

1 **RELEASE OF CUSTODIAL OR**
2 **NONCUSTODIAL PARENT'S ADDRESS**

3 2002 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: D. Edgar Allen**

6 **This act modifies the requirements under which the Office of Recovery Services may release**
7 **information on custodial or noncustodial parents.**

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

9 AMENDS:

10 **62A-11-304.4**, as enacted by Chapter 232, Laws of Utah 1997

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

12 Section 1. Section **62A-11-304.4** is amended to read:

13 **62A-11-304.4. Filing of location information -- Service of process.**

14 (1) (a) Upon the entry of an order in a proceeding to establish paternity or to establish,
15 modify, or enforce a support order, each party shall file identifying information and shall update
16 that information as changes occur:

17 (i) with the court or administrative agency that conducted the proceeding; and

18 (ii) after October 1, 1998, with the state case registry.

19 (b) The identifying information required under Subsection (1)(a) shall include the person's
20 social security number, driver's license number, residential and mailing addresses, telephone
21 numbers, the name, address, and telephone number of employers, and any other data required by
22 the United States Secretary of Health and Human Services.

23 (c) In any subsequent child support action involving the office or between the parties, state
24 due process requirements for notice and service of process shall be satisfied as to a party upon:

25 (i) a sufficient showing that diligent effort has been made to ascertain the location of the
26 party; and

27 (ii) delivery of notice to the most recent residential or employer address filed with the



28 court, administrative agency, or state case registry under Subsection (1)(a).

29 (2) (a) The office shall provide individuals who are applying for or receiving services
30 under this chapter or who are parties to cases in which services are being provided under this
31 chapter:

32 (i) with notice of all proceedings in which support obligations might be established or
33 modified; and

34 (ii) with a copy of any order establishing or modifying a child support obligation, or in the
35 case of a petition for modification, a notice of determination that there should be no change in the
36 amount of the child support award, within 14 days after issuance of such order or determination.

37 (b) Notwithstanding Subsection (2)(a)(ii), notice in the case of an interstate order shall be
38 provided in accordance with Section 78-45f-614.

39 (3) Service of all notices and orders under this part shall be made in accordance with Title
40 63, Chapter 46b, Administrative Procedures Act, the Utah Rules of Civil Procedure, or this section.

41 (4) Consistent with Title 63, Chapter 2, Government Records Access and Management
42 Act, the office shall adopt procedures to classify records to prohibit~~[-(a)]~~ the unauthorized use or
43 disclosure of information relating to a proceeding to:

44 ~~[(†)]~~ (a) establish paternity; or

45 ~~[(†)]~~ (b) establish or enforce support~~[:]~~;

46 ~~[(b) the release of information on the whereabouts of one party to another party if such a
47 release is prohibited by a protective order; and]~~

48 ~~[(c) the release of information on the whereabouts of one party to another party if the office
49 has reason to believe that the release may result in physical or emotional harm to a party.]~~

50 (5) (a) The office shall, upon written request, provide location information available in its
51 files on a custodial or noncustodial parent to the other party or the other party's legal counsel
52 provided that:

53 (i) the party seeking the information produces a copy of the parent-time order signed by
54 the court;

55 (ii) the information has not been safeguarded in accordance with Section 454 of the Social
56 Security Act;

57 (iii) the party whose location is being sought has not provided the office with a copy of a
58 protective order or current court order prohibiting disclosure; and

- 59 (iv) there is no other state or federal law that would prohibit disclosure.
60 (b) "Location information" shall consist of the current residential address of the custodial
61 or noncustodial parent and, if different and known to the office, the current residence of any
62 children who are the subject of the parent-time order. If there is no current residential address
63 available, the person's place of employment may be disclosed.
64 (c) For the purposes of this section, "reason to believe" under Section 454 of the Social
65 Security Act means that the person seeking to safeguard information has provided to the office a
66 copy of a protective order or nondisclosure order signed by a court of competent jurisdiction.
67 (d) The office and its employees shall not be liable for any information released in
68 accordance with this section.

Legislative Review Note
as of 11-15-01 1:21 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Judiciary Interim Committee recommended this bill.