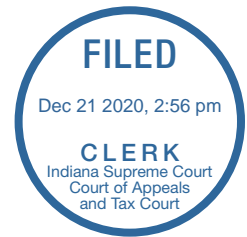


In the Indiana Supreme Court

Cause No. 20S-MS-1



Order Amending Rules on Access to Court Records

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, the Rules on Access to Court Records are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

Rule 5: Records Excluded From Public Access.

...

(B) *Individual Case Records That Shall Be Excluded From Public Access.* The following shall be excluded from Public Access by filing the document on green paper (if paper filing) or by filing the document as a confidential document (if e-filing), along with an ACR Form identifying the specific Rule 5 ground(s) upon which exclusion is based:

...

(11) Photographs, film, video recordings, or other similar mediums showing a live individual's uncovered genitals, pubic area, buttocks, or female post-pubescent nipple;

(12) Photographs, film, video recordings, or other similar mediums showing a live individual engaging in or being subjected to sexual conduct;

(13) Guardian ad litem/court appointed special advocate reports, Parenting Coordinator reports, and custody evaluation reports.

...

(E) Court Records That Shall Be Temporarily Excluded From Public Access.

(1) The following shall be excluded from Public Access and no notice of exclusion from Public Access is required: Entire criminal cases when a request to exclude Case Records from Public Access is filed contemporaneously with a request for an arrest warrant. When this request is made, the request and the Court Record will be rendered confidential until the Court rules on the request.

...

Commentary

...

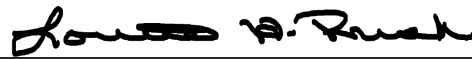
In Rule 5(B)(11) the term “uncovered” means visible, that is, unobscured by clothing, censor bars, or other similar coverings. The images excluded from public access in Rule 5(B)(11) and (12) are limited to actual visual representations. Subparts (11) and (12) do not include a painting, drawing, or other similar representation.

Indiana Probation Standard 1.4 provides that information in probation files is confidential and may only be released in accordance with the Rules on Access to Court Records, state and federal statutes and rules, and policies adopted by the Judicial Conference of Indiana.

...

These amendments shall take effect on January 1, 2021.

Done at Indianapolis, Indiana, on 12/21/2020.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.