **J.80.3.0.3.15**
  - Undue influence, presumption of, §§ **J.80.3.0.4-J.80.3.0.5, T.33.6.10**

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

- Burden of proof to overcome community presumption, § **J.79.10**
- Business interestsSee BUSINESS INTERESTS
- Capital gains tax liability, § **N.29.2.15**
- Characterization
  - Bank accounts, §§ **J.11.0.6, J.11.0.7, J.11.5.50**
  - Bifurcation, §§ **C.61.5, J.2.0.4**
  - Copyright, § **J.23.3**
  - Credit or loan acquisitions, §§ **J.71.0.5-J.76**
  - Debts, see Debts, *infra*
  - Disability benefits, §§ **L.32-L.41.1.10**
  - Discovery of financial information needed to characterize business, § **M.24**
  - Earnings, see Earnings, *infra*
  - Employer-provided mortgage subsidy, § **J.71.0.2**
  - Family residence, §§ **K.17.1.2-K.55.2**
  - Financial advisor's client list divisible community asset akin to goodwill, § **M.43**
  - Jointly held property, see Joint form-community presumption, *infra*
  - Jurisdiction, § **J.2.0.1**
  - Malpractice awards, § **J.9.15**
  - Partial trial to determine, §§ **K.3, M.23**
  - Personal injury damages, §§ **J.5, J.6, J.9, J.9.1**
  - Tenancy-in-common, §§ **J.19-J.21**
  - Term life insurance policies, § **L.48.10**
  - Time of acquisition, see Time of acquisition, *infra*
  - Title, see Title, *infra*
  - Transmutation, see Transmutation, *infra*
  - Unemployment insurance benefits, § **L.41.1.3**
  - Untitled property, § **J.23.1**
  - Workers' compensation, §§ **L.41.1.3, L.74-L.74.10**
- Club memberships, § **J.23.10**
- Commingleing
  - Effect of, § **J.77**

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

- Commingle—Cont'd
  - Personal injury damages, § **J.7.1**
  - Post-trial motion for additional attorneys' fees, § **A.3.1**
  - Tracing, see Tracing, *infra*
  - Transmutation law, effect of, § **J.80.0**
- Community-funded improvements to separate property, §§ **J.90.3, K.55.1.2.25**
- Community real property, see Encumbrance of real property, *infra*
- Concealing community assets, § **C.160.4.15**
- Consent
  - Encumbrance of real property, see Encumbrance of real property, *infra*
  - Gift of community property, § **J.80.8**
  - Management of community property, §§ **J.80.3, J.80.3.0.0.5**
  - Nonprobate transfersSee NONPROBATE TRANSFERS OF COMMUNITY PROPERTY
  - Personal property, transfer of, § **J.80.6**
- Conservatee-spouse, order requiring competent spouse to pay for support of, §§ **F.120, J.80.2.10**
- Constructive trust, jurisdiction to impose, § **J.1.1**
- Consulting agreement for postseparation services, § **L.109.4**
- Contingent-fee contracts, § **J.70**
- Contingent rights and bonuses, § **J.71**
- Credit or loan acquisitions
  - Intent-of-lender analysis, §§ **J.75-J.75.3**
  - Purchase money mortgages, § **J.76**
  - Secured loans, §§ **J.73, J.74**
  - Separate-property contributions reimbursable, § **J.71.1**
  - Unsecured loans, § **J.72**
- Criminal liability of spouse for robbery or vandalism, § **C.160.4.8**
- Date of separation
  - Bifurcation, issues appropriate for, § **C.61**

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

- Date of separation—Cont'd
  - Definition of separation, §§ **J.92-J.94.15**
  - Litigating, § **J.2.0.5**
  - Request for finding, § **J.97**
  - Standard of proof for determining, § **J.92**
  - What constitutes separation, §§ **J.92-J.96**
- Death
  - Debtor-spouse, §§ **S.35.5, S.36.1**
  - Joint form-community presumption, §§ **C.156.30-C.156.50, J.48.25, J.48.30, J.48.35**
  - Nonprobate transfersSee NONPROBATE TRANSFERS OF COMMUNITY PROPERTY
  - Revocable transfer on death deed (RTDD), § **J.57.0.45**
- Debts
  - Bankruptcy, effect of, §§ **J.81.6, J.83, O.9**
  - Benefit-of-community concept, § **J.83.1**
  - Breach of contract entered into during marriage, § **J.70.1**
  - Capital gains tax liability, § **N.29.2.15**
  - Death of debtor-spouse, §§ **S.35.5, S.36.1**
  - Division or assignmentSee PROPERTY DIVISION
  - Equitable reallocation of character, §§ **J.84.1.0-J.84.1.2.15**
  - Former community-property assets, attempts to recover against, § **S.36.2**
  - Incurred during marriage and before separation, § **J.81.0.0.5**
  - Liability of property, §§ **J.81.0.1-J.81.4, S.36.1.2**
  - Necessaries, § **J.81.8**
  - Need to characterize for allocation purposes, § **J.81.0.0.5**
  - Nondebtor-spouse, property awarded to, §§ **S.36.2, S.36.3**
  - Orders to pay debt per Fam C § 2023, §§ **J.81.0.0.10, S.4**
  - Post-disso tax debt, §§ **J.83.1.5, J.83.5**

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

- Debts—Cont'd
  - Postseparation, § **J.81.0.0.5**
  - Premarital, § **J.81.0.0.5**
  - Purchase in anticipation of separation, § **J.84.1**
  - Reimbursement rightsSee PROPERTY DIVISION
  - Restitution for spouse's embezzlement, § **J.84.1.2.15**
  - Spousal support, payments constituting, §§ **F.82-F.84.1.1**
  - Unrelated to community, § **J.84.1.3**
- Deferred compensation contract, § **J.70.0.10**
- Disability benefits, §§ **L.32-L.41.1.10**
- Division of community property
  - Conservatee-spouse, failure to comply with order for support of, §§ **F.120, J.80.2.10**
  - On dissolution of marriageSee PROPERTY DIVISION
- Domestic violence perpetrator's share of community property, enforcement against, §§ **C.15.0.1.10, J.100.28, S.4.5**
- Earnings
  - After date of separation, §§ **J.4, J.91, N.8, N.12**
  - Damages award, income tax treatment of economic, § **N.156.4.20**
  - Debts, liability for, § **J.81.4**
  - Before marriage, services rendered, § **J.68**
  - During marriage, services rendered, § **J.69**
  - Partnership distributions, § **J.69.5**
  - Postseparation, §§ **J.4, J.91**
- Education, reimbursable community contributions toSee EDUCATION
- Employment and consulting contracts, § **J.70.1**
- Encumbrance of real property
  - Discovery after disso, §§ **J.80.5.3, K.17.1**
  - Expiration of security interest under Marketable Record Title Act, § **S.79.15**

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

- Encumbrance of real property—Cont'd
  - Family law attorney's real property lien, §§ **A.65.2.2-A.65.2.10, J.80.5.4**
  - To secure separate-property contribution, § **J.11.5.27**
  - Set-aside by nonconsenting spouse, §§ **J.80.5.2, J.80.5.10, K.17.1, K.17.1.0**
- Enforcement of third party judgment against community property during disso enjoined, § **C.24.0.1**
- Equitable reallocation of character of debt, §§ **J.84.1.0-J.84.1.2.15**
- Execution
  - Community property subject to enforcement of money judgments, §§ **S.36-S.36.7**
  - Death of debtor-spouse, §§ **S.35.5, S.36.1**
  - Equalizing payment, §§ **S.36.5, S.36.7**
  - Exemptions, §§ **S.134-S.137**
  - Property awarded to nondebtor-spouse, §§ **S.36.2, S.36.3**
  - Separate property of nondebtor-spouse, § **S.36.1.2**
  - Surviving spouse's pension subject to levy to enforce community tax debt, § **S.35.5**
  - Writ quashed and enforcement of third party judgment enjoined, § **C.24.0.1**
- Family law attorney's real property lien, §§ **A.65.2.2-A.65.2.15**
- Family residenceSee FAMILY RESIDENCE
- Federal criminal forfeiture statute, § **S.42.3**
- Fiduciary standard
  - Application of higher standard to pre-amendment conduct, § **J.80.3.0.6**
  - Breach, see Breach of fiduciary duty, *supra*
  - Business partners' fiduciary duties, spouses subject to, §§ **J.80.3.0.3.4, J.80.3.0.8**
  - Continues until property division, § **J.80.3.0.6.5**

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

Fiduciary standard—Cont'd

Information regarding property, duty to provide, §§ **J.80.3.0.8-J.80.3.0.10**

Interspousal standard of care, §§ **J.80.3.0.3.4-J.80.3.0.6**

Investments, §§ **J.80.3.0.3.15, J.80.3.0.8, J.80.3.0.9**

Right of first refusal in sale of family home, § **J.80.3.0.3.10**

Financial advisor's client list divisible community asset akin to goodwill, § **M.43**

FLARPL (family law attorney's real property lien), §§ **A.65.2.2-A.65.2.15**

Fraud

Award of 100% of value of undisclosed asset, §§ **J.80.3.2.5, J.80.3.2.15**

Transmutation subject to laws governing fraudulent transfers, § **J.48.0.1**

Gifts

Automobiles, § **J.48.0.3**

Characterization, §§ **J.3, J.49**

Community-funded improvements to separate property, §§ **J.90.3, K.55.1.2.25**

Interspousal-gift exception to writing, § **J.48.0.3**

Presumption of gift to community, § **J.85**

Remuneratory gift from employer, § **L.4.5.1**

Unilateral gift of community property, § **J.80.8**

Voiding gift of community property to children, § **E.42**

Husband/wife designation, presumption arising from, §§ **J.23, J.57.0, J.57.0.2, K.20, K.43, K.45.1**

Incorporation of separate-property business during marriage, § **M.68**

Information regarding property, fiduciary duty to provide, §§ **J.80.3.0.8-J.80.3.0.10**

Innocent-spouse provisions do not preempt state law making com-

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

munity property liable for either spouse's debt, § **N.29.2.15**

Intellectual property developed during marriage, profits from projects derived from, § **J.23.6**

Intent-of-lender analysis, §§ **J.75-J.75.3**

Interspousal standard of care, §§ **J.80.3.0.1-J.80.3.0.50**

Investments, spouses' fiduciary duties with regard to, §§ **J.80.3.0.3.15, J.80.3.0.8, J.80.3.0.9**

Irrevocable trust, effect of transfer of community property into, § **J.80.7.25**

Joinder of third parties claiming interest, § **C.40**

Joint bank accounts, §§ **J.11.0.6, J.11.0.7, J.11.5.50**

Joint form-community presumption  
Applicable property, §§ **J.11.1, J.11.2, J.11.5.50-J.17.4**

Construction of source statutes, §§ **J.11.5.8.1-J.11.5.35**

Death of spouse, effect of, §§ **C.156.30-C.156.50, J.48.25, J.48.30, J.48.35**

Effective date and time-line issues, § **J.11.5**

Purpose of, §§ **J.11.1, J.11.2**

Rebuttal, §§ **J.11.3, J.11.3.5**

Retroactivity, §§ **J.11.5.0-J.11.5.0.3**

Separate-property contributions reimbursable, §§ **J.11.4, J.17.2.1**

Transmutation, requirements for valid, § **J.48.7**

Levy by third parties, restraint against, § **C.24.0.1**

Liens, see Encumbrance of real property, *supra*

Lis pendens must be supported by specific claim to community real property in disso petition, § **K.12.0.5.5**

Loan acquisitions, see Credit or loan acquisitions, *supra*

Management and control

Application of fiduciary standard to pre-amendment conduct, § **J.80.3.0.6**

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

Management and control—Cont'd  
 Breach of duty, see Breach of fiduciary duty, *supra*  
 Business operation or management, § **J.80.3**  
 Community assets in managing spouse's post-separation control, § **J.80.3.0.6.10**  
 Conservatee-spouse, order requiring competent spouse to pay for support of, §§ **F.120, J.80.2.10**  
 Constitutional limitations, § **J.80.2.1**  
 Disclosure requirements, §§ **J.80.3.0.10-J.80.3.0.50, T.32.2**  
 Exceptions to general rule, § **J.80.3**  
 General rule, § **J.80.2**  
 Gift of community property, § **J.80.8**  
 Incompetent spouse, § **J.80.3**  
 Investments, spouses' fiduciary duties with regard to, §§ **J.80.3.0.3.15, J.80.3.0.8, J.80.3.0.9**  
 Personal property, transfer of, § **J.80.6**  
 Property division, standard of care continues until, § **J.80.3.0.6.5**  
 Real property, see Encumbrance of real property, *supra*  
 Separate property, § **J.80.9**  
 Spousal consent, §§ **J.80.3, J.80.3.0.0.5**  
 Standard of care, §§ **J.80.3.0.10-J.80.3.0.50, T.32.2**  
 Trust amendment, modification or termination, §§ **J.80.3, J.80.7.25**  
 Medi-Cal eligibility, § **J.100.35**  
 Medical reimbursement accounts, § **L.49.10**  
 Mortgage subsidy, characterization of employer-provided, § **J.71.0.2**  
 No-contest clause in trust instrument, §§ **C.155.10, C.157.0.1.5**  
 Nonprobate transfers of community propertySee **NONPROBATE TRANSFERS OF COMMUNITY PROPERTY**  
 Partnership distributions, § **J.69.5**  
 Pay-or-play contracts, § **J.70.0.5**

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

Pension and retirement plansSee **PENSION AND RETIREMENT PLANS**  
 Personal injury damages  
 Characterization, §§ **J.5, J.6, J.9, J.9.1**  
 Commingling, § **J.7.1**  
 Distribution on divorce, §§ **J.7, J.8, J.8.1**  
 Post-separation employment-related benefit, characterization of, § **L.25.5**  
 Preponderance-of-evidence standard of proof to rebut community presumption, § **J.22.5**  
 Preservation of community estate, orders for, §§ **C.24, C.24.0.1, C.24.1**  
 Presumptions  
 Burden of proof to overcome community presumption, § **J.79.10**  
 Community presumption rebutted where wife financed purchase of condo for parents, § **J.62.5**  
 Family-centered case resolution plan, duty of care of attorney who carries out discovery as provided in, § **C.47.9.4**  
 Joint bank accounts, §§ **J.11.0.6, J.11.0.7, J.11.5.50**  
 Jointly held property, see Joint form-community presumption, *supra*  
 Married woman's pre-1975 acquisitions, §§ **J.21, K.19**  
 Standard of proof to rebut community presumption, § **J.22.5**  
 Time of acquisition, see Time of acquisition, *infra*  
 Title, see Title, *infra*  
 Undue influence in interspousal transactions, §§ **J.80.3.0.4-J.80.3.0.5, T.33.6.10**  
 Pre-trial order for sale of community asset, § **C.38**  
 Property rights on dissolutionSee **PROPERTY DIVISION**  
 Purchase of condo for parents, community-property presumption

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

rebutted where wife financed,  
§ **J.62.5**  
Quasi-community propertySee QUASI-  
COMMUNITY PROPERTY  
Real property, see Encumbrance of real  
property, *infra*  
Receiver, appointment of, §§ **C.24.1,**  
**S.120**  
Reimbursement rightsSee PROPERTY  
DIVISION  
Restraining disposition pending disso,  
§§ **C.1, C.24, C.24.0.1, C.24.1**  
Retroactivity  
Joint form-community presumption,  
§§ **J.11.5.0-J.11.5.0.3**  
Separate-property contributions  
reimbursable, §§ **J.11.5.3-**  
**J.11.5.3.5**  
Right of first refusal in sale of family  
home, no fiduciary duty to give  
spouse, § **J.80.3.0.3.10**  
Right of survivorship, community prop-  
erty with, § **J.30**  
Sanctions for breach of fiduciary duty,  
§§ **J.80.3.0.6.5, J.80.3.5, J.80.3.10**  
Separate-property contributionsSee  
PROPERTY DIVISION  
Separate source, tracing funds to, § **J.62**  
Severance pay, §§ **L.25.1-L.25.5**  
Social security benefits, §§ **L.69-**  
**L.72.10**  
Standard of proof to rebut community  
presumption, § **J.22.5**  
State payroll warrants outstanding at  
employee's death, § **L.77.6**  
Stock options, § **L.24**  
Surviving spouse's pension subject to  
levy to enforce community tax  
debt, § **S.35.5**  
Survivorship, community property with  
right of, § **J.30**  
Termination benefits, §§ **L.25-L.25.5**  
Term life insurance, §§ **L.45-L.48.20**  
Time of acquisition  
Burden of proof to overcome com-  
munity presumption, § **J.79.10**  
Earnings, see Earnings, *supra*  
Equitable title, § **J.67**

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

Time of acquisition—Cont'd  
General community-property  
presumption, § **J.58**  
Inception of title, § **J.66**  
Married woman's pre-1975 acquisi-  
tions, §§ **J.21, K.19**  
Rebutting presumption, §§ **J.22.5,**  
**J.61-J.65**  
Standard of proof to rebut community  
presumption, § **J.22.5**  
Title  
Equitable, § **J.67**  
Failure to fulfill promise to add  
spouse's name to title of family  
home, § **J.80.3.0.4**  
Form of title creates presumption,  
§ **J.45**  
Husband/wife designation, presump-  
tion arising from, §§ **J.23,**  
**J.57.0, J.57.0.2, K.20, K.43,**  
**K.45.1**  
Inception of title, § **J.66**  
Joint form, see Joint form-community  
presumption, *supra*  
Married woman's pre-1975 acquisi-  
tions, §§ **J.21, K.19**  
Payment for services, § **J.69**  
Rebutting presumption, §§ **J.45,**  
**J.57.0.2**  
Right of survivorship, community  
property with, § **J.30**  
Undue influence presumption prevails  
over presumption that legal  
titleholder owns full title,  
§ **J.80.3.0.4**  
Untitled property, § **J.23.1**  
Tort liability, § **J.81.8.1**  
Tracing  
Direct tracing, §§ **J.78-J.79.10**  
Discretion to approve tracing method,  
§ **J.62**  
Importance of, §§ **J.76.5, J.80.0**  
Joint-tenant spouse intentionally  
killed by other, share of,  
§ **J.80.0.2**  
Methods, §§ **J.62, J.78-J.80**  
Overcoming community presumption  
by, § **J.62**  
Recapitulation method, § **J.80**



**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

Tracing—Cont'd

Refinancing proceeds, property  
purchased with, § **J.76.5.5**

Separate-property contributions,  
§§ **J.76.5-J.76.5.7, J.79.5, J.80.0**

Tax returns, §§ **N.44, N.47**

Transfer

Breach of fiduciary duty, transfer in  
excess of agreed amount as,  
§ **J.80.3.0.3.15**

Irrevocable trust, effect of transfer of  
community property into,  
§ **J.80.7.25**

Nonprobate transfersSee  
NONPROBATE TRANSFERS  
OF COMMUNITY PROPERTY

Personal property, § **J.80.6**

Real property, see Encumbrance of  
real property, *supra*

Revocable transfer on death deed  
(RTDD), § **J.57.0.45**

Separate property into community  
trust, § **J.48.6**

Transmutation

Applies to third party transactions as  
well as interspousal transfers,  
§ **J.48.8**

Automobiles, § **J.48.0.3**

Beneficiary designation, § **J.48.0.5**

Commingling, § **J.80.0**

Consent/acceptance by transferee  
spouse, § **J.48.0.1**

Extrinsic evidence inadmissible to  
prove, §§ **J.48.5, J.48.10**

Fraudulent transfers, laws governing,  
§ **J.48.0.1**

Grant deed transferring property,  
§ **J.48.7**

Interspousal-gift exception to writing,  
§ **J.48.0.3**

Joint title presumption, conflict with,  
§ **J.48.7**

Nonprobate transfers distinguished,  
§ **J.57.0.10**

Part-performance exception to writing  
requirement inapplicable,  
§ **J.48.15**

Pre-1985 law, §§ **J.48, J.57**

**COMMUNITY OR SEPARATE  
PROPERTY—Cont'd**

Transmutation—Cont'd

Purchases during marriage, transmu-  
tation statutes apply to, § **J.48.8**

Recordation of notice, § **J.48.0.1**

Reimbursement for separate property  
contributions, availability of,  
§ **J.48.9**

Revocable trust provision lacks  
express intent to transmute prop-  
erty to community from separate,  
§ **J.48.6**

Specific language required,  
§§ **J.48.0.1, J.48.5**

Standard of proof, § **J.48**

Standing to challenge validity, third  
parties lack, § **J.48.8**

Third-party transactions, transmuta-  
tion statutes apply to, § **J.48.8**

Timing of, § **J.48.25**

Undue influence, § **J.48.17**

Validity of transmutation, § **J.48.0.1**

Vehicle registration, § **J.48.7**

Wage garnishment, fraudulent transfer  
to avoid, § **S.48.0.65**

Will, inadmissibility of statement  
made in, §§ **D.18.10, J.18.10,**  
**J.48.0.4**

Writing required, §§ **J.48.0.1-J.48.15**

Trust amendment, modification or  
termination, §§ **J.80.3, J.80.7.25**

Undisclosed and reckless trading, funds  
lost through, § **J.80.3.0.3.15**

Undue influence in interspousal transac-  
tions, §§ **J.80.3.0.4-J.80.3.0.5,**  
**T.33.6.10**

Unemployment insurance benefits,  
§ **L.41.1.3**

Vacation or sick pay, § **L.49**

Valuation, § **J.99**

Will

Character of property acquired by  
bequest, §§ **J.3, J.49**

Title prevails over characterization in,  
§ **K.54.3**

Transmutation, evidence of,  
§§ **D.18.10, J.18.10, J.48.0.4**

Workers' comp benefits, §§ **L.41.1.3,**  
**L.74-L.74.10**

## COMPETENCE DETERMINATIONS

- Dismissing dissolution proceedings, determination required before, § **C.29.4.4**
- Due Process in Competence Determinations Act, § **C.29.4.4.5**
- Expert testimony, § **C.29.4.4.5**
- Guardian ad litem for incapacitated spouse, § **C.29.4.3**
- Standard for determining mental capacity to end marriage, § **C.29.4.4.5**

## COMPUTERIZED DATA

- See DATA BREACH

## CONCEALMENT OF ASSETS

- Attorney, withdrawal of, § **A.122.35**
- Award of 100% of value of undisclosed asset, §§ **J.80.3.2.5, J.80.3.2.15**
- Breach of fiduciary duty to spouse, §§ **J.80.3.2.5, J.80.3.2.10**
- Limitations period for setting aside dispositive judgment, § **T.33.6.16**
- Tort action against former spouse, § **C.160.4.15**

## CONCEALMENT OF CHILD

- Continued concealment after kidnapping conviction, prosecution for, § **G.156.0.2.3**
- Disentitlement doctrine applied, § **G.168.0.55**
- Equitable discretion to decline enforcement of support judgment, §§ **G.156.1.20, S.56.0.18.6**
- Estoppel defense to payment of support, §§ **G.156.1.1-G.156.1.20**
- Joint-custody-order specificity, §§ **G.26, G.26.0.1**
- Penal Code provisions, §§ **G.156-G.156.0.2.5, H.101**
- Stipulated judgment for support arrearages, § **T.80**
- Support enforcement, effect on, §§ **S.56.0.13.5-S.56.0.18.20**
- Utility service information, DA may obtain, § **S.61.0.7**

## CONCILIATION COURT

- Closed hearings, § **C.92**

## CONDOMINIUMS

- Children, deed restrictions excluding, § **K.1.1**
- Family-residence asset, § **K.1**

## CONFESSION OF JUDGMENT

- Attorneys' fee obligations, enforcement of, §§ **A.65.5, S.187**
- General rule, § **S.187**
- Procedural requirements, §§ **S.189, S.190**

## CONFIDENTIALITY

- Abuse, reporting injuries resulting from, § **C.15.2.8**
- Address confidentiality program, § **C.22.50**
- Attorneys
  - Duty to maintain client confidences and secrets, §§ **A.121-A.121.45**
  - Information obtained during representation, duty to maintain confidences applies to, § **A.121.45**
  - Publicly opposing project that was subject of previous representation, § **A.121.40**
  - Public wireless Internet connection, use of, § **A.121.35**
  - Referral service-client privilege, §§ **D.103.50, P.83.50**
  - Virtual law office practice, § **A.121.37**
  - Web site, ethical duties towards person who submits legal question to firm's, § **A.121.30**
- Child abduction investigations, § **S.63.2.7**
- Contingent-fee agreements, § **A.55.1**
- Custody evaluations, § **G.84.2**
- Disciplinary proceedings against attorneys, § **A.125.3.6**
- Domestic violence victims, address confidentiality program for, § **C.22.50**
- Dual representationSee DUAL REPRESENTATION
- Juvenile records, §§ **G.196.5, G.196.10**
- Mandated reports of suspected child abuse, § **G.177.5**
- Mediation communications, § **D.118**
- Sexually explicit materials, use of pseudonym in action for unautho-

## INDEX

### **CONFIDENTIALITY—Cont'd**

- rized distribution of, § **C.97.3.2**
- Sperm-donor contract, enforceability of confidentiality agreement in, § **D.40.20**
- Spouses, confidential relationship between, §§ **J.101, J.103**
- Stalking victims' rights, §§ **C.15.0.2.15, C.22.50**
- Support-enforcement records, § **S.63.2.3**

### **CONFLICT OF INTERESTS**

- Attorneys representing adverse interests—  
See **DUAL REPRESENTATION**
- Contingent fee agreements in matrimonial actions, § **A.56**
- Joining another firm, ethical obligations of attorney, § **A.122.45**
- Malpractice claim, potential, § **A.103.0.0.0.9.5**
- Recusal or disqualification of district attorney, §§ **A.71.120, A.71.125**
- Screening protocols, § **A.122.45**
- Siblings' counsel relieved where there is actual conflict of interest, § **A.113.5**
- Social workers, § **G.168.1.15**

### **CONSENT**

- AdoptionSee **ADOPTION**
- Binding arbitration, § **C.47.4.1**
- Dual representation, §§ **A.69-A.71, A.71.30**
- Fee splitting, §§ **A.48.5, A.48.10**
- Hague Convention petition, consent defense to, §§ **H.5.9.0.3, H.5.9.0.4.25**
- Medical examination of child, parental consent to, § **G.181**
- Medical treatment of child without parental consent, § **G.189.50**
- MinorsSee **MINORS**
- Move, effect of provision requiring consent of noncustodial parent to, § **G.138.37.10**
- Severance of joint tenancy in real property, § **J.11.0.3**
- Statement of decision, waiver of statutory requirements for, § **R.45.15**
- UCCJA, jurisdiction under former, § **H.100.13**
- Warrantless search of shared dwelling, evidence obtained where co-oc-

### **CONSENT—Cont'd**

- cupant consented to, § **P.113.20**

### **CONSERVATORS**

- Attorneys as, § **A.76.15**
- Domestic partners, § **U.185**
- Support of conservatee-spouse, §§ **F.120, J.80.2.10**

### **CONSOLIDATION**

- Attorneys' fees, §§ **A.13.7.10, A.13.7.15**
- Fraud or conversion actions with disso, § **C.39.1**
- Free minor from parental custody/control, proceedings to, § **G.168.5**
- Nonmarital partners, actions between, § **U.76.20**
- Support orders, § **S.64.2.1.30**
- Tort action with disso, § **C.39.5**

### **CONSPIRACY**

- Attorneys' civil conspiracies with clients, §§ **A.103.3.0.40-A.103.3.0.65**
- Prefiling requirements in action based on civil conspiracy with client, § **A.103.3.0.50**

### **CONSTITUTIONALITY**

- Abortion, parental notification or consent to, §§ **C.160.2.1, C.160.2.1.5, C.160.2.2**
- Adoption set-aside statute, § **G.167.20**
- Anti-harassment restraining orders, §§ **C.18.1, C.18.2**
- Attorneys' fee award in custody proceeding, constitutionality of statute authorizing, § **A.16.3.3**
- Attorney solicitation, prohibiting, § **A.105.0.15**
- Child abuse reporting, §§ **G.185, G.185.5**
- Child support guidelines, § **E.22.3**
- Child Support Recovery Act, §§ **S.78.8-S.78.8.7**
- Closed trial or hearing, § **C.97.1**
- Conclusive paternity presumption, § **E.0.0.5-E.0.0.10.2**
- Defendant not in state when offense committed, § **H.101.5**
- Defense of Marriage Act provision defining marriage, § **U.195**

## CONSTITUTIONALITY—Cont'd

Driver's license suspension for failure to pay child-support arrearages, § **S.64.2.3.39**

Felon's story, statute appropriating proceeds of sale of, § **A.65.6**

Firearm prohibitions applicable to domestic violence perpetrators, §§ **C.15.0.3.4.15, C.15.0.3.4.20**

Full Faith and Credit for Child Support Orders Act, §§ **E.73.5, E.73.5.3**

Gag order on litigants, free-speech rights violated by, § **D.83.10**

Grandparent visitation statutes, §§ **G.146.1.1.6, G.146.1.1.6.5, G.146.1.1.16**

Hearsay exception for child-victims, § **P.14.5**

Home schooling, § **G.44.0.4**

Illegitimate children, statute barring inheritance by, § **E.0.0.13.15**

Mandatory continuing legal education program, § **A.130**

Parental rights terminations under Prob C § 1516.5, § **G.168.5**

Passport denial/revocation when support arrearages exceed \$ 2,500, § **S.78.8.35**

Pre-read file, rule requiring counsel to request that court, § **C.44.5**

Publication of appellate opinions, rules governing, § **R.86**

Railroad retirement dependency requirement that limits annuity available to widowers, § **L.18.37**

Religious Freedom Restoration Act, § **G.142.1.5**

Same-sex marriage, constitutionality of restrictions on, § **U.192.20**

Seal pleading containing financial information, statute requiring disso court to grant application to, § **C.97.3.5**

Sexual orientation, free-speech and religious rights do not exempt doctors from prohibition against discrimination based on, § **U.200**

Tax intercept programs, § **S.69.50**

Violence Against Women Act, § **C.15.0.1.25**

## CONSTITUTIONALITY—Cont'd

Warrantless search of shared dwelling, evidence obtained where co-occupant consented to, § **P.113.20**

## CONSTRUCTIVE FRAUD

Breach of confidential relationship, §§ **J.104, J.105**

## CONSTRUCTIVE TRUSTS

Gift made in contemplation of marriage, recovery of, § **U.49**

Nonmarital partners, § **U.49**

Separate property, jurisdiction to impose on, § **J.1.1**

Support arrearages, funds held by third party to shield them against claims for, § **S.56.0.12.20**

## CONTEMPT

Ability to comply

Child support, §§ **S.151-S.151.4**

Generally, § **S.150**

Spousal support, § **S.152**

Advice of counsel, willful disobedience based on, § **S.155.20**

Alimony tax treatment of funds paid in response to contempt order, § **N.106.4.6**

Attorney represented self and spouse, fee award where, **A.16.3.2.14.20**

Avoid service, assisting client to, § **A.109**

Civil contempt, § **S.163.2.5**

Community service, § **S.164.10**

Court's presence, contempt order based on actions in, § **A.115.7**

Criminal contempt, § **S.163.2.5**

Defenses, §§ **S.154.5-S.163.1**

Denial of due process, procedural, jurisdictional and substantive errors in contempt proceedings constituted, § **A.115.8**

Discovery, § **S.146.6**

Disentitlement doctrine, § **R.10.25**

Domestic violence

Victim found in contempt for refusing to testify, § **C.15.0.0.1**

Violation of orders entered under DVPA, § **C.15.0.0.0.6**

Double jeopardy, §§ **S.162, S.162.5**

Earning capacity, § **S.151.4**

## INDEX

### CONTEMPT—Cont'd

- Elements of, §§ **S.141, S.147-S.152**
- Employment, willful failure to seek, § **S.151.4**
- Failure of attorney to appear for oral argument, § **A.114.10**
- Fam C § 271 fee award for pursuing meritless contempt action, § **A.18.3.1.20**
- Fine, § **S.165**
- Foreign judgments, § **B.32.1**
- Habeas relief, § **S.163.1.10**
- Hearing, right to be present at, § **S.146.8**
- Imprisonment, §§ **S.164, S.164.10**
- Inability to pay as affirmative defense, § **S.155.10**
- Jurisdictionally defective order, § **A.115.7**
- Jury trial, right to, §§ **S.163.2.5, S.163.2.10**
- Knowledge of order, § **S.149**
- Lack of jurisdiction, § **S.155.30**
- Lawful order, § **S.148**
- Letter to editor criticizing handling of court proceedings, § **A.115**
- Malicious prosecution action, basis for, § **A.103.3.0.30**
- Managing attorney lying to court and failing to assign replacement attorney to appear at oral argument, § **A.114.15**
- Minor victim's refusal to testify, § **P.14.3**
- Modification of disobeyed order, §§ **S.166, S.167**
- Orders enforceable by, § **S.140**
- OSC re contempt as jurisdictional prerequisite to contempt proceedings, § **S.155.30**
- Other party in contempt, § **S.163.1**
- Penalties, §§ **S.163.5-S.164.20**
- Pension distribution, § **L.202**
- Practicalities, § **S.165.1**
- Prima facie evidence, § **S.151**
- Proving elements of contempt, §§ **S.147-S.152**
- Recitation of underlying facts, sufficiency of, §§ **A.115.7, S.160.5**
- Reconciliation of parties, § **S.168**
- Religious beliefs, § **S.163.1.5**

### CONTEMPT—Cont'd

- Reporting orders against attorneys, § **A.125.3**
- Return child from Spain, failure to comply with disso court's order to, § **H.5.9.0.43**
- Reunification program, juvenile court lacks authority to jail parent for failing to comply with, § **S.164.15**
- Rights of alleged contemnor, §§ **S.146, S.146.8**
- Right to counsel, § **S.146.4**
- Sanctions compared, § **S.168.1**
- Seek-work orders enforceable by contempt, § **S.55.1.20**
- Self-incrimination, §§ **S.59.15, S.146.2**
- Sentencing, § **S.163.5**
- Service of OSC re contempt, § **S.142**
- Sexual assault victim's refusal to testify, § **P.14.3**
- Specificity required in contempt orders, § **S.160.5**
- Statute of limitations, § **S.161**
- Subpoena or order to appear, warrant for disobeying, § **S.168.1.2**
- Testimonial privileges, § **S.146.2**
- Tone of voice, contempt order based on, § **A.115.6**
- Visitation order, failure to comply with, § **S.153.10**
- Waiver or estoppel, § **S.163**
- Warning, § **A.115.6**
- Yelling, § **A.115.6**

### CONTINGENT-FEE AGREEMENTS

See ATTORNEYS' FEES

### CONTINUANCE

- Americans with Disabilities Act, continuance under, §§ **C.29.11.40, C.42.1.20**
- Attorneys' fee award as condition, § **A.29.2**
- Courtroom unavailability tolls five-year period for bringing case to trial, § **C.29.20**
- Death of plaintiff's attorney before trial, § **C.29.11.25**
- Dependency proceeding continued pending outcome of criminal abuse trial, § **G.195**

## **CONTINUANCE—Cont'd**

- Harassment restraining orders, hearing on, § **C.16.5**
- Life-threatening illness of attorney, continuance due to, § **C.29.11.25**
- New counsel, continuance to obtain, § **C.29.11.30**
- Protective orders, hearings on petitions for, § **C.1.2**
- Rebuttal expert witness, testimony of, § **C.29.11.35**
- Scheduling conflict, continuance where attorney had unexpected, § **C.29.11.27**
- Stipulated request for continuance, § **C.29.11.15**
- Summary judgment motion, §§ **C.29.11.20, T.8.40**
- Workplace violence restraining orders, § **C.23.5**

## **CONTINUING CONTACT**

See **CUSTODY**

## **CONTRACTS**

- Antenuptial agreementsSee **PREMARITAL AGREEMENTS**
- Assisted reproduction agreement for gestational carriersSee **SURROGACY**
- Attorneys' fee agreementsSee **ATTORNEYS' FEES**
- Award of fees to prevailing party, §§ **A.16.3.2-A.16.3.2.5**
- Governing law, agreement as to, § **B.55**
- Immigrant spouse's contractual right to support from sponsor, §§ **B.26.2.2, F.110, S.59.50**
- Minor's disaffirmance of contract and of arbitration award, § **C.47.4.10**
- Nonmarital cohabitationSee **NONMARITAL COHABITATION**
- Premarital agreementsSee **PREMARITAL AGREEMENTS**
- Private support-collection contracts, § **S.64.20**
- Venue clauses, § **B.55**

## **CONVERSION**

- Attorney's charging lien, § **A.65.3**
- Bank's duty of care to attorney whose office manager deposited misap-

## **CONVERSION—Cont'd**

- propriated client funds, § **A.103.3.2**
- Consolidation of separate actions with disso, § **C.39.1**
- Nonmarital partners, recovery by, § **U.51**

## **CO-PARENTING**

- Adoption by third party to co-parenting agreement, consent of parents to, § **G.163.5.20**
- Modification of co-parenting residential arrangement, § **G.133.1.2**
- Validity of stipulated judgment establishing parentage, same-sex partner estopped from challenging, §§ **C.90.5, T.95**

## **COPYRIGHT**

- Divisible community asset, §§ **J.10.4, J.23.3**

## **CORPORAL PUNISHMENT**

- Parent's right to discipline, §§ **G.185, G.199**

## **CORPORATIONS**

- Law corporationsSee **LAW FIRMS**
- Pendente lite attorneys' fee award against, § **A.3.0.1**

## **COSTS**

- Advancing costs, § **A.24.1**
- Allowable costs, § **A.24**
- Appeals, §§ **R.13, R.14, R.15, R.54.18**
- Arbitration proceedings, § **A.24**
- Attorneys' feesSee **ATTORNEYS' FEES**
- Computer-assisted support services and document retrieval costs, § **A.24**
- Deadline for filing memorandum of costs, § **S.20**
- Definition of prevailing party for purposes of award of costs, § **A.24**
- Disciplined attorney ordered to pay costs of investigation and hearings, § **A.125.3.4**
- Electronically stored information, discovery of, § **D.61.5**
- Enforcement costs, §§ **S.17-S.20**
- Equitable allocation in complex cases, § **A.14.5**
- Interest on costs of enforcement, § **S.11**
- Memorandum of costs, § **S.20**



## INDEX

### **COSTS—Cont'd**

Motion to quash subpoena, expenses incurred in making or opposing, § **D.40**

Recoverable by prevailing party, §§ **A.16.3.2-A.16.3.2.5, A.24**

Registered process server fees, § **S.20**

Remittitur, § **R.97**

Satisfaction of judgment, effect of, § **S.20**

Time limits, § **S.20.1**

### **COUNSELING**

Crime victim, reimbursement of mental health counseling expenses for, **C.15.0.6**

CustodySee **CUSTODY**

Juvenile court exit orders, § **G.3.2.5**

### **COURT-APPOINTED COUNSEL**

See **ATTORNEYS**

### **COURT RECORD**

See **RECORD**

### **COURT REPORTERS**

Allowable costs, § **A.24**

Electronic recording of court proceedings, § **C.97.2**

Judicial immunity, § **A.103.1.25**

TranscriptsSee **TRANSCRIPTS**

### **COVENANT NOT TO COMPETE**

Attorneys' partnership agreement, § **M.58**

Goodwill, §§ **M.58-M.58.15**

Valuation issues, §§ **M.59.5, M.59.10**

### **CREDIT AGENCIES**

Support orders, reporting, § **S.64.0.7**

### **CREDITORS**

Available remedies under Uniform Voidable Transactions Act, §§ **S.48.0.50-S.48.0.75**

Child support payment to be made before payment of any debt owing to creditors, Fam C § 4012 requires, **E.1.0.5**

Fam C § 2023(b) precludes creditor from enforcing wife's debt that husband was ordered to pay in disso judgment, §§ **J.81.0.0.10, S.4**

### **CREDITORS—Cont'd**

Law firm as creditor for purposes of Equal Credit Opportunity Act or Truth in Lending Act, § **A.49.4.5**

Veterans' benefits for service-connected disability exempt from creditors' claims, § **S.44.5**

### **CREDIT REPORTS**

Discovery, §§ **D.128, D.129**

Past-due child support, § **D.130**

Support-enforcement agency requesting, §§ **D.130.5, S.64.2.2.45, S.235**

### **CRIMES**

Attorney-client privilege, crime-fraud exception to, § **A.115.11**

Automatic stay in bankruptcy does not preclude criminal prosecution for nonsupport, § **O.32.1**

Battery, §§ **C.15.0.1, C.15.0.1.3**

Biological father's criminal activity precluded Kelsey S. status, § **G.168.0.17**

Child-snatch laws, §§ **G.156, H.101**

Child Support Recovery Act, §§ **S.78.8-S.78.8.25**

Community or separate interest, robbery or vandalism of property in which other spouse has, § **C.160.4.8**

Corporal injury to spouse, cohabitant, fianc0233e or other parent of offender's child, §§ **C.15.0.0.2, C.15.0.0.2.5, C.15.0.0.4**

Custodial parent charged with felony, guardianship information to be provided to, § **G.29.2.0.9**

DNA evidence admissibility, §§ **E.0.0.16.10, E.0.0.16.12**

Domestic violence, related to, §§ **C.15.0.0.1-C.15.1.10**

Duplicating house keys, § **K.11**

Embezzlement by spouse, restitution for, § **J.84.1.2.15**

Equitable reallocation of character of debt, §§ **J.84.1.0-J.84.1.2.15**

False reports to police, exception to the litigation privilege for, § **A.103.0.0.1.55**

Felon's story, constitutionality of statute appropriating proceeds of sale of, § **A.65.6**

## CRIMES—Cont'd

- Firearm prohibitions, §§ **C.15.0.3-C.15.0.3.5**
- Fraudulent documents offered into evidence, § **P.2.10**
- Harassment restraining orders, violating, § **C.22**
- Immigration marriage fraud, § **C.0.5.25**
- Inciting harassment through electronic communications, § **C.15.0.3.15**
- Intent to deprive custody right of another, §§ **G.156, H.101**
- International Parental Kidnapping Crime Act (IPKCA), § **H.5.6.5**
- Interstate domestic violence and stalking, § **C.15.0.6.10**
- Intimate partner battering, expert testimony in criminal proceedings regarding, §§ **C.15.0.6.20, C.15.1**
- Litigation privilege applies to citizen's report to police of suspected criminal activity, § **A.103.0.0.1.55**
- Misappropriation of confidential information re pending tender offer, § **A.121.15**
- Parental liability, § **G.18.1.7.5**
- Personal data on children, distribution of, § **G.198.10**
- Removal of child in violation of custody order, §§ **G.156, H.101**
- Reporting indictment of attorney, § **A.125.3**
- Restitution of victims, §§ **C.15.0.5, C.15.0.6, C.15.0.6.5**
- Seized propertySee SEIZED PROPERTY
- Sexual battery, § **C.15.0.1.4**
- Shelter, parent's failure to provide, §§ **G.18.1.7.20, G.142.4.2**
- Spousal rape, § **C.15.0.3.7**
- Spousal support, flight to avoid paying, § **S.56.0.12**
- StalkingSee STALKING
- Telephone or electronic harassment, § **C.15.0.3.9**
- Therapist and client, sex between, § **A.108.0.25**
- Weapons violations, §§ **C.15.0.3-C.15.0.3.5**
- Willful failure to pay past-due support, § **S.78.8**

## CRIMINAL CONVICTION

- Certified official conviction record, §§ **P.6, P.107**
- Child Support Recovery Act, § **S.78.8.15**
- Custody determination, effect on, § **G.42**
- Free from custody and control of parent, procedure to have child declared, § **G.168.5**
- Gun violence restraining orders (GVRO), § **C.13.50**
- Judicial notice regarding, § **P.6**
- Murder or attempted murder of other spouse or parent
  - Custody or visitation prohibited for convicted parent, § **G.42**
  - Remedies for victim of murder attempt, §§ **A.16.0.0.5, C.15.0.1.30, J.100.28**
- Rebuttable presumption that parent convicted of sexual abuse poses substantial risk of harm, § **G.201**
- Relinquishment of firearms, § **C.15.0.3.4.5**
- Reporting conviction of attorney, § **A.125.3**
- Reversal
  - Defense counsel and prosecutor, relationship between, § **A.125.0.5**
  - Sexual relationship with client's spouse, § **A.125.1.0.2**
- Termination of parental rights, § **G.168.30**
- Willful failure seek employment, conviction under CSRA based on, § **S.78.8.15**

## CRIMINAL FORFEITURE

- See SEIZED PROPERTY

## CROSS-COMPLAINTS

- Vexatious litigant finding, **51:573.13[3][a]**

## CUSTODIAN OF RECORDS

- See SUBPOENA DUCES TECUM

## CUSTODY

- AbductionSee CHILD ABDUCTION
- Ability to love, § **G.29**

## INDEX

### CUSTODY—Cont'd

- Absence or relocation from family home, § **G.26.10**
- Address of child, right to know, § **G.142.5**
- Adoption See **ADOPTION**
- Alcohol abuse, §§ **G.25, G.26.2**
- Alien Tort Statute, applicability of, § **H.5.7.20**
- Appeals
  - Calendar preference, § **R.12**
  - Pendente lite custody orders, § **G.160**
  - Postjudgment evidence, consideration of, § **R.49.1**
  - Stay of execution, §§ **G.159, R.54**
  - Supersedeas writ, §§ **G.161.5-G.163**
- Appointed counsel
  - Death of party and jurisdiction to set fees, § **C.156.22**
  - Duties and rights of counsel for child, § **G.123.17**
  - Ex parte communications with evaluator prohibited, § **G.123.17**
  - Factors considered in determining whether to appoint counsel, § **G.123.10**
  - Financial ability to pay, § **G.123.20**
  - Generally, §§ **A.9, A.113**
  - Mediator's recommendation, § **G.78.4**
  - Parent's constitutional rights not violated by appointment of counsel for child, § **G.123.18**
  - Pilot projects to provide appointed counsel for low-income civil litigants, § **A.30.5.2**
  - Preference regarding custody and visitation, child testifying to, § **G.35**
  - Present child's wishes to court, § **G.123.17**
  - Procedure for appointment, § **G.123.15**
  - Role of minor's counsel, § **G.123.17**
  - Statutory authority, § **G.123.10**
- Attorneys
  - Court-appointed, see **Appointed counsel, supra**
  - Disqualification based on substantial-relationship test, § **A.71.51**

### CUSTODY—Cont'd

- Attorneys—Cont'd
  - Duty to disclose location of children, § **A.112**
- Attorneys' fees
  - Authority for fee awards, §§ **A.8-A.10.5**
  - Consolidated guardianship action, § **A.13.7.15**
  - Court-appointed counsel, § **A.9**
  - Death of party and jurisdiction to set fees for children's counsel, § **C.156.22**
  - Disparity of access to funds and ability to pay, finding of, § **A.10.5**
  - Forms required to be filed by party seeking order, § **C.29.4.20**
  - Independent actions for exclusive custody, §§ **A.10.5, G.164**
  - Rule listing documents to be filed to request or respond to request for, § **A.10.5**
  - Waiver by agreement, § **A.3.5**
- Auto insurance claims, §§ **G.18.1.7.30, G.18.1.7.35**
- Best interests of child
  - Counseling orders, § **G.118**
  - Factors determining, §§ **G.25, G.26.0.5-G.44.0.4**
  - Health, safety, and welfare of child, §§ **G.25, G.26.2**
  - ICWA placement preferences, departure from, § **G.171.10**
  - Intensive family therapy program, effect of participation in, § **G.133.1**
  - Joint custody, § **G.26**
  - Joint physical custody, § **G.16.1**
  - Juvenile court exit orders, § **G.3.2.6**
  - Military deployment of parent, § **G.138.68**
  - Modification proceedings, § **G.133.1**
  - More than two parents, allocation of custody/visitation of child found to have, **G.25**
  - Noncustodial parent seeking change of custody, §§ **G.133.3, G.138.37.22**
  - Parent's physical handicap not controlling, § **G.27**
  - Post-trial evidence, § **G.44.1**

## **CUSTODY—Cont'd**

- Best interests of child—Cont'd
  - Preference regarding custody and visitation, child testifying to, § **G.35**
  - Presumption against custody to domestic violence perpetrator, § **G.26.5**
  - Reasonable work regimen, § **E.38.8**
  - Relocation, §§ **G.138.15, G.138.35, G.138.38, G.138.40**
  - Special immigrant juvenile status, § **G.166.3.35**
  - Supervised visitation providers, §§ **G.26.7, G.142**
  - Surname, §§ **G.172.0.1, G.172.0.2**
- Bias
  - Custody evaluator, removal of, § **G.84.3.5**
  - Gender bias, §§ **G.28.5, G.85**
- Bifurcation, §§ **G.80-G.84**
- Birth certificate, submission of, § **H.5.8**
- Bonding between disabled child and siblings, § **G.27.5**
- Breast-feeding, no evidence of gender bias in judge's consideration of, § **G.28.5**
- Burden of proof
  - Existing custody agreement, burden of party seeking to change, § **G.123**
  - Modification proceedings, §§ **G.125.10-G.133.1.5**
  - Move-away cases, §§ **G.133.1.5, G.138.15, G.138.37.10**
  - Original award, § **G.122**
  - Presumption affecting, § **G.26**
- Calendar preference, § **C.72.2**
- Change of circumstances
  - Birnbaum rule, § **G.133.1.2**
  - Bonding study, vacating order for, § **G.84.2**
  - De facto parent status, termination of, § **G.29.2.1.7**
  - Dicta in original custody decision not binding on request for custody change, § **G.138.16**
  - Domestic violence proceedings, custody order made in, § **G.133.4**

## **CUSTODY—Cont'd**

- Change of circumstances—Cont'd
  - Exemption for custody by agreement, § **G.98**
  - General rule for modification, § **G.133**
  - Intensive family therapy program, effect of participation in, § **G.133.1**
  - Interference with visitation as, §§ **G.134.5, G.153**
  - Juvenile court exit orders, § **G.3.2.6**
  - Move-away cases, §§ **G.138.15, G.138.20, G.138.37.22**
  - Noncustodial parent seeking custody change/relocation order, § **G.138.37.22**
  - No prior judicial adjudication, §§ **G.98, G.123, G.133.2**
  - Parenting plan, rule inapplicable to modification of, § **G.133.1.2**
  - Planned move as, § **G.138.20**
  - Relocation cases, §§ **G.138.15, G.138.20, G.138.37.22**
  - When rule inapplicable, §§ **G.98, G.123, G.133.1.2, G.133.2**
  - Whether stipulated custody order is final custody determination, §§ **G.133.3, G.138.37.5**
- Change of residenceSee **MOVE-AWAY**
- Child abuse allegations, §§ **G.173.10, G.173.15**
- Child's preference
  - Age factor, § **G.36**
  - Authority for examination, §§ **G.35, G.70**
  - Capacity to express, § **G.25**
  - Child's right to address court, §§ **G.35, G.139.10, P.11**
  - County policy, § **G.39**
  - Discretion of court, § **G.36**
  - Expert witnesses, § **G.120**
  - Failure to consider, § **G.168.25**
  - Modification proceedings, § **G.38.1**
  - Procedure, §§ **G.35, G.35.1, G.39**
  - Weight given, § **G.36**
  - Witness protection, § **G.35**
- Child's right to continued stable placement, § **G.29.2.0.2**
- Closed hearings, § **C.95**

## INDEX

### CUSTODY—Cont'd

#### Continuances

Late custody evaluation report,  
§ **G.84.4**

Rebuttal expert witness, testimony of,  
§ **C.29.11.35**

Continue ex parte custody order as part  
of permanent restraining order,  
abuse of discretion by failing to,  
§ **C.13.4**

Continuing contact with noncustodial  
parent

Parent more likely to allow, § **G.51.1**

Preference, §§ **G.25, G.51.1**

Controlled substances, habitual use of,  
§§ **G.25, G.26.2, G.43**

Co-parentingSee CO-PARENTING

#### Counseling

Court-ordered, § **G.118**

Domestic violence history, § **C.1.8.5**

Juvenile court exit orders, § **G.3.2.5**

Limited duration under Family Code  
provision, §§ **G.3.2.5, G.118**

Open-ended orders, § **G.3.2.5**

Custodial parent charged with felony,  
guardianship information to be  
provided to, § **G.29.2.0.9**

#### Death

Fees for children's counsel, jurisdic-  
tion to set, § **C.156.22**

Modification jurisdiction, § **C.63.3**

Relative's standing, § **G.139.4.10**

Surviving parent's right, §§ **C.63.3,**  
**G.139.4.5**

Decedent's sperm, artificial insemina-  
tion with, § **G.166.30**

De facto parent status, §§ **G.29.1-**  
**G.29.2.8**

Delay in prosecution, existence of valid  
custody order precludes dismissal  
for, § **C.29.14.2**

Dependency proceedingsSee

DEPENDENCY PROCEEDINGS

#### Detriment to child

Failure to meet burden of showing  
that move would not be  
detrimental, § **G.138.37.22**

More than two parents, statutory  
authority for finding that child  
has, §§ **E.0.0.12.1,**  
**E.0.0.12.6.10, E.0.0.12.7.20**

### CUSTODY—Cont'd

#### Detriment to child—Cont'd

Noncustodial parent seeking custody  
change/relocation order,  
§ **G.138.37.22**

Nonmoving parent opposing custodial  
parent's relocation has burden of  
showing, §§ **G.138.15,**  
**G.138.37.20, G.138.37.25**

Nonparent granted custody over  
objection of parent, detriment  
finding required when,  
§§ **G.29.0.5, G.29.1**

Stable placement, detriment to child  
includes harm of removal from,  
§ **G.29.0.5**

Disabled child and siblings, § **G.27.5**

Disparity in income, § **G.44.0.1**

Disqualification of paternal grandparent  
representing child's father,  
§ **A.71.51**

Divided, § **G.17**

Document exchange with juvenile court,  
§ **G.3.6**

#### Domestic violence

Changed-circumstances rule, final  
custody determination for  
purposes of, § **G.133.4**

Continue ex parte custody order as  
part of permanent restraining  
order, abuse of discretion by fail-  
ing to, § **C.13.4**

Counseling when history of, § **C.1.8.5**

Court must state reasons for awarding  
custody to parent accused of,  
§§ **G.26.2, G.205**

Custody evaluators, training programs  
for, § **G.84.2**

Failure to apply presumption against  
awarding custody to perpetrator,  
§ **G.26.5**

History of abuse, effect on custody  
determination of, §§ **G.26.2,**  
**G.205**

Implied findings doctrine does not  
apply to presumption against  
awarding custody to perpetrator,  
§ **G.26.5**

Issuance of custody and visitation  
orders, § **C.13**

Mandatory application of presump-

**CUSTODY—Cont'd**

Domestic violence—Cont'd  
     tion against custody to perpetrator, § **G.26.5**  
     Mediation sessions, § **G.78.0.0.5**  
     Presumption that custody to perpetrator would be detrimental, § **G.26.5**  
     Rebuttal of presumption that custody to perpetrator would be detrimental, § **G.26.5**  
     Renewal of protective order, § **C.13.5**  
     Temporary custody orders in DVPA proceedings, § **C.13.9**  
     Termination of protective order, DVPA orders survive, §§ **C.13, C.13.7**  
     Violence committed within previous five years, presumption against awarding custody to perpetrator applies when, § **G.26.5**  
     Drug tests authorized for parents in custody disputes, §§ **G.25, G.43**  
     Drug use, §§ **G.25, G.43**  
     Economic advantage, § **G.44.0.1**  
     Education  
         Home schooling, §§ **G.44.0.4, G.168.1.9**  
         Tribal membership, § **G.171.10**  
     Emotional abandonment, §§ **G.29.1, G.29.2**  
     Encourage relationship with other parent, § **G.39.5**  
     Enforcement  
         ContemptSee **CONTEMPT**  
         Custodial parent's overseas move, § **G.138.50**  
         Disso remains pending after judgment entered, § **C.87.1.0.7**  
         Foreign decrees, see Foreign decrees, *infra*  
         Office of friend of court, § **G.146.10**  
     Enticement, § **G.172.3**  
     Equitable parent, § **G.29.2.6**  
     Ethnicity, §§ **G.32.5, G.169**  
     Evaluations  
         Ability to pay determination when allocating cost, § **G.84.5**  
         Anti-SLAPP motion to strike filed by evaluator, § **A.103.2.125**

**CUSTODY—Cont'd**

Evaluations—Cont'd  
     Apportioning cost between parties, § **G.84.5**  
     Assignment to custody evaluator, § **G.84.2**  
     Child abuse allegations, §§ **G.84.2, G.173.10**  
     Client, sharing probation report with, § **G.84.10**  
     Confidentiality and disclosure restrictions, §§ **G.84.2, P.56**  
     Continuance based on late report, § **G.84.4**  
     Court's reliance, § **G.84.3**  
     Cross-examination, § **G.84.9.1**  
     Deposition questions constituting unwarranted disclosure, § **P.56**  
     Domestic violence training programs for evaluators, § **G.84.2**  
     Ethical rules for court-appointed custody evaluators, § **G.84.3.5**  
     Evidentiary issues, §§ **G.84.6, P.56-P.60**  
     Ex parte communications prohibited, §§ **G.84.3.5, G.123.17**  
     Failure of court to consider report, § **G.168.25**  
     Hearsay, § **G.84.9.2**  
     Litigation privilege, application of, § **A.103.0.0.1.7**  
     Local rules or guidelines, §§ **G.84.6.5-G.84.10**  
     Notice and opportunity to be heard on fee issue, § **A.103.2.125**  
     Purpose and scope, requirement to define, § **G.84.2**  
     Qualifications for evaluators, § **G.84.2**  
     Qualified-judicial immunity for custody evaluator, §§ **A.103.1.10, P.87.2**  
     Reasonable compensation determination, § **G.84.5**  
     Recommendation not binding on court, § **G.78.20**  
     Reimbursement for expenses incurred, § **G.84.5**  
     Removal of evaluators for ethical violations, § **G.84.3.5**



## INDEX

### CUSTODY—Cont'd

#### Evaluations—Cont'd

Sanctions for unwarranted disclosure,  
§§ **G.84.2, G.173.10, P.56**

Time limits for report, § **G.84.3**

Evidentiary hearing required when  
mediation fails to resolve contested  
issues, §§ **G.78.15, G.139.2**

Examination and cross-examination  
Child's preference, §§ **G.35, G.70,  
G.139.10**

Custody evaluator, § **G.84.9.1**

Mediators, § **G.78.1**

Exclusive custody, independent actions  
for, §§ **A.10.5, G.164**

Exclusive use of home, §§ **G.83, G.84,  
K.56.0.1, K.58.1.1.2**

Existing custody agreement, burden of  
party seeking to change, § **G.123**

Existing living arrangement, preference  
for maintaining, § **G.85**

Exit orders of juvenile court, §§ **G.3.2.3-  
G.3.2.6**

Ex parte temporary orders, §§ **G.90-  
G.95**

#### Expenses

Custody evaluations, § **G.84.5**

UCCJEA proceedings, § **H.91**

#### Expert witnesses

Child's preference, § **G.120**

Court-appointed psychiatrist, § **G.114**

Importance, § **G.119**

Psychotherapist-patient privilege,  
§§ **G.115, G.116**

Unlicensed acts, § **G.121.0.1**

False imprisonment of child, prosecu-  
tion for, §§ **G.156, G.156.0.2.9,  
G.199**

False report of sexual abuse, §§ **G.26.4,  
G.173.15**

Family home, parent's absence or  
relocation from, § **G.26.10**

#### Fees

Attorneys' feesSee subhead:  
Attorneys' fees

Custody evaluator's feeSee subhead:  
Evaluations

Felony, commission of, § **G.42**

Financial status, § **G.44.0.1**

### CUSTODY—Cont'd

First parent to provide home for child,  
custody preference to, § **G.85**

#### Foreign countries

Alien Tort Statute, applicability of,  
§ **H.5.7.20**

Consular assistance in locating child,  
§§ **H.5.8.2, H.5.8.3**

Custodial parent's overseas move,  
§ **G.138.50**

Dependent child's placement over-  
seas, § **G.138.50**

Hague Convention, §§ **H.5.9.0.1-  
H.5.9.0.50**

Immunity bars suit against consular  
officials, § **G.172.5**

International Parental Kidnapping  
Crime Act (IPKCA), § **H.5.6.5**

Passport control, §§ **G.25.5, H.5.8.1**

#### Foreign decrees

International application of former  
UCCJA, §§ **H.100.1-H.100.4**

Modification, impermissible, § **H.52.5**

Registration of, § **H.61**

UCCJEASee UCCJEA (UNIFORM  
CHILD CUSTODY JURISDIC-  
TION AND ENFORCEMENT  
ACT)

Forms required to be filed by party seek-  
ing order, rule of court governing,  
§ **C.29.4.20**

Foster parents, § **G.29.2.1**

Free minor from parental custody/  
control, proceedings toSee  
TERMINATION OF PARENTAL  
RIGHTS

Future conduct, § **G.41.1**

Gender bias, §§ **G.28.5, G.85**

Government authorities, removal of  
child from parental custody by,  
§ **G.181**

GuardianshipSee GUARDIANSHIP

Habeas corpus, §§ **G.167.1-G.167.10**

Hague Convention on International  
Child Abduction, § **H.5.9.0.1 et  
seq.**

Health, safety, and welfare, §§ **G.25,  
G.26.2**

#### Hearsay evidence

Evaluator's report, § **G.84.9.2**

Generally, §§ **P.90-P.95**

**CUSTODY—Cont'd**

- History of abuse, §§ **G.26.2, G.205**
- Home schooling, §§ **G.44.0.4, G.168.1.9**
- Homosexuality of parent, § **G.32**
- Illegal purpose, custody rights exercised for, § **G.156.0.2.9**
- Immigration status of parent or relative seeking, § **G.25**
- Independent actions for exclusive custody, §§ **A.10.5, G.164**
- Indian childrenSee **INDIAN CHILD WELFARE ACT (ICWA)**
- Intent to deprive custody right of another, §§ **G.156, H.101**
- Interference with parental relationship, § **G.172.3**
- Interference with visitation rights, §§ **G.134.5, G.153**
- International Parental Kidnapping Crime Act (IPKCA), § **H.5.6.5**
- Interracial placement, § **G.169**
- Interstate Compact on Placement of Children, § **G.3.2.10**
- Interstate jurisdiction
  - Blood tests, § **H.5.9.3**
  - Foreign countries, see Foreign countries, *supra*
  - Fugitive Felon Act, § **H.5.7**
  - Minimum contacts, §§ **B.18, B.21.3**
  - Missing children, § **H.5.8**
  - Parents' rights and responsibilities, § **G.18.1 et seq.**
  - Subject-matter, §§ **B.21.3, B.34**
  - UCCJEASee **UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)**
  - Visitation, exercise of, §§ **B.21.5, B.21.5.5**
  - Witness protection program, § **H.5.9.1**
- Investigations, see Evaluations, *supra*
- Joinder of persons with custody claim or visitation rights, § **G.29.0.10**
- Joint custody
  - Court-ordered investigation, § **G.62**
  - Defined, §§ **G.10, G.26**
  - Failure to apply presumption against awarding custody to perpetrator, § **G.26.5**

**CUSTODY—Cont'd**

- Joint custody—Cont'd
  - Frequent and continuing contact with both parents, preference for, § **G.51.1**
  - General considerations, § **G.51**
  - Grant or denial of joint custody, statement of reasons for, § **G.63**
  - Head-of-household credit, § **G.15.1**
  - Legal, see Joint legal, *infra*
  - Modification, §§ **G.26, G.57**
  - Physical, see Joint physical, *infra*
  - Plan, see Parenting plan, *infra*
  - Presumption for or against, §§ **G.25, G.26**
  - Request for statement of decision, § **G.63**
- Joint legal
  - Defined, §§ **G.13, G.26**
  - Parents' rights and responsibilities, § **G.18.1**
  - Presumption for or against, §§ **G.25, G.26**
  - Primary-caretaker designation, § **G.26**
  - Shared decisionmaking, § **G.56**
  - Shelter, parent's failure to provide, §§ **G.18.1.7.20, G.142.4.2**
  - Specify circumstances requiring joint consent, §§ **G.26, G.26.0.1**
  - Stepparent adoption, consent to, § **G.18.1.8**
- Joint physical
  - Best interests of child, § **G.16.1**
  - Defined, §§ **G.16.1, G.26**
  - Presumption for or against, §§ **G.25, G.26**
  - Primary-caretaker designation, § **G.26**
  - Specify right to physical control, §§ **G.26, G.26.0.1**
- Jurisdiction
  - Concurrent, § **G.3**
  - Death, see Death, *supra*
  - Disso remains pending with regard to child support and custody, § **C.87.1.0.7**
  - Domestic-relations exception to diversity jurisdiction, §§ **B.26.1-B.26.1.7**
  - First in time, § **G.3**

## INDEX

### **CUSTODY—Cont'd**

#### Jurisdiction—Cont'd

Indian childrenSee **INDIAN CHILD WELFARE ACT (ICWA)**

Interstate, see Interstate jurisdiction, *supra*

Juvenile courtSee **JUVENILE COURT**

In personam over parents, § **G.2**

Special master, discipline of psychologist serving as, § **G.84.14**

Statutory authority, § **G.1**

Juvenile courtSee **JUVENILE COURT**

Kick-out orders, §§ **G.88.1, G.89**

#### Legal custody

Joint, see Joint legal, *supra*

Sole, § **G.15.5**

Litigation privilege, application of, § **A.103.0.0.1.7**

Location of children, duty to disclose, § **A.112**

#### Mediation

Confidentiality, § **G.77**

Domestic violence, history of, § **G.78.0.0.5**

Ex parte communications with appointed counsel prohibited, § **G.123.17**

Generally, § **C.72.1**

Hearing required when mediation fails to resolve contested issues, §§ **G.78.15, G.139.2**

Investigative, § **G.76**

Liability of mediators, § **G.76.5**

Mandatory in contested cases, § **G.74**

Meet separately with parties, § **G.78.0.0.5**

Powers of conciliator, § **G.78**

Private, § **G.76.1**

Recommend appointment of counsel, § **G.78.4**

Recommendations, §§ **G.78.1, G.78.1.1, G.78.2.5**

Record of proceedings, § **G.78.3**

Referral to, § **G.75**

Standards for practice, § **G.74**

Statewide coordination, § **G.74.1**

Support persons, § **G.78.0.1**

### **CUSTODY—Cont'd**

#### Mediation—Cont'd

Testimony of mediators, §§ **G.78.1, G.78.1.1, G.78.1.3**

Trial court's reliance on mediator's report and recommendations, § **G.78.2.5**

Waiver of privilege to refuse disclosure, § **G.76.1.1**

Medical care authorization, § **G.29.2.30**

Mental illness of parent, § **G.32.5**

Military deployment, mobilization or temporary duty orders, §§ **G.138.68, G.146.1.2**

Missing Children Act, § **H.5.8**

#### Modification

Best-interests finding insufficient, § **G.133.1**

Birnbaum rule, § **G.133.1.2**

Burden of proof, §§ **G.125.10-G.133.1.5**

Child's preference, § **G.38.1**

Co-parenting residential arrangement, § **G.133.1.2**

Death of parent, § **C.63.3**

Default disso judgment, effect of, § **G.138.120**

Dicta in original custody decision not binding, § **G.138.16**

Ethnicity, §§ **G.32.5, G.169**

Existing custody agreement, § **G.123**

French court's custody order impermissibly modified, § **H.52.5**

Handicap, § **G.138**

Hearing when mediation fails to resolve contested issues, §§ **G.78.15, G.139.2**

Inconvenient forum, §§ **H.100.26, H.100.27**

Intensive family therapy program, effect of participation in, § **G.133.1**

Interference with visitation, §§ **G.133.10, G.134.5, G.153**

Interracial remarriage, § **G.32.5**

Joint-custody order, §§ **G.26, G.57**

Military deployment, mobilization or temporary duty orders, §§ **G.138.68, G.146.1.2**

Move-away casesSee **MOVE-AWAY**

**CUSTODY—Cont'd**

Modification—Cont'd

- OSC, failure to personally serve,  
§§ **C.29.4.20, C.29.4.30**
- Out-of-state custody decree,  
§§ **H.100.30-H.100.33**
- Parental misconduct, effect of, § **H.38**
- Parenting schedule, § **G.133.1.2**
- PKPA jurisdiction, §§ **H.5.1, H.5.2, H.5.3**
- Placement of dependent child,  
§ **G.29.2.0.4**
- Planned moveSee MOVE-AWAY
- Procedural errors, § **C.29.4.30**
- Punishment, § **G.138.70**
- Reunification therapy, participation  
in, § **G.133.1**
- Service of notice of request for,  
§ **C.29.4.20**
- Sex offender living in household,  
§ **G.138.100**
- Showing, see Change of circum-  
stances, *supra*
- Sole custody, § **G.133.1.1**
- Statement of decision, § **G.139.1**
- UCCJEA jurisdiction, §§ **H.52-  
H.52.10**
- Venue, §§ **C.29.4, G.5.0.1-G.5.3**
- Waiver of fees, § **A.3.5**

More than two parents

- Allocation of custody and visitation  
based on child's best interests,  
**G.25**
- Statutory authority for finding that  
child has, §§ **E.0.0.12.1, E.0.0.12.6.10, E.0.0.12.7.20**
- Third parent adoption, § **G.163.5.20**
- Valid claim under Uniform Parentage  
Act, person seeking third-parent  
status must establish,  
§ **E.0.0.12.7.30**

Move-away casesSee MOVE-AWAY

Murder of child's other parent, effect of  
conviction for, § **G.42**

Nonparents

- Child's right to continued stable  
placement, § **G.29.2.0.2**
- Current caretaker entitled to notice  
prior to placement change,  
§ **G.29.2.0.15**

**CUSTODY—Cont'd**

Nonparents—Cont'd

- De facto parent status, §§ **G.29.1-  
G.29.2.8**
- Dependency finding reversed for child  
in legal custody of relative,  
§ **G.29.2.0.6**
- Detriment finding, §§ **G.29.0.5, G.29.1**
- Equitable parent, § **G.29.2.6**
- Failure to consider parent as  
custodian for dependent child,  
§ **G.29.2.0.3**
- Finding required, § **G.25**
- Foster parents, § **G.29.2.1**
- GuardianshipSee GUARDIANSHIP
- Indian Child Welfare Act, failure to  
apply substantive provisions of,  
§ **G.171.30**
- Joinder in custody action, § **G.29.0.10**
- Joint guardian rights, § **G.29.2.15**
- Medical care authorization,  
§ **G.29.2.30**
- Nonrelative extended family member,  
placement with, § **G.169**
- Petition for guardianship not required,  
§ **G.29.0.10**
- Psychological parent, §§ **G.29.1, G.29.2**
- Stable placement exception of Fam C  
§ 3041(c), § **G.29.0.5**
- Office of friend of court to enforce,  
§ **G.146.10**
- Order of preference, § **G.25**
- Parental Kidnapping Prevention Act  
(PKPA)
  - Adoption proceedings, §§ **H.100.8, H.100.9**
  - Applied in interstate disputes, § **H.5.5**
  - Continuing jurisdiction doctrine,  
§ **H.5.3**
  - Declaratory relief, § **H.5.6**
  - Exercise of jurisdiction where viola-  
tion occurred outside country,  
§ **G.156.0.2**
  - Home-state preference, § **H.5.2**
  - Modification jurisdiction, §§ **H.5.1, H.5.2, H.5.3**
  - No federal cause of action, § **H.5.6**
  - Preempts state law, § **H.5.1**

## INDEX

### CUSTODY—Cont'd

- Parental Kidnapping Prevention Act (PKPA)—Cont'd
  - Purpose, §§ **H.5.1, H.5.6**
  - Subject-matter jurisdiction, §§ **B.34, G.156.0.2**
  - Visitation, provisions applicable to, § **H.5.1**
- Parental liability statute, §§ **G.18.1-G.18.1.7.4.5**
- Parenthood-by-estoppel, § **E.10.1**
- Parenting plan
  - Factors to consider, §§ **G.68-G.73**
  - Flexible or detailed agreement, § **G.67.10**
  - Modification, § **G.133.1.2**
- Parent locator serviceSee PARENT LOCATOR SERVICE
- Past acts, § **G.41**
- Pendente lite orders, see Temporary orders, *infra*
- Physical handicap of parent, §§ **G.27, G.119, G.138.80**
- PKPA, see Parental Kidnapping Prevention Act (PKPA), *supra*
- Planned moveSee MOVE-AWAY
- Pledge of Allegiance, noncustodial parent lacks standing to challenge requirement that students recite, § **B.26.1.7**
- Police officer immunity for enforcing visitation schedule, § **G.172.7**
- Post-trial evidence, § **G.44.1**
- Preference
  - Child's, see Child's preference, *supra*
  - Existing living arrangement, § **G.85**
  - First parent to provide home for child, § **G.85**
  - Order of, § **G.25**
  - Parent better able to share, §§ **G.25, G.51.1**
  - Statutory preferences for award of custody, §§ **G.23.5-G.44.0.4**
- Preponderance of evidence, § **G.122**
- Prescribed controlled substances, habitual use of, §§ **G.25, G.26.2, G.43**
- Presumed parentsSee PRESUMED-PARENT STATUS
- Presumptions
  - Domestic violence perpetrator, presumption against custody to, § **G.26.5**

