1 **PROVIDING LOCATION INFORMATION TO**

2 **NONCUSTODIAL PARENTS WITH**

3 **VISITATION RIGHTS**

4 2003 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Mike Thompson**

7 **This act modifies the Human Services Code. This act permits custodial or noncustodial**

8 **parents or their legal representatives to serve the Office of Recovery Services to obtain**

9 **certain information.**

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

11 AMENDS:

12 **62A-11-304.4**, as last amended by Chapter 59, Laws of Utah 2002

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

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

15 **62A-11-304.4. Filing of location information -- Service of process.**

16 (1) (a) Upon the entry of an order in a proceeding to establish paternity or to establish,

17 modify, or enforce a support order, each party shall file identifying information and shall

18 update that information as changes occur:

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

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

21 (b) The identifying information required under Subsection (1)(a) shall include the

22 person's social security number, driver's license number, residential and mailing addresses,

23 telephone numbers, the name, address, and telephone number of employers, and any other data

24 required by the United States Secretary of Health and Human Services.

25 (c) In any subsequent child support action involving the office or between the parties,

26 state due process requirements for notice and service of process shall be satisfied as to a party

27 upon:

28   (i) a sufficient showing that diligent effort has been made to ascertain the location of

29   the party; and

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

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

32   (2) (a) The office shall provide individuals who are applying for or receiving services

33   under this chapter or who are parties to cases in which services are being provided under this

34   chapter:

35   (i) with notice of all proceedings in which support obligations might be established or

36   modified; and

37   (ii) with a copy of any order establishing or modifying a child support obligation, or in

38   the case of a petition for modification, a notice of determination that there should be no change

39   in the amount of the child support award, within 14 days after issuance of such order or

40   determination.

41   (b) Notwithstanding Subsection (2)(a)(ii), notice in the case of an interstate order shall

42   be provided in accordance with Section 78-45f-614.

43   (3) Service of all notices and orders under this part shall be made in accordance with

44   Title 63, Chapter 46b, Administrative Procedures Act, the Utah Rules of Civil Procedure, or

45   this section.

46   (4) Consistent with Title 63, Chapter 2, Government Records Access and Management

47   Act, the office shall adopt procedures to classify records to prohibit the unauthorized use or

48   disclosure of information relating to a proceeding to:

49   (a) establish paternity; or

50   (b) establish or enforce support.

51   (5) (a) The office shall, upon written request, provide location information available in

52   its files on a custodial or noncustodial parent to the other party or the other party's legal counsel

53   provided that:

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

55   the court;

56   (ii) the information has not been safeguarded in accordance with Section 454 of the

57   Social Security Act;

58   (iii) the party whose location is being sought has been afforded notice in accordance

59   with Section 62A-11-304.4 of the opportunity to contest release of the information;

60   (iv) the party whose location is being sought has not provided the office with a copy of

61   a protective order, a current court order prohibiting disclosure, a current court order limiting or

62   prohibiting the requesting person's contact with the party whose location is being sought, a

63   criminal order, or documentation of a pending proceeding for any of the above; and

64   (v) there is no other state or federal law that would prohibit disclosure.

65   (b) "Location information" shall consist of the current residential address of the

66   custodial or noncustodial parent and, if different and known to the office, the current residence

67   of any children who are the subject of the parent-time order. If there is no current residential

68   address available, the person's place of employment and any other location information shall be

69   disclosed.

70   (c) For the purposes of this section, "reason to believe" under Section 454 of the Social

71   Security Act means that the person seeking to safeguard information has provided to the office

72   a copy of a protective order, current court order prohibiting disclosure, current court order

73   prohibiting or limiting the requesting person's contact with the party whose location is being

74   sought, or criminal order signed by a court of competent jurisdiction, or documentation of a

75   pending proceeding for any of the above.

76   (d) Neither the state, the department, the office nor its employees shall be liable for any

77   information released in accordance with this section.

78   (6) Custodial or noncustodial parents or their legal representatives who are denied

79   location information in accordance with Subsection (5) may serve the Office of Recovery

80   Services to initiate an action to obtain the information.

Legislative Review Note
     as of   1-27-03 11:16 AM

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

                                                  Office of Legislative Research and General Counsel

State Impact

Any additional effort can be handled within existing budgets.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst