

AMENDED IN ASSEMBLY SEPTEMBER 9, 1999

AMENDED IN ASSEMBLY SEPTEMBER 8, 1999

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN ASSEMBLY JULY 13, 1999

AMENDED IN SENATE MAY 28, 1999

AMENDED IN SENATE MAY 18, 1999

AMENDED IN SENATE APRIL 21, 1999

AMENDED IN SENATE APRIL 5, 1999

AMENDED IN SENATE MARCH 9, 1999

SENATE BILL

No. 240

Introduced by Senator Speier

January 26, 1999

An act to amend Section 30 of the Business and Professions Code, to amend Section 708.780 of the Code of Civil Procedure, to amend Sections 5246, 7552.5, 7571, 7572, 7575, 10003, 10004, 10005, 17430, 17506, 17508, and 17520 of, and to add Sections 3680.5, 5005, 7551.5, 10013, 10014, 10015, 17405, 17407, and 17509 to, the Family Code, and to amend Sections 11350.6, 11355, 11478.5, and 11478.51 of, and to add Sections 11475.6, 11478.3, and 11478.52 to, the Welfare and Institutions Code, relating to child support, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 240, as amended, Speier. Child support: enforcement.

Existing law precludes state professional licensing agencies from issuing or renewing a license if the licensee is on a list, maintained by the district attorney, of persons who have not complied with support orders and precludes the Secretary of State from appointing or commissioning a notary public if the applicant is on that list.

This bill would require any board regulating a professional license, the State Bar, and the Department of Real Estate to require a licensee to provide the social security number of each individual listed on the license and any person who qualifies a license and would revise the definition of licensee for these purposes to include, for licenses issued to an entity that is not an individual person, any individual who is either listed on a license or who qualifies a license. Because the list of persons who have not complied with support orders would be expanded to include additional individuals, this bill would impose a state-mandated local program by increasing the duties of local child support agencies.

Existing law, known as the Family Law Facilitator Act, requires each superior court to maintain an office of the family law facilitator to provide specified services in actions or proceedings for temporary or permanent child support, spousal support, or health insurance. Those services include, but are not limited to, providing educational materials relating to those actions or proceedings.

This bill would provide that the family law facilitator shall not represent or have an attorney-client relationship with any party and that all communications between a family law facilitator, or all persons employed by or working with the facilitator, and the parties shall be confidential. The bill would require all persons employed by or working with the facilitator to make no public comment, as specified, to receive copy of the Canons of Judicial Ethics, and to sign an acknowledgement of the Canons of Judicial Ethics, as specified. The bill would also authorize superior courts, by local rule, to impose further duties on family law facilitators concerning child support issues, as specified. By imposing new



duties on court personnel, this bill would create a state-mandated local program.

The bill would also declare the Legislature's intent to increase funding for family law facilitators.

Existing law imposes various duties upon district attorneys in connection with the enforcement of child support obligations and requires district attorneys enforcing child support obligations to refer child support delinquencies, as defined, to the Franchise Tax Board for collection. Existing law also authorizes those district attorneys also to refer child support obligations that are not child support delinquencies to the Franchise Tax Board for collection.

This bill would instead impose those duties on local child support agencies, as provided.

Existing law requires the Department of Justice to maintain the California Parent Locator Service and Central Registry which collects and disseminates information, as specified, with respect to parents, putative parents, spouses, and former spouses. Existing law authorizes the California Parent Locator Service and Central Registry to receive from cable television corporations and public utilities, to the extent permitted by federal law, customer service information, as specified.

This bill would require the service and registry to request and to receive from cable television corporations, providers of electronic digital pager communication, and providers of cellular telephone services, to the extent permitted by federal law, customer service information in accordance with provisions of existing law.

The bill would appropriate \$705,000 from the General Fund to the State Department of Social Services for purposes of the bill, as specified.

This bill would also incorporate certain provisions contained in AB 196 and SB 542, if those bills are enacted.

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.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 30 of the Business and
2 Professions Code is amended to read:

3 30. (a) Notwithstanding any other provision of law,
4 any board, as defined in Section 22, and the State Bar and
5 the Department of Real Estate shall at the time of
6 issuance or renewal of the license require that any
7 licensee provide its federal employer identification
8 number if the licensee is a partnership or his or her social
9 security number for all others.

10 (b) Any licensee failing to provide the federal
11 identification number or social security number shall be
12 reported by the licensing board to the Franchise Tax
13 Board and, if failing to provide after notification pursuant
14 to paragraph (1) of subdivision (b) of Section 19528 of the
15 Revenue and Taxation Code, shall be subject to the
16 penalty provided in paragraph (2) of subdivision (b) of
17 Section 19528 of the Revenue and Taxation Code.

18 (c) In addition to the penalty specified in subdivision
19 (b), a licensing board may not process any application for
20 an original license or for renewal of a license unless the
21 applicant or licensee provides its federal employer
22 identification number or social security number where
23 requested on the application.

24 (d) A licensing board shall, upon request of the
25 Franchise Tax Board, furnish to the Franchise Tax Board
26 the following information with respect to every licensee:

- 27 (1) Name.
- 28 (2) Address or addresses of record.
- 29 (3) Federal employer identification number if the
30 entity is a partnership or social security number for all
31 others.



- 1 (4) Type of license.
- 2 (5) Effective date of license or a renewal.
- 3 (6) Expiration date of license.
- 4 (7) Whether license is active or inactive, if known.
- 5 (8) Whether license is new or a renewal.
- 6 (e) For the purposes of this section:
- 7 (1) "Licensee" means any entity, other than a
- 8 corporation, authorized by a license, certificate,
- 9 registration, or other means to engage in a business or
- 10 profession regulated by this code or referred to in Section
- 11 1000 or 3600.
- 12 (2) "License" includes a certificate, registration, or
- 13 any other authorization needed to engage in a business or
- 14 profession regulated by this code or referred to in Section
- 15 1000 or 3600.
- 16 (3) "Licensing board" means any board, as defined in
- 17 Section 22, the State Bar, and the Department of Real
- 18 Estate.
- 19 (f) The reports required under this section shall be
- 20 filed on magnetic media or in other machine-readable
- 21 form, according to standards furnished by the Franchise
- 22 Tax Board.
- 23 (g) Licensing boards shall provide to the Franchise
- 24 Tax Board the information required by this section at a
- 25 time that the Franchise Tax Board may require.
- 26 (h) Notwithstanding Chapter 3.5 (commencing with
- 27 Section 6250) of Division 7 of Title 1 of the Government
- 28 Code, the social security number and federal employer
- 29 identification number furnished pursuant to this section
- 30 shall not be deemed to be a public record and shall not be
- 31 open to the public for inspection.
- 32 (i) Any deputy, agent, clerk, officer, or employee of
- 33 any licensing board described in subdivision (a), or any
- 34 former officer or employee or other individual who in the
- 35 course of his or her employment or duty has or has had
- 36 access to the information required to be furnished under
- 37 this section, may not disclose or make known in any
- 38 manner that information, except as provided in this
- 39 section to the Franchise Tax Board or as provided in
- 40 subdivision (k).



1 (j) It is the intent of the Legislature in enacting this
2 section to utilize the social security account number or
3 federal employer identification number for the purpose
4 of establishing the identification of persons affected by
5 state tax laws and for purposes of compliance with Section
6 11350.6 of the Welfare and Institutions Code and, to that
7 end, the information furnished pursuant to this section
8 shall be used exclusively for those purposes.

9 (k) If the board utilizes a national examination to issue
10 a license, and if a reciprocity agreement or comity exists
11 between the State of California and the state requesting
12 release of the social security number, any deputy, agent,
13 clerk, officer, or employee of any licensing board
14 described in subdivision (a) may release a social security
15 number to an examination or licensing entity, only for the
16 purpose of verification of licensure or examination status.

17 (l) For the purposes of enforcement of Section 11350.6
18 of the Welfare and Institutions Code, and
19 notwithstanding any other provision of law, any board, as
20 defined in Section 22, and the State Bar and the
21 Department of Real Estate shall at the time of issuance or
22 renewal of the license require that each licensee provide
23 the social security number of each individual listed on the
24 license and any person who qualifies the license. For the
25 purposes of this subdivision, "licensee" means any entity
26 that is issued a license by any board, as defined in Section
27 22, the State Bar, the Department of Real Estate, and the
28 Department of Motor Vehicles.

29 SEC. 1.5. Section 30 of the Business and Professions
30 Code is amended to read:

31 30. (a) Notwithstanding any other provision of law,
32 any board, as defined in Section 22, and the State Bar and
33 the Department of Real Estate shall at the time of
34 issuance or renewal of the license require that any
35 licensee provide its federal employer identification
36 number if the licensee is a partnership or his or her social
37 security number for all others.

38 (b) Any licensee failing to provide the federal
39 identification number or social security number shall be
40 reported by the licensing board to the Franchise Tax



1 Board and, if failing to provide after notification pursuant
2 to paragraph (1) of subdivision (b) of Section 19528 of the
3 Revenue and Taxation Code, shall be subject to the
4 penalty provided in paragraph (2) of subdivision (b) of
5 Section 19528 of the Revenue and Taxation Code.

6 (c) In addition to the penalty specified in subdivision
7 (b), a licensing board may not process any application for
8 an original license or for renewal of a license unless the
9 applicant or licensee provides its federal employer
10 identification number or social security number where
11 requested on the application.

12 (d) A licensing board shall, upon request of the
13 Franchise Tax Board, furnish to the Franchise Tax Board
14 the following information with respect to every licensee:

15 (1) Name.

16 (2) Address or addresses of record.

17 (3) Federal employer identification number if the
18 entity is a partnership or social security number for all
19 others.

20 (4) Type of license.

21 (5) Effective date of license or a renewal.

22 (6) Expiration date of license.

23 (7) Whether license is active or inactive, if known.

24 (8) Whether license is new or a renewal.

25 (e) For the purposes of this section:

26 (1) "Licensee" means any entity, other than a
27 corporation, authorized by a license, certificate,
28 registration, or other means to engage in a business or
29 profession regulated by this code or referred to in Section
30 1000 or 3600.

31 (2) "License" includes a certificate, registration, or
32 any other authorization needed to engage in a business or
33 profession regulated by this code or referred to in Section
34 1000 or 3600.

35 (3) "Licensing board" means any board, as defined in
36 Section 22, the State Bar, and the Department of Real
37 Estate.

38 (f) The reports required under this section shall be
39 filed on magnetic media or in other machine-readable



1 form, according to standards furnished by the Franchise
2 Tax Board.

3 (g) Licensing boards shall provide to the Franchise
4 Tax Board the information required by this section at a
5 time that the Franchise Tax Board may require.

6 (h) Notwithstanding Chapter 3.5 (commencing with
7 Section 6250) of Division 7 of Title 1 of the Government
8 Code, the social security number and federal employer
9 identification number furnished pursuant to this section
10 shall not be deemed to be a public record and shall not be
11 open to the public for inspection.

12 (i) Any deputy, agent, clerk, officer, or employee of
13 any licensing board described in subdivision (a), or any
14 former officer or employee or other individual who in the
15 course of his or her employment or duty has or has had
16 access to the information required to be furnished under
17 this section, may not disclose or make known in any
18 manner that information, except as provided in this
19 section to the Franchise Tax Board or as provided in
20 subdivision (k).

21 (j) It is the intent of the Legislature in enacting this
22 section to utilize the social security account number or
23 federal employer identification number for the purpose
24 of establishing the identification of persons affected by
25 state tax laws and for purposes of compliance with Section
26 17520 of the Family Code and, to that end, the
27 information furnished pursuant to this section shall be
28 used exclusively for those purposes.

29 (k) If the board utilizes a national examination to issue
30 a license, and if a reciprocity agreement or comity exists
31 between the State of California and the state requesting
32 release of the social security number, any deputy, agent,
33 clerk, officer, or employee of any licensing board
34 described in subdivision (a) may release a social security
35 number to an examination or licensing entity, only for the
36 purpose of verification of licensure or examination status.

37 (l) For the purposes of enforcement of Section 17520
38 of the Family Code, and notwithstanding any other
39 provision of law, any board, as defined in Section 22, and
40 the State Bar and the Department of Real Estate shall at



1 the time of issuance or renewal of the license require that
2 each licensee provide the social security number of each
3 individual listed on the license and any person who
4 qualifies the license. For the purposes of this subdivision,
5 “licensee” means any entity that is issued a license by any
6 board, as defined in Section 22, the State Bar, the
7 Department of Real Estate, and the Department of
8 Motor Vehicles.

9 SEC. 2. Section 708.780 of the Code of Civil Procedure
10 is amended to read:

11 708.780. (a) Filing of the abstract or certified copy of
12 the judgment and the affidavit pursuant to this article
13 creates a lien on the money owing and unpaid to the
14 judgment debtor by the public entity in an amount equal
15 to that which may properly be applied to the satisfaction
16 of the money judgment under this article.

17 (b) When an affidavit is filed pursuant to subdivision
18 (c) of Section 708.730, it shall apply to all claims for refund
19 from the Franchise Tax Board under the Personal Income
20 Tax Law, Part 10 (commencing with Section 17001) of
21 Division 2 of the Revenue and Taxation Code, or the Bank
22 and Corporation Tax Law, Part 11 (commencing with
23 Section 23001) of Division 2 of the Revenue and Taxation
24 Code, which the judgment debtor subsequently claims
25 during a period one year after filing of the affidavit, or
26 October 1 of the year following the filing of the affidavit,
27 whichever occurs later, the same as if claims for these
28 overpayments were filed by the judgment debtor with
29 the appropriate state agency on the date the affidavit was
30 filed.

31 (c) When a request is filed pursuant to subdivision (d)
32 of Section 708.730 with the court, the clerk of the court
33 shall issue a Notice of Support Arrearage. The clerk of the
34 court shall issue the notice 30 days after the request was
35 filed pursuant to subdivision (d) of Section 708.730
36 without a hearing if no objection has been raised by the
37 judgment debtor pursuant to this subdivision. If an
38 objection has been raised, the notice shall not be ordered
39 until after a hearing. The notice shall contain the name
40 of the person ordered to pay support and his or her social



1 security number; the amount of the arrearage
2 determined by the court; whether the arrearage is for
3 child, spousal, or family support and the specific
4 combination thereof; a statement of how the recipient
5 may challenge the statement of arrearage; and the name,
6 address, and social security number of the person to
7 whom the arrearage is owed. Upon the clerk of the court
8 issuing the Notice of Support Arrearage, a copy of the
9 request, the affidavit, and the notice shall be served by
10 the party who requested the court to issue the Notice of
11 Support Arrearage upon the person ordered to pay
12 support and the Controller. Service may be personal, in
13 accordance with Section 1011, or by mail, in accordance
14 with Section 1013. Service upon the Controller shall be at
15 the Controller's office in Sacramento.

16 The judgment debtor may object to the request or
17 affidavit upon any of the following grounds: (1) there is
18 an error in the amount of the arrearage stated in the
19 affidavit; (2) the alleged judgment debtor is not the
20 judgment debtor from whom the support is due; (3) the
21 amount to be intercepted exceeds that allowable under
22 federal law; (4) a default in payment of the support for
23 30 days has not occurred; or (5) other necessary factual
24 allegations contained in the affidavit are erroneous.

