

Senator Gene Davis proposes the following substitute bill:

**PRIVACY PROTECTIONS IN DIVORCE
PROCEEDINGS**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Gene Davis

This act modifies provisions relating to divorce. It requires that personal information be removed from divorce documents made available to the public.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

30-3-4, as last amended by Chapters 47 and 157, Laws of Utah 1997

30-3-10.17, as enacted by Chapter 232, Laws of Utah 1997

78-45-7.22, as enacted by Chapter 232, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **30-3-4** is amended to read:

30-3-4. Pleadings -- Findings -- Decree -- Use of affidavit -- Sealing.

(1) (a) The complaint shall be in writing and signed by the petitioner or petitioner's attorney.

(b) A decree of divorce may not be granted upon default or otherwise except upon legal evidence taken in the cause. If the decree is to be entered upon the default of the respondent, evidence to support the decree may be submitted upon the affidavit of the petitioner with the approval of the court.

(c) If the petitioner and the respondent have a child or children, a decree of divorce may not be granted until both parties have attended the mandatory course described in Section 30-3-11.3, and have presented a certificate of course completion to the court. The court may waive this requirement, on its own motion or on the motion of one of the parties, if it determines course



26 attendance and completion are not necessary, appropriate, feasible, or in the best interest of the
27 parties.

28 (d) All hearings and trials for divorce shall be held before the court or the court
29 commissioner as provided by Section 78-3-31 and rules of the Judicial Council. The court or the
30 commissioner in all divorce cases shall enter the decree upon the evidence or, in the case of a
31 decree after default of the respondent, upon the petitioner's affidavit.

32 (2) The file, except the decree of divorce, may be sealed by order of the court upon the
33 motion of either party. The sealed portion of the file is available to the public only upon an order
34 of the court. ~~[The]~~ Only the concerned parties, the attorneys of record or attorney filing a notice
35 of appearance in the action, the Office of Recovery Services if a party to the proceedings has
36 applied for or is receiving ~~[public assistance]~~ child support services as defined in Section
37 62A-11-103, or the court shall have full access to the entire record. This sealing does not apply
38 to subsequent filings to enforce or amend the decree.

39 (3) With the exception of the parties' names, all personal identifying information shall be
40 removed or redacted from case files available to the general public. For purposes of this
41 Subsection (3), "personal identifying information" shall have the same meaning as in Section
42 76-6-1102. § THIS SUBSECTION (3) SHALL APPLY ONLY TO CASE FILES OF ACTIONS INITIATED
42a AFTER MAY 6, 2002. §

43 Section 2. Section **30-3-10.17** is amended to read:

44 **30-3-10.17. Social security number in court records.**

45 (1) The social security number of any individual who is subject to a divorce decree,
46 support order, or paternity determination or acknowledgment shall be placed in ~~[the records]~~ a
47 record relating to the matter, which shall only be made available to the court § [and] , § the Office of
48 Recovery Services § , AND ANY ATTORNEYS REPRESENTING OR ACTING ON BEHALF OF THE
48a OFFICE OF RECOVERY SERVICES §

49 (2) The social security numbers obtained under this section may not be placed in the case
50 files available to the general public. The state may only use social security numbers obtained
51 under this section in accordance with Title IV-D of the Social Security Act..

52 Section 3. Section **78-45-7.22** is amended to read:

53 **78-45-7.22. Social security number in court records.**

54 (1) The social security number of any individual who is subject to a support order shall be
55 placed in ~~[the records]~~ a record relating to the matter, which shall only be made available to the
56 court and the Office of Recovery Services § , AND ANY ATTORNEYS REPRESENTING OR ACTING
56a ON BEHALF OF THE OFFICE OF RECOVERY SERVICES § .

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57 (2) The social security numbers obtained under this section may not be placed in the case
58 files available to the general public. The state may only use social security numbers obtained
59 under this section in accordance with Title IV-D of the Social Security Act.