Filed 12/31/25 Marriage of Marin CA4/2

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re the Marriage of STEPHANIE JAMILET MARIN AND JESUS MARIN.	
STEPHANIE JAMILET MARIN et al., Respondents, v. JESUS MARIN, Appellant.	E084847 (Super.Ct.No. FLHE2300356) OPINION

APPEAL from the Superior Court of Riverside County. Kelly A. Moran, Commissioner. Affirmed.

Jesus Marin, in pro. per., for Appellant.

No appearance for Respondents.

Appellant Jesus Marin and respondent Stephanie Jamilet Marin have five children together. In this family law case, appellant requested modification of child support

arrears that had accrued between the initial support order and a previous modification. The trial court denied appellant's request. We affirm that denial.

FACTS

Beginning April 1, 2022, appellant was required to pay $2,098 per month in child support.[1] Later, the court modified that amount to $200 per month, beginning February 1, 2023. Support for the period before that modification—between April 1, 2022, and January 31, 2023—is at issue in this appeal.

In May 2024, appellant requested the court determine his arrears and set a payment plan. This written request is not included in the appellate record. We do, however, have a reporter's transcript of the October 2024 hearing on his request. Appellant asked that his support arrears be modified, arguing that since January 13, 2022, he had been on disability and had been receiving only disability payments much lower than his previous work income, which had been used to calculate the $2,098 per month amount.

The trial court denied the modification request, explaining to appellant that "the reason why nothing was modified previously is because you didn't request a modification," even though he had been in court on other matters. The court ordered appellant to pay at least $80 per month towards his child support arrears—which totaled

[1] This order was made in a default judgment, which is not included in our record but was discussed in the October 2024 hearing. The register of actions reflects the June 2022 filing of the default judgment but no further details.

$12,119.91 and was accruing interest of about $76 per month—in addition to the $200 monthly child support.

DISCUSSION

Appellant argues that the $2,098 per month in child support initially ordered was too high because that amount was calculated from his "previous employment income not current disability income." In his view, the amount "exceeds that allowable under federal law." He also complains that the trial court cut short his presentation of evidence supporting his modification request.

"'The Legislature has established a bright-line rule that accrued child support vests and may not be adjusted up or down. [Citations.] If a parent feels the amount ordered is too high—or too low—he or she must seek *prospective* modification.'" (*Stover v. Bruntz* (2017) 12 Cal.App.5th 19, 26 (*Stover*) (italics added).) "Numerous statutory provisions state that a court may not retroactively modify a child support order for payments that have already accrued." (*S.C. v. G.S.* (2019) 38 Cal.App.5th 591, 598-599; see, e.g., Fam. Code, §§ 3603, 3651, subd. (c)(1), 3653, subd. (a), 3692.) Federal statutory law is in accord. (See 42 U.S.C. § 666(a)(9)(C).) The court also lacks the equitable power to retroactively modify accrued child support. (*County of Santa Clara v. Wilson* (2003) 111 Cal.App.4th 1324, 1325.)

There is no evidence appellant could have presented that would have made it correct for the trial court to violate this bright-line rule. The court would have been

acting "in excess of [its] jurisdiction" had it granted appellant's modification request. (*Stover*, *supra*, 12 Cal.App.5th at pp. 26-27.)

DISPOSITION

The order denying appellant's child support modification request is affirmed. No award of costs is appropriate, as respondents prevailed without making an appearance on appeal.

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RAPHAEL
J.

We concur:

MILLER
Acting P. J.

LEE
J.