

CALIFORNIA PRACTICE GUIDE

FAMILY LAW

2025 UPDATE

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We've had another really busy year! Among the many developments, support payments for incapacitated adult children may now be paid into a "special needs trust," individuals who qualify as "protected persons" need not be California residents to file petitions for DVPA orders and, *operative* January 1, 2026, a statutorily prescribed *joint* petition for dissolution (or separation) is available as an alternative to conventional marital dissolution proceedings.

These Highlights summarize the most significant developments over the past year. The paragraph numbers are keyed to the 2025 edition of the Practice Guide where the topics are discussed in greater detail. Our cut-off date for this Update was April 1, 2025. Some of the new cases cited were not final as of that date, so be sure to check the subsequent histories before citing or relying on them.

Thank You! We encourage your comments and suggestions regarding this Practice Guide. Please keep them coming!

Justice Donald B. King (Ret.)
California Court of Appeals

2025 UPDATE HIGHLIGHTS

CHAPTER 1

THE FIRST CLIENT INTERVIEW

NATURE AND EFFECT OF RULES OF PROFESSIONAL CONDUCT

[1:75] **Possible disqualification in court proceedings:** An attorney’s violation of the CRPC does not necessarily compel the attorney’s disqualification. Indeed, disqualification should not be taken simply out of hypersensitivity to ethical nuances or the appearance of impropriety. [*Sundholm v. Hollywood Foreign Press Ass’n* (2024) 99 CA5th 1330, 1340, 318 CR3d 669, 676]

JOINT PETITION FOR DISSOLUTION OR LEGAL SEPARATION

[1:502.1] **Alternative to Conventional Dissolution Proceedings:** See ¶3:236.1 *ff. of the Highlights summaries.*

COLLABORATIVE LAW PROCESS

[1:351.17] **Written agreement requirement:** The Legislature has not created an evidentiary privilege for collaborative law processes. Thus, “if the parties intend to keep the process confidential, they are responsible for drafting an enforceable contract that so provides.” [*Mueller v. Mueller* (2024) 102 CA5th 593, 595, 321 CR3d 664, 665]

CHAPTER 3

COMMENCING THE PROCEEDINGS

JURISDICTION PREDICATED ON “MINIMUM CONTACTS”

[3:114] **“General” vs. “specific” minimum contacts personal jurisdiction:** It was error not to consider whether the nature and quality of a nonresident defendant’s continued contacts with CA rendered him subject to the court’s general jurisdiction. [*Hardell v. Vanzyl* (2024) 102 CA5th 960, 972, 322 CR3d 228, 237]

JOINT PETITION/SUMMONS FOR DISSOLUTION OR LEGAL SEPARATION

[3:236.1; 3:353; 3:356; 3:357.2; 3:394.10] **Alternative to Conventional Dissolution Proceedings:** *Commencing January 1, 2026*, parties who do not meet the requirements for a summary dissolution (¶2:50 *ff.*) may file a joint petition for dissolution of their marriage/domestic partnership or for legal separation, as statutorily specified. The joint petition and joint summons are deemed served when the joint petition is filed. [Amended/New Fam.C. §§2330, 2331, 2342.5 and 2342.51]

CHAPTER 4

RESPONSE AND POSTPETITION MATTERS

VENUE TRANSFER OF POSTJUDGMENT PROCEEDINGS (CCP §397.5)

[4:138] **Concurrent action involving local child support agency:** If there is a concurrent action or proceeding under Fam.C. §17000 *et seq.* involving the local child support agency, courts may still transfer

venue under Fam.C. §397.5 for actions or proceedings *not* subject to Fam.C. §17000 et seq. However, they *must* redirect any §397.5 motion to “the court of competent jurisdiction” under Fam.C. §4251 (i.e., where the superior court commissioners hear Title IV-D child support cases) for a change of venue in those actions and proceedings subject to Fam.C. §17000 et seq. [Amended CCP §397.5]

