

District Court, Weld County, State of Colorado Court Address: 901 9 <sup>th</sup> Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632-2038	DATE FILED: December 15, 2014 9:44 AM  <b>▲ COURT USE ONLY ▲</b>
<p style="text-align: center;"><b>ADMINISTRATIVE ORDER NO. 14-08</b></p>	
Case Number: <b>2014 CV 01</b> Division 1	
<p style="text-align: center;"><b>ORDER RE: EXHIBITS AND ATTACHMENTS TO PLEADINGS FILED IN NON-CRIMINAL CASE TYPES AND ACCESS BY THE PUBLIC</b></p>	

The Colorado Judicial Branch uses an electronic case management, filing, and data storage system called Judicial Paper on Demand (JPOD) for civil, domestic relations, probate, and water cases. Attorneys are able to file pleadings, exhibits and attachments to pleadings electronically directly with the court through the Integrated Colorado Courts E-filing System (ICCES), which is the companion system to JPOD. The Judicial Branch has expanded ICCES and JPOD for use in criminal cases in certain judicial districts, but these systems have not yet been installed in the 19<sup>th</sup> Judicial District.

Four document security levels exist in ICCES and JPOD:

- Public: access by the court, all case parties, and the public;
- Suppressed: access by the court and all case parties;
- Protected: access by the court, filing parties and served parties;
- Sealed: access only by the court.

Chief Justice Directive (CJD) 05-01 provides the Judicial Branch’s policies governing public access to court records and this Directive balances granting the public reasonable access to court records with the need to protect confidentiality interests of people whose information might be disclosed. There are several case types and certain information within particular court files that cannot be accessed by the public. *See* CJD 05-01, Section 4.20(b). There are other categories of information and case types that may only be viewed by the public through court order. *See* CJD 05-01, Section 4.60. The Directive further requires certain information to be redacted from an otherwise public record before it may be released to the public. *See* CJD 05-01, Section 4.60(e). A copy of CJD 05-0, as amended on September 4, 2014, is attached to this administrative order.

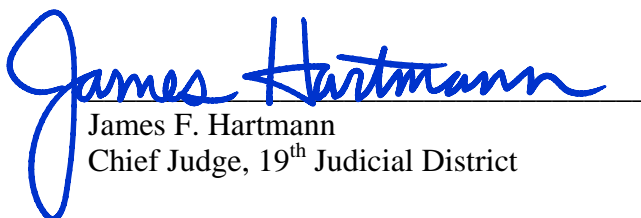
CJD 05-01, Section 4.20(a) provides a list of information contained in an electronic court file that is accessible by the public remotely, i.e. from locations other than the clerk’s office. Information that may be accessed by the public remotely includes: litigant/party indexes to cases filed with the court; listings of case filings, including the names of the primary parties; register of actions showing case number,

judge assigned to the case, county in which the case is assigned, scheduled date, time and location of court proceedings, judgments, orders or decrees, charges, pleas, findings and sentences in criminal cases, and a listing of documents filed in a case. Information in a court file that may be disclosed to the public, beyond that which the public may access remotely, is accessible by the public through the court clerk's office. *See* CJD 05-01, Section 4.50.

The 19<sup>th</sup> Judicial District receives thousands of pages of exhibits, documents, and attachments to pleadings each month, and often there is information included in these materials that is not subject to public disclosure under the Chief Justice Directive. To ensure the 19<sup>th</sup> Judicial District is adhering to the requirements of CJD 05-01, all exhibits and documents submitted with pleadings in non-criminal case types will be entered by court personnel into JPOD as a suppressed document unless: (1) the filing party submits the exhibit or attachment as a protected or sealed document through ICCES, or (2) the document must be entered as a sealed or protected document pursuant to any rule of law or court order. Pursuant to 19<sup>th</sup> Judicial District Administrative Orders 13-02, 13-03, 13-04, 13-05, and 13-06, a party may not file a document as sealed through ICCES unless the party first files a motion requesting leave to submit a sealed document and the party obtains permission from the court.

Date: December 15, 2014.

BY THE COURT:

  
James F. Hartmann  
Chief Judge, 19<sup>th</sup> Judicial District

**SUPREME COURT OF COLORADO**  
**Office of the Chief Justice**  
Directive Concerning Access to Court Records

This directive provides the Judicial Branch’s policy governing public access to court records and other information. It seeks to grant the public reasonable access to court records while simultaneously protecting the confidentiality interests of the people whose information may be subject to disclosure. In addition, this directive provides guidance to Judicial Branch personnel, promotes the accuracy and validity of the information in court records, and provides standards for content on the Judicial Branch websites. All requests to inspect or obtain copies of court records shall be made pursuant to the policy. The policy shall also govern the completion of court record requests. The policy shall be entitled “Public Access to Court Records,” and shall be available to Judicial Branch personnel and to the public.

The Public Access Committee (“PAC”) shall periodically recommend amendments to the policy to the Colorado Supreme Court. The Chief Justice will appoint a Justice to chair the PAC and to serve as the PAC’s liaison to the Court. The PAC will focus on three categories of recommendations: (1) policies and procedures to facilitate the release of accurate court records while protecting the privacy interests of people whose information may be released; (2) policies and procedures for the cost recovery associated with making court records available to the public; and (3) standards for Judicial Branch websites.

