

District Court 9th Judicial District, Colorado Court Address: 109 8th St., Suite 104, Glenwood Springs, CO, 81601, 970-945-5075	
ADMINISTRATIVE ORDER	COURT USE ONLY
Date: December 30, 2005 Chief Judge: T. Peter Craven	Order Number: 05-06
ADMINISTRATIVE ORDER CONCERNING PUBLIC ACCESS TO RECORDS	

WHEREAS, Chief Justice Directive 05-01 issued April 8, 2005 adopted a Public Access to Court Records policy for the Colorado Judicial Department; and,

WHEREAS, section 4.60(a) of that Directive lists information in court records that is not to be accessible to the public pursuant to federal law, state law, court rule, court order, or case law, including, but not limited to:

- Probation ICON/Eclipse files
- Social Security Numbers (as collected by the court on court issued or standardized forms)
- Deposited wills
- Victim's name or identifying information in sexual assault cases
- Drug/Alcohol treatment information
- Paternity tests, cases and records
- Genetic testing
- HIV/AIDS testing information
- Medical, mental health, sociological, intelligence testing
- Scholastic achievement data on individuals
- Adoption records
- Relinquishment cases
- Juvenile Delinquency cases
- Dependency & Neglect records
- Mental Health cases
- Expunged records
- Sealed files, data or information
- Files/fields/codes concerning the deliberative process
- Draft opinions, notes or internal memos
- Driver history
- Judicial bypass cases

- Juror questionnaires
- CBI criminal background check reports
- Credit Reports; and

WHEREAS, section 4.60 of the Directive also provides that "the State Court Administrator may permit exceptions when exclusion is not possible due to resource limitations, provided that the court seeking the exception takes reasonable steps toward full implementation; and

WHEREAS, this Judicial District already protects the confidentiality of much of the information listed and is taking additional reasonable steps as set forth in this Order to protect the confidentiality of the remainder of the information, but due to budgetary constraints is unable to fully implement Section 4.60 of the Directive; and

WHEREAS, due to these resource limitations it is essentially impossible to provide court staff to review and remove all information in the thousands of court files and microfiche files that are stored in the district's facilities, and given the volume of public access requests for files; and

WHEREAS, section 4.60(c) of the Directive authorizes courts by blanket order to declare that certain types of materials, including but not limited to materials or exhibits which are dangerous or contraband, drugs, items whose possession is illegal, financial affidavits of parties, income tax returns filed in the court, separation agreements, property division orders, pre-sentence reports, custody investigation reports, child abuse investigation reports, and estate inventories and appraisals which the court finds are personal and confidential to the parties and which do not fulfill any requirement of necessity for public knowledge shall not be made available to the public; and

WHEREAS, the Clerks of Court for Garfield, Pitkin and Rio Blanco Counties, the Chief Judge of the District, the Court Administrator, after consulting with other judicial officers in the district, have devised a compliance plan that takes reasonable steps toward full implementation within the financial resources available; and

WHEREAS, the policies and procedures set forth herein have been reviewed and approved by the State Court Administrator pursuant to section 4.60 of the Directive.

NOW THEREFORE IT IS ORDERED THAT:

1. The Court will designate three categories of files, Restricted Access, Controlled Access and Open Access. All microfilm and paper files will be categorized according to the documents contained in those files and the current ability of the Court to protect the information contained therein.
2. The following limitations do not apply to parties to a case or their lawyers (Authorized Parties) regarding access to the court record in their specific case.

They also do not apply to requests by a third party who has a signed statement from an Authorized Party granting him or her access. A photo ID will be required.

3. These policies apply to paper and microfilm files in the Clerk of Court's offices. It is essentially impossible for the Clerk of Court to protect information in e-filed documents in electronic form. The district will attempt to comply with any procedures that might be established by the State Court Administrator's Office regarding e-filed documents. Paper documents printed from the e-file system will be handled in the same manner as paper filed documents.
4. Established fees for research are \$5.00 name search fee; \$.75 per page for copies; \$.75 per page for printed copy of Eclipse register of actions; \$20.00 per hour for extensive research including redacting files.
5. For purposes of this Order, "old" files are cases filed prior to the effective date of this Chief Judge Order, and "new" files are cases filed after the effective date of this order.
6. The Clerk of Court shall develop procedures to identify documents filed with the court which contain information designated protected by the Order of the Chief Justice. Such documents shall be clearly marked "protected" and will be placed in a protected area of the file.

Restricted Access files

Access to files will be limited to parties to the case and attorneys of record. Other parties wishing access may petition the court. Research fees may apply.

Case types designated Restricted Access are:

Domestic Relations (DR)

Probate (PR).

Juvenile (JV, JD, JR, JS, JN, JA) - per statute

Mental Health (MH) - per statute

Non parties may obtain a copy of the Decree of Dissolution, Separation Agreement and other court orders once social security numbers and financial account identifying information are redacted, without application to the court.

Controlled Access files

Definition:

Access will be allowed for all persons once the file has been reviewed and protected information removed or redacted. Research fees will apply.

Case types designated Controlled Access are:
 Felony (CR) cases alleging sexual offenses
 Misdemeanor (M) cases alleging sexual offenses
 Individual cases designated by the Court

Open Access Files

Definition:

Public may have full access to files once envelopes containing sealed or protected information (if any) are removed. No research fees will apply.

Case types designated Open Access are:

Traffic (T)
Misdemeanor (M) not listed above
Felony (CR) not listed above
District Court Civil (CV)
County Court Civil (C)
Small Claims (S)

Case types listed above filed prior to the effective date of this order shall be included in this category. The district will make every effort to remove or redact all protected information as time, budget and need apply. However, procedures to protect information on a systematic basis were not required at the time these files were created. Pursuant to the waiver from the State Court Administrator, these files in these case types are protected systematically only prospectively.

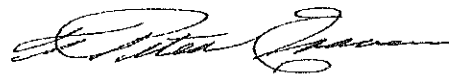
Done at _____, Colorado this _____ day of _____,
2005.

T. PETER CRAVEN, CHIEF JUDGE
Ninth Judicial District

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Dated: December 30, 2005.

BY THE COURT:



T. PETER CRAVEN
CHIEF JUDGE

cc: All Judges and Magistrate
Administration
Clerks of Court
Bar Presidents