

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 decree upon
9 request and presentation of positive identification. Otherwise, no one may access a sealed court record
10 except by order of the court. A judge may review a sealed record when the circumstances warrant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (4)(E) an individual with a release from the person who submitted the record or from the person or
36 governmental entity whose interests are protected by closure or from the parent or guardian of the person

37 if the person is an unemancipated minor or under a legal incapacity signed and notarized no more than
38 90 days before the date the request is made;

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

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

41 (4)(H) court personnel, but only to achieve the purpose for which the record was 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) the subject of the record, if 18 years of age or over;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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