25 Upon receipt of the Notice of Support Arrearage, the
26 Controller shall take reasonable measures to deduct from
27 any personal income tax refunds and lottery winnings
28 owed and processed for payment to the judgment debtor
29 and deposit with the court a warrant, subject to Sections
30 708.770 and 708.775, with service of a copy of the warrant
31 upon the local child support agency of the county in
32 which the support judgment is entered, payable to the
33 court, the amount due the judgment creditor (after
34 deducting an amount sufficient to reimburse the state for
35 any amounts advanced to the judgment debtor or owed
36 by the judgment debtor to the state) required to satisfy
37 the money judgment as shown by the affidavit in full or
38 to the greatest extent, and pay the balance thereof, if any,
39 to the judgment debtor. At any hearing pursuant to
40 Section 708.770, the judgment debtor may challenge the



1 distribution of these funds on exemption or other
2 grounds, including, but not limited to, an allegation that
3 the judgment has been satisfied or that service was
4 improper. The notice shall not apply to any money which
5 is exempt by law from execution. The Controller shall
6 determine the cost of enforcing the notice and may
7 establish a notice filing fee not to exceed five dollars (\$5).

8 Service of the Notice of Support Arrearage and of the
9 request and affidavit pursuant to this subdivision creates
10 a lien on the money owing and unpaid to the judgment
11 debtor which shall become effective 30 days following
12 service upon the Controller. This notice shall remain in
13 effect for four years from the date of its issuance or until
14 the arrearage for which the notice was issued is satisfied,
15 whichever occurs first.

16 Any person who files a request with the court to issue
17 a Notice of Support Arrearage pursuant to subdivision (d)
18 of Section 708.730 shall notify the court and the Controller
19 of any satisfaction of the arrearage after the Notice of
20 Support Arrearage has been issued by the clerk of the
21 court. The notice to the court and the Controller shall be
22 filed with the court and the Controller and served upon
23 the local child support agency of the county in which the
24 support judgment is entered within 30 days of the
25 satisfaction or discharge and shall show a partial or full
26 satisfaction of the arrearage or any other resolution of the
27 arrearage.

28 Upon filing and service, the Notice of Support
29 Arrearage shall be of no force and effect.

30 The State Department of Social Services shall, upon
31 request, inform the Legislature of the use and effect of
32 this subdivision on or before December 31, 2001.

33 This subdivision shall become operative on January 1,
34 1996, and shall become inoperative on December 31,
35 2001.

36 (d) For purposes of this section, “support” means an
37 obligation owing on behalf of a child, spouse, or family, or
38 combination thereof.

39 SEC. 3. Section 3680.5 is added to the Family Code, to
40 read:



1 3680.5. The local child support agency shall monitor
2 child support cases and seek modifications, when needed.

3 SEC. 4. Section 5005 is added to the Family Code, to
4 read:

5 5005. When the Attorney General is satisfied that
6 reciprocal provisions will be made by a foreign
7 jurisdiction for the establishment of support orders for
8 obligees in California, or for enforcement of support
9 orders made within this state, the Attorney General may
10 declare the foreign jurisdiction to be a reciprocating state
11 for purposes of establishing and enforcing support
12 obligations. Any such declaration may be revoked by the
13 Attorney General. Any such declaration may be reviewed
14 by the court in an action brought to support a support
15 order, or to enforce the order of a reciprocating
16 jurisdiction.

17 SEC. 5. Section 5246 of the Family Code is amended
18 to read:

19 5246. (a) This section applies only to Title IV-D cases
20 where support enforcement services are being provided
21 by a local child support agency.

22 (b) In lieu of an earnings assignment order, the local
23 child support agency may serve on the employer a notice
24 of assignment in the manner specified in Section 5232. A
25 notice of assignment shall have the same force and effect
26 as an earnings assignment order.

27 (c) The notice of assignment shall contain, at a
28 minimum, the following information:

29 (1) The amount of current support ordered by the
30 court.

31 (2) Any additional amount to be withheld and applied
32 to arrearages.

33 (3) The date of the most recent support order.

34 (4) The name and address of the local child support
35 agency to whom the support is to be paid or the Child
36 Support Centralized Collection and Distribution Unit.

37 (5) The amount of arrearages and the date through
38 which the arrearages have been calculated, and a
39 statement as to whether or not the arrearages include
40 interest.



1 (6) Instructions to the employer on how to comply
2 with the notice of assignment.

3 (7) A written statement of the obligor's rights under
4 the law to seek to quash or modify the notice of
5 assignment, together with a blank form which the obligor
6 can file with the court to request a hearing to modify or
7 quash the assignment with instructions on how to file the
8 form and obtain a hearing date.

9 (8) The toll-free telephone number of the local child
10 support agency, as defined in Section 11400.1 of the
11 Welfare and Institutions Code, for the employer to call if
12 he or she has questions.

13 (d) If the underlying court order for support does not
14 provide for an arrearage payment, or if an additional
15 arrearage accrues after the date of the court order for
16 support, the local child support agency may send a notice
17 of assignment directly to the employer which specifies
18 the updated arrearage amount and directs the employer
19 to withhold an additional amount not to exceed 3 percent
20 of the arrearage or fifty dollars (\$50), whichever is
21 greater, to be applied towards liquidation of the
22 arrearages.

23 (e) Within 10 days of service of the notice of
24 assignment, the employer shall deliver both of the
25 following to the obligor:

26 (1) A copy of the notice of assignment.

27 (2) The form to request a hearing described in
28 paragraph (7) of subdivision (c).

29 (f) If the obligor requests a hearing, a hearing date
30 shall be scheduled within 20 days of the filing of the
31 request with the court. The clerk of the court shall
32 provide notice of the hearing to the local child support
33 agency and the obligor no later than 10 days prior to the
34 hearing.

35 (1) If at the hearing the obligor establishes that he or
36 she is not the obligor or that there exists good cause or an
37 alternative arrangement as provided in Section 5260, the
38 court may order that service of the notice of assignment
39 be quashed. If the court quashes service of the notice of



1 assignment, the local child support agency shall notify the
2 employer within 10 days.

3 (2) If the obligor contends at the hearing that the
4 payment of arrearages at the rate specified in this section
5 is excessive or that the total arrearages owing is incorrect,
6 and if it is determined that payment of the arrearages at
7 the rate specified in this section creates an undue
8 hardship upon the obligor or that the withholding would
9 exceed the maximum amount permitted by Section
10 1673(b) of Title 15 of the United States Code Annotated,
11 the rate at which the arrearages must be paid shall be
12 reduced to a rate that is fair and reasonable considering
13 the circumstances of the parties and the best interest of
14 the child. If it is determined at a hearing that the total
15 amount of arrearages calculated is erroneous, the court
16 shall modify the amount calculated to the correct
17 amount. If the court modifies the total amount of
18 arrearages owed or reduces the monthly payment due on
19 the arrearages, the local child support agency shall serve
20 the employer with an amended notice of assignment
21 within 10 days.

22 (g) If an obligor's current support obligation has
23 terminated by operation of law, the local child support
24 agency may serve a notice of assignment on the employer
25 which directs the employer to continue withholding from
26 the obligor's earnings an amount not to exceed the
27 current support order that was in effect or 3 percent of
28 the total support arrearages including interest,
29 whichever is greater, until such time that the employer
30 is notified by the local child support agency that the
31 arrearages have been paid in full. The employer shall
32 provide the obligor with the same documents as provided
33 in subdivision (e). The obligor shall be entitled to the
34 same rights to a hearing as specified in subdivision (f).

35 (h) The local child support agency shall retain a copy
36 of the notice of assignment and shall file a copy with the
37 court whenever a hearing concerning the notice of
38 assignment is requested.

39 (i) Nothing in this section prohibits the local child
40 support agency from seeking a payment on arrearages



1 which is greater than the amount specified in this section.
2 The local child support agency may seek a higher
3 payment on arrearages by filing an ex parte application
4 with the court.

5 (j) The local child support agency may transmit a
6 notice of earnings assignment and other forms required
7 by this section to the employer through electronic means.

8 SEC. 6. Section 7551.5 is added to the Family Code, to
9 read:

10 7551.5. All hospitals, local child support agencies,
11 welfare offices, and family courts shall facilitate genetic
12 tests for purposes of enforcement of this chapter. This
13 may include having a health care professional available
14 for purposes of extracting samples to be used for genetic
15 testing.

16 SEC. 7. Section 7552.5 of the Family Code is amended
17 to read:

18 7552.5. (a) A copy of the results of all genetic tests
19 performed under Section 7552 or 7558 shall be served
20 upon all parties, by any method of service authorized
21 under Chapter 5 (commencing with Section 1010) of
22 Title 14 of Part 2 of the Code of Civil Procedure except
23 personal service, no later than 20 days prior to any
24 hearing in which the genetic test results may be admitted
25 into evidence. The genetic test results shall be
26 accompanied by a declaration under penalty of perjury
27 of the custodian of records or other qualified employee of
28 the laboratory that conducted the genetic tests, stating in
29 substance each of the following:

30 (1) The declarant is the duly authorized custodian of
31 the records or other qualified employee of the laboratory,
32 and has authority to certify the records.

33 (2) A statement which establishes in detail the chain
34 of custody of all genetic samples collected, including the
35 date on which the genetic sample was collected, the
36 identity of each person from whom a genetic sample was
37 collected, the identity of the person who performed or
38 witnessed the collecting of the genetic samples and
39 packaged them for transmission to the laboratory, the
40 date on which the genetic samples were received by the



1 laboratory, the identity of the person who unpacked the
2 samples and forwarded them to the person who
3 performed the laboratory analysis of the genetic sample,
4 and the identification and qualifications of all persons
5 who performed the laboratory analysis and published the
6 results.

7 (3) A statement which establishes that the procedures
8 used by the laboratory to conduct the tests for which the
9 test results are attached are used in the laboratory's
10 ordinary course of business to ensure accuracy and
11 proper identification of genetic samples.

12 (4) The genetic test results were prepared at or near
13 the time of completion of the genetic tests by personnel
14 of the business qualified to perform genetic tests in the
15 ordinary course of business.

16 (b) The genetic test results shall be admitted into
17 evidence at the hearing or trial to establish paternity,
18 without the need for foundation testimony of
19 authenticity and accuracy, unless a written objection to
20 the genetic test results is filed with the court and served
21 on all other parties, by any party no later than five days
22 prior to the hearing or trial where paternity is at issue.

23 (c) If a written objection is filed with the court and
24 served on all parties within the time specified in
25 subdivision (b), experts appointed by the court shall be
26 called by the court as witnesses to testify to their findings
27 and are subject to cross-examination by the parties.

28 (d) If a genetic test reflects a paternity index of 100 or
29 greater, the copy of the results mailed under subdivision
30 (a) shall be accompanied with a voluntary declaration of
31 paternity form, information prepared according to
32 Section 7572.

33 SEC. 8. Section 7571 of the Family Code is amended
34 to read:

35 7571. (a) On and after January 1, 1995, upon the
36 event of a live birth, prior to an unmarried mother
37 leaving any hospital, the person responsible for
38 registering live births under Section 102405 of the Health
39 and Safety Code shall provide to the natural mother and
40 shall attempt to provide, at the place of birth, to the man



1 identified by the natural mother as the natural father, a
2 voluntary declaration of paternity together with the
3 written materials described in Section 7572. Staff in the
4 hospital shall witness the signatures of parents signing a
5 voluntary declaration of paternity and shall forward the
6 signed declaration to the Department of Child Support
7 Services within 20 days of the date the declaration was
8 signed. A copy of the declaration shall be made available
9 to each of the attesting parents.

10 (b) No health care provider shall be subject to any
11 civil, criminal, or administrative liability for any negligent
12 act or omission relative to the accuracy of the information
13 provided, or for filing the declaration with the
14 appropriate state or local agencies.

15 (c) The local child support agency shall pay the sum of
16 ten dollars (\$10) to birthing hospitals and other entities
17 that provide prenatal services for each completed
18 declaration of paternity that is filed with the Department
19 of Child Support Services, provided that the local child
20 support agency and the hospital or other entity providing
21 prenatal services has entered into a written agreement
22 that specifies the terms and conditions for the payment
23 as required by federal law.

24 (d) If the declaration is not registered by the person
25 responsible for registering live births at the hospital, it
26 may be completed by the attesting parents, notarized,
27 and mailed to the Department of Child Support Services
28 at any time after the child's birth.

29 (e) Prenatal clinics shall offer prospective parents the
30 opportunity to sign a voluntary declaration of paternity.
31 In order to be paid for their services as provided in
32 subdivision (c), prenatal clinics must ensure that the
33 form is witnessed and forwarded to the Department of
34 Child Support Services within 20 days of the date the
35 declaration was signed.

36 (f) Declarations shall be made available without
37 charge at all local child support agency offices, offices of
38 local registrars of births and deaths, courts, and county
39 welfare departments within this state. Staff in these
40 offices shall witness the signatures of parents wishing to



1 sign a voluntary declaration of paternity and shall be
2 responsible for forwarding the signed declaration to the
3 Department of Child Support Services within 20 days of
4 the date the declaration was signed.

5 (g) The Department of Child Support Services, at its
6 option, may pay the sum of ten dollars (\$10) to local
7 registrars of births and deaths, county welfare
8 departments, or courts for each completed declaration of
9 paternity that is witnessed by staff in these offices and
10 filed with the Department of Child Support Services. In
11 order to receive payment, the Department of Child
12 Support Services and the entity shall enter into a written
13 agreement that specifies the terms and conditions for
14 payment as required by federal law. The Department of
15 Child Support Services shall study the effect of the ten
16 dollar (\$10) payment on obtaining completed voluntary
17 declaration of paternity forms and shall report to the
18 Legislature on any recommendations to change the ten
19 dollar (\$10) optional payment, if appropriate, by January
20 1, 2000.

21 (h) The Department of Child Support Services and
22 local child support agencies shall publicize the availability
23 of the declarations. The local child support agency shall
24 make the declaration, together with the written materials
25 described in subdivision (a) of Section 7572, available
26 upon request to any parent and any agency or
27 organization that is required to offer parents the
28 opportunity to sign a voluntary declaration of paternity.
29 The local child support agency shall also provide qualified
30 staff to answer parents' questions regarding the
31 declaration and the process of establishing paternity.

32 (i) Copies of the declaration filed with the
33 Department of Child Support Services shall be made
34 available only to the parents, the child, the local child
35 support agency, the county welfare department, the
36 county counsel, the Department of Child Support
37 Services, and the courts.

38 (j) Publicly funded or licensed health clinics, pediatric
39 offices, Head Start programs, child care centers, social
40 services providers, prisons, and schools ~~shall~~ *may* offer



1 parents the opportunity to sign a voluntary declaration of
2 paternity. In order to be paid for their services as
3 provided in subdivision (c), publicly funded or licensed
4 health clinics, pediatric offices, Head Start programs,
5 child care centers, social services providers, prisons, and
6 schools shall ensure that the form is witnessed and
7 forwarded to the Department of Child Support Services.

8 (k) Any agency or organization required to offer
9 parents the opportunity to sign a voluntary declaration of
10 paternity shall also identify parents who are willing to
11 sign, but were unavailable when the child was born. The
12 organization shall then contact these parents within 10
13 days and again offer the parent the opportunity to sign a
14 voluntary declaration of paternity.

15 SEC. 8.5. Section 7571 of the Family Code is amended
16 to read:

17 7571. (a) On and after January 1, 1995, upon the
18 event of a live birth, prior to an unmarried mother
19 leaving any hospital, the person responsible for
20 registering live births under Section 102405 of the Health
21 and Safety Code shall provide to the natural mother and
22 shall attempt to provide, at the place of birth, to the man
23 identified by the natural mother as the natural father, a
24 voluntary declaration of paternity together with the
25 written materials described in Section 7572. Staff in the
26 hospital shall witness the signatures of parents signing a
27 voluntary declaration of paternity and shall forward the
28 signed declaration to the State Department of Social
29 Services within 20 days of the date the declaration was
30 signed. A copy of the declaration shall be made available
31 to each of the attesting parents.

32 (b) No health care provider shall be subject to any
33 civil, criminal, or administrative liability for any negligent
34 act or omission relative to the accuracy of the information
35 provided, or for filing the declaration with the
36 appropriate state or local agencies.

