

## Privacy and Confidentiality: Guardianship Statutes and Court Rules

State	Seal All Record	Seal Partial Record	Hearings Closed	Court and Admin. Rules (Including Probate Courts)
UGPPA		Visitor reports and professional evaluations are sealed except to the respondent, petitioner, visitor, attorneys, and those showing good cause. UGPPA §§ 307(1)-(4), 704(1)-(4).		
AL		Respondent's location may be sealed for good cause. Ala. Code § 26-2B-210(e).		The court has general redaction rules, but may redact information as it sees fit or may order a file be sealed. Ala. R. Civ. P. 5.1 (a), (c), (e).
AK	If the court finds a proceeding was "malicious, frivolous, or without just cause," it may seal the record and disclose it only for good cause. Alaska Stat. Ann. § 13.26.013(b).	A notice of filing, summary of the proceedings, dispositional orders, and modifications are public. Other access is restricted. Alaska Stat. Ann. § 13.26.013(a)(1)-(7).		The court may limit access to any or all of the record on its own motion or of an affected party. Alaska R. Admin. Rule 37.6.
AZ		The court may limit access to any or all of the information in reports concerning guardian's fitness to serve. Ariz. Rev. Stat. § 14-5106(D).	The hearing may be closed if the respondent or their counsel requests. Ariz. Rev. Stat. §§ 14-5407(D), 14-5303(D) (Applying to guardianship and conservatorship).	
AR				Identifiers or information sealed by order is not public unless relevant and necessary to the case. See Ark. R. Civ. P. 5; Ark. Sup. Ct. R. Admin. Order 19 § VII(3).

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CA		Reports recommending guardianship and annual status reports are confidential and available to persons served and their attorneys. Cal. Prob. Code §§ 1513(d), 1513.2(c).		Parties must redact certain personal identifiers. Cal. Rules of Ct. Rule 1.20 (b)(2)(A)-(B).
CO			Hearings may be closed if the respondent requests or for good cause. Colo. Rev. Stat. Ann. § 15-14-308(1)-(2).	The probate court may place a file under security for good cause to be accessed only by counsel of record. Colo. R. Prob. P. 20.
CT	Records of guardianship under § 45a-669 to 45a-683 are confidential except as enumerated, and may only be disclosed after a hearing. Conn. Gen. Stat. Ann. § 45a-670(c).	The court may issue an order to disclose medical information relevant to the proceedings; this information is confidential. Conn. Gen. Stat. Ann. § 45a-98b.		Filings shall not include personal identifiers. Conn. R Sup. Ct. Gen. § 4-7(b).
DE				Civil Miscellaneous actions including guardianships are confidential but the court may release the record with pseudonyms if it has precedential value. Del. Ch. Ct. R. 90.
DC			The court may close the hearing if the respondent or their counsel requests. Others may participate if in respondent's best interest. D.C. Code Ann. § 21-2041 (h)-(i).	All parties are responsible for redacting personal identifiers, but may request an unredacted file be placed under seal. D.C. Sup. Ct. R., Civ. R 5.1.

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<b>FL</b>	Court orders finding no probable cause of need for guardianship are confidential and subject to inspection only upon a showing of good cause. Fla. Stat. Ann. § 744.1076(c)(2).	Reports of an emergency court monitor or court monitor are confidential and subject to inspection at the court's discretion or good cause. Fla. Stat. Ann. § 744.1076(b).	The hearing may be open or closed as the respondent desires. Fla. Stat. Ann. § 744.1095(6).	Parties shall not include sensitive information as enumerated unless ordered otherwise by the court. Amendments to Fla. R. Jud. Admin 2.425 (2016).
<b>GA</b>		<p>All records are confidential except the names and addresses of ward, guardian, and attorney and any record of filing, granting, and terminating guardianship. Ga. Code Ann. § 29-9-18(a).</p> <p>A ward's statements during evaluation are privileged and inadmissible in other proceedings. Ga. Code Ann. § 29-4-11(d)(2).</p>	The court may close a hearing for good cause if the respondent or their attorney requests it; this is noted in the record. Ga. Code Ann. § 29-4-12(d)(1).	
<b>HI</b>				<p>Parties shall not include any personal information. Haw. R Ct. Records Rule 2.19, 9.1(a).</p> <p>A Kokua Kanawi's report is filed under seal and available only to parties, their attorneys, and those designated by the report. Haw. R. Prob. Rule 113.</p> <p>A Kokua Kanawi's report, any professional evaluation, and responses or objections to evaluations are filed under seal. Haw. R. Prob. Rule 113.1.</p>

