

1 **VICTIM ADDRESS CONFIDENTIALITY PROGRAM**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Marie H. Poulsen**

5 Senate Sponsor: _____

6 **LONG TITLE**7 **General Description:**

8 This bill creates an address confidentiality program for crime victims.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ defines terms;
- 12 ▶ creates an address confidentiality program in the Utah Office for Victims of Crime;
- 13 ▶ describes eligibility and application requirements for program participants;
- 14 ▶ addresses the administrative responsibilities of the Utah Office for Victims of
- 15 Crime in maintaining the address confidentiality program;
- 16 ▶ describes the permitted uses for assigned addresses;
- 17 ▶ permits disclosure to state and local government entities in certain circumstances;
- 18 ▶ addresses service of process, disclosure in judicial and administrative proceedings,
- 19 and orders relating to custody and parent-time; and
- 20 ▶ addresses immunity and the retention and destruction of records.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 ENACTS:



28 **53-19-101**, Utah Code Annotated 1953
29 **53-19-102**, Utah Code Annotated 1953
30 **53-19-103**, Utah Code Annotated 1953
31 **53-19-104**, Utah Code Annotated 1953
32 **53-19-105**, Utah Code Annotated 1953
33 **53-19-106**, Utah Code Annotated 1953
34 **53-19-107**, Utah Code Annotated 1953
35 **53-19-108**, Utah Code Annotated 1953
36 **53-19-109**, Utah Code Annotated 1953
37 **53-19-110**, Utah Code Annotated 1953
38 **53-19-111**, Utah Code Annotated 1953
39 **53-19-112**, Utah Code Annotated 1953
40 **53-19-113**, Utah Code Annotated 1953
41 **53-19-114**, Utah Code Annotated 1953
42 **53-19-115**, Utah Code Annotated 1953
43 **53-19-116**, Utah Code Annotated 1953
44 **53-19-117**, Utah Code Annotated 1953
45 **53-19-118**, Utah Code Annotated 1953
46 **53-19-119**, Utah Code Annotated 1953

47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section **53-19-101** is enacted to read:

49 **CHAPTER 19. ADDRESS CONFIDENTIALITY PROGRAM**

50 **53-19-101. Title.**

51 This chapter is known as "Address Confidentiality Program."

52 Section 2. Section **53-19-102** is enacted to read:

53 **53-19-102. Definitions.**

54 As used in this chapter:

55 (1) "Abuse" means the same as that term is defined in Section 78A-6-105.

56 (2) "Actual address" means the residential street address, school address, business
57 address, or work address of the program participant that is stated in a program participant's

59 application for enrollment, or on a notice of a change of address under Section [53-19-111](#).

60 (3) "Assailant" means an individual who commits or threatens to commit abuse, human
61 trafficking, domestic violence, stalking, or a sexual offense against an applicant for the
62 program or a minor or incapacitated individual residing with an applicant for the program.

63 (4) "Assigned address" means an address designated by the office and assigned to a
64 program participant.

65 (5) "Authorization card" means a card issued by the office that identifies a program
66 participant as enrolled in the program with the program participant's assigned address and the
67 date on which the program participant will no longer be enrolled in the program.

68 (6) "Domestic violence" means the same as that term is defined in Section [77-36-1](#).

69 (7) "Human trafficking" means inducing an individual to participate in forced labor or
70 forced sexual exploitation by recruiting, harboring, obtaining, patronizing, or soliciting the
71 individual through the use of force, fraud, or coercion as described in Section [76-5-308](#).

72 (8) "Incapacitated individual" means an individual who is incapacitated, as defined in
73 Section [75-1-201](#).

74 (9) (a) "Mail" means first class letters or flats delivered by the United States Postal
75 Service, including priority, express, and certified mail.

76 (b) "Mail" does not include a package, parcel, periodical, or catalogue, unless the
77 package, parcel, periodical, or catalogue is clearly identifiable as:

78 (i) being sent by a federal, state, or local agency or another government entity; or

79 (ii) a pharmaceutical or medical item.

80 (10) "Minor" means a person under the age of 18 years.

81 (11) "Notification form" means a form issued by the office that a program participant
82 may send to a person demonstrating that the program participant is enrolled in the program.

