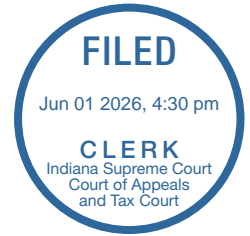


In the Indiana Supreme Court

Cause No. 26S-MS-8



Order Amending Rules on Access to Court Records and Rules of Appellate Procedure

The Committee on Rules of Practice and Procedure has proposed amendments to the Rules on Access to Court Records and the Rules of Appellate Procedure. The amendments add language on preparing, sharing, and handling of exhibits, including exhibits that contain child sex abuse material.

The Court has considered the proposed amendments. Under this Court's authority to establish procedures and supervise the administration of all courts in the state, the Rules on Access to Court Records and the Rules of Appellate Procedure are amended as set forth in Exhibit A and Exhibit B to this order (deletions shown by ~~striketrough~~ and new text shown by underlining).

The amendments are effective July 1, 2026.

Done at Indianapolis, Indiana, on 6/1/2026.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

Exhibit A

Indiana Rules on Access to Court Records

...

Rule 5. Records Excluded From Public Access

...

(F) Child Sex Abuse Material.

(1) “Child Sex Abuse Material” means child sex abuse material as defined in I.C. 35-36-10-2.

(2) An exhibit that includes Child Sex Abuse Material is confidential and must be excluded from Public Access. This subsection controls over Rule 5(B)(11) and Rule 5(B)(12) for any exhibit that includes Child Sex Abuse Material. Despite Trial Rule 87 or any other e-filing rule, Child Sex Abuse Material must not be electronically filed, scanned, copied, reproduced, transmitted, or converted into an electronic court record except as permitted by court order and consistent with applicable law.

(3) A party offering an exhibit that includes Child Sex Abuse Material must comply with Rule 7 and identify Rule 5(F) as the basis for the exclusion from Public Access.

(4) When admitting an exhibit that includes Child Sex Abuse Material, the court must direct the Court Reporter to place the exhibit in a sealed envelope or other sealed container marked “Child Sex Abuse Material” and keep it in a secure location.

(5) Rules 2(B)(4), 8(A), and 9 do not authorize access to an exhibit that includes Child Sex Abuse Material. No person may inspect, view, examine, copy, reproduce, transmit, or otherwise access an exhibit that includes Child Sex Abuse Material unless authorized by court order and consistent with applicable law, including I.C. 35-36-10-5 when applicable. Access to Child Sex Abuse Material, and any copying, reproduction, or transmission of Child Sex Abuse Material, must comply with I.C. 35-36-10-3 through I.C. 35-36-10-5 and any other applicable law. This subsection does not prohibit court, clerk, Court Reporter, or law enforcement personnel from securing, maintaining, or transporting the exhibit as required by this Rule, Appellate Rule 29(E), court order, or applicable law.

...

Rule 7. Procedures for Excluding Exhibits and Testimony From Public Access.

...

(B) Transcript and Exhibits on ~~a~~Appeal.

Exhibit A

...

(3) The Court Reporter ~~must~~shall comply with Appellate Rules 28(F)~~and 29(D)~~ when preparing the transcript on appeal. Except for exhibits governed by Rule 5(F), the Court Reporter must comply with Appellate Rule 29(D) when preparing exhibits on appeal. For exhibits governed by Rule 5(F), the Court Reporter must comply with Appellate Rule 29(E), and those exhibits must not be e-filed, scanned, copied, reproduced, transmitted, or converted into an electronic court record except as authorized by court order and consistent with applicable law.

Rule 8. Consent to Release, Failure ~~To~~ Exclude, Improper Exclusion, and Sanctions.

...

(B) Failure to ~~e~~Exclude Court Record from Public Access.

(1) The right to exclude a Court Record that is expressly declared confidential pursuant to 5(A), (B), (C), (D), ~~or~~ (E), or (F) is never forfeited by the failure to comply with any provision of Rule 5.

(2) Immediately upon learning that a Court Record declared confidential pursuant to 5(A), (B), (C), (D), ~~or~~ (E), or (F) was not excluded from Public Access, the party submitting such Court Record shall comply with the requirements of Rule 5 to ensure proper exclusion.

