

AMENDED IN SENATE AUGUST 16, 2016

AMENDED IN SENATE JUNE 14, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2882

**Introduced by Committee on Judiciary (Assembly Members
Mark Stone (Chair), Alejo, Chau, Chiu, Cristina Garcia, and
Holden)**

February 25, 2016

An act to amend Sections 302, 304, 306.5, 308, 360, 500, 2103, ~~4007.5~~, 4014, 4052.5, 8714, 17212, 17306, 17400, 17434, 17450, 17460, 17506, 17508, 17522.5, 17523.5, 17525, 17528, 17710, and 17801 of, to add Section 17504.1 to, to add Article 4 (commencing with Section 17390) to Chapter 1 of Division 17 of, and to repeal Sections 17458 and 17802 of, the Family Code, to add Section 69619.5 to the Government Code, and to amend Section 361 of, to repeal Sections 11475.2, 11475.3, and 11476.2 of, to repeal Chapter 4 (commencing with Section 10080) of Part 1 of, and to repeal Chapter 6 (commencing with Section 16575) of Part 4 of, Division 9 of, the Welfare and Institutions Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 2882, as amended, Committee on Judiciary. Judiciary omnibus: family law.

(1) Existing law provides that an unmarried person under 18 years of age is capable of consenting to and consummating marriage upon obtaining a court order granting permission of the underage person or persons to marry. Existing law requires the court order and written

consent of the parents of each underage person, or of one of the parents or the guardian of each underage person, to be filed with the clerk of the court, and requires a certified copy of the order to be presented to the county clerk at the time the marriage license is issued.

This bill would instead require the court order and written consent of at least one of the parents or the guardian of each underage person to be filed with the clerk of the court.

Existing law provides that parties to a marriage are not required to have the same name. Existing law provides that one party or both parties to a marriage may elect to change the middle or last names, or both, by which that party wishes to be known after solemnization of the marriage, and authorizes a person to adopt any of the specified last names and middle names, including a hyphenated combination of last names and a hyphenated combination of the current middle name and current last name of the person or spouse or a hyphenated combination of the current middle name and the last name given at birth of the person or spouse.

This bill would instead authorize a person to adopt a combination of last names, and a combination of the current middle name and the current last name of the person or spouse or a combination of the current middle name and the last name given at birth of the person or spouse.

Existing law requires the person solemnizing the marriage to obtain a duplicate marriage license, if a marriage license is lost, damaged, or destroyed after the marriage ceremony, but before it is returned to the county recorder, or deemed unacceptable for registration by the county recorder. Existing law prohibits the duplicate marriage license from being issued later than one year after the issuance of the original license and requires the license to be returned by the person solemnizing the marriage to the county recorder within one year of the issuance date shown on the original license.

This bill would instead prohibit the duplicate marriage license from being issued later than one year after the date of marriage, and would require the license be returned by the person solemnizing the marriage to the county recorder within one year of the date of marriage.

(2) Existing law authorizes a person desiring to adopt a nondependent child to file an adoption request in an authorized county. Under existing law, a petition for adoption of a nondependent child may be filed in specified locations, including the county in which the petitioner resides or where the adoption agency, department, or public adoption agency is located. If a child has been adjudged to be a dependent of the juvenile court, and thereafter has been freed for adoption by the juvenile court,

existing law authorizes the petition to be filed in either the county where the petitioner resides or in the county where the child was freed for adoption.

This bill would instead provide that a petitioner desiring to adopt a dependent child who is freed for adoption by the juvenile court and with whom that dependent child is placed for adoption may file the adoption request either in the county where the petitioner resides or in the county where the child was freed for adoption.

(3) Existing law authorizes the court to limit the control to be exercised over a dependent child by any parent or guardian and requires the court, by its order, to clearly and specifically set forth all those limitations in all cases in which a minor is adjudged to be a dependent child of the court. Existing law provides that the court's authority does not limit the ability of a parent to voluntarily relinquish his or her child to the State Department of Social Services, to a county adoption agency, or to a licensed private adoption agency at any time while the child is the subject of a petition to declare him or her a dependent child, if the department, county adoption agency, or licensed private adoption agency is willing to accept the relinquishment. When accepting the relinquishment of a child subject to a petition to declare him or her a dependent child, existing law requires a licensed private adoption agency to file with the court one original and 10 copies of a request to approve the relinquishment within 5 court days of accepting the relinquishment.

This bill would instead require a licensed private adoption agency, or allow another party or that party's counsel, to file with the court one original and 5 copies of a request to approve the relinquishment within 10 court days of accepting the relinquishment.

(4) Existing law establishes the Department of Child Support Services within the California Health and Human Services Agency, which administers all services and performs all functions necessary to establish, collect, and distribute child support. Existing state law establishes within the Department of Child Support Services a Statewide Child Support Registry and a single statewide automated child support system as required under federal law, referred to as the California Child Support Automation System. Existing law requires the Statewide Child Support Registry to include storage and data retrieval of the specified information, including any information required under federal law, for all California child support orders.

This bill would reenact those provisions relating to the Statewide Child Support Registry in the Family Code. The bill would delete

obsolete provisions in the Welfare and Institutions Code relating to the procurement and development of the California Child Support Automation System.

Existing law requires each clerk of the court to provide the child support information described above within 20 days to the Department of Child Support Services or the registry from each new or modified child support order. Existing law requires the department to, among other things, ensure that all child support data received from the clerks of the court are entered into the registry within 10 days of receipt. Existing law requires any information maintained by the Statewide Child Support Registry received from the clerks of the court to be provided to county district attorneys, the Franchise Tax Board, the courts, and others as provided by law.

This bill would instead require the department to ensure that all child support data received from the clerks of the court are entered into the Statewide Child Support Registry within 5 business days of receipt. The bill would instead require any information maintained by the registry received from the clerks of the court to be provided to local child support agencies, the court, and others as provided by law. The bill would require the registry to operate to ensure that all data in the registry can be accessed and integrated for statistical analysis and reporting purposes with all child support order data contained in the California Child Support Enforcement System.

(5) Existing law establishes within the Department of Child Support Services the State Disbursement Unit for the collection and disbursement of payments under support orders. Existing law requires any child support delinquency collected by the department to be deposited into the State Treasury to the credit of the Special Deposit Fund, which is a continuously appropriated fund, and distributed as specified by interagency agreement executed by the Franchise Tax Board and the department, with concurrence of the Controller. Upon availability of the State Disbursement Unit, existing law requires any child support delinquency collected to be deposited in a manner that the deposit and subsequent disbursement are consistent with federal law.

This bill would repeal these requirements.

(6) Existing law requires each county to maintain a local child support agency that is responsible for promptly and effectively establishing, modifying, and enforcing child support obligations. Existing law requires local child support agencies, on a monthly basis, to provide to any CalWORKs recipient or former recipient from whom an assignment is

currently effective, a notice of amount assigned support payments made on behalf of the recipient or former recipient.

This bill would reenact this requirement in the Family Code.

(7) Existing law requires any person, financial institution, or securities intermediary in possession or control of a financial asset upon which a levy has been issued to withhold the amount of the financial asset for the purpose of collecting a delinquent child support obligation to liquidate the financial asset in a commercially reasonable manner within 20 days of issuance of the levy or notice to withhold. Existing law requires, within 5 business days of liquidation, the person, financial institution, or securities intermediary to transfer to the local child support agency, the Franchise Tax Board, or the department, as applicable, the proceeds of the liquidation, as specified.

This bill would instead require the person, financial institution, or securities intermediary to transfer to the State Disbursement Unit the proceeds of the liquidation.

(8) This bill would delete references to the California Child Support Automation System and would refer instead to the California Child Support Enforcement System. The bill would delete obsolete references to the Franchise Tax Board and the California Family Support Council, and would also delete other obsolete provisions and make other conforming changes.

~~(9) Existing law requires a child support order to be suspended, by operation of law, when an obligor is incarcerated or involuntarily institutionalized for a period exceeding 90 days, subject to specified exceptions. Existing law authorizes a local child support agency to administratively adjust account balances for a money judgment or order for support of a child if the agency verifies that arrears and interest were accrued in violation of these provisions, if specified conditions are satisfied.~~

~~Prior law, from July 1, 2011, until July 1, 2015, similarly required the obligation of a person to pay child support pursuant to an order that is being enforced by a local child support agency under Title IV-D of the Social Security Act to be suspended for the period of time exceeding 90 days in which the person required to pay support is incarcerated or involuntarily institutionalized, with specified exceptions. Prior law authorized an obligor, upon release from incarceration or involuntary institutionalization, to petition the court for an adjustment of the arrears pursuant to the suspension of the support obligation.~~

~~This bill would authorize a person who accrued child support arrears between July 1, 2011, and June 30, 2015, and who was eligible for an adjustment of arrears pursuant to the provisions that expired on July 1, 2015, to petition the court for a reduction in arrears in accordance with these provisions as they existed on June 30, 2015.~~

~~(10)~~

(9) 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, existing law authorizes up to 10 additional subordinate judicial officer positions to 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.

This bill would ratify the authority of the Judicial Council to convert 10 subordinate judicial officer positions to judgeships in the 2016–17 fiscal year when 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.

~~(11)~~

(10) The bill would delete an obsolete provision, and make other nonsubstantive changes.

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 302 of the Family Code is amended to
2 read:
3 302. (a) An unmarried person under 18 years of age is capable
4 of consenting to and consummating marriage upon obtaining a
5 court order granting permission to the underage person or persons
6 to marry.

1 (b) The court order and written consent of at least one of the
2 parents or the guardian of each underage person shall be filed with
3 the clerk of the court, and a certified copy of the order shall be
4 presented to the county clerk at the time the marriage license is
5 issued.

6 SEC. 2. Section 304 of the Family Code is amended to read:

7 304. As part of the court order granting permission to marry
8 under Section 302 or 303, the court shall, if it considers it
9 necessary, require the parties to the prospective marriage of a minor
10 to participate in premarital counseling concerning social, economic,
11 and personal responsibilities incident to marriage. The parties shall
12 not be required, without their consent, to confer with counselors
13 provided by religious organizations of any denomination. In
14 determining whether to order the parties to participate in the
15 premarital counseling, the court shall consider, among other factors,
16 the ability of the parties to pay for the counseling. The court may
17 impose a reasonable fee to cover the cost of any premarital
18 counseling provided by the county or the court. The fees shall be
19 used exclusively to cover the cost of the counseling services
20 authorized by this section.

21 SEC. 3. Section 306.5 of the Family Code is amended to read:

22 306.5. (a) Parties to a marriage shall not be required to have
23 the same name. Neither party shall be required to change his or
24 her name. A person's name shall not change upon marriage unless
25 that person elects to change his or her name pursuant to subdivision
26 (b).

27 (b) (1) One party or both parties to a marriage may elect to
28 change the middle or last names, or both, by which that party
29 wishes to be known after solemnization of the marriage by entering
30 the new name in the spaces provided on the marriage license
31 application without intent to defraud.

32 (2) A person may adopt any of the following last names pursuant
33 to paragraph (1):

34 (A) The current last name of the other spouse.

35 (B) The last name of either spouse given at birth.

36 (C) A name combining into a single last name all or a segment
37 of the current last name or the last name of either spouse given at
38 birth.

39 (D) A combination of last names.

1 (3) A person may adopt any of the following middle names
2 pursuant to paragraph (1):

3 (A) The current last name of either spouse.

4 (B) The last name of either spouse given at birth.

5 (C) A combination of the current middle name and the current
6 last name of the person or spouse.

7 (D) A combination of the current middle name and the last name
8 given at birth of the person or spouse.

9 (4) (A) An election by a person to change his or her name
10 pursuant to paragraph (1) shall serve as a record of the name
11 change. A certified copy of a marriage certificate containing the
12 new name, or retaining the former name, shall constitute proof
13 that the use of the new name or retention of the former name is
14 lawful.

15 (B) A certified copy of a marriage certificate shall be accepted
16 as identification establishing a true, full name for purposes of
17 Section 12800.7 of the Vehicle Code.

18 (C) Nothing in this section shall be construed to prohibit the
19 Department of Motor Vehicles from accepting as identification
20 other documents establishing a true, full name for purposes of
21 Section 12800.7 of the Vehicle Code. Those documents may
22 include, without limitation, a certified copy of a marriage certificate
23 recording a marriage outside of this state.

