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Superior Court of California
County of Los Angeles

In re: the Marriage/Matter of: Case No: 123-00189
PETITIONER: SPOUSAL SUPPORT FACTORS
Johnny Appleseed Date:04/01/2011
123 Main St Time: 08:00am
Roseville, CA 95747 Place: Department 80
and Assigned To: John Slovoqski

RESPONDENT:
Kristina Appleseed
123 Main St
Roseville, CA 95747

Family Code **§4320 – General:**

Family Code §4320 is the statutory authority for long-term spousal support.

Family Code §4320 provides mandatory factors that the court must consider when determining long-term spousal support.

1 justify;">The trial court cannot simply determine spousal support by
2 reference to one factor or another. Rather, it must weigh and apply all of
3 the factors stated in Family Code §4320.</p><p style="text-align:
4 justify;"> </p><p style="text-align: justify;">The trial court must go
5 beyond merely a mathematical computation of expenses minus income in setting
6 spousal support; it must make a support award consistent with all of the
7 factors in Family Code §4320.</p><p style="text-align:
8 justify;"> </p><p style="text-align: justify;">Marriage of Fransen
9 (1983) 142 Cal.App.3d 419</p><p style="text-align: justify;">Spousal
10 support orders that do not reflect a weighing of these statutory factors [the
11 current Family Code §4320] are subject to reversal for abuse of
12 discretion.</p><p style="text-align: justify;"> </p><p style="text-
13 align: justify;">Marriage of Schulze (1997) 60 Cal.App.4th 519</p><p
14 style="text-align: justify;">The spousal support component of a permanent
15 family support order must be based on the statutory factors enumerated in
16 section 4320 of the Family Code, not pegged to a number generated by a
17 computer program intended for use in calculating temporary support.
18 </p><p style="text-align: justify;"> </p><p style="text-align:
19 justify;">Marriage of Zywieciel (2000) 83 Cal.App.4th 1078</p><p style="text-
20 align: justify;">In determining permanent spousal support, a judge may
21 not abdicate responsibility by turning to the DissoMaster temporary support
22 guideline, even if used only as a reference point.</p><p style="text-
23 align: justify;"> </p><p style="text-align: justify;"><span
24 style="text-decoration: underline;">Family Code <span
25 style="text-decoration: underline;">§4320 – Court
26 Discretion:</p><p style="text-align: justify;">As long as the
27 court applies each factor it has considerable discretion in determining both
an initial long-term spousal support amount and modification of spousal

1 support.</p><p style="text-align: justify;"> </p><p style="text-align:
2 justify;">In fact, spousal support orders are probably the most discretionary
3 orders in the family law courts. For this reason, attorneys and parties must
4 be prepared to present a strong case justifying a spousal support request or
5 defending against one.</p><p style="text-align: justify;"> </p><p
6 style="text-align: justify;">Marriage of Wilson (1988) 201 Cal.App.3d
7 913</p><p style="text-align: justify;">Wide discretion is vested in the
8 trial court in determining the amount and duration of spousal
9 support.</p><p style="text-align: justify;"> </p><p
10 style="text-align: justify;">Marriage of Kerr (1999) 77 Cal.App.4th 87</p><p
11 style="text-align: justify;">In making its spousal support order, the
12 trial court possesses broad discretion so as to fairly exercise the weighing
13 process contemplated by section 4320.</p><p style="text-align:
14 justify;"> </p><p style="text-align: justify;">Marriage of Cheriton
15 (2001) 92 Cal.App.4th 269</p><p style="text-align: justify;">Given the
16 variety of purposes to be served by spousal support, it follows that the
17 trial court must be invested with broad discretion in fashioning such awards.
18 As we explained above, the court's discretion in setting permanent support is
19 constrained by the enumerated statutory factors.</p><p> </p>