83 (12) "Office" means the Utah Office for Victims of Crime, created in Title 63G,
84 Chapter 7, Part 5, Utah Office for Victims of Crime.

85 (13) "Program" means the Address Confidentiality Program, created in Section
86 [53-19-103](#).

87 (14) "Program assistant" means an individual designated by the office under Section
88 [53-19-105](#) to assist a program participant.

89 (15) "Program participant" means an individual who is enrolled under Section

90 53-19-107 by the office to participate in the program.

91 (16) "Public Record" means the same as that term is defined in Section 63G-2-103.

92 (17) "Record" means the same as that term is defined in Section 63G-2-103.

93 (18) "Sexual offense" means a sexual offense under Title 76, Chapter 5, Part 4, Sexual

94 Offenses.

95 (19) "Stalking" means the crime of stalking, as defined in Section 76-5-106.5.

96 (20) "State or local government entity" means a county, municipality, higher education

97 institution, local district, special service district, or any other political subdivision of the state

98 or an administrative subunit of the executive, legislative, or judicial branch, including:

99 (a) a law enforcement entity or any other investigative entity, agency, department,

100 division, bureau, board, or commission; or

101 (b) an individual acting or purporting to act for or on behalf of a state or local entity,

102 including an elected or appointed public official.

103 (21) "Victim" means a victim of abuse, domestic violence, human trafficking, stalking,

104 or sexual assault.

105 Section 3. Section **53-19-103** is enacted to read:

106 **53-19-103. Creation -- Office responsibilities.**

107 (1) There is created within the office the Address Confidentiality Program.

108 (2) Under the program, the office shall:

109 (a) designate an assigned address for a program participant to be used by a state and

110 local government entity;

111 (b) receive mail sent to a program participant's assigned address, forward the mail to

112 the program participant's actual address at the office's expense, and track and maintain records

113 for all mail received; and

114 (c) arrange for the program participant at the program participant's expense to receive

115 items other than mail if requested by the program participant and agreed to by the office.

116 Section 4. Section **53-19-104** is enacted to read:

117 **53-19-104. Eligibility.**

118 (1) An applicant is eligible to participate in the program if the applicant attests that the

119 applicant:

120 (a) is a resident of this state;

121 (b) (i) is a victim;
122 (ii) is a parent or a guardian of an individual who is a victim;
123 (iii) is the resident of a household where a victim resides; or
124 (iv) fears for the applicant's physical safety, or for the physical safety of a minor or
125 incapacitated individual residing with the applicant, from a threat of abuse, domestic violence,
126 human trafficking, stalking, or sexual assault;
127 (c) resided at a residential address that was known by an assailant and relocated to a
128 different residential address that is not known by the assailant; and
129 (d) will not disclose the different residential address to the assailant.
130 (2) An applicant may participate in the program regardless of whether:
131 (a) a criminal charge is filed against an assailant;
132 (b) the applicant has a restraining order or injunction against an assailant; or
133 (c) the applicant reported an act or threat by an assailant to a law enforcement agency
134 or officer.
135 (3) An applicant may participate in the program only upon the recommendation of a
136 program assistant.
137 (4) An applicant shall sign, date, and verify the information on an application to
138 participate in the program.
139 (5) A parent or guardian may act on behalf of a minor or incapacitated individual in
140 determining whether the minor or incapacitated individual is eligible for the program.
141 Section 5. Section **53-19-105** is enacted to read:
142 **53-19-105. Designation of program assistants.**
143 (1) The office may designate as a program assistant, an individual that:
144 (a) (i) is an employee of the office or a state or local government entity; or
145 (ii) is a volunteer for an organization that provides counseling, assistance, or support
146 services at no charge to victims; and
147 (b) (i) provides counseling, referrals, or other services to victims; and
148 (ii) completes any training or registration process required by the office.
149 (2) A program assistant shall:
150 (a) assist an applicant in preparing an application for the program; and
151 (b) sign, date, and verify an application for the program.

152 (3) A signature of a program assistant is a recommendation by the program assistant
153 that the applicant is eligible to participate in the program under Section 53-19-104.

