

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.** ~~Otherwise, n~~No one may access a sealed court record except as  
12 authorized under (2)(A) and (2)(B) or by order of the court. A judge may review a sealed record  
13 when the circumstances warrant.

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15 (2)(A) Adoption decree. An adoptive parent or adult adoptee may obtain a certified  
16 copy of the adoption decree upon request and presentation of positive identification.

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18 (2)(B) Expunged records.

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20 (2)(B)(i) The following may obtain certified copies of the expungement order and  
21 the case history upon request and in-person presentation of positive  
22 identification:

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24 (2)(B)(i)(a) theA petitioner ~~in an expunged case or an individual who~~  
25 receives an automatic expungement under Utah Code Chapter 40a or  
26 Section 77-27-5.1;

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

31  
32 (2)(B)(i)(c) parties to a civil action arising out of the expunged incident, if  
33 the information is kept confidential and utilized only in the action.

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

41  
42 (3) **Private Court Records.** The following may access a private court record:

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

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

- 46 (3)(C) a party, attorney for a party, or licensed paralegal practitioner for a party to  
47 litigation in which the record is filed;
- 48 (3)(D) an interested person to an action under the Uniform Probate Code;
- 49 (3)(E) the person who submitted the record;
- 50 (3)(F) the attorney or licensed paralegal practitioner for a person who may access the  
51 private record or an individual who has a written power of attorney from the person or  
52 the person's attorney or licensed paralegal practitioner;
- 53 (3)(G) an individual with a release from a person who may access the private record  
54 signed and notarized no more than 90 days before the date the request is made;
- 55 (3)(H) anyone by court order;
- 56 (3)(I) court personnel, but only to achieve the purpose for which the record was  
57 submitted;
- 58 (3)(J) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and
- 59 (3)(K) a governmental entity with which the record is shared under Rule 4-202.10.  
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61 **(4) Protected Court Records.** The following may access a protected court record:

- 62 (4)(A) the person or governmental entity whose interests are protected by closure;
- 63 (4)(B) the parent or guardian of the person whose interests are protected by closure if  
64 the person is an unemancipated minor or under a legal incapacity;
- 65 (4)(C) the person who submitted the record;
- 66 (4)(D) the attorney or licensed paralegal practitioner for the person who submitted the  
67 record or for the person or governmental entity whose interests are protected by closure  
68 or for the parent or guardian of the person if the person is an unemancipated minor or  
69 under a legal incapacity or an individual who has a power of attorney from such person  
70 or governmental entity;
- 71 (4)(E) an individual with a release from the person who submitted the record or from the  
72 person or governmental entity whose interests are protected by closure or from the  
73 parent or guardian of the person if the person is an unemancipated minor or under a  
74 legal incapacity signed and notarized no more than 90 days before the date the request  
75 is made;
- 76 (4)(F) a party, attorney for a party, or licensed paralegal practitioner for a party to  
77 litigation in which the record is filed;
- 78 (4)(G) anyone by court order;
- 79 (4)(H) court personnel, but only to achieve the purpose for which the record was  
80 submitted;
- 81 (4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and
- 82 (4)(J) a governmental entity with which the record is shared under Rule 4-202.10.  
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84 **(5) Juvenile Court Social Records.** The following may access a juvenile court social record:

- 85 (5)(A) the subject of the record, if 18 years of age or over;
- 86 (5)(B) a parent or guardian of the subject of the record if the subject is an  
87 unemancipated minor;
- 88 (5)(C) an attorney or person with power of attorney for the subject of the record;
- 89 (5)(D) a person with a notarized release from the subject of the record or the subject's  
90 legal representative dated no more than 90 days before the date the request is made;
- 91 (5)(E) the subject of the record's therapists and evaluators;
- 92 (5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian  
93 ad Litem, and an Attorney General involved in the litigation in which the record is filed;
- 94 (5)(G) a governmental entity charged with custody, guardianship, protective supervision,  
95 probation or parole of the subject of the record including juvenile probation, Division of  
96 Child and Family Services and Juvenile Justice Services;
- 97 (5)(H) the Department of Human Services, school districts and vendors with whom they  
98 or the courts contract (who shall not permit further access to the record), but only for  
99 court business;
- 100 (5)(I) court personnel, but only to achieve the purpose for which the record was  
101 submitted;
- 102 (5)(J) a governmental entity with which the record is shared under Rule 4-202.10;
- 103 (5)(K) the person who submitted the record;
- 104 (5)(L) public or private individuals or agencies providing services to the subject of the  
105 record or to the subject's family, including services provided pursuant to a nonjudicial  
106 adjustment, if a probation officer determines that access is necessary to provide  
107 effective services; and
- 108 (5)(M) anyone by court order.
- 109 (5)(N) Juvenile court competency evaluations, psychological evaluations, psychiatric  
110 evaluations, psychosexual evaluations, sex behavior risk assessments, and other  
111 sensitive mental health and medical records may be accessed only by:
- 112 (5)(N)(i) the subject of the record, if age 18 or over;
- 113 (5)(N)(ii) an attorney or person with power of attorney for the subject of the  
114 record;
- 115 (5)(N)(iii) a self-represented litigant, a prosecuting attorney, a defense attorney, a  
116 Guardian ad Litem, and an Attorney General involved in the litigation in which the  
117 record is filed;
- 118 (5)(N)(iv) a governmental entity charged with custody, guardianship, protective  
119 supervision, probation or parole of the subject of the record including juvenile  
120 probation, Division of Child and Family Services and Juvenile Justice Services;
- 121 (5)(N)(v) court personnel, but only to achieve the purpose for which the record  
122 was submitted;
- 123 (5)(N)(vi) anyone by court order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

161 | *Effective: November 1, 202~~3~~2*