

## Privacy and Confidentiality: Guardianship Statutes and Court Rules

State	Seal All Record	Seal Partial Record	Hearings Closed	Court and Admin. Rules (Including Probate Courts)
<b>UGPPA</b>		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).		
<b>UGCOPAA</b>		Existence of guardianship is public record unless court seals record at request of respondent/adult subject to guardianship or counsel, or petition dismissed or guardianship terminated. UGCOPAA §§ 308(a), 409(a). Adult subject to guardianship proceeding, whether or not guardian appointed, attorney designated by adult, and persons entitled to notice are entitled to access court records, including the guardian's plan and report. Persons not otherwise entitled to access for good cause may petition for access to court records, including guardian's report and plan. UGCOPPA §§ 308(b), 409(b).	Hearing must be closed upon request of respondent and showing of good cause. UGCOPPA §§ 307(g), 408(g).	

<b>AL</b>		Respondent's location may be sealed if health, safety or liberty jeopardized. 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). Comment that modeled after F.R. Civ. P. 5.2
<b>AK</b>	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. List who may have access. 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. Standard: public interest outweighed by legitimate confidentiality interest. Alaska R. Admin. Rule 37.6.
<b>AZ</b>		The court may limit access to any or all information concerning guardian's fitness to serve. Ariz. Rev. Stat. § 14-5106(D).	The hearing on need for protection may be closed if the respondent or their counsel requests. Ariz. Rev. Stat. §§ 14-5407(D), 14-5303(D) (Applying to guardianship and conservatorship).	
<b>AR</b>				Identifiers or information sealed by order is not public unless relevant and necessary to the case. <i>See</i> Ark. R. Civ. P. 5(c)(2). Ark. Personal identifiers excluded from public access. Sup. Ct. R. Admin. Order 19 § VII.
<b>CA</b>				Responsibility of filers to not include or to redact SSN, financial account numbers.

				Cal. Rules of Ct. Rule 1.201(a).
CO		Contact information court obtains from other state agency in researching whereabouts of non-reporting guardian is not public record. Colo. Rev. Stat. Ann. § 15-14-317(4)(b).	Hearings may be closed if the respondent requests or for good cause. Colo. Rev. Stat. Ann. § 15-14-308(1).	
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 in involuntary representation proceedings as court deems necessary. Conn. Gen. Stat. Ann. § 45a-650(d). Hospital, psychiatric, psychological or medical records are confidential. Conn. Gen. Stat. Ann. § 45a-650(c)(3).		Filings shall not include personal identifiers. Conn. R. Sup. Ct. Gen. § 4-7(b). List of personal identifying information filers must redact at 2020 Conn. Practice Book § 4-7(a).
DE				Guardianship actions are confidential but on request court may determine if good cause exists to allow public access notwithstanding privacy concerns in fiduciary matters. Del. Ch. Ct. R. 90(a)(2).
DC			Court may close the hearing if respondent or their counsel requests. Others may participate if in respondent's best interest.	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.

			D.C. Code Ann. § 21-2041 (h)-(i).	
<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(2).	Reports of an emergency court monitor or court monitor are confidential and subject to inspection at court's discretion or good cause. Fla. Stat. Ann. § 744.1076(b).	Hearing may be open or closed as respondent desires. Fla. Stat. Ann. § 744.1095(6).	Parties shall not include enumerated sensitive information unless ordered otherwise by the court. Party can move for protective order, file under seal, or request determination of the confidentiality of records. Fla. R. Jud. Admin. 2.425 (2019).
<b>GA</b>	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).	Ward's statements during evaluation are privileged and inadmissible in other proceedings. Ga. Code Ann. § 29-4-11(d)(2).	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>Kokua Kanawi's report is filed under seal and available only to parties, their attorneys, and those designated by the order. Haw. R. Prob. Rule 113.</p> <p>Kokua Kanawi's report, any professional evaluation, and responses or objections to evaluations are filed under seal. Haw. R. Prob. Rule 113.1.</p>		Parties shall not include any personal information. Haw. R. Ct. Records Rule 2.19, 9.1(a).

<b>ID</b>		Guardianship records are confidential except the register of actions, letters of guardianship, orders modifying guardianship, orders regarding bond, and order disposing the case. Available to GAL, court visitor, and monitoring entity and counsel. Idaho R. Admin. Rule 32 (g)(19).	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).
<b>IL</b>		Unless otherwise ordered, reports prepared for a guardianship petition are confidential except to reviewing court, parties, their attorneys, GAL, and those designated by the court. Ill. Comp. Stat. Ann. 5/11a-9(c).	A court may close the hearing at the request of the respondent, GAL or their counsel. 755 Ill. Comp. Stat. Ann. 5/11a-11(a).	Parties must redact personal identity information. Ill. R. Civ. P. Rule 138.
<b>IN</b>		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 public records are open unless excluded. Ind. R. Acce. Ct. Rec. 5 (2020)  Information given to Adult Guardianship services is confidential. 455 Ind. Admin. Code 1-6-9(a)-(b).
<b>IA</b>		Offices of the Substitute Decision Maker [public guardian] 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.