154 Section 6. Section **53-19-106** is enacted to read:

155 **53-19-106. Administration -- Application.**

156 (1) The office shall provide an application form to an applicant who seeks to
157 participate in the program under this chapter.

158 (2) The office may not charge a program participant for an application or participation
159 fee to apply for, or participate in, the program.

160 (3) The application shall include:

161 (a) the applicant's name;

162 (b) a mailing address, phone number, and email address where the applicant may be
163 contacted by the office;

164 (c) an indication regarding whether the assailant is employed by a state or local
165 government entity and the name of the state or local government entity;

166 (d) a statement that the applicant understands and consents to:

167 (i) remain enrolled in the program for four years, unless, under Section 53-19-117, the
168 applicant cancels the applicant's participation or is disenrolled;

169 (ii) while the applicant is enrolled in the program, notify the office when the applicant
170 changes the applicant's actual address or legal name;

171 (iii) develop a safety plan with a program assistant;

172 (iv) authorize the office to notify a state and local government entity that the applicant
173 is a program participant;

174 (v) submit written notice to the office if the applicant chooses to cancel the applicant's
175 participation in the program; and

176 (vi) certify that the office is the applicant's designated agent for service of process for
177 personal service;

178 (e) evidence that the applicant, or a child or incapacitated individual residing with the
179 applicant, is a victim, including:

180 (i) a law enforcement, court, or other state, local, or federal government agency record;

181 or

182 (ii) a document from:

183 (A) a domestic violence program, facility, or shelter;
184 (B) a sexual assault program; or
185 (C) a religious, medical, or other professional from whom the applicant, or the minor
186 or incapacitated individual residing with the applicant, sought assistance in dealing with
187 alleged abuse, domestic violence, stalking, or a sexual offense;
188 (f) a statement from the applicant that a disclosure of the applicant's actual address
189 would endanger the applicant or a minor or incapacitated individual residing with the
190 applicant;
191 (g) a statement by the applicant that the applicant has confidentially relocated to a new
192 address in the past ninety days or will relocate to a new address in the state within ninety days;
193 (h) the actual address that:
194 (i) the applicant requests that the office not disclose; and
195 (ii) is at risk of discovery by the assailant or potential assailant;
196 (i) a statement by the applicant disclosing:
197 (i) the existence of a court order or action involving the applicant, or a minor or
198 incapacitated individual residing with the applicant, related to a divorce proceeding, child
199 support order or judgment, or the allocation of custody or parent time; and
200 (ii) the court that issued the order or has jurisdiction over the action;
201 (j) the name of any other individual who resides with the applicant who needs to be a
202 program participant to ensure the safety of the applicant, or a minor or incapacitated individual
203 residing with the applicant;
204 (k) a statement by the applicant, under penalty of perjury, that the information
205 contained in the application is true; and
206 (l) a statement that any assistance or counseling provided by a program assistant as part
207 of the program does not constitute legal advice or legal services to the applicant.
208 Section 7. Section **53-19-107** is enacted to read:
209 **53-19-107. Enrollment of a program participant.**
210 (1) (a) Within five business days after the day on which the office grants enrollment to
211 a program participant, the office shall issue the program participant:
212 (i) an assigned address;
213 (ii) an authorization card; and

214 (iii) a notification form.

215 (b) An authorization card is valid while the program participant is enrolled in the

216 program.

217 (2) A program participant is enrolled in the program for four years beginning on the

218 day on which the enrollment is granted, unless the enrollment is withdrawn or cancelled before

219 the end of the four-year period under Section 53-19-117.

220 (3) A program participant may withdraw from the program by filing a request for

221 withdrawal with the office that is acknowledged before a notary public.

222 (4) (a) A program participant may renew enrollment by filing a renewal application

223 with the office at least 30 days before the day on which enrollment in the program will expire.

224 (b) The applicant shall date, sign, and verify the renewal application.

225 (c) The renewal application shall contain:

226 (i) all statements or information required by Subsection 53-19-106(3) that have

227 changed from the original application or a prior renewal application; and

228 (ii) a statement by the applicant, under penalty of perjury, that the information

229 contained in the renewal application is true.

