

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Abortion Notification	All trial and appellate court records of actions to determine whether abortion without parental notification is in minor's best interests.	No Public Access.	M.S. 144.343, subd. .
Administrative Inspection Warrants	<u>Administrative warrants for certain inspections (such as occupational safety and health, fire marshal, liquor laws, and housing code) filed on or after July 1, 2015.</u> All records of a request, and any resulting order, submitted on or after July 1, 2015, pursuant to M.S. 182.659, subds. 6, 7 (Occupational Safety and Health Inspection), M.S. 299F.08, subd. 2 (authorization for entry by state fire marshal), M.S. 340A.704 (authorization for search warrants for liquor law violations), and for housing code inspections authorized pursuant to Camara v. Municipal Court, 387 U.S. 523, 87 S.Ct. 1727, 18 L.Ed.2d 930 (1967), and McCaughtry v. City of Red Wing, 831 N.W.2d 518 (Minn. 2013).	No public access unless and until the search or inspection authorized by the court has been completed, except by order of the court or consent of the official submitting the request.  NOTE: Filers must contact court administration prior to filing these electronically so that court staff can establish a confidential file.	Access Rule 4, subd. 1(j).
Adoption	All court records in adoption proceedings (including a petition or request by adopted person for access to the file or the original birth certificate).	No Public Access For access by parties, child and others, see Minn.R.Adopt.P. 7.	M.S. 260B.171, subd. 4; 260C.171, subd. 2;; 259.61, 259.89; 144.218, subd. 2; Minn.R.Adopt.P. 7.
Alternative Dispute Resolution	<u>Appellate Family Mediation Project Confidential Information Form.</u> Confidential information form and selection of mediator form submitted to the Appellate Mediation Office of the court of appeals.	No public access.	Access Rule 4, subd. 1(o); Rules 7, 9, of the Special Rules of Practice for the Minnesota Court of Appeals Governing Family Law Mediation.

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Alternative Dispute Resolution	<u>Records of a Neutral.</u> All records of the proceedings before a neutral, including the neutral's personal notes, records and recollections (except arbitration awards that are entered as judgments under Gen. R. Prac. 114.09(d); in non-binding arbitration, if a timely request for trial is made, the arbitration award is to be sealed under Gen. R. Prac. 114.09(f)(3)).	No public Access. (NOTE: notes, records and recollections of the neutral may not be disclosed to the parties.)	Gen.R.Prac. 114.08, 114.09; M.S. 518.1751, subd. 4a (visitation expediter)
Artificial Insemination	All court records relating to artificial insemination.	No Public Access.	M.S. 257.56.
Child Protection	<u>All juvenile court child protection case records filed before June 28, 1998, in the pilot project sites</u> (Goodhue and LeSueur (First Judicial District); Houston (Third Judicial District); Hennepin (Fourth Judicial District); Watonwan (Fifth Judicial District); St. Louis—Virginia (Sixth Judicial District); Clay (Seventh Judicial District); Stevens (Eighth Judicial District); Marshall, Pennington, and Red Lake (Ninth Judicial District); and Chisago (Tenth Judicial District). NOTE: the filing referred to is the filing of individual documents or records, not the initial filing of the case. In some instances this will result in a mixture of publicly accessible and inaccessible records within a single file.	No public access.	Minn.R.Juv.Prot.P. 8.02, subd. 1
Child Protection	<u>All juvenile child protection case records filed before July 1, 2002 in sites that were NOT part of the pilot project</u> (see previous frame for list of pilot project sites). NOTE: the filing referred to is the filing of individual documents or records, not the initial filing of the case. In some instances this will result in a mixture of publicly accessible and inaccessible records within a single file.	No public access.	Minn.R.Juv.Prot.P. 8.02, subd. 2

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Child Protection	<p><u>Electronic Records Filed Prior to July 1, 2015.</u> Juvenile child protection records filed prior to July 1, 2015, and maintained in electronic format in court information systems.</p>	<p>No direct public access to information in electronic format unless expressly authorized by the court (e.g., by court order). This was designed to preclude widespread distribution of case records about children into larger, private databases that could be used to discriminate against children for insurance, employment, and other purposes. This concern also underlies the requirement in rule 8.08 that case titles in the petition and other documents include only the names of the parent or other legal custodian or legal guardian, and exclude the names or initials of the children. Courts may by court order, but are not required to, prepare and release to the public appropriate electronic formats such as calendars that identify cases by the appropriate caption. The prohibition on direct public access to electronic formats does not prohibit disclosure of print outs from computer, such as MNCIS register of actions, provided information in the print out is not otherwise off limits to the public (see other frames regarding Child Protection records).</p>	<p>Former Minn.R.Juv.Prot.P. 8.06</p>

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Child Protection	<u>All Records Where Child is Officially a Party Filed on or After July 1, 2015, but before October 1, 2016.</u> All records in juvenile protection proceedings filed on or after July 1, 2015, but before October 1, 2016, in which the child is officially a party. Children are parties in all proceedings under Minn.R.Juv.Prot.P. 21.01, subdivision 2 (e.g., truancy, runaway, sexually exploited child), and may become parties in other proceedings by intervention under Minn.R.Juv.Prot.P. 23 (requires a motion). A person can be a “participant” (defined in R.Juv.Prot.P. 22) without being a “party.”	No public access except by order of the court.	Minn.R.Juv.Prot.P. 8.04, subd. 4(c); Access Rule 4, subd. 1(o)(2)(D).
Child Protection	<u>Child Name Search Results. In child protection case records, the results of any search by a child’s name.</u>	No public access through any name search functionality provided by the judicial branch.	Access Rule 4, subd. 1(r).

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
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Child Protection	<p><u>Specific juvenile child protection records (filed after effective dates; see above frames for effective dates for pilot and non-pilot counties, pre-July 1, 2015 electronic documents, and child as party filings on or after July 1, 2015):</u></p> <ul style="list-style-type: none"> <li>(a) official transcripts of testimony taken during portions of proceedings that are closed by the presiding judge;</li> <li>(b) audio tapes or video tapes of a child alleging or describing physical abuse, sexual abuse, or neglect of any child;</li> <li>(c) victim's' statements;</li> <li>(d) portions of juvenile protection case records that identify reporters of abuse or neglect;</li> <li>(e) HIV testing or test results, and any reference to HIV status;</li> <li>(f) medical records, chemical dependency evaluations and records, psychological evaluations and records, and psychiatric evaluations and records;</li> <li>(g) sexual offender treatment program reports;</li> <li>(h) portions of photographs that identify a child;</li> <li>(i) notices of change of foster care placement;</li> <li>(j) – (m) continued next frame</li> </ul>	<p>No public access unless admitted into evidence at a hearing or trial without a protective order.</p> <p>Effective for documents filed on or after July 1, 2015, filers are solely responsible for submitting “confidential documents” as defined in R.Juv.Prot.P. 8.04 subd. 1, only under a cover sheet (form 11.3 Confidential Documents) and for submitting “confidential Information” as defined in rule 8.04, subd. 1, only on form 11.4 (Confidential Information Form). If it is brought to the attention of court staff that a filer has not complied with these requirements, court staff must take the steps set forth in R.Juv.Prot. P. 8.01, subd. 5(d) (which includes designating the document in question as confidential<sup>2</sup> and notifying the filer), and the filer may be subject to sanctions issued by the judge. This applies to filings by all parties and participants, including but not limited to those from social services and guardians ad litem.</p> <p>Note also that “confidential Information” generated by the court in its register of actions, calendars, indexes and other records, other than orders and judgments signed by a judge) is also non-public. It is recommended that court orders and judgments use Confidential Information Form 11.4 when “confidential information” must be referenced.</p>	<p>Minn.R.Juv.Prot.P. 8.04; 8.05; 16.01, subd. 1; 33.02, subd. 6.</p> <p>See in particular the 2015 comments to R.Juv.Prot.P. 8.04, discussing best practices in how to utilize the confidential information Form 11.4</p>

