

ASSEMBLY BILL

No. 1403

Introduced by Committee on Judiciary (Wieckowski (Chair), Alejo, Chau, Dickinson, Garcia, Muratsuchi, and Stone)

March 12, 2013

An act to amend Sections 7601, 7610, 7611, 7612, 7613, 7614, 7620, 7630, 7632, 7635, 7637, 7641, 7644, 7648.9, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7667, and 7669 of the Family Code, and to add Section 69617 to the Government Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1403, as introduced, Committee on Judiciary. Family law.

(1) The Uniform Parentage Act defines the parent and child relationship as the legal relationship existing between a child and the child's parents, including the mother and child relationship and the father and child relationship, and governs proceedings to establish that relationship.

The bill would define "natural parent" as a nonadoptive parent, as specified, whether biologically related to the child or not. The bill would also make certain provisions gender neutral and refer instead to a "presumed parent" or "parent." The bill would make other conforming changes.

(2) Existing law specifies the number of judges of the superior court for each county, and allocates additional judgeships to the various counties in accordance with uniform standards for factually determining additional need in each county, as approved by the Judicial Council, and other specified criteria. Existing law provides for the conversion of 146 subordinate judicial officer positions in eligible superior courts upon the occurrence of specified conditions, including that the proposed

action is ratified by the Legislature, except that no more than 16 positions may be converted to judgeships in any fiscal year. Notwithstanding this provision, up to 10 additional subordinate judicial officer positions may be converted to judgeships in any fiscal year, if the conversions will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer and the proposed action is ratified by the Legislature. Existing law ratifies the authority of the Judicial Council to convert 10 of those subordinate judicial officer positions to judgeships in the 2011–12 fiscal year.

This bill would ratify the authority of the Judicial Council to convert 10 subordinate judicial officer positions to judgeships in the 2013–14 fiscal year where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.

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

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

1 SECTION 1. Section 7601 of the Family Code is amended to
2 read:

3 7601. (a) “Natural parent” as used in this code means a
4 nonadoptive parent established under this part, whether
5 biologically related to the child or not.

6 (b) “Parent and child relationship” as used in this part means
7 the legal relationship existing between a child and the child’s
8 natural or adoptive parents incident to which the law confers or
9 imposes rights, privileges, duties, and obligations. The term
10 includes the mother and child relationship and the father and child
11 relationship.

12 SEC. 2. Section 7610 of the Family Code is amended to read:
13 7610. The parent and child relationship may be established as
14 follows:

15 (a) Between a child and the natural ~~mother~~ parent, it may be
16 established by proof of ~~her~~ having given birth to the child, or under
17 this part.

18 ~~(b) Between a child and the natural father, it may be established~~
19 ~~under this part.~~

20 (e)

1 (b) Between a child and an adoptive parent, it may be established
2 by proof of adoption.

3 SEC. 3. Section 7611 of the Family Code is amended to read:

4 7611. A ~~man~~ *person* is presumed to be the natural ~~father~~ *parent*
5 of a child if ~~he~~ *the person* meets the conditions provided in Chapter
6 1 (commencing with Section 7540) or Chapter 3 (commencing
7 with Section 7570) of Part 2 or in any of the following
8 subdivisions:

9 (a) ~~He~~ *The presumed parent* and the child's natural mother are
10 or have been married to each other and the child is born during
11 the marriage, or within 300 days after the marriage is terminated
12 by death, annulment, declaration of invalidity, or divorce, or after
13 a judgment of separation is entered by a court.

14 (b) Before the child's birth, ~~he~~ *the presumed parent* and the
15 child's natural mother have attempted to marry each other by a
16 marriage solemnized in apparent compliance with law, although
17 the attempted marriage is or could be declared invalid, and either
18 of the following is true:

19 (1) If the attempted marriage could be declared invalid only by
20 a court, the child is born during the attempted marriage, or within
21 300 days after its termination by death, annulment, declaration of
22 invalidity, or divorce.

