

Amended Uniform Trial Court Rule (UTCRC) 2.130 – Family Law Confidential Personal Information

Effective Date: September 1, 2010

Frequently Asked Questions (FAQs)

1. What are the main differences between the current rule and the revised rule?

- The definition of “confidential personal information” has been changed. In particular, addresses, telephone numbers, and email addresses are no longer considered confidential personal information. See Question #2.
- Confidential personal information must be redacted (blocked out) from exhibits and attachments except when the exhibit or attachment is required to be a court certified copy. See Questions #15 and #16.
- UTCRC 2.130.1, Family Law Confidential Information Form (CIF), has been revised and simplified.
- A party is no longer required to serve copies of CIFs on other parties to a case. Instead, service of new UTCRC Form 2.130.2, Notice re: Filing of Confidential Information Form, is required. See Question #20.
- The separate CIF for use by the Child Support Program has been deleted as part of the amendment of UTCRC 2.130. The Child Support Program will use a CIF similar in form to UTCRC Form 2.130.1. UTCRC Form 2.130.2 is now the Notice re: Filing of Confidential Information Form. See Question #20.

2. What information is included in the definition of Confidential Personal Information?

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.

3. Are the names of children and their ages included in the definition of confidential personal information?

No. In fact, judges and court staff may appreciate having the ages of children placed in documents where dates of birth have been removed to help them have a better understanding of the case and the relief requested.

4. How is “document” defined in this rule?

UTCRC 2.130 refers to the definition of document in UTCRC 21.010(2). Essentially, a document is any paper filed with the court, including any exhibits or attachments filed with the paper.

5. What types of cases are covered by UTCR 2.130?

Cases filed under ORS chapter 25, 106, 107, 108, 109, 110, or 416 are covered by UTCR 2.130. These include child support cases, dissolution of marriage, custody proceedings involving unmarried parents, and paternity cases.

6. Are civil stalking protective order cases and Elderly Persons and Person with Disabilities Abuse Prevention Act cases covered by UTCR 2.130?

No. These cases do not come under the statutes referred to in Question #5 above.

7. Are Family Abuse Prevention Act (FAPA) cases covered by UTCR 2.130.

Yes. Keep in mind that the only items of "confidential personal information" required in a FAPA proceeding are the dates of birth of the parties and their children and information about the respondent's employer. Those pieces of confidential personal information should be placed in the CIF, and not in the restraining order petition or in the "Relevant Data" section of the restraining order. To clarify, in a FAPA case, the petitioner should only complete the sections in the CIF for dates of birth, and the respondent's employer's address, and not any other information that might inadvertently put Petitioner at risk.

Except for the Petitioner's and Respondent's birth dates and the address of Respondent's employer (which will be placed in the CIF), Petitioner should complete all other information requested in the Relevant Data section of the Restraining Order, as it is not confidential personal information. The information about the Respondent in the Relevant Data section aids the sheriff in serving the restraining order as quickly as possible.

Although there may be times the Petitioner will use his/her residential or employment address in the application, such as when a move-out order is requested or the Respondent already knows where the Petitioner resides, the Petitioner is not required to put his/her actual residential address anywhere on the forms. He/she may use a contact address and contact phone number wherever that information is requested. A contact address must be an address in the same state as where the Petitioner lives and where he/she can receive mail and check in frequently. This is the address and phone number where a party will be contacted, both by the court and the other party, when necessary. In either case, Petitioner should carefully consider his/her safety when deciding which address(es) to use in the petition and order.

8. Are contempt filings under ORS chapter 33 covered by UTCR 2.130?

If the contempt paperwork is filed in a case that was started under one of the statutes referred to in Question #5, UTCR 2.130 applies.

9. How does UTCR 2.130 affect UTCR 2.100?

UTCR 2.130 is now the only procedure parties must follow to segregate confidential personal information in family law cases, including Social Security numbers. Prior to the existence of UTCR 2.130, UTCR 2.100 was the required procedure to follow to segregate Social Security numbers from court documents in divorce cases. In light of UTCR 2.130, UTCR 2.100 was amended and no longer contains language relating to protection of Social Security numbers in divorce cases. Parties may choose to use the UTCR 2.100 process in addition to filing CIFs in order to protect additional information not covered by UTCR 2.130, such as bank account numbers.