230 Section 8. Section **53-19-108** is enacted to read:

231 **53-19-108. Use of assigned address -- Release of information.**

232 (1) The office shall forward all mail the office receives at the assigned address for a

233 program participant to the program participant's actual address.

234 (2) The office shall provide, at the request of a program participant or a state or local

235 government entity, confirmation of an individual's status as a program participant.

236 (3) Except as provided in Sections 53-19-112 and 53-19-113, the office may not

237 disclose a program participant's actual address to any person.

238 Section 9. Section **53-19-109** is enacted to read:

239 **53-19-109. Use of assigned address -- Confidentiality.**

240 (1) A program participant may use the assigned address provided to the program

241 participant to receive mail as provided in Subsection 53-19-103(2).

242 (2) (a) A state or local government entity may not refuse to use a program participant's

243 assigned address for any official business, unless, in accordance with statutory requirements,

244 the state or local government entity is required to use the program participant's actual address.

245 (b) A state or local government entity may confirm an individual's status as a program
246 participant with the office.

247 (3) A state or local government entity, after receiving a copy of the notification form
248 from a program participant, may not:

249 (a) except as provided in Subsection (2)(a), refuse to use the assigned address for the
250 program participant, or a minor or incapacitated individual residing with the program
251 participant;

252 (b) except as provided in Subsection (2)(a), require a program participant to disclose
253 the program participant's actual address; or

254 (c) intentionally disclose to another person or state or government entity the program
255 participant's actual address.

256 (4) Notwithstanding Subsections (2) and (3), a county clerk may require a program
257 participant to disclose the program participant's actual address:

258 (a) for voter registration; and

259 (b) to enroll a program participant in the confidential voter program described in
260 Subsection 53-19-112(5).

261 (5) If a program participant is enrolled in the confidential voter program described in
262 Subsection 53-19-112(5), a county clerk may not disclose the program participant's actual
263 address.

264 Section 10. Section **53-19-110** is enacted to read:

265 **53-19-110. Disclosure of actual address prohibited.**

266 (1) (a) The office may not disclose a program participant's actual address or telephone
267 number, unless:

268 (i) required by a court order;

269 (ii) the office grants a request from a state or local government entity under Section
270 53-19-113; or

271 (iii) the program participant is required to disclose the program participant's actual
272 address under the Section 77-41-105.

273 (b) The office shall provide a program participant immediate notification of a
274 disclosure of the program participant's actual address or telephone number if the disclosure is
275 made under Subsection (1)(a)(i) or (ii).

276 (2) If, at the time of application, an applicant, or a parent or guardian of an applicant, is
277 subject to a court order relating to a divorce proceeding, child support order or judgment, or an
278 allocation of custody or parent-time, the office shall provide notice of whether the applicant is
279 enrolled under the program and the assigned address of the applicant to the court that issued the
280 order or has jurisdiction over the action.

281 (3) A person may not knowingly or intentionally obtain a program participant's actual
282 address or telephone number from the office or any state or local government entity if the
283 person is not authorized to obtain the program participant's actual address.

284 (4) Unless the disclosure is permitted under this chapter or is otherwise permitted by
285 law, an employee of the office or a state or local government entity may not knowingly or
286 intentionally disclose a program participant's actual address or telephone number if:

287 (a) the employee obtains a program participant's actual address or telephone number
288 during the course of the employee's official duties; and

289 (b) at the time of disclosure, the employee has specific knowledge that the address or
290 telephone number is the actual address or telephone number of the program participant.

291 (5) A person who intentionally or knowingly obtains or discloses information in
292 violation of this chapter is guilty of a class B misdemeanor.

293 Section 11. Section **53-19-111** is enacted to read:

294 **53-19-111. Change of name, address, or telephone number.**

295 (1) A program participant shall notify the office no later than 30 days after the day on
296 which the program participant obtains a legal name change, by providing the office with a
297 certified copy of a judgment or order establishing the name change, or any other documentation
298 that is sufficient evidence of the name change.

299 (2) A program participant shall notify the office no later than seven days after the day
300 on which the program participant's address or telephone number changes from the address or
301 telephone number listed for the program participant.

