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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4780

(By Delegates Hines, Mahan, Wills,
Webb, Spencer, Faircloth and Capito)



Passed March 11, 2000

In Effect Ninety Days from Passage

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H. B. 4780

(BY DELEGATES HINES, MAHAN, WILLS,
WEBB, SPENCER, FAIRCLOTH AND CAPITO)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-seven, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the confidentiality of domestic relations court files; and requiring the clerk of the circuit court to maintain a log of all persons who examine or copy confidential documents.

Be it enacted by the Legislature of West Virginia:

That section twenty-seven, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

ARTICLE 2. DIVORCE, ANNULMENT AND SEPARATE MAINTENANCE.

§48-2-27. Confidentiality of domestic relations court files.

- 1 All orders in domestic relations cases entered in the civil
- 2 order books by circuit clerks are public records. For purposes
- 3 of this section, domestic relations cases shall include actions for
- 4 divorce, annulment, separate maintenance, paternity, child

5 support, custody, visitation, actions brought under the provi-
6 sions of the uniform interstate family support act and petitions
7 for writs of habeas corpus wherein the issue is child custody.

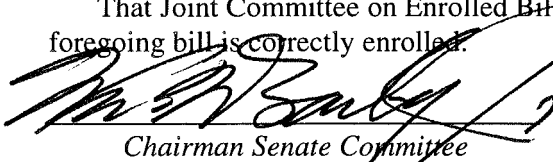
8 Upon the filing of a domestic relations case, all pleadings,
9 exhibits or other documents contained in the court file are
10 confidential and not open for public inspection either during the
11 pendency of the case or after the case is closed.

12 When sensitive information has been disclosed during a
13 hearing or in pleadings, evidence, or documents filed in the
14 record, a circuit judge or family law master may, sua sponte or
15 upon motion of a party, order such information sealed in the
16 court file. Sealed documents or court files shall only be opened
17 by order of a circuit judge or family law master: *Provided,*
18 That, in any case pending before a family law master, the
19 master may open and inspect the entire contents of the court
20 file.

21 The parties, their designees, their attorneys, a duly ap-
22 pointed guardian ad litem or any person who has standing to
23 modify or enforce a support order, shall have the right to
24 examine and copy any document in a confidential court file
25 which has not been sealed by order of a circuit judge or family
26 law master. Upon motion and for good cause shown, the circuit
27 court or family law master may permit a person not a party to
28 the action the right to examine and copy such documents as are
29 necessary to further the interests of justice.

30 The clerk of the circuit court shall keep a written log of all
31 persons who examine confidential documents as provided for
32 in this section. Every person who examines confidential
33 documents must sign the log, other than a circuit judge or
34 family law master before whom the case is pending, or court
35 personnel acting within the scope of their duties. The clerk shall
36 record the time and date of examination. The log shall be
37 retained by the clerk and shall be available upon request for
38 inspection by the court.

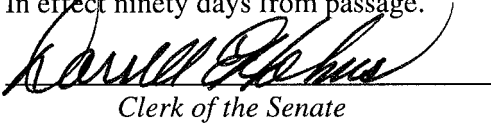
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

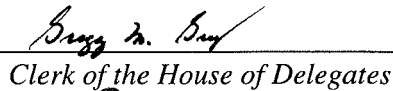

Chairman Senate Committee

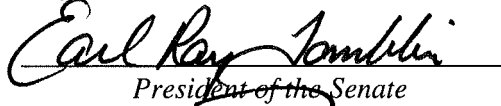

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

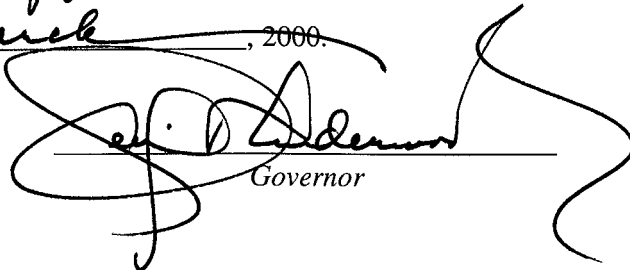

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 3/5
day of March, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/00

Time 3:25 pm