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AMENDED IN SENATE MAY 24, 2004
AMENDED IN ASSEMBLY JANUARY 15, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1704

Introduced by Committee on Judiciary (Corbett (Chair), Harman (Vice Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)

February 26, 2003

An act to amend Section 724.060 of the Code of Civil Procedure, to amend Sections 4014, 4202, 5002, 17400, 17406, 17432, and 17500 of, and to add Section 5003 to, the Family Code, to amend ~~Section 27282~~ *Sections 27282 and 71622* of the Government Code, ~~and~~ to amend Section 19271.6 of the Revenue and Taxation Code, *and to amend Section 827 of the Welfare and Institutions Code*, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1704, as amended, Committee on Judiciary. Family law: local child support agencies.

(1) Existing law specifies the information to be contained in an acknowledgment of satisfaction of judgment.

This bill would authorize a local child support agency director or his or her designee to execute and acknowledge an acknowledgment of satisfaction of judgment if the agency has been providing child support services, as specified, to be recorded pursuant to paragraph (1).

(2) Existing law sets forth the required informational contents of judgments for paternity and orders for child support.

This bill would make those requirements inapplicable in cases in which a local child support agency is providing child support services, and would make related changes.

(3) Existing law authorizes a local child support agency to serve a respondent with a form of a proposed judgment specifying his or her presumed income if the actual income is not known to the agency.

This bill would revise the determination of that presumed income.

(4) Existing law authorizes hearings regarding support orders that involve an out-of-state party to be conducted by telephone conference or other remote means.

This bill would extend this authorization to instances in which both parents reside in California, and would require the Judicial Council to adopt rules of court regarding such hearings on or before July 1, 2005.

(5) Existing law provides that once a parent has requested or is receiving support enforcement services, a local child support agency or the Attorney General is required to serve on a parent all child support pleadings served on the agency, as specified.

This bill would impose a state-mandated local program by extending this requirement to paternity pleadings served on a local child support agency. The bill would also apply to paternity pleadings served on the Attorney General.

(6) Existing law authorizes a court, on terms that may be just, to relieve a defendant from that part of a judgment or order concerning the amount of child support to be paid in an action filed by a local child support agency.

This bill would specify that a court may set aside that part of the judgment or order, and require the Judicial Council to revise related forms effective July 1, 2005.

(7) Existing law authorizes certain documents to be recorded without acknowledgment, certificate of acknowledgment, or further proof.

This bill would authorize to be recorded under these provisions a notice of support judgment and other specified documents completed and recorded by a local child support agency or a state agency acting pursuant to specified provisions of the federal Social Security Act.

(8) *Existing law authorizes each trial court to establish and appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, and provides that, as of a specified date, all persons who were authorized to serve as subordinate judicial officers are authorized to serve as subordinate judicial officers*



at their existing salary rate, which may be a percentage of the salary of a judicial officer.

This bill would provide that certain child support commissioners shall receive a salary equal to 85% of a superior court judge's salary.

(9) Existing law authorizes a support obligor to apply from a claim of exemption from a levy by the Franchise Tax Board, as specified.

This bill would limit that authorization to specified instances in which the support obligor is in compliance with scheduled payments on child support arrearages.

~~(9)~~

(10) *Existing law specifies the persons who may inspect a case file with respect to juvenile court proceedings.*

This bill would add to the list of persons so authorized, a local child support agency for purposes of establishing paternity and establishing and enforcing child support orders.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 724.060 of the Code of Civil Procedure
- 2 is amended to read:
- 3 724.060. (a) An acknowledgment of satisfaction of
- 4 judgment shall contain the following information:
- 5 (1) The title of the court.
- 6 (2) The cause and number of the action.
- 7 (3) The names and addresses of the judgment creditor, the
- 8 judgment debtor, and the assignee of record if any. If an abstract
- 9 of the judgment has been recorded in any county, the judgment



1 debtor’s name shall appear on the acknowledgment of satisfaction
2 of judgment as it appears on the abstract of judgment.

3 (4) The date of entry of judgment and of any renewals of the
4 judgment and where entered in the records of the court.

5 (5) A statement either that the judgment is satisfied in full or
6 that the judgment creditor has accepted payment or performance
7 other than that specified in the judgment in full satisfaction of the
8 judgment.

9 (6) A statement whether an abstract of the judgment has been
10 recorded in any county and, if so, a statement of each county where
11 the abstract has been recorded and the book and page of the county
12 records where the abstract has been recorded, and a notice that the
13 acknowledgment of satisfaction of judgment (or a court clerk’s
14 certificate of satisfaction of judgment) will have to be recorded
15 with the county recorder of each county where the abstract of
16 judgment has been recorded in order to release the judgment lien
17 on real property in that county.

18 (7) A statement whether a notice of judgment lien has been
19 filed in the office of the Secretary of State and, if such a notice has
20 been filed, a statement of the file number of such notice, and a
21 notice that the acknowledgment of satisfaction of judgment (or a
22 court clerk’s certificate of satisfaction of judgment) will have to be
23 filed in that office in order to terminate the judgment lien on
24 personal property.

25 (b) The acknowledgment of satisfaction of judgment shall be
26 made in the manner of an acknowledgment of a conveyance of real
27 property.

28 (c) The acknowledgment of satisfaction of judgment shall be
29 executed and acknowledged by one of the following:

- 30 (1) The judgment creditor.
- 31 (2) The assignee of record.
- 32 (3) The attorney for the judgment creditor or assignee of record
33 unless a revocation of the attorney’s authority is filed.
- 34 (4) The local child support agency director or his or her
35 designee, if the local child support agency has been providing child
36 support services pursuant to Section 17400 of the Family Code.
37 The acknowledgement of satisfaction of judgment may be
38 recorded by the local child support agency pursuant to Section
39 27282 of the Government Code.

40 SEC. 2. Section 4014 of the Family Code is amended to read:



1 4014. (a) Any order for child support issued or modified
2 pursuant to this chapter shall include a provision requiring the
3 obligor and child support obligee to notify the other parent or, if
4 the order requires payment through an agency designated under
5 Title IV-D of the Social Security Act (42 U.S.C. Sec. 651, et seq.),
6 the agency named in the order, of the name and address of his or
7 her current employer.

8 (b) The requirements set forth in this subdivision apply only in
9 cases in which the local child support agency is not providing child
10 support services pursuant to Section 17400. To the extent required
11 by federal law, and subject to applicable confidentiality provisions
12 of state or federal law, any judgment for paternity and any order
13 for child support entered or modified pursuant to any provision of
14 law shall include a provision requiring the child support obligor
15 and obligee to file with the court all of the following information:

- 16 (1) Residential and mailing address.
- 17 (2) Social security number.
- 18 (3) Telephone number.
- 19 (4) Driver's license number.
- 20 (5) Name, address, and telephone number of the employer.
- 21 (6) Any other information prescribed by the Judicial Council.

22 The judgment or order shall specify that each parent is
23 responsible for providing his or her own information, that the
24 information must be filed with the court within 10 days of the court
25 order, and that new or different information must be filed with the
26 court within 10 days after any event causing a change in the
27 previously provided information.

28 (c) Except for cases in which the local child support agency is
29 not providing child support services pursuant to Section 17400,
30 once the child support registry, as described in Section 16576 of
31 the Welfare and Institutions Code is operational, any judgment for
32 paternity and any order for child support entered or modified
33 pursuant to any provision of law shall include a provision requiring
34 the child support obligor and obligee to file and keep updated the
35 information specified in subdivision (b) with the child support
36 registry.