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Child Protection	<p><u>Specific juvenile child protection records, cont., (filed after effective date; see above frames for effective dates for pilot and non-pilot counties, pre-July 1, 2015 electronic documents, and child as party filings on or after July 1, 2015):</u></p> <p>(a) – (i) in previous frame</p> <p>(j) the identity of a minor victim or minor perpetrator of an alleged or adjudicated sexual assault;</p> <p>(k) notice of pending court proceedings provided to an Indian tribe by the responsible social services agency pursuant to 25 U.S.C. § 1912 (the Indian Child Welfare Act);</p> <p>(l) records or portions of records which the court in exceptional circumstances has deemed to be inaccessible to the public through a protective order under Rule 8.07; and</p> <p>(m) the name, address, home, or location of any shelter care facility or foster care in which a child is currently placed pursuant to law or court order, except in documents consenting to adoption or transferring permanent legal and/or physical custody to a foster care provider or relative.</p> <p>(n) separate information statement provided by a party under R. Juv. Prot. P. 16.01, subd. 1, or 33.02, subd. 6, containing the party’s address(es) and/or telephone number.</p> <p>(o) signature pages containing signatures of foster parents or children whose identities are confidential, and filed on or after July 1, 2015.</p>	<p>No public access unless admitted into evidence at a hearing or trial without a protective order.</p> <p>Effective for documents filed on or after July 1, 2015, filers are solely responsible for submitting “confidential documents” as defined in R.Juv.Prot.P. 8.04 subd. 1, only under a cover sheet (form 11.3 Confidential Documents) and for submitting “confidential Information” as defined in rule 8.04, subd. 1, only on form 11.4 (Confidential Information Form). If it is brought to the attention of court staff that a filer has not complied with these requirements, court staff must take the steps set forth in R.Juv.Prot. P. 8.01, subd. 5(d) (which includes designating the document in question as confidential<sup>2</sup> and notifying the filer), and the filer may be subject to sanctions issued by the judge. This applies to filings by all parties and participants, including but not limited to those from social services and guardians ad litem.</p> <p>Note also that “confidential Information” generated by the court in its register of actions, calendars, indexes and other records, other than orders and judgments signed by a judge) is also non-public. It is recommended that court orders and judgments use Confidential Information Form 11.4 when “confidential information” must be referenced.</p>	<p>Minn.R.Juv.Prot.P. 8.04; 8.05; 16.01, subd. 1; 33.02, subd. 6.</p> <p>See in particular the 2015 comments to R.Juv.Prot.P. 8.04, discussing best practices in how to utilize the confidential information Form 11.4</p>

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Child Protection	<u>Public Defender/Fee Waiver Applications.</u> Applications and evaluations submitted to the court for appointment of, or waiver of fees related to, a public defender or other counsel, guardian ad litem, and to proceed in forma pauperis under M.S. chapter 563.	No public access to public defender applications; no public access to remainder unless formally admitted into evidence in a hearing or trial.	M.S. 611.17, subd. 1(b) Access Rule 4, subd.1 (b).
Child Protection	<u>Protective Order.</u> Records and other information sealed by court order, but, effective 1-1-04, the protective order itself is accessible to the public.	No public access to the records that are sealed, but effective 1-1-04, the protective order itself is accessible to the public.  NOTE: the court may also preclude access by a party pursuant to a protective order, so read the protective orders carefully.	Minn.R.Juv.Prot.P. 8.01, 8.07
Child Protection	<u>Case Records on Appeal Filed in Trial Court Prior to July 1, 2015.</u> Child protection case records filed prior to July 1, 2015, and to which access is restricted under Minn. R. Juv. Prot. P. 8.04 (see above panels) are not redacted prior to transmission to the clerk of the appellate courts. If the public requests access to the child protection case record during the appeal, the portion of the case record requested will be returned to the trial court for redaction prior to access. The appellate court may deny access to the child protection case records during an appeal if providing access would unduly delay the conclusion of the appeal.	The records are not redacted prior to transmission to the clerk of the appellate courts. If the public requests access to the child protection case record during the appeal, the portion of the case record requested will be returned to the trial court for redaction prior to access. The appellate court may deny access to the child protection case records during an appeal if providing access would unduly delay the conclusion of the appeal.	Prior Minn.R.Juv.Prot.P. 8.01 (effective Aug. 1, 2009), see now Minn.R.Juv.Prot.P. 8.03.

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Child Protection	<u>Voluntary Foster Care for Treatment. Records of judicial reviews of voluntary foster care for treatment under M.S. 260D.06.</u>	<p>No public access.</p> <p>Note that voluntary foster care review matters are NOT governed by the Child Protection rules of procedure. These voluntary foster care review cases can later lead to a child protection proceeding under M.S. 260D.07, and that later child protection proceeding would be governed by the child protection rules and would have the same access limits as other child protection matters in the previous frames above (petition public except for items (a) – (o) above, etc.).</p>	Access Rule 4, subd. 1(q).
Commitment	<u>Commitments Involving a Minor.</u> Records of civil commitment cases involving minor (i.e., juvenile) respondents, filed on or after July 1, 2015.	<p>No public access unless ordered by the presiding judge or by the Minnesota Supreme Court.</p> <p>NOTE: For documents filed on or after July 1, 2015, the filer is responsible for classifying the petition as confidential (e.g., CON1). If court staff discover that a petition involving a minor (i.e., juvenile) respondent has not been properly classified as confidential, they must change the document security classification to CON1 and notify the filer.</p>	Rule 21(e), of the Spec.R.Proc.Governing Proceedings under the MN Commitment and Treatment Act; Access Rule 4, subd. 1(o)(H).



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Commitment	<p><u>Medical Records.</u> records and reports prepared by or from medical, healthcare, and/or scientific professionals that relate to the past, present, or future physical or mental health or condition of an individual, including but not limited to medical histories, examinations, diagnoses and treatment, pre-petition screening reports, court-appointed examiner's reports prepared pursuant to Rule 12 of the commitment act rules, and any other records designated by the presiding judge as medical records for purposes of this SCAO has concluded that medical records includes 60-90 day reports and six month reports under M.S. 253B.12, reports under Commitment Rule 23(d) and M.S. 253B.18, and 90 day reports relating to a conditional release under M.S. 253B.095, and attachments to such reports, whether they are submitted by medical personnel or a case manager. Items submitted by a case manager may also be prohibited from public disclosure as a court services record under Access Rule 4, subd. 1(b) (see Court Services Catch All, below).</p> <p>Does not include notice of intent to revoke provisional discharge under M.S. 253B.15.</p>	<p>No Public Access except by authorization or express order of court.</p> <p>For medical records filed on or after July 1, 2015, the prohibition on no public access continues even if the records are formally admitted into evidence in a testimonial hearing or trial that is open to the public.</p>	<p>Rules 13(a), 21(b), of the Spec.R.Proc. Governing Proceedings under the MN Commitment and Treatment Act; see also Matter of Jarvis, 433 N.W.2d 120 (Minn. App. 1988) (Reports submitted by a party to appellate court in separate, confidential appendix).</p>
Commitment	<p><u>Motion to Seal; Sealed Records.</u> Request to seal commitment proceeding records, whether or not request is granted, and if request is granted, any records sealed by court order.</p>	<p>No Public Access.</p> <p>NOTE: Be sure that register of actions on public access mode does not disclose the existence of the motion.</p>	<p>M.S. 253B.23, subd. 9.</p>

