

1 **Rule 4-202.04. Request to access a record associated with a case; request to classify a**
2 **record associated with a case.**

3 **Intent:** to establish the process for accessing a court record associated with a case.

4 **Applicability:**

5 This rule applies to court records associated with a case.

6 (1) **Written request.** A request to access a public court record ~~shall~~ must be presented in writing
7 to the court ~~clerk-of-the-court~~, unless the court clerk waives the requirement. A written request to
8 access a non-public court record ~~is not required for to which~~ a person ~~is~~ authorized to access
9 the record pursuant to Rule 4-202.03 ~~shall be presented in writing to the clerk of the court~~
10 ~~unless the clerk waives the requirement~~. A written request ~~shall~~ must contain the requester's
11 name, email address, mailing address, ~~daytime~~ telephone number, and a description of the
12 record requested. If the record is a non-public court record, the ~~person making the~~
13 ~~request~~ requester ~~shall~~ must present identification.

14 (2) **Motion or petition to access record.**

15 (2)(A) If a written request to access a court record is denied by the court ~~clerk-of-court~~,
16 the ~~person making the request~~ requester may file a motion or petition to access the
17 record.

18 (2)(B) A person not authorized to access a non-public court record pursuant to ~~R~~Rule 4-
19 202.03 must file a motion or petition to access the record. If the court allows access, the
20 court may impose any reasonable conditions to protect the interests favoring closure.

21 (2)(C) A motion should be filed when the court record is associated with a case over
22 which the court has continuing jurisdiction. A petition should be filed ~~to access the record~~
23 ~~when~~ if the court record is associated with a case over which the court no longer has
24 jurisdiction.

25 (3) **Motion or petition to reclassify record.**

26 (3)(A) If the court record is associated with a case over which the court has continuing
27 jurisdiction, a person with an interest in a court record may file a motion to classify the
28 record as a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court
29 social record; or to have information redacted from the record. The court ~~shall~~ must deny
30 access to the record until the court enters an order.

31 (3)(B) If the court record is associated with a case over which the court no longer has
32 jurisdiction, a person with an interest in the record may file a petition to classify the
33 record as a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court
34 social record; or to have information redacted from the record. The court ~~shall~~ must deny
35 access to the record until the court enters an order.

36 (4) **Rules of Procedure Applicable to Motions and Petitions.** As appropriate for the nature of
37 the case with which the record is associated, the motion or petition ~~shall~~ must be filed, and
38 proceedings ~~shall~~ must be conducted ~~in accordance with~~ under the Utah Rules of Ccivil
39 Procedure, Utah Rules of Criminal Procedure, Utah Rules of Juvenile Procedure, or Utah
40 Rules of Appellate Procedure. The person filing the motion or petition ~~shall~~ must serve any
41 representative of the press who has requested notice in the case. The court ~~shall~~ must conduct

42 a closure hearing when a motion or petition to close a record is contested, when the press has
43 requested notice of closure motions or petitions in athe particular case, or when the court
44 decides public interest in the record warrants a hearing.

45 (5) **Classify – Redact.** The court may classify the record as a private, protected, sealed,
46 safeguarded, juvenile court legal, or juvenile court social record, or redact information from the
47 record if the record or information:

48 (5)(A) is classified as a private, protected, sealed, safeguarded, juvenile court legal, or
49 juvenile court social record under Rule 4-202.02;

50 (5)(B) is classified as a private, controlled, or protected record by a governmental entity
51 and shared with the court under Utah Code, title 63G, chapter 2, the Government
52 Records Access and Management Act;

53 (5)(C) is a record regarding the character or competence of an individual; or

54 (5)(D) is a record containing information the disclosure of which constitutes an
55 unwarranted invasion of personal privacy.

56 (6) **Factors and findings.** ~~In-When~~ deciding whether to allow access to a court record or
57 whether to classify a court record as a private, protected, or sealed, safeguarded, juvenile court
58 legal, or juvenile court social record, or to redact information from the record, the court may
59 consider any relevant factor, interest, or policy, including but not limited to the interests
60 described in Rule 4-202. In ruling on a motion or petition under this rule the court ~~shall~~must:

61 (6)(A) make findings and conclusions about specific records;

62 (6)(B) identify and balance the interests favoring opening and closing the record; and

63 (6)(C) if the record is ordered closed, determine there are no reasonable alternatives to
64 closure sufficient to protect the interests favoring closure.

65 (7) **Appellate briefs.** If an appellate brief is sealed, the court clerk ~~of the court shall~~must seal
66 the brief under Rule 4-205. If an appellate brief is classified as a private, protected,
67 safeguarded, juvenile court legal, or juvenile court social record, the court clerk ~~of the court shall~~
68 must allow access only to persons authorized by Rule 4-202.03. If the court orders information
69 redacted from the brief, the court clerk ~~of the court shall~~must remove the information and allow
70 public access to the edited brief.

71 (8) **State Law Library.** If the petitioner serves an~~the~~ order on the director of the sState ~~l~~Law
72 ~~l~~Library, the director ~~shall~~must comply with the order in the same manner as at~~the~~ court clerk ~~of~~
73 ~~the court under paragraph (7).~~

74 (9) **Compliance.** Unless otherwise ordered by the court, the order is binding only on the court,
75 the parties to the motion or petition, and the state law library. Compliance with the order by any
76 other person is voluntary.

77 (10) **Governing rules.** A request under this rule to access a public court record is also governed
78 by Rule 4-202.06. A motion or petition under this rule is not governed by Rule 4-202.06 or Rule
79 4-202.07.

80 *Effective: ~~April 11, 2011~~May 1, 2025*