

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

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3 **Intent:**

4 To identify who may access court records.

5 **Applicability:**

6 This rule applies to the judicial branch.

7 **Statement of the Rule:**

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

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11 (2) **Sealed Court Records.** No one may access a sealed court record except as authorized
12 below or by order of the court. A judge may review a sealed record when the circumstances
13 warrant.

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15 (2)(A) **Adoption records.** Upon request and presentation of positive identification, an
16 adoption petition, and any other documents filed in connection with the adoption, may be
17 open to inspection and copying:

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19 (2)(A)(i) by a party to the adoption proceeding while the proceeding is pending or
20 within six months after the day on which the adoption decree is entered;

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22 (2)(A)(ii) when the adoption document becomes public on the one hundredth
23 anniversary of the date of the final decree of adoption was entered;

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25 (2)(A)(iii) when the birth certificate becomes public on the one hundredth
26 anniversary of the date of birth;

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28 (2)(A)(iv) by an attorney who is not the attorney of record with a release from an
29 individual authorized access under this rule that is signed and notarized not more
30 than 90 days before the date of the request for the records;

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32 (2)(A)(v) by an individual who was 18 years of age or older at the time of
33 adoption or their adoptive parent, without a court order, unless the final decree of
34 adoption was entered by the juvenile court; and

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36 (2)(A)(vi) by an individual who was a minor at the time of adoption, if the
37 individual is 18 years of age or older and was born in the state of Utah, but only
38 to the extent the birth parent consented to access under the Utah Adoption Act or
39 if the birth parents listed on the original birth certificate are deceased.

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41 (2)(B) **Expunged records.**

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43 (2)(B)(i) The following may obtain certified copies of the expungement order and
44 the case history upon request and presentation of positive identification:

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46 (2)(B)(i)(a) the petitioner or an individual who receives an automatic
47 expungement under Utah Code Chapter 40a or Section 77-27-5.1;

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49 (2)(B)(i)(b) a law enforcement officer involved in the case, for use solely in
50 the officer's defense of a civil action arising out of the officer's
51 involvement with the petitioner in that particular case;

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53 (2)(B)(i)(c) parties to a civil action arising out of the expunged incident, if
54 the information is kept confidential and utilized only in the action; and

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56 (2)(B)(i)(d) an attorney who is not the attorney of record with a release
57 from an individual authorized access under this rule that is signed and
58 notarized not more than 90 days before the date of the request.

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60 (2)(B)(ii) Information contained in expunged records may be accessed by
61 qualifying individuals and agencies under Utah Code Section 77-40a-403 upon
62 written request and approval by the state court administrator in accordance with
63 Rule 4-202.05. Requests must include documentation proving that the requester
64 meets the conditions for access and a statement that the requester will comply
65 with all confidentiality requirements in Rule 4-202.05 and Utah Code.

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67 (2)(C) **Video records.** An official court transcriber may obtain a video record of a court
68 proceeding for the purposes outlined in Rule 5-202. A court employee may obtain a
69 video record of a court proceeding if needed to fulfill official court duties.

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71 (2)(D) **Nonpublic restitution records.** The Utah Office for Victims of Crime (UOVC)
72 may access nonpublic restitution records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115

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

- 117 (5)(A) the subject of the record, if 18 years of age or over;
- 118 (5)(B) a parent or guardian of the subject of the record, or their attorney, if the subject is
119 an unemancipated minor;
- 120 (5)(C) an attorney or person with power of attorney for the subject of the record;
- 121 (5)(D) a person with a notarized release from the subject of the record or the subject's
122 legal representative dated no more than 90 days before the date the request is made;
- 123 (5)(E) the subject of the record's therapists and evaluators;
- 124 (5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian
125 ad Litem, and an Attorney General involved in the litigation in which the record is filed;
- 126 (5)(G) a governmental entity charged with custody, guardianship, protective supervision,
127 probation or parole of the subject of the record including juvenile probation, Division of
128 Child and Family Services and Juvenile Justice Services;
- 129 (5)(H) the Department of Human Services, school districts and vendors with whom they
130 or the courts contract (who shall not permit further access to the record), but only for
131 court business;
- 132 (5)(I) court personnel, but only to achieve the purpose for which the record was
133 submitted;
- 134 (5)(J) a governmental entity with which the record is shared under Rule 4-202.10;
- 135 (5)(K) the person who submitted the record;
- 136 (5)(L) public or private individuals or agencies providing services to the subject of the
137 record or to the subject's family, including services provided pursuant to a nonjudicial
138 adjustment, if a probation officer determines that access is necessary to provide
139 effective services; and
- 140 (5)(M) anyone by court order.
- 141 (5)(N) Dispositional reports on delinquency cases may be accessed by the minor's
142 counsel, the prosecuting attorney, the guardian ad litem, and the counsel for the parent,
143 guardian, or custodian of a child. When a minor or minor's parent, guardian, or custodian
144 is not represented by counsel the court may limit inspection of reports by the minor or
145 the minor's parent, guardian, or custodian if the court determines it is in the best interest
146 of the minor.
- 147 (5)(O) Juvenile court competency evaluations, psychological evaluations, psychiatric
148 evaluations, psychosexual evaluations, sex behavior risk assessments, and other
149 sensitive mental health and medical records may be accessed only by:
- 150 (5)(O)(i) a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an
151 Attorney General involved in the litigation in which the record is filed;

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

155 (5)(O)(iii) court personnel, but only to achieve the purpose for which the record
156 was submitted; and

157 (5)(O)(iv) anyone by court order.

158 (5)(P) When releasing records under (5)(O)(iv), the court should consider whether
159 releasing the records to the subject of the record would be detrimental to the subject's
160 mental health or the safety of any individual, or would constitute a violation of normal
161 professional practice and medical ethics.

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

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

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

168 (6)(B) a law enforcement agency;

169 (6)(C) a children's justice center;

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

172 (6)(E) the victim of a delinquent act may access the disposition order entered against the
173 minor; and

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

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

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

180 (7)(B) the person who submitted the record;

181 (7)(C) the attorney or licensed paralegal practitioner for a person who may access the
182 record or an individual who has a written power of attorney from the person or the
183 person's attorney or licensed paralegal practitioner;

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

186 (7)(E) anyone by court order;

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

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

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

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

193 (8) **Juvenile court probation records.** Records prepared and maintained by juvenile court
194 probation that are not filed in a juvenile court case are not open for inspection except by order of
195 the court.

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

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

202 *Effective: ~~January~~ November 1, 2024*