



MINNESOTA JUDICIAL BRANCH

eCourtMN
University

CHIPS: Segregating Confidential Documents and Information

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State Court Administrator's Office

Nov. 17, 2015 – 3:00 to 4:30

Nov. 18, 2015 – 11:30 to 1:00

Nov. 19, 2015 -- 8:30 to 10:00



Overview of Presentation

- Why the rules changed
- Transition to electronic access
- Responsibility of filers to segregate confidential documents and confidential information
- Electronic filing and service
- Notarization and signatures under penalty of perjury
- “New MGA” Access rollout schedule for government agencies



Why the Rules Changed

Transition from Paper to Electronic Files

- 2010 Judicial Branch decision to move courts from paper files to electronic files – eCourtMN
- eCourtMN means immediate access to public documents as they are filed
- No opportunity to review and redact confidential information after filing
- Amendments to rules necessary to identify process for dealing with confidential information before filing

Timing of Rules Changes

eFiling and eService (eFS)

- June 2010: Voluntary eFS in civil and family case types in pilot counties
- July 2015: Mandatory eFS for all case types in pilot counties
- July 2016: Mandatory eFS for all case types in all other counties

Confidential Information

- July 2015: Mandatory segregation of confidential documents and information in CHIPS cases in all counties

11 eFS Pilot Counties:

- Cass County
- Clay County
- Cook County
- Dakota County
- Faribault County
- Hennepin County
- Kandiyohi County
- Lake County
- Morrison County
- Ramsey County
- Washington County

Transition to Electronic Access to CHIPS Records

Transition to Electronic Access

- Pre-July 1 process for redacting paper copies not sustainable in an electronic environment
- No remote (internet) access to CHIPS records
- Electronic access to public CHIPS case records, register of actions, and calendars ONLY at courthouse terminals

Minn. Juv. Prot. P. R. 8.03, 8.06; Minn. Pub. Acc. R. 8, subd. 2(d)

Transition to Electronic Access

- Public CHIPS documents filed on or after 7/1/15 are available to public in electronic format
- Public CHIPS documents filed before 7/1/15 not available to public in electronic format

Minn. Juv. Prot. P. R. 8.03, 8.06; Minn. Pub. Acc. R. 8, subd. 2(d)

Exceptions to Electronic Access

- These records are not electronically accessible:
 - ✓ Records in cases where a child is a party (e.g., truancy, runaway, or court makes child a party)
 - These cases are confidential only until the technology changes, so filers must still segregate confidential information
 - ✓ Confidential documents listed in Rule 8.04
 - ✓ Confidential information listed in Rule 8.04

Minn. Juv. Prot. P. R. 8.01, 8.04, subds. 2 and 4(c);

Access to Records Filed Pre-July 1

- No electronic access to CHIPS records filed prior to July 1 because confidential information hasn't been segregated
- Records filed prior to July 1 are available only at the courthouse where filed and only in paper format
- There will be access to redacted paper copies of ROA and public documents

Cases with Records Filed Both Before July 1 and After July 1

- If pending before and after July 1, upon filing of first document after July 1 court staff will change security from confidential to public
- Public will have electronic access to pre-July 1 ROA
- Public will not have electronic access to pre-July 1 documents
- Public will have electronic to post-July 1 public records

Three Tiers of Access

- There are three tiers of access to CHIPS records:
 - ✓ Access by the public
 - ✓ Access by parties
 - ✓ Access by participants

Minn. Juv. Prot. P. R. 8.04, subds. 2, 3, 4

Access by the Public

- The public will have immediate access to public CHIPS records at courthouse terminals, including social worker and GAL reports
- The public will not have access to confidential documents and confidential information
- Judges can order public access to confidential documents *if* exceptional circumstance exists

Minn. Juv. P. R. 8.04, subds. 3(a) & 4

Access by Parties

- Parties have access to all public and most confidential records
- Exceptions:
 - ✓ Recordings of children reporting abuse
 - ✓ Reporters of abuse or neglect
 - ✓ Information about HIV testing
 - ✓ Records subject to protective orders

Minn. Juv. Prot. P. R. 8.04, subd. 3(b)

Access by Participants

- Participants have access to public court records
- Participants may request access to confidential records orally or in writing – they are not required to file motions for access
- If the judge grants access, participants will have the same access as parties

Minn. Juv. Prot. P. R. 8.04(c)

Responsibility of Filers to Segregate Confidential Documents and Confidential Information

Why Segregation is Required

- Electronic access to CHIPS records means the records are available at every courthouse in the state as soon as they are filed
- Under the pre-July 1 process, court staff reviewed for and redacted confidential information before providing redacted paper copies
- Redaction is not practical with the switch to electronic filing

What Case Types Require Segregation?