23 (2) If the attempted marriage is invalid without a court order,
24 the child is born within 300 days after the termination of
25 cohabitation.

26 (c) After the child's birth, ~~he~~ *the presumed parent* and the child's
27 natural mother have married, or attempted to marry, each other by
28 a marriage solemnized in apparent compliance with law, although
29 the attempted marriage is or could be declared invalid, and either
30 of the following is true:

31 (1) With his *or her* consent, ~~he~~ *the presumed parent* is named
32 as the child's ~~father~~ *parent* on the child's birth certificate.

33 (2) ~~He~~ *The presumed parent* is obligated to support the child
34 under a written voluntary promise or by court order.

35 (d) ~~He~~ *The presumed parent* receives the child into his *or her*
36 home and openly holds out the child as his *or her* natural child.

37 (e) If the child was born and resides in a nation with which the
38 United States engages in an Orderly Departure Program or
39 successor program, he acknowledges that he is the child's father
40 in a declaration under penalty of perjury, as specified in Section

1 2015.5 of the Code of Civil Procedure. This subdivision shall
 2 remain in effect only until January 1, 1997, and on that date shall
 3 become inoperative.

4 (f) The child is in utero after the death of the decedent and the
 5 conditions set forth in Section 249.5 of the Probate Code are
 6 satisfied.

7 SEC. 4. Section 7612 of the Family Code is amended to read:

8 7612. (a) Except as provided in Chapter 1 (commencing with
 9 Section 7540) and Chapter 3 (commencing with Section 7570) of
 10 Part 2 or in Section 20102, a presumption under Section 7611 is
 11 a rebuttable presumption affecting the burden of proof and may
 12 be rebutted in an appropriate action only by clear and convincing
 13 evidence.

14 (b) If two or more presumptions arise under Section 7610 or
 15 7611 that conflict with each other, or if a presumption under
 16 Section 7611 conflicts with a claim pursuant to Section 7610, the
 17 presumption which on the facts is founded on the weightier
 18 considerations of policy and logic controls.

19 (c) The presumption under Section 7611 is rebutted by a
 20 judgment establishing ~~paternity~~ *parentage* of the child by another
 21 ~~man~~ *person*.

22 (d) Within two years of the execution of a voluntary declaration
 23 of paternity, a person who is presumed to be a parent under Section
 24 7611 may file a petition pursuant to Section 7630 to set aside a
 25 voluntary declaration of paternity. The court’s ruling on the petition
 26 to set aside the voluntary declaration of paternity shall be made
 27 taking into account the validity of the voluntary declaration of
 28 paternity, and the best interests of the child based upon the court’s
 29 consideration of the factors set forth in subdivision (b) of Section
 30 7575, as well as the best interests of the child based upon the
 31 nature, duration, and quality of the petitioning party’s relationship
 32 with the child and the benefit or detriment to the child of continuing
 33 that relationship. In the event of any conflict between the
 34 presumption under Section 7611 and the voluntary declaration of
 35 paternity, the weightier considerations of policy and logic shall
 36 control.

37 (e) A voluntary declaration of paternity is invalid if, at the time
 38 the declaration was signed, any of the following conditions exist:

39 (1) The child already had a presumed parent under Section 7540.

1 (2) The child already had a presumed parent under subdivision
2 (a), (b), or (c) of Section 7611.

3 (3) The man signing the declaration is a sperm donor, consistent
4 with subdivision (b) of Section 7613.

