

AMENDED IN SENATE APRIL 19, 2004

AMENDED IN SENATE APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 782

Introduced by Assembly Member Kehoe
(Principal coauthor: Senator Burton)

February 20, 2003

An act to add Section 216 to the Family Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 782, as amended, Kehoe. Public records: family law.

Existing law provides that every person has a right to inspect any public record, except with respect to public records exempt from disclosure by express provisions of law. Under existing law, "public record" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency. Existing law exempts from disclosure specified documents and information filed in connection with legal proceedings involving dissolution of marriage, nullity of marriage, legal separation, child support, spousal support, and certain other matters regarding familial relationships.

This bill would provide that specified pleadings and orders relating to proceedings for dissolution of marriage, nullity of marriage, and legal separation, and actions brought under certain provisions of law involving parent and child relationships, are public records of the superior court. The bill would provide that all other pleadings and

orders are confidential and may be accessed only upon order of the court for good cause.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~—no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 216 is added to the Family Code, to
2 read:

3 216. (a) The following pleadings and orders relating to
4 proceedings for dissolution of marriage, nullity of marriage, and
5 legal separation of the parties pursuant to Division 6 (commencing
6 with Section 2000) and actions brought under the Uniform
7 Parentage Act (Part 3 (commencing with Section 7600) of
8 Division 12) are public records of the superior court:

9 (1) A petition for dissolution or nullity of marriage, legal
10 separation, or for orders under the Uniform Parentage Act.

11 (2) The court’s final judgment or order on the petition.

12 (3) An order for child support, spousal support, or wage
13 garnishment.

14 (4) A petition filed by the Department of Child Support
15 Services, the response thereto, and the court’s order on the petition.

16 (5) A *protective order*, as defined in Section 6218, except to the
17 extent that disclosure of information contained in that order has
18 been prohibited by an *ex parte* order pursuant to Section 6322.5,
19 and any other protective order that does not contain identifying
20 information about the nature, value, or location of financial assets
21 and liabilities of the parties.

22 (b) All other pleadings and orders are confidential and shall be
23 placed in a separate confidential file of the court, and may be
24 accessed only upon order of the court for good cause.

