

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1590
Judiciary

(Delegates Gilleland and Boschert)

Family Law - Disclosure of Divorce Case Information - Temporary Prohibition

This bill generally prohibits a court from allowing inspection of a divorce case file or any related information for a period of seven days after the filing of a complaint for limited or absolute divorce. This includes any information about the filing of the divorce complaint itself or any identifying information about the individuals named in the complaint.

However, during the regular business hours of the court, the court must allow inspection of the divorce case file or retrieval of any related information by the individual who filed the complaint, the individual's attorney, a judge or court employee whose duties require access to the information, and an individual who requires access to serve the divorce complaint on the opposing party.

Fiscal Summary

State Effect: The bill's requirements could be met with existing resources.

Local Effect: The bill's requirements could be met with existing resources.

Small Business Effect: None.

Analysis

Current Law: Generally, divorce case files and related information, including identifying information are considered public records. A custodian of a public record must permit inspection of the record at a reasonable time.

A custodian must deny inspection of a public record or any part of a public record if: (1) the public record is privileged or confidential by law; or (2) the inspection would be contrary to: (a) a State statute; (b) a federal statute or regulation; (c) the Maryland Rules; or (d) an order of a court of record. Denial of inspection is also mandatory for public records relating to adoption, welfare records, letters of reference, and specified information about an individual maintained by a library. Denial of inspection is required for information in a public record relating to certain medical, psychological, and sociological information; trade secrets; certain personal information about public employees; information about the security of an information system; and licensing records.

Unless otherwise provided, if a custodian believes that inspection of a part of a public record by an applicant would be contrary to the public interest, the custodian may deny inspection to the applicant of that part of the record. Other permissible denials include information relating to documents that would not be available through discovery in a lawsuit, certain information about publicly administered tests, research projects conducted by an institution of the State or a political subdivision, real estate appraisals of property to be acquired by the State prior to its acquisition, certain information on inventions owned by State public higher educational institutions, and trade secrets or confidential information owned by the Maryland Technology Development Corporation.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

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mp/jr

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