
**CHAPTER 4
ADMINISTRATIVE RULE 9
AND CONFIDENTIALITY
The “Green Paper Rule”**

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Several court rules protect confidential information contained in court files subject to public access. [Administrative Rule 9](#) defines the confidential information and access rules for the public information in files. All confidential information must be filed on light green paper and kept separately from the file to which it pertains or removed from the file before provided to the public. The relevant rules are:

- [Trial Rule 5\(G\)](#)
- [Criminal Rule 1.1](#)—incorporates T.R. 5(G) for criminal courts
- [Small Claims Rule 2\(E\)](#)—incorporates T.R. 5(G) for small claims courts and divisions
- [Post Conviction Relief Rule 1](#) §3(c)—incorporates T.R. 5(G) for PCR filings
- [ADR Rule 1.9](#)—incorporates all of T.R. 5 for ADR service
- [Appellate Rule 2\(N\)](#)—incorporates A.R. 9 confidentiality rules for Appellate Files including Case Record
 - [Appellate Rule 9\(J\)](#)—incorporates T.R. 5(G) for Appellate Filings
- [Original Actions Rule 3\(J\)](#)—incorporates T.R. 5(G) for filings in Original Action cases
- Appeals from City or Town Courts ([Trial De Novo](#)) [Rule 4](#)—incorporates T.R. 5(G) for these cases

CONFIDENTIAL FILES:

- Juvenile Files: JC, JD, JS, JT, JM, JP
- Adoption Files: AD and AH
- Appeals from above case types

**CONFIDENTIAL RECORDS
as defined by Administrative Rule 9(G):**

- Complete Social Security Numbers
- Financial Account Numbers: including tax records and portions of financial declarations
- Medical Records
- Victims identifying information beyond name: initials only for juveniles who are sex crimes victims
- Most Child Abuse records

- Pre-sentence reports
- Some arrest and search warrants prior to execution (discretionary with Judge)
- Juror information other than name
- Portions of Protection Orders
- Mediation records
- Alcohol and Drug Program confidential records as defined by the Program guidelines
- Drug Court confidential records as defined by the Program guidelines
- Expungement records
- Judges' personal notes, emails, diary, calendars (extends to all court staff)
- **Remember that CCS entries should not contain the confidential information either**

FILING PROCEDURE

- Attorney or filing person responsible for following T.R. 5(G): if the document contains confidential information the filer
 - Should file 2 versions of document: white should represent what is filed without confidential information, light green should include confidential information
- Keep confidential green papers separate from public file or remove before allowing the public to view
- If filing violates T.R. 5(G), clerk or court staff may impound document and require attorney or filing party to resubmit on correct paper.

WHO MAY SEE FILE CONTENTS?

- Most court records are open to the public.
- Admin.R. 9(B) provides that certain individuals *may* have enhanced access to court records:
 - Parties and their attorneys,
 - Court staff,
 - Governmental personnel assisting in court services (i.e. law enforcement), and
 - Public agencies with access in accord with statutes or rules (i.e. guardians ad litem)
- If an attorney wants to see confidential records, he or she must file an appearance
- The Judge may restrict access to confidential records even to the parties/attorneys (i.e. adoption file records)

WHO MAY HAVE ACCESS TO AUDIO/VISUAL RECORDINGS

- Audio and visual recordings of court proceedings are considered court records and are thus generally accessible by the public.
- Administrative Rule 9 (D) and [Administrative Rule 10](#) have been amended to allow the courts discretion when the public seeks to listen and/or make a copy of the recording without ordering a transcript. The amendments were effective January 1, 2009. The court may schedule the listening and/or copying of the recording in a manner that doesn't substantially interfere with the resources or normal business operations of the courts.

COURT RECORD ON APPEAL

- When the Clerk copies a court file for record on appeal, copy the contents in the same manner as it is filed—green paper documents must be copied on green paper for appeal
- Segregate the confidential records from the public record on appeal.
- CCS should be analyzed as well to make sure all confidential information is protected.
- Administrative Rule 9 and the Appellate Rules have been amended, effective January 1, 2009, to establish a protocol for filing confidential and sealed records with the Courts of Appeal.

ADMINISTRATIVE RULE 9 HANDBOOK

The Division of State Court Administration has published a [handbook](#) that provides more information and frequently asked questions.

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