

1 **Rule 4-202.03. Records Access.**

2

3 **Intent:**

4 To identify who may access court records.

5

6 **Applicability:**

7 This rule applies to the judicial branch.

8

9 **Statement of the Rule:**

10 (1) **Public Court Records.** Any person may access a public court record.

11

12 (2) **Sealed Court Records.** An adoptive parent or adult adoptee may obtain a certified copy of  
13 the adoption decree upon request and presentation of positive identification. A petitioner in an  
14 expunged case may obtain certified copies of the expungement order and the case history upon  
15 request and in-person presentation of positive identification. Otherwise, no one may access a  
16 sealed court record except by order of the court. A judge may review a sealed record when the  
17 circumstances warrant.

18

19 (3) **Private Court Records.** The following may access a private court record:

20 (3)(A) the subject of the record;

21

22 (3)(B) the parent or guardian of the subject of the record if the subject is an  
23 unemancipated minor or under a legal incapacity;

24

25 (3)(C) a party, attorney for a party, or licensed paralegal practitioner for a party to  
26 litigation in which the record is filed;

27

28 (3)(D) an interested person to an action under the Uniform Probate Code;

29

30 (3)(E) the person who submitted the record;

31

32 (3)(F) the attorney or licensed paralegal practitioner for a person who may access the  
33 private record or an individual who has a written power of attorney from the person or  
34 the person's attorney or licensed paralegal practitioner;

35

36 (3)(G) an individual with a release from a person who may access the private record  
37 signed and notarized no more than 90 days before the date the request is made;

38

39 (3)(H) anyone by court order;

40

41 (3)(I) court personnel, but only to achieve the purpose for which the record was  
42 submitted;

43

44 (3)(J) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

45

46 (3)(K) a governmental entity with which the record is shared under Rule 4-202.10.

47

48 (4) **Protected Court Records.** The following may access a protected court record:

49 (4)(A) the person or governmental entity whose interests are protected by closure;

50

51 (4)(B) the parent or guardian of the person whose interests are protected by closure if  
52 the person is an unemancipated minor or under a legal incapacity;

53

54 (4)(C) the person who submitted the record;

55

56 (4)(D) the attorney or licensed paralegal practitioner for the person who submitted the  
57 record or for the person or governmental entity whose interests are protected by closure  
58 or for the parent or guardian of the person if the person is an unemancipated minor or  
59 under a legal incapacity or an individual who has a power of attorney from such person  
60 or governmental entity;

61

62 (4)(E) an individual with a release from the person who submitted the record or from the  
63 person or governmental entity whose interests are protected by closure or from the  
64 parent or guardian of the person if the person is an unemancipated minor or under a  
65 legal incapacity signed and notarized no more than 90 days before the date the request  
66 is made;

67

68 (4)(F) a party, attorney for a party, or licensed paralegal practitioner for a party to  
69 litigation in which the record is filed;

70

71 (4)(G) anyone by court order;

72

73 (4)(H) court personnel, but only to achieve the purpose for which the record was  
74 submitted;

75

76 (4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

77

78 (4)(J) a governmental entity with which the record is shared under Rule 4-202.10.

79

80 (5) **Juvenile Court Social Records.** The following may access a juvenile court social record:

81 (5)(A) the subject of the record, if 18 years of age or over;

82

83 (5)(B) a parent or guardian of the subject of the record if the subject is an  
84 unemancipated minor;

85

86 (5)(C) an attorney or person with power of attorney for the subject of the record;

87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130

(5)(D) a person with a notarized release from the subject of the record or the subject's legal representative dated no more than 90 days before the date the request is made;

(5)(E) the subject of the record's therapists and evaluators;

(5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

(5)(G) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and Juvenile Justice Services;

(5)(H) the Department of Human Services, school districts and vendors with whom they or the courts contract (who shall not permit further access to the record), but only for court business;

(5)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(5)(J) a governmental entity with which the record is shared under Rule 4-202.10;

(5)(K) the person who submitted the record;

(5)(L) public or private individuals or agencies providing services to the subject of the record or to the subject's family, including services provided pursuant to a nonjudicial adjustment, if a probation officer determines that access is necessary to provide effective services; and

(5)(M) anyone by court order.

(5)(N) Juvenile court competency evaluations, psychological evaluations, psychiatric evaluations, psychosexual evaluations, sex behavior risk assessments, and other sensitive mental health and medical records may be accessed only by:

(5)(N)(i) the subject of the record, if age 18 or over;

(5)(N)(ii) an attorney or person with power of attorney for the subject of the record;

(5)(N)(iii) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

131 (5)(N)(iv) a governmental entity charged with custody, guardianship, protective  
132 supervision, probation or parole of the subject of the record including juvenile  
133 probation, Division of Child and Family Services and Juvenile Justice Services;

134  
135 (5)(N)(v) court personnel, but only to achieve the purpose for which the record  
136 was submitted;

137  
138 (5)(N)(vi) anyone by court order.

139  
140 (5)(O) When records may be accessed only by court order, a juvenile court judge will  
141 permit access consistent with Rule 4-202.04 as required by due process of law in a  
142 manner that serves the best interest of the child.

143  
144 **(6) Juvenile Court Legal Records.** The following may access a juvenile court legal record:

145 (6)(A) all who may access the juvenile court social record;

146  
147 (6)(B) a law enforcement agency;

148  
149 (6)(C) a children's justice center;

150  
151 (6)(D) public or private individuals or agencies providing services to the subject of the  
152 record or to the subject's family;

153  
154 (6)(E) the victim of a delinquent act may access the disposition order entered against the  
155 minor; and

156  
157 (6)(F) the parent or guardian of the victim of a delinquent act may access the disposition  
158 order entered against the minor if the victim is an unemancipated minor or under legal  
159 incapacity.

160  
161 **(7) Safeguarded Court Records.** The following may access a safeguarded record:

162 (7)(A) the subject of the record;

163  
164 (7)(B) the person who submitted the record;

165  
166 (7)(C) the attorney or licensed paralegal practitioner for a person who may access the  
167 record or an individual who has a written power of attorney from the person or the  
168 person's attorney or licensed paralegal practitioner;

169  
170 (7)(D) an individual with a release from a person who may access the record signed and  
171 notarized no more than 90 days before the date the request is made;

172  
173 (7)(E) anyone by court order;

174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193

(7)(F) court personnel, but only to achieve the purpose for which the record was submitted;

(7)(G) a person provided the record under Rule 4-202.04 or Rule 4-202.05;

(7)(H) a governmental entity with which the record is shared under Rule 4-202.10; and

(7)(I) a person given access to the record in order for juvenile probation to fulfill a probation responsibility.

(8) Court personnel shall permit access to court records only by authorized persons. The court may order anyone who accesses a non-public record not to permit further access, the violation of which may be contempt of court.

(9) If a court or court employee in an official capacity is a party in a case, the records of the party and the party's attorney are subject to the rules of discovery and evidence to the same extent as any other party.

*Effective: ~~11/1/2019~~ November 1, 2022*