24 (D) This section shall be applied in a manner consistent with
25 the requirements of Sections 1653.5 and 12801 of the Vehicle
26 Code.

27 (5) The adoption of a new name, or the choice not to adopt a
28 new name, by means of a marriage license application pursuant
29 to paragraph (1) shall only be made at the time the marriage license
30 is issued. After a marriage certificate is registered by the local
31 registrar, the certificate shall not be amended to add a new name
32 or change the name adopted pursuant to paragraph (1). An
33 amendment may be issued to correct a clerical error in the new
34 name fields on the marriage license. In this instance, the
35 amendment shall be signed by one of the parties to the marriage
36 and the county clerk or his or her deputy, and the reason for the
37 amendment shall be stated as correcting a clerical error. A clerical
38 error as used in this part is an error made by the county clerk, his
39 or her deputy, or a notary authorized to issue confidential marriage
40 licenses, whereby the information shown in the new name field

1 does not match the information shown on the marriage license
2 application. This requirement shall not abrogate the right of either
3 party to adopt a different name through usage at a future date, or
4 to petition the superior court for a change of name pursuant to Title
5 8 (commencing with Section 1275) of Part 3 of the Code of Civil
6 Procedure.

7 (c) Nothing in this section shall be construed to abrogate the
8 common law right of any person to change his or her name, or the
9 right of any person to petition the superior court for a change of
10 name pursuant to Title 8 (commencing with Section 1275) of Part
11 3 of the Code of Civil Procedure.

12 SEC. 4. Section 308 of the Family Code is amended to read:

13 308. A marriage contracted outside this state that would be
14 valid by laws of the jurisdiction in which the marriage was
15 contracted is valid in California.

16 SEC. 5. Section 360 of the Family Code is amended to read:

17 360. (a) If a marriage license is lost, damaged, or destroyed
18 after the marriage ceremony, but before it is returned to the county
19 recorder, or deemed unacceptable for registration by the county
20 recorder, the person solemnizing the marriage, in order to comply
21 with Section 359, shall obtain a duplicate marriage license by filing
22 an affidavit setting forth the facts with the county clerk of the
23 county in which the license was issued.

24 (b) The duplicate marriage license shall not be issued later than
25 one year after the date of marriage and shall be returned by the
26 person solemnizing the marriage to the county recorder within one
27 year of the date of marriage.

28 (c) The county clerk may charge a fee to cover the actual costs
29 of issuing a duplicate marriage license.

30 (d) If a marriage license is lost, damaged, or destroyed before
31 a marriage ceremony takes place, the applicants shall purchase a
32 new marriage license and the old license shall be voided.

33 SEC. 6. Section 500 of the Family Code is amended to read:

34 500. When two unmarried people, not minors, have been living
35 together as spouses, they may be married pursuant to this chapter
36 by a person authorized to solemnize a marriage under Chapter 1
37 (commencing with Section 400) of Part 3.

38 SEC. 7. Section 2103 of the Family Code is amended to read:

39 2103. In order to provide full and accurate disclosure of all
40 assets and liabilities in which one or both parties may have an

1 interest, each party to a proceeding for dissolution of the marriage
2 or legal separation of the parties shall serve on the other party a
3 preliminary declaration of disclosure under Section 2104, unless
4 service of the preliminary declaration of disclosure is waived as
5 provided in Section 2107 or is not required pursuant to Section
6 2110, and a final declaration of disclosure under Section 2105,
7 unless service of the final declaration of disclosure is waived
8 pursuant to Section 2105, 2107, or 2110, and shall file proof of
9 service of each with the court.

10 SEC. 8. ~~Section 4007.5 of the Family Code is amended to read:~~

11 ~~4007.5. (a) Every money judgment or order for support of a~~
12 ~~child shall be suspended, by operation of law, for any period~~
13 ~~exceeding 90 consecutive days in which the person ordered to pay~~
14 ~~support is incarcerated or involuntarily institutionalized, unless~~
15 ~~either of the following conditions exist:~~

16 ~~(1) The person owing support has the means to pay support~~
17 ~~while incarcerated or involuntarily institutionalized.~~

18 ~~(2) The person owing support was incarcerated or involuntarily~~
19 ~~institutionalized for an offense constituting domestic violence, as~~
20 ~~defined in Section 6211, against the supported party or supported~~
21 ~~child, or for an offense that could be enjoined by a protective order~~
22 ~~pursuant to Section 6320, or as a result of his or her failure to~~
23 ~~comply with a court order to pay child support.~~

24 ~~(b) The child support obligation shall resume on the first day~~
25 ~~of the first full month after the release of the person owing support~~
26 ~~in the amount previously ordered, and that amount is presumed to~~
27 ~~be appropriate under federal and state law. This section does not~~
28 ~~preclude a person owing support from seeking a modification of~~
29 ~~the child support order pursuant to Section 3651, based on a change~~
30 ~~in circumstances or other appropriate reason.~~

31 ~~(c) (1) A local child support agency enforcing a child support~~
32 ~~order under Title IV-D of the Social Security Act (42 U.S.C. Sec.~~
33 ~~651 et seq.) may, upon written notice of the proposed adjustment~~
34 ~~to the support obligor and obligee along with a blank form provided~~
35 ~~for the support obligor or obligee to object to the administrative~~
36 ~~adjustment to the local child support agency, administratively~~
37 ~~adjust account balances for a money judgment or order for support~~
38 ~~of a child suspended pursuant to subdivision (a) if all of the~~
39 ~~following occur:~~

1 ~~(A) The agency verifies that arrears and interest were accrued~~
2 ~~in violation of this section.~~

3 ~~(B) The agency verifies that neither of the conditions set forth~~
4 ~~in paragraph (1) or (2) of subdivision (a) exist.~~

5 ~~(C) Neither the support obligor nor obligee objects, within 30~~
6 ~~days of receipt of the notice of proposed adjustment, whether in~~
7 ~~writing or by telephone, to the administrative adjustment by the~~
8 ~~local child support agency.~~

9 ~~(2) If either the support obligor or obligee objects to the~~
10 ~~administrative adjustment set forth in this subdivision, the agency~~
11 ~~shall not adjust the order, but shall file a motion with the court to~~
12 ~~seek to adjust the arrears and shall serve copies of the motion on~~
13 ~~the parties, who may file an objection to the agency's motion with~~
14 ~~the court. The obligor's arrears shall not be adjusted unless the~~
15 ~~court approves the adjustment.~~

16 ~~(3) The agency may perform this adjustment without regard to~~
17 ~~whether it was enforcing the child support order at the time the~~
18 ~~parent owing support qualified for relief under this section.~~

19 ~~(d) This section does not prohibit the local child support agency~~
20 ~~or a party from petitioning a court for a determination of child~~
21 ~~support or arrears amounts.~~

22 ~~(e) For purposes of this section, the following definitions shall~~
23 ~~apply:~~

24 ~~(1) "Incarcerated or involuntarily institutionalized" includes,~~
25 ~~but is not limited to, involuntary confinement to the state prison,~~
26 ~~a county jail, a juvenile facility operated by the Division of Juvenile~~
27 ~~Facilities in the Department of Corrections and Rehabilitation, or~~
28 ~~a mental health facility.~~

29 ~~(2) "Suspend" means that the payment due on the current child~~
30 ~~support order, an arrears payment on a preexisting arrears balance,~~
31 ~~or interest on arrears created during a qualifying period of~~
32 ~~incarceration pursuant to this section is, by operation of law, set~~
33 ~~to zero dollars (\$0) for the period in which the person owing~~
34 ~~support is incarcerated or involuntarily institutionalized.~~

35 ~~(f) This section applies to every money judgment or child~~
36 ~~support order issued or modified on or after the enactment of this~~
37 ~~section.~~

38 ~~(g) A person who accrued child support arrears between July~~
39 ~~1, 2011, and June 30, 2015, and who was eligible for an adjustment~~
40 ~~of arrears pursuant to this section as it existed on June 30, 2015,~~

1 may petition the court for a reduction in arrears in accordance with
2 this section as it existed on June 30, 2015.

3 ~~(h) The Department of Child Support Services shall, by January~~
4 ~~1, 2016, and in consultation with the Judicial Council, develop~~
5 ~~forms to implement this section.~~

6 ~~(i) On or before January 1, 2019, the Department of Child~~
7 ~~Support Services and the Judicial Council shall conduct an~~
8 ~~evaluation of the effectiveness of the administrative adjustment~~
9 ~~process authorized by this section and shall report the results of~~
10 ~~the review, as well as any recommended changes, to the Assembly~~
11 ~~Judiciary Committee and the Senate Judiciary Committee. The~~
12 ~~evaluation shall include a review of the ease of the process to both~~
13 ~~the obligor and obligee, as well as an analysis of the number of~~
14 ~~cases administratively adjusted, the number of cases adjusted in~~
15 ~~court, and the number of cases not adjusted.~~

16 ~~(j) This section shall remain in effect only until January 1, 2020,~~
17 ~~and as of that date is repealed, unless a later enacted statute, that~~
18 ~~is enacted before January 1, 2020, deletes or extends that date.~~

19 ~~SEC. 9.~~

20 ~~SEC. 8.~~ Section 4014 of the Family Code is amended to read:

21 4014. (a) Any order for child support issued or modified
22 pursuant to this chapter shall include a provision requiring the
23 obligor and child support obligee to notify the other parent or, if
24 the order requires payment through an agency designated under
25 Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.),
26 the agency named in the order, of the name and address of his or
27 her current employer.

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

36 (1) Residential and mailing address.

37 (2) Social security number.

38 (3) Telephone number.

39 (4) Driver's license number.

40 (5) Name, address, and telephone number of the employer.

1 (6) Any other information prescribed by the Judicial Council.
2 The judgment or order shall specify that each parent is
3 responsible for providing his or her own information, that the
4 information must be filed with the court within 10 days of the court
5 order, and that new or different information must be filed with the
6 court within 10 days after any event causing a change in the
7 previously provided information.

8 (c) The requirements set forth in this subdivision shall only
9 apply in cases in which the local child support agency is not
10 providing child support services pursuant to Section 17400. Once
11 the child support registry, as described in Section 17391 is
12 operational, any judgment for paternity and any order for child
13 support entered or modified pursuant to any provision of law shall
14 include a provision requiring the child support obligor and obligee
15 to file and keep updated the information specified in subdivision
16 (b) with the child support registry.

17 (d) The Judicial Council shall develop forms to implement this
18 section. The forms shall be developed so as not to delay the
19 implementation of the Statewide Child Support Registry described
20 in Section 17391 and shall be available no later than 30 days prior
21 to the implementation of the Statewide Child Support Registry.

22 ~~SEC. 10.~~

23 *SEC. 9.* Section 4052.5 of the Family Code is amended to read:

24 4052.5. (a) The statewide uniform guideline, as required by
25 federal regulations, shall apply in any case in which a child has
26 more than two parents. The court shall apply the guideline by
27 dividing child support obligations among the parents based on
28 income and amount of time spent with the child by each parent,
29 pursuant to Section 4053.

30 (b) Consistent with federal regulations, after calculating the
31 amount of support owed by each parent under the guideline, the
32 presumption that the guideline amount of support is correct may
33 be rebutted if the court finds that the application of the guideline
34 in that case would be unjust or inappropriate due to special
35 circumstances, pursuant to Section 4057. If the court makes that
36 finding, the court shall divide child support obligations among the
37 parents in a manner that is just and appropriate based on income
38 and amount of time spent with the child by each parent, applying
39 the principles set forth in Section 4053 and this article.

1 (c) Nothing in this section shall be construed to require
2 reprogramming of the California Child Support Enforcement
3 System, a change to the statewide uniform guideline for
4 determining child support set forth in Section 4055, or a revision
5 by the Department of Child Support Services of its regulations,
6 policies, procedures, forms, or training materials.

7 ~~SEC. 11.~~

8 *SEC. 10.* Section 8714 of the Family Code is amended to read:

9 8714. (a) A person desiring to adopt a nondependent child
10 may for that purpose file an adoption request in a county authorized
11 by Section 8609.5. A person desiring to adopt a child who has
12 been adjudged to be a dependent of the juvenile court pursuant to
13 Section 300 of the Welfare and Institutions Code, freed for
14 adoption by the juvenile court, and placed for adoption with the
15 petitioner, may file the adoption request either in the county where
16 the petitioner resides or in the county where the child was freed
17 for adoption.

