



## *Changes in the Law that Affect Our Children*

### **Website for Registered Sex Offenders**

Have you ever wondered if someone living in your neighborhood could be a potential threat to your safety or the safety of a family member? To help California citizens locate this very information, Megan's Law was passed on August 24, 2004 and signed by the Governor on September 24, 2004. It required that the California Department of Justice create a website, by July 1, 2005, providing the public with internet access to detailed information on registered sex offenders. The site includes the names, addresses, and pictures of those who have been convicted of specified crimes, as well as their descriptions, criminal history (except unrelated crimes), and other relevant information. It is not required that the victim or the offender's employer be identified. Megan's Law is named after a young girl from New Jersey, Megan Kanka, who, at the age of seven, was raped and killed by a known child molester who had moved across the street from the family without their knowledge. In light of the death of their daughter, her family sought to have local communities warned about sex offenders in the area. All states now have some form of Megan's Law. The law is not intended to punish the offender, but rather to protect members of our local communities and their children. To view the website go to: <http://www.meganslaw.ca.gov/homepage.htm>

### **Reporting Child Abuse**

In an effort to protect our children, California is constantly making additions to the list of those who must report child abusers, otherwise known as "mandated reporters." The law has recently been amended and the list of "mandated reporters" now includes anyone who is providing in-home supportive services to a disabled child, if the service providers have received relevant training or learning materials.

### **Drug and Alcohol Testing in Custody Proceedings**

California legislators have recently made it clear that the court has the power to order parents to undergo drug and alcohol testing. Newly enacted Family Code, Section 3041.5, authorizes family law courts to order drug and alcohol testing for any parent involved in a custody dispute if it is found, by a preponderance of evidence, that the parent uses illegal drugs or abuses alcohol habitually or continually (or frequently, in the case of controlled substances). Either parent (or both parents) can be ordered to pay for the drug testing. A positive result, by itself, cannot be grounds for a custody ruling against the party. The tested party will be entitled to a hearing to contest the results.

### **Contributing to Underage Drinking**

California is clamping down on those who provide alcohol for minors. Per B&P C 25658, it is now a misdemeanor to buy alcohol for anyone who *gives* alcohol to a minor (the code previously made it illegal to *purchase* alcohol for a minor).

### **Setting Aside Paternity Judgments**

Many of us who practice family law believed for some time that the limits placed on a person's right to challenge paternity were unfair. Fortunately, recent legislation has modified the procedure in which parents may challenge paternity judgments. Family Code Sections 7645-7649.5 assert that the legal father, the mother, the child, or their legal representatives may file a motion to set aside or vacate a paternity judgment within two years after (1) the man learned or should have learned about the paternity proceedings or the judgment, whichever occurred first; (2) the child was born, if parentage was determined by a voluntary paternity declaration; or (3) the new section's effective date (January 1, 2005), if a default judgment had already established paternity before that date.

### **Confidentiality of Custody Evaluations**

It is well-known that many embarrassing facts or opinions about a parent go into the child custody evaluator's report, which is kept within the court file. These reports were previously available to the public, which caused a great deal of anxiety for many parents. The law regarding the public-nature of these reports has been changed. The new law provides that in custody proceedings, reports submitted to the court that contain custody recommendations or psychological evaluations of a child must be considered strictly confidential and may not be disclosed to anyone except the parties and their attorneys, the child's appointed counsel, judicial or law enforcement officers, local family court facilitators (or their employees or agents), court employees, or anyone else who the court has ordered may see the material (good cause).

### **Inheritance Rights of Posthumously Artificially Conceived Children**

After a person dies, the inheritance rights of any frozen egg or sperm deposits made by the decedent must be considered. The Probate code now has a law that spells out the inheritance rights of a child who was artificially conceived after a parent's death with sperm or an egg deposited for that purpose.