



STATE COURT ADMINISTRATION

COURT EMPLOYEE CONFERENCE
STAD REFRESHER COURSE
JULY 17, 2013

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CONFERENCE REFRESHER TOPICS

- ❑ ICOR ON INcite
- ❑ FEES
- ❑ HEA 1482 - EXPUNGEMENT PETITIONS
- ❑ HEA 1392 - RESTRICTING ACCESS - INFRACTIONS
- ❑ CCS ENTRIES
- ❑ ADMINISTRATIVE RULE 9



FEES

EXPUNGEMENT PETITIONS

ADMINISTRATIVE RULE 9

CCS ENTRIES

? ?

ICOR ON INcite

<https://mycourts.in.gov/>

The screenshot displays the INcite website interface. At the top right, there are navigation links: "INcite Home", "About", "Contact", and "Logout". Below these, the user information is shown: "User: James, Angela (ARJAMES)", "Current App: INcite", and "Version: 2.2.4". The location and organization are also displayed: "State: IN", "County: Marion", and "Organization: Judicial Technology Automation Committee (JTAC)".

On the left side, there are three main menu items: "My Account", "Administration", and "Documents".

The main content area is divided into two columns. The left column is titled "News & Events" and features a blue banner with the text "Probation Departments reporting for Juveniles" and "Posted on Friday, June 28, 2013". Below this, a partial sentence is visible: "The Juvenile Justice Improvement Committee recently met with the Judicial Conference Indiana".

The right column is titled "My Applications" and contains a link for "ICOR" (Indiana Courts Online Reports). An orange arrow points to this link.

ICOR ON INcite

The screenshot displays the INcite web application interface. At the top, the INcite logo is on the left, and user information (User: James, Angela (ARJAMES), Current App: ICOR, Version: 0.0.1) and location (State: IN, County: Marion, Organization: Judicial Technology Automation Committee (JTAC)) are on the right. A navigation bar includes Dashboard, Documents, and Administration. The main content area is titled "INDIANA COURTS ONLINE REPORTS - ICOR".

On the left side, there is a "powered by JTAC" logo and a vertical menu with four categories: Available (blue), Saved Draft (yellow), Error (red), and Valid or Submitted (green). The main content area features a filter section with three dropdown menus: "Adams", "Adams Circuit Court", and "2013". Below the filters is a "Court Forms" section containing a table. The table has a green header row for "QCSR" and a data row with a green cell for "QCSR Q1 - Submitted" and three grey cells for "Quarter 2", "Quarter 3", and "Quarter 4". An orange arrow points to the "QCSR Q1 - Submitted" cell. Below the "Court Forms" section is a "Probation Forms" section.

QCSR	Quarter 2	Quarter 3	Quarter 4
QCSR Q1 - Submitted			

ICOR ON INcite

Save and Step Back Submit Print Cancel

QCSR - Quarter 1, 2013

QCSR - ADAMS CIRCUIT COURT, 2013 QUARTER 1

Preparer

County Information:

County	Adams
Court Type	Adams Circuit Court
Court ID	01C01
Time period covered in report	Quarter 1 for 2013

Preparer Information:

Name of Preparer	apage - Page, Annette
Date Prepared	6/28/2013 11:36:01 AM
Phone Number	(317) 234-2734
Email Address	jrussell@jtac.in.gov
Status	Submitted

ICOR ON INcite

State of Indiana [US] https://mycourtsqa.in.gov/ICOR/

ICOR Home · About · Contact · Logout

User: James, Angie (AJAMESQA) Current App: ICOR (QA) Version: 0.0.1

State: IN County: Marion Organization: Marion Superior Court 13, Criminal Division (49F13)

Dashboard Documents Administration

INDIANA COURTS ONLINE REPORTS - ICOR

powered by **JTAC**

Adams (01C01) Adams Circuit Court 2013

Court Forms

QCSR

QCSR Q1 - Submitted QCSR Q2 - Draft Quarter 3 Quarter 4

Probation Forms

ICOR ON INcite

QCSR - WABASH COUNTY PROBATION DEPARTMENT, 2013 QUARTER 2

Preparer

Print Cancel

County Information:

County	Wabash
Court Type	Wabash County Probation Department
Court ID	85P01
Time period covered in report	Quarter 2 for 2013

Preparer Information:

