

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8050

FILED

July 22, 2020

**OFFICE OF
APPELLATE COURTS**

**IN RE RULES OF PUBLIC ACCESS TO RECORDS
OF THE MINNESOTA JUDICIAL BRANCH**

ORDER

Records of all courts in the State of Minnesota “are presumed to be open to any member of the public for inspection or copying.” Minn. R. Public Access to Recs. of the Judicial Branch 2. Certain medical records, financial records, and some restricted identifiers, such as social security numbers, are not accessible to the public. Minn. R. Public Access to Recs. of the Judicial Branch 4, subd. 1(f); Minn. Gen. R. Prac. 11.01–11.03. Submission of documents that contain non-public information is governed by the General Rules of Practice for the District Courts, and effective January 1, 2021, must be submitted with the appropriate cover sheet. *See* Order Promulgating Amendments to the General Rules of Practice for the District Courts, No. ADM09-8009 (Minn. filed June 29, 2020).

The Minnesota Legislature has enacted amendments to statutes governing submissions to the district court in guardianship and conservatorship proceedings. Act of May 16, 2020, ch. 86, art. I (“the 2020 legislation”). This legislation designates additional categories of information disclosed in guardianship and conservatorship submissions as confidential, including the reasons for a guardianship or conservatorship, statements of property and value, reports and recommendations of visitors, and all documents or

information disclosing or pertaining to health or financial information, *see id.*, §§ 17–18, 21, 23–26, 28–31. These provisions are effective August 1, 2020: some amendments apply to guardianship and conservatorship cases commenced “before, on, or after that date,” and some apply to cases commenced on or after the effective date. *Id.*, § 42.

Access to records of the judicial branch “is governed by rules adopted by the supreme court.” Minn. Stat. § 13.90, subd. 2 (2018). *See also State v. C.A.*, 304 N.W.2d 353, 358 (Minn. 1981) (explaining that controlling court records is an essential judicial function). The 2020 legislation expands the categories of non-public documents or information in guardianship and conservatorship proceedings beyond those currently designated in the Rules of Public Access to Records of the Judicial Branch. Thus, we must decide whether the Rules of Public Access should be amended to conform to the 2020 legislation. To do so, we need the input of the Advisory Committee for the Rules of Public Access to Records of the Judicial Branch.

Until the court has decided whether the Rules of Public Access should be amended to conform to the 2020 legislation, the public or non-public status of submissions to the district court made in guardianship and conservatorship proceedings will continue to be governed by the Rules of Public Access to Records of the Judicial Branch. In addition, all submissions in these proceedings must continue to comply with Rules 11 and 14 of the General Rules of Practice for the District Courts.

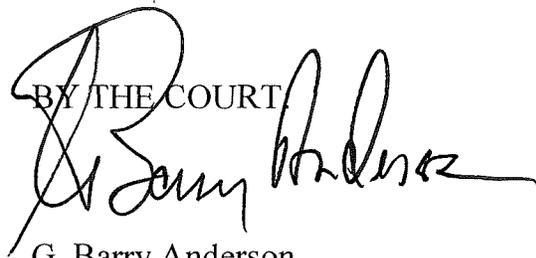
Based on all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the Minnesota Supreme Court Advisory Committee on the Rules of Public Access to Records of the Judicial Branch shall review

the recent amendments to the statutes governing guardianship and conservatorship proceedings in the district court as those amendments relate to the public or non-public status of submissions in those proceedings, *see* Act of May 16, 2020, ch. 86, art. I, and provide recommendations on whether the Rules of Public Access should be amended to conform to any provisions in that legislation. If the committee concludes that the rules should be amended to conform to the 2020 legislation, the committee shall provide recommended amendments. The advisory committee shall file its report and recommendations on or before November 2, 2020.

IT IS FURTHER ORDERED that notwithstanding the 2020 legislation, the public or non-public status of documents and information in submissions to the district court in guardianship or conservatorship proceedings governed by Minnesota Statutes chapter 524.5 (2018), shall continue to be governed by the Rules of Public Access to Records of the Judicial Branch until further notice or order from this court. In addition, notwithstanding the 2020 legislation, all persons submitting documents or information to the district court in such guardianship or conservatorship cases shall continue to comply with Rules 11 and 14 of the General Rules of Practice for the District Court until further notice or order from this court.

Dated: July 22, 2020

BY THE COURT

G. Barry Anderson
Associate Justice