37 (c) The local child support agency shall pay the sum of
38 ten dollars (\$10) to birthing hospitals and other entities
39 that provide prenatal services for each completed
40 declaration of paternity that is filed with the State



1 Department of Social Services, provided that the local
2 child support agency and the hospital or other entity
3 providing prenatal services has entered into a written
4 agreement that specifies the terms and conditions for the
5 payment as required by federal law.

6 (d) If the declaration is not registered by the person
7 responsible for registering live births at the hospital, it
8 may be completed by the attesting parents, notarized,
9 and mailed to the State Department of Social Services at
10 any time after the child's birth.

11 (e) Prenatal clinics shall offer prospective parents the
12 opportunity to sign a voluntary declaration of paternity.
13 In order to be paid for their services as provided in
14 subdivision (c), prenatal clinics must ensure that the
15 form is witnessed and forwarded to the State Department
16 of Social Services within 20 days of the date the
17 declaration was signed.

18 (f) Declarations shall be made available without
19 charge at all local child support agency offices, offices of
20 local registrars of births and deaths, courts, and county
21 welfare departments within this state. Staff in these
22 offices shall witness the signatures of parents wishing to
23 sign a voluntary declaration of paternity and shall be
24 responsible for forwarding the signed declaration to the
25 State Department of Social Services within 20 days of the
26 date the declaration was signed.

27 (g) The State Department of Social Services, at its
28 option, may pay the sum of ten dollars (\$10) to local
29 registrars of births and deaths, county welfare
30 departments, or courts for each completed declaration of
31 paternity that is witnessed by staff in these offices and
32 filed with the State Department of Social Services. In
33 order to receive payment, the local child support agency
34 and the entity shall enter into a written agreement that
35 specifies the terms and conditions for payment as
36 required by federal law. The State Department of Social
37 Services shall study the effect of the ten dollar (\$10)
38 payment on obtaining completed voluntary declaration
39 of paternity forms and shall report to the Legislature on



1 any recommendations to change the ten dollar (\$10)
2 optional payment, if appropriate, by January 1, 2000.

3 (h) The State Department of Social Services and local
4 child support agencies shall publicize the availability of
5 the declarations. The local child support agency shall
6 make the declaration, together with the written materials
7 described in subdivision (a) of Section 7572, available
8 upon request to any parent and any agency or
9 organization that is required to offer parents the
10 opportunity to sign a voluntary declaration of paternity.
11 The local child support agency shall also provide qualified
12 staff to answer parents' questions regarding the
13 declaration and the process of establishing paternity.

14 (i) Copies of the declaration filed with the State
15 Department of Social Services shall be made available
16 only to the parents, the child, the local child support
17 agency, the county welfare department, the county
18 counsel, the State Department of Social Services, and the
19 courts.

20 (j) Publicly funded or licensed health clinics, pediatric
21 offices, Head Start programs, child care centers, social
22 services providers, prisons, and schools ~~shall~~ *may* offer
23 parents the opportunity to sign a voluntary declaration
24 of paternity. In order to be paid for their services as
25 provided in subdivision (c), publicly funded or licensed
26 health clinics, pediatric offices, Head Start programs,
27 child care centers, social services providers, prisons, and
28 schools shall ensure that the form is witnessed and
29 forwarded to the State Department of Social Services.

30 (k) Any agency or organization required to offer
31 parents the opportunity to sign a voluntary declaration of
32 paternity shall also identify parents who are willing to
33 sign, but were unavailable when the child was born. The
34 organization shall then contact these parents within 10
35 days and again offer the parent the opportunity to sign a
36 voluntary declaration of paternity.

37 SEC. 10. Section 7572 of the Family Code is amended
38 to read:

39 7572. (a) The Department of Child Support Services,
40 in consultation with the State Department of Health



1 Services, the California Association of Hospitals and
2 Health Systems, and other affected health provider
3 organizations, shall work cooperatively to develop
4 written materials to assist providers and parents in
5 complying with this chapter. This written material shall
6 be updated periodically by the Department of Child
7 Support Services to reflect changes in law, procedures, or
8 public need.

9 (b) The written materials for parents which shall be
10 attached to the form specified in Section 7574 and
11 provided to unmarried parents shall contain the
12 following information:

13 (1) A signed voluntary declaration of paternity that is
14 filed with the Department of Child Support Services
15 legally establishes paternity.

16 (2) The legal rights and obligations of both parents and
17 the child that result from the establishment of paternity.

18 (3) An alleged father's constitutional rights to have the
19 issue of paternity decided by a court; to notice of any
20 hearing on the issue of paternity; to have an opportunity
21 to present his case to the court, including his right to
22 present and cross-examine witnesses; to have an attorney
23 represent him; and to have an attorney appointed to
24 represent him if he cannot afford one in a paternity action
25 filed by a local child support agency.

26 (4) That by signing the voluntary declaration of
27 paternity, the father is voluntarily waiving his
28 constitutional rights.

29 (c) Parents shall also be given oral notice of the rights
30 and responsibilities specified in subdivision (b). Oral
31 notice may be accomplished through the use of audio or
32 videotape programs developed by the Department of
33 Child Support Services to the extent permitted by federal
34 law.

35 (d) The Department of Child Support Services shall,
36 free of charge, make available to hospitals, clinics, and
37 other places of birth any and all informational and
38 training materials for the program under this chapter, as
39 well as the paternity declaration form. The Department
40 of Child Support Services shall make training available to



1 every participating hospital, clinic, local registrar of
2 births and deaths, and other place of birth no later than
3 June 30, 1999.

4 (e) The Department of Child Support Services may
5 adopt regulations, including emergency regulations,
6 necessary to implement this chapter.

7 SEC. 10.5. Section 7572 of the Family Code is
8 amended to read:

9 7572. (a) The State Department of Social Services, in
10 consultation with the State Department of Health
11 Services, the California Association of Hospitals and
12 Health Systems, and other affected health provider
13 organizations, shall work cooperatively to develop
14 written materials to assist providers and parents in
15 complying with this chapter. This written material shall
16 be updated periodically by the State Department of
17 Social Services to reflect changes in law, procedures, or
18 public need.

19 (b) The written materials for parents which shall be
20 attached to the form specified in Section 7574 and
21 provided to unmarried parents shall contain the
22 following information:

23 (1) A signed voluntary declaration of paternity that is
24 filed with the State Department of Social Services legally
25 establishes paternity.

26 (2) The legal rights and obligations of both parents and
27 the child that result from the establishment of paternity.

28 (3) An alleged father's constitutional rights to have the
29 issue of paternity decided by a court; to notice of any
30 hearing on the issue of paternity; to have an opportunity
31 to present his case to the court, including his right to
32 present and cross-examine witnesses; to have an attorney
33 represent him; and to have an attorney appointed to
34 represent him if he cannot afford one in a paternity action
35 filed by the district attorney.

36 (4) That by signing the voluntary declaration of
37 paternity, the father is voluntarily waiving his
38 constitutional rights.

39 (c) Parents shall also be given oral notice of the rights
40 and responsibilities specified in subdivision (b). Oral



1 notice may be accomplished through the use of audio or
2 videotape programs developed by the State Department
3 of Social Services to the extent permitted by federal law.

4 (d) The State Department of Social Services shall, free
5 of charge, make available to hospitals, clinics, and other
6 places of birth any and all informational and training
7 materials for the program under this chapter, as well as
8 the paternity declaration form. The State Department of
9 Social Services shall make training available to every
10 participating hospital, clinic, local registrar of births and
11 deaths, and other place of birth no later than June 30,
12 1999.

13 (e) The State Department of Social Services may
14 adopt regulations, including emergency regulations,
15 necessary to implement this chapter.

16 SEC. 11. Section 7575 of the Family Code is amended
17 to read:

18 7575. (a) Either parent may rescind the voluntary
19 declaration of paternity by filing a rescission form with
20 the Department of Child Support Services within 60 days
21 of the date of execution of the declaration by the attesting
22 father or attesting mother, whichever signature is later,
23 unless a court order for custody, visitation, or child
24 support has been entered in an action in which the
25 signatory seeking to rescind was a party. The Department
26 of Child Support Services shall develop a form to be used
27 by parents to rescind the declaration of paternity and
28 instruction on how to complete and file the rescission
29 with the Department of Child Support Services. The
30 form shall include a declaration under penalty of perjury
31 completed by the person filing the rescission form that
32 certifies that a copy of the rescission form was sent by any
33 form of mail requiring a return receipt to the other
34 person who signed the voluntary declaration of paternity.
35 A copy of the return receipt shall be attached to the
36 rescission form when filed with the Department of Child
37 Support Services. The form and instructions shall be
38 written in simple, easy to understand language and shall
39 be made available at the local family support office and
40 the office of local registrar of births and deaths.



1 (b) (1) Notwithstanding Section 7573, if the court
2 finds that the conclusions of all of the experts based upon
3 the results of the genetic tests performed pursuant to
4 Chapter 2 (commencing with Section 7550) are that the
5 man who signed the voluntary declaration is not the
6 father of the child, the court may set aside the voluntary
7 declaration of paternity.

8 (2) (A) The notice of motion for genetic tests under
9 this section may be filed not later than two years from the
10 date of the child's birth by a local child support agency,
11 the mother, or the man who signed the voluntary
12 declaration as the child's father in an action to determine
13 the existence or nonexistence of the father and child
14 relationship pursuant to Section 7630 or in any action to
15 establish an order for child custody, visitation, or child
16 support based upon the voluntary declaration of
17 paternity.

18 (B) The local child support agency's authority under
19 this subdivision is limited to those circumstances where
20 there is a conflict between a voluntary acknowledgment
21 of paternity and a judgment of paternity or a conflict
22 between two or more voluntary acknowledgments of
23 paternity.

24 (3) The notice of motion for genetic tests pursuant to
25 this section shall be supported by a declaration under oath
26 submitted by the moving party stating the factual basis
27 for putting the issue of paternity before the court.

28 (c) (1) Nothing in this chapter shall be construed to
29 prejudice or bar the rights of either parent to file an
30 action or motion to set aside the voluntary declaration of
31 paternity on any of the grounds described in, and within
32 the time limits specified in, Section 473 of the Code of
33 Civil Procedure and Chapter 10 (commencing with
34 Section 2120) of Part 1 of Division 6. If the action or
35 motion to set aside the voluntary declaration of paternity
36 is for fraud or perjury, the act must have induced the
37 defrauded parent to sign the voluntary declaration of
38 paternity. If the action or motion to set aside a judgment
39 is required to be filed within a specified time period
40 under Section 473 of the Code of Civil Procedure or



1 Section 2122, the period within which the action or
2 motion to set aside the voluntary declaration of paternity
3 must be filed shall commence on the date that the court
4 makes a finding of paternity based upon the voluntary
5 declaration of paternity in an action for custody,
6 visitation, or child support.

7 (2) The parent or local child support agency seeking
8 to set aside the voluntary declaration of paternity shall
9 have the burden of proof.

10 (3) Any order for custody, visitation, or child support
11 shall remain in effect until the court determines that the
12 voluntary declaration of paternity should be set aside,
13 subject to the court's power to modify the orders as
14 otherwise provided by law.

15 (4) Nothing in this section is intended to restrict a
16 court from acting as a court of equity.

17 (5) If the voluntary declaration of paternity is set aside
18 pursuant to paragraph (1), the court shall order that the
19 mother, child, and alleged father submit to genetic tests
20 pursuant to Chapter 2 (commencing with Section 7550).
21 If the court finds that the conclusions of all the experts, as
22 disclosed by the evidence based upon the genetic tests,
23 are that the person who executed the voluntary
24 declaration of paternity is not the father of the child, the
25 question of paternity shall be resolved accordingly. If the
26 person who executed the declaration as the father of the
27 child is not excluded as a possible father, the question of
28 paternity shall be resolved as otherwise provided by law.
29 If the person who executed the declaration of paternity
30 is ultimately determined to be the father of the child, any
31 child support that accrued under an order based upon the
32 voluntary declaration of paternity shall remain due and
33 owing.

34 (6) The Judicial Council shall develop the forms and
35 procedures necessary to effectuate this subdivision.

36 SEC. 11.5. Section 7575 of the Family Code is
37 amended to read:

38 7575. (a) Either parent may rescind the voluntary
39 declaration of paternity by filing a rescission form with
40 the State Department of Social Services within 60 days of



1 the date of execution of the declaration by the attesting
2 father or attesting mother, whichever signature is later,
3 unless a court order for custody, visitation, or child
4 support has been entered in an action in which the
5 signatory seeking to rescind was a party. The State
6 Department of Social Services shall develop a form to be
7 used by parents to rescind the declaration of paternity
8 and instruction on how to complete and file the rescission
9 with the State Department of Social Services. The form
10 shall include a declaration under penalty of perjury
11 completed by the person filing the rescission form that
12 certifies that a copy of the rescission form was sent by any
13 form of mail requiring a return receipt to the other
14 person who signed the voluntary declaration of paternity.
15 A copy of the return receipt shall be attached to the
16 rescission form when filed with the State Department of
17 Social Services. The form and instructions shall be written
18 in simple, easy to understand language and shall be made
19 available at the local family support office and the office
20 of local registrar of births and deaths.

21 (b) (1) Notwithstanding Section 7573, if the court
22 finds that the conclusions of all of the experts based upon
23 the results of the genetic tests performed pursuant to
24 Chapter 2 (commencing with Section 7550) are that the
25 man who signed the voluntary declaration is not the
26 father of the child, the court may set aside the voluntary
27 declaration of paternity.

28 (2) (A) The notice of motion for genetic tests under
29 this section may be filed not later than two years from the
30 date of the child's birth by a local child support agency,
31 the mother or the man who signed the voluntary
32 declaration as the child's father in an action to determine
33 the existence or nonexistence of the father and child
34 relationship pursuant to Section 7630 or in any action to
35 establish an order for child custody, visitation, or child
36 support based upon the voluntary declaration of
37 paternity.

38 (B) The local child support agency's authority under
39 this subdivision is limited to those circumstances where
40 there is a conflict between a voluntary acknowledgment



1 of paternity and a judgment of paternity or a conflict
2 between two or more voluntary acknowledgments of
3 paternity.

4 (3) The notice of motion for genetic tests pursuant to
5 this section shall be supported by a declaration under oath
6 submitted by the moving party stating the factual basis
7 for putting the issue of paternity before the court.

8 (c) (1) Nothing in this chapter shall be construed to
9 prejudice or bar the rights of either parent to file an
10 action or motion to set aside the voluntary declaration of
11 paternity on any of the grounds described in, and within
12 the time limits specified in, Section 473 of the Code of
13 Civil Procedure and Chapter 10 (commencing with
14 Section 2120) of Part 1 of Division 6. If the action or
15 motion to set aside the voluntary declaration of paternity
16 is for fraud or perjury, the act must have induced the
17 defrauded parent to sign the voluntary declaration of
18 paternity. If the action or motion to set aside a judgment
19 is required to be filed within a specified time period
20 under Section 473 of the Code of Civil Procedure or
21 Section 2122, the period within which the action or
22 motion to set aside the voluntary declaration of paternity
23 must be filed shall commence on the date that the court
24 makes a finding of paternity based upon the voluntary
25 declaration of paternity in an action for custody,
26 visitation, or child support.

27 (2) The parent seeking to set aside the voluntary
28 declaration of paternity shall have the burden of proof.

29 (3) Any order for custody, visitation, or child support
30 shall remain in effect until the court determines that the
31 voluntary declaration of paternity should be set aside,
32 subject to the court's power to modify the orders as
33 otherwise provided by law.

34 (4) Nothing in this section is intended to restrict a
35 court from acting as a court of equity.

