In the Matter of Out-of-Cycle Revision of UTCR 2.130, UTCR Form 2.130.1, and UTCR Form 2.130.2; Repeal of UTCR Form 2.130.3; and Amendment of UTCR 2.110(7) and 8.010(9) and (10)	)	CHIEF JUSTICE ORDER No. 10-039 ORDER OF OUT-OF-CYCLE REVISION OF UTCR 2.130, UTCR FORM 2.130.1, AND UTCR FORM 2.130.2; REPEAL OF UTCR FORM 2.130.3; AND AMENDMENT OF UTCR 2.110(7) AND 8.010(9) AND (10)

I HEREBY ORDER, pursuant to ORS 1.002 and UTCR 1.020, that

1. Good cause has been shown and the effective date, requirements, and time limits established by UTCR 1.020(2), (3), and (4) are waived for the UTCR changes implemented by this order.

2. The following rule and forms are revised, as shown in Attachment A to this order:
   a. UTCR 2.130
   b. UTCR Form 2.130.1
   c. UTCR Form 2.130.2

3. UTCR Form 2.130.3 is repealed.

4. UTCR 2.110(7) and 8.010(9) and (10) are amended, as shown in Attachment A to this order, to conform those rules to the revision of UTCR 2.130. For the convenience of the reader, deleted wording is shown in [*brackets and italics*] and new wording is shown in {**braces, underline, and bold**}. When this rule, as amended, is posted and published as part of the UTCR, these highlights will not be shown.

5. The UTCR changes implemented by this order take effect on September 1, 2010.

6. Pursuant to UTCR 1.020(5), UTCR changes implemented by this order shall be posted for public comment as soon as is practicable and shall be placed on the agenda of the next UTCR Committee meeting, which is currently scheduled for October 15 and 16, 2010.

Dated this 22nd day of July, 2010.

Paul J. De Muniz
Chief Justice

ATTACHMENT A

2.130 FAMILY LAW CONFIDENTIAL PERSONAL INFORMATION

(1) Definitions. As used in this rule:

(a) "Confidential personal information" means a party's or a party's child's social security number; date of birth; driver license number; former legal names; and employer's name, address, and telephone number.

(b) "Confidential Information Form" (CIF) means a document substantially in the form provided in UTCR Form 2.130.1.

(c) "Inspect" means the ability to review and copy a CIF to the same extent as any other document contained in a court file.

(d) "Document" has the same meaning as used in UTCR 21.010(2).

(2) Mandatory Use of the CIF.

(a) When confidential personal information is required by statute or rule to be included in any document filed in a proceeding initiated under ORS chapters 25, 106, 107, 108, 109, 110, or 416, the party providing the information:

(i) must file the information in a CIF,

(ii) must not include the information in any document filed with the court, and

(iii) must redact the information from any exhibit or attachment to a document filed with the court, but must not redact the information from a court-certified document required to be filed by statute or rule.

(b) This rule does not apply to the information required in a money award under ORS 18.042.

(c) Documents filed in a contempt action filed in a proceeding under ORS chapters 25, 106, 107, 108, 109, 110, or 416 are also subject to this rule.

(d) A party must file a separate CIF for each person about whom the party is required to provide confidential personal information.

(e) The confidential personal information of a minor child must be included in the CIF of the party providing the information.

(3) Amending the CIF. A party must file an amended CIF when filing a document requiring confidential personal information about any party that has changed or is not contained in a previous CIF.

(4) Form. A CIF or an amended CIF must be substantially in the form provided in UTCR Form 2.130.1.

(5) Segregation. The court must segregate the CIF from documents that are subject to public inspection. Public inspection of a CIF is prohibited except as authorized by this rule or other provision of law.

(6) Access and Confidentiality.

(a) A party may inspect a CIF that was filed by that party.

(b) A party to a proceeding may inspect a CIF filed by another party:

(i) upon filing a written, notarized consent signed and dated by the party whose information is to be inspected that states the dates during which the consent is effective; or

(ii) upon entry of an order allowing inspection under UTCR 2.130(10)(a); or

(iii) if the CIF sought to be inspected contains only the inspecting party's confidential personal information.

(c) A person other than a party to the proceeding may inspect a CIF upon filing a written, notarized consent signed and dated by the party whose information is to be inspected. The consent must state the dates during which the consent is effective.

