

Memorandum

SUPREME COURT OF WISCONSIN
CHILDREN'S COURT IMPROVEMENT PROGRAM
PHONE (608) 261-0692 FAX (608) 261-6650



DATE: November 9, 2018 (updated 5-6-24)

TO: Juvenile Clerks, Registers in Probate, and Clerks of Court

FROM: Bridget Mauerman, Children's Court Improvement Program

SUBJECT: Juvenile eFiling and Party Types

The Children's Court Improvement Program has created new recordkeeping standards for entering party information into the CCAP case management system for juvenile cases (JV, JC, and TP cases). These standards are critical, as any person or agency listed as a party has access to the entire eFiled case.

Statutory Requirements on Confidentiality in Juvenile Cases

Juvenile court records are confidential and may only be disclosed if explicitly authorized in statute or ordered by the court. See ss. 48.396(2) and 938.396 (2), Wis. Stats. The new standards will ensure that the parties who are entitled to view the entire case file can participate as an eFiling party, while persons or agencies who are involved with the case but not authorized to view all of the case records will not.

As the new recordkeeping standards are being implemented, it is important to note the following:

1. There are situations where the statutes require distribution of a particular court document or hearing notice to individuals listed under "Notice Recipients". The person responsible for distributing this document is required to provide a paper copy to these case participants, as well as to any party who has not opted in as an eFiler.

The following Director of State Courts Informational Bulletin provides guidance on when it is appropriate for clerks to disseminate documents to individuals and agencies through email: <https://courtnet.wicourts.gov/bulletins/docs/ib1902.pdf>.

2. The current functionality in CCAP does not allow clerks to enter an associated attorney for Notice Recipients. If a Notice Recipient is represented, the attorney should be added as a separate Notice Recipient using the "Other" party type.
3. Protect does not have a Notice Recipient designation. All parties and notice recipients will come over as a party. Some of the individuals may need to be moved to Notice Recipients or removed completely. Please review all party information carefully!
4. Even though intake/dispositional workers and social workers are not entered as parties, they have the ability to eFile documents using non-party filing. However, they are not mandatory eFilers under the eFiling rule. The intake/dispositional workers and social workers will continue to have the option of filing documents via traditional means.

Additional information related to eFiling a new case as a social worker can be found at: <https://efilinghelp.zendesk.com/hc/en-us/articles/360056759372-Circuit-Court-eFiling-eFile-a-new-case-as-a-social-worker-using-non-party-filing>.

Entering Party Information

Juvenile clerks should take the following steps when entering party information for new filings and for every pending case:

I. Child in Need of Protection or Services (CHIPS) Cases

A. On the **Parties** tab, enter the following individuals and any associated attorney/GAL for the party:

- Petitioner
- Child
- Parent (mother, father, adjudicated father, adoptive father, adoptive mother)
- Guardian
- Legal custodian
- Indian custodian
- Tribe (if case is subject to the Indian Child Welfare Act)

The petitioner in CHIPS proceedings is typically the District Attorney or Corporation Counsel. The child, parent, or guardian may be the petitioner under certain grounds. Selecting Corporation Counsel or District Attorney on the party screen as the agency will automatically populate the “petitioning agency” and “petitioning attorney” fields on the main case screen.

B. In the **Notice Recipients** section, enter any other person or agency that may require distribution of certain court documents or hearing notice. Examples of party types that may fall under this category include:

- Alleged father (including an attorney for an alleged father)
- Foster parent and physical custodian
- Facility (group home, residential treatment center, and shelter home)
- Social Worker
- Agency (county human/social services, DMCPs, Wellpoint, Children’s Wisconsin)
- Court-appointed special advocate (CASA)
- Other (such as child’s school or State Public Defender clerical email)

Select the notify checkbox to have the option to generate paper court notices for these individuals. For example, under Wis. Stat. § 48.27(3)(a)1., if a child is placed with a relative or in a foster home, notice of hearings needs to be provided to these individuals.

