

## Summary of Exceptions to Public Access

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### Types of Cases That are Non-Public

Note: App refers to the Appendix to Vermont Rule of Public Access to Court Records (PACR) 6

1. Adoption and Adoption-Related Case Types. 15A V.S.A. § 6-102 – Includes relinquishment proceedings, proceedings to terminate parental or alleged parental relationship in connection with an adoption, and petition to obtain adoption information. App #22.
2. Records of successful appeal to probate court to change the sex on a birth certificate record including a change of name decree if any. 18 V.S.A. § 5112(c). App #23.
3. Records of sterilization proceedings. 18 V.S.A. § 8713. App #25.
4. Records of proceedings to appoint a guardian for a person who is developmentally disabled. 18 V.S.A. § 9309(b). App #26.
5. Records of proceedings under Part 8 – mental health- of Title 18 V.S.A., including proceedings in 3 and 4 above, but not including “an order of the court made for purposes of this part.” 18 V.S.A. § 7-103(a). App #24.
6. Records of juvenile proceedings. 33 V.S.A. §§ 5117-5119. App #32.
7. Records in cases seeking an injunction against a juvenile to stop hate-motivated conduct. 13 V.S.A. § 1460(a). App #9.
8. Summary seizure proceeding to take control of an insurer. 8 V.S.A. § 7043. App #3.

### Documents That are Non-Public

#### A. Criminal- Party Filer Protected

1. Evaluations of competency to stand trial or competency filed by a party. PACR Rule 6(b)(4).
2. Proof of Income filed pursuant to 13 V.S.A. § 5236(d) in support of application for assignment of counsel. 13 V.S.A. § 5236(f). App #12, #37.
3. Criminal History Records Obtained from the National Criminal Information Center as provided in 20 V.S.A. § 2056a(c). App #28.
4. In a criminal case restitution proceeding, if the defendant seeks access to victim medical and mental-health records submitted to the Victim Compensation Board, prosecuting attorney must submit them under seal to the court for in camera review to determine which records are relevant. 13 V.S.A. § 7043(c); App #14.
5. Filings made with respect to requesting a grand jury and its operation. V.R.Cr.P. 6(e)(5); App #33

B. Family- Party Filer Protected

1. Complaint and affidavit seeking abuse-prevention order and in related proceedings. PACR Rule 6(b)(9).
2. Analysis of DNA of a person filed by a party in connection with a family division proceeding. PACR Rule 6(b)(10).
3. Affidavit of Income and Assets. PACR Rule 6(b)(11).
4. Records of a juvenile proceeding filed with the court or admitted into evidence in a divorce or parentage proceeding. PACR Rule 6(b)(12).

C. Civil- Party Filer Protected

1. In a Proceeding to approve the transfer of a structured settlement, transferee must file under seal certain documents. 9 V.S.A. § 2480ff(b)(9); App #4.
2. Civil complaint alleging child sexual abuse must be immediately sealed until served or until court rules on defendant's motion to dismiss and thereafter if the court dismisses the action. 12 V.S.A. § 522(b); App #6.
3. Health insurer seeking to disclose, without consent, financial and utilization information, or financial arrangements with drug manufacturers, designated confidential by a pharmacy benefit manager, in a case under the Consumer Protection Act, must file that information under seal. 18 V.S.A. §§ 9472(c)(1)(A) & 9472(c)(5)(A); App #27.
4. When private relator brings false claim action, the complaint must be filed under seal and is not served on defendant. 32 V.S.A. § 632(b)(1); App #31.

D. General- Party Filer Protected

1. Supplemental records containing financial information filed in connection with an application to waive filing fees or service costs, not including the affidavit submitted in support of the application. PACR Rule 6(b)(7).
2. A federal, state, or local income tax return. PACR Rule 6(b)(8).
3. A record created by a health or mental-health professional that contains a description of a person's health or mental-health symptoms, the results of an examination or evaluation of the health or mental health of an individual, a descriptive diagnosis of the health or mental health, or a description of a course of medical or psychological treatment or recommended course of treatment of an individual. PACR Rule 6(b)(14).
4. Records produced in discovery unless used at trial or in connection with a request for action by the court. PACR Rule 6(b)(16).
5. A transcript, reporter's notes, or audio or video capture of a proceeding to which the public does not have access. PACR Rule 6(b)(17).
6. Evidence introduced into a proceeding to which the public does not have access. Rule 6(b)(18).

## **Records Containing Prohibited Data Elements**

General- Party Filer Protected

- A. The following personally identifying data elements
  - 1. A social security number
  - 2. A passport number
  - 3. A taxpayer identification number
  - 4. A financial account number, including a credit card or debit card number
  - 5. In a criminal case, the name of a child alleged to be a victim
- B. Information regarding a child's immigration status related to a petition for classification as a special immigrant juvenile. 14 V.S.A. § 3098(c); App #21.