37 (d) The Judicial Council shall develop forms to implement this
38 section. The forms shall be developed so as not to delay the
39 implementation of the Statewide Child Support Registry
40 described in Section 16576 of the Welfare and Institutions Code



1 and shall be available no later than 30 days prior to the
2 implementation of the Statewide Child Support Registry.

3 SEC. 3. Section 4202 of the Family Code is amended to read:

4 4202. (a) Notwithstanding any other provision of law, in a
5 proceeding where the custodial parent resides in one county and
6 the parent ordered to pay support resides in another county, the
7 court may direct payment to be made to the county officer
8 designated by the court for those purposes in the county of
9 residence of the custodial parent, and may direct the local child
10 support agency of either county to enforce the order.

11 (b) If the court directs the local child support agency of the
12 county of residence of the noncustodial parent to enforce the order,
13 the expenses of the local child support agency with respect to the
14 enforcement is a charge upon the county of residence of the
15 noncustodial parent.

16 SEC. 4. Section 5002 of the Family Code is amended to read:

17 5002. (a) In an action pursuant to this chapter prosecuted by
18 the local child support agency or the Attorney General that is
19 initiated by service of summons and petition or other comparable
20 pleading, the respondent may also be served with a proposed
21 judgment consistent with the relief sought in the petition or other
22 comparable pleading. If the respondent's income or income
23 history is unknown to the local child support agency, the local child
24 support agency may serve a form of proposed judgment with the
25 petition and other documents on the respondent that shall inform
26 the respondent that income shall be presumed to be the amount of
27 the minimum wage, at 40 hours per week, established by the
28 Industrial Welfare Commission pursuant to Section 1182.11 of the
29 Labor Code, unless information concerning the respondent's
30 income is provided to the court. The respondent shall also receive
31 notice that the proposed judgment will become effective if he or
32 she fails to file a response with the court within 30 days after
33 service.

34 (b) In any action pursuant to this chapter in which the judgment
35 was obtained pursuant to presumed income, as set forth in this
36 section, the court may set aside that part of the judgment or order
37 concerning the amount of child support to be paid on the grounds
38 specified and in the manner set forth in Section 17432.

39 SEC. 5. Section 5003 is added to the Family Code, to read:



1 5003. The Judicial Council shall adopt court rules
2 implementing the provisions of subdivision (f) of Section 4930
3 regarding hearings by telephone, audiovisual means, or other
4 electronic means on or before July 1, 2005. Hearings by telephone,
5 audiovisual means, or other electronic means shall also be
6 permitted in child support cases in which the local child support
7 agency is providing child support services, but both of the parents
8 reside in California, provided that the hearings are conducted in
9 accordance with the rules of court adopted pursuant to this section.

10 SEC. 6. Section 17400 of the Family Code is amended to read:

11 17400. (a) Each county shall maintain a local child support
12 agency, as specified in Section 17304, that shall have the
13 responsibility for promptly and effectively establishing,
14 modifying, and enforcing child support obligations, including
15 medical support, enforcing spousal support orders established by
16 a court of competent jurisdiction, and determining paternity in the
17 case of a child born out of wedlock. The local child support agency
18 shall take appropriate action, including criminal action in
19 cooperation with the district attorneys, to establish, modify, and
20 enforce child support and, when appropriate, enforce spousal
21 support orders when the child is receiving public assistance,
22 including Medi-Cal, and, when requested, shall take the same
23 actions on behalf of a child who is not receiving public assistance,
24 including Medi-Cal.

25 (b) Notwithstanding Sections 25203 and 26529 of the
26 Government Code, attorneys employed within the local child
27 support agency may direct, control, and prosecute civil actions and
28 proceedings in the name of the county in support of child support
29 activities of the Department of Child Support Services and the
30 local child support agency.

31 (c) Actions brought by the local child support agency to
32 establish paternity or child support or to enforce child support
33 obligations shall be completed within the time limits set forth by
34 federal law. The local child support agency's responsibility applies
35 to spousal support only where the spousal support obligation has
36 been reduced to an order of a court of competent jurisdiction. In
37 any action brought for modification or revocation of an order that
38 is being enforced under Title IV-D of the Social Security Act (42
39 U.S.C. Sec. 651 et seq.), the effective date of the modification or



1 revocation shall be as prescribed by federal law (42 U.S.C. Sec.
2 666(a)(9)), or any subsequent date.

3 (d) (1) The Judicial Council, in consultation with the
4 department and representatives of the California Family Support
5 Council, the Senate Committee on Judiciary, the Assembly
6 Committee on Judiciary, and a legal services organization
7 providing representation on child support matters, shall develop
8 simplified summons, complaint, and answer forms for any action
9 for support brought pursuant to this section or Section 17404. The
10 Judicial Council may combine the summons and complaint in a
11 single form.

12 (2) The simplified complaint form shall provide notice of the
13 amount of child support that is sought pursuant to the guidelines
14 set forth in Article 2 (commencing with Section 4050) of Chapter
15 2 of Part 2 of Division 9 based upon the income or income history
16 of the support obligor as known to the local child support agency.
17 If the support obligor’s income or income history is unknown to
18 the local child support agency, the complaint shall inform the
19 support obligor that income shall be presumed to be the amount of
20 the minimum wage, at 40 hours per week, established by the
21 Industrial Welfare Commission pursuant to Section 1182.11 of the
22 Labor Code unless information concerning the support obligor’s
23 income is provided to the court. The complaint form shall be
24 accompanied by a proposed judgment. The complaint form shall
25 include a notice to the support obligor that the proposed judgment
26 will become effective if he or she fails to file an answer with the
27 court within 30 days of service. Except as provided in paragraph
28 (2) of subdivision (a) of Section 17402, if the proposed judgment
29 is entered by the court, the support order in the proposed judgment
30 shall be effective as of the first day of the month following the
31 filing of the complaint.

32 (3) (A) The simplified answer form shall be written in simple
33 English and shall permit a defendant to answer and raise defenses
34 by checking applicable boxes. The answer form shall include
35 instructions for completion of the form and instructions for proper
36 filing of the answer.

37 (B) The answer form shall be accompanied by a blank income
38 and expense declaration or simplified financial statement and
39 instructions on how to complete the financial forms. The answer
40 form shall direct the defendant to file the completed income and



1 expense declaration or simplified financial statement with the
2 answer, but shall state that the answer will be accepted by a court
3 without the income and expense declaration or simplified financial
4 statement.

5 (C) The clerk of the court shall accept and file answers, income
6 and expense declarations, and simplified financial statements that
7 are completed by hand provided they are legible.

8 (4) (A) The simplified complaint form prepared pursuant to
9 this subdivision shall be used by the local child support agency or
10 the Attorney General in all cases brought under this section or
11 Section 17404.

12 (B) The simplified answer form prepared pursuant to this
13 subdivision shall be served on all defendants with the simplified
14 complaint. Failure to serve the simplified answer form on all
15 defendants shall not invalidate any judgment obtained. However,
16 failure to serve the answer form may be used as evidence in any
17 proceeding under Section 17432 of this code or Section 473 of the
18 Code of Civil Procedure.

19 (C) The Judicial Council shall add language to the
20 governmental summons, for use by the local child support agency
21 with the governmental complaint to establish parental relationship
22 and child support, informing defendants that a blank answer form
23 should have been received with the summons and additional
24 copies may be obtained from either the local child support agency
25 or the superior court clerk.

26 (e) In any action brought or enforcement proceedings instituted
27 by the local child support agency pursuant to this section for
28 payment of child or spousal support, an action to recover an
29 arrearage in support payments may be maintained by the local
30 child support agency at any time within the period otherwise
31 specified for the enforcement of a support judgment,
32 notwithstanding the fact that the child has attained the age of
33 majority.

