



Superior Court of California

County of San Diego

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November 9, 2021

NOTICE TO ATTORNEYS

ACCESS TO FAMILY SUPPORT DIVISION COURT FILES AND RECORDS

The Department of Child Support Services (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 (42 U.S.C § 651 et seq.) The DCSS and the California state plan are governed by federal law, the California Code of Regulations and the California Family Code. The DCSS has the power and authority to file cases to request support orders, enforce existing support orders and, when necessary, seek a final determination of parentage. (See generally, Fam. Code, §§ 17400, 17404.)

Court files and records involving cases filed by the DCSS are assigned to the San Diego Family Support Division (FSD) of the court and typically designated as a “DF” court file (e.g. DF123456 or 21DF000000C). FSD cases are also commonly referred to as DCSS cases, “IV-D” cases, or governmental child support cases.

Historically, the court designated FSD cases, including any associated parentage judgment, as confidential and not available for public inspection. However, court files and records are presumed open and available for public inspection unless a statute, rule or order provides otherwise. (Cal. Rule Ct., rule 2.550(c); *Savaglio v. Wal-Mart Stores, Inc.* (2007) 149 Cal.App.4th 588, 596-597.) Family Code section 17212 was amended effective January 1, 2021, to specify that FSD court files are not confidential. Specifically, the statute now reads as follows:

“[E]xcept as provided in subdivision (c), all files, applications, papers, documents and records established or maintained by a 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. A public entity shall not disclose any file, application, paper, document or record, or the information contained therein, except as expressly authorized by this section.

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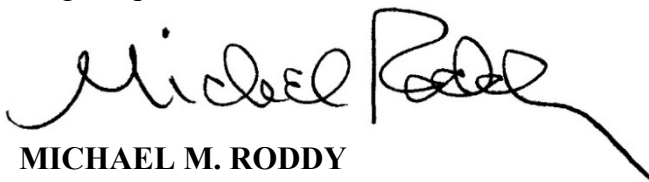
For purposes of this section, “public entity” does not include the court. This subparagraph is declaratory of existing law.

(2) Information shall not be released or the whereabouts of one party or the child disclosed to another party, or to the attorney of any other party, if a protective order has been issued by a court or administrative agency with respect to the party, a good cause claim under Section 11477.04 of the Welfare and Institutions Code has been approved or is pending, or the public agency responsible for establishing paternity or enforcing support has reason to believe that the release of the information may result in physical or emotional harm to the party or the child. When a local child support agency is prohibited from releasing information pursuant to this subdivision, the information shall be omitted from any pleading or document to be submitted to the court and this subdivision shall be cited in the pleading or other document as the authority for the omission. The information shall be released only upon an order of the court pursuant to paragraph (6) of subdivision (c).”

(Fam. Code, § 17212(b)(1)(A) & (B) [Emphasis added])

As such, based upon this amendment and to conform with the law, FSD court files and records, including parentage judgments, will no longer be designated as confidential.¹ Agencies and parties submitting documents to the court shall be mindful of this change to ensure that confidential information is not publicly disclosed in violation of state or federal laws. Additionally, as the amendment to Family Code section 17212 is declaratory of existing law, any FSD court files or records previously designated as confidential will be re-designated to non-confidential and open for public inspection unless a statute, rule or order provides otherwise.

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.



MICHAEL M. RODDY
Executive Officer

Distributed for Publication

¹ The confidentiality of Uniform Parentage Act cases (Fam. Code, § 7600 et seq.) is governed by the statutes applicable to those cases including Family Code section 7643.