### CUSTODY—Cont'd

- Presumptions—Cont'd
  - Joint custody, §§ **G.25, G.26**
  - Military deployment of parent, § **G.138.68**
  - Rebuttal of presumption that custody to domestic violence perpetrator would be detrimental, § **G.26.5**
- Primary-caretaker designation, § **G.26**
- Protective custody sufficient evidence of immediate harm to justify *ex parte* custody change, § **G.90.5**
- Psychiatric examinations, §§ **G.117, G.121.1, G.121.2**
- Psychological parent, §§ **G.29.1, G.29.2**
- Psychologist serving as special master, discipline of, § **G.84.14**
- Psychotherapist-patient privilege, §§ **G.115, G.116**
- Punitive custody orders, § **H.100.35**
- Qualified-judicial immunity for custody evaluator, §§ **A.103.1.10, P.87.2**
- Rape, child conceived during, § **G.42**
- Rebuttal of presumption that custody to domestic violence perpetrator would be detrimental, § **G.26.5**
- Records, access to, §§ **G.26, G.142.5, G.196.15**
- Registration of out-of-state custody and visitation orders, § **H.61**
- Relationship with other parent, § **G.39.5**
- Religious Freedom Restoration Act held unconstitutional, § **G.142.1.5**
- Religious upbringing, §§ **G.33, G.119, G.142.1**
- RelocationSee MOVE-AWAY
- Removal in violation of custody order, §§ **G.156, H.101**
- Reports of custody evaluators, see Evaluations, *supra*
- Resident of household, joint-custody parent can claim child under auto insurance policy that excludes, § **G.18.1.7.35**
- Restraining orders
  - Authority for, § **C.1**
  - Consistency of custody and protective orders, § **G.26.7**
  - Domestic violence, see Domestic violence, *supra*

## **CUSTODY—Cont'd**

### **Restraining orders—Cont'd**

Interference with custodial rights,  
order restraining, §§ **C.1, C.18.1**

Right of child to address court, §§ **G.35, G.139.10, P.11**

Risk and prevention of abduction, court must consider, § **G.25.5**

### **Same-sex partner**

Adoption by, §§ **G.29.2.8, G.163.5.15, G.163.5.20, U.165**

Contract claims, § **G.163.10**

De facto parent status, § **G.163.10.5**

Guardianship as vehicle for obtaining custody or visitation, § **G.163.10.5**

Legal parent's objection, § **G.163.11**

Presumed parent of partner's children, §§ **E.0.0.13.6, G.163.5.30**

Standing, §§ **G.29.2.7, G.29.2.8, G.163.10**

Stipulated judgment to co-parent expected child, §§ **C.90.5, T.95**

Separate trial, §§ **G.80, G.81**

Separation of child from parent or sibling

Disabled child and siblings, § **G.27.5**

More than two parents, statutory authority for finding that child has, §§ **E.0.0.12.1, E.0.0.12.6.10, E.0.0.12.7.20**

Parent's move resulting in separation of siblings, § **G.138.39**

Sex offender, §§ **G.42, G.138.100**

Sexual abuse allegations, §§ **G.26.4, G.84.2, G.173.10, G.173.15**

Shared interests, § **G.44**

Smoking, § **G.43.5**

Sole legal custody, §§ **G.15.5, G.26**

Sole physical custody, §§ **G.16, G.26**

Special immigrant juvenile status/findings, § **G.166.3.35**

Special master, referrals to, § **G.84.12**

Split, §§ **G.18, G.27.5**

### **Stable placement**

Burden of party seeking change of custody, §§ **G.123, G.133.2**

Detriment to child includes harm of removal from, § **G.29.0.5**

## **CUSTODY—Cont'd**

### **Stable placement—Cont'd**

Justifying removal of child from, § **G.98**

More than two parents, statutory authority for finding that child has, §§ **E.0.0.12.1, E.0.0.12.6.10, E.0.0.12.7.20**

Priority of child's right to continued stable placement, § **G.29.2.0.2**

Temporary custody orders, effect of, § **G.28**

### **Statement of decision**

Request for, §§ **G.63, G.139.1**

Reversal for failure to issue, § **G.139.1**

Status quo, §§ **G.28, G.28.5**

### **Stay of proceedings**

Free minor from parental custody and control, proceedings stayed pending ruling on petition to, § **G.168.5**

Out-of-state custody order stayed pending appeal, § **H.61**

Pending appeal, §§ **G.159, R.54**

Removal of minor from state, automatic stay of order allowing, §§ **G.138.15, R.54**

Stepparents, §§ **G.143.1.0.1, G.143.1.0.3**

### **Stipulations**

Child's preference, § **G.35.1**

Co-parent expected child, validity of stipulated judgment to, §§ **C.90.5, T.95**

Temporary orders, § **G.92**

Whether stipulated custody order is final custody determination, §§ **G.133.3, G.138.37.5**

Strict-scrutiny standard inapplicable in custody dispute between parents, § **G.122.5**

Substance-abuse allegations, use of drug testing to corroborate, § **G.43**

Supersedeas writ, §§ **G.161.5-G.163**

Support-enforcement proceedings, commissioner must join custody issues to, § **C.69.4.15**

Surname, §§ **G.172.0.1, G.172.0.2**

Surrogacy, § **G.166.5**



## INDEX

### **CUSTODY—Cont'd**

- Temporary orders
  - Advising client, § **G.85**
  - Agreement, §§ **G.96.15-G.98**
  - Appealability, § **G.160**
  - Domestic violence proceedings, § **C.13.9**
  - Ex parte, §§ **G.90-G.95**
  - Factor in determining permanent order, § **G.85**
  - Failure to sign placement agreement, consent or relinquishment, § **G.168.0.45**
  - Joint custody orders, § **G.85**
  - Kick-out order, §§ **G.88.1, G.89**
  - Military deployment or mobilization of parent, §§ **G.138.68, G.146.1.2**
  - Notice, § **G.93**
  - Service, § **G.95**
  - Stable placement, effect of preference for, § **G.28**
  - Stipulation, § **G.92**
  - Time requirements, § **G.94**
- UCCJEASee UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)
- Unconventional lifestyle, § **G.31**
- Venue
  - Dissolution and related proceedings, §§ **G.4, G.5**
  - Modification proceedings, §§ **G.5.0.1-G.5.3**
  - Tribal court, transfer to, § **G.171.1.5**
  - Video rental history, § **G.44.0.2**
- VisitationSee VISITATION
- Wealth, § **G.44.0.1**
- Whereabouts of child, right to know, § **G.142.5**
- Witness protection program, § **H.5.9.1**

### **DATA BREACH**

- Attorney's ethical obligations, § **A.121.35**

### **DATE OF SEPARATION**

- Affecting property division, § **J.91**
- As alternative valuation date, §§ **J.99.2-J.99.3.5, M.4.10-M.22**
- Definition of separation, §§ **J.92-J.94.15**

### **DATE OF SEPARATION—Cont'd**

- Determining, §§ **M.4.15, M.4.20, M.4.25**
- Earnings, characterization of, §§ **J.4, J.91**
- Request for finding, §§ **J.97, M.4.30**
- Standard of proof for determining, § **J.92**
- Violent sexual felony against spouse, conviction for, §§ **J.92, M.4.15**
- What constitutes separation, §§ **J.92-J.96**

### **DEAF OR HEARING IMPAIRED**

- Interpreters for, § **C.72.4**

### **DEATH OF SPOUSE**

- After status judgment and before property division, §§ **C.156.35-C.156.50**
- All issues fully submitted prior to death, jurisdiction to enter disso judgment on, § **C.156.21**
- Annulment action survives death of defrauded spouse, §§ **C.0.6.10, C.0.6.15**
- Bifurcated proceedings, effect on, §§ **C.63.1-C.63.3.0.2**
- Child supportSee CHILD SUPPORT
- Community or separate propertySee COMMUNITY OR SEPARATE PROPERTY
- CustodySee CUSTODY
- Before entry of status judgment, §§ **C.156.15-C.156.30**
- Exceptions to abatement rule, § **C.156.21**
- Final disso judgment, entry of, § **C.156.65**
- General abatement rule, § **C.156.20**
- Between oral issuance of status-only and entry of written judgment, § **C.156.21**
- Spousal supportSee SPOUSAL SUPPORT
- Spouses' waiver of rights, §§ **C.155.1, C.155.2, C.155.5**
- Before status judgment but after property division, §§ **C.156.55, C.156.60**

## DEBTS

- BankruptcySee BANKRUPTCY
- Business interestsSee BUSINESS INTERESTS
- Characterization ofSee COMMUNITY OR SEPARATE PROPERTY
- Division or assignmentSee PROPERTY DIVISION
- Set off coexisting cross demand, right to, § **A.16.3.2.2**

## DECEDENT'S ESTATE

- Attorney as personal representative, § **A.76.15**
- Child's settlement, failure to name client sole beneficiary of, § **E.42.5**
- Disso judgment revokes testamentary dispositions, § **C.156.70**
- Domestic partners, rights of, § **U.185**
- Family allowance, § **E.67**
- Frozen sperm property of, § **G.166.30**
- Killer may not claim interest in, § **C.156.5**
- Legally separated spouse does not qualify as surviving spouse, § **C.156.12**
- No-contest clause, §§ **C.155.10, C.157.0.1.5, U.80.10**
- Nonmarital partners' support and property agreements enforceable against, §§ **U.40, U.80.10**
- Party to proceeding that terminated marital-property rights does not qualify as surviving spouse, § **C.156.12**
- Paternity, establishment of, §§ **E.0.0.6, E.0.0.13.10-E.0.0.13.32**
- Pension interest, testamentary transfer by nonemployee-spouse of, § **L.18.3**
- Revocable transfer on death deed (RTDD), § **J.57.0.45**
- Spouse's children, revocation by divorce applies to bequests to, § **C.156.70**
- Spouses' waiver of rights, §§ **C.155.1, C.155.2, C.155.5**
- Support order enforced against deceased payor's living trust, § **E.66.5**
- Surrogate children's action against estate of deceased biological father barred by limitations statute, § **E.67.5**

## DECEDENT'S ESTATE—Cont'd

- Trust provision, error to deny probate of will where disso judgment revoked, § **C.157.0.1.1**

## DECLARATIONS

- EmancipationSee EMANCIPATION OF MINORS
- Expert witness declarations, §§ **D.75, D.75.10**
- GenerallySee EVIDENCE
- Homestead declaration, § **S.94.5**
- Income-and-expense declarationsSee DISCLOSURE; SPOUSAL SUPPORT
- Nonmilitary status, declaration of, § **S.226**
- PaternitySee PATERNITY
- Preliminary or final declaration of disclosureSee DISCLOSURE

## DECLARATORY RELIEF

- Judicial immunity does not extend to, § **A.103.1.7**
- Servicemembers Civil Relief Act, relief available for violations of, § **S.225**

## DEDUCTIONS

- Child-support calculationSee CHILD SUPPORT
- Income taxesSee INCOME TAXES

## DEFACEMENT OF PROPERTY

- Parental liability, § **G.18.1.3**

## DE FACTO PARENT

- Appointed counsel for prospective adoptive parents in dependency proceedings, § **G.125.2.10**
- Credit against support arrearages for de facto custodial parent, § **E.50**
- Defined, § **G.29.2.1.3**
- Eligibility for de facto parent status, § **G.29.2.1.5**
- Forfeiture of right to de facto parent status, § **G.29.2.1.6**
- Foster parents, § **G.29.2.1**
- Indian Child Welfare Act, preemption by, § **G.171.40**
- Modifying placement of dependent child, § **G.29.2.0.4**

## INDEX

### DE FACTO PARENT—Cont'd

- Person whose conduct was basis for dependency jurisdiction, § **G.29.2.1.6**
- Placement of child, lack of standing to appeal, § **G.29.2.1**
- Presumption that returning child to parent would be detrimental, § **G.29.0.5**
- Reunification services, § **G.29.2.1**
- Rights in dependency proceedings, § **G.29.2.1.3**
- Same-sex partner, §§ **G.29.2.7, G.29.2.8, G.163.10.5**
- Standards for granting de facto parent status, § **G.29.2.1.5**
- Standing in juvenile court proceedings, § **G.29.2.1**
- Standing to appeal denial of de facto parent motion, § **G.29.2.1.10**
- Status as, §§ **G.29.1-G.29.2.8**
- Termination of status, §§ **G.29.2.1.6, G.29.2.1.7**
- Visitation rights, § **G.29.2.3**

### DEFAULT PROCEEDINGS

- Accounting request not exempt from rule that default judgment cannot exceed amount and type of relief sought in pleadings, § **C.150.7.15**
- Amount demanded in complaint, relief cannot exceed, § **C.150.7.4.10**
- Appeals, § **R.31**
- Application for entry of default, § **C.140.3**
- Attorneys
  - Excusable neglect for purposes of discretionary set-aside, § **T.8.40**
  - Mandatory set-aside provisions of CCP § 473(b), §§ **T.9.1-T.11.20**
  - Military personnel, appointment for, § **S.227**
  - Mistake, inadvertence or excusable neglect, §§ **T.6-T.12**
  - Relief based on affidavit of fault, §§ **T.7, T.9.1-T.11.20**
- Challenging default judgment, § **T.20.12**
- Collateral attack on default judgment, § **T.20.12**
- Content of affidavit or offer of proof for default, § **C.141**

### DEFAULT PROCEEDINGS—Cont'd

- Custody modification, § **G.138.120**
- Direct appeal from judgment, § **T.20.12**
- Disclosure declaration, § **J.80.3.0.31**
- Discovery sanction, §§ **D.122.1-D.123**
- Emails insufficient to give due process notice, § **T.8.40**
- Equitable relief, § **T.20**
- Failed attempts at personal service, § **C.140.3**
- Failure of defendant to respond, appear or move to quash service, § **C.140.2**
- Family law proceedings, § **C.140.2**
- Fee award, amount of, § **A.20.0.0.1**
- Judgment exceeds relief requested, §§ **C.150.5-C.150.7.15**
- Judicial error, judgment based on, § **T.20.2**
- Lack of diligence precluded equitable set-aside of voidable default judgment, § **T.20.10**
- Legal separation, disso judgment granted relief not requested in original petition for, § **C.150.5.5**
- Local court rules, sanctions for noncompliance with, § **A.16.3.1**
- Methods of challenging default judgment, § **T.20.12**
- Military personnel, §§ **S.225.1-S.233, T.19**
- Nonmilitary status, declaration of, § **S.226**
- Notarized signature on MSA or stipulated judgment, § **C.140.2**
- Parental-rights termination taken by default, § **G.168.0.60**
- Personal appearance, judge requiring, § **C.141**
- Proof by affidavit, § **C.141**
- Quiet title action, collateral attack of judgment in, § **K.61**
- Relief from default, motion for, §§ **T.13-T.21**
- Request for entry of default, § **C.140.3**
- Requirements for default, § **C.140.2**
- Reservation of jurisdiction over spousal support, § **F.81.3**
- Rules of Court governing, §§ **C.140.2, C.141**

## **DEFAULT PROCEEDINGS—Cont'd**

- Setting aside judgment
  - Attorney's affidavit of fault, §§ **T.7, T.9.1-T.11.20**
- Default judgment that exceeds amount demanded void, § **C.150.7.4.10**
- Direct appeal distinguished from motion to set aside judgment, § **T.20.12**
- Emails insufficient to give due process notice, § **T.8.40**
- Equitable relief, § **T.20**
- Excusable neglect for purposes of discretionary set-aside, § **T.8.40**
- Extrinsic fraud or mistake, §§ **T.20, T.27**
- Failure to appear by defendant who filed answer, § **T.20.5**
- Fraudulent proof of service, § **T.27.2**
- Judgment amended to name different defendant, §§ **T.20.7**
- Lack of civility between attorneys, § **T.8.40**
- Lack of diligence precluded equitable set-aside of voidable default judgment, § **T.20.10**
- Legal separation, disso judgment granted relief not requested in original petition for, § **C.150.5.5**
- Mandatory set-aside provisions of CCP § 473(b), §§ **T.9.1-T.11.20**
- Military personnel, §§ **S.228, T.19**
- Mistake, inadvertence or excusable neglect, §§ **T.6-T.12**
- Mistaken-identity claims, § **T.21.0.10**
- Motion for relief from default, §§ **T.13-T.21**
- Renewed application governed by statutory requirements for renewed motions, § **T.8.12**
- Substantial compliance doctrine, § **T.8**
- Support-enforcement action, judgment in, §§ **S.64.2.1.80, T.33.6.50**
- Time limits for set-asides, § **T.20.10**
- Stamped, addressed envelopes required, § **C.140.2**
- Support-enforcement action, judgment in, §§ **S.64.2.1.75-S.64.2.1.80**

## **DEFENSE OF MARRIAGE ACT**

- Marriage as defined in DOMA, constitutionality of, § **U.195**
- Standing to challenge, § **U.195**

## **DEFERRED COMPENSATION**

- Disability paySee **DISABILITY BENEFITS**
- Employment contracts, § **L.73**
- Expert witnesses, § **P.22**
- Medical reimbursement accounts, § **L.49.10**
- MilitarySee **MILITARY BENEFITS**
- PensionsSee **PENSIONS**
- Profit-sharing plansSee **PROFIT-SHARING PLANS**
- Severance pay, §§ **L.25.1-L.25.5**
- Stock options, §§ **L.24, L.109.1-L.109.4**
- Survivor benefits, §§ **L.18.5-L.18.35**
- Termination benefits, §§ **L.25-L.25.5**
- Vacation or sick pay, § **L.49**
- Weekly layoff benefits, § **L.49.2**

## **DEFERRED DIVISION OF ASSET**

- Family residenceSee **FAMILY RESIDENCE**
- PensionsSee **PENSIONS**

## **DEFINED-BENEFIT PLAN**

- See **PENSIONS**

## **DEFINED-CONTRIBUTION PLAN**

- See **PENSIONS**

## **DELAYING TACTICS**

- See **SANCTIONS**

## **DELAY IN PROSECUTION**

- See **DISMISSAL**

## **DEMENTIA**

- See **COMPETENCE DETERMINATIONS**

## **DEMURRER**

- Causes of action substantially same as disso, § **C.42**
- Civil action based on family law claims, trial court erred in overruling demurrer to, § **C.164**
- Meet and confer prerequisite, § **C.29.4.100**

## INDEX

### DEPARTMENT OF CHILD SUPPORT SERVICES

See ENFORCEMENT OF SUPPORT ORDERS

### DEPARTMENT OF MOTOR VEHICLES

Access to records, §§ **D.40.3**, **S.61.1**  
Commercial licenses of delinquent obligors, § **S.64.2.3.39**  
Proof of identity by applicants for driver's license, § **S.61.1**  
Social Security number, §§ **S.61.1**, **S.61.6**  
Stalking victims' confidentiality rights, § **C.15.0.2.15**  
Suspension of driver's license of delinquent support obligor, § **S.64.2.3.39**  
Temporary license for driver subject to suspension provisions, § **S.64.2.3.17**  
Transmutation requirements, § **J.48.7**

### DEPENDENCY PROCEEDINGS

Abuse of discretion to order dependency petition for child in legal custody of relative, § **G.29.2.0.6**  
Abuse of sibling, assumption of jurisdiction based on, § **G.168.1.9**  
Adoptive placement, preferences for, § **G.29.2.0.10**  
Adult dependentsSee NONMINOR DEPENDENTS  
Alleged father, juvenile court required to give notice of proceedings to each, §§ **E.0.0.15.20**, **G.168.0.75**  
Appellate counsel, right to, §§ **R.3.3.5-R.3.3.15**  
Appointed counselSee subhead: Independent counsel  
Attorneys' fees, §§ **A.13.7.20**, **G.3.5**, **G.124.30**  
Beneficial relationship exception to termination of parental rights, §§ **G.168.0.5**, **G.168.0.85**  
Best-interests test applied to post-permanency planning decisions, § **G.166.3.15**  
Bonding study, changed circumstances required to vacate order for, § **G.84.2**

### DEPENDENCY PROCEEDINGS

#### —Cont'd

Child dependency hearsay exception, §§ **P.14.5**, **P.89**  
Children, testimony ofSee CHILD-WITNESSES  
Child stealing, prosecution of parents for, § **G.156.0.2.7**  
Competent counsel, parties entitled to, § **G.124.40**  
Confidentiality of records, §§ **G.196.5**, **G.196.10**  
Continuance pending criminal abuse trial, § **G.195**  
Cross-examine preparer of social study report, right to, §§ **P.89.2-P.89.2.20**  
Current caretaker entitled to notice prior to placement change, § **G.29.2.0.15**  
DA representing minor and state, §§ **A.76.0.2**, **A.76.0.3**, **G.124.45**  
De facto parent  
Eligibility for status, § **G.29.2.1.5**  
Rights in dependency proceedings, § **G.29.2.1.3**  
Status denied to person whose conduct was basis for dependency jurisdiction, § **G.29.2.1.6**  
Destruction of juvenile court records, § **G.196.12**  
Discovery by parents of dependent children, § **G.196.10**  
Disentitlement doctrine applied, § **R.10.25**  
Disqualification of public law firms in cases of successive representation, standards for, § **A.72**  
Disturbing the peace, enjoining, § **C.1**  
Early termination of restraining order, requirements for, § **C.1**  
Effective assistance of counsel, § **G.125.6**  
Exception to confidentiality of juvenile dependency records, § **G.196.10**  
Exit orders, §§ **G.3.2.3-G.3.2.6**  
Failure to consider parent as custodian for dependent child, § **G.29.2.0.3**  
Failure to enforce visitation order, § **G.142.0.2.10**  
Foster careSee FOSTER CARE

## DEPENDENCY PROCEEDINGS

### —Cont'd

- Genetic testing to determine parentage, authority to order, § **E.0.0.15.8**
- Grandparent visitation with juvenile dependents, § **G.146.1.1.25**
- Guardian ad litem appointed for parents, § **G.125.6.20**
- Hague Service Convention, applicability of, § **B.1.13**
- Hearsay evidence, §§ **P.89-P.89.2.20**
- Home schooling, §§ **G.44.0.4, G.168.1.9**
- Identification of all presumed or alleged fathers, § **G.168.0.75**
- Immunity for officials in juvenile dependency proceedings, §§ **A.103.1.20, G.181**
- Impediment to adoption of dependent child by relative caregiver, relevance of, § **G.168.1.8**
- Incarcerated parent's ability to maintain contact with child, consideration of, § **G.168.0.85**
- Independent counsel
  - Caseload standards and training requirements, **G.124.30**
  - Child's right to, §§ **A.76.0.2, G.124.30-G.124.55, R.3.3.15**
  - Costs of legal services for minor, parent's liability for, § **G.124.30**
  - Nonminor dependents, appointed counsel for, **G.124.30**
  - Parents' right to, §§ **G.125.2.5-G.125.6.5, R.3.3.5, R.3.3.10**
  - Payment of fees to represent dependent child in civil action, § **G.124.52**
  - Prospective adoptive parents, appointed counsel for, § **G.125.2.10**
  - Right to discharge retained counsel, §§ **A.122.60, G.125.6.7**
- Indian Child Welfare Act (ICWA)See **INDIAN CHILD WELFARE ACT (ICWA)**
- Interstate Compact on Placement of Children, § **G.3.2.10**
- Judicial Council form mandatory for exit orders, § **G.3.2.3**
- JurisdictionSee **JUVENILE COURT**

## DEPENDENCY PROCEEDINGS

### —Cont'd

- Legal guardianshipSee **GUARDIANSHIP**
- Medical examination, parental notification and consent to, § **G.181**
- Medical treatment of child without parental consent, § **G.189.50**
- Mental health records of minor, statute limiting access to, § **G.196.15**
- Modifying placement order, procedural vehicle for, § **G.29.2.0.4**
- Monitored visitation, § **G.142.0.2.10**
- Noncustodial parent
  - Options when juvenile court releases dependent child to, § **G.3.2**
  - Right to notice/hearing prior to termination of jurisdiction, § **G.3.2.3**
- Nonemergency medical care for dependent child, § **G.189.50**
- Nonmarital partners, joinder of, § **U.95.6**
- Nonminor dependentsSee **NONMINOR DEPENDENTS**
- Nonrelative extended family member, placement with, § **G.169**
- Official-information privilege, § **D.118.20**
- Order of preference for child's placement, § **G.169**
- Overseas placement of dependent child, § **G.138.50**
- Parental fitness presumption inapplicable in dependency cases, § **G.26.5**
- Parental liability
  - Legal services for minor, costs of court-ordered, § **G.124.30**
  - Support of child in detention or placement under juvenile court order, §§ **E.3.5, E.3.15**
- Parental rightsSee **TERMINATION OF PARENTAL RIGHTS**
- Parent locator serviceSee **PARENT LOCATOR SERVICE**
- Permanency planning
  - Adoption as permanent plan, §§ **G.29.2.0.10, G.168.0.85, G.168.1.9**



## DEPENDENCY PROCEEDINGS

### —Cont'd

- Permanency planning—Cont'd
  - Best-interests test applied to post-permanency planning, § **G.166.3.15**
  - Exceptions to parental rights termination, § **G.168.0.85**
  - Guardianship as permanent plan, § **G.168.0.85**
  - Preference for caretaker or relative placement, § **G.29.2.0.10**
- Polygraph evidence, § **P.24.4**
- Presumed-parent statusSee PRESUMED-PARENT STATUS
- Priority over other custody proceedings, § **G.3.1.0.1**
- Psychotherapist-patient privilege, §§ **D.112.25, G.196.15, P.86**
- Refusal of dependent child to visit parent, § **G.142.0.2.10**
- Relative placement preference, § **G.169**
- Relinquishment of dependent child for adoption, § **G.168.0.38**
- Removal from parental custody without judicial authorization, § **G.181**
- Residence-exclusion orders, § **C.1**
- Restraining orders, § **C.1**
- Reunification servicesSee REUNIFICATION SERVICES
- Right to inspect records, §§ **G.196.5, G.196.10**
- Running away from home state, effect of, § **H.46.10**
- Scope of restraining orders, § **C.1**
- Search and seizure, protection from unreasonable, § **G.181**
- Self-incrimination, privilege against, § **P.87.4**
- Self-representation, court's discretion to deny parent's request for, § **G.125.6.10**
- Service in foreign country, § **B.1.13**
- Settlement agreement of parties re custody when juvenile court terminated jurisdiction, refusal to accept, § **G.3.2.4**
- Siblings' counsel relieved where there is actual conflict of interest, § **A.113.5**
- Social study reports containing hearsay, admissibility of, §§ **P.89.2-P.89.2.20**

## DEPENDENCY PROCEEDINGS

### —Cont'd

- Social workers
    - Affirmance of decision not to file dependency petition nonappealable, § **R.32**
    - Conflict of interests, § **G.168.1.15**
    - Immunity, §§ **A.103.1.20, G.142.5, G.181, G.182**
    - Removal from parental custody without judicial authorization, § **G.181**
    - Testimony based on hearsay, admissibility of, § **P.89**
  - Special advocates, § **G.124.55**
  - Splitting jurisdiction/disposition hearings as to each parent is unauthorized/erroneous, § **G.168.1.30**
  - Standing of de facto parent, § **G.29.2.1**
  - Statement of decision, § **R.40.6**
  - Substantial compliance with case plan not required to be shown to establish beneficial relationship exception, § **G.168.0.85**
  - Termination of jurisdiction, §§ **G.3.2-G.3.2.10**
  - Timing of placement requests, § **G.169**
  - Tribal court, transfer to, §§ **G.170.60, G.171.1, G.171.1.5, G.171.5**
  - Tribal customary adoption of Indian children, procedure for, § **G.168.0.90**
  - UCCJA, applicability of then-current, § **H.100.6**
  - Unreasonable search and seizure, protection from, § **G.181**
  - Visitation in juvenile dependency cases, § **G.142.0.2.10**
  - Wende review, §§ **R.3.4-R.3.4.10**
  - Witnesses, parent's right to call, § **P.12.0.5**
- ## DEPORTATION
- Dependent child, consideration of barriers to maintaining contact with, §§ **G.168.0.85, G.168.1.30**
  - Dissolution of marriage to citizen, § **C.0.5.25**
  - Reunification services, availability of, § **G.168.1.30**

## **DEPORTATION—Cont'd**

Sham marriages, § **C.0.5.25**  
 Spousal abuse as moral turpitude,  
 § **C.15.0.0.4**

## **DEPOSITIONS**

Allowable costs, §§ **A.24, D.33**  
 Business records subpoena, transcript  
 not obtainable by means of,  
 § **D.30.5**  
 Custody evaluation report, questions  
 about findings in, § **P.56**  
 Distance limitations, § **D.28**  
 Expert witnesses, §§ **D.77-D.78.0.6,**  
**P.43.1**  
 Foreign subpoenas, § **D.3.20**  
 Informal dispute resolution, require-  
 ments for, § **D.29.25**  
 Interstate and International Depositions  
 and Discovery Act (IIDDA),  
 § **D.3.20**  
 Legal contention questions, § **D.117.5**  
 Limit on number of hours of testimony,  
 § **D.24**  
 Marsy's Law, § **D.28.5**  
 Nonparty witnesses, §§ **D.31-D.40**  
 Notice of deposition, §§ **D.26-D.27**  
 Opposing counsel, deposition of,  
 § **A.86.5**  
 Physical demonstrations, § **D.117.10**  
 Place of deposition, § **D.28**  
 Procedure, §§ **D.24-D.29**  
 Protective order, motion for, § **D.29.10**  
 Sanctions for advising client not to  
 answer, § **D.29.12, §§ D.29.12,**  
**D.123.20**  
 Subpoenas, §§ **D.31, D.32, D.40,**  
**D.40.0.5**  
 Transcripts, § **D.30**  
 UIFSA proceedings, § **S.178.25**  
 Victims' Bill of Rights Act, § **D.28.5**

## **DETRIMENT TO CHILD**

See **CUSTODY**

## **DEVELOPMENTAL DISABILITY**

Setting aside adoption, § **G.167.20**  
 Termination of parental rights,  
 § **G.168.10**

## **DISABILITIES**

Alzheimer's disease, disso proceedings  
 where party has, §§ **C.29.4.3,**  
**C.29.4.4**  
 Continuance, accommodation in form  
 of, § **C.42.1.20**  
 Disabled childrenSee **DISABLED**  
**CHILDREN**  
 Failure to rule on request for accom-  
 modation, § **C.42.1.20**  
 Mental capacity to end marriage, stan-  
 dard for determining, § **C.29.4.4.5**  
 Physician-patient privilege waived by  
 filing ADA request, § **C.42.1.20**  
 Spousal support, § **F.79.10**  
 Wrongful denial of accommodation,  
 § **C.29.11.40, § C.42.1.20**

## **DISABILITY BENEFITS**

Characterization issue, §§ **L.32-**  
**L.41.1.10**  
 Child-support amount, § **E.38.7**  
 Derivative benefits received on behalf of  
 child of Social Security disability  
 recipient, §§ **E.22.7.3, E.34.3**  
 Disso-related division, §§ **L.32-**  
**L.41.1.10, L.42.1, L.42.2**  
 Division formulas, §§ **L.36-L.41.1**  
 Domestic partners, § **U.180**  
 Early retirement eligibility, § **L.42.1**  
 Earnings assignment order, exempt from  
 execution under, § **S.56.0.7**  
 Enforcement of support orders,  
 §§ **L.42.4, S.64.2.2.55**  
 Insurance benefits, §§ **L.41.1.1-L.41.1.5**  
 In lieu of retirement pay, § **L.33**  
 MilitarySee **MILITARY BENEFITS**  
 Postseparation disability allowance  
 benefits, characterization of,  
 § **L.41.1.7**  
 Reimbursement of workers' compensa-  
 tion, § **L.42.3**  
 State disability insurance deductions,  
 §§ **N.42.5, N.42.6.1**  
 Support judgments, availability for satis-  
 faction of, § **S.64.2.2.70**  
 Tax treatment, §§ **N.208-N.210.10**  
 Veterans' benefits, §§ **L.42.4, L.99,**  
**S.44.5**

## INDEX

### DISABLED CHILDREN

- Bonding between disabled child and siblings, § **G.27.5**
- Change in child's primary physical custody when custodial parent moved, § **G.138.37.3**
- Child support for disabled adult child, §§ **E.2.1.1-E.2.20, E.56.3.1, E.63.10**
- Indian Child Welfare Act placement preferences, good cause to deviate from, § **G.171.55**
- Separating disabled child from siblings, § **G.27.5**
- Setting aside adoption, § **G.167.20**
- Splitting custody of siblings based on impact of disability, § **G.27.5**
- Standards for determining whether adult child incapacitated from earning living, § **E.2.15**
- Termination of parental rights, requisite findings for, § **G.168.1.9**
- Visitation with adult disabled child living out of state, §§ **B.4.4, G.142.0.2.5**

### DISCIPLINARY PROCEEDINGS

See ATTORNEYS

### DISCLOSURE

- Antenuptial agreements, § **U.110.6**
- Arbitrators See ARBITRATION
- Contingent-fee agreements, § **A.55.1**
- Custody evaluations, § **G.84.2**
- Default proceedings, waiver in, § **J.80.3.0.31**
- Disentitlement doctrine applied for refusal to disclose financial information, § **R.10.25**
- Disso proceedings, §§ **C.63.3.5, J.80.3.0.10-J.80.3.0.50**
- Domestic partnership declarations, § **U.160**
- Dual representation, §§ **A.69-A.71**
- Duration of financial disclosure requirements, § **J.80.3.0.10**
- Failure to disclose as basis for setting aside judgment, §§ **C.63.3.5, J.80.3.0.30, T.33.6.15**
- Hearsay rule applicable to financial declarations in modification proceeding, § **P.69.15**

### DISCLOSURE—Cont'd

- Mediation, property issues resolved through, § **J.80.3.0.42**
- Mediation confidentiality statutes inapplicable to mandated financial disclosures, § **D.118**
- Monetary sanctions against noncomplying party, § **J.80.3.0.30**
- Penalties for nondisclosure, § **J.80.3.0.30**
- Perjury in disclosure declarations as ground for set-aside, §§ **J.80.3.0.32, T.33.6.15**
- Post-marital agreement enforceable despite failure to exchange declarations, § **J.80.3.0.29**
- Pre-disso property agreement enforceable despite failure to exchange declarations, § **J.80.3.0.29.10**
- Private investigator's/spouse's anti-SLAPP motion filed in civil action for disclosure of confidential information in connection with dissolution action, § **A.103.2.115**
- Receiver appointed on party's failure to comply with disclosure requirements, § **S.120**
- Reconciliation, effect of, §§ **C.157.0.2, J.80.3.0.29**
- Sanctions for failure to comply with financial disclosure requirements, §§ **J.80.3.0.10, J.80.3.0.30**
- Seal pleadings identifying financial assets and liabilities, requests to, § **J.80.3.0.10**
- Setting aside judgment, failure to disclose as basis for, §§ **C.63.3.5, J.80.3.0.30, T.33.6.15**
- Statutory disclosure requirements in disso proceedings, §§ **C.63.3.5, J.80.3.0.20-J.80.3.0.50**
- Summary dissolution, §§ **C.148.0.2, J.80.3.0.40**
- Time for service of preliminary declaration of disclosure, § **J.80.3.0.20**
- Video rental history in custody proceeding, § **G.44.0.2**
- Voluntary waiver of right to other party's disclosure declarations, §§ **C.63.3.5, J.80.3.0.31**
- Waiver of disclosure declarations, §§ **J.80.3.0.25-J.80.3.0.31**

## DISCOVERY

- Abuse of discovery process, factual findings as sanctions for, § **D.122.0.15**
- Case resolution plan limitations on, § **C.47.9.4**
- Characterize business as separate or community, information needed to, § **M.24**
- Civil Discovery Act, § **D.1**
- Contempt proceedings, § **S.146.6**
- Cost of referral, § **D.85.11**
- Credit reports, §§ **D.128, D.129**
- Cutoff, § **D.86.5**
- Dependent children, discovery by parents of, § **G.196.10**
- DepositionsSee DEPOSITIONS
- Disentitlement doctrine applied for refusal to comply with orders compelling, § **R.10.25**
- Dispute resolution, requirements for informal, § **D.29.25**
- Dissemination of victim's mental health record by defense attorney, § **D.112.15**
- Egregious misconduct, terminating sanctions for, § **D.123.0.17**
- Electronically stored information
  - Applicable methods of discovery, § **D.3.10**
  - Attorney's duties when handling discovery of, §§ **A.115.12, D.63.20**
  - Consumer records subject to subpoena, § **D.40**
  - Demands for inspection, copying, testing, or sampling, § **D.56, D.61.2**
  - Disobeying order compelling response, sanctions for, § **D.64**
  - Expenses of retrieving electronically stored data, § **D.61.5**
  - Form for production, demanding party may specify, §§ **D.27, D.31, D.56**
  - Inadvertent production of privileged electronically stored information, § **D.63.20**
  - Notice of deposition, § **D.27**
  - Objecting on grounds of undue burden or expense, § **D.61.5**

## DISCOVERY—Cont'd

- Electronically stored information
  - Cont'd
  - Ordinarily maintained or reasonably usable form, production in, §§ **D.31, D.61.2**
  - Protective orders, § **D.29.10**
  - Routine, good faith operations, loss of information resulting from, §§ **D.29.10, D.63, D.122**
  - Subpoenas to obtain production, § **D.40.0.10**
  - Translation of data compilations at demanding party's expense, § **D.61.5**
  - Unsuccessfully making or opposing motion to compel, sanctions for, § **D.64**
- Employment records, § **D.40.0.5**
- Expenses of retrieving electronically stored data, § **D.61.5**
- Expert, identity of non-testifying, § **D.106**
- Expert witness information, §§ **D.72-D.81.1**
- Fertility clinic's disclosure of treatments charged to patient's former fiancé, § **D.40.25**
- Identity of non-testifying expert, work-product privilege inapplicable to protect, § **D.106**
- Immunity for discovery referees, § **A.103.1.7**
- Inadvertent receipt of privileged documents, §§ **A.115.11, D.63.20, D.103**
- Income taxesSee INCOME TAXES
- Informal, §§ **D.127, D.128, D.129**
- Injunction to prohibit destruction of and preserve evidence for future discovery, §§ **D.64.20, D.83.5**
- Inspection demandsSee PRODUCTION OF DOCUMENTS
- InterrogatoriesSee INTERROGATORIES
- Interspousal transmission of disease, § **C.160.4.3.5**
- Interstate and International Depositions and Discovery Act (IIDDA), § **D.3.20**

## INDEX

### DISCOVERY—Cont'd

- Investigation after refusal of inspection demand, admissibility of evidence legally obtained from, §§ **D.63.5, D.130.10**
- Joinder appropriate to enforce, § **C.42.0.4**
- Judgment debtors, demand for production from, § **S.234**
- Jurisdiction, consent to, § **B.5.3**
- Late service of documents supporting motion to compel, § **D.29.27**
- Law firm financial records discoverable for purpose of determining collectibility, § **D.84.5**
- Medical status of litigant, § **C.42.1.5**
- Mental examinationsSee **PHYSICAL AND MENTAL EXAMINATIONS**
- New-mate income, § **D.85.5**
- Nonparty, demand for production of business records by, § **D.16.5**
- Objections and peremptory challenges to discovery referees, § **D.85.12**
- Official-information privilege, § **D.118.20**
- Omitted asset, court's discretion to limit discovery in postjudgment proceeding claiming, § **D.118.25**
- Opposing counsel, deposition of, § **A.86.5**
- Out-of-state actions, discovery in California for, § **D.3.20**
- Paternity actions, discovery of financial records in, § **E.0.0.21**
- Peace officer's payroll records subject to special discovery requirements, §§ **D.40.2.5, J.80.3.0.17**
- Physical demonstrations at depositions, § **D.117.10**
- Physical examinationsSee **PHYSICAL AND MENTAL EXAMINATIONS**
- Postjudgment motions, § **D.86.5**
- PrivilegesSee **PRIVILEGES**
- Protective ordersSee **PROTECTIVE ORDERS**
- Receipt of privileged documents, duties on, §§ **A.115.11, D.63.20, D.103**
- Referees, §§ **D.85.10-D.85.15**
- Reopening discovery on filing of post-judgment pleadings, § **D.86.5**

### DISCOVERY—Cont'd

- Reorganization of Civil Discovery Act, § **D.1**
- Requests for admissionsSee **REQUESTS FOR ADMISSIONS**
- Reversal of judgment on appeal restarts discovery clock, §§ **D.86.15, D.86.25**
- Rules of court, § **D.3**
- Sanctions
  - Appealability, §§ **D.126.5-D.126.9**
  - Attorney-client privilege, waiver of, § **D.123.0.20**
  - Case law, §§ **D.122.0.3-D.123.5**
  - CCP § 128.5 sanctions for conduct previously sanctioned as discovery abuse, § **A.16.1.5**
  - Concealment of evidence, § **D.122.0.7**
  - Default, §§ **D.122.1-D.123**
  - Destruction of evidence, § **D.123.0.15**
  - Dismissal, §§ **D.123.0.7, D.123.0.10**
  - Evidentiary, § **D.122.0.8**
  - Examples of discovery misuses, § **D.120**
  - Expenses incurred curing meet and confer process, § **D.29.29**
  - Factual findings on financial issues imposed as, § **D.122.0.15**
  - Failure to seek timely review of discovery order, § **D.122.0.6**
  - Frustrates settlement, conduct that, § **D.122.0.3.7**
  - Future deposition, costs of, § **D.123.20**
  - Generally, § **D.120**
  - Instructing client not to answer deposition questions, § **D.29.12**
  - Issue sanctions, §§ **D.122.0.4, D.122.0.6, D.122.0.7**
  - Jury instruction, § **D.122.0.7**
  - Liability for, §§ **D.124-D.126.1**
  - Mistrial, motion for sanctions following, § **A.16.1**
  - Monetary sanctions based on repeated refusal to comply, § **D.122.0.20**
  - Monthly income set for support obligor who failed to produce income records, § **D.122.0.4**
  - New trial, effect of, § **D.123.5**

## **DISCOVERY—Cont'd**

### **Sanctions—Cont'd**

Pro bono, award to party whose attorney was working, § **D.123.15**

Procedure, § **D.121**

Protective order, unsuccessfully making or opposing motion for, § **D.83**

Repeated refusal to comply with discovery orders, § **D.122.0.20**

Response, sanctions for disobeying order compelling, § **D.64**

Separate motion for sanctions after resolution of underlying motion to compel, § **D.122.0.3.5**

Set-aside for attorney fault, dismissal as terminating sanction subject to, § **T.11.20**

Substantial justification must be shown to avoid, § **D.122**

Terminating, §§ **D.122.1-D.123.0.17**

Sharp decision, § **A.18.3.1.25**

Time for seeking, § **D.122.0.3.10**

Types, § **D.122**

Typo in request for production, § **D.123.3**

Unsuccessfully making or opposing motion to compel, §§ **D.64, D.123.1**

Sealing court records, applicability of procedure for, § **C.97.3**

Settlement offer or negotiations, § **D.117**

Sexual activity, § **D.114**

Sperm-donor contract, enforceability of confidentiality agreement in, § **D.40.20**

Spousal supportSee **SPOUSAL SUPPORT**

Subpoena duces tecumSee **SUBPOENA DUCES TECUM**

Tax returnsSee **INCOME TAXES**

Terminating sanctions, §§ **D.122.1-D.123.0.17**

Time limitations, §§ **D.86-D.86.20**

UIFSA proceedings, § **S.178.30**

Untimeliness of motion to compel based on late service of supporting documents, § **D.29.27**

Will, discovery during lifetime of testator, §§ **D.118.10, J.18.10**

## **DISCOVERY—Cont'd**

Wrongful removal of confidential documents, § **D.40.10**

## **DISCRETION OF COURT**

Abuse of discretion, § **R.19**

Closed hearings, § **C.94**

Property division, § **J.100.29**

Review standards, § **R.19**

## **DISCRIMINATION**

Discharge of attorney on basis of race, § **A.120.5**

Disciplinary proceedings against attorneys, § **A.125.3.9**

Law firm partnership policy, § **A.124.30**

Nonmarital partners' housing rights, § **U.95.4**

Registered domestic partners are equivalent of spouses for purposes of Unruh Act, § **U.164**

Sexual orientation, free-speech and religious rights do not exempt doctors from prohibition against discrimination based on, § **U.200**

## **DISEASE**

Transmission of, §§ **C.160.4.3, C.160.7, C.160.8**

## **DISSENTLEMENT DOCTRINE**

Applied where appeal arises out of order party has disobeyed, § **R.10.25**

Attorney barred from participating in hearing, § **G.168.0.55**

Child abduction/concealment, § **G.168.0.55**

Discovery, doctrine applied for refusal to comply with orders compelling, § **R.10.25**

Fugitive dissentment doctrine applied in Hague Convention proceedings, § **H.5.9.0.40**

Reunification services, authority to deny, § **G.168.0.55**

Support obligations, dismissal of motion to modify, § **R.10.25**

## **DISMISSAL**

Attorney's neglect, delay in prosecution caused by, § **C.29.14.3**

Bifurcation, §§ **C.61.2-C.61.4.10**



## INDEX

### DISMISSAL—Cont'd

- Causal connection between event that tolls dismissal statute and failure to prosecute, § **C.29.14.5**
- Courtroom unavailability tolls five-year period for bringing case to trial, § **C.29.20**
- Delay in prosecution
  - Attorney neglect, delay caused by, § **C.29.14.3**
  - Causal connection to event that tolls statute, § **C.29.14.5**
  - Child support collection actions, § **C.29.25**
  - Continuances for medical reasons, § **C.29.45**
  - Courtroom unavailability, § **C.29.20**
  - Dismissal without prejudice, § **C.29.50**
  - Erroneous removal from civil active list, § **C.29.15**
  - Exceptions to dismissal, § **C.29.14.2**
  - Factors for court's consideration, § **C.29.14.4**
  - Mediation, tolling where case brought to, § **C.29.23**
  - Open extension for response, § **C.29.40**
  - Partial stay affecting bringing case to trial, § **C.29.14.10**
  - Prevailing party, defendant as, §§ **A.16.3.2.5, C.29.30**
  - Termination of parental rights and support reimbursement, § **C.29.27**
- Discovery sanction, §§ **D.123.0.7, D.123.0.10**
- Disentitlement doctrineSee **DISENTITLEMENT DOCTRINE**
- Exceptions to dismissal for delay in prosecution, § **C.29.14.2**
- Expert witness list, faulty, § **T.11.15**
- Failure to consider all factors before dismissing for delay in prosecution, § **C.29.14.4**
- Failure to prosecute, §§ **C.29.14-C.29.45**
- Failure to timely serve summons, §§ **C.29.12-C.29.13.15**
- Filing fee insufficient, dismissal based on limitations statute where, § **C.44**

### DISMISSAL—Cont'd

- Five-year dismissal statute, §§ **C.29.14-C.29.45**
- Hague Convention on International Child Abduction, proceedings under, § **H.5.9.0.1.5**
- Inconvenient forum, motion to stay or dismiss disso on grounds of, § **B.25.5**
- Malpractice suit dismissed where defense would reveal client confidences, §§ **A.121.25, P.81.20**
- Mandatory set-aside provisions of CCP § 473(b), §§ **T.9.1-T.11.20**
- Mediation during last six months of five-year period, tolling where case brought to, § **C.29.23**
- Missed statute of limitations, § **T.11.15**
- Parental rights termination, appeal of, § **R.70.4**
- Partial stay, effect on five-year period for bringing case to trial of, § **C.29.14.10**
- Plaintiff's right to seek voluntary dismissal, §§ **C.29.65, C.29.70**
- Relief based on mistake, inadvertence or excusable neglect, §§ **T.6-T.12**
- Trial de novo after arbitration, §§ **C.47.8.1-C.47.8.3.3**
- Unsigned pleadings, dismissal not mandated for, §§ **A.16.1.37, T.9.7**
- Voluntary dismissal
  - With prejudice after trial but before case submitted, § **C.29.70**
  - Without prejudice any time before trial begins, § **C.29.65**
  - Without prejudice, §§ **C.29.50, C.29.65**

### DISQUALIFICATION

- Advocate-witness rule, violation of, § **A.71.51**
- Appeal from grant or denial of motion to disqualify opposing counsel, §§ **R.30, R.52.10**
- Attorneys' personal relationships, §§ **A.71.117, A.125.1.0.1**
- District attorney, §§ **A.71.120, A.71.125**
- Dual representationSee **DUAL REPRESENTATION**
- Family entanglements, § **A.71.51**
- Judges, §§ **C.65-C.69.9.1**

**DISQUALIFICATION—Cont’d**

- Law firm that drafted document subsequently filed suit claiming illegal provision, § **A.71.118**
- Mediation, § **A.76.10**
- Offer to sell out client in exchange for payment from opposing party, § **A.115.20**
- Privileged documents inadvertently received, misuse of, §§ **A.115.11, D.103**
- Public law firms, standards for disqualification in cases of successive representation by, § **A.72**
- Representing adverse interestsSee **DUAL REPRESENTATION**
- Standing requirement for disqualification motion, § **A.80**
- Substantial relationship between former representation and current duties, §§ **A.71.50, A.71.51**

**DISSOLUTION OF LAW FIRM**

See **LAW FIRMS**

**DISSOLUTION OF MARRIAGE**

- Anti-SLAPP motion filed in civil action against spouse and her private investigator for disclosure of confidential information in connection with dissolution action, § **A.103.2.115**
- Capacity of partiesSee **COMPETENCE DETERMINATIONS**
- Child supportSee **CHILD SUPPORT**
- Custody of childrenSee **CUSTODY**
- Property divisionSee **PROPERTY DIVISION**
- Spousal supportSee **SPOUSAL SUPPORT**
- Standard for determining mental capacity to end marriage, § **C.29.4.4.5**
- VisitationSee **VISITATION**

**DISTRICT ATTORNEY**

- Disqualification or recusal, §§ **A.71.120, A.71.125**
- Enforcement of supportSee **ENFORCEMENT OF SUPPORT ORDERS**

**DISTURBING THE PEACE**

- Domestic Violence Protection Act defines abuse as including, § **C.10.10**

**DISTURBING THE PEACE—Cont’d**

- Juvenile court jurisdiction to enjoin, § **C.1**
- Social media posting, § **C.13**

**DIVERSITY JURISDICTION**

See **JURISDICTION**

**DIVISION OF PROPERTY ON DISSOLUTION**

See **PROPERTY DIVISION**

**DOCUMENTS AND PAPERS**

- Computer-assisted support services and document retrieval costs, § **A.24**
- DiscoverySee **DISCOVERY**
- Document exchange with juvenile court, § **G.3.6**
- Electronic versions of client’s documents, duty to release, § **A.122.25**
- First-document filing fee, § **R.13**
- Fraudulent documents offered into evidence, § **P.2.10**
- Inadvertent receipt of privileged documents, §§ **A.115.11, D.63.20, D.103**
- Inspection demandsSee **PRODUCTION OF DOCUMENTS**

**DOMESTIC PARTNERSHIPS**

- Bankruptcy, exemption rights of domestic partners in, §§ **O.36, U.192**
- California Domestic Partner Rights and Responsibilities Act (CDPRRA), §§ **U.161-U.164**
- Certificate of Registered Domestic Partnership, § **U.161**
- Declaration of Domestic Partnership, § **U.161**
- Disability benefits, rights of domestic partners related to, § **U.180**
- Discrimination under Unruh Act, registered domestic partners are equivalent of spouses for purposes of, § **U.164**
- Dissolution of domestic partnership, §§ **U.161, U.164.10**
- Domestic partnership legislation, §§ **U.160-U.190**
- ERISA insurance policy, domestic partner for beneficiary purposes under, § **L.48.30**

## INDEX

### DOMESTIC PARTNERSHIPS—Cont'd

Establishing domestic partnership in California, § **U.161**

Exceptions to dismissal for delay in prosecution, § **C.29.14.2**

Exemption for interspousal transfers extended to transfers between registered domestic partners, § **U.190**

Exemptions from enforcement of money judgments related to community property, § **U.192**

Expedited procedure for termination, § **U.161**

Failure to register, § **U.164.10**

Federal employees, health benefits for same-sex spouses of, § **U.195**

Federal law, state provisions that refer to or adopt, **U.161**

Health care decisions, benefits, and deductions for registered partners, § **U.175**

Homestead exemption rights, § **U.192**

Income taxes See **INCOME TAXES**

Intentional infliction of emotional distress, domestic partners' right to sue for, § **U.170**

Out-of-state domestic partnership, recognition of, § **U.195.5**

Petition for dissolution, § **U.161**

Preemption of local domestic partnership laws or ordinances, § **U.161**

Probate proceedings, rights of domestic partners in, § **U.185**

Putative-spouse doctrine, applicability of, § **U.164.10**

References to "spouse" or "marriage," **U.161**

Registration of domestic partners, § **U.161**

Stepparent adoptions by domestic partners, §§ **G.163.5.15, G.168.0.40, U.165**

STRS and PERS retirement benefits, § **L.5.5.20**

Substantially equivalent requirement for recognition of out-of-state, § **U.195.5**

Survivor benefits under ERISA plan, § **L.18.15.10**

### DOMESTIC PARTNERSHIPS—Cont'd

Termination of registered domestic partnership, § **U.161**

Unemployment insurance, rights of domestic partners related to, § **U.180**

Uniform Premarital Agreement Act, domestic partnership agreements governed by, § **U.110.1**

Wrongful death, domestic partners' right to sue for, § **U.170**

### DOMESTIC-RELATIONS EXCEPTION

See **JURISDICTION**

### DOMESTIC VIOLENCE

Ability to pay minimum fee/other payments, § **C.15.0.1.3**

Address-confidentiality program, § **C.22.50**

Address of protected party, order prohibiting enjoined party from obtaining, § **C.13**

Admission of evidence of, § **C.15.1**

Applicant's aggression, use of reasonable force to defend against, § **C.11.15**

Appointed counsel

- Pilot projects to provide appointed counsel for low-income civil litigants, § **A.30.5.2**
- Requirements applicable to custody/visitation proceedings do not apply to DVRO proceedings, § **G.124.20**

Arrest without warrant, § **C.14.7**

Attorneys' fees, §§ **A.15, C.13**

Authority for restraining orders, §§ **C.1, C.9.5**

Bail amount, standard for, § **C.15.0.0.0.2**

Battered women's shelters, contributions to, §§ **C.15.0.1.3, C.15.0.6**

Battered women's syndrome, §§ **C.15.0.6.20, C.15.1, C.165, P.24.10**

Batterer's program participation, §§ **C.15.0.1.3, C.15.0.2.7**

Battery, §§ **C.15.0.1-C.15.0.1.3**

Burden of proof of domestic violence victim-counselor privilege, § **D.92**

**DOMESTIC VIOLENCE—Cont'd**

Child abduction statutes, exceptions to, § **G.156.0.1.5**

Child-support orders, §§ **C.13, C.13.7**

Civil suits based on, §§ **C.15.0.1.10, C.15.0.1.12, J.100.28, S.4.5**

Cohabitants within meaning of DVPA, § **C.10**

Community property, enforcement against perpetrator's share of, §§ **C.15.0.1.10, J.100.28, S.4.5**

Complaining witness's failure to appear, § **C.15.1**

Conditional examination of domestic violence witness, § **C.15.0.0.1**

Conduct enjoined, §§ **C.12.2, C.13**

Consanguinity or affinity, person with whom respondent related by, § **C.9.5**

Contempt

    Victim found in contempt for refusing to testify, § **C.15.0.0.1**

    Violation of DVPA orders, § **C.15.0.0.0.6**

Continuance of hearing on petition for protective order, § **C.1.2**

Continuing duty to warn, § **A.98.5**

Conviction for domestic violence, issuance of restraining order after, § **C.13**

Cooperation of victim with law enforcement, § **C.15.0.5.5**

Corporal injury to spouse, cohabitant, fiancé or other parent of offender's child, §§ **C.15.0.0.2, C.15.0.0.2.5, C.15.0.0.4, C.15.0.1**

Counseling in custody cases, § **C.1.8.5**

Crimes related to, §§ **C.15.0.0.1-C.15.1.10**

Criminal cases, issuance of orders to protect victims or witnesses in, § **C.13**

Criminal protective order not bar to issuance of DVRO, § **C.9.5**

Current/former spouse, authority to grant protective order to, § **C.9.5**

CustodySee CUSTODY

Dating relationship defined, § **C.9.5**

Defend against applicant's aggression, use of reasonable force to, § **C.11.15**

**DOMESTIC VIOLENCE—Cont'd**

Definition of abuse for purposes of DVPA, § **C.9.5**

Delay in prosecution, existence of restraining order precludes dismissal for, § **C.29.14.2**

Denial of petition for restraining order, § **C.12.2**

Department of Justice database, entry of protective orders into, § **C.14.5.3**

Deportation, § **C.15.0.0.4**

Disturbing the peace, §§ **C.1, C.10.10**

Divide or convey property, agreement to, § **C.11.1**

Due process considerations, § **C.1.1.5.3**

Duration of restraining orders, § **C.13.5**

Early termination of restraining order, requirements for, §§ **C.13.5, C.13.7**

Electronic monitoring, § **C.13**

E-mail account, improperly accessing, § **C.10.10**

Emergency protective orders, §§ **C.12.5, C.13**

Enforcement precedence, §§ **C.13, C.14.5.3, C.14.5.7**

Enforcing restraining orders, § **C.14.5.5**

Equal protection and due process claims against law enforcement agencies, § **C.15.3**

Eviction based on abuser's actions, protection from, § **C.22.60**

Evidence sufficient to support renewal of restraining order, § **C.13.5**

Ex parte protective orders, § **C.12.2**

Expert testimony on battered women's syndrome, § **P.24.10**

Failure to apply presumption against awarding custody to perpetrator, § **G.26.5**

Family law attorney, discipline for, § **A.125.3.15**

Federal interstate domestic violence, § **C.15.0.6.10**

Federally prohibited firearm possession by convicted domestic violence offenders, § **C.15.0.3.4.20**

Fee for domestic violence programs imposed as condition of probation, § **C.15.0.1.3**

Filing fee, § **C.9.10**

## INDEX

### DOMESTIC VIOLENCE—Cont'd

Financial disclosure for purposes of  
restitution of victims, § **C.15.0.5.5**

#### Findings

Emergency protective orders,  
§ **C.12.5**

Initial DVRO, renewal based on find-  
ings supporting, § **C.13.5**

Mutual restraining orders, issuance of,  
§ **C.11.10**

Past abuse, § **C.9.5**

Primary aggressor, § **C.11.10**

Renewal of contested protective  
order, § **C.13.5**

Self-defense, §§ **C.11.10, C.11.15**

Sufficiency for issuance of mutual  
orders, § **C.11.10**

Firearm prohibitions, §§ **C.15.0.3-  
C.15.0.3.5**

Foreign protective orders, enforcement  
of, § **C.14.5.7**

Full faith and credit to protective orders  
issued by other states, § **C.13.10**

Further abuse, renewal without showing  
of, § **C.13.5**

Gender-motivated violence, cause of  
action for, §§ **C.15.0.1.20, C.15.0.1.25**

Grave-risk exception to return of child  
under Hague Convention,  
§ **H.5.9.0.2.6**

Guardianship-termination proceeding,  
evidence in, § **G.166.3.15**

Gun violence restraining orders  
(GVRO), § **C.13.50**

HarassmentSee **HARASSMENT**

#### Hearings

Due process considerations,  
§ **C.1.1.5.3**

Firearm relinquishment requirement,  
§ **C.15.0.3.4.10**

History of domestic violence between  
parties, § **C.11.10**

Housemates not cohabitants within  
meaning of DVPA, § **C.10**

Identifying dominant aggressor,  
§ **C.11.10**

Immunity for officers enforcing restrain-  
ing orders, § **C.14.5.5**

Impersonation, protective orders enjoin-  
ing online, § **C.12.2**

### DOMESTIC VIOLENCE—Cont'd

Incarcerated defendant, restitution by,  
§ **C.15.0.5.5**

Incident report, requirement to provide  
victim with copy of, § **C.14.6**

Inclusion of parties' children as  
protected parties, § **C.12.2**

Information pamphlet, § **C.9.10**

Initial DVRO, renewal based on findings  
supporting, § **C.13.5**

Injuries, mandatory reporting of,  
§§ **C.15.2-C.15.2.8**

Insurance coverage, restraining orders  
prohibiting changes to, **C.1**

Interpreters' fees, § **C.1.1.4**

Interstate domestic violence,  
§ **C.15.0.6.10**

Interstate enforcement, § **C.14.5.7**

Intimate partner battering, expert  
testimony in criminal proceedings  
regarding, §§ **C.15.0.6.20, C.15.1**

Investigation of prior convictions,  
restraining orders, and other his-  
tory, § **C.13**

Jail time for repeat offenders,  
§ **C.15.0.0.2.5**

Judicial Council form mandatory for  
parties seeking domestic violence  
restraining order, § **C.9.5**

Juvenile court, jurisdiction to renew  
restraining order issued by,  
§ **C.13.5**

Kick-out orders, § **C.2.1.0**

Law enforcement agencies, §§ **C.14-  
C.14.7, C.15.3, C.15.5**

Law enforcement officer, restrictions on  
discovery of personnel file of,  
§ **D.40.2.5**

Law Enforcement Telecommunications  
System

Information form submitted with  
requests for protective orders,  
§ **C.9.10**

Mandatory reporting of restraining  
orders, § **C.14.3**

Liability of law enforcement agencies to  
enforce restraining orders and  
protect victims, § **C.15.3**

Lien procedures to enforce restitution  
orders, § **C.15.0.5.5**

**DOMESTIC VIOLENCE—Cont'd**

Local enforcement of valid foreign protective orders, § **C.14.5.7**  
 Long-arm statute as basis for jurisdiction, § **B.7**  
 Loss of earnings or out-of-pocket expenses, restitution of, § **C.13**  
 Mandatory application of presumption against custody to perpetrator, § **G.26.5**  
 Mandatory service of protective order at scene, § **C.14.5.3**  
 Minimum fee imposed as condition of probation, § **C.15.0.1.3**  
 Minors appearing in court to obtain or oppose protective orders, § **C.9.5**  
 Minor victim or witness, protective order prohibiting intimidation of, § **C.13**  
 Misuse of confidential information regarding location of victim, § **C.22.50**  
 Modify or terminate protective order, mandatory form for use by party seeking to, § **C.9.5**  
 Most significant aggressor, § **C.11.10**  
 Multiple orders involving same parties, protocol for, § **C.13**  
 Murder attempt, remedies for victim of, § **C.15.0.1.30**  
 Mutual restraining orders, procedural requirements for, § **C.11.10**  
 No-contact orders, enforcement precedence of, §§ **C.13, C.14.5.3, C.14.5.7**  
 Nolo contendere plea to misdemeanor charge of domestic violence, § **F.53.4**  
 Nonmarital partners, §§ **C.10, U.51, U.95.10**  
 Notice and opportunity to be heard, § **C.1.1.5.3**  
 Notification  
     Release from incarceration, § **C.15.0.4**  
     Service of process, notifying protected person of, §§ **C.9.10, C.14.5.3**  
 Orders after hearing, § **C.13**  
 Other states, validity of orders issued by, § **C.14.5.7**

**DOMESTIC VIOLENCE—Cont'd**

Paid sick days to seek injunctive relief, victims may use, § **C.9.5**  
 Parole/probation conditions, § **C.15.0.2.7**  
 Paternity judgments in DVPA proceedings, § **C.13.9**  
 Penalties for violating protective order, § **C.15.0.0.0.2**  
 Pending appeal of original DVRO, jurisdiction to renew, § **R.55.0.3**  
 Permanent restraining orders, ex parte DVPA custody orders continued as part of, § **C.13.4**  
 Pet protection, § **C.12.2**  
 Placing of inmate on release from prison, § **C.15.0.4**  
 Platonic relationship, § **C.10**  
 Postfiling abusive conduct relevant, § **C.9.5**  
 Precedence in enforcement of restraining orders, §§ **C.13, C.14.5.3, C.14.5.7**  
 Presumption against custody to domestic violence perpetrator, § **G.26.5**  
 Previous violence on part of defendant, admissibility of, § **C.15.1**  
 Primary aggressor determination, § **C.11.10**  
 Probation conditions, §§ **C.13.7, C.15.0.1.3, C.15.0.2.7**  
 Proof of past abuse, § **C.9.5**  
 Property loss or damage, restitution for, § **C.13**  
 Protected persons under restraining order, §§ **C.12.2, C.13**  
 Protective orders, no-fee provision re, § **C.9.10**  
 Purpose of DVPA, § **C.9.5**  
 Putative parent restrained, § **C.10**  
 Qualified immunity for officers handling domestic violence incidents, § **C.15.3**  
 Quick-release exclusion, § **C.15.0.0.0.2**  
 Reasonable apprehension of future abuse, renewal based on, § **C.13.5**  
 Reasonable force to defend against applicant's aggression, use of, § **C.11.15**  
 Reciprocal restraining orders, procedural requirements for, § **C.11.10**



## INDEX

### DOMESTIC VIOLENCE—Cont'd

- Refiling charges, § **C.15.1.10**
- Registry of protective orders, §§ **C.14.5.5, C.14.5.10**
- Reimbursement
  - Services provided to party as result of domestic violence, § **C.13**
  - Victim's reasonable expenses, § **C.15.0.1.3**
- Relinquishment of firearms, §§ **C.15.0.3.4.5, C.15.0.3.4.10**
- Relocation expenses, payment for, § **C.15.0.5.5**
- Renewal of domestic violence protective order
  - Generally, § **C.13.5**
  - Pending appeal of original DVRO, § **R.55.0.3**
  - Presumption against custody to perpetrator, § **C.13.5**
  - Reasonable apprehension of future abuse, factors when evaluating, § **C.13.5**
  - Without showing of further abuse, § **C.13.5**
- Rental agreement, release from, § **C.22.60**
- Repeat offenders, mandatory jail time for, § **C.15.0.0.2.5**
- Reporting requirements, §§ **C.15.2-C.15.2.8, G.174-G.189**
- Residence-exclusion orders, § **C.15.0.1.3**
- Res judicata does not preclude separate tort action based on, §§ **B.26.2, C.15.0.1.12**
- Responding to calls, § **C.14.6**
- Restitution to criminal victims, §§ **C.15.0.5-C.15.0.6.5**
- Search warrants for weapons, § **C.15.0.3.4.5**
- Seizure of firearm at scene of domestic violence, § **C.15.0.3.4.5**
- Self-defense, §§ **C.11.10, C.11.15**
- Service, §§ **C.9.10, C.14.5.3**
- Sexual battery, §§ **C.15.0.1.4, C.160.5**
- Sexual orientation violence, cause of action for, § **C.15.0.1.20**
- Spousal rape, § **C.15.0.3.7**

### DOMESTIC VIOLENCE—Cont'd

- Spousal-support orders
  - Denial based on domestic violence inflicted on children, § **F.56.0.50**
  - Failure to make support order, court must consider effect of, § **C.13**
  - Generally, § **C.13**
  - Restrictions on support to abusive spouses, § **F.53.4**
- StalkingSee **STALKING**
- State-created danger doctrine, § **C.15.3**
- Statute of limitations for civil actions based on, § **C.15.0.1.15**
- Stay-away orders, § **C.15.0.1.3**
- Strike firearm restriction, trial court lacks authority to, § **C.15.0.3.4.12**
- Supervised visitation, §§ **G.26.7, G.142, G.142.0.2.10, G.175**
- Support person or domestic violence advocate, victims entitled to have, § **C.15.0.0.1**
- Surrender of firearms, § **C.15.0.3.4.10**
- Tenancy provisions, § **C.22.60**
- Termination of domestic violence restraining orders, §§ **C.13, C.13.7**
- Testimony of one witness may constitute substantial evidence, § **C.13**
- Tort of domestic violence, §§ **B.26.2, C.15.0.1.10**
- Treatment or rehabilitation program, § **C.15.0.1.3**
- Types of injuries triggering report, § **C.15.2.3**
- UCCJEA jurisdiction, §§ **C.9.5.1, H.48**
- Validity of foreign protective order, criteria for determining, § **C.14.5.7**
- Victim-counselor privilege, §§ **D.92, G.176, P.87**
- Violations of TRO sufficient to warrant issuance of DVRO, § **C.10**
- Violence Against Women Act, constitutionality of, § **C.15.0.1.25**
- VisitationSee **VISITATION**
- Warrantless arrest, § **C.14.7**
- Weapons violations, §§ **C.15.0.3-C.15.0.3.5**
- Without showing of further abuse, renewal of order, § **C.13.5**
- Witnesses, issuance of orders to protect, § **C.13**

## **DOMICILE**

- Defined, § **B.3**
- Indian Child Welfare Act (ICWA), § **G.170.35**
- Jurisdiction, basis for, §§ **B.2, B.32**
- Subject-matter jurisdiction over marriage, § **B.3.1**
- Uniform Divorce Recognition Act, § **B.33**

## **DOUBLE JEOPARDY**

- Contempt, §§ **S.162, S.162.1, S.162.5**
- Continued concealment of children after kidnapping conviction, § **G.156.0.2.3**

## **DRIVER'S LICENSE**

- See DEPARTMENT OF MOTOR VEHICLES

## **DRTRA (DOMESTIC RELATIONS PROVISIONS OF TAX REFORM ACT OF 1984)**

- See INCOME TAXES

## **DRUG USE**

- Agreement that husband would forfeit property violates public policy and is unenforceable, § **C.162**
- Criminal forfeiture laws, §§ **S.42.3, S.42.3.1, S.42.3.5**
- Custody determination, §§ **G.25, G.26.2, G.43**
- Drug and alcohol testing authorized for parents in custody disputes, §§ **G.25, G.43**
- Gun violence restraining orders (GVRO), § **C.13.50**
- Minor's consent to medical care or counseling, § **G.18.1.7.10**
- Parental liability for overdose death of son's friend, § **G.18.1.5.1**
- Permissible drug tests, § **G.43**
- Seizure laws, §§ **S.42.3, S.42.3.1, S.42.3.5**
- Smoking as justification for denying reunification services, § **G.43.5**

## **DUAL REPRESENTATION**

- ABA rule, § **A.69**
- Abuse of discretion, when disqualification constitutes, § **A.70**
- Adoption proceedings, § **A.76.0.6**

## **DUAL REPRESENTATION—Cont'd**

- Adverse use of confidential information, §§ **A.71.30-A.71.120**
- Anti-SLAPP statute inapplicable to suit against attorneys for breach of duty of loyalty, §§ **A.103.2.110, A.121.40**
- Attorney-client privilege, §§ **A.71.5, D.101**
- Child-support enforcement action, disqualification of DA in, § **A.71.120**
- Confidential information about former client presumed, § **A.71.50**
- Conservator, attorney as, § **A.76.15**
- Consultations, §§ **A.71.105, A.71.110**
- Of counsel attorney's conflict of interest requires disqualification of entire firm, § **A.71.80**
- Court-appearance service, use of, § **A.70**
- Delay in making disqualification motion, § **A.71.65**
- Dependency proceedings, §§ **A.76.0.2, A.76.0.3, G.124.45**
- Failure to rebut presumption disqualifies entire firm, § **A.71.70**
- Family business attorney disqualified in disso proceeding, § **A.71.40**
- Fiduciary duty to disclose information, § **A.71.10**
- Former client of another firm member, client who is adverse to, § **A.71.75**
- Framework retainer agreements for future representation, § **A.71.12**
- Guardian, attorney as, § **A.76.15**
- Independent attorney who consulted with opposing counsel, firm disqualified that associated with, § **A.71.82**
- Informed written consent, §§ **A.69-A.71, A.71.30**
- Judge, disqualification of entire firm on hiring former, § **A.71.85**
- Malpractice, representing opposing client in subsequent action for, § **A.71.55**
- Marital relationship with former director of plaintiff foundation, § **A.71.117**
- Marriage counseling and legal services combined, § **A.123.20**
- Mediation, § **A.76.10**

## INDEX

### DUAL REPRESENTATION—Cont'd

- Mere exposure to confidential information, § **A.71.102**
- Merging practices, possibility of conflict where, § **A.71.115**
- Outside attorney-client relationship, confidential information received, § **A.71.100**
- Overreaching, § **A.71.20**
- Postnuptial agreement drafted by one spouse's attorney, enforceability of, § **U.101.50**
- Presumption that confidential information acquired where substantial relationship between cases, § **A.71.50**
- Pre-trial agreements and negotiations, § **A.71**
- Prior employment, confidential info obtained in, §§ **A.71.90, A.71.102**
- Pro per opponent, §§ **A.71.15, A.71.20**
- Protection clause in MSA, § **A.71.20**
- Public law firms, standards for disqualification in cases of successive representation by, § **A.72**
- Representation adverse to client or former client, §§ **A.71.30-A.71.120**
- Scrivener, enforceability of MSA negotiated by parties where attorney acted only as, §§ **A.71.2, T.75**
- Standing requirement for disqualification motion, § **A.80**
- State Bar rule, § **A.70**
- Subpoena duces tecum served on existing client, § **A.71.30**
- Subsequently adverse interests, § **A.71.45**
- Substantial-relationship test, §§ **A.71.50, A.71.51, A.71.60**
- Substitution of attorney as respondent in client's appeal of default judgment, § **A.71.47**
- Termination of parental rights, § **A.76.0.4**
- At trial, § **A.71**
- Trustee, attorney as, § **A.76.15**
- Unrepresented party, duty to, § **A.71.25**
- Waiver of right to disqualify, § **A.71.65**