(d) This rule does not limit a person's legal right to inspect a CIF as otherwise allowed by statute or rule.

(e) Oregon Judicial Department personnel may have access to a CIF when required for court business.

(f) Courts will share a CIF with the entity primarily responsible for providing support enforcement services under ORS 25.080 or 42 USC 666. A person receiving information under this section must maintain its confidentiality as required by ORS 25.260(2) and 192.502(10).

(g) Courts will share a CIF with other government agencies as required or allowed by law for agency business. Those agencies must maintain the confidentiality of the information as required by ORS 192.502(10).

(h) Unless otherwise ordered or authorized by law, any person inspecting a CIF must not further disclose the confidential personal information. Violation of this provision may subject a person to contempt of court under ORS 33.015 to 33.155.

(7) Notation on Documents. When a statute or rule requires a party to provide confidential personal information in a document filed with the court, the party must not provide the information in the document and must note on the document that the information has been separately filed under UTCR 2.130.

(8) Mail or Delivery to Other Parties. A party filing an original or amended CIF must mail or deliver notice to all parties to the proceeding that a CIF or amended CIF has been filed and must file a certificate of mailing or delivery. The notice must be substantially in the form provided in UTCR Form 2.130.2.

(9) Court Under No Obligation to Review File for Protected Information. Subject to UTCR 2.110, the court is not required to redact confidential personal information from any document, regardless of when filed.

(10) Motion or Request to Inspect a CIF.

(a) A party may file a motion and supporting affidavit for an order allowing inspection of a CIF containing the confidential personal information of another party. The court may grant the motion only after service on all parties and an opportunity for objection and hearing.

(b) Any person not a party to the proceeding may file a request and supporting affidavit requesting inspection of a CIF. The person must serve the request and supporting affidavit on all parties to the proceeding in the manner prescribed for service of summons in a civil action or by certified mail, return receipt requested. The court must allow the requesting person to inspect the CIF if the court finds, after notice and an opportunity for a hearing, that the requesting person is legally entitled to inspect the CIF, subject to subsection (c) below.

(c) The court must deny a motion or request to inspect a CIF if the court finds any of the following:

(i) A Finding of Risk and Order for Nondisclosure of Information has been entered by the Administrator of the Oregon Child Support Program under OAR 137-055-1160 for the party whose CIF is sought to be inspected.

(ii) A restraining order or other protective order is in effect that protects the party or the party's children from the person requesting inspection of the CIF.

(iii) The health, safety, or liberty of the party or the party's children whose CIF is sought to be inspected would be jeopardized or unreasonably put at risk by disclosure of the CIF to another person.

(d) If the court grants a motion or request for an order allowing inspection of a CIF,

(i) the court may limit the extent of disclosure and may enter such protective orders as are necessary to balance the personal, privacy, and safety interests of the parties or children with the legal interest of the person seeking access; and

(ii) the requesting party must mail or deliver a copy of the order to all other parties and must file a certificate of mailing or delivery.

(11) Other Court Orders.

(a) This rule is not the exclusive means for a court to protect personal information from public inspection.

(b) Nothing in this rule:

(i) Precludes a court from protecting information by appropriate court order.

(ii) Limits procedures for identifying and protecting contact information of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under ORS 18.048(2)(b).

(iii) Limits the availability of procedures for protecting information, other than confidential personal information protected by this rule, under ORS 25.020(8)(d), 109.767(5), 110.375, 192.445, or any other rule or law.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____, ☐ Petitioner ☐ Co-Petitioner,	)	Case No.: _____
and	)	**FAMILY LAW CONFIDENTIAL INFORMATION FORM (CIF)** ☐ **Amended CIF**
_____. ☐ Respondent ☐ Co-Respondent.	)	**This document is not accessible to the public or other parties. Exceptions may apply. See UTCR 2.130.**
_____ ☐ Child At Least 18 But Under 21 ☐ Other_____	)	

ATTENTION COURT STAFF: THIS IS A RESTRICTED-ACCESS DOCUMENT.

The information below is about: ☐ Petitioner ☐ Respondent ☐ Co-Petitioner_____

☐ **Child at least 18 but under 21:** _____

☐ **Other:** _____

Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

Former Legal Name(s) (if applicable):
Date of Birth:
Social Security Number:
Driver License (Number and State):
Employer's Name, Address, and Telephone Number:

Children's Names (Last, First, Middle)	Date of Birth	Social Security Number

Please attach an additional sheet if there are more than five children involved in the proceeding.