<b>KS</b>		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).	If trial pertains to care and treatment of mentally ill person or person with substance abuse problem, persons not necessary for conduct of proceeding may be excluded. Kan. Stat. Ann. § 59-3067(d).	
<b>KY</b>		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.
<b>LA</b>			The hearing may be closed for good cause. La. Code Civ. Proc. Ann. art. 4547.	
<b>ME</b>			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); 5-407 (e).	Physician's reports, psychologist's reports, or any other document the court designates private are considered private records. Filers are responsible for redacting private information (SSN, banking account numbers). Me. R. Prob. P. Rule 92.12.

<b>MD</b>		Hearings are sealed and confidential except for good cause. Md. Code Ann., Est. & Trusts § 13-705(e).	The proceeding may be determined at a closed hearing if the respondent or counsel requests. Md. Code Ann., Est. & Trusts § 13-705(e).	Parties shall redact personal identifier information. Md. Rule 1-322.1(b).
<b>MA</b>				
<b>MI</b>		Court ordered physical examination or mental health evaluation is not part of public record. made available only to reviewing courts, parties, attorneys, and others as directed. Mich. Comp. Laws Ann. § 700.5304(1).	Hearing may be closed at the respondent's or their counsel's request. Mich. Comp. Laws Ann. § 700.5304(6).	
<b>MN</b>			Hearing may be closed at 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, must 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>		Respondent, adult subject to guardianship, designated attorney, person entitled to notice, or court may access court record, including	Hearing must be closed upon request of respondent and showing of good cause. Any person may request to participated on court	Documents available online should conform to electronic filing rules. See Miss. R. Civ. P. 5.1, Admin. Proc. Miss. Elec. Ct. § 5, 9.

		guardian's plan, well-being report. Others may petition for access for good cause. Court grant if access is in respondent's best interest. GAL report or professional evaluation may be sealed if court determines necessary. Guardianship and Conservatorship Act § 307 (2020).	determining best interest of respondent. Guardianship and Conservatorship Act § 306 (2020).	
<b>MO</b>			Respondent has right to elect to have hearing open or closed. Mo. Ann. Stat. § 475.075(10)(6).	No document, pleading, or order may include a social security number or financial information. Mo. Ann. Stat. § 509.520(1).
<b>MT</b>			Hearing may be closed if the respondent or their counsel requests. Mont. Code Ann. 72-5-315(4).	
<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).	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(2)(g).		Any person may move 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, reports, and evidence are confidential.		The hearing shall be closed unless the respondent or	Guardianship files are confidential except the



	N.H. Rev. Stat. Ann. § 464-A:8(VI).		their counsel requests otherwise. N.H. Rev. Stat. Ann. § 464-A:8(VII).	<p>certificate and order of appointment, and documents related to sale or mortgage. NH R. Cir. Ct. Elec. Filing Rule 11(2).</p> <p>Anyone desiring access to a sealed record may file a motion to request access. NH R. Prob. Ct. Rule 169-A.</p>
NJ		Privacy and confidentiality of financial and statistical records concerning public guardian cases must be preserved. N.J. Stat. Ann. § 52:27G-25(f).		<p>No record of guardianship is available except in the index listing the person's name, guardian's name, residence, date of guardian's qualification, and docket number. Index only available to NJ attorney or title examiner. If in conjunction with ward's property transaction, may inspect or copy judgment, letters, subsequent order on guardian's powers, provided any financial information and amount of bond is redacted. Records are available to person, spouse, parents, siblings, adult children, guardian, and appearing attorneys. Records are available to NJ Judiciary Guardianship Monitoring Program volunteers. Any other person must make showing of special interest. N.J. Ct. R. 1:38-3(e).</p>

				Parties must redact personal identifying information. N.J. Ct. R. 1:38-7.
<b>NM</b>	Records, reports, and evidence shall be confidential. Public granted access to docket entries, dates of proceeding, appointment, and termination; duration; information necessary to identify AIP. Diagnostic, treatment or other medical or psychological information may not be disclosed. N.M. Stat. Ann. § 45-5-303(I)-(J).	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).	Hearing is closed unless the respondent request's otherwise. N.M. Stat. Ann. § 45-5-303(K).	
<b>NY</b>	<p>A record shall be made in all proceedings, and the court may not seal the record except after a hearing and a written finding of good cause. Shall consider public interest, orderly and sound administration of justice, nature of the proceedings, and privacy of person alleged to be incapacitated. N.Y. Mental Hyg. Law § 81.17(a).</p> <p>At time of hearing commencement, court shall inform AIP of right to request for good cause that court records be sealed. N.Y. Mental Hyg. Law § 81.14(d).</p>	Records of adult protective services may be released with written permission subject to exceptions. N.Y. Soc. Serv. Law § 473-e. 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).	At time of hearing commencement, court shall inform AIP of right to request for good cause a person, persons, or general public be excluded from the hearing. N.Y. Mental Hyg. Law § 81.14(d).	

