COMMITTEE REPORT

January 28, 2009

**S. 146**

Introduced by Senators Campsen, Rose and Ford

S. Printed 1/28/09--S.

Read the first time January 13, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 146) to amend the 1976 Code by adding Section 20‑3‑240 to enact the “Family Court Financial Privacy Act” to provide that a financial declaration made a part of the record, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LARRY A. MARTIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Social Services

The department indicates that this bill would have no impact on the General Fund of the State or on federal and/or other funds.

Judicial Department

The department indicates this bill would have a minimal impact on the General Fund of the State, which can be absorbed by the agency at the current level of funding.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND THE 1976 CODE BY ADDING SECTION 20‑3‑240 TO ENACT THE “FAMILY COURT FINANCIAL PRIVACY ACT” 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, 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 subsection, ‘financial declaration forms’ means financial declaration forms and all attached statements.

(B) The clerk of court shall seal the financial declaration forms 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 forms upon request to the clerk of court without filing any motion. No other person shall unseal or be granted access to a financial declaration form except on order of the court upon good cause shown.

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

SECTION 3. Section 30‑4‑40 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) Financial declaration forms and all attached statements 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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