34 (f) The county shall undertake an outreach program to inform
35 the public that the services described in subdivisions (a) to (c),
36 inclusive, are available to persons not receiving public assistance.
37 There shall be prominently displayed in every public area of every
38 office of the agencies established by this section a notice, in clear
39 and simple language prescribed by the Director of Child Support
40 Services, that the services provided in subdivisions (a) to (c),



1 inclusive, are provided to all individuals, whether or not they are
2 recipients of public assistance.

3 (g) (1) In any action to establish a child support order brought
4 by the local child support agency in the performance of duties
5 under this section, the local child support agency may make a
6 motion for an order effective during the pendency of that action,
7 for the support, maintenance, and education of the child or
8 children that are the subject of the action. This order shall be
9 referred to as an order for temporary support. This order has the
10 same force and effect as a like or similar order under this code.

11 (2) The local child support agency shall file a motion for an
12 order for temporary support within the following time limits:

13 (A) If the defendant is the mother, a presumed father under
14 Section 7611, or any father where the child is at least six months
15 old when the defendant files his or her answer, the time limit is 90
16 days after the defendant files an answer.

17 (B) In any other case where the defendant has filed an answer
18 prior to the birth of the child or not more than six months after the
19 birth of the child, then the time limit is nine months after the birth
20 of the child.

21 (3) If more than one child is the subject of the action, the
22 limitation on reimbursement shall apply only as to those children
23 whose parental relationship and age would bar recovery were a
24 separate action brought for support of that child or those children.

25 (4) If the local child support agency fails to file a motion for an
26 order for temporary support within time limits specified in this
27 section, the local child support agency shall be barred from
28 obtaining a judgment of reimbursement for any support provided
29 for that child during the period between the date the time limit
30 expired and the motion was filed, or, if no motion is filed, when
31 a final judgment is entered.

32 (5) Except as provided in Section 17304, nothing in this section
33 prohibits the local child support agency from entering into
34 cooperative arrangements with other county departments as
35 necessary to carry out the responsibilities imposed by this section
36 pursuant to plans of cooperation with the departments approved by
37 the Department of Child Support Services.

38 (6) Nothing in this section otherwise limits the ability of the
39 local child support agency from securing and enforcing orders for



1 support of a spouse or former spouse as authorized under any other
2 provision of law.

3 (h) As used in this article, “enforcing obligations” includes,
4 but is not limited to, any of the following:

5 (1) The use of all interception and notification systems
6 operated by the department for the purposes of aiding in the
7 enforcement of support obligations.

8 (2) The obtaining by the local child support agency of an initial
9 order for child support that may include medical support or that is
10 for medical support only, by civil or criminal process.

11 (3) The initiation of a motion or order to show cause to increase
12 an existing child support order, and the response to a motion or
13 order to show cause brought by an obligor parent to decrease an
14 existing child support order, or the initiation of a motion or order
15 to show cause to obtain an order for medical support, and the
16 response to a motion or order to show cause brought by an obligor
17 parent to decrease or terminate an existing medical support order,
18 without regard to whether the child is receiving public assistance.

19 (4) The response to a notice of motion or order to show cause
20 brought by an obligor parent to decrease an existing spousal
21 support order when the child or children are residing with the
22 obligee parent and the local child support agency is also enforcing
23 a related child support obligation owed to the obligee parent by the
24 same obligor.

25 (5) The referral of child support delinquencies to the Franchise
26 Tax Board under subdivision (c) of Section 17500 in support of the
27 local child support agency.

28 (i) As used in this section, “out of wedlock” means that the
29 biological parents of the child were not married to each other at the
30 time of the child’s conception.

31 (j) (1) The local child support agency is the public agency
32 responsible for administering wage withholding for current
33 support for the purposes of Title IV-D of the Social Security Act
34 (42 U.S.C. Sec. 651 et seq.).

35 (2) Nothing in this section limits the authority of the local child
36 support agency granted by other sections of this code or otherwise
37 granted by law.

38 (k) In the exercise of the authority granted under this article, the
39 local child support agency may intervene, pursuant to subdivision
40 (b) of Section 387 of the Code of Civil Procedure, by ex parte



1 application, in any action under this code, or other proceeding in
2 which child support is an issue or a reduction in spousal support
3 is sought. By notice of motion, order to show cause, or responsive
4 pleading served upon all parties to the action, the local child
5 support agency may request any relief that is appropriate that the
6 local child support agency is authorized to seek.

7 (l) The local child support agency shall comply with all
8 regulations and directives established by the department that set
9 time standards for responding to requests for assistance in locating
10 noncustodial parents, establishing paternity, establishing child
11 support awards, and collecting child support payments.

12 (m) As used in this article, medical support activities that the
13 local child support agency is authorized to perform are limited to
14 the following:

15 (1) The obtaining and enforcing of court orders for health
16 insurance coverage.

17 (2) Any other medical support activity mandated by federal law
18 or regulation.

19 (n) (1) Notwithstanding any other law, venue for an action or
20 proceeding under this division shall be determined as follows:

21 (A) Venue shall be in the superior court in the county that is
22 currently expending public assistance.

23 (B) If public assistance is not currently being expended, venue
24 shall be in the superior court in the county where the child who is
25 entitled to current support resides or is domiciled.

26 (C) If current support is no longer payable through, or
27 enforceable by, the local child support agency, venue shall be in the
28 superior court in the county that last provided public assistance for
29 actions to enforce arrearages assigned pursuant to Section 11477
30 of the Welfare and Institutions Code.

31 (D) If subparagraphs (A), (B), and (C) do not apply, venue shall
32 be in the superior court in the county of residence of the support
33 obligee.

34 (E) If the support obligee does not reside in California, and
35 subparagraphs (A), (B), (C), and (D) do not apply, venue shall be
36 in the superior court of the county of residence of the obligor.

37 (2) Notwithstanding paragraph (1), if the child becomes a
38 resident of another county after an action under this part has been
39 filed, venue may remain in the county where the action was filed
40 until the action is completed.



1 (o) The local child support agency of one county may appear
2 on behalf of the local child support agency of any other county in
3 an action or proceeding under this part.

4 SEC. 7. Section 17406 of the Family Code is amended to read:

5 17406. (a) In all actions involving paternity or support,
6 including, but not limited to, other proceedings under this code,
7 and under Division 9 (commencing with Section 10000) of the
8 Welfare and Institutions Code, the local child support agency and
9 the Attorney General represent the public interest in establishing,
10 modifying, and enforcing support obligations. No attorney-client
11 relationship shall be deemed to have been created between the
12 local child support agency or Attorney General and any person by
13 virtue of the action of the local child support agency or the
14 Attorney General in carrying out these statutory duties.

15 (b) Subdivision (a) is declaratory of existing law.

16 (c) In all requests for services of the local child support agency
17 or Attorney General pursuant to Section 17400 relating to actions
18 involving paternity or support, not later than the same day an
19 individual makes a request for these services in person, and not
20 later than five working days after either (1) a case is referred for
21 services from the county welfare department, (2) receipt of a
22 request by mail for an application for services, or (3) an individual
23 makes a request for services by telephone, the local child support
24 agency or Attorney General shall give notice to the individual
25 requesting services or on whose behalf services have been
26 requested that the local child support agency or Attorney General
27 does not represent the individual or the children who are the
28 subject of the case, that no attorney-client relationship exists
29 between the local child support agency or Attorney General and
30 those persons, and that no such representation or relationship shall
31 arise if the local child support agency or Attorney General
32 provides the services requested. Notice shall be in bold print and
33 in plain English and shall be translated into the language
34 understandable by the recipient when reasonable. The notice shall
35 include the advice that the absence of an attorney-client
36 relationship means that communications from the recipient are not
37 privileged and that the local child support agency or Attorney
38 General may provide support enforcement services to the other
39 parent in the future.