- Segregation is required in ALL juvenile protection case types:
 - ✓ CHIPS (including truancy and runaway)
 - ✓ Neglected and in foster care
 - ✓ Review of voluntary foster care
 - ✓ Review of out-of-home placement
 - ✓ Termination of parental rights
 - ✓ Permanent placement
 - ✓ Court review of voluntary foster care for treatment (permanency – Minn. Stat. § 260D.07)

Confidential Documents and Information

Confidential Documents and Confidential Information in CHIPS Proceedings Juvenile Protection Rule 8.04, subd. 2

Confidential Documents <i>Must Use Confidential Document Cover Sheet Form 11.3</i>	Confidential Information <i>Must Use Confidential Information Form 11.4</i>
(a) Official transcript of testimony taken during portions of proceedings that are closed by the presiding judge	(d) Identity of reporter of abuse or neglect
(b) Audio or video recordings of a child alleging or describing physical abuse, sexual abuse, or neglect of any child ¹	(e) Portions of records that reveal a person has undergone HIV testing and/or HIV test results
(c) Victims' statements ¹	(j) Identity of a minor victim of an alleged or adjudicated sexual assault ²
(e) Records or portions of records that reveal a person has undergone HIV testing and/or HIV test results	(m) Name, address, home, or location of any shelter care or foster care facility in which a child is placed pursuant to emergency protective care placement, foster care placement, pre-adoptive placement, adoptive placement, or any other type of court ordered placement
(f) Medical records, chemical dependency evaluations and records, psychological evaluations and records, and psychiatric evaluations and records	
(g) Sexual offender treatment program reports	
(h) Photographs that identify a child	
(i) Applications for ex parte emergency protective custody orders, and any resulting orders, until the hearing where all parties have an opportunity to be heard on the custody issue, provided that, if the order is requested in a Child in Need of Protection or Services (CHIPS) petition, only that portion of the petition that requests the order shall be deemed to be the application for purposes of confidentiality	
(k) Notice of pending court proceedings provided to an	

Filers Must Segregate Information

- Filers already responsible for segregating restricted identifiers and financial source documents under Rule 11 of General Rules of Practice
- Starting 7/1/15 a similar process commenced for CHIPS cases
- Filers are responsible for segregating confidential information and confidential documents

Gen. R. P. 11; Minn. Juv. Prot. P. R. 8.04, subd. 5

Filers Must Segregate Information

- EVERY person (except judicial officers) who files any document in a juvenile protection matter must segregate confidential documents and information, including:
 - ✓ Attorneys
 - ✓ Social workers
 - ✓ Guardians ad litem
 - ✓ Self-represented parents
 - ✓ Indian tribes
 - ✓ Everyone else – including participants and self-represented litigants

Minn. Juv. Prot. P. R. 8.04, subd. 5

How Information Will be Segregated

- Form 11.3 is a cover sheet for confidential documents
 - ✓ Form 11.3 is public, while the documents filed with it are confidential
- Form 11.4 is the document onto which confidential information will be placed
 - ✓ Form 11.4 is confidential, while the documents filed with it are public
 - ✓ Form 11.4 is NOT a cover sheet for other documents

Frequently Asked Questions About Segregating Confidential Documents and Information

Truancy, Runaway and Other Cases Where a Child is a Party

- Records are confidential in any CHIPS case where the child who is the subject of the petition is a party:
 - ✓ Truancy
 - ✓ Runaway
 - ✓ Other cases where court makes child a party
- Because the documents in these cases will eventually be public documents, filers are required to segregate confidential documents and information
- Court may order access under “old” paper access procedures

Allegations of Sexual Assault

- If allegations of sexual assault are known at time CHIPS petition filed, “child 1, child 2” must be used immediately
- If allegations aren’t known until later in the case:
 - ✓ Use “child 1, child 2” as soon as allegations known
 - ✓ if appropriate, file motion for protective order to make all previously filed documents confidential because those records contain child’s identity

Identity of Foster Care and Shelter Facilities; Custodial and Noncustodial Parents

- The name, address, home, or location of any shelter care or foster care facility ordered by the court is confidential
- Identity of prior foster care or shelter care facility not confidential – only current placement
- Name and address of custodial or noncustodial parent not confidential, even if child placed there on a trial home visit or protective supervision