In accordance with Rule 1 of Chapter 38 of the Colorado Court Rules, the Justice appointed by the Chief Justice to chair the PAC may sign this policy into effect without further action. In addition to the PAC’s policy making authority, the Chief Justice may recommend amendments to the policy to the rest of the Colorado Supreme Court. The Court may, by Order, adopt the policy and procedures recommended by the Chief Justice.

**Done at Denver, Colorado this 4th day of September, 2014**

\_\_\_\_\_/s/\_\_\_\_\_  
Nancy E. Rice, Chief Justice

The seal of the State of Colorado is a large, circular emblem in the background. It features the text "STATE OF COLORADO" around the top inner edge and "1876" at the bottom. In the center is a shield with a sunburst above it, and a banner below with the Latin motto "NIL SINE NUMINE". There are seven stars around the inner edge of the seal.

**PUBLIC  
ACCESS TO  
COURT  
RECORDS**

**COLORADO JUDICIAL DEPARTMENT**  
**Policy Amended September 4th, 2014**  
By the Supreme Court  
**Attachment to CJD 05-01**

**COLORADO JUDICIAL DEPARTMENT  
PUBLIC ACCESS TO COURT RECORDS  
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Attachment to Order 2014CV1

# COLORADO JUDICIAL DEPARTMENT PUBLIC ACCESS TO COURT RECORDS

## PURPOSE

### Section 1.00 – PURPOSE OF THE POLICY

- (a) The purpose of this policy is to provide a comprehensive framework for public access to court records. The policy provides for access in a manner that:
- (1) maximizes accessibility to court records;
  - (2) supports the role of the judiciary;
  - (3) promotes governmental accountability;
  - (4) contributes to public safety;
  - (5) minimizes risk of injury to individuals;
  - (6) protects individual privacy rights and interests;
  - (7) protects proprietary business information;
  - (8) minimizes reluctance to use the court to resolve disputes;
  - (9) makes effective use of court and clerk of court staff;
  - (10) provides excellent customer service;
  - (11) does not unduly burden the ongoing business of the judiciary; and
  - (12) protects individuals from the use of outdated or inaccurate information.
- (b) This policy is intended to provide guidance to:
- (1) litigants
  - (2) those seeking access to court records, and
  - (3) judges and other judicial branch personnel responding to requests for access.
- (c) This policy is also intended to provide guidance to Judicial Districts and the State Court Administrator regarding the content of Judicial Branch web sites.

## ACCESS BY WHOM

### Section 2.00 – WHO HAS ACCESS UNDER THIS POLICY

Every member of the public will have the same access to court records as provided in this policy.

- (a) “Public” includes:
- (1) any person and any business or non-profit entity, organization or association;
  - (2) any governmental agency for which there is no existing policy defining the agency’s access to court records;
  - (3) media organizations; and
  - (4) entities that gather and disseminate information for whatever reason, regardless of whether it is done with the intent of making a profit, and without distinction as to nature or extent of access.
- (b) “Public” does not include:
- (1) Judicial Branch staff, including: court or clerk of court employees, state court administrator’s office employees, probation employees and judicial officers;
  - (2) people or entities, private or governmental, who assist the court in providing court services;
  - (3) public agencies whose access to court records is defined by another statute, rule, order or policy set by the State Court Administrator; and
  - (4) the parties to a case, their lawyers or other authorized representative regarding access to the court record in their specific case.

## **GENERAL PROVISIONS AND DEFINITIONS**

### **Section 3.00 – GENERAL PROVISIONS**

- (a) A Public Access Committee was established by Chief Justice Directive 05-01 to develop policy regarding the information to be released to the public from court records, including court records maintained in statewide electronic databases maintained by the State Court Administrator’s Office. These databases may be referred to as “Statewide Databases” in this policy.
- (b) The State Court Administrator is the official custodian of the Statewide Databases. The State Court Administrator, as the official custodian of the Statewide Databases, is charged with completing requests for data from the Statewide Databases consistent with the policies and procedures developed by the Public Access Committee. Such policies shall govern the completion of all requests for data from the Statewide Databases.
- (c) No Judicial Branch personnel shall permit a member of the public to use a computer or other machine associated with the Statewide Database for access to court records unless authorized by the State Court Administrator or his/her delegate.



- (d) Court personnel will make reasonable efforts to use the standardized coding and input procedures for the Statewide Databases established by the State Court Administrator's Office. Any court record released in error to the public shall not be authenticated as an official court or probation record.
- (e) If a Judicial Branch employee believes that the program in a Statewide Database is producing incorrect or erroneous results, the State Court Administrator's Office shall immediately be informed.

### **Section 3.10 - DEFINITION OF COURT RECORD**

For purposes of this policy

(a) "Court record" includes:

- (1) any document, information, or other item that is collected, received, or maintained by a court or clerk of court in connection with a judicial proceeding;
- (2) any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, or minute order, that is related to a judicial proceeding; and
- (3) the electronic record (ICON/Eclipse or jPOD) is an official court record, including the probation ICON/Eclipse and jPOD files.