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Compulsory Treatment	All court records of proceeding under prior M.S. 254.09 for compulsory treatment of habitual narcotics user.	No Public Access. NOTE: prior M.S. 254.09 was a specific type of proceeding. Unless the documents (an affidavit and notice of appearance are the initial pleadings in M.S. 254.09 actions) cite M.S. 254.09, its not a proceeding under M.S. 254.09 and the confidentiality of M.S. 254.09 would not apply. M.S. 254.09 was repealed in 2014 but is retained as older records remain non-public under the prior provision.	M.S. 254.09. NOTE: Statute was repealed in 2014 as obsolete, but older records may exist so this reference is retained in this table.
Court Services	<u>Pre-Sentence Investigation Report.</u> Report including defendant's personal history, mental and physical exams, criminal history, victim impact statement, sentencing worksheet, criminal history reports, and the driving record ("1045").	No Public Access. NOTE: Not applicable to items submitted separate from PSI report (e.g., the 1045 or victim impact statements); these may be covered elsewhere (see, Confidential Driving Record, Domestic Abuse Impact Statement, and Disposition Records, below).	M.S. 609.115, subs. 4, 6, 609.2244.
Court Services	<u>Domestic Abuse Victim Impact Statement.</u> (typically submitted with domestic abuse PSI, discussed above). Other types of victim impact statements are discussed in Court Services, Disposition Records, below	No Public Access.	M.S. 609.2244
Court Services	<u>III System Criminal History Records.</u> Results of a search for arrests, convictions, etc., from other states utilizing the Interstate Identification Index system ("III System") maintained by the FBI and accessed via the Minnesota Bureau of Criminal Apprehension. Results of Minnesota only search (referred to as "Computerized Criminal History" or "CCH"), or a search of other states through the National Law Enforcement Telecommunication System ("NLETS"), are covered under Court Services Catch All, Disposition Records, below.	No Public Access.	28 C.F.R. § 20.33

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<p>Court Services Except in child protection cases, which are covered separately above under Child Protection subject area.</p>	<p><u>Court Services Catch All, Part I of III</u></p> <p><u>Assessments.</u> Assessments identifying an individual's need for counseling, rehabilitation, treatment or assistance with personal conflicts (substance abuse treatment records, including assessments, are discussed in a separate frame, below). Also includes support or attendance letters, e.g., regarding Alcoholics Anonymous, submitted by or for a party.</p>	<p>No Public Access unless admitted into evidence (i.e., marked as exhibit and court records prove that judge formally admitted exhibit into evidence at a publicly-accessible, testimonial-type hearing or trial); <u>provided, however</u>, that the following information on adults is accessible to public: name, age, sex, occupation, status as a parolee, probationer, or participant in diversion program, and location thereof; offense for which the individual was placed under supervision, dates supervision began and ended and the duration of supervision; information which was public in a court or other agency which originated the data; arrest and detention orders; orders for parole, probation, or participation and the extent to which those conditions have been or are being met; identities of agencies and units within agencies and individuals providing supervision; legal basis for change in supervision, and dates, times and locations associated with change.</p>	<p>Access Rule 4, subd. 1(b)</p>

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<p>Court Services Except in child protection cases, which are covered separately above under Child Protection subject area.</p>	<p><u>Court Services Catch All, Part II of III</u></p> <p><u>Assessments</u> discussed in previous frame.</p> <p><u>Disposition Assisting Records.</u> Reports and application forms that assist the court in assigning an appropriate sentence or other disposition (excludes Pre-Sentence Investigation Report, covered separately, above). Includes <u>bail evaluations (including those labeled as pre-trial release or pre-sentence release reports), applications and evaluations for appointment of, or waiver of fees related to, counsel, a guardian ad litem and/or to proceed in forma pauperis under M.S. chapter 563 (public defender applications are treated separately), applications for fine payment agreements (but not the terms of the agreement), probation agreement and probation reports not accompanying a summons, warrant or order (but not the terms of the agreement or other public items listed in the accessibility column to the right), victim impact statements, victim offender mediation reports, non-III System criminal history search records (e.g., name change background searches under M.S. 259.11(b) and some guardian/conservator background searches under M.S. 525.545; non-III System searches are either Minnesota only searches for arrests, convictions, etc., through the Bureau of Criminal Apprehension, also referred to as “Computerized Criminal History” or “CCH” searches, or searches of other states via the National Law Enforcement Telecommunication System or NLETS; III System Criminal History Records are discussed above), sentencing worksheets revealing prior juvenile offense or prepared on juvenile prosecuted as adult, (cont. next page)</u></p>	<p>No Public Access unless admitted into evidence (i.e., marked as exhibit and court records prove that judge formally admitted exhibit into evidence at a publicly accessible, testimonial-type hearing or trial); <u>provided, however</u>, that the following information on adults is accessible to public: name, age, sex, occupation, status as a parolee, probationer, or participant in diversion program, and location thereof; offense for which the individual was placed under supervision, dates supervision began and ended and the duration of supervision; information which was public in a court or other agency which originated the data; arrest and detention orders; orders for parole, probation, or participation and the extent to which those conditions have been or are being met ; identities of agencies and units within agencies and individuals providing supervision; legal basis for change in supervision, and dates, times and locations associated with change.</p> <p>NOTE: It is advisable, but not required, for filers to use the form 11.2 Confidential Financial Source Documents when submitting tax returns, wage stubs, etc., as part of their request for counsel or waiver of fees. If the court requests supplemental supporting financial information, that information should be treated as part of the original request.</p>	<p>Access Rule 4, subd. 1(b)</p> <p>Additional authority applicable to driving record reports: M.S. 171.12, subd. 7; 18 U.S.C. 2721(b).</p>

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Court Services	<u>Predatory Sex Offender Notification and Registration Advisory Forms</u> . Used at sentencing to advise defendants of their obligation to register as a predatory sex offender.	No Public Access. NOTE: Law enforcement is authorized under M.S. 244.052, subd. 4, to release certain information to the public about sex offenders.	M.S. 243.166, subd. 7
Court Services	<u>Substance Abuse Treatment Records</u> (includes assessments, applications and referrals, but not a court order or judicial directive making a referral).	No Public Access except by consent or court order.	42 U.S.C. § 290dd-2; 42 C.F.R. 2.1-2.67. M.S. 169A.70, subd. 3.
Conceal and Carry Gun Permit Appeals	<u>Hearing Records in Conceal and Carry Gun Permit Appeals</u> , including the transcript, court reporter's stenographic notes and any back-up or primary audio tapes of the hearing, and all exhibits received into evidence at the hearing. NOTE that the public IS entitled to access to the other case records related to the gun permit appeal, including the petition, findings of fact, conclusions of law, the courts order or decision, the writ, and the TCIS/MNCIS register of actions records.	No Public Access.	M.S. 624.714, subd. 12
Credit Card and Check Numbers	Account numbers collected by the judicial branch in connection with credit cards, charge cards, debit cards or other methods of electronic funds transfer for government fees and payments ordered by the court.  Note: although checks may or may not constitute electronic funds transfer, the same result would apply under the security record category of the administrative records table.	No public access.	M.S. 480.237
Criminal (see also Court Services Records)	<u>Arrest Warrant; Order Not to File</u> . Warrant, charging instrument, or other supporting evidence or information for which an order not to file has been entered.	No Public Access until execution and return.	R.Crim.P. 33.04.
Criminal	<u>Search Warrant; General</u> . Search warrants and related documents.  Note: See also Search Warrant: Order Not to File, below.	No public access until after the search or ten days has expired since issuance of warrant.	R.Crim.P. 33.04; 36.06.

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Criminal	<u>Search Warrant; Order Not to File.</u> Warrant, charging instrument, or other supporting evidence, information, or related documents for which an order not to file has been entered.	No Public Access until: (1) commencement of criminal proceeding utilizing evidence obtained in or resulting from the search; or (2) at such other time specified in the order.	R.Crim.P. 33.04; 36.06.
Criminal	<u>Wiretap Warrant.</u> Warrant, application, affidavits, return, supporting evidence or related documents concerning application for, or granting or denial of, a warrant authorizing interception of communications pursuant to M.S. 626A.01-.23.	No Public Access except by court order.	M.S. 626A.08, subd. 2.
Criminal	<u>Intercept Orders.</u> Orders authorizing use of pen register, trap and trace device, or mobile tracking device. Includes applications and returns.	No Public access except by court order.	M.S. 626A.37, subd. 4(1).
Criminal	<u>Application for Public Defender.</u> Application by defendant seeking appointment of counsel. (Ex parte requests for services other than counsel under M.S. 611.21 are discussed separately, below.)	No Public Access NOTE: It is advisable, but not required, for filers to use the form 11.2 Confidential Financial Source Documents when submitting tax returns, wage stubs, etc., as part of their request for counsel. If the court requests supplemental supporting financial information, that information should be treated as part of the original request.	M.S. 611.17, subd. 1(b)

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
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Criminal	<p><u>Request for Assistance Other Than Counsel and Any Resulting Order Filed on or After July 1, 2015.</u> A request under M.S. 611.21 for assistance other than counsel and any resulting order filed on or after July 1, 2015.</p> <p>Note: Requests and orders filed prior to July 1, 2015, may be subject to individual or standing orders that preclude public access.</p>	<p>No public access, provided that the register of actions may publicly disclose the existence of the request and the order granting or denying the request, but not the substance of the assistance sought or granted.</p> <p>NOTE: It is advisable, but not required, for filers to use the form 11.2 Confidential Financial Source Documents when submitting tax returns, wage stubs, etc., as part of their request for assistance other than counsel. If the court requests supplemental supporting financial information, that information should be treated as part of the original request.</p>	Access Rule 4, subd. 1(g).



LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
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Criminal	<p><u>Identity of Juvenile Victim of Sexual Assault.</u> Information in, or relating to, complaints or indictments charging violation of M.S. 609.<u>322</u>, 342, .343, .344, .345, <u>.3451</u>, or .3453 which specifically identifies a victim who is a minor.</p> <p>See also: Maltreatment Determination Reviews Juvenile Delinquency Transcript</p>	<p>No Public Access except by court order. (Does not permit denial of public access to other information in the records, including identity of defendant.)</p> <p>NOTE: Public documents may refer to minor victims as “Child 1”, “Child 2” etc., with corresponding names placed only on a separate confidential document. Unless otherwise directed by the judge, parties may also use the minor victim’s initials and year of birth in a public document. The filer is responsible for compliance with the rule and court staff do not need to review filings for proper use of identifiers. If the presence of minor victim identifiers in a public document is brought to the court staff’s attention, however, the document must be made confidential and the issue should be brought to the attention of the filing party and the presiding judge.</p> <p>Transcripts are addressed separately, below.</p>	M.S. 609.3471; Access Rule 4, subd. 1(m).
Criminal	<p><u>Grand Jury Indictment.</u> Applies to indictment and related warrant or summons only. (For all other records relating to grand juries, see Grand Jury Proceedings, below)</p>	No Public Access until defendant is in custody or appears before the court.	R.Crim.P. 18.04; 18.07.
Criminal	<p><u>Grand Jury Proceedings.</u> All records, except indictment (see Indictment, above), of grand jury proceedings, including transcript and fact that no indictment was returned (often referred to as "no-bill"). Also includes a petition or request by the county attorney to convene a grand jury, and any resulting court order or memo granting or denying the request.</p>	<p>No Public Access.</p> <p>NOTE: No access by defendant unless authorized by court order.</p>	R.Crim.P. 18.04; 18.07; In re Grand Jury of Hennepin County, 271 N.W.2d 817 (Minn. 1978); In re Grand Jury of Wabasha County, 309 Minn. 148, 244 N.W.2d 253 (1976).

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Criminal	<u>Hearing on Discovery Issues.</u> Sealed record of "in camera" (i.e. private) proceeding (including related documents and other items) in which denial or regulation of discovery has been granted.	No Public Access.	R.Crim.P. 9.03, subds. 5, 6, 7.
Criminal	<u>Hearing on HIV Testing.</u> Sealed record of "in camera" (i.e. private) proceeding and all related documents regarding HIV test request by victim of sexual assault or any other violent crime. (NOTE: statute contemplates that if request is granted, no court record of the proceeding or the test is to be maintained; consult court order for specific directions.)	No Public Access. NOTE: Consult court order for directions as to disclosure and destruction of record. NOTE ALSO: Be sure that TCIS® activity summary (IACT) on public access mode or similar MNCIS screen does not disclose the existence of the motion.	M.S. 611A.19
Criminal	<u>Hearing Prior to Trial or Outside Presence of Jury.</u> Record (including transcript) of proceeding that has been closed to the public (e.g. due to prejudicial publicity).	No Public Access until completion of trial or disposition without trial.	R.Crim.P. 25.01; 26.03, subd. 6.
Criminal	<u>No Contact Order Defendant Photograph from Driver Records.</u> Respondent's photograph from MN driving records that accompanies a order for protection under M.S. 518B.01 or a no contact order under M.S. 629.72 or 629.75.	No public access but may make photo available to law enforcement and to the person protected by the order for enforcement purposes.	M.S. 299C.46, subds. 2, 6; 171.07, subd. 1a; 18 U.S.C. 2721(b)
Criminal	<u>Order Restricting Access.</u> Records that have been restricted from public access by court order.	No Public Access except pursuant to terms of the order.	R.Crim.P. 25.03.
Criminal	<u>Pardon Extraordinary Granted on or before July 31, 1992.</u> All court records (including index references) relating to a conviction for which a pardon extraordinary has been granted on or before July 31, 1992.	No Public Access. (NOTE: Unsealed file may only be used for purposes of a criminal investigation, prosecution, or sentencing, and should not otherwise be disclosed--recommend resealing file.)	M.S. 638.02; 1991 Minn. Laws ch. 319, sections 26, 32.

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
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Criminal	<p><u>Response to Expungement Petition.</u> The portion of a response to a petition for expungement filed with the court under M. S. 609A.03 that includes confidential or private data on a separate document clearly marked as sealed or confidential, provided that the petition included or was accompanied by a request by the petitioner to have such information handled in this manner.</p>	<p>No Public Access except pursuant to court order. NOTE: When submitting a response and separate document via the court's E-Filing System, the agency or jurisdiction filing the separate document must also appropriately designate the separate document as sealed or confidential by selecting the appropriate designation in the court's E-Filing System. The agency or jurisdiction filing a response to the petition shall be entirely responsible for ensuring compliance with this rule. The court administrator is not responsible for reviewing filings for compliance with this rule.</p>	Access Rule 4, subd. 1(h).
Criminal	<p><u>Expunged Records Prior To January 1, 2015.</u> All court records, including index references, sealed by court order issued before January 1, 2015, under M.S. 609A.01-.03 and relating to:</p> <ul style="list-style-type: none"> <li>• a juvenile prosecuted as an adult following certification to district court under M.S. 260.125;</li> <li>• certain controlled substance offenses dismissed or discharged under M.S. 152.18, subd. 1;</li> <li>• criminal proceedings not resulting in a conviction</li> <li>• certain convictions followed by certain periods of a clean record.</li> </ul>	<p>No Public Access. (Note: Although the statute authorizes opening of a sealed file without a court order for purposes evaluating a prospective criminal justice agency employee, the legal determination requires judge review and approval. Thus, <u>all requests for access to expunged records require judge review and approval.</u> There is a statewide form (CON101 Petition for Access to Confidential or Sealed File) available for making such requests.</p>	M.S. 609A.03, subd. 7 (effective May 1, 1996 and applicable to orders issued before January 1, 2015; expungements preceding the 1996 effective date are governed by the prior versions of M.S. 609.168; 242.31; 152.18, subd. 2).

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
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Criminal	<p><u>Expunged Records On or After January 1, 2015.</u> All court records, including index references, sealed by court order issued on or after January 1, 2015, under M.S. 609A.01-.03 and relating to:</p> <ul style="list-style-type: none"> <li>• a juvenile prosecuted as an adult following certification to district court under M.S. 260.125;</li> <li>• certain controlled substance offenses dismissed or discharged under M.S. 152.18, subd. 1;</li> <li>• criminal proceedings not resulting in a conviction;</li> <li>• certain convictions followed by certain periods of a clean record.</li> </ul>	<p>No Public Access. (Note: Although the statute permits that upon request, the existence of the sealed record and the right to have the record unsealed may be disclosed to criminal justice agencies for the purposes of initiating, furthering, or completing a criminal investigation or prosecution or for sentencing purposes or providing probation or other correctional services, the legal determination requires judge review and approval. Similarly, although the statute authorizes opening of a sealed file without a court order for purposes evaluating a prospective criminal justice agency employee, the legal determination requires judge review and approval. <u>Thus, all requests for access to expunged records require judge review and approval.</u> There is a statewide form (CON101 Petition for Access to Confidential or Sealed File) available for making such requests.</p>	M.S. 609A.03, subd. 7b.
Criminal	<p><u>Miscellaneous Expunged Records.</u> All records relating to charges or convictions expunged or sealed by court order to prevent unfairness or to prevent infringement of constitutional right.</p>	No Public Access.	Minn. Const. art. III, section 1.
Criminal	<p><u>Juror Names and Addresses Sealed by Order.</u> Names and addresses of jurors when access has been restricted by court order. (See also Jury records, below)</p>	No Public Access. NOTE: Access by parties is controlled by court order.	R.Crim.P. 26.02, subd. 2(1) (effective 1-1-99).
County Attorney or Attorney General Administrative Subpoena	<p><u>Enforcement Proceedings or Motions to Quash Administrative subpoena issued under MS 8.16 or 388.23.</u> A motion to quash, or a request to enforce an administrative subpoena under M.S. 388.23, and any resulting order.</p>	No public access except by order of the court	M.S. 8.18; 388.23, subs. 4, 6; Access Rule 4, subd. 1(k).

