

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) Any person may access a public court record.

8 (2) No one may access a sealed court record except by order of the court. A judge  
9 may review a sealed record when the circumstances warrant.

10 (3) The following may access a private court record:

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

12 (3)(B) the attorney for the subject of the record or an individual who has a power of  
13 attorney from the subject of the record;

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

16 (3)(D) a person with a notarized release from the subject of the record or the  
17 subject's legal representative dated no more than 90 days before the date the request is  
18 made;

19 (3)(E) a party or attorney for a party to litigation in which the record is filed;

20 (3)(F) an interested person to an action under the Uniform Probate Code;

21 (3)(G) the person who submitted the record;

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

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

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

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

27 (4) The following may access a protected court record:

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

29 (4)(B) the attorney for the person or governmental entity whose interests are  
30 protected by closure or an individual who has a power of attorney from such person or  
31 governmental entity;

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

34 (4)(D) a person with a notarized release from the person or governmental entity  
35 whose interests are protected by closure or their legal representative dated no more  
36 than 90 days before the date the request is made;

37 (4)(E) a party or attorney for a party to litigation in which the record is filed;

38 (4)(F) the person who submitted the record;

39 (4)(G) anyone by or court order;

40 (4)(H) court personnel, but only to achieve the purpose for which the record was  
41 submitted;

42 (4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

43 (4)(J) a governmental entity with which the record is shared under Rule 4-202.10.

44 (5) The following may access a juvenile court social record:

45 (5)(A) all who may access private records, except that a juvenile court competency  
46 evaluation, psychological evaluation or sex behavior risk assessment may be accessed  
47 only with the approval of a juvenile court judge, who will permit access required by due  
48 process of law in a manner that serves the best interest of the child;

49 (5)(B) a prosecuting attorney;

50 (5)(C) a governmental entity charged with custody, guardianship, protective  
51 supervision, probation or parole of the subject of the record in the juvenile justice  
52 system or criminal justice system; ~~and~~

53 ~~(5)(D) the Division of Child and Family Services for investigations under Utah Code~~  
54 ~~Section 62A-4a-409 and administrative hearings under Utah Code Section 62A-4a-~~  
55 ~~116.5 the Department of Human Services, school districts, and vendors with whom they~~  
56 ~~or the courts contract (who shall not permit further access to the record) but only for~~  
57 ~~court business.~~

58 (6) The following may access a juvenile court legal record:

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

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

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

62 (6)(D) a public or private agency providing services to the subject of the record or to  
63 the subject's family; and

64 (6)(E) the victim of a delinquent act may access the disposition order entered  
65 against the defendant.

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

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

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