(C) Improper ~~e~~Exclusion of Court Record from Public Access.

(1) Only Court Records declared confidential pursuant to 5(A), (B), (C), (D), ~~and~~ (E), and (F) may be excluded from Public Access.

(2) If a court determines that Court Records are excluded from Public Access without first satisfying 5(A), (B), (C), (D), ~~or~~ (E), or (F), the Court Records shall be made available for Public Access seventy-two hours after notice to the parties and any person affected by the release, unless the requirements of Rule 6 are thereafter satisfied.

...

Rule 9: Obtaining Access to Court Records Excluded from Public Access.

...

(B) A Court Record that is excluded from Public Access under this rule also may be made accessible provided the following four conditions are met:

Exhibit A

(1) Verified written request. The person seeking access to the Court Record shall file with the Court having jurisdiction over the record a verified written request demonstrating that:

...

(e) The Court Record should not be excluded ~~from~~~~for~~ Public Access under 5(A), (B), (C), (D), ~~or~~(E), or (F).

When a request is made for access to Court Records excluded from Public Access, the Court Record will remain confidential until the Court rules on the request.

...

Indiana Rules of Appellate Procedure

...

Rule 23. Filing

...

F. Confidentiality of Court Records on Appeal.

...

(3) Procedures for Excluding Court Records from Public Access on Appeal. Any Court Record excluded from Public Access on appeal must be filed in accordance with the following procedures:

(a) Notice to maintain exclusion from Public Access.

(i) In cases where the Court Record is excluded from Public Access pursuant to Access to Court Records Rules 5(B), 5(C), 5(D), or 5(F) ~~or 6 of the Rules on Access to Court Records~~, the party or person submitting the confidential record must provide the separate written notice required by the Rules on Access to Court Records ~~Rule 5~~ identifying the ~~applicablespecific Access to Court Records~~ Rule 5(B), 5(C), or 5(D) ground(s) upon which exclusion is based. In cases where the Court Record is excluded under Access to Court Records Rule 6, the notice must identify the Rule 6 order or other basis for exclusion. For material governed by Access to Court Records Rule 5(F), the material itself must not be filed, e-filed, scanned, copied, reproduced, transmitted, or converted into an electronic court record except as provided by Access to Court Records Rule 5(F), Appellate Rule 29(E), court order, and applicable law. (See Form # App.R. 11-5).

...

(b) Public Access and Non-Public Access Versions. Where only a portion of the Court Record has been excluded from Public Access pursuant to Access to Court Records Rule 5(B), 5(C), or 5(D), the following requirements apply:

...

(4) E-Filing document security codes settings.

...

(d) Nothing in this Rule authorizes the filing, e-filing, scanning, copying, reproduction, transmission, or conversion into an electronic court record of material governed by Access

Exhibit B

to Court Records Rule 5(F) except as provided by Access to Court Records Rule 5(F), Appellate Rule 29(E), court order, and applicable law.

...

Rule 28. Preparation Of Transcript By Court Reporter

...

F. Court Records Excluded by the Rules on Access to Court Records.

...

(2) If, during the hearing or trial, a party or person identified any exhibit or oral statement(s) to be excluded from Public Access, the Court Reporter must note in the Transcript the specified Access to Court Records Rule 5(B), 5(C), 5(D), or 5(F) ground(s) identified by the party or person. Except for exhibits governed by Access to Court Records Rule 5(F), the Court Reporter must comply with ~~the requirements of~~ Appellate Rule 23(F) with regard to the exhibit or statement(s) ~~and must note in the Transcript the specific Access to Court Records Rule 5(B), 5(C), or 5(D) ground(s) identified by the party or person. For exhibits governed by Access to Court Records Rule 5(F), the Court Reporter must comply with~~ Appellate Rule 29(E).

(3) Additionally, until the time the Transcript is transmitted to the Court on Appeal, any party or person may file written notice with the Trial Court identifying:

...

(b) the specific Access to Court Records Rule 5(B), 5(C), ~~or~~ 5(D), or 5(F) ground(s) upon which that exclusion is based. (See Form #App.R. 11-3).