302 Section 12. Section **53-19-112** is enacted to read:

303 **53-19-112. Address use by state or local government entities.**

304 (1) A program participant is responsible for requesting that a state or local government
305 entity use the program participant's assigned address as the program participant's residential,
306 work, or school address.

307 (2) Except as otherwise provided in this chapter, if a program participant submits a
308 valid authorization card, or a notification form, to a state or local government entity, the state
309 or local government entity shall accept the assigned address listed on the authorization card or
310 notification form as the program participant's address to be used as the program participant's
311 residential, work, or school address when creating a public record.

312 (3) The program participant's assigned address shall be listed as the last known address
313 if any last known address requirement is needed by the state or local government entity.

314 (4) The state or local government entity may photocopy a program participant's
315 authorization card for a record for the state or local government entity, but the state or local
316 government entity shall immediately return the authorization card to the program participant.

317 (5) (a) An election official, as defined in Section [20A-1-102](#), shall:

318 (i) use a program participant's actual address for precinct designation and all official
319 election-related purposes; and

320 (ii) keep the program participant's actual address confidential from the public.

321 (b) A program participant may not use the program participant's assigned address for
322 voter registration.

323 (c) An election official shall use the assigned address for all correspondence and mail
324 for the program participant placed in the United States mail.

325 (d) A state or local government entity's access to a program participant's voter
326 registration is subject to the request for disclosure process under Section [53-19-113](#).

327 (e) This Subsection (5) applies only to a program participant who submits a valid
328 authorization card or a notification form when registering to vote.

329 (6) (a) A state or local government entity may not use a program participant's assigned
330 address for the purposes of listing, appraising, or assessing property taxes, and collecting
331 property taxes.

332 (b) All property assessments and tax notices, property tax collection notices, and all
333 property related correspondence placed in the United States mail for the program participant is
334 required to be addressed to the assigned address.

335 (7) (a) A state or government entity may not use a program participant's assigned
336 address for purposes of assessing any taxes or fees on a motor vehicle or for titling or
337 registering a motor vehicle.

338 (b) All vehicle assessments and tax notices, vehicle or title registration notices, and all
339 vehicle related correspondence placed in the United States mail for the program participant is
340 required to be addressed to the assigned address.

341 (8) If a program participant is required by law to swear or affirm to the program
342 participant's address, the program participant may use the program participant's assigned
343 address.

344 (9) (a) A school district shall:

345 (i) accept the assigned address as the address of record; and

346 (ii) verify student enrollment eligibility with the office.

347 (b) The office shall help facilitate the transfer of student records as needed.

348 (10) (a) A program participant's actual address and telephone number maintained by a
349 state or local government entity, or disclosed to a state or government entity by the office under
350 Section 53-19-113, may not be disclosed under Title 63G, Chapter 2, Government Records
351 Access and Management Act.

352 (b) A program participant's actual address and telephone number may not be disclosed
353 to a third party by a state or local government entity, except:

354 (i) in a public record created more than 90 days before the date on which the program
355 participant applied for enrollment in the program; or

356 (ii) if a program participant voluntarily requests that the program participant's actual
357 address be disclosed to the third party.

358 (c) For a public record created within 90 days before the date that a program participant
359 applied for enrollment in the program, a state or local government entity shall redact the actual
360 address from a public record or change the actual address to the assigned address in the public
361 record if the program participant presents a valid authorization card or a notification form and
362 requests that the state or local government entity use the assigned address instead of the actual
363 address on the public record.

364 Section 13. Section **53-19-113** is enacted to read:

365 **53-19-113. Request for disclosure.**

366 (1) A state or local government entity requesting disclosure of a program participant's
367 actual address in accordance with this section shall make the request:

368 (a) in writing;

369 (b) on the state and local government entity's letterhead; and
370 (c) with the signature of the head or an executive-level official of the state or local
371 government entity.

372 (2) In accordance with Subsection (1), a state or local government entity requesting
373 disclosure of a program participant's actual address shall provide the office with the name of
374 the program participant and a statement:

375 (a) explaining why the state or local government entity is requesting the program
376 participant's actual address;

377 (b) explaining why the state or local government entity cannot meet the state or local
378 government entity's statutory or administrative obligations without the disclosure of the
379 program participant's actual address;

380 (c) of facts showing that other methods to locate the program participant's actual
381 address have failed, or other methods will be unlikely to succeed; and

382 (d) that the state or local government entity has adopted a procedure with steps the
383 state or local government entity will use to protect the confidentiality of the program
384 participant's actual address.

