

STATE OF MINNESOTA
IN SUPREME COURT
C2-95-1476

OFFICE OF
APPELLATE COURTS

JUL 06 1999

FILED

**ORDER AUTHORIZING ACCESS TO RECORDS AND
PROCEEDINGS OF OPEN HEARINGS PILOT PROJECT**

WHEREAS, on May 29, 1998, the Minnesota Supreme Court filed an Order authorizing each judicial district to conduct a three-year Open Hearings Pilot Project in one or more counties designated by the chief judge of the district; and

WHEREAS, under the Open Hearings Pilot Project which commenced June 22, 1998, child protection proceedings are presumed open and may be closed or partially closed by the presiding judge only in exceptional circumstances; and

WHEREAS, the following twelve counties are participating in the Open Hearings Pilot Project: Chisago, Clay, Goodhue, Hennepin, Houston, LeSeur, Marshall, Pennington, Red Lake, St. Louis (Virginia Court only), Stevens, and Watonwan; and

WHEREAS, the Order authorizing the Open Hearings Pilot Project provides that the State Court Administrator is to contract with an independent research organization to conduct an evaluation of the Open Hearings Pilot Project in the twelve participating counties and, on or before August 1, 2001, the evaluator is to file with the Court a report addressing the impact of open hearings and records; and

WHEREAS, the State Court Administrator has contracted with the National Center for State Courts (NCSC) to evaluate the impact of open hearings and records in the twelve pilot project counties; and

WHEREAS, court records and proceedings of the Open Hearings Pilot Project contain confidential information, and the NCSC desires access to this information to conduct the evaluation; and

WHEREAS, the NCSC has agreed in writing not to disclose to any third party any information in the court records and proceedings of the Open Hearings Pilot Project from which the identity of any individual or other characteristic that could uniquely identify any individual is ascertainable; and


WHEREAS, sound public policy, reflected in Minnesota Statutes section 13.05, subdivision 7, supports disclosure of the Records pursuant to a nondisclosure agreement; and

WHEREAS, pursuant to Rule 2 of the Rules of Public Access to Records of the Judicial Branch, and by virtue of and under the inherent power and statutory authority of the Minnesota Supreme Court to regulate public access to records maintained by the judicial branch;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the National Center for State Courts is granted access to the court records and proceedings of the Open Hearings Pilot Project in Chisago, Clay, Goodhue, Hennepin, Houston, LeSeur, Marshall, Pennington, Red Lake, St. Louis (Virginia Court only), Stevens, and Watonwan counties, subject to the conditions set forth in state contract number 423667 between the State Court Administrator and the National Center for State Courts.

Dated: July 6, 1999

BY THE COURT:



Kathleen A. Blatz
Chief Justice