

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

2 **Intent:**

3 To identify who may access court records.

4 **Applicability:**

5 This rule applies to the judicial branch.

6 **Statement of the Rule:**

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

8 (2) **Sealed Court Records.** An adoptive parent or adult adoptee may obtain a certified copy of
9 the adoption decree upon request and presentation of positive identification. Otherwise, no
10 one may access a sealed court record except by order of the court. A judge may review a
11 sealed record when the circumstances warrant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (4)(D) the attorney or licensed paralegal practitioner for the person who submitted the record
35 or for the person or governmental entity whose interests are protected by closure or for
36 the parent or guardian of the person if the person is an unemancipated minor or under a

- 37 legal incapacity or an individual who has a power of attorney from such person or
38 governmental entity;
- 39 (4)(E) an individual with a release from the person who submitted the record or from the
40 person or governmental entity whose interests are protected by closure or from the
41 parent or guardian of the person if the person is an unemancipated minor or under a legal
42 incapacity signed and notarized no more than 90 days before the date the request is
43 made;
- 44 (4)(F) a party, ~~or~~ attorney for a party, or licensed paralegal practitioner to litigation in which
45 the record is filed;
- 46 (4)(G) anyone by court order;
- 47 (4)(H) court personnel, but only to achieve the purpose for which the record was submitted;
- 48 (4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and
- 49 (4)(J) a governmental entity with which the record is shared under Rule 4-202.10.
- 50 (5) **Juvenile Court Social Records.** The following may access a juvenile court social record:
- 51 (5)(A) the subject of the record, if 18 years of age or over;
- 52 (5)(B) a parent or guardian of the subject of the record if the subject is
53 an unemancipated minor;
- 54 (5)(C) an attorney or person with power of attorney for the subject of the record;
- 55 (5)(D) a person with a notarized release from the subject of the record or the subject's legal
56 representative dated no more than 90 days before the date the request is made;
- 57 (5)(E) the subject of the record's therapists and evaluators;
- 58 (5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad
59 Litem, and an Attorney General involved in the litigation in which the record is filed;
- 60 (5)(G) a governmental entity charged with custody, guardianship, protective supervision,
61 probation or parole of the subject of the record including juvenile probation, Division of
62 Child and Family Services and Juvenile Justice Services;
- 63 (5)(H) the Department of Human Services, school districts and vendors with whom they or
64 the courts contract (who shall not permit further access to the record), but only for court
65 business;
- 66 (5)(I) court personnel, but only to achieve the purpose for which the record was submitted;
- 67 (5)(J) a governmental entity with which the record is shared under Rule 4-202.10;
- 68 (5)(K) the person who submitted the record;
- 69 (5)(L) public or private individuals or agencies providing services to the subject of the record
70 or to the subject's family, including services provided pursuant to a nonjudicial
71 adjustment, if a probation officer determines that access is necessary to provide effective
72 services.
- 73 (5)(~~L~~M) anyone by court order.

- 74 (5)(~~MN~~) Juvenile court competency evaluations, psychological evaluations, psychiatric
75 evaluations, psychosexual evaluations, sex behavior risk assessments, and other
76 sensitive mental health and medical records may be accessed only by:
- 77 (5)(~~MN~~)(i) the subject of the record, if age 18 or over;
78 (5)(~~MN~~)(ii) an attorney or person with power of attorney for the subject of the record;
79 (5)(~~MN~~)(iii) a self-represented litigant, a prosecuting attorney, a defense attorney, a
80 Guardian ad Litem, and an Attorney General involved in the litigation in which the
81 record is filed;
82 (5)(~~MN~~)(iv) a governmental entity charged with custody, guardianship, protective
83 supervision, probation or parole of the subject of the record including juvenile
84 probation, Division of Child and Family Services and Juvenile Justice Services;
85 (5)(~~MN~~)(v) court personnel, but only to achieve the purpose for which the record
86 was submitted;
87 (5)(~~MN~~)(vi) anyone by court order.
- 88 (5)(~~NO~~) When records may be accessed only by court order, a juvenile court judge will
89 permit access consistent with Rule 4-202.04 as required by due process of law in a
90 manner that serves the best interest of the child.
- 91 **(6) Juvenile Court Legal Records.** The following may access a juvenile court legal record:
- 92 (6)(A) all who may access the juvenile court social record;
93 (6)(B) a law enforcement agency;
94 (6)(C) a children's justice center;
95 (6)(D) a public or private individuals or agencies providing services to the subject of the
96 record or to the subject's family; and
97 (6)(E) the victim of a delinquent act may access the disposition order entered against the
98 defendant.
- 99 **(7) Safeguarded Court Records.** The following may access a safeguarded record:
- 100 (7)(A) the subject of the record;
101 (7)(B) the person who submitted the record;
102 (7)(C) the attorney or licensed paralegal practitioner for a person who may access the
103 record or an individual who has a written power of attorney from the person or the
104 person's attorney or licensed paralegal practitioner;
105 (7)(D) an individual with a release from a person who may access the record signed and
106 notarized no more than 90 days before the date the request is made;
107 (7)(E) anyone by court order;
108 (7)(F) court personnel, but only to achieve the purpose for which the record was submitted;
109 (7)(G) a person provided the record under Rule 4-202.04 or Rule 4-202.05;
110 (7)(H) a governmental entity with which the record is shared under Rule 4-202.10; and

- 111 (7)(l) a person given access to the record in order for juvenile probation to fulfill a probation
112 responsibility.
- 113 (8) Court personnel shall permit access to court records only by authorized persons. The court
114 may order anyone who accesses a non-public record not to permit further access, the violation
115 of which may be contempt of court.
- 116 (9) If a court or court employee in an official capacity is a party in a case, the records of the party
117 and the party's attorney are subject to the rules of discovery and evidence to the same extent
118 as any other party.