

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 parent or guardian of the subject of the record if the subject is an
15 unemancipated minor or under a legal incapacity;

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (4)(D) the attorney for the person who submitted the record or for the person or
34 governmental entity whose interests are protected by closure or for the parent or
35 guardian of the person if the person is an unemancipated minor or under a legal
36 incapacity or an individual who has a power of attorney from such person or
37 governmental entity;

38 (4)(E) an individual with a release from the person who submitted the record or from
39 the person or governmental entity whose interests are protected by closure or from the
40 parent or guardian of the person if the person is an unemancipated minor or under a
41 legal incapacity signed and notarized no more than 90 days before the date the request
42 is made;

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

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

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

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

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

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

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

54 ~~(5)(B) a prosecuting attorney;~~

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

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

61 (5)(A) the subject of the record, if 18 years of age or over;

62 (5)(B) a parent or guardian of the subject of the record if the subject is an
63 unemancipated minor;

64 (5)(C) an attorney or person with power of attorney for the subject of the record;

65 (5)(D) a person with a notarized release from the subject of the record or the
66 subject's legal representative dated no more than 90 days before the date the request is
67 made;

68 (5)(E) the subject of the record's therapists and evaluators;

69 (5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a
70 Guardian ad Litem, and an Attorney General involved in the litigation in which the record
71 is filed;

72 (5)(G) a governmental entity charged with custody, guardianship, protective
73 supervision, probation or parole of the subject of the record including juvenile probation,
74 Division of Child and Family Services and Juvenile Justice Services;

75 (5)(H) the Department of Human Services, school districts and vendors with whom
76 they or the courts contract (who shall not permit further access to the record), but only
77 for court business;

78 (5)(I) court personnel, but only to achieve the purpose for which the record was
79 submitted;

80 (5)(J) a governmental entity with which the record is shared under Rule 4-202.10;

81 (5)(K) the person who submitted the record;

82 (5)(L) anyone by court order.

83 (5)(M) Juvenile court competency evaluations, psychological evaluations, psychiatric
84 evaluations, psychosexual evaluations, sex behavior risk assessments, and other
85 sensitive mental health and medical records may be accessed only by:

86 (5)(M)(i) the subject of the record, if age 18 or over;

87 (5)(M)(ii) an attorney or person with power of attorney for the subject of the record;

88 (5)(M)(iii) a self-represented litigant, a prosecuting attorney, a defense attorney, a
89 Guardian ad Litem, and an Attorney General involved in the litigation in which the record
90 is filed;

91 (5)(M)(iv) a governmental entity charged with custody, guardianship, protective
92 supervision, probation or parole of the subject of the record including juvenile probation,
93 Division of Child and Family Services and Juvenile Justice Services;

94 (5)(M)(v) court personnel, but only to achieve the purpose for which the record was
95 submitted;

96 (5)(M)(vi) anyone by court order.

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

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

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

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

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

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

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

108 (7) The following may access a safeguarded record:

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

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

111 (7)(C) the attorney for a person who may access the record or an individual who has
112 a written power of attorney from the person or the person's attorney;

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

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

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

118 [\(7\)\(G\) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and](#)
119 [\(7\)\(H\) a governmental entity with which the record is shared under Rule 4-202.10.](#)
120 ~~(7)~~ [\(8\)](#) Court personnel shall permit access to court records only by authorized
121 persons. The court may order anyone who accesses a non-public record not to permit
122 further access, the violation of which may be contempt of court.
123 ~~(8)~~ [\(9\)](#) If a court or court employee in an official capacity is a party in a case, the
124 records of the party and the party's attorney are subject to the rules of discovery and
125 evidence to the same extent as any other party.
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