Indicates New Matter

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AMENDED

March 4, 2009

**S. 146**

Introduced by Senators Campsen, Rose and Ford

S. Printed 3/4/09--S.

Read the first time January 13, 2009.

**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.

Amend Title To Conform

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 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) 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 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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