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ID			The court may close the hearing at the respondent's request or their counsel's, with a showing of good cause. Idaho Code Ann. § 15-5-303(c).	Parties must redact personal data identifiers as enumerated. Idaho R Civ. P. 2.6(a).  Guardianship records are confidential except the register of actions, letters of guardianship, orders modifying guardianship, and any order disposing the case. Idaho R. Admin. Rule 32 (19).
IL		Unless otherwise ordered, reports prepared for a guardianship petition are confidential except to parties, their attorneys, and those designated by the court. Ill. Comp. Stat. Ann. 5/11a-9.	A court may close the hearing at the request of the respondent or their counsel. 755 Ill. Comp. Stat. Ann. 5/11a-11755.	Parties must redact personal identity information. Ill. R. Civ. P. Rule 138.
IN	Before sealing a record, the court must hold a hearing to determine whether the necessity outweighs the need for public access. Ind. Code Ann. § 5-14-3-5.5.			All records should be filed in accordance with Admin. Rule 9. Ind. R. Trial P. 5(G), Ind. Admin R. 9(G)(2)(f)-(h).  Information given to Adult Guardianship services is confidential. 455 Ind. Admin. Code 1-6-9(a)-(b).
IA	State and local offices of the SDM are responsible for maintaining confidential records. Iowa Code Ann. § 231E.4(6)(g).			Records kept by the SDM shall be kept confidential with exceptions. Iowa Admin. Code r. 17-22.10(231E,633).  SDM records are confidential and shall not be released without written permission. Iowa Admin. Code r. 17-22.11(231E,633).

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KS		The court may order on a party's request or its own motion that any medical or treatment record, investigative report or evaluation be kept separate and confidential with exceptions. Kan. Stat. Ann. § 59-3093(a)-(b).		
KY		The record is sealed except the determination of disability, and orders of appointment, modification, and termination. A proceeding dismissed or withdrawn may be expunged on request. Access may be granted for good cause. Ky. Rev. Stat. Ann. § 387.770.	The hearing may be closed to the public at the request of the respondent or their counsel. Ky. Rev. Stat. Ann. § 387.570(2).	Parties must redact enumerated personal identifying information unless the court orders otherwise. Ky. R. Civ. P. 7.03.
LA			The hearing may be closed for good cause. La. Code Civ. Proc. Ann. art. 4547.	
ME			The hearing may be closed to the public at the request of the respondent or their counsel. Where abuse is suspected, the court may hear the respondent's testimony in chambers with only counsel present. Me. Rev. Stat. tit. 18-A, § 5-303 (c), (e).	Physician's reports, psychologist's reports, or any other document so designated private are considered private records by the court. Me. R. Prob. P. Rule 92.12.
MD		Hearings are sealed and confidential except for good cause. Md. Code Ann., Est. & Trusts § 13-705.	The proceeding may be determined at a closed hearing if the respondent or counsel requests. Md. Code Ann., Est. & Trusts § 13-705.	Parties shall redact personal identifier information. Md. Rule 1-322.1(b).

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<b>MA (Uses the UGPPJA)</b>				
<b>MI</b>		If the court orders a physical examination or mental health evaluation, this is made available only to the parties, attorneys, and others as directed. Mich. Comp. Laws Ann. § 700.5304(1).	The hearing may be closed at the respondent's or their counsel's request. Mich. Comp. Laws Ann. § 700.5304(6).	
<b>MN</b>			The hearing may be closed at the respondent's request and upon a showing of good cause. Any person may participate for good cause and in the best interest of the respondent. Minn. Stat. Ann. § 524.5-307.	Parties shall not submit filings with restricted identifiers unless necessary, and file this information on a confidential form. Minn. Gen. Prac. Rule 11.02.  Documents may be filed under seal or by a motion for leave giving adequate reasons for sealing. Minn. Gen. Prac. Rule 11.06, 14.06.
<b>MS</b>				Documents available online should conform to electronic filing rules. <i>See</i> Miss. R. Civ. P. 5.1, Admin. Proc. Miss. Elec. Ct. § 5, 9.
<b>MO</b>				No document, pleading, or order shall include a social security number or financial information. Mo. Ann. Stat. § 509.520(1).
<b>MT</b>			The hearing may be closed if the respondent or their counsel requests. Mont. Code Ann. 72-5-315(4).	