### DUE PROCESS

- Child abuse reporting provisions, §§ **G.185, G.185.5**

### DUE PROCESS—Cont'd

- Competence determinations, § **C.29.4.4.5**
- Contempt actions, § **A.115.8**
- Domestic violence restraining orders, duty to enforce, § **C.15.3**
- Ex parte restraining orders, issuance of, § **C.1.1.5.3**
- Medical examination of child, parental notification and consent to, § **G.181**
- Parental rights termination, §§ **G.168.0.80, G.168.1.10, G.168.1.20**
- Sanctions, § **A.16.1.0.6**
- Sex education, parents do not have constitutionally protected right to control, § **C.160.6.20**
- Tax intercept programs, § **S.69.50**
- Trial judge repeatedly threatened mistrial and ended trial mid-testimony, § **C.69.9.0.7**

### DUTY TO WARN

- Client, attorney's duty to warn, §§ **A.94-A.98.1.5**
- Continuing, § **A.98.5**
- Dangerous propensities of client, §§ **A.98.2, A.98.3**
- Psychotherapist's duty to protect from patient's threatened violence, §§ **A.98.2, A.98.2.5**

### EARLY RETIREMENT

- See PENSIONS

### EARNED INCOME

- Exemption from family income for CalWORKS purposes, § **E.38.25**
- Income tax creditSee INCOME TAXES

### EARNING CAPACITY

- Attorneys' fee award, § **A.18.2**
- Child supportSee CHILD SUPPORT
- Contempt, § **S.151.4**
- Education of party, reimbursable community contributions to, §§ **M.67.11, M.67.12.10, M.67.21**
- Goodwill, § **M.50**
- Incarcerated parent, § **E.38.9**
- Spousal support, §§ **F.19, F.52.10, F.54.5, F.56.0.8, F.62.25**

**EARNING CAPACITY—Cont'd**

Welfare reimbursement action,  
§§ **E.38.6, E.38.9**

**EARNINGS AND INCOME**

CharacterizationSee **COMMUNITY OR  
SEPARATE PROPERTY**

Wage assignmentsSee **WAGE ASSIGN-  
MENTS**

**EARNINGS WITHHOLDING  
ORDERS**

Conflicts with writs of execution,  
§ **S.52.2**

Exempt portion of earnings, § **S.49**

Final order, § **S.52.6**

Generally, § **S.49**

Intercounty registration of, § **S.185.50**

Maximum amount of disposable earn-  
ings subject to levy, § **S.49**

Procedure, §§ **S.49-S.52.8**

Support withholding orders, §§ **S.53-  
S.55.1.1**

Termination, § **S.52.8**

Withholding period defined, § **S.51**

**EAVESDROPPING**

See **WIRETAPPING AND EAVES-  
DROPPING**

**ECONOMIC DAMAGES**

Income tax treatment, § **N.156.4.20**

**EDUCATION**

Campus violence protective orders,  
§ **C.23.15**

Child-care costs related to training for  
employment skills, § **E.22.9.0.1**

CustodySee **CUSTODY**

Equitable distribution, property subject  
to, § **M.67.10**

Home schooling, §§ **G.44.0.4, G.168.1.9**

Limitation on reimbursement and  
assignment, § **M.67.12**

Loan assignments

Generally, § **J.81.2**

Procedure for, § **M.67.20**

Statutory authority, §§ **M.67.12-  
M.67.13.1**

Written agreement, §§ **M.67.12.5,  
M.67.18**

Mandatory continuing legal  
educationSee **ATTORNEYS**

**EDUCATION—Cont'd**

Procedures checklist, §§ **M.67.18-  
M.67.36**

Reduction of reimbursement, § **M.67.12**

Reimbursable community contributions  
Defined, § **M.67.12**

Earning capacity, §§ **M.67.11,  
M.67.12.10, M.67.21**

Expenses incurred before marriage,  
§ **M.67.13.0.5**

Generally, § **J.11.5.7**

Interest, §§ **M.67.12, M.67.25-  
M.67.27**

Law school education, § **M.67.12.10**

Living expenses not includable,  
§ **M.67.13.1**

Nonprofessionals, applicability to,  
§ **M.67.21**

Nonworking spouse's right to  
reimbursement, § **M.67.12**

Procedures checklist, §§ **M.67.18-  
M.67.36**

Reduced need for support,  
§§ **M.67.12, M.67.32**

Reduction or modification, § **M.67.12**

Retroactivity, § **J.11.5.7**

Statutory authority, §§ **M.67.12-  
M.67.13.1**

Student loans, § **M.67.12**

Substantial benefit to community,  
§§ **M.67.12, M.67.30**

Sullivan case, § **M.67.11**

Written agreement, §§ **M.67.12.5,  
M.67.18**

Savings accounts for educational  
expenses not exempt from execu-  
tion, § **S.35.10**

Sex education, parents do not have  
constitutionally protected right to  
control, § **C.160.6.20**

Spousal supportSee **SPOUSAL SUP-  
PORT**

Sullivan case, § **M.67.11**

Veterans' benefits, §§ **L.49.1, L.98**

**ELDERS AND DEPENDENT ADULTS**

Capacity of partiesSee **COMPETENCE  
DETERMINATIONS**

Elder abuse restraining order (EARO),  
§ **C.2.1.0**

## INDEX

### ELDERS AND DEPENDENT ADULTS

#### —Cont'd

- Firearm prohibitions, §§ **C.15.0.3-C.15.0.3.4.5**
- Incident report, requirement to provide victim of abuse with copy of, § **C.14.6**
- Residence exclusion orders, § **C.2.1.0**

### ELECTRONICALLY STORED INFORMATION

- Data breachSee **DATA BREACH**
- DiscoverySee **DISCOVERY**

### ELECTRONIC COMMUNICATION

- Attorney-client privilege, applicability of, § **P.81.7**
- Impersonation, protective orders enjoining online, § **C.12.2**
- Inciting harassment through electronic communications, § **C.15.0.3.15**
- Interstate domestic violence and stalking, § **C.15.0.6.10**
- Personal jurisdiction over nonresident, social media communications established sufficient contacts with state to support exercise of, §§ **B.7, B.21.4**
- Spouse's unauthorized access to wife's work emails as violation of Stored Communications Act, § **C.160.4.1**
- Telephone or electronic harassment, § **C.15.0.3.9**

### ELECTRONIC FILES

- Attorney's duty to release electronic versions of client's documents, § **A.122.25**

### ELECTRONIC FILING AND SERVICE

- Failure in electronic transmission/receipt, § **R.56.10**
- Generally, § **C.29.4.70**
- Nunc pro tunc relief, § **R.56.10**

### E-MAIL

- See **ELECTRONIC COMMUNICATION**

### EMANCIPATION OF MINORS

- Definition of emancipated minor, § **E.56.7**

### EMANCIPATION OF MINORS

#### —Cont'd

- Evidence sufficient to support emancipation declaration, § **E.59**
- Notice of hearing
  - Declaration of emancipation, petition for, § **E.59**
  - Void or rescind declaration of emancipation, § **E.59.5**
- Procedure for declaration of emancipation, § **E.59**
- Right to parental support, effect on, § **E.56.7**
- Voiding or rescinding emancipation declaration, § **E.59.5**

### EMERGENCIES

- UCCJA, jurisdiction under former, §§ **H.100.17-H.100.21**
- UCCJEA jurisdiction, §§ **B.34, C.9.5.1, H.48, H.49**

### EMOTIONAL DISTRESS

- Diversity jurisdiction, § **B.26.2**
- Domestic partners, recovery by, § **U.170**
- False accusation of child molestation made to police, § **G.173.15**
- Income tax treatment of damages for, § **N.156.4.20**
- Legal malpractice action, availability in, § **A.92.16**
- Nonmarital partners, recovery by, §§ **U.51, U.86.2.1**
- Outrageous conduct, § **A.108.0.23**
- Privileged disclosure, action based on, § **C.160.4.6**
- Restitution, qualification for, § **C.15.0.5.5**
- Therapist of spouse, claim against, § **A.108.3**

### EMPLOYEE BENEFITS

- Beneficiary designation, §§ **C.157.0.1.3, L.4.5.3, L.4.5.4**
- Defined, § **L.5.3**
- Disability paySee **DISABILITY BENEFITS**
- Divisible community assets, §§ **J.23.2, J.71**
- Health insuranceSee **HEALTH INSURANCE**

**EMPLOYEE BENEFITS—Cont'd**

- Mortgage subsidy, characterization of employer-provided, § **J.71.0.2**
- PensionsSee PENSIONS
- Post-separation lump-sum payment, characterization of, § **L.25.5**
- Profit-sharing plansSee PROFIT-SHARING PLANS
- QDRO exception to ERISA's anti-alienation provision, applicability of, §§ **L.4.5.3, L.4.5.4**
- Savings and investment plan (SIP), beneficiary designation for, § **C.157.0.1.3**
- Support calculation, taxable for purposes of, § **E.22.7.3**
- Survivor benefitsSee SURVIVOR BENEFITS
- Tax consequences of buy-out of nonemployee spouse, § **N.124.2.12**

**EMPLOYEES' RETIREMENT INCOME AND SECURITY ACT (ERISA)**

- See ERISA (EMPLOYEES' RETIREMENT INCOME AND SECURITY ACT)

**EMPLOYERS**

- Civil liability for helping obligor avoid paying support, § **S.56.0.12.5**
- Information sharing with support-enforcement agencies, §§ **S.63.0.5, S.64.2.2.50**
- Requests for production of employment records, § **D.40.0.5**
- Support withholding orders, compliance with, § **S.53**
- Vicarious liability for negligent hiring and supervision, § **G.197.10**
- Wage assignments, § **S.56.0.6**
- Workplace Violence Safety Act, §§ **C.23.1-C.23.8**

**EMPLOYMENT CONTRACTS**

- Characterization of funds, § **J.70.1**
- Deferred compensation, § **L.73**

**EMPLOYMENT DEVELOPMENT DEPARTMENT**

- Enforcing support orders, information sharing for purposes of, § **S.64.2.2.50**

**ENCUMBRANCE**

- Community real propertySee COMMUNITY OR SEPARATE PROPERTY

**ENFORCEMENT**

- Attorney advertising, § **A.105.0.3.25**
- Attorneys' fee awardSee ATTORNEYS' FEES
- ContemptSee CONTEMPT
- Custody decreesSee CUSTODY
- Domestic violence perpetrator's share of community property, enforcement against, §§ **C.15.0.1.10, J.100.28, S.4.5**
- Earnings withholdingSee EARNINGS WITHHOLDING ORDERS
- Enforcement costs, §§ **S.17-S.20**
- Exemptions, §§ **S.134-S.137**
- Family law money judgments exempt from renewal requirements, § **S.24**
- Interest on costs of enforcement, § **S.11**
- Judgments
  - General discussion of enforcement of judgments, § **S.21**
  - Renewal of judgments, §§ **S.22-S.24**
  - Service requirements for enforcement of judgments, § **S.21.10**
  - Writs of executionSee EXECUTION
- Litigation privilege applies to post-trial actions where party failed to post bond to stay collection pending appeal, § **A.103.0.0.1.65**
- Out-of-state real property, judgments affecting, § **J.44**
- PensionsSee PENSIONS
- Receiver, appointment of, § **S.120**
- Renewal of judgments, §§ **S.22-S.24**
- Support ordersSee ENFORCEMENT OF SUPPORT ORDERS
- Surrogacy contracts, § **G.166.5**
- Tribal Court Civil Money Judgment Act, § **S.168.5**
- Visitation, §§ **G.142.3.5-G.142.4.2, G.152-G.156.1**
- Waived filing fees, enforcement of orders for payment of, § **C.29.4.7**

**ENFORCEMENT OF SUPPORT ORDERS**

- Accrual of interest on money judgment, § **S.10**



**ENFORCEMENT OF SUPPORT  
ORDERS—Cont’d**

- Appeals
  - Abandonment, § **R.10.15**
  - Arrearages determination, § **S.64.2.3.100**
  - Attorneys’ fees denied, § **A.14.1.5**
  - Decision after child-support service hearing, § **S.64.2.3.97**
  - Money judgment modified on appeal, § **S.10**
- Assignment orders, §§ **S.127-S.130**
- Attorneys’ fees
  - Award in enforcement proceeding, §§ **A.3.1, A.14**
  - Charging lien not enforceable against child-support payments, § **A.65.3.5**
  - Disparity of access to funds and ability to pay, finding of, § **A.14**
  - Forms required to be filed by party seeking order, § **C.29.4.20**
  - Priority of lien claimants, §§ **A.65.3.2, S.130.2**
  - Private child-support collector, attorney acting as, §§ **S.64.20-S.64.30**
  - Recoverable as enforcement cost, § **S.20.0.1**
  - UIFSA proceedings, § **S.178.20**
- Automated child-support reporting, §§ **S.64.0.1-S.64.0.7**
- Automatic stay in bankruptcy does not preclude criminal prosecution for nonsupport, § **O.32.1**
- Automatic wage assignmentsSee **WAGE ASSIGNMENTS**
- Business licenses suspended or denied, §§ **S.64.2.3.5-S.64.2.3.39**
- California Child Support Enforcement System (CSE), §§ **S.64.0.1, S.64.0.3**
- Cases involving support enforcement by county, §§ **S.64.2.4-S.64.2.5.65**
- Central registry for support orders, § **S.64.0.3**
- Charging orders to enforce support obligations owed by partners, § **S.122**
- Child-care costs, challenging arrearages by requiring recipient to document, § **S.59.20**

**ENFORCEMENT OF SUPPORT  
ORDERS—Cont’d**

- Child-support agencies
  - Agency cooperation, § **S.64.2.2.25**
  - Arrearages, limits on duties re, § **S.64.2.2.5**
  - Attorney-client relationship, absence of, §§ **A.103.0.0.0.5, S.64.2.1.55**
  - Business license suspended or denied, §§ **S.64.2.3.5-S.64.2.3.39**
  - Complaint resolution process, § **S.64.2.3.90**
  - Consolidation of support orders, § **S.64.2.1.30**
  - Credit-card payments, § **S.64.2.2.20**
  - DCSS collection, referral for, § **S.64.2.2.30**
  - Default judgments, § **S.64.2.1.75**
  - Delinquency reports, liability for erroneously and repeatedly sending, § **S.64.2.1.57**
  - Driver’s license suspension provisions, § **S.64.2.3.39**
  - Expedited enforcement of support judgments, §§ **S.64.2.2.8, S.83.10**
  - Financial institutions, information from, § **S.64.2.2.45**
  - Health insurance issues, § **E.25.7**
  - Incarcerated parent, support obligation of, § **E.69**
  - Judicial determination of arrearages, § **S.64.2.3.100**
  - Lien for child support, § **S.64.2.2.15**
  - Locate support recipient, attempt to, § **S.64.2.2**
  - Mistaken-identity claims, §§ **S.64.2.1.57, S.64.2.3.105**
  - Notice of hearings, § **S.64.2.1.60**
  - Parents as parties to actions brought by, § **S.64.2.1.35**
  - Paternity judgment after noticed motion, § **S.64.2.1.70**
  - PERS benefits, enforcement against, § **S.64.2.2.80**
  - Presumed income, default judgment based on, §§ **S.64.2.1.75-S.64.2.1.80**
  - Public assistance, enforcement actions involving, § **S.64.2.1.45**
  - Responsibilities of, § **S.64.2.1.10**

## ENFORCEMENT OF SUPPORT ORDERS—Cont'd

- Child-support agencies—Cont'd
  - Service of pleadings, § **S.64.2.1.35**
  - Setting aside default judgment, §§ **S.64.2.1.80, T.33.6.50**
  - Simplified forms in enforcement actions brought by, § **S.64.2.1.15**
  - Standing, § **S.64.2.1.83**
  - State actor, agency as, § **S.64.2.1.57**
  - Stipulations require consent of recipient, § **S.64.2.1.65**
  - Supplemental complaints for support and paternity, §§ **E.19.30, S.64.2.1.25**
  - Time for filing action to establish or enforce support, § **S.64.2.1.10**
  - Venue provisions for enforcement actions, § **S.64.2.1.20**
- Child-support commissioners, referral to, §§ **C.69.4.10, S.64.2.2.7**
- Child Support Recovery Act, §§ **S.78.8-S.78.8.25**
- Child-support security deposit, §§ **E.65.5-E.65.20, S.56.0.10.5-S.56.0.10.20**
- Civil liability for helping obligor avoid paying support, § **S.56.0.12.5**
- Complaint resolution process
  - Child-support agencies required to maintain, § **S.64.2.3.90**
  - Parent's right to state hearing on exhaustion of, § **S.64.2.3.95**
- Concealment of child as defense, §§ **E.78, G.156.1.1-G.156.1.20, S.56.0.13.5**
- Confidentiality of support-enforcement records, § **S.63.2.3**
- Constructive trust on funds held by third party to shield them against claims for support arrearages, § **S.56.0.12.20**
- ContemptSee **CONTEMPT**
- Contingent-fee agreements, § **A.60**
- Costs
  - Attorneys' fees for enforcing judgments, § **S.20.0.1**
  - Interest on, § **S.11**
  - Recoverable, §§ **S.17-S.20**
  - Time limits, § **S.20.1**
- Credit agencies, reporting to, § **S.64.0.7**

## ENFORCEMENT OF SUPPORT ORDERS—Cont'd

- Credit-card payments, § **S.64.2.2.20**
- Credit reports
  - Collecting child-support arrearages, requests for purpose of, §§ **D.130.5, S.235**
  - Establishing support or obligor's ability to pay, requests for purpose of, § **S.64.2.2.45**
- Custody and visitation issues joined to enforcement proceedings, § **C.69.4.15**
- Debit card or electronic funds transfer, payment by means of, § **S.64.2.2.20**
- Default judgment based on presumed income, §§ **S.64.2.1.75-S.64.2.1.80**
- Defenses
  - Child concealment, §§ **E.78, G.156.1.1-G.156.1.20, S.56.0.13.5**
  - Immunity of certain employers under federal law, § **S.59.10**
  - Local rule in conflict with statute and state rules, § **S.56.1**
  - Penalties for unpaid child support, § **S.56.0.11.30**
  - Security deposit establishment, § **S.56.0.10.20**
- Department of Child Support Services
  - Agency responsibilities, §§ **S.64.1, S.64.1.5**
- Appeals from decisions of DCSS director, § **S.64.2.3.97**
- Fee for child-support enforcement services, § **S.64.1.5**
- Financial Institution Data Match System, § **S.64.2.2.40**
- Shift of responsibility for collecting support delinquencies, § **S.64.2.2.30**
- Deposit to secure future support, §§ **S.55.2-S.55.4**
- Derivative benefits received on behalf of child of SSDI recipient, § **E.34.3**
- Direct deposit of support payments into qualifying account, § **S.64.2.2.30**
- Disability benefit withholding, § **S.64.2.2.55**
- Disso remains pending with regard to support and custody, § **C.87.1.0.7**

**ENFORCEMENT OF SUPPORT  
ORDERS—Cont'd**

District attorney  
     Authorized to represent support recipient opposing reduction or termination of support, § **S.64.2.5**  
     UIFSA proceedings, § **S.178.15**  
     DMV records, access to, § **S.61.1**  
     Domestic violence conviction, § **F.53.4**  
     Dormant child-support judgments, enforceability of, §§ **S.24.5, S.25.2**  
     Driver's license suspension provisions, § **S.64.2.3.39**  
     Earnings withholdingSee **EARNINGS WITHHOLDING ORDERS**  
     Effective date of default child support judgment, § **S.64.2.1.75**  
     Employees, information sharing on, §§ **S.63.0.5, S.64.2.2.50**  
     Employment Development Department, information collected by, § **S.64.2.2.50**  
     Equitable discretion to decline enforcement of support judgment, §§ **G.156.1.20, S.56.0.18.6**  
     ExecutionSee **EXECUTION**  
     Exemptions, §§ **S.134-S.137**  
     Expedited enforcement of support judgments, §§ **S.64.2.2.8, S.83.10**  
     Federal crime to willfully fail to pay, §§ **S.78.8, S.78.8.5**  
     Federal tax intercept programs, §§ **O.73, S.66-S.68.1**  
     Fee for child-support enforcement services, § **S.64.1.5**  
     Financial Institution Data Match System, § **S.64.2.2.40**  
     Financial institutions  
         Civil liability for helping obligor avoid paying support, § **S.56.0.12.5**  
         Designated central location for service of process, § **S.47**  
         Disclosure of information to local child-support agency, § **S.64.2.2.45**  
         Financial Institution Data Match System, § **S.64.2.2.40**  
     Five-year dismissal statute inapplicable where court ordered pendente lite

**ENFORCEMENT OF SUPPORT  
ORDERS—Cont'd**

    support, § **C.29.25**  
     Flight to avoid paying spousal support, criminal offense of, § **S.56.0.12**  
     Foreclosure, enforcement through, § **S.105**  
     Forms required to be filed by party seeking order, rule of court governing, § **C.29.4.20**  
     Fraudulent proof of service, § **T.27.2**  
     FTB collection activities, phase out of, § **S.64.2.2.30**  
     Full faith and credit for child-support orders, §§ **B.35.5, E.73.5, S.185.25**  
     Government agency information, use of, §§ **S.63.2, S.63.2.3, S.63.2.7**  
     Hearings on child-support services  
         Parent's right on exhaustion of complaint resolution process, § **S.64.2.3.95**  
         Review of decisions of DCSS director, § **S.64.2.3.97**  
     Hearings on child-support services, right to, § **S.64.2.3.95**  
     Immigrant spouse's contractual right to support from sponsor, §§ **B.26.2.2, F.110, S.59.50**  
     Immunity for bringing child-support action, §§ **S.64.2.1.57, S.64.2.5.65**  
     Incarcerated parent, support obligation of, § **E.69**  
     Independent actions by parents, § **S.64.2.1.40**  
     Independent contractors, information on, §§ **S.63.0.5, S.64.2.2.50**  
     Indigent defendant, court-appointed counsel for, § **S.64.3**  
     Installment judgment, interest on, §§ **S.10, S.14.3**  
     Intercounty registration of support orders, § **S.185.50**  
     Interest  
         Accrual of interest, § **S.10**  
         Child-support arrearages, §§ **S.12-S.14.3**  
         Costs, § **S.11**  
         CSRA restitution, § **S.78.8.8**  
         Current support, accrual of interest on, § **S.64.2.1.32**  
         Installment judgment, §§ **S.10, S.14.3**

## ENFORCEMENT OF SUPPORT ORDERS—Cont'd

Interest—Cont'd  
 Legal rate, § **S.6**  
 Notice, § **S.14.2**  
 Spousal-support arrearages, § **S.15**  
 Taxable to support recipient,  
 § **N.107.5**  
 Interstate support enforcement under  
 Child Support Recovery Act,  
 §§ **S.78.8-S.78.8.25**  
 Judgment liens, §§ **S.79-S.83.3**  
 Jurisdiction, § **S.2.1**  
 Laches, § **S.25.0.5**  
 Levy, collection by, § **S.64.2.2.8**  
 Licensee's noncompliance,  
 §§ **S.64.2.3.5-S.64.2.3.39**  
 Local child-support agencies, see Child-  
 support agencies, *supra*  
 Local rules, § **S.56.1**  
 Methods for, § **S.48.1**  
 Mistaken-identity claims,  
 §§ **S.64.2.1.57, S.64.2.3.105**  
 Modification proceeding, district  
 attorney authorized to represent  
 support recipient in, § **S.64.2.5**  
 Money judgments for private child-sup-  
 port collector's fee, § **S.64.25**  
 Multiple offenses under CSRA, failure  
 to pay support for more than one  
 child does not constitute,  
 § **S.78.8.9.5**  
 Multiple spousal-support orders allowed  
 under UIFSA and former law,  
 § **S.177.32**  
 Nonminor dependents, § **S.64.2.1.45**  
 Notice of child-support arrearage,  
 § **S.64.2.2.75**  
 Offers in compromise of child-support  
 arrearages, uniform statewide  
 program for accepting,  
 § **S.64.2.1.52**  
 Parent locator serviceSee PARENT  
 LOCATOR SERVICE  
 Parent's right to hearing on exhaustion  
 of complaint resolution process,  
 § **S.64.2.3.95**  
 Partner's interest, charging orders and  
 transfers of, § **S.122**  
 Passport denial/revocation when arrear-  
 ages exceed \$ 2,500, § **S.78.8.35**

## ENFORCEMENT OF SUPPORT ORDERS—Cont'd

Payment through court trustee, effect of  
 court order for, §§ **G.156.1.3,**  
**S.56.0.18.7**  
 Penalties for unpaid child support  
 Calculation problems, § **S.56.0.11.47**  
 Defenses, § **S.56.0.11.30**  
 Effect on ongoing support,  
 § **S.56.0.11.40**  
 Local child-support agency enforce-  
 ment prohibited, § **S.56.0.11.43**  
 Notice requirements, § **S.56.0.11.20**  
 Reduce penalty in interests of justice,  
 discretion to, § **S.56.0.11.32**  
 Statutory authority, § **S.56.0.11.10**  
 Timeliness of motion to oppose penal-  
 ties, § **S.56.0.11.32**  
 Wage assignments, §§ **S.56.0.7.8,**  
**S.56.0.11.15**  
 PERS benefits, enforcement against,  
 § **S.64.2.2.80**  
 Personal property of obligor, levy on,  
 § **S.64.2.2.8**  
 Posting security for support, §§ **S.55.2-**  
**S.55.4**  
 Presumed income, default judgment  
 based on, §§ **S.64.2.1.75-**  
**S.64.2.1.80**  
 Presumption under CSRA of ability to  
 pay is unconstitutional but sever-  
 able, § **S.78.8**  
 Priorities in crediting withheld funds,  
 § **S.55.0.5**  
 Private child-support collector, attorney  
 acting as, §§ **S.64.20-S.64.30**  
 Receivership, § **S.120**  
 Renewal, support judgments exempt  
 from, § **S.24**  
 Request for enforcement by recipient-  
 parent or welfare agency,  
 § **S.64.2.1.83**  
 Res judicata on paternity issue, sister-  
 state default judgment is,  
 § **S.64.2.5.10**  
 Restitution under Child Support  
 Recovery Act, § **S.78.8.8**  
 Retroactivity of support orders,  
 § **E.21.0.0.1.5**  
 Securities and other assets, process for  
 liquidating, § **S.64.2.2.8**

**ENFORCEMENT OF SUPPORT  
ORDERS—Cont'd**

- Security deposit for child support,  
§§ **E.65.5-E.65.20, S.56.0.10.5-S.56.0.10.20**
- Seek-work orders, § **S.55.1.20**
- Setoff of accrued arrearages, § **E.73.5.2**
- Sister State Money Judgments Act,  
§§ **S.169-S.176**
- Small claims, § **S.20.2**
- Statement of arrearages, § **S.64.2.2.5**
- State tax intercept, §§ **S.69-S.69.50**
- Statutory authority, § **S.1**
- Stipulated settlement requires recipient-  
parent's consent, §§ **S.64.2.1.65, T.90**
- Supplemental complaints for child sup-  
port and paternity, §§ **E.19.30, S.64.2.1.25**
- Support liens, §§ **S.79-S.83.3**
- Support obligations owed to counties  
enforceable by contempt,  
§ **S.55.1.20**
- Support paid to grandparents with whom  
child lived, enforcement denied  
where, § **E.50.0.5**
- Support withholding orders, §§ **S.53-S.55.1.1**
- Suspension or revocation of license of  
support obligor, §§ **S.64.2.3.5-S.64.2.3.39**
- Tax intercept programs, §§ **O.73, S.66-S.69.50**
- Temporary license for obligor subject to  
suspension provisions,  
§ **S.64.2.3.17**
- Trustee ordered to pay current and past-  
due support directly from trust  
despite spendthrift clause,  
§ **E.37.15**
- Underlying support order as void for  
lack of personal jurisdiction, CSRA  
defendant challenging, § **S.78.8.6**
- Unemployment, child-support delin-  
quency due to, § **S.55.1.20**
- Unemployment benefits, withholding of,  
§ **S.64.2.2.55**
- Uniform Interstate Family Support  
ActSee UIFSA (UNIFORM  
INTERSTATE FAMILY SUPPORT  
ACT)

**ENFORCEMENT OF SUPPORT  
ORDERS—Cont'd**

- Uniform Voidable Transactions Act  
applies to MSAs, but future child-  
support payments are not debt  
under UVTA, §§ **S.48.0.60, T.36.3**
- Various types of orders, § **S.1**
- Veteran's disability benefits, § **L.42.4**
- Violation of court order, effect of, § **S.3**
- Wage assignmentsSee WAGE ASSIGN-  
MENTS
- Willful failure seek employment,  
conviction under CSRA based on,  
§ **S.78.8.15**
- Workers' comp benefits, support liens  
against, §§ **S.64.2.2.60-S.64.2.2.75**
- Writs of executionSee EXECUTION

**EQUALIZING PAYMENT**  
See PROPERTY DIVISION

**EQUIPMENT**

- Judgment liens against personal prop-  
erty, § **S.130.2**

**EQUITABLE SET-ASIDE**

- Definition of extrinsic fraud or mistake,  
§ **T.27**
- Duty to disclose assets, § **T.32.2**
- Extrinsic fraud or mistake, § **T.27**
- Family law judgments
  - Burden of proof, § **T.33.6.10**
  - Effective date for current rule,  
§ **T.33.6**
  - Finality, effect on, § **T.33.6.35**
  - Grounds, § **T.33.6.15**
  - Inequitable division, §§ **T.33.6.10, T.33.6.12**
  - Limitations period for set-aside on  
grounds of fraud or perjury,  
§ **T.33.6.16**
  - Nondisclosure or misconduct,  
§§ **T.33.6.5, T.33.6.15**
  - Public policy provisions, § **T.33.6.5**
  - Relief available after expiration of  
time for relief under CCP § 473,  
§ **T.33.6**
  - Remedies, §§ **T.33.6.20, T.33.6.25**
  - Requirements, §§ **T.33.6.10, T.33.6.12**
  - Statement of decision required,  
§ **T.33.6.30**

**EQUITABLE SET-ASIDE—Cont'd**

Fraudulent proof of service, § **T.27.2**  
 General rule, § **T.22**  
 Grounds, §§ **T.23-T.27.2**  
 Standard of care between spouses,  
 § **T.32.2**

**ERISA (EMPLOYEES' RETIREMENT  
 INCOME AND SECURITY ACT)**

Life insuranceSee **LIFE INSURANCE**  
 PensionsSee **PENSIONS**

**ESCROW**

Attorney entrusted with property during  
 settlement negotiations,  
 § **A.103.0.0.6**  
 Consumer records subject to subpoena,  
 § **D.40**  
 Surrogacy facilitators' clients' fees,  
 deposit of, § **G.166.5**  
 Wrongful refusal to release deposit,  
 §§ **A.16.0.2, K.61.2.1**

**ESTIMATED TAX**

See **INCOME TAXES**

**ESTOPPEL**

AFDC reimbursement, county estopped  
 from collecting, § **S.56.0.18.12**  
 Concealment as defense to payment of  
 support, §§ **G.156.1.1-G.156.1.20**  
 Contempt, defense to, § **S.163**  
 Parenthood-by-estoppel, § **E.10.1**  
 Partition of community assets subject to  
 successful British malpractice  
 action, § **T.68.22**  
 Paternity-by-estoppel doctrine, §§ **E.10,**  
**E.10.1**  
 Validity of marriage, § **C.0.2**

**ETHNICITY**

See **CUSTODY**

**EVICITION**

Domestic violence defense, § **C.22.60**

**EVIDENCE**

Admissibility, § **P.2**  
 Attorney-client, §§ **P.78-P.83.5**  
 Authentication and proof of writings,  
 §§ **P.96.5-P.98**  
 Battered women's syndrome,  
 §§ **C.15.0.6.20, C.15.1**

**EVIDENCE—Cont'd**

Bifurcation, § **C.61.1**  
 Burden of producing, §§ **P.65, P.68**  
 Burden of proofSee **BURDEN OF  
 PROOF**  
 Business records, §§ **P.106, P.106.5**  
 Character, § **P.112**  
 Computer-generated information,  
 authenticity of, §§ **P.100, P.101**  
 Criminal conviction, official record of,  
 §§ **P.6, P.107**  
 Custody evaluation reports, §§ **G.84.6,**  
**P.56-P.60**  
 Deposition testimony, § **P.113**  
 Discovery sanction for concealment of  
 evidence, § **D.122.0.7**  
 DNA typing, §§ **E.0.0.16.10,**  
**E.0.0.16.12**  
 Domestic violence, § **C.15.1**  
 Electronic records, § **P.102.25**  
 Emancipation declaration, evidence suf-  
 ficient to support, § **E.59**  
 Exclusion  
 Child-witnesses, §§ **P.12-P.12.0.5,**  
**P.14.0.0.9**  
 Confusing or misleading, § **P.3**  
 Expert opinion, § **D.80**  
 Motion to exclude evidence,  
 § **C.29.11.1**  
 Prejudicial, § **P.3**  
 Time-consuming, § **P.3**  
 Wiretap evidence, §§ **C.160.4,**  
**C.160.4.2**  
 Expert testimonySee **EXPERT WIT-  
 NESSES**  
 Failure to present, § **P.69.5**  
 Family law motions and OSCs,  
 §§ **P.69.5, P.69.7, P.69.10**  
 Fee award, conflicting testimony justi-  
 fies, § **A.18.3.15**  
 Fraudulent documents offered into evi-  
 dence, § **P.2.10**  
 HearsaySee **HEARSAY**  
 Intimate partner battering, expert  
 testimony in criminal proceedings  
 regarding, §§ **C.15.0.6.20, C.15.1**  
 Judicial notice, §§ **P.4-P.7**  
 Limitation on admissibility, § **P.3**  
 Live testimony at family law hearings,  
 procedural steps to present,



## INDEX

### EVIDENCE—Cont'd

- §§ **P.69.5, P.69.10**
- Objections, §§ **P.108, P.109**
- Offer of proof, § **P.114**
- Official records, § **P.107**
- Out-of-state declarations, § **C.29.4.45**
- Polygraph, § **P.24.4**
- Precluding live testimony and requiring presentation of case through declarations violated hearsay rule, § **P.69.20**
- Prenuptial agreement, parol evidence regarding meaning of, § **U.101.20**
- Primary purpose test, § **P.14.5**
- Reconciliation, §§ **C.160, C.160.1, C.160.1.1**
- Relevance, § **P.2**
- Reliance on declarations instead of live testimony, § **P.69.7**
- Secondary evidence rule, §§ **P.99-P.102.20**
- Sodium amytal's use to recover repressed memories, § **P.24.3.3**
- Spousal support modification/termination, § **F.88.1**
- Supporting declarations not automatically admitted into evidence, § **P.69.10**
- Terminating sanctions for destruction of evidence, § **D.123.0.15**
- Testimonial statements, admissibility of, § **P.14.5**
- UIFSA proceedings, § **S.178.25**
- Undue influence, § **J.80.3.0.4**
- Video or digital images, printouts of, § **P.102.20**
- Warrantless search, evidence obtained from, § **P.113.20**
- WiretappingSee **WIRETAPPING AND EAVESDROPPING**
- Writing, proof of content of, § **P.99**

### EXCLUSION

See **EVIDENCE**

### EXCLUSIVE USE OF FAMILY HOME

See **FAMILY RESIDENCE**

### EXCUSABLE NEGLECT

Relief from judgment, dismissal, or order, §§ **T.6-T.12**

### EXECUTION

- Abuse of process, prima facie case of willful, § **A.109.20**
- Application for writ of execution to enforce support order, § **S.44.20**
- Attorneys' fees
  - Award of fees subject to execution, § **S.48.0.25**
  - Recoverable as enforcement cost, § **S.48.0.30**
- Bank accounts, §§ **S.38, S.38.1**
- Community propertySee **COMMUNITY OR SEPARATE PROPERTY**
- Conflicts with earnings withholding orders, § **S.52.2**
- Educational expenses, savings accounts for, § **S.35.10**
- Electronic writ, § **S.46**
- Equalizing payment, § **S.36.5**
- Exemptions, §§ **S.44.5, S.130.3-S.137**
- Failure to post bond, § **S.44.20**
- Federal civil personnel, writs against, §§ **S.39-S.41.1**
- Fraudulently conveyed property, §§ **S.48.0.50-S.48.0.75**
- Generally, § **S.44**
- Levy on property under writ of execution creates execution lien, § **S.44.25**
- Litigation privilege, applicability of, § **A.103.0.0.4**
- Methods of levy, §§ **S.46, S.47, S.48**
- Military personnel, writs against, §§ **S.39-S.41.1, S.233**
- Modification, enforcement as, §§ **F.100.1, S.44.10**
- Name of judgment debtor, writ of execution issued in, § **S.44**
- Notice of levy, § **S.47**
- Pension payments subject to enforcement of support orders, §§ **S.35, S.35.1**
- Procedure, §§ **S.44.15-S.44.30**
- Property subject to enforcement, §§ **S.33-S.42.7**
- Registered process servers, levy by, § **S.48**
- Renewal of judgments
  - Family law money judgments exempt, § **S.24**

## **EXECUTION—Cont'd**

- Renewal of judgments—Cont'd
  - Generally, § **S.22**
  - Notice of renewal, § **S.22**
  - Possession or sale of property, judgments for, § **S.24**
  - Support judgments exempt, § **S.24**
  - Transferee of real property, service on, § **S.23.1**
  - Unauthorized practice of law, what constitutes, § **A.103.3.0.85**
- Rights of judgment creditors in levied property, §§ **S.48.0.5, S.48.0.10**
- Safe deposit box, §§ **S.38, S.38.1**
- Sale of property by levying officer, § **S.48.0.3**
- Savings accounts for educational expenses, § **S.35.10**
- Seized property, § **S.42.3**
- Service of writ, notice or papers
  - Financial institution, designated central location for service on, § **S.47**
  - Generally, §§ **S.21.10, S.44.30**
  - Request for service on counsel, § **S.21.10**
  - Sheriff, service of writ by, § **S.44.30**
- Statutes of limitation
  - Unrenewed money judgment, action on, § **S.25.3**
- Statutory authority, § **S.1**
- Support arrearages, writs for, §§ **S.44.10-S.44.30**
- Surviving spouse's pension subject to levy to enforce community tax debt, § **S.35.5**
- Veterans' benefits for service-connected disability exempt, § **S.44.5**
- Writs, § **S.44 et seq.**

## **EXHIBITS**

- Allowable costs, § **A.24**
- Appealability of order striking, § **R.32**

## **EX PARTE PROCEEDINGS**

- Appearance, effect of, § **B.5.3.1**
- Gun violence restraining orders (GVRO), § **C.13.50**
- Restraining ordersSee **RESTRAINING ORDERS**

## **EXPERT WITNESSES**

- Allowable costs, § **A.24**
- Alternatives, §§ **P.30-P.33**
- Attorney-client privilege, designation of party as expert affecting, §§ **D.75.18, P.83.15**
- Attorney's duty to prepare witnesses, § **P.46.15**
- Attorneys' fee award, effect on, § **A.22**
- Battered women's syndrome, § **P.24.10**
- Burden of producing expert for deposition, § **D.78.1**
- Business valuation experts, § **P.21**
- Child abuse cases, §§ **P.24.1-P.24.4**
- Compensation, § **D.78**
- Competence determinations, § **C.29.4.4.5**
- Content of declaration, § **D.75**
- Continuance to allow testimony of rebuttal expert witness, § **C.29.11.35**
- Costs, § **P.27**
- Court-appointed expert, §§ **A.103.1.15, P.34, P.48-P.50**
- Cross-examination, § **P.46**
- CustodySee **CUSTODY**
- Deferred compensation experts, § **P.22**
- Defined, § **P.18**
- Delays, § **P.28**
- Deposing experts, §§ **D.77-D.78.0.6**
- Deposition testimony, §§ **D.77, P.43.1, P.46.10**
- Direct examination, § **P.45**
- Disqualification, §§ **P.41, P.44.5**
- Elder law specialist, § **C.29.4.4.5**
- Employment-opportunity expert, § **P.24**
- Exchange of information, §§ **D.72-D.81.1, D.86.25**
- Exclusion for failure to comply with disclosure requirements, § **D.80**
- Extent of defense/insurance practice, § **D.85**
- Failure to comply with rules, § **D.80**
- Fee award not stayed pending appeal, § **R.52.5**
- Hearsay exception, **P.89.6**
- Indian Child Welfare Act requirement for parental rights termination, §§ **G.171.5, G.171.10**

## INDEX

### EXPERT WITNESSES—Cont'd

- Intimate partner battering, expert testimony in criminal proceedings regarding, §§ **C.15.0.6.20, C.15.1**
- Joint experts, § **P.33**
- Legal conclusions, § **P.46.5**
- Limited deposition testimony, expert may not testify beyond scope of, § **P.46.10**
- Limiting testimony to matters described in declaration, § **D.75**
- Litigation privilege, §§ **A.103.0.0.25, A.103.1.15, D.81.10**
- Locating, §§ **P.35-P.40**
- Mandatory set-aside where attorney failed to name, § **T.11.15**
- Mistake, inadvertence or excusable neglect, relief based on, § **D.80**
- Motion to set compensation, § **D.78**
- Percentage of practice on behalf of defendants, expert required to reveal, § **D.40.15, § P.44**
- Percipient witnesses, §§ **D.78.1, D.78.1.5**
- Personal-property appraisers, § **P.20**
- Perspective of, § **P.29**
- Practical considerations, §§ **P.26-P.29**
- Presentation of testimony in convincing manner, § **P.46.15**
- Publication established as reliable authority, § **P.46**
- Qualifying, §§ **P.44, P.44.5, P.44.7**
- Real-property appraisers, § **P.19**
- Reasonable and customary fee for deposition testimony, § **D.78**
- Reports, §§ **P.47-P.50**
- Retained after consulting with opposing counsel, § **A.71.95**
- Retaining, §§ **P.35-P.41**
- Reversal of judgment on appeal restarts discovery clock, §§ **D.86.15, D.86.25**
- Selection criteria, § **P.40**
- Shortened time for serving demand to exchange witness lists, invalidity of order that, **C.44.2**
- Substitution from supplemental list for previously designated expert, § **D.75.15**
- Supplemental lists, § **D.76**

### EXPERT WITNESSES—Cont'd

- Tax experts, § **P.23**
- Testimony at trial, §§ **P.43-P.46.20**
- Treating physicians, §§ **D.75.10, D.78.5, P.46.20**
- Unavailable-witness concept, §§ **P.14.2, P.14.2.0.5**
- Undisclosed, § **D.81**
- Withdraw from designation, § **D.81.1**

### EXTRADITION

- Child abduction, § **H.101.10**

### FAMILY-CENTERED CASE RESOLUTION

- See CASE RESOLUTION PLAN

### FAMILY LAW ATTORNEY'S REAL PROPERTY LIEN (FLARPL)

- See ATTORNEYS' FEES

### FAMILY LAW FACILITATORS

- Services provided, § **C.29.4.4.21**

### FAMILY LAW HEARINGS

- Good cause to preclude live testimony, § **P.69.7**
- Live testimony, procedural steps to present, §§ **P.69.5, P.69.10**
- Reliance on declarations instead of live testimony permitted, § **P.69.7**
- Supporting declarations not automatically admitted into evidence, § **P.69.10**

### FAMILY RESIDENCE

- Adverse possession claim by ex-spouse, § **K.61.1.5**
- Apportioning interests
  - Aufmuth formula, §§ **J.23.1, K.45.1**
  - Community contributions, §§ **J.11.5.12, K.55-K.55.1.2.25**
  - Information necessary to determine community property interest, obligation to provide, § **K.55**
  - Moore/Marsden formula, §§ **J.11.5.12, K.55-K.55.1.2.25**
  - Separate-property equity, §§ **J.11.5.12, K.55-K.55.1.2.7**
- Watts charges levied for postseparation occupation of property treated as partially community

**FAMILY RESIDENCE—Cont'd**

Apportioning interests—Cont'd  
     under Moore/Marsden rule,  
     § **K.55**

Assessed value transfer to replacement  
     home, § **K.55.6.5**

Attorneys' fees, security interest to  
     secure, §§ **A.65.1-A.65.2.1**

Aufmuth apportionment, §§ **J.23.1,**  
     **K.45.1**

Characterization  
     Acquired during marriage, § **K.18**  
     Employer-provided mortgage subsidy,  
     § **J.71.0.2**  
     Failure to fulfill promise to add  
     spouse's name to title of family  
     home, § **J.80.3.0.4**  
     Husband and wife, designation of,  
     §§ **J.23, J.57.0, J.57.0.2, K.20,**  
     **K.43, K.45.1**  
     Joint form-community  
     presumptionSee **COMMUNITY**  
     **OR SEPARATE PROPERTY;**  
     **PROPERTY DIVISION**  
     Lucas decision, § **K.26**  
     Married woman's pre-1975 acquisi-  
     tions, §§ **J.21, K.19, K.55.2**  
     Post-Lucas cases, §§ **K.42-K.54.3**  
     Pre-Lucas review, §§ **K.21.1-K.22**  
     Presumptions, see **Presumptions, infra**  
     Tracing alone, sufficiency of,  
     §§ **K.51, K.55.2**

Child support, see **CHILD SUPPORT**

Community contributions to separate  
     residence, §§ **J.11.5.12, J.90.3,**  
     **K.55-K.55.1.2.25**

Custodial parent awarded exclusive use,  
     §§ **K.56.0.1, K.58.1.1.2**

Date of valuation, § **J.99.1.5**

Deferred sale  
     Appreciation on separate-property  
     interest, § **J.89.15**  
     Bankruptcy, § **K.60.1**  
     Burden of proof, §§ **K.56.1, K.60.0**  
     Case law, §§ **K.56.0.1-K.56.10**  
     Custodial parent awarded exclusive  
     use, §§ **K.56.0.1, K.58.1.1.2**  
     Disabled adult child, § **E.2.1.2**  
     Economic feasibility, § **K.58.1.1.2**

**FAMILY RESIDENCE—Cont'd**

Deferred sale—Cont'd  
     Enforcement of support orders,  
     § **K.58.1.0.5**  
     Lack of evidence, § **K.58.1.4**  
     Noncash child support, § **K.58**  
     Opposing request for, §§ **K.60,**  
     **K.60.0.1**  
     Remarriage or cohabitation of  
     in-spouse, § **K.58.1**  
     Separate-property interest of support  
     obligor, authority to make order  
     that impinges on, § **K.56.10**  
     Spousal support, § **K.60.2**  
     Statutory authority, § **K.58.1.1.2**  
     Tax considerations, § **K.60.0.1**  
     Terminates joint tenancy, § **K.61.2.1.5**

Due-on-sale provisions, §§ **K.61.3-K.65**

Duke orders, see **Deferred sale, supra**

Duplicating house keys, criminal  
     liability for, § **K.11**

Exclusion of spouse  
     Availability, § **C.2.1.0**  
     Custody alone not justifying, § **C.2.1**  
     De facto temporary custody,  
     §§ **G.88.1, G.89**  
     Expiration date, § **C.3**  
     Pendente lite order, §§ **K.6.5-K.11**  
     Showing, § **G.89**  
     Statutory authority, § **C.2.0.0.5**  
     Stay-away orders, § **C.2.0.1**  
     Tax effects, §§ **N.33.1, N.175**  
     Title holder, § **C.8**

Exclusive use  
     Deferred-sale-of-home order, see  
     Deferred sale, *supra*  
     Reimbursement for, §§ **J.89.5,**  
     **J.89.10**

Execution, property subject to, § **S.34**

Expungement of lis pendens,  
     §§ **K.12.0.4-K.14.0.1**

Family law attorney's real property  
     lienSee **ATTORNEYS' FEES**

Firearm on premises  
     Criminal storage, § **C.15.0.3.5**  
     Keeping firearm where another resi-  
     dent subject to prohibitions,  
     §§ **C.15.0.3.4.5, C.15.0.3.5**

Foreclosure action stayed by disso court,  
     § **J.1.1.3**

**FAMILY RESIDENCE—Cont'd**

- Forfeiture, sufficient title and interest in family home to contest, § **S.42.3.2**
- Gift made in contemplation of marriage, recovery of, § **U.49**
- Husband and wife, designation of
  - Presumption, §§ **J.23, J.57.0, J.57.0.2, K.20, K.43, K.45.1**
  - Separate or community contributions, § **K.45.1**
- Identification, § **K.0.5**
- Income taxes, see **INCOME TAXES**
- Information necessary to determine community property interest, obligation to provide, § **K.55**
- Interest
  - Delay of proportional interest, § **K.55.7**
  - On money judgment in lieu of in-kind division, § **K.55.8**
- Joint form-community presumptionSee **COMMUNITY OR SEPARATE PROPERTY; PROPERTY DIVISION**
- Kick-out orders, see **Exclusion of spouse, supra**
- Lis pendens, §§ **K.12-K.17.0.1**
- Local ordinances, § **K.60.3**
- Lucas agreement or understanding, §§ **K.26, K.43-K.54.2.1**
- Moore/Marsden formula, §§ **J.11.5.12, K.55-K.55.1.2.25**
- Mortgage
  - Community acquired interest in separate-property house by using loan proceeds to pay off, § **K.55.1.2.20**
  - Due-on-sale provisions, §§ **K.61.3-K.65**
  - Employer-provided mortgage subsidy, characterization of, § **J.71.0.2**
  - Interest deduction, §§ **N.168.1, N.172, N.172.1**
  - Pendente lite orders, §§ **K.3.1-K.6.1**
  - Power of sale, § **K.61.1**
  - Reimbursement denied for payment of mortgage interest on separate property house, § **K.55**
- Partial trial to determine character, § **K.3**

**FAMILY RESIDENCE—Cont'd**

- Pendente lite orders
  - Exclusion from residence, §§ **K.6.5-K.11**
  - House payments, §§ **K.3.1, K.6, K.6.1**
  - Sale, §§ **K.1.5-K.2**
- Postseparation appreciation, § **K.55.1.0.1**
- Postseparation contributions, § **J.11.5.13**
- Premarital appreciation, § **K.55.1**
- Prepayment penalties, § **K.65**
- Presumptions
  - Husband and wife, designation of, §§ **J.23, J.57.0, J.57.0.2, K.20, K.43, K.45.1**
  - Joint form-community presumptionSee **COMMUNITY OR SEPARATE PROPERTY; PROPERTY DIVISION**
  - Lucas agreement or understanding, §§ **K.26, K.43-K.54.2.1**
- Property's assessed value, transfer under Prop 90 of, § **K.55.6.5**
- Realtor's commission deducted in determining value, § **K.55.5**
- Reimbursable separate contributions
  - Deferral period, effect of appreciation during, § **J.89.15**
  - Lucas required agreement or understanding, § **K.26**
- Note and deed of trust to secure separate contribution unenforceable, § **J.11.5.27**
- Paydown of credit-card debt to qualify for loan not reimbursable, § **J.11.5.23**
- Prenup provision does not waive reimbursement right, § **J.11.5.40**
- Refinancing proceeds, property purchased with, §§ **J.11.5.11, J.76.5.5**
- Statutory authority, § **J.11.4**
- Stipulation that property was community subject to right to reimbursement, § **J.11.5.47**
- Title changed to include wife as joint tenant, reimbursement for husband's contribution of separate-property interest in house when, § **J.11.5.45**

## **FAMILY RESIDENCE—Cont'd**

- Reimbursement of community denied for payment of property taxes/mortgage interest for separate property house, § **K.55**
- Rental value in calculating community interest in separate-property residence, § **K.55.1.1**
- Revocable transfer on death deed (RTDD), § **J.57.0.45**
- Right of first refusal in sale of family home, no fiduciary duty to give spouse, § **J.80.3.0.3.10**
- Sale
  - Deferred sale, see Deferred sale, *supra*
  - Due-on-sale provisions, §§ **K.61.3-K.65**
  - Income taxesSee INCOME TAXES
  - Order to sell terminates joint tenancy, § **K.61.2.2**
  - Pendente lite, §§ **K.1.5, K.2**
  - Prepayment penalties, § **K.65**
  - Realtor's commission, § **K.55.5**
  - Single asset sold to preserve others, § **K.3.1**
  - Wrongful refusal to release escrow deposit, attorney fees for, §§ **A.16.0.2, K.61.2.1**
- Separate contributions, see Reimbursable separate contributions, *supra*
- Separate-property equity, §§ **J.11.5.12, K.55-K.55.1.2.7**
- Stay-away orders, § **C.2.0.1**
- Types of, § **K.0.5**
- Unilateral transactions, §§ **J.80.5.2, J.80.5.3, J.80.5.10, K.17.1, K.17.1.0**
- Use charges, §§ **J.89, J.89.5, J.89.10**
- Valuation
  - Interest, §§ **K.55.7, K.55.8**
  - Realtor's commission, § **K.55.5**
  - Tax consequences considered, §§ **K.55.6, K.55.6.5**
  - At time of trial, § **J.99.1.5**
- Watts charges levied for postseparation occupation of property treated as partially community under Moore/Marsden rule, § **K.55**

## **FAMILY REUNIFICATION**

- Court ordered servicesSee REUNIFICATION SERVICES
- Nonviability of reunification, effect on juvenile immigrant of, § **G.166.3.35**

## **FAMILY SUPPORT**

- Combined support awards, § **E.24.4**
- Tax treatment, §§ **N.108-N.110.1.3.15**

## **FEDERAL BENEFITS**

- See PENSIONS

## **FEDERAL INTERNATIONAL PARENTAL KIDNAPPING CRIME ACT (FIPKCA)**

- See INTERNATIONAL PARENTAL KIDNAPPING CRIME ACT (IPKCA)

## **FEDERAL JURISDICTION**

- See JURISDICTION

## **FEDERAL PARENTAL KIDNAPPING PREVENTION ACT (FPKPA)**

- See CUSTODY

## **FICTITIOUS NAMES**

- Overriding interest test, § **C.97.3.2**
- Pseudonym in court filings, use of, § **C.97.3.2**

## **FIDUCIARIES**

- Attorneys as, § **A.76.15**
- Co-counsel, § **A.92.20**
- Interspousal standard of care, §§ **J.80.3.0.3.4-J.80.3.0.6, J.80.3.1-J.80.3.4**
- Partners, breach of fiduciary duty to, § **A.124.25**
- Pension plans, § **L.10.3.7**

## **FILING AND FILING FEE**

- Allowable costs, § **A.24**
- Appeals, § **R.57**
- Bounced check, effect of, § **C.29.4.75**
- Civil notice of appeal, § **R.13**
- Complex case fees, § **A.14.5**
- Court clerk may not condition filing of complaint on local rule, § **C.44**
- Credit card, debit card, or electronic funds transfer; payment by means of, § **A.24.1**



## INDEX

### **FILING AND FILING FEE—Cont'd**

- Dismissal based on statute of limitations affirmed where filing fee insufficient, § **C.44**
- Domestic violence protective orders, § **C.9.10**
- Electronic filing, §§ **C.29.4.70, R.56.10**
- Eligibility for waiver of court fees and costs, § **C.29.4.7**
- Exemptions from fee, § **C.84.12**
- Failure in electronic transmission/receipt, § **R.56.10**
- Fax transmission, §§ **C.29.4.70-C.29.4.74**
- First-document filing fee, § **R.13**
- Initial fee waiver, § **C.29.4.7**
- Installment payment of court fees, rule authorizing, § **C.29.4.7**
- Local rules, compliance with, § **C.44**
- MSA signed by defaulted respondent exempt from fee, § **C.91.1**
- Nunc pro tunc filing, § **R.56.10**
- Overnight delivery, §§ **C.29.4.70, C.29.4.72, C.29.4.74**
- Recovery of previously waived fees, § **C.29.4.7**
- Rules of Court governing fee waivers, § **C.29.4.7**
- Set-aside motion, notice of, § **T.44**
- Time limit for filing and serving moving and supporting papers, §§ **C.29.4.20, C.29.4.40, C.84.11**
- Vexatious litigants, pre-filing requirements for, § **C.42.2.20**
- Waiver of filing fees and costs, § **C.29.4.7**
- Writ petition, § **R.13**

### **FINAL DISCLOSURE DECLARATIONS**

See DISCLOSURE

### **FINANCIAL DISCLOSURES**

- Fiduciary duty between spousesSee DISCLOSURE
- Paternity, award of interim support in action to establish, § **E.0.0.21**
- Spousal supportSee SPOUSAL SUPPORT

### **FINANCIAL INSTITUTIONS**

Bank accountsSee BANK ACCOUNTS

### **FINANCIAL INSTITUTIONS—Cont'd**

- Civil liability for helping obligor avoid paying support, § **S.56.0.12.5**
- Delinquent support payors and account holders, system for matching, § **S.64.2.2.40**
- Designated central location for service of process, § **S.47**
- Disclosure of information to local child-support agency, § **S.64.2.2.45**

### **FIPKCA (FEDERAL INTERNATIONAL PARENTAL KIDNAPPING CRIME ACT)**

See INTERNATIONAL PARENTAL KIDNAPPING CRIME ACT (IPKCA)

### **FIREARMS**

See WEAPONS

### **FLARPL (FAMILY LAW ATTORNEY'S REAL PROPERTY LIEN)**

See ATTORNEYS' FEES

### **FORECLOSURE**

Equalizing payment, foreclosure through nonjudicial trustee's sale to collect, § **S.105**

### **FOREIGN COUNTRIES**

- CustodySee CUSTODY
- Hague Service Convention, § **B.1.13**
- Interstate and International Depositions and Discovery Act (IIDDA), § **D.3.20**
- Nonviability of reunification determination, § **G.166.3.35**
- Uniform Interstate Family Support Act, enforcement of foreign support orders under, § **S.178.5**

### **FOREIGN JUDGMENTS**

- Collateral attack
  - Conflicting sister-state judgment, § **B.53.0.1**
  - Direct attack distinguished, § **B.41**
- Estoppel, § **B.53**
- Extrinsic evidence admissible, § **B.42**
- Grounds, §§ **B.43-B.48**
- Res judicata, §§ **B.50, B.51, B.52**
- Contempt, § **B.32.1**

**FOREIGN JUDGMENTS—Cont'd**

Custody decreesSee CUSTODY

Defenses to action on sister state judgment, § **S.169**

Divisible divorce doctrine, § **B.29**

Enforcement

Sister State Money Judgments Act, §§ **S.169-S.176**

Tribal Court Civil Money Judgment Act, § **S.168.5**

Uniform Child Custody Jurisdiction and Enforcement ActSee UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)

Uniform Foreign-Country Money Judgments Recognition Act, § **S.168.5**

Uniform Interstate Family Support ActSee UIFSA (UNIFORM INTERSTATE FAMILY SUPPORT ACT)

Finality, § **B.37**

First in time rule, § **B.53.0.1**

Full faith and credit, §§ **B.28, B.35.5**

Income tax treatment, § **N.42.0.2**

Judgment in excess of jurisdiction, § **B.47**

Jurisdictional requirements, § **B.28**

Lack of personal jurisdiction, §§ **B.46, S.169**

Lack of subject matter jurisdiction, § **B.44**

Nonfinal judgment, causing entry of, § **A.103.0.0.1.40**

Paternity declaration signed in another state, § **E.0.0.14.9**

Priority of service determines jurisdiction, § **B.53.0.1**

Restraining orders, § **C.1.8.9**

Sister State Money Judgments Act, §§ **S.169-S.176**

Transfer of property, orders for, § **B.36**

Tribal Court Civil Money Judgment Act, § **S.168.5**

Uniform Child Custody Jurisdiction and Enforcement ActSee UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)

**FOREIGN JUDGMENTS—Cont'd**

Uniform Divorce Recognition Act, § **B.33**

Uniform Foreign-Country Money Judgments Recognition Act, § **S.168.5**

Uniform Interstate Family Support ActSee UIFSA (UNIFORM INTERSTATE FAMILY SUPPORT ACT)

**FOREIGN SERVICE**

Division of retirement benefits, § **L.5.5.55**

Exclusion of gain from sale of principal residence, §§ **N.184, N.185**

**FORFEITURE**

See SEIZED PROPERTY

**FOSTER CARE**

Custody preference, § **G.29.2.1**

De facto parent status of foster parent, § **G.29.2.1**

Delayed-discovery doctrine applied to claim for abuse that occurred in, § **G.194.10**

Foster care benefits on behalf of children living with former stepparent, § **E.11.5**

Indian Child Welfare Act requirements, § **G.171.5**

Interracial placement, § **G.169**

Nonrelative extended family member, placement with, § **G.169**

Placement preferences, § **G.169**

Standing in juvenile court proceedings, § **G.29.2.1**

Transitional foster careSee NONMINOR DEPENDENTS

Visitation during dependency proceedings, § **G.142.0.2.10**

**FRANCHISE TAX BOARD**

Child-support collection activities, phase out of, § **S.64.2.2.30**

Parent locator service, § **S.61.0.20**

**FRAUD**

Annulment based on fraud, § **C.0.6.5**

Attorney-client privilege, crime-fraud exception to, § **A.115.11**

Attorney's ethical considerations with regard to client's fraud, § **A.121.7**

## INDEX

### **FRAUD—Cont'd**

- Award of 100% of value of undisclosed community asset, §§ **J.80.3.2.5, J.80.3.2.15**
- Consolidation of separate actions with disso, § **C.39.1**
- County jail, cause of action not tolled while plaintiff in, § **A.103.2.90**
- Emancipation declaration, voiding or rescinding, § **E.59.5**
- Equitable reallocation of character of debt, §§ **J.84.1.0-J.84.1.2.15**
- Equitable set-asideSee **EQUITABLE SET-ASIDE**
- Evidence, fraudulent documents offered into, § **P.2.10**
- Immigration marriage fraud, § **C.0.5.25**
- Income tax filing status, effect of fraudulently obtained annulment on, § **N.15.1.5**
- Limitations period for set-aside on grounds of, § **T.33.6.16**
- Nondischargeable judgment attributable to spouse based on agency relationship, § **O.8.5**
- Nonmarital partners, §§ **U.51, U.61**
- Parental liability, § **G.18.1.3**
- Premarital agreements, defenses to enforcement of, § **U.110.6**
- Privileged disclosure, action based on, § **C.160.4.6**
- Reporting judgments against attorneys, § **A.125.3**
- Setting aside judgment on basis of extrinsic fraud or mistake, §§ **T.20, T.27**
- Signature affirming agreement as to form and content not actionable representation to opposing counsel, § **A.103.3.1**
- Support orders set aside on grounds of, § **T.33.6.60**

### **FRAUDULENT CONVEYANCES**

- Attorneys' failure to pay rent while continuing to take partnership draws, § **A.115.27**
- Bankruptcy, §§ **A.68.6.1, O.45.1, O.61.15**
- Execution, §§ **S.48.0.50-S.48.0.75**

### **FRAUDULENT CONVEYANCES**

#### **—Cont'd**

- Levy and other remedies under Uniform Voidable Transactions Act, §§ **S.48.0.50-S.48.0.75**
- Premarital agreements, UFTA applicable to, § **S.48.0.67**
- Transmutation of community property, § **J.48.0.1**
- Uniform Voidable Transactions Act applies to MSAs, but future child-support payments are not debt under UVTA, §§ **S.48.0.60, T.36.3**
- Value of property did not exceed encumbrances, UVTA relief denied where, § **S.48.0.70**
- Will, change in, § **S.48.0.75**

### **FREE FROM PARENTAL CUSTODY AND CONTROL**

- See **TERMINATION OF PARENTAL RIGHTS**

### **FRIVOLOUS ACTIONS**

- AppealsSee **APPEALS**
- SanctionsSee **SANCTIONS**
- Vexatious litigantsSee **VEXATIOUS LITIGANTS**

### **FUSFSPA (FEDERAL UNIFORMED SERVICES FORMER SPOUSES' PROTECTION ACT)**

- See **MILITARY BENEFITS**

### **GARNISHMENT**

- See also **EARNINGS WITHHOLDING ORDERS**
- Attorneys' fees qualified as alimony taxable in year received, § **N.106.4.5.5**
- Civil service pension plans, § **L.213**
- Fraudulent transfer to avoid, § **S.48.0.65**
- Immunity of certain employers under federal law, § **S.59.10**
- Military personnel, §§ **S.39-S.41.1, S.233**
- Military retired pay, §§ **L.214-L.214.9**
- Public pension plans, § **L.215**
- Workers' compensation or disability benefits, § **S.64.2.2.70**

### **GENDER**

- Address confidentiality program, § **C.22.50**

## **GENDER—Cont'd**

- Arbitrator, gender bias as grounds for disqualification of, § **C.47.5**
- Attorney misconduct, gender bias as reportable, § **R68.12**
- Cause of action for violence motivated by, §§ **C.15.0.1.20, C.15.0.1.25**
- Challenge to judge, §§ **C.68.1.7, C.69.0.0.5**
- Custody determination based on breast-feeding infant in precarious health, § **G.28.5**
- Jurors, challenges to, §§ **C.68.1.10, C.68.1.15**
- Parentage provisions, gender-neutral application of, § **E.0.0.12.1**

## **GESTATIONAL CARRIERS**

See **SURROGACY**

## **GIFTS**

- Calculating child support, monetary gifts considered in, § **E.37.1.20**
- Community or separate propertySee **COMMUNITY OR SEPARATE PROPERTY**
- Nonmarital partners, §§ **U.51, U.61**
- Recovery of gift made in contemplation of marriage, § **U.49**
- Spousal support, monetary gifts considered in calculating, § **F.97.0.15**
- Uniform Transfers to Minors Act, § **E.42**
- Voiding gift of community property to children, § **E.42**

## **GIFT TAX**

- Avoidance, § **N.88**
- Discovery of returns, §§ **N.60.5-N.63**

## **GOODWILL**

- Benefit in establishing another business, § **M.102.1**
- Bifurcation, issues appropriate for, § **C.61**
- Buy-sell agreements, reliance on, § **M.57**
- Capitalization-of-excess-earnings method, § **M.48.10**
- Defined, § **M.40**
- Discretion of court, § **M.48.10**
- Excess-earnings method, § **M.48.10**

## **GOODWILL—Cont'd**

- Financial advisor's client list divisible community asset akin to goodwill, § **M.43**
- Formula approaches, §§ **M.48.10-M.50**
- Future earnings excluded, § **M.50**
- Law practice, § **M.54.5**
- Market-value approach, § **M.54.1**
- Methods of determining, §§ **M.45-M.48.5**
- Multiple-of-gross-earnings method, § **M.46**
- Noncompetition covenant, §§ **M.58-M.58.15**
- Partnership agreement limited partners' interest in, § **M.55**
- Person doing business, goodwill attributable to, § **M.42.2.2**
- Plans to retire, § **M.50**
- Professional business, §§ **M.42-M.42.2**
- Professional standing does not constitute goodwill, § **M.42.2.2**
- Rejection of formula approaches, § **M.50**
- Split-the-difference determination, § **M.48.10**

## **GOVERNMENTAL AGENCIES**

- Attorneys' fee awards against, §§ **A.13.6, A.16.3.0.5, S.64.2.1.85**
- Liability for failure to provide adequate courthouse security, § **C.15.5**
- Qualified immunity for private individuals temporarily hired by, § **A.103.1.30**

## **GRANDPARENTS**

- Disqualification of paternal grandfather representing child's father in custody dispute, § **A.71.51**
- Guardianship proceedings, no authority to order grandparents to pay grandchild's court-appointed counsel in, § **A.16.0.1.5**
- Hague Convention, custody rights for purposes of, § **H.5.9.0.4.9**
- Joinder of grandparent in parents' disso, effect on attorneys' fee award of, § **A.3.10**
- VisitationSee **VISITATION**
- Wrongful-death action, parental rights termination did not affect

## INDEX

### GRANDPARENTS—Cont'd

grandparent's standing to bring,  
§ **G.168.1.25**

### GUARDIAN AD LITEM

Appointment in family law and other  
civil cases, § **G.124.25**  
Bankruptcy, guardian ad litem fees non-  
dischargeable in, § **O.69.1.5**  
Dependency proceedings, appointment  
for parents in, § **G.125.6.20**  
Due-process rights of parent,  
§ **G.125.6.20**  
Exceptions applicable to minor parents,  
§ **G.124.25**  
Incapacitated spouse, appointment for,  
§ **C.29.4.3**  
Interrogatories propounded to ward,  
authority to verify responses to,  
§ **D.19.2**  
Parental notice of application for  
appointment of, § **G.124.25**  
Paternity See PATERNITY  
Procedural errors in appointment in  
dependency proceeding subject to  
harmless-error analysis,  
§ **G.125.6.20**  
Quasi-judicial immunity extended to  
court-appointed GAL,  
§§ **A.103.1.10, A.103.1.20**  
Settlement agreement, guardian ad  
litem's motion to enforce,  
§ **C.87.1.0.30**

### GUARDIANSHIP

Abandonment under Fam C § 7822  
where guardian appointed for child,  
§ **G.168.15**  
Attorney as guardian, § **A.76.15**  
Best-interests test applied to guardian-  
ship termination, § **G.166.3.15**  
Burden of proof needed to grant petition  
over parent's objection, § **G.29.2**  
Consolidated action, attorneys' fees in,  
§ **A.13.7.15**  
Court-appointed counsel  
Challenging probate guardianship  
proceeding, § **G.125.4**  
Parental liability for fees in probate  
proceedings, § **A.16.0.1.5**

### GUARDIANSHIP—Cont'd

Custody granted to nonparent over  
objection of parent, §§ **G.29.0.5-**  
**G.29.2.0.2**  
Dependency finding reversed for child  
in legal custody of relative,  
§ **G.29.2.0.6**  
Felony, guardianship information to be  
provided to sole custodial parent  
charged with, § **G.29.2.0.9**  
Former domestic partner's child, obtain-  
ing custody or visitation with,  
§ **G.163.10.5**  
Free from parental custody and control,  
proceedings to declare minor,  
§§ **G.168.5-G.168.35**  
Grandchild's court-appointed counsel,  
no authority to order grandparents  
to pay fees for, § **A.16.0.1.5**  
Guardian of minors' estates, pleading  
requirements for unrelated party  
who seeks appointment of,  
§ **G.166.3.30**  
Hague Convention does not preclude  
UCCJEA subject-matter jurisdic-  
tion over guardianship petition,  
§ **H.58**  
Investigative reports, availability of,  
§ **G.29.2**  
Modifying placement of dependent  
child, § **G.29.2.0.4**  
Parental rights terminations under Prob  
C § 1516.5  
Free from parental custody and  
control, proceedings to declare  
minor, § **G.168.5**  
Visitation rights of birth parents,  
§ **G.142.0.2.15**  
Parent as possible custodian for depen-  
dent child, failure to consider,  
§ **G.29.2.0.3**  
Permanent plan, guardianship as,  
§ **G.168.0.85**  
Petition for guardianship not prerequi-  
site for awarding custody to  
nonparent in custody proceeding  
initiated by parent, § **G.29.0.10**  
Priority of child's right to continued  
stable placement, § **G.29.2.0.2**  
Probate Code, nonparent seeking  
custody must file guardianship peti-  
tion under, § **G.29.0.10**

## **GUARDIANSHIP—Cont'd**

- Procedural errors in terminating probate guardianship, § **G.166.3.20**
- Prohibition on guardianship of child's person by parent, § **G.166.3.5**
- Relative caretaker unwilling to adopt for specified reasons, § **G.29.2.0.8**, § **G.168.0.85**
- Reunification services for legal guardian, § **G.29.2.0.4**
- Special immigrant juvenile status, probate court's authority to make findings regarding eligibility for, § **G.166.3.35**
- Standard of proof in guardianship termination, § **G.166.3.15**
- Testamentary guardians' custody rights for purposes of Hague Convention, § **H.5.9.0.4.9**
- UCCJA, applicability of then-current, § **H.100.7**
- Venue and jurisdiction of guardianship and custody proceedings concerning same child, § **G.166.3.10**
- Visitation See VISITATION

## **HABEAS CORPUS**

- Adoption judgment, collateral attack on, § **G.167.5**
- Civil contempt, imprisonment for, § **S.163.1.10**
- Custody of child, §§ **G.167.1-G.167.10**

## **HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION**

- Abandonment of prior habitual residence, § **H.5.9.0.10**
- Acquiescence to removal and retention of children, § **H.5.9.0.4.3**
- Age-and-maturity exception when child objects to return, § **H.5.9.0.2.12**
- Ameliorative measures, child's return conditioned on imposition of, § **H.5.9.0.2.6.5**
- Appeals, § **H.5.9.0.45**
- Applicability, § **H.5.9.0.1.5**
- Attorneys' fees and costs, § **H.5.9.0.1.5**
- Case applications, §§ **H.5.9.0.2-H.5.9.0.50**
- Central authority, § **H.5.9.0.1.5**