5 SEC. 5. Section 7613 of the Family Code is amended to read:

6 7613. (a) If, under the supervision of a licensed physician and
7 surgeon and with the consent of her ~~husband~~ *spouse*, a ~~wife is~~
8 ~~inseminated—artificially~~ *woman conceives through assisted*
9 *reproduction* with semen donated by a man not her husband, the
10 ~~husband~~ *spouse* is treated in law as if he *or she* were the natural
11 ~~father~~ *parent* of a child thereby conceived. The ~~husband's~~ *spouse's*
12 consent ~~must~~ *shall* be in writing and signed by ~~him and his wife~~
13 *both spouses*. The physician and surgeon shall certify their
14 signatures and the date of the ~~insemination~~ *assisted reproduction*
15 *procedure*, and retain the ~~husband's~~ *spouse's* consent as part of
16 the medical record, where it shall be kept confidential and in a
17 sealed file. However, the physician and surgeon's failure to do so
18 does not affect the ~~father~~ *parent* and child relationship. All papers
19 and records pertaining to the ~~insemination~~ *assisted reproduction*
20 *procedure*, whether part of the permanent record of a court or of
21 a file held by the supervising physician and surgeon or elsewhere,
22 are subject to inspection only upon an order of the court for good
23 cause shown.

24 (b) The donor of semen provided to a licensed physician and
25 surgeon or to a licensed sperm bank for use in ~~artificial~~
26 ~~insemination or in vitro fertilization~~ *assisted reproduction* of a
27 woman other than the donor's ~~wife~~ *spouse* is treated in law as if
28 he were not the natural ~~father~~ *parent* of a child thereby conceived,
29 unless otherwise agreed to in a writing signed by the donor and
30 the woman prior to the conception of the child.

31 SEC. 6. Section 7614 of the Family Code is amended to read:

32 7614. (a) A promise in writing to furnish support for a child,
33 growing out of a presumed *parent* or alleged father and child
34 relationship, does not require consideration and, subject to Section
35 7632, is enforceable according to its terms.

36 (b) In the best interest of the child or the ~~mother~~ *other parent*,
37 the court may, and upon the promisor's request shall, order the
38 promise to be kept in confidence and designate a person or agency
39 to receive and disburse on behalf of the child all amounts paid in
40 performance of the promise.

1 SEC. 7. Section 7620 of the Family Code is amended to read:

2 7620. (a) A person who has sexual intercourse or causes
 3 conception with the intent to become a legal parent by assisted
 4 reproduction in this state thereby submits to the jurisdiction of the
 5 courts of this state as to an action brought under this part with
 6 respect to a child who may have been conceived by that act of
 7 intercourse or assisted reproduction.

8 (b) An action under this part shall be brought in one of the
 9 following:

- 10 (1) The county in which the child resides or is found.
- 11 (2) If the child is the subject of a pending or proposed adoption,
 12 any county in which a licensed California adoption agency to which
 13 the child has been relinquished or is proposed to be relinquished
 14 maintains an office.
- 15 (3) If the child is the subject of a pending or proposed adoption,
 16 the county in which an office of the department or a public adoption
 17 agency investigating the petition is located.
- 18 (4) If the ~~father~~ *parent* is deceased, the county in which
 19 proceedings for probate of the estate of the ~~father~~ *parent* of the
 20 child have been or could be commenced.

21 SEC. 8. Section 7630 of the Family Code is amended to read:

22 7630. (a) A child, the child's natural ~~mother~~ *parent*, a ~~man~~
 23 *person* presumed to be the child's ~~father~~ *parent* under subdivision
 24 (a), (b), or (c) of Section 7611, an adoption agency to whom the
 25 child has been relinquished, or a prospective adoptive parent of
 26 the child may bring an action as follows:

- 27 (1) At any time for the purpose of declaring the existence of the
 28 ~~father~~ *parent* and child relationship presumed under subdivision
 29 (a), (b), or (c) of Section 7611.
- 30 (2) For the purpose of declaring the nonexistence of the ~~father~~
 31 *parent* and child relationship presumed under subdivision (a), (b),
 32 or (c) of Section 7611 only if the action is brought within a
 33 reasonable time after obtaining knowledge of relevant facts. After
 34 the presumption has been rebutted, ~~paternity~~ *parentage* of the child
 35 by another ~~man~~ *person* may be determined in the same action, if
 36 ~~he~~ *that person* has been made a party.
- 37 (b) ~~Any~~ *Notwithstanding Sections 7540 and 7613, any* interested
 38 party may bring an action at any time for the purpose of
 39 determining the existence or nonexistence of the ~~father~~ *parent* and

1 child relationship presumed under subdivision (d) or (f) of Section
2 7611.