36 (5) If the voluntary declaration of paternity is set aside
37 pursuant to paragraph (1), the court shall order that the
38 mother, child, and alleged father submit to genetic tests
39 pursuant to Chapter 2 (commencing with Section 7550).
40 If the court finds that the conclusions of all the experts, as



1 disclosed by the evidence based upon the genetic tests,
2 are that the person who executed the voluntary
3 declaration of paternity is not the father of the child, the
4 question of paternity shall be resolved accordingly. If the
5 person who executed the declaration as the father of the
6 child is not excluded as a possible father, the question of
7 paternity shall be resolved as otherwise provided by law.
8 If the person who executed the declaration of paternity
9 is ultimately determined to be the father of the child, any
10 child support that accrued under an order based upon the
11 voluntary declaration of paternity shall remain due and
12 owing.

13 (6) The Judicial Council shall develop the forms and
14 procedures necessary to effectuate this subdivision.

15 SEC. 12. Section 10003 of the Family Code is amended
16 to read:

17 10003. This division shall apply to all actions or
18 proceedings for temporary or permanent child support,
19 spousal support, health insurance, child custody, or
20 visitation in a proceeding for dissolution of marriage,
21 nullity of marriage, legal separation, or exclusive child
22 custody, or pursuant to the Uniform Parentage Act (Part
23 3 (commencing with Section 7600) of Division 12) or the
24 Domestic Violence Prevention Act (Division 10
25 (commencing with Section 6200)).

26 SEC. 13. Section 10004 of the Family Code is amended
27 to read:

28 10004. Services provided by the family law facilitator
29 shall include, but are not limited to, the following:
30 providing educational materials to parents concerning
31 the process of establishing parentage and establishing,
32 modifying, and enforcing child support and spousal
33 support in the courts; distributing necessary court forms
34 and voluntary declarations of paternity; providing
35 assistance in completing forms; preparing support
36 schedules based upon statutory guidelines; and providing
37 referrals to the local child support agency, family court
38 services, and other community agencies and resources
39 that provide services for parents and children. In counties
40 where a family law information center exists, the family



1 law facilitator shall provide assistance on child support
2 issues.

3 SEC. 13.5. Section 10005 of the Family Code is
4 amended to read:

5 10005. (a) By local rule, the superior court may
6 designate additional duties of the family law facilitator,
7 which may include, but are not limited to, the following:

8 (1) Meeting with litigants to mediate issues of child
9 support, spousal support, and maintenance of health
10 insurance, subject to Section 10012. Actions in which one
11 or both of the parties are unrepresented by counsel shall
12 have priority.

13 (2) Drafting stipulations to include all issues agreed to
14 by the parties, which may include issues other than those
15 specified in Section 10003.

16 (3) If the parties are unable to resolve issues with the
17 assistance of the family law facilitator, prior to or at the
18 hearing, and at the request of the court, the family law
19 facilitator shall review the paperwork, examine
20 documents, prepare support schedules, and advise the
21 judge whether or not the matter is ready to proceed.

22 (4) Assisting the clerk in maintaining records.

23 (5) Preparing formal orders consistent with the court's
24 announced order in cases where both parties are
25 unrepresented.

26 (6) Serving as a special master in proceedings and
27 making findings to the court unless he or she has served
28 as a mediator in that case.

29 (7) Providing the services specified in Division 15
30 (commencing with Section 10100). Except for the
31 funding specifically designated for visitation programs
32 pursuant to Section 669B of Title 42 of the United States
33 Code, Title IV-D child support funds shall not be used to
34 fund the services specified in Division 15 (commencing
35 with Section 10100).

36 (8) Providing the services specified in Section 10004
37 concerning the issues of child custody and visitation as
38 they relate to calculating child support, if funding is
39 provided for that purpose.



1 (b) If staff and other resources are available and the
2 duties listed in subdivision (a) have been accomplished,
3 the duties of the family law facilitator may also include
4 the following:

5 (1) Assisting the court with research and any other
6 responsibilities which will enable the court to be
7 responsive to the litigants' needs.

8 (2) Developing programs for bar and community
9 outreach through day and evening programs, videotapes,
10 and other innovative means that will assist unrepresented
11 and financially disadvantaged litigants in gaining
12 meaningful access to family court. These programs shall
13 specifically include information concerning
14 underutilized legislation, such as expedited child support
15 orders (Chapter 5 (commencing with Section 3620) of
16 Part 1 of Division 9), and preexisting, court-sponsored
17 programs, such as supervised visitation and appointment
18 of attorneys for children.

19 SEC. 14. Section 10013 is added to the Family Code,
20 to read:

21 10013. The family law facilitator shall not represent
22 any party. No attorney-client relationship is created
23 between a party and the family law facilitator as a result
24 of any information or services provided to the party by
25 the family law facilitator. The family law facilitator shall
26 give conspicuous notice that no attorney-client
27 relationship exists between the facilitator, its staff, and
28 the family law litigant. The notice shall include the advice
29 that the absence of an attorney-client relationship means
30 that communications between the party and the family
31 law facilitator are not privileged and that the family law
32 facilitator may provide services to the other party.

33 SEC. 15. Section 10014 is added to the Family Code,
34 to read:

35 10014. A person employed by, or directly supervised
36 by, the family law facilitator shall not make any public
37 comment about a pending or impending proceeding in
38 the court as provided by paragraph (9) of subdivision (B)
39 of Canon 3 of the Code of Judicial Ethics. All persons
40 employed by or directly supervised by the family law



1 facilitator shall be provided a copy of paragraph (9) of
2 subdivision (B) of Canon 3 of the Code of Judicial Ethics,
3 and shall be required to sign an acknowledgment that he
4 or she is aware of its provisions.

5 SEC. 15.5. Section 10015 is added to the Family Code,
6 to read:

7 10015. The Judicial Council shall create any necessary
8 forms to advise the parties of the types of services
9 provided, that there is no attorney-client relationship,
10 that the family law facilitator is not responsible for the
11 outcome of any case, that the family law facilitator does
12 not represent any party and will not appear in court on
13 the party's behalf, and that the other party may also be
14 receiving information and services from the family law
15 facilitator.

16 SEC. 16. Section 17405 is added to the Family Code,
17 to read:

18 17405. In carrying out duties under this article, the
19 local child support agency shall interview the custodial
20 parent within 10 business days of opening a child support
21 case. This interview shall solicit financial and all other
22 information about the noncustodial parent. This
23 information shall be acted upon immediately. The local
24 child support agency shall reinterview the custodial
25 parent as needed.

26 SEC. 17. Section 17407 is added to the Family Code,
27 to read:

28 17407. (a) If the Attorney General is of the opinion
29 that a support order or support-related order is erroneous
30 and presents a question of law warranting an appeal, or
31 that an order is sound and should be defended on appeal,
32 in the public interest the Attorney General may:

33 (1) Perfect or oppose an appeal to the proper
34 appellate court if the order was issued by a court of this
35 state.

36 (2) If the order was issued in another state, cause an
37 appeal to be taken or opposed in the other state.

38 (b) In either case, expenses of the appeal may be paid
39 on order of the Attorney General from funds
40 appropriated for the Office of the Attorney General.



1 SEC. 17.5. Section 17430 of the Family Code, as
2 amended by Senate Bill 542 of the 1999-2000 Regular
3 Session, is amended to read:

4 17430. (a) Notwithstanding any other provision of
5 law, in any action filed by the local child support agency
6 pursuant to Section 17400, 17402, or 17404, a judgment
7 shall be entered without hearing, without the
8 presentation of any other evidence or further notice to
9 the defendant, upon the filing of proof of service by the
10 local child support agency evidencing that more than 30
11 days have passed since the simplified summons and
12 complaint, proposed judgment, blank answer, blank
13 income and expense declaration, and all notices required
14 by this article and Article 7 (commencing with Section
15 11475) were served on the defendant.

16 (b) If the defendant fails to file an answer with the
17 court within 30 days of having been served as specified in
18 subdivision (c) of Section 17400, or at any time before the
19 default judgment is entered, the proposed judgment filed
20 with the original summons and complaint shall be
21 conformed by the court as the final judgment and a copy
22 provided to the local child support agency, unless the
23 local child support agency has filed a declaration and
24 amended proposed judgment pursuant to subdivision
25 (c).

26 (c) If the local child support agency receives
27 additional financial information within 30 days of service
28 of the complaint and proposed judgment on the
29 defendant and the additional information would result in
30 a support order that is different from the amount in the
31 proposed judgment, the local child support agency shall
32 file a declaration setting forth the additional information
33 and an amended proposed judgment. The declaration
34 and amended proposed judgment shall be served on the
35 defendant in compliance with Section 1013 of the Code
36 of Civil Procedure or otherwise as provided by law. The
37 defendant's time to answer or otherwise appear shall be
38 extended to 30 days from the date of service of the
39 declaration and amended proposed judgment.



1 (d) Upon entry of the judgment, the clerk of the court
2 shall provide a conformed copy of the judgment to the
3 local child support agency. The local child support agency
4 shall mail by first-class mail, postage prepaid, a notice of
5 entry of judgment by default and a copy of the judgment
6 to the defendant to the address where he or she was
7 served with the summons and complaint and last known
8 address if different from that address.

9 SEC. 18. Section 17506 of the Family Code, as
10 proposed by Assembly Bill 196 or Senate Bill 542, is
11 amended to read:

12 17506. (a) There is in the Department of Justice the
13 California Parent Locator Service and Central Registry
14 that shall collect and disseminate all of the following, with
15 respect to any parent, putative parent, spouse, or former
16 spouse:

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

19 (2) Date and place of birth.

20 (3) Physical description.

21 (4) Social security number.

22 (5) Employment history and earnings.

23 (6) Military status and Veterans Administration or
24 military service serial number.

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

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

29 (9) Criminal, licensing, and applicant records and
30 information.

31 (10) (A) Any additional location, asset, and income
32 information, including income tax return information
33 obtained pursuant to Section 19285.1 of the Revenue and
34 Taxation Code, and the address, telephone number, and
35 social security information obtained from a public utility,
36 cable television corporation, a provider of electronic
37 digital pager communication, or a provider of cellular
38 telephone services that may be of assistance in locating
39 the parent, putative parent, abducting, concealing, or
40 detaining parent, spouse, or former spouse, in



1 establishing a parent and child relationship, in enforcing
2 the child support liability of the absent parent, or
3 enforcing the spousal support liability of the spouse or
4 former spouse to the extent required by the state plan
5 pursuant to Section 17604.

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

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

21 (b) To effectuate the purposes of this section, the
22 Statewide Automated Child Support System, or its
23 replacement, the California Parent Locator Service and
24 Central Registry, and the Franchise Tax Board shall
25 utilize the federal Parent Locator Service to the extent
26 necessary, and may request and shall receive from all
27 departments, boards, bureaus, or other agencies of the
28 state, or any of its political subdivisions, and those entities
29 shall provide, that assistance and data that will enable the
30 Department of Child Support Services, the Department
31 of Justice, and other public agencies to carry out their
32 powers and duties to locate parents, spouses, and former
33 spouses, and to identify their assets, to establish
34 parent-child relationships, and to enforce liability for
35 child or spousal support, and for any other obligations
36 incurred on behalf of children, and shall also provide that
37 information to any local child support agency in fulfilling
38 the duties prescribed in Section 270 of the Penal Code,
39 and in Chapter 8 (commencing with Section 3130) of Part
40 2 of Division 8 of this code, relating to abducted,



1 concealed, or detained children. The Statewide
2 Automated Child Support System, or its replacement,
3 shall be entitled to the same cooperation and information
4 as the California Parent Locator Service, to the extent
5 allowed by law. The Statewide Automated Child Support
6 System, or its replacement, shall be allowed access to
7 criminal record information only to the extent that access
8 is allowed by state and federal law.

9 (c) (1) To effectuate the purposes of this section, and
10 notwithstanding any other provision of California law,
11 regulation, or tariff, and to the extent permitted by
12 federal law, the California Parent Locator Service and
13 Central Registry and the Statewide Automated Child
14 Support System, or its replacement, may request and
15 shall receive from public utilities, as defined in Section
16 216 of the Public Utilities Code, customer service
17 information, including the full name, address, telephone
18 number, date of birth, employer name and address, and
19 social security number of customers of the public utility,
20 to the extent that this information is stored within the
21 computer data base of the public utility .

22 (2) To effectuate the purposes of this section, and
23 notwithstanding any other provision of California law,
24 regulation, or tariff, and to the extent permitted by
25 federal law, the California Parent Locator Service and
26 Central Registry and the Statewide Automated Child
27 Support System, or its replacement, shall request and
28 shall receive from cable television corporations, as
29 defined in Section 215.5 of the Public Utilities Code, the
30 providers of electronic digital pager communication, as
31 defined in Section 629.51 of the Penal Code, and the
32 providers of cellular telephone services, as defined in
33 Section 17538.9 of the Business and Professions Code,
34 customer service information, including the full name,
35 address, telephone number, date of birth, employer name
36 and address, and social security number of customers of
37 the cable television corporation, customers of the
38 providers of electronic digital pager communication, and
39 customers of the providers of cellular telephone services.



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

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

21 (B) Have the signature of a representative authorized
22 by the California Parent Locator Service and Central
23 Registry or the Statewide Automated Child Support
24 System, or its replacement.

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

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

33 (D) The California Parent Locator Service and
34 Central Registry and the Statewide Automated Child
35 Support System, or its replacement, shall ensure that each
36 public utility , cable television corporation, provider of
37 electronic digital pager communication services, and
38 provider of cellular telephone services has at all times a
39 current list of the names of persons authorized to request
40 customer service information.



1 (E) The California Statewide Automated Child
2 Support System, or its replacement, and the California
3 Parent Locator Service and Central Registry shall ensure
4 that customer service information supplied by a public
5 utility , cable television corporation, providers of
6 electronic digital pager communication, or provider of
7 cellular telephone services is applicable to the person
8 who is being sought before releasing the information
9 pursuant to subdivision (d).

10 (4) The public utility , cable television corporation,
11 electronic digital pager communication provider, or
12 cellular telephone service provider may charge a fee to
13 the California Parent Locator Service and Central
14 Registry or the Statewide Automated Child Support
15 System, or its replacement, for each search performed
16 pursuant to this subdivision to cover the actual costs to the
17 public utility , cable television corporation, electronic
18 digital pager communication provider, or cellular
19 telephone service provider for providing this
20 information.

21 (5) No public utility , cable television corporation,
22 electronic digital pager communication provider, or
23 cellular telephone service provider or official or
24 employee thereof, shall be subject to criminal or civil
25 liability for the release of customer service information as
26 authorized by this subdivision.

27 (d) Notwithstanding Section 14202 of the Penal Code,
28 any records established pursuant to this section shall be
29 disseminated only to the Department of Justice, the
30 Statewide Automated Child Support System or its
31 replacement, the California Parent Locator Service and
32 Central Registry, the parent locator services and central
33 registries of other states as defined by federal statutes and
34 regulations, a local child support agency of any county in
35 this state, the federal Parent Locator Service, the
36 Department of Child Support Services, and local child
37 support agencies. The Statewide Automated Child
38 Support Enforcement System, or its replacement, shall be
39 allowed access to criminal offender record information
40 only to the extent that access is allowed by law.



1 (e) (1) At no time shall any information received by
2 the California Parent Locator Service and Central
3 Registry or by the Statewide Automated Child Support
4 System, or its replacement, be disclosed to any person,
5 agency, or other entity, other than those persons,
6 agencies, and entities specified pursuant to Section 17505,
7 this section, or any other provision of law.

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

12 (f) (1) The Department of Justice, in consultation
13 with the Department of Child Support Services, shall
14 promulgate rules and regulations to facilitate maximum
15 and efficient use of the California Parent Locator Service
16 and Central Registry.

17 (2) The Department of Child Support Services, the
18 Public Utilities Commission, the cable television
19 corporations, providers of electronic digital pager
20 communication, and the providers of cellular telephone
21 services shall develop procedures for obtaining the
22 information described in subdivision (c) from public
23 utilities, cable television corporations, providers of
24 electronic digital pager communication, and providers of
25 cellular telephone services and for compensating the
26 public utilities, cable television corporations, providers of
27 electronic digital pager communication, and providers of
28 cellular telephone services for providing that
29 information.