18 (b) The court clerk shall immediately notify the department at
19 Sacramento in writing of the pendency of the proceeding and of
20 any subsequent action taken.

21 (c) If the petitioner has entered into a postadoption contact
22 agreement with the birth parent as set forth in Section 8616.5, the
23 agreement, signed by the participating parties, shall be attached
24 to and filed with the petition for adoption under subdivision (a).

25 (d) The caption of the adoption petition shall contain the names
26 of the petitioners, but not the child's name. The petition shall state
27 the child's sex and date of birth. The name the child had before
28 adoption shall appear in the joinder signed by the licensed adoption
29 agency.

30 (e) If the child is the subject of a guardianship petition, the
31 adoption petition shall so state and shall include the caption and
32 docket number or have attached a copy of the letters of the
33 guardianship or temporary guardianship. The petitioners shall
34 notify the court of any petition for guardianship or temporary
35 guardianship filed after the adoption petition. The guardianship
36 proceeding shall be consolidated with the adoption proceeding.

37 (f) The order of adoption shall contain the child's adopted name,
38 but not the name the child had before adoption.

1 ~~SEC. 12.~~

2 *SEC. 11.* Section 17212 of the Family Code is amended to
3 read:

4 17212. (a) It is the intent of the Legislature to protect
5 individual rights of privacy, and to facilitate and enhance the
6 effectiveness of the child and spousal support enforcement
7 program, by ensuring the confidentiality of support enforcement
8 and child abduction records, and to thereby encourage the full and
9 frank disclosure of information relevant to all of the following:

10 (1) The establishment or maintenance of parent and child
11 relationships and support obligations.

12 (2) The enforcement of the child support liability of absent
13 parents.

14 (3) The enforcement of spousal support liability of the spouse
15 or former spouse to the extent required by the state plan under
16 Section 17604 and Part 6 (commencing with Section 5700.101)
17 of Division 9.

18 (4) The location of absent parents.

19 (5) The location of parents and children abducted, concealed,
20 or detained by them.

21 (b) (1) Except as provided in subdivision (c), all files,
22 applications, papers, documents, and records established or
23 maintained by any public entity pursuant to the administration and
24 implementation of the child and spousal support enforcement
25 program established pursuant to Part D (commencing with Section
26 651) of Subchapter IV of Chapter 7 of Title 42 of the United States
27 Code and this division, shall be confidential, and shall not be open
28 to examination or released for disclosure for any purpose not
29 directly connected with the administration of the child and spousal
30 support enforcement program. No public entity shall disclose any
31 file, application, paper, document, or record, or the information
32 contained therein, except as expressly authorized by this section.

33 (2) In no case shall information be released or the whereabouts
34 of one party or the child disclosed to another party, or to the
35 attorney of any other party, if a protective order has been issued
36 by a court or administrative agency with respect to the party, a
37 good cause claim under Section 11477.04 of the Welfare and
38 Institutions Code has been approved or is pending, or the public
39 agency responsible for establishing paternity or enforcing support
40 has reason to believe that the release of the information may result

1 in physical or emotional harm to the party or the child. When a
2 local child support agency is prohibited from releasing information
3 pursuant to this subdivision, the information shall be omitted from
4 any pleading or document to be submitted to the court and this
5 subdivision shall be cited in the pleading or other document as the
6 authority for the omission. The information shall be released only
7 upon an order of the court pursuant to paragraph (6) of subdivision
8 (c).

9 (3) Notwithstanding any other law, a proof of service filed by
10 the local child support agency shall not disclose the address where
11 service of process was accomplished. Instead, the local child
12 support agency shall keep the address in its own records. The proof
13 of service shall specify that the address is on record at the local
14 child support agency and that the address may be released only
15 upon an order from the court pursuant to paragraph (6) of
16 subdivision (c). The local child support agency shall, upon request
17 by a party served, release to that person the address where service
18 was effected.

19 (c) Disclosure of the information described in subdivision (b)
20 is authorized as follows:

21 (1) All files, applications, papers, documents, and records as
22 described in subdivision (b) shall be available and may be used
23 by a public entity for all administrative, civil, or criminal
24 investigations, actions, proceedings, or prosecutions conducted in
25 connection with the administration of the child and spousal support
26 enforcement program approved under Part D (commencing with
27 Section 651) of Subchapter IV of Chapter 7 of Title 42 of the
28 United States Code and to the county welfare department
29 responsible for administering a program operated under a state
30 plan pursuant to Part A, Subpart 1 or 2 of Part B, or Part E of
31 Subchapter IV of Chapter 7 of Title 42 of the United States Code.

32 (2) A document requested by a person who wrote, prepared, or
33 furnished the document may be examined by or disclosed to that
34 person or his or her designee.

35 (3) The payment history of an obligor pursuant to a support
36 order may be examined by or released to the court, the obligor, or
37 the person on whose behalf enforcement actions are being taken
38 or that person's designee.

1 (4) An income and expense declaration of either parent may be
2 released to the other parent for the purpose of establishing or
3 modifying a support order.

4 (5) Public records subject to disclosure under the California
5 Public Records Act (Chapter 3.5 (commencing with Section 6250)
6 of Division 7 of Title 1 of the Government Code) may be released.

7 (6) After a noticed motion and a finding by the court, in a case
8 in which establishment or enforcement actions are being taken,
9 that release or disclosure to the obligor or obligee is required by
10 due process of law, the court may order a public entity that
11 possesses an application, paper, document, or record as described
12 in subdivision (b) to make that item available to the obligor or
13 obligee for examination or copying, or to disclose to the obligor
14 or obligee the contents of that item. Article 9 (commencing with
15 Section 1040) of Chapter 4 of Division 8 of the Evidence Code
16 shall not be applicable to proceedings under this part. At any
17 hearing of a motion filed pursuant to this section, the court shall
18 inquire of the local child support agency and the parties appearing
19 at the hearing if there is reason to believe that release of the
20 requested information may result in physical or emotional harm
21 to a party. If the court determines that harm may occur, the court
22 shall issue any protective orders or injunctive orders restricting
23 the use and disclosure of the information as are necessary to protect
24 the individuals.

25 (7) To the extent not prohibited by federal law or regulation,
26 information indicating the existence or imminent threat of a crime
27 against a child, or location of a concealed, detained, or abducted
28 child or the location of the concealing, detaining, or abducting
29 person, may be disclosed to any district attorney, any appropriate
30 law enforcement agency, or to any state or county child protective
31 agency, or may be used in any judicial proceedings to prosecute
32 that crime or to protect the child.

33 (8) The social security number, most recent address, and the
34 place of employment of the absent parent may be released to an
35 authorized person as defined in Section 653(c) of Title 42 of the
36 United States Code, only if the authorized person has filed a request
37 for the information, and only if the information has been provided
38 to the California Parent Locator Service by the federal Parent
39 Locator Service pursuant to Section 653 of Title 42 of the United
40 States Code.

1 (9) A parent’s or relative’s name, social security number, most
2 recent address, telephone number, place of employment, or other
3 contact information may be released to a county child welfare
4 agency or county probation department pursuant to subdivision
5 (c) of Section 17506.

6 (d) (1) “Administration and implementation of the child and
7 spousal support enforcement program,” as used in this division,
8 means the carrying out of the state and local plans for establishing,
9 modifying, and enforcing child support obligations, enforcing
10 spousal support orders, and determining paternity pursuant to Part
11 D (commencing with Section 651) of Subchapter IV of Chapter 7
12 of Title 42 of the United States Code and this article.

13 (2) For purposes of this division, “obligor” means any person
14 owing a duty of support.

15 (3) As used in this division, “putative parent” shall refer to any
16 person reasonably believed to be the parent of a child for whom
17 the local child support agency is attempting to establish paternity
18 or establish, modify, or enforce support pursuant to Section 17400.

19 (e) Any person who willfully, knowingly, and intentionally
20 violates this section is guilty of a misdemeanor.

21 (f) Nothing in this section shall be construed to compel the
22 disclosure of information relating to a deserting parent who is a
23 recipient of aid under a public assistance program for which federal
24 aid is paid to this state, if that information is required to be kept
25 confidential by the federal law or regulations relating to the
26 program.

27 ~~SEC. 13.~~

28 *SEC. 12.* Section 17306 of the Family Code is amended to
29 read:

30 17306. (a) The Legislature finds and declares all of the
31 following:

32 (1) While the State Department of Social Services has had
33 statutory authority over the child support system, the locally elected
34 district attorneys have operated their county programs with a great
35 deal of autonomy.

36 (2) District attorneys have operated the child support programs
37 with different forms, procedures, and priorities, making it difficult
38 to adequately evaluate and modify performance statewide.

39 (3) Problems collecting child support reflect a fundamental lack
40 of leadership and accountability in the collection program. These

1 management problems have cost California taxpayers and families
2 billions of dollars.

3 (b) The director shall develop uniform forms, policies, and
4 procedures to be employed statewide by all local child support
5 agencies. Pursuant to this subdivision, the director shall:

6 (1) Adopt uniform procedures and forms.

7 (2) Establish standard caseworker to case staffing ratios, adjusted
8 as appropriate to meet the varying needs of local programs.

9 (3) Establish standard attorney to caseworker ratios, adjusted
10 as appropriate to meet the varying needs of local programs.

11 (4) Institute a consistent statewide policy on the appropriateness
12 of closing cases to ensure that, without relying solely on federal
13 minimum requirements, all cases are fully and pragmatically
14 pursued for collections prior to closing.

15 (5) Evaluate the best practices for the establishment,
16 enforcement, and collection of child support, for the purpose of
17 determining which practices should be implemented statewide in
18 an effort to improve performance by local child support agencies.
19 In evaluating the best practices, the director shall review existing
20 practices in better performing counties within California, as well
21 as practices implemented by other state Title IV-D programs
22 nationwide.

23 (6) Evaluate the best practices for the management of effective
24 child support enforcement operations for the purpose of
25 determining what management structure should be implemented
26 statewide in an effort to improve the establishment, enforcement,
27 and collection of child support by local child support agencies,
28 including an examination of the need for attorneys in management
29 level positions. In evaluating the best practices, the director shall
30 review existing practices in better performing counties within
31 California, as well as practices implemented by other state Title
32 IV-D programs nationwide.

33 (7) Set priorities for the use of specific enforcement mechanisms
34 for use by local child support agencies. As part of establishing
35 these priorities, the director shall set forth caseload processing
36 priorities to target enforcement efforts and services in a way that
37 will maximize collections and avoid welfare dependency.

38 (8) Develop uniform training protocols, require periodic training
39 of all child support staff, and conduct training sessions as
40 appropriate.

1 (9) Review and approve annual budgets submitted by the local
2 child support agencies to ensure each local child support agency
3 operates an effective and efficient program that complies with all
4 federal and state laws, regulations, and directives, including the
5 directive to hire sufficient staff.

6 (c) The director shall submit any forms intended for use in court
7 proceedings to the Judicial Council for approval at least six months
8 prior to the implementation of the use of the forms.

9 (d) In adopting the forms, policies, and procedures, the director
10 shall consult with appropriate organizations representing
11 stakeholders in California, such as the California State Association
12 of Counties, labor organizations, custodial and noncustodial parent
13 advocates, child support commissioners, family law facilitators,
14 and the appropriate committees of the Legislature.

15 (e) (1) (A) Notwithstanding the Administrative Procedure Act,
16 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
17 3 of Title 2 of the Government Code, through December 31, 2007,
18 the department may implement the applicable provisions of this
19 division through child support services letters or similar instructions
20 from the director.

21 (B) The department shall adopt regulations implementing the
22 forms, policies, and procedures established pursuant to this section.
23 The director may delay implementation of any of these regulations
24 in any county for any time as the director deems necessary for the
25 smooth transition and efficient operation of a local child support
26 agency, but implementation shall not be delayed beyond the time
27 at which the transition to the new county department of child
28 support services is completed. The department may adopt
29 regulations to implement this division in accordance with the
30 Administrative Procedure Act. The adoption of any emergency
31 regulation filed with the Office of Administrative Law on or before
32 December 31, 2007, shall be deemed to be an emergency and
33 necessary for the immediate preservation of the public peace,
34 health, and safety or general welfare. These emergency regulations
35 shall remain in effect for no more than 180 days.

