

California Family Law Report

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Concealment until child reaches majority is “benchmark for the estoppel defense” . . .

In affirmance, Fifth District holds that, per *Damico*, custodial parent who conceals child’s whereabouts until after child turns 18 (but is still in school) is estopped from collecting child-support arrearages

Stanislaus County Department of Child Support Services v. Jensen
(October 2, 2003)

California Court of Appeal, 5 Civil F041528, 112 CA4th 453, 5 CR3d 178, FIRST ALERT #F-2003-1115, per Levy, J (Ardaiz, PJ, and Dibiaso, J, concurring). Stanislaus County: Allen, Commr., affirmed. For County: Deputy Attorneys General Frank Furtek and Mary Dahlberg, (916) 327-1270. For obligor: Rebecca Roberson, (209) 521-1800. CFLP §§L.156.1.5, O.56.0.18.1.

In 1985, a Kern County trial court ordered Vic Allen Jensen to pay child support of \$150 a month for his daughter, Brandi, starting on July 15, 1985, and to make payments on AFDC arrearages that totaled \$2,625. However, on June 20, 1985, the Kern County Family Support Division sent Vic a letter, advising him not to pay the monthly child support through its office because his ex-wife, April Brittingham, had left the county. Unbeknownst to either Vic or the DA, April had moved with Brandi to Virginia without leaving a forwarding address. Vic ceased paying the monthly support, but kept hacking away at the arrearages until 1992, by which time he had paid them in full. Meanwhile, he thought that April might be in Pennsylvania, and tried unsuccessfully to get her address from her family.

In March 1997, the Stanislaus County Department of Child Support Services (DCSS) sent another letter to Vic, telling him that April had asked for assistance in collecting the unpaid child support. Vic asked for April’s address, but the department refused to reveal it. In May 1997, the DCSS began collecting current support and arrearages from Vic’s employer through a wage assignment. A year later, the department registered the Kern County support order in the Stanislaus County trial court, asserting that Vic’s child-support arrearages totaled \$35,076, including interest, for the period between August 1985 and March 31, 1998. Vic paid that amount in full.

In August 1998, Vic received a letter from April in which she provided an address for Brandi, who had turned 18 on March 12 of that year (but was still in high school). April suggested that Vic might want to write to his daughter, because now that Brandi was 18, she was “ ‘adult enough to find all this out on her own.’ ”

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