CCAP programming identifies these persons/agencies as “Notice Recipients” and you will have the option of printing paper notices or sending electronic notices. It is important to note that Notice Recipients are individuals/agencies that are associated with the case, but are not actual parties to the case. They can receive notice of scheduled court proceedings and may be sent electronic court documents as permitted in statute, but they will not be able to opt into the case as parties, with full access to the entire electronic file.

II. Juvenile in Need of Protection or Services (JIPS) and Delinquency Cases

A. On the **Parties** tab, enter the following individuals and any associated attorney/GAL for the party:

- Petitioner
- Juvenile
- Parent (mother, father, adjudicated father, adoptive father, adoptive mother)
- Guardian
- Legal custodian
- Indian custodian
- Tribe (if JIPS case subject to the Indian Child Welfare Act)
- Special prosecutor
- Victim (in accordance with the Victim Procedures in CCAP:
<https://courtnet.wicourts.gov/policies/docs/mrkvictimproceduresccap.docx>)

The petitioner in a delinquency proceeding is the District Attorney. The petitioner in a JIPS case may be the District Attorney, Corporation Counsel, parent, or guardian. If the petitioner is Corporation Counsel or District Attorney, ensure that the agency number and attorney's name are entered into active cases that were initiated prior to eFiling. Selecting Corporation Counsel or District Attorney on the party screen as the agency will automatically populate the "petitioning agency" and "petitioning attorney" fields on the main case screen.

B. In the **Notice Recipients** section, enter any other person or agency that may require distribution of certain court documents or hearing notice. Examples of party types that may fall under this category include:

- Alleged father
- Foster parent and physical custodian
- Facility (detention center, group home, residential treatment center, and shelter home)
- Social Worker
- Agency (county human/social services)
- Attorney representing a victim
- Other (such as juvenile's school or State Public Defender clerical email)

Select the notify checkbox to have the option to generate paper court notices for these individuals.

CCAP programming identifies these persons/agencies as "Notice Recipients" and you will have the option of printing paper notices or sending electronic notices. It is important to note that Notice Recipients are individuals/agencies that are associated with the case, but are not actual parties to the case. They can receive notice of scheduled court proceedings and may be sent electronic court documents as permitted in statute, but they will not be able to opt into the case as parties, with full access to the entire electronic file.

III. Termination of Parental Rights (TPR) Cases

A. On the **Parties** tab, enter the following individuals and any associated attorney/GAL for the party:

- Petitioner
- Child
- Parent (mother, father, adjudicated father, adoptive father, adoptive mother)*
- Guardian
- Legal custodian
- Indian custodian
- Tribe (if case is subject to the Indian Child Welfare Act)

*Note: The adoptive father and adoptive mother would only be entered as a party if the adoption has already occurred. If these individuals are a proposed adoptive parent, they should be entered as a Notice Recipient.

The petitioner in TPR proceedings may be Corporation Counsel, District Attorney or contracted attorney, parent, child (through counsel or guardian ad litem), guardian, relative, or “other appropriate person designated by the court.” Selecting Corporation Counsel or District Attorney on the party screen as the agency will automatically populate the “petitioning agency” and “petitioning attorney” fields on the main case screen.

B. In the **Notice Recipients** section, enter any other person or agency that may require distribution of certain court documents or hearing notice. Examples of party types that may fall under this category include:

- Alleged father (including an attorney for an alleged father)
- Foster parent and physical custodian
- Facility (group home, residential treatment center, and shelter home)
- Social Worker
- Agency**
- Stepfather and stepmother (for stepparent adoption)
- Other

**Note: After TPR is granted, this would include the public adoption contract agencies (Lutheran Social Services and Children’s Wisconsin).

Select the notify checkbox to have the option to generate paper court notices for these individuals.

CCAP programming will identify these persons/agencies as “Notice Recipients” and you will have the option of printing paper notices or sending electronic notices. It is important to note that Notice Recipients are individuals/agencies that are associated with the case, but are not actual parties to the case. They can receive notice of scheduled court proceedings and may be sent electronic court documents as permitted in statute, but they will not be able to opt into the case as parties, with full access to the entire electronic file.