36 (2) It is the intent of the Legislature that the amendments to
37 paragraph (1) of this subdivision made by Assembly Bill 3032 of
38 the 2001–02 Regular Session shall be retroactive to June 30, 2002.

1 ~~SEC. 14.~~

2 *SEC. 13.* Article 4 (commencing with Section 17390) is added
3 to Chapter 1 of Division 17 of the Family Code, to read:

4

5 Article 4. Statewide Registry for Child Support

6

7 17390. (a) The Legislature finds and declares that there is no
8 single statewide database containing statistical data regarding child
9 support orders.

10 (b) The California Child Support Enforcement System or its
11 replacement may be utilized to provide a single statewide registry
12 of all child support orders in California, including orders for cases
13 under Title IV-D of the Social Security Act and all cases with child
14 support orders.

15 17391. (a) The department shall develop an implementation
16 plan for the Statewide Child Support Registry. The Statewide Child
17 Support Registry shall be operated by the agency responsible for
18 operation of the California Child Support Enforcement System or
19 its replacement. The Statewide Child Support Registry shall include
20 storage and data retrieval of the data elements specified in Section
21 17392 for all California child support orders. The Statewide Child
22 Support Registry will operate to ensure that all data in the
23 Statewide Child Support Registry can be accessed and integrated
24 for statistical analysis and reporting purposes with all child support
25 order data contained in the California Child Support Enforcement
26 System.

27 (b) Each clerk of the court shall provide the information
28 specified in Section 17392 within 20 days to the department or the
29 Statewide Child Support Registry from each new or modified child
30 support order, including child support arrearage orders.

31 (c) The department shall maintain a system for compiling the
32 child support data received from the clerks of the court, ensure
33 that all child support data received from the clerks of the court are
34 entered into the Statewide Child Support Registry within five
35 business days of receipt in the Statewide Child Support Registry,
36 and ensure that the Statewide Child Support Registry is fully
37 implemented statewide.

38 (d) The department shall provide aggregate data on a periodic
39 basis on the data maintained by the Statewide Child Support
40 Registry to the Judicial Council, the appropriate agencies of the

1 executive branch, and the Legislature for statistical analysis and
2 review. The data shall not include individual identifying
3 information for specific cases.

4 (e) Any information maintained by the Statewide Child Support
5 Registry received from clerks of the court shall be provided to
6 local child support agencies, the courts, and others as provided by
7 law.

8 17392. (a) The Judicial Council shall develop any forms that
9 may be necessary to implement the Statewide Child Support
10 Registry. The forms may be in electronic form or in hardcopy, as
11 appropriate. The forms shall be developed so as not to delay
12 implementation, and shall be available no later than 30 days prior
13 to the implementation, of the Statewide Child Support Registry.

14 (b) The information transmitted from the clerks of the court to
15 the Statewide Child Support Registry shall include all of the
16 following:

17 (1) Any information required under federal law.

18 (2) Any other information the department and the Judicial
19 Council find appropriate.

20 17393. The Judicial Council shall develop the forms necessary
21 to implement this article.

22 ~~SEC. 15.~~

23 *SEC. 14.* Section 17400 of the Family Code is amended to
24 read:

25 17400. (a) Each county shall maintain a local child support
26 agency, as specified in Section 17304, that shall have the
27 responsibility for promptly and effectively establishing, modifying,
28 and enforcing child support obligations, including medical support,
29 enforcing spousal support orders established by a court of
30 competent jurisdiction, and determining paternity in the case of a
31 child born out of wedlock. The local child support agency shall
32 take appropriate action, including criminal action in cooperation
33 with the district attorneys, to establish, modify, and enforce child
34 support and, if appropriate, enforce spousal support orders if the
35 child is receiving public assistance, including Medi-Cal, and, if
36 requested, shall take the same actions on behalf of a child who is
37 not receiving public assistance, including Medi-Cal.

38 (b) (1) Notwithstanding Sections 25203 and 26529 of the
39 Government Code, attorneys employed within the local child
40 support agency may direct, control, and prosecute civil actions

1 and proceedings in the name of the county in support of child
2 support activities of the Department of Child Support Services and
3 the local child support agency.

4 (2) Notwithstanding any other law, and except for pleadings or
5 documents required to be signed under penalty of perjury, a local
6 child support agency may substitute original signatures with any
7 form of electronic signatures, including, but not limited to, typed,
8 digital, or facsimile images of signatures, digital signatures, or
9 other computer-generated signatures, on pleadings filed for the
10 purpose of establishing, modifying, or enforcing paternity, child
11 support, or medical support. Any substituted signature used by a
12 local child support agency shall have the same effect as an original
13 signature, including, but not limited to, the requirements of Section
14 128.7 of the Code of Civil Procedure.

15 (3) Notwithstanding any other law, effective July 1, 2016, a
16 local child support agency may electronically file pleadings signed
17 by an agent of the local child support agency under penalty of
18 perjury. An original signed pleading shall be executed prior to, or
19 on the same day as, the day of electronic filing. Original signed
20 pleadings shall be maintained by the local child support agency
21 for the period of time prescribed by subdivision (a) of Section
22 68152 of the Government Code. A local child support agency may
23 maintain the original signed pleading by way of an electronic copy
24 in the Statewide Automated Child Support System. The Judicial
25 Council, by July 1, 2016, shall develop rules to implement this
26 subdivision.

27 (c) Actions brought by the local child support agency to establish
28 paternity or child support or to enforce child support obligations
29 shall be completed within the time limits set forth by federal law.
30 The local child support agency's responsibility applies to spousal
31 support only if the spousal support obligation has been reduced to
32 an order of a court of competent jurisdiction. In any action brought
33 for modification or revocation of an order that is being enforced
34 under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651
35 et seq.), the effective date of the modification or revocation shall
36 be as prescribed by federal law (42 U.S.C. Sec. 666(a)(9)), or any
37 subsequent date.

38 (d) (1) The Judicial Council, in consultation with the
39 department, the Senate Committee on Judiciary, the Assembly
40 Committee on Judiciary, and a legal services organization

1 providing representation on child support matters, shall develop
2 simplified summons, complaint, and answer forms for any action
3 for support brought pursuant to this section or Section 17404. The
4 Judicial Council may combine the summons and complaint in a
5 single form.

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

26 (3) (A) The simplified answer form shall be written in simple
27 English and shall permit a defendant to answer and raise defenses
28 by checking applicable boxes. The answer form shall include
29 instructions for completion of the form and instructions for proper
30 filing of the answer.

31 (B) The answer form shall be accompanied by a blank income
32 and expense declaration or simplified financial statement and
33 instructions on how to complete the financial forms. The answer
34 form shall direct the defendant to file the completed income and
35 expense declaration or simplified financial statement with the
36 answer, but shall state that the answer will be accepted by a court
37 without the income and expense declaration or simplified financial
38 statement.

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

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

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

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

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

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

39 (g) (1) In any action to establish a child support order brought
40 by the local child support agency in the performance of duties

1 under this section, the local child support agency may make a
2 motion for an order effective during the pendency of that action,
3 for the support, maintenance, and education of the child or children
4 that are the subject of the action. This order shall be referred to as
5 an order for temporary support. This order has the same force and
6 effect as a like or similar order under this code.

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

9 (A) If the defendant is the mother, a presumed father under
10 Section 7611, or any father if the child is at least six months old
11 when the defendant files his or her answer, the time limit is 90
12 days after the defendant files an answer.

13 (B) In any other case in which the defendant has filed an answer
14 prior to the birth of the child or not more than six months after the
15 birth of the child, then the time limit is nine months after the birth
16 of the child.

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

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

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

34 (6) Nothing in this section otherwise limits the ability of the
35 local child support agency from securing and enforcing orders for
36 support of a spouse or former spouse as authorized under any other
37 law.

38 (h) As used in this article, “enforcing obligations” includes, but
39 is not limited to, all of the following:

1 (1) The use of all interception and notification systems operated
2 by the department for the purpose of aiding in the enforcement of
3 support obligations.

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

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

15 (4) The response to a notice of motion or order to show cause
16 brought by an obligor parent to decrease an existing spousal support
17 order if the child or children are residing with the obligee parent
18 and the local child support agency is also enforcing a related child
19 support obligation owed to the obligee parent by the same obligor.

20 (5) The referral of child support delinquencies to the department
21 under subdivision (c) of Section 17500 in support of the local child
22 support agency.

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

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

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

33 (k) In the exercise of the authority granted under this article,
34 the local child support agency may intervene, pursuant to
35 subdivision (b) of Section 387 of the Code of Civil Procedure, by
36 ex parte application, in any action under this code, or other
37 proceeding in which child support is an issue or a reduction in
38 spousal support is sought. By notice of motion, order to show
39 cause, or responsive pleading served upon all parties to the action,
40 the local child support agency may request any relief that is

1 appropriate that the local child support agency is authorized to
2 seek.

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

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

11 (1) The obtaining and enforcing of court orders for health
12 insurance coverage.

13 (2) Any other medical support activity mandated by federal law
14 or regulation.

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

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

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

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

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

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

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

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

1 ~~SEC. 16.~~

2 *SEC. 15.* Section 17434 of the Family Code is amended to
3 read:

4 17434. (a) The department shall publish a booklet describing
5 the proper procedures and processes for the collection and payment
6 of child and spousal support. The booklet shall be written in
7 language understandable to the lay person and shall direct the
8 reader to obtain the assistance of the local child support agency,
9 the family law facilitator, or legal counsel where appropriate. The
10 department may contract on a competitive basis with an
11 organization or individual to write the booklet.

12 (b) The department shall have primary responsibility for the
13 design and development of the contents of the booklet. The
14 department shall solicit comment regarding the content of the
15 booklet from the Director of the Administrative Office of the
16 Courts. The department shall verify the appropriateness and
17 accuracy of the contents of the booklet with at least one
18 representative of each of the following organizations:

- 19 (1) A local child support agency.
- 20 (2) The State Attorney General's office.
- 21 (3) A community organization that advocates for the rights of
22 custodial parents.

23 (4) A community organization that advocates for the rights of
24 supporting parents.

25 (c) Upon receipt of booklets on support collection, each county
26 welfare department shall provide a copy to each head of household
27 whose application for public assistance under Division 9
28 (commencing with Section 10000) of the Welfare and Institutions
29 Code has been approved and for whom support rights have been
30 assigned pursuant to Section 11477 of the Welfare and Institutions
31 Code. The department shall provide copies of the booklet to local
32 child support agencies for distribution, and to any person upon
33 request. The department shall also distribute the booklets to all
34 superior courts. Upon receipt of those booklets, each clerk of the
35 court shall provide two copies of the booklet to the petitioner or
36 plaintiff in any action involving the support of a minor child. The
37 moving party shall serve a copy of the booklet on the responding
38 party.

39 (d) The department shall expand the information provided under
40 its toll-free information hotline in response to inquiries regarding

1 the process and procedures for collection and payment of child
2 and spousal support. This toll-free number shall be advertised as
3 providing information on child and spousal support. The hotline
4 personnel shall not provide legal consultation or advice, but shall
5 provide only referral services.

6 (e) The department shall maintain a file of referral sources to
7 provide callers to the telephone hotline with the following
8 information specific to the county in which the caller resides:

9 (1) The location and telephone number of the local child support
10 agency, the county welfare office, the family law facilitator, and
11 any other government agency that handles child and spousal
12 support matters.

13 (2) The telephone number of the local bar association for referral
14 to attorneys in family law practice.

15 (3) The name and telephone number of at least one organization
16 that advocates the payment of child and spousal support or the
17 name and telephone number of at least one organization that
18 advocates the rights of supporting parents, if these organizations
19 exist in the county.

20 ~~SEC. 17:~~

21 *SEC. 16.* Section 17450 of the Family Code is amended to
22 read:

23 17450. (a) For purposes of this article:

24 (1) “Child support delinquency” means a delinquency defined
25 in subdivision (c) of Section 17500.

26 (2) “Earnings” shall include the items described in Section 5206.