## **HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION—Cont'd**

- Change habitual residence of children, parents' shared intent to, § **H.5.9.0.10**
- Child of sufficient age and maturity objects to return, exception where, § **H.5.9.0.2.12**
- Cognizable custody rights, § **H.5.9.0.1.5**
- Conditional, evidence that custodial parent intended move to be, § **H.5.9.0.10**
- Consent defense to Hague Convention petition, §§ **H.5.9.0.3, H.5.9.0.4.25**
- Contempt for failing to comply with dispositive court's order to return child, § **H.5.9.0.43**
- Custody agreement as evidence of parents' settled intention, § **H.5.9.0.10**
- Damages action based on child's removal without notice or hearing, § **H.5.9.0.50**
- Delay, effect of, § **H.5.9.0.2.10**
- Determining whether to recognize foreign order, § **H.5.9.0.3**
- Exceptions to return of child to place of habitual residence, § **H.5.9.0.1.5**
- Exercise of custody rights for purposes of, §§ **H.5.9.0.4.4, H.5.9.0.4.5, H.5.9.0.4.7**
- Ex parte removal order, § **H.5.9.0.50**
- Federal right of action to enforce visitation rights, § **H.5.9.0.1.10**
- Fugitive disentitlement doctrine, application of, § **H.5.9.0.40**
- Grave-risk exception to return of child, §§ **H.5.9.0.2.5-H.5.9.0.2.8**
- Guardianship petition, UCCJEA subject-matter jurisdiction over, § **H.58**
- Habitual residence, §§ **H.5.9.0.5-H.5.9.0.30**
- History of abuse, § **H.5.9.0.2.6**
- Human rights exception to return to place of habitual residence, §§ **H.5.9.0.1.5, H.5.9.0.2.10**
- Immigrant status of child, § **H.5.9.0.1.5**
- Implemented by International Child Abduction Remedies Act (ICARA), § **H.5.9.0.1.5**



**HAGUE CONVENTION ON  
INTERNATIONAL CHILD  
ABDUCTION—Cont’d**

- Imposition of conditions for child’s return as alternative to grave-risk exception, § **H.5.9.0.2.6.5**
- Jurisdictional issues, §§ **H.5.9.0.1.10, H.5.9.0.2.15-H.5.9.0.4.2**
- Justice Department unit to assist law enforcement agencies with child abduction recoveries, § **H.5.6.5**
- Lack of prosecution, authority to dismiss petition for, § **H.5.9.0.1.5**
- Lack of shared, settled intent to change habitual residence, § **H.5.9.0.10**
- Military necessity, § **H.5.9.0.4.20**
- Moot, child’s return did not render return order, § **H.5.9.0.45**
- Ne exeat order confers custody rights for purposes of Convention, § **H.5.9.0.4.15**
- Objectives, § **H.5.9.0.1.5**
- Order in effect at time of child’s removal, petition analyzed based on, § **H.5.9.0.1.5**
- Poverty in home country, § **H.5.9.0.2.5**
- Prevent abduction, custody provisions to facilitate use of convention to, § **G.25.5**
- Relocation provision in disso judgment, effect of, § **H.5.9.0.21**
- Return of child, § **H.5.9.0.1.5**
- Right of access will not support order for child’s return, §§ **H.5.9.0.4.4**
- Settled in new environment, degree to which child is, § **H.5.9.0.1.5**
- Shared intent to abandon habitual residence in order to receive public assistance and educational opportunities, § **H.5.9.0.20.5**
- Standard of proof for determining habitual residence, § **H.5.9.0.5**
- State court action does not preclude or constitute waiver of right to bring action under, § **H.5.9.0.4.1**
- Testamentary guardians under Irish law, custody rights of, § **H.5.9.0.4.9**
- Threshold determination with regard to removal or retention of children, § **H.5.9.0.2.15**

**HAGUE CONVENTION ON  
INTERNATIONAL CHILD  
ABDUCTION—Cont’d**

- Transportation costs incurred to return children, § **H.5.9.0.1.5**
- UCCJEA, enforcement under, § **H.64**
- Unclean hands doctrine inapplicable, § **H.5.9.0.41**
- Unwed father with statutory responsibilities had joint decision-making authority that qualified as custody rights under, § **H.5.9.0.4.10**
- Visitation rights, jurisdiction to enforce, §§ **H.5.9.0.1.5, H.5.9.0.1.10**

**HAGUE SERVICE CONVENTION**

- Juvenile dependency and stepparent adoption proceedings, § **B.1.13**
- Whereabouts of person to be served unknown, § **B.1.13**

**HARASSMENT**

- Attorneys’ fees
  - Award to prevailing party, § **C.21**
  - Conduct justifying award as sanctions, § **A.18.3.20**
- Campus violence protective orders, § **C.23.15**
- Conduct enjoined, § **C.16.5**
- Continuance of hearing denied, § **C.16.5**
- Credible threat of violence, § **C.16.5**
- Defined, § **C.16.5**
- Duration of injunction, § **C.19**
- Early termination of restraining order, requirements for, §§ **C.1, C.19**
- Evidentiary hearing on petition for injunction, right to, § **C.16.10**
- Firearm prohibitions, §§ **C.15.0.3-C.15.0.3.4.5**
- Free speech, freedom of association, and privacy rights; restraining order did not violate, § **C.18.2**
- Gun violence restraining orders (GVRO), § **C.13.50**
- Hearsay evidence, admissibility of, § **C.16.5**
- Inciting harassment through electronic communications, § **C.15.0.3.15**
- Interpreters’ fees, § **C.1.1.4**
- Law enforcement agencies, § **C.20**

## **HARASSMENT—Cont'd**

- Law Enforcement Telecommunications System information form, § **C.9.10**
- Mutual restraining orders, § **C.18.5**
- Notifying protected person of service of process, § **C.16.5**
- Penalty for violating restraining order, §§ **C.15.0.0.0.2, C.22**
- Personal service requirement, § **C.16.5**
- Prior restraint on free speech, preliminary injunction constituted, § **C.18.1**
- Procedural due process violation, restraining person not named in petition constitutes, § **C.18.3**
- Proof required to issue restraining order, § **C.18**
- Renewal of anti-harassment injunction, § **C.19**
- Restraining order and injunction, §§ **C.16-C.22**
- Second restraining order, evidence sufficient to issue, § **C.18**
- Service of injunctive order by law enforcement officer at scene, § **C.20**
- Sexual harassment by professionals, § **A.108.10**
- Single violent act does not justify injunction absent threat of future harm, § **C.18**
- Statutory authority, § **C.16.5**
- Telephone or electronic harassment, § **C.15.0.3.9**
- Termination of parental rights under Welfare & Institutions Code § 366.26, civil harassment order process may not be used to collaterally attack order for, § **C.16.5**
- Time for hearing on anti-harassment injunction, § **C.16.5**
- Unlawful violence, § **C.16.5**
- Venue, § **C.16.5**
- Vexatious litigants See VEXATIOUS LITIGANTS

## **HEALTH INSURANCE**

- CHAMPUS coverage, §§ **F.56.5, L.88.15-L.88.15.0.5**
- Children enrolled in support obligor's insurance plan, §§ **E.25.5.5-E.25.6.5**

## **HEALTH INSURANCE—Cont'd**

- Civil service, §§ **F.56.5.3, L.63.3**
- COBRA, continuation coverage requirements under, § **F.56.2.1**
- Conversion and continuation coverage under state law, § **F.56.2**
- Domestic partnership legislation, § **U.175**
- Domestic violence restraining orders prohibiting changes to insurance coverage, **C.1**
- Employers' responsibilities, §§ **E.25.5.5, E.25.5.10**
- Family law facilitator, role of, § **C.29.4.4.21**
- Federal employees, health benefits for same-sex spouses of, § **U.195**
- Insurance carriers' responsibilities, §§ **E.25.6.2-E.25.6.5**
- Interparental reimbursement for dependent medical expenses, §§ **E.25.4-E.25.4.20**
- Local child-support agencies enforcing coverage, § **E.25.7**
- Military benefits, §§ **F.56.5, L.88.15-L.88.15.0.5**
- Qualified medical support orders, § **E.25.8.1**
- Reasonable-cost presumption, § **E.25.3**
- Same-sex spouses of federal employees, health benefits for, § **U.195**
- Subsidy of postdivorce health-insurance premiums not divisible community asset, § **L.73.20**
- Supported child enrolled in obligor's insurance plan, §§ **E.25.5.5-E.25.6.5**
- TRICARE coverage, § **F.56.5**
- Upper age limit for dependent coverage of children, §§ **E.25.3, E.25.6.3**

## **HEARSAY**

- Business records exception, §§ **P.93.5, P.106**
- Child dependency hearsay exception, §§ **P.14.5, P.89**
- Custody See CUSTODY
- Exceptions, §§ **P.12.0.4, P.14.5, P.89, P.89.5, P.93.5, P.106**
- Expert witness testimony, **P.89.6**
- General rule, § **P.88**

## INDEX

### HEARSAY—Cont'd

- Harassment restraining orders, admissibility at hearing on, § **C.16.5**
- Income and expense declarations, § **P.69.15**
- Indicia of reliability of statements made by child-witness, §§ **P.14.5**, **P.89.2.5**
- Intentional wrongdoing causing witness to be unavailable, exception for, § **P.89**
- Modification of family law judgment, § **P.69.15**
- Official records, § **P.107**
- Precluding live testimony and requiring presentation of case through declarations violated hearsay rule, § **P.69.20**
- Primary purpose test, § **P.14.5**
- Testimonial statements, admissibility of, § **P.14.5**
- Unavailable-witness concept, §§ **P.14.2**, **P.14.2.0.5**

### HOMESTEAD

- Amount of exemption, §§ **S.90**, **S.90.1**
- Change of residence, § **S.104.3**
- Current exemption amounts retroactive, § **S.90.1**
- Declaration, § **S.94.5**
- Declared homestead, § **S.93.1**
- Defined, §§ **S.85**, **S.87**
- Domestic partners, homestead exemption rights of, § **U.192**
- Effect of exemption, § **S.94**
- Exception for support judgments, § **S.94.5**
- Execution, § **S.34**
- Family unit defined, § **S.90.2**
- Favored creditors, § **S.95**
- How claimed, § **S.93**
- Judgment lien may attach to surplus equity that accrues after lien recorded, §§ **O.39.5**, **S.94.10**
- Jurisdiction over homestead exemption, § **O.36**
- Limitation on number, § **S.90.4**
- Post bankruptcy petition appreciation in value of property, § **O.36**
- Proceeds from judicial sale, time limit on exemption for, §§ **O.36**, **S.94**

### HOMESTEAD—Cont'd

- Residential exemption, §§ **S.89**, **S.93.2-S.93.4**
- Sale, §§ **S.95.3-S.103**
- Spouse defined, § **S.90.3**
- Statutory definition, § **S.87**
- Termination, §§ **S.104**, **S.104.3**
- Types of, § **S.86**
- Undeclared homestead, §§ **S.89**, **S.93.2**, **S.93.4**

### HUMAN TRAFFICKING

- Burden of proof of victim-caseworker privilege, § **D.92**
- Incident report, requirement to provide victim with copy of, § **C.14.6**

### ICWA (INDIAN CHILD WELFARE ACT)

- See **INDIAN CHILD WELFARE ACT (ICWA)**

### IMMIGRATION

- Contractual right to support from sponsor, §§ **B.26.2.2**, **F.110**, **S.59.50**
- Custody of child, immigration status of parent or relative seeking, §§ **G.25**, **G.169**
- Driver's license, proof of identity by applicants for, § **S.61.1**
- Eligibility for special immigrant juvenile status, § **G.166.3.35**
- Failure to make statutorily-compliant special immigrant juvenile findings, § **G.166.3.35**
- Home state under UCCJEA, § **H.46.10**
- Marriage fraud, § **C.0.5.25**
- Nonviability of reunification, effect on juvenile immigrant of, § **G.166.3.35**
- Parentage action filed solely to obtain special immigrant juvenile findings, § **G.166.3.35**
- Probate court's authority to make findings regarding eligibility for special immigrant juvenile status, § **G.166.3.35**
- Revocation of permanent resident status, dissolution resulting in, § **C.0.5.25**
- Running away from home of immigration sponsor, § **H.46.10**

## **IMMIGRATION—Cont'd**

Sponsoring spouse's support obligation under affidavit of support, §§ **B.26.2.2, F.110, S.59.50**

## **IMMUNITY**

Arbitration proceedings, §§ **A.103.0.0.1.31, C.47.6.4**  
 Child abuse reporting, §§ **C.15.2.4, G.176-G.184**  
 Child-support enforcement action brought by DA, §§ **S.64.2.1.57, S.64.2.5.65**  
 Civil rights violations, § **A.103.1.6**  
 Consular officials, § **G.172.5**  
 Court-appointed expert, § **A.103.1.15**  
 Court reporters, § **A.103.1.25**  
 Custody evaluator, §§ **A.103.1.10, P.87.2**  
 Discovery referees, § **A.103.1.7**  
 Domestic violence restraining orders, enforcement of, § **C.14.5.5**  
 Guardian ad litem, §§ **A.103.1.10, A.103.1.20**  
 Indian gaming revenues, § **F.13**  
 Judicial immunity, §§ **A.103.1.5-A.103.1.25**  
 Juvenile dependency proceedings, officials in, §§ **A.103.1.20, G.181**  
 Litigation privilegeSee **LITIGATION PRIVILEGE**  
 Mediators, § **A.103.1.10**  
 Nonjudicial acts, § **A.103.1.7**  
 Private individuals temporarily hired by government entities, § **A.103.1.30**  
 Qualified immunity for officers handling domestic violence incidents, § **C.15.3**  
 Quasi-judicial immunity, §§ **A.103.1.10, P.87.2**  
 Removal of child from parental custody without judicial authorization, § **G.181**  
 Social workers, §§ **A.103.1.20, G.142.5, G.181, G.182**

## **INADVERTENCE**

Relief from judgment, dismissal, or order, §§ **T.6-T.12**

## **INCARCERATED PARENT**

Dependent child, consideration of barriers to maintaining contact with, § **G.168.0.85**

## **INCARCERATED PARENT—Cont'd**

Interest income imputed to parent based on liquidated assets turned over to defense attorney, § **E.38.9.2**  
 Suspension of support obligation, §§ **E.38.9, E.69**  
 Vargas precludes imputing income to parent who lacks opportunity to work, § **E.38.9**  
 Visitation and reunification services, §§ **G.142.3.2, G.168.1.30**

## **INCOME AND EXPENSE DECLARATIONS**

Disclosure in dissolution proceedings—See **DISCLOSURE**  
 Emancipation, declaration filed in support of petition for, § **E.59**  
 Hearsay rule applicable in modification proceeding, § **P.69.15**  
 Spousal supportSee **SPOUSAL SUPPORT**

## **INCOME TAXES**

Accounts receivable, §§ **N.13, N.150**  
 Accrual of joint and several liability, §§ **N.23.3-N.25**  
 Accuracy-related penalties, § **N.156.4.20**  
 Address of taxpayer, §§ **N.23.2-N.23.2.4**  
 Adoption expenses, tax credits for, §§ **N.123.3.10, N.123.3.15**  
 Alimony tax treatment  
   Bonus income, payment made from, § **N.106.4.3**  
   Business earnings, support paid with, § **N.106.4.9.20**  
   Contempt order, funds paid in response to, § **N.106.4.6**  
   Contingency related to child, §§ **N.106.4.8, N.106.4.8.5, N.110.1.3**  
   Contract for deed transferred in exchange for relinquishment of support claims, § **N.106.4.9.5**  
   Death of payee-spouse, payment liability after, § **N.106.4.7**  
   Designating nonincludable payments, § **N.106.4.6**  
   Disguised alimony, pension payments constituting, § **N.106.4.9.0.10**

## INDEX

### INCOME TAXES—Cont'd

- Alimony tax treatment—Cont'd
  - Disso judgment fails to indicate effect of recipient's death on payment obligation, § **N.106.4.7**
- DRTRA deductibility rules, § **N.106.4.1**
- Excess support refunded, recipient spouse may deduct, § **N.106.4.9.15**
- Expenses paid to third parties, §§ **N.106.4.5, N.178-N.180**
- Foreign decree, § **N.42.0.2**
- Garnished funds for fees as support, § **N.106.4.5.5**
- Generally, § **N.97.1**
- Increased payments per oral agreement, § **N.106.4.3.2**
- Joint returns, deductions on, § **N.106.4.1**
- Life insurance premiums, § **N.106.4.5.20**
- Lump-sum payment, §§ **N.106.1, N.106.4.1**
- Married filing separately, § **N.32**
- Mortgage payments, §§ **N.106.4.5.10, N.178-N.180**
- Nunc pro tunc orders to clarify court's intention as to deductibility, § **N.106.4.6.10**
- Only obligor-spouse may claim deduction, § **N.106.4.9.10**
- Payments fixed for children, § **N.106.4.8**
- Payment under divorce or separation instrument, § **N.106.4.3**
- Pre-1985 instruments, § **N.97.1**
- Property settlement or support, determining whether payments are for, § **N.106.4.9.0.5**
- Recapture, §§ **N.106.4.17-N.106.4.24**
- Recipient's taxpayer identification number, § **N.110.1.4**
- Remarriage, effect of, § **N.110.1**
- Rent payments on cooperative apartment, § **N.106.4.5.15**
- Same household, members of, § **N.106.4.9**
- Separation requirement, § **N.4**
- Temporary support, §§ **N.33.1, N.95.5-N.97, N.106.4.7.5**

### INCOME TAXES—Cont'd

- Alimony tax treatment—Cont'd
  - Third party, payments on supported spouse's behalf to, § **N.106.4.5.10**
- Transfer of property in lieu of spousal support obligation, § **N.106.4.9.5**
- Tuition paid per disso judgment, § **N.106.4.5**
- Unallocated supportSee subhead:
  - Family support
- Voluntary payments, § **F.12**
- Written agreement or instrument, § **N.106.4.3**
- Alternative minimum tax, § **N.106.5**
- Annuity that paid spousal support after payor's death, distribution to support recipient of, § **N.156.4**
- Assignment of debt to spouse in dissolution proceedings, § **N.147.2**
- Attorney as tax preparer, § **A.123.5**
- Attorneys' fees
  - Bases for deductibility, § **N.158**
  - Claims arising from marital relationship, fees incurred to defeat, § **N.158**
  - Client trust account, interest on, § **A.28.4**
  - Contingent fee divided per disso judgment, tax treatment of, § **N.156.3**
  - Generally nondeductible, § **N.157**
  - Gilmore/Patrick test, § **N.158**
  - Incurred for production of income, §§ **N.158, N.162, N.162.5**
  - Must itemize, § **N.160**
  - Payment of other party's fees, §§ **N.164.5-N.167**
  - Preservation of capital assets, § **N.164**
  - Proving deductibility, § **N.159**
  - Support issues, §§ **N.160.5-N.163**
  - Trade or business expense, § **N.158**
- BankruptcySee **BANKRUPTCY**
- Bifurcation
  - Advantages, §§ **N.84.5-N.89**
  - Consideration of tax consequences, §§ **C.62, N.95**
  - Disadvantages, §§ **N.90.5, N.91.1, N.92**
  - Tax indemnity condition, § **N.94.2**

## **INCOME TAXES—Cont'd**

### **Business interests**

Capital gains liability of spouse  
awarded ownership interest,  
§ **N.135.2.5**

Liquidation of business, § **N.156.1**

Promissory note awarded for business  
interest, § **N.134**

CASDI, see FICA and CASDI deduc-  
tions, *infra*

Child-care credit, §§ **N.120.5-N.123.3**

Child's liability, § **N.118.20, N.118.25**

### **Child support**

Combined supportSee subhead: Fam-  
ily support

Evidence of income in support  
proceedings, § **E.37.0.5**

Generally nondeductible, § **N.107**

Health insurance, § **N.110.1.5.2**

Interest on past-due support taxable to  
support recipient, § **N.107.5**

Support test for dependency exemp-  
tion, § **N.113**

Child tax credit, § **N.119**

Closely held corporate stock redemp-  
tion, §§ **N.153-N.156.0.35**

Community-property law, relief from,  
§ **N.29.50**

Contingency related to child,  
§§ **N.106.4.8, N.106.4.8.5,**  
**N.110.1.3**

Contingent fee divided per disso judg-  
ment, tax treatment of, § **N.156.3**

### **Custody**

Dependency exemptionSee subhead:  
Dependency exemption

Joint custody head of household  
credit, §§ **G.15.1, N.38.1**

Deductions, estimating, § **N.97.0.2**

### **Dependency exemption**

Age test, § **N.113**

Allocation of, §§ **E.40.4, N.116.1.5**

Basic test, § **N.113**

Case-law applications, § **N.114.2**

Citizenship test, § **N.113**

Cohabitants, § **N.193**

Custodial parent generally entitled to,  
§§ **N.114-N.115**

Custodial parent test, § **N.113**

## **INCOME TAXES—Cont'd**

### **Dependency exemption—Cont'd**

Declarations that conform to  
substance of Form 8332,  
§ **N.116.1.1**

Exceptions to general rule,  
§§ **N.116.0.5-N.116.1.5**

Joint custodial parents, § **N.116**

Kiddie tax, **N.118.20**

Qualifying child dependent, § **N.113**

Qualifying relative dependent,  
§ **N.113**

Relationship test, § **N.113**

Release by custodial parent,  
§§ **N.116.1-N.116.1.4.5**

Retroactive entitlement, § **N.116.1.4**

Revocation of exemption release,  
§ **N.116.1.1.5**

Separation required for one party to  
claim, § **N.5**

Stepparent contributions, § **N.118.1**

Support test, § **N.113**

Taxpayer identification number of  
dependent, § **N.118.10**

Unmarried parents, exception for  
dependency exemption rule  
applies to, § **N.116.1.3**

Waking hours method of calculating  
custodial time, § **N.116**

Depreciation on separate property,  
§ **N.6.3**

Designation of filing status, §§ **N.97.0.1-**  
**N.97.0.1.7**

Disability benefits, §§ **N.208-N.210.10**

Disclosure of tax information,  
§§ **N.70.1, N.70.2**

### **Discovery**

Advantages of TEFRA reporting  
requirements, § **N.42.1**

Returns, see Tax returns, *infra*

Social security information,  
§§ **N.57.5-N.60**

### **Domestic partners**

Adjusted gross income (AGI) for  
registered domestic partners,  
§ **U.177**

Health insurance costs, §§ **U.175**

Income reporting, §§ **N.1, U.177**

Medical expenses, deductions for,  
§§ **U.175**



## INDEX

### **INCOME TAXES—Cont'd**

- Domestic partners—Cont'd
  - State-tax filing status, §§ **N.30, U.177**
- DRTRA (Domestic Relations provisions of Tax Reform Act of 1984)
  - Alimony tax treatment, see Alimony tax treatment, *supra*
  - Property division, see Property division, *infra*
- Duress, cooperation in filing jointly resulting from, § **N.16.1**
- Earned-income credits
  - Generally, §§ **N.123.3.0, N.123.3.2, N.123.3.8**
  - Subject to tax intercept program, § **S.68.1**
  - Time spent in jail before conviction, § **N.123.3.4**
- Economic damages award, § **N.156.4.20**
- Emotional-distress damages, § **N.156.4.20**
- Estimated tax
  - Allocation of payments, §§ **N.41, N.41.5**
  - Calculating payment amounts, § **N.41.3**
  - Credit line, payment by, § **N.42.0**
  - Jurisdiction to make orders, § **N.83**
  - Payments during separation, § **N.40**
- Estimating deductions, § **N.97.0.2**
- Exclusion from family residence, §§ **N.33.1, N.175**
- Expert witnesses, § **P.23**
- Family residence
  - Consideration of tax consequences, §§ **K.55.6, N.133, N.134.1**
  - Deferred-sale-of-home order, § **K.60.0.1**
  - Depreciation deductions, § **N.175.1**
  - Exclusion of gain from sale of principal residence, §§ **N.183.5-N.185**
  - Exclusion order, effect of, §§ **N.33.1, N.175**
  - Interest deduction, §§ **N.168.1, N.172, N.172.1**
  - Mortgage payments by out-spouse, §§ **N.178-N.180**
  - Nonrecognition of gain or loss on transfer incident to divorce, § **N.168**

### **INCOME TAXES—Cont'd**

- Family residence—Cont'd
  - Sale, §§ **N.168.5-N.173.10**
  - Title, tax liability follows, § **N.168**
  - Transfer to tenancy-in-common, §§ **N.148, N.173, N.181**
- Family support
  - Arrearages, allocation of, § **N.108.3**
  - Deductibility of unallocated family support, § **N.108**
  - Defined, § **N.108**
  - Inference or other nonspecific designation, § **N.109.10**
  - Pendente lite support payments, § **N.106.4.7.5**
  - Presumption when payments end on date associated with contingency related to child, § **N.110.1.3**
  - Provisions in agreement fixing child support portion, § **N.108.10**
  - Remarriage, effect of, § **N.110.1**
  - Separate child support order not required under state law, § **N.110.1.3.10**
  - Statewide mandatory child support guideline, § **N.110.1.3.15**
  - Termination on death of recipient-spouse, effect of, § **N.109.15**
  - Written court order, allocation determined by, § **N.109.10**
- Federal tax intercept programs, §§ **O.73, S.66-S.68.1**
- FICA and CASDI deductions
  - More than one job, § **N.42.6.1**
  - Rates and ceiling amounts, § **N.42.5**
  - Self-employment, § **N.42.7**
- Foreign decree, § **N.42.0.2**
- Forgiven debt recognized as income, § **N.147.2**
- Fraudulently obtained annulment, § **N.15.1.5**
- Garnished funds for fees as support taxable in year attorney received them, § **N.106.4.5.5**
- Half of other spouse's income, spouse's liability for tax owed on, § **N.29.50**
- Head of household
  - Designation of filing status, § **N.97.0.1.7**

**INCOME TAXES—Cont'd**

Head of household—Cont'd  
 Joint custody credit, §§ **G.15.1, N.38.1**  
 Requirements, § **N.38**  
 Health insurance costs, § **N.110.1.5.2**  
 Innocent spouse  
   Actual knowledge of erroneous deduction, § **N.29.1.15**  
   Apportionment of relief for spouse who had reason to know about only part of tax understatement, § **N.29.25**  
   Availability of relief, § **N.29.1.5**  
   Capital gains tax liability, § **N.29.2.15**  
   Community property liable for either spouse's debt, innocent-spouse provisions do not preempt state law making, § **N.29.2.15**  
   Constructive knowledge, § **N.29.4**  
   Co-owner and active participant in family business, relief denied to, § **N.29.4.15**  
   Economic hardship requirement, § **N.29.4**  
   Eligibility for relief, § **N.29.5**  
   Equitable relief based on lack of knowledge that taxes not paid by spouse who assumed responsibility to file, § **N.29.2.20**  
   Franchise Tax Board, § **N.29.2**  
   Ineligibility where tax deficiency solely attributable to party seeking relief, § **N.29.4.10**  
   IRS Restructuring and Reform Act of 1998, § **N.29.1.5**  
   Lack of knowledge requirement, §§ **N.29.4, N.29.5**  
   Non-electing spouse's right to challenge decision granting relief, § **N.29.3**  
   Refund of levied funds, § **N.29.2.17**  
   Relief denied under prior law, § **N.29.15**  
   Relief granted under prior law, § **N.29.10**  
   Retroactive application of innocent-spouse provisions, § **N.29.3.5**  
   Separate-liability election, § **N.29.1.15**

**INCOME TAXES—Cont'd**

Innocent spouse—Cont'd  
   Status with IRS does not preclude state court from ordering payment of share of tax liability per disso judgment, § **N.29.20**  
 Installment sales, § **N.126.1**  
 Interest portion of equalizing payments, § **N.124.2.22**  
 IRAs  
   Active participant in employer plan, § **N.207.2**  
   AGI phase-out limits, § **N.207.2**  
   Community interest in funds, § **N.207.6.5**  
   Distributee, funds taxable to, § **N.207.6.10**  
   Distribution taxable solely to participant-spouse, § **N.207.6.5**  
   Distribution value, § **N.207.7.5**  
   Early-withdrawal penalty, § **N.199.4.24**  
   Funds rolled over from husband's IRA and distributed to wife taxable, § **N.207.6.10**  
   Maintenance after disso, § **N.207.6**  
   Maximum annual contribution, § **N.207.1**  
   Nonrecognition of gain on transfer incident to divorce, § **N.207.2.5**  
   State law, § **N.207.7**  
   Withdrawals by wife from husband's IRA without his authorization or knowledge, § **N.207.6.7**  
 Joint custody head of household credit, §§ **G.15.1, N.38.1**  
 Joint returns  
   Accrual of joint and several liability, §§ **N.23.3, N.24, N.25**  
   Adoption expenses, federal tax credit for, § **N.123.3.15**  
   Amendment from separate return to, § **N.17**  
   Designation of filing status, § **N.97.0.1.3**  
   Disadvantages of filing in separation year, §§ **N.17.1-N.23.2.4**  
   Effect of separation, § **N.3**  
   Exception for return signed by one spouse inapplicable where neither signed, § **N.16.5**

## INDEX

### INCOME TAXES—Cont'd

#### Joint returns—Cont'd

Failure of one party to sign, §§ **N.16-N.16.3**

Innocent-spouse relief, §§ **N.28-N.29.25**

Intent to file jointly, § **N.16**

Joint and several liability, §§ **N.19, N.19.5**

Legal separation, §§ **N.15.1, N.15.2, N.15.3**

Order to file, § **N.80.3**

Power of attorney, § **N.16.10**

Registered domestic partners, state-tax filing status of, §§ **N.97.0.1.3, U.177**

Relief from community-property law per IRC § 66(b) and (c), § **N.29.50**

Requirements for filing, § **N.15**

Revise state tax liability, authority to, § **N.80.6**

Same-sex partners, § **N.15**

Tax indemnity clause, §§ **N.25.1-N.27**

Joint tenancy converted to tenancy-in-common, § **N.148**

Kiddie tax, **N.118.20**

Life insurance premiums, § **N.106.4.5.20**

Liquidation of business, § **N.156.1**

Live-in help, liability as employer for, § **N.123.3**

Married filing separately

Advantages, § **N.31**

Alimony tax treatment, § **N.32**

Designation of filing status, § **N.97.0.1.5**

Disadvantages, § **N.33**

Registered domestic partners, state-tax filing status of, §§ **N.30, U.177**

Married living apart, §§ **N.34, N.36**

Mortgage

Deductibility of payments, §§ **N.106.4.5.10, N.178-N.180**

Interest deduction, §§ **N.168.1, N.172, N.172.1**

Nonmarital cohabitation, §§ **N.189.5-N.199.1**

### INCOME TAXES—Cont'd

Nonstatutory stock options transferred incident to disso, tax treatment of exercise of, §§ **N.124.2.10, N.156.4.10**

Overpayment, apportionment of, § **N.41.5**

Pensions

Alternate payee, payment to, §§ **L.10.4, L.10.8, N.199.4.35**

Borrowing from accrued benefits, §§ **N.213, N.214**

Buyout of nonemployee spouse, § **N.124.2.12**

Generally, § **N.199.2**

Gillmore payments made to ex as community share of pension, entitlement to exclude, § **N.199.4.30**

Military benefits, §§ **N.207.0.3, N.207.0.4**

Payments to nonemployee-spouse nontaxable, §§ **N.207.8, N.207.8.5, N.207.8.7**

Qualified domestic relations orders (QDROs), §§ **N.199.4-N.199.4.25**

REA provisions, § **N.199.3**

Rollovers taxable, § **N.199.4.22**

Spouse taxable only on funds actually received as alternate payee, § **N.199.4.35**

Surviving spouse's pension subject to levy to enforce community tax debt, § **S.35.5**

Withholding, § **N.212**

Postdisso tax debt, liability for, §§ **J.83.1.5, J.83.5**

Pre-trial considerations, § **N.71**

Property division

Accounts receivable, § **N.150**

Asset sold during disso, § **N.140.2**

Assignment of debt to spouse, § **N.147.2**

Basis, §§ **N.124.3-N.124.3.4**

Business interests, §§ **N.134, N.135.2.5**

Consideration of tax consequences, §§ **N.131-N.135.2.5**

Contingent fee divided with former spouse, § **N.156.3**

## **INCOME TAXES—Cont'd**

- Property division—Cont'd
  - Equalizing payments, §§ **N.124.2.20**, **N.124.2.22**
  - Income-producing assets, § **N.151**
  - Installment sales, § **N.126.1**
  - Liquidation of business, § **N.156.1**
  - Loss, recognition of, § **N.142.1**
  - Redemption of closely held stock, §§ **N.153-N.156.0.35**
  - Stock sale proceeds, tax liability for, §§ **N.126.5**, **N.156.1**
  - Support or property settlement, determining whether payments are for, § **N.106.4.9.0.5**
  - Third party, nonrecognition treatment for transfer to, § **N.126.0.10**
  - Transfers incident to divorce, §§ **N.124.1-N.126.0.10**
- Quasi-community property, transfer of, § **N.149**
- Recapture, §§ **N.106.4.17-N.106.4.24**
- Redemption of closely held corporate stock, §§ **N.153-N.156.0.35**
- Refunds
  - Allocation, § **N.42.0.3.5**
  - Federal intercept program, §§ **O.73**, **S.66-S.68.1**
  - Includable in gross income for purposes of calculating support, § **E.22.7.3**
  - Innocent spouse entitled to refund of levied funds, § **N.29.2.17**
  - Source of overpayment, § **N.42.0.3.15**
  - State intercept, §§ **S.69-S.69.50**
  - Suit of former spouse, § **N.42.0.3.10**
  - Temporary orders regarding, §§ **N.75.10-N.79**
- Registered domestic partners, see Domestic partners, *supra*
- Reimbursable postseparation payment on community obligation, §§ **N.72-N.75**
- Rent on cooperative apartment occupied by supported spouse, § **N.106.4.5.15**
- Revise state tax liability, authority to, § **N.80.6**
- Revocation of dependency exemption release, § **N.116.1.1.5**

## **INCOME TAXES—Cont'd**

- Royalty contract received in disso judgment, § **N.151**
- Self-employment tax, §§ **N.13**, **N.42.7**
- Separate returns
  - Amended to joint return, § **N.17**
  - Discovery, §§ **N.66-N.70.2**
- Separation
  - Alimony tax treatment, § **N.4**
  - Defined, §§ **N.6.5-N.11**
  - Dependency exemption, § **N.5**
  - Depreciation, § **N.6.3**
  - Earnings attribution, §§ **N.0.7-N.2.1**
  - Joint returns after, § **N.3**
  - Kick-out order, § **N.33.1**
  - Pendente lite support and restraining orders, § **N.33.1**
- Spousal support
  - Annuity that paid support after payor's death, distribution to ex-wife of, § **N.156.4**
  - Attorneys' fees deductible, §§ **N.158**, **N.162**, **N.162.5**
  - Contingency related to child, §§ **N.106.4.8**, **N.106.4.8.5**, **N.110.1.3**
  - Deductibility, see Alimony tax treatment, *supra*
  - Health insurance, § **N.110.1.5.2**
  - Recapture, §§ **N.106.4.17-N.106.4.24**
  - Recipient's taxpayer identification number, § **N.110.1.4**
  - Remarriage, effect of, § **N.110.1**
  - Temporary support, §§ **N.33.1**, **N.95.5-N.97**, **N.106.4.7.5**
  - Testimony re tax consequences, § **F.17.5**
  - Unallocated supportSee subhead: Family support
- State intercept, §§ **S.69-S.69.50**
- Stock options transferred incident to disso, tax treatment of exercise of, §§ **N.124.2.10**, **N.156.4.10**
- Stock sale proceeds awarded per disso judgment, spouse assumes tax liability for percentage of, §§ **N.126.5**, **N.156.1**
- Tax indemnity clause, §§ **N.25.1**, **N.26**, **N.27**

## INDEX

### **INCOME TAXES—Cont'd**

- Tax intercept programs, §§ **O.73, S.66-S.69.50**
- Taxpayer identification number, § **N.110.1.4**
- Tax returns
  - Corporation required to produce, § **N.69**
  - Difference between state and federal, § **N.57**
  - Evidence of income in support proceedings, § **E.37.0.5**
  - Joint, see Joint returns, *supra*
  - Law corporation or partnership, § **M.34.2**
  - Modifying support, discovery preceding, § **N.67.5**
  - Paternity actions, discovery of financial records in, § **E.0.0.21**
  - Procedure for discovery, §§ **N.42.10-N.57**
  - Revocation of dependency exemption release, § **N.116.1.1.5**
  - Separate returns, discovery of, §§ **N.66-N.70.2**
  - Subsequent spouse, returns filed with, § **N.67.3**
  - Support proceedings, discovery in, §§ **F.13.15, N.67.1, N.67.3**
- Temporary orders, §§ **N.75.5-N.83**
- Transfers incident to divorce, §§ **N.124.1-N.126.0.10**
- Unallocated supportSee subhead: Family support
- Withholding
  - Designation of status, § **N.42.2**
  - FICA and CASDI, § **N.42.4.5 et seq.**
  - Generally, § **N.42.1.1**
  - Number of allowances, § **N.42.4**
  - Pension distributions, § **N.212**
  - Rates and ceiling amounts, § **N.42.5**
  - Self-employment, § **N.42.7**

### **INCONVENIENT FORUM**

- Indian Child Welfare Act, transfer under, § **G.171.1**
- Jurisdiction, exercise of, §§ **B.25, H.100.25**
- Modification proceedings, §§ **H.100.26, H.100.27**

### **INCONVENIENT FORUM—Cont'd**

- Standing to file motion to stay or dismiss disso on grounds of, § **B.25.5**
- UCCJEA jurisdiction, §§ **H.46.20, H.53**

### **INDEMNITY**

- AIDS, willful exposure to, § **C.160.8**
- Legal malpractice, §§ **A.92.1-A.92.4, A.92.20**
- Parental liability statute, § **G.18.1.6**

### **INDEPENDENT LIVING CASE PLANS**

- See NONMINOR DEPENDENTS

### **INDIAN CHILDREN**

- Statute limiting termination of parental rights, § **G.168.0.85**
- Tribal customary adoptions, § **G.168.0.90**
- Validity of voluntary consent to termination of parental rights over, § **G.171.32**

### **INDIAN CHILD WELFARE ACT (ICWA)**

- Absolute veto power of parents over transfer of jurisdiction, § **G.171.1.5**
- Active efforts to prevent breakup of Indian family required, § **G.171.10**
- Adoptive Couple v. Baby Girl, §§ **G.171.3, G.171.17**
- Alleged fathers whose paternity not established excluded from definition of parent under, § **G.170.10**
- Applicability of ICWA, failure to challenge findings on, § **G.170.10.45**
- Application in all juvenile proceedings involving Indian children, § **G.171.3**
- Child's best interests considered in determining whether to depart from placement preferences, § **G.171.10**
- Custody transferred from one parent to another parent, ICWA inapplicable where, § **G.171.1.5**
- De facto parent statute, ICWA does not preempt state, § **G.171.40**
- Dependency orders, jurisdiction to review, §§ **G.170.30, G.170.45**

**INDIAN CHILD WELFARE ACT  
(ICWA)—Cont'd**

Dependency proceedings  
 Exception to exclusive tribal jurisdiction applicable to, § **G.170.30**  
 Generally, §§ **G.171.5, G.171.10**  
 Indian custodian, notice to, § **G.170.20**  
 Limited reversals to correct notice errors, appellate courts may order, § **G.170.10.17**  
 Right of tribe or Indian custodian to intervene in, §§ **G.170.20, G.171.5**  
 Transfer to tribal courtSee subhead: Transfer of jurisdiction to tribal court  
 Domicile of unborn child, § **G.170.35**  
 Duty to inquire about child's Indian status, § **G.170.10.10**  
 Eligibility for tribal membership mandates application of ICWA, § **G.171.3**  
 Exemption request with respect to ICWA-compliant placement, § **G.171.10**  
 Exhaust tribal court remedies, dismissal of father's custody dispute for failure to, § **G.171.1.7**  
 Existing Indian family doctrine, §§ **G.171.3, G.171.17, G.171.22**  
 Expert testimony at parental rights termination hearing, §§ **G.171.5, G.171.10**  
 Failure to challenge findings on applicability of ICWA, § **G.170.10.45**  
 Failure to make inquiry into Indian ancestry, §§ **G.170.10.10, G.170.10.20**  
 Federal court jurisdiction to review state court judgment terminating parental rights, § **G.170.30**  
 Financial and educational benefits available through tribal membership, § **G.171.10**  
 Free minor from parental custody/control, ICWA inquiry requirements apply to proceedings to, § **G.168.5**  
 Full-faith-and-credit provision does not require court to follow tribal reso-

**INDIAN CHILD WELFARE ACT  
(ICWA)—Cont'd**

lution in direct conflict with state policy, § **G.171.45**  
 Good cause exception to placement preferences, § **G.171.10**  
 Good cause to deny venue transfer to tribal court, § **G.171.1**  
 Harmless error, cases holding that failure to meet inquiry and notice requirements was, §§ **G.170.10.10, G.170.10.20**  
 Independent adoption proceeding, intervention in, § **G.171.25**  
 Indian custodian, §§ **G.170.20, G.171.5**  
 Indian parent never had custody and there was no Indian family, parental rights termination provisions inapplicable where, § **G.171.17**  
 Inquiry violations as presumptively prejudicial, § **G.170.10.20**  
 Invalidity of rule that conflicts with definition of Indian child under ICWA, § **G.170.18**  
 Judicial exception to ICWA by applying existing Indian family doctrine, § **G.171.3**  
 Jurisdiction, transfer ofSee subhead: Transfer of jurisdiction to tribal court  
 Jurisdictional issues under ICWA, §§ **G.170.25-G.170.45**  
 Juvenile delinquency cases, applicability of ICWA requirements to, § **G.170.5**  
 Limited reversals to correct notice errors, appellate courts may order, § **G.170.10.17**  
 Modified forum non conveniens doctrine, § **G.171.1**  
 Moved off reservation and rejected ICWA application, jurisdiction where birth parents, § **G.170.40**  
 Newborns, effect of tribal law granting temporary citizenship to, § **G.171.32**  
 Non-Indian families, children in, § **G.171.3**  
 Nonparent, failure to apply substantive provisions of ICWA before granting custody to, § **G.171.30**



## INDEX

### INDIAN CHILD WELFARE ACT (ICWA)—Cont'd

#### Notice provisions

- Adequacy of compliance with,  
§§ **G.170.10, G.170.10.15**
- Constitutionality, § **G.170.10.5**
- Failure to notify mandates reversal,  
§ **G.170.10.20**
- Failure to raise notice issue at trial,  
§§ **G.170.10.40, G.170.10.45**
- Harmless error, cases holding that  
failure to meet notice require-  
ments was, §§ **G.170.10.10,**  
**G.170.10.20**
- Indian custodian, notice to,  
§ **G.170.20**
- Lack of response to notice, effect of,  
§ **G.170.15**
- Limited reversals to correct notice  
errors, appellate courts may  
order, § **G.170.10.17**
- Manner and time of notice,  
§ **G.170.10**
- Presumed father's waiver of right to  
notice, § **G.171.60**
- Proof of notice, § **G.170.10.30**
- Remand for compliance with notice  
requirements, § **G.170.12**
- Right to intervene in adoption  
proceedings, § **G.171.60**
- Statutes codifying federal require-  
ments in state law,  
§ **G.170.10.25**
- Successive or serial appeals on notice  
issues, § **G.170.12**
- Sufficiency of information in notice,  
§ **G.170.10.25**
- Parental custody detrimental to Indian  
child, effect of allegation that,  
§ **G.29.0.5**
- Petition to invalidate parental rights  
termination, or foster care or  
guardianship placement, § **G.171.5**
- Placement preferences, § **G.171.5**
- Postadoption visitation, § **G.146.3**
- Preemption issues, §§ **G.171.35-**  
**G.171.50**
- Presumptively prejudicial, inquiry viola-  
tions as, § **G.170.10.20**
- Private proceedings to terminate  
parental rights, § **G.171.20**

### INDIAN CHILD WELFARE ACT (ICWA)—Cont'd

- Proof of notice, § **G.170.10.30**
- Reasonable proximity to child's home,  
placement within, § **G.171.10**
- Refusal to reopen absent new evidence  
of tribal membership,  
§ **G.170.10.35**
- Rejecting placement preferences without  
determining whether disqualifying  
factor could be waived, court erred  
in, § **G.171.50**
- Removal of Indian child, § **G.171.5**
- Reunification services, § **G.171.10**
- Significant ties to tribe, § **G.171.3**
- Special needs of child and sibling bonds  
as good cause to deviate from  
placement preferences, § **G.171.55**
- Standing to bring ICWA challenge,  
§§ **G.170.5, G.171.5**
- State law
  - Application of ICWA to Indian child  
custody proceedings, § **G.171.3**
  - Dependency proceedings involving  
Indian children, § **G.171.5**
  - Duty to inquire about child's Indian  
status, § **G.170.10.10**
  - Generally, § **G.170.5**
  - Juvenile delinquency cases,  
applicability to, § **G.170.5**
  - Legislative findings, § **G.171.3**
  - Limiting termination of parental  
rights in cases involving Indian  
children, § **G.168.0.85**
  - Notification of tribe's right to  
intervene in adoption proceed-  
ings, § **G.171.60**
  - Preemption issues, §§ **G.171.35-**  
**G.171.50**
  - Tribal cultural connections, obligation  
to preserve, § **G.171.22**
- Successive or serial appeals on notice  
issues, § **G.170.12**
- Transfer of jurisdiction to tribal court
  - Generally, § **G.170.60**
  - Good cause to deny venue transfer to  
tribal court, § **G.171.1**
  - Parents' veto power, § **G.171.1.5**
  - Pending completion of tribal enroll-  
ment, § **G.170.65**
  - Statute authorizing, § **G.171.5**

## **INDIAN CHILD WELFARE ACT (ICWA)—Cont'd**

- Tribal cultural connections, obligation to preserve, § **G.171.22**
- Tribal intervention
  - Agency adoption proceedings, § **G.171.60**
  - Dependency proceedings, §§ **G.170.20, G.171.5**
  - Independent adoption proceedings, § **G.171.25**
- Tribal membership determination mandates application of ICWA to custody proceedings, § **G.171.5**
- Tribal resolution against placement with non-Indian relatives conflicted with state and ICWA provisions for extended-family placement, § **G.171.47**
- Voluntary consent to termination of parental rights over Indian child, validity of, § **G.171.32**

## **INDIAN RESERVATIONS**

- Interstate domestic violence, § **C.15.0.6.10**
- Jurisdiction, § **B.3.1.1**

## **INDIGENT PARTIES**

- AFDC reimbursement cases, court-appointed counsel in, § **S.64.3**
- Appellate counsel, right to, §§ **R.3.2-R.3.3.15**
- Compensation of appointed counsel, §§ **A.30.5-A.30.6.1**
- Dependency proceedings, right to appointed counsel in, § **G.125.2.10**
- Emancipation declaration, voiding or rescinding, § **E.59.5**
- Parental rights termination cases, right to appointed counsel in, § **G.125.3**
- State-initiated paternity cases, right to appointed counsel in, § **G.125.4**
- Transcript Reimbursement Fund, § **R.14.5**
- Waiver of court fees and costs, eligibility requirements for, § **C.29.4.7**

## **INHERITANCE RIGHTS**

- Adoption, establishing succession through, § **E.0.0.13.33**

## **INHERITANCE RIGHTS—Cont'd**

- Disso judgment revokes testamentary dispositions, § **C.156.70**
- Equitable principles applied to deny statutory right to inherit, § **E.0.0.13.32**
- Establishing parent-child relationship for purposes of intestate succession, § **E.0.0.13.15**
- Independent counsel appointed to clarify, § **G.124.50**
- Inheriting from or through child on basis of parent-child relationship, § **E.0.0.13.32**
- Legally separated spouse does not qualify as surviving spouse, § **C.156.12**
- Openly held out child as own, evidence that father, § **E.0.0.13.15**
- Out of wedlock, children born, § **E.0.0.13.15**
- Party to proceeding that terminated marital-property rights, § **C.156.12**
- Paternity, establishment of, §§ **E.0.0.6, E.0.0.13.10-E.0.0.13.32**
- Pension interest, testamentary transfer by nonemployee-spouse of, § **L.18.3**
- Posthumously conceived children, § **E.0.0.13.35**
- Support payor's inheritance, § **E.22.7.3**
- Waiver by spouse, §§ **C.155.1, C.155.2, C.155.5**
- Wrongful death, standing to sue for, § **E.0.0.13.15**

## **INJUNCTIONS**

- Available remedies under Uniform Voidable Transactions Act, § **S.48.0.50**
- Harassment, §§ **C.16-C.22**
- Judicial immunity does not extend to injunctive relief, § **A.103.1.7**
- Prior restraint on free speech, § **C.18.1**
- Prohibit destruction of and preserve evidence for future discovery, §§ **D.64.20, D.83.5**
- Restraining ordersSee **RESTRAINING ORDERS**
- Workplace Violence Safety Act, §§ **C.23.1-C.23.8**

## INDEX

### **INNOCENT SPOUSE**

Forfeiture, relief from, §§ **S.42.2, S.42.3, S.42.3.1**

Income taxesSee **INCOME TAXES**

### **INSPECTION DEMANDS**

See **PRODUCTION OF DOCUMENTS**

### **INSURANCE**

Attorneys, reporting claims against, § **A.125.3**

Child molestation, exclusion for, § **G.197**

Consumer records subject to subpoena, § **D.40**

Disability benefits, community interest in, §§ **L.41.1.1-L.41.1.10**

Health insuranceSee **HEALTH INSURANCE**

Life insuranceSee **LIFE INSURANCE**

Nonmarital partner's homeowner insurance coverage, §§ **U.76.30**

Resident relative exclusion in homeowner's policy, § **G.18.1.7.35**

Restraining order prohibiting borrowing from, disposing of or changing beneficiaries, **C.1**

Resulting trust, title insurer's action for, § **S.48.0.70**

### **INTEREST**

Attorneys' feesSee **ATTORNEYS' FEES**

Enforcement costs, § **S.11**

Family residenceSee **FAMILY RESIDENCE**

Installment obligation, interest on, § **S.10**

Money judgments, interest rate on, § **S.6**

Property divisionSee **PROPERTY DIVISION**

Support ordersSee **ENFORCEMENT OF SUPPORT ORDERS**

### **INTERFERENCE WITH VISITATION**

See **VISITATION**

### **INTERNATIONAL CHILD**

#### **ABDUCTION REMEDIES ACT (ICARA)**

See **HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION**

### **INTERNATIONAL PARENTAL KIDNAPPING CRIME ACT (IPKCA)**

Generally, § **H.5.6.5**

### **INTERNET**

Attorney participation in chat room for victims of mass disaster, § **A.105.0.15**

Attorney profile on third-party web site, § **A.105.0.3.23**

Attorney web sites, §§ **A.105.0.3.22, A.121.30**

Child pornography, privacy claim re patients viewing or possessing, §§ **G.188, P.86**

Dissemination of material gathered outside of discovery, restrictions on, § **D.85.7**

Disturbing the peace under DVPA, § **C.13**

Electronic mailSee **ELECTRONIC COMMUNICATION**

Impersonation, protective orders enjoining online, § **C.12.2**

Inciting harassment through electronic communications, § **C.15.0.3.15**

Injunction prohibiting publication constituted prior restraint on free speech, § **C.18.1**

Order restraining posting on social networking site invalid prior restraint on free speech, § **D.85.7**

Parental liability, § **G.18.1.3**

Personal jurisdiction over nonresident, social media communications established sufficient contacts with state to support exercise of, §§ **B.7, B.21.4**

Privacy, § **C.160.6.10**

Public wireless connection, confidentiality and attorney's use of, § **A.121.35**

State Bar web site, posting of disciplinary records on, § **A.125.3.6**

Unfair competition based on unauthorized practice of law, standing to sue online legal services provider for, § **A.103.3.0.85**

Virtual law office practice, ethics of operating, § **A.121.37**

## **INTERPRETERS**

- Allowable costs, § **A.24**
- Governing statutes, § **C.72.4**
- Prohibition against charging interpreters' fees to parties, §§ **C.1.1.4, C.72.4**
- Protective orders, issuance of, § **C.1.1.4**

## **INTERROGATORIES**

- Amendments to answers, § **D.20**
- Compelling further responses, § **D.22**
- Demand for production of documents, § **D.16.5**
- Electronic format upon request, § **D.5**
- Failure to respond, § **D.15**
- Family Law Form, § **D.10**
- Guardian ad litem's authority to verify responses, § **D.19.2**
- Issue or evidence sanction for failure to comply with order compelling further response, § **D.22**
- Judgment debtor, special rules for, § **D.9.2**
- Monetary sanctions against losing party on motion to compel, § **D.22**
- Objections, § **D.16**
- Procedure, §§ **D.5-D.11**
- Protective orders, § **D.21**
- Responses
  - Amendments to answers, § **D.20**
  - Demands for production, § **D.16.5**
  - Electronic format upon request, § **D.5**
  - Failure to respond, § **D.15**
  - Further responses, compelling, § **D.22**
  - Lack of personal knowledge, § **D.17**
  - Oath, § **D.19**
  - Objections, § **D.16**
  - Stipulation to extend time, § **D.14**
  - Time to respond, § **D.13**
  - Ward, interrogatories propounded to, § **D.19.2**
  - Writings, option to produce, § **D.18**
- Rule of 35, §§ **D.6-D.9.2**
- Stipulation to extend time, § **D.14**
- Terminating sanction for failure to comply with order compelling further response, § **D.22**
- Time limits
  - Further responses, motions to compel, § **D.22**

## **INTERROGATORIES—Cont'd**

- Time limits—Cont'd
- Responding to interrogatories, § **D.13**
- Waiver of right to compel further responses, § **D.22**

## **INTERSPOUSAL TORTS**

See TORTS

## **INTERSTATE AND INTERNATIONAL DEPOSITIONS AND DISCOVERY ACT (IIDDA)**

Discovery in California for out-of-state actions, § **D.3.20**

## **INTERSTATE COMPACT ON PLACEMENT OF CHILDREN (ICPA)**

Applicability, § **G.3.2.10**

## **INTERSTATE JURISDICTION**

CustodySee CUSTODY  
Uniform Child Custody Jurisdiction and Enforcement ActSee UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)

## **INTIMATE PARTNER BATTERING**

- Evidence, §§ **C.15.0.6.20, C.15.1**
- Expert testimony, §§ **C.15.0.6.20, P.24.10**
- Mitigation, circumstances that permit, § **C.15.0.6.20**
- Terminology, change in, § **C.15.0.6.20**
- Tort, § **C.165**
- Writ of habeas corpus, prosecution of, § **C.15.0.6.20**

## **INVENTORY**

Valuation, § **M.37**

## **INVESTIGATIONS**

- Admissibility of evidence legally obtained from investigation rather than formal discovery, §§ **D.63.5, D.130.10**
- Anti-SLAPP motion filed in civil action against private investigator for disclosure of confidential information in connection with dissolution action, § **A.103.2.115**
- Custody see CUSTODY

## INDEX

### INVESTMENTS

- Attorney's ethical responsibilities when giving advice, § **A.123.12**
- Mismanagement of community property assets in trading account, § **J.80.3.0.3.15**
- Savings and investment plan (SIP), beneficiary designation for, § **C.157.0.1.3**
- Spousal supportSee SPOUSAL SUPPORT
- Spouses' fiduciary duties with regard to, §§ **J.80.3.0.3.15, J.80.3.0.8, J.80.3.0.9**

### IN VITRO FERTILIZATION

- Assisted reproduction agreement, establishing parentage based on, § **E.0.0.13.9**
- Lesbian partners are both mothers of resulting children where one donated ova to other for, § **G.166.19**
- Medical information rightfully disclosed to patient's former fiancé charged for treatments, § **D.40.25**
- Parentage where fertility clinic implanted embryos intended for married couple in unrelated patient, §§ **E.0.0.16.25, G.166.20, P.93.5**

### INVOLUNTARY TRUST

- Felon's story, proceeds of sale of, § **A.65.6**

### IRAS

- See INCOME TAXES

### JOINDER

- Attorney ordered to distribute funds not requiring, § **C.40.1**
- Community property, persons claiming interest in, § **C.40**
- Custody claim or visitation rights, joinder of persons with, § **G.29.0.10**
- Discovery and restraining orders, enforcement of, § **C.42.0.4**
- Family law attorney's real property lien, attorney as indispensable party to motion to vacate, § **A.65.2.10**
- Fees incurred for maintaining or defending issues in disso relating to third

### JOINDER—Cont'd

- party, §§ **A.3.0.1, A.3.10**
- Nonparent joined in custody action, § **G.29.0.10**
- Parentage actions, §§ **C.39.10, G.166.3.35**
- PensionsSee PENSIONS
- Rules of Court governing, § **C.39**
- Separate statement requirement, § **C.42**
- Wage assignment, enforcement of, § **C.42.0.1**

### JOINT CUSTODY

- See CUSTODY

### JOINT TENANCY

- CharacterizationSee COMMUNITY OR SEPARATE PROPERTY
- Creation required writing, § **J.18.3**
- Deferred sale terminates, § **K.61.2.1.5**
- Intentionally killing other joint tenant, §§ **J.11.0.1, J.80.0.2**
- Loss of anticipated survivorship interests, recovery for, **C.180**
- Motor vehicle ownership, §§ **J.17.2, J.48.7**
- Order to sell terminates, § **K.61.2.2**
- Property divisionSee PROPERTY DIVISION
- Right of survivorship
  - Generally, § **J.11.0.1**
  - Unilateral severance, effect of, §§ **C.1.0.1, C.1.0.7**
- Unilateral severance
  - Automatic temporary restraining orders (ATROs), §§ **C.1.0.5, C.1.0.7**
  - Methods of severing interest in real property, § **J.11.0.3**
  - Notice and recordation requirements, § **C.1.0.7**
  - Personal property, § **J.11.0.8**
  - Right of survivorship, effect on, §§ **C.1.0.1, C.1.0.7**
  - Writing required, § **J.18.5**

### JUDGES

- Appeal of order denying peremptory challenge, § **R.32.5**
- Attorney's criticism of, § **A.115**
- Bias, challenges based on, §§ **C.69.9.0.5-C.69.9.0.15**

## JUDGES—Cont'd

- Bifurcated trial, requirement that one judge hear all phases of, § **C.63.0.2.5**
- Campaign contributions, disqualification based on, § **C.68.2**
- Cause, challenge for, §§ **C.68.2-C.69.3**
- CommissionersSee COMMISSIONERS
- Disclosed/rebuffed colleague's inappropriate acts/communications, disqualification denied where judge, § **C.68.2**
- Disqualification, §§ **C.65-C.69.9.1**
- Due process and fair trial rights violated by trial judge, § **C.69.9.0.7**
- Faxed peremptory challenge without processing instructions ineffective, § **C.66**
- Final judgment, disqualification sought after, § **C.69.0.3**
- Gender-based challenge, § **C.68.1.7**
- Judicial conduct, challenges based on, §§ **C.69.9.0.3-C.69.9.1**
- Judicial immunity, §§ **A.103.1.6, A.103.1.7, A.103.1.9**
- Law firm hiring former judge disqualified, § **A.71.85**
- Master calendar rule for filing peremptory challenges, § **C.66.3**
- Nonjudicial acts, personal liability for, § **A.103.1.7**
- Oath of temporary judges, applicability of requirement for, § **C.69.6.10**
- Peremptory challenge, §§ **C.66-C.68.1.15**
- Probability-of-bias rule for disqualification, § **C.68.2**
- Recusal hearing, absolute immunity for judge's testimony at, § **A.103.1.9**
- Remand after reversal on appeal
  - Assignment to another jurist due to appearance of bias, § **C.69.9.0.20**
  - Peremptory challenge when same judge reassigned to new trial, §§ **C.66, C.68.0.4**
- Retirement benefits, §§ **L.5.5.45, L.75.1.6, L.77.0.1**
- Stipulation for temporary judge to hear all issues, § **C.68.0.5**

## JUDGES—Cont'd

- Timeliness
  - Cause, challenge for, § **C.69**
  - Peremptory challenges, §§ **C.66-68.1**
  - Service of notice of peremptory challenge, §§ **C.66, 68.0.4**

## JUDGMENT LIENS

- Attach to surplus equity in homestead that accrues after lien recorded, § **S.94.10**
- Child/spousal-support, procedure, § **S.83.1**
- Constructive notice of support recipient's judgment lien, § **S.79.5**
- Creation of judgment lien on support payor's real property, § **S.82**
- Distributing surplus proceeds from trustee's sale, § **S.79.10**
- Enforcement of lien, § **S.84**
- Generally, § **S.79**
- Government agencies filing abstracts of judgment, § **S.83.3**
- Notice of support judgment, lien created by recording, § **S.79**
- Personal property, judgment liens against, § **S.130.2**
- Procedure re support judgments, § **S.83.1**
- Service of renewal application, § **S.23.1**
- Transfer or encumbrance, amount of support lien fixed at time of, § **S.79.7**

## JUDGMENTS

- Birth name, restoration of, § **C.150.2.5**
- Clerical errors, motion to correct, §§ **T.59.5-T.65**
- DeathSee DEATH OF SPOUSE
- Default judgmentSee DEFAULT PROCEEDINGS
- Equitable set-asideSee EQUITABLE SET-ASIDE
- Exceeds relief requested, §§ **C.150.5-C.150.7.15**
- Finality, § **B.37**
- Foreign judgmentsSee FOREIGN JUDGMENTS
- Former name, restoration of, § **C.150.2.5**



## INDEX

### JUDGMENTS—Cont'd

- General discussion of enforcement of judgments, § **S.21**
- Interest rate on money judgments, § **S.6**
- Judgment book, § **C.150.3**
- Jurisdictional requirements, § **B.30**
- Lack of jurisdiction, § **B.1.2**
- Money, valid order for payment of, § **B.35**
- Motion to vacateSee MOTION TO VACATE
- Notice of entry of judgment, § **C.150.1**
- Nunc pro tunc, §§ **C.42.2, C.156.20**
- One final judgment rule, §§ **R.24-R.34**
- Period between service and termination of marriage, §§ **C.148.2.1, C.148.3**
- Prior disso judgment as bar to pending disso, § **B.29.5**
- Procedure for preparing notice of entry of judgment, § **C.150.1**
- Renewal of judgments, §§ **S.22-S.24**
- Reopen, motion to, § **T.66**
- Reporting judgments against attorneys, § **A.125.3**
- Reversed due to attorney incompetence, misconduct, § **A.125.3**
- Satisfaction of judgment, § **S.20**
- Service requirements for enforcement of judgments, § **S.21.10**
- Setting asideSee SETTING ASIDE JUDGMENTS
- Statutory warning regarding testamentary dispositions, § **C.156.70**
- Stipulated judgmentSee STIPULATIONS
- Summary dissolution, § **C.148.0.4**
- Testamentary dispositions revoked by disso judgment, § **C.156.70**
- Tribal Court Civil Money Judgment Act, § **S.168.5**
- Validity, § **B.26.15**
- Waiting period in disso actions, §§ **C.148.2.1, C.148.3**
- Withdrawal of attorney, § **A.122.10**
- Writ of executionSee EXECUTION

### JUDICIAL ARBITRATION

- See ARBITRATION

### JUDICIAL MANAGEMENT OF DISSOLUTION CASES

- See CASE RESOLUTION PLAN

### JUDICIAL NOTICE

- Conviction records, § **P.6**
- Generally, § **P.4**
- Mandatory, §§ **P.5, P.7**
- Permissive, § **P.6**
- Rules of Court governing, §§ **P.6, P.7**

### JURISDICTION

- Acknowledgment of receipt of papers, § **B.5.1.1**
- Adult disabled child living out of state, visitation with, §§ **B.4.4, G.142.0.2.5**
- Attorneys' fee award, §§ **A.0.0.1, A.0.1, A.28**
- Causing effect in state, §§ **B.7, B.8, B.20.1**
- Child abduction, § **G.156.0.2**
- Child supportSee CHILD SUPPORT
- Civil action based on family law claims, trial court erred in overruling demurrer to, § **C.164**
- Commencing discovery, § **B.5.3**
- Contracting parties, agreement of, § **B.55**
- Criminal prosecution for child abduction, § **G.156.0.2**
- CSRA defendant challenging underlying support order as void for lack of personal, § **S.78.8.6**
- Custody of childrenSee CUSTODY
- Dissolution proceedings, §§ **B.1.2, B.3.1, B.53.0.1, C.0.6**
- Diversity
  - Family law exception, § **B.26.1**
  - Tort actions, §§ **B.26.1.5, B.26.2**
- Doing business in state, § **B.7**
- Domestic-relations exception
  - Diversity jurisdiction, § **B.26.1**
  - Inapplicable to jurisdiction based on federal question, § **B.26.1.3**
- Domicile as basis for, §§ **B.2, B.32**
- Enforcement of support orders, § **S.2.1**
- Federal
  - Child abduction, § **B.26.2.1**
  - Diversity jurisdiction, see Diversity, *supra*

## JURISDICTION—Cont'd

Federal—Cont'd  
 Domestic-relations exception, see  
   Domestic-relations exception,  
   *supra*  
 Parental Kidnapping Prevention  
   ActSee CUSTODY  
 First in time rule, § **B.53.0.1**  
 FUSFSPA (Federal Uniformed Services  
   Former Spouses' Protection Act of  
   1982)See MILITARY BENEFITS  
 General appearance for jurisdictional  
   purposes, §§ **B.5-B.5.3.1**  
 Governing statutes, § **B.1.2**  
 Guardianship and custody proceedings  
   concerning same child,  
   § **G.166.3.10**  
 Inconvenient forum, §§ **B.25, H.100.25**  
 Indian childrenSee INDIAN CHILD  
   WELFARE ACT (ICWA)  
 Indians on reservations, § **B.3.1.1**  
 Interstate adoptions, § **H.5.15**  
 Juvenile courtSee JUVENILE COURT  
 Legal separation, § **B.1.2**  
 Long-arm statute, § **B.7**  
 Minimum contacts  
   Bases for jurisdiction, § **B.7**  
   Case law, §§ **B.7.8-B.21.6**  
   Causing effect in state, §§ **B.7, B.8,**  
     **B.20.1**  
   General versus specific jurisdiction,  
     § **B.7**  
   Insufficient contacts, §§ **B.19, B.20,**  
     **B.20.1**  
   Long-arm statute, § **B.7**  
   Nonmarital partners, actions between,  
     § **U.72.10**  
   Parental liability, § **G.18.1.7.4.5**  
   In rem jurisdiction, § **B.22**  
   Social media communications,  
     §§ **B.7, B.21.4**  
   Sufficient contacts, § **B.21**  
   Targeted communication, § **B.21.4**  
   When applicable, § **B.5.4**  
 Money, valid order for payment of,  
   § **B.35**  
 Motion to quash for lack of jurisdiction,  
   §§ **B.1.2, B.5**  
 Nonresidents  
   Child supportSee CHILD SUPPORT

## JURISDICTION—Cont'd

Nonresidents—Cont'd  
 Minimum contactsSee subhead: Mini-  
   mum contacts  
 Priority of service determines juris-  
   diction, § **B.53.0.1**  
 Uniform Interstate Family Support  
   Act, § **S.177.15**  
 Visitation, exercise of, §§ **B.21.5,**  
   **B.21.5.5**  
 Notice of trial, §§ **C.47.2, C.47.2.3**  
 Nullity of marriage, § **B.1.2**  
 Out-of-state obscene phone caller,  
   § **B.21.4**  
 Parental Kidnapping Prevention ActSee  
   CUSTODY  
 Parental liability, § **G.18.1.7.4.5**  
 PensionsSee PENSIONS  
 Personal, §§ **B.1-B.3.6, B.4.3, B.5.3.5-**  
   **B.21.6, B.53.0.1**  
 In personam, §§ **B.1-B.3.6, B.4.3,**  
   **B.5.3.5-B.21.6, B.53.0.1**  
 Physical presence in state when served,  
   §§ **B.4.3, B.5.4**  
 Prior disso judgment as bar to pending  
   disso, § **B.29.5**  
 Priority of service determines,  
   § **B.53.0.1**  
 Property division on dissolutionSee  
   PROPERTY DIVISION  
 In rem, § **B.22**  
 Remittitur, § **R.97.5**  
 Residence, effect of, § **B.3.2**  
 Same subject matter, § **B.21.1**  
 Sanctions, postdismissal jurisdiction to  
   decide motions for, § **A.18.3.4.0.4**  
 Service of processSee SERVICE OF  
   PROCESS  
 Small claims court, jurisdictional limit  
   for, § **S.20.2**  
 Social media communications  
   established sufficient contacts with  
   state to support exercise of personal  
   jurisdiction over nonresident,  
   §§ **B.7, B.21.4**  
 Special appearance to object to, § **B.5**  
 Spousal supportSee SPOUSAL SUP-  
   PORT  
 Statutory service requirements, compli-  
   ance with, § **B.1.7**  
 Subject-matter, §§ **B.3.1, B.3.2**

## INDEX

### **JURISDICTION—Cont'd**

- Summary dissolution, §§ **C.145, C.148**
- Summons, service of See **SERVICE OF PROCESS**
- Transfer of property, orders for, § **B.36**
- Transient, § **B.4.3**
- Tribal court, transfer to See **INDIAN CHILD WELFARE ACT (ICWA)**
- Unfair forum, § **B.20**
- Uniform Child Custody Jurisdiction and Enforcement Act See **UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)**
- Uniform Interstate Family Support Act See **UIFSA (UNIFORM INTERSTATE FAMILY SUPPORT ACT)**
- Visitation, exercise of, §§ **B.21.5, B.21.5.5**
- Waiver of objections to, § **B.5**

### **JURY**

- Contemnor's right to jury trial, §§ **S.163.2.5, S.163.2.10**
- Gender-based challenges, §§ **C.68.1.10, C.68.1.15**
- Malpractice action that arises out of disso, § **A.87.3.5**
- Nonmarital partners, actions between, § **U.72.20**
- Paternity actions, § **E.0.0.17**

### **JURY INSTRUCTIONS**

- Discovery sanction, § **D.122.0.7**

### **JUVENILE COURT**

- Appeal of orders entered after dispositional hearing, § **R.30**
- Attorneys' fees, §§ **A.13.7.20, G.3.5**
- Child-witnesses See **CHILD-WITNESSES**
- Confidentiality of records, §§ **G.196.5, G.196.10**
- Dependency proceedings See **DEPENDENCY PROCEEDINGS**
- Destruction of court records, § **G.196.12**
- Discharge in bankruptcy of father's debt to county for housing delinquent son in juvenile hall, § **O.70.10**
- Document exchange with superior court, § **G.3.6**

### **JUVENILE COURT—Cont'd**

- Early termination of restraining order, requirements for, § **C.1**
- Emergency jurisdiction under then-current UCCJA, § **H.100.21**
- Exception to confidentiality of juvenile dependency records, § **G.196.10**
- Exit orders, §§ **G.3.2.3-G.3.2.6**
- Family law court
  - Consideration of issues already litigated in, § **G.3.1.0.2.5**
  - Continuing parental conflict, effects of, § **G.3.1.0.3**
  - Differences between family court and juvenile court, § **G.3.1.0.2.5**
  - Document exchange, § **G.3.6**
  - Exit orders filed in, §§ **G.3.2.3, G.3.2.5**
  - Notice of juvenile court orders to superior court where proceedings pending, § **G.3.1.0.1**
  - Previous custody awards or pending custody disputes, §§ **G.3.1.0.1, G.3.1.0.3**
  - Terminating juvenile court jurisdiction, effect of, §§ **G.3.1.0.1, G.3.2.3**
- Foster care See **FOSTER CARE**
- Judicial Council form mandatory for exit orders, § **G.3.2.3**
- Jurisdiction
  - Abuse of sibling, assumption of jurisdiction based on, § **G.168.1.9**
  - Collateral estoppel, § **G.3.1.0.2.5**
  - Conflicts, see **Family law court, supra**
  - Dependency jurisdiction, § **B.4.3**
  - Disturbing the peace, enjoining, § **C.1**
  - Exclusive jurisdiction once dependency petition filed, § **G.3.1.0.1**
  - Hague Service Convention, § **B.1.13**
  - Indian Child Welfare Act (ICWA), §§ **G.170.30, G.170.45**
  - Noncustodial parent's right to notice/hearing prior to termination of, § **G.3.2.3**
  - Ongoing dispute, effect of, § **G.3.1.0.3**
  - Parens patriae, jurisdiction in role as, § **G.3.1.0.2.5**

## **JUVENILE COURT—Cont'd**

### **Jurisdiction—Cont'd**

Parents, acquisition of personal jurisdiction over, § **B.4.3**

Running away from home state, effect of, § **H.46.10**

Termination, §§ **G.3.2-G.3.2.10**

UCCJA, under then-current, §§ **H.100.6, H.100.21**

Modifying placement order, procedural vehicle for, § **G.29.2.0.4**

Nonminor dependentsSee **NONMINOR DEPENDENTS**

Notice of juvenile court orders to superior court where proceedings pending, § **G.3.1.0.1**