(b) "Court record" does not include:

- (1) other records maintained by the court or clerk of court pertaining to the administration of the court or clerk of court's office not associated with any particular case (i.e., personnel information, travel vouchers, e-mail, etc.);
- (2) non ICON/Eclipse or jPOD probation records;
- (3) administrative and management notes and reports;
- (4) judges notes and judicial work product related to the deliberative process; and
- (5) information gathered, maintained or stored by a governmental agency or other entity to which the court has access but which is not part of the court record as defined in section 3.10(a).
- (6) other records maintained by the Judicial Branch not expressly defined as court records in 3.10(a).

### **Section 3.20 - DEFINITION OF PUBLIC ACCESS**

"Public access" means that the public may inspect and obtain a copy of information in a court record.

### **Section 3.30 - DEFINITION OF REMOTE ACCESS**

“Remote access” means the ability to electronically search, inspect, or copy information in a court record without need to physically visit a Judicial Branch facility or location where the court record is maintained.

### **Section 3.40 - DEFINITION OF IN ELECTRONIC FORM**

Information in a court record “in electronic form” includes information that exists as:

- (a) electronic representations of text or graphic documents;
- (b) an electronic image, including a video image of a document, exhibit or other item;
- (c) data in the fields or files of an electronic database; or
- (d) an audio or video recording, analog or digital, of an event or notes in an electronic file from which a transcript of an event can be prepared.

### **Section 3.50- DEFINITION OF SEALED COURT RECORD**

A sealed court record is only accessible to judges and court staff. Parties, attorneys, other people affiliated with the case, and the public shall not obtain a sealed court record without a court order.

In criminal cases, the release of a court record sealed pursuant to Colorado Revised Statutes, Part 7 of Article 72 of Title 24, is governed by those statutory provisions rather than by this policy. Judges and court staff should respond to requests for a statutorily-sealed court record by stating that no such court record exists.

### **Section 3.60-DEFINITION OF SUPPRESSED COURT RECORD**

- (a) A suppressed court record is any court record within a suppressed case or a court record that has been assigned a security level of suppressed by the court. Except as otherwise provided in subsection (b) of this section, only judges, court staff, and parties to the case (and, if represented, their attorneys) may access a suppressed court record without a court order.
- (b) A suppressed register of actions is accessible without a court order only to judges, court staff, parties to the case, (and, if represented, their attorneys) and persons or agencies who have been granted view access to the electronic record.

### **Section 3.70- DEFINITION OF PROTECTED COURT RECORD**

A protected court record is only accessible to the public after redaction in accordance with applicable law and with section 4.60(e) of this policy.

### **Section 3.80-DEFINITION OF RESTRICTED COURT RECORD**

A restricted court record is a court record in a criminal case that includes a charge of sexual assault. Before any victim identifying information has been redacted from a restricted court record, such record is only accessible to judges, court staff, the filing party, any party served with the court record, and all criminal justice agencies.

## **ACCESS TO DEFINED**

### **Section 4.00 - APPLICABILITY OF RULE**

This policy applies to all court records, regardless of the physical form of the court record, the method of recording or the method of storage. This policy also applies to Judicial Branch data that is transferred electronically to other agencies (i.e., CICJIS, Department of Human Services, DMV, or other agencies). Court records, data and/or data fields that are protected by The Constitution, statute, court rule or this policy in the Judicial Branch's system are not to be released by any agency sharing the court records, database or database information. Additionally, this policy applies to e-filed (electronically filed) documents maintained by the vendor (C.R.C.P. Rule 121 Section 1 – 26); and to e-filed documents maintained at the respective courts.

### **Section 4.10 – GENERAL ACCESS RULE**

Information in the court record is accessible to the public except as prohibited by section 4.60.

### **Section 4.20 – COURT RECORDS SUBJECT TO REMOTE ACCESS**

(a) The following information in court records is available by remote access, unless public access is restricted pursuant to section 4.60:

- (1) litigant/party indexes to cases filed with the court;
- (2) listings of case filings, including the names of the primary parties;
- (3) register of actions showing case number, judge assigned to the case, county in which the case is assigned, scheduled date, time and location of court proceedings, judgments, orders or decrees, charges, pleas, findings and sentences in criminal types of cases, and a listing of documents filed in a case.

- (b) The following information in electronic court records is not accessible to the public due to the inability to protect confidential information. It may be available in paper form at local courthouses.
- (1) Financial Files (everything except the financial summary screen)
  - (2) Free text fields
  - (3) Probate cases (except in compiled requests in aggregate form)
  - (4) Addresses, phone numbers and other contact information for parties in cases
  - (5) Information related to victims of crime
  - (6) Information related to witnesses in cases
  - (7) Information related to impartial parties in cases
  - (8) Files/fields/codes related to running a computer program

#### **Section 4.30 – REQUESTS FOR BULK DISTRIBUTION OF COURT RECORDS**

Bulk data, for purposes of this statement of policy, is defined as the entire ICON/Eclipse or jPOD database. It is defined also to include that subset of the entire database that remains after the extraction of all data that is confidential under law. It is the policy of the Judicial Branch that bulk data not be released to individuals, government agencies or private entities.