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<b>NE</b>		Unless publicly disclosed in limited circumstances, medical records may be withheld from public inspection. Neb. Rev. Stat. Ann. § 84-712.05(2).	The hearing may be closed only if the respondent or their counsel requests. Neb. Rev. Stat. Ann. § 30-2619(d).	
<b>NV</b>		A valid form of guardian's identification must be kept in the record and made confidential. Nev. Rev. Stat. Ann. § 159.044(h).		Any person may motion to seal the record; medical records will be sealed but the entire record cannot be sealed. Nev. Sup. Ct. R 3.
<b>NH</b>		Records are confidential except a certificate of appointment and an order of appointment. N.H. Rev. Stat. Ann. § 464-A:8(VI).	The hearing shall be closed unless the respondent or their counsel requests otherwise. N.H. Rev. Stat. Ann. § 464-A:8(VI).	Guardianship files are confidential except the certificate and order of appointment, and documents related to sale or mortgage. NH R Cir. Ct. Elec. Filing Rule 11(2).  Anyone desiring access to a sealed record may file a motion to request access. NH R Prob. Ct. Rule 169-A.
<b>NJ</b>	Records controlled by the office of the ombudsman are confidential with exceptions. N.J. Stat. Ann. § 52:27G-25 9(a)-(f).			No record of guardianship is available except in the index, listing the guardian, date of appointment, qualification, and location. N.J. Ct. R. 1:38-3(e).  Parties must redact personal identifying information. N.J. Ct. R. 1:38-7.

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<b>NM</b>	The Office of Guardianship shall maintain confidential client information and documents as required for its contractors or federal law. N.M. Stat. Ann. § 28-16B-4(B).	<p>The district judge may order the clerk of a district or county probate court to keep records of proceedings under supervision until otherwise ordered. N.M. Stat. Ann. § 45-1-305(B).</p> <p>A record, including medical information, shall be made at the respondent's request and is not public except: dates of appointment and termination, duration of guardianship, date of proceeding and the docket, the name and basic identifying information of the respondent. N.M. Stat. Ann. § 45-5-303(I)-(J).</p>	The hearing is closed unless the respondent request's otherwise, and the respondent may have a jury trial on request. N.M. Stat. Ann. § 45-5-303(K)-(L).	
<b>NY</b>	A record shall be made in all proceedings, and the court may seal the record after a hearing and a written finding of good cause. N.Y. Mental Hyg. Law § 81.	<p>The respondent has the right to deny the court evaluator permission to view medical records. N.Y. Mental Hyg. Law § 81.07(d).</p> <p>Records of adult protective services may be released with written permission subject to exceptions. N.Y. Soc. Serv. Law § 473-e.</p>	Findings of incapacity should be made on the record and not in the judgment to protect the respondent. N.Y. Mental Hyg. Law § 81.15 (Commentary).	
<b>NC</b>		Evaluations made in guardianship cases are not public and only released on order from the clerk. N.C. Gen. Stat. Ann. § 35A-1111(b).	The court shall close the hearing if the respondent, their counsel, or their guardian ad litem requests and include only those directly involved or testifying. N.C. Gen. Stat. Ann. § 35A-1112(a).	



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ND		Visitor reports and all medical reports are confidential except to parties, designated persons, or for good cause. N.D. Cent. Code Ann. § 30.1-28-03.1(1)-(2). N.D. Cent. Code Ann. § 30.1-28-03 (5)-(6).	The hearing may be closed if the ward or ward's counsel requests. N.D. Cent. Code Ann. § 30.1-28-03 (8).	Filings should not include personal identifiers. A party may motion to file an unredacted copy under seal. N.D. R. Ct. 3.4.
OH	Records of the Dept. of Developmental Disabilities are confidential except to persons approved by the court and director of the department. Ohio Rev. Code Ann. § 5123.57.	Upon motion and for good cause, the probate court may make any file confidential except any index, docket, or journal of a conservatorship. Ohio Rev. Code Ann. § 2111.021.		Parties shall redact personal information. Medical records are not considered public information. R.C. §§ 149.43(A)(1)(a), (ee); 149.45.
OK		Confidential information filed in accordance with statute is not a public record and available only to enumerated parties, but the existence of guardianship is public. Okla. Stat. Ann. tit. 30, § 1-122.  Statements made during evaluations or treatment under statute are confidential and inadmissible without permission from the respondent. Okla. Stat. Ann. tit. 30, § 3-106(B).  A CAAVA guardian ad litem shall maintain the confidentiality of the case. Okla. Stat. Ann. tit. 30, § 3-106.1(C)(4)(c).	A respondent may request a closed hearing. Okla. Stat. Ann. tit. 30, § 3-106(A)(8).	

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OR		The Department of Human Services or the Oregon Health Authority release limited information to provide protective services, subject to exceptions. Or. Rev. Stat. Ann. § 125.012.		
PA			A hearing may be closed at the judge's discretion, but must be closed at the respondent or their counsel's request. The respondent may request a jury. 20 Pa. Stat. and Cons. Stat. Ann. § 5511(a).	On its own, or on the motion of a party, the court may order personal identifiers and financial information redacted from a transcript, to be made only available to the parties. Pa. St. J. Admin. Rule 4014.
RI		Medical information is confidential subject to exception; records may be released to a probate court if necessary. 5 R.I. Gen. Laws Ann. § 5-37.3-4(24).		Parties are responsible for redacting personal information, and may motion to have a document sealed. R.I. R. S Ct. art. X, Efilng Rule 8, 1.
SC			The hearing may be closed if the respondent requests. S.C. Code Ann. § 62-5-303(b).	Parties shall redact personal information, unless the information is already confidential. S.C. R. Civ. P. 41.2.

