

AMENDED IN SENATE JANUARY 14, 2002

**SENATE BILL**

**No. 174**

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**Introduced by Senator Kuehl**

February 5, 2001

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~~An act to amend and repeal Section 3830 of, and to add Section 3831 to, An act to amend Section 17506 of the Family Code, relating to child support.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 174, as amended, Kuehl. ~~Child support: computer software~~  
*California Child Support Automation System.*

*Existing law creates, in the Department of Justice, the California Parent Locator Service and Central Registry which is required to collect and disseminate specified information with respect to any parent, putative parent, spouse, or former spouse. Existing law also requires the Director of Child Support Services to assume responsibility for implementing and managing all aspects of a single statewide automated child support system.*

*This bill would provide, instead, that upon implementation of the California Child Support Automation System, the Department of Child Support Services shall assume responsibility for the California Parent Locator Service and the Central Registry, and would make related, conforming changes.*

~~(1) Existing law provides that no court shall use any computer software to assist in determining the appropriate amount of child support or spousal support obligations, unless the software conforms to rules of court adopted by the Judicial Council prescribing certain standards for software.~~

~~This bill would provide that these provisions are repealed when the Director of the California Department of Child Support Services files with the Secretary of State a written declaration that the California Child Support Automation System is operational in all 58 counties.~~

~~(2) Existing law provides for the implementation of the California Child Support Automation System by the Department of Child Support Services, as specified.~~

~~This bill would require the California Child Support Automation System to contain the official state computer software for the calculation of the appropriate amount of child support pursuant to California's child support guidelines and all applicable statutes and rules of court. The bill would also prohibit the department from incorporating proprietary child support guideline calculation software into the California Child Support Automation System, and would provide that the department shall have ownership rights in the child support guideline software developed for the California Child Support Automation System.~~

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

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

1 ~~SECTION 1. Section 3830 of the Family Code is amended to~~  
 2 ~~SECTION 1. Section 17506 of the Family Code is amended to~~  
 3 ~~read:~~

4 17506. (a) There is in the Department of Justice the  
 5 California Parent Locator Service and Central Registry that shall  
 6 collect and disseminate all of the following, with respect to any  
 7 parent, putative parent, spouse, or former spouse:

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

10 (2) Date and place of birth.

11 (3) Physical description.

12 (4) Social security number.

13 (5) Employment history and earnings.

14 (6) Military status and Veterans Administration or military  
 15 service serial number.

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

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



1 (9) Criminal, licensing, and applicant records and information.

2 (10) (A) Any additional location, asset, and income  
3 information, including income tax return information obtained  
4 pursuant to Section 19285.1 of the Revenue and Taxation Code,  
5 and *to the extent permitted by federal law*, the address, telephone  
6 number, and social security information obtained from a public  
7 utility, cable television corporation, a provider of electronic digital  
8 pager communication, or a provider of cellular telephone services  
9 that may be of assistance in locating the parent, putative parent,  
10 abducting, concealing, or detaining parent, spouse, or former  
11 spouse, in establishing a parent and child relationship, in enforcing  
12 the child support liability of the absent parent, or enforcing the  
13 spousal support liability of the spouse or former spouse to the  
14 extent required by the state plan pursuant to Section 17604.

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

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

29 (b) *Upon implementation of the California Child Support*  
30 *Automation System, the Department of Child Support Services*  
31 *shall assume responsibility for the California Parent Locator*  
32 *Service and the Central Registry.*

33 (c) To effectuate the purposes of this section, the ~~Statewide~~  
34 ~~Automated Child Support System, or its replacement~~ *California*  
35 *Child Support Automation System*, the California Parent Locator  
36 Service and Central Registry, and the Franchise Tax Board shall  
37 utilize the federal Parent Locator Service to the extent necessary,  
38 and may request and shall receive from all departments, boards,  
39 bureaus, or other agencies of the state, or any of its political  
40 subdivisions, and those entities shall provide, that assistance and



1 data that will enable the Department of Child Support Services, ~~the~~  
2 ~~Department of Justice~~, and other public agencies to carry out their  
3 powers and duties to locate parents, spouses, and former spouses,  
4 and to identify their assets, to establish parent-child relationships,  
5 and to enforce liability for child or spousal support, and for any  
6 other obligations incurred on behalf of children, and shall also  
7 provide that information to any local child support agency in  
8 fulfilling the duties prescribed in Section 270 of the Penal Code,  
9 and in Chapter 8 (commencing with Section 3130) of Part 2 of  
10 Division 8 of this code, relating to abducted, concealed, or  
11 detained children. ~~The Statewide Automated Child Support~~  
12 ~~System, or its replacement, California Child Support Automation~~  
13 ~~System shall be entitled to the same cooperation and information~~  
14 ~~as the California Parent Locator Service, to the extent allowed by~~  
15 ~~law. The Statewide Automated Child Support System, or its~~  
16 ~~replacement, California Child Support Automation System shall~~  
17 ~~be allowed access to criminal record information only to the extent~~  
18 ~~that access is allowed by state and federal law.~~