#### **Section 4.40 – ACCESS TO AGGREGATE AND COMPILED DATA FROM COURT RECORDS**

- (a) Definitions
- (1) “Compiled Data” means data that is derived from the selection or reformulation of specific data elements within the ICON/Eclipse or jPOD database. It is a listing of individual court records that may contain the following data elements: case number (which may include court type, court location, case year, case class, case sequence); case filing date, judge and division assigned to the case; events, scheduled events and scheduled event status; case status; date of birth; sex; race; attorney assigned to a case; judgment amount ordered; summary financial information; arrest or offense date and arresting agency; charge, plea, and conviction information; and sentences. Compiled Data may not use more than five files for the data extraction and requests shall not contain any names of parties associated with a case.
  - (2) “Aggregate Data” means summary information extracted from Compiled Data that eliminates any case or party identifying information such as case numbers, case sequence fields, names, or EID numbers.
- (b) The Judicial Branch will supply Compiled Data and Aggregate Data to the public from the ICON/Eclipse or jPOD database as provided in this section.

- (1) Compiled Data and Aggregate Data shall only be released by the State Court Administrator's Office or its designated agent. See Addendum A for application. This type of request is distinguishable from the Data Match requests mentioned in section 4.40(2) below.
- (2) Compiled Data and Aggregate Data may be released as follows:
  - (i) In case classes: CR & F (Felony); M (Misdemeanor); T & R (Traffic); C, CV, CW, & S (Civil & Small Claims); and DR (Domestic Relations), data may be released as Compiled Data or Aggregate Data.
  - (ii) In case classes JD (Juvenile Delinquency), JV (Juvenile – Non-Delinquency) and PR (Probate) data shall only be released as Aggregate Data.
  - (iii) Probation data may only be released as Aggregate Data.
- (c) Any member of the public may request compiled or aggregate data that consists solely of records that are publicly accessible and that are not already available pursuant to section 4.20 or in an existing report. The State Court Administrator's Office, may compile and provide the data if it determines, in its discretion, that providing the compiled or aggregate data meets criteria established by the Public Access Committee, that the resources are available to compile the data, and that it is an appropriate use of public resources. The State Court Administrator may delegate to his/her staff the authority to make the initial determination as to whether to provide compiled or aggregate data.
- (d) The State Court Administrator's Office will prioritize compiled and aggregate data requests in the following manner: requests from within the Judicial Branch; requests from other agencies that are essential to complying with their statutory mandates; and, other requests including those from the media, businesses and private entities.
- (e)
  - (1) Compiled or aggregate data may be requested by any member of the public only for scholarly, journalistic, political, governmental, research, evaluation, or statistical purposes. Requests for on going reports via compiled data requests will be provided no more frequently than on a quarterly basis.
  - (2) The request shall:
    - (i) identify what compiled or aggregate data is sought;
    - (ii) describe the purpose for requesting the compiled or aggregate data and explain how the compiled or aggregate data will benefit the public interest or public education; and
    - (iii) explain provisions for the secure protection of any compiled or aggregate data requested to which public access is restricted or prohibited.
  - (3) The State Court Administrator or his/her designee may grant the request and compile the data if he/she determines that doing so meets criteria

established by the Public Access Committee and is consistent with the purposes of the access policy, the resources are available to compile the data, and that it is an appropriate use of public resources.

- (4) If the request is granted, the State Court Administrator or his/her designee may require the requestor to sign a declaration that:
- (i) the compiled or aggregate data will not be sold or otherwise distributed, directly or indirectly, to third parties;
  - (ii) the compiled or aggregate data will not be used directly or indirectly to sell a product or service to an individual or the general public;
  - (iii) there will be no copying or duplication of compiled or aggregate data provided other than for the stated scholarly, journalistic, political, governmental, research, evaluation, or statistical purpose;
  - (iv) the compiled or aggregate data will not be made available on the Internet;
  - (v) compiled or aggregate data may be used for research purposes only; and
  - (vi) recipients of compiled or aggregate data are required to sign an agreement that includes an acknowledgement of the recipient's responsibility for checking the accuracy of the compiled or aggregate data and complying with the requirements of §24-72-305.5 C.R.S., of the Criminal Justice Records Act. This provision prohibits the use of criminal justice records for the solicitation of business.
- (f) A civil judgment report will be created on a monthly basis no later than the 5<sup>th</sup> of every calendar month. It will be available for release from the State Court Administrator's Office on request (See Addendum A) and with the payment of any applicable fees. The report will be compiled listing all civil judgments entered in the previous calendar month and all civil judgments satisfied within the previous calendar month. The report will display the following information related to each judgment: case number, name of creditor(s), address of creditor if entered in ICON/Eclipse or jPOD), name of debtor(s), address of debtor (if entered in ICON/Eclipse or jPOD), date of judgment, total amount of judgment and date satisfied (if applicable).
- (g) A government agency or commission or a private or non-profit entity may request compiled data or data matches that contain specific identifying information for adults and/or juveniles. The State Court Administrator may delegate to his/her staff the authority to make the initial determination as to whether to provide compiled or aggregate data.