CHAPTER 5

ORDERS PENDING TRIAL

RESTRAINING ORDERS

[5:5.5; 5:5.5a] **Renewal in contested cases:** When renewing a restraining order, the “question” becomes whether a reasonable person in the petitioner’s circumstances would fear repetition of the abuse if the order expired. [See *G.G. v. G.S.* (2024) 102 CA5th 413, 421-422, 427-428, 312 CR3d 519, 526-527, 531 (discussing and expounding upon “the *Ritchie* factors”)]

SECURING COURT-ORDERED PENDENTE LITE RELIEF

[5:14; 5:67h] **On stipulation; domestic violence finding exception:** Although it is generally advisable, whenever possible, to obtain the parties’ stipulation to pendente lite relief, if there has been a finding that one parent committed a domestic violence act within the past five years, the court may *not* accept the parties’ stipulation to award joint or sole custody to the offending parent. [*Marriage of J.G. v. K.G.* (2025) — CA5th —, —, — CR3d —, — (2025 WL 1275765, *3)]

DOMESTIC VIOLENCE PETITIONS

[5:39.1] **California residency not required:** Individuals who qualify as “protected persons” (§5:38a ff.) need not be California residents to file petitions for DVPA orders. [New Fam.C. §6301(a)]

PROTECTIVE ORDERS

[5:66] **Ex parte requests for Fam.C. §6218 protective orders:** Ex parte requests for Fam.C. §6218 protective orders may not be rejected for filing by the court clerk if they (i) are submitted on mandatory Judicial Council forms, (ii) include all forms required to issue an order, and (iii) identify the parties submitting the requests and the parties who are the subjects of the requested orders. [New Fam.C. §6300(c)]

[5:67.5; 5:67.7] **Criminal and restraining order background searches:** Before a hearing on the issuance or denial of a DVPA protective order, the court must ensure, among other things, that a search has been conducted to determine if the subject of the proposed order owns or possesses a firearm as reflected in the Department of Justice Automated Firearms System. [Amended Fam.C. §6306(a)(1)]

[5:80.5] **Supplemental permissive “wiretap” orders:** The *nonconsensual* recordings made by a domestic violence victim *before* she requested a DVRO were deemed admissible under Pen.C. §663.6(b). [*Br.C. v. Be.C.* (2024) 101 CA5th 259, 266-268, 320 CR3d 145, 151-153]

[5:93.9a] **Fam.C. §6389(h) firearm/ammunition relinquishment**

exemption granted during pendency of TRO: If a Fam.C. §6389(h) relinquishment exemption necessary for employment (§5:93.8 ff.) is granted during the pendency of a temporary restraining order, and the court subsequently issues a restraining order after hearing on the same application, the court must review and make a finding, in writing or on the record, as to whether the exemption remains appropriate based upon §6389(h)'s criteria. [New Fam.C. §6389(i)(1)]

[5:93.9b] **Restraining order renewed under Fam.C. §6345 after Fam.C. §6389(h) firearm/ammunition relinquishment exemption granted:** If a Fam.C. §6389(h) relinquishment exemption necessary for employment (§5:93.8 ff.) has been granted and the court subsequently renews the restraining order pursuant to Fam.C. §6345 at the request of a party (§5:5.5), the court must review and make a finding, in writing or on the record, as to whether the Fam.C. §6389(h) exemption remains appropriate based upon §6389(h)'s criteria. [New Fam.C. §6389(i)(2)]

[5:93.9c] **Terminating/modifying Fam.C. §6389(h) firearm/ammunition relinquishment exemption:** The court may terminate or modify an exemption granted under §6389 at any time if the respondent demonstrates a need to modify the specific firearm and/or ammunition authorized by the court per Fam.C. §6389(h), or if the respondent no longer meets the requirements in §6389 or otherwise violates the restraining order. [New Fam.C. §6389(i)(3)]

CHILD CUSTODY AND VISITATION ISSUES

[5:100.1] **Temporary visitation orders in favor of presumed parents:** See §7:23a of the Highlights summaries.

