**South Carolina General Assembly**

119th Session, 2011-2012

**S. 123**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen and Massey

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Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Judiciary**

Summary: Family Court Financial Privacy Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Judiciary**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 59](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 59](file:///h:\sj%20archive\2011\01-11-11.docx))

1/9/2012 Senate Referred to Subcommittee: Sheheen (ch), Knotts, Campsen, Lourie, Campbell

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\123_20101201.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “FAMILY COURT FINANCIAL PRIVACY ACT” BY ADDING SECTION 20‑3‑240 TO DEFINE NECESSARY TERMS, TO PROVIDE THAT A FINANCIAL DECLARATION MADE A PART OF THE RECORD IN A MATTER BEFORE THE FAMILY COURT MUST BE SEALED, TO PROVIDE ACCESS TO A FINANCIAL DECLARATION UPON REQUEST ONLY BY THE PARTIES, THE COURT AND PERSONNEL OF THE COURT, AND THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE DEPARTMENT OF SOCIAL SERVICES, AND TO PROHIBIT OTHER ACCESS EXCEPT UPON ORDER OF THE COURT FOR GOOD CAUSE SHOWN; AND TO AMEND SECTION 30‑4‑40, AS AMENDED, RELATING TO EXEMPTIONS FROM THE FREEDOM OF INFORMATION ACT, TO EXEMPT FINANCIAL DECLARATIONS IN MATTERS BEFORE THE FAMILY COURT EXCEPT ON ORDER OF THE COURT FOR GOOD CAUSE SHOWN.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Family Court Financial Privacy Act”.

SECTION 2. Article 1, Chapter 3, Title 20 of the 1976 Code is amended by adding:

“Section 20‑3‑240. (A) For purposes of this section, ‘financial declaration forms’ means financial declaration forms provided by the family court and containing only financial declarations. ‘Financial declaration supporting documents’ means all financial documents attached to financial declaration forms and made a part of the court record.

(B) Financial declaration forms shall not be sealed, except on order of the court upon good cause shown.

(C) The clerk of court shall seal all financial declaration supporting documents that are made a part of the court record in any matter before the family court. In the pending action or a subsequent action involving any party to the pending action, the parties, their attorneys, the family court judge and the judge’s staff, the clerk of court and the clerk’s staff, and the Child Support Enforcement Division of the Department of Social Services shall be granted access to the financial declaration supporting documents upon request to the clerk of court without filing any motion. No other person shall unseal or be granted access to financial declaration supporting documents except on order of the court upon good cause shown.

(D) No cause of action may be brought against a clerk of court or the clerk’s staff for granting access to financial declaration supporting documents made a part of the court record in any matter before the family court to a person other than described in subsection (C), unless the granting of such access was wilful, knowing, reckless, or grossly negligent.”

SECTION 3. Section 30‑4‑40 of the 1976 Code, as last amended by Act 380 of 2006, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) Financial declaration supporting documents that are made a part of the court record in any matter before the family court are exempt from disclosure except as provided for in Section 20‑3‑240.”

SECTION 4. This act takes effect upon approval by the Governor.

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