Memorandum

SUPREME COURT OF WISCONSIN
OFFICE OF COURT OPERATIONS
PHONE (608) 266-3121 FAX (608) 267-0911



To: Clerks of Circuit Court
Juvenile Clerks
From: Marcia Vandercook
Date: updated June 18, 2018
Re: Juvenile offense case types

We are frequently asked what case types should be given to juvenile traffic and other juvenile offenses. The answer depends on the age of the juvenile and the type of offense. Here are some general principles to apply:

- As a general rule, a juvenile is a person who is 17 or younger. For crimes, forfeitures, and ordinance violations, a juvenile is a person who is 16 or younger. See §938.02(1), (10m).
- For most traffic offenses (ch. 341- 349, 351 and conforming ordinances), 16-year-olds are treated as adults because they are old enough to have operators' licenses. This also applies to other driving offenses involving boats, ATVs, and snowmobiles (ch. 23, 30, and 350 and conforming ordinances). See §938.17(1). A violation of absolute sobriety under §346.63(2m) is considered a traffic offense, not an underage drinking offense.
- Not every offense that involves a car or other motor vehicle is a traffic offense. Offenses such as disorderly conduct with a vehicle, squealing tires, display of power, etc, are regular ordinance violations, not traffic. The same is true for parking violations.
- Underage drinking, smoking, and curfew are "status offenses", penalties that apply because the person is too young to engage in a particular activity, not because the law considers the person to be a juvenile. Like any other offense, these are JO cases when the offender is 16 or under; FO otherwise. See §125.07(4), §134.66(2).
- Truancy cases are JO cases when the person is 16 or younger, and FO cases when the person is 17. §118.163(1m), §118.163(4), §938.125(2), §938.342(1g).
- TROs and injunctions under ch. 813 are civil cases. These fall within the jurisdiction of the juvenile court until the respondent is 18. See §48.14(10).
- Age is determined as of the time of charging, not the time of the offense. §938.02; *State v. Annola*, 168 Wis.2d 453 (1992).

Here are two different charts that we hope will help your staff make sense of this:

- JO: (1) the offender is 15 or under, and the offense is a traffic forfeiture.
(2) the offender is 15 or under, and the offense is a driving offense involving boats, ATVs, or snowmobiles.
(3) the offender is 16 or under, and the offense is a non-driving forfeiture, including DNR license violations and disorderly conduct with a car.
(4) the offender is 16 or under, and the offense is underage drinking.
(5) the offender is 16 or under, and the offense is underage tobacco.
(6) the offender is 16 or under, and the offense is truancy.

- FO: (1) the offender is 16, and the offense involves driving boats, ATVs, or snowmobiles.
 (2) the offender is 17 or older, and the offense is a non-driving forfeiture.
 (3) the offender is 17- 20, and the offense is underage drinking.
 (4) the offender is 17, and the offense is underage tobacco.
 (5) the offender is 17, and the offense is truancy.
- JV: (1) the offender is 15 or under, and the offense is a criminal driving offense.
 (2) the offender is 16 or under, and the offense is a criminal non-driving offense.
 (3) the offender is 16, and the offense is a false statement in title application, forged proof of financial responsibility, duty to render aid in a boating accident (resulting in death or serious injury), or striking an attended vehicle (resulting in death or serious injury).
- Jl: (1) the respondent is 17 or under, and the petition is for a restraining order or injunction.
- TR: (1) the offender is 16 or older, and the offense is a traffic forfeiture.
- CT or CM: (1) the offender is 16 or older, and the offense is a driving misdemeanor.
- CM: (1) the offender is 17 or older, and the offense is a non-driving felony.
 (2) original criminal jurisdiction over juveniles is available in limited circumstances.
- CF: (1) the offender is 16 or older, and the offense is a driving felony.
 (2) the offender is 17 or older, and the offense is a non-driving felony.
 (3) original criminal jurisdiction over juveniles is available in limited circumstances.