27 (b) (1) When a delinquency is submitted to the department
28 pursuant to subdivision (c) of Section 17500, the amount of the
29 child support delinquency shall be collected by the department in
30 any manner authorized under state or federal law.

31 (2) Any compensation, fee, commission, expense, or any other
32 fee for service incurred by the department in the collection of a
33 child support delinquency authorized under this article shall not
34 be an obligation of, or collected from, the obligated parent.

35 (c) (1) The department may return or allow a local child support
36 agency to retain a child support delinquency for a specified purpose
37 for collection where the department determines that the return or
38 retention of the delinquency for the purpose so specified will
39 enhance the collectibility of the delinquency. The department shall
40 establish a process whereby a local child support agency may

1 request and shall be allowed to withdraw, rescind, or otherwise
2 recall the submittal of an account that has been submitted.

3 (2) If an obligor is disabled, meets the federal Supplemental
4 Security Income resource test, and is receiving Supplemental
5 Security Income/State Supplementary Payments (SSI/SSP), or,
6 but for excess income as described in Section 416.1100 and
7 following of Part 416 of Title 20 of the Code of Federal
8 Regulations, would be eligible to receive as SSI/SSP, pursuant to
9 Section 12200 of the Welfare and Institutions Code, and the obligor
10 has supplied the local child support agency with proof of his or
11 her eligibility for, and, if applicable, receipt of, SSI/SSP or Social
12 Security Disability Insurance benefits, then the child support
13 delinquency shall not be referred to the department for collection,
14 and, if referred, shall be withdrawn, rescinded, or otherwise recalled
15 from the department by the local child support agency. The
16 department shall not take any collection action, or if the local child
17 support agency has already taken collection action, shall cease
18 collection actions in the case of a disabled obligor when the
19 delinquency is withdrawn, rescinded, or otherwise recalled by the
20 local child support agency in accordance with the process
21 established as described in paragraph (1).

22 (d) It is the intent of the Legislature that when the California
23 Child Support Enforcement System (CSE) is fully operational,
24 any statutes that should be modified based upon the status of the
25 system shall be revised. During the development and
26 implementation of CSE, the department, as the Title IV-D agency,
27 may, through appropriate interagency agreement, delegate any and
28 all of the functions or procedures specified in this article to the
29 Franchise Tax Board. The Franchise Tax Board shall perform those
30 functions or procedures as specified in Sections 19271 to 19275,
31 inclusive, of the Revenue and Taxation Code until such time as
32 the director, by letter to the executive officer of the Franchise Tax
33 Board, revokes such delegation of Title IV-D functions. Sections
34 19271 to 19275, inclusive, of the Revenue and Taxation Code shall
35 be effective for these purposes until the revocation of delegation
36 to the Franchise Tax Board.

37 (e) Consistent with the development and implementation of the
38 California Child Support Enforcement System, the Franchise Tax
39 Board and the department shall enter into a letter of agreement
40 and an interagency agreement whereby the department shall assume

1 responsibility for collection of child support delinquencies and the
2 Financial Institution Data Match System as set forth in this article.
3 The letter of agreement and interagency agreement shall, at a
4 minimum, set forth all of the following:

5 (1) Contingent upon the enactment of the Budget Act, and
6 staffing authorization from the Department of Finance and the
7 Department of Human Resources, the department shall assume
8 responsibility for leadership and staffing of the collection of child
9 support delinquencies and the Financial Institution Data Match
10 System.

11 (2) All employees and other personnel who staff or provide
12 support for the collection of child support delinquencies and the
13 Financial Institution Data Match System at the Franchise Tax
14 Board shall become the employees of the department at their
15 existing or equivalent classification, salaries, and benefits.

16 (3) Any other provisions necessary to ensure continuity of
17 function and meet or exceed existing levels of service, including,
18 but not limited to, agreements for continued use of automated
19 systems used by the Franchise Tax Board to locate child support
20 obligors and their assets.

21 ~~SEC. 18.~~

22 *SEC. 17.* Section 17458 of the Family Code is repealed.

23 ~~SEC. 19.~~

24 *SEC. 18.* Section 17460 of the Family Code is amended to
25 read:

26 17460. (a) As necessary, the department shall seek reciprocal
27 agreements with other states to improve its ability to collect child
28 support payments from out-of-state obligated parents on behalf of
29 custodial parents residing in California. The department may pursue
30 agreements with the Internal Revenue Service, as permitted by
31 federal law, to improve collections of child support delinquencies
32 from out-of-state obligated parents through cooperative agreements
33 with the service.

34 (b) The California Child Support Enforcement System shall,
35 for purposes of this article, include the capacity to interface and
36 exchange information, if feasible, with the Internal Revenue
37 Service, to enable the immediate reporting and tracking of obligated
38 parent information.

39 (c) The department shall enter into any interagency agreements
40 that are necessary for the implementation of this article. State

1 departments and boards shall cooperate with the department to the
2 extent necessary for the implementation of this article. Out of any
3 money received from the federal government for the purpose of
4 reimbursing state departments and boards for their actual and
5 reasonable costs incurred in complying with this section, the
6 department shall reimburse those departments and boards. To the
7 extent that money is not provided by the federal government for
8 that purpose, and subject to the annual Budget Act, the state shall
9 fund departments and boards for their costs in complying with this
10 section.

11 ~~SEC. 20:~~

12 *SEC. 19.* Section 17504.1 is added to the Family Code, to read:

13 17504.1. On a monthly basis, the local child support agency
14 shall provide to any CalWORKs recipient or former recipient for
15 whom an assignment pursuant to subdivision (a) of Section 11477
16 of the Welfare and Institutions Code is currently effective, a notice
17 of the amount of assigned support payments made on behalf of
18 the recipient or former recipient or any other family member for
19 whom public assistance is received.

20 ~~SEC. 21:~~

21 *SEC. 20.* Section 17506 of the Family Code is amended to
22 read:

23 17506. (a) There is in the department a California Parent
24 Locator Service and Central Registry that shall collect and
25 disseminate all of the following, with respect to any parent, putative
26 parent, spouse, or former spouse:

27 (1) The full and true name of the parent together with any known
28 aliases.

29 (2) Date and place of birth.

30 (3) Physical description.

31 (4) Social security number.

32 (5) Employment history and earnings.

33 (6) Military status and Veterans Administration or military
34 service serial number.

35 (7) Last known address, telephone number, and date thereof.

36 (8) Driver's license number, driving record, and vehicle
37 registration information.

38 (9) Criminal, licensing, and applicant records and information.

39 (10) (A) Any additional location, asset, and income information,
40 including income tax return information obtained pursuant to

1 Section 19548 of the Revenue and Taxation Code, and to the extent
 2 permitted by federal law, the address, telephone number, and social
 3 security number obtained from a public utility, cable television
 4 corporation, a provider of electronic digital pager communication,
 5 or a provider of mobile telephony services that may be of assistance
 6 in locating the parent, putative parent, abducting, concealing, or
 7 detaining parent, spouse, or former spouse, in establishing a parent
 8 and child relationship, in enforcing the child support liability of
 9 the absent parent, or enforcing the spousal support liability of the
 10 spouse or former spouse to the extent required by the state plan
 11 pursuant to Section 17604.

12 (B) For purposes of this subdivision, “income tax return
 13 information” means all of the following regarding the taxpayer:

- 14 (i) Assets.
- 15 (ii) Credits.
- 16 (iii) Deductions.
- 17 (iv) Exemptions.
- 18 (v) Identity.
- 19 (vi) Liabilities.
- 20 (vii) Nature, source, and amount of income.
- 21 (viii) Net worth.
- 22 (ix) Payments.
- 23 (x) Receipts.
- 24 (xi) Address.
- 25 (xii) Social security number.

26 (b) Pursuant to a letter of agreement entered into between the
 27 Department of Child Support Services and the Department of
 28 Justice, the Department of Child Support Services shall assume
 29 responsibility for the California Parent Locator Service and Central
 30 Registry. The letter of agreement shall, at a minimum, set forth all
 31 of the following:

32 (1) Contingent upon funding in the Budget Act, the Department
 33 of Child Support Services shall assume responsibility for leadership
 34 and staff of the California Parent Locator Service and Central
 35 Registry commencing July 1, 2003.

36 (2) All employees and other personnel who staff or provide
 37 support for the California Parent Locator Service and Central
 38 Registry shall, at the time of the transition, at their option, become
 39 the employees of the Department of Child Support Services at
 40 their existing or equivalent classification, salaries, and benefits.

1 (3) Until the department's automation system for the California
2 Parent Locator Service and Central Registry functions is fully
3 operational, the department shall use the automation system
4 operated by the Department of Justice.

5 (4) Any other provisions necessary to ensure continuity of
6 function and meet or exceed existing levels of service.

7 (c) To effectuate the purposes of this section, the California
8 Child Support Enforcement System and the California Parent
9 Locator Service and Central Registry shall utilize the federal Parent
10 Locator Service to the extent necessary, and may request and shall
11 receive from all departments, boards, bureaus, or other agencies
12 of the state, or any of its political subdivisions, and those entities
13 shall provide, that assistance and data that will enable the
14 Department of Child Support Services and other public agencies
15 to carry out their powers and duties to locate parents, spouses, and
16 former spouses, and to identify their assets, to establish parent-child
17 relationships, and to enforce liability for child or spousal support,
18 and for any other obligations incurred on behalf of children, and
19 shall also provide that information to any local child support agency
20 in fulfilling the duties prescribed in Section 270 of the Penal Code,
21 and in Chapter 8 (commencing with Section 3130) of Part 2 of
22 Division 8 of this code, relating to abducted, concealed, or detained
23 children and to any county child welfare agency or county
24 probation department in fulfilling the duties prescribed in Article
25 5.5 (commencing with Section 290.1) of Chapter 2 of Part 1 of
26 Division 2 of the Welfare and Institutions Code, and prescribed
27 in Article 6 (commencing with Section 300) of Chapter 2 of Part
28 1 of Division 2 of the Welfare and Institutions Code to identify,
29 locate, and notify parents or relatives of children who are the
30 subject of juvenile court proceedings, to establish parent and child
31 relationships pursuant to Section 316.2 of the Welfare and
32 Institutions Code, and to assess the appropriateness of placement
33 of a child with a noncustodial parent pursuant to Section 361.2 of
34 the Welfare and Institutions Code. Consistent with paragraph (1)
35 of subdivision (e) of Section 309 of, and paragraph (2) of
36 subdivision (d) of Section 628 of, the Welfare and Institutions
37 Code, in order for county child welfare and probation departments
38 to carry out their duties to identify and locate all grandparents,
39 adult siblings, and other adult relatives of the child as defined in
40 paragraph (2) of subdivision (f) of Section 319 of the Welfare and

1 Institutions Code, including any other adult relatives suggested by
2 the parents, county personnel are permitted to request and receive
3 information from the California Parent Locator Service and Federal
4 Parent Locator Service. County child welfare agencies and
5 probation departments shall be entitled to the information described
6 in this subdivision regardless of whether an all-county letter or
7 similar instruction is issued pursuant to subparagraph (C) of
8 paragraph (8) of subdivision (c) of Section 11478.1 of the Welfare
9 and Institutions Code. The California Child Support Enforcement
10 System shall be entitled to the same cooperation and information
11 as the California Parent Locator Service and Central Registry to
12 the extent allowed by law. The California Child Support
13 Enforcement System shall be allowed access to criminal record
14 information only to the extent that access is allowed by state and
15 federal law.

16 (d) (1) To effectuate the purposes of this section, and
17 notwithstanding any other law, regulation, or tariff, and to the
18 extent permitted by federal law, the California Parent Locator
19 Service and Central Registry and the California Child Support
20 Enforcement System may request and shall receive from public
21 utilities, as defined in Section 216 of the Public Utilities Code,
22 customer service information, including the full name, address,
23 telephone number, date of birth, employer name and address, and
24 social security number of customers of the public utility, to the
25 extent that this information is stored within the computer database
26 of the public utility.

