

Rule 30. Records**30.01 Generally**

Subdivision 1. Records Defined. Juvenile court records include:

- (A) all documents filed with the court;
 - (B) all documents maintained by the court;
 - (C) all reporter's notes and tapes, electronic recordings and transcripts of hearings and trials;
- and
- (D) as relates to delinquency matters, all documents maintained by juvenile probation officers, county home schools and county detention agencies.

Subd. 2. Duration of Maintaining Records. The juvenile court shall maintain records as required by Minnesota Statute.

30.02 Availability of Juvenile Court Records

Subdivision 1. By Statute or Rule. Juvenile Court records shall be available for inspection, copying and release as required by statute or these rules. Access to all reporter's tapes and electronic recordings shall be governed by the Rules of Public Access to Records of the Judicial Branch. Other than for criminal justice and other government agencies, juvenile delinquency records in proceedings that are public under Minnesota Statutes, section 260B.163, subdivision 1, shall not be "remotely accessible," as defined in Rule 8, subdivision 2 of the Rules of Public Access to Records of the Judicial Branch, but may be made accessible in either electronic form or paper form at the court facility as permitted by Rule 8. Criminal justice and other government agencies shall have access to juvenile court records as permitted by Rule 8, subdivision 4, of the Rules of Public Access to Records of the Judicial Branch.

Subd. 2. No Order Required.

(A) *Court and Court Personnel.* Juvenile court records shall be available to the court and court personnel without a court order.

(B) *Child's Counsel, Guardian Ad Litem, and Counsel for the Child's Parent(s), Legal Guardian, or Legal Custodian.* Juvenile court records of the child shall be available for inspection, copying and release to the following without court order:

- (1) the child's counsel and guardian ad litem appointed in the delinquency proceeding;
- (2) counsel for the child's parent(s), legal guardian or legal custodian subject to restrictions on copying and release imposed by the court.

(C) *Prosecuting Attorney.* Juvenile court records shall be available for inspection, copying or release to the prosecuting attorney.

(D) *Other.* The juvenile court shall forward data to agencies and others as required by Minnesota Statute.

Subd. 3. Court Order Required.

(A) *Person(s) with Custody or Supervision of the Child, and Others.* The court may order juvenile court records to be made available for inspection, copying, disclosure or release, subject to such conditions as the court may direct, to:

(1) a representative of a private agency providing supervision or having custody of the child under order of the court; or

(2) any individual for whom such record is needed to assist or to supervise the child in fulfilling a court order; or

(3) any other person having a legitimate interest in the child or in the operation of the court.

(B) *Public.* A court order is required before any inspection, copying, disclosure or release to the public of the record of a child. Before any court order is made the court must find that inspection, copying, disclosure or release is:

(1) in the best interests of the child; or

(2) in the interests of public safety; or

(3) necessary for the functioning of the juvenile court system.

(C) *Disclosure Prohibited.* The record of the child shall not be inspected, copied, disclosed or released to any present or prospective employer of the child or the military services.

(Amended effective for all juvenile delinquency actions commenced or children taken into custody after 12 o'clock midnight July 1, 2004; amended effective for guardians ad litem appointed in Minnesota's juvenile and family courts after 12 o'clock midnight January 1, 2005; amended effective for all juvenile delinquency actions commenced or children taken into custody after 12 o'clock midnight September 1, 2005; amended effective for all juvenile delinquency actions commenced or children taken into custody after 12 o'clock midnight January 1, 2007; amended effective for all delinquency actions commenced or children taken into custody after 12 o'clock midnight January 1, 2011; amended effective May 14, 2014; amended effective July 1, 2015.)

Comment--Rule 30

Legal records as defined in Minnesota Statutes 2002, section 260B.171, subdivision 1, are the petition, summons, notice, findings, orders, decrees, judgments and motions and such other matters as the court deems necessary and proper. Minnesota Statutes 2002, section 260B.171, subdivision 4, provides exceptions to public access of "legal records," arising under Minnesota Statutes 2002, section 260B.163, subdivision 1, delinquency proceedings alleging or proving a felony level violation by a juvenile at least 16 years old at the time of violation, along with the following exclusions: (1) Minnesota Statutes 2002, section 245A.04, subdivision 3, paragraph (d), which directs the court to provide juvenile court records to the Commissioner of Human Services; and (2) Minnesota Statutes 2002, sections 611A.03, 611A.04, 611A.06, and 629.73, which provide for the rights of victims in delinquency proceedings, juvenile traffic proceedings involving driving under the influence of alcohol or drugs and proceedings involving any other act committed by a juvenile that would be a crime as defined in Minnesota Statutes 2002, section 609.02, if committed by an adult.

The juvenile court shall maintain records pertaining to juvenile delinquency adjudications until the juvenile reaches 28 years of age. Records pertaining to convictions of extended jurisdiction juveniles shall be maintained for as long as they would be maintained if the offender had been an adult.

References in this rule to "child's counsel" include the child who is proceeding pro se. Minn. R. Juv. Del. P. 1.01.

"Prosecuting attorney" as used in this rule also includes adult court prosecuting attorneys.

Pursuant to Minnesota Statutes 2002, section 260B.171, subdivision 2, the juvenile court shall forward data for juvenile delinquents adjudicated delinquent for felony- or gross misdemeanor-level offenses. The court shall also forward data to the BCA on persons convicted as extended jurisdiction juveniles.

References in this rule to "counsel for the parent(s), legal guardian, or legal custodian" include the parent, legal guardian, or legal custodian who is proceeding pro se. Minn. R. Juv. Del. P. 1.01.

If a juvenile is enrolled in school, the juvenile's probation officer shall transmit a copy of the court's disposition order if the juvenile is adjudicated delinquent for committing an act on school property or if the juvenile is adjudicated delinquent for one of the offenses enumerated in Minnesota Statutes 2002, section 260B.171, subdivision 3, paragraph (a). When the probation officer transmits a disposition order to a school, the probation officer shall notify the parent, legal guardian or legal custodian that this information has been sent to the juvenile's school.