Driving offenses	16 & OLDER	UNDER 16
Traffic forfeitures, ch. 341-349, 351	TR	JO
ATV forfeitures, ch. 23	FO	JO
Boating forfeitures, ch. 30	FO	JO
Snowmobile forfeitures, ch. 350	FO	JO
Misdemeanor traffic	CT or CM	JV
Felony traffic, with exceptions below	CF	JV

Crimes	17 & OLDER	UNDER 17
Boating accidents & reporting, 30.67(1)	CF	JV
Hit & run, 346.67(1)	CF	JV
Fraudulent title, 342.06(2)	CF	JV
Forged proof of insurance, 344.48(1)	CF	JV
Misdemeanor non-driving	CM	JV
Felony non-driving	CF	JV

Forfeitures	17 & OLDER	UNDER 17
Disorderly conduct	FO	JO
Disorderly conduct with motor vehicle	FO	JO
Curfew	FO	JO
Underage drinking (but not drinking and driving)	FO	JO
Underage tobacco	FO	JO
Parking	FO	JO
Other ordinance violations	FO	JO
Truancy	FO	JO

Memorandum

SUPREME COURT OF WISCONSIN
OFFICE OF COURT OPERATIONS
PHONE (608) 266-3121 FAX (608) 267-0911



DATE: March 5, 2025

TO: Clerks of circuit court, registers in probate, juvenile clerks

FROM: Meg Sternitzky

SUBJECT: A Guide to Confidentiality, Sealing, and Redaction in Wisconsin Circuit Courts

This memo is intended as a guide for filers, court staff, and judges on the various statutory provisions related to confidentiality, redaction, and sealing of information in circuit court case records. This general guide clarifies how the court system treats different types of filings under statute. Individual practices of judges in each county may vary from this guide. If a filer wants to supplement this guide with additional information, please contact Meg Sternitzky in the Office of Court Operations at meg.sternitzky@wicourts.gov.

1. Documents that can be marked as confidential and submitted with no further motion

- Wis. Stat. § 801.20 requires parties to identify confidential information when it is filed. The Director of State Courts has created a list of commonly filed documents and case types that the clerks of court and registers in probate must automatically treat as confidential without a motion.
- The CCAP software will automatically mark the below documents as confidential when filed through eFiling based on the document type. eFilers need to select the correct document type when eFiling these documents in order for the software to mark them as confidential.
- Clerks and registers in probate are responsible for recognizing and treating these documents as confidential without any notification from the parties. If an eFiler does not select the correct document type and the software does not mark the document as confidential, clerks and registers in probate must manually mark the document as confidential by checking the “confidential” box under the document restriction type.
- The DA should mark these documents as confidential when filed through PROTECT.
- Clerks and registers in probate are responsible for marking these documents as confidential when they are filed in paper.

Form Title	Form Number	Statute Number	Who Is Allowed to View the Record?¹
Confidential Address Information in TRO and Injunction Actions	CV-502	813.12(5m) 813.122(5g) 813.123(5g) 813.125(5m)	• Petitioner/Child/Individual at Risk • Petitioner/Child/Individual at Risk's Attorney or person filing on behalf of the person to be protected.
Confidential Disclosure of Protected Information	GF-241	801.19(2)(h)1.	• Parties • Parties' Attorneys • Guardian ad Litem • Judicial Officers • Court Staff • Individuals allowed access by stipulation of parties • Other individuals ordered by the court to have access.
Court Reports • Original Disposition Report to the Court • Court Report for Extension of Dispositional Order • Youth Justice Dispositional Court Report • Court Report for Transfer of Legal Guardianship • Court Report for Termination of Parental Rights	<u>DCF Forms</u> • CFS-2118 • CFS-2110 • CFS-2111 • CFS-2138 • CFS-2117	48.396(2) & (3)(b)2. 48.33 48.293(2) 48.38(5)(d) & (5m)(d) 938.33 938.293(2), 938.38(5)(d) & (5m)(d) 938.396(2g) & (2m)(b)2.	At the time of filing or for purposes of participating in a permanency review/hearing under 48.38 and 938.38: • Parents • Parents' Attorney(s) • Guardian • Legal custodian • Child's/Juvenile's Guardian ad Litem/Adversary Counsel • Corporation Counsel/District Attorney • Court Appointed Special Advocate (CASA) • Indian custodian • Tribe
Cover Sheet for Confidential Records Supporting Documents	GF-244	801.20	Access will be determined based upon the type of document filed.
Confidential Disclosure of Information to be Sealed or Redacted	GF-245	801.21(2)	The court should use form GF-246B to designate who can access the records.

