

Request for a Record
Utah State Courts
(must be submitted in writing)

To:

Utah Judiciary: _____

Address: _____

Records requested (describe with reasonable specificity, attach additional sheet if necessary):

- I want to inspect (view) the records. (There is no charge for viewing or inspecting a record.)
- I want copies of the records. I understand that I may be responsible for fees associated with copy and research charges as permitted by Rule 4-202.08, Utah Code of Judicial Administration.

Rule 4-202.08 allows for a fee waiver in certain circumstances. Based on that rule, I am requesting a waiver of fees because:

- The records are requested on behalf of a government entity required by law to obtain these court records.
- I am the subject of the record and I am impecunious. (Provide an affidavit of impecuniosity).
- I am a student engaged in research and require the records for academic purposes.
- I am requesting records on behalf of a government entity and the fees are minimal.

If the requested records are not public, please explain why you believe you are entitled to access.

- I am the subject of the record.
- I am the person who provided the information.
- I am authorized to have access by the subject of the record or by the person who submitted the information. (Attach documentation required by Rule 4-202.03).
- Other. Please explain: _____

[] I am requesting an expedited response as permitted by Rule 4-202.06. (Please attach information that shows your status as a member of the media and the record is for a story to be broadcast or published; or other information that demonstrates that you are entitled to an expedited response because the request benefits the public rather than the person making the request). Without this provision the request will be handled as soon as reasonably possible, but can take up to ten business days to be decided.

This request is submitted under Rule 4-202.03.

Person making request: _____

Mailing Address: _____

Daytime Telephone Number: _____

Date: _____

Signature of person making request

TO THE COURT ENTITY WHERE A RECORD IS REQUESTED

This form is meant to comply with the requirements for access to judicial records. The details of these requirements are found in Rules 4-202.01 to 4-202.10 of the Utah Code of Judicial Administration. The provisions of the rules are lengthy. This summary is only meant to provide some highlights. (References in parentheses are to sections of the Utah Rules.)

Intent: The rules are intended, among other goals, to promote the public's right of access to public records and to favor public access when, in application of the law, countervailing interests are of equal weight.

Access: Every person is entitled to access public court records. (Rule 4-202.03(1)).

Time: A request for record access or copies shall be responded to as soon as reasonably possible – no later than 10 business days, or 5 business days if a request benefits the public rather than the requesting individual. (Rule 4-202.06).

Charges: The fee for copies is 25¢ per page. The fee for an audio tape is \$10.00 and the fee for a video tape is \$15.00. If research time is required, there will be a fee for personnel time. The fees can be waived in certain circumstances. (Rule 4-202.08).

Public Documents: Every document is public unless private, protected, sealed or designated as a juvenile legal or social record.

Private Documents: These generally relate to individuals and their private interests, adoptions, custody evaluations, eligibility for benefits, medical history, employment, library circulations, etc.

Protected Documents: These involve such information as trade secrets, financial and commercial information for companies, test questions, investigations, litigation documents not available through discovery, privileged communications, drafts, minutes and notes of closed meetings, and other documents that may compromise a legitimate state or private interest.

Juvenile Legal: These records include such things as petitions, orders, minute entries, and delinquency histories.

Juvenile Social: These include such records as social and probation reports, treatment plans, and medical evaluations.

Not a Record: Temporary drafts, privately owned documents, calendars and notes, expunged documents, etc.

Denial: If access is denied, the court will provide a notice of denial, including a description of the record or portion of record to which access is denied, citation to the rule allowing the denial, and a description of the process to appeal.

Other Agencies: Non-public records can be provided to another government agency if that agency enforces, litigates or investigates civil, criminal or administrative law. (Rule 4-202.10).

Appeals: Appeals may be filed within 30 days of a denial of access or other determination adverse to the applicant. The applicant or anyone else who is aggrieved by the denial (such as the media) can file a notice of appeal with the State Court Administrator. The decision of the State Court Administrator can be appealed to the Management Committee of the Judicial Council.

Penalties: It is a class B misdemeanor to knowingly disclose records that should not be disclosed or to gain access to records that should not be disclosed by false pretenses, bribery, or theft, or to intentionally refuse to release a record which is legally required to be released. (§63G-2-801).