1 (d) The local child support agency or Attorney General shall
 2 give the notice required pursuant to subdivision (c) to all recipients
 3 of services under Section 17400 who have not otherwise been
 4 provided that notice, not later than the date of the next annual
 5 notice required under Section 11476.2 of the Welfare and
 6 Institutions Code. This notice shall include notification to the
 7 recipient of services under Section 17400 that the recipient may
 8 inspect the clerk’s file at the office of the clerk of the court, and
 9 that, upon request, the local child support agency, or, if
 10 appropriate, the Attorney General, will furnish a copy of the most
 11 recent order entered in the case.

12 (e) The local child support agency or, if appropriate, the
 13 Attorney General shall serve a copy of the complaint for paternity
 14 or support, or both, on recipients of support services under Section
 15 17400, as specified in paragraph (2) of subdivision (e) of Section
 16 17404. A notice shall accompany the complaint that informs the
 17 recipient that the local child support agency or Attorney General
 18 may enter into a stipulated order resolving the complaint, and that
 19 the recipient shall assist the prosecuting attorney, by sending all
 20 information on the noncustodial parent’s earnings and assets to the
 21 prosecuting attorney.

22 (f) (1) (A) The local child support agency or Attorney
 23 General shall provide written notice to recipients of services under
 24 Section 17400 of the initial date and time, and purpose of every
 25 hearing in a civil action for paternity or support.

26 (B) Once the parent who has requested or is receiving support
 27 enforcement services becomes a party to the action pursuant to
 28 subdivision (e) of Section 17404, in lieu of the above, the local
 29 child support agency or Attorney General shall serve on a parent
 30 all pleadings relating to paternity or support that have been served
 31 on the local child support agency by the other parent. The pleading
 32 shall be accompanied by a notice.

33 (C) The notice provided subject to subparagraphs (A) and (B)
 34 shall include the following language:

35
 36 **IMPORTANT NOTICE**
 37

38
 39 It may be important that you attend the hearing. The local
 40 child support agency does not represent you or your children.



1 You may have information about the other parent, such as
2 information about his or her income or assets that will not be
3 presented to the court unless you attend the hearing. You have
4 the right to attend the hearing and to be heard in court and tell
5 the court what you think the court should do with the child
6 support order. This hearing could change your rights or your
7 children's rights to support.

8
9 (2) The notice shall state the purpose of the hearing or be
10 attached to the motion or other pleading which caused the hearing
11 to be scheduled.

12 (3) The notice shall be provided separate from all other
13 material and shall be in at least 14-point type. The failure of the
14 local child support agency or Attorney General to provide the
15 notice required pursuant to subparagraph (A) of paragraph (1)
16 does not affect the validity of any order.

17 (4) (A) The notice required pursuant to subparagraph (A) of
18 paragraph (1) shall be provided not later than seven calendar days
19 prior to the hearing, or, if the local child support agency or
20 Attorney General receives notice of the hearing less than seven
21 days prior to the hearing, within two days of the receipt by the local
22 child support agency or Attorney General of the notice of the
23 hearing.

24 (B) Service of the notice and the pleadings required pursuant
25 to subparagraph (B) of paragraph (1) shall be completed not later
26 than five days after receipt of the pleadings served on the local
27 child support agency by the parent.

28 (5) The local child support agency or Attorney General shall,
29 in order to implement this subdivision, make reasonable efforts to
30 ensure that the local child support agency or Attorney General has
31 current addresses for all parties to the child support action.

32 (g) The local child support agency or Attorney General shall
33 give notice to recipients of services under Section 17400 of every
34 order obtained by the local child support agency or Attorney
35 General that establishes or modifies the support obligation for the
36 recipient or the children who are the subject of the order, by
37 sending a copy of the order to the recipient. The notice shall be
38 made within the time specified by federal law after the order has
39 been filed. The local child support agency or Attorney General
40 shall also give notice to these recipients of every order obtained in



1 any other jurisdiction that establishes or modifies the support
2 obligation for the recipient or the children who are the subject of
3 the order, and which is received by the local child support agency
4 or Attorney General, by sending a copy of the order to the recipient
5 within the timeframe specified by federal law after the local child
6 support agency or Attorney General has received a copy of the
7 order. In any action enforced under Chapter 6 (commencing with
8 Section 4900) of Part 5 of Division 9, the notice shall be made in
9 compliance with the requirements of that chapter. The failure of
10 the local child support agency or Attorney General to comply with
11 this subdivision does not affect the validity of any order.

12 (h) The local child support agency or Attorney General shall
13 give notice to the noncustodial parent against whom a civil action
14 is filed that the local child support agency or Attorney General is
15 not the attorney representing any individual, including, but not
16 limited to, the custodial parent, the child, or the noncustodial
17 parent.

18 (i) Nothing in this section shall be construed to preclude any
19 person who is receiving services under Section 17400 from filing
20 and prosecuting an independent action to establish, modify, and
21 enforce an order for current support on behalf of himself or herself
22 or a child if that person is not receiving public assistance.

23 (j) A person who is receiving services under Section 17400 but
24 who is not currently receiving public assistance on his or her own
25 behalf or on behalf of a child shall be asked to execute, or consent
26 to, any stipulation establishing or modifying a support order in any
27 action in which that person is named as a party, before the
28 stipulation is filed. The local child support agency or Attorney
29 General may not submit to the court for approval a stipulation to
30 establish or modify a support order in the action without first
31 obtaining the signatures of all parties to the action, their attorneys
32 of record, or persons authorized to act on their behalf. Any
33 stipulation approved by the court in violation of this subdivision
34 shall be void.

35 (k) The local child support agency or Attorney General may not
36 enter into a stipulation that reduces the amount of past due support,
37 including interest and penalties accrued pursuant to an order of
38 current support, on behalf of a person who is receiving support
39 enforcement services under Section 17400 and who is owed
40 support arrearages that exceed unreimbursed public assistance



1 paid to the recipient of the support enforcement services, without
2 first obtaining the consent of the person who is receiving services
3 under Section 17400 on his or her own behalf or on behalf of the
4 child.

5 (l) The notices required in this section shall be provided in the
6 following manner:

7 (1) In all cases in which the person receiving services under
8 Section 17400 resides in California, notice shall be provided by
9 mailing the item by first-class mail to the last known address of,
10 or personally delivering the item to, that person.

11 (2) In all actions enforced under Chapter 6 (commencing with
12 Section 4900) of Part 5 of Division 9, unless otherwise specified,
13 notice shall be provided by mailing the item by first-class mail to
14 the initiating court.

15 (m) Notwithstanding any other provision of this section, the
16 notices provided for pursuant to subdivisions (c) to (g), inclusive,
17 are not required in foster care cases.

18 SEC. 8. Section 17432 of the Family Code is amended to read:

19 17432. (a) In any action filed by the local child support
20 agency pursuant to Section 17400, 17402, or 17404, the court may,
21 on any terms that may be just, set aside that part of the judgment
22 or order concerning the amount of child support to be paid. This
23 relief may be granted after the six-month time limit of Section 473
24 of the Code of Civil Procedure has elapsed, based on the grounds,
25 and within the time limits, specified in this section.

26 (b) This section shall apply only to judgments or orders for
27 support that were based upon presumed income as specified in
28 subdivision (d) of Section 17400 and that were entered after the
29 entry of the default of the defendant under Section 17430. This
30 section shall apply only to the amount of support ordered and not
31 that portion of the judgment or order concerning the determination
32 of parentage.

