

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) the person who submitted the record;

21 (3)(G) anyone by court order;

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

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

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

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

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

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

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

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

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

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

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

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

44 (5)(A) all who may access private records, except that the subject of the record or a
45 duly authorized representative of the subject of the record may access a competency
46 evaluation, psychological evaluation or sex risk behavior assessment only with the
47 approval of a juvenile court judge;

48 (5)(B) a prosecuting attorney;

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

52 (5)(D) the Division of Child and Family Services for investigations under Utah Code
53 Section 62A-4a-409 and administrative hearings under Utah Code Section 62A-4a-
54 116.5.

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

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

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

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

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

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

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

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

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