

Family Law Cases Involving Children Exempt From Public Disclosure

Effective July 1, 2012, the records in cases involving child custody, child support, and paternity shall be exempt from public disclosure under Idaho Court Administrative Rule 32. The parties, court staff, attorneys and employees of the Department of Health and Welfare shall be allowed to examine and copy court records in the exercise of their official duties. Two other exceptions to the rule are the register of actions, which will remain open to the public and just as they are currently being presented, and any order, decree or judgment, issued in the case. Orders, decrees or judgments must be drafted and issued in compliance with the provisions of Rule 3(c)(4) of the Idaho Rules of Civil Procedure.

This rule only applies to records in cases filed on or after July 1, 2012, and to records in cases in which a motion to modify an order, decree or judgment is filed on or after July 1, 2012.

Changes to ISTARs will reflect two new civil case subtypes for the Domestic Relations category: 1) Divorce filing without minor children (DN), which will not be sealed; and 2) Divorce Filing with Minor Children, (DC) which will have portions sealed. A new red flag indicator will appear on ISTARs to alert the clerk that the divorce filing with minor children has the new restriction relating to access to those records. The red flag will read, "Certain documents may be accessible per Rule 32".

More information for clerks on the new changes to ISTARs and processing of divorce with children, child support and paternity cases will be presented at the webinar scheduled for Tuesday, June 5th from 3:00 to 4:30 p.m.

Please direct your questions to Julie Cottrell (947-7405) or Viki Howard (947-7448).