

ParaReg Headnotes

1000 – 1299 Legal Principles Paraphrased Regulations

- 1000-1 Generally, all trusts are revocable ([Prob. C.15400](#))
- 1000-2 Oral trust of personal property must be established by clear and convincing evidence ([Prob. C. 15207](#))
- 1000-3 Establishing CUTMA; irrevocability; vesting in minor ([Prob. C. 3909\(a\)\(2\)](#), [3911\(b\)](#))
- 1000-3A CUTMA custodian may give to, or pay for, the minor as much of the custodial property as he/she sees fit, even if no court order, and regardless of whether the minor or others responsible for the minor have, or do not have, assets ([Prob. C. 3914\(a\)](#))
- 1000-4 Resulting trusts (Witkin, Summary of California Law)
- 1000-5 *Totten* trusts ([Prob. C. 5301\(c\)](#); [Estate of Wilson](#))
- 1000-6 Involuntary trustees ([Civ. C. 2223](#), [2224](#))
- 1001-1 Earnings of spouse and minor children while living apart from spouse are separate property ([Fam. C. 771](#))
- 1001-2 Tracing permitted when community and separate property commingled ([Fam. C. 2640](#))
- 1001-3 Separate property acquired by gift, bequest, devise, descent ([Fam. C. 770](#))
- 1001-4 Deeds, transfers of real property ([Civ. C. 1091](#); Witkin, Summary of California Law)
- 1001-4A Real property can be transferred only by operation of law, or by a writing ([Civ. C. 1091](#), [1624\(a\)](#))
- 1001-5 Transfers of property can be made orally; when effective ([Civ. C. 1052-1055](#))
- 1001-7 Ownership of property under California law ([Civ. C. 654](#), [679](#))
- 1001-8 Transfer of property without consideration is usually a gift; "consideration" defined ([Civ. C. 1146](#), [1605](#))
- 1100-1 Correctly addressed, properly mailed letter presumed received ([Evid. C. 641](#))
- 1100-2 Party who does not produce good evidence in his/her possession should have weaker evidence actually presented viewed with distrust ([Evid. C. 412](#))
- 1100-2A A statute providing that a fact or group of facts is prima facie evidence of another fact establishes a rebuttable presumption ([Evid. C. 602](#))
- 1100-3 Trier of facts may determine genuineness of handwriting ([Evid. C. 1417](#))
- 1100-4 Definition of inference ([Evid. C. 600\(b\)](#); [Traxler v. Thompson](#))

- 1100-5A Secondary Evidence Rule, replacing Best Evidence Rule ([Evid. C. 1520](#), [1521](#), [1523](#), [1530](#), [1550](#); Witkin, California Evidence, 4th Edition, Vol. 2)
- 1100-6 Direct evidence defined; one witness' direct evidence sufficient to prove fact ([Evid. C. 410](#), [411](#))
- 1100-7 Evidence Code rule as to determination of credibility ([Evid. C. 780](#))
- 1100-8 Trier of fact may consider failure to explain or deny facts ([Evid. C. 413](#))
- 1100-9 Hearsay evidence defined ([Evid. C. 1200\(a\)](#))
- 1100-10 Hearsay exception: statement made by party or party's representative ([Evid. C. 1220](#))
- 1100-11 Hearsay exception: adoptive admission ([Evid. C. 1221](#))
- 1100-12 Hearsay exception: declaration against interest ([Evid. C. 1230](#))
- 1100-13 Hearsay exception: business records ([Evid. C. 1271](#))
- 1100-14 Hearsay exception: absence of entry in business record ([Evid. C. 1272](#))
- 1100-15 Hearsay exception: official records ([Evid. C. 1280](#))
- 1100-16 Preponderance of evidence means "more likely than not" ([Tellabs, Inc. v. Makor Issues & Rights, Ltd.](#))
- 1100-17 Administrative Law Judge permitted to exclude evidence which is irrelevant, cumulative or unduly repetitious. ([22-050.22](#))
- 1101-1 Party asserting affirmative of issue has burden of proof ([Cornell v. Reilly](#))
- 1101-2 Burden of producing evidence defined; initially on party with burden of proof ([Evid. C. 110](#), [550](#))
- 1101-3 Burden of proof defined ([Evid. C. 115](#))
- 1101-4 County has burden of going forward ([22-073.36](#))
- 1101-5 Definition of clear and convincing evidence ([Katie V. v. Superior Court.](#))
- 1102-1 Person without understanding has no power to contract ([Civ. C. 38](#))
- 1102-2 Contract defined; determination of validity of contract ([Civ. C. 1549](#), [1550](#))
- 1102-3 In cases of uncertainty the language of a contract should be interpreted most strongly against the party who caused the uncertainty to exist. ([Civil Code 1654](#))
- 1102-4 Quasi contractual obligations distinguished from true contracts ([County of Santa Clara v. Robbiano](#))
- 1103-1 Every word in statute has a meaning ([Woodmansee v. Lowery](#))

