

**Rule 4-202.02. Records Classification.****Intent:**

To classify court records as public or non-public.

**Applicability:**

This rule applies to the judicial branch.

**Statement of the Rule:**

(1) **Presumption of Public Court Records.** Court records are public unless otherwise classified by this rule.

(2) **Public Court Records.** Public court records include but are not limited to:

(2)(A) abstract of a citation that redacts all non-public information;

(2)(B) aggregate records without non-public information and without personal identifying information;

(2)(C) appellate filings, including briefs;

(2)(D) arrest warrants, but a court may restrict access before service;

(2)(E) audit reports;

(2)(F) case files;

(2)(G) committee reports after release by the Judicial Council or the court that requested the study;

(2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a contract;

(2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;

(2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;

(2)(K) financial records;

(2)(L) indexes approved by the Management Committee ~~of the Judicial Council~~, including the following, in courts other than the juvenile court; an index may contain any other index information:

(2)(L)(i) amount in controversy;

(2)(L)(ii) attorney name;

(2)(L)(iii) licensed paralegal practitioner name;

(2)(L)(iv) case number;

(2)(L)(v) case status;

(2)(L)(vi) civil case type or criminal violation;

(2)(L)(vii) civil judgment or criminal disposition;

(2)(L)(viii) daily calendar;

(2)(L)(ix) file date;

(2)(L)(x) party name;

(2)(M) name, business address, business telephone number, and business email address of an adult person or business entity other than a party or a victim or witness of a crime;

(2)(N) name, address, telephone number, email address, date of birth, and last four digits of the following: driver's license number; social security number; or account number of a party;

(2)(O) name, business address, business telephone number, and business email address of a lawyer or licensed paralegal practitioner appearing in a case;

(2)(P) name, business address, business telephone number, and business email address of court personnel other than judges;

(2)(Q) name, business address, and business telephone number of judges;

(2)(R) name, gender, gross salary and benefits, job title and description, number of hours worked per pay period, dates of employment, and relevant qualifications of a current or former court personnel;

(2)(S) unless classified by the judge as private or safeguarded to protect the personal safety of the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury is discharged;

(2)(T) opinions, including concurring and dissenting opinions, and orders entered in open hearings;

(2)(U) order or decision classifying a record as non~~u~~-t public;

(2)(V) private record if the subject of the record has given written permission to make the record public;

~~(2)(W) probation progress/violation reports;~~

(2)(~~W~~X) publications of the ~~A~~administrative ~~O~~office of the courts;

(2)(~~XY~~) record in which the judicial branch determines or states an opinion on the rights of the state, a political subdivision, the public, or a person;

(2)(~~YZ~~) record of the receipt or expenditure of public funds;

(2)(~~ZAA~~) record, minutes, or transcript of an open meeting;

(2)(~~AABB~~) official audio record, minutes, or transcript of an open hearing;

(2)(~~BBGG~~) record of formal discipline of current or former court personnel or of a person regulated by the judicial branch if the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained;

(2)(~~CCDD~~) record of a request for a record;

(2)(~~DDEE~~) reports used by the judiciary if all of the data in the report is public or the Judicial Council designates the report as a public record;

(2)(~~EEFF~~) rules of the Supreme Court and Judicial Council;

(2)(~~FFGG~~) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under ~~Utah Rule of Criminal Procedure 40~~ of the Utah Rules of Criminal Procedure;

(2)(~~GGHH~~) statistical data derived from public and non-public records but that disclose only public data; and

(2)(~~HHH~~) notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary ~~shall~~ will contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses. Upon a finding of good cause on the record, the juvenile court may reclassify these records as non-public.

**(3) Sealed Court Records.** The following court records are sealed:

(3)(A) records in the following actions:

(3)(A)(i) ~~Utah Code, Title 8178B, Chapter 136, Part 1, Utah Adoption Act~~, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) ~~Utah Code, Title 8178B, Chapter 45, Part 8, Gestational Agreement~~, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(iii) Utah Code s~~S~~Section 76-7-304.5.— Consent required for abortions performed on minors; and

(3)(A)(iv) Utah Code s~~S~~Section 78B-8-402.— Actions for disease testing;

(3)(B) expunged records;

(3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code s~~S~~Section 77-23a-15;

(3)(D) records showing the identity of a confidential informant;

(3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code s~~S~~Section 7-2-6;

(3)(F) wills deposited for safe keeping under Utah Code, Section-title 75, chapter -2, part -9, Custody and Deposit of Wills~~04~~;

(3)(G) records designated as sealed by rule of the Supreme Court;

(3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings;

(3)(I) on appeal, any record previously designated as sealed by another court;

(3)(J) video record of a court proceeding, other than security video; ~~and~~

(3)(K) "nonpublic restitution records" as defined in Utah Code section 63M-7-502; and

(3)(~~L~~K) other records as ordered by the court under Rule 4-202.04.

