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March 17, 2021

The Honorable Assembly Member Megan Dahle
Member of the Assembly, 1st Assembly District
State Capitol, Suite #4116
Sacramento, CA 94249

Re: AB 429 (Dahle)
Position: Support

Dear Assembly Member Dahle,

On behalf of the California Association of Certified Family Law Specialists, a non-profit organization with 646 members who are certified family law specialists by the State Bar of California, Board of Legal Specialization, I write in support of Assembly Bill 429 ("AB 429").

Existing law, the Uniform Parentage Act, governs actions to determine a parent and child relationship. These provisions authorize a local child support agency to bring an action under the act in any case in which the agency determines it to be appropriate. Existing law also provides that, notwithstanding any other law concerning public hearings and records, a hearing or trial under the act may be held in closed court, as specified, and all papers and records, other than the final judgment, pertaining to the action or proceeding are subject to inspection only in exceptional cases upon an order of the court for good cause shown. However, this provision also provides that papers and records pertaining to an action or proceeding that are part of the permanent record of the court are subject to inspection by the parties to the action and their attorneys, pursuant to written authorization, as specified.

However, existing law requires a level of secrecy in child custody and/or child support cases involving never married parents that is not required in cases involved married or formerly married parents. This secrecy harks from a time when there may have been stigma associated with illegitimate birth or for those born out of wedlock. Today, however, there is no such stigma and even the terms “illegitimate birth” and “born out of wedlock” are archaic.

AB 429 is intended to eliminate the confidentiality of parentage actions which currently exists under Section 7643 of the Family Code by correcting an inconsistency that exists among the various Family Law types of actions. This update to the law puts the relatively similar parentage and divorce cases on an equal field regarding access. Allowing access to these files would also aid other litigants with related cases. For example, if a domestic violence victim is seeking a restraining order in their Dissolution action and the other party has a DV order from a UPA case, under the current law the DV victim in the Dissolution cannot access the TRO in the UPA case because they are not a party to that case. However, if the DV order was a part of a Dissolution action that information would be available to the unmarried litigant. The UPA/DV cases may contain crucial information relevant to the Dissolution DV case. If passed, AB 429 will ensure that information from parentage actions which could be relevant in other proceedings (e.g., domestic violence restraining orders and financial information) will be available to interested parties. It will also ease the financial burden on litigants in UPA actions by enabling counsel to access and review parentage actions when consulting potential clients or reviewing documents electronically.

ACFLS understands that lack of confidentiality of these parentage cases may cause some concern, but there are still means to keep information confidential. The shift in the law is not to expose sensitive information such as mental health or personally identifying information (e.g., social security numbers) to the public. That information can still be protected through other avenues, just like in other types of family law cases involving children of married parents and proceedings initiated by local child support agencies. There is no legitimate reason why children of unmarried parents should be treated differently or unequally to children of married parents.

For these reasons, ACFLS supports AB 429.

Respectfully submitted,



AVI LEVY, CFLS
Legislative Director, ACFLS