27 (2) To effectuate the purposes of this section, and
28 notwithstanding any other law, regulation, or tariff, and to the
29 extent permitted by federal law, the California Parent Locator
30 Service and Central Registry and the California Child Support
31 Enforcement System may request and shall receive from cable
32 television corporations, as defined in Section 216.4 of the Public
33 Utilities Code, the providers of electronic digital pager
34 communication, as defined in Section 629.51 of the Penal Code,
35 and the providers of mobile telephony services, as defined in
36 Section 224.4 of the Public Utilities Code, customer service
37 information, including the full name, address, telephone number,
38 date of birth, employer name and address, and social security
39 number of customers of the cable television corporation, customers

1 of the providers of electronic digital pager communication, and
2 customers of the providers of mobile telephony services.

3 (3) In order to protect the privacy of utility, cable television,
4 electronic digital pager communication, and mobile telephony
5 service customers, a request to a public utility, cable television
6 corporation, provider of electronic digital pager communication,
7 or provider of mobile telephony services for customer service
8 information pursuant to this section shall meet the following
9 requirements:

10 (A) Be submitted to the public utility, cable television
11 corporation, provider of electronic digital pager communication,
12 or provider of mobile telephony services in writing, on a transmittal
13 document prepared by the California Parent Locator Service and
14 Central Registry or the California Child Support Enforcement
15 System and approved by all of the public utilities, cable television
16 corporations, providers of electronic digital pager communication,
17 and providers of mobile telephony services. The transmittal shall
18 be deemed to be an administrative subpoena for customer service
19 information.

20 (B) Have the signature of a representative authorized by the
21 California Parent Locator Service and Central Registry or the
22 California Child Support Enforcement System.

23 (C) Contain at least three of the following data elements
24 regarding the person sought:

- 25 (i) First and last name, and middle initial, if known.
- 26 (ii) Social security number.
- 27 (iii) Driver's license number.
- 28 (iv) Birth date.
- 29 (v) Last known address.
- 30 (vi) Spouse's name.

31 (D) The California Parent Locator Service and Central Registry
32 and the California Child Support Enforcement System shall ensure
33 that each public utility, cable television corporation, provider of
34 electronic digital pager communication services, and provider of
35 mobile telephony services has at all times a current list of the names
36 of persons authorized to request customer service information.

37 (E) The California Child Support Enforcement System and the
38 California Parent Locator Service and Central Registry shall ensure
39 that customer service information supplied by a public utility, cable
40 television corporation, provider of electronic digital pager

1 communication, or provider of mobile telephony services is
2 applicable to the person who is being sought before releasing the
3 information pursuant to subdivision (d).

4 (4) During the development of the California Child Support
5 Enforcement System, the department shall determine the necessity
6 of additional locate sources, including those specified in this
7 section, based upon the cost-effectiveness of those sources.

8 (5) The public utility, cable television corporation, electronic
9 digital pager communication provider, or mobile telephony service
10 provider may charge a fee to the California Parent Locator Service
11 and Central Registry or the California Child Support Enforcement
12 System for each search performed pursuant to this subdivision to
13 cover the actual costs to the public utility, cable television
14 corporation, electronic digital pager communication provider, or
15 mobile telephony service provider for providing this information.

16 (6) No public utility, cable television corporation, electronic
17 digital pager communication provider, or mobile telephony service
18 provider or official or employee thereof, shall be subject to criminal
19 or civil liability for the release of customer service information as
20 authorized by this subdivision.

21 (e) Notwithstanding Section 14203 of the Penal Code, any
22 records established pursuant to this section shall be disseminated
23 only to the Department of Child Support Services, the California
24 Child Support Enforcement System, the California Parent Locator
25 Service and Central Registry, the parent locator services and central
26 registries of other states as defined by federal statutes and
27 regulations, a local child support agency of any county in this state,
28 and the federal Parent Locator Service. The California Child
29 Support Enforcement System shall be allowed access to criminal
30 offender record information only to the extent that access is allowed
31 by law.

32 (f) (1) At no time shall any information received by the
33 California Parent Locator Service and Central Registry or by the
34 California Child Support Enforcement System be disclosed to any
35 person, agency, or other entity, other than those persons, agencies,
36 and entities specified pursuant to Section 17505, this section, or
37 any other provision.

38 (2) This subdivision shall not otherwise affect discovery between
39 parties in any action to establish, modify, or enforce child, family,
40 or spousal support, that relates to custody or visitation.

1 (g) (1) The Department of Justice, in consultation with the
2 Department of Child Support Services, shall promulgate rules and
3 regulations to facilitate maximum and efficient use of the California
4 Parent Locator Service and Central Registry. Upon implementation
5 of the California Child Support Enforcement System, the
6 Department of Child Support Services shall assume all
7 responsibility for promulgating rules and regulations for use of
8 the California Parent Locator Service and Central Registry.

9 (2) The Department of Child Support Services, the Public
10 Utilities Commission, the cable television corporations, providers
11 of electronic digital pager communication, and the providers of
12 mobile telephony services shall develop procedures for obtaining
13 the information described in subdivision (c) from public utilities,
14 cable television corporations, providers of electronic digital pager
15 communication, and providers of mobile telephony services and
16 for compensating the public utilities, cable television corporations,
17 providers of electronic digital pager communication, and providers
18 of mobile telephony services for providing that information.

19 (h) The California Parent Locator Service and Central Registry
20 may charge a fee not to exceed eighteen dollars (\$18) for any
21 service it provides pursuant to this section that is not performed
22 or funded pursuant to Section 651 and following of Title 42 of the
23 United States Code.

24 (i) This section shall be construed in a manner consistent with
25 the other provisions of this article.

26 ~~SEC. 22.~~

27 *SEC. 21.* Section 17508 of the Family Code is amended to
28 read:

29 17508. (a) The Employment Development Department shall,
30 when requested by the Department of Child Support Services local
31 child support agency, the federal Parent Locator Service, or the
32 California Parent Locator Service, provide access to information
33 collected pursuant to Division 1 (commencing with Section 100)
34 of the Unemployment Insurance Code to the requesting department
35 or agency for purposes of administering the child support
36 enforcement program, and for purposes of verifying employment
37 of applicants and recipients of aid under this chapter or CalFresh
38 under Chapter 10 (commencing with Section 18900) of Part 6 of
39 Division 9 of the Welfare and Institutions Code.

1 (b) (1) To the extent possible, the Employment Development
 2 Department shall share information collected under Sections 1088.5
 3 and 1088.8 of the Unemployment Insurance Code immediately
 4 upon receipt. This sharing of information may include electronic
 5 means.

6 (2) This subdivision shall not authorize the Employment
 7 Development Department to share confidential information with
 8 any individuals not otherwise permitted by law to receive the
 9 information or preclude batch runs or comparisons of data.

10 ~~SEC. 23.~~

11 *SEC. 22.* Section 17522.5 of the Family Code is amended to
 12 read:

13 17522.5. (a) Notwithstanding Section 8112 of the Commercial
 14 Code and Section 700.130 of the Code of Civil Procedure, when
 15 a local child support agency pursuant to Section 17522, or the
 16 department pursuant to Section 17454 or 17500, issues a levy upon,
 17 or requires by notice any employer, person, political officer or
 18 entity, or depository institution to withhold the amount of, as
 19 applicable, a financial asset for the purpose of collecting a
 20 delinquent child support obligation, the person, financial institution,
 21 or securities intermediary (as defined in Section 8102 of the
 22 Commercial Code) in possession or control of the financial asset
 23 shall liquidate the financial asset in a commercially reasonable
 24 manner within 20 days of the issuance of the levy or the notice to
 25 withhold. Within five days of liquidation, the person, financial
 26 institution, or securities intermediary shall transfer to the State
 27 Disbursement Unit, established under Section 17309, the proceeds
 28 of the liquidation, less any reasonable commissions or fees, or
 29 both, which are charged in the normal course of business.

30 (b) If the value of the financial assets exceed the total amount
 31 of support due, the obligor may, within 10 days after the service
 32 of the levy or notice to withhold upon the person, financial
 33 institution, or securities intermediary, instruct the person, financial
 34 institution, or securities intermediary who possesses or controls
 35 the financial assets as to which financial assets are to be sold to
 36 satisfy the obligation for delinquent support. If the obligor does
 37 not provide instructions for liquidation, the person, financial
 38 institution, or securities intermediary who possesses or controls
 39 the financial assets shall liquidate the financial assets in a
 40 commercially reasonable manner and in an amount sufficient to

1 cover the obligation for delinquent child support, and any
2 reasonable commissions or fees, or both, which are charged in the
3 normal course of business, beginning with the financial assets
4 purchased most recently.

5 (c) For the purposes of this section, a financial asset shall
6 include, but not be limited to, an uncertificated security, certificated
7 security, or security entitlement (as defined in Section 8102 of the
8 Commercial Code), security (as defined in Section 8103 of the
9 Commercial Code), or a securities account (as defined in Section
10 8501 of the Commercial Code).

11 ~~SEC. 24.~~

12 *SEC. 23.* Section 17523.5 of the Family Code is amended to
13 read:

14 17523.5. (a) (1) Notwithstanding any other law, in connection
15 with the duty of the department and the local child support agency
16 to promptly and effectively collect and enforce child support
17 obligations under Title IV-D, the transmission, filing, and recording
18 of a lien record by departmental and local child support agency
19 staff that arises pursuant to subdivision (a) of Section 4506 of this
20 code or Section 697.320 of the Code of Civil Procedure against
21 the real property of a support obligor in the form of a digital or a
22 digitized electronic record shall be permitted and governed only
23 by this section.

24 (2) A facsimile signature that complies with the requirements
25 of paragraph (2) of subdivision (b) of Section 27201 of the
26 Government Code shall be accepted on any document relating to
27 a lien that is filed or recorded pursuant to this section.

28 (3) The department and the local child support agency may use
29 the California Child Support Enforcement System to transmit, file,
30 and record a lien record under this section.

31 (b) Nothing in this section shall be construed to require a county
32 recorder to establish an electronic recording delivery system or to
33 enter into a contract with an entity to implement this section.

34 (c) For purposes of this section, the following terms have the
35 following meanings:

36 (1) "Digital electronic record" means a record containing
37 information that is created, generated, sent, communicated,
38 received, or stored by electronic means, but not created in original
39 paper form.

1 (2) “Digitized electronic record” means a scanned image of the
2 original paper document.

3 ~~SEC. 25.~~

4 *SEC. 24.* Section 17525 of the Family Code is amended to
5 read:

6 17525. (a) Whenever a state or local governmental agency
7 issues a notice of support delinquency, the notice shall state the
8 date upon which the amount of the delinquency was calculated,
9 and shall notify the obligor that the amount calculated may, or
10 may not, include accrued interest. This requirement shall not be
11 imposed until the local child support agency has instituted the
12 California Child Support Enforcement System implemented and
13 maintained by the Department of Child Support Services pursuant
14 to Section 17308. The notice shall further notify the obligor of his
15 or her right to an administrative determination of arrears by
16 requesting that the local child support agency review the arrears,
17 but that payments on arrears continue to be due and payable unless
18 and until the local child support agency notifies the obligor
19 otherwise. A state agency shall not be required to suspend
20 enforcement of any arrearages as a result of the obligor’s request
21 for an administrative determination of arrears, unless the agency
22 receives notification of a suspension pursuant to subdivision (b)
23 of Section 17526.

24 (b) For purposes of this section, “notice of support delinquency”
25 means a notice issued to a support obligor that includes a specific
26 statement of the amount of delinquent support due and payable.

27 (c) This section shall not require a state or local entity to
28 calculate the amount of a support delinquency, except as otherwise
29 required by law.

30 ~~SEC. 26.~~

31 *SEC. 25.* Section 17528 of the Family Code is amended to
32 read:

33 17528. (a) As authorized by subdivision (c) of Section 704.110
34 of the Code of Civil Procedure, the following actions shall be taken
35 in order to enforce support obligations that are not being met:

36 (1) Within 18 months of implementation of the California Child
37 Support Enforcement System (CSE), or its replacement as
38 prescribed by former Section 10815 of the Welfare and Institutions
39 Code, and certification of CSE or its replacement by the United
40 States Department of Health and Human Services, the department

1 shall compile a file of all support judgments and orders that are
2 being enforced by local child support agencies pursuant to Section
3 17400 that have sums overdue by at least 60 days or by an amount
4 equal to 60 days of support.

5 (2) The file shall contain the name and social security number
6 of the person who owes overdue support, the amount of overdue
7 support as of the date the file is created, the name of the county in
8 which the support obligation is being enforced by the local child
9 support agency, and any other information that is deemed necessary
10 by the department and the Public Employees' Retirement System.