10. When must a party file a CIF?

A party must complete and file a CIF whenever confidential personal information about a party is required by statute or rule to be included in a court document or in any exhibit or attachment (other than court certified copies. See Question #17) to a document in a case filed under the statutes referred to in Question #5 above. A party only has to complete the sections of the CIF asking for confidential personal information that is required by statute or rule to be in the specific document being prepared.

For example, when someone files a petition in a domestic relations case that involves child support, he/she would not be required by statute or rule at this stage to complete the section of the CIF regarding employer's name, address, and telephone number. However, at the end of the case, ORS 25.020(8)(a) requires that the employer's name, address and telephone number information be placed in the judgment. It would be at this time that the party filing the judgment would need to file amended CIFs for the obligee and obligor that includes their employment information, unless that information was already provided in a previous CIF. See Question 11.

11. Can a party include all confidential personal information in a CIF at the time of filing a petition or motion, even if some of the information is not required until later?

Yes. Nothing prevents a party from placing confidential personal information that is not actually required until the time the judgment is entered in a CIF filed with a petition or motion. Placing such information in the initial CIF may avoid the need for filing an amended CIF at a later date.

12. When are amended CIFs required?

Amended CIFs are required when a party files a document requiring confidential personal information about any party that has changed or has not been included in a previous CIF.

13. How many CIFs must a party file?

A party must file a CIF for him or herself and for every other party about whom confidential personal information is required by statute or rule to be in a document. This includes an adult child who is unmarried and is 18 years or older and under 21 years of age.

14. Does a party have to place his/her minor children's information in other parties' CIFs?

No. The party is only required to and should place the minor children's information in his/her own CIF. Information regarding non-joint children is not necessary and should not be placed in any CIF.

15. What if a party does not know another party's confidential personal information?

Parties should make an effort to find the other party's confidential personal information. If the information is not obtained, the party may indicate on the CIF that the information is "unknown" or "not available."

16. What should a party do when filing an exhibit or attachment to a document that contains confidential personal information?

Unless the party is filing a court certified document required by statute or rule, the party must redact information that is covered by the definition of confidential personal information. For example, when attaching a copy of a tax return, dates of birth and Social Security numbers must not be visible.

17. How are court certified copies of documents that contain confidential personal information affected by UTCR 2.130?

If a statute or rule requires the filing of a court certified copy of a document, the document must not be changed in any way, and confidential personal information cannot be redacted.

18. Is a party required to do anything when confidential personal information is redacted from of a document, exhibit or attachment?

Yes. A party must make a note on the document, exhibit or attachment where the information would otherwise appear stating that the information has been "separately filed under UTCR 2.130" or using other similar language.

19. How does UTCR 2.130 affect ORS 18.042 (money award in judgments)?

UTCR 2.130 does not apply to the information required in money awards under ORS 18.042. Therefore, a party must comply with ORS 18.042 and place the debtor’s year of birth, the last 4 digits of the debtor’s Social Security number, and the last 4 digits of the debtor’s driver license number in the money award section of a judgment. When complete dates of birth, Social Security numbers, and driver license numbers are required by statute or rule to be placed in a document, the complete information still must be provided in a CIF and redacted from the document.

20. Under the revised rule is service of the actual CIF required?

No. Service of the actual CIF is no longer required. Instead, UTCR 2.130 requires that a party mail or deliver a notice to all other parties to the case that a CIF or an amended CIF containing their confidential personal information has been filed. The notice must be substantially in the form of UTCR Form 2.130.2 that is called a “Notice of Filing Confidential Information Form (CIF).” The UTCR 2.130.2 notice form can be found in the UTCR Appendix of Forms and on the OJD website in the Family Law Forms Packets.

The rule does not prevent a party from choosing to share his/her own CIF with another party or choosing to share with another party the CIF containing that party’s information.

