

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

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3 **Intent:**

4 To identify who may access court records.

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6 **Applicability:**

7 This rule applies to the judicial branch.

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9 **Statement of the Rule:**

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

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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.

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

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

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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;

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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;

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

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

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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;

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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;

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

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

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

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

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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;

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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;

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

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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;

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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;

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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;

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

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

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

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

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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;

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

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

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(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;

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

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

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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.

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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;

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

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

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

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

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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.

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

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

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

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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;

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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;

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

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

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

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

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

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

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

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