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
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Death Certificates	<u>A certificate of death issued by a proper governmental authority. Burden is on filer to appropriately classify at the time of filing.</u>	No public access except to extent formally admitted into evidence in a publicly-accessible testimonial hearing or trial.	Access Rule 4, subd. 1 (o)
Depositions and Discovery (Civil Cases)	<u>Protective Order.</u> Depositions, documents, and other information sealed by court order.	No Public Access.	R.Civ.P. 26.03.
Dissolution, Custody & Support	<u>Social Security Numbers.</u> All social security numbers contained in petitions, orders, decrees and other documents submitted to or issued by the court prior to <u>July 1, 2005.</u>  For Social Security Numbers submitted on or after July 1, 2005, see Restricted Identifiers, below.	No Public Access.	Gen.R.Prac. 313.01 (2004)
Dissolution, Custody & Support	<u>Tax Returns submitted to the court prior to July 1, 2005.</u>  For Tax Returns submitted on or after July 1, 2005, see Financial Source Documents, below.	No Public Access.	Gen.R.Prac. 313.02 (2004)
Dissolution, Custody & Support	<u>Records Sealed to Protect Welfare of Child.</u> Records sealed by court order regarding an interview, report, investigation, or testimony of child involved in custody proceeding.	No Public Access.	M.S. 518.168 (d).
Dissolution, Custody & Support	<u>Records Sealed to Protect Health or Safety of Party or Child.</u> Address or identifying information on party or child, declared not to be disclosed by court order in proceedings under M.S. chapter 518C. (Uniform Interstate Family Support Act).	No access except by order of court.	M.S. 518C.312
Dissolution, Custody & Support	<u>Identifying Information in Interstate Child Custody Proceedings.</u> Identifying information on a party or child if the party alleges in an affidavit or pleading under oath that the health, safety or liberty of a party or child would be jeopardized by disclosure of the identifying information; applies to child custody proceedings under M.S. chapter 518D (the Uniform Child Custody Jurisdiction and Enforcement Act).	Statute directs that records shall be sealed and that there shall be no disclosure of identifying information to other party or the public except by order of court.	M.S. 518D.209

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
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Domestic Abuse aka Order for Protection (OFP)	<p><u>General.</u> All court records of action for domestic abuse protection pursuant to M.S. 518B.01 (NOTE special provisions for petitioner's location or residence and respondent's photograph from driver's record(discussed in next panels below). Does NOT include 5th degree domestic assaults, but effective for records filed on or after July 1, 2015, it DOES include harassment proceedings under M.S. 609.748.</p> <p>NOTE: Federal law known as the Violence Against Women Act (VAWA), 18 U.S.C. § 2265, prohibits internet access by the general public to both 518B and 609.748 records. See limits on Remote Access below in this table.</p>	No Public Access until court order pursuant to M.S. 518B.01, subs. 5 or 7 is served upon respondent. (CAUTION: Petitioner's address and respondent's photographs may remain off limits to the public under separate provisions below. Also, petitions are occasionally denied or withdrawn before service upon respondent, in which case the petition is NOT accessible to the public or to the respondent named in the petition.)	Access Rule 4, subd. 1(a).
Domestic Abuse aka Order for Protection (OFP) (continued)	<u>Petitioner's Address.</u> Information in court records of action for domestic abuse protection pursuant to M.S. 518B.01 and, for documents filed on or after July 1, 2015, harassment proceedings under M. S. 609.748 regarding the petitioner's location or residence.	If requested by petitioner, no public access; information may be disclosed only to court personnel or law enforcement for purpose of service of process, conducting an investigation, or enforcing an order.	M.S. 518B.01, subd. 3b.
Domestic Abuse aka Order for Protection (OFP) (continued)	<u>Law Enforcement Information Sheets (OFP 105 and HAR 103) filed on or after July 1, 2015.</u> Applies to both domestic abuse protection proceedings under M.S. 518B.01 and harassment proceedings under M.S. 609.748.	No Public Access. Law enforcement information form may be disclosed to law enforcement for purposes of service of process, conducting an investigation, or enforcing an order.	Access Rule 4, subd. 1(a)
Domestic Abuse aka Order for Protection (OFP) (continued)	<u>Respondent's Photograph from Driver Records.</u> Respondent's photograph from MN driving records that accompanies a order for protection under M.S. 518B.01 or a no contact order under M.S. 629.72 or 629.75.	No public access but may make photo available to law enforcement and to the person protected by the order for enforcement purposes.	M.S. 299C.46, subs. 2, 6; 171.07, subd. 1a; 18 U.S.C. 2721(b)

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Domestic Fatality Review Team	<u>Records of Domestic Fatality Review Team.</u>	No public access except that the review team may disclose the name of the victim in the case(s) the review team reviewed, and the review team must submit an annual report to the governor, legislature, Supreme Court and district court, which report must consist of written aggregate recommendations of the team without reference to individual cases.	M.S. 611A.203, subds. 5, 7 (effective Aug. 1, 2009)
Financial Source Documents	<p><u>Financial Source Documents in All Case Types.</u> Financial source documents (income tax returns, W-2 forms and schedules, wage stubs, credit card statements, financial institution statements, check registers, and other financial information deemed financial source documents by court order) submitted to the court under a cover sheet designated as Form 11.2 “Confidential Financial Source Documents” on or after July 1, 2005.</p> <p>For tax returns submitted to the court prior to July 1, 2005 in family cases, see “Dissolution, Custody &amp; Support,” “Tax Returns” above.</p>	<p>The Financial Source Documents are not accessible to the public unless: (a) formally marked as an exhibit and records indicate the presiding judge admitted the document into evidence in a testimonial type hearing or trial; or (b) public access is authorized by the court after notice and motion. The cover sheet listing the documents, however, is accessible to the public.</p> <p>NOTE: It is advisable, but not required, for filers to use the form 11.2 Confidential Financial Source Documents when submitting tax returns, wage stubs, etc., as part of a separate request for counsel, assistance other than counsel, waiver of fees, etc., that has its own non-public record classification. In those instances, if the court requests supplemental supporting financial information, that information should be treated as part of the original request (i.e., not public) regardless of the presence or absence of a form 11.2 Filers have the responsibility to correctly classify the documents when filing electronically.</p>	Gen.R.Prac. 11.03, 11.05, 361.02, 361.05, 370.04, 371.04, and 372.04