I hereby declare that the above statements are true to the best of my knowledge and belief and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Date:_____ Signature:_____

Type or Print Name:_____

COMPLETED AND SUBMITTED BY:

☐ **Petitioner** ☐ **Respondent** ☐ **Co-Petitioner**_____

☐ **Child who is at least 18 and under 21:** _____

☐ **Other:** _____

NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.130, this Confidential Information Form is <u>not available</u> to the <u>opposing party or his/her attorney</u>, or to the <u>public;</u> except for the state.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____, ☐ Petitioner ☐ Co-Petitioner,	)	Case No.: _____
and	)	**NOTICE OF FILING OF** ☐ **CONFIDENTIAL INFORMATION FORM (CIF)** ☐ **AMENDED CIF**
_____. ☐ Respondent ☐ Co-Respondent.	)	
_____ ☐ Child At Least 18 But Under 21 ☐ Other_____	)	

NOTICE: Confidential Information Form Has Been Filed

- Uniform Trial Court Rule (UTCR) 2.130 requires that parties to domestic relations cases place certain information about themselves and other parties in a CIF when such information is required in a document filed with the court.
- The CIF is not available for public inspection except as authorized by law.
- Parties are allowed to see a CIF that contains information about them.
- A party who wants to see a CIF that contains information about another party must ask for permission from the court or the other party by following the procedures set out in UTCR 2.130.

I am the (check one box):
☐ Petitioner ☐ Respondent ☐ Co-Petitioner _____
☐ Child at least 18 but under 21: _____
☐ Other: _____

I filed Confidential Information Forms with the court about the following parties to this case (*complete a section for each party for whom you have filled out a CIF*)**:**

1) Name (Last, First, Middle):_____
☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other:_____

Confidential Personal Information contained in CIF (check all that apply):

☐ party's social security number, ☐ party's date of birth, ☐ children's social security number, ☐ children's date of birth, ☐ employer's name, address, and telephone number, ☐ driver license number, ☐ former legal name(s).

2) Name (Last, First, Middle):_____
☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other:_____

Confidential Personal Information contained in CIF (check all that apply):

☐ party's social security number, ☐ party's date of birth, ☐ children's social security number, ☐ children's date of birth, ☐ employer's name, address, and telephone number, ☐ driver license number, ☐ former legal name(s).

3) Name (Last, First, Middle):_____
☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other:_____

Confidential Personal Information contained in CIF (check all that apply):

☐ party's social security number, ☐ party's date of birth, ☐ children's social security number, ☐ children's date of birth, ☐ employer's name, address, and telephone number, ☐ driver license number, ☐ former legal name(s).

4) Name (Last, First, Middle):_____
☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other:_____

Confidential Personal Information contained in CIF (check all that apply):

☐ party's social security number, ☐ party's date of birth, ☐ children's social security number, ☐ children's date of birth, ☐ employer's name, address, and telephone number, ☐ driver license number, ☐ former legal name(s).

Dated this _____ day of _____, 20____

_____
Signature | Print Name

_____
Contact Address | City, State, Zip | Contact Telephone

2.110 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE

(1) * * *

* * * * *

(7) Parts of UTCR 2.100 and UTCR 2.130 that apply to this rule. The following subsections of UTCR 2.100 are applicable to this rule: (2), (5), (7), (8), and (9). The following subsections of UTCR 2.130 are applicable to this rule: [*(2), (4), (7), and (9)*] {**(1), (6), (9), and (10)**}.

8.010 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT

(1) * * *

* * * * *

(9) Parties who have been requested to submit a proposed judgment must submit to the trial court administrator the following so the court may comply with its obligation to forward copies of these documents to the DCS.

(a) The original and one copy of the proposed judgment; and

(b) If personal information has been segregated pursuant to [*the*] UTCR [*2.100*] {**2.130**}, one copy each of the [*affidavit and information sheet*] {**most current confidential information form(s)**} required by UTCR [2.100(4)(b) and (c)] {**2.130(2) and (3)**}.

(10) Parties to proceedings under ORS 107.085 or 107.485 must follow UTCR [*2.100*] {**2.130**} to segregate all social security numbers from documents the parties submit in the proceedings so the numbers will be protected as required by ORS 107.840.