Name of Preparer	ajamesqa - James. Angle
Date Prepared	6/28/2013 11:01:23 AM
Phone Number	(317) 234-1871
Email Address	ajames@courts.state.in.us
Status	New/Un-submitted

Other Judicial Officers Regularly Assigned to Court During Reporting Period

Title	Name	DaysServedPerWeek	
Commissioner	jones	2.50	<input type="checkbox"/> Delete
Magistrate	smith	2.50	<input type="checkbox"/> Delete

Title Name Days Served Per Week

<Click to Select Title> ADD

Time served must be entered in days or fractions of days, i.e., 1/2 day = .50, 1/4 day = .25

I affirm that no magistrate, commissioner, referee, or hearing officer is assigned to this court.

(WARNING! Saving with this box checked will delete the officers from the above list.)



I affirm that the information contained on this page is correct.

Save and Continue

ICOR ON INcite

QCSR - ADAMS CIRCUIT COURT, 2013 QUARTER 2

Preparer
Criminal, Civil Violations
Juvenile
Civil Pt: 1
Civil Pt: 2
Parts V, VI, VII
Review

Criminal (1 - 9) Civil Violations (10 - 11)

Print Cancel

	1	2	3	4	5	6	7	8	9	10	11	Total Criminal / Civil Violations
WCL Factors:	Murder	Criminal Felony (pre 1/1/2002)	Class A Felony	Class B Felony	Class C Felony	Class D Felony	Post Conviction	Criminal Misdemeanor	Miscellaneous Criminal	Infractions	All Other/Unlabeled Violations	
WCL Factors:	1209	155	359	218	211	125	345	40	18	2	2	
PART I: BEFORE COURT	MR	CF	FA	FB	FC	FD	PC	CM	MC	IF	OV,OE	PART I
A Previously Pending	20	2	20	23	25	13	7	3	4	0	1	118
B New Filings	0	0	0	0	0	0	0	0	0	0	0	0
C Vened In	0	0	0	0	0	0	0	0	0	0	0	0
D Transferred In	0	0	0	0	0	0	0	0	0	0	0	0
E TOTAL CASES BEFORE COURT (Less A through D)	20	2	20	23	25	13	7	3	4	0	1	118

PART III: PENDING AT END OF QUARTER	MR	CF	FA	FB	FC	FD	PC	CM	MC	IF	OV,OE	PART III
T TOTAL (E minus Q minus R minus S)	19	1	19	22	24	12	6	2	3	0	0	108
PART IV: OTHER	MR	CF	FA	FB	FC	FD	PC	CM	MC	IF	OV,OE	PART IV
U Cases Heard by Reporting Judge, as Special Judge, in Other Courts	0	0	0	0	0	0	0	0	0	0	0	0
V Cases Heard by Special Judge in Reporting Court	0	0	0	0	0	0	0	0	0	0	0	0
W Cases with Self Represented Litigants	0	0	0	0	0	0	0	0	0	0	0	0
X Cases Referred to ADR	0	0	0	0	0	0	0	0	0	0	0	0

I affirm that this page does not apply. (Clicking this checkbox will erase all entries made on this page!)

Explanation And Comment

Save and Step Back

Save and Continue



ICOR ON INcite

□ <http://www.in.gov/judiciary/admin/3069.htm>

ICOR Administrative Forms and Application Guides	
Document/Form	
	Submitting Reports on ICOR - a PowerPoint Presentation
	QCSR Application Guide REVISED JANUARY 2013
	QCSR Case Type Quick Reference Guide
	Timeline for Statistical Reporting Deadlines
	Probation Quarterly Reports Application Guide REVISED JUNE 2012
	Timeline for Probation Reporting Deadlines
	Report on Court Revenue Application Guide REVISED JUNE 2013
	Marion County Small Claims Courts' Report on Court Revenue Application Guide REVISED APRIL 2012
	Report on Court Budget & Expenditures Application Guide REVISED APRIL 2012
	Annual Operations Report Application Guide REVISED MAY 2012
	Judicial Authorization for Court Report Preparation FILLABLE FORM
	Judicial Authorization for Court Reporter Annual Report Preparation FILLABLE FORM
	Judicial Authorization for Probation Report Preparation FILLABLE FORM



ICOR ON INcite

C. Filing Deadlines

The QCSR must be filed with the Division within ten (10) calendar days of the end of each quarter (Admin. Rule 1(B)(3)). The following table reflects the due dates for QCSR reports:

<u>Quarter</u>	<u>Time Period Reported</u>	<u>Reports to the Division</u>
Quarter 1	January - March	April 10
Quarter 2	April - June	July 10
Quarter 3	July - September	October 10
Quarter 4	October - December	January 10(of following year)

ICOR ON INcite

- Technical issue with reporting, call the JTAC helpdesk - 1-888-275-5822 or email jtachelpdesk@jtac.in.gov
- Angie James - 317-234-1871 or email angela.james@courts.in.gov
- Jeff Wiese – 317-234-1873 or email jeffrey.wiese@courts.in.gov





FEES

Mortgage Foreclosure Fee has returned.

- Effective May 10, 2013 the \$50 Mortgage Foreclosure fee returned. The fee will sunset on January 1, 2015.

Late Payment Fee has expanded.

- The late payment fee that may be adopted by local court rule now applies to Class C and Class D Infractions per HEA 1124. This allows it to be assessed for safety belt and handicapped parking violations.

Automated Record Keeping Fee has changed.

- Effective July 1, 2013, the automated record keeping fee increased from \$5 to \$7 on all cases other than deferral/pretrial diversion case. For deferrals and pretrial diversions, the fee remains \$5.



FEES

Fax Fees.

- Several times each year the Division gets asked whether a clerk or court can assess a fee for sending a document via facsimile. There is a statute that authorizes a public agency, which includes the judicial branch according to I.C. 4-13-1-1, to collect a facsimile fee provided it is authorized by a statute or court order. See I.C. 5-14-3-8(f). In addition, there is a statute that designates all facsimile fees collected should be deposited in the Clerk's Record Perpetuation Fund. See I.C. 33-37-5-2(a)(1).
- However, these two statutes alone do not authorize assessing a fee for sending a document via facsimile. As I.C. 5-14-3-8(f) indicates, there must be a statute or court order authorizing this fee.



FEES

New Fee Manual.

- The Division has prepared a “Fee Manual” for courts and Clerks. It contains lists of the fees most commonly assessed in each case type plus an alphabetical list of all fees (that we could think of) that might be assessed by a court including Indiana Code citations and notes on when the fee is assessed and where the fee goes if it is collected. The Fee Manual is available at <http://www.in.gov/judiciary/admin/3110.htm>.

Problematic Local Fees/deferral programs.

- Court Times Article September 17, 2012 “To fee or not to fee... That is the ethical question”

HEA 1482 - EXPUNGEMENT

- Effective July 1, 2013.
- Restricts Access to certain arrest records and criminal convictions if certain conditions are met.
- Different procedures depending on what the case involves:
 - ▣ An arrest that did not lead to a conviction or juvenile adjudication.
 - ▣ A conviction for a misdemeanor/class D felony reduced to a misdemeanor.
 - ▣ A conviction for D felony (with some exceptions.)
 - ▣ More serious felony (with some exceptions.)
 - ▣ A felony involving serious bodily injury or committed by an elected public official (with some exceptions.)
- Repeals I.C. 35-38-5-5.5 and I.C. 35-38-8.

HEA 1482 - EXPUNGEMENT

- **Petitions filed under I.C. 35-38-9-1 (which allows the sealing of an arrest that did not result in a conviction or juvenile adjudication or the conviction was vacated on appeal.)**
 - ▣ File the petition under the existing criminal case number.
 - ▣ If there is no existing criminal case, open an MC case for the petition.
 - ▣ No filing fees should be assessed.
 - ▣ The statute allows the petition to be filed in the sentencing court (if the person was sentenced), or court in which the person was charged (if the person was charged) or any court exercising criminal jurisdiction in Indiana.

HEA 1482 - EXPUNGEMENT

- **Petitions filed under IC 35-38-9-2 (a conviction for a misdemeanor/class D felony reduced to a misdemeanor), IC 35-38-9-3 (a conviction for D felony (with some exceptions), IC 35-38-9-4 (more serious felony (with some exceptions), and IC 35-38-9-5 (a felony involving serious bodily injury or committed by an elected public official (with some exceptions.)**
 - Open an MI case for the petition. These petitions are civil actions by statute.
 - Assess normal civil filing fees. By statute these fees cannot be waived or reduced.
 - File the petition in the sentencing court.
 - A petitioner may seek to “expunge” more than one conviction at the same time. If this is done, the petitioner must consolidate all requests for the same county into one petition. A petitioner seeking to “expunge” convictions from separate counties must file a petition in each county in which a conviction was entered.
 - A petitioner may file only one petition for “expungement” during his/her lifetime. According to the statute, all petitions filed in separate counties count as one petition provided they are filed within one (1) three hundred sixty-five (365) day period.

