

## Assembly Bill No. 1751

### CHAPTER 912

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

[Approved by Governor September 25, 1996. Filed  
with Secretary of State September 26, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1751, Knowles. Support enforcement.

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

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

(2) Existing law permits certain payments which are made by the federal government for the support of a child, because of the retirement or disability of a noncustodial parent of that child, and transmitted to the custodial parent, to be credited toward the child support paid by that parent.

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

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

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

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

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

704.110. (a) As used in this section:

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

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

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

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

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

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

(2) If the amount sought to be applied to the satisfaction of the judgment is payable periodically, the amount payable is subject to an earnings assignment order for support as defined in Section 706.011 or any other applicable enforcement procedure, but the amount to be withheld pursuant to the assignment order or other procedure shall not exceed the amount permitted to be withheld on an earnings withholding order for support under Section 706.052. The paying entity may deduct from the payment being made to the judgment debtor, for each payment made pursuant to an earnings assignment order under this paragraph, an amount reflecting the actual cost of administration caused by the assignment order of up to two dollars (\$2) for each payment.

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

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



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

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

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

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

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

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

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

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

(d) If a motion to vacate registration is filed under Section 4853, any party may introduce into evidence copies of any pleadings, documents, or orders which have been filed in the original court or other courts where the support order has been registered or modified. Certified copies of the documents shall not be required unless a party objects to the authenticity or accuracy of the document, in which case it shall be the responsibility of the party who



is asserting the authenticity of the document to obtain a certified copy of the questioned document.

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

(f) If the court modifies a support order that has been registered pursuant to this chapter, the clerk of the court shall mail a copy of the modified order to the courts in other counties and states in which the original order for support and any modifications were issued or registered.

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

