

**SUPERIOR COURT OF THE DISTRICT OF
COLUMBIA**

ADMINISTRATIVE ORDER 02-32

WHEREAS, 42 U.S.C. §§602(a)(7)(A) and (B) and 654(26) (2002), requires that State agencies protect the privacy and location of those involved in cases involving paternity or child support issues when one party has a protective order against the other party or when the State agencies have reason to believe that the release of protected information may result in physical or emotional harm to the party in a case involving paternity or child support; and

WHEREAS, D.C. Code §16-925 (b), which implements 42 U.S.C. §§602(a)(7)(A) and (B) and 654(26), requires that the Superior Court shall establish procedures to implement safeguards to protect the privacy rights of parties in cases involving issues of paternity or child support; and

WHEREAS, the statute requires that the Court establish procedures for cases filed within the Superior Court of the District of Columbia where domestic violence has been identified;

NOW, THEREFORE, it is

ORDERED, that, where a petitioner, respondent, custodian or parent in any case involving issues of paternity or child support filed or pending in the Family Court or the Domestic Violence Unit, requests that the Court maintain confidentiality of any information likely to reveal the requestor's whereabouts or the whereabouts of a child in the requestor's care, the requestor shall submit an affidavit to the Court requesting the non-disclosure of such information; and it is further,

ORDERED, that the requestor shall include in the affidavit such information as is necessary to show the following;

- (1) why release of information on the whereabouts of the requestor or a child in the requestor's care to another party

or to the public may result in physical or emotional harm to the requestor or the child;

or

- (2) that a protection order has been entered in the District of Columbia or in another jurisdiction to protect the party or the child, together with a copy of the order or information, such as a docket number, identifying the case in which the order was entered; and it is further,

ORDERED, that no information be disclosed from the files in any case filed or pending in Family Court or the Domestic Violence Unit regarding the whereabouts of the requestor or a child in the requestor's care while the request to maintain confidentiality is pending, until a judicial officer enters an order granting or denying the request; and it is further,

ORDERED that, if an order is entered sealing the confidential information, the Court shall not release designated whereabouts information to anyone other than to a judicial officer, an authorized member of the Court's staff, authorized District of Columbia or federal law enforcement personnel, the requestor, or the requestor's attorney; and it is further,

ORDERED, that all requests to review the sealed information made by anyone other than a judicial officer, an authorized member of the Court's staff, authorized District of Columbia or federal law enforcement personnel, the requestor or the requestor's attorney must be submitted to the branch or unit supervisor who shall refer such requests to the judge presiding over the case, and if unavailable, to the Presiding Judge of the Family Court or Domestic Violence Unit, as appropriate. Review and photocopying of sealed records will be permitted only under strict supervision of Court personnel. The Court may require redaction or removal of confidential records before review and photocopying are permitted; and it is further,

ORDERED, that in order to promptly effectuate confidentiality, the Court shall send immediately when they are filed copies of applications for sealing confidential records with all

supporting documentation to all branches or units in the Family Court, the Domestic Violence Unit, and the Child Support Enforcement Division of the Office of Corporation Counsel (“CSED”), except where CSED was the source of the request with respect to a person receiving services pursuant to Title IV-D of the Social Security Act; it is further

ORDERED, that each branch or unit within the Family Court and the Domestic Violence Unit shall develop and implement written procedures for restricting access to any information that will reveal or is likely to reveal the whereabouts of the person in need of confidentiality. These procedures shall include a process for restricting from disclosure information identified as confidential that is contained in all court paper and electronic records and automated systems, and guidelines for considering requests to review restricted records made by anyone other than a judicial officer, an authorized member of the Court’s staff, authorized District of Columbia or federal law enforcement personnel, the requestor or the requestor’s attorney. The procedures shall further ensure that the Court places a “Family Violence Indicator” on all appropriate paper and electronic records in the District of Columbia Child Support Enforcement System (“system”) other than for program participants under Title IV-D of the Social Security Act and whose records are marked with a Family Violence Indicator by CSED; and it is further,

ORDERED, that, when a Family Violence Indicator is placed on the system for a person requiring confidentiality protection, further affidavits shall not be required in subsequent cases. A prior designation of Family Violence Indicator will be sufficient to invoke the non-disclosure procedures set forth. The Court shall update its records and apply confidentiality protections to relevant information in all other existing cases involving a protected person when a new request for confidentiality protection is received that qualifies the person for non-disclosure; and it is further,

ORDERED, that the Information and Technology Division shall inform CSED of the names, dates of birth, addresses, social security numbers, and case numbers of all persons protected by civil protection orders and all children found to be abused or neglected, for implementation of confidentiality and entry of a Family Violence

Indicator designation with respect to individuals receiving services pursuant to Title IV-D of the Social Security Act.

SO ORDERED.

BY THE COURT

/s/
Rufus G. King, III, Chief Judge

December _____, 2002

Copies to:

**Judges
Magistrate Judges
Executive Officer
Clerk of the Court
Division Directors
Director, CCAN Office
Library**