3 (c) Except as to cases coming within Chapter 1 (commencing
4 with Section 7540) of Part 2, an action to determine the existence
5 of the ~~father~~ *parent* and child relationship may be brought by the
6 child or personal representative of the child, the Department of
7 Child Support Services, the ~~mother~~ *parent* or the personal
8 representative or a parent of the ~~mother~~ *that parent* if the ~~mother~~
9 *that parent* has died or is a minor, a man alleged or alleging himself
10 to be the father, or the personal representative or a parent of the
11 alleged father if the alleged father has died or is a minor.

12 (d) (1) If a proceeding has been filed under Chapter 2
13 (commencing with Section 7820) of Part 4, an action under
14 subdivision (a) or (b) shall be consolidated with that proceeding.
15 The parental rights of the presumed ~~father~~ *parent* shall be
16 determined as set forth in Sections 7820 to 7829, inclusive.

17 (2) If a proceeding pursuant to Section 7662 has been filed under
18 Chapter 5 (commencing with Section 7660), an action under
19 subdivision (c) shall be consolidated with that proceeding. The
20 parental rights of the alleged natural father shall be determined as
21 set forth in Section 7664.

22 (3) The consolidated action under paragraph (1) or (2) shall be
23 heard in the court in which the proceeding under Section 7662 or
24 Chapter 2 (commencing with Section 7820) of Part 4 is filed, unless
25 the court finds, by clear and convincing evidence, that transferring
26 the action to the other court poses a substantial hardship to the
27 petitioner. Mere inconvenience does not constitute a sufficient
28 basis for a finding of substantial hardship. If the court determines
29 there is a substantial hardship, the consolidated action shall be
30 heard in the court in which the ~~paternity~~ *parentage* action is filed.

31 (e) (1) If any prospective adoptive parent who has physical
32 custody of the child, or any licensed California adoption agency
33 that has legal custody of the child, has not been joined as a party
34 to an action to determine the existence of a ~~father~~ *parent* and child
35 relationship under subdivision (a), (b), or (c), or an action for
36 custody by the alleged natural father, the court shall join the
37 prospective adoptive parent or licensed California adoption agency
38 as a party upon application or on its own motion, without the
39 necessity of a motion for joinder. A joined party shall not be
40 required to pay a fee in connection with this action.

1 (2) If a ~~man~~ *person* brings an action to determine ~~paternity~~
 2 *parentage* and custody of a child who he *or she* has reason to
 3 believe is in the physical or legal custody of an adoption agency,
 4 or of one or more persons other than the child's ~~mother~~ *parent*
 5 who are prospective adoptive parents, he *or she* shall serve his *or*
 6 *her* entire pleading on, and give notice of all proceedings to, the
 7 adoption agency or the prospective adoptive parents, or both.

8 (f) A party to an assisted reproduction agreement may bring an
 9 action at any time to establish a parent and child relationship
 10 consistent with the intent expressed in that assisted reproduction
 11 agreement.

12 (g) (1) In an action to determine the existence of the ~~father~~
 13 *parent* and child relationship brought pursuant to subdivision (b),
 14 if the child's other parent has died and there are no existing court
 15 orders or pending court actions involving custody or guardianship
 16 of the child, then the persons having physical custody of the child
 17 shall be served with notice of the proceeding at least 15 days prior
 18 to the hearing, either by mail or in any manner authorized by the
 19 court. If any person identified as having physical custody of the
 20 child cannot be located, the court shall prescribe the manner of
 21 giving notice.