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
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Genetic Information	<p><u>Genetic Information.</u> Records on genetic information, other than records that have been admitted into evidence in a hearing or trial, that are from medical, health care, or scientific professionals, including but not limited to reports and affidavits. “Genetic information” means information about a specific human being that is derived from the presence, absence, alteration, or mutation of a gene or genes, or the presence or absence of a specific deoxyribonucleic acid or ribonucleic acid marker or markers, and which has been obtained from an analysis of an individual’s biological information or specimen or the biological information or specimen of a person to whom an individual is genetically related.</p> <p><u>Discussed separately:</u> Medical Records filed on or after July 1, 2015 (below), and Commitment: Medical Records (above)</p>	No public access to reports from medical, health care, or scientific professionals unless such reports have been formally marked as an exhibit and records show that presiding judge has received the report into evidence in a testimonial type hearing or trial.	Access Rule 4, subd. 1(f).
Harassment	<p><u>General.</u> Records of harassment proceedings under M.S. 609.748 filed on or after July 1, 2015, are treated the same as records of domestic abuse protection pursuant to M.S. 518B.01 (aka Orders for Protection (OFP)). See Domestic Abuse records above.</p>	See Domestic Abuse records above.	See Domestic Abuse records above.
Judge's Notes and Drafts	<p>All notes, memoranda or drafts thereof prepared by a judge, staff attorney, law clerk, legal assistant, or secretary and used in the process of preparing a final decision or order. (Note: "final" means decision or order is not a preliminary draft.) Includes audio tape of conciliation court proceedings. Does <u>not</u> include official minutes prepared pursuant to M.S. 546.24-.25.</p>	No Public Access.	Access Rule 4, subd. 1(c).
Jurors	<p><u>Juror Identities Sealed in Criminal Case.</u> Names, addresses, telephone numbers, and other identifying information on jurors when access has been restricted by court order in criminal case.</p>	No Public Access. NOTE: Access restrictions might be limited to a specific time frame, so consult the court order. Access by parties is also controlled by the court order.	R.Crim.P. 26.02, subd. 2.



LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
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Jurors	<u>Sealed Transcript of <i>In Camera</i> Juror <i>Voir Dire</i> in Criminal Case.</u> The transcript of oral questioning of a potential juror with the public excluded from proceeding, when access to the transcript is restricted by court order in a criminal case.	No Public Access.	R.Crim.P. 26.02, subd. 4(4) (effective 2-1-2004).
Jurors	<p><u>General Juror Information.</u> Lists of prospective grand and petit juror, and qualification questionnaires returned by jurors. Does <u>not</u> include supplemental juror questionnaire in criminal case (see R.Crim.P. 26.02, subd. 2(3) and form 50) or civil case (see “Supplemental Questionnaire,” below), juror names entered on official minutes prepared pursuant to M.S. 546.24-.25 (i.e., witness/juror/exhibit log IS accessible to the public) or verdict forms in publicly accessible proceedings, unless access to the names is restricted by court order (see previous panels). Includes voter registration list that is used as the juror source list.</p> <p>(NOTE: A public information list on voters (essentially the voter registration list minus date of birth) is available from the county auditor or secretary of state.)</p>	No Public Access to social security numbers. No public access to remainder of information (please note the panel to the left excludes some items such as juror names entered on courtroom minutes) except by permission of court upon written request;	Gen.R.Prac. 807(e); 814.
Jurors	<p><u>Supplemental Questionnaire in civil cases.</u> Supplemental juror questionnaires completed by jurors in civil cases.</p> <p>Does <u>not</u> include supplemental juror questionnaire in criminal case (see R.Crim.P. 26.02, subd. 2(3) and form 50) or qualification questionnaires (see “General Juror Information,” above).</p>	No public access unless formally admitted into evidence in a publicly accessible hearing or trial	R.Civ.P. 47.01.

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
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<p>Juvenile Delinquency and EJJ (child protection is addressed separately, above)</p>	<p><u>General.</u> All juvenile delinquency and extended jurisdiction juvenile (EJJ) court records except, for cases pending on or after August 1, 1986, "legal records" of delinquency or EJJ proceedings alleging or proving a felony level violation by a juvenile at least 16 years old at the time of violation. "Legal records" that would be accessible to the public include the petition, summons, notice, findings, orders, decrees, judgments, motions, and documents so designated by the court. "Legal Records" would not include a sentencing worksheet, predisposition report under rule 15.03, certification study under rule 18.04, social, psychiatric or psychological studies under rule 19.03, mental condition reports under rule 20.02, or discovery items submitted under rule 10. Documents and other objects formally admitted into evidence in a publicly accessible trial or testimonial type proceeding would also be accessible to the public unless otherwise ordered by the court. NOTE: If all felony charges are dismissed prior to hearing or trial, the court may want to issue an order clarifying public access to the "legal records." NOTE ALSO the exception to public access for such legal records that identify a minor victim of sexual conduct (see next panel), reveal any information about HIV testing requested by victim of sexual assault or other violent crime. (see second panel, below), or relate to search warrants (see third panel, below). For delinquency and EJJ records closed before August 1, 1986, please consult your record retention schedule.</p> <p><b>NOTE:</b> Juvenile court rules prohibit internet access to juvenile court records that are otherwise accessible to the public. See Remote Access below in this table.</p>	<p>No Public Access except by order of the court.</p> <p><u>NOTE:</u> If a juvenile is referenced for prosecution as an adult, a regular, adult criminal complaint or indictment will eventually be filed (and if not, the matter continues in juvenile court as if no reference occurred). If EJJ status is revoked and the stay of the adult sentence is lifted, the jurisdiction of the juvenile court terminates and subsequent records are generated in adult criminal court. In either case, the public may access only the adult criminal file, subject to the exceptions listed in this table for adult criminal files.</p> <p><u>Note:</u> Military recruiters and prospective employers often request access to nonpublicly-accessible delinquency records and may even present a written waiver from the juvenile to support their request. R. Juv. Del. P. 30.02, subd. 3(C), expressly prohibits access by prospective employers or military services to any nonpublicly-accessible delinquency records. The prohibition in rule 30.02 negates any purported waiver and the nonpublicly-accessible delinquency records may not be disclosed to military recruiters or prospective employers.</p>	<p>Access Rule 4, subd. 1(d); R.Juv.Del.P. 30, 15.03, subd. 4, 18.04, subd. 4, 19.03, subd. 4, and 20.02, subd. 5; M.S. 260B.163, subd. 1; 260B.171, subd. 4;</p>

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
<p>Juvenile Delinquency and EJJ (child protection is addressed separately, above)</p>	<p><u>Information In "Legal Records" of Delinquency and EJJ Proceedings Identifying Juvenile Victim of Sexual Assault Committed by 16+ Year Old.</u> "Legal records" of delinquency and extended jurisdiction juvenile proceedings alleging or proving a felony level violation committed by a juvenile at least 16 years old at the time of violation, is a specific subcategory of juvenile court records that are accessible to the public (see previous panel), except that the court may not disclose any information in the legal records relating to charged violations of M.S. 609.322, 342, .343, .344, .345, .3451, or .3453 which specifically identifies a victim who is a minor. "Legal records" includes petition, summons, notice, findings, orders, decrees, judgments, motions, and documents so designated by the court.</p> <p>See also:</p> <p>Criminal Maltreatment Determination Reviews Transcripts</p>	<p>No Public Access except by order of the court.</p> <p>NOTE: Does not permit denial of public access to other information in the "legal records" of proceedings alleging or proving a felony level violation by a juvenile at least 16 years old at the time of violation.</p> <p>NOTE: Public documents may refer to minor victims as "Child 1", "Child 2" etc., with corresponding names placed only on a separate confidential document. Unless otherwise directed by the judge, parties may also use the minor victim's initials and year of birth in a public document. The filer is responsible for compliance with the rule and court staff do not need to review filings for proper use of identifiers. If the presence of minor victim identifiers in a public document is brought to the court staff's attention, however, the document must be made confidential and the issue should be brought to the attention of the filing party and the presiding judge.</p> <p>Transcripts are addressed separately, below.</p>	<p>M.S. 609.3471. Access Rule 4, subd. 1(m)</p>

