

Assembly Bill No. 554

Passed the Assembly September 15, 1995

Chief Clerk of the Assembly

Passed the Senate September 15, 1995

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1995, at ____ o'clock __M.

Private Secretary of the Governor



CHAPTER ____

An act to amend Section 697.360 of the Code of Civil Procedure, and to add Section 11350.9 to the Welfare and Institutions Code, relating to judgments.

LEGISLATIVE COUNSEL'S DIGEST

AB 554, Kuehl. Judgments.

(1) Existing law provides an extensive scheme for the enforcement of money judgments. Existing law provides that if a judgment lien on real property has been created under a money judgment that is later modified as to its amount, an abstract of the modified judgment or a certified copy of the modifying order may be recorded in the same manner as the abstract or copy of the judgment is recorded to create the lien. Existing law provides that where this judgment lien is later modified to increase its amount, the judgment lien continues under the terms of the original judgment until the modification is recorded, as specified.

This bill would provide, notwithstanding the above provision, that a judgment lien on real property created under a money judgment by recording an abstract of judgment for child, family, or spousal support payable in installments and the support order is later modified to increase its amount, the judgment lien extends to the modified judgment without having to record another abstract of support judgment, as specified. The bill would provide that the support obligee shall respond in a timely manner to a specified request from a title or escrow company or a claim of error, as specified. The bill would specify the procedure by which a support obligor shall comply to be entitled to specified remedies.

(2) Existing law requires the district attorney to enforce child support obligations when the child is receiving public assistance, and authorizes the district attorney to enforce child support obligations when the child is not receiving public assistance.



This bill would provide, with respect to cases opened after December 31, 1995, for the enforcement by the district attorney only of arrearages alleged in a statement of arrearages signed under penalty of perjury by the applicant for child support enforcement services, arrearages accrued after the case was opened, or arrearages determined by the court. The bill would provide, with respect to cases opened on or before December 31, 1995, for the enforcement by the district attorney only of arrearages alleged in a statement of arrearages or where there is some other reasonable basis for believing the amount of claimed arrearages to be correct. By requiring new duties of district attorneys, the bill would impose a state-mandated local program.

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

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

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

SECTION 1. Section 697.360 of the Code of Civil Procedure is amended to read:

697.360. (a) If a judgment lien on real property has been created under a money judgment that is thereafter modified as to its amount, an abstract of the modified judgment or a certified copy of the order modifying the judgment may be recorded in the same manner as an abstract of judgment or a certified copy of the judgment is recorded to create a judgment lien.

(b) If a judgment lien on real property has been created under a money judgment that is thereafter



modified to reduce its amount, the judgment lien continues under the terms of the judgment as modified, whether or not the modification is recorded as provided in subdivision (a).

(c) If a judgment lien on real property has been created under a money judgment that is thereafter modified to increase its amount, the judgment lien continues under the terms of the original judgment until such time as the modification is recorded as provided in subdivision (a). Upon such recording, the judgment lien extends to the judgment as modified, but the priority for the additional amount under the judgment as modified dates from the time the modification is recorded.

(d) Notwithstanding subdivision (c), if a judgment lien on real property has been created under a money judgment, by recording of an abstract of support judgment under paragraph (1) of subdivision (a) of Section 697.320, and the support order is thereafter modified to increase its amount, the judgment lien extends to the judgment as modified without the need for recording of another abstract of support judgment, but the priority for the additional amount under the judgment dates from the time the modification is effective.

(e) A support obligee shall respond in a timely manner to (1) a title or escrow company request for a demand statement needed to close an escrow relating to a support judgment lien, or (2) a support obligor who claims an error exists in the amount of alleged arrears.

(f) A support obligor who complies with the procedure specified in Division 5 (commencing with Section 724.010) shall be entitled to the remedies specified therein.

SEC. 2. Section 11350.9 is added to the Welfare and Institutions Code, to read:

11350.9. (a) Upon making application to the district attorney for child support enforcement services pursuant to Section 11475.1, every applicant shall be requested to give the district attorney a statement of arrearages stating whether any support arrearages are owed. If the



applicant alleges arrearages are owed, the statement shall be signed under penalty of perjury.

(b) For all cases opened by the district attorney after December 31, 1995, the district attorney shall enforce only arrearages declared under penalty of perjury pursuant to subdivision (a), arrearages accrued after the case was opened, or arrearages determined by the court in the child support action. Arrearages may be determined by judgment, noticed motion, renewal of judgment, or registration of the support order.

(c) For all cases opened by the district attorney on or before December 31, 1995, the district attorney shall enforce only arrearages that have been based upon a statement of arrearages signed under penalty of perjury or where the district attorney has some other reasonable basis for believing the amount of claimed arrearages to be correct.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



Approved _____, 1995

Governor