HEA 1482 - EXPUNGEMENT

- Sample petitions are available on www.in.gov. At the time of this writing (July 2) we are still working on sample orders.
- We are still discussing the other issues surrounding this new statute including how to restrict access to these records. We hope to have more information to you by the end of July.



HEA 1392 – RESTRICTING ACCESS

Restricting Access to Criminal History Records for INFRACTIONS – I.C. 34-28-5-15.



- A judge is required to act automatically in certain cases. The court must take action to assist an individual charged with committing an infraction who:
 - Is not prosecuted or the charges are dismissed;
 - Is adjudged not to have committed the infraction, or
 - Is adjudged to have committed the infraction and the adjudication is subsequently vacated.
 - This section does not apply to individuals whose prosecution for an infraction has been deferred.
- The judge in the court where the action was filed must order the clerk and the operator of any state, regional or local case management system, not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

HEA 1392 – RESTRICTING ACCESS

- Persons who successfully complete a deferral program or have satisfied the terms of the judgment imposed for the IF violation:
 - ▣ May petition the court to prohibit disclosure of information related to the infraction to a noncriminal justice organization or an individual. The court shall order the clerk and the operator of any state, regional, or local case management system not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

HEA 1392 – RESTRICTING ACCESS

- If the court fails to order the clerk and the operator of any state, regional or local case management system to restrict the information, an individual may petition the court to do so.
- A verified petition must be timely filed.
- This petition may not be filed earlier than:
 - 30 days after date of the judgment if the person was found not to have committed the infraction;
 - 365 days after the person's adjudication is vacated;
 - 30 days after the action is dismissed, provided a new action is not filed;
 - 5 years after the date the judgment for the violation is satisfied or the conditions of the deferral program are met.

HEA 1392 – RESTRICTING ACCESS

- The petition should be filed under the case number of the original criminal case, but if the prosecution was dropped before a case number was assigned, the petition should be assigned an MC case type. No filing fee is required. If an MC is required, make sure to cross reference case numbers in the CCS for the MC and the original criminal case.
- A copy of the petition must be served on the prosecuting attorney who has thirty days to file a notice in opposition.
 - The judge must set the matter for a hearing if a notice of opposition is filed and the court does not summarily grant or deny the petition.



CHRONOLOGICAL CASE SUMMARY - CCS

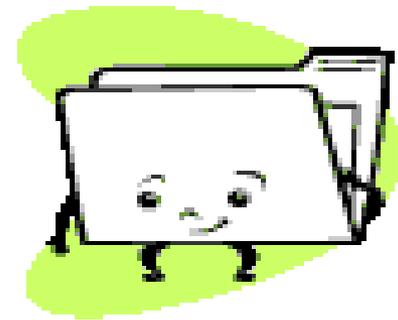
Chronological Case Summary – Trial R. 77(B).

- A sequential record of all “judicial events” in a proceeding including all orders, rulings and judgments.
- A judicial event is an action on the part of a party, a party’s attorney or the court.
- The clerk must accurately record each judicial event as it occurs and enters it on the CCS as of the date of the action.
- Entries on the CCS should be brief but contain enough detail to be meaningful. It is not necessary to include all of the details of a particular action but a reader should have enough details to correctly understand the activity.
- Backdating is not allowed ever. Always use the date you are actually making the entry on the CCS. The text of the entry should indicate the date the event actually occurred.
- Deleting CCS entries is not allowed ever. Instead make a correcting entry. It is possible to redact some entries if confidential information has been included.

ADMINISTRATIVE RULE 9

What is the “default” position?

- If the question from the public is:
 - ▣ Can I obtain a copy of that document?
- The *general* rule is:
 - ▣ **All court records are public.**
- Then the exceptions begin....



ADMINISTRATIVE RULE 9

Important Points.