22 (2) If known to the person bringing the parentage action,
 23 relatives within the second degree of the child shall be given notice
 24 of the proceeding at least 15 days prior to the hearing, either by
 25 mail or in any manner authorized by the court. If a person identified
 26 as a relative of the second degree of the child cannot be located,
 27 or his or her whereabouts are unknown or cannot be ascertained,
 28 the court shall prescribe the manner of giving notice, or shall
 29 dispense with giving notice to that person.

30 (3) Proof of notice pursuant to this subdivision shall be filed
 31 with the court before the proceeding to determine the existence of
 32 the ~~father~~ *parent* and child relationship is heard.

33 SEC. 9. Section 7632 of the Family Code is amended to read:
 34 7632. Regardless of its terms, an agreement between an alleged
 35 *father* or a presumed ~~father~~ *parent* and the ~~mother~~ *other parent* or
 36 child does not bar an action under this chapter.

37 SEC. 10. Section 7635 of the Family Code is amended to read:
 38 7635. (a) The child may, if under the age of 12 years, and
 39 shall, if 12 years of age or older, be made a party to the action. If
 40 the child is a minor and a party to the action, the child shall be

1 represented by a guardian ad litem appointed by the court. The
2 guardian ad litem need not be represented by counsel if the
3 guardian ad litem is a relative of the child.

4 (b) The natural ~~mother~~ *parent*, each ~~man~~ *person* presumed to
5 be ~~the father~~ *a parent* under Section 7611, and each man alleged
6 to be the natural father, may be made parties and shall be given
7 notice of the action in the manner prescribed in Section 7666 and
8 an opportunity to be heard. Appointment of a guardian ad litem
9 shall not be required for a minor who is a parent of the child who
10 is the subject of the petition to establish parental relationship,
11 unless the minor parent is unable to understand the nature of the
12 proceedings or to assist counsel in preparing the case.

13 (c) The court may align the parties.

14 (d) In any initial or subsequent proceeding under this chapter
15 where custody of, or visitation with, a minor child is in issue, the
16 court may, if it determines it would be in the best interest of the
17 minor child, appoint private counsel to represent the interests of
18 the minor child pursuant to Chapter 10 (commencing with Section
19 3150) of Part 2 of Division 8.

20 SEC. 11. Section 7637 of the Family Code is amended to read:

21 7637. The judgment or order may contain any other provision
22 directed against the appropriate party to the proceeding, concerning
23 the duty of support, the custody and guardianship of the child,
24 visitation privileges with the child, the furnishing of bond or other
25 security for the payment of the judgment, or any other matter in
26 the best interest of the child. The judgment or order may direct the
27 ~~father~~ *parent* to pay the reasonable expenses of the mother's
28 pregnancy and confinement.

29 SEC. 12. Section 7641 of the Family Code is amended to read:

30 7641. (a) ~~If existence of the father and child relationship is~~
31 ~~declared~~ *there is a voluntary declaration of paternity in place, or*
32 *paternity parentage* or a duty of support has been acknowledged
33 or adjudicated under this part or under prior law, the obligation of
34 the ~~father~~ *parent* may be enforced in the same or other proceedings
35 by any of the following:

36 (1) The ~~mother~~ *other parent*.

37 (2) The child.

38 (3) The public authority that has furnished or may furnish the
39 reasonable expenses of pregnancy, confinement, education, support,
40 or funeral.

1 (4) Any other person, including a private agency, to the extent
2 the person has furnished or is furnishing these expenses.

3 (b) The court may order support payments to be made to any
4 of the following:

5 (1) ~~The mother~~ *other parent*.

6 (2) The clerk of the court.

7 (3) A person, corporation, or agency designated to administer
8 the payments for the benefit of the child under the supervision of
9 the court.

10 (c) Willful failure to obey the judgment or order of the court is
11 a civil contempt of the court. All remedies for the enforcement of
12 judgments, including imprisonment for contempt, apply.

13 SEC. 13. Section 7644 of the Family Code is amended to read:

14 7644. (a) Notwithstanding any other law, an action for child
15 custody and support and for other relief as provided in Section
16 7637 may be filed based upon a voluntary declaration of paternity
17 as provided in Chapter 3 (commencing with Section 7570) of Part
18 2.