- (1) Before approving the release of this additional information one or more of the following conditions must be met:
    - (i) The agency, commission or entity requesting the data has an agreement with the Department to complete an internal review of a project or program.
    - (ii) The agency, commission or entity requesting the data has identified the statutory authority that exists requiring a program evaluation and that specific identifying information is necessary to complete the evaluation.
    - (iii) The agency or entity requesting the data is evaluating programs that are relevant to services provided by the agency or entity to criminal justice clients.
  - (2) If at least one of the above conditions is met, the request may also be subject to one or more of the following:
    - (i) If the project is Human Subject Research the SCAO will determine whether the project should have the approval or waiver of an IRB (Institutional Review Board). The request will not be granted until such time as an IRB has provided the approval or waiver of the research project.
    - (ii) Non-public data, including data with personal identifying information will not be provided to satisfy academic requirements for students.
    - (iii) The State Court Administrator's Office may compile and provide the data if it determines that providing the compiled or aggregate data meets criteria established by the Public Access Committee in Section 1.00(a)(1-12).
    - (iv) The resources are available to compile the data and it is an appropriate use of public resources.
  - (3) Agencies, commissions or entities approved to receive the data will be required to execute a Memo of Understanding regarding the protection and use of the data.
- (h) Data Matches: The media or other organizations may submit an electronic list of data that can be matched with the public criminal (felony, misdemeanor and traffic) data contained in ICON/Eclipse or jPOD. (See Addendum B for application.)
- (1) Pursuant to §24-33.5-412(6) C.R.S., the Colorado Bureau of Investigation is designated as the official repository for criminal history information. Therefore, data match requests will not be processed for specific individual background checks. Any attempt to compile a separate database (i.e., requesting a match of all criminal records) will be denied.

- (2) All requests are subject to approval by the State Court Administrator or his/her designee. The State Court Administrator or his/her designee may grant the request and compile the data if he/she determines that doing so meets criteria established by the Public Access Committee and is consistent with the purposes of the access policy, the resources are available to compile the data, and that it is an appropriate use of public resources.
- (3) Match requests will be submitted to the Public Access Manager at the Office of the State Court Administrator. Upon receipt, the request will be logged and forwarded to appropriate personnel for processing. The following information will be chronicled in a register: person and/or organization submitting the request, contact person including name and telephone number, what data was provided for matching, and for what purpose the data was requested. The log should also be updated when the request is completed with the name of the programmer that ran the data, how long it took, and how much the requestor was charged.
- (4) Requests will be processed matching the submitted data to data contained in the libraries in ICON/Eclipse or jPOD. Only records with positive matches (name and DOB) will be returned and an electronic list of matches will be provided to the requesting person or organization. Only data available in the criminal (felony, misdemeanor and traffic) libraries will be provided in the matched data.
- (5) The requestor will sign an agreement regarding the limits for the use of the matched data similar to the agreement referenced in 4.40(e)(4) above.

**Section 4.50 – COURT RECORDS THAT ARE ONLY PUBLICLY ACCESSIBLE AT A COURT FACILITY**

- (a) Unless access is prohibited pursuant to section 4.60 court records as defined in section 3.10(a)(1) and 3.10(a)(2) may be accessible at court facilities or may be stored at a remote location. Files stored at remote locations will be retrieved in order to provide accessibility, but retrieving these files will delay the retrieval in some courts.
- (b) A request to limit public access to information in a court record to a court facility in the jurisdiction may be made by any party to a case, an individual identified in the court record, or on the court's own motion. For good cause the court will limit the manner of public access. In limiting the manner of access the court will use the least restrictive means that achieves the purposes of the access policy and the needs of the requestor.



**Section 4.60 – COURT RECORDS EXCLUDED FROM PUBLIC ACCESS**

- (a) Information in court records is not accessible to the public if federal law, state law, court rule, court order, case law or this policy prohibits disclosure of the information.
- (b) Court records in the following case types are not accessible to the public, unless the court orders otherwise
  - (1) Relinquishment cases
  - (2) Juvenile Delinquency cases
  - (3) Mental Health cases
  - (4) Judicial Bypass cases
  - (5) Dependency & Neglect cases
  - (6) Adoption cases
  - (7) Paternity cases
  - (8) Truancy cases
- (c) Court records are not accessible to the public, unless the court orders otherwise, if the relevant court record has been expunged or sealed.
- (d) The following items are examples of commonly filed court records that are not accessible to the public, unless the court orders otherwise except that references in the body of the pleadings or filings to the below listed items shall be accessible to the public unless the court orders otherwise:
  - (1) Deposited wills
  - (2) Genetic testing information
  - (3) Drug/Alcohol treatment documents, evaluations and reports
  - (4) Paternity tests
  - (5) HIV/AIDS testing information
  - (6) Driver history reports
  - (7) Juror questionnaires
  - (8) Criminal history record checks
  - (9) Credit reports
  - (10) Medical and mental health documents prepared by a medical or mental health provider
  - (11) Psychological and intelligence test documents
  - (12) Scholastic achievement data on individuals
  - (13) Probation ICON/Eclipse or jPOD files
  - (14) Draft opinions, notes or internal memos
  - (15) Files/fields/codes concerning the deliberative process
  - (16) Materials or exhibits that are dangerous or contraband
  - (17) Drugs
  - (18) Items whose possession is illegal
  - (19) Presentence reports including attachments
  - (20) Separation Agreements

- (21) Parenting Plans
  - (22) Sworn Financial Statements/Financial Affidavits
  - (23) Evaluations and reports filed by Child and Family Investigator (§14-10-116.5 C.R.S.); Child's Legal Representative (§14-10-116 C.R.S.); Allocation of Parental Responsibilities (§14-10-127 C.R.S.)
  - (24) Child abuse investigation reports that the court finds are personal and confidential to the parties and do not fulfill any requirement of necessity of public knowledge
  - (25) Death Certificates
  - (26) Birth Certificates
- (e) Requests for access to pleadings or documents that contain the following information will be provided after appropriate redaction of the information. Requests for these protected court records shall be handled administratively and shall not require a court order unless otherwise required by Section 4.60(b), (c), or (d). Refer to the forms in Addendum D.
- (1) Pleadings or documents that contain victim identifying information in sexual assault cases
  - (2) Data or information restricted by court order in specific cases
  - (3) Social Security numbers
  - (4) Driver license numbers
  - (5) Personal identification numbers (e.g., passport, student ID, state ID, etc.)
  - (6) Financial account numbers (This provision does not require redaction when only the last few digits of an account number have been provided to identify an account if it does not reveal the entire account number.)