[5:104.1a] **Parent's illegal access to firearms and ammunition:** See §7:177 of the Highlights summaries.

RFO AND DVRO PROCEDURES

[5:291] **Modification/termination of orders that remain once DV-130 Restraining Order after Hearing (ROAH) expires:** The FL-300 RFO form must be used to request *modification or termination* of any orders that remain in effect (e.g., child custody, support, property, etc.) once a DV-130 *Restraining Order after Hearing* (ROAH) expires. [CRC 5.92(a)(2)(B), eff. 1/1/25]

[5:291.1] **Changing/ending DVROs:** The mandatory DV-300 *Request to Change or End Restraining Order* form is used to change or end a DV-130 *Restraining Order after Hearing* (ROAH) that is still in effect. [CRC 5.92(a)(2)(A), eff. 1/1/25]

CHAPTER 6

SUPPORT

CHILD SUPPORT

[6:7.4a; 6:8.14; 6:16.3; 6:17.2a] **Rebuttable parentage presumptions:** A sperm donor whose parental rights were terminated in an adoption proceeding had no standing under Fam.C. §7611(d), §7360(b) or §7612(c) to seek presumed parent status. He also had no standing under Fam.C. §3041 to seek visitation. This was so even

though the donor had an eleven year relationship with the child. [*C.C. v. L.B.* (2024) 106 CA4th 1323, 1325-1332, 327 CR3d 700, 703-708]

Incapacitated adult children

- [6:52b; 6:56; 6:177.2a] **“Special needs trust”**: The court may order that support payments be paid to a “special needs trust” for adult children who are incapacitated from earning a living and without sufficient means. [New Fam.C. §3910(b)]
- [6:53.2] **Government barred from seeking contribution from relatives**: Welf. & Inst.C. §12350 bars the government from seeking contribution from relatives to defray the costs of aid to an adult disabled child. It does not, however, bar a parent from seeking a court order requiring the other parent to contribute to the support of that child under Fam.C. §3910. [*Marriage of Cady & Gamick* (2024) 105 CA5th 379, 383-384, 403-407, 325 CR3d 856, 857-859, 874, 877]

[6:208; 6:420] **Calculating amount; public assistance benefits**: \$5,000 payments received by F from an Indian tribe’s general welfare program were deemed income for purposes of calculating child support. [*Pateras v. Armenta* (2025) 109 CA5th 142, 146, 148, 330 CR3d 371, 374, 376 (concluding Fam.C. §4056(c) exception is “narrow” and applicable only to “programs for the poor”)]

[6:211a; 6:442.16a] **Determining parent’s earning capacity**: A party seeking a vocational evaluation to impute earning capacity must at least make a preliminary showing that the evaluation would be in the children’s best interests and that the other party has the ability and opportunity to earn income. [*Mercado v. Sup.Ct. (Wolf)* (2024) 106 CA5th 1143, 1156-1157, 327 CR3d 615, 626]

[6:626] **Refund of overage after termination of contingent order (child reaches age of majority)**: See ¶9:412.1 of the *Highlights summaries*.

[6:739] **Laches defense to arrearage enforcement**: Fam.C. §291’s legislative history clearly establishes the availability of a laches defense in actions to enforce all family court judgments except *support judgments not involving the State*. [*Marriage of Goldman* (2025) 107 CA5th 1258, 1260, 1267, 329 CR3d 42, 44, 49]

CHAPTER 7

CUSTODY AND VISITATION

UNIFORM PARENTAGE ACT (UPA) PROCEEDINGS

[7:23a; 7:480] **Temporary visitation orders for presumed parents**: Courts have discretion in parentage actions under Fam.C. §§3020, 3022 and 3100(a) to make temporary visitation orders in favor of presumed parents. [*Feehan v. Sup.Ct. (Seto)* (2024) 105 CA5th 38, 47, 50, 325 CR3d 652, 658, 660]

INDIAN CHILD WELFARE ACT (Cal-ICWA)

