

1 **NAME**  
2 **ADDRESS**  
3 **TELEPHONE NUMBER**

4 **IN PRO PER**

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6 [FOR YOUR INFORMATION ONLY: This is a Points and Authorities. The purpose of such  
7 is to lay out your request regarding a specific issue, and to support that request with law. It also  
8 helps you in planning your case, and when negotiating with the other party/attorney.

9 Additionally, sometimes, in family law, we have to ‘teach’ a Judge the law about specific  
10 issues because they are either new to the bench or are experienced in areas of law other than  
11 divorce. The best way to do this is through a Memorandum of Points and Authorities. While  
12 not generally required by the Court (unless ordered otherwise by the Judge assigned to your  
13 case or proscribed by law) it is a good idea to submit one to the Court, especially when you are  
14 requesting relief that isn’t considered standard (e.g. above guideline support).

15 **IN THE SUPERIOR COURT OF CALIFORNIA**  
16 **COUNTY OF [COUNTY NAME]**

17 **In Re the Marriage of** ) **Case No. [CASE NUMBER]**  
18 **[PETITIONER NAME],** )  
19 **Petitioner,** ) **POINTS AND AUTHORITIES IN**  
20 **and** ) **SUPPORT OF PETITIONER’S REQUEST**  
21 **[RESPONDENT NAME],** ) **FOR ORDERS FOR CHILD SUPPORT**  
22 **Respondent.** ) **EXCEEDING GUIDELINE**  
23 ) **CALCULATION**

24 **I. STATEMENT OF FACTS**

25 [INSERT BOTH STATISTICAL FACTS AND PROCEDURAL FACTS HERE. FOR  
26 EXAMPLE, “THE PARTIES WERE MARRIED ON \_\_\_\_\_ AND SEPARATED ON  
27 \_\_\_\_\_. THEY HAVE \_\_\_ MINOR CHILD/REN, [[NAME]], [[DATE OF BIRTH]].  
28 PER ORDER FILED ON \_\_\_\_\_, \_\_\_\_\_’S CUSTODIAL TIME WITH THE

1 MINOR CHILD/REN IS EVERY OTHER WEEKEND AND ONE WEEKNIGHT DINNER  
2 EACH WEEK.” BRIEFLY EXPLAIN THE SITUATIONAL FACTS THAT LED YOU TO  
3 FILE A REQUEST FOR OVER GUIDELINE SUPPORT. BE STRAIGHT AND TO THE  
4 POINT.

5 **II. LEGAL ARGUMENT**

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8 **A. Special circumstances including [CHILD/REN’S SPECIAL**  
9 **CIRCUMSTANCES, E.G. PHYSICAL AND MENTAL DISABILITIES],**  
10 **warrant an order of child support exceeding guideline amounts**

11 The presumption that the amount of child support under the guideline formula is the  
12 correct amount may be rebutted by admissible evidence showing that the amount would be unjust  
13 or inappropriate because of *special circumstances in the particular case*. Family Code section  
14 4057(b)(5). Special circumstances may justify an award *exceeding* guideline amounts. *Brothers v.*  
15 *Kern*, 154 CA4th 126 (2007). The trial court has broad discretion to determine when special  
16 circumstances apply. *Marriage of de Guigne*, 97 CA4th 1353, 1361 (2002). Such circumstances  
17 expressly include, but are not limited to the following: the child has ‘special medical or other  
18 needs that could require more child support than that calculated under the guideline formula.  
19 Family Code section 4057(b)(5)(C).

20 Here, [CHILD/REN’S NAME] needs are far in excess of that of an ‘average’ [AGE] year  
21 old. [CHILD/REN’S NAME’S] financial needs are not just important – they are essential to  
22 [HIS/HERS/THEIR] health and well-being. Clearly, [CHILD/REN’S NAME’S] serious physical  
23 and mental disabilities warrant a deviation from guideline child support.

24 [USE THIS SPACE TO EXPLAIN THE FACTS OF YOUR UNIQUE SITUATION  
25 AND WHY THOSE FACTS WARRANT THE USE OF THE LAW LAID OUT ABOVE. USE  
26 AS SPECIFIC EXAMPLES AS YOU CAN, E.G. THE EXACT CARE OR CLASSES THAT  
27 YOUR CHILD/REN NEED AND THE EXACT NATURE OF THEIR DISABILITY OR  
28 CIRCUMSTANCE THAT WARRANTS EXTRAORDINARY EXPENDITURES.

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Respectfully Submitted:

Date: \_\_\_\_\_

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[NAME AND SIGNATURE]