

AMENDED IN SENATE JUNE 18, 1996

AMENDED IN SENATE APRIL 8, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1751

Introduced by Assembly Member Knowles

February 24, 1995

An act to amend Section 704.110 of the Code of Civil Procedure, *and* to amend Sections 4504 and 4852.1 of the Family Code, ~~and to amend Section 1808.4 of the Vehicle Code,~~ relating to support.

LEGISLATIVE COUNSEL'S DIGEST

AB 1751, as amended, Knowles. Support enforcement.

(1) Existing law provides that certain public retirement benefits, which are generally exempt from the enforcement of a money judgment, may become payable to satisfy a judgment for child, family, or spousal support, as specified. Existing law authorizes the paying entity to deduct an administrative fee of up to \$2 from each payment made pursuant to the order for support.

This bill would instead authorize this fee to be deducted from the payment being made to the judgment debtor, rather than from the payment made pursuant to the order for support.

(2) Existing law permits certain payments which are made by the federal government for the support of a child, because of the retirement or disability of a noncustodial parent of that

child, and transmitted to the custodial parent, to be credited toward the child support paid by that parent.

This bill would revise that provision to apply where those benefits are transmitted to the custodial parent or other child support obligee. The bill would also specify the credit to be given when a lump-sum payment, which represents payments for more than one month, is transmitted to the custodial parent or other child support obligee.

(3) Existing law, the Uniform Reciprocal Enforcement of Support Act, authorizes a district attorney who is enforcing a support obligation, as provided, to register a support order made or registered in another county by utilizing specified procedures, or by filing certain items in the superior court, including a statement prepared by the district attorney showing the last business or residence address given by the obligor on any document filed in the previous county and served on the obligee or district attorney of that county.

This bill would instead require this statement to include the most recent address of the obligor set forth in the licensing records of the Department of Motor Vehicles.

~~(4) Existing law makes confidential the home address of specified persons and prohibits the disclosure of that information, except as specified, if the address appears in any record of the Department of Motor Vehicles and the person requests the confidentiality of that information. A violation of this provision is an infraction.~~

~~This bill would make those provisions regarding confidentiality applicable to employees of the family support division of a district attorney's office who meet specified conditions.~~

~~By expanding the definition of an existing infraction, the bill would create a state-mandated local program.~~

~~(5) 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.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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



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

1 SECTION 1. Section 704.110 of the Code of Civil
2 Procedure is amended to read:

3 704.110. (a) As used in this section:

4 (1) "Public entity" means the state, or a city, city and
5 county, county, or other political subdivision of the state,
6 or a public trust, public corporation, or public board, or
7 the governing body of any of them, but does not include
8 the United States except where expressly so provided.

9 (2) "Public retirement benefit" means a pension or an
10 annuity, or a retirement, disability, death, or other
11 benefit, paid or payable by a public retirement system.

12 (3) "Public retirement system" means a system
13 established pursuant to statute by a public entity for
14 retirement, annuity, or pension purposes or payment of
15 disability or death benefits.

16 (b) All amounts held, controlled, or in process of
17 distribution by a public entity derived from contributions
18 by the public entity or by an officer or employee of the
19 public entity for public retirement benefit purposes, and
20 all rights and benefits accrued or accruing to any person
21 under a public retirement system, are exempt without
22 making a claim.

23 (c) Notwithstanding subdivision (b), where an
24 amount described in subdivision (b) becomes payable to
25 a person and is sought to be applied to the satisfaction of
26 a judgment for child, family, or spousal support against
27 that person:

28 (1) Except as provided in paragraph (2), the amount
29 is exempt only to the extent that the court determines
30 under subdivision (c) of Section 703.070.

31 (2) If the amount sought to be applied to the
32 satisfaction of the judgment is payable periodically, the
33 amount payable is subject to an earnings assignment
34 order for support as defined in Section 706.011 or any
35 other applicable enforcement procedure, but the amount
36 to be withheld pursuant to the assignment order or other
37 procedure shall not exceed the amount permitted to be
38 withheld on an earnings withholding order for support



1 under Section 706.052. The paying entity may deduct
2 from the payment being made to the judgment debtor,
3 for each payment made pursuant to an earnings
4 assignment order under this paragraph, an amount
5 reflecting the actual cost of administration caused by the
6 assignment order up to two dollars (\$2) for each
7 payment.