This written notice must be served on the Court Reporter ~~and, upon~~ Upon receipt of the written notice, the Court Reporter must refile the Transcript in compliance with the requirements of Appellate Rule 23(F) ~~and, except that exhibits governed by Access to Court Records Rule 5(F) must be handled under Appellate Rule 29(E). The Court Reporter~~ must note in the Transcript the specific Access to Court Records Rule 5(B), 5(C), ~~or~~ 5(D), or 5(F) ground(s) identified by a party or person.

(4) After the Transcript has been transmitted to the Court on Appeal, any request by a party or person to exclude a Court Record in the Transcript from Public Access must be made to the Court on Appeal and must contain the specific Access to Court Records Rule 5(B), 5(C), ~~or~~ 5(D), or 5(F) ground(s) upon which that exclusion is based. Upon receipt of an order from the Court on Appeal, the Court Reporter must re-file the Transcript in compliance with

Exhibit B

the requirements of Appellate Rule 23(F), except that exhibits governed by Access to Court Records Rule 5(F) must be handled under Appellate Rule 29(E).

...

Rule 29. Exhibits

A. Documentary Exhibits.

Except for exhibits governed by Section (E), Documentary exhibits, including testimony in written form filed in Administrative Agency proceedings and photographs, shall be included in separate volumes that conform to the requirements of Appendix A(1), (2)(a), (11), and (12). The Court Reporter shall also prepare an index of the exhibits contained in the separate volumes that conforms to the requirements of Appendix A(14). Documentary exhibit volumes shall be submitted in electronic format in accordance with Appellate Rule 28(c). Documentary exhibit volumes submitted in electronic format shall additionally conform to the requirements of Appendix A(15)-(19). The documentary exhibit volumes shall be transmitted to the Clerk with the electronic Transcript, using the same method of transmission as the electronic Transcript.

B. Audio and Video Recordings.

If a case includes Eexhibits in the form of audio or video recordings, the Court Reporter must prepare two copies, except for child sex abuse material (CSAM) addressed in Section (E). CSAM must not be copied or included in the record except by order of the Court on Appeal. The trial court must retain the original exhibits.

(1) The trial court clerk must mail one copy ~~shall be separately submitted~~ to the Clerk on CD, DVD, flash drive, or other physical media at the same time as the Transcript and documentary exhibits are filed. Such CDs, DVDs, flash drives, or physical media ~~must~~ ~~shall~~ be submitted in an envelope stapled into a conventional volume.

(2) The trial court clerk must provide one copy to the Appellant(s), either by electronic means or by mailing the CD, DVD, flash drive, or other physical media.

(3) At the time of filing of the Appellant's Brief, if the Appellee(s) do not have access to the audio or video recordings under Rule 12(C), the Appellant must provide those recordings to the Appellee(s).

(4) Audio or video recordings submitted on physical media in criminal cases ~~must~~ ~~shall~~ be returned to the trial court five ~~(5)~~ years after the appellate case is concluded. Audio or video recordings submitted on physical media in civil cases ~~must~~ ~~shall~~ be returned to the trial court sixty ~~(60)~~ days after the appellate case is concluded.

C. Nondocumentary and Oversized Exhibits.

Exhibit B

Except as provided in Section (E), Nondocumentary and oversized exhibits mustshat not be sent to the Court, but mustshat remain in the custody of the trial court or Administrative Agency during the appeal. Such exhibits mustshat be briefly identified in the Transcript where they were admitted into evidence. Except as provided in Section (E), Pphotographs of any exhibit may be included in the volume of documentary exhibits. Nondocumentary and oversized exhibits sent to the Court in criminal cases mustshat be returned to the trial court five ~~(5)~~ years after the appellate case is concluded. Nondocumentary and oversized exhibits sent to the Court in civil cases mustshat be returned to the trial court sixty ~~(60)~~ days after the appellate case is concluded.

D. Access to Court Records Rule 7.

Except for exhibits governed by Access to Court Records Rule 5(F), if an exhibit was accompanied by the separate written notice required by Access to Court Records Rule 7, the Court Reporter must comply with the requirements of Appellate Rule 23 (F) when the exhibit is thereafter filed with the Trial Court Clerk. Exhibits governed by Access to Court Records Rule 5(F) are governed by Section (E).