33 (c) The court may set aside the child support order contained
34 in a judgment described in subdivision (b) if the defendant's
35 income was substantially different for the period of time during
36 which judgment was effective compared with the income the
37 defendant was presumed to have. A "substantial difference"
38 means that amount of income that would result in an order for
39 support that deviates from the order entered by default by 10
40 percent or more.



1 (d) Application for relief under this section shall be filed
2 together with an income and expense declaration or simplified
3 financial statement or other information concerning income for
4 any relevant years. The Judicial Council may combine the
5 application for relief under this section and the proposed answer
6 into a single form.

7 (e) The burden of proving that the actual income of the
8 defendant deviated substantially from the presumed income shall
9 be on the party seeking to set aside the order.

10 (f) A motion for relief under this section shall be filed within
11 one year of the first collection of money by the local child support
12 agency or the obligee. The one-year time period shall run from the
13 date that the local child support agency receives the first collection.

14 (g) Within three months from the date the local child support
15 agency receives the first collection for any order established using
16 presumed income, the local child support agency shall check all
17 appropriate sources for income information, and if income
18 information exists, the local child support agency shall make a
19 determination whether the order qualifies for set aside under this
20 section. If the order qualifies for set aside, the local child support
21 agency shall bring a motion for relief under this section.

22 (h) In all proceedings under this section, before granting relief,
23 the court shall consider the amount of time that has passed since
24 the entry of the order, the circumstances surrounding the
25 defendant's default, the relative hardship on the child or children
26 to whom the duty of support is owed, the caretaker parent, and the
27 defendant, and other equitable factors that the court deems
28 appropriate.

29 (i) If the court grants the relief requested, the court shall issue
30 a new child support order using the appropriate child support
31 guidelines currently in effect. The new order shall have the same
32 commencement date as the order set aside.

33 (j) The Judicial Council shall review and modify any relevant
34 forms for purposes of this section. Any modifications to the forms
35 shall be effective July 1, 2005. Prior to the implementation of any
36 modified Judicial Council forms, the local child support agency or
37 custodial parent may file any request to set aside a default
38 judgment under this section using Judicial Council Form FL-680
39 entitled "Notice of Motion (Governmental)" and form FL-684



1 entitled “Request for Order and Supporting Declaration
2 (Governmental).”

3 SEC. 9. Section 17500 of the Family Code is amended to read:
4 17500. (a) In carrying out its obligations under Title IV-D of
5 the Social Security Act (42 U.S.C. Sec. 651 et seq.), the local child
6 support agency shall have the responsibility for promptly and
7 effectively collecting and enforcing child support obligations.

8 (b) The local child support agency is the public agency
9 responsible for administering wage withholding for the purposes
10 of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et
11 seq.).

12 (c) Except as provided in paragraph (3) of subdivision (e) of
13 Section 19271 of the Revenue and Taxation Code, the local child
14 support agency shall refer child support delinquencies to the
15 Franchise Tax Board for collection purposes in the form and
16 manner and at the time prescribed by the Franchise Tax Board.
17 Collection shall be made by the Franchise Tax Board in accordance
18 with Section 19271 of the Revenue and Taxation Code. For
19 purposes of this subdivision, “child support delinquency” means
20 an arrearage or otherwise past due amount that accrues when an
21 obligor fails to make any court-ordered support payment when
22 due, which is more than 60 days past due, and the aggregate
23 amount of which exceeds one hundred dollars (\$100).

24 (1) If a child support delinquency exists at the time a case is
25 opened by the local child support agency, the responsibility for the
26 collection of the child support delinquency shall be referred to the
27 Franchise Tax Board no later than 30 days after receipt of the case
28 by the local child support agency.

29 (2) The referral of child support delinquencies required by this
30 subdivision is for the purposes of supplementing the collection
31 efforts of the local child support agency and for purposes of
32 efficient and effective child support enforcement and shall not in
33 any manner transfer any responsibilities the local child support
34 agency may have and any responsibilities the Department of Child
35 Support Services may have as the Title IV-D agency.

36 SEC. 10. Section 27282 of the Government Code is amended
37 to read:

38 27282. (a) The following documents may be recorded
39 without acknowledgment, certificate of acknowledgment, or
40 further proof:



- 1 (1) A judgment affecting the title to or possession of real
2 property, authenticated by the certificate of the clerk of the court
3 in which the judgment was rendered.
- 4 (2) A notice of support judgment, an interstate lien, a release of
5 lien, or any other document completed and recorded by a local
6 child support agency or a state agency acting pursuant to Title IV-D
7 of the Social Security Act (42 U.S.C. Sec. 651 et seq.).
- 8 (3) A notice of location of mining claim.
- 9 (4) Certificates of amounts of taxes, interest and penalties due,
10 notices of state tax liens and extensions thereof executed by the
11 state, county, or city taxing agencies or officials pursuant to
12 Chapter 14 (commencing with Section 7150) of Division 7 of Title
13 1 of the Government Code, and Sections 2191.3, 2191.4, and
14 11495 of the Revenue and Taxation Code, and releases, partial
15 releases, and subordinations executed pursuant to Chapter 14
16 (commencing with Section 7150) of Division 7 of Title 1 of the
17 Government Code, and Sections 2191.4, 11496, 14307, and 14308
18 of the Revenue and Taxation Code.
- 19 (5) Notices of lien for postponed property taxes executed
20 pursuant to Section 16182.
- 21 (6) A release, discharge, or subordination of a lien for
22 postponed property taxes as authorized by Chapter 6
23 (commencing with Section 16180) of Part 1 of Division 4 of Title
24 2.
- 25 (7) A fixture filing as defined by paragraph (40) of subdivision
26 (a) of Section 9102 of the Commercial Code.
- 27 (8) An order affecting title to or possession of real property
28 issued by a court in an action subject to Section 12527,
29 authenticated by the certificate of the clerk of the court in which
30 the order was issued or a copy of that order authenticated by a
31 declaration under penalty of perjury by the Attorney General or by
32 an assistant or deputy of the Attorney General attesting that the
33 contents of the copy are the same as the original order issued by
34 the court.
- 35 (9) A court certified copy of a satisfaction of judgment.
- 36 (10) A certificate of correction filed pursuant to Sections
37 66470 and 66472.1.
- 38 (b) Any document described in this section, from the time it is
39 filed with the recorder for record, is constructive notice of the
40 contents thereof to subsequent purchasers and mortgagees.



1 SEC. 11. *Section 71622 of the Government Code is amended*
2 *to read:*

3 71622. (a) Each trial court may establish and may appoint
4 any subordinate judicial officers that are deemed necessary for the
5 performance of subordinate judicial duties, as authorized by law
6 to be performed by subordinate judicial officers. However, the
7 number and type of subordinate judicial officers in a trial court
8 shall be subject to approval by the Judicial Council. Subordinate
9 judicial officers shall serve at the pleasure of the trial court.

10 (b) The appointment or termination of a subordinate judicial
11 officer shall be made by order of the presiding judge or another
12 judge or a committee to whom appointment or termination
13 authority is delegated by the court, entered in the minutes of the
14 court.

15 (c) The Judicial Council shall promulgate rules establishing the
16 minimum qualifications and training requirements for subordinate
17 judicial officers.

18 (d) The presiding judge of a superior court may cross-assign
19 one type of subordinate judicial officer to exercise all the powers
20 and perform all the duties authorized by law to be performed by
21 another type of subordinate judicial officer, but only if the person
22 cross-assigned satisfies the minimum qualifications and training
23 requirements for the new assignment established by the Judicial
24 Council pursuant to subdivision (c).