8 (d) All amounts received by any person, a resident of
9 the state, as a public retirement benefit or as a return of
10 contributions and interest thereon from the United States
11 or a public entity or from a public retirement system are
12 exempt.

13 SEC. 2. Section 4504 of the Family Code is amended
14 to read:

15 4504. If the court has ordered a noncustodial parent
16 to pay for the support of a child, payments for the support
17 of the child made by the federal government pursuant to
18 the Social Security Act or Railroad Retirement Act
19 because of the retirement or disability of the noncustodial
20 parent and transmitted to the custodial parent or other
21 child support obligee each month shall be credited
22 toward the amount ordered by the court to be paid for
23 that month by the noncustodial parent for support of the
24 child unless the payments made by the federal
25 government were taken into consideration by the court
26 in determining the amount of support to be paid. If a
27 lump-sum payment which represents payments for more
28 than one month is transmitted to the custodial parent or
29 other child support obligee, credit shall be given for each
30 month for which the lump-sum payment was made.

31 SEC. 3. Section 4852.1 of the Family Code is amended
32 to read:

33 4852.1. (a) When the district attorney is responsible
34 for the enforcement of a support obligation pursuant to
35 Section 11475.1 of the Welfare and Institutions Code, he
36 or she may register a support order made or registered in
37 another county utilizing the procedures set forth in
38 Section 4852, or by filing in the superior court of his or her
39 county the following:



1 (1) An endorsed file copy of the most recent support
2 order or a copy thereof.

3 (2) A statement of arrearages, including an accounting
4 of amounts ordered and paid each month, together with
5 any added costs, fees, and interest.

6 (3) A statement prepared by the district attorney
7 showing the post office address of the district attorney;
8 the last known place of residence or post office address of
9 the obligor; the most recent address of the obligor set
10 forth in the licensing records of the Department of Motor
11 Vehicles; and a list of other states and counties in
12 California that are known to the district attorney in which
13 the original order of support and any modifications are
14 registered.

15 (b) The filing of the documents described in
16 subdivision (a) constitutes registration under this
17 chapter.

18 (c) Promptly upon registration, the district attorney
19 shall, in compliance with the requirements of Section
20 1013 of the Code of Civil Procedure, or in any other
21 manner as provided by law, serve the obligor with copies
22 of the documents described in subdivision (a).

23 (d) If a motion to vacate registration is filed under
24 Section 4853, any party may introduce into evidence
25 copies of any pleadings, documents, or orders which have
26 been filed in the original court or other courts where the
27 support order has been registered or modified. Certified
28 copies of the documents shall not be required unless a
29 party objects to the authenticity or accuracy of the
30 document, in which case it shall be the responsibility of
31 the party who is asserting the authenticity of the
32 document to obtain a certified copy of the questioned
33 document.

34 (e) Upon registration, the clerk of the court shall
35 forward a copy of the registration to the courts in other
36 counties and states in which the original order for support
37 and any modifications were issued or registered.

38 (f) If the court modifies a support order that has been
39 registered pursuant to this chapter, the clerk of the court
40 shall mail a copy of the modified order to the courts in



1 other counties and states in which the original order for
2 support and any modifications were issued or registered.

3 (g) The Judicial Council, in consultation with the State
4 Department of Social Services, and representatives of the
5 California Family Support Council, shall develop the
6 forms necessary to effectuate this section.