Ex Parte Motion for Emergency Protective Custody

- Rule 28.02 authorizes county attorney to file ex parte motion for emergency protective care (i.e. emergency removal)
- Under Rule 8.04, subd. 2(i), the motion, affidavits, and accompanying CHIPS petition are not accessible to parents, parties, or public until served and the EPC hearing has been held
- Because the documents will eventually be publically accessible, all confidential information must be segregated at time of filing

Proposed Orders

- Practices for submitting proposed orders vary from court to court and from judge to judge
- Anyone who files a proposed order with the court should first check with the judge to determine what confidential information, if any, the judge wishes to include in the order and what information should be segregated onto a confidential addendum to the order

Exhibits Received Into Evidence

- Exhibits received into evidence during an evidentiary hearing are accessible to the public even if they contain confidential information, unless otherwise ordered by the court
- Because exhibits are not “filed” with the court, confidential information need not be segregated, unless ordered by the court
- Best practice is to discuss during the pretrial hearing whether the requires any confidential information to be segregated from exhibits to be offered at trial

Notice of Change of Foster Care Location

- County is required to immediately notify the court and parties in writing if the child returns home or changes foster care locations
- The “Notice of Change of Foster Care Location” form is not identified in the rules as a confidential document – that may change in future amendments
- Ask the court for a protective order or file the information on confidential information form 11.4

Quoting or Summarizing Medical Records and Other Confidential Documents

- Medical records, psych evals, and other similar records are confidential and not accessible to the public
- County attorneys, social workers, GALs, and others may quote or summarize information in confidential documents

Register of Actions

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Civil Search](#) [Refine Search](#) [Back](#)

REGISTER OF ACTIONS

Case No. 62-JV-15-772

In the Matter of the Welfare of the Child of: Chai Vang, Mother.

62-JV-15-772

Case Type: CHIPs
Date Filed: 03/20/2015
Location: - Ramsey Juvenile
Judicial Officer: Wilson, Edward

RELATED CASE INFORMATION

Related Cases
62-JV-13-795 (Companion Case)

PARTY INFORMATION





Guardian Ad Litem	Yang, William Attn: Guardian Ad Litem Office 25 W 7th ST St Paul, MN 55102	Male	Lead Attorneys
Petitioner	Ramsey County Human Services E 160 Kellogg BLVD St Paul, MN 55101		
Social Worker	CHA, SUE RCCHSD Child Protection Worker	Female	

EVENTS & ORDERS OF THE COURT





DISPOSITIONS	
05/14/2015	Guardianship Through Consent to Adopt (Judicial Officer: Wilson, Edward) Party()
05/14/2015	State ward for adoption (Judicial Officer: Wilson, Edward) Party(Vang, Matthew) Placement (Foster care, non-relative, Vang, Matthew)
OTHER EVENTS AND HEARINGS	
03/20/2015	Petition-Child In Need of Protection or Services-CHIPs Doc ID# 1 Emergency Protective Care
03/20/2015	Proposed Order or Document Doc ID# 2 Emergency Protective Care Ex Parte Order
03/20/2015	Ex Parte Order Doc ID# 3 (Judicial Officer: Clark, James H., Jr.)
03/20/2015	Notice of Case Assignment Doc ID# 4 EM: RCO, RCCHSD, GAL, RL, NG
03/20/2015	Summons and Notice Doc ID# 5 EM: RCO, RCCHSD, GAL, RL, NG
03/24/2015	Emergency Protective Care Hearing (8:00 AM) (Judicial Officer: Clark, James H., Jr.) Blocked to Judge Wilson Result: Held
03/24/2015	Notice of Hearing Doc ID# 6 In Court
03/24/2015	Notice of Hearing Doc ID# 7 mailed

MNCIS Display

Chronological View

08/20/2015	Report of Social Worker-CHIPS	59	
08/20/2015	CHIPS Confidential Information Form 11.4	60	
08/21/2015	Report of Guardian Ad Litem- CHIPS	61	
08/21/2015	CHIPS Confidential Information Form 11.4	62	

Related View

08/20/2015	Report of Social Worker-CHIPS	59	
08/20/2015	CHIPS Confidential Information Form 11.4	60	
08/21/2015	Report of Guardian Ad Litem- CHIPS	61	
08/21/2015	CHIPS Confidential Information Form 11.4	62	

