

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 18: Confidentiality and Security</b>	<b>Effective Date: 10/31/2022</b>
	<b>Section 9: Confidentiality of Court Files</b>	<b>Version: 2.2 Revision Date: 10/31/2022</b>

**BACKGROUND**

N/A

**POLICY**

The general rule is that all persons have access to court records.<sup>1</sup> If any part of a court record is excluded from public access or redacted, there shall be a publicly accessible indication of the fact of the exclusion or redaction but not the content of the exclusion.<sup>2</sup> The parties to a case or their attorneys may have greater access to the court records with respect to their own case.<sup>3</sup> Additionally, a party’s prospective attorney and the attorney’s agent may have greater access to the party’s juvenile paternity case upon the attorney’s filing with the court an Assurance of Confidentiality form.<sup>4</sup>

The following individual items within court records shall be excluded or redacted from public access:

1. Complete Social Security numbers of living persons;<sup>5</sup> and
2. Complete account numbers of specific assets, loans, bank accounts, credit cards, and personal identification numbers.<sup>6</sup>

Additionally, the following individual items within court records shall be excluded or redacted from public access and shall be filed along with an Access to Court Records (ACR) Form identifying the information excluded and grounds for exclusion:

1. Mailing addresses, email addresses, telephone numbers, and dates of birth that identify witnesses or victims in criminal, juvenile, or civil protection order proceeding;<sup>7</sup> and
2. Juvenile witnesses in cases involving sex offenses may only be identified by initials.<sup>8</sup>

**REFERENCES**

<sup>1</sup> Ind. Access to Court Records Rule 2(A); Ind. Access to Court Records Rule 4(A); Ind. Trial Rule 5(G)(1)

<sup>2</sup> Ind. Access to Court Records Rule 4(C); Ind. Access to Court Records Rule 7(A)

<sup>3</sup> Ind. Access to Court Records Rule 2(B)(4)

<sup>4</sup> Ind. Access to Court Records Rule 2(B)(5)

<sup>5</sup> Ind. Access to Court Records Rule 5(C)(1)(a); Revised Guidance on Prosecutor’s Duty to Maintain Confidentiality of Certain Information in Title IV-D Court Filings and Proceedings

<sup>6</sup> Ind. Access to Court Records Rule 5(C)(1)(b); Revised Guidance on Prosecutor’s Duty to Maintain Confidentiality of Certain Information in Title IV-D Court Filings and Proceedings

<sup>7</sup> Ind. Access to Court Records Rule 5(C)(3); Revised Guidance on Prosecutor’s Duty to Maintain Confidentiality of Certain Information in Title IV-D Court Filings and Proceedings

<sup>8</sup> Ind. Access to Court Records Rule 5(C)(2); Revised Guidance on Prosecutor’s Duty to Maintain Confidentiality of Certain Information in Title IV-D Court Filings and Proceedings

- [IC 31-39-1-1](#): Application of chapter
- [IC 31-39-1-2](#): Confidentiality and access to juvenile court records
- [Ind. Access to Court Records Rule 2](#): Who Has Access Under This Rule
- [Ind. Access to Court Records Rule 4](#): General Access Rule
- [Ind. Access to Court Records Rule 5](#): Records Excluded From Public Access
- [Ind. Access to Court Records Rule 7](#): Procedures for Excluding Exhibits and Testimony From Public Access
- [Ind. Access to Court Records Rule 8](#): Consent to Release, Failure to Exclude, Improper Exclusion, and Sanctions
- [Ind. Trial Rule 5\(G\)](#): Service and Filing of Pleading and Other Papers

## PROCEDURE

Documents to be excluded from public access are filed along with an ACR Form identifying the specific Rule 5 grounds for exclusion.<sup>9</sup> If the filing is by paper, then the document is to be filed on green paper.<sup>10</sup> If electronically filing, the document to be excluded from public access is filed as a confidential document.<sup>11</sup>

If an entire document is not confidential, but includes information that is confidential, and the information is necessary to the disposition of the case, the document containing the confidential information shall be filed on green paper, if a paper filing, or as a confidential document, if an electronic filing.<sup>12</sup> A separate document with the confidential information redacted is filed on white paper, if a paper filing, or as a public document, if an electronic filing.<sup>13</sup> A separate ACR Form identifying the information excluded from public access and the Rule 5 grounds for exclusion shall also be filed.<sup>14</sup>

Evidence introduced in open court is not confidential unless a request to keep the information confidential was made at the time the exhibit was introduced.<sup>15</sup> The court may allow a witness to waive confidentiality.<sup>16</sup>

## FORMS AND TOOLS

1. [Access to Court Records Procedures Quick Reference Bench Card](#)
2. [Court & Clerk Records: Access & Maintenance: Access to Court Records Rule 5 and Confidentiality: The "Green Paper Rule"](#)
3. [Court & Clerk Records: Access & Maintenance: Public Access to Paternity Case Information](#)
4. [Frequently Asked Questions Regarding Access to Court Records](#)
5. [Public Access to Court Records Handbook](#)
6. [Revised Guidance on Prosecutor's Duty to Maintain Confidentiality of Certain Information in Title IV-D Court Filings and Proceedings](#)

<sup>9</sup> Ind. Access to Court Records Rule 5(B)

<sup>10</sup> Ind. Access to Court Records Rule 5(B)

<sup>11</sup> Ind. Access to Court Records Rule 5(B)

<sup>12</sup> Ind. Access to Court Records Rule 5(C)

<sup>13</sup> Ind. Access to Court Records Rule 5(C)

<sup>14</sup> Ind. Access to Court Records Rule 5(C)

<sup>15</sup> Ind. Access to Court Records Rule 7(A)

<sup>16</sup> Ind. Access to Court Records Rule 8(A)

## FREQUENTLY ASKED QUESTIONS

N/A

## RELATED INFORMATION

In 2014, the statute which made juvenile paternity (JP) cases confidential was amended and resulted in JP cases filed on or after July 1, 2014, being open to the public.<sup>17</sup> Additionally, in juvenile paternity cases opened prior to July 1, 2014, any documents filed on or after July 1, 2014, are open to the public although records filed prior to July 1, 2014, retain their confidentiality.

For guidance on court file maintenance, see the [Public Access to Court Records Handbook](#).

Prior to January 1, 2020, the Indiana Administrative Rule 9 was the primary source for rules on the confidentiality of court filings. On January 1, 2020, Rule 9 was repealed and replaced with Rules on Access to Court Records. While the references in this Section have been updated with the new Rule citations, guidance documents listed in this Section and issued prior to January 1, 2020, may still contain references to Administrative Rule 9. Appendix 2 of the Rules on Access to Court Records is a Conversion Table which matches previous Administrative Rule 9 sections to the new Rules.

## REVISION HISTORY

Version	Date	Description of Revision
Version 1	05/19/2020	Final Approved Version
Version 2	03/18/2020	Updated Section due to Administrative Rule 9 being repealed and replaced with Rules on Access to Court Records on January 1, 2020.
Version 2.1	04/15/2020	Added references to ACR Form.
Version 2.2	10/31/2022	Updated hyperlinks and renumbered.

<sup>17</sup> IC 31-39-1-1; IC 31-39-1-2; Ind. Access to Court Records Rule 5(A)(6)