

1 **Rule 4-202.02. Records Classification.**

2

3 **Intent:**

4 To classify court records as public or non-public.

5

6 **Applicability:**

7 This rule applies to the judicial branch.

8

9 **Statement of the Rule:**

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

12

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

14

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

16

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

19

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

21

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

23

24 (2)(E) audit reports;

25

26 (2)(F) case files;

27

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

30

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

33

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

36

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

39

40 (2)(K) financial records;

41

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

45

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

47

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

49

- 50 (2)(L)(iii) licensed paralegal practitioner name;
51
52 (2)(L)(iv) case number;
53
54 (2)(L)(v) case status;
55
56 (2)(L)(vi) civil case type or criminal violation;
57
58 (2)(L)(vii) civil judgment or criminal disposition;
59
60 (2)(L)(viii) daily calendar;
61
62 (2)(L)(ix) file date;
63
64 (2)(L)(x) party name;
65
66 (2)(M) name, business address, business telephone number, and business email
67 address of an adult person or business entity other than a party or a victim or witness of
68 a crime;
69
70 (2)(N) name, address, telephone number, email address, date of birth, and last four
71 digits of the following: driver's license number; social security number; or account
72 number of a party;
73
74 (2)(O) name, business address, business telephone number, and business email
75 address of a lawyer or licensed paralegal practitioner appearing in a case;
76
77 (2)(P) name, business address, business telephone number, and business email
78 address of court personnel other than judges;
79
80 (2)(Q) name, business address, and business telephone number of judges;
81
82 (2)(R) name, gender, gross salary and benefits, job title and description, number of
83 hours worked per pay period, dates of employment, and relevant qualifications of a
84 current or former court personnel;
85
86 (2)(S) unless classified by the judge as private or safeguarded to protect the personal
87 safety of the juror or the juror's family, the name of a juror empaneled to try a case, but
88 only 10 days after the jury is discharged;
89
90 (2)(T) opinions, including concurring and dissenting opinions, and orders entered in open
91 hearings;
92
93 (2)(U) order or decision classifying a record as not public;
94
95 (2)(V) private record if the subject of the record has given written permission to make the
96 record public;
97
98 (2)(W) probation progress/violation reports;
99
100 (2)(X) publications of the administrative office of the courts;

101
102 (2)(Y) record in which the judicial branch determines or states an opinion on the rights of
103 the state, a political subdivision, the public, or a person;

104
105 (2)(Z) record of the receipt or expenditure of public funds;

106
107 (2)(AA) record, ~~or minutes, or transcript~~ of an open meeting; ~~or hearing and the~~
108 ~~transcript of them;~~

109
110 (2)(BB) official audio record, minutes, or transcript of an open hearing;

111
112 (2)(~~CCBB~~) record of formal discipline of current or former court personnel or of a person
113 regulated by the judicial branch if the disciplinary action has been completed, and all
114 time periods for administrative appeal have expired, and the disciplinary action was
115 sustained;

116
117 (2)(~~DDGG~~) record of a request for a record;

118
119 (2)(~~EEDD~~) reports used by the judiciary if all of the data in the report is public or the
120 Judicial Council designates the report as a public record;

121
122 (2)(~~FFEE~~) rules of the Supreme Court and Judicial Council;

123
124 (2)(~~GGFF~~) search warrants, the application and all affidavits or other recorded testimony
125 on which a warrant is based are public after they are unsealed under Utah Rule of
126 Criminal Procedure 40;

127
128 (2)(~~HHGG~~) statistical data derived from public and non-public records but that disclose
129 only public data; and

130
131 (2)(~~IIHH~~) notwithstanding subsections (6) and (7), if a petition, indictment, or information
132 is filed charging a person 14 years of age or older with a felony or an offense that would
133 be a felony if committed by an adult, the petition, indictment or information, the
134 adjudication order, the disposition order, and the delinquency history summary of the
135 person are public records. The delinquency history summary shall contain the name of
136 the person, a listing of the offenses for which the person was adjudged to be within the
137 jurisdiction of the juvenile court, and the disposition of the court in each of those
138 offenses. Upon a finding of good cause on the record, the juvenile court may reclassify
139 these records as non-public.

140
141 **(3) Sealed Court Records.** The following court records are sealed:

142
143 (3)(A) records in the following actions:

144
145 (3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the
146 conclusion of proceedings, which are private until sealed;

147
148 (3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after
149 the conclusion of proceedings, which are private until sealed;

150

- 151 (3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on
152 minors; and
153
154 (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;
155
156 (3)(B) expunged records;
157
158 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah
159 Code Section 77-23a-15;
160
161 (3)(D) records showing the identity of a confidential informant;
162
163 (3)(E) records relating to the possession of a financial institution by the commissioner of
164 financial institutions under Utah Code Section 7-2-6;
165
166 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;
167
168 (3)(G) records designated as sealed by rule of the Supreme Court;
169
170 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of
171 any legal proceedings;
172
173 (3)(I) on appeal, any record previously designated as sealed by another court; ~~and~~
174
175 (3)(J) video record of a court proceeding, other than security video; and
176
177 (3)(~~K~~~~J~~) other records as ordered by the court under Rule 4-202.04.