Parental rights terminationSee **TERMINATION OF PARENTAL RIGHTS**

Parents' liability for costs of minor's support, §§ **E.3.5, E.3.15**

Priority over other custody proceedings, § **G.3.1.0.1**

Referee's power to act, § **G.3.1.3**

References to parent's juvenile records redacted from family law records, § **C.97.3.10**

Residence-exclusion orders, § **C.1**

Restraining orders, § **C.1**

Reunification servicesSee **REUNIFICATION SERVICES**

Right to inspect records, §§ **G.196.5, G.196.10**

Scope of restraining orders, § **C.1**

Serious emotional damages, finding that child had suffered, § **G.3.1.0.3**

Service in foreign country, § **B.1.13**

Standing of de facto parent, § **G.29.2.1**

Termination of jurisdiction, §§ **G.3.2-G.3.2.10**

Transitional foster careSee **NONMINOR DEPENDENTS**

UCCJA, applicability of then-current, §§ **H.100.6, H.100.21**

## **KICK-OUT ORDERS**

Business operations, § **M.1.1**

Domestic violence proceedings, § **C.2.1.0**

Elder abuse restraining order, § **C.2.1.0**

## **KICK-OUT ORDERS—Cont'd**

Family residenceSee **FAMILY RESIDENCE**

Juvenile court proceedings, § **C.1**

Uniform Parentage Act proceedings, § **C.2.1.0**

## **KIDNAPPING**

See **CHILD ABDUCTION**

## **LACHES**

Child support arrearages, § **E.49**

Enforcement of support orders, § **S.25.0.5**

Partition of omitted pension barred, § **L.226**

## **LANDLORD AND TENANT**

Domestic violence defense to evictions, § **C.22.60**

Marital status, discrimination on basis of, § **U.95.4**

Termination of tenancy by certain crime victims, § **C.22.60**

## **LAW ENFORCEMENT AGENCIES AND OFFICERS**

Anti-SLAPP motion to strike malicious prosecution action, false reports to police not protected activity for purposes of, §§ **A.103.3.0.39.10, C.163.10**

Child abductionSee **CHILD ABDUCTION**

Child abuse, negligence in failing to investigate report of, § **G.181**

Cross-report child abuse, duty to, § **G.175**

Discovery of personnel file of law enforcement officer, § **D.40.2.5**

False accusations of child molestation, § **G.173.15**

False reports to police, exception to the litigation privilege for, § **A.103.0.0.1.55**

Harassment, injunctions against, § **C.20**

Internal affairs investigator, ex-wife's anti-SLAPP motion to strike former husband's breach of contract claim based on her statements to, § **A.103.3.0.39.10**

Liability for failure to provide adequate courthouse security, § **C.15.5**

**LAW ENFORCEMENT AGENCIES  
AND OFFICERS—Cont’d**

- Litigation privilege applies to citizen’s report of suspected criminal activity, § **A.103.0.0.1.55**
- Qualified immunity for enforcing visitation schedule, § **G.172.7**
- Removal of child from parental custody without judicial authorization, § **G.181**
- Restraining orders, §§ **C.14-C.14.7, C.15.3, C.15.5**
- Seizure procedures modified to remedy abuses by, § **S.42.3.5**
- Survivor allowances, § **L.75.1.2**
- Workplace violence restraining orders, § **C.23.6**

**LAW ENFORCEMENT  
TELECOMMUNICATIONS  
SYSTEM**

- Information form submitted with requests for protective orders, § **C.9.10**
- Mandatory reporting of restraining orders, § **C.14.3**
- Workplace violence restraining orders, § **C.23.6**

**LAW FIRMS**

- Accounting actions
  - Failure to do equity, effect of, § **A.115.25**
  - Withdrawing partner need not specify damages, § **A.124.20**
- Adverse use of confidential information, §§ **A.71.30-A.71.120**
- Apportionment of interests
  - Buyout price for dissociating partner, § **M.33.15**
  - Contingency-fee cases, community and separate interests in, § **M.33**
  - On dissolution of firm, §§ **M.33.5, M.33.8, M.58**
  - Time-rule formula, § **M.33**
- Arbitration clause in partnership agreement enforceable, § **C.47.8.4.3.5**
- Buyout price for dissociating partner, § **M.33.15**
- Characterization of partnership distributions, § **J.69.5**

**LAW FIRMS—Cont’d**

- Commissioner, disqualification on hiring, § **C.69.9.0.0.5**
- Consultations, §§ **A.71.105, A.71.110**
- Creditor for purposes of ECOA or TILA, law firm as, § **A.49.4.5**
- Data breach response plan, § **A.121.35**
- Date for valuation of practice, § **M.19.1**
- Departing law partner, fees earned on open files by, § **A.47.10**
- Discovery and confidentiality, §§ **M.34-M.35.1**
- Discriminatory partnership policy, § **A.124.30**
- Dissolution of law firm
  - Notify client, duty to, §§ **A.105.1, A.122**
  - Work in progress, §§ **M.33.5, M.33.8**
- Dual-representation issues, §§ **A.69-A.76.15**
- Expert retained who consulted with opposing counsel, § **A.71.95**
- Failure to pay rent while continuing to take partnership draws, § **A.115.27**
- Framework retainer agreements for future representation, § **A.71.12**
- Goodwill, § **M.54.5**
- Independent attorney who consulted with opposing counsel, firm disqualified that associated with, § **A.71.82**
- Joining another firm, ethical obligations of attorney, § **A.122.45**
- Judge, disqualification on hiring former, § **A.71.85**
- Law corporations
  - Attorney-client privilege, §§ **D.98, P.79**
  - Confidentiality of tax returns, § **M.34.2**
  - Lack of registration, § **A.124.10**
- MalpracticeSee **MALPRACTICE**
- Noncompetition clause in partnership agreement, § **M.58**
- “Of counsel” attorneys, § **A.16.3.2.11**
- Partnership interest limited by terms of partnership agreement, § **M.55**
- Possible dissolution of firm, duty to inform client of, § **A.122**

## **LAW FIRMS—Cont'd**

- Presumption that confidential information acquired where substantial relationship between cases, § **A.71.50**
- Prior employment, confidential info obtained in, §§ **A.71.90, A.71.102**
- Protective orders, §§ **M.35, M.35.1**
- Public law firms, standards for disqualification in cases of successive representation by, § **A.72**
- Representation adverse to client or former client, §§ **A.71.30-A.71.120**
- Sanctions, liability for, § **A.16.1.35**
- Stock purchase agreement to value community interest, § **M.60**
- Substantial-relationship test, §§ **A.71.50, A.71.51, A.71.60**
- Tax returns, discovery of, § **M.34.2**
- Time-rule formula to apportion interests, § **M.33**
- Torts committed by partner within scope of employment, vicarious liability for, § **A.124.35**
- Virtual law office practice, ethics of operating, § **A.121.37**
- Work in progress, §§ **M.33.5, M.33.8**
- Work product privilege, holder of, § **D.105**
- Wrongful discharge action against former law firm, duty to protect client confidences in pursuing, § **A.121.27**

## **LEASES**

- Domestic violence, tenancy provisions related to, § **C.22.60**

## **LEGAL CUSTODY**

- See **CUSTODY**

## **LEGAL MALPRACTICE**

- See **MALPRACTICE**

## **LEGAL SERVICES**

- Attorneys' feesSee **ATTORNEYS' FEES**
- Unfair competition based on unauthorized practice of law, standing to sue online legal services provider for, § **A.103.3.0.85**

## **LEVY**

- Earnings withholdingSee **EARNINGS WITHHOLDING ORDERS**

## **LEVY—Cont'd**

- Writs of executionSee **EXECUTION**

## **LIENS**

- BankruptcySee **BANKRUPTCY**
- Community real propertySee **COMMUNITY OR SEPARATE PROPERTY**
- Family law attorney's lienSee **ATTORNEYS' FEES**
- FLARPLSee **ATTORNEYS' FEES**
- Judgment liensSee **JUDGMENT LIENS**

## **LIFE INSURANCE**

- Adoptive mother established colorable claim that adopted children may be entitled to benefits under biological mother's policies, § **L.48.35**
- Beneficiary rights, waiver of, § **C.157.0.1.2**
- Child support, includability in income of insurance proceeds for purposes of calculating, § **E.22.7.3**
- Deductibility of premiums, § **N.106.4.5.20**
- Domestic partner for beneficiary purposes, qualification as, § **L.48.30**

## **ERISA**

- Policy beneficiaries determined by policy as a whole, § **L.48.30**
- Preempts disso judgment designation of child as beneficiary, § **L.4.5.4**
- QDRO provision applies to insurance proceeds under ERISA benefit plan, § **L.4.5.3**
- Intent to override valid, original beneficiary designations; error to rely on, § **L.48.25**
- Military policies, §§ **L.92-L.94**
- MSA waiver of interest in policy, § **C.157.0.1.2**
- Notice of policy change to ex-spouse/beneficiary, § **L.48.20**
- Spousal supportSee **SPOUSAL SUPPORT**
- Term insurance, divisibility of, §§ **L.45-L.48.20**

## **LIS PENDENS**

- Disso petition required to state specific claim to community real property, § **K.12.0.5.5**



## INDEX

### **LIS PENDENS—Cont'd**

- Expungement, §§ **K.12.0.4-K.14.0.1**
- Failure to file, § **K.12.1.0.5**
- Family residence, §§ **K.12-K.17.0.1**
- Litigation privilege, § **A.103.0.0.1.15**

### **LITIGATION PRIVILEGE**

- Absolute, §§ **A.103.0.0.1.5-A.103.0.0.1.60**
- Anti-SLAPP statute applied to suits against attorneys based on actions protected by, § **A.103.2.115**
- Arbitration proceedings, §§ **A.103.0.0.1.31, C.47.6.4**
- Child abuse allegations, § **A.103.0.0.1.50**
- Citizen's report to police of suspected criminal activity, § **A.103.0.0.1.55**
- Communicative, determination whether conduct was or was not, § **A.103.0.0.4**
- Content of pleadings, § **A.103.0.0.1.20**
- Correspondence, § **A.103.0.0.1.10**
- Custody evaluators, application to, § **A.103.0.0.1.7**
- DNA test for purposes of paternity proceeding, false results from, § **A.103.0.0.1.75**
- Expert witnesses, §§ **A.103.0.0.25, A.103.1.15, D.81.10**
- False accusation of child molestation made to police, § **G.173.15**
- False reports to police, exception to the litigation privilege for, § **A.103.0.0.1.55**
- Family law visitation proceeding, letter prepared for use in, § **A.103.0.0.1.12**
- Independent action against opposing counsel, § **A.103.0.0.1.45**
- Interest-of-justice exception disproved, § **A.103.0.0.1.5**
- Jointly retained neutral accountant, application of privilege to, § **A.103.0.0.1.8**
- Levy on property, applicability to post-judgment actions to, § **A.103.0.0.4**
- Lis pendens, § **A.103.0.0.1.15**
- Mediation agreement language, § **C.160.5**

### **LITIGATION PRIVILEGE—Cont'd**

- Noncommunicative conduct, inapplicable to, § **A.103.0.0.2**
- Nonfinal judgment, causing entry of, § **A.103.0.0.1.40**
- Official public proceedings, reports regarding, § **A.103.0.0.1.70**
- Pharmacy's erroneous release of prescription drug records, § **A.103.0.0.20**
- Post-trial actions where party failed to post bond to stay collection pending appeal, § **A.103.0.0.1.65**
- Prelitigation communications, applicability to, § **A.103.0.0.15**
- Press, attorneys' statements to, § **A.103.0.0.10**
- Privacy, privilege applied to cause of action for invasion of, § **A.103.0.0.1.12**
- Private investigator's/spouse's anti-SLAPP motion filed in civil action for disclosure of confidential information in connection with dissolution action, § **A.103.2.115**
- Psychiatric records of assault victim, inapplicable to defense counsel's act of reading, § **D.112.15**
- Silberg test, § **P.87.2**
- Solicitation by opposing counsel, § **A.103.0.0.1.60**
- Statutory exception for statements in disso proceedings, applicability of, § **A.103.0.0.1.6**
- Subpoena duces tecum, production of documents outside scope of, § **A.103.0.0.1.25**
- Victims-of-crime database, use in family law proceeding of letter citing, § **A.103.0.0.1.12**

### **LIVING TOGETHER**

See **NONMARITAL COHABITATION**

### **LOANS**

- CharacterizationSee **COMMUNITY OR SEPARATE PROPERTY**
- Education loansSee **EDUCATION**
- Evidence of income in support proceedings, § **E.37.0.5**
- Referral to broker who may make loan to fund attorneys' fees, § **A.65.1.10**

## LOCAL COURT RULES

- Court clerk may not condition filing of complaint on local rule, § **C.44**
- Family law facilitator, role of, § **C.29.4.4.21**
- Hearsay rule, rule requiring parties in disso trials to present cases through declarations violated, § **P.69.20**
- Pre-read file, constitutionality of rule requiring counsel to request that court, § **C.44.5**
- Sanctions for noncompliance, § **A.16.3.1**

## LOCATOR SERVICE

- See PARENT LOCATOR SERVICE

## LONG-ARM STATUTE

- Bases for jurisdiction, § **B.7**

## LONG-TERM HEALTH CARE

- Arbitration agreement, authority to enter into, § **C.47.4.15**

## LOSS OF CONSORTIUM

- Nonmarital partners, § **U.86.2.1**

## LOTTERY WINNINGS

- Award of 100% of value of undisclosed asset, §§ **J.80.3.2.5, J.80.3.2.15**
- Execution, property subject to, § **S.42.7**

## LUMP-SUM PAYMENT

- Alimony, tax treatment of, §§ **N.106.1, N.106.4.1**
- Post-separation employment-related benefit, characterization of, § **L.25.5**
- Termination of jurisdiction over future spousal support, § **F.81.3.15**
- Workers' compensation settlement received before separation, characterization of, §§ **L.41.1.3, L.74.10**

## MALICIOUS PROSECUTION

- Anti-SLAPP statute, application of, §§ **A.103.3.0.39-A.103.3.0.39.20**
- Appeals, § **R.54.15**
- Contempt proceedings, based on, § **A.103.3.0.30**
- False accusation of child molestation made to police, § **G.173.15**
- Family law proceedings, based on, §§ **A.103.3.0.35, A.103.3.0.37**

## MALICIOUS PROSECUTION

### —Cont'd

- Favorable termination of underlying action, § **A.103.3.0.20**
- Fee arbitration under MFAA, malicious prosecution claim cannot be based on, § **A.103.3.0.39.15**
- Governing law, § **A.103.3**
- Primary-right rule, § **A.103.3.0.25**
- Probable cause in underlying action, §§ **A.103.3.0.15, A.103.3.0.25**
- SLAPPback suits for malicious prosecution, § **A.103.3.0.39**
- Statute of limitations, § **A.103.3**

## MALPRACTICE

- Anti-SLAPP statute inapplicable, § **A.103.2.100**
- Arbitration clause in retainer agreement enforceable, §§ **A.55.0.1.5-A.55.0.1.6**
- Assignability, § **A.103.2.1**
- Attorney affidavit of fault in support of set-aside motion inadmissible, § **T.8.20**
- Attorney-client privilege
  - Dismissal where defense would reveal client confidences, §§ **A.121.25, P.81.20**
  - Subsequent attorneys, client's communications with, § **A.92.4**
- Attorney-client relationship for purposes of malpractice, §§ **A.103.0.0.0.3-A.103.0.0.0.5**
- Bank's duty of care to attorney whose office manager deposited misappropriated client funds, § **A.103.3.2**
- "But for" test applies to transactional as well as litigation malpractice cases, § **A.87.3.1**
- Characterization of malpractice awards, § **J.9.15**
- Child abuse allegations, litigation privilege, § **A.103.0.0.1.50**
- Child's settlement, failure to name client sole beneficiary of, § **E.42.5**
- Collateral estoppel, §§ **A.87.2, A.87.2.5**
- Conditioning settlement of claim, § **A.125.3.4**
- Conflicting custody awards, § **H.100.24**

## INDEX

### **MALPRACTICE—Cont'd**

- Conflict of interest, potential for malpractice claim creates, § **A.103.0.0.0.9.5**
- Damages, evidence of, § **A.87.3**
- Different errors arising from same transaction, § **A.87.4**
- Disclosure of facts giving rise to malpractice claim, § **A.103.0.0.0.9.5**
- Dismissal of suit where defense would reveal client confidences, §§ **A.121.25, P.81.20**
- Distribution of settlement proceeds, breach of fiduciary duty in, § **A.103.0.0.0.6**
- District attorney's acts on behalf of support recipient, § **A.103.0.0.0.5**
- Duty to warn, §§ **A.94-A.98.10**
- Emotional distress, damages for, § **A.92.16**
- Equitable relief from failure to timely report claim, § **A.103.0.0.0.9**
- Evidence of ongoing attorney-client relationship, § **A.103.2.6**
- Expert's liability to proffering party for negligence or malpractice, §§ **A.103.0.0.0.25, D.81.10**
- Failure of successor attorney to cure results of previous counsel's negligence, § **A.91**
- Fee arbitration
  - Subsequently filed malpractice suit, §§ **A.45.27, A.103.2.3**
  - Tolling time period for filing malpractice action, § **A.103.2.6**
  - Waiver of right to arbitrate fee dispute, § **A.45.20**
- Fee settlements that include general release and CC § 1542 waiver, State Bar opinion on, § **A.61**
- Fiduciary duty to protect co-counsel's interests in fee, lack of, § **A.92.20**
- Financial records of law firm discoverable for purpose of determining collectibility, § **D.84.5**
- Forensic accountant, failure to hire, § **A.87.3**
- Former firm, applicability of tolling provision for continued representation to, § **A.103.2.85**

### **MALPRACTICE—Cont'd**

- Former spouse, liability of, §§ **A.103.0.0.0.20-A.103.0.0.0.60**
- Frivolous appeals, § **A.116.1.5**
- Indemnification, §§ **A.92.1-A.92.4, A.92.20**
- Inexperience, § **A.103.2**
- In-house or outside counsel, duties applicable to, § **A.103.0.0.0.9.5**
- Insufficient evidence, § **A.87.3**
- Insurer's duty to defend, § **A.103.0.0.0.7**
- Intentional breach of fiduciary duty claim, § **A.87.1.3.5**
- Jointly retained neutral accountant, litigation privilege applied to, § **A.103.0.0.1.8**
- Judgment exceeds relief requested, §§ **C.150.7.5, C.150.7.10**
- Judgment in underlying action collectible, plaintiff must show that, § **A.87.3.2**
- Judicial estoppel bars partition of assets subject to action for, § **T.68.22**
- Judicial immunity, §§ **A.103.1.5-A.103.1.25**
- Jury trial, right to, § **A.87.3.5**
- Liability limited to client, § **A.103.0.0.0.3.1**
- Lien on recovery by plaintiff awarded to defendant-attorneys, § **A.103.0.0.0.65**
- Litigation privilege, §§ **A.103.0.0.1-A.103.0.0.2**
- Military pension, interest in, §§ **A.87.1.15, L.89.3**
- Missed-pension suit, § **L.229.2**
- Mitigate damages, duty to, §§ **A.103.0.0.0.20-A.103.0.0.0.60**
- More favorable outcome absent alleged malpractice, showing of, § **A.87.3**
- Negligence, evidence of, § **A.87.3**
- Omitted assets
  - Former spouse, liability of, §§ **A.103.0.0.0.20-A.103.0.0.0.60**
  - Pensions, §§ **A.87.1.5, L.216.3, L.229.2**
- Ongoing attorney-client relationship, evidence of, § **A.103.2.6**
- Opposing client represented in subsequent action for, § **A.71.55**

**MALPRACTICE—Cont'd**

Outrageous conduct, § **A.108.0.23**  
 Privity of contract, § **A.103.0.0.3.1**  
 Proof, § **A.87.3**  
 Proximate cause, evidence of, § **A.87.3**  
 Related errors, § **A.87.4**  
 Release of all claims in prior action,  
 §§ **A.103.2.4, A.103.2.4.5**  
 Remedies outside limits of representa-  
 tion, § **A.98.0.5**  
 Reporting requirements, § **A.125.3**  
 Retroactive changes in law, §§ **A.89.0.5,**  
**A.89.0.10**  
 Set off of fee against malpractice award,  
 § **A.60.3**  
 Special appearance as professional cour-  
 tesy to counsel of record creates  
 attorney-client relationship,  
 § **A.103.0.0.4**  
 Specialist, referral to, §§ **A.100, A.103**  
 Standard of care  
     Expert testimony not necessary to  
     show, § **A.87.1.12**  
     General rule, § **A.87.0.5**  
     Intentional breach of fiduciary duty,  
     § **A.87.1.3.5**  
     Omitted pension, suit to partition,  
     § **A.87.1.5**  
     Rules of Professional Conduct,  
     § **A.87.1.10**  
     Specialist, duty to refer to, §§ **A.100,**  
     **A.103**  
     Unsettled areas of law, § **A.87.0.5**  
 Statute of limitations  
     Applicable period, § **A.103.2.6**  
     Burden of proving affirmative defense  
     based on, § **A.103.2.6.5**  
     Continuing legal representation,  
     §§ **A.103.2.65-A.103.2.85**  
     County jail, cause of action not tolled  
     while plaintiff in, § **A.103.2.90**  
     Determining when representation  
     ends, § **A.103.2.6**  
     Discovery of injury, §§ **A.103.2.30-**  
     **A.103.2.60**  
     Duty to warn where attorney declines  
     representation, § **A.98.10**  
     Evidence of ongoing attorney-client  
     relationship, § **A.103.2.6**

**MALPRACTICE—Cont'd**

Statute of limitations—Cont'd  
 Pending appeal, effect of,  
 §§ **A.103.2.27, A.103.2.27.5,**  
**A.103.2.28**  
 Postjudgment proceedings, effect of,  
 §§ **A.103.2.24-A.103.2.28**  
 Time of injury, §§ **A.103.2.7-**  
**A.103.2.23, A.103.2.28**  
 Tolling provisions, §§ **A.103.2.6,**  
**A.103.2.65-A.103.2.90**  
 What constitutes injury,  
 §§ **A.103.2.23.20-A.103.2.23.23**  
 When actual injury sustained,  
 §§ **A.103.2.7-A.103.2.28.25**  
 Withdrawal of attorney  
     Expectation that attorney will  
     perform more legal services,  
     § **A.103.2.79**  
     Tolling provision for continued  
     representation, applicability  
     of, § **A.103.2.85**  
 Subsequent attorney's actions, liability  
 for, §§ **A.91-A.92.4**  
 Support obligee, DA's acts on behalf of,  
 § **A.103.0.0.5**  
 Survivorship interests, recovery for loss  
 of anticipated, **C.180**  
 Tolling provisions, §§ **A.103.2.65-**  
**A.103.2.90**  
 Unsettled areas of law, § **A.87.0.5**  
 Warn, duty to, §§ **A.94-A.98.10**  
 Withdrawal of attorney, § **A.103.2.85**  
 Work product, discoverability of,  
 § **D.107**

**MANAGEMENT AND CONTROL**

See **COMMUNITY OR SEPARATE  
PROPERTY**

**MANAGEMENT OF DISSOLUTION  
CASES**

See **CASE RESOLUTION PLAN**

**MANDATORY CONTINUING LEGAL  
EDUCATION**

See **ATTORNEYS**

**MANDATORY FEE ARBITRATION  
ACT (MFAA)**

See **ATTORNEYS' FEES**

## INDEX

### MARITAL PRIVILEGE

- Burden of proof, §§ **D.92, P.75**
- Confidential marital communications, §§ **D.108, J.100.40-J.106, P.84**
- Exceptions to, §§ **D.108, P.84**
- Immediate-benefit requirement, § **D.108**
- Marvinizer, § **P.84.2**
- New spouse, § **P.84.1**
- Testimonial, §§ **D.108, P.84**
- UIFSA proceedings, § **S.178.25**

### MARITAL SETTLEMENT AGREEMENTS

- Attorney fee waiver
  - Effect of, § **A.29.1**
  - Implied waiver, § **A.29.1.5**
  - Postjudgment modification proceedings, § **A.3.5**
- Date of separation, § **J.2.0.5**
- Defaulting spouse's notarized signature required, § **C.140.2**
- Filing fee exemption, § **C.91.1**
- Infidelity, contract requiring payment of damages for, § **C.162**
- Life insurance policy, waiver of interest in, § **C.157.0.1.2**
- Local rule may not impose requirements in addition to those in Fam C § 2550, § **P.69.20**
- Negotiated without attorneys' approval, §§ **A.110.0.1-A.110.0.10**
- Postmarital agreement enforceable despite failure to exchange disclosure declarations, § **J.80.3.0.29**
- Pre-disso property agreement enforceable despite failure to exchange disclosure declarations, § **J.80.3.0.29.10**
- Prevailing-party fee provision, effect of, § **A.29.1.5**
- Pro per party, § **A.71.20**
- Release clause in, § **C.160.4.5**
- Scrivener, enforceability of MSA negotiated by parties where attorney acted only as, §§ **A.71.2, T.75**
- Setting aside stipulated settlement, §§ **T.69, T.70**
- Undue-influence presumption inapplicable to mediated agreements, § **T.33.6.10**

### MARITAL SETTLEMENT

#### AGREEMENTS—Cont'd

- Uniform Voidable Transactions Act
  - applies to MSAs, but future child-support payments are not debt under UVTA, §§ **S.48.0.60, T.36.3**
- Waiver of rights of surviving spouse, § **C.155.1**

### MARITAL STATUS

- Bifurcation, issues appropriate for, § **C.61**
- Housing discrimination, § **U.95.4**
- Mental capacity to end marriage, standard for determining, § **C.29.4.4.5**
- Stipulations regarding termination date exempt from filing fees, § **C.91.1**

### MARRIAGE

- Bigamous marriageSee **BIGAMOUS MARRIAGE**
- Common-law marriage, § **C.0.5**
- Establishing invalidity of void marriage, § **C.0.6.20**
- Estopped to deny validity of marriage, § **C.0.2**
- Failure to return marriage license, § **C.0.5.10**
- Gift made in contemplation of marriage, recovery of, § **U.49**
- Immigration marriage fraud, § **C.0.5.25**
- Marriage license requirement, § **C.0.5.10**
- Mental capacity to end marriage, standard for determining, § **C.29.4.4.5**
- Nonmarital relationshipSee **NONMARITAL COHABITATION**
- PaternitySee **PATERNITY**
- Premarital agreementsSee **PREMARITAL AGREEMENTS**
- Procedural requirements, compliance with, § **C.0.5.10**
- Putative spouseSee **PUTATIVE SPOUSE**
- Registration of marriage certificate, § **C.0.5.10**
- Same-sex marriageSee **SAME-SEX MARRIAGE**
- Servicemembers, marriage by proxy for, § **C.0.5.12**
- Solemnization of marriage, § **C.0.5.10**

## **MARRIAGE COUNSELING**

- Attorneys providing, § **A.123.20**
- Pastoral counselor, duty of care owed by, § **A.108.5**

## **MARVIN**

- See NONMARITAL COHABITATION

## **MEDIATION**

- Attorney-client communications, confidentiality provisions apply to, § **D.118.1.2**
- Attorneys' fee disputes, § **A.45.35**
- Confidentiality of communications, § **D.118**
- CustodySee CUSTODY
- Disciplinary complaints against attorneys, § **A.125.3.8**
- Disqualification of attorneys, § **A.76.10**
- Enforcement of settlement, § **C.87.1.0.22**
- Exemption of settlement agreement from confidentiality provisions, conditions for, § **D.118.5**
- Financial disclosures, confidentiality statutes inapplicable to mandated, § **D.118**
- Five-year period for bringing case to trial tolled where case brought to mediation during last six months of five-year period, § **C.29.23**
- Immunity for mediators, § **A.103.1.10**
- Impartial mediator, attorney's duty to nonclient when acting as, § **A.103.0.0.0.5.5**
- Implied waiver of mediation confidentiality, § **D.118.4**
- Investigative, § **G.76**
- Litigation, mediation agreement language not intended to prevent, § **C.160.5**
- Non-disparagement clause in mediation agreement, § **C.160.5**
- Perjury or inconsistent statements, lack of exception to privilege for, § **D.118.1.5**
- Sanctions motions, applicability of confidentiality provisions for, § **D.118.1**
- Settlement, confidentiality of statements made after announcement of, § **D.118.3**

## **MEDIATION—Cont'd**

- Standards for practice, § **G.74**
- Statutory disclosure requirements, applicability of, § **J.80.3.0.42**
- Testimonial privilege for mediators, § **P.87.3**
- Undue-influence presumption inapplicable to mediated agreements, § **T.33.6.10**
- VisitationSee VISITATION
- Waiver of confidentiality, §§ **D.118.4, D.118.5**
- Writings, photographs, and derivative materials privileged if produced for or during mediation, § **D.118.2**

## **MEDICAL AUTHORIZATION**

- Registered domestic partners, § **U.175**
- Relative caregivers, § **G.29.2.30**

## **MEDI-CAL ELIGIBILITY**

- Community-property treatment, § **J.100.35**
- Revocable transfer on death deed (RTDD), § **J.57.0.45**

## **MEDICAL EXPENSES**

- Interparental reimbursement for dependent medical expenses, §§ **E.25.4-E.25.4.20**
- Medical reimbursement accounts, community interest in, § **L.49.10**
- Parent's recovery for child's injury, § **G.18.1.7.15**

## **MEDICAL RECORDS**

- Consumer records subject to subpoena, § **D.40**
- Dependent minor's mental health records, statute limiting access to, § **G.196.15**
- Dissemination of victim's mental health records by defense attorney, § **D.112.15**
- Fertility clinic records released to patient's former fiancé charged for treatments, § **D.40.25**
- Noncustodial parent's access, §§ **G.26, G.142.5**
- Physician-patient privilege, § **D.113**

## **MEDICAL TREATMENT**

- Arbitration agreement with residential care facility, authority to enter into, § **C.47.4.15**



## INDEX

### **MEDICAL TREATMENT—Cont'd**

- Authorization for medical treatment for child in care of relative,  
§ **G.29.2.30**
- Court order for medical treatment without parental consent,  
§ **G.189.50**
- Sexual orientation, free-speech and religious rights do not exempt doctors from prohibition against discrimination based on, § **U.200**

### **MENTAL CAPACITY**

- See **COMPETENCE DETERMINATIONS**

### **MENTAL EXAMINATIONS**

- See **PHYSICAL AND MENTAL EXAMINATIONS**

### **MENTAL HEALTH PROFESSIONALS**

- See **PSYCHOTHERAPISTS**

### **MENTAL ILLNESS**

- Custody determination, § **G.32.5**
- Setting aside adoption, § **G.167.20**
- Termination of parental rights,  
§§ **G.168.5, G.168.10**

### **MILITARY BENEFITS**

- Beneficiary designation, §§ **L.92.1-L.94**
- Bifurcation, effect of, § **C.63.0.1**
- CHAMPUS coverage, §§ **F.56.5, L.88.15-L.88.15.0.5**
- Combat-related special compensation in lieu of retirement benefits, election to take, § **L.88.11.18**
- Commissary and PX benefits, § **L.88.15**
- Disability pay, §§ **L.41.2.1-L.41.2.4, L.88.11.2-L.88.11.18**
- Failure to claim community interest,  
§§ **A.87.1.15, L.89.3**
- Family law exception to diversity jurisdiction dismissed, §§ **B.26.3-B.26.10**
- FUSFSPA (Federal Uniformed Services Former Spouses' Protection Act)
  - Disability pay, divisibility of,  
§§ **L.41.2.1-L.41.2.4, L.88.11.2-L.88.11.15**
  - Division in disso action, § **B.3.4**
  - Generally, § **L.88.6**

### **MILITARY BENEFITS—Cont'd**

- FUSFSPA (Federal Uniformed Services Former Spouses' Protection Act)
  - Cont'd
  - Partition of omitted pension,  
§§ **B.3.3.5, L.215.5, L.215.7, L.215.10**
  - Reimbursement on election to receive disability benefits, § **L.88.11.15**
  - Retainer pay, §§ **L.88.18.3, L.132.1.2.1**
  - Retired pay, see Retirement pay, *infra*
  - Retroactivity, §§ **L.88.16-L.89.3**
  - Voluntary separation incentive benefits, § **L.88.15.0.5**
- Garnishment, §§ **L.214-L.214.9**
- Immediate distribution to nonemployee-spouse, §§ **L.132.1.2.1, L.132.1.3**
- Inactive reserve status, § **L.113.1**
- Incentive pay, § **L.91**
- Life insurance policies, §§ **L.92-L.94**
- Medical benefits for former spouses,  
§§ **F.56.5, L.88.15-L.88.15.0.5**
- Omitted pensions
  - Jurisdiction, § **B.3.3.5**
  - Post-McCarty divisions nullified,  
§§ **L.215.5-L.215.10**
  - Pre-1986 requests to modify disso judgment, §§ **L.234-L.239**
- Preemption
  - Conditional waiver, § **L.88.9**
  - Disability pay, §§ **L.41.2.1-L.41.2.4, L.88.11.2, L.88.11.3, L.88.11.5**
- Pre-FUSFSPA development of law,  
§§ **L.78, L.78.5, L.87**
- Reserve time, § **L.111**
- Retainer pay, §§ **L.88.18.3, L.132.1.2.1**
- Retirement pay
  - Conditional waiver of preemption,  
§ **L.88.9**
  - Conditions and limitations, § **L.88.8**
  - Direct enforcement of awards,  
§ **L.88.11**
  - Disposable pay, §§ **L.88.6, L.88.11.0.5**
  - Divisibility under state law, §§ **L.78, L.88.7**
  - Election to take combat-related special compensation in lieu of,  
§§ **L.88.11.15, L.88.11.18**

**MILITARY BENEFITS—Cont'd**

- Retirement pay—Cont'd
  - Gross or net division, § **L.88.11.1**
  - Impermissible reimbursement or indemnification for loss of spouse's portion of veteran's retirement pay, § **L.88.11.15**
  - McCarty decision, § **L.50.9**
  - Service-related disability benefits, waiver of retirement pay to receive, §§ **L.88.11.5, L.88.11.15**
- Retroactivity of FUSFSPA, §§ **L.88.16-L.89.3**
- Ridgway v. Ridgway, § **L.92.1**
- Separation pay, § **L.25.1.1**
- Servicemembers Group Life Insurance Act policy, beneficiaries of, §§ **L.92.1-L.94**
- Survivor annuities
  - Election, § **L.88.14**
  - Former spouse as beneficiary, § **L.88.13**
  - Social security offset, § **L.72.10**
- Tax considerations, §§ **N.207.0.3, N.207.0.4**
- Time-rule method of division, §§ **L.109, L.111, L.240**
- TRICARE coverage, § **F.56.5**
- Voluntary separation incentive benefits, § **L.88.15.0.5**
- Waived support reinstated, §§ **F.72.5, L.215.10**

**MILITARY PERSONNEL**

- BenefitsSee **MILITARY BENEFITS**
- Child-support modification, §§ **E.69, E.73.2**
- Custody, effect of deployment, mobilization or temporary duty orders on, §§ **G.138.68, G.146.1.2**
- Default proceedings, §§ **S.225.1-S.233, T.19**
- Exclusion of gain from sale of principal residence, §§ **N.184, N.185**
- Garnishment and writs of execution, §§ **S.39-S.41.1, S.233**
- Grandparent visitation during military deployment of parent, § **G.146.1.1.22**
- Hague Convention, wrongful removal for purposes of, § **H.5.9.0.4.20**

**MILITARY PERSONNEL—Cont'd**

- Housing and food allowances includable in gross income for purposes of calculating support, § **E.22.7.3**
- Marriage by proxy, legislation authorizing, § **C.0.5.12**
- Power of attorney, § **S.225**
- Relief available for violations of SCRA, § **S.225**
- Servicemembers Civil Relief Act, generally, § **S.225**
- Spousal-support modification proceeding, stay of, § **F.100.8.5**
- Stay of proceedings, § **S.232**
- Stays of execution, § **S.233**
- Temporary custody orders during military deployment or mobilization, §§ **G.138.68, G.146.1.2**

**MINIMUM CONTACTS**

- See **JURISDICTION**

**MINORS**

- Abortion, §§ **C.160.2.1, C.160.2.1.5, C.160.2.2**
- AdoptionSee **ADOPTION**
- CustodySee **CUSTODY**
- Dependency proceedingsSee **DEPENDENCY PROCEEDINGS**
- Disaffirmance of contract and of arbitration award, § **C.47.4.10**
- Drug or alcohol problem, consent to treatment for, § **G.18.1.7.10**
- Emancipation by statute, §§ **E.56.7-E.59.5**
- Firearm on premises, criminal penalty for adult to keep, § **C.15.0.3.5**
- Foster careSee **FOSTER CARE**
- Guardian ad litemSee **GUARDIAN AD LITEM**
- GuardianshipSee **GUARDIANSHIP**
- Income and expense declaration filed in support of petition for emancipation, § **E.59**
- Indian Child Welfare ActSee **INDIAN CHILD WELFARE ACT (ICWA)**
- Medical care authorization, § **G.29.2.30**
- Medical examination, parental notification and consent to, § **G.181**
- Name change, §§ **G.172-G.172.0.4**

## INDEX

### MINORS—Cont'd

- Parental liabilitySee PARENTAL LIABILITY
- PaternitySee PATERNITY
- Personal data, restrictions on distribution of, § **G.198.10**
- Posthumously conceived children, establishing parentage of, § **E.0.0.13.35**
- Protective orders, appearance to obtain or oppose, § **C.9.5**
- Rescission of declaration of emancipation, § **E.59.5**
- Settlement, failure to name client sole beneficiary of child's, § **E.42.5**
- Sexual abuseSee CHILD ABUSE
- Sexually transmitted diseases, consent to medical care related to prevention of, § **G.18.1.7.10**
- SupportSee CHILD SUPPORT
- Termination of parental rightsSee TERMINATION OF PARENTAL RIGHTS
- TestimonySee CHILD-WITNESSES
- VisitationSee VISITATION
- Wiretapping, vicarious consent to, § **C.160.4**
- As witnessesSee CHILD-WITNESSES

### MISCONDUCT

- AttorneysSee ATTORNEYS
- Contract requiring spouse to pay damages unenforceable, § **C.162**
- Custody based on parental, § **H.100.35**
- Parental liability, § **G.18.1.3**
- Right to disso despite, § **B.32.1**
- Support payor's job loss due to misconduct, § **E.38.9.5**
- Terminating sanctions for egregious misconduct, § **D.123.0.17**

### MISSED ASSETS

- See PROPERTY DIVISION

### MISSING PERSONS

- Attorney's ethical duties on disappearance of client, § **A.110.10**
- Missing Children Act, § **H.5.8**
- Parent locator serviceSee PARENT LOCATOR SERVICE
- UCCJEA proceedings, § **H.73**

### MISTAKE

- Premarital agreement, unilateral mistake of fact when executing, § **U.110.25**
- Relief from judgment, dismissal, or order, §§ **T.6-T.12, T.27**

### MISTRIAL

- Abuse of discretion to order mistrial based on failure to meet arbitrary deadline, § **C.47.9.5**
- Due process and fair trial rights violated by trial judge repeatedly threatening, § **C.69.9.0.7**
- Sanctions motion following, § **A.16.1**

### MITIGATION OF DAMAGES

- Legal malpractice, §§ **A.103.0.0.0.20-A.103.0.0.0.60**

### MODIFICATION

- Child supportSee CHILD SUPPORT
- CustodySee CUSTODY
- Spousal supportSee SPOUSAL SUPPORT

### MORTGAGES

- Characterization of property, § **J.76**
- Deductibility of payments, § **N.106.4.5.10**
- Due-on-sale provisions, §§ **K.61.3-K.65**
- Encumbrance of community real propertySee COMMUNITY OR SEPARATE PROPERTY
- Expiration of security interest under Marketable Record Title Act, § **S.79.15**
- Interest deduction, §§ **N.168.1, N.172, N.172.1**
- Pendente lite orders, §§ **K.3.1, K.6, K.6.1**
- Power of sale, § **K.61.1**
- Reimbursement denied for payment of mortgage interest on separate property house, § **K.55**

### MOTION FOR NEW TRIAL

- See NEW TRIAL

### MOTION FOR RECONSIDERATION

- See RECONSIDERATION MOTION

### MOTIONS TO QUASH

- Appellate review of denial of motion based on lack of jurisdiction, § **B.1.2**

**MOTIONS TO QUASH—Cont'd**

- Delay in withdrawing motion, sanctions for, § **D.40**
- Discretion to award expenses incurred in making or opposing, § **D.40**
- Grounds, § **C.29.6**
- Hearing on motion to quash subpoena duces tecum, § **P.83.10**
- Lack of jurisdiction, motion to quash for, §§ **B.1.2, B.5**
- Procedure, §§ **C.29.7-C.29.9**
- Rules of Court governing, § **C.29.5**
- Special appearance, § **C.29.5.1**
- Time for filing and serving motion, § **C.29.8**

**MOTION TO SET ASIDE JUDGMENTS**

- See **SETTING ASIDE JUDGMENTS**

**MOTION TO STRIKE**

- See **STRIKING OF PLEADINGS**

**MOTION TO VACATE**

- Appealability of order on, §§ **R.30, T.47**
- Family law attorney's real property lien, § **A.65.2.10**
- Generally, § **T.41**
- Notice of appeal, time for filing, § **R.56.28**
- Procedure, §§ **T.43-T.45**
- Relief granted, § **T.46**
- Service and filing of notice of motion, § **T.44**
- Standing to appeal, effect on, § **T.43**
- Time limit for court to rule on motion, § **T.44.5**

**MOVE-AWAY**

- Agreements regarding removal from jurisdiction, § **G.156.2.1**
- Assumption that requested move will occur, child's best interest based on, § **G.138.36.10**
- Basis for change of custody, §§ **G.138.15, G.138.20**
- Burden of proof, §§ **G.133.1.5, G.138.15, G.138.37.10**
- Burgess and LaMusga decisions of California Supreme Court, § **G.138.15**

**MOVE-AWAY—Cont'd**

- Cases disapproved to extent of conflict with Burgess, §§ **G.138.18-G.138.35**
- Change of circumstances, §§ **G.138.15, G.138.20, G.138.37.22**
- Child's best interests, §§ **G.138.15, G.138.35, G.138.37.7, G.138.38, G.138.40**
- Consent of noncustodial parent, effect of provision requiring, § **G.138.37.10**
- Custodial parent need not prove move is necessary, § **G.138.15**
- Denial of motion coercing custodial parent to abandon moving plans, cases overruling, § **G.138.15**
- De novo hearing requirement applies to joint custody arrangements, §§ **G.138.38, G.138.38.10**
- Detriment must be shown by noncustodial parent who opposes move, § **G.138.15**
- Dicta in original custody decision not binding on request for custody change, § **G.138.16**
- Disabled child, § **G.138.37.3**
- Domestic violence proceedings, custody order made in, § **G.133.4**
- Evidentiary hearing on detriment to children, §§ **G.138.37.20, G.138.37.25**
- Extent of permissible inquiry into reasons for move, § **G.138.37.15**
- Failure to meet burden of showing that move would not be detrimental, § **G.138.37.22**
- Foreign country, move to, §§ **G.138.50, G.138.55**
- Frustration of visitation, §§ **G.134, G.138.36**
- Full evidentiary hearing must precede move-away order in joint custody cases, § **G.138.38.10**
- Imperative/essential/expedient rule, § **G.138.30**
- Lack of bad-faith motive, trial court erred in focusing solely on, § **G.138.37.20**
- Lack of permanent custody order, child's best-interests test applies where, § **G.138.37.7**

## INDEX

### **MOVE-AWAY—Cont'd**

- LaMusga factors, §§ **G.138.15, G.138.37.22**
- Military deployment, restrictions on custody change based on, § **G.138.68**
- Noncustodial parent seeking custody change/relocation order, § **G.138.37.22**
- Notice, § **G.65**
- Procedural errors, § **C.29.4.30**
- Restraining removal, § **G.138.25**
- Right to travel, § **G.138.25**
- Separating siblings, § **G.138.39**
- Standing to challenge proposed move by requesting custody modification, § **G.138.37.25**
- Statutory stay of moveaway order, §§ **G.138.15, R.54**
- Stipulated custody orders lacked clear statement of finality, § **G.138.37.5**
- Unsuccessful shared parenting arrangement, § **G.138.40**
- Visitation, effect on, §§ **G.134, G.138.36, G.138.65, G.142.0.2**

### **MURDER**

- See **CRIMINAL CONVICTION**

### **NAME CHANGE**

- Child's surname, §§ **G.172-G.172.0.4**
- Domestic partners, § **U.161**
- Parental consent, § **G.172.0.4**
- Restoration of former name, § **C.150.2.5**

### **NAMES**

- Change of nameSee **NAME CHANGE**
- Pseudonym in court filings, use of, § **C.97.3.2**

### **NATIONAL GUARD**

- Division of retirement benefits, § **L.5.5.65**

### **NATIVE AMERICANS**

- Indian Child Welfare ActSee **INDIAN CHILD WELFARE ACT (ICWA)**
- Temporary spousal support, jurisdiction to order, § **F.13**
- Tribal Court Civil Money Judgment Act, § **S.168.5**

### **NECESSARIES**

- Indigent or incapacitated adults, necessities supplied to, § **E.3.25**
- Payment of court-ordered child support, effect of, § **E.3.5**
- Reimbursement for providing child with, §§ **E.3-E.3.25**
- Spousal liability, § **J.81.8**
- Termination of parental rights, § **E.3.5**

### **NEEDS ASSESSMENT**

- Attorneys' feesSee **ATTORNEYS' FEES**
- Child support, §§ **E.28-E.34.7.5**
- Spousal supportSee **SPOUSAL SUPPORT**

### **NE EXEAT ORDERS**

- Hague Convention on International Child Abduction, custody rights under, § **H.5.9.0.4.15**

### **NEGLECT**

- Free from parental custody and control, proceedings to declare minor, §§ **G.168.5-G.168.35**
- Relief based on excusable neglect, §§ **T.6-T.12**
- Sanctions for false allegations of child abuse or neglect, § **G.173.15**
- Special immigrant juvenile status, eligibility for, § **G.166.3.35**

### **NEW-MATE INCOME**

- See **CHILD SUPPORT**

### **NEW TRIAL**

- Appealability of order, §§ **R.32, T.59**
- Discovery abuse, § **D.123.5**
- Grounds, §§ **T.49, T.49.1**
- Loss or destruction of trial court transcript, § **R.60.5**
- Procedure, §§ **T.50-T.58.1**
- Time limits, § **R.56.30**

### **NO-FAULT DIVORCE STATUTES**

- Agreements that contravene public policy unenforceable, § **C.162**

### **NONCOMPETITION COVENANT**

- Attorneys' partnership agreement, § **M.58**
- Family business awarded to one spouse, § **M.58.15**
- Goodwill, §§ **M.58-M.58.15**

## NONCOMPETITION COVENANT

### —Cont'd

Valuation issues, §§ **M.59.5, M.59.10**

## NONMARITAL COHABITATION

Accrual of cause of action for breach of implied agreement, § **U.64**

Actual family relationship, § **U.23**

### Agreements

Cohabitation required, § **U.68.1**

Enforceability of express or implied agreements under Marvin, § **U.40**

Guaranty agreement for support obligations, § **U.29**

Property rights, see Property rights, *infra*

Severability of unlawful part of agreement, § **U.76.10**

Sexual services as invalid consideration, § **U.68**

Artificial insemination, unjust-enrichment suit by man who consented to and cared for child that resulted from ex-partner's, § **C.170**

Bankruptcy court may consider income of debtor's partner in determining ability to pay marital debt, § **F.62.12.7**

Business or professional practice, interest in, § **M.31.5**

Checklist for determining Marvin relationship, §§ **U.40**

Cohabitants, rights of, §§ **U.84.5-U.95.6**

Cohabitation prerequisite for Marvin action, § **U.68.1**

Consolidation of disso and Marvin action, § **U.76.20**

Constructive trusts, § **U.49**

Contemplation of marriage, recovery of gift made in, § **U.49**

Contract law or equitable principles, rights derive from, §§ **U.72, U.77.5**

Conversion, § **U.51**

Corporal injury to cohabitant, §§ **C.15.0.0.2, C.15.0.0.4**

### Defenses to Marvin action

Fraud or mistake, § **U.61**

Gift, § **U.61**

Homeowner's insurance coverage, §§ **U.76.30**

## NONMARITAL COHABITATION

### —Cont'd

### Defenses to Marvin action—Cont'd

Lack of cohabitation, § **U.68.1**

Meretricious consideration, § **U.68**

Statute of frauds, § **U.61**

Statute of limitations, § **U.64**

Vagueness, § **U.61**

Deferred-sale-of-home order, § **K.58.1**

Domestic partnership legislation, §§ **U.160-U.190**

Domestic violence, §§ **C.10, U.51, U.95.10**

Double recovery by spouse and nonmarital partner, § **M.31.5**

Emotional distress, §§ **U.51, U.86.2.1**

Equitable remedies, § **U.50**

Estate of deceased partner, support and property agreements enforceable against, §§ **U.40, U.80.10**

Existing marriage, effect of, § **U.80**

### Fraud

Defense to Marvin action, § **U.61**

Theory of recovery, § **U.51**

### Gift

Defense to Marvin action, § **U.61**

Recovery of gift made in contemplation of marriage, § **U.49**

Theory of recovery, § **U.51**

Guaranty agreement for support obligations, validity of, § **U.29**

Homeowner's insurance, no coverage for Marvin claim under, §§ **U.76.30**

Housing discrimination, § **U.95.4**

Income tax issues, §§ **N.189.5-N.199.1**

Joinder of parent's cohabitant in dependency proceeding, § **U.95.6**

Joint venture for purposes of tort liability, § **U.76.40**

Jury trial, § **U.72.20**

Landlords prohibited from discriminating on basis of marital status, § **U.95.4**

Loss of consortium, § **U.86.2.1**

Martial privilege inapplicable to unmarried cohabitants, § **U.86.2**

Marvin, enforceability of express or implied agreements under, § **U.40**



## NONMARITAL COHABITATION

### —Cont'd

- Marvin actions
  - Breach of cohabitants' agreement, § U.64
  - Checklist for determining Marvin relationship, §§ U.40
  - Cohabitation prerequisite, § U.68.1
  - Consolidation with disso, § U.76.20
  - Constructive or resulting trust, remedies based on, § U.49
  - Contract law or equitable principles, rights derive from, § U.72
  - Defenses, §§ U.61-U.68.1
  - Equitable remedies, § U.50
  - Minimum contacts required to exercise jurisdiction, § U.72.10
  - No-contest clause in will, § U.80.10
  - Other theories of recovery, § U.51
  - Part-time cohabitation, § U.68.1
  - Procedural considerations, § U.72
  - Severability of unlawful part of agreement, § U.76.10
  - Statute of limitations governing, § U.64
  - Support claims, § U.77.5
  - Venue, § U.72
- Meretricious sexual services, § U.68
- Minimum contacts required to exercise jurisdiction, § U.72.10
- No-contest clause in will, § U.80.10
- Order in which claims tried in consolidated disso/Marvin action, § U.76.20
- Part-time cohabitation, § U.68.1
- Pendente lite support, § U.77.5
- Pre-Marvin rulings, § U.23
- Probate action
  - Marvin claim in, §§ U.40, U.80.10
  - No-contest clause, § U.80.10
- Property rights
  - Actual family relationship test, § U.23
  - Clear and convincing standard of proof for property claims, § U.72.30
  - Enforceability of express or implied agreements under Marvin, § U.40
  - Pre-Marvin ruling on property division, § U.23

## NONMARITAL COHABITATION

### —Cont'd

- Property rights—Cont'd
  - Recovery of gift made in contemplation of marriage, § U.49
  - Spouse's property rights, effect of Marvin agreement on, § U.80
  - Subsequent marriage of nonmarital partners, §§ J.2.1, U.76.20
- Recovery of gift made in contemplation of marriage, § U.49
- Rehabilitative award, § U.50
- Resulting trust, § U.49
- Rights of cohabitants, §§ U.84.5-U.95.6
- Severability of unlawful part of agreement, § U.76.10
- Sexual relations as invalid consideration, § U.68
- Significant, stable relationship that arose from cohabitation as basis for Marvin action, § U.68.1
- Simultaneous cohabitation with more than one person at different locations, § C.15.0.0.2
- Statute of limitations
  - Defense to Marvin action, § U.64
  - Equitable estoppel precluded application of, § U.64
  - Equity, actions in, §§ U.50, U.64
- Subsequent marriage
  - Consolidation of disso and Marvin action, § U.76.20
  - Effect on property rights, §§ J.2.1, U.76.20
- Support
  - Contract or equitable principles, right to support derives from, § U.77.5
  - Enforceability of express or implied agreements under Marvin, § U.40
  - Presumed parentage, §§ E.0.0.13.6, G.163.5.30
  - Temporary support award, § U.77.5
- Support obligations, validity of guaranty agreement for, § U.29
- Surviving cohabitant not heir for purposes of wrongful death action, § U.85
- Theories of recovery, § U.51
- Tort liability on joint-venture or partnership theory, § U.76.40

## **NONMARITAL COHABITATION**

### **—Cont'd**

- Unemployment insurance, § **U.95.2**
- Unjust enrichment, §§ **C.170, U.64**
- Workers' compensation death benefits, § **U.86.1**
- Wrongful-death actions, § **U.85**

## **NONMINOR DEPENDENTS**

- Access to court file, § **G.196.10**
- Appointed counsel for, **G.124.30**
- Continuation of reunification services, **G.168.1.30**
- Parent receiving reunification services, appointed counsel for, **G.125.2.10**
- Petition to terminate court-ordered reunification services, **G.168.1.30**
- Referrals for collection or enforcement of child support, § **S.64.2.1.45**

## **NONPARENTS**

- CustodySee **CUSTODY**
- VisitationSee **VISITATION**

## **NONPROBATE TRANSFERS OF COMMUNITY PROPERTY**

- Applicability of provisions, § **C.156.10**
- Breach of fiduciary duty, set aside based on claim of, § **J.57.0.30**
- Effect on property rights, §§ **C.156.10, J.57.0.20**
- Former spouses, nonprobate transfers to, § **J.57.0.35**
- Governing statutes, § **J.57.0.5**
- Holders of property, duties of, § **J.57.0.15**
- Revocable transfer on death deed (RTDD), § **J.57.0.45**
- Setting aside, modifying, or revoking, § **J.57.0.30**
- Statutory requirements for, § **J.57.0.5**
- Transmutations distinguished, § **J.57.0.10**

## **OFFER**

- See **SETTLEMENT**

## **OMITTED ASSETS**

- See **PROPERTY DIVISION**

## **ORDERS TO SHOW CAUSE**

- Live testimony at family law hearings, procedural requirements for,

## **ORDERS TO SHOW CAUSE—Cont'd**

### **§§ P.69.5, P.69.10**

- Notice, § **C.29.4.20**
- Procedural errors, § **C.29.4.30**
- Reliance on declarations instead of live testimony permitted, § **P.69.7**
- Service costs, § **C.29.4.50**
- Time limit for filing and serving, §§ **C.29.4.20, C.29.4.40**

## **OTHER STATES**

- Declaration signed out of state, § **C.29.4.45**
- Division of out-of-state real property, §§ **J.39-J.44.1**
- Domestic partnership, recognition of out-of-state, § **U.195.5**
- First in time rule, § **B.53.0.1**
- Foreign judgmentsSee **FOREIGN JUDGMENTS**
- Foreign subpoenas, § **D.3.20**
- Interstate and International Depositions and Discovery Act (IIDDA), § **D.3.20**
- Interstate custodySee **CUSTODY**
- Priority of service determines jurisdiction, § **B.53.0.1**
- Restraining orders, §§ **C.1.8.9, C.13.10, C.14.5.7**
- UIFSASee **UIFSA (UNIFORM INTERSTATE FAMILY SUPPORT ACT)**
- Willful failure to pay past-due support, § **S.78.8**

## **PARALEGALS**

- Prior employment, confidential info obtained in, § **A.71.90**

## **PARENTAL KIDNAPPING PREVENTION ACT (PKPA)**

- See **CUSTODY**

## **PARENTAL LIABILITY**

- AFDC reimbursement, § **S.64.2.1.50**
- Computer hacking, § **G.18.1.3**
- Criminal, § **G.18.1.7.5**
- Custody and control of minor, § **G.18.1.3**
- Indemnity, § **G.18.1.6**
- Individuals with Disabilities Education Act, child covered under, § **E.3.22**

## INDEX

### **PARENTAL LIABILITY—Cont'd**

- Legal services for dependent minor, costs of, § **G.124.30**
- Maximum limits on, § **G.18.1.3**
- Necessities, reimbursement for, §§ **E.3-E.3.25**
- Nonresident parents, § **G.18.1.7.4.5**
- Overdose on drugs paid for by support funds, § **G.18.1.5.1**
- Public assistance paid for child, reimbursement of, §§ **E.3.20, S.64.2.1.50**
- Restitution liability, §§ **G.18.1.3, G.18.1.7**
- Support of child in detention or placement under juvenile court order, §§ **E.3.5, E.3.15**
- Willful misconduct of minor, §§ **G.18.1.3, G.18.1.5, G.18.1.7.4.5**

### **PARENT AND CHILD**

- AdoptionSee **ADOPTION**
- Assisted reproduction agreement, establishing parentage based on, § **E.0.0.13.9**
- Beneficial relationship exception to termination of parental rights, §§ **G.168.0.5, G.168.0.85**
- Child supportSee **CHILD SUPPORT**
- Co-parenting
  - Adoption by third party to co-parenting agreement, consent of parents to, § **G.163.5.20**
  - Modification of co-parenting residential arrangement, § **G.133.1.2**
  - Validity of stipulated judgment establishing parentage, same-sex partner estopped from challenging, §§ **C.90.5, T.95**
- Criminal liability for child's acts, § **G.18.1.7.5**
- CustodySee **CUSTODY**
- Discipline, parent's right to, §§ **G.185, G.199**
- Drug or alcohol problem, consent to treatment for, § **G.18.1.7.10**
- Emancipation of minors, §§ **E.56.7-E.59.5**
- Existence of parent-child relationship
  - Age limitation for child bringing action, § **E.0.0.12.1**

### **PARENT AND CHILD—Cont'd**

- Existence of parent-child relationship—Cont'd
  - Child's interest in maintaining existing relationship trumps single parent's desire to raise child alone, § **E.0.0.12.27**
  - Failure to raise constitutional claims at trial, § **E.0.0.12.1.5**
  - Joinder of parent as party, §§ **C.39, G.166.3.35**
  - Special immigrant juvenile findings, parentage action filed solely to obtain, § **G.166.3.35**
  - Third parent status, putative parent seeking, § **E.0.0.12.7.30**
  - Time for filing action to determine, §§ **E.0.0.12.1, E.0.0.15.17**
  - Uniform Parentage actions to establish parent-child relationships, §§ **E.0.0.12.1-E.0.0.13.8**
- Family reunification
  - Court ordered servicesSee **REUNIFICATION SERVICES**
  - Nonviability of reunification, effect on juvenile immigrant of, § **G.166.3.35**
- Fertility clinic implanted embryos intended for married couple in unrelated patient, §§ **E.0.0.16.25, G.166.20, P.93.5**
- Firearm on premises, criminal storage of, § **C.15.0.3.5**
- Free minor from parental custody/control, proceedings toSee **TERMINATION OF PARENTAL RIGHTS**
- Gender-neutral application of parentage provisions, § **E.0.0.12.1**
- Home schooling, §§ **G.44.0.4, G.168.1.9**
- Incarcerated parentSee **INCARCERATED PARENT**
- Inheriting from or through child on basis of parent-child relationship, § **E.0.0.13.32**
- Interference with parental relationship, § **G.172.3**
- In-vitro fertilization, §§ **E.0.0.16.25, G.166.19, G.166.20, P.93.5**
- Joinder in parentage actions, §§ **C.39.10, G.166.3.35**

**PARENT AND CHILD—Cont'd**

Juvenile court dependency proceedings—  
See DEPENDENCY PROCEED-  
INGS

Mental health records of dependent  
minor, access to, § **G.196.15**

More than two parents, statutory author-  
ity for finding that child has,  
§§ **E.0.0.12.1, E.0.0.12.6.10,**  
**E.0.0.12.7.20**

Nonviability of reunification, effect on  
juvenile immigrant of,  
§ **G.166.3.35**

Parental liabilitySee PARENTAL  
LIABILITY

PaternitySee PATERNITY

Posthumously conceived children,  
establishing parentage of,  
§ **E.0.0.13.35**

Presumed-parent statusSee  
PRESUMED-PARENT STATUS

Rescission of declaration of emancipa-  
tion, § **E.59.5**

Same-sex partner of biological mother is  
presumed parent of partner's chil-  
dren, §§ **E.0.0.13.6, G.163.5.30**

Settlement, failure to name client sole  
beneficiary of child's, § **E.42.5**

Sex education, parents do not have  
constitutionally protected right to  
control, § **C.160.6.20**

Shelter, failure to provide,  
§§ **G.18.1.7.20, G.142.4.2**

Special immigrant juvenile status,  
§ **G.166.3.35**

Stepmother not entitled to maternity  
presumption against birth mother,  
§ **E.0.0.13.8**

Support obligationsSee CHILD SUP-  
PORT

Surrogacy contract, §§ **G.166.9.5,**  
**G.166.9.10**

Termination of rightsSee TERMINA-  
TION OF PARENTAL RIGHTS

Third-parent status, valid claim under  
Uniform Parentage Act required to  
be established by person seeking,  
§ **E.0.0.12.7.30**

Third party to co-parenting agreement,  
consent of parents to adoption by,  
§ **G.163.5.20**

**PARENT AND CHILD—Cont'd**

Tort liabilitySee PARENTAL  
LIABILITY

VisitationSee VISITATION

**PARENTING PLAN**

See CUSTODY

**PARENT LOCATOR SERVICE**

Employment Development Department,  
information sharing by,  
§ **S.64.2.2.50**

Federal assistance, § **S.61.0.15**

Franchise Tax Board information,  
§ **S.61.0.20**

Generally, § **H.5.4**

Permitted disclosure of records,  
§ **S.63.2.3**

Public utilities, requests for information  
from, § **S.61.0.5**

State service, §§ **S.60.4-S.61.0.7**

**PAROLE**

Participation in batterer's program,  
§ **C.15.0.2.7**

Stalking, conditions of parole after  
conviction for, § **C.15.0.2.7**

Victim's right to notification of release,  
§ **C.15.0.4**

**PARTITION**

Judicial estoppel, § **T.68.22**

Omitted assets, §§ **T.68.5-T.68.22**

PensionsSee PENSIONS

**PARTNERSHIPS**

Characterization of partnership distribu-  
tions, § **J.69.5**

Charging orders to enforce support  
obligations owed by partners,  
§ **S.122**

Fiduciary duties between partners,  
§ **A.124.25**

Law partnershipsSee LAW FIRMS

Oral partnership agreement between  
plaintiff and attorney's wife  
enforceable, § **C.175**

Post-separation lump-sum payment,  
characterization of, § **L.25.5**

Transfers of partner's interest, § **S.122**

## INDEX

### PATERNITY

- Ability to pay reasonable support, stipulating to, §§ **A.18.2.3, E.37**
- Adoption proceedings, presumed and alleged fathers' right to notice of, § **G.168.0.1**
- Adult child, conclusive presumption applied against, § **E.0.0.6**
- Artificial insemination, §§ **G.166.15, G.166.17**
- Assisted reproduction agreement, establishing parentage based on, § **E.0.0.13.9**
- Attorneys
  - Court-appointed counsel, §§ **A.9, A.30.5-A.30.6.1, G.124.15, G.124.30, S.64.3-S.64.4.1**
  - Reverse paternity and state-initiated cases, § **G.125.4**
- Attorneys' fees
  - Authority to award, §§ **A.10.5, A.16.3.3**
  - Constitutionality of statute authorizing fee award, § **A.16.3.3**
  - Court-appointed counsel, §§ **A.9, A.30.5-A.30.6.1**
  - Disparity of access to funds and ability to pay, finding of, § **A.10.5**
  - Postjudgment fee awards, § **A.16.3.3**
  - Related proceedings for purposes of requests for, § **A.16.3.3**
  - Rule listing documents to be filed to request or respond to request for, § **A.10.5**
- Automatic stay in bankruptcy, exemption from, § **O.32.1**
- Beneficial relationship exception to termination of parental rights, §§ **G.168.0.5, G.168.0.85**
- Biological fathers seeking to establish paternity to children who have presumed fathers, § **E.0.0.12.1.5**
- Blood tests
  - Administrative order for genetic testing, § **E.0.0.15.8**
  - Burden of proof, § **E.0.0.16.5**
  - Costs, award of, § **A.16.3.3**
  - Denied to alleged biopdad who did not qualify as presumed father, § **E.0.0.15.15**

### PATERNITY—Cont'd

- Blood tests—Cont'd
  - Dependency proceeding, notice to each alleged father of, § **E.0.0.15.20**
- DNA evidence, admissibility of, §§ **E.0.0.16.10-E.0.0.16.12**
- Evidence of intercourse during period of possible conception in conjunction with results of, § **E.0.0.16.5**
- Guardian ad litem's motion, §§ **E.0.0.2.10, E.0.0.12.0.1**
- Husband's motion, § **E.0.0.4**
- In-vitro fertilization, §§ **E.0.0.16.25, G.166.20, P.93.5**
- Kelly/Frye standards for admissibility, §§ **E.0.0.16.10-E.0.0.16.12**
- Limited applicability in determining presumed parent status, § **E.0.0.15.12**
- Limited authority to order, § **E.0.0.16.15**
- Litigation privilege applied to DNA testing, § **A.103.0.0.1.75**
- Local child support agency administrative order, § **E.0.0.15.8**
- Paternity declaration set aside based on genetic tests, § **E.0.0.14.7**
- Paternity index, § **E.0.0.16.5**
- Presumed father's motion, §§ **E.0.0.2.10, E.0.0.12.0.1, E.0.0.15.12, G.166.1**
- Pretermitted heir, § **E.0.0.16.20**
- Private test did not meet statutory requirements, § **E.0.0.10.1**
- Procedure for genetic test evidence, § **E.0.0.15.8**
- Rebuttal of conclusive presumption, §§ **E.0.0.2.10, E.0.0.4**
- Refusal admissible, § **E.0.0.16**
- Setting aside paternity judgments based on genetic testing, § **E.0.0.15.10**
- Statistical analysis and scientific procedures, § **E.0.0.16.12**
- Statute of limitations, §§ **E.0.0.2.10, E.0.0.4**
- Statutory authority to order, § **E.0.0.15.8**

**PATERNITY—Cont'd**

- Blood tests—Cont'd
  - Stipulated paternity judgment, error to order tests after, § **E.0.0.22.5**
  - Stipulation to blood tests and admissibility of results, § **E.0.0.22.10**
- Burden of proof, § **E.0.0.16.5**
- Child's right to stable placement has priority over biodad's custody rights, § **G.29.2.0.2**
- Child-support commissioners, referral to, §§ **C.69.4.10, S.64.2.2.7**
- Closed hearings, § **C.96**
- Competing claims for presumed-parent status, §§ **E.0.0.12.6.10-E.0.0.12.10**
- Conclusive presumption
  - Applied, §§ **E.0.0.6, E.0.0.10, E.0.0.10.1, E.0.0.10.3**
  - Assertion of, § **E.0.0.11.10**
  - Balancing private interests against state interest in preserving integrity of family, § **E.0.0.5**
  - Blood tests ruled out husband as biological father, § **E.0.0.10.3**
  - Child of marriage, §§ **E.0.0.2.5, P.67**
  - Cohabitation at time of conception, § **E.0.0.11.10**
  - Constitutionality, § **E.0.0.5-E.0.0.10.2**
  - Disso judgment determinative as to former husband's paternity, § **E.0.0.10.1**
  - Equal protection, §§ **E.0.0.3-E.0.0.4.10**
  - Equitable estoppel applied to prevent husband from invoking, § **E.0.0.11.1**
  - Inapplicable, §§ **E.0.0.11-E.0.0.11.10, E.0.0.12.8**
  - Marital union no longer exists, § **E.0.0.11**
  - Preserving child's relationship with husband, state's interest in, § **E.0.0.10.2**
  - Presumed father not entitled to genetic testing to rebut presumption, § **E.0.0.15.12**
  - Private blood tests did not meet statutory requirements for rebutting, § **E.0.0.10.1**

**PATERNITY—Cont'd**

- Conclusive presumption—Cont'd
  - Rebuttal with blood tests, §§ **E.0.0.2.10, E.0.0.4**
  - Reverse paternity suit against former husband, § **E.0.0.10.1**
  - Right to rebut presumption, effect of blood test limitations period on, § **E.0.0.4**
  - Substantially infertile husband, § **E.0.0.2.15**
- Continuing parental relationship established with child not born into extant marital family, protected interest in, § **E.0.0.12.8**
- Court-appointed counsel, §§ **A.9, A.30.5-A.30.6.1, G.124.15, G.124.30, S.64.3-S.64.4.1**
- Criminal conduct precluded Kelsey S. status, § **G.168.0.17**
- Default judgments in support-enforcement cases, § **S.64.2.1.75**
- Denial of set-aside motion, §§ **E.0.0.14.7, E.0.0.15.10**
- Dependency proceeding, notice to each alleged father of, §§ **E.0.0.15.20, G.168.0.75**
- Disso proceedings, paternity determinations in, § **E.0.2**
- DNA evidence, admissibility of, §§ **E.0.0.16.10, E.0.0.16.12**
- Document exchange with juvenile court, § **G.3.6**
- Domestic Violence Protection Act proceedings, § **C.13.9**
- Effect of determination, §§ **E.0.0.18.7-E.0.0.22.10**
- Equal protection issues, §§ **E.0.0.3-E.0.0.4.10**
- Existence of parent-child relationship
  - Age limitation for child bringing action, § **E.0.0.12.1**
  - Child's interest in maintaining existing relationship trumps single parent's desire to raise child alone, § **E.0.0.12.27**
  - Failure to raise constitutional claims at trial, § **E.0.0.12.1.5**
  - Joinder of parent as party, §§ **C.39, G.166.3.35**



## INDEX

### **PATERNITY—Cont'd**

- Existence of parent-child relationship—Cont'd
  - Third parent status, putative parent seeking, § **E.0.0.12.7.30**
  - Time for filing action to determine, §§ **E.0.0.12.1, E.0.0.15.17**
  - Uniform Parentage actions to establish parent-child relationships, §§ **E.0.0.12.1-E.0.0.13.8**
- Expiration of reunification period, biodad failed to appear in dependency action until after, § **E.0.0.12.1.2**
- Failure of caseworker to act on requests for paternity testing deprived biodad of his due-process right to parent child, § **E.0.0.12.1.2**
- Failure to come forward promptly and assume parental responsibilities, § **G.168.0.15**
- Familial bond, biological tie does not trump, § **E.0.0.12.7**
- Fertility clinic implanted embryos intended for married couple in unrelated patient, §§ **E.0.0.16.25, G.166.20, P.93.5**
- Finality of judgment, §§ **B.37, E.0.0.19, E.0.0.22.15**
- Financial records, discovery of, § **E.0.0.21**
- Full faith and credit for out-of-state paternity declaration, § **E.0.0.14.9**
- Gender-neutral application of parentage provisions, § **E.0.0.12.1**
- Genetic tests, see Blood tests, *supra*
- Grandparents not proper parties, § **E.0.0.16.15**
- Guardian ad litem
  - Minor parent, appointment of GAL for, § **E.0.0.17.10**
  - Motion for blood tests, §§ **E.0.0.2.10, E.0.0.12.0.1**
  - Public guardian acting as, § **E.0.0.17.10**
  - Setting aside paternity judgments based on genetic testing, § **E.0.0.15.10**
- Indigent defendant, appointed counsel for, §§ **A.30.5-A.30.6.1**

### **PATERNITY—Cont'd**

- Inheritance, §§ **E.0.0.6, E.0.0.13.10-E.0.0.13.32**
- In-hospitalSee subhead: Voluntary declarations
- Interpreters' fees, § **C.1.1.4**
- Jackson credits, § **E.50**
- Joinder of parties, §§ **C.39.10, G.166.3.35**
- Jury trial, § **E.0.0.17**
- Kelly/Frye standards for admissibility of DNA evidence, §§ **E.0.0.16.10-E.0.0.16.12**
- Kelsey S. status, § **G.168.0.7**
- Kick-out orders, § **C.2.1.0**
- Lack-of-access evidence prevailed over high paternity-index rating, § **E.0.0.16.5**
- Lack of biological tie does not preclude granting presumed-father status, §§ **E.0.0.12.10-E.0.0.12.30**
- Litigation privilege applied to DNA testing, § **A.103.0.0.1.75**
- Locator serviceSee PARENT LOCATOR SERVICE
- Marriage
  - Child of marriage, §§ **E.0.0.2.5, P.67**
  - Conclusive presumptionSee subhead: Conclusive presumption
  - Parents' subsequent marriage nullified paternity support order, §§ **E.0.0.25, E.16**
  - Standing of biological father of child conceived before mother's marriage to another man, §§ **E.0.0.12.1.5**
- Minor father
  - Guardian ad litem for minor parent, appointment of, § **E.0.0.17.10**
  - Support of child conceived during unlawful sexual relations, § **E.1.0.1.0.5**
  - Voluntary paternity declaration, § **E.0.0.14.9.5**
- Natural father claiming rights, §§ **G.168.0.1-G.168.0.80**
- Nonpaternity suit, standing as interested person to bring, § **E.0.0.12.40**
- Nonpresumed biodad must promptly assert paternity to dependent child, § **E.0.0.12.1.2**