¹ "Allowed to view the record" means allowed to access the record under Wisconsin state statutes unless otherwise ordered by the court. Some statutes allow for individuals to only inspect the record while others allow for individuals to obtain copies of the record. For eFiling parties, access may be granted through the eFiling system. For paper parties and other individuals, access may be through traditional means.

Confidential Petition Addendum	GF-179	767.215(5)(b)	• Parties • Parties' Attorneys • County Child Support Agency • Individuals who have a court order to access the information.
Disclosure of Sealed Identifying Information in a Child Custody Proceeding	GF-178	822.29(5)	Party and party attorney who files the affidavit unless court orders disclosure to other party or public. Wis. Stat. 822.29(5)
Examining Physician's or Psychologist's Report in Guardianship cases	GN-3130	51.30(4)(b) 54.36	• Appropriate examiners and facilities who will be examining the ward (54.36(3)) • Ward • Proposed Ward • Ward's Guardian ad Litem and Attorney • Corporation Counsel and the District attorney are entitled to access under s. 804.10(3)(a) and s. 51.30(3)(b).

Examining Physician's or Psychologist's Report in cases under the Children's Code Note: This includes juvenile competency reports	N/A	48.295 48.396(2) & (3)(b)2. 48.38(5)(d) & (5m)(d) 938.295 938.38(5)(d) & (5m)(d) 938.396(2g) & (2m)(b)2.	In a UCHIPS, CHIPS, JIPS or delinquency case: • Parents • Guardian • Legal custodian • Corporation Counsel/District Attorney • Child's/Juvenile's Guardian ad Litem/Adversary Counsel • Court Appointed Special Advocate (CASA) • Unborn child's expectant mother • Unborn Child's Guardian ad Litem or Counsel In addition to those listed above, the following individuals in preparation of a permanency review/hearing: • Indian Custodian • Tribe Note: Wis. Stat. Chs. 48 and 938 do not specifically list parents, custodians or legal guardians as individuals allowed to view the examining physician or psychologist's report. Clerks should discuss whether parents, custodians or legal guardians are authorized to view the report with the judge.
Family History Questionnaire Medical/Genetic Family History Questionnaire Medical/Genetic – Pregnancy and Delivery Information	<u>DCF Forms</u> • CFS-0149 • CFS-0149A	48.422(9) 48.425(1)(am)	Forwarded to the Department of Children and Families when TPR is ordered.

Family Medical History Questionnaire	FA-608	767.41(7m)(b)	- Physician or health care provider with custody of the information - Any other record custodian at the request of the physician or other healthcare provider
Financial Disclosure Statement	FA-4139V	767.127(3)	- Parties - Parties' Attorneys - Department of Children and Families as needed with respect to child and spousal support and establishment of paternity and information to administer the medical support liability program.
Income and Expense Statement	FA-4138V	767.127(3)	- Parties - Parties' Attorneys - Department of Children and Families as needed with respect to child and spousal support and establishment of paternity and information to administer the medical support liability program.
Permanency Plan Documents: - Administrative Permanency Plan Summary - Permanency Plan - Permanency Plan Addendum - CANS Assessment	<u>DCF Forms</u> - CFS-2357 - CFS-2132 - F-5479 - F-2611 - F-2612	48.396(2) & (3)(b)2. 48.38(5)(d) & (5m)(d) 938.38(5)(d) & (5m)(d) 938.396(2g) & (2m)(b)2.	- Child's/Juvenile's Guardian ad Litem/Adversary Counsel - Parents - Parents' Attorney(s) - Child's/Juvenile's Guardian/Legal Custodian - District Attorney/Corporation Counsel - Court Appointed Special Advocate (CASA) - Indian Custodian - Tribe