- 1103-1A Statutory language best indicator of legislative intent. ([Medical Bd. v. Superior Court](#); [Garcia v. McCutchen](#))
- 1103-1B Intent of lawmakers necessary in interpreting statute. ([Medical Bd. v. Superior Court](#); [People v. Cruz](#))
- 1103-1C Harmonizing more than one statute on a subject. ([Medical Bd. v. Superior Court](#); [Droeger v. Friedman, Sloan & Ross](#); [Garcia v. McCutchen](#))
- 1103-2 In construing statutes, look to language of statute first, but if this would lead to absurd result, look to intent of the law as a whole ([Larson v. California State Personnel Board](#))
- 1103-3 Harmonize statutory provisions; when not possible, more recently enacted, or specific rather than general, governs ([Kaiser Aluminum and Chemical Corp. v. Bonjorno](#))
- 1103-3A Specific controls over general in statutory construction. ([Capitol Racing, LLC v. California Horse Racing Board](#))
- 1103-4 Generally no retroactive effect given to changes in law ([Rosasco v. Comm. on Judicial Performance](#), [Evangelatos v. Superior Court](#))
- 1103-4A Statute not to be given retroactive effect unless the legislature so provides, particularly when the right affected is a vested right ([Canfield v. Prod](#))
- 1103-5 Words in statute have same meaning as in everyday speech unless the word has an established legal meaning ([Savnik v. Hall](#); [Arnett v. Dal Cielo](#))
- 1103-6 Law related to public assistance is to be fairly and equitably construed ([W&IC 11000](#))
- 1110-1 Regulation defined ([Handbook 17-001.1](#); [Gov. C. §11342](#))
- 1110-2 Handbook defined ([Handbook 17-001.2](#))
- 1110-3 Explanation of Manual Letters ([Handbook 17-001.3](#))
- 1110-4 Explanation of ACLs ([Handbook 17-001.4](#))
- 1110-5 Explanation of ACINs ([Handbook 17-001.5](#))
- 1200-1 No regulation valid which is inconsistent or in conflict with statute ([Gov. Code 11342.2](#))
- 1200-2 Regulations valid if authorized by and consistent with controlling statutes ([Morris v. Williams](#))
- 1200-3 Director should not enforce invalid regulations in fair hearings ([Woods v. Superior Court](#))
- 1200-4 Administrative agency cannot declare a statute unenforceable or unconstitutional on basis of federal law ([Cal. Const., Art. III, 3.5](#))
- 1200-5 U.S. Supreme Court analysis of abuse of discretion ([Motor Vehicle Mfrs. Ass'n v. State Farm](#))
- 1200-6 Review standards for abuse of discretion in California (Asimow, Michael, 42 UCLA L.R. 1157)