<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).	Hearing shall be open unless respondent or counsel or GAL requests otherwise. The clerk shall close the hearing and include only those directly involved or testifying. N.C. Gen. Stat. Ann. § 35A-1112(a).	
<b>ND</b>			Hearing may be closed if the ward or ward's counsel requests. N.D. Cent. Code Ann. § 30.1-28-03 (7).	Filings should not include personal identifiers. A party may motion to file an unredacted copy under seal. N.D. R. Ct. 3.4.
<b>OH</b>	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 voluntary conservatorship of physically infirm adult. Ohio Rev. Code Ann. § 2111.021.		Parties shall redact personal information. Medical records are not considered public information. Ohio R.C. §§ 149.43(A)(1)(a), (ee); 149.45.
<b>OK</b>		Existence of guardianship is public but confidential information filed in accordance with statute is not a public record and available only to enumerated parties and shall be sealed. List of who can receive confidential information. Okla. Stat. Ann. tit. 30, § 1-122.  Statements made during evaluations or treatment	Respondent may request a closed hearing. A person may apply for permission to participate or be admitted to proceeding closed to the public. Okla. Stat. Ann. tit. 30, § 3-106(A)(8, (C).	

		<p>under statute are confidential and inadmissible without permission from the respondent. Okla. Stat. Ann. tit. 30, § 3-106(E).</p> <p>A CAAVA guardian ad litem shall maintain the confidentiality of the case. Okla. Stat. Ann. tit. 30, § 3-106.1(C)(4)(c).</p>		
<b>OR</b>		<p>Department of Human Services or Oregon Health Authority may release minimum information to provide protective services, subject to exceptions. Or. Rev. Stat. Ann. § 125.012(2).</p>		
<b>PA</b>			<p>A hearing shall be closed if respondent or their counsel's request. Pa. Stat. Ann. tit. 20 § 5511(a).</p>	<p>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.</p>
<b>RI</b>		<p>Medical information is confidential; information contained within a decision-making assessment tool may be released to a probate court. R.I. Gen. Laws Ann. § 5-37.3-4(24).</p>		<p>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.</p>

<b>SC</b>			The hearing may be closed if respondent or GAL requests. S.C. Code Ann. § 62-5-303C(A).	Parties shall redact personal information unless the information is already confidential. S.C. R. Civ. P. 41.2
<b>SD</b>		Evaluation report, statement of financial resources, and court representative report are sealed and only available to parties and their attorneys unless the court determined a showing of need. S.D. Codified Laws § 29A-5-311.	Hearing is closed to the public on request of respondent, attorney or court motion. S.D. Codified Laws § 29A-5-312.	<p>Personal information, including social security numbers and financial documents enumerated, is not public. S.D. Codified Laws § 15-15A-8</p> <p>Court shall allow access to confidential financial documents, if court find that public interest in granting access or personal interest of person seeking access outweighs privacy interest of the parties. S.D. Codified Laws § 15-15A-10.</p>
<b>TN</b>		If a proceeding is brought but no fiduciary is appointed, 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.
<b>TX</b>		Address of person named in application for guardianship may be omitted if person is or was protected by protective order. Tex. Est. Code § 1101.002	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</p>

				<p>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>
<b>UT</b>			Hearing may be closed if 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)(iii).
<b>VT</b>	If the court determines the respondent does not need guardianship, it shall seal the record. Vt. Stat. Ann. tit. 14, § 3068(e).	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 move to restrict access to the report. Vt. Stat. Ann. tit. 14, § 3067(e).	<p>Court may exclude any unnecessary person on respondent’s motion. Vt. Stat. Ann. tit. 14, § 3068(a)</p> <p>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.</p>	<p>Filings shall not include social security numbers unless required. Vt. R Prob. P. Rule 5(h).</p> <p>Parties are responsible for redacting personal information. Vt. R. DIS Elec. CS Rec. Rule 3(c).</p> <p>Reports pursuant to §§ 3067-68 are not public records. Vt. R. Prob. P. Rule 77(e)</p>
<b>VA</b>		Evaluation report is filed under seal and provided to GAL, respondent, all adults required to be given notice. The report is admissible in open court unless the respondent’s counsel or		

		<p>guardian ad litem objects. Va. Code Ann. § 64.2-2005(A), (D).</p> <p>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).</p>		
<b>WA</b>		<p>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).</p>	<p>Hearings may be closed with only those necessary for the proceeding. Wash. Rev. Code Ann. § 11.88.040(4).</p>	<p>Parties shall redact the personal identifiers enumerated unless necessary. Wash. G.R. 31.</p> <p>Financial reports, healthcare records, and other sealed confidential documents shall be submitted with designated cover sheet and filed as sealed by clerk. Sanctions may be imposed for violating this rule. Wash. GR 22. <i>See also</i> Wash. G.R. 15.</p>
<b>WV</b>	<p>Upon filing a petition, all pleadings, exhibits, and other documents shall be confidential during and after proceedings. Only protected person and their attorney may inspect and copy the file. Other parties may, with good cause, inspect or copy</p>		<p>The hearing shall be closed to the public. Any person or entity 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(b).</p>	

	the file. W. Va. Code Ann. § 44A-2-5.			
<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), (5m).	
<b>WY</b>		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. Sealed records are available for inspection only under court order. Wyo. Stat. Ann. § 3-1-110(a).		