Examples of Process for Segregating Confidential Documents and Information

Confidential Documents – Form 11.3

<p>State of Minnesota</p> <p>County </p>	<p style="text-align: right;">District Court</p> <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="padding: 2px;">Judicial District:</td><td style="border-bottom: 1px solid black;"></td></tr><tr><td style="padding: 2px;">Court File Number:</td><td style="border-bottom: 1px solid black;"></td></tr><tr><td style="padding: 2px;">Case Type:</td><td style="border-bottom: 1px solid black; text-align: center;">Juvenile</td></tr></table>	Judicial District:		Court File Number:		Case Type:	Juvenile
Judicial District:							
Court File Number:							
Case Type:	Juvenile						
<p>In the Matter of the Welfare of the Child(ren) of: _____</p> <p style="text-align: center;"><input type="checkbox"/> Parent(s) <input type="checkbox"/> Legal Custodian(s)</p>							
<p>Confidential Document Cover Sheet (Form 11.3) Minn. R. Juv. Prot. P. 8.04, subd. 5</p>							
<div style="border: 1px solid black; padding: 5px;"><p>This Confidential Document Cover Sheet is accessible to the public. The documents referenced in this Cover Sheet shall not be accessible to the public except by court order.</p></div>							
<p>INSTRUCTIONS: Check only the boxes that apply.</p> <ul style="list-style-type: none"><input type="checkbox"/> Official transcripts of testimony taken during portions of proceedings that are closed by the presiding judge<input type="checkbox"/> Audio or video recordings of a child alleging or describing physical abuse, sexual abuse, or neglect of any child<input type="checkbox"/> Victims' statements<input type="checkbox"/> Medical records (such as medical bills, lab results, or any document that refers to HIV)<input type="checkbox"/> Chemical dependency evaluations and records<input type="checkbox"/> Psychological evaluations and records<input type="checkbox"/> Psychiatric evaluations and records							

Sample Confidential Document – Form 11.3

TEST RESULTS

Legal Name: Robert Anderson
Date of Birth: January 1, 2001
Identification: SSN 123-45-6789

TEST RESULTS

HIV-1 DNA, by PCR

RESULT

Positive

TEST DATE

August 20, 2015

Example Form 11.3

- ☐ Audio or video recordings of a child alleging or describing physical abuse, sexual abuse, or neglect of any child
- ☐ Victims' statements
- ☒ Medical records (such as medical bills, lab results, or any document that refers to HIV)
- ☐ Chemical dependency evaluations and records
- ☐ Psychological evaluations and records
- ☐ Psychiatric evaluations and records
- ☐ Sexual offender treatment program reports

Confidential Information – Form 11.4

CONFIDENTIAL

<p>State of Minnesota</p> <p>County </p>	<p style="text-align: right;">District Court</p> <p>Judicial District: </p> <p>Court File Number: </p> <p>Case Type: Juvenile</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

In the Matter of the Welfare of the Child(ren) of: **Confidential Information Form**
(Form 11.4)

☐ Parent(s) ☐ Legal Custodian(s) Minn. R. Juv. Prot. P. 8.04, subd. 5

This form shall not be accessible to the public except by court order. This form shall be accessible to case participants as authorized by the court. This form shall be accessible to case parties unless it contains information in sections 3 (identity of reporter of abuse) or 4 (HIV-related information), in which case it shall be accessible to the parties as authorized by the court.

1. Name, address, home, or location of any shelter care or foster care facility in which a child is placed under a court order.

Reference in Document	Name of Shelter/Foster Care Facility or Parent	Shelter/Foster Care Address	Child in Shelter/Foster Care
Shelter Facility or Foster Parent 1			
Shelter Facility or Foster Parent 2			
Shelter Facility or Foster Parent 3			

2. Information that identifies a child as a victim of an alleged or adjudicated sexual assault.

Reference in document	Child's First and Last Name	Child's Date of Birth (mm/dd/yyyy)	Child's Gender	Child's Race
Child 1				
Child 2				
Child 3				
Child 4				

Example: Segregation of Child and Foster Parent Name

SAMPLE CHIPS PETITION PRIOR TO JULY 1, 2015

1. The name, date of birth, gender, race, current address, and county of residence of the above- named children are as follows:

Name: Robert Anderson
Date of Birth: 01/01/2001
Gender: Male
Address: c/o Smith Foster Home, 123 Elm Street, Woodbury, MN 55125
County of Residence: Washington