Presentence Investigation Reports		972.15(4m)	• District Attorney • Defense Attorney • Assistant Attorney General • If unrepresented, the defendant may view the report, but not keep a copy.
Report of Examination under 51.45(13) (Involuntary Commitment)	ME-940	51.45(13)	• The attorney of the person subject to the commitment or the person (if he/she waived counsel) must be provided this report 96 hours prior to the hearing under 51.45(13)(e). • Accessible to individual's attorney, GAL, corporation counsel, without modifications, to prepare for commitments (51.30(3)(b)). • See Wis. Stat. 51.30 for the list of individuals who are able to access these records in other circumstances.
Report of Examination 51.20 (Involuntary Commitment for Treatment)	ME-941	51.20	• The attorney of the person subject to the commitment or the person (if he/she waived counsel) must be provided this report 48 hours prior to the final hearing under 51.20(10)(b). • Accessible to individual's attorney, GAL, corporation counsel, without modifications, to prepare for commitments. 51.30(3)(b). • See Wis. Stat. 51.30 for the list of individuals who are able to access these records in other circumstances.

2. Other information made confidential by statute - submit using form GF-244

- There are some confidential documents parties are responsible for bringing to the attention of the clerk or register in probate. The below confidential documents must be brought to the attention of the clerk or register in probate by the parties at the time the documents are filed, using the *Cover Sheet for Confidential Records (GF-244)* form. This information is confidential by statute, so no motion needs to accompany the form.
- GF-244 itself is an open record and should not be made confidential. Parties should file the *Cover Sheet* and supporting documents separately.

- If a party files a confidential document and GF-244 in paper, the clerk or register in probate should enter the *Cover Sheet* into CCAP using the *CSCR (Cover sheet for confidential records)* court record event, and take the appropriate steps to make the attached record as confidential.
- It is not the clerk or register in probate's responsibility to ensure that the party or the party's attorney has inadvertently filed confidential information as an open record. However, in an effort to provide good customer service, if a clerk or register in probate notices that a party file confidential information as part of an open record, the clerk or register in probate can call the party/attorney to say that the information will remain in the open file unless a motion to seal is filed and granted.
- The clerk should note on the court record the nature of the information submitted.
- See Wis. Stat. § 801.20.

Information	Statute Number	Who Is Allowed to View the Record?
Child pornography recordings as evidence	971.23(11)(d)	• Law Enforcement • District Attorney • Must be made reasonably available to the defense (so defense can view the evidence). The defense may get a copy upon order from the court.
Criminal competency determinations prior to competency hearing	971.14(4)(a)	• District Attorney • Defense Attorney • Defendant • Sheriff or jailer only upon request to the court. Sheriff or jailer may in turn provide it to the medical records custodian, nurse, physician or physician assistant of the defendant.
Criminal mental disease or defect reports prior to testimony or end of trial	971.16(3)	District attorney and defense attorney until the physician or psychologist has testified or at the completion of the trial. The contents of the report are confidential until the physician or psychologist has testified or at the completion of the trial.
Documents previously sealed by court order	801.21(7)	Access granted according to the original order to seal.
Family maintenance payment records	767.57(1)(c)	• Parties to the action • Parties' Attorneys • Circuit Court Commissioner
Records relating to insurer rehabilitation/liquidation summary proceedings	645.24(3)	All parties to the proceeding and their attorneys unless otherwise ordered by the court.