11 (3) The department shall provide the certified file to the Public
12 Employees' Retirement System for the purpose of matching the
13 names in the file with members and beneficiaries of the Public
14 Employees' Retirement System that are entitled to receive Public
15 Employees' Retirement System benefits. The department and the
16 Public Employees' Retirement System shall work cooperatively
17 to develop an interface in order to match the names in their
18 respective electronic data processing systems. The interface
19 required to intercept benefits that are payable periodically shall be
20 done as soon as it is technically feasible.

21 (4) The department shall update the certified file no less than
22 on a monthly basis to add new cases within the local child support
23 agencies or existing cases that become delinquent and to delete
24 persons who are no longer delinquent. The department shall provide
25 the updated file no less than on a monthly basis to the Public
26 Employees' Retirement System.

27 (5) Information contained in the certified file provided to the
28 Public Employees' Retirement System by the department and the
29 local child support agencies and information provided by the Public
30 Employees' Retirement System to the department shall be used
31 exclusively for child support enforcement purposes and may not
32 be used for any other purpose.

33 (b) Notwithstanding any other law, the Public Employees'
34 Retirement System shall withhold the amount certified from the
35 benefits and refunds to be distributed to members with overdue
36 support obligations or from benefits to be distributed to
37 beneficiaries with overdue support obligations. If the benefits are
38 payable periodically, the amount withheld pursuant to this section
39 shall not exceed the amount permitted to be withheld for an

1 earnings withholding order for support under Section 706.052 of
2 the Code of Civil Procedure.

3 (c) The Public Employees' Retirement System shall forward
4 the amounts withheld pursuant to subdivision (b) within 10 days
5 of withholding to the department for distribution to the appropriate
6 county.

7 (d) On an annual basis, the department shall notify individuals
8 with overdue support obligations that PERS benefits or PERS
9 contribution refunds may be intercepted for the purpose of
10 enforcing family support obligations.

11 (e) No later than the time of the first withholding, the Public
12 Employees' Retirement System shall send those persons subject
13 to withholding the following:

14 (1) Notice that his or her benefits or retirement contribution
15 refund have been reduced by payment on a support judgment
16 pursuant to this section.

17 (2) A form developed by the department that the applicant shall
18 use to request either a review by the local child support agency or
19 a court hearing, as appropriate.

20 (f) The notice shall include the address and telephone number
21 of the local child support agency that is enforcing the support
22 obligation pursuant to Section 17400, and shall specify that the
23 form requesting either a review by the local child support agency
24 or a court hearing must be received by the local child support
25 agency within 20 days of the date of the notice.

26 (g) The form shall include instructions that are designed to
27 enable the member or beneficiary to obtain a review or a court
28 hearing as appropriate on his or her own behalf. The form shall
29 specify that if the member or beneficiary disputes the amount of
30 support arrearages certified by the local child support agency
31 pursuant to this section, he or she may request a review by the
32 local child support agency.

33 (h) The department shall develop procedures that are consistent
34 with this section to be used by each local child support agency in
35 conducting the requested review. The local child support agency
36 shall complete the review in accordance with the procedures
37 developed by the department and shall notify the member or
38 beneficiary of the result of the review within 20 days of receiving
39 the request for review. The notification of review results shall
40 include a request for hearing form and shall inform the member

1 or beneficiary that if he or she returns the completed request for
2 hearing form within 20 days of the date of the notice of review
3 results, the local child support agency shall calendar the matter for
4 court review. If the local child support agency cannot complete
5 the review within 20 days, the local child support agency shall
6 calendar the matter for hearing as specified in subdivision (k).

7 (i) The form specified in subdivision (g) shall also notify the
8 member or beneficiary that he or she may request a court hearing
9 to claim an exemption of any benefit not payable periodically by
10 returning the completed form to the local child support agency
11 within 20 days. If the local child support agency receives a timely
12 request for a hearing for a claim of exemption, the local child
13 support agency shall calendar a court hearing. The amount of the
14 exemption, if any, shall be determined by the court in accordance
15 with the procedures set forth in Section 703.070 of the Code of
16 Civil Procedure.

17 (j) If the local child support agency receives the form requesting
18 either a review by the local child support agency or a court hearing
19 within the 20 days specified in subdivision (f), the local child
20 support agency shall not distribute the amount intercepted until
21 the review by the local child support agency or the court hearing
22 is completed. If the local child support agency determines that all
23 or a portion of the member's or beneficiary's benefits were
24 intercepted in error, or if the court determines that any amount of
25 the benefits are exempt, the local child support agency shall refund
26 any amount determined to be exempt or intercepted in excess of
27 the correct amount to the member or beneficiary within 10 days
28 of determination that a refund is due.

29 (k) Any hearing properly requested pursuant to this section shall
30 be calendared by the local child support agency. The hearing shall
31 be held within 20 days from the date that the local child support
32 agency receives the request for hearing. The local child support
33 agency shall provide notice of the time and place for hearing by
34 first-class mail no later than five days prior to the hearing.

35 (l) Nothing in this section shall limit any existing rights of the
36 member or beneficiary, including, but not limited to, the right to
37 seek a determination of arrearages or other appropriate relief
38 directly from the court. However, if the procedures of this section
39 are not utilized by the member or beneficiary, the court may not
40 require the local child support agency to refund any money that

1 was distributed to the child support obligee prior to the local child
2 support agency receiving notice of a court determination that a
3 refund is due to the member or beneficiary.

4 (m) The Department of Child Support Services and the Public
5 Employees' Retirement System shall enter into any agreement
6 necessary to implement this section which shall include provisions
7 for the department to provide funding to the Public Employees'
8 Retirement System to develop, implement, and maintain the
9 intercept process described in this section.

10 (n) The Public Employees' Retirement System shall not assess
11 service charges on members or beneficiaries in order to recover
12 any administrative costs resulting from complying with this section.

13 ~~SEC. 27.~~

14 *SEC. 26.* Section 17710 of the Family Code is amended to
15 read:

16 17710. (a) Each county shall be responsible for any
17 administrative expenditures for administering the child support
18 program not covered by federal and state funds.

19 (b) Notwithstanding subdivision (a), effective July 1, 1991, to
20 June 30, 1992, inclusive, counties shall pay the nonfederal share
21 of the administrative costs of conducting the reviews required
22 under former Section 15200.8 of the Welfare and Institutions Code
23 from the savings counties will obtain as a result of the reduction
24 in the maximum aid payments specified in Section 11450. Effective
25 July 1, 1992, to June 30, 1993, inclusive, the state shall pay the
26 nonfederal share of administrative costs of conducting the reviews
27 required under former Section 15200.8 of the Welfare and
28 Institutions Code. Funding for county costs after June 30, 1993,
29 shall be subject to the availability of funds in the annual Budget
30 Act.

31 ~~SEC. 28.~~

32 *SEC. 27.* Section 17801 of the Family Code is amended to
33 read:

34 17801. (a) A custodial or noncustodial parent who is
35 dissatisfied with the local child support agency's resolution of a
36 complaint shall be accorded an opportunity for a state hearing
37 when any one or more of the following actions or failures to take
38 action by the department or the local child support agency is
39 claimed by the parent:

1 (1) An application for child support services has been denied
2 or has not been acted upon within the required timeframe.

3 (2) The child support services case has been acted upon in
4 violation of state or federal law or regulation or department letter
5 ruling, or has not yet been acted upon within the required
6 timeframe, including services for the establishment, modification,
7 and enforcement of child support orders and child support
8 accountings.

9 (3) Child support collections have not been distributed or have
10 been distributed or disbursed incorrectly, or the amount of child
11 support arrears, as calculated by the department or the local child
12 support agency is inaccurate. The amount of the court order for
13 support, including current support and arrears, is not subject to a
14 state hearing under this section.

15 (4) The child support agency's decision to close a child support
16 case.

17 (b) Prior to requesting a hearing pursuant to subdivision (a), the
18 custodial or noncustodial parent shall exhaust the complaint
19 resolution process required in Section 17800, unless the local child
20 support agency has not, within the 30-day period required by that
21 section, submitted a written resolution of the complaint. If the
22 custodial or noncustodial parent does not receive that timely written
23 resolution he or she may request a hearing pursuant to subdivision
24 (a).

25 (c) A hearing shall be provided under subdivision (a) when the
26 request for a hearing is made within 90 days after receiving the
27 written notice of resolution required in Section 17800 or, if no
28 written notice of resolution is provided within 30 days from the
29 date the complaint was made, within 90 days after making the
30 complaint.

31 (d) (1) A hearing under subdivision (a) shall be set to commence
32 within 45 days after the request is received by the state hearing
33 office, and at least 10 days prior to the hearing, all parties shall be
34 given written notice of the time and place of the hearing. Unless
35 the time period is waived by the complainant, the proposed hearing
36 decision shall be rendered by the state hearing office within 75
37 days after the request for a state hearing is received by the state
38 hearing office. The department shall have 15 days from the date
39 the proposed decision is rendered to act upon the decision. When
40 a hearing is postponed, continued, or reopened with the consent

1 of the complainant, the time for issuance of the decision, and action
 2 on the decision by the department, shall be extended for a period
 3 of time consistent with the postponement, continuance, or
 4 reopening.

5 (2) For purposes of this subdivision, the “state hearing office”
 6 refers to the division of the office or agency designated by the
 7 department to carry out state hearings, that conducts those state
 8 hearings.

9 (e) To the extent not inconsistent with this section, hearings
 10 under subdivision (a) shall be provided in the same manner in
 11 which hearings are provided in Sections 10950 to 10967 of the
 12 Welfare and Institutions Code and the State Department of Social
 13 Services’ regulations implementing and interpreting those sections.

14 (f) Pendency of a state hearing shall not affect the obligation to
 15 comply with an existing child support order.

16 (g) Any child support determination that is subject to the
 17 jurisdiction of the superior court and that is required by law to be
 18 addressed by motion, order to show cause, or appeal under this
 19 code shall not be subject to a state hearing under this section. The
 20 director shall, by regulation, specify and exclude from the subject
 21 matter jurisdiction of state hearings provided under subdivision
 22 (a), grievances arising from a child support case in the superior
 23 court which must, by law, be addressed by motion, order to show
 24 cause, or appeal under this code.

25 (h) The local child support agency shall comply with, and
 26 execute, every decision of the director rendered pursuant to this
 27 section.

28 (i) The director shall contract with the State Department of
 29 Social Services or the Office of Administrative Hearings for the
 30 provision of state hearings in accordance with this section.

31 (j) This section shall be implemented only to the extent that
 32 there is federal financial participation available at the child support
 33 funding rate set forth in Section 655(a)(2) of Title 42 of the United
 34 States Code.

35 ~~SEC. 29.~~

36 *SEC. 28.* Section 17802 of the Family Code is repealed.

37 ~~SEC. 30.~~

38 *SEC. 29.* Section 69619.5 is added to the Government Code,
 39 to read:

1 69619.5. (a) The Legislature hereby ratifies the authority of
2 the Judicial Council to convert 10 subordinate judicial officer
3 positions to judgeships in the 2016–17 fiscal year when the
4 conversion will result in a judge being assigned to a family law or
5 juvenile law assignment previously presided over by a subordinate
6 judicial officer, pursuant to subparagraph (C) of paragraph (1) of
7 subdivision (c) of Section 69615.

8 (b) The action described in subdivision (a) shall be in addition
9 to any action that may be taken pursuant to the authority described
10 in subparagraph (B) of paragraph (1) of subdivision (c) of Section
11 69615 to convert up to 16 subordinate judicial officer positions to
12 judgeships.

13 ~~SEC. 31.~~

14 *SEC. 30.* Section 361 of the Welfare and Institutions Code is
15 amended to read:

16 361. (a) (1) In all cases in which a minor is adjudged a
17 dependent child of the court on the ground that the minor is a
18 person described by Section 300, the court may limit the control
19 to be exercised over the dependent child by any parent or guardian
20 and shall by its order clearly and specifically set forth all those
21 limitations. Any limitation on the right of the parent or guardian
22 to make educational or developmental services decisions for the
23 child shall be specifically addressed in the court order. The
24 limitations may not exceed those necessary to protect the child. If
25 the court specifically limits the right of the parent or guardian to
26 make educational or developmental services decisions for the child,
27 or, for the nonminor dependent, if the court finds the appointment
28 of a developmental services decisionmaker to be in the best
29 interests of the nonminor dependent, the court shall at the same
30 time appoint a responsible adult to make educational or
31 developmental services decisions for the child or nonminor
32 dependent until one of the following occurs:

33 (A) The minor reaches 18 years of age, unless the child or
34 nonminor dependent chooses not to make educational or
35 developmental services decisions for himself or herself, or is
36 deemed by the court to be incompetent.

