

Classifying a Public Record as Private

If a person believes that a record qualifies as a non-public record, the person may file with the record a motion to classify the record as private, protected or sealed.

Under Rule 4-202.04, the clerk shall deny access to the record until the motion is decided. Unless filed with a motion to classify as private, protected or sealed, public records even with non-public information will be accessible. UCJA Rule 4-202.09(9)(B).

Classifying a Public Record as Private in Efiling

- 1) The record to be classified as non-public must be electronically filed with a **Motion to Classify**.
- 2) The motion to classify must be e-filed as a **Motion to Classify** document type. It should not be filed as a Motion only. Filing it as a Motion only will not protect the information in the associated record.
- 3) When the record to be classified as non-public and the Motion to Classify are electronically filed, the record is automatically filed as a private document.
- 4) After judicial review, the judge will sign or decline to sign the Order to classify.
- 5) If the Order is denied, judicial support staff will change the classification of the document or case from private to public.
- 6) If the Order is signed, judicial support staff will classify the document or case as requested in the Motion to Classify. If the Order is to classify the document as private, no change will be made; if the Order is to classify the document as sealed, the document will be classified as sealed. *(Note: An adoptive parent or adult adoptee may obtain a certified copy of an adoption decree upon request and presentation of positive identification. Otherwise, no one may access a sealed court record except by order of the court.)*