## **PATERNITY—Cont'd**

### **Notice**

Adoption proceedings, right to notice of, § **G.168.0.1**

Dependency proceeding, opportunity to appear and assert paternity in, § **E.0.0.15.20**

Parents' subsequent marriage nullified paternity support order, §§ **E.0.0.25, E.16**

Paternity declarationsSee subhead: Voluntary declarations

Paternity-index rating, rebuttable presumption based on, § **E.0.0.16.5**

### **Paternity judgments**

Child-support agency action to establish paternity and support, §§ **E.0.0.17.5, S.64.2.1.70**

Default judgments in support-enforcement cases, § **S.64.2.1.75**

Finality of judgment, §§ **B.37, E.0.0.19, E.0.0.22.15**

Presumed-father status, effect on, § **E.0.0.12.1.3**

Public policy favoring finality of, § **E.0.0.19**

Setting aside paternity judgments based on genetic testing, § **E.0.0.15.10**

Stipulated paternity judgments, § **E.0.0.22.5**

Pendente lite orders, § **E.0.0.2.10**

Posthumously conceived children, establishing parentage of, § **E.0.0.13.35**

Presumed-parent statusSee PRESUMED-PARENT STATUS

### **Presumptions**

Child of marriage, see Conclusive presumption, *supra*

Conflicting presumptions weighed, §§ **E.0.0.12.6.10, E.0.0.12.7, E.0.0.12.7.5, E.0.0.12.7.20**

Lack of biological tie does not preclude presumed-father status, §§ **E.0.0.12.10-E.0.0.12.30**

Paternity-index rating, rebuttable presumption based on, § **E.0.0.16.5**

Posthumously conceived children, § **E.0.0.13.35**

## **PATERNITY—Cont'd**

### **Presumptions—Cont'd**

Voluntary paternity declaration, §§ **E.0.0.14.3, E.0.0.14.7**

Weight of presumptions compared when choosing between presumed parents, §§ **E.0.0.12.6.10, E.0.0.12.7, E.0.0.12.7.5, E.0.0.12.7.20**

Pretermitted heir, § **E.0.0.16.20**

Res judicata, §§ **B.37, E.0.0.22.15, S.64.2.5.10**

Restitution after tests disprove paternity, man who supported child may not sue for, § **C.170.5**

### **Restraining orders**

Authority for, § **C.1**

Automatic TROs, § **C.1.0.1**

Restitution, § **C.1.8**

Service of pleadings through local child-support agency, § **S.64.2.1.35**

Setting aside paternity judgments based on genetic testing, § **E.0.0.15.10**

Sperm-donor paternity claim, § **G.166.17**

Standard of proof, § **E.0.0.17.3**

Standing to bring parentage action, §§ **E.0.0.12.1, E.0.0.12.1.5**

### **Statutory time limits**

Blood tests, §§ **E.0.0.2.10, E.0.0.4**

Existence of parent-child relationship, §§ **E.0.0.12.1, E.0.0.15.17**

Nonexistence of parent-child relationship, § **E.0.0.12.1**

Paternity-support actions, § **E.0.0.4.10**

Rebuttal of conclusive presumption, effect on, § **E.0.0.4**

Set-aside motion, time for filing, § **E.0.0.15.10**

Stepparent estopped from denying paternity, §§ **E.10, E.10.1**

### **Stipulations**

Ability to pay reasonable support, §§ **A.18.2.3, E.37**

Effect of having stipulated to paternity, §§ **E.0.0.19, E.0.0.22.5, E.0.0.22.15**

Results of genetic testing admissible, § **E.0.0.22.10**

## INDEX

### **PATERNITY—Cont'd**

- Supplemental complaints, §§ **E.19.30, S.64.2.1.25**
- Support
  - Based on voluntary declarations, § **E.0.0.14.10**
  - Child-support commissioners, referral to, §§ **C.69.4.10, S.64.2.2.7**
  - Credit for support provided during reconciliation attempt, § **E.50**
  - Default paternity judgment not reimbursable, support paid under, § **E.0.0.22.25**
  - Governing statutes, § **E.0.0.23.3**
  - Interim support, discovery for purposes of awarding, § **E.0.0.21**
  - Jackson credits, § **E.50**
  - Minor father of child conceived during unlawful sexual relations, § **E.1.0.1.0.5**
  - Parenthood-by-estoppel, § **E.10.1**
  - Parents' subsequent marriage nullified paternity support order, §§ **E.0.0.25, E.16**
  - Paternity-by-estoppel doctrine, §§ **E.10, E.10.1**
  - Paternity determinations in support proceedings, § **E.0.2**
  - Presumed father or biodad, support obligations of, § **E.0.0.12.7**
  - Restitution after tests disprove paternity, man who supported child may not sue for, § **C.170.5**
  - Retroactivity, § **E.21.0.0.1.5**
  - Set-aside motion, effect of granting, § **E.0.0.15.10**
  - Statutes of limitation on paternity-support actions, constitutionality of, § **E.0.0.4.10**
  - Supplemental complaints, §§ **E.19.30, S.64.2.1.25**
  - Surrogacy contract, effect of, § **G.166.9.5**
  - Survivor benefits, §§ **E.0.0.13.20-E.0.0.13.30**
  - Tax returns, production of, § **E.0.0.21**
  - Termination of rightsSee TERMINATION OF PARENTAL RIGHTS
  - Timely commitment of biological father to parental responsibilities, § **G.168.0.7**

### **PATERNITY—Cont'd**

- Trials on parentage issues, §§ **E.0.0.16.30-E.0.0.17.10**
- Voluntary declaration
  - Availability of declarations, § **E.0.0.14.2**
  - Birth certificate requirements, § **E.0.0.14.12**
  - Child-support agency enforcement, § **E.0.0.14.11**
  - Competing claims of paternity, §§ **E.0.0.12.7.10, E.0.0.14.7**
  - Contents, § **E.0.0.14.5**
  - Denial of set-aside motion, § **E.0.0.14.7**
  - Dependency proceedings, presumed-father status in, § **E.0.0.14.7**
  - Effect of, §§ **E.0.0.14.3, P.67**
  - Factors considered in ruling on petition to set aside, § **E.0.0.14.3**
  - Full faith and credit for out-of-state declaration, § **E.0.0.14.9**
  - General provisions, § **E.0.0.14.2**
  - Genetic tests, set aside based on, § **E.0.0.14.7**
  - Married woman, declaration executed by, § **E.0.0.14.7**
  - Minor parent, § **E.0.0.14.9.5**
  - Paternity presumption, § **E.0.0.14.3**
  - Presumed parent's petition to set aside, §§ **E.0.0.14.3, P.67**
  - Rescinding or setting aside paternity declaration, §§ **E.0.0.14.7, E.0.0.14.8**
  - Setting aside paternity judgments, § **E.0.0.15.10**
  - Support and custody orders, § **E.0.0.14.10**
- Weight of presumptions compared when choosing between presumed parents, §§ **E.0.0.12.6.10, E.0.0.12.7, E.0.0.12.7.5, E.0.0.12.7.20**
- Wende review inapplicable, § **R.3.4.5**

### **PENALTIES**

- Abuse reporting statutes, violating, § **C.15.2.5**
- Attorney advertising, § **A.105.0.3.35**
- Child-support delinquency, §§ **S.56.0.11.10-S.56.0.11.47**

**PENALTIES—Cont'd**

- Failure to serve preliminary or final declaration of disclosure, § **J.80.3.0.30**
- Harassment restraining orders, violating, § **C.22**
- Immigration marriage fraud, § **C.0.5.25**
- Nondisclosure, § **J.80.3.0.30**
- Private child-support collectors, § **S.64.30**
- Workplace violence restraining orders, violating, § **C.23.8**

**PENDENTE LITE ORDERS**

- Attorneys' feesSee ATTORNEYS' FEES
- CustodySee CUSTODY
- Family residenceSee FAMILY RESIDENCE
- Nonmarital partners, actions between, § **U.77.5**
- Paternity actions, §§ **E.0.0.2.10, E.0.0.12.0.1**
- Spousal supportSee SPOUSAL SUPPORT

**PENSIONS**

- Actuarial valuation, § **L.110.3**
- Allocation of interests
  - Discretion to select equitable method of apportionment, § **L.108.5**
  - Insurance apportionment rule, § **L.110**
  - Time rule, §§ **L.109, L.111**
  - Tracing, § **L.110.2**
  - Valuation date, § **L.110.1**
- Annuity purchased to replace terminated ERISA plan not subject to ERISA, §§ **L.18.4.10, L.18.38**
- Antenuptial agreement waiving interest, § **L.18.12**
- Anti-alienation provisions
  - Misused to hide community assets, plan not protected when, § **L.10.0.10**
  - Preclude spouse who died before disso became final from bequeathing community share of benefits to third party, § **L.18.4.5**
- Attorneys' fee awards
  - Federal law, § **L.200**
  - Against joined plan, §§ **A.16.3, L.198-L.201**
  - In plan's favor, § **L.197**

**PENSIONS—Cont'd**

- Automatic restraining order prohibiting change of beneficiary qualifies as QDRO, § **L.4.5.3.5**
- BankruptcySee BANKRUPTCY
- Bifurcation, effect of, § **L.18.15**
- Breaks in service, §§ **L.10.7, L.109**
- Buy-out, §§ **L.117.1, L.117.2, L.117.2.1, L.133, L.154, N.124.2.12**
- Cash-out, §§ **L.117.1, L.117.2, L.117.2.1, L.133, L.154**
- Central Intelligence Agency, § **L.5.5.60**
- Child support orders, periodic pension payments subject to enforcement of, §§ **S.35, S.35.1**
- Civil service benefits, §§ **L.63-L.63.3, L.72.5, L.76, L.213**
- Community interest
  - Method of divisionSee subhead: Disposition of community interest
  - Surviving spouse's pension subject to levy to enforce community tax debt, § **S.35.5**
- Contempt, § **L.202**
- Cost-of-living adjustments (COLA), § **L.10.7.0**
- Deferred-retirement benefits, enhanced, § **L.25.10**
- Defined-benefit plan
  - Amount, § **L.4.0.1**
  - Employer-sponsored plan, division of, § **L.8**
  - Negotiated plan, division of, § **L.9**
  - Value, § **L.4.1**
- Defined-contribution plan
  - Amount, § **L.2**
  - Profit-sharing plans, division of, § **L.7**
  - Value, § **L.3**
- Deposit with county clerk remedy, § **L.205**
- Disability paySee DISABILITY BENEFITS
- Discretion to select equitable method of apportionment, § **L.108.5**
- Disposition of community interest
  - Alternatives, § **L.116**
  - Cash-out, §§ **L.117.1, L.117.2, L.117.2.1, L.133, L.154**
  - Discretion of court, § **L.117**

## INDEX

### PENSIONS—Cont'd

- Disposition of community interest—Cont'd
  - Division in kind, §§ **L.117.3, L.117.3.1**
  - Gains and losses on 401k funds awarded in parties' MSA, § **L.132.1.0.3**
  - Immediate distribution to nonemployee-spouse, § **L.132.1**
  - Reservation of jurisdiction, §§ **L.117.4, L.145, L.166**
  - Rollover, § **L.118**
  - Termination of plan, § **L.118**
  - Trial court, § **L.117**
- Division, benefits subject to, § **L.4.5.5**
- Domestic-partner survivor benefits, adequacy of notice of, § **L.18.15.10**
- Domestic relations orders, see QDROs, *infra*
- Early retirement
  - Benefits payable per QDRO, § **L.10.5**
  - Enhanced early-retirement benefits, § **L.25.5**
  - Incentive payments for, § **L.25.5**
  - Rule of 75, enhanced benefits payable under, § **L.10.6**
- Enforcement
  - Contempt, § **L.202**
  - Deposit with county clerk, § **L.205**
  - Execution, § **L.204**
  - Garnishment, §§ **L.212.5-L.215**
  - Spousal-support modification, §§ **L.206-L.212**
- Enhanced deferred-retirement benefits, § **L.25.10**
- Equitable method of apportionment, discretion to select, § **L.108.5**
- ERISA (Employees' Retirement Income and Security Act)
  - Annuity purchased to replace terminated ERISA plan not subject to, §§ **L.18.4.10, L.18.38**
  - Anti-assignment clause, § **L.10.0**
  - Attorneys' fee award against joined plan, § **A.16.3**
  - Beneficiary designations, §§ **L.18.7, L.18.10, L.18.12**
  - Disso-related division, § **L.10.0**

### PENSIONS—Cont'd

- ERISA (Employees' Retirement Income and Security Act)—Cont'd
  - Former spouse treated as surviving spouse, § **L.18.10**
  - Independently managed IRAs, surviving spouse protections inapplicable to, § **L.18.4.15**
  - Misused to hide community assets, plan not protected by anti-alienation provisions when, § **L.10.0.10**
  - Plan liable for benefits waived without consent of surviving spouse after offset for amounts paid, § **L.18.16**
  - Preempts state statute providing that divorce revokes beneficiary designations, § **L.18.15.5**
  - Qualified domestic relations orders, see QDROs, *infra*
  - Surviving spouse benefits under ERISA plans, § **L.18.7**
  - Welfare plans, §§ **L.4.5.2, L.4.5.3**
- Execution, property subject to, §§ **S.35, S.35.1**
- Expert witnesses, § **P.22**
- Family Code definitions, § **L.5.3**
- Federal benefits
  - Civil service benefits, §§ **L.63-L.63.3**
  - Joinder of plan, § **L.185**
  - MilitarySee **MILITARY BENEFITS**
  - Preemption, §§ **L.50.1-L.61**
  - Social security, §§ **L.66-L.72.10**
- Foreign service, § **L.5.5.55**
- Gains and losses on 401k funds awarded in parties' MSA, § **L.132.1.0.3**
- Garnishment, §§ **L.212.5-L.215**
- Gillmore orders, §§ **L.10.4, L.10.7.0, N.199.4.30**
- Immediate distribution right, §§ **L.132.1-L.132.1.4**
- Income taxesSee **INCOME TAXES**
- Increased value of pension benefit, § **L.220**
- In-kind division, §§ **L.117.3, L.117.3.1**
- Insurance apportionment rule, § **L.110**
- Joinder
  - Attorneys' fee award against plan, §§ **A.16.3, L.198-L.201**

## **PENSIONS—Cont'd**

### **Joinder—Cont'd**

Authority, § **L.176**

Con, § **L.186**

Federal plans, § **L.185**

Nonresident plans, § **L.179**

Orders affecting plans, § **L.176.2**

Preemption issue, § **L.10.2.1**

Pro, § **L.186**

Procedure, § **L.176.1**

Public plans, § **L.178**

### **Joint and survivor annuity**

Vested rights, § **L.18.16.5**

Waiver of nonemployee-spouse's interest, § **L.18.10**

Judges' benefits, §§ **L.5.5.45, L.75.1.6, L.77.0.1**

### **Jurisdiction**

Concurrent jurisdiction to determine whether order is QDRO, § **L.10.3.5**

Federal magistrate, after removal from state court, § **L.10.3.10**

Out-of-state plans, § **L.115**

Over parties, § **L.114**

Reservation, §§ **L.117.4, L.145, L.166**

Review administrator's decision re QDRO, § **L.10.3.5**

Method of divisionSee subhead: Disposition of community interest

MilitarySee **MILITARY BENEFITS**

Missed-pension suit, §§ **L.229-233.5**

Mortality tables, § **L.117.2.1**

Murder attempt, retention of benefits by victim of, §§ **C.15.0.1.30, J.100.28**

National Guard, § **L.5.5.65**

Negotiated defined-benefit plan, division of, § **L.9**

Nonprobate transfersSee

**NONPROBATE TRANSFERS OF COMMUNITY PROPERTY**

Nonvested, §§ **L.4.4, L.42**

Notice to employer of community claim, §§ **L.5.5, L.10.2.5**

### **Omitted pension**

Continuing jurisdiction to modify disso judgment, § **L.240**

## **PENSIONS—Cont'd**

### **Omitted pension—Cont'd**

Former spouse, liability of,

§§ **A.103.0.0.0.20-A.103.0.0.0.60**

Increased value of pension benefit, § **L.220**

Laches, partition action barred by, § **L.226**

Limitations period, malpractice, § **A.103.2.15**

Malpractice actions, §§ **A.87.1.5, L.216.3, L.229.2**

Military, §§ **B.3.3.5, L.215.5, L.215.7, L.215.10, L.234-L.239**

Missed-pension suit, §§ **L.229-233.5**

Motion to modify disso judgment, § **L.240**

Res judicata, §§ **L.216.1, L.216.2, L.220-L.225**

Separate partition actions authorized, §§ **L.217-L.228**

Standard of care, partition, § **A.87.1.5**

Support modification, § **L.227**

Participant contributions, § **L.4.5**

Partition actions, see Omitted pension, *supra*

Pension Protection Act of 2006, §§ **L.10.2, L.18.36**

### **PERS benefits**

Beneficiary designations, §§ **L.5.5.32, L.5.5.33**

Division of, § **L.5.5.20**

Domestic partners, rights extended to, § **L.5.3**

Enforcement of support against, § **S.64.2.2.80**

Premarital military service, additional retirement credits based on, § **L.5.5.23**

Reacquired service credits, § **L.5.5.22**

Signature of spouse, § **L.5.5.30**

Survivor benefits, §§ **L.75.1.1, L.75.1.2, L.77.3**

Terminable-interest rule abolished, §§ **L.75-L.77.6**

### **Preemption**

Civil service benefits, §§ **L.63-L.63.3**

Disso-related division, § **L.10.0**

Federal benefits, §§ **L.50.1-L.61**



## INDEX

### PENSIONS—Cont'd

#### Preemption—Cont'd

Joinder statutes, § **L.10.2.1**

List of factors, § **L.61**

Military benefits, §§ **L.41.2.1-L.41.2.4**

QDROs, § **L.10.2**

Railroad retirement benefits, § **L.50.5**

Testamentary transfer by nonemployee-spouse, § **L.18.3**

Profit-sharing plans See PROFIT-SHARING PLANS

Protective orders, § **L.10.20**

Public Employees' Retirement System, see PERS benefits, *supra*

#### Public plans

County benefits, § **L.5.5.40**

Domestic partners, rights extended to, § **L.5.3**

Federal benefits, see Federal benefits, *supra*

Garnishment, § **L.215**

Joinder, § **L.178**

Judges' benefits, §§ **L.5.5.45, L.75.1.6, L.77.0.1**

PERS benefits, see PERS benefits, *supra*

Revision of beneficiary designation, § **L.5.5.40**

STRS benefits, division of, §§ **L.5.5.20, L.5.5.25**

#### QDROs

Automatic restraining order prohibiting change of beneficiary, § **L.4.5.3.5**

Children of employee not qualified as alternate payees, § **L.18.15.7**

Defined, § **L.10.2**

Early retirement, § **L.10.5**

ERISA, not preempted by, § **L.10.2**

Former spouse treated as surviving spouse, § **L.18.10**

Gillmore order, §§ **L.10.4, L.10.7.0**

Nunc pro tunc amendment or order, § **L.18.16.10**

Obtained after participant's death, § **L.18.16.7**

Pension Protection Act of 2006, § **L.10.2**

### PENSIONS—Cont'd

#### QDROs—Cont'd

Plan administrators, §§ **L.10.3, L.10.3.5**

Qualification requirements, § **L.10.2**

Review administrator's decision, jurisdiction to, § **L.10.3.5**

Security interest in employee-spouse's pension permitted, § **L.10.7.6**

State court jurisdiction to determine whether order is, § **L.10.3.5**

Successor-in-interest to nonemployee-spouse's community share, § **L.18.4**

Tax considerations, §§ **L.10.7.5, N.199.4-N.199.4.25**

Railroad retirement benefits, §§ **L.18.36, L.18.37, L.50.5**

Reacquired service credits, § **L.5.5.22**

Remuneratory gift from employer, § **L.4.5.1**

Reservation of jurisdiction, §§ **L.117.4, L.145, L.166**

Restoration of full benefits to employee-spouse on death of nonemployee-spouse, § **L.10.7.8**

#### Retirement Equity Act

COLA benefits, § **L.10.7.0**

Early retirement, § **L.10.5**

Generally, § **L.10.1**

Gillmore rights recognized, § **L.10.4**

Joinder statutes, effect on, § **L.10.2.1**

Plan administrators and QDROs, §§ **L.10.3, L.10.3.5**

QDROs not preempted by ERISA, § **L.10.2**

Vesting, § **L.10.7**

Waiver of nonemployee-spouse's interest, §§ **L.18.10, L.18.12**

#### Retroactivity

FUSFSPA, §§ **L.88.16-L.89.3**

Terminable-interest rule abolished, § **L.75.0.2**

Rule-of-75 early retirement benefits, § **L.10.6**

Security interest in employee-spouse's pension permitted if pursuant to QDRO, § **L.10.7.6**

Severance pay, §§ **L.25.1-L.25.5**

## **PENSIONS—Cont'd**

- Sexual felony against spouse, effect of conviction for violent,  
§§ **C.15.0.1.30, J.100.28, L.115.6.10**
- Social security benefits, effect on,  
§ **L.166.1**
- Spousal support
  - Enforcement of support judgment against pension plan, §§ **S.35, S.35.1**
  - Immediate distribution affecting,  
§ **L.132.1.4**
  - Income in form of pension benefits, consideration of, § **F.97.5**
  - Modification to secure payment of pension share, §§ **L.206-L.212**
  - Omitted pension, § **L.227**
  - Reinstate support waived in exchange for pension benefits, equitable jurisdiction to, §§ **F.72.5, L.215.10**
  - Terminated or reduced on payment of pension share, § **L.25.10**
- Standard of review for administrator's decision, § **L.10.3.5**
- Standing to sue plan for breach of fiduciary duty, § **L.10.3.7**
- State Teachers' Retirement System, see STRS benefits, *infra*
- Stock optionsSee STOCK OPTIONS
- STRS benefits
  - Division of, § **L.5.5.20**
  - Signature of spouse, § **L.5.5.25**
- Successor-in-interest to nonemployee-spouse's community share,  
§ **L.18.4**
- Surviving spouse benefits under ERISA plans, § **L.18.7**
- Survivor benefitsSee SURVIVOR BENEFITS
- Terminable-interest rule abolished,  
§§ **L.75-L.77.6**
- Termination benefits, §§ **L.25-L.25.5**
- Testamentary transfer by nonemployee-spouse of community-property interest, § **L.18.3**
- Time rule
  - Calculating community interest,  
§ **L.109**
  - Disapproved, § **L.111**

## **PENSIONS—Cont'd**

- Time rule—Cont'd
  - Failure of parties' MSA to divide military pension according to,  
§ **L.240**
  - Other equitable calculation based on circumstances, § **L.108.5**
  - Post-separation promotions, § **L.109**
  - Service break, effect of, § **L.109**
  - Stock options, apportionment,  
§§ **L.109.1-L.109.4**
- Types of plans, § **L.0.5**
- Valuation date, § **L.110.1**
- Vested rights
  - Breaks in service, § **L.10.7**
  - Defined, § **L.4.2**
  - Joint and survivor annuity,  
§ **L.18.16.5**
  - Types of, § **L.4.3**
- Waiver
  - Conflict with beneficiary designation,  
§ **L.18.10**
  - Consent of nonemployee-spouse,  
§§ **L.18.10, L.18.12**
  - Immediate distribution right,  
§ **L.132.1.0.8**
  - Nonemployee-spouse's interest,  
§§ **L.18.10, L.18.12**
  - Prenuptial agreements, § **L.18.12**
  - Strict compliance with ERISA waiver requirements, § **L.18.10**
- Withdrawn contributions, § **L.10.15**

## **PERJURY**

- Client's intent to commit, §§ **A.121.3, A.121.4**
- Disclosure declarations, § **T.33.6.15**
- Limitations period for set-aside on grounds of, § **T.33.6.16**
- Mediation privilege, § **D.118.1.5**
- Out-of-state declarations made under penalty of perjury, § **C.29.4.45**
- Support orders set aside on grounds of,  
§ **T.33.6.60**
- Witness for client, suspected or actual perjury by, § **A.121.3**

## **PERSONAL INJURIES**

- Characterization and distribution,  
§§ **J.5-J.9**

## INDEX

### PERSONAL INJURIES—Cont'd

- Child's settlement, failure to name client sole beneficiary of, § **E.42.5**
- Child-support purposes, damages not includable as income for, § **E.22.7.3**
- Gender-motivated, cause of action for, §§ **C.15.0.1.20, C.15.0.1.25**
- Parental liability, § **G.18.1.3**
- Priority of liens on award, §§ **A.65.3.2, S.130.2**
- Property divisionSee **PROPERTY DIVISION**
- Restraining orders, violation of, § **C.15.0.0.4**
- Vocational evaluation, § **P.52**

### PETS

- Protective order and order awarding exclusive possession, § **C.12.2**

### PHYSICAL AND MENTAL EXAMINATIONS

- Content of exam questions and answers, § **D.66.5**
- Custody proceedings, §§ **G.117, G.121.1, G.121.2**
- Demand for medical reports, §§ **D.68, D.69, D.70**
- Limitations, § **D.66**
- More than one exam, § **D.66.1**
- Parental notification and consent, § **G.181**
- Presence of counsel and court reporter, § **D.66.5**
- Procedure, § **D.66**
- Reciprocity, § **D.70**
- Sexual harassment action, § **D.67**
- Statutory authority, § **D.65**
- Unreasonable search and seizure, protection from, § **G.181**
- Waiver of privilege, § **D.69**

### PHYSICAL CUSTODY

- See **CUSTODY**

### PHYSICAL DISABILITY

- Custody determination, §§ **G.27, G.119, G.138.80**
- Spousal support, § **F.79.10**

### PHYSICIAN-PATIENT PRIVILEGE

- Abuse reporting statutes, §§ **C.15.2.7, G.188**
- ADA request, effect of filing, § **C.42.1.20**
- Burden of proof, §§ **D.92, P.75**
- Generally, §§ **D.113, P.85**
- Waiver of privilege, § **D.113**

### PHYSICIANS

- Education, reimbursable contributions toSee **EDUCATION**
- Expert witness declarations, § **D.75.10**
- Mandatory reporting of abuse, §§ **C.15.2-C.15.2.8, G.175, G.183**
- Opinion testimony, §§ **D.78.5, P.46.20**
- Sexual harassment cause of action, § **A.108.10**
- Sexual orientation, free-speech and religious rights do not exempt doctors from prohibition against discrimination based on, § **U.200**

### PKPA (PARENTAL KIDNAPPING PREVENTION ACT)

- See **CUSTODY**

### PLEADINGS

- Anonymity, overriding interest test applied to party's request for, § **C.97.3.2**
- Certification of pleadings as basis for imposition of sanctionsSee **SANCTIONS**
- Emancipation petition, § **E.59**
- Fee award upheld despite failure to request in original pleadings, § **A.18.2.1**
- Litigation privilege, § **A.103.0.0.1.20**
- Seal pleadings identifying financial assets and liabilities, requests to, §§ **C.97.3.5, J.80.3.0.10**
- UnmeritoriousSee **VEXATIOUS LITIGANTS**

### POLICE OFFICERS

- See **LAW ENFORCEMENT AGENCIES AND OFFICERS**

### POLYGAMOUS MARRIAGE

- See **BIGAMOUS MARRIAGE**

**POSTJUDGMENT PROCEEDINGS**

Appealability of postjudgment orders,  
 §§ **R.27, R.30**  
 Attorneys' feesSee **ATTORNEYS' FEES**  
 Discovery, § **D.86.5**  
 Malpractice, statute of limitations,  
 §§ **A.103.2.24-A.103.2.28**

**POSTNUPTIAL AGREEMENT**

Bifurcation, issues appropriate for,  
 § **C.61**  
 Disclosure declarations, failure to  
 exchange, § **J.80.3.0.29**  
 Duties created by marital relationship,  
 performance of, § **U.110.0.5**  
 Enforceability of agreement drafted by  
 one spouse's attorney, § **U.101.50**  
 Illness, agreement to care for husband  
 during, § **U.110.0.5**  
 Independent counsel requirement inap-  
 plicable, § **U.101.50**  
 Infidelity, contract requiring payment of  
 damages for, § **C.162**  
 Performance of personal duties, agree-  
 ment based on, § **U.110.0.5**

**PREEMPTION OF FIELD**

Assets preempted by federal law,  
 § **J.10.3**  
 PensionsSee **PENSIONS**  
 Standard, § **J.10.2**

**PREFERENCES AND PRIORITIES**

CustodySee **CUSTODY**  
 Trial preferenceSee **CALENDAR**  
**PREFERENCE**

**PREFERENTIAL TRANSFERS**

See **BANKRUPTCY**

**PRELIMINARY DISCLOSURE  
 DECLARATIONS**

See **DISCLOSURE**

**PREMARITAL AGREEMENTS**

Annulment for fraud, differing  
 interpretations affecting, § **C.0.6.5**  
 Belief that agreement had been amended  
 was unilateral mistake of fact,  
 § **U.110.25**  
 Bifurcation, issues appropriate for,  
 § **C.61**

**PREMARITAL AGREEMENTS**

**—Cont'd**

Cash payment in event of divorce,  
 enforceability of, § **U.101.10**  
 Circumstances occurring after  
 conscionability determination not  
 affecting enforceability if agree-  
 ment conscionable at time of sign-  
 ing, § **U.110.6**  
 Coercion, undue influence, or fraud,  
 § **U.110.6**  
 Contractually define relationship, right  
 to, § **U.101**  
 Defenses to enforcement of, § **U.110.6**  
 Discharge in bankruptcy of payments  
 per prenuptial agreement,  
 § **O.70.10**  
 Disposition of property, § **U.110.4**  
 Domestic partnership agreements  
 governed by UPAA, § **U.110.1**  
 Duties created by marital relationship,  
 performance of, § **U.110.0.5**  
 Effective date of UPAA, § **U.110.1**  
 Factors in determining whether  
 unrepresented party signed volun-  
 tarily, § **U.110.6**  
 Guidelines for drafting, § **U.121**  
 Illness, agreement to care for husband  
 during, § **U.110.0.5**  
 Independent legal representation,  
 §§ **U.110.4, U.110.6**  
 Inequality of bargaining power,  
 § **U.110.6**  
 Inheritance rights, waiver of,  
 §§ **C.155.1-C.155.5**  
 Lack of disclosure, § **U.110.6**  
 Lack of legal representation, § **U.110.6**  
 Mahr agreement, differing interpreta-  
 tions of, § **C.0.6.5**  
 Parol evidence, admissibility of,  
 § **U.101.20**  
 Pension, waiver of interest in, § **L.18.12**  
 Property rights of parties, § **U.110.4**  
 Public policy against promoting mar-  
 riage dissolution, § **U.101.10**  
 Recording of agreements affecting real  
 property, § **U.101.30**  
 Reimbursement right not waived by pro-  
 vision that separate-property house  
 would be deemed community after  
 marriage, § **J.11.5.40**

**PREMARITAL AGREEMENTS**

—Cont'd

- Representation by independent counsel, § **U.110.20**
- Requirements of UPAA, § **U.110.3**
- Retroactivity of Fam C § 1615, § **U.110.6**
- Rights and obligations relinquished, written advisement of, § **U.110.20**
- Seven-day review period, §§ **U.110.15, U.110.20**
- Severability of invalid provisions, **U.110.6**
- Spousal-support provisions, § **U.110.5**
- Statute of frauds, applicability of, § **U.110.3**
- Subjects of agreement, § **U.110.4**
- Time of enforcement, unconscionability at, § **U.110.5**
- Tolling of limitations periods for actions claiming relief under, § **U.110.1**
- Unconscionability, §§ **U.110.5, U.110.6**
- Undue influence, § **U.110.6**
- Uniform Premarital Agreement Act, §§ **U.110.1-U.110.15**
- Uniform Voidable Transactions Act, applicability of, § **S.48.0.67**
- Unilateral mistake of fact when executing agreement, § **U.110.25**
- Void if unrepresented party did not sign waiver of legal representation, § **U.110.6**
- Voluntariness, § **U.110.6**
- Waiting period requirements, applicability of, §§ **U.110.15, U.110.20**
- Waiver of legal representation by unrepresented party, § **U.110.6**
- Waiver of spousal support, § **U.110.5**
- Will to carry out provisions of agreement, making of, § **U.110.4**
- Writing requirement, § **U.110.3**

**PRENUPTIAL AGREEMENTS**

See **PREMARITAL AGREEMENTS**

**PRESUMED-PARENT STATUS**

- Adoption, consent to, §§ **G.168.0.1, G.168.0.45**
- Adoptive parent's same-sex partner qualifies as presumed parent, § **E.0.0.13.6.12**

**PRESUMED-PARENT STATUS**

—Cont'd

- Blood tests, motion for, §§ **E.0.0.2.10, E.0.0.12.0.1, E.0.0.15.12, G.166.1**
- Child's interest in maintaining existing parent-child relationship trumps single parent's desire to raise child alone, § **E.0.0.12.27**
- Combined with joint legal custody, §§ **G.18.1.8, G.168.0.45**
- Competing presumptions of parenthood
  - Cases involving competing claims, §§ **E.0.0.12.6.10-E.0.0.12.10**
  - Statutory authority for finding that child has more than two parents, §§ **E.0.0.12.1, E.0.0.12.6.10, E.0.0.12.7.20**
  - Weighing conflicting presumptions, §§ **E.0.0.12.6.10, E.0.0.12.7, E.0.0.12.7.5, E.0.0.12.7.20**
- Consensual sex unlawful by reason of participants' ages does not preclude, § **G.168.0.20**
- Consent to adoption, §§ **G.168.0.1, G.168.0.45**
- Conviction of rape or act of unlawful sexual intercourse, effect of, § **E.0.0.13.4**
- Criminal conduct precluded Kelsey S. status, § **G.168.0.17**
- Diligently pursuing custody, attaining status by, § **G.168.0.3**
- Establishing, §§ **E.0.0.12.1-E.0.0.13.8, G.168.0.1-G.168.0.15**
- Expiration of reunification period, biodad failed to appear in dependency action until after, § **E.0.0.12.1.2**
- Failure to come forward promptly and assume parental responsibilities, § **G.168.0.15**
- Failure to support or contact children father had held out as his own, § **E.0.0.12.35**
- Familial bond, biological tie does not trump, § **E.0.0.12.7**
- Focusing on relationship between same-sex partners rather than on statutory requirements, Fam C § 7611(d) misapplied by, § **E.0.0.13.6.15**
- Gender-neutral application of parentage provisions, § **E.0.0.12.1**

**PRESUMED-PARENT STATUS**

**—Cont'd**

- Grant of custody to biological father,  
§ **G.168.0.3**
- Kelsey S. status, § **G.168.0.7**
- Lack of biological tie does not preclude,  
§§ **E.0.0.12.10-E.0.0.12.30**
- Limited applicability of genetic tests in  
determining, § **E.0.0.15.12**
- More than two parents, statutory author-  
ity for finding that child has,  
§§ **E.0.0.12.1, E.0.0.12.6.10,**  
**E.0.0.12.7.20**
- Motion for custody or visitation,  
§ **G.166.1**
- Versus natural-parent status,  
§§ **G.168.0.1-G.168.0.3**
- Nonpaternity suit, standing as interested  
person to bring, § **E.0.0.12.40**
- Notice of adoption proceedings, right to,  
§ **G.168.0.1**
- Paternity judgment, effect of,  
§ **E.0.0.12.1.3**
- Posthumously conceived children,  
§ **E.0.0.13.35**
- Receipt of child into home to establish  
presumed parenthood under Fam C  
§ 7611(d), § **E.0.0.13.6.5**
- Registered sex offender accused of  
molesting stepdaughter,  
§ **E.0.0.13.5**
- Reunification services for biodad, effect  
of termination of, § **E.0.0.12.7**
- Same-sex partner of biological mother is  
presumed parent of partner's chil-  
dren, §§ **E.0.0.13.6, G.163.5.30**
- Shared home, qualification under Fam C  
§ 7611(d) of same-sex partner who  
received children into,  
§ **E.0.0.13.6.10**
- Sperm donor, § **G.166.17**
- Standing to bring parentage action,  
§§ **E.0.0.12.1, E.0.0.12.1.5**
- Stepfather's right to status terminated by  
order terminating mother's parental  
rights, § **G.168.1.35**
- Stepmother not entitled to maternity  
presumption against birth mother,  
§ **E.0.0.13.8**
- Support obligation, presumed father  
unwilling to assume, § **E.0.0.12.7**

**PRESUMED-PARENT STATUS**

**—Cont'd**

- Termination of parental rights, no  
entitlement to presumed-parent  
status after, § **G.168.1.35**
- Third-parent status, valid claim under  
Uniform Parentage Act required to  
be established by person seeking,  
§ **E.0.0.12.7.30**
- Time for filing action to determine exis-  
tence of parent-child relationship,  
§§ **E.0.0.12.1, E.0.0.15.17**
- Timely commitment of biological father  
to parental responsibilities,  
§ **G.168.0.7**
- Voluntary paternity declarations,  
§§ **E.0.0.12.7.10, E.0.0.14.7**
- Waiver of right to raise issue of Kelsey  
S. status on appeal, § **G.168.0.9**
- Weight of presumptions compared when  
choosing between presumed  
parents, §§ **E.0.0.12.6.10,**  
**E.0.0.12.7, E.0.0.12.7.5,**  
**E.0.0.12.7.20**
- Wrongful-death action, child's standing  
to bring, § **U.85**

**PRESUMPTIONS**

- Bankruptcy Abuse Prevention and  
Consumer Protection Act, § **O.1**
- Burden of proof, effect on, § **P.69**
- CharacterizationSee **COMMUNITY OR  
SEPARATE PROPERTY**
- Conclusive presumptions, §§ **P.66, P.67**
- Confidential information about former  
client, § **A.71.50**
- Cost of employment-related group  
health insurance, § **E.25.3**
- Domestic violence perpetrator, presump-  
tion against custody to, § **G.26.5**
- Generally, § **P.66**
- Joint custody, §§ **G.25, G.26**
- Military deployment of parent,  
§ **G.138.68**
- Parental fitness presumption inap-  
plicable in dependency cases,  
§ **G.26.5**
- PaternitySee **PATERNITY**
- Presumed-parent statusSee  
**PRESUMED-PARENT STATUS**
- Rebuttable presumptions, §§ **P.66, P.68**



## INDEX

### **PRESUMPTIONS—Cont'd**

- Restitution, presumption affecting,  
§ **C.15.0.5.5**
- Stipulated reversals, abrogation of  
presumption in favor of, § **C.88.5**
- Undue influence in interspousal transac-  
tions, §§ **J.80.3.0.4-J.80.3.0.5,**  
**T.33.6.10**

### **PRE-TRIAL STATEMENTS**

- Compliance with rules, §§ **C.45, C.45.1,**  
**C.45.5**
- Contents, § **C.47**
- Informal rules, § **C.46**
- Local rules, §§ **C.44-C.44.2**
- Settlement conference, § **C.51**

### **PREVAILING PARTY**

- See **ATTORNEYS' FEES**

### **PRIVACY**

- Action for invasion of, § **C.160.6.5**
- Anonymity, overriding interest test  
applied to party's request for,  
§ **C.97.3.2**
- Anti-harassment restraining orders,  
§§ **C.18.1, C.18.2**
- Child abuse reporting, § **G.186**
- Child pornography, privacy claim re  
patients viewing or possessing,  
§§ **G.188, P.86**
- Data breachSee **DATA BREACH**
- Dissemination of victim's mental health  
record by defense attorney,  
§ **D.112.15**
- Fertility clinic records necessary to  
determine responsibility for pay-  
ment, § **D.40.25**
- Financial information, § **D.84**
- Internet service provider identifying  
author of harassing message,  
§ **C.160.6.10**
- Litigation privilege applied to cause of  
action for invasion of,  
§ **A.103.0.0.1.12**
- Mandated reporters making privacy  
claim on behalf of patients,  
§§ **G.188, P.86**
- Pseudonym in court filings, use of,  
§ **C.97.3.2**
- Psychotherapist-patient privilege,  
§ **D.111**

### **PRIVACY—Cont'd**

- Sealing of records, privacy interest suf-  
ficient to support continued,  
§ **C.97.3**
- Sex education, parents do not have  
constitutionally protected right to  
control, § **C.160.6.20**
- Sexual activity, § **D.114**
- Sexually explicit materials, cause of  
action for invasion of privacy  
though distribution of, § **C.97.3.2**
- SLAPP motion against suit filed by liti-  
gant based on failure to redact  
personal information from docu-  
ment attached to motion,  
§ **A.103.2.120**
- Will, discovery during lifetime of testa-  
tor, §§ **D.118.10, J.18.10**

### **PRIVATE ATTORNEY-GENERAL STATUTE**

- Attorneys' fee award, entitlement to,  
§ **A.18.2.4**

### **PRIVILEGES**

- Attorney-client privilegeSee  
**ATTORNEY-CLIENT PRIVI-  
LEGE**
- Burden of proof, §§ **D.92, P.75**
- Domestic violence victim-counselor  
privilege, §§ **D.92, G.176, P.87**
- Electronically stored information, inad-  
vertent production of privileged,  
§ **D.63.20**
- Erroneous or coerced disclosure,  
§§ **D.93, P.76**
- Generally, §§ **P.70, P.71**
- Holder, §§ **D.91, D.91.5, P.74**
- Human trafficking victim-caseworker  
privilege, § **D.92**
- Inference, §§ **D.90, P.73**
- Lawyer referral service-client privilege,  
§§ **D.103.50, P.83.50**
- Litigation privilegeSee **LITIGATION  
PRIVILEGE**
- Marital privilege, §§ **D.108, P.84,**  
**P.84.1, P.84.2**
- Mediation privilege, § **P.87.3**
- Official-information privilege,  
§ **D.118.20**
- Physician-patientSee **PHYSICIAN-  
PATIENT PRIVILEGE**

## **PRIVILEGES—Cont'd**

Psychotherapist-patientSee PSYCHOTHERAPIST-PATIENT PRIVILEGE  
 Self-incrimination, §§ **D.109, P.87.4, S.59.15, S.146.2**  
 Sexual assault victim-counselor privilege, §§ **D.92, P.87.1**  
 Testimonial, § **S.146.2**  
 UIFSA proceedings, § **S.178.25**  
 Waiver, §§ **D.89, P.72**  
 Who may exercise, §§ **D.91, P.74**  
 Work-product, §§ **D.104-D.107, J.80.3.0.45**

## **PROBATE**

Anti-SLAPP statute barred suit, based on child-support evasion statutes, against attorneys who represented plaintiff's ex-husband and his siblings, § **A.103.2.115**  
 Attorneys' fees-on-fees, § **A.16.0.1**  
 Domestic partners, rights of, § **U.185**  
 Nonprobate transfersSee NONPROBATE TRANSFERS OF COMMUNITY PROPERTY

## **PROBATE GUARDIANSHIP**

See GUARDIANSHIP

## **PROBATION**

Child abusers, § **G.201**  
 Domestic violence, §§ **C.13.7, C.15.0.1.3, C.15.0.2.7**  
 Felony probation limitation and exception, § **C.15.0.2.7**

## **PRODUCTION OF DOCUMENTS**

Attorney-client privilege waived through failure to assert, § **D.63.10**  
 Compelling further responses, § **D.64**  
 Electronically stored information, demands for inspection, copying, testing, or sampling of, §§ **D.40.0.10, D.56, D.61.2, D.61.5**  
 Expenses of retrieving electronically stored data, § **D.61.5**  
 Failure to respond, § **D.63**  
 Foreign subpoenas, § **D.3.20**  
 Interstate and International Depositions and Discovery Act (IIDDA), § **D.3.20**

## **PRODUCTION OF DOCUMENTS**

### **—Cont'd**

Judgment debtors, demand from, § **S.234**  
 Law firm financial records discoverable for purpose of determining collectibility, § **D.84.5**  
 Nonparty, demand on, § **D.16.5**  
 Objections to production by nonparty, § **D.16.5**  
 Procedure, § **D.57**  
 Request number, requirement to identify documents with, § **D.59**  
 Response, §§ **D.58-D.62**  
 Statutory authority, § **D.56**  
 Supplemental demands, § **D.57.5**  
 Time to respond and produce documents, § **D.59**  
 Timing and service of demands for inspection, copying, testing, or sampling, § **D.57**  
 Untimely motion to compel, lack of jurisdiction to grant, § **D.64.5**  
 Waiver of right to compel further responses, § **D.64**  
 Witness charging excessive costs, § **A.16.3.4**

## **PROFESSIONALS**

AttorneysSee ATTORNEYS  
 Community contributions to educationSee EDUCATION  
 Goodwill, §§ **M.42-M.42.2**  
 Jointly retained neutral accountant, litigation privilege applied to, § **A.103.0.0.1.8**  
 Licensee's noncompliance with support orders, §§ **S.64.2.3.5-S.64.2.3.39**  
 Noncompetition covenant, §§ **M.58-M.58.10**  
 PhysiciansSee PHYSICIANS  
 PsychotherapistsSee PSYCHOTHERAPISTS  
 Valuation of business interestsSee BUSINESS INTERESTS

## **PROFIT-SHARING PLANS**

Defined-contribution plan, division of, § **L.7**  
 Preemption of state community-property laws, § **L.18.3**

## INDEX

### **PROFIT-SHARING PLANS—Cont'd**

Spousal support based on contributions to, § **M.104.3**

### **PROMISSORY NOTES**

Encumbrance of community real propertySee **COMMUNITY OR SEPARATE PROPERTY**

Expiration of security interest under Marketable Record Title Act, § **S.79.15**

### **PRO PER LITIGANTS**

Appellants, § **R.54.17**

Attorneys' fee awards, §§ **A.16.1.36, A.16.3.2.10, A.16.3.2.11, A.16.3.2.14**

CCP § 473(b) relief does not apply to pro per attorney-litigants, § **T.9.1**

Contempt action, fee award for bringing, **A.16.3.2.14.20**

Fees as sanctions, §§ **A.16.1.36, A.18.3.1, A.18.3.1.20, D.123.10**

Limited representation of, §§ **A.16.1.25, A.98.0.5, A.110.0.1, A.110.5**

Marital settlement agreements, § **A.71.20**

Opponents, §§ **A.71.15, A.71.20**

SanctionsSee **SANCTIONS**

Set-aside judgment per CCP § 473(b), motion to, § **T.8.45**

Settlement negotiations, limited representation in, § **A.110.5**

Vexatious litigant determination, effect of, §§ **A.18.3.1.20, C.42.2.20**

Work-product privilege, litigant may claim, § **D.106.5**

### **PROPERTY DAMAGES**

Parental liability, § **G.18.1.3**

Restitution in domestic violence proceedings, § **C.13**

### **PROPERTY DIVISION**

Agreement that husband would forfeit property if he failed to abstain from using drugs violates public policy and is unenforceable, § **C.162**

Alternative valuation date

Bifurcation, issues appropriate for, § **C.61**

Business assets, §§ **M.4.10-M.22**

Equitable considerations, § **J.99.4.15**

### **PROPERTY DIVISION—Cont'd**

Alternative valuation date—Cont'd

Generally, § **J.99.2**

Good cause for, § **J.99.3**

Improper basis for allowing, § **J.99.3.10**

Mere passage of time insufficient basis for using, § **J.99.3.5**

Necessary information, failure to provide, § **J.99.3.2**

Post-appeal evaluations, §§ **J.99.4.10-J.99.4.20**

Post-trial evaluation, § **J.99.4**

Procedure, §§ **C.30-C.34.1**

Reappraisal on remand, §§ **J.99.4.10-J.99.4.20**

Rules of Court governing, § **C.34**

Separate trial on issue of, § **C.34**

Asset distribution method, § **J.100.32**

ATROs do not prevent sale of community real property in ordinary course of business, § **C.1.0.10**

Bifurcation, issues appropriate for, § **C.61**

Business interestsSee **BUSINESS INTERESTS**

Case law, §§ **J.100.29-J.100.33.3**

CharacterizationSee **COMMUNITY OR SEPARATE PROPERTY**

CohabitantsSee **NONMARITAL COHABITATION**

Commingling and tracingSee **COMMUNITY OR SEPARATE PROPERTY**

Community estate defined, § **J.81.0.0.5**

Concealing community assets, tort action for, § **C.160.4.15**

Conservatee-spouse, failure to comply with order for support of, §§ **F.120, J.80.2.10**

Consolidation of claims, § **J.2.0.3**

Constructive trust on separate property, § **J.1.1**

Copyright, §§ **J.10.4, J.23.3**

DeathSee **DEATH OF SPOUSE**

Debts

Allocation of, § **J.81.0.0.5**

CharacterizationSee **COMMUNITY OR SEPARATE PROPERTY**

**PROPERTY DIVISION—Cont'd**

Debts—Cont'd

Domestic-relations exception to diversity jurisdiction, § **B.26.1**  
 Duty to divide community estate includes, § **J.81**  
 Early withdrawal from IRA to pay disso debts, penalty for, § **N.199.4.24**  
 Education loan assignments, §§ **J.81.2, M.67.12**  
 Equal-division rule, § **J.81**  
 Equitable reallocation, §§ **J.84.1.0-J.84.1.2.15**  
 Family-expense presumption, §§ **J.11.5.22, J.80**  
 Forgiven debt recognized as income, § **N.147.2**  
 Former community-property assets, attempts to recover against, § **S.36.2**  
 Incurred during marriage and before separation, § **J.81.0.0.5**  
 Liability of marital property, §§ **J.81.0.1-J.81.4, S.36.1.2**  
 Necessaries, § **J.81.8**  
 Negative estate, §§ **J.81, J.81.3**  
 Nondebtor-spouse, property awarded to, §§ **S.36.2, S.36.3**  
 Non-debtor spouse relieved of liability for debts not assigned by disso judgment, § **J.81.8**  
 Notice re effect of assignment, § **J.84.2**  
 Orders to pay debt per Fam C § 2023, §§ **J.81.0.0.10, S.4**  
 Parents of spouse, bona fides of debt to, § **J.84.3**  
 Paydown of credit-card debt not reimbursable separate-property contribution, § **J.11.5.23**  
 Postseparation, § **J.81.0.0.5**  
 Premarital, § **J.81.0.0.5**  
 Reimbursement, see Reimbursement, *infra*  
 Restitution for spouse's embezzlement, § **J.84.1.2.15**  
 Separate debts, §§ **J.83.1, J.83.1.5**  
 Tort liability, § **J.81.8.1**  
 Unallocated debt, § **J.1.1.1**  
 Unrelated to community, § **J.84.1.3**

**PROPERTY DIVISION—Cont'd**

Declaration of disclosure, §§ **C.63.3.5, J.80.3.0.20-J.80.3.0.50**  
 Disability benefits, §§ **L.32-L.41.1.10, L.42.1, L.42.2**  
 Disclosure requirements, §§ **J.80.3.0.10-J.80.3.0.50**  
 Discretion of court, § **J.100.29**  
 Domestic violence proceedings, § **C.11.1**  
 Economic circumstances exception, § **J.100.27**  
 Education  
     Loan assignments, §§ **J.81.2, M.67.12**  
     Reimbursable community contributionsSee EDUCATION  
 Enforcement  
     Cash payments, earnings withholding to enforce, § **S.48.1**  
     ContemptSee CONTEMPT  
 Epstein credits for postseparation payments, §§ **J.86.5, N.72-N.75**  
 Equal division  
     Case-law construction, §§ **J.100.29-J.100.33.3**  
     Conservatee, failure to comply with order for support of, §§ **F.120, J.80.2.10**  
     Debts subject to, § **J.81**  
     Exceptions, §§ **J.100.27, J.100.28**  
     General rule, § **J.100.26**  
     Sexual felony, attempted murder or domestic violence, § **J.100.28**  
     Single-asset award, § **J.100.27**  
 Equalizing payment  
     Expiration of trust deed securing debt for, § **S.79.15**  
     Foreclosure, enforcement through, § **S.105**  
     Interest on equalizing payment, calculation date for, § **J.100.33.3**  
     Liability incurred for transferring community property subject to lien in exchange for, § **S.36.7**  
     Priority of debt for, § **S.36.5**  
     Tax treatment, §§ **N.124.2.20, N.124.2.22**  
 Failure to disclose as basis for setting aside disso judgment, §§ **C.63.3.5, J.80.3.0.30, T.33.6.15**

**PROPERTY DIVISION—Cont'd**

- Family residenceSee FAMILY RESIDENCE
- Federal preemption, §§ **J.10.1, J.102, J.10.3**
- Foreclosure, enforcement through, § **S.105**
- Foreign judgments, validity of, § **B.36**
- Fringe benefits, § **J.23.2**
- Health insurance premium subsidy nondivisible in disso, § **L.73.20**
- Incapacitated spouse, appointment of guardian ad litem for, § **C.29.4.3**
- Income taxesSee INCOME TAXES
- In-kind division, §§ **J.100.30, J.100.31, J.100.32, J.100.33.3**
- Intellectual property developed during marriage, profits from projects derived from, § **J.23.6**
- Interest
  - Calculation date for interest on equalizing payment, § **J.100.33.3**
  - Delay of proportional interest in residence, § **K.55.7**
  - Denial of, § **J.100.33.2**
  - Postjudgment interest on money judgment, §§ **J.100.33.3, K.55.7**
  - Tax treatment of interest portion of equalizing payment, § **N.124.2.22**
- Investment risks, pre-trial sale of assets to avoid, § **C.38**
- Jointly held property
  - Community-property presumption applicable property, §§ **J.11.1, J.11.2, J.11.5.50-J.17.4**
  - construction of source statutes, §§ **J.11.5.8.1-J.11.5.35**
  - conveyance into joint tenancy during marriage, § **J.11.3.3**
  - effective date and time-line issues, § **J.11.5**
  - placate lender, no exception under prior law for property transferred to, § **J.11.3.2**
  - purpose of, §§ **J.11.1, J.11.2**
  - rebuttal, §§ **J.11.3, J.11.3.5**
  - retroactivity, § **J.11.5.0 et seq.**
  - separate-property contributions reimbursable, §§ **J.11.4, J.17.2.1**

**PROPERTY DIVISION—Cont'd**

- Jointly held property—Cont'd
  - Jurisdiction to divide, §§ **J.1.0, J.11.0**
  - Severance, §§ **J.11.0.2-J.11.0.8, J.18.5**
- Jurisdiction
  - Characterization, § **J.2.0.1**
  - Community property, § **J.1**
  - Continuing, § **J.2.0.2**
  - Jointly held property, §§ **J.1.0, J.11.0**
  - Limitations on, § **J.1.1**
  - Personal, § **J.100.25.1**
  - Premarital loan agreements, § **J.1.0.1**
  - In rem, § **J.100.25.1**
  - Stipulations, § **J.2.0.1.5**
  - Unallocated debt, § **J.1.1.1**
- Life insurance
  - Military policies, §§ **L.92-L.94**
  - Required findings for characterizing policy, § **L.48.10**
  - Term, §§ **L.45-L.48.20**
- Limitations period for setting aside disso judgment, § **T.33.6.16**
- Lost appreciation from sale of community stock in violation of ATRO, award of, § **C.1.0.15**
- Market risk, pre-trial sale to avoid unreasonable, § **C.38**
- Medical reimbursement accounts, § **L.49.10**
- Missed assets, see Omitted assets, infra
- Negative estate, §§ **J.81, J.81.3**
- Negotiated without attorneys' approval, §§ **A.110.0.1-A.110.0.10**
- Nonmarital cohabitationSee NONMARITAL COHABITATION
- Omitted assets
  - Breach of fiduciary duty to spouse, §§ **J.80.3.2.5, J.80.3.2.10**
  - Continuing jurisdiction, §§ **J.2.0.2, L.240, T.68.35**
  - Discovery in postjudgment proceeding, court's discretion to limit, § **D.118.25**
  - Former spouse's liability, §§ **A.103.0.0.0.20-A.103.0.0.0.60**
  - Legal malpractice, §§ **A.103.0.0.0.20-A.103.0.0.0.60**
  - Modification, § **T.68.35**

**PROPERTY DIVISION—Cont'd**

- Omitted assets—Cont'd
  - Partition action, §§ **T.68.5-T.68.22**
  - PensionsSee PENSIONS
  - Second disso, assets subject to, § **J.1.1.2**
  - Setting aside judgment, §§ **T.68.25-T.68.30**
  - Time limit for filing motion to divide, § **J.2.0.2**
- Out-of-state real property, §§ **J.39-J.44.1**
- Penalties for nondisclosure, § **J.80.3.0.30**
- PensionsSee PENSIONS
- Perjury in disclosure declarations, §§ **J.80.3.0.32, T.33.6.15**
- Personal injury damages
  - Assignment to injured spouse, § **J.7**
  - Characterization, §§ **J.5, J.6, J.9, J.9.1**
  - Discretion of court, § **J.8**
  - Offsetting award not required, § **J.8.1**
- Post-appeal evaluations, §§ **J.99.4.10-J.99.4.20**
- Pre-trial order for sale of community asset, § **C.38**
- Profit-sharing plans, § **L.7**
- Putative spouses, §§ **C.0.1, J.33**
- Quasi-community property, §§ **J.39-J.44.1**
- Reimbursement
  - Bankruptcy, effect of, § **J.81.6**
  - Community-funded improvements to separate property, §§ **J.90.3, K.55.1.2.25**
  - Education, community contributions toSee EDUCATION
  - Epstein credits for postseparation payments, §§ **J.86.5, N.72-N.75**
  - Equitable, §§ **J.84.1.2.1, J.84.1.2.3**
  - Family residenceSee FAMILY RESIDENCE
  - Forfeiture as result of spouse's criminal activity, § **J.84.1.2.1**
  - In lieu of support, postseparation payments made, §§ **J.90-J.90.0**
  - Personal injuries, expense related to, § **J.9**

**PROPERTY DIVISION—Cont'd**

- Reimbursement—Cont'd
  - Postseparation payment on community obligation, §§ **J.86.5-J.90.0.1, N.72-N.75**
  - Reasonableness of expectation, § **J.90.0**
  - Satisfaction of debt assigned to payor's spouse, §§ **J.81.5-J.81.7.1**
  - Separate contributions, see Separate-property contributions, *infra*
  - Separate debt paid by community, §§ **J.84.1.1, J.90.1**
  - Support payments from prior marriage, §§ **E.4.0, J.81.7.0.1, J.81.7.1**
  - Use charges, §§ **J.89, J.89.5, J.89.10**
- Relief requested, validity of order exceeding, § **C.150.7**
- Restitution for spouse's embezzlement, § **J.84.1.2.15**
- Restraining property disposition pending disso, §§ **C.1, C.24, C.24.0.1, C.24.1**
- Retroactivity
  - Continuing jurisdiction, § **J.2.0.2**
  - Education contributions reimbursable, § **J.11.5.7**
  - FUSFSPA, §§ **L.88.16-L.89.3**
  - Joint form-community presumption, §§ **J.11.5.0-J.11.5.0.3**
  - Separate contributions reimbursable, §§ **J.11.5.3-J.11.5.3.5**
- Securities fraud claim based on misrepresentation of value of stock, §§ **C.163, T.29.5**
- Separate-property contributions
  - Acquisition of property, § **J.11.4**
  - Amount reimbursed, § **J.11.4**
  - Anti-Lucas provision, § **J.11.4**
  - Construction of source statutes, §§ **J.11.5.8.1-J.11.5.35**
  - Credit or loan acquisitions, § **J.71.1**
  - Documentation of exact value not required, § **J.79**
  - Effective date and time-line issues, § **J.11.5**
  - Family-expense presumption, §§ **J.11.5.22, J.80**
  - Family residenceSee FAMILY RESIDENCE



**PROPERTY DIVISION—Cont'd**

- Separate-property contributions—Cont'd
  - Note and deed of trust to secure separate contribution unenforceable, § **J.11.5.27**
  - Other spouse's separate property, reimbursement for contributions to, § **J.90.4**
  - Paydown of credit-card debt to qualify for loan not reimbursable, § **J.11.5.23**
  - Prenup making separate house community property did not waive reimbursement, § **J.11.5.40**
  - Quasi-community property, § **J.44.2**
  - Refinancing proceeds, reimbursement right extends to property purchased with, §§ **J.11.5.11, J.76.5.5**
  - Retroactivity, §§ **J.11.5.3-J.11.5.3.5**
  - Right to reimbursement, § **J.11.4**
  - Showing that separate funds used to acquire asset, § **J.79.5**
  - Stipulation that property was community subject to right to reimbursement, § **J.11.5.47**
  - Title changed to include wife, reimbursement for husband's contribution of separate-property interest in house when, § **J.11.5.45**
  - Tracing, §§ **J.76.5-J.76.5.7, J.79.5, J.80.0**
  - Transmutation to community property required, § **J.48.9**
  - Waiver of reimbursement right, §§ **J.11.4, J.11.5.25, J.11.5.35**
  - Severance pay, §§ **L.25.1-L.25.5**
  - Single-asset award based on economic circumstances, § **J.100.27**
  - Stock options, §§ **L.24, L.109.1-L.109.4, N.124.2.10, N.156.4.10**
  - Stock value, remedy for misrepresentation of, §§ **C.163, T.29.5**
  - Survivor benefits, §§ **L.18.5-L.18.35**
  - Tenancy-in-common property, jurisdiction to divide, §§ **J.1.0, J.11.0**
  - Termination benefits, §§ **L.25-L.25.5**
  - Term life insurance, §§ **L.45-L.48.20**
  - Tort liability, § **J.81.8.1**

**PROPERTY DIVISION—Cont'd**

- TracingSee **COMMUNITY OR SEPARATE PROPERTY**
- Undue influence in interspousal transactions, §§ **J.80.3.0.4-J.80.3.0.5, T.33.6.10**
- Uniform Voidable Transactions Act applies to MSAs, but future child-support payments are not debt under UVTA, §§ **S.48.0.60, T.36.3**
- Vacation or sick pay, § **L.49**
- Valuation of community property
  - Alternative valuation dateSee subhead: Alternative valuation date
  - General rule, § **J.99.1**
- Voluntary waiver of right to other party's disclosure declarations, §§ **C.63.3.5, J.80.3.0.31**
- Waiver of disclosure declarations, §§ **J.80.3.0.25-J.80.3.0.31**
- Workers' comp benefits, §§ **L.41.1.3, L.74-L.74.10**

**PROPERTY RIGHTS**

- CohabitantsSee **NONMARITAL COHABITATION**
- On dissolution of marriageSee **PROPERTY DIVISION**

**PROPERTY TAXES**

- Assessed value transfer to replacement home, § **K.55.6.5**
- Cotenant's death, transfer on, § **N.188**
- Domestic partners, exemption for interspousal transfers extended to transfers between, § **U.190**
- Parents and children, transfers between, § **N.188.0.1**
- Reimbursement denied for payment of taxes on separate property house, § **K.55**
- Transfer in connection with dissolution, § **N.188**

**PROSECUTION**

- Dismissal for delay in prosecutionSee **DISMISSAL**

**PROTECTIVE ORDERS**

- Campus violence protective orders, § **C.23.15**

## **PROTECTIVE ORDERS—Cont'd**

- Client or patient information, §§ **M.35, M.35.1**
- Depositions, § **D.29.10**
- Dissemination of material gathered outside of discovery, restrictions on, § **D.85.7**
- Domestic violenceSee DOMESTIC VIOLENCE
- Electronically stored information, production of, § **D.29.10**
- Extent of expert's practice, § **D.85**
- Financial information, § **D.84**
- Gag order on litigants, free-speech rights violated by, § **D.83.10**
- Gun violence restraining orders (GVRO), § **C.13.50**
- Interpreters, § **C.1.1.4**
- Interrogatories, § **D.21**
- Law Enforcement Telecommunications System, §§ **C.9.10, C.14.3**
- New-mate income, § **D.85.5**
- Pensions, community interest in, § **L.10.20**
- Pet protection, § **C.12.2**
- Private information, § **D.85.7**
- Prohibit destruction of and preserve evidence for future discovery, §§ **D.64.20, D.83.5**
- Renewal of DVROsSee DOMESTIC VIOLENCE
- Sanctions, § **D.83**
- Statutory authority, § **D.83**

## **PSYCHOTHERAPIST-PATIENT PRIVILEGE**

- Abuse reporting statutes, §§ **C.15.2.7, G.188, G.189**
- Burden of proof, §§ **D.92, P.75**
- Case-law applications, §§ **D.110-D.112.25**
- Clergy Cases, § **P.86**
- Custody proceedings, §§ **G.115, G.116**
- Dependency proceedings, §§ **D.112.25, G.196.15, P.86**
- Disclosure of identity prohibited, § **M.34.1**
- Holder, §§ **P.74, P.86**
- Minor patient, §§ **D.110, P.86**

## **PSYCHOTHERAPIST-PATIENT PRIVILEGE—Cont'd**

- Privacy outweighs need for disclosure, determination whether, §§ **D.111, P.86**
- State's interest in protecting children from sexual abuse, § **P.86**
- Waiver, §§ **D.112.17, D.112.25, P.86**

## **PSYCHOTHERAPISTS**

- Child abuse, duty to report, §§ **A.121.1, G.175**
- Consumer records subject to subpoena, § **D.40**
- Defined, § **A.108.1**
- Dependent minor's mental health records, statute limiting access to, § **G.196.15**
- Duty to protect from patient's threatened violence, §§ **A.98.2, A.98.2.5**
- Education, reimbursable contributions toSee EDUCATION
- Emotional distress claim against spouse's therapist, § **A.108.3**
- Litigation privilege, § **A.103.1.10**
- Quasi-judicial immunity, §§ **A.103.1.10, P.87.2**
- Report from family member, duty to protect triggered by, § **A.98.2.5**
- Sexual harassment cause of action, § **A.108.10**
- Sex with clients, §§ **A.108.0.25, A.108.1, A.108.3**
- Special master, jurisdiction to discipline psychologist serving as, § **G.84.14**

## **PUBLIC ACCESS TO COURTS**

- Pseudonym in court filings, use of, § **C.97.3.2**

## **PUBLIC ASSISTANCE**

- Bankruptcy proceedings, benefits not domestic support obligations avoidable in, §§ **O.37, O.73**
- Calculation of family income, § **E.38.25**
- CalWORKS eligibility, § **E.38.6**
- Child support paid to another household, effect of, §§ **E.38.6, E.38.25**
- Compromise of parent's debt for reimbursement, § **S.64.2.1.52**

## INDEX

### **PUBLIC ASSISTANCE—Cont'd**

- Concealment as defense to reimbursement, §§ **G.156.1.1-G.156.1.20, S.56.0.18.5**
- Contempt, support obligations owed to counties enforceable by, § **S.55.1.20**
- County estopped from collecting reimbursement, § **S.56.0.18.12**
- Court-appointed counsel in reimbursement cases, § **S.64.3**
- Dischargeability in bankruptcy of reimbursement debt, §§ **O.71.20-O.71.25**
- Earning capacity in reimbursement action, §§ **E.38.6, E.38.9**
- Enforcement actions involving, § **S.64.2.1.45**
- Exemptions from family income for CalWORKS purposes, § **E.38.25**
- Five-year dismissal statute applied in reimbursement action, § **C.29.27**
- Foster care benefits on behalf of children living with former stepparent, § **E.11.5**
- Hardship deduction in computing guideline support, § **E.25.1.7**
- Indigent parent entitled to appellate counsel, § **R.3.3**
- Individuals with Disabilities Education Act, child covered under, § **E.3.22**
- Job search orders, § **E.38.25**
- Noncustodial parent, reimbursement from, §§ **E.3.20, S.64.2.1.50**
- Parental liability for reimbursement, § **S.64.2.1.50**
- Proceedings for reimbursement, §§ **E.3.20, E.3.22**
- Referral to local child-support agency for support enforcement, § **S.64.2.1.45**
- Reimbursement of public assistance paid for child, §§ **E.3.20, S.64.2.1.50**
- Shared intent to abandon habitual residence to receive, § **H.5.9.0.20.5**
- Venue in reimbursement cases, § **C.29.1.1**
- Waiver of court fees and costs, eligibility for, § **C.29.4.7**
- Welfare reimbursement action, §§ **E.38.6, E.38.9**

### **PUBLIC ASSISTANCE—Cont'd**

- Welfare-to-work program, compliance with, § **E.38.25**

### **PUBLICATION**

- Appellate opinions, § **R.86**
- Attorney statements to press, §§ **A.103.0.0.10, A.105.5, A.105.7**
- Depublication of decisions, §§ **R.86.5, T.2.0.5**
- Expert cross-examined regarding reliable authority, § **P.46**
- Preliminary injunction constituted prior restraint, § **C.18.1**

### **PUBLICATION, SERVICE BY**

- Service of process, § **B.1.10**

### **PUBLIC EMPLOYEES'**

#### **RETIREMENT SYSTEM (PERS)**

- See PENSIONS

### **PUBLIC INTEREST**

- Private attorney-general statute, award of fees under, § **A.18.2.4**

### **PUBLICITY**

- Felon's story, constitutionality of statute appropriating proceeds of sale of, § **A.65.6**
- Trial publicity, §§ **A.103.0.0.10, A.105.5, A.105.7**

### **PUBLIC PENSION PLANS**

- See PENSIONS

### **PUBLIC UTILITIES**

- See UTILITY SERVICE INFORMATION

### **PUTATIVE SPOUSE**

- Debt liability, § **J.81.9**
- Defined, § **C.0.1**
- Dismissal of dissolution petition, effect of, § **C.0.3.1**
- Domestic partners, application of doctrine to, § **U.164.10**
- Estopped to deny validity of marriage, § **C.0.2**
- Good-faith belief in validity of marriage, subjective standard used to determine, § **C.0.4.1.2**
- Knowledge of divorce, § **C.0.3**
- Marriage license, lack of, § **C.0.5.10**

**PUTATIVE SPOUSE—Cont'd**

- Property division, §§ **C.0.1, J.33**
- Quasi-community property, §§ **C.0.1, J.33**
- Social security benefits, § **C.0.4.1.1.5**
- Status, effect of, § **C.0.4**
- Survivor benefits, § **C.0.4.1.1**
- Survivor entitled to share of decedent's separate property, § **C.0.4.1**

**QUALIFIED DOMESTIC RELATIONS ORDERS (QDROS)**

See **PENSIONS**

**QUANTUM MERUIT**

See **ATTORNEYS' FEES**

**QUASI-COMMUNITY PROPERTY**

- Definition, § **J.36**
- Division of out-of-state real property, §§ **J.39-J.44.1**
- Jurisdictional issues, § **J.37**
- Roesch requirements, § **J.37**
- Separate-property contributions, § **J.44.2**
- Tax consequences of transfer, § **N.149**

**QUIET TITLE ACTIONS**

Gift made in contemplation of marriage, recovery of, § **U.49**

**RACE**

Custody, interracial placement, § **G.169**

**RAILROAD RETIREMENT BENEFITS**

- Child-support credit, §§ **E.34.1-E.34.6**
- Dependency requirement that limits annuity available to widowers, § **L.18.37**
- Divisibility of, § **L.50.5**
- Former spouse eligibility, § **L.18.36**

**RAPE**

- Custody of or visitation with child conceived during, § **G.42**
- Issuance of orders to protect victims or witnesses, § **C.13**
- Presumed-parent status, effect of rape conviction on, § **E.0.0.13.4**
- Spousal, § **C.15.0.3.7**
- Termination of parental rights of convicted rapist, § **G.168.30**

**REAL PROPERTY**

- Appraisers, § **P.19**
- Community propertySee **COMMUNITY OR SEPARATE PROPERTY**
- Equity value increase of payor's residence not income for support calculation purposes, § **E.38.12**
- Family law attorney's lienSee **ATTORNEYS' FEES**
- Family residenceSee **FAMILY RESIDENCE**
- HomesteadSee **HOMESTEAD**
- Judgment liens, §§ **S.79-S.83.3**
- Out-of-state, division of, §§ **J.39-J.44.1**
- Rental income imputed for purposes of calculating support, § **E.38.12**
- Rescission of grant deed as gift made in contemplation of marriage, § **U.49**
- Revocable transfer on death deed (RTDD), § **J.57.0.45**

**RECEIVERS**

- Available remedies under Uniform Voidable Transactions Act, § **S.48.0.50**
- Community property, §§ **C.24.1, S.120**
- Enforcement proceedings, § **S.120**
- Judicial immunity, § **A.103.1.6**

**RECONCILIATION**

- Attorneys' fees, effect on, § **A.27**
- Contempt, effect on, § **S.168**
- Credit for support provided during reconciliation attempt, § **E.50**
- Dissolution proceeding in abeyance, **C.157.0.2**
- Evidence of, §§ **C.160, C.160.1, C.160.1.1**
- Final decree, effect on entry of, § **C.158**
- Financial disclosure requirements, **C.157.0.2**
- Post-marital agreement enforceable despite failure to exchange disclosure declarations, § **J.80.3.0.29**