Name: Sally Anderson
Date of Birth: 01/01/2004
Gender: Female
Address: c/o Jones Foster Home, 456 Maple Street, Woodbury, MN 55125
County of Residence: Washington

Example: Segregation of Identity of Child and Foster Parent

SAMPLE CHIPS PETITION AFTER JULY 1, 2015

1. The name, date of birth, gender, race, current address, and county of residence of the above- named children are as follows:

Name: [Child 1 - See Confidential Information
Date of Birth: Form 11.4 for identification information]
Gender:
Address: [See Confidential Information Form 11.4 for
County of Residence: for foster care information for **Child 1**]

Name: [Child 2 – see Confidential Information
Date of Birth: Form 11.4 for identification information]
Gender: 01/01/2004
Address: [See Confidential Information Form 11.4 for
County of Residence: for foster care information for **Child 2**]

- At least one child in the case is an alleged victim of sexual assault. “Child 1” and “Child 2” are used in place of the children’s names so that the public cannot by process of elimination identify which child is the victim.
- Both children are in foster care, so foster care information segregated

Sample Confidential Information – Form 11.4

1. Name, address, home, or location of any shelter care or foster care facility in which a child is placed under a court order.

Reference in Document	Name of Shelter/Foster Care Facility or Parent	Shelter/Foster Care Address	Child in Shelter/Foster Care
Shelter Facility or Foster Parent 1	John and Karen Smith	Smith Foster Home, 123 Elm Street, Anytown, MN 55123	Child 1
Shelter Facility or Foster Parent 2	William and Ann Jones	Jones Foster Home, 456 Maple Street, Anytown, MN 55123	Child 2
Shelter Facility or Foster Parent 3			

2. Information that identifies a child as a victim of an alleged or adjudicated sexual assault.

Reference in document	Child's First and Last Name	Child's Date of Birth (mm/dd/yyyy)	Child's Gender	Child's Race
Child 1	Robert Anderson	01/01/2001	Male	Caucasian
Child 2	Sally Anderson	01/01/2004	Female	<u>Caucasion</u>
Child 3				
Child 4				

Form 11.4 is NOT a cover sheet

STATE OF MINNESOTA
COUNTY OF WALLEYE

DISTRICT COURT
ELEVENTH JUDICIAL DISTRICT
JUVENILE DIVISION

In the Matter of the Child(ren) of:

Angela Anderson and Robert Johnson,

Petition Confidential Addendum
Court File No: _____

Parent(s).

This Addendum contains information that is confidential under the Juvenile Protection Procedure Rules or other law. For that reason, this Addendum is accessible only to the parties, their attorneys, any Guardian ad Litem and as directed by the court. This Addendum shall not be accessible to the participants or the public without a court order.

The facts upon which your petitioner relies to establish probable cause:

The child, Janet Johnson, is a child with unresolved mental health issues for which she is not receiving appropriate services. It has been reported that the child's mother, Angela Anderson, contacted law enforcement on August 1, 2015 reporting that her daughter, Sarah Johnson, was a runaway. The child's mother indicated that she believed the child was at the home of her father, Robert Johnson. Officers arrived at the address and learned that the parents were never married and recently ended their relationship. Mr. Johnson stated his daughter did not want to be with her mother because she is scared of her. Mr. Johnson stated his daughter was being **molested by her mother**. The child's father reportedly has no custodial rights to the child.

Form 11.4 is NOT a cover sheet

The child is not an Indian as defined in ICWA.

The facts upon which your petitioner relies to establish probable cause:

See Confidential Addendum to Petition, which is attached and incorporated by reference.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

/s/ Sarah Social Worker

Signed on August 1, 2015 in the County of Walleye, State of Minnesota

Form 11.4 Should Contain Only Confidential Information

The child is not an Indian as defined in ICWA.

The facts upon which your petitioner relies to establish probable cause:

The child, Child 1 (see Confidential Form 11.4 for Child 1's identity), is a child with unresolved mental health issues for which the child is not receiving appropriate services. It has been reported that the child's mother, Angela Anderson, contacted law enforcement on August 1, 2015 reporting that Child 1 was a runaway. The child's mother indicated that she believed Child 1 was at the home of the father, Robert Johnson. Officers arrived at the address and learned that the parents were never married and recently ended their relationship. Mr. Johnson stated Child 1 did not want to be with the mother because Child 1 is scared of her. Mr. Johnson stated Child 1 was being molested by the mother. The child's father reportedly has no custodial rights to the child.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

