

# Quick Reference Guide

## Family Code § 17212

**General Rule:** Nothing in the child support file or records may be disclosed for any purpose not directly connected with the administration of the program, except as expressly authorized. (FC § 17212(b)(1))

**Scope:** All files, applications, papers, documents, and records established or maintained pursuant to the administration and implementation of the child support program. (FC § 17212(b)(1))

**Purpose:** To protect individual rights of privacy and to facilitate and enhance the effectiveness of the child support program, by ensuring the confidentiality of support enforcement and child abduction records and to encourage full and frank disclosure of information relevant to: (1) the establishment or maintenance of a parent/child relationships and support obligations; (2) enforcement of child support liability of absent parents; (3) enforcement of spousal support liability of the spouse/former spouse; (4) the location of absent parents; and (5) the location of parents and children abducted, concealed, or detained by them. (FC § 17212(a))

### Definitions:

**Administration and Implementation of the Program:** Establishing, modifying, and enforcing child support obligations, enforcing spousal support orders, and determining paternity. (FC § 17212(d)(1))

**Obligor:** Any person owing a duty of support. (FC § 17212(d)(2))

**Putative Parent:** Any person reasonably believed to be the parent of a child for whom the LCSA is attempting to establish paternity or establish, modify, or enforce support. (FC § 17212(d)(3))

**Protective Orders Exist:** If a protective order exists, or a good cause claim has been approved or is pending, or there is reason to believe release may result in physical or emotional harm to the party or the child, LCSA **shall not** release information or the whereabouts of one party or the child to the other party or to the attorney of the other party. If applicable, LCSA shall be omitted from any pleading or document to be submitted to the court. The information shall be released only upon an order of the court pursuant to paragraph (6) of subdivision (c). (FC § 17212(b)(2))

**Proof of Service:** A Proof of service (POS) filed by the LCSA shall not disclose the address where service of process was accomplished, but LCSA shall keep the address in its records and only state in the filed POS that the address is on record at the LCSA and may be released only upon court order per (c)(6). **Exception:** Upon request by the party served, LCSA shall release the address where service was effected on that party. (FC § 17212(b)(3))

**Exceptions Where Disclosure Authorized FC § 17212(c)(\*):**

(1) All files, applications, papers, documents, and records shall be available and may be used by a public entity for all administrative, civil, or criminal investigations, actions, proceedings, or prosecutions conducted in connection with the administration of the child and spousal support enforcement program and to the county welfare department.

(2) A document requested by a person who wrote, prepared, or furnished the document may be examined by or disclosed to that person or his/her designee.

(3) The payment history of an obligor pursuant to a support order may be examined by or released to the court, the obligor, or the person on whose behalf enforcement actions are being taken or that person's designee.

(4) Income and expense information of either parent may be released to the other parent for the purpose of establishing or modifying a support order.

(5) Public records subject to disclosure under the California Public Records Act may be released.

(6) After noticed motion and a finding by the court that release or disclosure to a party is required by due process of law, the court may order a public entity that possesses the application, paper, document, or record to make it available for examination or copying, or to disclose to the obligor or obligee the contents of that item. At the hearing, the court shall inquire of the LCSA and the parties appearing if there is any reason to believe that release of the information may result in physical or emotional harm to a party. If the court determines that harm may occur, the court shall issue protective orders or injunctive orders restricting the use and disclosure of the information as are necessary to protect the individuals.

(7) Information indicating the existence or imminent threat of a crime against a child, or location of a concealed, detained, or abducted child or the location of the concealing, detaining, or abducting person, may be disclosed to the district attorney, appropriate law enforcement agency, or any state/county child protection agency, or may be used in any judicial proceeding to prosecute that crime or to protect the child.

(8) The SSN, most recent address, and place of employment of the NCP may be released to an authorized person as defined in Section 653(c) of Title 42 of the U.S. Code, and only if that information has been provided to the CPLS by FPLS.

(9) A parent's or relative's name, SSN, most recent address, telephone number, place of employment, or other contact information may be released to the welfare department or probation department pursuant to Section 17506(c) if: for dependency actions to identify, locate or notify parents or relatives of children subject to juvenile court proceedings and to establish parent/child relationships and assess appropriateness of placing child with NCP.

**Criminal Penalties:** Any person who willfully, knowingly, and intentionally violates this section is guilty of a misdemeanor. (FC § 17212(e))