[7:71.2] **Defective notice as conditional reversible error**: The California Supreme Court has determined that error in an inad-

equate initial Cal-ICWA inquiry requires *conditional* reversal. [*In re Dezi C.* (2024) 16 C5th 1112, 1136, 324 CR3d 276, 289 (resolving split of authority)]

UCCJEA JURISDICTION

[7:125.1; 7:125.4] **California’s exclusive continuing jurisdiction as rendering state:** Neither a father’s relocation with the parties’ son nor the court’s Fam.C. §3422(a)(2) finding divested it of jurisdiction to make orders re custody and visitation proceedings that were pending before the court determined the relevant parties no longer resided in California. [*C.T. v. Sup.Ct. (K.W.)* (2025) 109 CA5th 1075, 1078, 1087, 331 CR3d 104, 105-106, 113]

EX PARTE CUSTODY ORDERS

[7:177] **Immediate risk of harm to child:** When determining whether there has been a showing of immediate harm to a child, courts must now consider, among other things, “a parent’s illegal access to firearms and ammunition, including, but not limited to, whether a parent is prohibited from having firearms and ammunition.” [New Fam.C. §3064(B)(2)(A) & (B)]

FRAMEWORK FOR CUSTODY DECISIONS

[7:325.15] **Guidelines for taking child’s testimony:** A father’s due process rights were violated when the trial court conducted an unreported, in-chambers interview with the parties’ child in conjunction with the mother’s DVRO request. [*Cardona v. Soto* (2024) 105 CA5th 141, 149-151, 325 CR3d 670, 676-677]

FAM.C. §3044 REBUTTABLE PRESUMPTION AGAINST CUSTODY

[7:329.9a] **Triggered by parties’ stipulation:** The Fam.C. §3044 presumption against custody is triggered when a trial court issues a domestic violence restraining order pursuant to the parties’ stipulation. [*C.C. v. D.V.* (2024) 105 CA5th 101, 110, 111, 324 CR3d 661, 668-669]

SURROGACY

[7:450.3] **Oral surrogacy agreements:** At least one decision has determined that the law does *not* require all surrogacy agreements be in writing, including “traditional” surrogacy agreements. [*Miles v. Gerstein* (2025) 110 CA5th 88, 92, 106, 331 CR3d 492, 494, 504-505]

VISITATION RIGHTS

[7:489.2a] **Supervised:** If a court finds circumstances warrant making a Fam.C. §3064 ex parte order granting or modifying a custody order (§7:177), the court must consider whether the child’s best interest requires that visitation be suspended, denied or limited to situations in which a third person specified by the court is present, including virtual visitation. [New Fam.C. §3100(c)(1)(A) & (B)]

CHAPTER 8

MARITAL PROPERTY

APPORTIONMENT OF INTERESTS IN FAMILY RESIDENCE

[8:301; 8:1375] **Calculating community’s pro tanto interest vs.**

property's value: The community's pro tanto percentage interest in the family residence is calculated at the time of the parties' separation. However, the property's value generally is determined as near as practicable to trial. [*Marriage of Freeman* (2025) 110 CA5th 406, —, 331 CR3d 633, 636]

FIDUCIARY DUTIES IN EXERCISING MANAGEMENT AND CONTROL

[8:608.4; 8:608.6] **Missing assets; managing spouse's burden of proof:** The *Margulis* burden-shifting framework applies when one spouse solely controls and manages a *relationship with a third party* who directly oversees the management and investment of the community's funds postseparation. [*Marriage of Mohammadijoo & Dadashian* (2024) 102 CA5th 392, 398, 321 CR3d 499, 503]

Moreover, in a *matter of first impression*, the above decision also has determined the *Margulis* burden-shifting framework may extend to a spouse's missing *separate* property. [*Marriage of Mohammadijoo & Dadashian*, *supra*]

UNIFORM VOIDABLE TRANSACTIONS ACT (UVTA)

