



SUPERIOR COURT OF CALIFORNIA

County of San Diego

FAMILY COURT
1555 SIXTH AVENUE
P.O. BOX 122724
SAN DIEGO, CA 92112-2724

April 19, 2012

NOTICE TO ATTORNEYS

ACCESS TO DCSS COURT FILES AND RECORDS

The court has had occasion to reexamine the law regarding the confidentiality of court files involving the Department of Child Support Services (DCSS). The court's analysis and conclusions clarify both public and attorney access to these files, in particular, paternity judgments.

DCSS cases are typically, but not always, designated as a "DF" court file indicating the case is being heard in the San Diego Family Support Division (FSD). DCSS is the state agency created to implement and maintain the California state plan for the support enforcement program created through Title IV-D of the Social Security Act. DCSS has the power and authority to request support orders, enforce existing support orders and, when necessary, seek a final determination of parentage. DCSS and the California state plan are governed by federal law, the California Code of Regulations and the California Family Code §17000 *et seq.*. As to the confidentiality of court files, the law provides as follows:

"A State plan for child and spousal support must have in effect...safeguards against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity, or to establish, modify, or enforce support." 42 U.S.C.A §654(26)(A).

"[S]upport information used in the administration of the Title IV-D Program shall be considered confidential and shall not be disclosed for any purpose not directly connected with the administration of the child and spousal support enforcement program...information means all files, applications, papers, documents, and records including those maintained in electronic format, on microfilm or microfiche." 22 Cal. Code Reg. §111430(a).

“[A]ll files, applications, papers, documents, and records established or maintained by any public entity pursuant to the administration and implementation of the child and spousal support enforcement program established pursuant to Part D (commencing with Section 651) of Subchapter IV of Chapter 7 of Title 42 of the United States Code and this division, shall be confidential, and shall not be open to examination or released for disclosure for any purpose not directly connected with the administration of the child and spousal support enforcement program. No public entity shall disclose any file, application, paper, document, or record, or the information contained therein, except as expressly authorized by this section.” *Fam. Code §17212(b)(1).*

Based on this analysis, the court believes that the law mandates that the entirety of a San Diego court file opened by DCSS as part of its support enforcement program is confidential and not available for public inspection. This includes parentage judgments made in DCSS support enforcement cases which are, likewise, governed by the specific statutory scheme enacted for the administration of the Title IV-D support enforcement program. Public access to a parentage judgment in a DCSS case is not governed by Family Code §7643(b) under the Uniform Parentage Act.

Further, because all papers, documents and records established or maintained by the court pursuant to the Title IV-D support enforcement program are governed by the specific law for Title IV-D cases, any and all DCSS-related documents in a non-FSD court file are also confidential and not available for public inspection. Finally, because DCSS cases and DCSS related documents in non-FSD cases are not governed by the Uniform Parentage Act, the law does not allow for access to any part of the DCSS court file, or a DCSS related document in a non-FSD court file, by an agent with written authorization pursuant to Family Code §7643(b).

Any questions regarding this change in access to court records should be directed to Michael M. Roddy, Executive Officer of the San Diego Superior Court.