25 (e) The superior courts of two or more counties may appoint the
26 same person as court commissioner.

27 (f) As of the implementation date of this chapter, all persons
28 who were authorized to serve as subordinate judicial officers
29 pursuant to other provisions of law shall be authorized by this
30 section to serve as subordinate judicial officers at their existing
31 salary rate, which may be a percentage of the salary of a judicial
32 officer.

33 (g) *Child support commissioners appointed pursuant to*
34 *Sections 4251 and 4252 of the Family Code shall receive a salary*
35 *equal to 85 percent of a superior court judge's salary.*

36 SEC. 12. Section 19271.6 of the Revenue and Taxation Code
37 is amended to read:

38 19271.6. (a) The Franchise Tax Board, through a cooperative
39 agreement with the Department of Child Support Services, and in
40 coordination with financial institutions doing business in this state,



1 shall operate a Financial Institution Match System utilizing
2 automated data exchanges to the maximum extent feasible. The
3 Financial Institution Match System shall be implemented pursuant
4 to guidelines prescribed by the Department of Child Support
5 Services and the Franchise Tax Board. These guidelines shall
6 include a structure by which financial institutions, or their
7 designated data processing agents, shall receive from the
8 Franchise Tax Board the file or files of past-due support obligors
9 compiled in accordance with subdivision (c), that the institution
10 shall match with its own list of accountholders to identify past-due
11 support obligor accountholders at the institution. To the extent
12 allowed by the federal Personal Responsibility and Work
13 Opportunity Reconciliation Act of 1996, the guidelines shall
14 include an option by which financial institutions without the
15 technical ability to process the data exchange, or without the
16 ability to employ a third-party data processor to process the data
17 exchange, may forward to the Franchise Tax Board a list of all
18 accountholders and their social security numbers, so that the
19 Franchise Tax Board shall match that list with the file or files of
20 past-due support obligors compiled in accordance with
21 subdivision (c).

22 (b) The Financial Institution Match System shall not be subject
23 to any limitation set forth in Chapter 20 (commencing with Section
24 7460) of Division 7 of Title 1 of the Government Code. However,
25 any use of the information provided pursuant to this section for any
26 purpose other than the enforcement and collection of a child
27 support delinquency, as set forth in Section 19271, shall be a
28 violation of Section 19542.

29 (c) (1) Each county shall compile a file of support obligors
30 with judgments and orders that are being enforced by local child
31 support agencies pursuant to Section 17400 of the Family Code,
32 and who are past due in the payment of their support obligations.
33 The file shall be compiled, updated, and forwarded to the
34 Franchise Tax Board, in accordance with the guidelines prescribed
35 by the Department of Child Support Services and the Franchise
36 Tax Board.

37 (2) The Department of Child Support Services, shall compile
38 a file of obligors with support arrearages from requests made by
39 other states for administrative enforcement in interstate cases, in
40 accordance with federal requirements (42 U.S.C. Sec.



1 666(a)(14)). This file shall be compiled and forwarded to the
2 Franchise Tax Board in accordance with the guidelines prescribed
3 by the Department of Child Support Services and the Franchise
4 Tax Board. The file shall include, to the extent possible, the
5 obligor's address.

6 (d) To effectuate the Financial Institution Match System,
7 financial institutions subject to this section shall do all of the
8 following:

9 (1) Provide to the Franchise Tax Board on a quarterly basis the
10 name, record address and other addresses, social security number
11 or other taxpayer identification number, and other identifying
12 information for each noncustodial parent who maintains an
13 account at the institution and who owes past-due support, as
14 identified by the Franchise Tax Board by name and social security
15 number or other taxpayer identification number.

16 (2) Except as provided in subdivision (j), in response to a notice
17 or order to withhold issued by the Franchise Tax Board, withhold
18 from any accounts of the obligor the amount of any past-due
19 support stated on the notice or order and transmit the amount to the
20 Franchise Tax Board in accordance with Section 18670 or
21 18670.5.

22 (e) Unless otherwise required by applicable law, a financial
23 institution furnishing a report or providing information to the
24 Franchise Tax Board pursuant to this section shall not disclose to
25 a depositor or an accountholder, or a codepositor or
26 coaccountholder, that the name, address, social security number,
27 or other taxpayer identification number or other identifying
28 information of that person has been received from or furnished to
29 the Franchise Tax Board.

30 (f) A financial institution shall incur no obligation or liability
31 to any person arising from any of the following:

32 (1) Furnishing information to the Franchise Tax Board as
33 required by this section.

34 (2) Failing to disclose to a depositor or accountholder that the
35 name, address, social security number, or other taxpayer
36 identification number or other identifying information of that
37 person was included in the data exchange with the Franchise Tax
38 Board required by this section.

39 (3) Withholding or transmitting any assets in response to a
40 notice or order to withhold issued by the Franchise Tax Board as



1 a result of the data exchange. This paragraph shall not preclude any
2 liability that may result if the financial institution does not comply
3 with subdivision (b) of Section 18674.

4 (4) Any other action taken in good faith to comply with the
5 requirements of this section.

6 (g) Information required to be submitted to the Franchise Tax
7 Board pursuant to this section shall only be used by the Franchise
8 Tax Board to collect past-due support pursuant to Section 19271.
9 If the Franchise Tax Board has issued an earnings withholding
10 order and the condition described in subparagraph (C) of
11 paragraph (1) of subdivision (i) exists with respect to the obligor,
12 the Franchise Tax Board shall not use the information it receives
13 under this section to collect the past-due support from that obligor.

14 (1) With respect to files compiled under paragraph (1) of
15 subdivision (c), the Franchise Tax Board shall forward to the
16 counties, in accordance with guidelines prescribed by the
17 Department of Child Support Services and the Franchise Tax
18 Board, information obtained from the financial institutions
19 pursuant to this section. No county shall use this information for
20 directly levying on any account. Each county shall keep the
21 information confidential as provided by Section 17212 of the
22 Family Code.

23 (2) With respect to files compiled under paragraph (2) of
24 subdivision (c), the amount collected by the Franchise Tax Board
25 shall be deposited and distributed to the referring state in
26 accordance with Section 19272.

27 (h) For those noncustodial parents owing past-due support for
28 which there is a match under paragraph (1) of subdivision (d), the
29 amount past due as indicated on the file or files compiled pursuant
30 to subdivision (c) at the time of the match shall be a delinquency
31 under this article for the purposes of the Franchise Tax Board
32 taking any collection action pursuant to Section 18670 or 18670.5.

33 (i) A child support delinquency need not be referred to the
34 Franchise Tax Board for collection if a jurisdiction outside this
35 state is enforcing the support order.

36 (j) (1) Each county shall notify the Franchise Tax Board upon
37 the occurrence of the circumstances described in the following
38 subparagraphs with respect to an obligor of past-due support:



1 (A) A court has ordered an obligor to make scheduled
2 payments on a child support arrearages obligation and the obligor
3 is in compliance with that order.

4 (B) An earnings assignment order or an order/notice to
5 withhold income that includes an amount for past-due support has
6 been served on the obligated parent's employer and earnings are
7 being withheld pursuant to the earnings assignment order or an
8 order/notice to withhold income.

9 (C) At least 50 percent of the obligated parent's earnings are
10 being withheld for support.

11 (2) Notwithstanding Section 704.070 of the Code of Civil
12 Procedure, if any of the conditions set forth in paragraph (1) exist,
13 the assets of an obligor held by a financial institution are subject
14 to levy as provided by paragraph (2) of subdivision (d). However,
15 the first three thousand five hundred dollars (\$3,500) of an
16 obligor's assets are exempt from collection under this subdivision
17 without the obligor having to file a claim of exemption.

