

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) **Public Court Records.** Any person may access a public court record.

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

12 (3) **Private Court Records.** 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, or licensed paralegal practitioner for a party to  
17 litigation in which the record is filed;

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

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

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

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

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

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

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

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

30 (4) **Protected Court Records.** The following may access a protected court record:

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

- 32 (4)(B) the parent or guardian of the person whose interests are protected by closure if
- 33 the person is an unemancipated minor or under a legal incapacity;
- 34 (4)(C) the person who submitted the record;
- 35 (4)(D) the attorney or licensed paralegal practitioner for the person who submitted the
- 36 record or for the person or governmental entity whose interests are protected by
- 37 closure or for the parent or guardian of the person if the person is an
- 38 unemancipated minor or under a legal incapacity or an individual who has a
- 39 power of attorney from such person or governmental entity;
- 40 (4)(E) an individual with a release from the person who submitted the record or from the
- 41 person or governmental entity whose interests are protected by closure or from
- 42 the parent or guardian of the person if the person is an unemancipated minor or
- 43 under a legal incapacity signed and notarized no more than 90 days before the
- 44 date the request is made;
- 45 (4)(F) a party, ~~or~~ attorney for a party, or licensed paralegal practitioner for a party to
- 46 litigation in which the record is filed;
- 47 (4)(G) anyone by court order;
- 48 (4)(H) court personnel, but only to achieve the purpose for which the record was
- 49 submitted;
- 50 (4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and
- 51 (4)(J) a governmental entity with which the record is shared under Rule 4-202.10.
- 52 (5) Juvenile Court Social Records. The following may access a juvenile court social
- 53 record:
- 54 (5)(A) the subject of the record, if 18 years of age or over;
- 55 (5)(B) a parent or guardian of the subject of the record if the subject is an
- 56 unemancipated minor;
- 57 (5)(C) an attorney or person with power of attorney for the subject of the record;
- 58 (5)(D) a person with a notarized release from the subject of the record or the subject's
- 59 legal representative dated no more than 90 days before the date the request is
- 60 made;
- 61 (5)(E) the subject of the record's therapists and evaluators;
- 62 (5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a
- 63 Guardian ad Litem, and an Attorney General involved in the litigation in which the
- 64 record is filed;

- 65 (5)(G) a governmental entity charged with custody, guardianship, protective  
66 supervision, probation or parole of the subject of the record including juvenile  
67 probation, Division of Child and Family Services and Juvenile Justice Services;  
68 (5)(H) the Department of Human Services, school districts and vendors with whom they  
69 or the courts contract (who shall not permit further access to the record), but only  
70 for court business;
- 71 (5)(I) court personnel, but only to achieve the purpose for which the record was  
72 submitted;
- 73 (5)(J) a governmental entity with which the record is shared under Rule 4-202.10;
- 74 ~~(5)(K)~~ the person who submitted the record;
- 75 ~~(5)(K)~~(5)(L) public or private individuals or agencies providing services to the subject  
76 of the record or to the subject's family, including services provided pursuant to a  
77 nonjudicial adjustment, if a probation officer determines that access is necessary  
78 to provide effective services; and
- 79 ~~(5)(L)~~(5)(M) anyone by court order.
- 80 ~~(5)(M)~~(5)(N) Juvenile court competency evaluations, psychological evaluations,  
81 psychiatric evaluations, psychosexual evaluations, sex behavior risk  
82 assessments, and other sensitive mental health and medical records may be  
83 accessed only by:
- 84 ~~(5)(M)(i)~~(5)(N)(i) the subject of the record, if age 18 or over;
- 85 ~~(5)(M)(ii)~~(5)(N)(ii) an attorney or person with power of attorney for the subject  
86 of the record;
- 87 ~~(5)(M)(iii)~~(5)(N)(iii) a self-represented litigant, a prosecuting attorney, a  
88 defense attorney, a Guardian ad Litem, and an Attorney General  
89 involved in the litigation in which the record is filed;
- 90 ~~(5)(M)(iv)~~(5)(N)(iv) a governmental entity charged with custody, guardianship,  
91 protective supervision, probation or parole of the subject of the record  
92 including juvenile probation, Division of Child and Family Services and  
93 Juvenile Justice Services;
- 94 ~~(5)(M)(v)~~(5)(N)(v) court personnel, but only to achieve the purpose for which  
95 the record was submitted;
- 96 ~~(5)(M)(vi)~~(5)(N)(vi) anyone by court order.

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

100 (6) **Juvenile Court Legal Records.** 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 individuals or agency agencies providing services to the  
105 subject of the record or to the subject's family; and

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

108 (7) **Safeguarded Court Records.** 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 or licensed paralegal practitioner for a person who may access the  
112 record or an individual who has a written power of attorney from the person or  
113 the person's attorney or licensed paralegal practitioner;

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

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

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

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

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

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

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

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