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Juvenile Delinquency and EJJ (child protection is addressed separately, above)	<u>Information in "Legal Records" of Delinquency and EJJ Proceedings Revealing HIV Test Requested by Victim.</u> "Legal records" of delinquency and extended jurisdiction juvenile proceedings alleging or proving a felony level violation committed by a juvenile at least 16 years old at the time of violation, is a specific subcategory of juvenile court records that are accessible to the public (see previous panel), except that the court may not disclose any information in the legal records relating to HIV testing requested by a victim of sexual assault or any other violent crime. (NOTE: statute contemplates that if request is granted, no court record of the proceeding or the test is to be maintained; consult court order for specific directions.)	No Public Access. NOTE: Consult court order for directions as to disclosure and destruction of record. NOTE ALSO: Be sure that TCIS® activity summary (IACT) on public access mode does not disclose the existence of the motion.	M.S. 611A.19
Juvenile Delinquency and EJJ (child protection is addressed separately, above)	<u>Search Warrant Information In "Legal Records" of Delinquency and EJJ Proceedings.</u> "Legal records" of delinquency and extended jurisdiction juvenile proceedings alleging or proving a felony level violation committed by a juvenile at least 16 years old at the time of violation, is a specific subcategory of juvenile court records that are accessible to the public (see previous panels), except that search warrants and related information that have been designated for filing in juvenile court are accessible to the public only to the same extent that such information is accessible to the public in adult criminal proceedings (see "Search Warrant; General" and "Search Warrant; Order Not to File" under the Criminal Case Records sections, above).	see "Search Warrant; General" and "Search Warrant; Order Not to File" under the Criminal Case Records sections, above	R.Juv.Ct. 4.01, 4.02 (effective September 1, 2003);

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Maltreatment Determination Reviews	<p><u>Identity of Juvenile Victim of Sexual Abuse.</u> Information in judicial review (under M.S. 256.045, subd. 7), of maltreatment determinations made under M.S. 626.556, that involve allegations of sexual abuse and that specifically identifies a victim who is a minor.</p> <p>See also: Criminal Juvenile Delinquency Transcripts</p>	<p>No public access except by order of the court. (Does not permit denial of public access to other information in the records, including identity of defendant.)</p> <p>NOTE: Public documents may refer to minor victims as “Child 1”, “Child 2” etc., with corresponding names placed only on a separate confidential document. Unless otherwise directed by the judge, parties may also use the minor victim’s initials and date of birth in a public document. The filer is responsible for compliance with the rule and court staff do not need to review filings for proper use of identifiers. If the presence of minor victim identifiers in a public document is brought to the court staff’s attention, however, the document must be made confidential and the issue should be brought to the attention of the filing party and the presiding judge.</p> <p>Transcripts are addressed separately, below.</p>	Access Rule 4, subd. 1(m)
Maternity-Paternity Pre 1980 (also referred to as Illegitimacy or Bastardy proceedings)	For proceedings brought prior to August 1, 1980, all court records of action to determine legitimacy or parentage of child.	No public access except by court order.	M.S. 257.31 (1978); M.S. 3272(e) (1923).

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Maternity-Paternity Post 1980 including post- adjudication Maternity-Paternity documents filed on or after July 1, 2015	For proceedings brought on or after August 1, 1980, all court records, except "final judgment" (but not findings of fact or social security numbers) and affidavits filed pursuant to M.S. 548.09-.091, of action to determine existence of parent-child relationship. (NOTE: "Final judgment" means an appealable judgment, BUT findings of fact and social security numbers contained in the judgment papers are NOT accessible to the public. NOTE ALSO that requests to establish or modify support or custody are often brought within the same file after there has been a final judgment adjudicating paternity; for such post- adjudication paternity matters that are filed before July 1, 2015, the resulting new judgment, once it is "final", will also be accessible to the public, minus the findings of fact and SSN.). Effective October 1, 2016, subsequent proceedings shall be brought in the same original paternity case file provided that the register of actions in the case shall then be made public but identifying information on persons who were alleged to be the parent of the child but not adjudicated as such parent will remain nonpublic (using MNCIS functionality that allows blocking of public access to such party identifiers), and documents that were not previously public in the original paternity file also remain nonpublic, except that the register of actions may publicly reflect the existence of the document and its title.	No Public Access. NOTE: Public access allowed only to "final judgment," which means appealable judgment, BUT findings of fact and social security numbers contained in the judgment papers are NOT accessible to the public.  <u>For post-adjudication paternity documents filed on or after July 1, 2015</u> , the subsequent proceedings become publicly-accessible (except for an appeal of the original, final judgment), and individual documents filed on or after July 1, 2015, will need to be reviewed for accessibility based on their individual content (see other frames in this table). For example, affidavits filed on or after July 1, 2015, pursuant to M.S. 548.09-.091 to enforce the judgment are public.  Note that post adjudication paternity documents filed on or after July 1, 2015, may involve creation of a new case file for purposes of implementing appropriate public access. Court staff should consult appropriate Court Administrative Processes for further direction.	Access Rule 4, subd. 1(n); M.S. 518.146, 257.70, 257.66, 42 U.S.C. 405(c)(2)(C)(viii).

LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
<p>Medical Records (post July 1, 2015)</p> <p>See also Genetic Information and Commitment above</p>	<p><u>General.</u> Records filed on or after July 1, 2015, other than records that have been admitted into evidence in a hearing or trial, that are from medical, health care, or scientific professionals, that relate to the past, present, or future physical or mental health or condition of an individual, including but not limited to medical history, examinations, diagnoses and treatment, pre-petition screening reports, and court-appointed examiner reports and any other records designated by the presiding judge as medical records. Includes but is not limited to reports and affidavits.</p> <p><u>Discussed separately (see above):</u> Genetic Information, and Commitment: Medical Records.</p>	<p>No public access to reports from medical, health care, or scientific professionals unless such reports have been formally marked as an exhibit and records show that presiding judge has received the report into evidence in a testimonial type hearing or trial.</p> <p>Note: Commitment medical records remain non-public even if admitted into evidence (see Commitment above).</p>	<p>Access Rule 4, subd. 1(f)</p>
<p>Name Change</p>	<p>All records of a name change in connection with a witness and victim protection program.</p> <p>Note: access to criminal history background search records for other change of name proceedings (i.e., those not involving witness or victim protection programs) is covered under Court Services Catch All, above.</p>	<p>No public access to file and no public acknowledgment of file. Court is to issue an order prohibiting all access to the file except that file is accessible to law enforcement, probation, and corrections.</p>	<p>M.S. 259.10, subd. 2.</p>
<p>Race Records</p>	<p><u>Race Records.</u> The contents of completed race census forms obtained from participants in criminal, traffic, juvenile and other matters, and the contents of race data fields in any judicial branch computerized information system. This does <u>not</u> prevent public access to source documents such as complaints or petitions that are otherwise accessible to the public. This also does <u>not</u> prevent disclosure to parties of juror race data as part of juror profile information for purposes of voir dire.</p>	<p>No Public Access.</p> <p>Bulk Data disclosures. Race records may be disclosed in bulk format if the recipient of the records signs a nondisclosure agreement approved by the state court administrator and obtains a supreme court order authorizing the bulk data disclosure.</p>	<p>Access Rule 4, subd. 1(e).</p>

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SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Recordings	<u>Recordings of Proceedings in District Court. Recordings of proceedings in district court including, but not limited to, digital, tape or other electronic recordings, and recordings used for backup to a stenographically-reported proceeding</u>	<p>Contents of recordings of proceedings may be disseminated by transcript only except: (a) there are no transcripts in conciliation court; (b) playback of the recording is authorized only (i) by authorized operators of the recording equipment; (ii) for use by those authorized to prepare official transcripts; (iii) during the proceeding at the discretion of the court; and (iv) at the discretion of the court for the use of the court; and (c) off the record remarks shall not be listened to or used except by authorized operators of the recording equipment to orient themselves on recording content.</p> <p>NOTE: The public may only obtain transcripts of publicly-accessible proceedings.</p>	Access Rule 4, subd. 3 (effective March 1, 2008).
Remote Access	<u>For particulars, see remote access table at end of this document and Access Rule 8.</u>	For particulars, see remote access table at end of this document and Access Rule 8.	For particulars, see remote access table at end of this document and Access Rule 8.



LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS* ON PUBLIC ACCESS TO CASE RECORDS		REV. 10/26/2016
SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Restricted Identifiers	<p><u>Restricted Identifiers in All Case Types.</u> Restricted Identifiers (complete or partial social security number or employer identification number, and financial account numbers other than the last four numbers of a financial account number that is not also a social security number) that are:</p> <p>-set forth on a Confidential Information Form (Gen.R.Prac. Form 11.1) submitted by a party or prepared by the court on or after July 1, 2005; or</p> <p>-- maintained by the court in its register of actions (i.e., activity summary or similar information that lists the title, origination, activities, proceedings and filings in each case), calendars, indexes, and judgment docket; or</p> <p>-- included on judgments, orders, decisions, and notices issued by the court on or after July 1, 2005.</p> <p>For restricted identifiers on party-submitted documents other than the Confidential Information Form 11.1, see the NOTE in the next column.</p> <p>For social security numbers contained in petitions, orders, decrees and other documents submitted to or issued by the court prior to July 1, 2005, in family law cases, see “Dissolution, Custody &amp; Support,” “Social Security Numbers,” above.</p>	<p>No public access.</p> <p>NOTE: The parties are solely responsible for ensuring that restricted identifiers do not otherwise appear on any pleading or other document (except the confidential Information form 11.1) filed by a party with the court on or after July 1, 2005. The court administrator is <b>not</b> responsible for reviewing every word of each pleading or document filed by a party on or after July 1, 2005, to ensure that Restricted Identifiers appear only on the Confidential Information Form. If Restricted Identifiers are observed by court staff other than on form 11.1, however, then: (1) the document must be classified as confidential<sup>2</sup> for imaging or e-filing purposes (unless and until the Restricted Identifiers are removed and placed on form 11.1), and (2), for documents filed on or after July 1, 2015, staff must send out the notice of noncompliance/discrepancy as required by Gen.R.Prac. 11.04 and follow the process in that rule. The Confidential Information Form 11.1 shall not be accessible to the public. Courts shall not include restricted identifiers on judgments, orders, decisions, and notices issued by the court on or after July 1, 2005, except on the Confidential Information Form 11.1, which is not accessible to the public.</p>	<p>Gen.R.Prac. 11.02; 361.02, 361.05, 370.04, 371.04, and 372.04. Judicial Branch Policy 503(a) Electronic Document Security and Document Sharing Procedures, 800(a) Access to Electronic Records: All Data Consumer Groups.</p> <p>NOTE: Although recent legislation codified as M.S. 548.101 directs that partial (i.e., last four numbers) Restricted Identifiers are to be submitted to the court in assigned consumer debt default matters, under Gen.R.Prac 11 the partial social security numbers must still be submitted on form 11.1 and should not appear on otherwise publicly-accessible pleadings and documents.</p>

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SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Social Security Numbers Obtained from DPS for Debt Collection	Social Security Numbers obtained from Department of Public Safety. Social security numbers obtained from DPS for purposes of collection of court debts..	No public access  NOTE: Disclosure of SSN by DPS requires statutory authorization, and as of October 1, 2016, legislative authorization does not exist.	Access Rule 4, subd. 1(p)
Quotations and References to Non-Public Documents	Unless authorized by the presiding judge, documents filed on or after July 1, 2015, that include the following non-public information: <ul style="list-style-type: none"> <li>• Identifying information on a minor victim of sexual assault (See Juvenile Delinquency and Criminal, above), except that unless otherwise ordered by the presiding judge, the victim may be referred to by initials and year or birth, or by a generic identifier such as “Child 1”</li> <li>• Restricted identifiers governed by MINN. GEN. R. PRAC. 11 (see Restricted Identifiers)</li> <li>• Specific data elements protected by laws, court rules or orders, including those protected by MINN. JUV. PROT. P. R. 8 (See Child Protection, above)</li> <li>• Records sealed by court order in individual cases, unless otherwise directed by the court issuing the order</li> </ul>	No public access (see other headings referenced in the adjacent column) NOTE: A rule or law precluding public access to an entire document such as a report or medical record shall not preclude the parties or the court from mentioning the contents of the document in open court or in otherwise publicly accessible pleadings or documents such as motions, affidavits, and memoranda of law where such discussion is necessary and relevant to the particular issues or legal argument being addressed in the proceeding PROVIDED, however that the items listed in the adjacent column may not be disclosed without authorization from the presiding judge.	Access Rule 4, subd. 4

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SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Transcripts	<p>Transcripts prepared on or after July 1, 2015, of publicly accessible proceedings where a judge has directed that the following NOT be made public:</p> <ul style="list-style-type: none"> <li>• Identifying information on a minor victim of sexual assault (See Juvenile Delinquency and Criminal, above), except that unless otherwise ordered by the presiding judge, the victim may be referred to by initials and year or birth, or by a generic identifier such as “Child 1”</li> <li>• Restricted identifiers governed by MINN. GEN. R. PRAC. 11 (see Restricted Identifiers)</li> <li>• Specific data elements protected by laws, court rules or orders, including those protected by MINN. JUV. PROT. P. R. 8 (See Child Protection, above)</li> <li>• Records sealed by court order in individual cases, unless otherwise directed by the court issuing the order</li> </ul>	<p>No public access to these portions of a transcript only if a judge has directed that these items not be made public. The remainder of the transcript of a publicly-accessible proceeding remains publicly accessible.</p> <p>Court reporters and court staff should confer with the presiding judge before releasing the transcript to the public.</p>	Access Rule 4, subd. 1(m), subd. 4.
Video Recording Use Authorizations	Requests for release of video recordings under M.S. 611A.90 for use in non-public human services administrative hearings, filed on or after July 1, 2015.	<p>No public access until further order of the court.</p> <p>NOTE: Filers must contact court administration prior to filing these electronically so that court staff may establish a confidential file.</p>	Access Rule 4, subd. 1(l).

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Wills	Sealed wills deposited for safekeeping during the testator's lifetime. This does NOT include wills deposited with the court after the testator has died.	<p>No Public Access.</p> <p>NOTE: Upon proof of a testator's death the existence of the testator's will on deposit with the court may be publicly disclosed, but disclosure of a copy of the will requires a court order. The court may also deliver the original will to the appropriate court.</p> <p>Under Gen.R.Prac. 418: (1) a person may withdraw their own will or may in writing authorize another to withdraw the will; (2) a guardian or conservator may examine the will only after presenting a valid photo identification of themselves and a copy of valid letters of guardianship or conservatorship certified within 30 days of the request to examine the will, and the will must be resealed after examination; and (3) no copies of the original will may be made.</p> <p>NOTE ALSO: this limit on public access does not apply to documents filed with a court after the testator's death under M.S. 524.2-516 or 55.10, including an inventory of a safe deposit box or a will.</p>	M.S. 524.2-515; Access Rule 4, subd. 1(i).

## Remote Access to District Court Records:

Effective for documents filed on or after July 1, 2015, remote access to public district court records will be divided into four levels as described in the table below. Changes to remote access will be implemented as technology and court resources permit. Remote ROA access is already being provided for public record types. For further detail please see Access Rule 8.

<i>Type of Remote Access</i>	<i>Case Type (document security changes needed)</i>
No Remote Access	<b>D-16,<sup>i</sup> CHIPS, Orders for Protection/Harassment<sup>ii</sup></b>
ROA <sup>iii</sup> only	<b>civil commitment</b> (other than civil commitments of minors, which is now a confidential case type)
ROA <sup>iii</sup> and court-generated documents	<b>family, post-adjudication paternity</b>
ROA <sup>iii</sup> , court-generated documents, and party-generated documents	<b>civil, criminal</b> (the name searching limitation on pending criminal cases remains <sup>iv</sup> )

### Notes:

*i:* “D-16” refers to felony-level juvenile delinquency proceedings involving a juvenile at least 16 years old. Records of these proceedings are already maintained with no remote access under the Supreme Court’s May 14, 2014 order amending MINN. R. JUV. DEL. P. 30.02.

*ii:* Order for Protection and Harassment Restraining Order matters filed prior to July 1, 2015, are also maintained with no remote access as required by the federal Violence Against Women Act, 18 U.S.C. § 2265(d)(3).

*iii:* “ROA” means register of actions, calendars, index, and judgment docket.

*iv.* Pending (formerly known as pre-conviction) criminal case records are accessible remotely if the case number is known. NOTE: If the public calls the court for pending criminal case file numbers, staff need not provide them. Caller will be directed to any courthouse to access the public name index statewide with no name search limitation.

## Remote Access to Appellate Court Records – See Access Rule 8, subd. 2(h).