**RECONSIDERATION MOTION**

- Another judge's interim ruling, authority to reconsider, § **T.2.0.5.10**
- Appealability of order, § **T.5**
- Denial of motion to set-aside default after entry of judgment, jurisdiction to reconsider, § **T.2.0.5**

## INDEX

### RECONSIDERATION MOTION

#### —Cont'd

- Depublication constituted change in law, § **T.2.0.5**
- False allegations of child abuse, effect on custody of, § **G.173.15**
- Inherent authority of courts to reconsider and modify orders, § **T.2.0.5**
- Notice of appeal, time for filing, § **R.56.20**
- Procedure, §§ **T.1-T.4**
- Sanctions under CCP § 1008, procedural rules in CCP § 128.7 apply to, § **A.16.1.22**
- Sealing order, motion to reconsider, § **C.97.3**
- Statutory authority, § **T.1**
- Trial court's authority to reconsider order on own motion, §§ **T.2.0.5, T.2.0.6**

### RECORD

- Appeal, record onSee APPEALS
- Certified official conviction record, §§ **P.6, P.107**
- Custody mediation proceedings, § **G.78.3**
- Juvenile records, §§ **G.196.5, G.196.10, G.196.12**
- Pre-read, constitutionality of rule requiring, § **C.44.5**
- Sealing court recordsSee SEALING OF RECORDS
- Settlement terms, § **C.58**
- TranscriptsSee TRANSCRIPTS

### REFEREES

- Discovery referrals, §§ **D.85.10-D.85.15**
- Failure to comply with rules governing appointment as temporary judge, § **G.3.1.3**
- Objections and peremptory challenges, § **D.85.12**
- Proceedings in which referee may be appointed, § **C.69.8**

### REFERRALS

- See ATTORNEYS

### REFORMATION OF TITLE

- Breach of fiduciary duty to spouse, § **J.80.3.2.2**

### REIMBURSEMENT

- Adoption, funds expended in connection with, § **A.76.1**
- AFDCSee PUBLIC ASSISTANCE
- Child supportSee CHILD SUPPORT
- Client Security Fund, funds paid from, §§ **A.125.3.4, A.125.3.50, A.125.3.55**
- Crime victim restitutionSee RESTITUTION
- Default paternity judgment, support paid under, § **E.0.0.22.25**
- Dependency proceedings, parental liability for cost of legal services in, § **G.124.30**
- Dependent medical expense interparental reimbursement, §§ **E.25.4-E.25.4.20**
- Domestic violenceSee DOMESTIC VIOLENCE
- Property divisionSee PROPERTY DIVISION
- Spousal supportSee SPOUSAL SUPPORT
- Transcript Reimbursement Fund, § **R.14.5**
- Welfare reimbursementSee PUBLIC ASSISTANCE

### RELATIVES

- Dependency finding reversed for child in legal custody of relative, § **G.29.2.0.6**
- Guardianship to relative caretaker unwilling to adopt, § **G.29.2.0.8, G.168.0.85**
- Immigration status, preferences for placement of children apply regardless of, §§ **G.25, G.169**
- Medical care authorization, § **G.29.2.30**
- Modifying placement of dependent child, § **G.29.2.0.4**
- Parental rights termination, exceptions to, § **G.168.0.85**
- Placement preferences, § **G.169**
- Psychotherapist's duty to protect triggered by report from family member, § **A.98.2.5**
- Timing of placement requests, § **G.169**
- Visitation, § **G.146.1.2**

## RELIGION

- Abuse, clergy member's obligation to report, § **G.175**
- Contempt order impermissibly infringed on free exercise of obligor's religion, § **S.163.1.5**
- Custody determination, §§ **G.33, G.119**
- Noncustodial parents' rights during visitation, §§ **G.142.1, G.142.1.5**
- Pastoral counselor, duty of care owed by, § **A.108.5**
- Premarital promise regarding religious upbringing, § **G.142.1**
- Religious Freedom Restoration Act held unconstitutional, § **G.142.1.5**
- Sexual orientation, free-speech and religious rights do not exempt doctors from prohibition against discrimination based on, § **U.200**

## RELOCATION

See MOVE-AWAY

## REMAND

- Assignment to another jurist due to appearance of bias, § **C.69.9.0.20**
- Peremptory challenge when same judge reassigned to new trial, § **C.68.0.4**
- Reappraisal of community property on remand, §§ **J.99.4.10-J.99.4.20**

## REMARRIAGE

- Deferred-sale-of-home order, § **K.58.1**
- Federal employee, surviving spouse of, § **L.63.2.10**
- Interracial, custody modification based on, § **G.32.5**
- PERS survivor benefits, § **L.75.1.2**
- Spousal-support termination, §§ **F.81.5.5, F.81.5.7, F.81.5.8, F.105.1**
- Tax treatment of support, § **N.110.1**

## RENEWAL OF DOMESTIC VIOLENCE PROTECTIVE ORDERS

See DOMESTIC VIOLENCE

## RENT

- Attorneys' failure to pay rent while continuing to take partnership draws, § **A.115.27**

## RENT—Cont'd

- Child support, rental income imputed for purposes of calculating, § **E.38.12**
- Community interest in separate-property residence, rental value in calculating, § **K.55.1.1**
- Deductibility of rent paid on residence occupied by supported spouse, § **N.106.4.5.15**
- Partners' fiduciary duty to pay fair-market rent for occupying partnership property, § **A.124.25**
- Termination of tenancy by certain crime victims, § **C.22.60**

## REOPEN CASE

- Motion to, § **T.66**

## REPORTING REQUIREMENTS

- Attorney discipline and reporting statutes, § **A.125.3**
- Child abuseSee CHILD ABUSE

## REQUESTS FOR ADMISSIONS

- Amendments on leave of court, § **D.55**
- Award of attorney fees/costs for unjustified denials, § **D.52**
- Compelling further responses, § **D.54**
- Conditions on granting motion to withdraw answer, § **D.56**
- Content of response, § **D.49**
- Effect of admissions, § **D.51**
- Electronic format upon request, § **D.5**
- Failure to respond, §§ **D.53-D.53.10**
- False denials, § **D.52**
- Issue or evidence sanction for failure to comply with order compelling further response, § **D.54**
- Monetary sanctions against losing party on motion to compel, § **D.54**
- Oath, § **D.50**
- Procedure, §§ **D.42-D.45**
- Rule of 35, § **D.44**
- Statutory authority, § **D.41**
- Stipulation to extend time, § **D.48**
- Terminating sanction for failure to comply with order compelling further response, § **D.54**
- Time to respond, § **D.47**
- Unjustified denials, § **D.52**
- Waiver of right to compel further responses, § **D.54**



## INDEX

### REQUESTS FOR ADMISSIONS

#### —Cont'd

Withdrawal or amendment of deemed admissions, § **D.53.8**

### RESERVATION OF JURISDICTION

Business interestsSee BUSINESS INTERESTS

Pensions, §§ **L.117.4, L.145, L.166**

Spousal supportSee SPOUSAL SUPPORT

Valuation of community property, § **J.99.5**

### RESIDENCE

Child Support Recovery Act, § **S.78.8.12**

Custodial parent's change of residenceSee CUSTODY

Family residenceSee FAMILY RESIDENCE

Nonimmigrant-alien status, § **B.3.6**

Subject-matter jurisdiction, § **B.3.2**

UCCJEA, exclusive, continuing jurisdiction under, § **H.51**

### RESIDENCY REQUIREMENTS

Jurisdiction to dissolve marriage, §§ **B.3.1, C.25**

### RESIDENTIAL CARE FACILITY

Arbitration agreement, authority to enter into, § **C.47.4.15**

### RES JUDICATA

Collateral attack barred, §§ **B.50, B.51, B.52**

Concealment, support obligor who stipulated to judgment for arrearages barred from challenging enforcement on ground of, §§ **G.156.1.2.50, T.80**

Domestic violence claims, §§ **B.26.2, C.15.0.1.12**

Omitted pension, §§ **L.216.1, L.216.2, L.220-L.225**

Paternity judgment, §§ **B.37, E.0.0.22.15, S.64.2.5.10**

Prior disso judgment as bar to pending disso, § **B.29.5**

Stipulated judgments, § **C.90**

UCCJEA, custody orders under, § **H.84**

### RESTITUTION

Child Support Recovery Act, § **S.78.8.8**

Clients reimbursed by Client Security Fund, § **A.125.3.55**

Confidentiality of victim's contact information, § **C.15.0.5.5**

Contribution to battered women's shelter, **C.15.0.6**

Counseling expenses of victim, **C.15.0.6**

Defendant's ability to pay, § **C.15.0.6**

Embezzlement by spouse, § **J.84.1.2.15**

Enforcement of restitution orders, § **C.15.0.5.5**

Federal child abuse or sex crime conviction, § **C.15.0.6.5**

Felon's story, constitutionality of statute appropriating proceeds of sale of, § **A.65.6**

Financial disclosure for purposes of, § **C.15.0.5.5**

General provisions, § **C.15.0.5.5**

Incarcerated defendant, restitution by, § **C.15.0.5.5**

Locating and recovering child, restitution of costs of, § **G.156**

Mental health counseling, reimbursement for expenses of, § **C.15.0.5.5**

Parental liability, §§ **G.18.1.3, G.18.1.7**

Probation, condition of, § **C.15.0.6**

Property loss or damage, restitution in domestic violence proceedings for, § **C.13**

Special restitution provisions, § **C.15.0.6**

Time for filing application for restitution, § **C.15.0.5.5**

Uniform Parentage Act, violation of restraining order issued under, § **C.1.8**

Victim-compensation program, § **C.15.0.5**

### RESTRAINING ORDERS

After hearing, §§ **C.1.2.5-C.1.8.9**

Altering TRO, § **C.1.1.6**

Anti-harassment injunctions, §§ **C.16-C.22**

Authority for, § **C.1**

Automatic temporary restraining orders (ATROs), §§ **C.1.0.1-C.1.0.15**

Business operations, § **M.1**

## RESTRAINING ORDERS—Cont'd

- Campus violence protective orders, § **C.23.15**
- Continuance of hearing on petition for protective order, § **C.1.2**
- CustodySee CUSTODY
- Department of Justice database, entry into, § **C.14.5.3**
- Disposition of property pending disso, §§ **C.1, C.24, C.24.0.1, C.24.1**
- Dissemination of material gathered outside of discovery, restrictions on, § **D.85.7**
- Disturbing the peace, §§ **C.1, C.10.10**
- Domestic violenceSee DOMESTIC VIOLENCE
- Due process considerations, § **C.1.1.5.3**
- Early termination or modification, §§ **C.1, C.13.5, C.13.7, C.19**
- Elder abuse restraining order (EARO), § **C.2.1.0**
- Ex parte
  - Altering TRO, § **C.1.1.6**
  - Appearance, § **B.5.3.1**
  - Continuance of hearing, § **C.1.2**
  - Due process considerations, § **C.1.1.5.3**
  - Duration, § **C.1.2**
  - Issuance of TROs on day of request, § **C.1.1.5.5**
  - Juvenile court, § **C.1**
  - Notice and service requirements, § **C.1.1.5.3**
  - Procedural requirements, § **C.1.1.5**
- Federal protective order restraining harassment of minor victim or witness, § **C.13**
- Firearm prohibitions, §§ **C.15.0.3-C.15.0.3.5**
- Full faith and credit, §§ **C.1.8.9, C.13.10**
- General requirements for applications for family law orders, § **C.1.1.3**
- Gun violence restraining orders (GVRO), § **C.13.50**
- Harassment, §§ **C.16-C.22**
- Insurance coverage, restraining orders prohibiting changes to, **C.1**
- Interpreters, § **C.1.1.4**
- Joinder appropriate to enforce, § **C.42.0.4**

## RESTRAINING ORDERS—Cont'd

- Joint tenancy severance, party subject to ATRO seeking, §§ **C.1.0.5, C.1.0.7**
- Juvenile court restraining orders, § **C.1**
- Law enforcement agencies
  - Duties of, §§ **C.14.5-C.14.7**
  - Equal protection and due process claims against, § **C.15.3**
  - Immunity for officers who enforce orders, § **C.14.5.5**
  - Liability of, §§ **C.15.3, C.15.5**
  - Notice to, § **C.14.3**
- Law Enforcement Telecommunications System, §§ **C.9.10, C.14.3**
- Levy by third parties, restraint against, § **C.24.0.1**
- Lost appreciation from sale of community stock in violation of ATRO, award of, § **C.1.0.15**
- Minor victim or witness, federal protective order restraining harassment of, § **C.13**
- Mutual restraining orders, procedural requirements for, § **C.11.10**
- Notice requirements, § **C.1.1.5.3**
- PaternitySee PATERNITY
- Penalties for violation, §§ **C.15.0.0.0.2, C.15.0.0.0.4**
- Preservation of community estate pending disso, §§ **C.24, C.24.0.1, C.24.1**
- Procedures for obtaining family law restraining orders, §§ **C.1.1-C.13.10**
- QDRO, ATRO prohibiting change of beneficiary qualifies as, § **L.4.5.3.5**
- Reciprocal restraining orders, procedural requirements for, § **C.11.10**
- Renewal of DVROsSee DOMESTIC VIOLENCE
- Rules of Court, § **C.1.1.3**
- Service of summons, automatic temporary restraining orders effective on, § **C.1.0.1**
- Sex offender, orders prohibiting harassment by, **C.1**
- Stalkers, emergency protective orders against, § **C.12.5**
- Strike firearm restriction, trial court lacks authority to, § **C.15.0.3.4.12**

## INDEX

### **RESTRAINING ORDERS—Cont'd**

- Supervised visitation, §§ **G.26.7**, **G.142**,  
**G.142.0.2.10**, **G.175**
- Time for hearing on petition for protec-  
tive order, § **C.1.2**
- Visitation, effect on, § **G.26.7**
- Workplace Violence Safety Act,  
§§ **C.23.1-C.23.8**

### **RESULTING TRUST**

- Nonmarital partners, § **U.49**
- Title insurer's action, § **S.48.0.70**

### **RETIREMENT AND RETIREMENT BENEFITS**

- GenerallySee **PENSIONS**
- Spousal supportSee **SPOUSAL SUP-  
PORT**

### **RETROACTIVITY**

- Child supportSee **CHILD SUPPORT**
- Community or separate propertySee  
**COMMUNITY OR SEPARATE  
PROPERTY**
- PensionsSee **PENSIONS**
- Property divisionSee **PROPERTY DIVI-  
SION**
- Spousal supportSee **SPOUSAL SUP-  
PORT**

### **REUNIFICATION SERVICES**

- Balancing family preservation against  
child's interest in permanent/stable  
placement, § **G.168.1.30**
- Contempt for failure to comply, juvenile  
court lacks authority to jail parent  
for, § **S.164.15**
- De facto parents, § **G.29.2.1**
- Denial based on prior parental rights  
termination or failure to reunify,  
§ **G.168.1.30**
- Deportation or immigration hold, parent  
subject to, **G.168.1.30**
- Disentitlement doctrine applied to deny  
services, § **G.168.0.55**
- Expiration of reunification period,  
§ **E.0.0.12.1.2**
- Extension beyond 18-month period,  
§ **G.168.1.30**
- Failure of caseworker to act on biodad's  
repeated requests for paternity test-  
ing, § **E.0.0.12.1.2**

### **REUNIFICATION SERVICES—Cont'd**

- Incarcerated parent, §§ **G.142.3.2**,  
**G.168.1.30**
- Indian Child Welfare Act requirements,  
§ **G.171.10**
- Legal guardian, reunification services  
for, § **G.29.2.0.4**
- Likelihood of reunification during  
period between hearings,  
§ **G.168.1.30**
- Maintain contact with child, incarcer-  
ated parent's ability to,  
§ **G.168.1.30**
- Nonminor dependents, **G.168.1.30**
- Petition for termination of court-ordered  
reunification services, § **G.168.1.30**
- Presumed-father status, post-termination  
request for, § **E.0.0.12.7**
- Reasonable-efforts provision,  
§ **G.168.1.30**
- Smoking as justification for denying,  
§ **G.43.5**
- Splitting jurisdiction/disposition hear-  
ings as to each parent is  
unauthorized/erroneous,  
§ **G.168.1.30**
- Stepparents, § **G.143.1.0.5**
- Termination of court-ordered,  
§ **G.168.1.30**
- Visitation in juvenile dependency cases,  
§ **G.142.0.2.10**

### **RIGHT TO COUNSEL**

- Appellate counsel, §§ **R.3.2-R.3.3.15**
- Contempt proceedings, § **S.146.4**
- Custody proceedingsSee **CUSTODY**
- Dependent minorsSee **DEPENDENCY  
PROCEEDINGS**
- Paternity actions, **S.64.3-S.64.4.1**
- Premarital agreements, §§ **U.110.4**,  
**U.110.6**
- Termination of parental rights,  
§§ **A.76.0.4**, **G.124.30-G.124.35**,  
**G.125.3-G.125.6.5**, **R.3.3.5-  
R.3.3.15**

### **RULES OF COURT**

- Alternative valuation date, § **C.34**
- Bifurcation, § **C.61**
- Child support modification, § **E.69**
- Default proceedings, §§ **C.140.2**, **C.141**

**RULES OF COURT—Cont'd**

- Family law discovery proceedings, applicability to, § **D.3**
- Fee waivers, § **C.29.4.7**
- Informal rules and local family law customs, § **C.46**
- Joinder in dissolution proceedings, § **C.39**
- Judicial notice, §§ **P.6, P.7**
- Monetary sanctions for rule violation, § **A.115.10.15**
- Motions to quash, § **C.29.5**
- Requests for family law order, §§ **C.1.1.3, C.29.4.20**

**RULES OF PROFESSIONAL CONDUCT**

See ATTORNEYS

**SAFE DEPOSIT BOX**

Levy on, §§ **S.38, S.38.1**

**SALE OF REALTY**

- Attorneys' fees for wrongful refusal to release escrow deposit, §§ **A.16.0.2, K.61.2.1**
- Documentary transfer tax, § **N.188.1**
- Family residenceSee FAMILY RESIDENCE
- Homestead property, §§ **S.95.10-S.103**

**SAME-SEX MARRIAGE**

- All states required to license and recognize, § **U.195**
- California bans on same-sex marriage unconstitutional, § **U.193**
- DOMA provision defining marriage as union between man and woman unconstitutional, § **U.195**
- Federal employees, health benefits for same-sex spouses of, § **U.195**
- Jurisdiction to dissolve marriage, § **C.0.6**
- Marriage statutes, constitutionality of state, § **U.193**
- Proposition 8, constitutionality of, § **U.193**
- Residence requirement for dissolution of marriage, exception to, § **B.3.1**
- Right to marry, § **U.195**

**SAME-SEX MARRIAGE—Cont'd**

- Standing of proponents of Proposition 8 to appeal judgment invalidating measure, § **U.193**
- Venue for disso proceedings, § **C.25**

**SAME-SEX RELATIONSHIPS**

- Adoption, §§ **G.29.2.8, G.163.5.15, G.163.5.20, U.165**
- Child-support obligations of partner of biological parent, §§ **E.0.0.13.6, G.163.5.30**
- Custody of childrenSee CUSTODY
- Disability benefits, rights of domestic partners related to, § **U.180**
- Discrimination under Unruh Act, registered domestic partners are equivalent of spouses for purposes of, § **U.164**
- Domestic partnerships, **DOMESTIC PARTNERSHIPS**
- Federal employees, health benefits for same-sex spouses of, § **U.195**
- Full faith and credit for out-of-state adoption judgments, §§ **B.28, G.163.5.15**
- Health care decisions, benefits, and deductions for registered partners, § **U.175**
- Intentional infliction of emotional distress, domestic partners' right to sue for, § **U.170**
- MarriageSee SAME-SEX MARRIAGE
- Presumed parent of partner's children, same-sex partner is, §§ **E.0.0.13.6, G.163.5.30**
- Private attorney-general fees denied in second-parent adoption case, § **A.18.2.4**
- Probate proceedings, rights of domestic partners in, § **U.185**
- Putative-spouse doctrine, applicability of, § **U.164.10**
- Same-sex marriageSee SAME-SEX MARRIAGE
- Second-parent adoption by same-sex partner where birth parent retains parental rights, § **G.163.5.20**
- Standing to challenge Defense of Marriage Act, § **U.195**
- Stipulated judgment to co-parent expected child, §§ **C.90.5, T.95**

## INDEX

### **SAME-SEX RELATIONSHIPS**

#### **—Cont'd**

Unemployment insurance, rights of domestic partners related to, § **U.180**

VisitationSee VISITATION

In vitro fertilization, both partners are mothers of resulting children where one donated ova to other for, § **G.166.19**

Wrongful death, domestic partners' right to sue for, § **U.170**

### **SANCTIONS**

Allocation of payment between attorney and client, § **A.46.4**

AppealsSee APPEALS

Bad-faith actions or delaying tactics

CCP § 128.5See subhead: CCP § 128.5: Bad-faith actions or tactics

CCP § 128.7See subhead: CCP § 128.7: Attorney certification

Breach of fiduciary duty to spouse, §§ **J.80.3.0.6.5, J.80.3.5, J.80.3.10**

Cal Rules of Court, rule 227 (now rule 2.30); then-current, § **S.168.1**

CCP § 128.5: Bad-faith actions or tactics

Attorney not counsel of record, §§ **A.16.1.0.4, A.16.1.0.4.5**

Availability, §§ **A.16.1-A.16.1.0.5**

Award based on bad-faith actions and/or delaying tactics, § **A.16.1**

Consequential damages generally unavailable, § **A.16.1.8**

Contingent-fee basis, attorney who represents client on, § **A.16.1.13**

Date applicable, § **A.16.1**

Discovery abuse, conduct previously sanctioned as, § **A.16.1.5**

Effect of amendment, § **A.16.1**

Expenditures and business losses reimbursable, § **A.16.1.0.3.5**

Failure to appear, § **A.16.1.0.7**

Flaherty test for frivolous appeals applied to motion for sanctions, § **A.16.1.0.5**

Judicial officer hearing motion for sanctions, § **C.68.0.4.5**

New causes of action, § **A.16.1.1**

### **SANCTIONS—Cont'd**

CCP § 128.5: Bad-faith actions or tactics

#### **—Cont'd**

Notice and hearing required, § **A.16.1.0.6**

Order specific and in writing, § **A.16.1.0.6.1**

Request for CCP § 128.7 sanctions inadequate to give notice under, § **A.16.1.22**

Resisting motion for, § **A.16.1.1-A.16.1.8**

Safe-harbor provisions, § **A.16.1**

Showing of bad-faith or frivolous or meritless action, § **A.16.1**

Technically correct procedures sanctionable if in bad faith or frivolous, § **A.16.1.0.3**

Time for raising issue of sanctions, § **A.16.1**

Trial court, sanctions not payable to, § **A.16.1.0.1**

CCP § 128.7: Attorney certification

Attorney or party required to sign pleadings, § **A.16.1.25**

Basis for imposition of sanctions, § **A.16.1.20**

Conditions certified to by attorney presenting papers, § **A.16.1.30**

Date applicable, § **A.16.1.20**

Dismissal not mandated for unsigned pleadings, §§ **A.16.1.37, T.9.7**

Improper sanctions motion sanctionable, § **A.16.1.45**

Law firms, liability of, § **A.16.1.35**

Pro per attorneys cannot be awarded fees as sanctions, § **A.16.1.36**

Reconsideration, procedural rules in § 128.7 apply to sanctions under CCP § 1008 governing, § **A.16.1.22**

Request for CCP § 128.5 sanctions inadequate to give notice under, § **A.16.1.22**

Safe-harbor provision, § **A.16.1.35**

Signing pleadings constitutes certification, § **A.16.1.30**

Specificity of order, § **A.16.1.35**

Striking unsigned papers, § **A.16.1.25**

Violations warranting sanctions, § **A.16.1.35**

**SANCTIONS—Cont’d**

CCP § 128.7: Attorney certification  
—Cont’d

When inapplicable, §§ **A.16.1.40**,  
**A.16.1.42**

Withdraw or correct challenged plead-  
ing, § **A.16.1.35**

CCP § 177.5: Violation of court order  
without good cause or substantial  
justification, §§ **A.115.10**, **S.168.1**

CertificationSee subhead: CCP § 128.7:  
Attorney certification

Child abuse or neglect, sanctions for  
false allegations of, § **G.173.15**

Client Security Fund, § **A.125.3.4**

Conduct justifying fees as, §§ **A.18.3.1-**  
**A.18.3.35**, **A.30.10**

Conduct unrelated to attorney fees/costs  
not sanctionable under Fam C  
§ 271, § **A.18.3.4.0.1**

Contempt compared, § **S.168.1**

Court rule violation, monetary sanctions  
for, § **A.115.10.15**

Custody evaluation report, unwarranted  
disclosure of, §§ **G.84.2**, **G.173.10**,  
**P.56**

Disciplinary proceedings against  
attorneys, § **A.125.3.4**

DiscoverySee DISCOVERY

Disobeying court order without good  
cause, §§ **A.115.10**, **S.168.1**

Due-process requirements, § **A.16.1.0.6**

Ethical duties of attorneys, § **A.46.4**

Excessive settlement demands, Fam C  
§ 271 fee award for, § **A.18.3.1.15**

Fam C § 271, §§ **A.18.3.1-A.18.3.35**,  
**A.30.10**

Family Law attorney real property lien,  
challenges to, § **A.18.3.4.0.2**

Fees as sanctions

Actual injury not required,  
§ **A.18.3.1.3**

Anticipated fees, award of, § **A.18.3.1**

Attorney’s benefit, unavailable when  
requested solely for,  
§ **A.18.3.4.0.2**

Conduct justifying, §§ **A.18.3.1-**  
**A.18.3.35**, **A.30.10**

Conduct unrelated to attorney fees/  
costs not sanctionable,  
§ **A.18.3.4.0.1**

**SANCTIONS—Cont’d**

Fees as sanctions—Cont’d

Counsel’s conduct, sanctions based  
on, §§ **A.18.3.1**, **A.18.3.3.5**,  
**A.18.3.35**

Delayed settlement and increased  
litigation costs, § **A.18.3.1.25**

Dismissal of joinder complaint, juris-  
diction to award sanctions  
despite, § **A.18.3.4.0.4**

Excessive settlement demands,  
§ **A.18.3.1.15**

Fee-shifting to impose liability on  
obstructing party, § **A.18.3.4.0.2**

Frivolous appeal from sanctions  
order, § **R.54.3**

Hearing on sanctions, § **A.18.3.1.2**

Inherent authority to order,  
§ **A.115.10.10**

Insufficiently tethered expenses,  
§ **A.18.3.1**

Lying during trial, § **A.18.3.10**

Misrepresentations to appellate court,  
§ **A.115.10.10**

Moving party’s conduct,  
consideration of, § **A.18.3.1.30**

New trial on contempt action, merit-  
less motion for, § **A.18.3.1.20**

Notice and hearing, § **A.18.3.1.2**

Postdismissal jurisdiction to decide  
motions for sanctions,  
§ **A.18.3.4.0.4**

Procedural requirements for Fam C  
§ 271 sanctions, § **A.18.3.3**

Prompt compliance with court order,  
§ **A.18.3.1.10**

Pro per litigants, §§ **A.16.1.36**,  
**A.18.3.1**, **A.18.3.1.20**, **D.123.10**

Recalcitrance insufficient to award  
fees to non-needy spouse,  
§ **A.18.3.27**

Responsive pleading, request for  
sanctions made in, § **A.18.3.4.0.3**

Reversal based on litigant’s slim  
chance of prevailing, § **A.18.3.4**

Tharp decision, § **A.18.3.1.25**

Timeliness of motion, § **A.18.3.1.2**

Travel expenses and vacation time,  
§ **A.18.3.1**

Untimely anti-SLAPP motion,  
§ **A.103.3.0.39.20**



## INDEX

### **SANCTIONS—Cont'd**

- Final declaration of disclosure, failure to serve, § **C.63.3.5**
- Financial disclosure requirements, failure to comply with, §§ **J.80.3.0.10, J.80.3.0.30**
- FLARPL, challenges to, § **A.18.3.4.0.2**
- Frustrates settlement, conduct that, §§ **A.18.3.1-A.18.3.35, A.30.10, D.122.0.3.7**
- Improper sanctions motion sanctionable, § **A.16.1.45**
- Inadvertent receipt of privileged documents, §§ **A.115.11, D.103**
- Litigant's slim chance of prevailing, reversal of Fam C § 271 sanctions based on, § **A.18.3.4**
- Local court rules, noncompliance with, § **A.16.3.1**
- Mediation confidentiality provisions, applicability of, § **D.118.1**
- Misrepresentations to appellate court, § **A.115.10.10**
- Mistrial, motion for sanctions following, § **A.16.1**
- New trial on contempt action, meritless motion for, § **A.18.3.1.20**
- Notice and hearing, §§ **A.16.1.0.6, A.18.3.1.1**
- Payable by client, § **A.46.4**
- Procedural requirements for Fam C § 271 sanctions, § **A.18.3.3**
- Professional conduct rule violations not sanctionable, § **A.110.0.1.5**
- Prompt compliance with court order, § **A.18.3.1.10**
- Pro per litigants
  - Attorneys acting in pro per, §§ **A.16.1.36, D.123.10**
  - Fees as sanctions, §§ **A.16.1.36, A.18.3.1, A.18.3.1.20, D.123.10**
  - Status no excuse for actions that led to sanctions, § **A.18.3.1.20**
- Property payable from, § **A.30.10**
- Reconsideration, procedural rules in § 128.7 apply to sanctions under CCP § 1008 governing, § **A.16.1.22**
- Reporting imposition on attorneys, § **A.125.3**
- Rule violation, monetary sanctions for, § **A.115.10.15**

### **SANCTIONS—Cont'd**

- Safe-harbor period in CCP § 128.7, § **A.16.1.35**
- Set-aside for attorney fault, dismissal as terminating sanction subject to, § **T.11.20**
- Specificity of order imposing, §§ **A.16.1.0.6.1, A.16.1.35**
- Spousal support income of sanctioned party, payable from, § **A.30.1**
- Standing of employer to appeal sanction imposed on attorney-employee, § **A.115.10.5**
- Substitution of attorney as respondent in client's appeal of default judgment, § **A.71.47**
- Summary judgment, effect of, § **A.16.1.35**
- Terminating sanction, §§ **D.122.1-D.123.0.17**
- Tharp decision, § **A.18.3.1.25**
- Vocational evaluation order, failure to comply with, §§ **F.56.0.30, P.54**

### **SAVINGS AND INVESTMENT PLAN (SIP)**

- Beneficiary designation, failure to change, § **C.157.0.1.3**

### **SAVINGS BONDS**

- Disposition of proceeds, § **L.50.4**

### **SCHOOL RECORDS**

- Consumer records subject to subpoena, § **D.40**
- Noncustodial parent's access, §§ **G.26, G.142.5**

### **SCHOOLS**

- Campus violence protective orders, § **C.23.15**
- GenerallySee EDUCATION
- Support of adult childSee CHILD SUPPORT
- Vicarious liability for negligent hiring and supervision, § **G.197.10**

### **SEALING OF RECORDS**

- Constitutionality of statute requiring sealing of pleadings containing financial information, § **C.97.3.5**
- Discovery materials, applicability to, § **C.97.3**

## **SEALING OF RECORDS—Cont'd**

- Financial assets and liabilities, requests to seal pleadings identifying, § **J.80.3.0.10**
- Finding of compelling reasons and exceptional circumstances, § **C.97.3**
- Generally, § **C.97.3**
- Limited duration and periodic review, § **C.97.3**
- Privacy interest sufficient to support continued, § **C.97.3**
- References to parent's juvenile records redacted from family law records, § **C.97.3.10**

## **SEARCHES**

- Domestic violence protective orders, search warrants for weapons owned by subjects of, § **C.15.0.3.4.5**
- Firearm restrictions, search warrants for firearms owned by persons subject to, § **C.15.0.3.4.5**
- Gun violence restraining order respondents, § **C.13.50**
- Medical examination of child, parental notification and consent to, § **G.181**
- Warrantless search of shared dwelling, evidence obtained where co-occupant consented to, § **P.113.20**

## **SECURITIES FRAUD**

- Attorney's misappropriation of confidential information re pending tender offer, § **A.121.15**
- Community stock, claim based on misrepresentation of value of, §§ **C.163, T.29.5**

## **SECURITY**

- Attorneys' feesSee **ATTORNEYS' FEES**
- Child-support deposit, §§ **E.65.5-E.65.20, S.56.0.10.5-S.56.0.10.20**
- Data breachSee **DATA BREACH**
- Spousal supportSee **SPOUSAL SUPPORT**

## **SEIZED PROPERTY**

- Child-support claim does not have priority over restitution claims, § **S.42.2**
- Community-property interest in drug-trafficking proceeds, §§ **S.42.3, S.42.3.1**

## **SEIZED PROPERTY—Cont'd**

- Disposition, § **S.42.3**
- Embezzlement by spouse, restitution for, § **J.84.1.2.15**
- Firearms seized at scene of domestic violence, § **C.15.0.3.4.5**
- Gun violence restraining order respondents, § **C.13.50**
- Innocent spouse, rights of, §§ **J.84.1.2.1, J.84.1.2.15, S.42.2, S.42.3**
- Joint owners, § **S.42.3.5**
- Procedures modified to remedy abuses by law enforcement agencies, § **S.42.3.5**
- Sufficient title and interest in family home to contest forfeiture, § **S.42.3.2**

## **SELF-INCRIMINATION**

- Child support proceedings, § **P.87.4**
- Contemnor, § **S.146.2**
- Dependency proceedings, § **P.87.4**
- Judgment debtor examination, § **S.59.15**
- Permissible sanctions, § **D.109**
- Waiver of privilege, § **D.109**

## **SEPARATE PROPERTY**

- See **COMMUNITY OR SEPARATE PROPERTY**

## **SEPARATION**

- DateSee **DATE OF SEPARATION**
- Income taxesSee **INCOME TAXES**

## **SERVICEMEMBERS CIVIL RELIEF ACT**

- See **MILITARY PERSONNEL**

## **SERVICE OF PAPERS**

- Bifurcated issue, motion on, §§ **C.29.4.20, S.21.10**
- Civil harassment order, petition for, § **C.16.5**
- Contempt proceedings, § **S.142**
- Domestic violence orders, §§ **C.9.10, C.14.5.3**
- Electronic service, § **C.29.4.70**
- Extension of notice period or time to respond to electronically served document, § **C.29.4.72**
- Fax transmission, §§ **C.29.4.70, C.29.4.72, C.29.4.74**

## INDEX

### **SERVICE OF PAPERS—Cont'd**

- Harassment, injunction prohibiting, § **C.20**
- Juvenile dependency orders and notices, service in foreign country of, § **B.1.13**
- Local child-support agency, service of pleadings through, § **S.64.2.1.35**
- Opposition and reply papers, § **C.29.4.20**
- Overnight delivery, §§ **C.29.4.70, C.29.4.72, C.29.4.74**
- Postjudgment motion, § **T.67**
- Registered process server fees recoverable as cost, § **S.20**
- Set-aside motion, notice of, § **T.44**
- Temporary custody orders, § **G.95**
- Time limit for filing and serving moving and supporting papers, §§ **C.29.4.20, C.29.4.40, C.84.11**
- UCCJEA, proceedings under, § **H.83**
- Writ of execution, §§ **S.21.10, S.44.30, S.47**

### **SERVICE OF PROCESS**

- Acknowledgment of receipt, § **B.5.1.1**
- Acquisition of jurisdiction, §§ **B.1.10, B.53.0.1**
- Allowable costs, § **A.24**
- Assisting client to avoid, § **A.109**
- Automatic temporary restraining orders effective on, § **C.1.0.1**
- Compliance with statutory service requirements, § **B.1.7**
- Dismissal for failure to timely serve, §§ **C.29.12-C.29.13.15**
- Electronic summons, § **C.29.4.70**
- Failure to serve first, § **A.125.2**
- Financial institution, designated central location for service on, § **S.47**
- First in time rule, § **B.53.0.1**
- Fraudulent proof of service, § **T.27.2**
- General appearance, effect of, § **B.5.2**
- Hague Service Convention, applicability to juvenile proceedings of, § **B.1.13**
- Mail, service by, §§ **B.1.12, B.5.1.6**
- Physical presence in state, §§ **B.4.3, B.5.4**
- Post office box or commercial mailbox, service at, § **B.1.12**

### **SERVICE OF PROCESS—Cont'd**

- Priority of service determines jurisdiction, § **B.53.0.1**
- Publication, due diligence required, § **B.1.10**
- Substituted service, §§ **B.1.12, B.5.1.6**
- Transient jurisdiction, § **B.4.3**
- Waiver of defects in, § **B.5.2**

### **SETOFF AND COUNTERCLAIM**

- Right to setoff to assert cross demand for money, § **A.16.3.2.2**

### **SETTING ASIDE JUDGMENTS**

- Accompanying papers with CCP § 473 motion, § **T.8**
- Adoption decree, §§ **G.167.20, G.168.0.36**
- Appeal of order granting or denying motion, § **T.12**
- Arbitration award, §§ **C.47.7, T.8.15, T.11.5**
- Attorney-client relationship continues for purposes of accepting service of or responding to CCP § 473 motion, § **T.8.25**
- Attorney's affidavit of fault, mandatory set-aside based on, §§ **T.7, T.9.1-T.11.20**
- Authority for, § **T.6**
- Award of 100% of value of undisclosed asset, §§ **J.80.3.2.5, J.80.3.2.15**
- Calendaring error, § **T.11.8**
- Causation, mandatory set-aside unavailable for failure to properly present evidence of, § **T.11.15**
- Civility requirement, § **T.8.40**
- Commissioner who awarded terminating sanctions has jurisdiction to hear motion, § **T.8.30**
- Cooperation of parties in bringing action to trial, § **T.8.40**
- Default judgmentSee **DEFAULT PROCEEDINGS**
- Denial of relief under attorney affidavit of fault, § **T.9.10**
- Disclosure declarations, failure to exchange, §§ **C.63.3.5, J.80.3.0.30, T.33.6.15**
- Emails insufficient to give due process notice, § **T.8.40**

## SETTING ASIDE JUDGMENTS

### —Cont'd

Equitable set-asideSee EQUITABLE SET-ASIDE

Error to deny relief under CCP § 473(b) where counsel clearly to blame, § **T.9.7**

Excusable neglect

- Discretionary set-aside, conduct for purposes of, § **T.8.40**
- Emails insufficient to give due process notice, § **T.8.40**
- Mandatory provisions in CCP § 473(b), § **T.9.5**
- Summary judgment based on procedural error, abuse of discretion to grant, § **T.8.40**

Expert witness, applicability of mandatory set-aside where attorney failed to list, § **T.11.15**

Failure to exchange disclosure declarations, §§ **C.63.3.5, J.80.3.0.30, T.33.6.15**

Fault, attorney's affidavit of, §§ **T.7, T.9.1-T.11.20**

Fraudulent proof of service, § **T.27.2**

Grounds, § **T.33.6.15**

Independent action, §§ **T.34.1.5, T.35, T.36**

Judgment exceeds relief requested, §§ **C.150.5-C.150.7.15**

Judicial error, relief unavailable under CCP § 473 for, § **T.8.5**

Jurisdiction to hear CCP § 473 motion, § **T.8.30**

Lack of civility between attorneys, § **T.8.40**

Lack of notice, set-aside based on, § **T.33.6.60**

Malpractice action, attorney affidavit of fault inadmissible in, § **T.8.20**

Mandatory set-aside provisions of CCP § 473(b), §§ **T.9.1-T.11.20**

Mistake, inadvertence or excusable neglect, §§ **T.6-T.12**

Mistake of law, set-aside based on, § **T.8.10**

Motion to vacateSee MOTION TO VACATE

MSA property transfer set aside per Uniform Voidable Transactions Act, § **T.36.3**

## SETTING ASIDE JUDGMENTS

### —Cont'd

Not solely attributable to attorney error, availability of relief under CCP § 473(b) where default/dismissal, § **T.9.15**

Omitted assets, §§ **T.68.25-T.68.30**

Paternity judgments, § **E.0.0.15.10**

Procedural equivalent of default, applicability of mandatory set-aside provisions of CCP § 473(b) to, § **T.11.8**

Proposed answer or other pleading must accompany CCP § 473 motion, § **T.8**

Renewed application for CCP § 473(b) relief governed by statutory requirements for renewed motions, § **T.8.12**

Self-represented litigants, § **T.8.45**

Six-month deadline, § **T.7**

Statutory authority, § **T.6**

Stipulated settlement, §§ **T.69-T.90**

Stock value

- Equitable set-aside based on post-division increase in, § **T.33.6.12**
- Misrepresentation of, §§ **C.163, T.29.5**

Substantial compliance doctrine, § **T.8**

Summary dissolution, § **T.33.6.17**

Summary judgments

- Applicability of mandatory set-aside provisions of CCP § 473(b) to, § **T.11.8**
- Procedural error, abuse of discretion to grant summary judgment based on, § **T.8.40**

Support-enforcement action, default judgment in, §§ **S.64.2.1.80, T.33.6.50**

Support orders set aside on grounds of fraud, perjury, or lack of notice, § **T.33.6.60**

Termination of parental rights, §§ **G.168.1.10, G.168.1.20**

Time limit for filing motion under CCP § 473, § **T.7**

Tribal customary adoption of Indian children, § **G.168.0.90**

Unsigned pleadings, error to refuse to set aside dismissal for, § **T.9.7**

## SETTING ASIDE JUDGMENTS

### —Cont'd

Void judgment or order, §§ **T.21.1-T.21.3**

## SETTLEMENT

### Attorneys

Authority to bind clients, §§ **A.110.1-A.110.10, C.86**

Authority to settle before withdrawing, § **A.115.17**

Charging liens, §§ **A.65.3-A.65.4**

Communication of settlement offer to client, § **A.110.1**

Distribution of settlement proceeds, § **A.103.0.0.0.6**

Ethical limits on attorney statements during settlement negotiations, § **A.115.17**

Obligation to notify former counsel of settlement, §§ **A.65.3.15, A.106.10**

### Authority to settle

Attorney authority to bind clients, §§ **A.110.1-A.110.10, C.86**

Fee agreement containing reasonable limitations on client's authority to settle enforceable, § **A.49.2**

Bankruptcy stay in effect at time of settlement agreement, § **O.30**

Change in law after, § **A.111**

Childhood sexual abuse, confidential settlement agreements prohibited in civil suits based on, § **G.193.3**

Child's settlement, failure to name client sole beneficiary of, § **E.42.5**

Confidentiality clause, fee agreement may provide for larger fees for clients who agree to, § **A.49.2.5**

Contingent-fee agreement provision requiring client to proceed to settlement or trial void, §§ **A.55.1, A.59.5**

Date of performance extended on enforcing settlement per CCP § 664.6, § **C.87.1.0.25**

Directly with adverse party, §§ **A.110.0.1-A.110.0.10**

Disappearance of client, attorney's ethical duties on, § **A.110.10**

Discovery of offer, §§ **A.110.1, D.117**

## SETTLEMENT—Cont'd

Distribution of settlement proceeds, breach of fiduciary duty in, § **A.103.0.0.0.6**

Duress, coercion or fraud, rescission on grounds of, § **C.87.1.0.22**

Enforcement of stipulated settlement, §§ **C.87-C.88.5**

Ethical limits on attorney statements during settlement negotiations, § **A.115.17**

Excessive settlement demands, Fam C § 271 fee award for, § **A.18.3.1.15**

Execution of stipulated settlement, § **C.85**

Fees as sanctions for failure to settle, § **A.18.3.27**

Guardian ad litem's motion to enforce settlement agreement, § **C.87.1.0.30**

Juvenile court terminated jurisdiction, refusal to accept settlement agreement of parties re custody when, § **G.3.2.4**

Litigants judicially estopped from challenging enforceability of settlement agreement, § **C.87.1.0.23**

Mandatory set-aside for attorney error inapplicable to judgment based on unopposed motion to enforce settlement agreement, § **T.11.18**

Mandatory set-aside for attorney error inapplicable to voluntary dismissals based on settlements, § **T.11.7**

Mediation confidentiality provisions, effect of, §§ **D.118.3, D.118.5**

Misrepresentations in settlement negotiations, § **A.115.17**

Motion to enforce settlement per CCP § 664.6, §§ **C.87.1.0.5-C.87.1.0.25**

Negotiated without attorneys, §§ **A.110.0.1-A.110.0.10**

### Offer

Acceptance by married plaintiffs suing on community claim, § **A.16.3.6**

Communication of settlement offer to client, § **A.110.1**

Discovery of offer, §§ **A.110.1, D.117**

Inapplicability of CCP § 998 to family law proceedings, § **A.16.3.6**

## **SETTLEMENT—Cont'd**

- Parent's debt for reimbursement of public assistance paid for child, compromise of, § **S.64.2.1.52**
- Pro per litigant, limited representation of, § **A.110.5**
- Sanctioning conduct that frustrates, §§ **A.18.3.1-A.18.3.35, A.30.10, D.122.0.3.7**
- Setting aside stipulated settlement, §§ **T.69-T.90**
- Statute of limitations applied in action for breach of settlement agreement, § **C.87.5**
- Stipulated reversals, restriction on, § **C.88.5**
- Stipulated settlement
  - Enforcement, §§ **C.87-C.88.5**
  - Execution, § **C.85**
  - Setting aside, §§ **T.69-T.90**
- Subsequent action, no enforcement of written settlement in, § **C.87.1.1**
- Successor attorney obligated to notify former counsel of settlement, §§ **A.65.3.15, A.106.10**
- At time of trial, § **C.64**
- Unsealing court records sealed as condition of settlement, § **C.97.3**

## **SETTLEMENT CONFERENCE**

- Appeals, §§ **R.70.5-R.73**
- Attorney's duties, § **C.57**
- Client's attendance, § **C.50**
- County rules, § **C.48**
- Failure to comply with mandatory procedures, § **C.52**
- Failure to reach agreement, § **C.59.1**
- Partial agreement, § **C.59**
- Powers of judge, § **C.54**
- Pre-trial statement, § **C.51**
- Procedures, §§ **C.53, C.54, C.55**
- Record of settlement, § **C.58**
- Telephone appearance, § **C.50**
- Type of, § **C.49**

## **SETTLEMENT OFFER**

- See **SETTLEMENT**

## **SEVERABILITY**

- Marvin agreement, severability of unlawful part of, § **U.76.10**

## **SEVERABILITY—Cont'd**

- Premarital agreement, severability of invalid provisions of, **U.110.6**
- Presumption under CSRA of ability to pay is unconstitutional but severable, § **S.78.8**

## **SEVERANCE**

- See **JOINT TENANCY**

## **SEX EDUCATION**

- Parents do not have constitutionally protected right to control, § **C.160.6.20**

## **SEX OFFENSES**

- Attorneys' fee award on conviction for sexual felony against spouse, § **A.16.0.0.5**
- Custody determination, § **G.42**
- DNA evidence admissibility, §§ **E.0.0.16.10, E.0.0.16.12**
- HIV testing, § **C.15.1.5**
- Personal data on children, distribution of, § **G.198.10**
- Restitution of victims, §§ **C.15.0.5-C.15.0.6.5**
- Restraining orders prohibiting offender from harassing minor victim, **C.1**
- Sexual battery, § **C.15.0.1.4**
- Spousal rape, § **C.15.0.3.7**
- Violent sexual felony against spouse, conviction for, §§ **A.16.0.0.5, C.15.0.1.30, F.53.4, J.92, J.100.28, L.115.6.10, M.4.15**

## **SEXUAL ABUSE**

- See **CHILD ABUSE**

## **SEXUAL ASSAULT**

- Address confidentiality program, § **C.22.50**
- Burden of proof of victim-counselor privilege, § **D.92**
- Eviction based on abuser's actions, protection from, § **C.22.60**
- Incident report, requirement to provide victim with copy of, § **C.14.6**
- Juvenile court restraining orders, § **C.1**
- Refusal of victim to testify, § **P.14.3**
- Rental agreement, release from, § **C.22.60**



## INDEX

### SEXUAL ASSAULT—Cont'd

Victim-counselor privilege, §§ **D.92**,  
**P.87.1**

### SEXUAL HARASSMENT

Mediation agreement and litigation privilege, § **C.160.5**

Mental examinations, § **D.67**

Professionals, cause of action against,  
§ **A.108.10**

Vicarious liability of public school district, § **G.197.10**

Withholding of legal services combined with, § **A.108.0.23**

### SEXUALLY EXPLICIT MATERIALS

Cause of action for invasion of privacy though distribution of, § **C.97.3.2**

Privacy claims re patients viewing or possessing child pornography,  
§§ **G.188**, **P.86**

### SEXUAL ORIENTATION

Free-speech and religious rights do not exempt doctors from prohibition against discrimination based on,  
§ **U.200**

Sexual orientation based violence, damages action for, § **C.15.0.1.20**

### SEXUAL RELATIONS

Attorney-client, §§ **A.108.0.5**-  
**A.108.0.23**

Nonmarital cohabitation, § **U.68**

Psychotherapist-client, §§ **A.108.0.25**,  
**A.108.1**, **A.108.3**

### SHARES AND SHAREHOLDERS

Closely held share valuation, §§ **M.67.1**-  
**M.67.9.1**

Income for child-support purposes,  
§ **E.22.7.3**

Lost appreciation from sale of community stock in violation of ATRO, award of, § **C.1.0.15**

Minority shareholder protection,  
§ **M.104.2**

Misrepresentation of value, remedy for,  
§§ **C.163**, **T.29.5**

Post-division increase in value,  
§ **T.33.6.12**

Support obligors' securities, process for liquidating, § **S.64.2.2.8**

### SIBLINGS

Abuse of sibling, assumption of jurisdiction by juvenile court based on,  
§ **G.168.1.9**

Consolidated petition to terminate parental rights, § **G.167.55**

Counsel for siblings relieved where there is actual conflict of interest,  
§ **A.113.5**

Disabled child and siblings, custody of,  
§ **G.27.5**

Free minors from parental custody/control, consolidated petition to,  
§ **G.168.5**

High-earner exception to statewide support guideline, effect of,  
§ **E.22.8.12**

Indian Child Welfare Act placement preferences, good cause to deviate from, § **G.171.55**

Parental rights termination, interference with sibling relationship exception to, § **G.168.0.85**

Postadoption contact, § **G.146.3**

Procedure to assert sibling relationship and request postadoption visitation,  
§ **G.146.3**

Reunification services denied to parent who previously failed to reunify,  
§ **G.168.1.30**

Separation of siblings, parent's move resulting in, § **G.138.39**

Split custody, §§ **G.18**, **G.27.5**

Visitation in juvenile dependency cases,  
§ **G.142.0.2.10**

Waiver of confidentiality filed by siblings, § **G.146.3**

### SIGNIFICANT-CONNECTIONS

See UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)

### SISTER-STATE JUDGMENTS

See FOREIGN JUDGMENTS

### SISTER STATE MONEY JUDGMENTS ACT

Attorneys' fee award, §§ **A.16.2**, **S.175**

Generally, §§ **S.169**, **S.170**

Procedure under, §§ **S.171**-**S.174.1**

**SISTER STATE MONEY**

**JUDGMENTS ACT—Cont'd**

Support arrearages, enforcement of judgments for, § **S.176**

**SLAPP SUITS**

See ANTI-SLAPP STATUTE

**SMALL CLAIMS COURT**

Generally, § **S.20.2**

**SOCIAL MEDIA**

See INTERNET

**SOCIAL SECURITY**

Bifurcation, effect of, § **C.63.0.1**

Characterization, §§ **L.69-L.72.10**

Child-support credit, §§ **E.34.1-E.34.6**

Derivative benefits, §§ **E.22.7.3, E.34.3, L.72**

Discovery, §§ **N.57.5-N.60**

DMV records use restricted, §§ **S.61.1, S.61.6**

Driver's license, proof of identity by applicants for, § **S.61.1**

FICA deductions See INCOME TAXES

Paternity, establishment of, §§ **E.0.0.13.25, E.0.0.13.30**

Posthumously conceived children, § **E.0.0.13.35**

Primary benefits, § **L.69**

Putative spouse's qualification for widow's benefits, § **C.0.4.1.1.5**

Receipt of pension share affects benefits, § **L.166.1**

Survivor benefits, §§ **E.0.0.13.20, E.34.6, L.72.1**

**SOCIAL WORKERS**

Child abuse, duty to report, § **G.175**

Conflict of interests, § **G.168.1.15**

Immunity, §§ **A.103.1.20, G.142.5, G.181, G.182**

Removal of child from parental custody without judicial authorization, § **G.181**

Restraining order to protect, **C.1**

**SOLICITATION**

See ATTORNEYS

**SPECIAL IMMIGRANT JUVENILE STATUS**

Eligibility, § **G.166.3.35**

Nonviability of reunification determination, § **G.166.3.35**

**SPECIALISTS**

See ATTORNEYS

**SPECIAL MASTER**

Custody proceedings, § **G.84.12**

Jurisdiction to discipline psychologist serving as, § **G.84.14**

Spousal-support modification, § **F.56.0.10**

**SPOUSAL SUPPORT**

Ability to pay, §§ **F.17.5, F.52.10, F.54.5, F.56.0.5, F.97.1**

Ability to seek and obtain employment, § **F.56.0.30**

Abusive spouses, restrictions on support to, § **F.53.4**

Adult child's support by recipient-spouse considered in modifying, §§ **E.56.3.1, F.97.62**

Alienated assets, indirect control of, §§ **A.18.2.10, F.17.5**

Amount of award

Abuse of discretion, § **F.54**

Applying criteria, § **F.54.2**

Case-law applications, §§ **F.53.6-F.56.0.10**

Component of long-term spousal support order, § **F.52**

Computer software, use of, §§ **F.54.2, P.102.7**

Consideration of all statutory factors required, § **F.54.2**

Criteria, § **F.52.10**

Factors, § **F.52.10**

Health insurance, § **F.56.1 et seq.**

Improper delegation of authority, § **F.56.0.10**

Life insurance, § **F.56.5.10**

Local temporary spousal support guidelines, §§ **F.13.10, F.54.1**

Marital standard of living, §§ **F.52.10, F.56.0.0.1**

Permanent support higher than temporary support, § **F.3**

**SPOUSAL SUPPORT—Cont'd**

Annuity for supported spouse, award of amount sufficient to purchase,  
§ **F.56.5.10**

**Appeal**

Accepting support pending appeal of award, § **R.55.0.1.2**

Authority for support pending, § **F.51**

Importance of request pending,  
§ **R.54.20**

Modification pending, §§ **A.4,**  
**R.55.0.2**

Staying execution pending appeal,  
§ **R.55.0.3**

Temporary orders, §§ **F.48.10, F.50,**  
**R.55.0.1.1**

Termination of jurisdiction while appeal pending, § **R.55.0.5**

**Attorneys' fees**

Brevity of marriage, denial based on,  
§ **A.18.2.8**

Forms required to be filed by party seeking order, § **C.29.4.20**

Postjudgment award, §§ **A.3.1,**  
**A.18.2.5, A.29, A.29.0.1**

Sanctions payable from sanctioned party's spousal support income,  
§ **A.30.1**

UIFSA proceedings, § **S.178.20**

Waiver, §§ **A.29, A.29.0.1, A.29.1**

Bad faith transfer of business to avoid support obligation, § **F.97.17**

BankruptcySee **BANKRUPTCY**

Bonuses, §§ **F.56.0.0.1, F.97.22,**  
**M.104.3**

Business, discretion to exclude funds reinvested in, § **F.54.10**

**Capital assets**

Income production, investment for,  
§ **F.56.0.45**

Sale of, § **F.56.0.45**

**Change of circumstances**

Case-law applications, §§ **F.97.0.2-**  
**F.98.5**

Child-support order, termination of,  
§ **F.97.65**

Cohabitation with nonmarital partner,  
§ **F.100.1.15**

Decreased ability to pay, §§ **F.97.10-**  
**F.97.25**

**SPOUSAL SUPPORT—Cont'd**

**Change of circumstances—Cont'd**

Discretionary bonus income,  
§ **F.97.22**

Effect of agreement as to what constitutes, § **F.97**

Increased ability to pay, § **F.97.1**

Life insurance premiums, supported spouse paying, § **F.98.5**

Monetary gifts, § **F.97.0.15**

Passage of time alone, § **F.97**

Pursue degree rather than seek full-time work, decision to,  
§ **F.97.0.2**

Retirement accounts without penalty, eligibility to withdraw from,  
§ **F.98.3**

Self-sufficiency, failure to achieve,  
§§ **F.97, F.97.0.2-F.97.0.15**

Step-up based on change in circumstances that supported previous reduction, § **F.63**

Temporary orders, modification of,  
§ **F.44.10**

Unrealized expectation of self supportSee subhead: Unrealized expectation of self support

**Child support**

Abuse of discretion to award support to self-sufficient noncustodial parent that undercuts, § **F.97.60**

Adult child, consideration of recipient-spouse's support of,  
§§ **E.56.3.1, F.97.62**

College expenses of adult childSee subhead: Education

Guideline-mandated increase justified reducing spousal support,  
§ **F.97.60**

Incapacitated adult child, spousal support awarded under guise of support for, § **E.2.20**

Termination constitutes change of circumstances per Fam C § 4326,  
§ **F.97.65**

Time for modification request under Fam C § 4326 after termination of, § **F.97.65**

**Cohabitation**

Defined, § **F.100.1.20**

**SPOUSAL SUPPORT—Cont'd**

Cohabitation—Cont'd  
 Gifts and services in lieu of reimbursement for shared living expenses, § **F.100.1.25**  
 Income of partner, §§ **F.20.2, F.52.15, F.100.1.10**  
 Presumption of reduced need, §§ **F.100.1.15, F.100.1.25**  
 College expensesSee subhead: Education  
 Commitment ceremony without marriage license, effect of, § **F.48.7**  
 Components of support order, § **F.52**  
 Computer software, §§ **F.54.2, P.102.7**  
 Conservatee-spouse, support of, §§ **F.120, J.80.2.10**  
 ContemptSee CONTEMPT  
 Continuing, exclusive jurisdiction under UIFSA, §§ **F.88.2, S.177.32**  
 CPA testimony, § **F.17.5**  
 Death  
 Deductibility of support payments after death of recipient, § **N.106.4.7**  
 Of payor, §§ **F.81.5.10, S.24**  
 Of recipient, § **F.81.5.15**  
 Decreased needSee subhead: Stepdown  
 Deferred-sale-of-home order, § **K.60.2**  
 Delay in prosecution, existence of support order precludes dismissal for, § **C.29.14.2**  
 Deliberate reduction in income, §§ **F.19, F.97.25**  
 Disabled spouse, § **F.79.10**  
 Discovery  
 Order shortening time, § **F.13.5**  
 Postjudgment production, § **F.96.1**  
 Tax returns, §§ **F.13.15, N.67.1**  
 Temporary support, preparation for hearing on, § **F.13.15**  
 Disentitlement doctrine applied for failure to comply with orders, § **R.10.25**  
 Domestic violence conviction, § **F.53.4**  
 Domestic violence inflicted on children, denial based on, § **F.56.0.50**  
 Domestic Violence Prevention Act orders, § **C.13**

**SPOUSAL SUPPORT—Cont'd**

Duration of marriage, §§ **F.52.10, F.56.0.0.15, F.75-79.10**  
 Duty to support, § **F.7**  
 Earning capacity, §§ **F.19, F.52.10, F.54.5, F.56.0.8, F.62.25**  
 Education  
 Contribution of supported spouse, §§ **F.52.10, F.56.0.1, M.67.11, M.67.36**  
 Pursue degree rather than seek full-time work, decision to, § **F.97.0.2**  
 Recipient spouse's support of adult child considered in setting or modifying spousal support, §§ **E.56.3.1, F.97.62**  
 Reduced need for support, §§ **M.67.12, M.67.32**  
 Supporting spouse's payment of adult child's college expenses considered in determining ability to pay, § **F.97.62**  
 Total contributions of nonstudent, §§ **F.56.0.1, M.67.13.1**  
 Employment, supported spouse's ability to seek and obtain, § **F.56.0.30**  
 EnforcementSee ENFORCEMENT OF SUPPORT ORDERS  
 Evidence required for modification/termination of support, § **F.88.1**  
 Existence of valid marriage, §§ **F.0.5, F.1, F.2**  
 Expert testimony, § **P.24**  
 Extension of jurisdiction beyond termination date, §§ **F.72.2-F.72.3.1**  
 Failure to request in pleadings, § **F.81.3.5**  
 Family law facilitator, role of, § **C.29.4.4.21**  
 Financial declarations  
 Evidence of need, § **F.14**  
 Hearsay rule exception inapplicable in modification proceeding, § **P.69.15**  
 Modification proceedings, §§ **F.96.5, P.69.15**  
 Postjudgment production, § **F.96.1**  
 Retroactivity date for modification, effect of delay in filing on, § **F.88**

## INDEX

### SPOUSAL SUPPORT—Cont'd

- Flight to avoid paying spousal support, criminal offense of, § **S.56.0.12**
- Forms required to be filed by party seeking order, rule of court governing, § **C.29.4.20**
- Future stock options percentage as additional support, § **F.56.0.0.5**
- Good-faith efforts to become self-supporting, § **F.97.0.10**
- Good-faith motive for reduction of income, §§ **F.19, F.97.25**
- Health insuranceSee **HEALTH INSURANCE**
- Immigrant spouse's action to enforce sponsoring spouse's support obligation, §§ **B.26.2.2, F.110, S.59.50**
- Incarcerated support-recipient, § **F.81.3.10**
- Income-and-expense declarationsSee subhead: Financial declarations
- Income production, no requirement to invest for, § **F.56.0.45**
- Income taxesSee **INCOME TAXES**
- Increased ability to pay, § **F.97.1**
- Indian gaming revenues, payment to non-Native spouse from, § **F.13**
- Indirect control of alienated assets, §§ **A.18.2.10, F.17.5**
- Investment
  - Income production, § **F.56.0.45**
  - Invasion of principal, § **F.97.17**
  - Permanent award, consideration of savings history in making, § **F.56.0.0.10**
  - Temporary orders including portion for, §§ **F.20.3, F.56.0.0.10**
  - Unrealized expectation of self support due to imprudent management of assets, § **F.97.0.12**
- Job training, authority to order participation in, § **F.56.0.30**
- Judgment exceeds relief requested, § **C.150.6**
- Jurisdiction
  - Continuing, exclusive jurisdiction under UIFSA, §§ **F.88.2, S.177.32**
  - Error to terminate without considering factors in Fam C § 4320, § **F.54.5**

### SPOUSAL SUPPORT—Cont'd

- Jurisdiction—Cont'd
  - Extension beyond termination date, §§ **F.72.2-F.72.3.1**
  - Long-term marriageSee subhead: Long-term marriage
  - Personal jurisdiction required, §§ **B.1.2, B.35**
  - Reinstate previously terminated support, lack of jurisdiction to, § **F.72.3.1**
  - ReservationSee subhead: Reservation of jurisdiction
  - Short-term marriageSee subhead: Short-term marriage
  - State issuing support order, continuing jurisdiction of, §§ **F.88.2, S.177.32**
  - Support waived in exchange for pension benefits, equitable jurisdiction to reinstate, §§ **F.72.5, L.215.10**
  - Temporary support, § **B.53.1**
  - Termination of jurisdiction while appeal pending, § **R.55.0.5**
- Jurisdictional stepdown
  - Based on expectation of self support, § **F.64**
  - Intent to limit period of spousal support, § **F.71**
  - Negative option order, § **F.72**
  - Period of support after which jurisdiction reserved, § **F.64**
  - Reservation of jurisdictionSee subhead: Reservation of jurisdiction
  - Richmond order, § **F.72**
  - Termination dateSee subhead: Termination date
  - Unrealized expectation of self supportSee subhead: Unrealized expectation of self support
- Laches applied to enforcement claim, § **S.25.0.5**
- Life insurance
  - Beneficiary designation, authority to order, § **F.56.5.20**
  - Constructive trust imposed based on breach of obligation to maintain, § **F.56.5.25**
  - Insurable interest defined, § **F.56.5.10**

**SPOUSAL SUPPORT—Cont'd**

- Life insurance—Cont'd
  - Life of supporting spouse, maintenance on, § **F.56.5.10**
  - Supported spouse paying premiums, § **F.98.5**
- Long-term marriage
  - Jurisdiction retained indefinitely absent agreement or order, § **F.75**
  - Lack of discretion to terminate jurisdiction, § **F.76**
  - Parties' prior marriage considered in determining length of marriage, § **F.81.2**
  - Retention of jurisdiction, §§ **F.75, F.76**
  - Shorter marriage may be considered lengthy for support purposes, § **79.5**
  - Statutory factor considered in awarding support, § **F.52.10**
  - Statutory presumption, § **F.75**
- Lump-sum payment
  - Tax treatment, §§ **N.106.1, N.106.4.1**
  - Termination of jurisdiction over future spousal support impermissible, § **F.81.3.15**
- Marital standard of living
  - Amount of support, § **F.52.10**
  - Case-law applications, §§ **F.54.5, F.56-F.56.0.0.15**
  - Findings, § **F.56**
  - Income rather than expenses, determination based on, § **F.56.0.0.7**
  - Investments, §§ **F.20.3, F.56.0.0.10**
  - Modification proceedings, § **F.97.3**
  - Needs of each party based on, §§ **F.52.10, F.56**
  - Retired support-recipient, § **F.56.0.0.20**
  - Short-term marriage standard of living based on separate assets, § **F.56.0.0.15**
  - Stepdown in spousal support, § **F.56.0.0.25**
  - Substantial savings, parties' history of, § **F.56.0.0.10**
  - Support in excess of amount needed to maintain, § **F.56.0.0.1**
  - Temporary support, basis for, § **F.20.3**

**SPOUSAL SUPPORT—Cont'd**

- Marital standard of living—Cont'd
  - Unreasonable, effect of finding that standard of living was, § **F.97.3**
- Military allowances for housing and food includable in gross income for purposes of calculating support, § **E.22.7.3**
- Modification
  - Admissibility of financial declarations, § **P.69.15**
  - Attorneys' fees, §§ **A.3.1, A.18.2.5, A.29**
  - Change of circumstances, §§ **F.97-F.98.5**
  - Child-support increase mandated by guideline, § **F.97.60**
  - Child-support order, termination of, § **F.97.65**
  - Consideration of statutory factors, § **F.54.2, § F.97.16**
  - Delay in filing financial declarations, effect of, § **F.88**
  - Discharge in bankruptcy, effect of, §§ **F.84, O.77-O.79**
  - Disentitlement doctrine applied for failure to comply with orders, § **R.10.25**
  - Early retirement, §§ **F.97.15, F.97.16**
  - Enforcement as, §§ **F.100.1, S.44.10**
  - Evidence required for modification/termination, § **F.88.1**
  - Financial declarations, §§ **F.96.5, P.69.15**
  - Hearsay rule exception for affidavits, applicability of, § **P.69.15**
  - Improper delegation of authority, § **F.56.0.10**
  - Income derived from assets awarded in disso, § **F.98.2**
  - Marital standard of living, § **F.97.3**
  - Military service, stay based on active, § **F.100.8.5**
  - Out-of-state support orders, lack of jurisdiction to modify, §§ **F.88.2, S.177.32**
  - Pending appeal, effect of, §§ **A.4, R.55.0.2**
  - Pension awarded in property division, consideration of income from, § **F.97.5**



**SPOUSAL SUPPORT—Cont'd**

- Modification—Cont'd
  - Pension share, securing payment of, §§ **L.206-L.212**
  - Prefiling discovery, § **F.96.1**
  - Pursue degree rather than seek full-time work, decision to, § **F.97.0.2**
  - Retroactivity, §§ **F.48.1, F.88**
  - Service of postjudgment motion, § **T.67**
  - Service-related disability, effect on military retirement benefits of election to receive, § **L.88.11.15**
  - Simplified support modification, § **F.88.5**
  - Statutory authority, § **F.88**
  - Temporary orders, §§ **F.44.5-F.48.1**
  - Time for filing motion based on termination of child support, § **F.97.65**
  - Unrealized expectation of self supportSee subhead: Unrealized expectation of self support
  - Unreasonable standard of living, effect of finding of, § **F.97.3**
- Monetary gifts considered in calculating, § **F.97.0.15**
- Murder attempt, no support from spousal victim of, §§ **C.15.0.1.30, F.53.4**
- Needs assessment
  - Decreased needSee subhead: Stepdown
  - Establishing need for purposes of temporary support, § **F.14**
  - Marital standard of living, §§ **F.52.10, F.56**
- Negative option order, § **F.72**
- New-mate income, §§ **F.20.2, F.52.15, F.100.1.10**
- Nolo contendere plea to misdemeanor charge of domestic violence, § **F.53.4**
- Nonmarital partner, income of, §§ **F.20.2, F.52.15, F.100.1.10**
- Nonmodification agreements
  - Interpretation of clauses, §§ **F.102-F.106.5**
  - Payor's death, § **F.81.5.10**
  - Postjudgment, § **F.106.5**

**SPOUSAL SUPPORT—Cont'd**

- Nonmodification agreements—Cont'd
  - Recipient's death, § **F.81.5.15**
  - Recipient's remarriage, §§ **F.81.5.5, F.81.5.7, F.105.1**
  - Specific language precluding modification, § **F.103**
  - Statutory provision, § **F.101**
- Operation of law, termination by §§ **F.81.5.5, F.81.5.7, F.81.5.8**
- Payment of community obligations, §§ **F.82-F.84.1.1**
- Pendente lite ordersSee subhead: Temporary orders
- PensionsSee PENSIONS
- Personal jurisdiction required, §§ **B.1.2, B.35**
- Pleadings, failure to request in, § **F.81.3.5**
- Postjudgment production of financial declaration, § **F.96.1**
- Preference source, § **F.10**
- Premarital agreement provisions, § **U.110.5**
- Prior cohabitation or marriage of parties, consideration of, § **F.81.2**
- Profit-sharing contributions of supporting spouse, § **M.104.3**
- Property sufficient for proper support, denial based on, § **F.56.0.40**
- Reasonable work regimen, §§ **F.19, F.56.0.8, F.97.20**
- Recipient's remarriage, §§ **F.48.7, F.81.5.5, F.81.5.7, F.81.5.8, F.105.1**
- Reduction of income, earning capacity standard applied based on, §§ **F.19, F.97.25**
- Reimbursement
  - Cohabitant, shared living expenses, § **F.100.1.25**
  - Voluntary payments, § **F.6**
- Reinvested in business, discretion to exclude funds, § **F.54.10**
- Reservation of jurisdiction
  - Component of long-term spousal support order, § **F.52**
  - Default proceedings, § **F.81.3**
  - Extend support past termination date, jurisdiction to, § **F.72.2**

**SPOUSAL SUPPORT—Cont'd**

- Reservation of jurisdiction—Cont'd
  - Failure to request support in pleadings, § **F.81.3.5**
  - Interpretation of language in stipulated judgment, § **F.81.3.10**
  - Long-term marriage, §§ **F.75, F.76**
  - Negative option order, § **F.72**
  - Short-term marriage, § **F.76.2**
  - Vomacka decision, § **F.72.2**
- Res judicata does not preclude separate tort action based on domestic violence, §§ **B.26.2, C.15.0.1.12**
- Retirement
  - Bad faith transfer of business to avoid support obligation, § **F.97.17**
  - Change of circumstances justifying support reduction, § **F.98.3**
  - Early retirement, support modification based on, §§ **F.97.15, F.97.16**
  - Normal retirement age, payor may not be compelled to work beyond, § **F.97.17**
  - Retired and resumed working part-time, award based on income payor would receive if he, § **F.56.0.7**
  - Support-recipient, Gavron warning/income imputation not required for retired, § **F.56.0.0.20**
- Retirement plansSee PENSIONS
- Retrial when property award overturned, § **F.55.2**
- Retroactivity
  - Modification, §§ **F.48.1, F.88**
  - Temporary orders, § **F.13.4.5**
- Richmond order, § **F.72**
- Sanctions
  - Payable from sanctioned party's spousal support income, § **A.30.1**
  - Vocational evaluation order, failure to comply with, §§ **F.56.0.30, P.54**
- Security
  - Lien on supporting spouse's share of community property, § **F.86**
  - Statutory authority, § **F.85**
  - Staying execution pending appeal, § **R.55.0.3**
  - Temporary orders, § **F.41.5**