## **TIMELINESS OF ACCESS**

### **Section 5.00 – WHEN COURT RECORDS MAY BE ACCESSED**

- (a) Court records in electronic form to which remote access is allowed shall be available, subject to unexpected technical failures or normal system maintenance announced in advance. Electronic court records may be available during extended hours.
- (b) Court records will be available for public access in the courthouse during hours established by the court. Requests to access or copy publicly accessible materials at the courthouse shall be made at the clerk's office.
- (c) Upon receiving a request for access to court records, the court will provide the court records. If access to court records is delayed due to file availability or resource limitations, the clerk should indicate the nature of the delay and approximate the time necessary to provide the records. The clerk may require the requesting person complete a written request for the court record (see

Addendum D). Such a request shall be handled administratively and shall not require a court order, except as required by Section 4.60.

- (d) The administrative authority shall make the necessary arrangements to provide access to the court records. If the requested information cannot be provided within three business days, the clerk will set a date for providing the information within 30 days. A record shall be kept of delayed access to court records that are provided in response to written requests (Addendum D).

## **FEES**

### **Section 6.00 – FEES FOR ACCESS**

Clerks of Court and the State Court Administrator's Office may charge a fee for access to court records pursuant to §24-72-205(2) and (3) C.R.S and Chief Justice Directive 06-01. The costs shall include: administrative personnel costs associated with providing the court records; direct personnel costs associated with programming or writing queries to supply data; the personnel costs associated with testing the data for validity and accuracy; maintenance costs associated with hardware and software that are necessary to provide data as expressed in Computer Processing Units (CPU), network costs, and operating costs of any reproduction mediums (i.e., photocopies, zip disks, CD, etc.) To the extent that public access to electronic court records is provided exclusively through a vendor, the State Court Administrator's Office will ensure that any fee imposed by the vendor for the cost of providing access is reasonable. The authorization to charge fees does not imply the service is currently available. (See Addendum C for details on hourly fees.)

## **OBLIGATION OF VENDORS**

### **Section 7.00 – OBLIGATIONS OF VENDORS PROVIDING INFORMATION TECHNOLOGY SUPPORT TO A COURT TO MAINTAIN COURT RECORDS**

- (a) If the State Court Administrator's Office contracts with a vendor to provide information technology support to gather, store, or make accessible court records, the contract will require the vendor to comply with the intent and provisions of this access policy. For purposes of this section, "vendor" includes a state, county or local governmental agency that provides information technology services to a court or the State Court Administrator's Office.
- (b) By contract, the vendor and any successive contractors with the vendor will be required to comply with the requirement of sections 8.00, 8.10, 8.20, and 8.30 to educate litigants, the public, and its employees and subcontractors about the provisions of this access policy.

- (c) By contract, the vendor will be required to notify the court of any requests for compiled or aggregate data, or bulk distribution of data, including the vendor's requests for such data for its own use. Release of data in this manner is prohibited unless each request is individually approved by the State Court Administrator or his/her designee.

## **OBLIGATION OF THE COURT TO INFORM AND EDUCATE**

### **Section 8.00 – DISSEMINATION OF INFORMATION TO LITIGANTS ABOUT ACCESS TO COURT RECORDS**

The Judicial Branch will inform litigants and the public that information in the court record about them is accessible to the public, including remotely, and how to request to restrict the manner of access or to prohibit public access.

### **Section 8.10 – DISSEMINATION OF INFORMATION TO THE PUBLIC ABOUT ACCESSING COURT RECORDS**

The Judicial Branch will develop and make information available to the public about how to obtain access to court records pursuant to this policy.

### **Section 8.20 – EDUCATION OF JUDGES AND COURT PERSONNEL ABOUT AN ACCESS POLICY**

The Courts, State Court Administrator, District Administrators, Chief Probation Officers and Clerks of Court will ensure that all staff within their district are educated and trained to comply with this access policy so that their respective offices respond to requests for access to information in the court record in a manner consistent with this policy.

The Chief Judges in each district shall ensure that all judges and magistrates in their district are informed about this access policy.

### **Section 8.30 – EDUCATION ABOUT PROCESS TO CHANGE INACCURATE INFORMATION IN A COURT RECORD**

The State Court Administrator will have policies and will inform the public of the policies by which the court will correct inaccurate information in a court record.