385 (3) In response to a request for disclosure under Subsection (2), the office may request
386 additional information from the state or local government entity in order to help identify the
387 program participant in the records of the office or to assess whether disclosure to the state or
388 local government entity is permitted under this chapter.

389 (4) (a) Except as provided in Subsection (4)(b), after receiving a request for disclosure
390 from a state or local government entity under Subsection (1), the office shall provide a program
391 participant with written notification:

392 (i) informing the participant of the request, and to the extent possible, of an opportunity
393 to be heard regarding the request; and

394 (ii) after a decision is made by the office, whether the request has been granted or
395 denied by the office.

396 (b) The office is not required to provide notice of a request for disclosure to a program
397 participant under Subsection (4)(a) when:

398 (i) the request is made by a state or local law enforcement agency conducting a
399 criminal investigation involving alleged criminal conduct by the program participant; or

400 (ii) providing notice to the program participant would jeopardize an ongoing criminal
401 investigation or the safety of law enforcement personnel.

402 (5) The office shall grant a state or local government entity's request for disclosure and
403 disclose the program participant's actual address if:

404 (a) the state or local government entity has demonstrated a good faith statutory or
405 administrative need for the actual address;

406 (b) the actual address will only be used for the purpose stated in the request;

407 (c) other methods to locate the program participant or the program participant's actual
408 address have failed, or the other methods are unlikely to succeed; and

409 (d) the state or local government entity has adopted a procedure for protecting the
410 confidentiality of the program participant's actual address.

411 (6) If the office grants a request for disclosure under this section, the office shall
412 provide the state or local government entity with a disclosure that contains:

413 (a) the program participant's actual address;

414 (b) a statement with the permitted use of the program participant's actual address;

415 (c) the names or classes of persons permitted to have access to or use of the program
416 participant's actual address;

417 (d) a statement that the state or local government entity is required to limit access to
418 and use of the program participant's actual address to the permitted use and to the listed persons
419 or classes of persons; and

420 (e) if expiration of the disclosure is appropriate, the date on which the permitted use of
421 the program participant's actual address expires.

422 (7) If a request for disclosure is granted by the office, a state or local government entity
423 shall:

424 (a) limit use of the program participant's actual address to the purpose stated in the
425 disclosure;

426 (b) limit access to the program participant's actual address to the persons or classes of
427 persons stated in the disclosure;

428 (c) cease use of the program participant's actual address upon the expiration of the
429 permitted use;

430 (d) dispose of the program participant's actual address upon the expiration of the

431 permitted use; and

432 (e) except as permitted in the request for disclosure, maintain the confidentiality of the
433 program participant's actual address.

434 (8) Upon denial of a state or local government entity's request for disclosure, the office
435 shall promptly provide a written notification to the state or local government entity explaining
436 the specific reasons for denying the request for disclosure.

437 (9) (a) A state or local government agency may file a written appeal with the office no
438 later than 15 days after the day on which the state or local government agency receives the
439 written notification under Subsection (8).

440 (b) A state or local government agency filing a written appeal under Subsection (9)(a)
441 shall:

442 (i) restate the information contained in the request for disclosure;
443 (ii) state the grounds on which the state or local government entity asserts the request
444 for disclosure should be granted; and
445 (iii) respond to the office's reason for denying the request for disclosure.

446 (c) The office shall make a final determination on the appeal within 30 days after the
447 day on which the appeal is received by the office, unless the state or local government entity
448 and the office agree to a different deadline.

449 (d) Before the office makes a final determination, the office may conduct a hearing or
450 request additional information from the state or local government entity or the program
451 participant.

452 Section 14. Section **53-19-114** is enacted to read:

453 **53-19-114. Service of process at the assigned address.**

454 (1) In accordance with rule (4)(d)(1)(A) of Utah Rules of Civil Procedure, the office is
455 the agent authorized to receive process for a program participant.