/s/ Sarah Social Worker

Signed on August 1, 2015 in the County of Walleye, State of Minnesota

Social Workers and Guardians ad Litem

- Social worker and guardian ad litem reports shall not contain confidential information
- Social workers and guardians ad litem are responsible for segregating confidential documents and confidential information
- Social workers and guardians ad litem must use Forms 11.3 and 11.4

Case Plans

- Case plans are accessible to the public and social workers must segregate confidential information related to child's education, medical health, and mental health
- Identity of foster parent is confidential, as is identity of child victim of alleged sexual assault – case plan signature page for foster parent and child is confidential and must be filed as confidential document
- DHS is in process of revising SSIS case plan templates

Social Worker Report – Pre July 1

SAMPLE SOCIAL WORKER REPORT PRIOR TO JULY 1, 2015

1. On August 10, 2015, Mother brought children Robert Anderson and Sally Anderson to Children's Hospital in St. Paul after Robert said "David hurt my privates." David Peterson is Mother's significant other. Mother questioned Sally and she did not report any touching by David.
2. On August 10, 2015, Dr. David Smith from Children's Hospital conducted an examination of both Robert and Sally and found evidence of sexual penetration of Robert. There was no evidence of sexual penetration of Sally.
3. On August 10, 2015, Dr. Smith contacted Washington County Child Protection and reported the sexual abuse of Robert.

Social Worker Report – Post July 1

SAMPLE SOCIAL WORKER REPORT AFTER JULY 1, 2015

1. On August 10, 2015, Mother brought children [Child 1](#) and [Child 2](#) to the hospital after Child 1 said “David hurt my privates.” David Peterson is Mother’s significant other. Mother questioned [Child 2](#), who did not report any touching by David. [\[See Confidential Information Form 11.4 for identification of Child 1 and Child 2\]](#)
2. On August 10, 2015, a physician examined both [Child 1](#) and [Child 2](#) and found evidence of sexual penetration of [Child 1](#). There was no evidence of sexual penetration of [Child 2](#).
3. On August 10, 2015, Washington County Child Protection received a report of sexual abuse of [Child 1](#).
4. On August 12, 2015, David Peterson reported information to this worker. [\[See Confidential Information Form 11.4 form\]](#)

Social Worker Report – Form 11.4

3. Portions of juvenile protection case records that identify reporters of abuse or neglect

Reporter 1: Dr. David Smith, Children's Hospital, St. Paul, Minnesota

Reporter 2: _____

Reporter 3: _____

4. Information that a person has undergone HIV testing and/or HIV test results

On August 15, 2015, David Peterson, mother's significant other and the alleged abuser of Child 1, reported that he was HIV positive.

Implications for Court Staff and Judges

- Court staff cannot include confidential information in records they create – hearing notices, registers of actions, calendars
- Judges have discretion to include confidential information in orders they create, but should do so cautiously
- If an order segregates confidential information, the name of the child must be included in a confidential addendum to the order

Minn. Juv. Prot. P. R. 8.05

Example: Publicly Accessible Order Containing Confidential Information

Order Filed PRIOR to July 1

Based upon all information and records, the court finds as follows:

1. Child's current functioning and behaviors:
 - a. Robert displayed appropriate functioning and behaviors for his age. Robert asked questions about his placement. Robert expressed fear of his mother's live-in boyfriend.
 - b. Sally displayed appropriate functioning and behaviors for her age. Sally asked questions about her placement. Sally also expressed fear of her mother's live-in boyfriend.
2. Medical, educational, and developmental needs of the child: On August 10, 2015, Robert said, "David hurt my privates." David Peterson is Mother's live-in boyfriend. Mother brought both children to the hospital for a medical examination. Robert was tested for sexually transmitted diseases, and tested positive for HIV.

Example: Publically Accessible Order with Segregated Information

Order Filed AFTER July 1

Based upon all information and records, the court finds as follows:

1. Child's current functioning and behaviors:
 - a. **Child 1** displayed appropriate functioning and behaviors for **the child's** age. **Child 1** asked questions about **the** placement. **Child 1** expressed fear of **the** mother's live-in boyfriend.
 - b. **Child 2** displayed appropriate functioning and behaviors for **the child's** age. **Child 2** asked questions about **the** placement. **Child 2** also expressed fear of **the** mother's live-in boyfriend.
2. Medical, educational, and developmental needs of the child: On August 10, 2015, **Child 1** said, "David hurt my privates." David Peterson is Mother's live-in boyfriend. Mother brought both children to the hospital for a medical examination. **Child 1** was tested for sexually transmitted diseases, and tested positive for **a sexually transmitted disease**.

