

AMENDED IN ASSEMBLY MAY 9, 2007

AMENDED IN ASSEMBLY APRIL 16, 2007

AMENDED IN ASSEMBLY MARCH 5, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 164

Introduced by Assembly Member Smyth

January 22, 2007

An act to ~~add Section 3025.2 to~~ amend Section 3025 of the Family Code, relating to child custody.

LEGISLATIVE COUNSEL'S DIGEST

AB 164, as amended, Smyth. Child custody: child's records.

Under existing law, a parent shall not be denied access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, because that parent ~~does not have physical custody of the child~~ *is not the child's custodial parent*.

This bill would require the court, in making an order ~~of~~ *for* sole *physical and* legal custody *in one parent*, to specify whether the parent who has ~~no~~ *neither physical nor* legal custody shall have access to the records and information described above.

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

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

1 SECTION 1. Section 3025 of the Family Code is amended to
2 read:

1 3025. (a) Notwithstanding any other provision of law, access
 2 to records and information pertaining to a minor child, including,
 3 but not limited to, medical, dental, and school records, shall not
 4 be denied to a parent because that parent is not the child's custodial
 5 parent with either physical or legal custody of a child, unless a
 6 court orders otherwise.

7 (b) (1) In making an order for sole physical and legal custody
 8 in one parent, the court shall specify whether the parent who has
 9 neither physical nor legal custody shall have access to records
 10 and information pertaining to a minor child.

11 (2) This subdivision shall not be applicable to orders entered
 12 prior to January 1, 2008.

13 SECTION 1. ~~Section 3025.2 is added to the Family Code, to~~
 14 ~~read:~~

15 ~~3025.2. In making an order of sole legal custody, the court~~
 16 ~~shall specify whether the parent who has no legal custody shall~~
 17 ~~have access to the records and information specified in Section~~
 18 ~~3025.~~