

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



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

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

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

(3) With the exception of the parties' names, all personal identifying information shall be removed or redacted from case files available to the general public. For purposes of this Subsection (3), "personal identifying information" shall have the same meaning as in Section 76-6-1102.

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

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

(1) The social security number of any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment shall be placed in ~~[the records]~~ a record relating to the matter, which shall only be made available to the court and the Office of Recovery Services

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

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

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

(1) The social security number of any individual who is subject to a support order shall be placed in ~~[the records]~~ a record relating to the matter, which shall only be made available to the court and the Office of Recovery Services.

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.