

# Confidential Documents and Confidential Information in CHIPS Proceedings

## Juvenile Protection Rule 8.04, subd. 2

Confidential Documents <i>Must Use Confidential Document Coversheet Form 11.3</i>	Confidential Information <i>Must Use Confidential Information Form 11.4</i>
(a) Official transcript of testimony taken during portions of proceedings that are closed by the presiding judge	(d) Identity of reporter of abuse or neglect
(b) Audio or video recordings of a child alleging or describing physical abuse, sexual abuse, or neglect of any child <sup>1</sup>	(e) Records or portions of records that reveal a person has undergone HIV testing
(c) Victims' statements <sup>1</sup>	(j) Identity of a minor victim of an alleged or adjudicated sexual assault <sup>2</sup>
(e) Records or portions of records that reveal a person has undergone HIV testing	(m) Name, address, home, or location of any shelter care or foster care facility in which a child is placed pursuant to emergency protective care placement, foster care placement, pre-adoptive placement, adoptive placement, or any other type of court ordered placement
(f) Medical records, chemical dependency evaluations and records, psychological evaluations and records, and psychiatric evaluations and records <sup>1</sup>	
(g) Sexual offender treatment program reports	
(h) Photographs that identify a child	
(i) Applications for ex parte emergency protective custody orders, and any resulting orders, until the hearing where all parties have an opportunity to be heard on the custody issue, provided that, if the order is requested in a Child in Need of Protection or Services (CHIPS) petition, only that portion of the petition that requests the order shall be deemed to be the application for purposes of confidentiality	
(k) Notice of pending court proceedings provided to an Indian tribe by the responsible social services agency pursuant to 25 U.S.C. § 1912 (the Indian Child Welfare Act)	
(l) Records or portions of records which the court in exceptional circumstances has deemed inaccessible to the public	
(n) The child's education, physical health, and mental health records contained in or attached to the case plan required under Minnesota Statutes § 260C.212, subd. 1, and identified as inaccessible under Rule 37.02, subd. 3(b) <sup>1</sup>	

<sup>1</sup> Although victims' statements, audio tapes, and video tapes of a child alleging or describing abuse or neglect of any child are inaccessible to the public under Rule 8.04, subd. 2(b) and (c), attorneys, GALs, social workers, and the court may include summaries or quotes from the statements or tapes in petitions, reports to the court, orders, and other documents that are accessible to the public. Likewise, although medical records, chemical dependency records, psychological records, treatment records, and the child's education, physical health, and mental health records are inaccessible to the public under Rule 8.04, subd. 2(f) and (n), summaries of or quotes from those records may be included in petitions, reports to the court, orders, and other documents that are accessible to the public.

<sup>2</sup> Excerpt of guidance from Juvenile Protection Rules Advisory Committee Comment regarding Rule 8.04, subd. 2(j): "This is intended to parallel the treatment of victim identities in criminal and juvenile delinquency proceedings involving sexual assault charges under Minnesota Statutes 2001 Supplement, section 609.3471. Thus, the term "sexual assault" includes any act described in Minnesota Statutes § 609.342, 609.343, 609.344, 609.345, and 609.3451. The Committee considered using the term "sexual abuse" but felt that it was a limited subcategory of "sexual assault." See Minnesota Statutes 2001 Supplement section 626.556, subd. 2(a) ("sexual abuse" includes violations of Minnesota Statutes § § 609.342 to 609.345, committed by person in a position of authority, responsible for child's care, or having a significant relationship with the child). Rule 8.04(j) does not require a finding that sexual assault occurred. An allegation of sexual assault is sufficient."