**SPOUSAL SUPPORT—Cont'd**

- Self-employed payor, § **F.17.5**
- Self-sufficiency
  - Failure to achieveSee subhead: Unrealized expectation of self support
- Retired support-recipient, § **F.56.0.0.20**
- Separate estate of supported spouse sufficient to terminate support, § **F.56.0.45**
- Severance package, § **F.17.5**
- Sexual felony against spouse, effect of conviction for violent, §§ **C.15.0.1.30, F.53.4**
- Short-term marriage
  - Disabled spouse, jurisdiction over support for, § **F.79.10**
  - Marital standard of living, § **F.56.0.0.15**
  - Prior cohabitation or marriage of parties, § **F.81.2**
  - Termination of jurisdiction over spousal support, § **F.76.2**
- Simplified support modification, § **F.88.5**
- Spousal duty of support, temporary support ordered to enforce, § **F.4.2**
- Standard of livingSee subhead: Marital standard of living
- Stepdown
  - Component of long-term spousal support order, § **F.52**
  - Decreased need finding
    - generally required to support stepdowns, § **F.62**
    - inapplicable where immediate reduction to lowest level justified, § **F.62.10**
  - Earning capacity of supported spouse, provisions based on, § **F.62.25**
  - Income of supported spouse, provisions linked to, § **F.62.20**
  - Jurisdictional stepdownSee subhead: Jurisdictional stepdown
  - Marital standard of living, § **F.56.0.0.25**
  - Substantive, §§ **F.61, F.62**
- Step-up based on change in circumstances that supported previous reduction, § **F.63**

**SPOUSAL SUPPORT—Cont'd**

- Substantive stepdown, §§ **F.61, F.62**
- Sufficient assets or income for self-support, denial based on, § **F.56.0.40**
- Survivor benefit plan, authority to order supporting spouse to maintain, § **F.56.5.30**
- Tax returns discoverable, §§ **F.13.15, N.67.1**
- Temporary orders
  - Ability to pay, § **F.17.5**
  - Ability to seek and obtain employment, § **F.56.0.30**
  - Appealability, §§ **F.48.10, F.50, R.55.0.1.1**
  - Changed circumstances rule, applicability of, § **F.44.10**
  - Commitment ceremony without marriage license, effect of, § **F.48.7**
  - CPA testimony, § **F.17.5**
  - Deliberate reduction in income, § **F.19**
  - Discovery and evidence, § **F.13.15**
  - Domestic violence, consideration of, § **F.13.4.4**
  - Earning capacity standard, § **F.19**
  - Enforcing duty of support, § **F.4.2**
  - Failure to rule on motions to modify, § **F.47.10**
  - Indian gaming revenues, payment to non-Native spouse from, § **F.13**
  - Investment component, §§ **F.20.3, F.56.0.0.10**
  - Local temporary spousal support guidelines, §§ **F.13.10, F.54.1**
  - Marital standard of living, maintenance of, § **F.20.3**
  - Modification, §§ **F.44.5-F.48.1**
  - Need, § **F.14**
  - Pendency of appeal, §§ **F.13.4.10, F.51**
  - Pending adjudication re foreign decree, § **B.53.1**
  - Purpose, § **F.3**
  - Reallocation of funds previously designated for child support based on domestic violence, § **F.13.4.4**
  - Recipient's attempted remarriage, § **F.48.7**

**SPOUSAL SUPPORT—Cont'd**

- Temporary orders—Cont'd
  - Retroactivity, § **F.13.4.5**
  - Security, § **F.41.5**
  - Self-employed payor, § **F.17.5**
  - Spousal duty of support, enforcement of, § **F.4.2**
  - Statutory authority, § **F.13**
  - Tax effect, §§ **N.33.1, N.95.5-N.97, N.106.4.7.5**
  - Voluntary support, §§ **F.4.5-F.12**
- Termination date
  - Explicit language terminating jurisdiction to extend support beyond, § **F.72.2.1.2**
  - Extension beyond, §§ **F.72.2-F.72.3.1**
  - Immediately terminating jurisdiction to extend, court erred by, § **F.72.2.1.5**
  - Lack of jurisdiction to reinstate previously terminated support, § **F.72.3.1**
  - Mutual mistake, termination date premised on, § **F.72.2.1.3**
  - Negative option order, § **F.72**
  - Richmond order, § **F.72**
  - Short-term marriage, § **F.76.2**
  - Unambiguous language terminating jurisdiction to extend support, § **F.72.2.1.2**
- Time of enforcement of premarital agreement, unconscionability at, § **U.110.5**
- Trust for supported spouse, authority to order supporting spouse to establish, § **F.56.5.10**
- Unconscionable premarital agreement provision, § **U.110.5**
- Unemployment, effect of payor's, § **F.56.0.5**
- Uniform Interstate Family Support ActSee UIFSA (UNIFORM INTERSTATE FAMILY SUPPORT ACT)
- Uniform Premarital Agreement Act provisions, § **U.110.5**
- Unrealized expectation of self support
  - Assumption of debt beyond means, § **F.97.0.13**
  - Changed circumstances for modification purposes, § **F.97.0.2**

## **SPOUSAL SUPPORT—Cont'd**

Unrealized expectation of self support  
—Cont'd

Failure to warn of need to become  
self-supporting, § **F.97.0.14**

Gift income as changed circum-  
stances, § **F.97.0.15**

Good-faith efforts to become self-  
supporting, § **F.97.0.10**

Imprudent management of assets,  
§ **F.97.0.12**

Lack of reasonable diligence,  
§ **F.97.0.7**

Psychological problems, § **F.97.0.11**

Reasonable efforts at self-support,  
§§ **F.97.0.2, F.97.0.10**

Retired support-recipient,  
§ **F.56.0.0.20**

Unreasonable delay in seeking  
employment, § **F.97.0.7**

Valid marriage, §§ **F.0.5, F.1, F.2**

Vocational evaluation

Authority to order, §§ **F.56.0.30, P.53**

Good cause to order vocational exam-  
ination, § **F.56.0.35**

Marital standard of living, assessment  
of ability to maintain,  
§ **F.56.0.30**

Sanctions for failure to comply,  
§§ **F.56.0.30, P.54**

Suitability for line of work,  
§ **F.97.0.10**

Vocational programs, authority to order  
participation in, § **F.56.0.30**

Void or voidable marriage, §§ **F.0.5, F.1**

Voluntary payments

Definition, § **F.6**

Reimbursement issue, § **F.6**

Tax effects, § **F.12**

Waiver

Premarital agreement, waiver in,  
§ **U.110.5**

Termination on recipient's remar-  
riage, §§ **F.81.5.7, F.81.5.8**

## **STABLE PLACEMENT**

See CUSTODY

## **STALKING**

Address confidentiality program,  
§ **C.22.50**

## **STALKING—Cont'd**

Campus violence protective orders,  
§ **C.23.15**

Civil liability, § **C.15.0.2.10**

Credible verbal or written threat,  
§ **C.15.0.2.10**

Criminal liability, § **C.15.0.2.5**

Defined, § **C.15.0.2.5**

Demand requirement and exception,  
§ **C.15.0.2.10**

Driver's license info, request to sup-  
press, § **C.15.0.2.15**

Elements of tort, § **C.15.0.2.10**

Emergency protective orders, § **C.12.5**

Eviction based on abuser's actions,  
protection from, § **C.22.60**

Gun violence restraining orders  
(GVRO), § **C.13.50**

Incident report, requirement to provide  
victim with copy of, § **C.14.6**

Interpreters' fees, § **C.1.1.4**

Interstate domestic violence and stalk-  
ing, § **C.15.0.6.10**

Juvenile court restraining orders, § **C.1**

Parole/probation conditions for domestic  
violence defendants, § **C.15.0.2.7**

Pattern of conduct, § **C.15.0.2.10**

Reckless disregard for plaintiff's safety,  
threat made with, § **C.15.0.2.10**

Release of convicted stalker, victim  
notification of, § **C.15.0.4**

Rental agreement, release from,  
§ **C.22.60**

Substantial emotional distress,  
§ **C.15.0.2.10**

Voter registration information,  
confidentiality of, § **C.15.0.2.15**

Workplace Violence Safety Act,  
§ **C.23.4**

## **STANDARD OF CARE**

Legal malpracticeSee MALPRACTICE

Management and control of community  
property, §§ **J.80.3.0.10-  
J.80.3.0.50, T.32.2**

## **STANDARD OF LIVING**

Child support, §§ **E.22.8.10.5,  
E.22.8.12, E.28, E.34, E.39.5**

Spousal supportSee SPOUSAL SUP-  
PORT

## INDEX

### STATE BAR

See ATTORNEYS

### STATE-CREATED DANGER DOCTRINE

Immunity denied where state actor  
affirmatively creates danger,  
§ C.15.3

### STATEMENT OF DECISION

Case-law applications, §§ R.40.1-R.40.7  
CustodySee CUSTODY  
Dependency proceedings, § R.40.6  
Distinctions between findings and  
conclusions, § R.41  
Evidentiary findings, § R.40.5  
Failure to issue statement subject to  
harmless error review, § R.40  
Failure to request, §§ R.45.2.7-R.45.8  
Implied findings, applicability of doc-  
trine of, § R.45.5  
Issuance, time for, § R.40  
Neither required nor available, circum-  
stances when, §§ R.40.1-R.40.3  
One-day trial, §§ R.40.1, R.40.7  
Preparation, § R.49.0.1  
Procedure, § R.49  
Request for, §§ R.40, R.40.1  
Rulings on motions, § R.40  
Spouse's waiver of prior request does  
not preclude challenging trial  
court's failure to issue, § R.40.1.5  
Statutory authority, § R.40  
Sufficiency, §§ R.49.0.2-R.49.0.2.7  
Tactical considerations, §§ R.46, R.47,  
R.48  
Timeliness of request for, § R.40  
Waiver of statutory requirements for,  
§ R.45.15  
When required, §§ R.42-R.45.2.5

### STATE TEACHERS' RETIREMENT SYSTEM (STRS)

See PENSIONS

### STATUTES OF LIMITATION

Adoptions, limitations period for  
contesting, § G.168.0.36  
Child abuse, §§ G.192-G.194.5  
Contempt, defense to, § S.161  
Domestic violence, civil suits based on,  
§ C.15.0.1.15

### STATUTES OF LIMITATION—Cont'd

Duty to warn where attorney declines  
representation, §§ A.70, A.98.10  
ExecutionSee EXECUTION  
Fraud or perjury, set-aside on grounds  
of, § T.33.6.16  
Malicious prosecution actions,  
§ A.103.3  
MalpracticeSee MALPRACTICE  
Nonmarital partnersSee NONMARITAL  
COHABITATION  
Relief from dismissal for missed statute  
of limitations, § T.11.15  
Set-aside of real-property conveyance,  
§ A.65.2.1  
Stipulated settlement, action for breach  
of, § C.87.5  
Surrogate children's action against  
estate of deceased biological father,  
§ E.67.5  
Unrenewed money judgment, action on,  
§ S.25.3

### STAY OF PROCEEDINGS

AppealsSee APPEALS  
Attorneys' feesSee ATTORNEYS' FEES  
BankruptcySee BANKRUPTCY  
CustodySee CUSTODY  
Five-year period for bringing case to  
trial, effect on, § C.29.14.10  
Free minor from parental custody/  
control, effect of petition to,  
§ G.168.5  
Inconvenient forum, motion to stay or  
dismiss disso on grounds of,  
§ B.25.5  
Military personnel, § S.232  
Wage assignments, §§ S.56.0.3,  
S.56.0.3.5

### STEPPARENTS

Child-support obligation, effect of adop-  
tion on, § E.1.0.1.0.10  
Domestic partner may file petition to  
adopt partner's child,  
§§ G.163.5.15, U.165  
Estoppel to deny paternity, §§ E.10,  
E.10.1  
Foster care benefits on behalf of children  
living with former stepparent,  
§ E.11.5

## STEPPARENTS—Cont'd

- Grandparent visitation, effect of stepparent adoption on, § **G.146.1.1.7**
- Hague Service Convention applicable to stepparent adoption proceedings, § **B.1.13**
- Jurisdiction to award custody, §§ **G.143.1.0.1, G.143.1.0.3**
- Maternity presumption against birth mother, stepmother not entitled to, § **E.0.0.13.8**
- Mediation, § **G.74**
- Natural father, stepparent visitation statute inapplicable to, **G.143.1.10**
- Parental rights termination terminates right of stepfather to seek presumed-father status, § **G.168.1.35**
- Paternity-by-estoppel doctrine, §§ **E.10, E.10.1**
- PKPA governs adoption proceedings, § **H.100.8**
- Presumed father's consent to stepparent adoption, §§ **G.18.1, G.168.0.45**
- Reunification services, § **G.143.1.0.5**
- Termination of parental rights in stepparent adoption proceedings, §§ **G.168.0.45-G.168.0.55**
- UCCJA applied to adoption proceedings, former, § **H.100.8**
- Visitation rights, §§ **G.143-G.143.1.0.1**

## STIPULATIONS

- Authority to bind clients, §§ **A.110.1-A.110.10, C.86**
- Change terms of court order, § **C.91**
- Child supportSee CHILD SUPPORT
- Commissioners, appointment of, §§ **C.69.6.5, C.69.7, C.69.7.5**
- Community property subject to reimbursement for separate-property contributions, § **J.11.5.47**
- Co-parent expected child, validity of stipulated judgment to, §§ **C.90.5, T.95**
- CustodySee CUSTODY
- Date of performance extended on enforcing settlement per CCP § 664.6, § **C.87.1.0.25**
- Defaulting spouse's notarized signature on stipulated judgment, § **C.140.2**

## STIPULATIONS—Cont'd

- Defined, § **C.85**
- Disso remains pending with regard to child support and custody, § **C.87.1.0.7**
- Enforcement of stipulated settlement, §§ **C.87-C.88.5**
- Execution of stipulated settlement, § **C.85**
- Fees award justified by failure to return, § **A.18.3.17**
- Filing fee exemptions, § **C.91.1**
- Form, § **C.89**
- Litigants judicially estopped from challenging enforceability of settlement agreement, § **C.87.1.0.23**
- Motion to enforce settlement per CCP § 664.6, §§ **C.87.1.0.5-C.87.1.0.25**
- Oral stipulations enforceable by motion, §§ **C.87.1-C.87.1.0.25**
- PaternitySee PATERNITY
- Relief from, § **C.90**
- Res judicata effect of stipulated judgment, § **C.90**
- Reversals of judgment, restriction on stipulated, § **C.88.5**
- Setting aside stipulated settlement, §§ **T.69-T.90**
- Statute of limitations applied in action for breach of stipulated settlement, § **C.87.5**
- Termination of father's parental rights and child-support obligation, parents cannot stipulate to, § **E.1.0.1.0.15**
- UCCJA, jurisdiction under former, § **H.100.32**
- UIFSA, authority to stipulate to transfer of continuing, exclusive jurisdiction under, § **A.110.3**
- Unauthorized by client, § **A.110.2**
- Written settlement agreements, §§ **C.87.1, 87.1.0.5**

## STOCK OPTIONS

- Apportionment of community interest in, §§ **L.109.1-L.109.4**
- Child and spousal support, award of additional, §§ **E.37.5, E.37.5.5, E.56.0.0.5**
- Divisible community asset, § **L.24**



## INDEX

### STOCK OPTIONS—Cont'd

- Tax treatment of exercise of stock options transferred incident to disso, §§ **N.124.2.10**, **N.156.4.10**
- Vested stock options as income available for child support, § **E.37.5.5**

### STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION (SLAPP)

See ANTI-SLAPP STATUTE

### STRIKING OF PLEADINGS

- Anti-SLAPP statute, motion to strike per, §§ **A.103.2.100**, **A.103.2.110**
- Local court rules, sanctions for noncompliance with, § **A.16.3.1**
- Procedure, § **C.29.11**
- Signature, omission of, § **A.16.1.25**

### SUBPOENA DUCES TECUM

- Alternatives, § **D.40.1**
- Attendance of custodian, § **D.39**
- Business records only, § **D.31**
- Consumer records, § **D.40**
- Copying costs, §§ **D.34-D.37**
- Electronically stored information, production of, § **D.40.0.10**
- Employment records, § **D.40.0.5**
- Excessive costs, § **D.38.1**
- Existing client, service on, § **A.71.30**
- Expenses incurred in making or opposing motion to quash, award of, § **D.40**
- Fertility clinic records released to patient's former fiancé charged for treatments, § **D.40.25**
- Foreign subpoenas, § **D.3.20**
- Hearing on motion to quash, § **P.83.10**
- Interstate and International Depositions and Discovery Act (IIDD), § **D.3.20**
- Issuance by attorney, § **D.32**
- Litigation privilege applies to production of documents outside scope of, § **A.103.0.0.1.25**
- Nonparty, demand for production of business records by, § **D.16.5**
- Phone records, § **D.40**
- Records and testimony, § **D.31**
- Witness fees for custodian, §§ **D.38**, **D.38.1**

### SULLIVANIZATION

See EDUCATION

### SUMMARY ADJUDICATION

- Motion for summary adjudication of legal issue or claim for damages, § **C.42.2.10**

### SUMMARY DISSOLUTION

- Disclosure declaration, §§ **C.148.0.2**, **J.80.3.0.40**
- Judgment, § **C.148.0.4**
- Jurisdictional basis, §§ **C.145**, **C.148**
- Limit on length of marriage, § **C.145**
- Procedure, §§ **C.148.0.1-§§ C.148.0.4**
- Real property leases, § **C.148**
- Revocation, §§ **C.148.0.3**, **C.148.3**
- Setting aside judgment, § **C.147**

### SUPERSEDEAS WRIT

- Custody proceedings, §§ **G.161.5-G.163**
- Procedural requirement, § **R.54.1**

### SUPERVISED VISITATION

See VISITATION

### SUPPLEMENTAL SECURITY INCOME (SSI)

- Child support, custodial parent's SSI benefits not includable in gross income for purposes of calculating, § **E.34.7.5**

### SUPPORT OBLIGATIONS

- Child supportSee CHILD SUPPORT
- Conservatee-spouse, support of, §§ **F.120**, **J.80.2.10**
- Immigrant spouse's contractual right to support from sponsor, §§ **B.26.2.2**, **F.110**, **S.59.50**
- Nonmarital cohabitationSee NONMARITAL COHABITATION
- PaternitySee PATERNITY
- Spousal supportSee SPOUSAL SUPPORT

### SURROGACY

- Assisted reproduction agreements for gestational carriers
- Actions to establish parent-child relationship based on, § **E.0.0.13.9**
- Intended parent's fitness, concerns about, § **G.166.9.10**

## **SURROGACY—Cont'd**

- Assisted reproduction agreements for gestational carriers—Cont'd
- Intention to parent child conceived through assisted reproduction, form stating, § **G.166.5**
- Payment of medical expenses, § **G.166.5**
- Rebut presumptions that surrogate/surrogate's spouse is child's parent, §§ **E.0.0.13.9, G.166.5**
- Statutory requirements, § **G.166.5**
- Termination of parental rights of surrogate and spouse, § **E.0.0.13.9**
- Terminology, §§ **E.0.0.13.9, G.166.5**
- Custody of child, § **G.166.5**
- Deposit of surrogacy facilitators' clients' fees, § **G.166.5**
- Intended parent's fitness, concerns about, § **G.166.9.10**
- Limitations statute barred action filed against estate of deceased biological father, § **E.67.5**
- Rebutting presumptions that surrogate or surrogate's spouse is child's parent, §§ **E.0.0.13.9, G.166.5**
- Surrogacy facilitators, regulation of, § **G.166.5**
- Termination of parental rights of surrogate and spouse, § **E.0.0.13.9**

## **SURVIVING SPOUSE**

- Irrevocable trusts, § **J.80.7.25**
- Liability for debts of deceased spouse, § **E.68**
- PensionsSee **PENSIONS**
- Tax levy to enforce community tax debt, § **S.35.5**
- Termination of marital-property rights, § **C.156.12**
- Waiver of rights, § **C.155.1**

## **SURVIVOR BENEFITS**

- Alternate payees, QDRO may not designate employee-spouse's children as, § **L.18.15.7**
- Benefits vest irrevocably in participant's spouse when participant retires, § **L.18.16.5**
- Bifurcation, effect of, § **L.18.15**
- Central Intelligence Agency, § **L.5.5.60**

## **SURVIVOR BENEFITS—Cont'd**

- Child born after unmarried father's death entitled to social security, § **E.0.0.13.20**
- Civil service, §§ **L.63.2, L.63.2.5, L.63.2.10, L.76**
- Disso revokes beneficiary designations, ERISA preempts statute providing that, § **L.18.15.5**
- Domestic-partner survivor benefits, adequacy of notice of, § **L.18.15.10**
- ERISA/REA plans, §§ **L.18.7, L.18.16**
- Exclusion of designated beneficiary's claim, § **L.77.5**
- Firefighters' surviving spouses, § **L.75.1.2**
- Former spouses, benefits for, §§ **L.18.7-L.18.20, L.18.35**
- Immediate distribution of community interest, § **L.18.30**
- Law enforcement officers, surviving spouses of, § **L.75.1.2**
- MilitarySee **MILITARY BENEFITS**
- Non-ERISA/REA plans, §§ **L.18.20-L.18.35**
- Nonprobate transfersSee **NONPROBATE TRANSFERS OF COMMUNITY PROPERTY**
- Nunc pro tunc amendment or order as QDRO, § **L.18.16.10**
- Paternity, establishment of, §§ **E.0.0.13.20-E.0.0.13.30**
- PERS survivor benefits, §§ **L.75.1.1, L.75.1.2, L.77.3**
- Posthumously conceived children, § **E.0.0.13.35**
- Post-retirement designation as surviving spouse, § **L.18.16.5**
- Putative spouse, § **C.0.4.1.1**
- QDRO obtained after participant's death enforceable against plan, § **L.18.16.7**
- Railroad retirement benefits, § **L.18.37**
- Remarriage before age 55, termination of annuity on, § **L.63.2.10**
- Social security, §§ **E.0.0.13.20, E.34.6, L.72.1**
- Stepchildren entitled to, § **E.68.7.5**
- Terminable-interest rule abolished, §§ **L.75-L.77.6**

## INDEX

### **SURVIVOR BENEFITS—Cont'd**

Waiver of right to benefits, §§ **L.18.10, L.18.12**

Workers' comp death benefits, § **L.18.40**

### **SURVIVORSHIP**

See **JOINT TENANCY**

### **TEMPORARY ORDERS**

See **PENDENTE LITE ORDERS**

### **TEMPORARY RESTRAINING ORDERS**

See **RESTRAINING ORDERS**

### **TENANCY-IN-COMMON**

Generally, § **J.19**

Interest need not be equal, § **J.20**

Jurisdiction to divide, §§ **J.1.0, J.11.0**

Married woman's pre-1975 acquisitions, §§ **J.21, K.19**

Revocable transfer on death deed (RTDD), § **J.57.0.45**

### **TENANTS**

See **LANDLORD AND TENANT**

### **TERMINATION**

Domestic violence restraining orders, §§ **C.13, C.13.7**

Earnings withholding orders, § **S.52.8**

Guardianship termination, §§ **G.166.3.15, G.166.3.20**

Homestead, §§ **S.104, S.104.3**

Juvenile court jurisdiction, §§ **G.3.2-G.3.2.10**

Parental rightsSee **TERMINATION OF PARENTAL RIGHTS**

Reunification services, petition for termination of, § **G.168.1.30**

Spousal supportSee **SPOUSAL SUPPORT**

### **TERMINATION OF PARENTAL RIGHTS**

Abandonment as grounds to free child from parental custody/control, §§ **G.168.6, G.168.7, G.168.15**

Adoptable child, terminating parental rights to, § **G.168.0.75**

Alleged father's rights, petition to terminate, § **G.168.0.1**

Americans with Disabilities Act does not preempt terminating rights of

### **TERMINATION OF PARENTAL RIGHTS—Cont'd**

mentally ill parent, § **G.168.10**

Appellate calendar preference, § **R.12**

Appellate counsel, right to, §§ **R.3.3.5-R.3.3.15**

Assisted reproduction agreement, effect of judgment based on, § **E.0.0.13.9**

Attachment element of beneficial parent-child relationship exception, § **G.168.0.85**

Beneficial relationship exception, §§ **G.168.0.5, G.168.0.85**

Biological father claiming rights, §§ **G.168.0.1-G.168.0.80**

Bonding study, changed circumstances required to vacate order for, § **G.84.2**

Burden of proving child is adoptable, § **G.168.0.75**

California Supreme Court decision: In re Caden C., § **G.168.0.85**

Child relinquished for adoption, § **G.167.55**

Child-support obligation, effect on, §§ **E.1.0.1.0.10, E.19.1**

Child testimony in action for, § **P.14.0.0.5**

Civil harassment order process may not be used to collaterally attack order for termination of parental rights under Welfare & Institutions Code § 366.26, § **C.16.5**

Compliance with case plan not required to be shown to establish beneficial relationship exception, § **G.168.0.85**

Consolidated petition to terminate parental rights, § **G.167.55**

Contact element of beneficial parent-child relationship exception, § **G.168.0.85**

Death of parent while appeal pending, § **R.70.4**

Default judgment, appellate court lacked jurisdiction to provide relief from, § **G.168.0.60**

Detriment finding, §§ **G.168.0.1, G.168.0.50, G.168.0.80**

Developmental disability of parent, § **G.168.10**

**TERMINATION OF PARENTAL  
RIGHTS—Cont'd**

Disabled child, requisite findings of likelihood of adoption of, § **G.168.1.9**

Disentitlement doctrine applied, § **G.168.0.55**

Due process right to present evidence/cross-examine witnesses, § **G.168.0.75**

Elements of beneficial parent-child relationship exception, § **G.168.0.85**

Evaluator's report or child's view, effect of court's failure to consider, § **G.168.25**

Exceptional circumstances exception, § **G.168.0.85**

Exceptions to statutory requirement for, § **G.168.0.85**

Family Code § 7800-7895See subhead: Free minor from parental custody/control, proceedings to

Felony conviction prove unfitness, termination of parental rights where facts of, § **G.168.30**

Five-year dismissal statute applied to AFDC reimbursement case, § **C.29.27**

Free minor from parental custody/control, proceedings to

Abandonment, §§ **G.168.6, G.168.7, G.168.15**

Best interests of child, failure to consider, § **G.168.35**

Evaluator's report, failure to consider, § **G.168.25**

Felony conviction, underlying facts of, § **G.168.30**

Grounds, §§ **G.168.5-G.168.35**

Guardians and guardianship, §§ **G.168.5, G.168.15**

Inquiry into child's Indian status, § **G.168.5**

Mental or developmental disability, § **G.168.10**

Parentage action, consolidation with, § **G.168.5**

Parents' agreement, order based on, § **G.168.35**

Preference of child, failure to consider, § **G.168.25**

**TERMINATION OF PARENTAL  
RIGHTS—Cont'd**

Free minor from parental custody/control, proceedings to—Cont'd

Siblings, consolidated petition to free, § **G.168.5**

Standing, § **G.168.5**

Stay pending final ruling, proceedings subject to, § **G.168.5**

Guardianship, proceeding to free child from parental custody and control where child is subject of, §§ **G.168.5, G.168.15**

Impediment to adoption of dependent child by relative caregiver, relevance of, § **G.168.1.8**

Indian childrenSee INDIAN CHILD WELFARE ACT (ICWA)

Intent to abandon, §§ **G.168.0.28, G.168.7**

Jurisdiction of juvenile court, § **G.168.1.7**

Juvenile court generally lacks authority to set aside, change, or modify, § **G.168.1.10**

Kelsey S. status, § **G.168.0.7**

Likelihood of adoption, requisite finds of, § **G.168.1.9**

Mental or developmental disability of parent, § **G.168.10**

Necessaries, reimbursement for providing child with, § **E.3.5**

No adoption pending, § **G.168.1.7**

Parental unfitness, required finding of, § **G.168.0.80**

Parent-child beneficial relationship exception, §§ **G.168.0.5, G.168.0.85**

Parents' agreement rather than children's best interests, order void because based on, § **G.168.35**

Physical condition of adoptive parents immaterial when determining likelihood of adoption, § **G.168.1.8**

Preponderance of evidence that parent-child relationship beneficial, § **G.168.0.85**

Presumed-parent status, parent may not seek, § **G.168.1.35**

Probate Code § 1516.5See subhead: Free minor from parental custody/

**TERMINATION OF PARENTAL RIGHTS—Cont'd**

- control, proceedings to
- Procedure for terminating parental rights in adoption proceedings, §§ **G.168.0.1-G.168.0.60**
- In re Caden C. decision of California Supreme Court, § **G.168.0.85**
- Reinstatement of parental rights in child's best interests, authority to set aside order where, §§ **G.168.0.75, G.168.1.10**
- Relative-caregiver exception, § **G.168.0.85**
- Reunification services denied based on previous termination of rights, § **G.168.1.30**
- Reversed for noncompliance with statutory requirements for notice and paternity testing, § **E.0.0.15.20**
- Right to counsel, §§ **A.76.0.4, G.124.30-G.124.35, G.125.3-G.125.6.5, R.3.3.5-R.3.3.15**
- Setting aside order, §§ **G.168.1.10, G.168.1.20**
- Sibling relationships, exception for interference with, § **G.168.0.85**
- Social worker conflict of interest, § **G.168.1.15**
- Specifically adoptable, finding that child is, § **G.168.1.9**
- Statutory notice requirements, compliance with, § **G.168.1.20**
- Statutory procedure when child relinquished for adoption, §§ **G.168.0.1-G.168.0.60**
- Stepfather's right to seek status as presumed father, effect on, § **G.168.1.35**
- Stepparent adoption, §§ **G.168.0.45-G.168.0.55**
- Stipulation to termination of father's parental rights and child-support obligation, § **E.1.0.1.0.15**
- Substantial emotional attachment element of beneficial parent-child relationship exception, § **G.168.0.85**
- Timely commitment of biological father to parental responsibilities, § **G.168.0.7**

**TERMINATION OF PARENTAL RIGHTS—Cont'd**

- Tribal customary adoptions without termination of parental rights, § **G.168.0.90**
- Two or more alleged fathers, consolidated petition to terminate rights of, § **G.167.55**
- UCCJA governed, then-current, § **H.100.10**
- Visitation element of beneficial parent-child relationship exception, § **G.168.0.85**
- Voluntarily surrendered parental obligations, abandonment criteria met where noncustodial parent, §§ **G.168.6, G.168.7**
- Voluntary relinquishment, juvenile court lacked authority to order involuntary termination after parents executed, § **G.168.0.39**
- Wende review, §§ **R.3.4-R.3.4.10**
- Wrongful-death action, effect on grandparent's standing to bring, § **G.168.1.25**

**THIRD PARTIES**

- Adoption in which existing parents retain parental rights while consenting to child's adoption by co-parent, § **G.163.5.20**
- Dangerous propensities of client, duty to warn of, §§ **A.98.2-A.98.3**
- Impartial mediator, attorney's duty to nonclient when acting as, § **A.103.0.0.0.5.5**
- Intended beneficiaries of will or trust, attorney's duty of care to, § **A.103.0.0.0.5.10**
- Joined in disso to pay fees incurred for maintaining or defending issues relating to that party, §§ **A.3.0.1, A.3.10**
- Pendente lite fee award against, § **A.3.0.1**
- Refund of excess fees to third-party payor, § **A.44.0.5**

**TITLE**

- Community or separate propertySee **COMMUNITY OR SEPARATE PROPERTY**

**TITLE—Cont’d**

Reformation, § **J.80.3.2.2**

**TORTS**

Alien Tort Statute, § **H.5.7.20**

Anti-heartbalm statute, action barred by,  
§ **C.161**

Assignment of liability, § **J.81.8.1**

Battered women’s syndrome, § **C.165**

Concealing community assets,  
§ **C.160.4.15**

Consolidation of separate actions with  
disso, § **C.39.5**

Diversity jurisdiction, §§ **B.26.1.5**,  
**B.26.2**

Interference with parental relationship,  
§ **G.172.3**

Interspousal torts, §§ **C.160.2.4**-  
**C.160.4.6**

Invasion of privacy, § **C.160.6.5**

Loss of anticipated survivorship  
interests, recovery for, **C.180**

Nonmarital partners, tort liability of,  
§ **U.76.40**

Parental liabilitySee **PARENTAL  
LIABILITY**

Reduction of judgment against attorneys  
by amount of settlement with  
remaining tortfeasors, **C.180**

Release clause in MSA, § **C.160.4.5**

Sexual battery, § **C.160.5**

Transmission of disease, §§ **C.160.4.3**,  
**C.160.7**, **C.160.8**

**TRACING**

See **COMMUNITY OR SEPARATE  
PROPERTY**

**TRAINING**

See **EDUCATION**

**TRANSCRIPTS**

Allowable costs, § **A.24**

Depositions, § **D.30**

Instant visual display may not be  
distributed as official certified  
transcript, § **R.60**

Loss or destruction of trial court  
transcript, remedies for, § **R.60.5**

Official reporter’s certified transcript is  
prima facie evidence of proceed-  
ings, § **R.60**

**TRANSCRIPTS—Cont’d**

Reasonableness of court reporter’s fee,  
§ **D.30**

Request to prepare, § **R.60**

**TRANSFER OF PROPERTY**

BankruptcySee **BANKRUPTCY**

Domestic partners, property transfers  
between, § **U.190**

Property division on dissolutionSee  
**PROPERTY DIVISION**

Revocable transfer on death deed  
(RTDD), § **J.57.0.45**

Uniform Voidable Transactions ActSee  
**UNIFORM VOIDABLE  
TRANSACTIONS ACT**

**TRANSMUTATION**

See **COMMUNITY OR SEPARATE  
PROPERTY**

**TRAVEL**

Child abduction preventative measures  
in custody orders, § **G.25.5**

Fees as sanctions availability for travel  
expenses, § **A.18.3.1**

Hague Convention on International  
Child Abduction, §§ **H.5.9.0.1**-  
**H.5.9.0.50**

Passport denial/revocation when support  
arrearages exceed \$ 2,500,  
§ **S.78.8.35**

Right to travel, effect of custody order  
prohibiting out-of-state move on,  
§ **G.138.25**

UCCJEA proceedings, award of travel  
expenses in, § **H.91**

Visitation, travel expenses for,  
§§ **E.22.8.13**, **G.142.0.2.2**

**TRESPASS**

Parental liability, § **G.18.1.3**

**TRIAL**

Advanced trial date, notice of,  
§ **C.47.2.2**

BifurcationSee **BIFURCATION**

Briefs, §§ **C.63.3.0.7**, **C.63.3.1**, **C.63.3.2**

Closed trial or hearing, §§ **C.92-C.97.1**

Commissioners, stipulating to,  
§§ **C.69.4-C.69.9.0.0.5**

Delay in prosecution, dismissal forSee  
**DISMISSAL**



## INDEX

### **TRIAL—Cont'd**

- Disqualification of judge, §§ **C.65-C.69.9.1**
- Due process and fair trial rights violated by trial judge, § **C.69.9.0.7**
- Electronic recording of court proceedings, § **C.97.2**
- Failure to admit notice of trial into evidence is harmless error and not jurisdictional defect, § **C.47.2.3**
- Final declaration of disclosure, § **C.63.3.5**
- Interpreters, § **C.72.4**
- New trialSee **NEW TRIAL**
- Notice of, §§ **C.47.0.5-C.47.2.3**
- Parentage, §§ **E.0.0.16.30-E.0.0.17.10**
- Post-trial motions, §§ **R.49.5-R.54.1**
- Precluding live testimony and requiring presentation of case through declarations violated hearsay rule, § **P.69.20**
- Settlement at time of, § **C.64**
- Statement of decisionSee **STATEMENT OF DECISION**
- Tape recording proceedings, § **C.97.2**
- Time limits on long-cause matters, § **C.47.9.5**
- Valuation of community property, general rule for, § **J.99.1**

### **TRIAL DE NOVO**

- Arbitration, §§ **C.47.7.5-C.47.8.3.3**
- Attorneys' fee disputeSee **ATTORNEYS' FEES**

### **TRIAL PREFERENCE**

- See **CALENDAR PREFERENCE**

### **TRIBAL COURT CIVIL MONEY JUDGMENT ACT**

- Recognition of money judgments issued by courts of Indian tribes, § **S.168.5**

### **TROS (TEMPORARY RESTRAINING ORDERS)**

- See **RESTRAINING ORDERS**

### **TRUST ACCOUNT**

- See **ATTORNEYS' FEES**

### **TRUST DEEDS**

- See **MORTGAGES**

### **TRUSTS**

- Amendment, validity of, § **J.80.3**
- Attorney as trustee, § **A.76.15**
- Attorney fee award exempt from spendthrift provision, § **E.37.15**
- Child-support order enforced against deceased payor's living trust, § **E.66.5**
- Child support paid directly from trust despite spendthrift clause, § **E.37.15**
- Constructive trustsSee **CONSTRUCTIVE TRUSTS**
- Drafting attorney's duty of care to intended beneficiaries, § **A.103.0.0.0.5.10**
- Felon's story, proceeds of sale of, § **A.65.6**
- Modifying trust, provision specifying method for, § **J.80.3**
- No-contest clause, §§ **C.155.10, C.157.0.1.5**
- Revocation by divorce applies to trust provisions, § **C.157.0.1.1**
- Spousal-support agreement not enforced and barred by statute of limitations, § **S.24**
- Supporting spouse to establish trust for supported spouse, authority to order, § **F.56.5.10**
- Surviving spouse's rights where trust became irrevocable on spouse's death, § **J.80.7.25**
- Transmutation of assets from separate to community, trust provision insufficient to constitute, § **J.48.6**
- Trust amendment, modification or termination, §§ **J.80.3, J.80.7.25**

### **TRUTH-IN-LENDING**

- Attorneys' fees, installment payments, §§ **A.49.4.5, A.68.0.2**

### **UCCJA (UNIFORM CHILD CUSTODY JURISDICTION ACT) (NOW REPEALED; SEE UCCJEA)**

- Abduction threatened, § **H.100.20**
- Communicate with out-of-state court, failure to, § **H.100.34**
- Concurrent jurisdiction, §§ **H.100.23, H.100.24**

**UCCJA (UNIFORM CHILD CUSTODY JURISDICTION ACT) (NOW REPEALED; SEE UCCJEA)—Cont'd**

Consent to jurisdiction, § **H.100.13**  
 Continuing jurisdiction, § **H.100.12**  
 Convenience of litigants, § **H.100.28**  
 Emergency jurisdiction, §§ **H.100.17-H.100.21**  
 Failure to communicate with out-of-state court, § **H.100.34**  
 First-in-time rule, § **H.100.23**  
 Guardianship proceedings, § **H.100.7**  
 Home-state test, § **H.100.15**  
 Inconvenient forum, §§ **H.100.25-H.100.27**  
 Independent adoption proceedings, § **H.100.9**  
 International application, §§ **H.100.1-H.100.4**  
 Juvenile dependency proceedings, § **H.100.6**  
 Modification jurisdiction, §§ **H.100.30-H.100.33**  
 No other state exercising jurisdiction, effect of, § **H.100.22**  
 Objections to jurisdiction, timing of, § **H.100.14**  
 Personal jurisdiction over nonresident parent not required, § **H.100.12**  
 Precedence over general jurisdictional statutes, § **H.100.12**  
 Punitive custody orders, § **H.100.35**  
 Repealed and replaced by UCCJEA, § **H.1**  
 Significant-connections test, § **H.100.16**  
 Stepparent adoption proceedings, § **H.100.8**  
 Stipulation to modification jurisdiction, § **H.100.32**  
 Subject-matter jurisdiction, § **H.100.12**  
 Substantial evidence, availability of, § **H.100.16**  
 Termination of parental rights, § **H.100.10**  
 Timeliness of jurisdictional objections, § **H.100.14**  
 Unclean hands, § **H.100.29**

**UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)**

Appeals from enforcement orders under, § **H.69**  
 Assumption of jurisdiction when home state declines jurisdiction, § **H.46.20**  
 Attorneys' fees and costs, §§ **A.10, H.91**  
 Bases for original jurisdiction under, § **H.46**  
 Calendar priority, § **H.50**  
 Child care expenses recoverable, § **H.91**  
 Communications with out-of-state courts, § **H.87**  
 Conforms to federal law, § **H.1**  
 Continuing jurisdiction under, § **H.51**  
 Criminal prosecution for child abduction, § **G.156.0.2**  
 Cumulative remedies, § **H.72**  
 Custody and visitation proceedings, applicable to, § **H.1.15**  
 Declination of jurisdiction  
     Award of fees and expenses when court declines to exercise jurisdiction, § **H.91**  
     Effect of home state declining jurisdiction, § **H.46.20**  
     More appropriate forum as basis for, § **H.46.20**  
 Domestic violence, applicability to proceedings for protection from, §§ **C.9.5.1, H.48**  
 Efforts to discuss jurisdiction with home state court, exhaustion of, § **H.46.20**  
 Electronically transmitted evidence, § **H.89**  
 Emergency jurisdiction, §§ **B.34, C.9.5.1, H.48, H.49**  
 Enforcement under, § **H.62**  
 Exclusive, continuing jurisdiction under, §§ **H.51, H.51.1, §§ H.51, H.51.1**  
 Failure to give notice of custody proceeding, § **H.83**  
 Foreign countries, custody determinations of, § **H.1.20**  
 Foreign custody order impermissibly modified by California trial court, § **H.52.5**

**UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)—Cont'd**

Full faith and credit to out-of-state custody orders, § **H.63**  
Hague Convention does not preclude UCCJEA subject-matter jurisdiction over guardianship petition, § **H.58**  
Hague Convention orders, enforcement of, § **H.64**  
Hague Service Convention, applicability to juvenile proceedings of, § **B.1.13**  
Hearings, § **H.66**  
Home state basis for UCCJEA jurisdiction, §§ **H.46.10, H.46.20**  
Inconvenient forum, §§ **H.46.20, H.53, H.100.25**  
Indian tribes, applicability to custody determinations of, § **H.1.20**  
Investigative fees recoverable, § **H.91**  
Joinder and intervention, § **H.85**  
Jurisdiction to modify out-of-state custody orders, §§ **H.52-§ H.52.10**  
Lack of UCCJEA jurisdiction does not preclude support order under UIFSA, §§ **B.35, S.177.15**  
Limitations on immunity from personal jurisdiction, § **H.45**  
Military deployment or mobilization of parent, § **G.138.68**  
Missing children or parties, actions to locate, § **H.73**  
Modification of custody orders, §§ **H.52-§ H.52.10**  
Notice and service, § **H.83**  
Order expressly declining jurisdiction not required, § **H.46.20**  
Orders for personal appearances, § **H.82**  
Participation in foreign custody proceedings, effect of, § **H.51.1**  
Pending proceeding in another state, effect of, §§ **H.48, H.68**  
Petitions for enforcement under, § **H.65**  
Physical presence in state, §§ **H.46, H.46.10**  
Pleadings, § **H.81**  
Prevent abduction, custody provisions to facilitate use of UCCJEA to, § **G.25.5**  
Privileges at hearings, § **H.67**

**UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)—Cont'd**

Procedural requirements, § **H.80**  
Proceedings to which UCCJEA applies, § **H.1.15**  
Purpose, § **H.1**  
Registration of out-of-state orders, § **H.61**  
Replaces UCCJA, § **H.1**  
Requests to out-of-state courts, § **H.90**  
Res judicata effect of custody orders under, § **H.84**  
Retroactivity, § **H.1.10**  
Running away from home state, effect of, § **H.46.10**  
Significant-connections with state  
Basis for UCCJEA jurisdiction, § **H.46**  
Child with no home state, § **H.46.10**  
Exclusive, continuing jurisdiction, §§ **H.51, H.51.1**  
Visitation rights, exercise of, § **H.52**  
Stay of custody order pending appeal, § **H.61**  
Subject-matter jurisdiction, §§ **B.1.13, B.34, H.44**  
Temporary absence from state, effect of, § **H.46.10**  
Temporary emergency jurisdiction, § **H.49**  
Temporary orders to enforce visitation, § **H.71**  
Temporary residence in California while maintaining primary residence in decree state, § **H.52.3**  
Testimony of out-of-state witnesses, § **H.88**  
Travel expenses, § **H.91**  
Unclean hands, effect on exercise of jurisdiction of, § **H.54**  
Uniformity of law, application of act to promote, § **H.1.5**  
Visitation rights exercised, significant connections with state where, § **H.52**  
Warrants under, § **H.70**  
Whereabouts of person to be served unknown, § **B.1.13**  
Witness expenses recoverable, § **H.91**

**UIFSA (UNIFORM INTERSTATE  
FAMILY SUPPORT ACT)**

Attorneys' fees and costs, § **S.178.20**  
 Authority of attorney to stipulate to transfer of continuing, exclusive jurisdiction, § **A.110.3**  
 Communications with out-of-state courts, § **S.178.30**  
 Confirmation of support order, § **S.185.7**  
 Contesting validity or enforcement of support orders, § **S.185.7**  
 Continuing, exclusive jurisdiction over support orders, §§ **F.88.2, S.177.25, S.177.32**  
 Cumulative remedies under, § **S.177.5**  
 Defenses to enforcement of registered orders, § **S.185.7**  
 Disbursement of support payments, § **S.178.30**  
 Discovery assistance from out-of-state court, § **S.178.30**  
 District attorney, role of, § **S.178.15**  
 Electronically transmitted evidence, § **S.178.25**  
 Employer, income-withholding orders sent directly to, § **S.178.45**  
 Establishing support orders under UIFSA, § **S.178.35**  
 Evidentiary rules and privileges, § **S.178.25**  
 Foreign country as reciprocating state, declaration of, § **S.178.5**  
 Hague Convention on International Recovery of Child Support, §§ **S.185.20, S.185.30**  
 Income-withholding orders, §§ **S.178.40, S.178.45, S.185.7**  
 Interstate child and spousal support orders, enforcement of, § **S.177**  
 Judgment based on presumed income, § **S.178.32**  
 Jurisdiction under UIFSA  
     Authority of attorney to stipulate, § **A.110.3**  
     Child support orders, continuing, exclusive jurisdiction over, § **S.177.25**  
     Lack of UCCJEA jurisdiction does not preclude, §§ **B.35, S.177.15**  
     Multiple support proceedings, § **S.177.20**

**UIFSA (UNIFORM INTERSTATE  
FAMILY SUPPORT ACT)—Cont'd**

Jurisdiction under UIFSA—Cont'd  
     Personal jurisdiction over nonresidents, § **S.177.15**  
     Spousal-support order, continuing jurisdiction of state issuing, §§ **F.88.2, S.177.32**  
 Long-arm jurisdiction, § **S.177.15**  
 Modification  
     Child-support orders, §§ **E.73.5.10, S.185.20, S.185.25**  
     Hague Convention support order, §§ **S.185.20, S.185.30**  
     Spousal-support orders, §§ **F.88.2, S.177.32**  
 Multiple spousal-support orders allowed under UIFSA and former law, § **S.177.32**  
 Multiple support proceedings, jurisdiction of, § **S.177.20**  
 Nonresidents, personal jurisdiction over, § **S.177.15**  
 Parentage determinations, § **S.178.35**  
 Procedures in UIFSA proceedings, § **S.178**  
 Reciprocating state determination, § **S.178.5**  
 Registration  
     Contesting registered orders, § **S.185.7**  
     Enforcement of registered orders, § **S.178.50**  
     Foreign country as reciprocating state, declaration of, § **S.178.5**  
     Hague Convention support order, § **S.185.30**  
     Order unenforceable in issuing state cannot be registered, § **S.185.15**  
     Procedure for, § **S.178**  
     Without registration, foreign orders enforced, § **S.178.40**  
 Remedies under, § **S.177.5**  
 Replaces URESA, § **S.177**  
 Statement of payments received, § **S.178.30**  
 Staying enforcement of contested order, § **S.185.7**  
 Support arrearages, enforcement of judgments for, § **S.176**

## INDEX

### **UIFSA (UNIFORM INTERSTATE FAMILY SUPPORT ACT)—Cont'd**

- Support enforcement agency, role of, § **S.178.15**
- Temporary child-support orders, § **S.178.35**
- Transfer of petitions received in wrong jurisdiction, § **S.177.40**
- Unenforceable order in issuing state cannot be registered and enforced in California, § **S.185.15**
- Without registration, enforcing foreign orders, § **S.178.40**

### **UNAUTHORIZED PRACTICE OF LAW**

- Standing to sue online legal services provider for unfair competition based on, § **A.103.3.0.85**

### **UNCLEAN HANDS DOCTRINE**

- Hague Convention on International Child Abduction, § **H.5.9.0.41**
- UCCJA, jurisdiction under former, § **H.100.29**
- UCCJEA jurisdiction, § **H.54**

### **UNCONSCIONABILITY**

- Antenuptial agreements, § **U.110.6**
- Attorneys' fees, §§ **A.44, A.44.0.1**

### **UNCONTESTED PROCEEDING**

- See **DEFAULT PROCEEDINGS**

### **UNDUE INFLUENCE**

- Breach of confidential relationship, §§ **J.104, J.106**
- Business agreement between attorney and client unenforceable, § **A.115.22**
- Circumstantial evidence, § **J.80.3.0.4**
- Interspousal transactions, §§ **J.80.3.0.4-J.80.3.0.5, T.33.6.10**
- MSA reached after mediation, § **T.33.6.10**
- Premarital agreements, defenses to enforcement of, § **U.110.6**
- Transmutation of separate property unenforceable, § **J.48.17**

### **UNEMPLOYMENT BENEFITS**

- Characterization, § **L.41.1.3**
- Domestic partners, § **U.180**

### **UNEMPLOYMENT BENEFITS —Cont'd**

- Nonmarital partners, § **U.95.2**
- Withholding to enforce support orders, § **S.64.2.2.55**

### **UNFAIR COMPETITION**

- Standing to sue online legal services provider for unfair competition based on unauthorized practice of law, § **A.103.3.0.85**

### **UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

- See **UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)**

### **UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT**

- Exception for family law money judgments, § **S.168.5**

### **UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA)**

- See **UIFSA (UNIFORM INTERSTATE FAMILY SUPPORT ACT)**

### **UNIFORM PREMARITAL AGREEMENT ACT (UPAA)**

- Domestic partnership agreements, § **U.110.1**
- Generally, §§ **U.110.1-U.110.15**

### **UNIFORM VOIDABLE TRANSACTIONS ACT**

- Levy and other remedies under, §§ **S.48.0.50-S.48.0.75**
- Premarital agreements, applicability to, § **S.48.0.67**
- Property transfers in MSAs are subject to, but future child-support payments are not debt under, §§ **S.48.0.60, T.36.3**
- Value of property did not exceed encumbrances, relief denied where, § **S.48.0.70**

### **UNILATERAL SEVERANCE**

- See **JOINT TENANCY**

## UNIVERSITIES

- Campus violence protective orders,  
§ **C.23.15**
- Reimbursable contributions to  
educationSee EDUCATION
- Support of adult childSee CHILD SUP-  
PORT

## UNJUST ENRICHMENT

- Nonmarital partners, claims against,  
§§ **C.170, U.64**

## UNLAWFUL DETAINER

- Domestic violence defense, § **C.22.60**

## URES (UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT)

- Attorneys' fees award in modification  
action, § **A.13.6.5**
- Multiple spousal-support orders allowed  
under UIFSA and RURES,  
§ **S.177.32**
- Repealed, § **S.177**

## UTILITY SERVICE INFORMATION

- Child abduction investigations,  
§ **S.61.0.7**
- Parent locator service, § **S.61.0.5**

## VACATING JUDGMENT

- See MOTION TO VACATE

## VACATION OR SICK PAY

- Community or separate property, § **L.49**
- Fees as sanctions availability for vaca-  
tion time, § **A.18.3.1**

## VALUATION

- Alternative valuation dateSee PROP-  
ERTY DIVISION
- Business interests, §§ **M.27-M.67.9.1**
- Closely held corporations, §§ **M.67.1-  
M.67.9.1**
- Community property, § **J.99**
- Family residence, §§ **K.55.4-K.55.8**
- Goodwill, §§ **M.42-M.59.5**
- Noncompetition covenants, valuation  
issues involving, §§ **M.59.5,  
M.59.10**
- Partnership interest limited by terms of  
partnership agreement, § **M.55**
- Pensions, § **L.110.1**

## VALUATION—Cont'd

- Stock value, remedy for misrepresenta-  
tion of, §§ **C.163, T.29.5**

## VENUE

- Change of
  - Authorization for, § **C.25**
  - Respondent's motion for, § **C.29**
  - Support orders made in conjunction  
with, § **C.29.1.0.5**
  - Transfer to proper court, § **C.29.1**
  - To tribal court, § **G.171.1.5**
- Child Support Recovery Act, venue for  
prosecuting, § **S.78.8**
- Civil harassment, § **C.16.5**
- CustodySee CUSTODY
- Disso proceedings, §§ **B.3.1, C.25**
- Enforcement actions brought by child-  
support agencies, § **S.64.2.1.20**
- Guardianship and custody proceedings  
concerning same child,  
§ **G.166.3.10**
- Interstate adoptions, § **H.5.15**
- Legal separation, § **C.25**
- Modification proceedings, §§ **C.29.2,  
C.29.3, C.29.4**
- Nonmarital partners, actions between,  
§ **U.72**
- Nullity of marriage, § **C.25**
- Same-sex marriage, dissolution of,  
§ **C.25**
- Tribal court, transfer toSee INDIAN  
CHILD WELFARE ACT (ICWA)
- Welfare reimbursement cases,  
§ **C.29.1.1**

## VESTING

- See PENSIONS

## VETERANS

- Child-support credit, § **E.34.3**
- Disability benefits, §§ **L.42.4, L.99,  
S.44.5**
- Educational benefits, character of,  
§§ **L.49.1, L.98**
- Exemption of benefits for service-con-  
nected disability, § **S.44.5**

## VEXATIOUS LITIGANTS

- Appealable orders, § **C.42.2.20**
- Family law proceedings, § **C.42.2.20**



## INDEX

### **VEXATIOUS LITIGANTS—Cont'd**

- Number of litigations required for finding, § **C.42.2.20**
- Prefiling restriction on new litigation, §§ **A.18.3.1.20, C.42.2.20**

### **VICARIOUS LIABILITY**

- Fraud judgment nondischargeable and attributable to spouse based on agency relationship, § **O.8.5**
- Law firm's vicarious liability for torts committed by partner within scope of employment, § **A.124.35**
- Parent and childSee **PARENTAL LIABILITY**
- School district liability for negligent hiring and supervision, § **G.197.10**

### **VICTIMS**

- Domestic violence victim-counselor privilege, §§ **D.92, G.176, P.87**
- Eviction based on abuser's actions, protection from, § **C.22.60**
- Felon's story, constitutionality of statute appropriating proceeds of sale of, § **A.65.6**
- Human trafficking victim-caseworker privilege, § **D.92**
- Notification of release from prison, § **C.15.0.4**
- Rental agreement, release from, § **C.22.60**
- Restitution, §§ **C.15.0.5-C.15.0.6.5**
- Sexual assault victim-counselor privilege, §§ **D.92, P.87.1**
- Termination of tenancy by certain crime victims, § **C.22.60**
- Unavailable-witness concept, §§ **P.14.2, P.14.2.0.5**

### **VIOLENCE**

- Campus violence protective orders, § **C.23.15**
- Domestic violenceSee **DOMESTIC VIOLENCE**
- Gender-motivated violence, cause of action for, §§ **C.15.0.1.20, C.15.0.1.25**
- Gun violence restraining orders (GVRO), § **C.13.50**
- HarassmentSee **HARASSMENT**

### **VIOLENCE—Cont'd**

- Psychotherapist's duty to protect from patient's threatened violence, §§ **A.98.2, A.98.2.5**
- Sexual orientation violence, cause of action for, § **C.15.0.1.20**
- Workplace Violence Safety Act, §§ **C.23.1-C.23.8**

### **VIOLENCE AGAINST WOMEN ACT**

- Civil rights suits for gender-motivated violence, § **C.15.0.1.25**
- Constitutionality, § **C.15.0.1.25**

### **VIRTUAL LAW OFFICE (VLO) PRACTICE**

- Ethics of operating, § **A.121.37**

### **VISITATION**

- Activities during, § **G.142.0.5**
- Adult disabled child living out of state, §§ **B.4.4, G.142.0.2.5**
- AIDS, parent diagnosed with, § **G.142.3.1**
- Best interests of child, § **G.26.0.5**
- Change of custody, § **G.153**
- Child's preference, § **G.139.10**
- Compelling, §§ **G.142.3.5-G.142.4.2**
- Contempt based on failure to comply with visitation order, § **S.153.10**
- Court-appointed counsel, § **A.9**
- De facto parents, § **G.29.2.3**
- Delay in prosecution, existence of visitation order precludes dismissal for, § **C.29.14.2**
- Dependent teen parent, additional orders with regard to, § **G.142.0.2.10**
- Detaining childSee **CHILD ABDUCTION**
- Domestic violence
  - Consideration of evidence of, § **C.15.1**
  - Court must state reasons for awarding visitation to parent accused of, §§ **G.26.2, G.205**
  - Temporary visitation orders in DVPA proceedings, § **C.13.9**
  - Termination of protective order, DVPA orders survive, §§ **C.13, C.13.7**
- Drug tests authorized for parents in custody disputes, §§ **G.25, G.43**

## VISITATION—Cont'd

- Duration and frequency determination, improper delegation of, § **G.142.0.2.10**
- Duty to support child despite interference, §§ **E.76, G.156.1**
- Exit orders of juvenile court, §§ **G.3.2.3-G.3.2.6**
- Ex parte order, § **G.91**
- Failure to enforce juvenile court visitation order, § **G.142.0.2.10**
- False report of sexual abuse, §§ **G.26.4, G.173.15**
- Family home, parent's absence or relocation from, § **G.26.10**
- Former legal guardian's right to seek visitation, § **G.146.7**
- Forms required to be filed by party seeking order, rule of court governing, § **C.29.4.20**
- Grandparent visitation
  - Constitutional as applied when custodial parent or both parents object, §§ **G.146.1.1.6, G.146.1.1.6.5**
  - Counseling costs, order to pay, § **G.146.1.1.10**
  - Custody proceedings, visitation orders in, § **G.146.1.1.10**
  - Death of parent, § **G.146.1.1.15**
  - Failure to offer reasonable visitation, § **G.146.1.1.17**
  - Governing statutes, §§ **G.146.1.1-G.146.1.1.17**
  - Incarcerated or involuntarily institutionalized parent, § **G.146.1.1.5**
  - International Parental Kidnapping Crime Act, § **H.5.6.5**
  - Juvenile dependents, visitation with, § **G.146.1.1.25**
  - Mediation, § **G.74**
  - Military deployment of parent, visitation during, § **G.146.1.1.22**
  - During parents' marriage, § **G.146.1.1.5**
  - Preexisting bond, finding that visitation in child's best interests due to, §§ **G.146.1.1.5, G.146.1.1.6.5**
  - Presumably not in child's best interests if parents opposed, § **G.146.1.1.5**

## VISITATION—Cont'd

- Grandparent visitation—Cont'd
  - Standard of proof when parent objects to visitation, § **G.146.1.1.15**
  - Statutory mechanisms by which to obtain, §§ **G.146.1.1-G.146.1.1.22**
  - Stepparent adoption, effect of, § **G.146.1.1.7**
  - Stipulated orders for grandparent visitation, § **G.146.1.1**
  - Unconstitutional as applied to surviving fit parent, § **G.146.1.1.16**
- Great-grandparents, § **G.146.1.1**
- Guardianships
  - Duration and frequency determination, improper delegation of, § **G.142.0.2.10**
  - Former domestic partner's child, obtaining custody or visitation with, § **G.163.10.5**
  - Former legal guardian's right to seek visitation, § **G.146.7**
  - Parental rights terminations under Prob C § 1516.5, § **G.142.0.2.15**
- Hague Convention, jurisdiction to enforce access claims under, §§ **H.5.9.0.1.5, H.5.9.0.1.10**
- Homosexual parent, § **G.142.3.1**
- Immunity for police officer enforcing visitation schedule, § **G.172.7**
- Incarcerated parent, § **G.142.3.2**
- Interference
  - Basis for change of custody, §§ **G.134.5, G.153**
  - Duty to support child, §§ **E.76, G.156.1**
  - Financial compensation for, § **E.79.2**
  - Joint custody order specificity, §§ **G.26, G.26.0.1**
  - Relocation, § **G.134**
- International Parental Kidnapping Crime Act (IPKCA), § **H.5.6.5**
- Juvenile dependency cases, § **G.142.0.2.10**
- Legal guardianship, see Guardianships, *supra*
- Litigation privilege applies to letter used in family law proceeding that cited victims-of-crime database, § **A.103.0.0.1.12**

## INDEX

### VISITATION—Cont'd

#### Mediation

Generally, § **G.72.1**

Grandparents, rights of, § **G.74**

Improper delegation of authority,  
§ **G.78.2**

Mandatory in contested cases, § **G.74**

Participation as condition, § **G.78.5**

Stepparent, rights of, § **G.74**

Military deployment, mobilization or  
temporary duty orders,  
§§ **G.138.68, G.146.1.1.22,**  
**G.146.1.2**

#### Move

To facilitate visitation, § **G.138.65**

Increased visitation not required,  
§ **G.142.0.2**

To interfere with visitation, §§ **G.134,**  
**G.138.36**

Overseas move, §§ **G.138.50,**  
**G.138.55**

Travel fund, §§ **E.22.8.13,**  
**G.142.0.2.2**

Murder of child's other parent, effect of  
conviction for, § **G.42**

#### Nonparents

Denial of visitation, §§ **G.143.0.1,**  
**G.143.0.1.5**

GrandparentsSee subhead: Grandpar-  
ent visitation

Relatives, § **G.146.1.2**

Same-sex partnersSee subhead:  
Same-sex partners

Siblings, § **G.146.3**

Stepparents, see Stepparents, *infra*

Nonresident parent, jurisdiction over,  
§§ **B.21.5, B.21.5.5**

Office of friend of court to enforce,  
§ **G.146.10**

Overnight visitors of opposite sex,  
§ **G.142.3**

Parental Kidnapping Prevention Act  
provisions applicable to, § **H.5.1**

Police officer immunity for enforcing  
visitation schedule, § **G.172.7**

Postadoption, § **G.146.3**

Presumed father, § **G.166.1**

Rape, child conceived during, § **G.42**

Reduction of support payments during,  
§ **E.73.3**

### VISITATION—Cont'd

Refusal of dependent child to visit par-  
ent, § **G.142.0.2.10**

Relatives, § **G.146.1.2**

Religious activities, §§ **G.142.1,**  
**G.142.1.5**

Restraining orders, § **G.26.7**

Restricting activities during, § **G.142.0.5**

Right to, § **G.142**

Risk and prevention of abduction, court  
must consider, § **G.25.5**

#### Same-sex partner

Of adoptive parent, § **G.29.2.8**

Contract claims, § **G.163.10**

De facto parent status, § **G.163.10.5**

Legal parent's objection, § **G.163.11**

Standing, §§ **G.29.2.7, G.29.2.8,**  
**G.163.10**

Service of notice of request for  
modification of order, § **C.29.4.20**

Sexual abuse allegations, §§ **G.26.4,**  
**G.173.10, G.173.15**

Sibling visitation rights,  
§§ **G.142.0.2.10, G.146.3**

#### Stepparents

Mediation, § **G.74**

Rights of, §§ **G.143-G.143.1.0.1**

#### Supervised visitation

Duration and frequency determina-  
tion, improper delegation of,  
§ **G.142.0.2.10**

Existence of protective order,  
§ **G.26.7**

Mandatory reporting of child abuse  
and neglect, § **G.175**

Standards for providers, §§ **G.26.7,**  
**G.142**

Travel expenses, §§ **E.22.8.13,**  
**G.142.0.2.2**

UCCJEASee UCCJEA (UNIFORM  
CHILD CUSTODY JURISDIC-  
TION AND ENFORCEMENT  
ACT)

### VOCATIONAL EVALUATION

Personal injury context, § **P.52**

Spousal supportSee SPOUSAL SUP-  
PORT

### VOCATIONAL SCHOOLS

Campus violence protective orders,  
§ **C.23.15**

## WAGE ASSIGNMENTS

- Definitions, § **S.56.0.2**
- Determination of support arrearages, requests for, § **S.56.0.6**
- Duties of support-enforcement personnel, § **S.56.0.10**
- Employer responsibility, § **S.56.0.6**
- Exempt assets, § **S.56.0.7**
- Foreign support orders, § **S.56.0.3.5**
- General provisions, § **S.56.0.1.7**
- Labor union joined in disso to enforce, § **C.42.0.1**
- Locating obligors, § **S.56.0.5**
- Modification of prior orders, § **S.56.0.4**
- Motion to quash or terminate, § **S.56.0.7**
- Notice of earnings assignment in lieu of order, § **S.56.0.10.2**
- Obligee's responsibilities, § **S.56.0.9**
- Order/notice to withhold, § **S.56.0.10.2**
- Penalty provisions inapplicable, §§ **S.56.0.7.8, S.56.0.11.15**
- Priority of payments, § **S.56.0.8**
- Statutory authority, § **S.56.0.1.7**
- Stay for good cause, §§ **S.56.0.3, S.56.0.3.5**
- Substitution of payees, § **S.56.0.6.5**
- Support arrearages, requests for determination of, § **S.56.0.6**
- Termination, § **S.56.0.7**
- UIFSA, enforcing foreign orders under, §§ **S.178.40, S.178.45**

## WAIVER

- Adoptees or siblings, waiver of confidentiality filed by, § **G.146.3**
- Appeal, right to, §§ **R.10.25, R.55.1**
- ArbitrationSee **ARBITRATION**
- Attorneys' feesSee **ATTORNEYS' FEES**
- Child-support arrearages, §§ **E.50.0, E.69.0.5**
- Contempt, defense to, § **S.163**
- Deportation, § **C.0.5.25**
- Disclosure declarations, §§ **J.80.3.0.25-J.80.3.0.31**
- Estate of spouse, rights in, §§ **C.155.1, C.155.2, C.155.5**
- Filing fees and costs, § **C.29.4.7**
- Inheritance rights, §§ **C.155.1, C.155.2, C.155.5**
- Jurisdiction, objections to, § **B.5**

## WAIVER—Cont'd

- Legal representation waiver by party to prenup, § **U.110.6**
- Mediation confidentiality provisions, §§ **D.118.4, D.118.5**
- PensionsSee **PENSIONS**
- Physician-patient privilege, § **D.113**
- Premarital agreements, spousal support waiver in, § **U.110.5**
- Prior disso judgment as bar to pending disso, § **B.29.5**
- Private support-collection contracts, § **S.64.20**
- Privilege, §§ **D.89, P.72**
- Psychotherapist-patient privilege, § **D.112.17**
- Relinquishment to adoption agency, waiver of right to revoke, § **G.168.0.30**
- Self-incrimination privilege, § **D.109**
- Service of process, defects in, § **B.5.2**
- Spousal support, § **U.110.5**
- Statement of decision, waiver of statutory requirements for, § **R.45.15**
- Termination of spousal support on recipient's remarriage, §§ **F.81.5.7, F.81.5.8**

## WARNINGS

- See **DUTY TO WARN**

## WEAPONS

- Criminal violations, §§ **C.15.0.3-C.15.0.3.5**
- Federally prohibited firearm possession by convicted domestic violence offenders, § **C.15.0.3.4.20**
- Gun violence restraining orders (GVRO), § **C.13.50**
- Hearing when person subject to restraining order reportedly has firearm, § **C.15.0.3.4.10**
- Keeping firearm where another resident subject to prohibitions, §§ **C.15.0.3.4.5, C.15.0.3.5**
- Relinquishment of firearms by persons convicted of crimes, § **C.15.0.3.4.5**
- Restraining orders prohibiting possession, §§ **C.15.0.3.4-C.15.0.3.4.15**
- Seizure at scene of domestic violence, § **C.15.0.3.4.5**
- Storage of firearm, § **C.15.0.3.5**

## INDEX

### **WEAPONS—Cont'd**

- Strike firearm restriction, trial court lacks authority to, § **C.15.0.3.4.12**
- Surrender of, §§ **C.15.0.3.4.5, C.15.0.3.4.10**
- Workplace violence restraining orders, § **C.23.8**

### **WEBSITES**

- See **INTERNET**

### **WELFARE REIMBURSEMENT**

- See **PUBLIC ASSISTANCE**

### **WELFARE-TO-WORK PROGRAM**

- Job-search orders, § **E.38.25**

### **WILLS**

- CharacterizationSee **COMMUNITY OR SEPARATE PROPERTY**
- Discovery during lifetime of testator, §§ **D.118.10, J.18.10**
- Disso judgment revokes testamentary dispositions, § **C.156.70**
- Domestic partners, rights of, § **U.185**
- Drafting attorney's duty of care to intended beneficiaries, § **A.103.0.0.5.10**
- Fraudulent conveyance under UVTA, change in will was not, § **S.48.0.75**
- Holographic will, revocation by divorce applies to, § **C.157.0.1.0.5**
- No-contest clause, §§ **C.155.10, C.157.0.1.5, U.80.10**
- Pension interest, testamentary transfer by nonemployee-spouse of, § **L.18.3**
- Spouse's children, revocation by divorce applies to bequests to, § **C.156.70**
- Trust provision, error to deny probate of will where disso judgment revoked, § **C.157.0.1.1**

### **WIRETAPPING AND EAVESDROPPING**

- Admissibility of evidence, §§ **C.160.4, C.160.4.2**
- Applicability of consent requirement, § **C.160.4.2**
- Exceptions to proscription against, § **C.160.4.2**
- Federal wiretapping statute, applicability of, § **C.160.4**

### **WIRETAPPING AND**

#### **EAVESDROPPING—Cont'd**

- International parental kidnapping as offense for which interception of communications authorized, § **H.5.6.5**
- Interspousal, §§ **C.160.4-C.160.4.2**
- Invasion of privacy, § **C.160.6.5**
- Parental, §§ **C.160.4**
- Statutory damages under federal wiretapping statute, calculation of, § **C.160.4**
- Unauthorized access to spouse's work emails, § **C.160.4.1**
- Vicarious consent doctrine, § **C.160.4**

### **WITHDRAWAL OF ATTORNEY**

- See **ATTORNEYS**

### **WITHHOLDING**

- See **INCOME TAXES**

### **WITNESSES**

- Attorneys, §§ **A.86.2, A.86.4**
- ChildrenSee **CHILD-WITNESSES**
- Cognitively impaired witnesses, §§ **P.13, P.16**
- Custody and witness protection program, § **H.5.9.1**
- Definition, § **P.8**
- Disqualification for violation of advocate-witness rule, § **A.71.51**
- Excessive charge for producing records, § **A.16.3.4**
- Excluded from courtroom, § **C.97**
- ExpertsSee **EXPERT WITNESSES**
- Impeachment, § **P.110**
- Live testimony at family law hearings, procedural requirements for, §§ **P.69.5, P.69.10**
- Non-expert opinion testimony, §§ **P.61, P.62, P.62.1**
- Oath, § **P.16**
- Personal knowledge required, § **P.15**
- Prior inconsistent statement, § **P.111**
- Statutory definition, § **P.8**
- UCCJEA, proceedings under, § **H.88**
- UIFSA proceedings, § **S.178.25**
- Unavailable-witness concept, §§ **P.14.2, P.14.2.0.5**
- Unsworn testimony inadmissible, § **P.17**

**WITNESSES—Cont'd**

Work-product privilege, witness statements subject to, § **D.106**

**WORKERS' COMPENSATION**

Characterization, §§ **L.41.1.3, L.74-L.74.10**

Death benefits, entitlement to, § **L.18.40**

Lump-sum settlement received before separation, characterization of, §§ **L.41.1.3, L.74.10**

Nonmarital partners, rights of, § **U.86.1**  
Reimbursement from disability benefits, § **L.42.3**

Support liens against, §§ **S.64.2.2.60-S.64.2.2.75**

Third-party claims, attorney must apprise client of possibility of, § **A.98.0.5**

**WORKFARE**

See **WELFARE-TO-WORK PROGRAM**

**WORK IN PROGRESS**

Characterization and valuation, §§ **M.32-M.35.1**

Law firms, dissolution of, §§ **M.33.5, M.33.8**

**WORKPLACE VIOLENCE**

Continuance, § **C.23.5**

Firearm prohibitions, §§ **C.15.0.3-C.15.0.3.4.5**

Law enforcement agencies, § **C.23.6**

Notifying protected person of service of process, § **C.23.5**

Penalties for violating injunctions and orders, §§ **C.15.0.0.0.2, C.23.8**

Response and respondent, § **C.23.5**

**WORKPLACE VIOLENCE—Cont'd**

Restraining orders and injunctions, §§ **C.23.1-C.23.8**

Statutory notice requirement, § **C.23.5**

**WRITINGS**

See **EVIDENCE**

**WRIT OF EXECUTION**

See **EXECUTION**

**WRITS**

Attorneys' fee award, § **A.7**

Filing fee, § **R.13**

Finality of order granting or denying writ, § **R.68.1**

Procedure, §§ **R.64-R.68.1**

Requirements, § **R.23.5**

Small claims actions, § **S.20.2**

Substantive limitations on, § **R.23.15**

Summary denial without oral argument or written opinion, § **R.20.4**

Time limits, § **R.23.10**

**WRONGFUL-DEATH ACTIONS**

Arbitration agreement with residential care facility, authority to enter into, § **C.47.4.15**

Attorney's duty to advise, § **A.98.1.5**

Domestic partners, § **U.170**

Nonmarital partners, § **U.85**

Out of wedlock, children born, § **E.0.0.13.15**

Overdose on drugs paid for by support funds, § **G.18.1.5.1**

Parental liability, § **G.18.1.3**

Parental rights termination, effect of, § **G.168.1.25**

Presumed parent of child bringing action, decedent was, § **U.85**