- 1200-6A Abuse of discretion if there is a total lack of evidentiary support ([*California Association for Health Services at Home v. Dept. of Health Care Services*](#))
- 1200-7 All regulations must be within the scope of its authority ([*Gov. Code, 11342.1*](#))
- 1200-8 No regulation effective unless consistent with statute. ([*Gov. Code, 11342.2*](#))
- 1200-9 Agency action must be within the scope of authority conferred by legislature ([*Gov. Code, 11342.1*](#); [*County of San Diego v. Bowen*](#))
- 1200-10 Authority for DSS regulations ([*W&IC 10554*](#))
- 1200-11 Regulations must be formally approved by Secretary of State ([*Gov. Code 11340.5\(a\)*](#))
- 1200-12 Definition of "regulation" ([*Gov. Code §11342.600*](#))
- 1022-13 Guidelines or other rules issued by agency not adopted by regulation are unenforceable ([*Gov. Code §11340.5\(a\)*](#))
- 1201-1 Persons who have right to state hearing ([*W&IC 10950*](#))
- 1201-2 LCSA has responsibility for enforcing child support obligations ([*Fam. C. 17400\(a\); 17500\(a\)*](#))
- 1201-2A LCSA has a complaint resolution process and Department of Child Support has a hearing process ([*Fam. C. 17800*](#); [*17801*](#))
- 1201-3 Referral to SIU, investigation by SIU, and SIU referral to DA, not subject to state hearing ([*Madrid v. McMahon*](#))
- 1201-4 County shall determine conditions of employment of county employees, and hearings as to employment are conducted by county hearing officer of OAH ([*Gov. Code 25300*](#), [*27720*](#), [*27727*](#))
- 1201-5 Administration of public social services is county function ([*W&IC 10800*](#))
- 1202-1 Collateral estoppel ([*Teitelbaum Furs v. Dominion Insurance Company, Ltd.*](#))
- 1202-2 Res Judicata and collateral estoppel ([*Frommhamen v. Board of Santa Cruz County*](#))
- 1202-3 Finality required for collateral estoppel after administrative decision ([*Long Beach Unified School District v. State of California*](#); [*Abelson v. Nat. Union Fire Ins. Co.*](#))
- 1202-4 Small claims court decision, or Superior Court decision under Small Claims Act, is not entitled to collateral estoppel ([*Craig-Casey v. Rosse*](#))
- 1202-5 Collateral estoppel does not preclude CDSS or counties from seeking to recover a greater AFDC overpayment than imposed by a judge as a part of the restitution in the criminal case ([*Shor v. DSS*](#))
- 1202-6 No collateral estoppel in civil case after conviction following guilty plea ([*Pease v. Pease*](#))
- 1202-7 When administrative hearing process is from an agency acting in a judicial capacity, it may

- preclude subsequent litigation on same issue ([Castillo v. City of Los Angeles](#))
- 1203-1 No authority within state hearing process to award damages or issue injunction ([Ramos v. Madera](#))
- 1203-2 Compliance required; aid must be issued even if rehearing granted ([Taylor v. McKay](#); [Blackburn v. Sarsfield](#); [W&IC 10963](#))
- 1203-6 Unpublished opinions are generally not citable; exceptions ([Cal. Rules of Court Rule#8.1115](#))
- 1204-1 Residence of minor, how determined ([W&IC 17.1](#))
- 1204-2 Residence of minor declared free of parental custody ([W&IC 17.1\(e\)](#))
- 1204-3 Age of majority is 18, effective 1972 ([Fam. C. 6502](#))
- 1205-1 Citizenship of person born abroad of alien parent and citizen parent ([8 USC 1401\(g\)](#))
- 1205-2 When alien parents become U.S. citizens, noncitizen child also becomes a U.S. citizen ([8 USC 1431\(a\)\(1\)](#))
- 1206-1 Statute of Limitations for Fraud or Mistake ([Civil Code 338](#))
- 1206-10 Discussion of doctrine of laches ([Lam v. Bureau of Security and Investigation Services](#))
- 1206-12 Elements of laches ([Wooded Shores Property Owners Ass'n Inc. v. Mathews](#))
- 1206-13 Laches can be applied against State Department of Health Care Services in matter involving hospital reimbursement. ([Fountain Valley Regional Hospital v. Bonta](#))
- 1207-1 Waiver definition, limitations ([Craig v. Wright](#))
- 1210-1 State minimum wage amounts (ACIN I-114-01)
- 1210-1A State minimum wage amounts ([Labor C. 1182.12](#); [ACIN I-99-06](#))
- 1210-2 General rules regarding overpayments dischargeable in bankruptcy ([ACIN I-65-86](#))
- 1220-1 Maxims of jurisprudence aids in application of code provisions ([Civil Code 3509](#))
- 1220-2 Where the reason of a rule ceases, so should the rule itself. ([Civil Code 3510](#))
- 1220-3 For every wrong, there is a remedy. ([Civil Code 3523](#))
- 1220-4 That which ought to have been done is to be regarded as done, in favor of him to whom, and against him from whom, performance is due. ([Civil Code 3529](#))
- 1220-5 An interpretation which gives effect is preferred to one which makes void. ([Civil Code 3542](#))
- 1220-6 Judicial policy favors a determination on the merits. ([Addison v. State of California](#), [Bollinger v. National Fire Ins. Co.](#); [Waybright v. Anderson](#))

1220-7 The law abhors a forfeiture. ([Civil Code, §§3275, 3369](#); [Ellis v. Order of United Travelers](#); [Nasir v. Sacramento County Off. of the Dist. Atty.](#))