Confidential Addendum to Order

CONFIDENTIAL

State of Minnesota

District Court

County

Judicial District:

Court File Number:

Case Type:

Juvenile

In the Matter of the Welfare of the Child(ren) of:

Confidential Addendum to Order

☐

Parent(s)

☐

Legal Custodian(s)

This “Confidential Addendum to Order” is incorporated into the Order dated June 10, 2015, as if fully set forth therein.

In the Order:

- “Child 1” refers to Robert Anderson, a Caucasian male child born January 1, 2001.
- “Child 2” refers to Sally Anderson, a Caucasian female child born January 1, 2004.

Template: Confidential Addendum to Order

State of Minnesota

County

District Court

Judicial District: _____

Court File Number: _____

Case Type: Juvenile

In the Matter of the Welfare of the Child(ren) of:

☐ Parent(s) ☐ Legal Custodian(s)

Confidential Addendum to Order

Dated _____

CONFIDENTIAL

This Confidential Addendum to Order is accessible to and shall be served on the parties, unless otherwise ordered by the court. This addendum is not accessible to the public or participants unless authorized by court order.

1. This "Confidential Addendum to Order" is incorporated into the Order dated _____, as if fully set forth therein.
2. In the Order:
 - (a) "Child 1" refers to _____ (name of child), a _____ (race) _____ (gender) child born _____ (date of birth).
 - (b) "Child 2" refers to _____ (name of child), a _____ (race) _____ (gender) child born _____ (date of birth).
3. Note: Include additional confidential information in additional paragraphs.

Date: _____

(Name)

Judge of District Court

Filers' Failure to Segregate Information

Notice of Deficiency

- Court staff are NOT responsible for screening for confidential information and confidential documents
- Rules direct court staff about how to proceed if they become aware of confidential information in a public document
 - ✓ Change security from public to confidential
 - ✓ Send Notice of Deficiency

Minn. Juv. Prot. P. R. 8.04, subd. 5

Sanctions for Failure to Segregate Confidential Information

- Filers must segregate information using Forms 11.3 and 11.4
- Judges can sanction filers for non-compliance
- Sanctions can be on individuals and/or agencies

Minn. Juv. Prot. P. R. 8.04, subd. 5.

Electronic Filing and Service (eFS)

Electronic Filing of Documents

- General Rule of Practice 14, which applies to CHIPS and adoption cases, requires “Select Users” to electronically file all documents
 - ✓ Began 7/1/15 for select users in the 11 eCourtMN pilot counties
 - ✓ Starts 7/1/16 for select users in all other counties
- Includes CHIPS cases
- Requirement to use eFS excused only by order of Chief Judge upon good cause shown

Minn. Gen. R. Prac. 14.01(b); Minn. Juv. Prot. P. R. 31.01, subd. 1;



MINNESOTA JUDICIAL BRANCH
eCourtMN
University

Minn. Adop. P. R. 25.01, subd. 1.

Who is a “Select User”?

- “Select Users” are:
 - ✓ Attorneys
 - ✓ Guardians ad litem
 - ✓ Government agencies
 - Social workers are Select Users because they are employees of government agencies

Minn. Gen. R. Prac. 14.01(a)(10).

Voluntary Electronic Filing

- Once electronic filing is available to Select Users, all other filers (including self-represented litigants) have the option of filing electronically
- Anyone who chooses to file electronically must continue to file electronically for the rest of the case, unless excused by order of the presiding judge

Minn. Gen. R. Prac. 14.01(b).

Exceptions to Electronic Filing: ICWA

- Attorneys and social workers representing Indian tribes are not required to use the electronic filing system, but may do so voluntarily
- This exception is made to ensure that tribes can fully exercise their rights under the Indian Child Welfare Act
- Even if not filing electronically, tribes must segregate confidential documents and information

Minn. Juv. Prot. P. R. 3.06; Minn. Adop. P. R. 3.09

Exceptions to Electronic Filing:

In camera Review

- Documents submitted for *in camera* review are to be submitted in the manner directed by the presiding judge (paper copies, email, or eFS)
- Because they are not “filed” with the court, documents submitted for *in camera* review do not need to have confidential information redacted
- Court staff seal the documents retain them as part of the record, unless the judge directs otherwise

Minn. Gen. R. Prac. 14.01(b); 14.03(h); 14.06.