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SD		The evaluation report, statement of financial resources, and court representative report are confidential and not a part of the public record and only available to parties and their attorneys unless the court determined a “showing of need.” S.D. Codified Laws § 29A-5-311.		<p>Personal information, including social security numbers and other information as enumerated, should be redacted. S.D. Codified Laws § 15-15A-8.</p> <p>On its own motion, the motion of any party, or of the affected person, the court may hold a hearing to determine whether all or part of a record be sealed. S.D. Codified Laws § 15-15A-13.</p>
TN	If a proceeding is brought but no fiduciary is appointed, the court may with good cause order expunction of the record. Tenn. Code Ann. § 34-1-124.			Enumerated information, including social security numbers, is not a part of the public record. Tenn. Code Ann. § 34-3-106.
TX			The court may close the hearing at the ward or their counsel’s request. Tex. Est. Code Ann. § 1101.051(c).	<p>Parties should not include sensitive data in filings. Tex. R. Civ. P. 21C.</p> <p>A record may be sealed after a hearing determining necessity, but no opinion or order in a case may be sealed. Tex. R. Civ. P. 76A.</p> <p>The court may issue a temporary sealing order for “compelling need.” Tex. R. Civ. P. 76A(5).</p>

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UT			The hearing may be closed if the respondent or their counsel requests. Utah Code Ann. § 75-5-303(c).	Records in guardianship cases are confidential except case history, judgments, orders, decrees, letters of appointment, and records of public hearings. Utah R. J. Admin. Rule 4-202.02(4)(B), (4)(B)(iii).
VT	If the court determines the respondent does not need guardianship, it shall seal the record. Vt. Stat. Ann. tit. 14, § 3068(e).	The court shall provide a copy of the evaluation report to the parties, their attorneys, the guardian, and others the court determines, but the report is confidential. The court or a party may motion to restrict access to the report. Vt. Stat. Ann. tit. 14, § 3067(e).	The court may exclude any unnecessary person on the respondent's motion. Vt. Stat. Ann. tit. 14, § 3068(a).  Recording the proceedings is permitted unless the judge, a party, or a witness motion to limit or prohibit recording. The motion may be made at any time. Vt. R. Civ. P. 79.2.	Filings shall not include social security numbers unless required. Vt. R Prob. P. Rule 5(h).  Parties are responsible for redacting personal information. Vt. R. DIS Elec. CS Rec. Rule 3(c).  Reports pursuant to §§ 3067-68 are not public records. Vt. R. Prob. P. Rule 77(e).
VA	The [Public Guardian and Conservator Program] shall keep confidential and up-to-date records over the personal and property matters it controls. Va. Code Ann. § 51.5-150(d)(2)(5).	A report [evaluating the respondent] prepared for this section is admissible in open court unless the respondent's counsel or guardian ad litem objects. Va. Code Ann. § 64.2-2005(D).		

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<b>WA</b>		The [Public Guardianship Program] shall keep basic information accessible to the legislature and supreme court but shall not identify any incapacitated person. Wash. Rev. Code Ann. § 2.72.030(8).	Hearings may be closed with only those necessary for the proceeding. Wash. Rev. Code Ann. § 11.88.040(4).	Parties shall redact the personal identifiers enumerated unless necessary. Wash. GR 31.  Financial reports, healthcare records, and other sealed confidential documents shall be submitted with a designated cover sheet and filed as sealed by the clerk. Sanctions may be imposed for violating this rule. Wash. GR 22. <i>See also</i> Wash. GR 15.
<b>WV</b>	Upon filing a petition of, all pleadings, exhibits, and other documents shall be confidential during and after proceedings. Only the protected person and their attorney may inspect and copy the file. Other parties may, with good cause, inspect or copy the file. W. Va. Code Ann. § 44A-2-5.		Any person may request to participate in the hearing. The court or mental hygiene commissioner shall allow participation if in the best interests of the respondent. W. Va. Code Ann. § 44A-2-9(c).	
<b>WI</b>			Every hearing shall be closed unless the ward or their attorney acting with consent moves to open the hearing. Closed hearings shall include only parties, attorneys, and witnesses. Other persons may participate with the court's discretion. Wis. Stat. Ann. § 54.44(5).	

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WY		On application, a court may seal any part of a ward's file containing information described in Wyo. Stat. Ann. § 16-4-203 (b),(d), and any other personal identifiers. Wyo. Stat. Ann. § 3-1-110(a). <i>See also</i> Wyo. Stat. Ann. § 16-4-203(d)(i) (prohibiting access to individual medical records).		