7 ~~SEC. 4. Section 1808.4 of the Vehicle Code is amended~~
8 ~~to read:~~

9 ~~1808.4. (a) The home address of any of the following~~
10 ~~persons, that appears in any record of the department, is~~
11 ~~confidential, if the person requests the confidentiality of~~
12 ~~that information:~~

13 ~~(1) Attorney General.~~

14 ~~(2) State public defender.~~

15 ~~(3) Members of the Legislature.~~

16 ~~(4) Judges or court commissioners.~~

17 ~~(5) District attorneys.~~

18 ~~(6) Public defenders.~~

19 ~~(7) Attorneys employed by the Department of Justice,~~
20 ~~the office of the State Public Defender, or a county office~~
21 ~~of the district attorney or public defender.~~

22 ~~(8) City attorneys and attorneys who submit~~
23 ~~verification from their public employer that they~~
24 ~~represent the city in matters that routinely place them in~~
25 ~~personal contact with persons under investigation for,~~
26 ~~charged with, or convicted of, committing criminal acts,~~
27 ~~if those attorneys are employed by city attorneys.~~

28 ~~(9) Nonsworn police dispatchers.~~

29 ~~(10) Child abuse investigators or social workers,~~
30 ~~working in child protective services within a social~~
31 ~~services department.~~

32 ~~(11) Active or retired peace officers, as defined in~~
33 ~~Chapter 4.5 (commencing with Section 830) of Title 3 of~~
34 ~~Part 2 of the Penal Code.~~

35 ~~(12) Employees of the Department of Corrections, the~~
36 ~~Department of the Youth Authority, or the Prison~~
37 ~~Industry Authority specified in Sections 20403 and 20405~~
38 ~~of the Government Code.~~

39 ~~(13) Nonsworn employees of a city police department,~~
40 ~~a county sheriff's office, the Department of the California~~



1 Highway Patrol, federal, state, and local detention
2 facilities, and local juvenile halls, camps, ranches, and
3 homes, who submit agency verification that, in the
4 normal course of their employment, they control or
5 supervise inmates or are required to have a prisoner in
6 their care or custody.

7 (14) County counsels assigned to child abuse cases.

8 (15) Investigators employed by the Department of
9 Justice, a county district attorney, or a county public
10 defender.

11 (16) Members of a city council.

12 (17) Members of a board of supervisors.

13 (18) Federal prosecutors and criminal investigators
14 and National Park Service Rangers working in this state.

15 (19) Any active or retired city enforcement officer
16 engaged in the enforcement of the Vehicle Code or
17 municipal parking ordinances.

18 (20) Employees of the family support division of a
19 district attorney's office who submit agency verification
20 that, in the normal course of their employment, they
21 routinely have personal contact with persons who are
22 under investigation for, or are charged with or convicted
23 of, committing criminal acts.

24 (21) The spouse or children of persons listed in this
25 section, regardless of the spouse's or child's place of
26 residence.

27 (b) The confidential home address of any of the
28 persons listed in subdivision (a) shall not be disclosed to
29 any person, except a court, a law enforcement agency, the
30 State Board of Equalization, or any governmental agency
31 to which, under any provision of law, information is
32 required to be furnished from records maintained by the
33 department.

34 (c) Any record of the department containing a
35 confidential home address shall be open to public
36 inspection, as provided in Section 1808, if the address is
37 completely obliterated or otherwise removed from the
38 record. The home address shall be withheld from public
39 inspection for three years following termination of office
40 or employment except with respect to retired peace



1 officers, whose home addresses shall be withheld from
 2 public inspection permanently upon request of
 3 confidentiality at the time the information would
 4 otherwise be opened. The department shall inform any
 5 person who requests a confidential home address what
 6 agency the individual whose address was requested is
 7 employed by or the court at which the judge or court
 8 commissioner presides.

9 (d) A violation of subdivision (a) by the disclosure of
 10 the confidential home address of a peace officer, as
 11 specified in paragraph (11) of subdivision (a), a
 12 nonsworn employee of the city police department or
 13 county sheriff's office, or the spouse or children of these
 14 persons that results in bodily injury to the peace officer,
 15 employee of the city police department or county
 16 sheriff's office, or the spouse or children of these persons
 17 is a felony.

18 SEC. 5. No reimbursement is required by this act
 19 pursuant to Section 6 of Article XIII B of the California
 20 Constitution because the only costs that may be incurred
 21 by a local agency or school district will be incurred
 22 because this act creates a new crime or infraction,
 23 eliminates a crime or infraction, or changes the penalty
 24 for a crime or infraction, within the meaning of Section
 25 17556 of the Government Code, or changes the definition
 26 of a crime within the meaning of Section 6 of Article
 27 XIII B of the California Constitution.

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