- Legal Basis: Supreme Court's *inherent authority* and I.C. 5- 14-3-4(a)(8).
- Previous Rule 9, adopted in 1988, listed 15 categories of confidential court records.
- New rule had 2 objectives:
 - “one stop” shopping; collection of various existing rules and statutes into one place.
 - Be “user-friendly,” helpful to non-lawyers and contain a minimum of “legalese.”

ADMINISTRATIVE RULE 9

It only applies to Court Records

- Effective January 1, 2005.
- No need for retroactive redaction.
- Distinction between 2 important types of records.
- “Case Record.”
- “Administrative Record.”

ADMINISTRATIVE RULE 9

Records do *not* include:

- ❑ Information exchanged between parties but not entered into the record (discovery.)
- ❑ Information outside the “judicial sphere” such as ADR.
- ❑ Court responsibilities outside of handling cases (i.e. managing a detention facility.)
- ❑ A decision was made to avoid “logging requests.”

ADMINISTRATIVE RULE 9

The High Points AR 9(G) - Confidential Records.

- ❑ Complete Social Security Numbers.
- ❑ Financial Account #s (tax records and portions of financial declarations, PINs.)
- ❑ Medical Records (unless ordered by a judge.)
- ❑ Victims identifying info beyond name (initials only for juveniles) for certain crimes.
- ❑ Child abuse records *not in evidence* (See AR(G)(1.1)).
- ❑ Pre-Sentence Reports/Grand jury proceedings.

ADMINISTRATIVE RULE 9

More high points.

- ❑ Some arrest and search warrants prior to execution.
- ❑ Personal Juror Information. (see Jury Rule 10)*
- ❑ Court Alcohol & Drug Program confidential records (see that program's rules.)
- ❑ Drug Court confidential records (see that program's rules.)
- ❑ courts.in.gov
 - ❑ search “drug court” or “alcohol & drug program.”

ADMINISTRATIVE RULE 9

A few more...

- ❑ Drug Test results that are not admitted into evidence as part of a public proceeding pursuant to I.C. 5-14-3-4(a)(9).
- ❑ “*Dirty*” Drug Screens: no green paper.
- ❑ Why? It is not a medical record, it is an enforcement record used to measure compliance with court sanctions.

ADMINISTRATIVE RULE 9

Just when you thought it was over...

- ❑ Expungement Records.
- ❑ Addresses of judges and court and clerk employees.
- ❑ Attorney work product.
- ❑ Records sealed by a court under I.C. 5-14-3-5-5.5.
- ❑ Records sealed by successful petition filed by person affected by release.
- ❑ Records declared confidential by state and federal law and court rule. *That gets us to:*
 - ❑ *Portions of Protection Order proceedings***

ADMINISTRATIVE RULE 9

Protection Orders.

- Form 104.
- Page One is NOT CONFIDENTIAL.
- Although, the words “Case Identification for Confidential Form” can be misleading.
- Page Two IS CONFIDENTIAL.
- “Confidential Form” at top: (dead giveaway.)
- OK to help out with clerical issues: I.C. 34-26-5-3(d).

ADMINISTRATIVE RULE 9

But wait there's more!

- Mediation Proceedings ADR R. 2.11, 4.4(c), 5.6.
- Judge's personal notes, emails, diary, calendars.
- **CCS entries *should not* contain confidential information**
- Judge can allow access to confidential records if info is essential to case or with a release by person affected.

ADMINISTRATIVE RULE 9

Filing Procedure

- Attorney/Filing Person must follow Indiana Trial Rule 5(G):
 - File 2 versions of the document.
 - White sheets for non-confidential info.
 - *Light green for confidential info!*

Keep confidential papers separate or remove from file before allowing the public to see it.

ADMINISTRATIVE RULE 9

The Impound Lot.

- If the filing violates T.R. 5(G)...
 - ▣ Clerk or court staff may “impound” the document and require that it be submitted on green paper.
 - ▣ Note the non-compliant filing on the CCS.
 - ▣ Order the party to comply with standard on-line form (Appendix A-5); OR
 - ▣ *Follow local existing policy on this issue.*

ADMINISTRATIVE RULE 9

Who Can See the File?

- The public (subject to exceptions.)
- But AR 9 (B) gives enhanced access to:
 - ▣ Parties and their attorneys, *in that case*.*
 - ▣ Court staff, probation officers.
 - ▣ Government personnel assisting in court services (i.e. law enforcement.)
 - ▣ Public agencies with access allowed with statutes or rules (GALs).
- The judge may restrict access to confidential records even to the parties (i.e. adoption records).