## **PROCESS TO CHANGE INACCURATE INFORMATION**

### **Section 9.00 –PROCESS TO CHANGE INACCURATE INFORMATION IN A COURT RECORD**

- (a) To request court records to be corrected in ICON/Eclipse or jPOD programs, the following steps must be taken:
- (1) An individual with a complaint or concern about the accuracy of a court record shall lodge the complaint in writing with the Public Access Manager at the State Court Administrator's Office or the Clerk of Court in the appropriate county.
  - (2) The Public Access Manager or the Clerk of Court will investigate the issue, and ask the State Court Administrator for permission to change the ICON/Eclipse or jPOD database when appropriate.
  - (3) The State Court Administrator will determine if the change should be made to ICON/Eclipse or jPOD program.
  - (4) The Public Access Manager will make the change and note it in a log of changes kept at the State Court Administrator's Office.
  - (5) The Public Access Manager will notify the individual of any actions that are either taken to correct the situation or that the request was denied.
  - (6) There are no other administrative appeals in these situations.
- (b) The procedures outlined in the False Name Data Entry Correction Policy are as follows:
- (1) If an individual's name is misspelled in documentation provided to the court, or if there is another known name of this individual, add the corrected or additional information into ICON/Eclipse or jPOD as an AKA (Also Known As). If a person informs the court that their name has changed, and provides documentation to the court indicating such, enter the new name as an NKA (Now Known As).
  - (2) Under §16-5-103, C.R.S., a Petition/Motion may be filed with the Court to determine factual innocence for a person whose identifying information has been mistakenly associated with an arrest, summons, summons and complaint, felony complaint, information, indictment, or conviction. A Petition/Motion (JDF223) has been developed to assist with the implementation of this procedure. The Court will provide the District Attorney (DA) or the alleged victim a Civil (blue) fingerprint card, unless the Court makes other arrangements with the local law enforcement agency. The fingerprint card must be marked as follows: "Record Challenge-Identity Theft." The alleged victim must report to the Colorado Bureau of Investigation or a local law enforcement agency for fingerprint verification. A copy of the Petition/Motion must be provided to the agency completing the fingerprint verification. The

- alleged victim will receive a document regarding the results of the fingerprint verification. This letter must be filed with the Court.
- (3) If the misidentified person is not in jail and not in the metro area, CBI can coordinate obtaining their fingerprints through a local agency. Rather than directing the individual to CBI to be fingerprinted, the individual would be directed to a local law enforcement agency. The agency will forward the prints to the Identification Section at CBI for comparison.
  - (4) If the misidentified person is incarcerated, CBI can run the prints against their database and rapidly confirm that someone else is using his/her name. A phone call to the CBI Identification Section (303-239-4208) will get this process started. Once the misidentification is confirmed, CBI will issue a letter to the person outlining the issue.
  - (5) After the court enters an order indicating the petitioner is the victim of identity theft, the following procedure is to be used to correct the ICON/Eclipse or jPOD record.
  - (6) The clerk then changes the record in ICON/Eclipse or jPOD to the correct name and identifying information (i.e. Social Security number, date of birth, etc.) To update ICON/Eclipse or jPOD, type the correct name over the incorrect name, if known. Add the victim's name as a VIC/VID in ICON/Eclipse or jPOD. Do not delete or completely remove the victim from the ROA. If it is completely removed from ICON/Eclipse or jPOD, it will be difficult, if not impossible, to access the record for a misidentified person to confirm their lack of involvement in a matter. CBI follows this same procedure. It is also recommended that a notation be entered in ICON/Eclipse or jPOD in the comments of the order event indicating that the Register of Actions (ROA) was updated with the new information.
  - (7) If the correct defendant's name is not known, the clerk must label the victim's name with the VID party role, do not change the party type of DEF. Then do any other necessary updating to the ICON/Eclipse or jPOD record (i.e., enter a minute order, dismiss charges, etc.) and seal ("RSLD") the ICON/Eclipse or jPOD case.
- (c) If, in the course of managing a case, the court identifies a clerical or data entry error in the court record, the court may make appropriate corrections to the court record. It is recommended that a minute order be entered in ICON/Eclipse or jPOD identifying the change to the court record.

## **WEB SITE STANDARDS**

### **Section 10.00–WEB SITE STANDARDS**

The State Court Administrator shall administer and enforce the following:

- (a) Information on Judicial Branch public web sites shall be related to the business of the Judicial Branch. Information placed on web sites should facilitate use and understanding of the court system and/or should be a reference point for approved service agencies referred by judicial officers, court staff or probation staff.
- (b) Information placed on district Judicial Branch web sites is subject to administrative review by the Chief Judge of the district or their designee. Information on the State Court Administrator's Office web site is subject to administrative review by the State Court Administrator or his/her designee.
- (c) Requests for review of information on local web sites shall be submitted in writing to the Chief Judge who shall respond within ten working days of notification. Should any review not be fully resolved by the Chief Judge, a further request for review shall be submitted in writing to the State Court Administrator who shall respond within ten working days of notification. Should controversy arise regarding information placed on Judicial Branch web sites, it shall be removed until reviewed by the State Court Administrator to assess the applicability and suitability of the information.
- (d) The following criteria must be met before a link is to be placed on a Judicial Branch web site. If the link does not meet these criteria it is not to be placed on Judicial Branch web sites. All links are to be related to the business of the Judicial Branch. Links should facilitate use and understanding of the court system and/or links should be a reference point for approved service agencies referred by judicial officers, court staff or probation staff.
- (e) If a linked site becomes controversial, it shall be removed until reviewed by the State Court Administrator. The State Court Administrator shall resolve issues regarding controversial sites and determine the suitability of linking the site. This review shall be accomplished in writing.
- (f) Individuals who possess the special skills needed to adequately and efficiently maintain state court web sites shall be designated. The State Court Administrator shall designate applicable individuals for the Branch web site and the Chief Judge in districts with web sites shall designate individuals for local web sites.
- (g) Web site material shall be updated and maintained based upon an established schedule for posting web site data. Time-sensitive material shall not be placed on web sites if it cannot be properly maintained.