E. Child Sex Abuse Material.

If an exhibit includes child sex abuse material (CSAM), as defined by I.C. 35-36-10-2, the Court Reporter must not prepare any copies of that exhibit. The Court Reporter or other custodian designated by the trial court must maintain the exhibits securely, confidentially, and separately from the other exhibits.

(1) A party that wishes to raise or respond to an issue on appeal that requires examination of CSAM must file a written motion requesting that the CSAM be transmitted to the Court on Appeal. The Court on Appeal may also order transmission on its own motion. Any order authorizing transmission must specify who may access the CSAM and the conditions of access, consistent with Access to Court Records Rule 5(F) and applicable law. Upon order of the Court on Appeal, the exhibits must be transported to the Clerk by personal delivery, not by mail or electronic transmission, by a law enforcement officer or other appropriate designee of the trial court.

(2) After the appellate case is concluded, including after certification under Rule 65 when applicable, the Court on Appeal must order the return of the exhibits to the law enforcement agency that had pretrial custody of the evidence or as otherwise ordered by the Court on Appeal.

...

Rule 46. Arrangement And Contents Of Briefs

...

H. Addendum to Brief.

Any party or any entity granted amicus curiae status may elect to file a separate Addendum to Brief. An Addendum to Brief is not required and is not recommended in most cases. An Addendum to Brief is a highly selective compilation of materials filed with a party's brief at the option of the submitting party. If an Addendum to Brief is submitted, it must be filed and served at the time of the filing and service of the brief it accompanies. An Addendum to Brief may include, for example, copies of key documents from the Clerk's Record or Appendix (such as contracts), or exhibits (such as photographs or maps), or copies of critically important pages of testimony from the Transcript, or full text copies of statutes, rules, regulations, etc. that would be helpful to the Court on Appeal but which, for whatever reason, cannot be conveniently or fully reproduced in the body of the brief, except for material governed by Access to Court Records Rule 5(F). An Addendum to Brief may not exceed fifty (50) pages in length and should ordinarily be much shorter in length. The Addendum to Brief shall have a front page that is styled similarly to the brief it accompanies (see Form App. 43-1), except that it shall be clearly identified as an Addendum to Brief, and the first document in the Addendum to Brief shall be a table of contents. An Addendum to Brief may not contain argument. All pages of the Addendum to Brief, including the front page (see Rule 43(l)) and table of contents, shall be consecutively numbered at the bottom beginning with numeral one; however, the front page, table of contents, and certificate of service shall not be included in the fifty (50) page length limit of this rule.

...

Rule 50. Contents Of Appendices

A. Appendices in Civil Appeals and Appeals from Administrative Agencies.

...

(2) Contents of Appellant's Appendix. The appellant's Appendix shall contain a table of contents and copies of the following documents, if they exist:

...

(g) any other short excerpts from the Record on Appeal, excluding material governed by Access to Court Records Rule 5(F), in chronological order, such as essential portions of a

Exhibit B

contract or pertinent pictures, that are important to a consideration of the issues raised on appeal;

(h) any record material relied on in the brief, excluding material governed by Access to Court Records Rule 5(F), unless the material is already included in the Transcript;

...

B. Appendices in Criminal Appeals.

(1) Contents of Appellant's Appendix. The appellant's Appendix in a Criminal Appeal shall contain a table of contents and copies of the following documents, if they exist:

...

(d) any other short excerpts from the Record on Appeal, excluding material governed by Access to Court Records Rule 5(F), in chronological order, such as pertinent pictures, that are important to a consideration of the issues raised on appeal;

(e) any record material relied on in the brief, excluding material governed by Access to Court Records Rule 5(F), unless the material is already included in the Transcript;

...

Rule 51. Form And Assembly Of Appendices

A. Copying.

For conventionally filed appendices, the copies shall be on 8 1/2 by 11 inch white paper of a weight normally used in printing and typing. The copying process used shall produce text in a distinct black image on only one side of the paper. Except for exhibits governed by Access to Court Records Rule 5(F), ~~C~~color copies of exhibits that were originally in color are permitted and encouraged.

...