19 (b) Except as provided in Section 7576, the voluntary declaration
20 of paternity shall be given the same force and effect as a judgment
21 of ~~paternity~~ *parentage* entered by a court of competent jurisdiction.
22 The court shall make appropriate orders as specified in Section
23 7637 based upon the voluntary declaration of paternity unless
24 evidence is presented that the voluntary declaration of paternity
25 has been rescinded by the parties or set aside as provided in Section
26 7575 of the Family Code.

27 (c) The Judicial Council shall develop the forms and procedures
28 necessary to implement this section.

29 SEC. 14. Section 7648.9 of the Family Code is amended to
30 read:

31 7648.9. This article does not establish a basis for setting aside
32 or vacating a judgment establishing paternity with regard to a child
33 conceived by ~~artificial insemination~~ *assisted reproduction* pursuant
34 to Section 7613 or a child conceived pursuant to a surrogacy
35 agreement.

36 SEC. 15. Section 7660 of the Family Code is amended to read:

37 7660. If a mother relinquishes for or consents to, or proposes
38 to relinquish for or consent to, the adoption of a child who has a
39 presumed ~~father~~ *parent* under Section 7611, the ~~father~~ *presumed*
40 *parent* shall be given notice of the adoption proceeding and have

1 the rights provided under Part 2 (commencing with Section 8600)
2 of Division 13, unless ~~the father's~~ *that parent's* relationship to the
3 child has been previously terminated or determined by a court not
4 to exist or the ~~father~~ *presumed parent* has voluntarily relinquished
5 for or consented to the adoption of the child.

6 SEC. 16. Section 7661 of the Family Code is amended to read:

7 7661. ~~If a father~~ *the other parent* relinquishes for or consents
8 to, or proposes to relinquish for or consent to, the adoption of a
9 child, the mother shall be given notice of the adoption proceeding
10 and have the rights provided under Part 2 (commencing with
11 Section 8600) of Division 13, unless the mother's relationship to
12 the child has been previously terminated by a court or the mother
13 has voluntarily relinquished for or consented to the adoption of
14 the child.

15 SEC. 17. Section 7662 of the Family Code is amended to read:

16 7662. (a) If a mother relinquishes for or consents to, or
17 proposes to relinquish for or consent to, the adoption of a child,
18 or if a child otherwise becomes the subject of an adoption
19 proceeding, the agency or person to whom the child has been or
20 is to be relinquished, or the mother or the person having physical
21 or legal custody of the child, or the prospective adoptive parent,
22 shall file a petition to terminate the parental rights of the *alleged*
23 father, unless one of the following occurs:

24 (1) The *alleged* father's relationship to the child has been
25 previously terminated or determined not to exist by a court.

26 (2) The *alleged* father has been served as prescribed in Section
27 7666 with a written notice alleging that he is or could be the ~~natural~~
28 *biological* father of the child to be adopted or placed for adoption
29 and has failed to bring an action for the purpose of declaring the
30 existence of the father and child relationship pursuant to
31 subdivision (c) of Section 7630 within 30 days of service of the
32 notice or the birth of the child, whichever is later.

33 (3) The *alleged* father has executed a written form developed
34 by the department to waive notice, to deny his paternity, relinquish
35 the child for adoption, or consent to the adoption of the child.

36 (b) The ~~birth~~ *alleged* father may validly execute a waiver or
37 denial of paternity before or after the birth of the child, and once
38 signed, no notice of, relinquishment for, or consent to adoption of
39 the child shall be required from the ~~birth~~ *alleged* father for the
40 adoption to proceed.

1 (c) All proceedings affecting a child under Divisions 8
2 (commencing with Section 3000) to 11 (commencing with Section
3 6500), inclusive, and Parts 1 (commencing with Section 7500) to
4 3 (commencing with Section 7600), inclusive, of this division,
5 other than an action brought pursuant to this section, shall be stayed
6 pending final determination of proceedings to terminate the parental
7 rights of the *alleged* father pursuant to this section.