19 ~~(e)~~

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

32 (2) To effectuate the purposes of this section, and  
33 notwithstanding any other provision of California law, regulation,  
34 or tariff, and to the extent permitted by federal law, the California  
35 Parent Locator Service and Central Registry and ~~the Statewide~~  
36 ~~Automated Child Support System, or its replacement, California~~  
37 ~~Child Support Automation System shall request and shall receive~~  
38 ~~from cable television corporations, as defined in Section 215.5 of~~  
39 ~~the Public Utilities Code, the providers of electronic digital pager~~  
40 ~~communication, as defined in Section 629.51 of the Penal Code,~~



1 and the providers of cellular telephone services, as defined in  
2 Section 17538.9 of the Business and Professions Code, customer  
3 service information, including the full name, address, telephone  
4 number, date of birth, employer name and address, and social  
5 security number of customers of the cable television corporation,  
6 customers of the providers of electronic digital pager  
7 communication, and customers of the providers of cellular  
8 telephone services.

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

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

27 (B) Have the signature of a representative authorized by the  
28 California Parent Locator Service and Central Registry or the  
29 ~~Statewide Automated Child Support System, or its replacement~~  
30 *California Child Support Automation System*.

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

- 33 (i) First and last name, and middle initial, if known.
- 34 (ii) Social security number.
- 35 (iii) Driver's license number.
- 36 (iv) Birth date.
- 37 (v) Last known address.
- 38 (vi) Spouse's name.

39 (D) The California Parent Locator Service and Central  
40 Registry and the ~~Statewide Automated Child Support System, or~~



1 ~~its replacement~~, *California Child Support Automation System*  
2 shall ensure that each public utility, cable television corporation,  
3 provider of electronic digital pager communication services, and  
4 provider of cellular telephone services has at all times a current list  
5 of the names of persons authorized to request customer service  
6 information.

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

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

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

30 ~~(d)~~

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



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

5 ~~(e)~~

6 (f) (1) At no time shall any information received by the  
7 California Parent Locator Service and Central Registry or by the  
8 ~~Statewide Automated Child Support System, or its replacement,~~  
9 *California Child Support Automation System* be disclosed to any  
10 person, agency, or other entity, other than those persons, agencies,  
11 and entities specified pursuant to Section 17505, this section, or  
12 any other provision of law.

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

16 ~~(f)~~

17 (g) (1) The Department of Justice, in consultation with the  
18 Department of Child Support Services, shall promulgate rules and  
19 regulations to facilitate maximum and efficient use of the  
20 California Parent Locator Service and Central Registry. *Upon*  
21 *implementation of the California Child Support Automation*  
22 *System, the Department of Child Support Services shall assume all*  
23 *responsibility for promulgating rules and regulations for use of the*  
24 *California Parent Locator Service and Central Registry.*

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

36 ~~(g)~~

37 (h) The California Parent Locator Service and Central Registry  
38 may charge a fee not to exceed eighteen dollars (\$18) for any  
39 service it provides pursuant to this section that is not performed or



1 funded pursuant to Part D (commencing with Section 651) of  
2 Subchapter IV of Chapter 7 of Title 42 of the United States Code.

3 (h)

4 (i) This section shall be construed in a manner consistent with  
5 the other provisions of this article.

6 read:

7 ~~3830. (a) On and after January 1, 1994, no court shall use any~~  
8 ~~computer software to assist in determining the appropriate amount~~  
9 ~~of child support or spousal support obligations, unless the software~~  
10 ~~conforms to rules of court adopted by the Judicial Council~~  
11 ~~prescribing standards for the software, which shall ensure that it~~  
12 ~~performs in a manner consistent with the applicable statutes and~~  
13 ~~rules of court for determination of child support or spousal~~  
14 ~~support.~~

15 ~~(b) The Judicial Council may contract with an outside agency~~  
16 ~~or organization to analyze software to ensure that it conforms to~~  
17 ~~the standards established by the Judicial Council. The cost of this~~  
18 ~~analysis shall be paid by the applicant software producers and fees~~  
19 ~~therefor shall be established by the Judicial Council in an amount~~  
20 ~~that in the aggregate will defray its costs of administering this~~  
21 ~~section.~~

22 ~~(c) This section shall be repealed when the Director of the~~  
23 ~~California Department of Child Support Services files with the~~  
24 ~~Secretary of State a written declaration that the California Child~~  
25 ~~Support Automation System is operational in all 58 California~~  
26 ~~counties.~~

27 ~~SEC. 2. Section 3831 is added to the Family Code, to read:~~

28 ~~3831. The California Child Support Automation System,~~  
29 ~~developed by the Department of Child Support Services pursuant~~  
30 ~~to Chapter 4 (commencing with Section 10080) of Part 1 of~~  
31 ~~Division 9 of the Welfare and Institutions Code, shall contain the~~  
32 ~~official state computer software the courts shall use to calculate the~~  
33 ~~appropriate amount of child support pursuant to California's child~~  
34 ~~support guidelines and all applicable statutes and rules of court.~~  
35 ~~The department shall not incorporate proprietary child support~~  
36 ~~guideline calculation software into the California Child Support~~  
37 ~~Automation System. The department shall have ownership rights~~



- 1 ~~in the child support guideline software developed for the~~
- 2 ~~California Child Support Automation System.~~

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