

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

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

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

14 ~~(3)(B) the attorney for the subject of the record or an individual who has a power of~~
15 ~~attorney from the subject of the record;~~

16 ~~(3)(C)-(3)(B)~~ the parent or guardian of the subject of the record if the subject is an
17 unemancipated minor or under a legal incapacity;

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

21 ~~(3)(E)-(3)(C)~~ a party or attorney for a party to litigation in which the record is filed;

22 ~~(3)(F)-(3)(D)~~ an interested person to an action under the Uniform Probate Code;

23 ~~(3)(G)-(3)(E)~~ the person who submitted the record;

24 ~~(3)(F) the attorney for a person who may access the private record or an individual~~
25 ~~who has a written power of attorney from the person or the person's attorney;~~

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

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

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

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

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

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

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

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

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

38 ~~(4)(B)~~ (4)(D) the attorney for the person who submitted the record or for the person

39 or governmental entity whose interests are protected by closure or for the parent or

40 guardian of the person if the person is an unemancipated minor or under a legal

41 incapacity or an individual who has a power of attorney from such person or

42 governmental entity;

43 ~~(4)(C) the parent or guardian of the person whose interests are protected by closure~~

44 ~~if the person is an unemancipated minor or under a legal incapacity;~~

45 ~~(4)(D)~~ (4)(E) an person individual with a ~~notarized~~ release from the person who

46 submitted the record or from the person or governmental entity whose interests are

47 protected by closure ~~or their legal representative dated~~ or from the parent or guardian of

48 the person if the person is an unemancipated minor or under a legal incapacity signed

49 and notarized no more than 90 days before the date the request is made;

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

51 ~~(4)(F) the person who submitted the record;~~

52 (4)(G) anyone by court order;

53 (4)(H) court personnel, but only to achieve the purpose for which the record was

54 submitted;

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

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

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

58 (5)(A) all who may access private records, except that a juvenile court competency

59 evaluation, psychological evaluation or sex behavior risk assessment may be accessed

60 only with the approval of a juvenile court judge, who will permit access required by due
61 process of law in a manner that serves the best interest of the child;

62 (5)(B) a prosecuting attorney;

63 (5)(C) a governmental entity charged with custody, guardianship, protective
64 supervision, probation or parole of the subject of the record in the juvenile justice
65 system or criminal justice system;

66 (5)(D) the Department of Human Services, school districts, and vendors with whom
67 they or the courts contract (who shall not permit further access to the record) but only
68 for court business.

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

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

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

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

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

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

77 (7) Court personnel shall permit access to court records only by authorized persons.

78 The court may order anyone who accesses a non-public record not to permit further
79 access, the violation of which may be contempt of court.

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

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