

**Introduced by Senator Cox**

February 9, 2007

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An act to amend Section 674 of the Code of Civil Procedure, and to amend Section 4506 of the Family Code, relating to abstracts of judgment.

LEGISLATIVE COUNSEL'S DIGEST

SB 216, as introduced, Cox. Judgments: social security numbers.

Existing law requires an abstract of a judgment or decree requiring the payment of money to contain, among other things, the social security number and driver's license number of the judgment debtor if they are known to the judgment creditor, as specified. Existing law also requires an abstract of a judgment ordering a party to pay spousal, child, or family support to contain, among other things, the social security number, birth date, and driver's license number of the party who is ordered to pay support, as specified.

This bill would delete the requirement that those abstracts contain the social security number of the judgment debtor or party ordered to pay support, and instead require only the last 4 digits of that person's social security number.

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 674 of the Code of Civil Procedure is
- 2 amended to read:
- 3 674. (a) Except as otherwise provided in Section 4506 of the
- 4 Family Code, an abstract of a judgment or decree requiring the

1 payment of money shall be certified by the clerk of the court where  
2 the judgment or decree was entered and shall contain all of the  
3 following:

4 (1) The title of the court where the judgment or decree is entered  
5 and cause and number of the action.

6 (2) The date of entry of the judgment or decree and of any  
7 renewals of the judgment or decree and where entered in the  
8 records of the court.

9 (3) The name and last known address of the judgment debtor  
10 and the address at which the summons was either personally served  
11 or mailed to the judgment debtor or the judgment debtor's attorney  
12 of record.

13 (4) The name and address of the judgment creditor.

14 (5) The amount of the judgment or decree as entered or as last  
15 renewed.

16 (6) The *last four digits of the* social security number and driver's  
17 license number of the judgment debtor if they are known to the  
18 judgment creditor. If either or both of those *sets of* numbers are  
19 not known to the judgment creditor, that fact shall be indicated on  
20 the abstract of judgment.

21 (7) Whether a stay of enforcement has been ordered by the court  
22 and, if so, the date the stay ends.

23 (8) The date of issuance of the abstract.

24 (b) An abstract of judgment, recorded after January 1, 1979,  
25 that does not list the social security number and driver's license  
26 number of the judgment debtor, or either of them, as required by  
27 subdivision (a) or by Section 4506 of the Family Code, may be  
28 amended by the recording of a document entitled "Amendment to  
29 Abstract of Judgment." The Amendment to Abstract of Judgment  
30 shall contain all of the information required by this section or by  
31 Section 4506 of the Family Code, shall list both the *last four digits*  
32 *of the* social security number and driver's license number if both  
33 of those *sets of* numbers were known at the date of recordation of  
34 the original abstract of judgment, or one of them, if only one was  
35 known, and shall set forth the date of recording and the book and  
36 page location in the records of the county recorder of the original  
37 abstract of judgment.

38 A recorded Amendment to Abstract of Judgment shall have  
39 priority as of the date of recordation of the original abstract of  
40 judgment, except as to any purchaser, encumbrancer, or lessee

1 who obtained their interest after the recordation of the original  
2 abstract of judgment but prior to the recordation of the Amendment  
3 to Abstract of Judgment without actual notice of the original  
4 abstract of judgment. The purchaser, encumbrancer, or lessee  
5 without actual notice may assert as a defense against enforcement  
6 of the abstract of judgment the failure to comply with this section  
7 or Section 4506 of the Family Code regarding the contents of the  
8 original abstract of judgment notwithstanding the subsequent  
9 recordation of an Amendment to Abstract of Judgment. With  
10 respect to an abstract of judgment recorded between January 1,  
11 1979, and July 10, 1985, the defense against enforcement for failure  
12 to comply with this section or Section 4506 of the Family Code  
13 may not be asserted by the holder of another abstract of judgment  
14 or involuntary lien, recorded without actual notice of the prior  
15 abstract, unless refusal to allow the defense would result in  
16 prejudice and substantial injury as used in Section 475. The  
17 recordation of an Amendment to Abstract of Judgment does not  
18 extend or otherwise alter the computation of time as provided in  
19 Section 697.310.

20 (c) (1) The abstract of judgment shall be certified in the name  
21 of the judgment debtor as listed on the judgment and may also  
22 include the additional name or names by which the judgment debtor  
23 is known as set forth in the affidavit of identity, as defined in  
24 Section 680.135, filed by the judgment creditor with the application  
25 for issuance of the abstract of judgment. Prior to the clerk of the  
26 court certifying an abstract of judgment containing any additional  
27 name or names by which the judgment debtor is known that are  
28 not listed on the judgment, the court shall approve the affidavit of  
29 identity. If the court determines, without a hearing or a notice, that  
30 the affidavit of identity states sufficient facts upon which the  
31 judgment creditor has identified the additional names of the  
32 judgment debtor, the court shall authorize the certification of the  
33 abstract of judgment with the additional name or names.

34 (2) The remedies provided in Section 697.410 apply to a  
35 recorded abstract of a money judgment based upon an affidavit of  
36 identity that appears to create a judgment lien on real property of  
37 a person who is not the judgment debtor.

38 SEC. 2. Section 4506 of the Family Code is amended to read:

39 4506. (a) An abstract of a judgment ordering a party to pay  
40 spousal, child, or family support to the other party shall be certified

1 by the clerk of the court where the judgment was entered and shall  
2 contain all of the following:

3 (1) The title of the court where the judgment is entered and the  
4 cause and number of the proceeding.

5 (2) The date of entry of the judgment and of any renewal of the  
6 judgment.

7 (3) Where the judgment and any renewals are entered in the  
8 records of the court.

9 (4) The name and last known address of the party ordered to  
10 pay support.

11 (5) The name and address of the party to whom support  
12 payments are ordered to be paid.

13 (6) The *last four digits of the* social security number, birth date,  
14 and driver's license number of the party who is ordered to pay  
15 support. If any of those numbers are not known to the party to  
16 whom support payments are to be paid, that fact shall be indicated  
17 on the abstract of the court judgment.

18 (7) Whether a stay of enforcement has been ordered by the court  
19 and, if so, the date the stay ends.

20 (8) The date of issuance of the abstract.

21 (9) Any other information deemed reasonable and appropriate  
22 by the Judicial Council.

23 (b) The Judicial Council may develop a form for an abstract of  
24 a judgment ordering a party to pay child, family, or spousal support  
25 to another party which contains the information required by  
26 subdivision (a).

27 (c) Notwithstanding any other provision of law, when a support  
28 obligation is being enforced pursuant to Title IV-D of the Social  
29 Security Act, the agency enforcing the obligation may record a  
30 notice of support judgment. The notice of support judgment shall  
31 contain the same information as the form adopted by the Judicial  
32 Council pursuant to subdivision (b) and Section 4506.1. The notice  
33 of support judgment shall have the same force and effect as an  
34 abstract of judgment certified by the clerk of the court where the  
35 judgment was entered. The local child support agency or other  
36 Title IV-D agency shall not be subject to any civil liability as a  
37 consequence of causing a notice of support judgment to be  
38 recorded.

- 1 (d) As used in this section, “judgment” includes an order for
- 2 child, family, or spousal support.

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