30 (g) The California Parent Locator Service and Central
31 Registry may charge a fee not to exceed eighteen dollars
32 (\$18) for any service it provides pursuant to this section
33 that is not performed or funded pursuant to Part D
34 (commencing with Section 651) of Subchapter IV of
35 Chapter 7 of Title 42 of the United States Code.

36 (h) This section shall be construed in a manner
37 consistent with the other provisions of this article.

38 SEC. 19. Section 17508 of the Family Code, as
39 proposed by Assembly Bill 196 or Senate Bill 542, is
40 amended to read:



1 17508. (a) The Employment Development
2 Department shall, when requested by the Department of
3 Child Support Services local child support agency, or, the
4 Franchise Tax Board for purposes of administering
5 Article 5 (commencing with Section 19271) of Chapter 5
6 of Part 10.2 of Division 2 of the Revenue and Taxation
7 Code, the federal Parent Locator Service, or the
8 California Parent Locator Service, provide access to
9 information collected pursuant to Division 1
10 (commencing with Section 100 of the Unemployment
11 Insurance Code to the requesting department or agency
12 for purposes of administering the child support
13 enforcement program, and for purposes of verifying
14 employment of applicants and recipients of aid under this
15 chapter or food stamps under Chapter 10 (commencing
16 with Section 18900) of Part 6 of Division 9 of the Welfare
17 and Institutions Code.

18 (b) (1) To the extent possible, the Employment
19 Development Department shall share information
20 collected under Section 1088.5 of the Unemployment
21 Insurance Code immediately upon receipt. This sharing
22 of information may include electronic means.

23 (2) This subdivision shall not authorize the
24 Employment Development Department to share
25 confidential information with any individuals not
26 otherwise permitted by law to receive the information or
27 preclude batch runs or comparisons of data.

28 SEC. 20. Section 17509 is added to the Family Code,
29 to read:

30 17509. Once the statewide automated system is fully
31 implemented, the Department of Child Support Services
32 shall periodically compare Employment Development
33 Department information collected under Division 1
34 (commencing with Section 100) of the Unemployment
35 Insurance Code to child support obligor records and
36 identify cases where the obligor is employed but there is
37 no earning withholding order in effect. The department
38 shall immediately notify local child support agencies in
39 those cases.



1 SEC. 21. Section 17520 of the Family Code, as
2 proposed by Assembly Bill 196 or Senate Bill 542, is
3 amended to read:

4 17520. (a) As used in this section:

5 (1) “Applicant” means any person applying for
6 issuance or renewal of a license.

7 (2) “Board” means any entity specified in Section 101
8 of the Business and Professions Code, the entities referred
9 to in Sections 1000 and 3600 of the Business and
10 Professions Code, the State Bar, the Department of Real
11 Estate, the Department of Motor Vehicles, the Secretary
12 of State, the Department of Fish and Game, and any other
13 state commission, department, committee, examiner, or
14 agency that issues a license, certificate, credential,
15 permit, registration, or any other authorization to engage
16 in a business, occupation, or profession, or to the extent
17 required by federal law or regulations, for recreational
18 purposes. This term includes all boards, commissions,
19 departments, committees, examiners, entities, and
20 agencies that issue a license, certificate, credential,
21 permit, registration, or any other authorization to engage
22 in a business, occupation, or profession. The failure to
23 specifically name a particular board, commission,
24 department, committee, examiner, entity, or agency that
25 issues a license, certificate, credential, permit,
26 registration, or any other authorization to engage in a
27 business, occupation, or profession does not exclude that
28 board, commission, department, committee, examiner,
29 entity, or agency from this term.

30 (3) “Certified list” means a list provided by the local
31 child support agency to the Department of Child Support
32 Services in which the local child support agency verifies,
33 under penalty of perjury, that the names contained
34 therein are support obligors found to be out of
35 compliance with a judgment or order for support in a case
36 being enforced under Title IV-D of the Social Security
37 Act.

38 (4) “Compliance with a judgment or order for
39 support” means that, as set forth in a judgment or order
40 for child or family support, the obligor is no more than 30



1 calendar days in arrears in making payments in full for
2 current support, in making periodic payments in full,
3 whether court ordered or by agreement with the local
4 child support agency, on a support arrearage, or in
5 making periodic payments in full, whether court ordered
6 or by agreement with the local child support agency, on
7 a judgment for reimbursement for public assistance, or
8 has obtained a judicial finding that equitable estoppel as
9 provided in statute or case law precludes enforcement of
10 the order. The local child support agency is authorized to
11 use this section to enforce orders for spousal support only
12 when the local child support agency is also enforcing a
13 related child support obligation owed to the obligee
14 parent by the same obligor, pursuant to Sections 17400
15 and 17604.

16 (5) “License” includes membership in the State Bar,
17 and a certificate, credential, permit, registration, or any
18 other authorization issued by a board that allows a person
19 to engage in a business, occupation, or profession, or to
20 operate a commercial motor vehicle, including
21 appointment and commission by the Secretary of State as
22 a notary public. “License” also includes any driver’s
23 license issued by the Department of Motor Vehicles, any
24 commercial fishing license issued by the Department of
25 Fish and Game, and to the extent required by federal law
26 or regulations, any license used for recreational purposes.
27 This term includes all licenses, certificates, credentials,
28 permits, registrations, or any other authorization issued
29 by a board that allows a person to engage in a business,
30 occupation, or profession. The failure to specifically name
31 a particular type of license, certificate, credential, permit,
32 registration, or other authorization issued by a board that
33 allows a person to engage in a business, occupation, or
34 profession, does not exclude that license, certificate,
35 credential, permit, registration, or other authorization
36 from this term.

37 (6) “Licensee” means any person holding a license,
38 certificate, credential, permit, registration, or other
39 authorization issued by a board, to engage in a business,
40 occupation, or profession, or a commercial driver’s



1 license as defined in Section 15210 of the Vehicle Code,
2 including an appointment and commission by the
3 Secretary of State as a notary public. “Licensee” also
4 means any person holding a driver’s license issued by the
5 Department of Motor Vehicles, any person holding a
6 commercial fishing license issued by the Department of
7 Fish and Game, and to the extent required by federal law
8 or regulations, any person holding a license used for
9 recreational purposes. This term includes all persons
10 holding a license, certificate, credential, permit,
11 registration, or any other authorization to engage in a
12 business, occupation, or profession, and the failure to
13 specifically name a particular type of license, certificate,
14 credential, permit, registration, or other authorization
15 issued by a board does not exclude that person from this
16 term. For licenses issued to an entity that is not an
17 individual person, “licensee” includes any individual who
18 is either listed on the license or who qualifies for the
19 license.

20 (b) The local child support agency shall maintain a list
21 of those persons included in a case being enforced under
22 Title IV-D of the Social Security Act against whom a
23 support order or judgment has been rendered by, or
24 registered in, a court of this state, and who are not in
25 compliance with that order or judgment. The local child
26 support agency shall submit a certified list with the
27 names, social security numbers, and last known addresses
28 of these persons and the name, address, and telephone
29 number of the local child support agency who certified
30 the list to the department. The local child support agency
31 shall verify, under penalty of perjury, that the persons
32 listed are subject to an order or judgment for the payment
33 of support and that these persons are not in compliance
34 with the order or judgment. The local child support
35 agency shall submit to the department an updated
36 certified list on a monthly basis.

37 (c) The department shall consolidate the certified lists
38 received from the local child support agencies and,
39 within 30 calendar days of receipt, shall provide a copy of



1 the consolidated list to each board that is responsible for
2 the regulation of licenses, as specified in this section.

3 (d) On or before November 1, 1992, or as soon
4 thereafter as economically feasible, as determined by the
5 department, all boards subject to this section shall
6 implement procedures to accept and process the list
7 provided by the department, in accordance with this
8 section. Notwithstanding any other law, all boards shall
9 collect social security numbers from all applicants for the
10 purposes of matching the names of the certified list
11 provided by the department to applicants and licensees
12 and of responding to requests for this information made
13 by child support agencies.

14 (e) (1) Promptly after receiving the certified
15 consolidated list from the department, and prior to the
16 issuance or renewal of a license, each board shall
17 determine whether the applicant is on the most recent
18 certified consolidated list provided by the department.
19 The board shall have the authority to withhold issuance
20 or renewal of the license of any applicant on the list.

21 (2) If an applicant is on the list, the board shall
22 immediately serve notice as specified in subdivision (f)
23 on the applicant of the board's intent to withhold issuance
24 or renewal of the license. The notice shall be made
25 personally or by mail to the applicant's last known mailing
26 address on file with the board. Service by mail shall be
27 complete in accordance with Section 1013 of the Code of
28 Civil Procedure.

29 (A) The board shall issue a temporary license valid for
30 a period of 150 days to any applicant whose name is on the
31 certified list if the applicant is otherwise eligible for a
32 license.

33 (B) Except as provided in subparagraph (D), the
34 150-day time period for a temporary license shall not be
35 extended. Except as provided in subparagraph (D), only
36 one temporary license shall be issued during a regular
37 license term and it shall coincide with the first 150 days
38 of that license term. As this paragraph applies to
39 commercial driver's licenses, "license term" shall be
40 deemed to be 12 months from the date the application fee



1 is received by the Department of Motor Vehicles. A
2 license for the full or remainder of the license term shall
3 be issued or renewed only upon compliance with this
4 section.

5 (C) In the event that a license or application for a
6 license or the renewal of a license is denied pursuant to
7 this section, any funds paid by the applicant or licensee
8 shall not be refunded by the board.

9 (D) This paragraph shall apply only in the case of a
10 driver's license, other than a commercial driver's license.
11 Upon the request of the local child support agency or by
12 order of the court upon a showing of good cause, the
13 board shall extend a 150-day temporary license for a
14 period not to exceed 150 extra days.

15 (3) (A) The department may, when it is economically
16 feasible for the department and the boards to do so as
17 determined by the department, in cases where the
18 department is aware that certain child support obligors
19 listed on the certified lists have been out of compliance
20 with a judgment or order for support for more than four
21 months, provide a supplemental list of these obligors to
22 each board with which the department has an
23 interagency agreement to implement this paragraph.
24 Upon request by the department, the licenses of these
25 obligors shall be subject to suspension, provided that the
26 licenses would not otherwise be eligible for renewal
27 within six months from the date of the request by the
28 department. The board shall have the authority to
29 suspend the license of any licensee on this supplemental
30 list.

31 (B) If a licensee is on a supplemental list, the board
32 shall immediately serve notice as specified in subdivision
33 (f) on the licensee that his or her license will be
34 automatically suspended 150 days after notice is served,
35 unless compliance with this section is achieved. The
36 notice shall be made personally or by mail to the licensee's
37 last known mailing address on file with the board. Service
38 by mail shall be complete in accordance with Section 1013
39 of the Code of Civil Procedure.

40 (C) The 150-day notice period shall not be extended.



1 (D) In the event that any license is suspended
2 pursuant to this section, any funds paid by the licensee
3 shall not be refunded by the board.

4 (E) This paragraph shall not apply to licenses subject
5 to annual renewal or annual fee.

6 (f) Notices shall be developed by each board in
7 accordance with guidelines provided by the department
8 and subject to approval by the department. The notice
9 shall include the address and telephone number of the
10 local child support agency that submitted the name on
11 the certified list, and shall emphasize the necessity of
12 obtaining a release from that local child support agency
13 as a condition for the issuance, renewal, or continued
14 valid status of a license or licenses.

15 (1) In the case of applicants not subject to paragraph
16 (3) of subdivision (e), the notice shall inform the
17 applicant that the board shall issue a temporary license,
18 as provided in subparagraph (A) of paragraph (2) of
19 subdivision (e), for 150 calendar days if the applicant is
20 otherwise eligible and that upon expiration of that time
21 period the license will be denied unless the board has
22 received a release from the local child support agency
23 that submitted the name on the certified list.

24 (2) In the case of licensees named on a supplemental
25 list, the notice shall inform the licensee that his or her
26 license will continue in its existing status for no more than
27 150 calendar days from the date of mailing or service of
28 the notice and thereafter will be suspended indefinitely
29 unless, during the 150-day notice period, the board has
30 received a release from the local child support agency
31 that submitted the name on the certified list.
32 Additionally, the notice shall inform the licensee that any
33 license suspended under this section will remain so until
34 the expiration of the remaining license term, unless the
35 board receives a release along with applications and fees,
36 if applicable, to reinstate the license during the license
37 term.

38 (3) The notice shall also inform the applicant or
39 licensee that if an application is denied or a license is
40 suspended pursuant to this section, any funds paid by the



1 applicant or licensee shall not be refunded by the board.
2 The Department of Child Support Services shall also
3 develop a form that the applicant shall use to request a
4 review by the local child support agency. A copy of this
5 form shall be included with every notice sent pursuant to
6 this subdivision.

7 (g) (1) Each local child support agency shall maintain
8 review procedures consistent with this section to allow an
9 applicant to have the underlying arrearage and any
10 relevant defenses investigated, to provide an applicant
11 information on the process of obtaining a modification of
12 a support order, or to provide an applicant assistance in
13 the establishment of a payment schedule on arrearages if
14 the circumstances so warrant.

15 (2) It is the intent of the Legislature that a court or
16 local child support agency, when determining an
17 appropriate payment schedule for arrearages, base its
18 decision on the facts of the particular case and the priority
19 of payment of child support over other debts. The
20 payment schedule shall also recognize that certain
21 expenses may be essential to enable an obligor to be
22 employed. Therefore, in reaching its decision, the court
23 or the local child support agency shall consider both of
24 these goals in setting a payment schedule for arrearages.

25 (h) If the applicant wishes to challenge the submission
26 of his or her name on the certified list, the applicant shall
27 make a timely written request for review on the form
28 specified in subdivision (f) to the local child support
29 agency who certified the applicant's name. The local
30 child support agency shall, within 75 days of receipt of the
31 written request, inform the applicant in writing of his or
32 her findings upon completion of the review. The local
33 child support agency shall immediately send a release to
34 the appropriate board and the applicant, if any of the
35 following conditions are met:

36 (1) The applicant is found to be in compliance or
37 negotiates an agreement with the local child support
38 agency for a payment schedule on arrearages or
39 reimbursement.



1 (2) The applicant has submitted a request for review,
2 but the local child support agency will be unable to
3 complete the review and send notice of its findings to the
4 applicant within 75 days. This paragraph applies only if
5 the delay in completing the review process is not the
6 result of the applicant's failure to act in a reasonable,
7 timely, and diligent manner upon receiving notice from
8 the board that his or her name is on the list.

9 (3) The applicant has filed and served a request for
10 judicial review pursuant to this section, but a resolution
11 of that review will not be made within 150 days of the date
12 of service of notice pursuant to subdivision (f). This
13 paragraph applies only if the delay in completing the
14 judicial review process is not the result of the applicant's
15 failure to act in a reasonable, timely, and diligent manner
16 upon receiving the local child support agency's notice of
17 findings.

18 (4) The applicant has obtained a judicial finding of
19 compliance as defined in this section.

20 (i) An applicant is required to act with diligence in
21 responding to notices from the board and the local child
22 support agency with the recognition that the temporary
23 license will lapse or the license suspension will go into
24 effect after 150 days and that the local child support
25 agency and, where appropriate, the court must have time
26 to act within that period. An applicant's delay in acting,
27 without good cause, which directly results in the inability
28 of the local child support agency to complete a review of
29 the applicant's request or the court to hear the request for
30 judicial review within the 150-day period shall not
31 constitute the diligence required under this section
32 which would justify the issuance of a release.

