

In the
Indiana Supreme Court

CAUSE NUMBER: 94S00-1401-MS-57



ORDER AMENDING INDIANA ADMINISTRATIVE RULES

Effective July 1, 2014, P.L. 1-2014 excludes from the general confidentiality provisions governing juvenile records all court records pertaining to juvenile paternity cases. Heretofore, juvenile paternity court records have been excluded from public access in their entirety, and as such, the light green paper filing requirements of Ind. Trial Rule 5(G) did not apply to them. Juvenile paternity case records filed prior to July 1, 2014 may contain information, such as complete social security numbers, bank account numbers, and medical records, which remains confidential under Administrative Rule 9 and other state and federal laws.

All juvenile paternity records created prior to July 1, 2014, shall remain confidential and not accessible to the public in their entirety. Prospective attorneys in such cases and their agents shall have access to such confidential records upon the attorney's filing a form *Assurance of Confidentiality*.

Juvenile paternity case records created on or after July 1, 2014, including records created on or after July 1, 2014 in cases originally opened prior to July 1, 2014, shall be accessible to the public, except that records that continue to be confidential and not accessible to the public under Administrative Rule 9(G) and other state and federal laws shall not be accessible to the public and must be filed on light green paper, as provided in Ind. Trial Rule 5(G).

These rule amendments implement the changes made by the General Assembly and maintain the confidentiality mandated by other state and federal statutes. Therefore, under the authority vested in this Court to provide by rule for the procedure employed in all courts of this

state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Administrative Rule 9 is amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Administrative Rules

...

Rule 9. Access to Court Records.

...

(B) Who Has Access Under This Rule.

- (1) All persons have access to court records as provided in this rule, except as provided in section (B)(2) of this rule.
- (2) The following persons, in accordance with their functions within the judicial system, may have greater access to court records:

(a) court, court agency or clerk of court employees, including courts of the United States of America and their related court agencies and clerk of court employees;

(b) private or governmental persons or entities who assist a court in providing court services;

(c) public agencies whose access to court records is defined by other statutes, rules, orders or policies; ~~and~~

(d) the parties to a case or their lawyers with respect to their own case; ~~and~~

(e) prospective lawyers in juvenile paternity cases and the lawyers' agents, upon the lawyer's filing with the court an Assurance of Confidentiality in substantial compliance with the form appended to this Rule.

...

(G) Court Records Excluded From Public Access.

- (1) *Case records.* The following information in case records is excluded from public access and is confidential:

(a) Information that is excluded from public access pursuant to federal law;

(b) Information that is excluded from public access as declared confidential by Indiana statute or other court rule, including without limitation:

...

(vii) All paternity records created after July 1, 1941, and before July 1, 2014, as declared confidential by statutes in force between those dates, which statutes

~~were amended by P.L. 1-2014, effective July 1, 2014; as declared confidential by Ind. Code §§ 31-14-11-15, 31-19-5-23, 31-39-1-1, and 31-39-1-2;~~

...

These amendments shall take effect on July 1, 2014.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; all city and town court judges; the judges of the Marion County Small Claims Courts; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets and bound volumes of this Court's decisions.

The Clerks of the Circuit and Superior Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, on June 10th, 2014.

/s/ Brent E. Dickson
Brent E. Dickson
Chief Justice of Indiana

All Justices concur.

STATE OF INDIANA) IN THE _____ COURT
)
 COUNTY OF _____)
)
 (Insert Case Caption))
) SS:
)
)
)
) CASE NO.
)

ASSURANCE OF CONFIDENTIALITY

I, _____, Attorney number _____, am a member in
 (Provide Name of Attorney)
 good standing of the Indiana Bar. A prospective client has asked that I review the confidential
 juvenile paternity case file in the above matter. I affirm that my agents and I who obtain access
 to the court records and information in this case will maintain confidentiality as governed by
 Administrative Rule 9 in effect at the date of the filing of such records.

 (Attorney Signature)

 (Name of Attorney Printed)

 Address

 Telephone number

 Attorney Number