
Standing Order On Disclosure Of Medical Records And Other Confidential Documents Of Respondents In Civil Commitment Cases¹

Background

There is uncertainty among the attorneys, staff and Respondents in civil commitment cases regarding whether the medical records, Reports of Examiners, Pre-Petition Screening Reports, and other documents that are offered into evidence to the Court at an evidentiary civil commitment hearing should be made available to the general public upon request.

This arises from certain interpretations of the various rules of public access. Some interpretations suggest that various medical and mental health records produced in civil commitment proceedings become documents that then become available for public inspection and copying upon receipt by the Court as exhibits in a public hearing.

It is the belief of this Court that uniformity within the Civil Commitment Court relating to the availability of records is advisable. It is the further belief of this Court that the Special Rules of Procedure Governing Civil Commitment generally require that those records be unavailable to the general public. Although there may be circumstances where public disclosure may be appropriate, the Court believes that the medical records and other confidential documents submitted at evidentiary hearings as exhibits should generally be unavailable to the public.

Now, Therefore, It Is Hereby Ordered:

1. That any and all medical and mental health records introduced into evidence at a hearing held pursuant to Minn. Stat. Chapter 253B shall not be accessible to the public.
2. That any and all medical and mental health records, including Reports of Examiners, Pre-Petition Screening Reports, and case management records shall be accessible to

¹ The Minnesota Judicial Branch has republished this order to make it digitally accessible. There were no substantive changes. This order was previously signed by Judge Paulette K. Flynn on August 12, 2013, and this order is effective on that date.

the parties, including case managers and treatment facilities or programs where the respondent may be placed pursuant to any commitment or stay of commitment.

3. Witnesses may publicly testify about portions of those records without rendering the record available to the public. Testimony by a witness regarding a portion or portions of mental records is not a sufficient basis for making the records available to the public.
4. Persons interested in gaining access to any records submitted and received into evidence by this Court may make a motion for access to those records.

February 19, 2025

By the Court:

Sara Grewing
Chief Judge of District Court