33 (j) Except as otherwise provided in this section, the
34 local child support agency shall not issue a release if the
35 applicant is not in compliance with the judgment or order
36 for support. The local child support agency shall notify
37 the applicant in writing that the applicant may, by filing
38 an order to show cause or notice of motion, request any
39 or all of the following:



1 (1) Judicial review of the local child support agency's
2 decision not to issue a release.

3 (2) A judicial determination of compliance.

4 (3) A modification of the support judgment or order.

5 The notice shall also contain the name and address of
6 the court in which the applicant shall file the order to
7 show cause or notice of motion and inform the applicant
8 that his or her name shall remain on the certified list if the
9 applicant does not timely request judicial review. The
10 applicant shall comply with all statutes and rules of court
11 regarding orders to show cause and notices of motion.

12 Nothing in this section shall be deemed to limit an
13 applicant from filing an order to show cause or notice of
14 motion to modify a support judgment or order or to fix a
15 payment schedule on arrearages accruing under a
16 support judgment or order or to obtain a court finding of
17 compliance with a judgment or order for support.

18 (k) The request for judicial review of the local child
19 support agency's decision shall state the grounds for
20 which review is requested and judicial review shall be
21 limited to those stated grounds. The court shall hold an
22 evidentiary hearing within 20 calendar days of the filing
23 of the request for review. Judicial review of the local child
24 support agency's decision shall be limited to a
25 determination of each of the following issues:

26 (1) Whether there is a support judgment, order, or
27 payment schedule on arrearages or reimbursement.

28 (2) Whether the petitioner is the obligor covered by
29 the support judgment or order.

30 (3) Whether the support obligor is or is not in
31 compliance with the judgment or order of support.

32 (4) (A) The extent to which the needs of the obligor,
33 taking into account the obligor's payment history and the
34 current circumstances of both the obligor and the
35 obligee, warrant a conditional release as described in this
36 subdivision.

37 (B) The request for judicial review shall be served by
38 the applicant upon the local child support agency that
39 submitted the applicant's name on the certified list within
40 seven calendar days of the filing of the petition. The court



1 has the authority to uphold the action, unconditionally
2 release the license, or conditionally release the license.

3 (C) If the judicial review results in a finding by the
4 court that the obligor is in compliance with the judgment
5 or order for support, the local child support agency shall
6 immediately send a release in accordance with
7 subdivision (h) to the appropriate board and the
8 applicant. If the judicial review results in a finding by the
9 court that the needs of the obligor warrant a conditional
10 release, the court shall make findings of fact stating the
11 basis for the release and the payment necessary to satisfy
12 the unrestricted issuance or renewal of the license
13 without prejudice to a later judicial determination of the
14 amount of support arrearages, including interest, and
15 shall specify payment terms, compliance with which are
16 necessary to allow the release to remain in effect.

17 (I) The department shall prescribe release forms for
18 use by local child support agencies. When the obligor is
19 in compliance, the local child support agency shall mail
20 to the applicant and the appropriate board a release
21 stating that the applicant is in compliance. The receipt of
22 a release shall serve to notify the applicant and the board
23 that, for the purposes of this section, the applicant is in
24 compliance with the judgment or order for support. Any
25 board that has received a release from the local child
26 support agency pursuant to this subdivision shall process
27 the release within five business days of its receipt.

28 If the local child support agency determines
29 subsequent to the issuance of a release that the applicant
30 is once again not in compliance with a judgment or order
31 for support, or with the terms of repayment as described
32 in this subdivision, the local child support agency may
33 notify the board, the obligor, and the department in a
34 format prescribed by the department that the obligor is
35 not in compliance.

36 The department may, when it is economically feasible
37 for the department and the boards to develop an
38 automated process for complying with this subdivision,
39 notify the boards in a manner prescribed by the
40 department, that the obligor is once again not in



1 compliance. Upon receipt of this notice, the board shall
2 immediately notify the obligor on a form prescribed by
3 the department that the obligor's license will be
4 suspended on a specific date, and this date shall be no
5 longer than 30 days from the date the form is mailed. The
6 obligor shall be further notified that the license will
7 remain suspended until a new release is issued in
8 accordance with subdivision (h). Nothing in this section
9 shall be deemed to limit the obligor from seeking judicial
10 review of suspension pursuant to the procedures
11 described in subdivision (k).

12 (m) The department may enter into interagency
13 agreements with the state agencies that have
14 responsibility for the administration of boards necessary
15 to implement this section, to the extent that it is
16 cost-effective to implement this section. These
17 agreements shall provide for the receipt by the other
18 state agencies and boards of federal funds to cover that
19 portion of costs allowable in federal law and regulation
20 and incurred by the state agencies and boards in
21 implementing this section. Notwithstanding any other
22 provision of law, revenue generated by a board or state
23 agency shall be used to fund the nonfederal share of costs
24 incurred pursuant to this section. These agreements shall
25 provide that boards shall reimburse the department for
26 the nonfederal share of costs incurred by the department
27 in implementing this section. The boards shall reimburse
28 the department for the nonfederal share of costs incurred
29 pursuant to this section from moneys collected from
30 applicants and licensees.

31 (n) Notwithstanding any other provision of law, in
32 order for the boards subject to this section to be
33 reimbursed for the costs incurred in administering its
34 provisions, the boards may, with the approval of the
35 appropriate department director, levy on all licensees
36 and applicants a surcharge on any fee or fees collected
37 pursuant to law, or, alternatively, with the approval of the
38 appropriate department director, levy on the applicants
39 or licensees named on a certified list or supplemental list,
40 a special fee.



1 (o) The process described in subdivision (h) shall
2 constitute the sole administrative remedy for contesting
3 the issuance of a temporary license or the denial or
4 suspension of a license under this section. The procedures
5 specified in the administrative adjudication provisions of
6 the Administrative Procedure Act (Chapter 4.5
7 (commencing with Section 11400) and Chapter 5
8 (commencing with Section 11500) of Part 1 of Division 3
9 of Title 2 of the Government Code) shall not apply to the
10 denial, suspension, or failure to issue or renew a license or
11 the issuance of a temporary license pursuant to this
12 section.

13 (p) In furtherance of the public policy of increasing
14 child support enforcement and collections, on or before
15 November 1, 1995, the State Department of Social
16 Services shall make a report to the Legislature and the
17 Governor based on data collected by the boards and the
18 district attorneys in a format prescribed by the State
19 Department of Social Services. The report shall contain
20 all of the following:

21 (1) The number of delinquent obligors certified by
22 district attorneys under this section.

23 (2) The number of support obligors who also were
24 applicants or licensees subject to this section.

25 (3) The number of new licenses and renewals that
26 were delayed, temporary licenses issued, and licenses
27 suspended subject to this section and the number of new
28 licenses and renewals granted and licenses reinstated
29 following board receipt of releases as provided by
30 subdivision (h) by May 1, 1995.

31 (4) The costs incurred in the implementation and
32 enforcement of this section.

33 (q) Any board receiving an inquiry as to the licensed
34 status of an applicant or licensee who has had a license
35 denied or suspended under this section or has been
36 granted a temporary license under this section shall
37 respond only that the license was denied or suspended or
38 the temporary license was issued pursuant to this section.
39 Information collected pursuant to this section by any
40 state agency, board, or department shall be subject to the



1 Information Practices Act of 1977 (Chapter 1
2 (commencing with Section 1798) of Title 1.8 of Part 4 of
3 Division 3 of the Civil Code).

4 (r) Any rules and regulations issued pursuant to this
5 section by any state agency, board, or department may be
6 adopted as emergency regulations in accordance with the
7 rulemaking provisions of the Administrative Procedure
8 Act (Chapter 3.5 (commencing with Section 11340) of
9 Part 1 of Division 3 of Title 2 of the Government Code).
10 The adoption of these regulations shall be deemed an
11 emergency and necessary for the immediate
12 preservation of the public peace, health, and safety, or
13 general welfare. The regulations shall become effective
14 immediately upon filing with the Secretary of State.

15 (s) The department and boards, as appropriate, shall
16 adopt regulations necessary to implement this section.

17 (t) The Judicial Council shall develop the forms
18 necessary to implement this section, except as provided
19 in subdivisions (f) and (l).

20 (u) The release or other use of information received
21 by a board pursuant to this section, except as authorized
22 by this section, is punishable as a misdemeanor.

23 (v) The State Board of Equalization shall enter into
24 interagency agreements with the department and the
25 Franchise Tax Board that will require the department
26 and the Franchise Tax Board to maximize the use of
27 information collected by the State Board of Equalization,
28 for child support enforcement purposes, to the extent it
29 is cost-effective and permitted by the Revenue and
30 Taxation Code.

31 (w) (1) The suspension or revocation of any driver's
32 license, including a commercial driver's license, under
33 this section shall not subject the licensee to vehicle
34 impoundment pursuant to Section 14602.6 of the Vehicle
35 Code.

36 (2) Notwithstanding any other provision of law, the
37 suspension or revocation of any driver's license, including
38 a commercial driver's license, under this section shall not
39 subject the licensee to increased costs for vehicle liability
40 insurance.



1 (x) If any provision of this section or the application
2 thereof to any person or circumstance is held invalid, that
3 invalidity shall not affect other provisions or applications
4 of this section which can be given effect without the
5 invalid provision or application, and to this end the
6 provisions of this section are severable.

7 (y) All rights to administrative and judicial review
8 afforded by this section to an applicant shall also be
9 afforded to a licensee.

10 SEC. 22. Section 11350.6 of the Welfare and
11 Institutions Code is amended to read:

12 11350.6. (a) As used in this section:

13 (1) "Applicant" means any person applying for
14 issuance or renewal of a license.

15 (2) "Board" means any entity specified in Section 101
16 of the Business and Professions Code, the entities referred
17 to in Sections 1000 and 3600 of the Business and
18 Professions Code, the State Bar, the Department of Real
19 Estate, the Department of Motor Vehicles, the Secretary
20 of State, the Department of Fish and Game, and any other
21 state commission, department, committee, examiner, or
22 agency that issues a license, certificate, credential,
23 permit, registration, or any other authorization to engage
24 in a business, occupation, or profession, or to the extent
25 required by federal law or regulations, for recreational
26 purposes. This term includes all boards, commissions,
27 departments, committees, examiners, entities, and
28 agencies that issue a license, certificate, credential,
29 permit, registration, or any other authorization to engage
30 in a business, occupation, or profession. The failure to
31 specifically name a particular board, commission,
32 department, committee, examiner, entity, or agency that
33 issues a license, certificate, credential, permit,
34 registration, or any other authorization to engage in a
35 business, occupation, or profession does not exclude that
36 board, commission, department, committee, examiner,
37 entity, or agency from this term.

38 (3) "Certified list" means a list provided by the local
39 child support agency to the State Department of Social
40 Services in which the local child support agency verifies,



1 under penalty of perjury, that the names contained
2 therein are support obligors found to be out of
3 compliance with a judgment or order for support in a case
4 being enforced under Title IV-D of the Social Security
5 Act.

6 (4) “Compliance with a judgment or order for
7 support” means that, as set forth in a judgment or order
8 for child or family support, the obligor is no more than 30
9 calendar days in arrears in making payments in full for
10 current support, in making periodic payments in full,
11 whether court ordered or by agreement with the local
12 child support agency, on a support arrearage, or in
13 making periodic payments in full, whether court ordered
14 or by agreement with the local child support agency, on
15 a judgment for reimbursement for public assistance, or
16 has obtained a judicial finding that equitable estoppel as
17 provided in statute or case law precludes enforcement of
18 the order. The local child support agencies are authorized
19 to use this section to enforce orders for spousal support
20 only when the local child support agency is also enforcing
21 a related child support obligation owed to the obligee
22 parent by the same obligor, pursuant to Sections 11475.1
23 and 11475.2.

24 (5) “License” includes membership in the State Bar,
25 and a certificate, credential, permit, registration, or any
26 other authorization issued by a board that allows a person
27 to engage in a business, occupation, or profession, or to
28 operate a commercial motor vehicle, including
29 appointment and commission by the Secretary of State as
30 a notary public. “License” also includes any driver’s
31 license issued by the Department of Motor Vehicles, any
32 commercial fishing license issued by the Department of
33 Fish and Game, and to the extent required by federal law
34 or regulations, any license used for recreational purposes.
35 This term includes all licenses, certificates, credentials,
36 permits, registrations, or any other authorization issued
37 by a board that allows a person to engage in a business,
38 occupation, or profession. The failure to specifically name
39 a particular type of license, certificate, credential, permit,
40 registration, or other authorization issued by a board that



1 allows a person to engage in a business, occupation, or
2 profession, does not exclude that license, certificate,
3 credential, permit, registration, or other authorization
4 from this term.

5 (6) “Licensee” means any person holding a license,
6 certificate, credential, permit, registration, or other
7 authorization issued by a board, to engage in a business,
8 occupation, or profession, or a commercial driver’s
9 license as defined in Section 15210 of the Vehicle Code,
10 including an appointment and commission by the
11 Secretary of State as a notary public. “Licensee” also
12 means any person holding a driver’s license issued by the
13 Department of Motor Vehicles, any person holding a
14 commercial fishing license issued by the Department of
15 Fish and Game, and to the extent required by federal law
16 or regulations, any person holding a license used for
17 recreational purposes. This term includes all persons
18 holding a license, certificate, credential, permit,
19 registration, or any other authorization to engage in a
20 business, occupation, or profession, and the failure to
21 specifically name a particular type of license, certificate,
22 credential, permit, registration, or other authorization
23 issued by a board does not exclude that person from this
24 term. For licenses issued to an entity that is not an
25 individual person, “licensee” includes any individual who
26 is either listed on the license or who qualifies the license.

27 (b) The local child support agency shall maintain a list
28 of those persons included in a case being enforced under
29 Title IV-D of the Social Security Act against whom a
30 support order or judgment has been rendered by, or
31 registered in, a court of this state, and who are not in
32 compliance with that order or judgment. The local child
33 support agency shall submit a certified list with the
34 names, social security numbers, and last known addresses
35 of these persons and the name, address, and telephone
36 number of the local child support agency who certified
37 the list to the State Department of Social Services. The
38 local child support agency shall verify, under penalty of
39 perjury, that the persons listed are subject to an order or
40 judgment for the payment of support and that these



1 persons are not in compliance with the order or
2 judgment. The local child support agency shall submit to
3 the State Department of Social Services an updated
4 certified list on a monthly basis.

5 (c) The State Department of Social Services shall
6 consolidate the certified lists received from the local child
7 support agencies and, within 30 calendar days of receipt,
8 shall provide a copy of the consolidated list to each board
9 which is responsible for the regulation of licenses, as
10 specified in this section.

11 (d) On or before November 1, 1992, or as soon
12 thereafter as economically feasible, as determined by the
13 State Department of Social Services, all boards subject to
14 this section shall implement procedures to accept and
15 process the list provided by the State Department of
16 Social Services, in accordance with this section.
17 Notwithstanding any other provision of law, all boards
18 shall collect social security numbers from all applicants
19 for the purposes of matching the names of the certified
20 list provided by the State Department of Social Services
21 to applicants and licensees and of responding to requests
22 for this information made by child support agencies.

23 (e) (1) Promptly after receiving the certified
24 consolidated list from the State Department of Social
25 Services, and prior to the issuance or renewal of a license,
26 each board shall determine whether the applicant is on
27 the most recent certified consolidated list provided by the
28 State Department of Social Services. The board shall have
29 the authority to withhold issuance or renewal of the
30 license of any applicant on the list.

31 (2) If an applicant is on the list, the board shall
32 immediately serve notice as specified in subdivision (f)
33 on the applicant of the board's intent to withhold issuance
34 or renewal of the license. The notice shall be made
35 personally or by mail to the applicant's last known mailing
36 address on file with the board. Service by mail shall be
37 complete in accordance with Section 1013 of the Code of
38 Civil Procedure.

