

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:**

8
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 ~~under (2)(A) and (2)(B)~~ below or by order of the court. A judge may review a sealed record when
13 the circumstances warrant.

14
15 (2)(A) **Adoption ~~decree~~ records.** ~~An adoptive parent or adult adoptee may obtain a~~
16 ~~certified copy of the adoption decree upon request and presentation of positive~~
17 ~~identification. Upon request and presentation of positive identification, an adoption~~
18 ~~petition, and any other documents filed in connection with the adoption, may be open to~~
19 ~~inspection and copying:~~

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

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

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

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

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

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

42
43 (2)(B) **Expunged records.**

44
45 (2)(B)(i) The following may obtain certified copies of the expungement order and
46 the case history upon request and ~~in-person~~ presentation of positive
47 identification:
48

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

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

55
56 (2)(B)(i)(c) parties to a civil action arising out of the expunged incident, if
57 the information is kept confidential and utilized only in the action; ~~and-~~

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

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

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

73
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.

92

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)(~~ON~~) 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)(N)(i) the subject of the record, if age 18 or over;~~

151 ~~(5)(N)(ii) an attorney or person with power of attorney for the subject of the~~
152 ~~record;~~

153 (5)(~~ON~~)(iii) a ~~self-represented litigant,~~ a prosecuting attorney, a defense attorney,
154 a Guardian ad Litem, and an Attorney General involved in the litigation in which
155 the record is filed;

156 (5)(~~ON~~)(iiv) a governmental entity charged with custody, guardianship, protective
157 supervision, probation or parole of the subject of the record including juvenile
158 probation, Division of Child and Family Services and Juvenile Justice Services;

159 (5)(~~ON~~)(iiv) court personnel, but only to achieve the purpose for which the record
160 was submitted; and

161 (5)(~~ON~~)(ivi) anyone by court order.

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

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

169

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

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

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

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

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

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

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

181

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

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

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

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

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

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

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

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

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

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

197 (8) Records prepared and maintained by juvenile court probation that are not filed in a juvenile
198 court case are not open for inspection except by order of the court.

199 ~~(98)~~ Court personnel shall permit access to court records only by authorized persons. The court
200 may order anyone who accesses a non-public record not to permit further access, the violation
201 of which may be contempt of court.

202 ~~(109)~~ If a court or court employee in an official capacity is a party in a case, the records of the
203 party and the party's attorney are subject to the rules of discovery and evidence to the same
204 extent as any other party.

205 *Effective: January 1, 2024*