

## **Effective January 1, 2025, Idaho Court Administrative Rule 32(i) will be replaced with new language.**

This change maintains the factors that must be considered to seal or redact court records. It is intended to provide more structure to the sealing and unsealing process and a clearer path for affected parties to intervene in such decisions.

This document provides information on the processes under the revised rule. The revised rule is available to read at [isc.idaho.gov/recent-amendments](https://isc.idaho.gov/recent-amendments).

### **WHO CAN FILE A MOTION?**

Parties to a case, or non-parties whose rights are affected by or who otherwise have a right to access information contained in a court file, may move to redact, disclose, seal, or unseal records in a case file. The court at its own discretion may also move to do the same.

### **WHAT HAPPENS NEXT?**

The court shall hold a hearing on the motion if one is requested by a party or a non-party whose rights are affected. The court may also hold a hearing at its own discretion. In one change from current rule, a hearing is not mandatory otherwise.

If the motion seeks to redact or seal newly filed records, those records are temporarily sealed for three days to allow the court to review them. The court may order the records temporarily sealed for longer pending a decision on the motion.

If the motion seeks to redact or seal previously filed records, the court at its discretion may temporarily seal those records pending a hearing or final decision.

### **WHY CAN A RECORD BE SEALED OR REDACTED?**

Before entering an order redacting or sealing a record, the court must determine if its content falls under one of seven factors. These factors already exist in the current rule and include things like libel, financial security, or facts or statements that might endanger a person's life. Records with personal data identifiers that should have been redacted under other court rules can be redacted by the court without a hearing.

### **WHY CAN A RECORD BE UNSEALED OR DISCLOSED?**

Before entering an order disclosing or unsealing a record, the court must explain its reasoning. Those reasons may include, but are not limited to, that none of the sealing factors apply or that release is permitted elsewhere in court rule.

### **HOW WOULD I KNOW IF SOMETHING IS SEALED OR UNSEALED?**

If a record is not otherwise exempt or shielded under ICAR 32, the record cannot be sealed or unsealed without a written order that includes the court's reasoning. This type of order remains publicly available.