Medical incapacity of attorney petition	SCR 12.02(1)(e)	• Petitioner • Attorney • Trustee attorney after appointment by the court • OLR upon notice of the court (SCR 12.02(1)(a))
Parent denied physical placement has limited access to child's records	767.41(7)(b)	Certain child's records (school records, court/treatment records, protective services records, health records) may not be available to a parent who has been denied periods of physical placement under Ch. 767.
Physical/mental health/sensitive personal matter in proceedings under chs. 48/938	48.396(3)(b)2. 938.396(2m)(b)2.	Documents may be disclosed to individuals as permitted under ss. 48.396(2) and 938.396(2g) or as otherwise permitted by another section of this chart.
Pupil records provided under subpoena for in camera inspection	118.125(2)(f)	After the court conducts an in camera review, the records or parts of the records may be turned over to the parties in the action and their attorneys.
Treatment records of individuals criminal committed under ch. 971 and 975 (e.g. conditional release plan in NGI cases)	51.30(7)	• Individual's Attorney • Guardian ad Litem • Corporation Counsel, without modifications, to prepare for commitments (51.30(3)) • See Wis. Stat. 51.30 for the list of individuals who are able to access these records in other circumstances.
UCCJEA proceedings where risk of harm is alleged	822.29(5)	• Petitioner • Petitioner's Attorney
Wiretap records, electronic or oral interceptions	968.30(7)	Court shall seal the records and recordings. The court has the authority to grant access to sealed records and recordings under specific circumstances.

3. Information to be sealed based on court discretion (may require a motion to seal)

- If a party wishes to protect a court record that is not protected by Wis. Stat. 801.19 (protected information) or Wis. Stat. 801.20 (confidential information), the party must file a motion to seal or redact. The court will then use its discretion to determine if the information should be sealed or redacted. Court staff cannot independently decide whether to seal something. This decision must be made by a court official.

- For some of the documents below, parties will need to file a motion to seal and the court will determine whether to treat the information/documents as confidential. Parties can file a motion to seal using form *Motion to Seal or Redact a Court Record (GF-246A)* or *Motion to Seal or Redact a Transcript (GF-247A)*. Parties can also submit a motion to seal in a different format.
- *Confidential Disclosure of Information to be Sealed or Redacted (GF-245)* should accompany GF-246A or GF-247A and should be used by the party to specify the information the party wants sealed or redacted.
- The CCAP software automatically places form GF-245 under temporary seal when submitted through eFiling. The filer should check the radio button labeled “seal” in order to seal the documents submitted with the GF-245. Until the court rules on the motion, only the filer can view the information.
- The DA needs to place the GF-245 under “temporary seal” when filing through PROTECT.
- Clerks should mark the GF-245 and information to be sealed or redacted as sealed when they are filed in paper until the court can rule on the motion by checking the “sealed” box under the document restriction type when the document is scanned into the case.
- The motions to seal, GF-246A and GF-247A, and their orders, GF-246B and GF-247B, are open to the public. The motion should be entered into the court record using the *MSRC (Motion to seal/redact court record)* or *MSRT (Motion to seal/redact transcript)* court record event. The order should be entered into the court record using the *OMSRC (Order on motion to seal/redact)* or *OMSRT (Order on motion to seal/redact transcript)* court record event.
- If the court grants a motion to seal the court record, the clerk will place the GF-245 under permanent seal and allow access to the parties only as provided in the court order.
- See Wis. Stat. § 801.21.

Information	Statute Number	Who Is Allowed to View the Record?
Antitrust actions - business or trade secrets	133.13(2)	The court should use form GF-246B to designate who can access the records.
Confidential informants - identification and testimony	905.10(3)	The court should use form GF-246B to designate who can access the records.
Coroner's inquest records	979.05(6) 979.08(7)	The court should use form GF-246B to designate who can access the records.
Divorce judgments may be impounded when parties remarry each other or reconcile	767.35(6) 767.35(7)	The court should use form GF-246B to designate who can access the records.
Family actions may be impounded for good cause shown	767.13	The court should use form GF-246B to designate who can access the records.

