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AB-429 Child support: access to records. (2021-2022)

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Assembly Bill No. 429

CHAPTER 52

An act to amend Section 7643 of, and to add Section 7643.5 to, the Family Code, relating to family law.

[Approved by Governor July 09, 2021. Filed with Secretary of State July 09, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 429, Megan Dahle. Child support: access to records.

Existing law, the Uniform Parentage Act, governs actions to determine a parent and child relationship. These provisions authorize a local child support agency to bring an action under the act in any case in which the agency determines it to be appropriate. Existing law also provides that, notwithstanding any other law concerning public hearings and records, a hearing or trial under the act may be held in closed court, as specified, and all papers and records, other than the final judgment, pertaining to the action or proceeding are subject to inspection only in exceptional cases upon an order of the court for good cause shown. However, this provision also provides that papers and records pertaining to an action or proceeding that are part of the permanent record of the court are subject to inspection by the parties to the action and their attorneys, pursuant to written authorization, as specified.

This bill would instead authorize specified hearings or trials under the act, for actions that are filed on or after January 1, 2023, to be held in closed court. The bill would require the Judicial Council, on or before January 1, 2023, to create a new form or modify an existing form, as it deems appropriate, to require a party initiating those specified hearings or trials to designate the action or proceeding filed under those provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7643 of the Family Code is amended to read:

7643. (a) Notwithstanding any other law concerning public hearings and records, a hearing or trial held under this part may be held in closed court without admittance of any person other than those necessary to the action or proceeding. Except as provided in subdivision (b), all papers and records, other than the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in a public agency or elsewhere, are subject to inspection and copying only in exceptional cases upon an order of the court for good cause shown.

(b) (1) Papers and records pertaining to the action or proceeding that are part of the permanent record of the court are subject to inspection and copying by the parties to the action, their attorneys, and by agents acting pursuant to written authorization from the parties to the action or their attorneys. An attorney shall obtain the consent of the party to the action prior to authorizing an agent to inspect and copy the permanent record. An attorney shall also state on the written authorization that the attorney has obtained the consent of the party to authorize an agent to inspect and copy the permanent record.

(2) For purposes of establishing parentage and establishing and enforcing child support orders, papers and records pertaining to the action or proceeding that are part of the permanent record of the court are subject to inspection and copying by any local child support agency, as defined in subdivision (h) of Section 17000.

(c) This section applies only to actions filed on or before January 1, 2023.

SEC. 2. Section 7643.5 is added to the Family Code, to read:

7643.5. (a) Notwithstanding any other law concerning public hearings and records, a hearing or trial held under this part for an action filed on or after January 1, 2023, under Section 7613, subdivision (f) of Section 7630, or Part 7 (commencing with Section 7960), may be held in closed court without admittance of any person other than those necessary to the action or proceeding. Except as provided in subdivision (b), all papers and records, other than the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in a public agency or elsewhere, are subject to inspection and copying only in exceptional cases upon an order of the court for good cause shown.

(b) (1) Papers and records pertaining to the action or proceeding that are part of the permanent record of the court are subject to inspection and copying by the parties to the action, their attorneys, and by agents acting pursuant to written authorization from the parties to the action or their attorneys. An attorney shall obtain the consent of the party to the action prior to authorizing an agent to inspect and copy the permanent record. An attorney shall also state on the written authorization that the attorney has obtained the consent of the party to authorize an agent to inspect and copy the permanent record.

(2) For purposes of establishing parentage and establishing and enforcing child support orders, papers and records pertaining to the action or proceeding that are part of the permanent record of the court are subject to inspection and copying by any local child support agency, as defined in subdivision (h) of Section 17000.

(c) On or before January 1, 2023, the Judicial Council shall create a new form or modify an existing form, as it deems appropriate, that requires a party initiating an action or proceeding filed under Section 7613, subdivision (f) of Section 7630, or Part 7 (commencing with Section 7960) to designate the action or proceeding as filed under the identified statutory provision.

(d) Notwithstanding Section 4, Section 7643 shall apply to all actions filed prior to January 1, 2023.