

AMENDED IN SENATE AUGUST 29, 1997

AMENDED IN SENATE AUGUST 11, 1997

AMENDED IN SENATE JUNE 23, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1222

Introduced by Assembly Member Wright

(Principal coauthor: Senator Calderon)

February 28, 1997

An act to amend Sections 3030 and 7825 of the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1222, as amended, R. Wright. Children.

(1) Existing law prohibits registered sex offenders and persons convicted of certain other offenses against minors, as specified, from being granted custody of, or unsupervised visitation with, a child, except as specified.

This bill would prohibit a person from obtaining custody of, or visitation with, a child if the person has been convicted of rape and the child was conceived as a result of that crime. The bill would also provide that a court may order *that* child support to be paid by a registered sex offender, a person convicted of certain offenses against minors, or a person who conceives a child in the course of a rape of which he is convicted, ~~to~~ be paid to the district attorney, as specified. The bill would restrict disclosure of information about the custodial parent and the child.

(2) Existing law authorizes the bringing of a court proceeding for the purpose of declaring a minor child free of the custody or control of either or both parents under specified circumstances.

This bill would authorize the mother of a child to bring a proceeding against the father of a child conceived as a result of a rape for the purpose of declaring the child free of the custody or control of the father. The bill would specify that there is a conclusive presumption that the father is unfit to have custody or control over the child.

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

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

1 SECTION 1. Section 3030 of the Family Code is
2 amended to read:

3 3030. (a) No person shall be granted custody of, or
4 unsupervised visitation with, a child if the person is
5 required to be registered as a sex offender under Section
6 290 of the Penal Code where the victim was a minor, or
7 if the person has been convicted under Section 273a, 273d,
8 or 647.6 of the Penal Code, unless the court finds that
9 there is no significant risk to the child.

10 (b) No person shall be granted custody of, or visitation
11 with, a child if the person has been convicted under
12 Section 261 of the Penal Code and the child was
13 conceived as a result of that violation.

14 (c) The court may order child support that is to be paid
15 by a person subject to subdivision (a) *or* (b) to be paid
16 through the district attorney’s office, as authorized by
17 Section 4573 of the Family Code and Section 11475.1 of
18 the Welfare and Institutions Code.

19 (d) The court shall not disclose, or cause to be
20 disclosed, the custodial parent’s place of residence, place
21 of employment, or the child’s school, unless the court
22 finds that the disclosure would be in the best interests of
23 the child.

24 SEC. 2. Section 7825 of the Family Code is amended
25 to read:



1 7825. (a) A proceeding under this part may be
2 brought where both of the following requirements are
3 satisfied:

4 (1) The child is one whose parent or parents are
5 convicted of a felony.

6 (2) The facts of the crime of which the parent or
7 parents were convicted are of such a nature so as to prove
8 the unfitness of the parent or parents to have the future
9 custody and control of the child.

10 (b) The mother of a child may bring a proceeding
11 under this part against the father of the child, where the
12 child was conceived as a result of an act in violation of
13 Section 261 of the Penal Code, and where the father was
14 convicted of that violation. For purposes of this
15 subdivision, there is a conclusive presumption that the
16 father is unfit to have custody or control of the child.

