

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO )  
COURT ADMINISTRATIVE RULE 32 )  
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## ORDER

The Court, having reviewed a recommendation to amend the Idaho Court Administrative Rules, and being fully informed:

IT IS ORDERED that the Idaho Court Administrative Rules are amended as follows:

### **Rule 32. Records of The Judicial Department - Examination and Copying - Exemption from and Limitations on Disclosure.**

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(c) Applications. This Rule shall apply to all court records existing on or after the date of adoption of this Rule. Provided, this Rule shall not prevent examination, inspection, and copying to of records, otherwise exempt from disclosure by the following persons in the following situations:

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(2) Parties to an action and their attorneys accessing the court file of the action, unless restricted by order of the court, ~~except as limited in.~~ However, parties to an action and their attorneys may not access records identified in paragraphs (g)(12), (15) and (17)(F) that were filed by another party, unless permitted by court order. ~~In addition, parties~~ Parties may authorize release of their own court records filings directly to a third party.

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(i) Redaction and Sealing of Court Records.

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(3) Orders to redact or seal. Consistent with the presumption in these rules of public access to information, when entering an order redacting or sealing records in a case file, a court must fashion the least restrictive exception from disclosure and provide the reason for the redaction or sealing.

(A) Prior to entering an order redacting or sealing records, the court must make one or more of the following determinations:

1. The records contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person.

2. The records contain facts or statements that the court finds might be libelous.
3. The records contain facts or statements that may compromise a person's financial security or could reasonably result in economic or financial loss or harm to a person who has an interest in the records.
4. The records contain facts or statements that could compromise the security of Judicial Branch personnel, property, or sealed or exempt court records maintained by the Judicial Branch.
5. The records contain facts or statements that might endanger a person's life or safety.
6. That it is necessary to temporarily seal or redact the records to preserve the right to a fair trial.
7. The records contain personal data identifiers that should have been redacted pursuant to Idaho Rule of Electronic Filing and Service 15, Idaho Rule of Civil Procedure 2.6, or Idaho Rule of Family Law Procedure 218.

(B) Regardless of whether a motion is filed or a hearing occurs, no record can be redacted or sealed (aside from presentence investigation reports) unless the court first enters a written order that includes the determinations made under subsection (i)(3)(A) above. The order must specifically identify the records to be redacted or sealed and must be consistent with the capabilities of the case management system, and a copy of the order must be served on the Clerk of the District Court. The order shall remain publicly available and subject to examination, inspection or copying by the public, but should not reveal the content of the information protected from disclosure.

(C) When a record is redacted under this rule, the original, unaltered record must be preserved under seal. A redacted copy, so marked, shall be substituted for the original in the court file and only the redacted copy shall be subject to examination, inspection or copying by the public.

(D) When a record is sealed under this rule, it shall not be subject to examination, inspection, or copying by the public except as otherwise provided in these rules. Unless otherwise ordered by the court, the record will be accessible to the parties and their attorneys, who may access and use the record only for purposes of that case. The court may impose additional restrictions on the use and disclosure of the record.

(E) Presentence investigation reports are presumptively sealed as described in Idaho Criminal Rule 32 and unless a court orders otherwise, may only be disclosed in the manner identified by that rule. No order or hearing is required to seal a presentence investigation report.

(4) Orders denying a motion to redact or seal.

(A) Withdrawal of Previously Unfiled Record. If the court denies a motion to redact or seal a previously unfiled record, the record that was the subject of that motion will be withdrawn. The record will not be publicly available; the parties may not refer to or rely on it in any pleadings, motions, or other filings; and the court will not consider the record.

(B) Refiling Associated Motions or Papers. A party moving to seal or redact records should make an effort to obtain a decision on the motion before filing any submission relying on the records. Doing so prevents a record on which a submission relies from being withdrawn pursuant to this rule, potentially leaving the submission unsupported. However, if a submission relies on a record that is withdrawn pursuant to this rule, the party may file an amended submission within seven days from the date of the order denying the motion to redact or seal.

(4) (5) Orders to unredact or unseal.

(A) In any order removing redactions or unsealing records, the court must explain its reasoning for the decision. Those reasons may include, but are not limited to:

1. A determination that none of the factors listed under subsection (i)(3)(A) preclude release of the records.
2. A determination that release is permitted elsewhere in court rule, including other subsections of Idaho Court Administrative Rule 32.

The order must also specifically identify the records to be changed, and a copy of the order must be served on the Clerk of the District Court.

(B) When the court issues an order for a limited disclosure of records that will otherwise remain sealed or exempt from disclosure, its order shall contain appropriate limitations on disseminating the disclosed information.

(5) (6) Filing under seal. Sealed records and records requested to be redacted or sealed must be filed in compliance with Idaho Rules for Electronic Filing and Service 5, 6, and 7 if they are filed electronically.

(6) (7) Changes to orders. The court may reconsider, alter, or amend any order issued under the provisions of this rule at any time.

(7) (8) Provisions concerning exempt records. Exempt records are different than sealed or redacted records and are addressed in Idaho Court Administrative Rule 32(f) and (g). Access to records otherwise exempt from disclosure is addressed in Idaho Court Administrative Rule 32(c) and (h).

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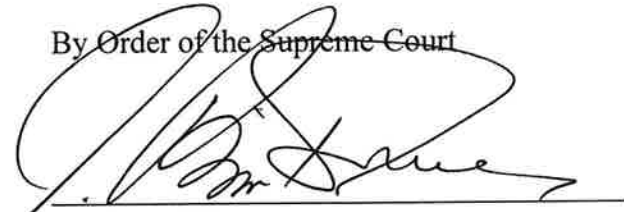
IT IS FURTHER ORDERED, that these amendments shall be effective on the 1<sup>st</sup> day of July, 2025.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Court Administrative Rules.

IT IS FURTHER ORDERED, that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

DATED this 3<sup>rd</sup> day of June, 2025.

By Order of the Supreme Court



G. Richard Bevan  
Chief Justice, Idaho Supreme Court

ATTEST:



Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
Certify that the above is a true and correct copy of the  
Order entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court 6-4-25  
Melanie Gagnepain, Clerk

By



Deputy