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

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

181 (4)(A)(i) Section 26B-5-332, Involuntary commitment under court order;
182

183 (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System
184 database;
185

186 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are
187 sealed;
188

189 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records
190 are sealed;
191

192 (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court
193 restitution judgment; and
194

195 (4)(A)(vi) Section 26B-8-111, Sex designation changes, and name changes
196 combined with sex designation changes for both minors and adults, except that:
197

198 (4)(A)(vi)(a) the case history is public for minors; and
199
200
201

202 (4)(A)(vi)(b) the case history and record of public hearings are public for
203 adults.
204

205 (4)(B) records in the following actions, except that the case history, judgments, orders,
206 decrees, letters of appointment, and the record of public hearings are public records:
207

208 (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations
209 orders, except that an action for consortium due to personal injury under Section
210 30-2-11 is public;
211

212 (4)(B)(ii) Title 75, Chapter 5, Protection of Persons Under Disability and their
213 Property;
214

215 (4)(B)(iii) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
216

217 (4)(B)(iv) Title 78B, Chapter 12, Utah Child Support Act;
218

219 (4)(B)(v) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
220 Enforcement Act;
221

222 (4)(B)(vi) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
223

224 (4)(B)(vii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
225

226 (4)(B)(viii) an action to modify or enforce a judgment in any of the actions in this
227 subparagraph (B);
228

229 (4)(C) records related to determinations of indigency;
230

231 (4)(D) an affidavit supporting a motion to waive fees;
232

233 (4)(E) aggregate records other than public aggregate records under subsection (2);
234

235 (4)(F) alternative dispute resolution records;
236

237 (4)(G) applications for accommodation under the Americans with Disabilities Act;
238

239 (4)(H) jail booking sheets;
240

241 (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;
242

243 (4)(J) judgment information statement;
244

245 (4)(K) judicial review of final agency action under Utah Code Section 80-2-707;
246

247 (4)(L) the following personal identifying information about a party: driver's license
248 number, social security number, account description and number, password,
249 identification number, maiden name and mother's maiden name, and similar personal
250 identifying information;
251

- 252 (4)(M) the following personal identifying information about a person other than a party or
253 a victim or witness of a crime: residential address, personal email address, personal
254 telephone number; date of birth, driver's license number, social security number,
255 account description and number, password, identification number, maiden name,
256 mother's maiden name, and similar personal identifying information;
257
- 258 (4)(N) medical, psychiatric, or psychological records;
259
- 260 (4)(O) name of a minor, except that the name of a minor party is public in the following
261 district and justice court proceedings:
262
- 263 (4)(O)(i) name change of a minor, unless the name change is combined with a
264 sex designation change;
265
- 266 (4)(O)(ii) guardianship or conservatorship for a minor;
267
- 268 (4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;
269
- 270 (4)(O)(iv) protective orders and stalking injunctions; and
271
- 272 (4)(O)(v) custody orders and decrees;
273
- 274 (4)(P) nonresident violator notice of noncompliance;
275
- 276 (4)(Q) personnel file of a current or former court personnel or applicant for employment;
277
- 278 (4)(R) photograph, film, or video of a crime victim;
279
- 280 (4)(S) record of a court hearing closed to the public or of a child's testimony taken under
281 URCrP 15.5:
282
- 283 (4)(S)(i) permanently if the hearing is not traditionally open to the public and
284 public access does not play a significant positive role in the process; or
285
- 286 (4)(S)(ii) if the hearing is traditionally open to the public, until the judge
287 determines it is possible to release the record without prejudice to the interests
288 that justified the closure;
289
- 290 (4)(T) record submitted by a senior judge or court commissioner regarding performance
291 evaluation and certification;
292
- 293 (4)(U) record submitted for in camera review until its public availability is determined;
294
- 295 (4)(V) reports of investigations by Child Protective Services;
296
- 297 (4)(W) statement in support of petition to determine competency;
298
- 299 (4)(X) victim impact statements;
300

- 301 (4)(Y) name of a prospective juror summoned to attend court, unless classified by the
302 judge as safeguarded to protect the personal safety of the prospective juror or the
303 prospective juror's family;
304
305 (4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure,
306 except briefs filed pursuant to court order;
307
308 (4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;
309
310 (4)(BB) records related to Court Commissioner Conduct Committee and Council actions
311 under Rule 3-201.02, other than a public censure by the Council, and
312
313 (4)(CC) other records as ordered by the court under Rule 4-202.04.
314

315 **(5) Protected Court Records.** The following court records are protected:
316