**(4) Private Court Records.** The following court records are private:

(4)(A) records in the following actions:

(4)(A)(i) Utah Code s~~S~~Section 26B-5-332, Involuntary commitment under court order;

(4)(A)(ii) Utah Code s~~S~~Section 76-10-532, Removal from the National Instant Check System database;

(4)(A)(iii) Utah Code, t~~T~~itle 8178B, c~~C~~hapter 136, p~~P~~art 1, Utah Adoption Act, until the records are sealed;

(4)(A)(iv) Utah Code, t~~T~~itle 8178B, c~~C~~hapter 15, p~~P~~art 8, Gestational Agreement, until the records are sealed;

(4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court restitution judgment; and

(4)(A)(vi) Utah Code sSection 26B-8-111, Sex designation changes, and name changes combined with sex designation changes for both minors and adults, except that:

(4)(A)(vi)(a) the case history is public for minors; and

(4)(A)(vi)(b) the case history and record of public hearings are public for adults.

(4)(B) records in the following actions, except that the case history, judgments, orders, decrees, letters of appointment, and the record of public hearings are public records:

(4)(B)(i) Utah Code, tTitle 8130, Husband and WifeUtah Domestic Relations Code, including qualified domestic relations orders, except that an action for consortium due to personal injury under Utah Section ~~30-2-118~~1-3-111 is public;

(4)(B)(ii) Utah Code, Title 75, cChapter 5, Protection of pPersons uUnder dDisability and their Property;

(4)(B)(iii) Utah Code, tTitle 78B, cChapter 7, Protective Orders and Stalking Injunctions;

(4)(B)(iv) Utah Code, tTitle 8178B, cChapter 612, \_Utah Child Support ActChild Support;

(4)(B)(v) Utah Code, tTitle 8178B, cChapter 113, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vi) Utah Code, tTitle 8178B, cChapter 814, Uniform Interstate Family Support Act;

(4)(B)(vii) Utah Code, Title 8178B, cChapter 45, Utah Uniform Parentage Act; and

(4)(B)(viii) an action to modify or enforce a judgment in any of the actions in this subparagraph (4)(B);

(4)(C) records related to determinations of indigency;

(4)(D) an affidavit supporting a motion to waive fees;

(4)(E) aggregate records other than public aggregate records under subsection paragraph (2);

(4)(F) alternative dispute resolution records;

(4)(G) applications for accommodation under the Americans with Disabilities Act;

(4)(H) jail booking sheets;

(4)(I) citation, but an abstract of a citation that redacts all non-public information is public;

(4)(J) judgment information statement;

(4)(K) judicial review of final agency action under Utah Code ~~s~~Section 80-2-707;

(4)(L) the following personal identifying information about a party: driver's license number, social security number, account description and number, password, identification number, maiden name and mother's maiden name, and similar personal identifying information;

(4)(M) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number; date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;

(4)(N) medical, psychiatric, or psychological records;

(4)(O) name of a minor, except that the name of a minor party is public in the following district and justice court proceedings:

(4)(O)(i) name change of a minor, unless the name change is combined with a sex designation change;

(4)(O)(ii) guardianship or conservatorship for a minor;

(4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;

(4)(O)(iv) protective orders and stalking injunctions; and

(4)(O)(v) custody orders and decrees;

(4)(P) nonresident violator notice of noncompliance;

(4)(Q) personnel file of a current or former court personnel or applicant for employment;

(4)(R) photograph, film, or video of a crime victim;

(4)(S) record of a court hearing closed to the public or of a child's testimony taken under ~~URCrP~~ Rule 15.5 of the Utah Rules of Criminal Procedure:

(4)(S)(i) permanently if the hearing is not traditionally open to the public and public access does not play a significant positive role in the process; or

(4)(S)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to release the record without prejudice to the interests that justified the closure;

(4)(T) record submitted by a senior judge or court commissioner regarding performance evaluation and certification;

- (4)(U) record submitted for in camera review until its public availability is determined;
- (4)(V) reports of investigations by Child Protective Services;
- (4)(W) statement in support of petition to determine competency;
- (4)(X) victim impact statements;
- (4)(Y) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;
- (4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;
- (4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;
- (4)(BB) records related to Court Commissioner Conduct Committee and Council actions under Rule 3-201.02, other than a public censure by the Council, and
- (4)(CC) other records as ordered by the court under Rule 4-202.04.