ADMINISTRATIVE RULE 9

Juvenile and CHINS Records.

- ❑ Records of juvenile proceedings, including CHINS, confidential under AR 9(G)(b)(vi) as required by I.C. 31-39-1-2.
- ❑ Includes: CCS summaries, index entries, summonses, warrants, petitions, order, motions, decrees.
- ❑ Court can grant access to anyone with a *legitimate interest*.*
- ❑ Indianapolis Star got *redacted* records in Tanjanay Bailey' CHINS case.**
- ❑ Trial court erred in releasing her *mother's* delinquency records.

ADMINISTRATIVE RULE 9

What Happens to Confidential Documents in Court?

- ❑ New rule change, effective Jan. 1, 2010.*
- ❑ Confidential documents filed on light green paper with clerk or court.
- ❑ In past, became public and part of the record when entered into evidence.
- ❑ To retain confidentiality, a party must “*affirmatively request*” that it remain confidential. AR9(G)(1.2).
- ❑ Affects “live testimony” as well.
- ❑ This will help court reports prepare record on appeal.

ADMINISTRATIVE RULE 9

What if it isn't on paper at all?

- Audio and visual recordings of court records are *generally* accessible to the public.
- AR 9(D) and AR 10 were amended, effective Jan. 1, 2009, to give court's discretion when the public wants to listen/view.
- AR 9(D) "A court may manage access to audio and video recordings of its proceedings to the extent appropriate to avoid substantial interference with the resources or normal operation of the court and to comply with the Code of Judicial Conduct, Rule 2.17.
- Restrictions on broadcast: "[T]he court may employ methods to restrict publication of copies of court proceedings made during the pendency of the case."

ADMINISTRATIVE RULE 9

Where to go for help.

- Rules Website: courts.in.gov/rules

The screenshot shows the Indiana Courts website's 'Rules of Court' page. The page features a navigation menu at the top with links for Home, Information, Law Library, Education, Courts, Programs, and Administration. A search bar is located in the top right corner. The main content area is titled 'Indiana Rules of Court' and includes a notice that the following rules are current as of January 6, 2009. Below this notice is a table listing various rules and their download options.

Rule	Webpage	Microsoft Word	Adobe PDF
Administrative [87 pages]	610kb	581kb	428kb
Admission & Discipline [81 pages]	620kb	509kb	554kb
Alternative Dispute Resolution [22 pages]	120kb	175kb	181kb
Appellate Procedure [57 pages] Amendments Effective Jan. 6, 2009	424kb	443kb	663kb
Child Support [26 pages]	260kb	225kb	391kb
Criminal Procedure [27 pages]	160kb	165kb	171kb

The sidebar on the right contains a 'Popular Content' section with links to Local Court Rules, Proposed Rule Amendments, Orders Amending Rules of Court, Committee on Rules of Practice and Procedure, Domestic Relations Committee, Jury Committee, Commission for Continuing Legal Education, Board of Law Examiners, and Local Rules Committee. Below this is a 'Get Adobe Reader for PDF Documents' banner and a 'TIP' section providing instructions on how to view or print files.

ADMINISTRATIVE RULE 9

Public Access to Court Records Handbook.

The screenshot shows the Indiana Courts website. At the top, there is a search bar with "Indiana Courts" entered and a "go" button. Below the search bar is a navigation menu with links for Home, Information, Law Library, Education, Courts, Programs, and Administration. The main content area features the Indiana Supreme Court seal and the text "STATE COURT ADMINISTRATION". The page title is "Public Access to Court Records Handbook". The content includes a "Summary" section, a paragraph explaining the historical presumption of public access to court records, and a table listing available publications. The table has columns for "Publication", "Adobe PDF", "Pages", and "File Size".

home | welcome | about | contact webmaster | help | policies | text only

Search Indiana Courts for go

INDIANACOURTS

Home Information Law Library Education Courts Programs Administration

home > supreme court > state court administration > publications > public access to court records handbook

Division of State Court Administration

Public Access to Court Records Handbook

Summary

Historically, court records in Indiana have been presumed to be open for public access, unless those records fell into certain exceptions that were deemed confidential. The philosophy of open records is that government and the public interest are better served when records are open for public inspection.