- 317 (5)(A) attorney's work product, including the mental impressions or legal theories of an
318 attorney or other representative of the courts concerning litigation, privileged
319 communication between the courts and an attorney representing, retained, or employed
320 by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-
321 judicial, or administrative proceeding;
322
323 (5)(B) records that are subject to the attorney client privilege;
324
325 (5)(C) bids or proposals until the deadline for submitting them has closed;
326
327 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation
328 before issuance of the final recommendations in these areas;
329
330 (5)(E) budget recommendations, legislative proposals, and policy statements, that if
331 disclosed would reveal the court's contemplated policies or contemplated courses of
332 action;
333
334 (5)(F) court security plans;
335
336 (5)(G) investigation and analysis of loss covered by the risk management fund;
337
338 (5)(H) memorandum prepared by staff for a member of any body charged by law with
339 performing a judicial function and used in the decision-making process;
340
341 (5)(I) confidential business records under Utah Code Section 63G-2-309;
342
343 (5)(J) record created or maintained for civil, criminal, or administrative enforcement
344 purposes, audit or discipline purposes, or licensing, certification or registration purposes,
345 if the record reasonably could be expected to:
346
347 (5)(J)(i) interfere with an investigation;
348
349 (5)(J)(ii) interfere with a fair hearing or trial;
350
351 (5)(J)(iii) disclose the identity of a confidential source; or

- 352
353 (5)(J)(iv) concern the security of a court facility;
354
355 (5)(K) record identifying property under consideration for sale or acquisition by the court
356 or its appraised or estimated value unless the information has been disclosed to
357 someone not under a duty of confidentiality to the courts;
358
359 (5)(L) record that would reveal the contents of settlement negotiations other than the
360 final settlement agreement;
361
362 (5)(M) record the disclosure of which would impair governmental procurement or give an
363 unfair advantage to any person;
364
365 (5)(N) record the disclosure of which would interfere with supervision of an offender's
366 incarceration, probation, or parole;
367
368 (5)(O) record the disclosure of which would jeopardize life, safety, or property;
369
370 (5)(P) strategy about collective bargaining or pending litigation;
371
372 (5)(Q) test questions and answers;
373
374 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
375
376 (5)(S) record of a Children's Justice Center investigative interview before the conclusion
377 of any legal proceedings;
378
379 (5)(T) presentence investigation report;
380
381 (5)(U) except for those filed with the court, records maintained and prepared by juvenile
382 probation; and
383
384 (5)(V) other records as ordered by the court under Rule 4-202.04.
385

386 **(6) Juvenile Court Social Records.** The following are juvenile court social records:
387

- 388 (6)(A) correspondence relating to juvenile social records;
389
390 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,
391 substance abuse evaluations, domestic violence evaluations;
392
393 (6)(C) medical, psychological, psychiatric evaluations;
394
395 (6)(D) pre-disposition, dispositional, and social summary reports;
396
397 (6)(E) probation agency and institutional reports or evaluations;
398
399 (6)(F) referral reports;
400
401 (6)(G) report of preliminary inquiries; ~~and~~
402

403 (6)(H) treatment or service plans;

404 (6)(I) nonjudicial adjustment records; and

405 (6)(J) documents filed with the court that were received pursuant to the Utah Interstate
406 Compact for Juveniles.

407
408
409 **(7) Juvenile Court Legal Records.** The following are juvenile court legal records:

410
411 (7)(A) accounting records;

412
413 (7)(B) discovery filed with the court;

414
415 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
416 findings, orders, decrees, probable cause statements;

417
418 (7)(D) name of a party or minor;

419
420 (7)(E) record of a court hearing;

421
422 (7)(F) referral and offense histories; and

423
424 (7)(G) ~~and~~ any other juvenile court record regarding a minor that is not designated as a
425 social record.
426

427
428 **(8) Safeguarded Court Records.** The following court records are safeguarded:

429
430 (8)(A) upon request, location information, contact information, and identity information,
431 other than the name of a petitioner and other persons to be protected, in an action filed
432 under Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

433
434 (8)(B) upon request, location information, contact information and identity information,
435 other than the name of a party or the party's child, after showing by affidavit that the
436 health, safety, or liberty of the party or child would be jeopardized by disclosure in a
437 proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
438 Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title
439 78B, Chapter 15, Utah Uniform Parentage Act;

440
441 (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or
442 (8)(B), location information, contact information and identity information, other than the
443 name of a party or the party's child, in a proceeding under Title 30, Husband and Wife.

444
445 (8)(D) location information, contact information, and identity information of prospective
446 jurors on the master jury list or the qualified jury list;

447
448 (8)(E) location information, contact information, and identity information other than name
449 of a prospective juror summoned to attend court;

450
451 (8)(F) the following information about a victim or witness of a crime:
452

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

455
456 (8)(F)(ii) date of birth, driver's license number, social security number, account
457 description and number, password, identification number, maiden name,
458 mother's maiden name, and similar personal identifying information.

459
460 *Effective: January 1, 2024*