

What should you do if the wildfires in Los Angeles, CA impacted your ability to pay child and/or spousal support?

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What should you do if the wildfires in Los Angeles, CA impacted your ability to pay child and/or spousal support? Here's a guide to help navigate the challenges:

1. Document the Impact

- **Financial Loss:** Gather documentation of how the wildfires have affected your income or financial situation. This might include loss of employment, damage to property, or business interruptions. You will need to prove that you did not have an ability to pay the court-ordered support.
- **Expenses:** Keep receipts for expenses directly related to the wildfire, such as temporary housing, repairs, or medical bills.

2. Communicate with the Other Party

- Open a dialogue about your financial situation. They may be willing to agree to a temporary reduction, adjustment, stay in child and/or spousal support.
- If informal discussions are productive, it is imperative that you formalize your agreement in writing, including a formal agreement on retroactivity (e.g. when the agreement takes effect).

3. Seek Legal Advice

- Consult with a family law attorney experienced in California child and spousal support matters. They can advise you on how to proceed based on your circumstances.
- If you cannot afford legal representation, contact local legal aid organizations for assistance.

4. File for a Modification of Support

- In California, child support is always modifiable, and spousal support can be modified if there is a significant change in circumstances, depending on the existing orders. Financial hardship caused by the wildfires may qualify as such a change.
- File a Request for Order with the court requesting a modification. Provide evidence of how the wildfires have impacted your finances. Evidence is documentation proving your claims.
- Absent an agreement in writing with the other party, an order modifying support cannot be made retroactive unless and until you have filed a Request for Order with the Court. The Court does not have the authority or power to make modification orders retroactive to any date earlier than the date of filing of a Request for Order.

5. Explore Disaster Relief Resources

- Check for federal, state, or local assistance programs for wildfire victims. Resources such as FEMA, disaster unemployment assistance, or California state programs may provide financial relief.
- Some programs may cover expenses that can indirectly help you meet your support obligations.

6. Attend Court Hearings

- Be prepared to explain your situation to the judge and present documentary evidence of your financial hardship.
- If you're unable to pay support temporarily, ask the court for a payment plan or suspension of payments. This must be done in a formal manner through a Request for Order as discussed above.

7. Stay Proactive

- Even if you cannot pay the full amount of support, try to pay what you can to show good faith.
- Keep records of all efforts to address the situation, including communications with the other party and attempts to modify the order.

8. Prevent Contempt Issues

- Avoid ignoring your support obligations. Failure to pay without addressing the issue through legal channels could result in contempt of court, imprisonment, penalties, or wage garnishment.

9. Important Change Coming to Los Angeles Superior Court

- Effective March 1, 2025, the Los Angeles Superior Court will be using a new computer program to calculate child and (temporary) spousal support. This new program is Xspouse. The parties, through their respective attorneys, should familiarize themselves with the program and the resulting calculations taking into consideration their specific circumstances.

Taking these steps promptly can help mitigate the consequences of financial hardship caused by the wildfires while demonstrating to the court and the other party that you are acting in good faith.

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