8 (d) Nothing in this section may limit the jurisdiction of the court
9 pursuant to Part 3 (commencing with Section 6240) and Part 4
10 (commencing with Section 6300) of Division 10 with respect to
11 domestic violence orders.

12 SEC. 18. Section 7663 of the Family Code is amended to read:

13 7663. (a) In an effort to identify ~~the natural father~~ *all alleged*
14 *fathers and presumed parents*, the court shall cause inquiry to be
15 made of the mother and any other appropriate person by one of
16 the following:

17 (1) The State Department of Social Services.

18 (2) A licensed county adoption agency.

19 (3) The licensed adoption agency to which the child is to be
20 relinquished.

21 (4) In the case of a stepparent adoption, the licensed clinical
22 social worker or licensed marriage and family therapist who is
23 performing the investigation pursuant to Section 9001, if
24 applicable. In the case of a stepparent adoption in which no licensed
25 clinical social worker or licensed marriage and family therapist is
26 performing the investigation pursuant to Section 9001, the board
27 of supervisors may assign those inquiries to a licensed county
28 adoption agency, the county department designated by the board
29 of supervisors to administer the public social services program, or
30 the county probation department.

31 (b) The inquiry shall include all of the following:

32 (1) Whether the mother was married at the time of conception
33 of the child or at any time thereafter.

34 (2) Whether the mother was cohabiting with a man at the time
35 of conception or birth of the child.

36 (3) Whether the mother has received support payments or
37 promises of support with respect to the child or in connection with
38 her pregnancy.

1 (4) Whether any ~~man~~ *person* has formally or informally
2 acknowledged or declared his *or her* possible ~~paternity~~ *parentage*
3 of the child.

4 (5) The names and whereabouts, if known, of every ~~man~~ *person*
5 presumed or *man* alleged to be the ~~father~~ *parent* of the child, and
6 the efforts made to give notice of the proposed adoption to each
7 ~~man~~ *person* identified.

8 (c) The agency that completes the inquiry shall file a written
9 report of the findings with the court.

10 SEC. 19. Section 7664 of the Family Code is amended to read:

11 7664. (a) If, after the inquiry, the ~~natural~~ *biological* father is
12 identified to the satisfaction of the court, or if more than one man
13 is identified as a possible *biological* father, notice of the proceeding
14 shall be given in accordance with Section 7666. If any alleged
15 ~~natural~~ *biological* father fails to appear or, if appearing, fails to
16 claim parental rights, his parental rights with reference to the child
17 shall be terminated.

18 (b) If the ~~natural~~ *biological* father or a man representing himself
19 to be the ~~natural~~ *biological* father claims parental rights, the court
20 shall determine if he is the *biological* father. The court shall then
21 determine if it is in the best interest of the child that the *biological*
22 father retain his parental rights, or that an adoption of the child be
23 allowed to proceed. The court, in making that determination, may
24 consider all relevant evidence, including the efforts made by the
25 *biological* father to obtain custody, the age and prior placement
26 of the child, and the effects of a change of placement on the child.

27 (c) If the court finds that it is in the best interest of the child that
28 the *biological* father should be allowed to retain his parental rights,
29 the court shall order that his consent is necessary for an adoption.
30 If the court finds that the man claiming parental rights is not the
31 *biological* father, or that if he is the *biological* father it is in the
32 child's best interest that an adoption be allowed to proceed, the
33 court shall order that the consent of that man is not required for
34 an adoption. This finding terminates all parental rights and
35 responsibilities with respect to the child.

36 SEC. 20. Section 7665 of the Family Code is amended to read:

37 7665. If, after the inquiry, the court is unable to identify the
38 ~~natural~~ *biological* father or any possible ~~natural~~ *biological* father
39 and no person has appeared claiming to be the ~~natural~~ *biological*
40 father and claiming custodial rights, the court shall enter an order

1 terminating the unknown ~~natural~~ *biological* father’s parental rights
 2 with reference to the child.