39 (A) The board shall issue a temporary license valid for
40 a period of 150 days to any applicant whose name is on the



1 certified list if the applicant is otherwise eligible for a
2 license.

3 (B) Except as provided in subparagraph (D), the
4 150-day time period for a temporary license shall not be
5 extended. Except as provided in subparagraph (D), only
6 one temporary license shall be issued during a regular
7 license term and it shall coincide with the first 150 days
8 of that license term. As this paragraph applies to
9 commercial driver's licenses, "license term" shall be
10 deemed to be 12 months from the date the application fee
11 is received by the Department of Motor Vehicles. A
12 license for the full or remainder of the license term shall
13 be issued or renewed only upon compliance with this
14 section.

15 (C) In the event that a license or application for a
16 license or the renewal of a license is denied pursuant to
17 this section, any funds paid by the applicant or licensee
18 shall not be refunded by the board.

19 (D) This paragraph shall apply only in the case of a
20 driver's license, other than a commercial driver's license.
21 Upon the request of the local child support agency or by
22 order of the court upon a showing of good cause, the
23 board shall extend a 150-day temporary license for a
24 period not to exceed 150 extra days.

25 (3) (A) The State Department of Social Services may,
26 when it is economically feasible for the department and
27 the boards to do so as determined by the department, in
28 cases where the department is aware that certain child
29 support obligors listed on the certified lists have been out
30 of compliance with a judgment or order for support for
31 more than four months, provide a supplemental list of
32 these obligors to each board with which the department
33 has an interagency agreement to implement this
34 paragraph. Upon request by the department, the licenses
35 of these obligors shall be subject to suspension, provided
36 that the licenses would not otherwise be eligible for
37 renewal within six months from the date of the request by
38 the department. The board shall have the authority to
39 suspend the license of any licensee on this supplemental
40 list.



1 (B) If a licensee is on a supplemental list, the board
2 shall immediately serve notice as specified in subdivision
3 (f) on the licensee that his or her license will be
4 automatically suspended 150 days after notice is served,
5 unless compliance with this section is achieved. The
6 notice shall be made personally or by mail to the licensee's
7 last known mailing address on file with the board. Service
8 by mail shall be complete in accordance with Section 1013
9 of the Code of Civil Procedure.

10 (C) The 150-day notice period shall not be extended.

11 (D) In the event that any license is suspended
12 pursuant to this section, any funds paid by the licensee
13 shall not be refunded by the board.

14 (E) This paragraph shall not apply to licenses subject
15 to annual renewal or annual fee.

16 (f) Notices shall be developed by each board in
17 accordance with guidelines provided by the State
18 Department of Social Services and subject to approval by
19 the State Department of Social Services. The notice shall
20 include the address and telephone number of the local
21 child support agency who submitted the name on the
22 certified list, and shall emphasize the necessity of
23 obtaining a release from that local child support agency
24 as a condition for the issuance, renewal, or continued
25 valid status of a license or licenses.

26 (1) In the case of applicants not subject to paragraph
27 (3) of subdivision (e), the notice shall inform the
28 applicant that the board shall issue a temporary license,
29 as provided in subparagraph (A) of paragraph (2) of
30 subdivision (e), for 150 calendar days if the applicant is
31 otherwise eligible and that upon expiration of that time
32 period the license will be denied unless the board has
33 received a release from the local child support agency
34 who submitted the name on the certified list.

35 (2) In the case of licensees named on a supplemental
36 list, the notice shall inform the licensee that his or her
37 license will continue in its existing status for no more than
38 150 calendar days from the date of mailing or service of
39 the notice and thereafter will be suspended indefinitely
40 unless, during the 150-day notice period, the board has



1 received a release from the local child support agency
2 who submitted the name on the certified list.
3 Additionally, the notice shall inform the licensee that any
4 license suspended under this section will remain so until
5 the expiration of the remaining license term, unless the
6 board receives a release along with applications and fees,
7 if applicable, to reinstate the license during the license
8 term.

9 (3) The notice shall also inform the applicant or
10 licensee that if an application is denied or a license is
11 suspended pursuant to this section, any funds paid by the
12 applicant or licensee shall not be refunded by the board.
13 The State Department of Social Services shall also
14 develop a form that the applicant shall use to request a
15 review by the local child support agency. A copy of this
16 form shall be included with every notice sent pursuant to
17 this subdivision.

18 (g) (1) Each local child support agency shall maintain
19 review procedures consistent with this section to allow an
20 applicant to have the underlying arrearage and any
21 relevant defenses investigated, to provide an applicant
22 information on the process of obtaining a modification of
23 a support order, or to provide an applicant assistance in
24 the establishment of a payment schedule on arrearages if
25 the circumstances so warrant.

26 (2) It is the intent of the Legislature that a court or
27 local child support agency, when determining an
28 appropriate payment schedule for arrearages, base its
29 decision on the facts of the particular case and the priority
30 of payment of child support over other debts. The
31 payment schedule shall also recognize that certain
32 expenses may be essential to enable an obligor to be
33 employed. Therefore, in reaching its decision, the court
34 or the local child support agency shall consider both of
35 these goals in setting a payment schedule for arrearages.

36 (h) If the applicant wishes to challenge the submission
37 of his or her name on the certified list, the applicant shall
38 make a timely written request for review on the form
39 specified in subdivision (f) to the local child support
40 agency who certified the applicant's name. The local



1 child support agency shall, within 75 days of receipt of the
2 written request, inform the applicant in writing of its
3 findings upon completion of the review. The local child
4 support agency shall immediately send a release to the
5 appropriate board and the applicant, if any of the
6 following conditions are met:

7 (1) The applicant is found to be in compliance or
8 negotiates an agreement with the local child support
9 agency for a payment schedule on arrearages or
10 reimbursement.

11 (2) The applicant has submitted a request for review,
12 but the local child support agency will be unable to
13 complete the review and send notice of its findings to the
14 applicant within 75 days. This paragraph applies only if
15 the delay in completing the review process is not the
16 result of the applicant's failure to act in a reasonable,
17 timely, and diligent manner upon receiving notice from
18 the board that his or her name is on the list.

19 (3) The applicant has filed and served a request for
20 judicial review pursuant to this section, but a resolution
21 of that review will not be made within 150 days of the date
22 of service of notice pursuant to subdivision (f). This
23 paragraph applies only if the delay in completing the
24 judicial review process is not the result of the applicant's
25 failure to act in a reasonable, timely, and diligent manner
26 upon receiving the local child support agency's notice of
27 its findings.

28 (4) The applicant has obtained a judicial finding of
29 compliance as defined in this section.

30 (i) An applicant is required to act with diligence in
31 responding to notices from the board and the local child
32 support agency with the recognition that the temporary
33 license will lapse or the license suspension will go into
34 effect after 150 days and that the local child support
35 agency and, where appropriate, the court must have time
36 to act within that period. An applicant's delay in acting,
37 without good cause, which directly results in the inability
38 of the local child support agency to complete a review of
39 the applicant's request or the court to hear the request for
40 judicial review within the 150-day period shall not



1 constitute the diligence required under this section
2 which would justify the issuance of a release.

3 (j) Except as otherwise provided in this section, the
4 local child support agency shall not issue a release if the
5 applicant is not in compliance with the judgment or order
6 for support. The local child support agency shall notify
7 the applicant in writing that the applicant may, by filing
8 an order to show cause or notice of motion, request any
9 or all of the following:

10 (1) Judicial review of the local child support agency's
11 decision not to issue a release.

12 (2) A judicial determination of compliance.

13 (3) A modification of the support judgment or order.

14 The notice shall also contain the name and address of
15 the court in which the applicant shall file the order to
16 show cause or notice of motion and inform the applicant
17 that his or her name shall remain on the certified list if the
18 applicant does not timely request judicial review. The
19 applicant shall comply with all statutes and rules of court
20 regarding orders to show cause and notices of motion.

21 Nothing in this section shall be deemed to limit an
22 applicant from filing an order to show cause or notice of
23 motion to modify a support judgment or order or to fix a
24 payment schedule on arrearages accruing under a
25 support judgment or order or to obtain a court finding of
26 compliance with a judgment or order for support.

27 (k) The request for judicial review of the local child
28 support agency's decision shall state the grounds for
29 which review is requested and judicial review shall be
30 limited to those stated grounds. The court shall hold an
31 evidentiary hearing within 20 calendar days of the filing
32 of the request for review. Judicial review of the local child
33 support agency's decision shall be limited to a
34 determination of each of the following issues:

35 (1) Whether there is a support judgment, order, or
36 payment schedule on arrearages or reimbursement.

37 (2) Whether the petitioner is the obligor covered by
38 the support judgment or order.

39 (3) Whether the support obligor is or is not in
40 compliance with the judgment or order of support.



1 (4) The extent to which the needs of the obligor,
2 taking into account the obligor's payment history and the
3 current circumstances of both the obligor and the
4 obligee, warrant a conditional release as described in this
5 subdivision.

6 The request for judicial review shall be served by the
7 applicant upon the local child support agency who
8 submitted the applicant's name on the certified list within
9 seven calendar days of the filing of the petition. The court
10 has the authority to uphold the action, unconditionally
11 release the license, or conditionally release the license.

12 If the judicial review results in a finding by the court
13 that the obligor is in compliance with the judgment or
14 order for support, the local child support agency shall
15 immediately send a release in accordance with
16 subdivision (h) to the appropriate board and the
17 applicant. If the judicial review results in a finding by the
18 court that the needs of the obligor warrant a conditional
19 release, the court shall make findings of fact stating the
20 basis for the release and the payment necessary to satisfy
21 the unrestricted issuance or renewal of the license
22 without prejudice to a later judicial determination of the
23 amount of support arrearages, including interest, and
24 shall specify payment terms, compliance with which are
25 necessary to allow the release to remain in effect.

26 (l) The State Department of Social Services shall
27 prescribe release forms for use by local child support
28 agencies. When the obligor is in compliance, the local
29 child support agency shall mail to the applicant and the
30 appropriate board a release stating that the applicant is
31 in compliance. The receipt of a release shall serve to
32 notify the applicant and the board that, for the purposes
33 of this section, the applicant is in compliance with the
34 judgment or order for support. Any board that has
35 received a release from the local child support agency
36 pursuant to this subdivision shall process the release
37 within five business days of its receipt.

38 If the local child support agency determines
39 subsequent to the issuance of a release that the applicant
40 is once again not in compliance with a judgment or order



1 for support, or with the terms of repayment as described
2 in this subdivision, the local child support agency may
3 notify the board, the obligor, and the State Department
4 of Social Services in a format prescribed by the State
5 Department of Social Services that the obligor is not in
6 compliance.

7 The State Department of Social Services may, when it
8 is economically feasible for the department and the
9 boards to develop an automated process for complying
10 with this subdivision, notify the boards in a manner
11 prescribed by the department, that the obligor is once
12 again not in compliance. Upon receipt of this notice, the
13 board shall immediately notify the obligor on a form
14 prescribed by the department that the obligor's license
15 will be suspended on a specific date, and this date shall be
16 no longer than 30 days from the date the form is mailed.
17 The obligor shall be further notified that the license will
18 remain suspended until a new release is issued in
19 accordance with subdivision (h). Nothing in this section
20 shall be deemed to limit the obligor from seeking judicial
21 review of suspension pursuant to the procedures
22 described in subdivision (k).

23 (m) The State Department of Social Services may
24 enter into interagency agreements with the state
25 agencies that have responsibility for the administration of
26 boards necessary to implement this section, to the extent
27 that it is cost-effective to implement this section. These
28 agreements shall provide for the receipt by the other
29 state agencies and boards of federal funds to cover that
30 portion of costs allowable in federal law and regulation
31 and incurred by the state agencies and boards in
32 implementing this section. Notwithstanding any other
33 provision of law, revenue generated by a board or state
34 agency shall be used to fund the nonfederal share of costs
35 incurred pursuant to this section. These agreements shall
36 provide that boards shall reimburse the State
37 Department of Social Services for the nonfederal share of
38 costs incurred by the department in implementing this
39 section. The boards shall reimburse the State
40 Department of Social Services for the nonfederal share of



1 costs incurred pursuant to this section from moneys
2 collected from applicants and licensees.

3 (n) Notwithstanding any other provision of law, in
4 order for the boards subject to this section to be
5 reimbursed for the costs incurred in administering its
6 provisions, the boards may, with the approval of the
7 appropriate department director, levy on all licensees
8 and applicants a surcharge on any fee or fees collected
9 pursuant to law, or, alternatively, with the approval of the
10 appropriate department director, levy on the applicants
11 or licensees named on a certified list or supplemental list,
12 a special fee.

13 (o) The process described in subdivision (h) shall
14 constitute the sole administrative remedy for contesting
15 the issuance of a temporary license or the denial or
16 suspension of a license under this section. The procedures
17 specified in the administrative adjudication provisions of
18 the Administrative Procedure Act (Chapter 4.5
19 commencing with Section 11400) and Chapter 5
20 (commencing with Section 11500) of Part 1 of Division 3
21 of Title 2 of the Government Code) shall not apply to the
22 denial, suspension, or failure to issue or renew a license or
23 the issuance of a temporary license pursuant to this
24 section.

25 (p) In furtherance of the public policy of increasing
26 child support enforcement and collections, on or before
27 November 1, 1995, the State Department of Social
28 Services shall make a report to the Legislature and the
29 Governor based on data collected by the boards and the
30 local child support agencies in a format prescribed by the
31 State Department of Social Services. The report shall
32 contain all of the following:

33 (1) The number of delinquent obligors certified by
34 local child support agencies under this section.

35 (2) The number of support obligors who also were
36 applicants or licensees subject to this section.

37 (3) The number of new licenses and renewals that
38 were delayed, temporary licenses issued, and licenses
39 suspended subject to this section and the number of new
40 licenses and renewals granted and licenses reinstated



1 following board receipt of releases as provided by
2 subdivision (h) by May 1, 1995.

3 (4) The costs incurred in the implementation and
4 enforcement of this section.

5 (q) Any board receiving an inquiry as to the licensed
6 status of an applicant or licensee who has had a license
7 denied or suspended under this section or has been
8 granted a temporary license under this section shall
9 respond only that the license was denied or suspended or
10 the temporary license was issued pursuant to this section.
11 Information collected pursuant to this section by any
12 state agency, board, or department shall be subject to the
13 Information Practices Act of 1977 (Chapter 1
14 (commencing with Section 1798) of Title 1.8 of Part 4 of
15 Division 3 of the Civil Code).

16 (r) Any rules and regulations issued pursuant to this
17 section by any state agency, board, or department may be
18 adopted as emergency regulations in accordance with the
19 rulemaking provisions of the Administrative Procedure
20 Act (Chapter 3.5 (commencing with Section 11340) of
21 Part 1 of Division 3 of Title 2 of the Government Code).
22 The adoption of these regulations shall be deemed an
23 emergency and necessary for the immediate
24 preservation of the public peace, health, and safety, or
25 general welfare. The regulations shall become effective
26 immediately upon filing with the Secretary of State.

27 (s) The State Department of Social Services and
28 boards, as appropriate, shall adopt regulations necessary
29 to implement this section.

30 (t) The Judicial Council shall develop the forms
31 necessary to implement this section, except as provided
32 in subdivisions (f) and (l).

33 (u) The release or other use of information received
34 by a board pursuant to this section, except as authorized
35 by this section, is punishable as a misdemeanor.

36 (v) The State Board of Equalization shall enter into
37 interagency agreements with the State Department of
38 Social Services and the Franchise Tax Board that will
39 require the State Department of Social Services and the
40 Franchise Tax Board to maximize the use of information



1 collected by the State Board of Equalization, for child
2 support enforcement purposes, to the extent it is
3 cost-effective and permitted by the Revenue and
4 Taxation Code.

