

**AMENDMENTS TO THE SUPREME COURT
RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

The following amendments to the Rules of Superintendence for the Courts of Ohio (Sup.R. 44 and 47) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

December 22, 2014	Published for public comment
October 27, 2015	Final adoption by conference
January 1, 2016	Effective date of amendments

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

RULE 44. Court Records - Definitions.

In addition to the applicability of these rules as described in Sup.R. 1, Sup.R. 44 through 47 apply to the Supreme Court.

As used in Sup.R. 44 through 47:

(A) “Actual cost” means the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs, or other transmitting costs; and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(B) “Court record” means both a case document and an administrative document, regardless of physical form or characteristic, manner of creation, or method of storage.

(C)(1) “Case document” means a document and information in a document submitted to a court or filed with a clerk of court in a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments, and any documentation prepared by the court or clerk in the judicial action or proceeding, such as journals, dockets, and indices, subject to the exclusions in division (C)(2) of this rule.

(2) The term “case document” does not include the following:

(a) A document or information in a document exempt from disclosure under state, federal, or the common law;

(b) Personal identifiers, as defined in division (H) of this rule;

(c) A document or information in a document to which public access has been restricted pursuant to Sup.R. 45(E);

- (d) Except as relevant to the juvenile's prosecution later as an adult, a juvenile's previous disposition in abuse, neglect, and dependency cases, juvenile civil commitment files, post-adjudicatory residential treatment facility reports, and post-adjudicatory releases of a juvenile's social history;
- (e) Notes, drafts, recommendations, advice, and research of judicial officers and court staff;
- (f) Forms containing personal identifiers, as defined in division (H) of this rule, submitted or filed pursuant to Sup.R. 45(D)(2);
- (g) Information on or obtained from the Ohio Courts Network, except that the information shall be available at the originating source if not otherwise exempt from public access;
- (h) In a court of common pleas or a division thereof with domestic relations or juvenile jurisdiction, the following documents, including but not limited to those prepared pursuant to R.C. 2151.281, 3105.171(E)(3), and 3109.04 and Sup.R. 48:
 - (i) Health care documents, including but not limited to-physical health, psychological health, psychiatric health, mental health, and counseling documents;
 - (ii) Drug and alcohol use assessments and pre-disposition treatment facility reports;
 - (iii) Guardian ad litem reports, including collateral source documents attached to or filed with the reports;
 - (iv) Home investigation reports, including collateral source documents attached to or filed with the reports;
 - (v) Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;
 - (vi) Domestic violence risk assessments;
 - (vii) Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;
 - (viii) Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements;
 - (ix) Asset appraisals and evaluations.

[Existing language unaffected by the amendments is omitted to conserve space]

RULE 47. Court Records – Application, Remedies, and Liability.

(A) Application

(1) The provisions of Sup.R. 44 through 47 requiring redaction or omission of information in case documents or restricting public access to case documents shall apply only to case documents in actions commenced on or after July 1, 2009. Access to case documents in actions commenced prior to July 1, 2009, shall be governed by federal and state law.

(2) The provisions of Sup.R. 44 through 47 restricting public access to administrative documents shall apply to all documents regardless of when created.

(3) The provisions of Sup.R. 44(C)(2)(h) restricting public access to certain case documents of a court of common pleas or a division thereof with domestic relations or juvenile jurisdiction shall apply only to case documents in actions commenced on or after January 1, 2016.

[Existing language unaffected by the amendments is omitted to conserve space]

RULE 99. Effective Date.

[Existing language unaffected by the amendments is omitted to conserve space]

(RRR) The amendments to Sup.R. 44, adopted by the Supreme Court of Ohio on October 27, 2015, shall take effect on January 1, 2016.