456 (2) In accordance with rule (5)(b)(3)(c) of the Utah Rules of Civil Procedure, the last
457 known address for a program participant is the program participant's assigned address, not the
458 program participant's actual address.

459 Section 15. Section **53-19-115** is enacted to read:

460 **53-19-115. Participation in the program -- Orders in relation to allocation of**
461 **custody or parent-time.**

462 (1) A court may not discriminate against a parent because of, or otherwise consider the
463 parent's participation in the program for the purpose of, making an order allocating custody
464 under Section 30-3-10 or parent-time under Section 30-3-32.

465 (2) A court shall take practical measures to keep a program participant's actual address
466 confidential when making an order allocating custody or parent-time.

467 (3) Nothing in this chapter affects an order relating to the allocation of custody or
468 parent-time in effect prior to or during a program participant's participation in the program.

469 Section 16. Section 53-19-116 is enacted to read:

470 **53-19-116. Disclosure of address or identifiable information in a judicial or**
471 **administrative proceeding.**

472 (1) A person may not compel disclosure of a program participant's actual address or
473 identifying information related to the program participant's residence, work, or school during a
474 proceeding before a court or in an administrative proceeding, unless the court or administrative
475 tribunal finds, based on a preponderance of the evidence, that:

476 (a) the disclosure is required in the interest of justice;

477 (b) public interest in the disclosure substantially outweighs the potential harm to the
478 program participant; or

479 (c) no other alternative would satisfy the necessity of the disclosure.

480 (2) If disclosure of a program participant's actual address is required in a proceeding
481 before a court or administrative tribunal, the court or administrative tribunal may seal the
482 portion of a record that contains the program participant's actual address.

483 (3) Nothing in this section prevents a state or local government entity from using a
484 program participant's actual address in filing a document or record with a court or
485 administrative tribunal if, at the time of the filing, the document or record is filed under seal or
486 not a public record.

487 Section 17. Section 53-19-117 is enacted to read:

488 **53-19-117. Cancellation of enrollment -- Records.**

489 (1) The office shall cancel a program participant's enrollment in the program if:

490 (a) the program participant submits to the office a written request to withdraw from
491 enrollment in accordance with Section 53-19-107;

492 (b) the program participant fails to notify the office of a change in the program

493 participant's name, address, or telephone number that is listed on the application;
494 (c) the program participant, or a parent or guardian of the program participant,
495 knowingly submits false information in the program application; or
496 (d) mail forwarded to the program participant by the office is returned as undeliverable.
497 (2) (a) If the office determines that there are grounds for cancelling a program
498 participant's enrollment in accordance with Subsection (1), the office shall send notice of the
499 cancellation with the reason for cancellation to the program participant at the program
500 participant's actual address.

501 (b) A program participant has 30 days to appeal the cancellation decision in accordance
502 with procedures developed by the office.

503 (3) A program participant who receives a notice of cancellation is responsible for
504 notifying a person who uses the program participant's assigned address to communicate with
505 the program participant that the assigned address is no longer valid.

506 (4) If the office cancels a program participant's enrollment in the program, the program
507 participant is not eligible to participate in the program for six months after the date on which
508 the office cancels the program participant's enrollment in the program.

509 Section 18. Section **53-19-118** is enacted to read:

510 **53-19-118. Retention and destruction of records.**

511 The office shall establish policies and procedures regarding the maintenance and
512 destruction of applications, records, and other documents received or generated under this
513 chapter.

514 Section 19. Section **53-19-119** is enacted to read:

515 **53-19-119. Immunity from suit.**

516 (1) A program assistant or program assistant's employer is immune from liability in a
517 civil action or proceeding involving the performance or nonperformance of a duty under the
518 this chapter, unless the performance or nonperformance of a program participant was
519 manifestly outside the scope of the program assistant's duties in the program or the program
520 participant acted with malicious purpose, bad faith, or in a wanton or reckless manner.

521 (2) In addition to the governmental immunity granted in Title 63G, Chapter 7,
522 Governmental Immunity Act of Utah, the office, the state, and the political subdivisions of the
523 state are immune from liability in a civil action or proceeding involving the performance or

524 nonperformance of a duty under the address confidentiality program.