37 (B) Another responsible adult is appointed to make educational
38 or developmental services decisions for the minor pursuant to this
39 section.

1 (C) The right of the parent or guardian to make educational or
2 developmental services decisions for the minor is fully restored.

3 (D) A successor guardian or conservator is appointed.

4 (E) The child is placed into a planned permanent living
5 arrangement pursuant to paragraph (5) of subdivision (g) of Section
6 366.21, Section 366.22, Section 366.26, or subdivision (i) of
7 Section 366.3, at which time, for educational decisionmaking, the
8 foster parent, relative caretaker, or nonrelative extended family
9 member as defined in Section 362.7, has the right to represent the
10 child in educational matters pursuant to Section 56055 of the
11 Education Code, and for decisions relating to developmental
12 services, unless the court specifies otherwise, the foster parent,
13 relative caregiver, or nonrelative extended family member of the
14 planned permanent living arrangement has the right to represent
15 the child or nonminor dependent in matters related to
16 developmental services.

17 (2) An individual who would have a conflict of interest in
18 representing the child or nonminor dependent shall not be
19 appointed to make educational or developmental services decisions.
20 For purposes of this section, “an individual who would have a
21 conflict of interest” means a person having any interests that might
22 restrict or bias his or her ability to make educational or
23 developmental services decisions, including, but not limited to,
24 those conflicts of interest prohibited by Section 1126 of the
25 Government Code, and the receipt of compensation or attorney’s
26 fees for the provision of services pursuant to this section. A foster
27 parent shall not be deemed to have a conflict of interest solely
28 because he or she receives compensation for the provision of
29 services pursuant to this section.

30 (3) If the court limits the parent’s educational rights pursuant
31 to this subdivision, the court shall determine whether there is a
32 responsible adult who is a relative, nonrelative extended family
33 member, or other adult known to the child who is available and
34 willing to serve as the child’s educational representative before
35 appointing an educational representative or surrogate who is not
36 known to the child.

37 If the court cannot identify a responsible adult who is known to
38 the child and available to make educational decisions for the child,
39 subparagraphs (A) to (E), inclusive, of paragraph (1) do not apply,
40 and the child has either been referred to the local educational

1 agency for special education and related services, or has a valid
2 individualized education program, the court shall refer the child
3 to the local educational agency for appointment of a surrogate
4 parent pursuant to Section 7579.5 of the Government Code.

5 If the court cannot identify a responsible adult to make
6 educational decisions for the child, the appointment of a surrogate
7 parent as defined in subdivision (a) of Section 56050 of the
8 Education Code is not warranted, and there is no foster parent to
9 exercise the authority granted by Section 56055 of the Education
10 Code, the court may, with the input of any interested person, make
11 educational decisions for the child.

12 (4) If the court appoints a developmental services decisionmaker
13 pursuant to this section, he or she shall have the authority to access
14 the child's or nonminor dependent's information and records
15 pursuant to subdivision (u) of Section 4514 and subdivision (y) of
16 Section 5328, and to act on the child's or nonminor dependent's
17 behalf for the purposes of the individual program plan process
18 pursuant to Sections 4646, 4646.5, and 4648 and the fair hearing
19 process pursuant to Chapter 7 (commencing with Section 4700)
20 of Division 4.5, and as set forth in the court order.

21 If the court cannot identify a responsible adult to make
22 developmental services decisions for the child or nonminor
23 dependent, the court may, with the input of any interested person,
24 make developmental services decisions for the child or nonminor
25 dependent. If the child is receiving services from a regional center,
26 the provision of any developmental services related to the court's
27 decision must be consistent with the child's or nonminor
28 dependent's individual program plan and pursuant to the provisions
29 of the Lanterman Developmental Disabilities Services Act
30 (Division 4.5 (commencing with Section 4500)).

31 (5) All educational and school placement decisions shall seek
32 to ensure that the child is in the least restrictive educational
33 programs and has access to the academic resources, services, and
34 extracurricular and enrichment activities that are available to all
35 pupils. In all instances, educational and school placement decisions
36 shall be based on the best interests of the child. If an educational
37 representative or surrogate is appointed for the child, the
38 representative or surrogate shall meet with the child, shall
39 investigate the child's educational needs and whether those needs
40 are being met, and shall, prior to each review hearing held under

1 this article, provide information and recommendations concerning
2 the child's educational needs to the child's social worker, make
3 written recommendations to the court, or attend the hearing and
4 participate in those portions of the hearing that concern the child's
5 education.

6 (6) Nothing in this section in any way removes the obligation
7 to appoint surrogate parents for students with disabilities who are
8 without parental representation in special education procedures as
9 required by state and federal law, including Section 1415(b)(2) of
10 Title 20 of the United States Code, Section 56050 of the Education
11 Code, Section 7579.5 of the Government Code, and Rule 5.650
12 of the California Rules of Court.

13 (b) (1) Subdivision (a) does not limit the ability of a parent to
14 voluntarily relinquish his or her child to the State Department of
15 Social Services, to a county adoption agency, or to a licensed
16 private adoption agency at any time while the child is the subject
17 of a petition to declare him or her, or is, a dependent child of the
18 juvenile court, if the department, county adoption agency, or
19 licensed private adoption agency is willing to accept the
20 relinquishment.

21 (2) When accepting the relinquishment of a child described in
22 paragraph (1), the department or a county adoption agency shall
23 comply with Section 8700 of the Family Code and, within five
24 court days of accepting the relinquishment, shall file written notice
25 of that fact with the court and all parties to the case and their
26 counsel.

27 (3) When accepting the relinquishment of a child described in
28 paragraph (1), a licensed private adoption agency shall comply
29 with Section 8700 of the Family Code and, within 10 court days
30 of accepting the relinquishment, shall file or allow another party
31 or that party's counsel to file with the court one original and five
32 copies of a request to approve the relinquishment. The clerk of the
33 court shall file the request under seal, subject to examination only
34 by the parties and their counsel or by others upon court approval.
35 If the request is accompanied by the written agreement of all
36 parties, the court may issue an ex parte order approving the
37 relinquishment. Unless approved pursuant to that agreement, the
38 court shall set the matter for hearing no later than 10 court days
39 after filing, and shall provide notice of the hearing to all parties
40 and their counsel, and to the licensed private adoption agency and

1 its counsel. The licensed private adoption agency and any
2 prospective adoptive parent or parents named in the relinquishment
3 shall be permitted to attend the hearing and participate as parties
4 regarding the strictly limited issue of whether the court should
5 approve the relinquishment. The court shall issue an order
6 approving or denying the relinquishment within 10 court days after
7 the hearing.

8 (c) A dependent child shall not be taken from the physical
9 custody of his or her parents or guardian or guardians with whom
10 the child resides at the time the petition was initiated, unless the
11 juvenile court finds clear and convincing evidence of any of the
12 following circumstances listed in paragraphs (1) to (5), inclusive,
13 and, in an Indian child custody proceeding, paragraph (6):

14 (1) There is or would be a substantial danger to the physical
15 health, safety, protection, or physical or emotional well-being of
16 the minor if the minor were returned home, and there are no
17 reasonable means by which the minor's physical health can be
18 protected without removing the minor from the minor's parent's
19 or guardian's physical custody. The fact that a minor has been
20 adjudicated a dependent child of the court pursuant to subdivision
21 (e) of Section 300 shall constitute prima facie evidence that the
22 minor cannot be safely left in the physical custody of the parent
23 or guardian with whom the minor resided at the time of injury.
24 The court shall consider, as a reasonable means to protect the
25 minor, each of the following:

26 (A) The option of removing an offending parent or guardian
27 from the home.

28 (B) Allowing a nonoffending parent or guardian to retain
29 physical custody as long as that parent or guardian presents a plan
30 acceptable to the court demonstrating that he or she will be able
31 to protect the child from future harm.

32 (2) The parent or guardian of the minor is unwilling to have
33 physical custody of the minor, and the parent or guardian has been
34 notified that if the minor remains out of their physical custody for
35 the period specified in Section 366.26, the minor may be declared
36 permanently free from their custody and control.

37 (3) The minor is suffering severe emotional damage, as indicated
38 by extreme anxiety, depression, withdrawal, or untoward aggressive
39 behavior toward himself or herself or others, and there are no
40 reasonable means by which the minor's emotional health may be

1 protected without removing the minor from the physical custody
2 of his or her parent or guardian.

3 (4) The minor or a sibling of the minor has been sexually abused,
4 or is deemed to be at substantial risk of being sexually abused, by
5 a parent, guardian, or member of his or her household, or other
6 person known to his or her parent, and there are no reasonable
7 means by which the minor can be protected from further sexual
8 abuse or a substantial risk of sexual abuse without removing the
9 minor from his or her parent or guardian, or the minor does not
10 wish to return to his or her parent or guardian.

11 (5) The minor has been left without any provision for his or her
12 support, or a parent who has been incarcerated or institutionalized
13 cannot arrange for the care of the minor, or a relative or other adult
14 custodian with whom the child has been left by the parent is
15 unwilling or unable to provide care or support for the child and
16 the whereabouts of the parent is unknown and reasonable efforts
17 to locate him or her have been unsuccessful.

18 (6) In an Indian child custody proceeding, continued custody
19 of the child by the parent or Indian custodian is likely to result in
20 serious emotional or physical damage to the child, and that finding
21 is supported by testimony of a “qualified expert witness” as
22 described in Section 224.6.

23 (A) Stipulation by the parent, Indian custodian, or the Indian
24 child’s tribe, or failure to object, may waive the requirement of
25 producing evidence of the likelihood of serious damage only if the
26 court is satisfied that the party has been fully advised of the
27 requirements of the federal Indian Child Welfare Act (25 U.S.C.
28 Sec. 1901 et seq.), and has knowingly, intelligently, and voluntarily
29 waived them.

30 (B) Failure to meet non-Indian family and child-rearing
31 community standards, or the existence of other behavior or
32 conditions that meet the removal standards of this section, will not
33 support an order for placement in the absence of the finding in this
34 paragraph.

35 (d) The court shall make a determination as to whether
36 reasonable efforts were made to prevent or to eliminate the need
37 for removal of the minor from his or her home or, if the minor is
38 removed for one of the reasons stated in paragraph (5) of
39 subdivision (c), whether it was reasonable under the circumstances
40 not to make any of those efforts, or, in the case of an Indian child

1 custody proceeding, whether active efforts as required in Section
2 361.7 were made and that these efforts have proved unsuccessful.
3 The court shall state the facts on which the decision to remove the
4 minor is based.

5 (e) The court shall make all of the findings required by
6 subdivision (a) of Section 366 in either of the following
7 circumstances:

8 (1) The minor has been taken from the custody of his or her
9 parent or guardian and has been living in an out-of-home placement
10 pursuant to Section 319.

11 (2) The minor has been living in a voluntary out-of-home
12 placement pursuant to Section 16507.4.

13 ~~SEC. 32.~~

14 ~~SEC. 31.~~ Chapter 4 (commencing with Section 10080) of Part
15 1 of Division 9 of the Welfare and Institutions Code is repealed.

16 ~~SEC. 33.~~

17 ~~SEC. 32.~~ Section 11475.2 of the Welfare and Institutions Code
18 is repealed.

19 ~~SEC. 34.~~

20 ~~SEC. 33.~~ Section 11475.3 of the Welfare and Institutions Code
21 is repealed.

22 ~~SEC. 35.~~

23 ~~SEC. 34.~~ Section 11476.2 of the Welfare and Institutions Code
24 is repealed.

25 ~~SEC. 36.~~

26 ~~SEC. 35.~~ Chapter 6 (commencing with Section 16575) of Part
27 4 of Division 9 of the Welfare and Institutions Code is repealed.

O