In addition to the inherent authority of the Indiana Supreme Court to oversee the operation of trial courts throughout the state, [Indiana Code §5-14-3-4\(a\)\(8\)](#) specifically recognizes the authority of the Indiana Supreme Court to promulgate rules governing access to court records. In accordance with this authority, [Administrative Rule 9](#) was promulgated. Administrative Rule 9 expresses the general premise that records are publicly accessible unless they are explicitly excluded from access. This rule seeks to assure full public access to court records while protecting important privacy interests and while assisting court staff and clerks' offices in providing helpful customer service.

This Handbook was developed to assist Indiana judges and other members of the justice community in better understanding Administrative Rule 9 and how to apply it to operations in Indiana courts.

Download the entire Handbook below or read Frequently Asked Questions about Administrative Rule 9, both of which are available in Adobe PDF format only.

Publication	Adobe PDF	Pages	File Size
Public Access to Court Records Handbook		52 pages	228 kb
Frequently Asked Questions About Administrative Rule 9		5 pages	35 kb

Last modified on Wednesday, February, 04, 2009

home | welcome | about | contact webmaster | help | policies | text only

Division of State Court Administration

Internet | Protected Mode: On 100%

ADMINISTRATIVE RULE 9

Overall Structure of A.R. 9.

- AR 9(A) **Scope and Purpose**, including:
 - ▣ AR 9(A)(2)(i) “make the most effective use of court and clerk of court staff.”
 - ▣ And (j) “provide excellent customer service” and (k) “avoid unduly burdening the ongoing business of the judiciary.”

ADMINISTRATIVE RULE 9

Structure (Con't)

- AR 9 (B) **Who has access under this rule?**
 - ▣ Enhanced access for court, clerk staff, etc.
- AR 9 (C) **Definitions.**
- AR 9 (D) **General Access Rule** (accessible except when it's not.)

ADMINISTRATIVE RULE 9

Structure (Con't)

- AR 9(E) **Remote Access and Fees:**
 - “Courts should endeavor”.... to make certain info remotely accessible and can charge fees for it.
 - Courts offering remote access must comply with Ind. TR 77(K).
- AR 9(F) **Bulk Distribution and Compiled Information.**
 - “**Bulk**” means everything from the case management system.
 - “**Compiled**” means some amount of “manipulation.”

ADMINISTRATIVE RULE 9

Structure (Con't)

- **AR 9(G) Court Records Excluded from Public Access:**
 - Case records and administrative records treated separately
- **AR 9(H) Prohibiting Public Access to Information in Court Records:**
 - Party affected can make a request to limit release, no hearing req.; balance public interest and privacy concerns raised.

ADMINISTRATIVE RULE 9

Structure (Con't)

- **AR 9(I) Obtaining Access to Information Excluded from Public Access:**
 - Possible but you need a good reason.
- **AR 9(J) When Court Records May Be Accessed:**
 - “during regular business hours.”
- **AR 9(K) Contracts with Vendors...**
 - They have to comply with AR 9 policies.

ADMINISTRATIVE RULE 9

Structure (Con't)

- AR 9 (L) **Immunity for Disclosure of Protected Information:**
 - “A court, court agency, or clerk of court employee, official, or an employee or officer of a contractor or subcontractor of a court, court agency, or clerk of court who unintentionally and unknowingly discloses confidential or erroneous information is immune from liability for such a disclosure.”
- Consistent with immunity allowed by I.C. 5-14-3-10(c).

ADMINISTRATIVE RULE 9

FAQs

- **Administrative Rule 9 seems to add a lot of new things that are confidential. How do we get through all of these new items?**

ADMINISTRATIVE RULE 9

Improvements

As a general rule, things that were confidential before January 1, 2005, are still confidential. Although AR 9 created a few new categories of confidential information, three main areas are significant new changes. First, *social security numbers* are confidential in all cases at all times (but not the last four digits). Second, addresses, full dates of birth, and phone numbers for victims and witnesses of certain cases are now excluded from public access. Finally, account numbers (meaning bank accounts, mutual funds, mortgage loan numbers, and credit card numbers, generally) are excluded from public access.

ADMINISTRATIVE RULE 9

Subpoenas

- **We have received several subpoenas for probation officers to testify about adult and juvenile probationers in civil cases. What should we do?**

AR 9 says...

Probation records are confidential

ADMINISTRATIVE RULE 9

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