

# Confidential Documents and Confidential Information in CHIPS Proceedings

## Juvenile Protection Rule 8.04, subd. 2

Confidential Documents <i>Must Use Confidential Document Cover Sheet Form 11.3</i>	Confidential Information <i>Must Use Confidential Information Form 11.4</i>
(a) Official transcript of testimony taken during portions of proceedings that are closed by the presiding judge	(d) Identity of reporter of abuse or neglect
(b) Audio or video recordings of a child alleging or describing physical abuse, sexual abuse, or neglect of any child <sup>1</sup>	(e) Records or portions of records that reveal any person has undergone HIV testing
(c) Victims' statements <sup>1</sup>	(j) Identity of a minor victim or minor perpetrator of an alleged or adjudicated sexual assault <sup>2</sup>
(e) Records of HIV testing or portions of records that reveal any person has undergone HIV testing or any reference to any person's HIV status	(m) Name, address, home, or location of any shelter care facility or foster care placement in which a child is currently placed pursuant to law or court order, except documents consenting to adoption or transferring permanent legal or physical custody to a foster care provider
(f) Medical records, chemical dependency evaluations and records, psychological evaluations and records, and psychiatric evaluations and records <sup>1</sup>	(p) Names, addresses, e-mail addresses, or telephone numbers that would endanger a person if disclosed in a public court filing
(g) Sexual offender treatment program reports	
(h) Photographs that identify a child	
(i) Notices of change of foster care placement	
(k) Notice of pending court proceedings provided by the petitioner pursuant to the Indian Child Welfare Act, 25 U.S.C. § 1912, and any response to that notice from an Indian tribe or the Bureau of Indian Affairs as to whether the child is eligible for tribal membership, including documents such as family ancestry charts, genograms, and tribal membership information	
(l) Records or portions of records which the court in exceptional circumstances has deemed inaccessible to the public	
(n) Signature pages containing signatures of foster parents or children whose identities are confidential	
(o) Documents provided to the court to give notice of a hearing for a child under state guardianship pursuant to Rule 27.07, subd. 2	

<sup>1</sup> Although victims' statements, audio tapes, and video tapes of a child alleging or describing abuse or neglect of any child are inaccessible to the public under Rule 8.04, subd. 2(b) and (c), attorneys, GALs, social workers, and the court may include summaries or quotes from the statements or tapes in petitions, reports to the court, orders, and other documents that are accessible to the public. Likewise, although medical records, chemical dependency records, psychological records, and psychiatric records are inaccessible to the public under Rule 8.04, subd. 2(f), summaries of or quotes from those records may be included in petitions, reports to the court, orders, and other documents that are accessible to the public.

<sup>2</sup> Excerpt of guidance from Juvenile Protection Rules Advisory Committee Comment regarding Rule 8.04, subd. 2(j): "Rule 8.04, subd. 2(j), precludes public access to the identity of a minor victim or minor perpetrator of an alleged or adjudicated sexual assault. The rule is similar to the requirements of Minn. Stat. § 609.3471 and Rule 4, subd. 1(m), of the Rules of Public Access to Records of the Judicial Branch. Unlike that statute and rule, Rule 8.04, subd. 2(j), applies to all situations where there has been an allegation of sexual assault, even if the allegation is not proven.