18 (3) If any of the conditions set forth in paragraph (1) exist, an
19 obligor may apply for a claim of exemption pursuant to Article 2
20 (commencing with Section 703.510) of Chapter 4 of Division 2 of
21 Title 9 of Part 2 of the Code of Civil Procedure for an amount that
22 is less than or equal to the total amount levied. The sole basis for
23 a claim of exemption under this subdivision shall be the financial
24 hardship for the obligor and the obligor's dependents.

25 (4) For the purposes of a claim of exemption made pursuant to
26 paragraph (3), Section 688.030 of the Code of Civil Procedure
27 shall not apply.

28 (5) For claims of exemption made pursuant to paragraph (3),
29 the local child support agency responsible for enforcement of the
30 obligor's child support order shall be the levying officer for the
31 purpose of compliance with the provisions set forth in Article 2
32 (commencing with Section 703.510) of Chapter 4 of Division 2 of
33 Title 9 of Part 2 of the Code of Civil Procedure except for the
34 release of property required by subdivision (e) of Section 703.580
35 of the Code of Civil Procedure.

36 (6) The local child support agency shall notify the Franchise
37 Tax Board within two business days of the receipt of a claim of
38 exemption from an obligor. The Franchise Tax Board shall direct
39 the financial institution subject to the order to withhold to hold any



1 funds subject to the order pending notification by the Franchise
2 Tax Board to remit or release the amounts held.

3 (7) The superior court in the county in which the local child
4 support agency enforcing the support obligation is located shall
5 have jurisdiction to determine the amount of exemption to be
6 allowed. The court shall consider the needs of the obligor, the
7 obligee, and all persons the obligor is required to support, and all
8 other relevant circumstances in determining whether to allow any
9 exemption pursuant to this subdivision. The court shall give effect
10 to its determination by an order specifying the extent to which the
11 amount levied is exempt.

12 (8) Within two business days of receipt of an endorsed copy of
13 a court order issued pursuant to subdivision (e) of Section 703.580
14 of the Code of Civil Procedure, the local child support agency shall
15 provide the Franchise Tax Board with a copy of the order. The
16 Franchise Tax Board shall instruct the financial institution to remit
17 or release the obligor's funds in accordance with the court's order.

18 (k) For purposes of this section:

19 (1) "Account" means any demand deposit account, share or
20 share draft account, checking or negotiable withdrawal order
21 account, savings account, time deposit account, or a money market
22 mutual fund account, whether or not the account bears interest.

23 (2) "Financial institution" has the same meaning as defined in
24 Section 669A(d)(1) of Title 42 of the United States Code.

25 (3) "Past-due support" means any child support obligation that
26 is unpaid on the due date for payment.

27 (l) Out of any money received from the federal government for
28 the purpose of reimbursing financial institutions for their actual
29 and reasonable costs incurred in complying with this section, the
30 state shall reimburse those institutions. To the extent that money
31 is not provided by the federal government for that purpose, the
32 state shall not reimburse financial institutions for their costs in
33 complying with this section.

34 ~~SEC. 12.~~

35 *SEC. 13. Section 827 of the Welfare and Institutions Code is*
36 *amended to read:*

37 827. (a) (1) Except as provided in Section 828, a case file
38 may be inspected only by the following:

39 (A) Court personnel.



1 (B) The district attorney, a city attorney, or city prosecutor
2 authorized to prosecute criminal or juvenile cases under state law.

3 (C) The minor who is the subject of the proceeding.

4 (D) His or her parents or guardian.

5 (E) The attorneys for the parties, and judges, referees, other
6 hearing officers, probation officers and law enforcement officers
7 who are actively participating in criminal or juvenile proceedings
8 involving the minor.

9 (F) The superintendent or designee of the school district where
10 the minor is enrolled or attending school.

11 (G) Members of the child protective agencies as defined in
12 Section 11165.9 of the Penal Code.

13 (H) The State Department of Social Services to carry out its
14 duties pursuant to Division 9 (commencing with Section 10000),
15 and Part 5 (commencing with Section 7900) of Division 12 of the
16 Family Code to oversee and monitor county child welfare
17 agencies, children in foster care or receiving foster care assistance,
18 and out-of-state placements.

19 (I) To authorized legal staff or special investigators who are
20 peace officers who are employed by, or who are authorized
21 representatives of, the State Department of Social Services, as
22 necessary to the performance of their duties to inspect, license, and
23 investigate community care facilities, and to ensure that the
24 standards of care and services provided in those facilities are
25 adequate and appropriate and to ascertain compliance with the
26 rules and regulations to which the facilities are subject. The
27 confidential information shall remain confidential except for
28 purposes of inspection, licensing, or investigation pursuant to
29 Chapter 3 (commencing with Section 1500) and Chapter 3.4
30 (commencing with Section 1596.70) of Division 2 of the Health
31 and Safety Code, or a criminal, civil, or administrative proceeding
32 in relation thereto. The confidential information may be used by
33 the State Department of Social Services in a criminal, civil, or
34 administrative proceeding. The confidential information shall be
35 available only to the judge or hearing officer and to the parties to
36 the case. Names that are confidential shall be listed in attachments
37 separate to the general pleadings. The confidential information
38 shall be sealed after the conclusion of the criminal, civil, or
39 administrative hearings, and shall not subsequently be released
40 except in accordance with this subdivision. If the confidential



1 information does not result in a criminal, civil, or administrative
2 proceeding, it shall be sealed after the State Department of Social
3 Services decides that no further action will be taken in the matter
4 of suspected licensing violations. Except as otherwise provided in
5 this subdivision, confidential information in the possession of the
6 State Department of Social Services shall not contain the name of
7 the minor.

8 (J) Members of children’s multidisciplinary teams, persons or
9 agencies providing treatment or supervision of the minor.

10 (K) A judge, commissioner, or other hearing officer assigned
11 to a family law case with issues concerning custody or visitation,
12 or both, involving the minor, and the following persons, if actively
13 participating in the family law case: a family court mediator
14 assigned to a case involving the minor pursuant to Article 1
15 (commencing with Section 3160) of Chapter 11 of Part 2 of
16 Division 8 of the Family Code, a court-appointed evaluator or a
17 person conducting a court-connected child custody evaluation,
18 investigation, or assessment pursuant to Section 3118 of the
19 Family Code, and counsel appointed for the minor in the family
20 law case pursuant to Section 3150 of the Family Code. Prior to
21 allowing counsel appointed for the minor in the family law case to
22 inspect the file, the court clerk may require counsel to provide a
23 certified copy of the court order appointing him or her as the
24 minor’s counsel.

25 (L) *A local child support agency for the purpose of establishing*
26 *paternity and establishing and enforcing child support orders.*

27 (M) Juvenile justice commissions as established under Section
28 225. The confidentiality provisions of Section 10850 shall apply
29 to a juvenile justice commission and its members.

30 ~~(M)~~

31 (N) Any other person who may be designated by court order of
32 the judge of the juvenile court upon filing a petition.