5 (w) (1) The suspension or revocation of any driver's
6 license, including a commercial driver's license, under
7 this section shall not subject the licensee to vehicle
8 impoundment pursuant to Section 14602.6 of the Vehicle
9 Code.

10 (2) Notwithstanding any other provision of law, the
11 suspension or revocation of any driver's license, including
12 a commercial driver's license, under this section shall not
13 subject the licensee to increased costs for vehicle liability
14 insurance.

15 (x) If any provision of this section or the application
16 thereof to any person or circumstance is held invalid, that
17 invalidity shall not affect other provisions or applications
18 of this section which can be given effect without the
19 invalid provision or application, and to this end the
20 provisions of this section are severable.

21 (y) All rights to administrative and judicial review
22 afforded by this section to an applicant shall also be
23 afforded to a licensee.

24 SEC. 23. Section 11355 of the Welfare and Institutions
25 Code is amended to read:

26 11355. (a) Notwithstanding any other provision of
27 law, in any action filed by the local child support agency
28 pursuant to Section 11350, 11350.1, or 11475.1, a judgment
29 shall be entered without hearing, without the
30 presentation of any other evidence or further notice to
31 the defendant, upon the filing of proof of service by the
32 local child support agency evidencing that more than 30
33 days have passed since the simplified summons and
34 complaint, proposed judgment, blank answer, blank
35 income and expense declaration, and all notices required
36 by this article and Article 7 (commencing with Section
37 11475) were served on the defendant.

38 (b) If the defendant fails to file an answer with the
39 court within 30 days of having been served as specified in
40 subdivision (c) of Section 11475.1, the proposed judgment



1 filed with the original summons and complaint shall be
2 conformed by the court as the final judgment and a copy
3 provided to the local child support agency, unless the
4 local child support agency has filed a declaration and
5 amended proposed judgment pursuant to subdivision
6 (c).

7 (c) If the local child support agency receives
8 additional financial information within 30 days of service
9 of the complaint and proposed judgment on the
10 defendant and the additional information would result in
11 a support order that is different from the amount in the
12 proposed judgment, the local child support agency shall
13 file a declaration setting forth the additional information
14 and an amended proposed judgment. The declaration
15 and amended proposed judgment shall be served on the
16 defendant in compliance with Section 1013 of the Code
17 of Civil Procedure or otherwise as provided by law. The
18 defendant's time to answer or otherwise appear shall be
19 extended to 30 days from the date of service of the
20 declaration and amended proposed judgment.

21 (d) Upon entry of the judgment, the clerk of the court
22 shall provide a conformed copy of the judgment to the
23 local child support agency. The local child support agency
24 shall mail by first-class mail, postage prepaid, a notice of
25 entry of judgment by default and a copy of the judgment
26 to the defendant to the address where he or she was
27 served with the summons and complaint and last known
28 address if different from that address.

29 SEC. 24. Section 11475.6 is added to the Welfare and
30 Institutions Code, to read:

31 11475.6. In carrying out duties under this article, the
32 local child support agency shall interview the custodial
33 parent within 10 business days of opening a child support
34 case. This interview shall solicit financial and all other
35 information about the noncustodial parent. This
36 information shall be acted upon immediately. The local
37 child support agency shall reinterview the custodial
38 parent as needed.

39 SEC. 27. Section 11478.3 is added to the Welfare and
40 Institutions Code, to read:



1 11478.3. (a) If the Attorney General is of the opinion
2 that a support order or support-related order is erroneous
3 and presents a question of law warranting an appeal, or
4 that an order is sound and should be defended on appeal,
5 in the public interest the Attorney General may:

6 (1) Perfect or oppose an appeal to the proper
7 appellate court if the order was issued by a court of this
8 state.

9 (2) If the order was issued in another state, cause an
10 appeal to be taken or opposed in the other state.

11 (b) In either case, expenses of the appeal may be paid
12 on order of the Attorney General from funds
13 appropriated for the Office of the Attorney General.

14 SEC. 28. Section 11478.5 of the Welfare and
15 Institutions Code is amended to read:

16 11478.5. (a) There is in the Department of Justice the
17 California Parent Locator Service and Central Registry
18 that shall collect and disseminate all of the following, with
19 respect to any parent, putative parent, spouse, or former
20 spouse:

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

23 (2) Date and place of birth.

24 (3) Physical description.

25 (4) Social security number.

26 (5) Employment history and earnings.

27 (6) Military status and Veterans Administration or
28 military service serial number.

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

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

33 (9) Criminal, licensing, and applicant records and
34 information.

35 (10) (A) Any additional location, asset, and income
36 information, including income tax return information
37 obtained pursuant to Section 19285.1 of the Revenue and
38 Taxation Code, and the address, telephone number, and
39 social security information obtained from a public utility,
40 cable television corporation, a provider of electronic



1 digital pager communication, or a provider of cellular
2 telephone services that may be of assistance in locating
3 the parent, putative parent, abducting, concealing, or
4 detaining parent, spouse, or former spouse, in
5 establishing a parent and child relationship, in enforcing
6 the child support liability of the absent parent, or
7 enforcing the spousal support liability of the spouse or
8 former spouse to the extent required by the state plan
9 pursuant to Section 11475.2.

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

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

25 (b) To effectuate the purposes of this section, the
26 Statewide Automated Child Support System, or its
27 replacement, the California Parent Locator Service and
28 Central Registry, and the Franchise Tax Board shall
29 utilize the federal Parent Locator Service to the extent
30 necessary, and may request and shall receive from all
31 departments, boards, bureaus, or other agencies of the
32 state, or any of its political subdivisions, and those entities
33 shall provide, that assistance and data that will enable the
34 State Department of Social Services, the Department of
35 Justice, and other public agencies to carry out their
36 powers and duties to locate parents, spouses, and former
37 spouses, and to identify their assets, to establish
38 parent-child relationships, and to enforce liability for
39 child or spousal support, and for any other obligations
40 incurred on behalf of children, and shall also provide that



1 information to any local child support agency in fulfilling
2 the duties prescribed in Section 270 of the Penal Code,
3 and in Chapter 8 (commencing with Section 3130) of Part
4 2 of Division 8 of the Family Code, relating to abducted,
5 concealed, or detained children. The State Department
6 of Social Services' Statewide Automated Child Support
7 System, or its replacement, shall be entitled to the same
8 cooperation and information as the California Parent
9 Locator Service, to the extent allowed by law. The
10 Statewide Automated Child Support System, or its
11 replacement, shall be allowed access to criminal record
12 information only to the extent that access is allowed by
13 state and federal law.

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

27 (2) To effectuate the purposes of this section, and
28 notwithstanding any other provision of California law,
29 regulation, or tariff, and to the extent permitted by
30 federal law, the California Parent Locator Service and
31 Central Registry and the Statewide Automated Child
32 Support System, or its replacement, shall request and
33 shall receive from cable television corporations, as
34 defined in Section 215.5 of the Public Utilities Code, the
35 providers of electronic digital pager communication, as
36 defined in Section 629.51 of the Penal Code, and the
37 providers of cellular telephone services, as defined in
38 Section 17538.9 of the Business and Professions Code,
39 customer service information, including the full name,
40 address, telephone number, date of birth, employer name



1 and address, and social security number of customers of
2 the cable television corporation, customers of the
3 providers of electronic digital pager communication, and
4 customers of the providers of cellular telephone services.

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

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

24 (B) Have the signature of a representative authorized
25 by the California Parent Locator Service and Central
26 Registry or the Statewide Automated Child Support
27 System, or its replacement.

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

30 (i) First and last name, and middle initial, if known.

31 (ii) Social security number.

32 (iii) Driver's license number.

33 (iv) Birth date.

34 (v) Last known address.

35 (vi) Spouse's name.

36 (D) The California Parent Locator Service and
37 Central Registry and the Statewide Automated Child
38 Support System, or its replacement, shall ensure that each
39 public utility, cable television corporation, provider of
40 electronic digital pager communication services, and



1 provider of cellular telephone services has at all times a
2 current list of the names of persons authorized to request
3 customer service information.

4 (E) The California Statewide Automated Child
5 Support System, or its replacement, and the California
6 Parent Locator Service and Central Registry shall ensure
7 that customer service information supplied by a public
8 utility, cable television corporation, provider of
9 electronic digital pager communication, or provider of
10 cellular telephone services is applicable to the person
11 who is being sought before releasing the information
12 pursuant to subdivision (d).

13 (4) The public utility, cable television corporation,
14 electronic digital pager communication provider, or
15 cellular telephone service provider may charge a fee to
16 the California Parent Locator Service and Central
17 Registry or the Statewide Automated Child Support
18 System, or its replacement, for each search performed
19 pursuant to this subdivision to cover the actual costs to the
20 public utility, cable television corporation, electronic
21 digital pager communication provider, or cellular
22 telephone service provider for providing this
23 information.

24 (5) No public utility, cable television corporation,
25 electronic digital pager communication provider, or
26 cellular telephone service provider, or official or
27 employee thereof, shall be subject to criminal or civil
28 liability for the release of customer service information as
29 authorized or required by this subdivision.

30 (d) Notwithstanding Section 14202 of the Penal Code,
31 any records established pursuant to this section shall be
32 disseminated only to the Department of Justice, the
33 Statewide Automated Child Support System or its
34 replacement, the California Parent Locator Service and
35 Central Registry, the parent locator services and central
36 registries of other states as defined by federal statutes and
37 regulations, the district attorney, and a local child support
38 agency of any county in this state, the federal Parent
39 Locator Service, and official child support enforcement
40 agencies. The State Department of Social Services'



1 Statewide Automated Child Support Enforcement
2 System, or its replacement, shall be allowed access to
3 criminal offender record information only to the extent
4 that access is allowed by law.

5 (e) (1) At no time shall any information received by
6 the California Parent Locator Service and Central
7 Registry or by the Statewide Automated Child Support
8 System, or its replacement, be disclosed to any person,
9 agency, or other entity, other than those persons,
10 agencies, and entities specified pursuant to Section 11478,
11 this section, or any other provision of law.

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

16 (f) (1) The Department of Justice, in consultation
17 with the State Department of Social Services, shall
18 promulgate rules and regulations to facilitate maximum
19 and efficient use of the California Parent Locator Service
20 and Central Registry.

21 (2) The State Department of Social Services, the
22 Public Utilities Commission, the cable television
23 corporations, providers of electronic digital pager
24 communication, and the providers of cellular telephone
25 services shall develop procedures for obtaining the
26 information described in subdivision (c) from public
27 utilities, cable television corporations, providers of
28 electronic digital pager communication, and providers of
29 cellular telephone services, and for compensating the
30 public utilities, cable television corporations, providers of
31 electronic digital pager communication, and providers of
32 cellular telephone services for providing that
33 information.

34 (g) The California Parent Locator Service and Central
35 Registry may charge a fee not to exceed eighteen dollars
36 (\$18) for any service it provides pursuant to this section
37 that is not performed or funded pursuant to Part D
38 (commencing with Section 651) of Subchapter IV of
39 Chapter 7 of Title 42 of the United States Code.



1 (h) This section shall be construed in a manner
2 consistent with the other provisions of this article.

3 SEC. 29. Section 11478.51 of the Welfare and
4 Institutions Code is amended to read:

5 11478.51. (a) The Employment Development
6 Department shall, when requested by the department,
7 local child support agency, or the Franchise Tax Board for
8 purposes of administering Article 5 (commencing with
9 Section 19271) of Chapter 5 of Part 10.2 of Division 2 of
10 the Revenue and Taxation Code, the federal Parent
11 Locator Service, or the California Parent Locator Service,
12 provide access to information collected pursuant to
13 Division 1 (commencing with Section 100) of the
14 Unemployment Insurance Code to the requesting
15 department or agency for purposes of administering the
16 child support enforcement program, and for purposes of
17 verifying employment of applicants and recipients of aid
18 under this chapter or food stamps under Chapter 10
19 (commencing with Section 18900) of Part 6.

20 (b) (1) To the extent possible the Employment
21 Development Department shall share information
22 collected under Section 1088.5 of the Unemployment
23 Insurance Code immediately upon receipt. This sharing
24 of information may include electronic means.

25 (2) This subdivision shall not authorize the
26 Employment Development Department to share
27 confidential information with any individuals not
28 otherwise permitted by law to receive the information or
29 preclude batch runs or comparisons of data.

30 SEC. 30. Section 11478.52 is added to the Welfare and
31 Institutions Code, to read:

32 11478.52. Once the statewide automated system is
33 fully implemented, the State Department of Social
34 Services shall periodically compare Employment
35 Development Department information collected under
36 Division 1 (commencing with Section 100) of the
37 Unemployment Insurance Code to child support obligor
38 records and identify cases where the obligor is employed
39 but there is no earning withholding order in effect. The



1 department shall immediately notify local child support
2 agencies in those cases.

3 SEC. 31. It is the intent of the Legislature to increase
4 funding to the courts for family law facilitators.

5 SEC. 32. Sections 16 to 21, inclusive, of this act
6 amending proposed Sections 17506, 17508, and 17520 of,
7 and adding Sections 17405, 17407, and 17509 to, the Family
8 Code, shall become operative only if Assembly Bill 196 or
9 Senate Bill 542 of the 1999–2000 Regular Session of the
10 Legislature is enacted and adds Sections 17405, 17407,
11 17506, 17508, and 17509 to the Family Code, or any of
12 them, in which case, Sections 22, 24, 27, 28, 29, and 30 of
13 this act, amending Sections 11350.6, 11478.5, and 11478.51
14 of, and adding Sections 11475.6, 11475.7, 11475.12, 11478.3,
15 and 11478.52 to, or any of them, the Welfare and
16 Institutions Code, shall not become operative.

17 SEC. 33. (a) Sections 8, 10, and 11 of this act,
18 amending Sections 7571, 7572, and 7575 of the Family
19 Code, shall become operative only if Assembly Bill 196 of
20 the 1999–2000 Regular Session of the Legislature is
21 enacted, in which case, Sections 8.5, 10.5, and 11.5 of this
22 act amending Sections 7571, 7572, and 7575 of the Family
23 Code, shall not become operative.

24 (b) Section 5 of this act, amending Section 5246 of the
25 Family Code, shall not become operative if Senate Bill 542
26 of the 1999–2000 Regular Session is chaptered and amends
27 Section 5246 of the Family Code.

28 (c) Section 1 of this act, amending Section 30 of the
29 Business and Professions Code, shall not become
30 operative if Assembly Bill 196 of the 1999–2000 Regular
31 Session is chaptered and adds Section 17520 to the Family
32 Code, in which case Section 1.5 of this act shall become
33 operative.

34 (d) Section 23 of this act, amending Section 11355 of
35 the Welfare and Institutions Code, shall not become
36 operative if Senate Bill 542 of the 1999–2000 Regular
37 Session is chaptered and amends Section 17430 of the
38 Family Code.

39 SEC. 34. Notwithstanding Section 17610 of the
40 Government Code, if the Commission on State Mandates



1 determines that this act contains costs mandated by the
2 state, reimbursement to local agencies and school
3 districts for those costs shall be made pursuant to Part 7
4 (commencing with Section 17500) of Division 4 of Title
5 2 of the Government Code. If the statewide cost of the
6 claim for reimbursement does not exceed one million
7 dollars (\$1,000,000), reimbursement shall be made from
8 the State Mandates Claims Fund.

9 SEC. 35. There is hereby appropriated the sum of
10 seven hundred five thousand dollars (\$705,000) from the
11 General Fund to the State Department of Social Services
12 to augment the Family Law Facilitator Program. The
13 State Department of Social Services shall enter into an
14 interagency agreement with the Judicial Council to
15 allocate the funds to the trial courts for family law
16 facilitators pursuant to Division 14 (commencing with
17 Section 10000) of the Family Code. The State
18 Department of Social Services shall reimburse the
19 Judicial Council pursuant to the interagency agreement.