21. How does the court know that a party has mailed or delivered the required notice (UTCR 2.130.2)?

There is no specific form provided for proof of service of this notice. In most cases, a CIF or Amended CIF will be filed and served at the same time as a petition or motion. In that case, the usual proof of service that gets filed with the court should list a Notice of Filing of Confidential Information Form as one of the documents that was served.

If the notice is mailed or delivered by itself, a party may use a generic form of “Certificate of Service” from their local court or legal stationary store. In cases where the notice is sent by mail, a party can use the “Certificate of Mailing” form from packet 6A on the Statewide Family Law Forms page of the OJD website.

22. Does a party have to provide copies of CIFs to the Child Support Program?

Yes. Under UTCR 8.010(9)(b), a party in any case involving support must file with the court a copy of all of the parties’ CIFs at the same time they file the original and a copy of the judgment. This is so the court can forward copies of these documents to the Child Support Program in Salem as required by UTCR 2.130(6)(f). Unless the Child Support Program receives copies of these documents, including the CIF, establishment of an account for enforcement and collection may be delayed.

23. Can a member of the public see a CIF that has been filed with the court?

The court is required to keep CIFs separate from documents that are available for public inspection, and in general, CIFs are not available to the public. For more information, see Questions #24 – #28.

24. Who can view/inspect a CIF that has been filed with the court?

The following persons/agencies may view the CIF without a court order: The party who filed the CIFs, a party whose information is contained in the CIF (even if filed by another party), Oregon court personnel, support enforcement agencies, and other government agencies such as law enforcement.

25. Can a party give permission to another party or person the right to inspect his/her CIF that has been filed with the court?

Yes. A party may give another party or person permission to see his/her CIF that has been filed with the court. The court will only allow someone other than the party who filed the CIF or whose information is contained in the CIF to view the CIF if he/she files a written consent. The consent must be signed, dated, and notarized by the party whose information is protected in the CIF and must include the dates during which the consent is effective. A sample is available on the OJD Family Law Home web site.

This rule does not prevent a party from choosing to directly share his/her own CIF with another party or choosing to share with another party the CIF containing that party's information.

26. Is there a special consent form to use?

No. A party will need to prepare a paper that says the party is giving the court permission to let another party or person see his/her own CIF. As noted in Question #25, the consent must be signed, dated, and notarized and must include the dates during which the consent is effective.

27. What can a party do when he/she needs information contained in another party's CIF and that party will not allow him/her to view the CIF?

A party to the case may file a motion and affidavit with the court to request an order allowing inspection of another party's CIF. All parties to the case must be properly served with the motion and affidavit and must have an opportunity to object to the request and have a hearing. Each court may have a different procedure for objecting and setting a hearing. Please contact your court directly for more information.

28. If a person who is not a party to a case believes he/she has a legal right to see a CIF, what can he/she do?

Any person not a party to the case may file a written request and supporting affidavit asking to inspect a CIF. All parties in the case must be served properly in the manner prescribed for service of summons in a civil action and have opportunity for a hearing.

29. When must the court deny someone's request to inspect a CIF?

The court must deny a motion or request to inspect a CIF if:

- a Finding of Risk and Order for Nondisclosure of Information has been entered by the Administrator of the Oregon Child Support Program for a party whose CIF is sought to be inspected, **or**
- a restraining order or other protective order is in effect that protects the party or the party's child/ren from the person requesting inspection of the CIF, **or**
- the court finds that the health, safety or liberty of a party or the party's child/ren whose CIF is sought to be inspected would be jeopardized or unreasonably be put at risk by disclosure of the CIF.

30. Does UTCR 2.130 affect documents that are already filed with the court?

No. UTCR 2.130 does not affect documents that have already been filed. The court is under no obligation to search for or redact information from a document that has already been filed in a case.

31. What can a party do if he/she wants to redact confidential personal information from a document that was filed before UTCR 2.130 went into effect or that was mistakenly included in a document?

UTCR 2.110 describes the procedure that a party can use to ask the court to redact confidential personal information from a document that already exists in a court case file and to ask the court to keep that information from public inspection.

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