Electronic Service

- All Select Users must use the eFS System to serve other Select Users and anyone else who as voluntarily registered in the case to use eFS
- The record of service in the eFS System is sufficient proof of service and no affidavit of service is required
- Discovery can be served using the eFS system, but should not be filed

Minn. Gen. R. Prac. 14.03(d); Minn. Juv. Prot. P. R. 31.02, subd. 4;

Non-Electronic Service

- All service that is not between electronic filers must be done outside the eFS System.
- This includes service by electronic filers on non-electronic filers, and all service by non-electronic filers.
- Affidavits of service are required for service outside the eFS System.

Service by Court Staff

- Except where personal service is required, court staff have discretion to serve documents by the most appropriate means, including:
 - ✓ Through eFS System
 - ✓ Personal service at the hearing
 - ✓ Service by e-mail if agreed in writing by recipient
 - ✓ Service by mail
 - ✓ Alternative personal service, if authorized by court
 - ✓ Service by publication, if authorized by court

Minn. Gen. P. R. 14.02(f); Minn. Juv. P. R. 10.03, subd. 1

Notarization and Signatures Under Penalty of Perjury

Notarization and Perjury

- Based on Minn. Stat. § 358.116, Supreme Court has nearly eliminated requirement of notarization
- Under General Rule of Practice 15, filers may choose to sign documents under penalty of perjury or under notarization
- Two exceptions requiring notarization: admissions and settlement agreements

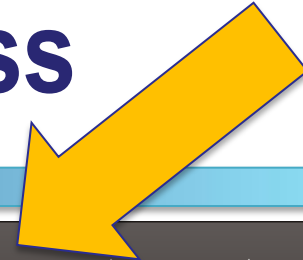
Minn. Gen. R. Prac. 15; Minn. Stat. § 358.116;
Minn. Juv. Prot. P. R. 35.03, subds. 1, 2; Minn. Adop. P. R. 19.03.

“New MGA” Access for Government Agencies

- Minnesota Judicial Branch offers New Minnesota Government Access (New MGA) accounts to Government Agencies
- A New MGA account allows a Government Agency to access appropriate **electronic court records and documents** stored in MNCIS
- New MGA is an Internet browser-based application that requires no installation
- Users access New MGA through individual login accounts

“New MGA” Access by Government Agencies

New MGA Access



Attorneys | Jurors | Government Partners | Media | Teachers and Students

New Minnesota Government Access

 [Sign up to receive updates](#)

The browser requirements for New MGA have been updated. The following browsers and versions are now supported for New MGA: Internet Explorer (10 and 11); Google Chrome (42 and 43); Mozilla Firefox (37 and 38); Safari (7 and 8); and Microsoft Edge.

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Overview

The Minnesota Judicial Branch offers New Minnesota Government Access (New MGA) accounts to Government Agencies. A New MGA account allows a Government Agency to access appropriate **electronic court records and documents** stored in the Minnesota Court Information System for cases in Minnesota district courts. New MGA is an Internet browser-based application that requires no installation. Users access New MGA through individual login accounts.

Use the tabs above to find additional information about New MGA.

Statewide Rollout Schedule

New MGA is available now for all Government Agencies in the following counties (see map below): Carver, Cass, Clay, Cook, Dakota, Faribault, Freeborn, Goodhue, Hennepin, Kandiyohi, Lake, Le Sueur, McLeod, Morrison, Ramsey, Scott, Sibley and Washington.

New MGA Access

Starting in October 2015, the statewide rollout of New MGA will begin, and Government Agencies in remaining Minnesota counties may begin to apply, using the following Rollout Schedule:

Government Agency Type	May Apply On/After
Corrections/Probation	October 21, 2015
Social Services	November 18, 2015
County Attorneys	December 23, 2015
Public Defenders	December 23, 2015
City Attorneys	February 10, 2016
Law Enforcement	March 9, 2016
Other MN Government Agencies	April 6, 2016

If you are not part of a Government Agency, access to some public court records is available through **Minnesota Trial Court Public Access (MPA)** [Remote View](#).



Resources

Resources

- Supreme Court orders promulgating rules amendments and rules resources found at: <http://www.mncourts.gov/SupremeCourt/Court-Rules/Resources-for-Rules-Changes.aspx>
- Forms found under “Get Forms” tab on Judicial Branch website: www.mncourts.gov
- CHIPS questions should be submitted to: State.CHIPS.Rules.Questions@courts.state.mn.us

Questions?