33 (2) Notwithstanding any other law and subject to subparagraph
34 (A) of paragraph (3), juvenile case files, except those relating to
35 matters within the jurisdiction of the court pursuant to Section 601
36 or 602, which pertain to a deceased child who was within the
37 jurisdiction of the juvenile court pursuant to Section 300, shall be
38 released to the public pursuant to an order by the juvenile court
39 after a petition has been filed and interested parties have been
40 afforded an opportunity to file an objection. Any information



1 relating to another child or which could identify another child,
2 except for information about the deceased, shall be redacted from
3 the juvenile case file prior to release, unless a specific order is
4 made by the juvenile court to the contrary. Except as provided in
5 this paragraph, the presiding judge of the juvenile court may issue
6 an order prohibiting or limiting access to the juvenile case file, or
7 any portion thereof, of a deceased child only upon a showing that
8 release of the juvenile case file or any portion thereof is
9 detrimental to the safety, protection, or physical, or emotional
10 well-being of another child who is directly or indirectly connected
11 to the juvenile case that is the subject of the petition.

12 (3) Access to juvenile case files pertaining to matters within the
13 jurisdiction of the juvenile court pursuant to Section 300 shall be
14 limited as follows:

15 (A) If a juvenile case file, or any portion thereof, is privileged
16 or confidential pursuant to any other state law or federal law or
17 regulation, the requirements of that state law or federal law or
18 regulation prohibiting or limiting release of the juvenile case file
19 or any portions thereof shall prevail. Unless a person is listed in
20 subparagraphs (A) to (L), inclusive, of paragraph (1) and is
21 entitled to access under the other state law or federal law or
22 regulation without a court order, all those seeking access, pursuant
23 to other authorization, to portions of, or information relating to the
24 contents of, juvenile case files protected under another state law
25 or federal law or regulation, shall petition the juvenile court. The
26 juvenile court may only release the portion of, or information
27 relating to the contents of, juvenile case files protected by another
28 state law or federal law or regulation if disclosure is not
29 detrimental to the safety, protection, or physical or emotional
30 well-being of a child who is directly or indirectly connected to the
31 juvenile case that is the subject of the petition. This paragraph shall
32 not be construed to limit the ability of the juvenile court to carry
33 out its duties in conducting juvenile court proceedings.

34 (B) Prior to the release of the juvenile case file or any portion
35 thereof, the court shall afford due process, including a notice of
36 and an opportunity to file an objection to the release of the record
37 or report to all interested parties.

38 (4) A juvenile case file, any portion thereof, and information
39 relating to the content of the juvenile case file, shall not be
40 disseminated by the receiving agencies to any persons or agencies,



1 other than those persons or agencies authorized to receive
2 documents pursuant to this section. Further, a juvenile case file,
3 any portion thereof, and information relating to the content of the
4 juvenile case file, shall not be made as an attachment to any other
5 documents without the prior approval of the presiding judge of the
6 juvenile court, unless it is used in connection with and in the course
7 of a criminal investigation or a proceeding brought to declare a
8 person a dependent child or ward of the juvenile court.

9 (b) (1) While the Legislature reaffirms its belief that juvenile
10 court records, in general, should be confidential, it is the intent of
11 the Legislature in enacting this subdivision to provide for a limited
12 exception to juvenile court record confidentiality to promote more
13 effective communication among juvenile courts, family courts,
14 law enforcement agencies, and schools to ensure the rehabilitation
15 of juvenile criminal offenders as well as to lessen the potential for
16 drug use, violence, other forms of delinquency, and child abuse.

17 (2) Notwithstanding subdivision (a), written notice that a
18 minor enrolled in a public school, kindergarten to grade 12,
19 inclusive, has been found by a court of competent jurisdiction to
20 have committed any felony or any misdemeanor involving curfew,
21 gambling, alcohol, drugs, tobacco products, carrying of weapons,
22 a sex offense listed in Section 290 of the Penal Code, assault or
23 battery, larceny, vandalism, or graffiti shall be provided by the
24 court, within seven days, to the superintendent of the school
25 district of attendance. Written notice shall include only the offense
26 found to have been committed by the minor and the disposition of
27 the minor's case. This notice shall be expeditiously transmitted by
28 the district superintendent to the principal at the school of
29 attendance. The principal shall expeditiously disseminate the
30 information to those counselors directly supervising or reporting
31 on the behavior or progress of the minor. In addition, the principal
32 shall disseminate the information to any teacher or administrator
33 directly supervising or reporting on the behavior or progress of the
34 minor whom the principal believes needs the information to work
35 with the pupil in an appropriate fashion, to avoid being needlessly
36 vulnerable or to protect other persons from needless vulnerability.

37 Any information received by a teacher, counselor, or
38 administrator under this subdivision shall be received in
39 confidence for the limited purpose of rehabilitating the minor and
40 protecting students and staff, and shall not be further disseminated



1 by the teacher, counselor, or administrator, except insofar as
2 communication with the juvenile, his or her parents or guardians,
3 law enforcement personnel, and the juvenile’s probation officer is
4 necessary to effectuate the juvenile’s rehabilitation or to protect
5 students and staff.

6 An intentional violation of the confidentiality provisions of this
7 paragraph is a misdemeanor punishable by a fine not to exceed five
8 hundred dollars (\$500).

9 (3) If a minor is removed from public school as a result of the
10 court’s finding described in subdivision (b), the superintendent
11 shall maintain the information in a confidential file and shall defer
12 transmittal of the information received from the court until the
13 minor is returned to public school. If the minor is returned to a
14 school district other than the one from which the minor came, the
15 parole or probation officer having jurisdiction over the minor shall
16 so notify the superintendent of the last district of attendance, who
17 shall transmit the notice received from the court to the
18 superintendent of the new district of attendance.

19 (c) Each probation report filed with the court concerning a
20 minor whose record is subject to dissemination pursuant to
21 subdivision (b) shall include on the face sheet the school at which
22 the minor is currently enrolled. The county superintendent shall
23 provide the court with a listing of all of the schools within each
24 school district, within the county, along with the name and mailing
25 address of each district superintendent.

26 (d) Each notice sent by the court pursuant to subdivision (b)
27 shall be stamped with the instruction: “Unlawful Dissemination
28 Of This Information Is A Misdemeanor.” Any information
29 received from the court shall be kept in a separate confidential file
30 at the school of attendance and shall be transferred to the minor’s
31 subsequent schools of attendance and maintained until the minor
32 graduates from high school, is released from juvenile court
33 jurisdiction, or reaches the age of 18, whichever occurs first. After
34 that time the confidential record shall be destroyed. At any time
35 after the date by which a record required to be destroyed by this
36 section should have been destroyed, the minor or his or her parent
37 or guardian shall have the right to make a written request to the
38 principal of the school that the minor’s school records be reviewed
39 to ensure that the record has been destroyed. Upon completion of
40 any requested review and no later than 30 days after the request for



1 the review was received, the principal or his or her designee shall
2 respond in writing to the written request and either shall confirm
3 that the record has been destroyed or, if the record has not been
4 destroyed, shall explain why destruction has not yet occurred.

5 Except as provided in paragraph (2) of subdivision (b), no
6 liability shall attach to any person who transmits or fails to transmit
7 any notice or information required under subdivision (b).

8 (e) For purposes of this section, a “juvenile case file” means
9 a petition filed in any juvenile court proceeding, reports of the
10 probation officer, and all other documents filed in that case or
11 made available to the probation officer in making his or her report,
12 or to the judge, referee, or other hearing officer, and thereafter
13 retained by the probation officer, judge, referee, or other hearing
14 officer.

15 *SEC. 14.* Notwithstanding Section 17610 of the Government
16 Code, if the Commission on State Mandates determines that this
17 act contains costs mandated by the state, reimbursement to local
18 agencies and school districts for those costs shall be made pursuant
19 to Part 7 (commencing with Section 17500) of Division 4 of Title
20 2 of the Government Code. If the statewide cost of the claim for
21 reimbursement does not exceed one million dollars (\$1,000,000),
22 reimbursement shall be made from the State Mandates Claims
23 Fund.