3 SEC. 21. Section 7666 of the Family Code is amended to read:

4 7666. (a) Except as provided in subdivision (b), notice of the
 5 proceeding shall be given to every person identified as the ~~natural~~
 6 *biological* father or a possible ~~natural~~ *biological* father in
 7 accordance with the Code of Civil Procedure for the service of
 8 process in a civil action in this state at least 10 days before the date
 9 of the proceeding, except that publication or posting of the notice
 10 of the proceeding is not required. Proof of giving the notice shall
 11 be filed with the court before the petition is heard.

12 (b) Notice to a man identified as or alleged to be the ~~natural~~
 13 *biological* father shall not be required, and the court shall issue an
 14 order dispensing with notice to him, under any of the following
 15 circumstances:

16 (1) The ~~man’s~~ relationship to the child has been previously
 17 terminated or determined not to exist by a court.

18 (2) The alleged ~~or presumed natural~~ father has executed a written
 19 form to waive notice, deny his paternity, relinquish the child for
 20 adoption, or consent to the adoption of the child.

21 (3) The whereabouts or identity of the alleged ~~natural~~ father are
 22 unknown or cannot be ascertained.

23 (4) The alleged father has been served with written notice of
 24 his alleged paternity and the proposed adoption, and he has failed
 25 to bring an action pursuant to subdivision (c) of Section 7630
 26 within 30 days of service of the notice or the birth of the child,
 27 whichever is later.

28 SEC. 22. Section 7667 of the Family Code is amended to read:

29 7667. (a) Notwithstanding any other provision of law, an action
 30 to terminate the parental rights of ~~a~~ *an alleged* father of a child as
 31 specified in this part shall be set for hearing not more than 45 days
 32 after filing of the petition, except as provided in subdivision (c).

33 (b) The matter so set shall have precedence over all other civil
 34 matters on the date set for trial, except an action to terminate
 35 parental rights pursuant to Part 4 (commencing with Section 7800).

36 (c) The court may dispense with a hearing and issue an ex parte
 37 order terminating parental rights if any of the following apply:

38 (1) The identity or whereabouts of the *alleged* father are
 39 unknown.

1 (2) The alleged father has validly executed a waiver of the right
2 to notice or a denial of paternity.

3 (3) The alleged father has been served with written notice of
4 his alleged paternity and the proposed adoption, and he has failed
5 to bring an action pursuant to subdivision (c) of Section 7630
6 within 30 days of service of the notice or the birth of the child,
7 whichever is later.

8 SEC. 23. Section 7669 of the Family Code is amended to read:

9 7669. (a) An order requiring or dispensing with ~~a~~ *an alleged*
10 father's consent for the adoption of a child may be appealed from
11 in the same manner as an order of the juvenile court declaring a
12 person to be a ward of the juvenile court and is conclusive and
13 binding upon the *alleged* father.

14 (b) After making the order, the court has no power to set aside,
15 change, or modify that order.

16 (c) Nothing in this section limits the right to appeal from the
17 order and judgment.

18 SEC. 24. Section 69617 is added to the Government Code, to
19 read:

20 69617. (a) The Legislature hereby ratifies the authority of the
21 Judicial Council to convert 10 subordinate judicial officer positions
22 to judgeships in the 2013–14 fiscal year where the conversion will
23 result in a judge being assigned to a family law or juvenile law
24 assignment previously presided over by a subordinate judicial
25 officer, pursuant to subparagraph (C) of paragraph (1) of
26 subdivision (c) of Section 69615.

27 (b) The action described in subdivision (a) shall be in addition
28 to any action that may be taken pursuant to the authority described
29 in subparagraph (B) of paragraph (1) of subdivision (c) of Section
30 69615 to convert up to 16 subordinate judicial officer positions to
31 judgeships.

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