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)


1100-6 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 Mutual)

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) and 17500(a))

1201-2A LCSA has a complaint resolution process and Department of Child Support has a hearing process (Fam. C. 17800 and 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 (Frommhaen v. Board of Santa Cruz County)


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 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)


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