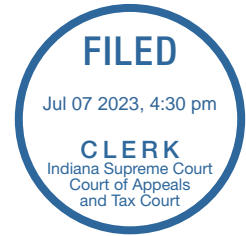


In the Indiana Supreme Court

Cause No. 23S-MS-10



Order Amending Rules on Access to Court Records

Under the authority vested in this Court to provide by rule for the procedures employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts in this state, the Indiana Rules on Access to Court Records are amended as follows (deletions shown by ~~striketrough~~ and new text shown by underlining):

...

Rule 5. Records Excluded From Public Access.

(A) Court Records That Shall Be Excluded From Public Access In Entirety. The following shall be excluded from Public Access and no notice of exclusion from Public Access is required:

...

(7) If court ordered, an entire case the Clerk of Court has opened under the wrong case type.

...

Commentary

...

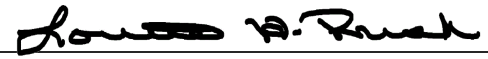
Rule 5(A) begins by recognizing that, in some instances, an entire case shall be excluded from Public Access because all Court Records have been declared confidential, but Rules 5 (B), (C), (D) and (E) make clear that in most instances it is only individual Case or Administrative Records that have been declared confidential. A court may take judicial notice of records that are excluded from Public Access, including records in cases where all Court Records have been declared confidential, such as juvenile cases. Ind. Evid. Rule 201(b)(5).

Rule 5(A)(7) is available only to the Clerk of Court to exclude from public access an entire case erroneously opened with a wrong case type immediately upon discovering the mistake. The Clerk shall then consult with a judge for final approval and shall make an appropriate entry. Parties cannot use Rule 5(A)(7) to bypass the specific requirements in Rule 6 for excluding an entire case or excluding Court Records from public access.

...

This amendment is effective January 1, 2024.

Done at Indianapolis, Indiana, on 7/7/2023.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.