[8:790] **Inapplicable when court adjudicates disposition of marital property:** Property transfers between spouses under a marital settlement agreement are subject to the UVTA. However, when the court itself adjudicates the disposition of marital property (i.e., the disposition is not the product of a negotiated settlement), the UVTA is inapplicable. [*Bijan Boutiques, LLC v. Isong* (2024) 104 CA5th 132, 136, 138, 324 CR3d 390, 392, 393-394]

CHAPTER 9

PREMARITAL, MARITAL AND MARITAL SETTLEMENT AGREEMENTS

PROVISIONS AFFECTING MINOR CHILDREN

[9:412.1] **Termination of child support order or child support wage and assignment order:** Once a child support order terminates upon the marriage or emancipation of the child, or on the death or occurrence of a specified event as to the child under Fam.C. §3901 or §3910, the support recipient may have an obligation under Fam.C. §4007 to repay any support sums disbursed after the child support obligation terminated. However, this obligation arises *only if* the original support order requires the support recipient to *notify the support payor* of the happening of the contingency. [See *Marriage of Saraye* (2024) 106 CA4th 348, 355-357, 326 CR3d 835, 840-842]

[9:412.3] **“Special needs trust” (for children of any age who are incapacitated, unable to earn a living and without sufficient means):** Commencing January 1, 2025, courts may order that support payments for incapacitated adult children, as defined under Fam.C. §3910(a), be paid to a “special needs trust.” [New Fam.C. §3910(b)]

CHAPTER 10

TAX ASPECTS OF MARRIAGE TERMINATION

SPOUSAL SUPPORT (“ALIMONY”)

[10:47.6] **Designated as nontaxable/nondeductible in pre-2019 divorce/separation agreements:** A 2005 MSA provided that various payments by H to W should be pursuant to a property division and it separately provided for alimony payments that would be deductible and taxable. This was a sufficient designation that the property settlement payments would *not* be taxable to W or deductible by H. [*Martino v. Commr.*, TC Memo. 2024-18 (on appeal to 11th Cir.)]

CHILD SUPPORT

[10:120.1; 10:124] **Treatment of “family support”:** The obligation to pay family support not only terminates on the supported spouse’s death (§10:53), it also ceases upon the children’s emancipation. [*Rojas v. Commr.*, TC Memo 2022-77, *aff’d* (9th Cir. 2024) 2024 WL 466785]

HEAD OF HOUSEHOLD RETURNS

[10:242; 10:260.53] **Maintaining taxpayer’s home as qualifying child’s principal abode for more than one year:** A grandfather taxpayer was denied head of household status because his grandchild did not live with him for more than half the taxable year. [See *Turner v. Commr.*, TC Memo. 2024-20—also no Earned Income Tax Credit (EITC) for said grandchild]

RELIEF FROM TAX LIABILITY EXPOSURE FOR SEPARATED/DIVORCED SPOUSES

[10:273.5] **Fraud limitation:** The sale of a jointly owned residence and purchase of a new residence in the name of the electing spouse was deemed a fraudulent scheme. [*Cotroneo v. Commr.*, TC Memo. 2024-70]

[10:275.1a] **Refunds:** Innocent spouse relief is not available when the IRS seeks to recover a *nonrebate* refund that was erroneously paid to the taxpayers (i.e., one that does not arise from a miscalculation of the tax but, rather, a clerical or computer error that bears no relation to a recalculation of tax liability). Thus, an erroneously paid refund of interest on a tax liability that the IRS sought to recover did not constitute unpaid tax or a deficiency and therefore did not give rise to innocent spouse relief. [*LaRosa v. Commr.* (2024) 163 TC No. 2]

[10:275.3i] **Economic hardship test:** An important factor in deciding whether equitable relief should be granted is whether the requesting spouse will suffer economic hardship if relief is denied. Moreover, the Tax Court requires up-to-date information in this regard. Thus, a wife whose testimony involved out-of-date information on both her income and the value of her property failed to demonstrate economic hardship. [*Thomas v. Commr.* (2024) 162 TC No. 2]

[10:275.6] **Significant benefit assessment:** The fact that the requesting spouse received a “significant benefit” from costly vacations and consumer goods purchased when taxes were unpaid weighed against granting equitable relief. [*Thomas v. Commr.* (2024) 162 TC