**Addendum A**

**COMPILED or AGGREGATE DATA REQUEST  
CONCERNING THE RELEASE OF ELECTRONIC DATA  
*Pursuant to CJD 05-01 and Colorado Judicial Branch Public Access Policy***

Requested By: \_\_\_\_\_ Date: \_\_\_\_\_

Agency/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ e-mail: \_\_\_\_\_

Data Requested: \_\_\_\_\_  
\_\_\_\_\_

Intended use of data: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have read the Colorado Judicial Branch’s Public Access Policy and understand the limitations of this data and the uses of the data.

I understand and agree to the following. The data will not be republished in any format. The data will not be re-sold. I will use the data for research purposes only. I will not solicit business using this data. I will confirm the accuracy of the information in the record at the county of origin; verifying the record with paper records maintained at the courts. I understand the limitations of this data as it relates to data entry. Though every effort is made to enter data in an accurate and standard form, records may not appear on this release due to clerical coding issues. I understand and agree it is my responsibility to verify the data, especially as it relates to sealed records. I understand there is a cost recovery fee that will be assessed for the compilation of data.

I hereby disclaim any liability to the Judicial Department and its employees and agents for any claimed loss of privilege or other claimed injury due to disclosure of allegedly confidential or privileged information.

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Signed by:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
for Agency/Organization (if any)

**Addendum B**  
**DATA MATCH REQUEST**  
**CONCERNING THE RELEASE OF ELECTRONIC DATA**  
*Pursuant to CJD 05-01 and Colorado Judicial Branch Public Access Policy*

Requested By: \_\_\_\_\_ Date: \_\_\_\_\_

Agency/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ e-mail: \_\_\_\_\_

Data Requested: \_\_\_\_\_

\_\_\_\_\_

Intended use of data: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I have read the Colorado Judicial Branch’s Public Access Policy and understand the limitations of this data and the uses of the data.

I understand and agree to the following. The data will not be republished in any format. The data will not be re-sold. I will use the data for research purposes only. I will not solicit business using this data. I will confirm the accuracy of the information in the record at the county of origin; verifying the record with paper records maintained at the courts. I understand the limitations of this data as it relates to data entry. Though every effort is made to enter data in an accurate and standard form, records may not appear on this release due to clerical coding issues. I understand and agree it is my responsibility to verify the data, especially as it relates to sealed records. I understand there is a cost recovery fee that will be assessed for the compilation of data.

I hereby disclaim any liability to the Judicial Department and its employees and agents for any claimed loss of privilege or other claimed injury due to disclosure of allegedly confidential or privileged information.

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Signed by:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
for Agency/Organization (if any)

## **Addendum C**

### **COST RECOVERY FORMULA CONCERNING THE RELEASE OF ELECTRONIC DATA** *Pursuant to CJD 05-01 and Colorado Judicial Branch Public Access Policy*

This recovery formula is created and adopted pursuant to the authority granted to the Public Access Committee by Chief Justice Directive 05-01 to establish policy concerning the recovery of costs associated with the release of electronic data and is consistent with that Directive unless otherwise specifically indicated. It is effective immediately and is intended to provide guidance to the Judicial Branch as it responds to requests for information.

Costs shall be consistent with those allowed in §24-72-205(2) and (3) C.R.S. The following costs associated with the release of electronic data will be recovered.

- Programmer hours will be charged at \$40.00 per hour. Hours will be rounded to the nearest half hour. (Writing and/or running queries)
- Analyst hours will be charged at \$30.00 per hour. Hours will be rounded to the nearest half hour. (Formatting, reviewing query for accuracy and validity.)
- Disks, CDs or other medium used for providing the data to the requestor
- Postage
- Envelopes
- Administrative time, which includes: court clerk time, secretarial time, billing time (calculating the billing, creating and mailing, and tracking payments received), request tracking, etc.
- Processing fee which would recover the maintenance costs associated with the hardware and software that are necessary to provide the data as expressed in Computer Processing Units (CPU) – calculated by the quantity of time the system is in use to run the query and compile the requested data.

**Addendum D**

**REQUEST TO ACCESS PLEADINGS OR DOCUMENTS**  
*Pursuant to CJD 05-01 and Colorado Judicial Branch Public Access Policy*

Date: \_\_\_\_\_

Court Location (County): \_\_\_\_\_

Case Number: \_\_\_\_\_

Plaintiff(s)/Petitioner(s): \_\_\_\_\_

DOB: \_\_\_\_\_

Defendant(s)/Respondent(s): \_\_\_\_\_

DOB: \_\_\_\_\_

List the name of the pleading or document that you would like to access:

\_\_\_\_\_  
\_\_\_\_\_

Do you need to review the pleadings or documents or do you want a copy to take with you?

\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

Requestor

Address

City, State and Zip Code

Telephone Number (Day)

Telephone Number (Alternate)

Date request completed and provided to requestor: \_\_\_\_\_