**(5) Protected Court Records.** The following court records are protected:

- (5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the courts concerning litigation, privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;
- (5)(B) records that are subject to the attorney client privilege;
- (5)(C) bids or proposals until the deadline for submitting them has closed;
- (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;
- (5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the court's contemplated policies or contemplated courses of action;
- (5)(F) court security plans;
- (5)(G) investigation and analysis of loss covered by the risk management fund;
- (5)(H) memorandum prepared by staff for a member of any body charged by law with performing a judicial function and used in the decision-making process;
- (5)(I) confidential business records under Utah Code ~~s~~Section 63G-2-309;



(5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be expected to:

(5)(J)(i) interfere with an investigation;

(5)(J)(ii) interfere with a fair hearing or trial;

(5)(J)(iii) disclose the identity of a confidential source; or

(5)(J)(iv) concern the security of a court facility;

(5)(K) record identifying property under consideration for sale or acquisition by the court or its appraised or estimated value unless the information has been disclosed to someone not under a duty of confidentiality to the courts;

(5)(L) record that would reveal the contents of settlement negotiations other than the final settlement agreement;

(5)(M) record the disclosure of which would impair governmental procurement or give an unfair advantage to any person;

(5)(N) record the disclosure of which would interfere with supervision of an offender's incarceration, probation, or parole;

(5)(O) record the disclosure of which would jeopardize life, safety, or property;

(5)(P) strategy about collective bargaining or pending litigation;

(5)(Q) test questions and answers;

(5)(R) trade secrets as defined in Utah Code ~~s~~Section 13-24-2;

(5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;

(5)(T) presentence investigation report;

(5)(U) probation progress/violation reports;

(5)(V) except for those filed with the court, records maintained and prepared by juvenile probation; and

(5)(~~W~~V) other records as ordered by the court under Rule 4-202.04.

**(6) Juvenile Court Social Records.** The following are juvenile court social records:

(6)(A) correspondence relating to juvenile social records;

(6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;



- (6)(C) medical, psychological, psychiatric evaluations;
- (6)(D) pre-disposition, dispositional, and social summary reports;
- (6)(E) probation agency and institutional reports or evaluations;
- (6)(F) referral reports;
- (6)(G) report of preliminary inquiries;
- (6)(H) treatment or service plans;
- (6)(I) nonjudicial adjustment records; and
- (6)(J) documents filed with the court that were received pursuant to the Utah Interstate Compact for Juveniles.

**(7) Juvenile Court Legal Records.** The following are juvenile court legal records:

- (7)(A) accounting records;
- (7)(B) discovery filed with the court;
- (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees, probable cause statements;
- (7)(D) name of a party or minor;
- (7)(E) record of a court hearing;
- (7)(F) referral and offense histories; and
- (7)(G) any other juvenile court record regarding a minor that is not designated as a social record.

**(8) Safeguarded Court Records.** The following court records are safeguarded:

- (8)(A) upon request, location information, contact information, and identity information, other than the name of a petitioner and other persons to be protected, in an action filed under Utah Code, Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
- (8)(B) upon request, location information, contact information and identity information, other than the name of a party or the party's child, after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Utah Code, Title 81-78B, Chapter 113, Utah Uniform Child Custody Jurisdiction and Enforcement Act, ~~or Utah Code, Title 81-78B, Chapter 84~~, Uniform Interstate Family Support Act; ~~or~~ Utah Code, Title 81-78B, Chapter 15, Utah Uniform Parentage Act;
- (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or

(8)(B), location information, contact information and identity information, other than the name of a party or the party's child, in a proceeding under Utah Code, Title 81~~30~~, ~~Husband and Wife~~Utah Domestic Relations Code;

(8)(D) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;

(8)(E) location information, contact information, and identity information other than name of a prospective juror summoned to attend court; and

(8)(F) the following information about a victim or witness of a crime: including, upon receipt of notice, a participant in the Safe at Home Program under Utah Code, title 77, chapter 38, part 6, Safe at Home Program:

(8)(F)(i) business and personal address, email address, telephone number, and similar information from which the person can be located or contacted;

(8)(F)(ii) date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information-;

(8)(F)(iii) except for a Safe at Home Program participant's assigned address, documents showing a participant's enrollment, including the authorization card, for a program participant under Utah Code, title 77, chapter 38, part 6, Safe at Home Program.

Effective ~~January~~ May 1, 202~~5~~4