No. 2; compare *Schnackel v. Commr.*, TC Memo. 2024-76 (requesting spouse received no significant benefit from non-deductible business expenses for car and condominium)]

[10:277.1] **Deadline for filing petition:** The 90-day deadline for filing a petition is “jurisdictional,” meaning it cannot be extended for reasons such as equitable tolling or estoppel. [*Frutiger v. Commr.* (2024) 162 TC No. 5]

DEDUCTIBILITY OF ATTORNEY FEES AND OTHER LITIGATION COSTS

[10:502] **Costs of criminal defense:** T, a professor who was convicted of sexually abusing the daughter of his research assistant, was liable for the costs of his criminal defense, which were deemed a personal rather than business expense. However, a small amount of the payments was deductible. Reason: They were paid to an investigator who looked into a related business dispute with T’s competitor. [*Anderson v. Commissioner* (10th Cir. 2024) 2024 WL 2239160, cert.den. (11/4/24)]

CHAPTER 11

TRIAL PREPARATION

DISCOVERY ACT PROCEDURES AND SANCTIONS

[11:387.2; 11:387.4] **Costs and fees incurred *during* “Meet and confer” requisite:** In a matter of apparent first impression, it has been determined that the costs and fees incurred *during* the *requisite* “meet and confer” process (which occurs before filing a motion to compel) are *not* outside the scope of compensable expenses for “purposes of monetary sanctions under the Civil Discovery Act.” [*Marriage of Moore* (2024) 102 CA5th 1275, 1299, 1300, 322 CR3d 249, 270-271]

[11:387.4] **No “meet and confer” expenses incurred *after* motion to compel is filed:** Expenses incurred during a voluntary mediation that occurred *after* a motion to compel was filed were not compensable as discovery sanctions. [*Marriage of Moore* (2024) 102 CA5th 1275, 1291, 1301, 322 CR3d 249, 271]

CHAPTER 13

CONTESTED TRIALS

REMOTE APPEARANCES

[13:1] **CCP §367.75:** The “sunset” date for the current version of CCP §367.75, which was enacted in response to the COVID-19 pandemic, has been extended to January 1, 2027.

SETTLEMENT ENFORCEMENT (CCP §664.6)

[13:64.5] **Courts have no authority to “create” settlements:** Nothing in CCP §644.6 authorizes judges to *create* a settlement’s material terms as opposed to deciding what terms the *parties themselves* previously agreed upon. Thus, a trial court could not order prejudgment interest under a §664.6 motion where the parties had not agreed upon that term. [*BTHHM Berkeley, LLC. v. Johnston* (2024) 100 CA5th 1220, 1225, 319 CR3d 852, 855-856]

[13:66.5] **Dismissal of case and retention of jurisdiction subject**

to written or oral stipulation in court: Courts may now dismiss cases without prejudice and retain jurisdiction over the parties to enforce their settlements until fully performed provided *the parties themselves so stipulate in writing or orally before the court.* [New CCP §664.6(a) (read in conjunction with existing subd. (c))]

INTERROGATION OF WITNESSES

[13:113a] **By court:** A trial court has both the discretion and duty to ask questions of witnesses in order to elicit material facts or clarify confusing or unclear testimony. This is so provided the court does not “assume the role of either the prosecution or of the defense” and does not “compromise its neutrality.” [*Bailey v. Murray* (2024) 102 CA5th 677, 685, 322 CR3d 21, 27-28]

CHAPTER 14

ATTORNEY FEES, COSTS AND SANCTIONS

ATTORNEY SELF-HELP AND DILATORY TACTICS PROHIBITED

[14:353] **Satisfaction from client trust account:** A court did not err in denying a law firm’s third-party claim to its client’s flat fee retainer which was paid in advance for future legal representation and held in the law firm’s trust account. Reason: The firm “presented no evidence” it had performed any legal services on the client’s behalf. [*Dickson v. Mann* (2024) 103 CA5th 935, 950, 323 CR3d 481, 492-493 (upholding creditor’s levy against client’s flat fee retainer)]

