

FILED

November 20, 2020

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM04-8001

ADM09-8009

ADM10-8050

**ORDER EXEMPTING CERTAIN SUBMISSIONS FROM ADMINISTRATIVE
FILING REQUIREMENTS AND CLARIFYING THE APPLICATION OF THE
RULES OF PUBLIC ACCESS**

ORDER

In orders filed on June 29, 2020, we amended several rules that govern the public status of or access to certain court records. Specifically, we amended the General Rules of Practice for the District Courts to clarify the process for submitting filings that contain restricted identifiers or other non-public information, and to authorize court administrators to strike non-compliant filings. In general, filers will be required to designate filings containing non-public information through the use of a cover sheet or an electronic filing code designated for non-public documents. We also amended the Rules of Civil Procedure to authorize court administrators to reject non-compliant filings. The expanded authority in the General Rules of Practice and the Rules of Civil Procedure for court administrators to reject or strike non-compliant filings, is not authorized in criminal, juvenile delinquency, juvenile protection, or civil commitment cases, in non-public case types, or for medical records filed in any type of case. We additionally amended the Rules of Public Access to Records of the Judicial Branch to provide additional clarification on which court records are not accessible to the public.

These amendments to the rules apply to documents filed on or after January 1, 2021. *See Order Promulgating Amendments to the General Rules of Practice for the District Courts*, ADM09-8009, at 2 (Minn. filed June 29, 2020); *Order Promulgating Amendments to the Rules of Civil Procedure*, ADM04-8001, at 2 (Minn. filed June 29, 2020); *Order Promulgating Amendments to the Rules of Public Access to Records of the Judicial Branch*, ADM10-8050, at 2 (Minn. filed June 29, 2020).

For certain filings, such as petitions for orders for protection, harassment restraining orders, or initial requests for leave to proceed *in forma pauperis*, the expanded administrative rejection and striking could result in an unintended and critical loss of access to justice. In addition, although the expanded administrative rejection and striking authority is not authorized in criminal or juvenile delinquency cases, certain non-public documents filed in these cases are so common and critical that imposing the use of a new cover sheet or electronic filing code could also result in a critical loss of access to justice. Additionally, some uncertainty remains as to whether police reports or other law enforcement reports filed into case records constitute non-public “court services records” under Rule 4, subdivision 1(b) of the Rules of Public Access to Records of the Judicial Branch. Police reports and other law enforcement reports are regularly, and appropriately, filed in support of a variety of petitions and motions, but imposing the use of a new cover sheet or electronic filing code for these reports could also result in a critical loss of access to justice.

Based on all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Effective January 1, 2021, district court administrators shall not reject, under the authority of Minn. R. Civ. P. 5.04(c)(4); require a cover sheet or an electronic filing code designated for non-public documents, pursuant to Minn. Gen. R. Prac. 11.03; or administratively strike, pursuant to Minn. Gen. R. Prac. 11.05, any of the following documents:

- a. Petitions for Harassment Restraining Orders, pursuant to Minn. Stat. § 609.748, or the documents that accompany the petition;
- b. Petitions for Orders for Protection, pursuant to Minn. Stat. § 518B.01, or the documents that accompany the petition; and
- c. Affidavits for Proceeding In Forma Pauperis, submitted under Minn. Stat. § 563.01, or accompanying documentation.

2. Effective January 1, 2021, district court administrators shall not require a cover sheet or an electronic filing code designated for non-public documents, pursuant to Minn. Gen. R. Prac. 11.03, for any of the following documents, when filed into criminal or juvenile delinquency cases:

- a. Applications for Public Defenders, filed under Minn. Stat. §§ 611.16-.18;
- b. Proofs of Insurance filed into a case with charges of No Proof of Insurance or No Insurance; and
- c. Requests for restitution or victim impact statements and attachments filed by victims, as authorized by law.

3. Effective January 1, 2021, district court administrators shall not consider police reports or law enforcement reports to be “court services records” as defined in Rule 4, subdivision 1(b) of the Rules of Public Access to Records of the Judicial Branch, and shall consider the documents presumptively public when filed in a public case.

4. Nothing in this order shall be construed to otherwise modify district court administrators’ authorities and obligations with respect to rejection and striking of filings.

Dated: November 20, 2020

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Lorie S. Gildea".

Lorie S. Gildea
Chief Justice