CHAPTER 15

JUDGMENT ON CONTESTED SETTLEMENT AGREEMENT

[15:263] **CCP §664.6 effectuating orders:** See ¶13:66.5 of the *Highlights summaries.*

CHAPTER 16

CHALLENGING THE JUDGMENT; MOTIONS, APPEALS AND WRITS

FAM.C. §2120 ET SEQ. POST-JUDGMENT SET-ASIDE RELIEF

[16:117-117.1] **Based on “duress”:** The statute does not define “duress.” Case law, however, describes duress as that which “includes whatever destroys one’s free agency and constrains him or her to do what is against his or her will, and may be exercised by threats, importunity, or any species of mental coercion. . . .” [*Marriage of Diamond* (2024) 106 CA5th 550, 571-572, 327 CR3d 139, 154-155]

[16:119] **Based on “mental incapacity”:** Again, no statutory definition is offered, but case law has relied on the definitions used in the Probate and Civil Codes to define “a person who lacks mental capacity within the meaning of section 2122” as someone who “suffers from a mental deficit that significantly impairs his or her ability to understand and appreciate the nature or consequences of his or her actions or of the family law proceeding.” [*Marriage of Diamond* (2024) 106 CA5th 550, 569-570, 327 CR3d 139, 152-153]

APPELLATE REVIEW

[16:210.2; 16:212.7] **Family Code §2121 et seq.:** Rulings under Fam.C. §2121 et seq. ordinarily are reviewed for an abuse of discretion. However, in those cases where the trier of fact has concluded that the party with the burden of proof did not carry the burden and that party appeals, the question for a reviewing court becomes whether the evidence compels a finding in favor of the appellant as a matter of law, requiring de novo review of the relevant statutory law. [*Marriage of Diamond* (2024) 106 CA5th 550, 566, 327 CR3d 139, 150]

[16:212.8] **Orders granting summary judgment under Fam.C. §916:** After marital property is divided in a dissolution action, neither the property received by one spouse, nor that spouse individually, is liable for any debts incurred before or during marriage by the other spouse. Thus, a judgment creditor's action against a judgment debtor's former spouse was barred by Fam.C. §916(a)(2). [*Bijan Boutiques, LLC v. Isong* (2024) 104 CA5th 132, 138, 324 CR3d 390, 394]

CHAPTER 17

MODIFICATION OF ORDERS AND JUDGMENTS

PROTECTIVE ORDERS

[17:358] **Renewal of domestic violence orders:** Renewal of a domestic violence protective order may be “for five or more years or permanently,” at the court’s discretion and without “a showing of further abuse.” [*G.G. v. G.S.* (2024) 102 CA5th 413, 421, 321 CR3d 519, 526]

VENUE TRANSFERS OF POSTJUDGMENT PROCEEDINGS

[17:361] **Concurrent action involving local child support agency:** See ¶4:138 of the *Highlights summaries*.

CHAPTER 18

ENFORCEMENT OF ORDERS AND JUDGMENTS

ATTORNEY FEE JUDGMENT

[18:3; 18:987.1] **As Fam.C. §291 “money judgment”:** Family Code §291’s reference to “money judgments” *necessarily* includes those judgments meant to satisfy the payment of attorney fees. Moreover, like all Fam.C. §291 “money judgments,” an attorney fee judgment is (i) enforceable until paid in full or otherwise satisfied and (ii) exempt from any requirement that the judgment be renewed. [See *Marriage of McIntyre & Shayan* (2024) 106 CA5th 76, 80, 83-84, 86-87, 326 CR3d 646, 649, 651, 653-654]

EQUITABLE DEFENSES

[18:4] **Laches:** See ¶6:739 of the *Highlights summaries*.

PROPER VENUE TRANSFERS

[18:17] **Concurrent action involving local child support agency:** See ¶4:138 of the *Highlights summaries*.