In camera inspection of potential discovery under 971.23	971.23(6m)	Under 971.23, the court shall review the documents and shall mask or delete any material which is not relevant to the case being tried. District attorneys, defense attorneys and defendant attorneys get access after inspection and redaction. 971.23(6m)
In camera inspection of state employment records if the employee demands de novo review of the release (<i>Woznicki</i> notice)	19.356	The court shall determine access after review of the records.
John Doe proceedings	968.26(4)	The court should use form GF-246B to designate who can access the records.
Juror Information	<i>State v. Tucker</i> , 2003 WI 12, 259 Wis. 2d 484	Under <i>State v. Tucker</i> , in order to restrict juror information, the court must make an individualized determination that the jury needs protection, and take reasonable precautions to minimize any prejudicial effect to the defendant. <i>Id.</i> at ¶ 27. The court may use form GF-246B to designate who can access this information.
Restraining orders and injunctions, individual at risk	813.123(3)(c)2.	The court should use form GF-246B to designate who can access the records.
Trade secrets litigation	134.90(5)	The court should use form GF-246B to designate who can access the records.
Court Appointed Special Advocate (CASA) Reports	48.236(3) 48.396(2) & (3)(b)2.	No distribution list provided in statute (consult with judge to determine who should have access).

Home Study Documents in Adoption Cases • Adoption Investigation Report to Circuit Court (DCF - CFS-0857) • Report to the court on adoption investigation (DCF - CFS-2225) • Step-parent screening • Adoption home study summary step-parent adoption	48.88(2)(b) 48.88(2)(c) 48.93(1d)	No distribution list provided in statute (consult with judge to determine who should have access).
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Other state statutes provide confidentiality for records when held by other custodians. These statutes may be used in support of a motion to the court to seal the record, but the clerk does not automatically treat the information as confidential without a court order (e.g. patient health care records).

A party may wish to file a motion to seal the following information/documents, even though there is no statute that specifically provides for confidentiality when these are submitted to the court:

- Medical and Psychological Records
- Crime Victim and Witness Information – Name
- Victim Impact Statements
- Children’s Names in Cases outside the Children’s Code (Ch. 48) and Juvenile Code (Ch. 938)
- Driver Records
- Qualified Domestic Relations Orders
- Personnel Records

When ordering a record sealed, the court should use Form GF-246B to designate who can access the records. The clerk or register in probate should take the appropriate steps to seal the record consistent with the court order. The unredacted or sealed document is not accessible to the public, unless permitted by the court.

4. Five numbers identified by court rule as “protected information” – submit using form GF-241 OR omit if not needed for the court proceeding

- As of July 1, 2016, parties should not submit protected information in any document filed with the court in any action or proceeding. “Protected information” is defined as the following numbers: social security number, employer or taxpayer identification number, financial account number, driver license number, passport number (Wis. Stat. 801.19(1)(a)). A party must omit or redact protected information from any documents filed with the court. Court staff is not responsible for redacting this information from the paper file if it is submitted by parties with their filings.
- If the protected information is required by law or is necessary to the action, in addition to redacting the information, the party must provide the redacted information to the court

using *Confidential Disclosure of Protected Information (GF-241)*.

- The CCAP software automatically marks form GF-241 as confidential when submitted through eFiling. Attachments are automatically marked as confidential if submitted with the GF-241 as a single document.
- The DA needs to mark the GF-241 as confidential when filing through PROTECT.
- Clerks should mark the GF-241 as confidential when it is filed in paper by checking the “confidential” box under the document restriction type when the document is scanned into the case.
- Form GF-242A, Motion to Redact Protected Information in Court Record, is used when a party wishes to redact information previously filed. Form GF-243A, Motion to Redact Protected Information in Transcript, is used when one of the numbers has been spoken in court and needs to be redacted from the transcript. These motions and their orders are not confidential.
- See Wis. Stat. § 801.19.

Protected Information	Statute Number
Social security numbers	801.19(a)1.
Employer & tax ID numbers	801.19(a)2.
Financial account numbers (bank accounts, credit cards, passwords, PINs)	801.19(a)3.
Driver license and state identification numbers	801.19(a)4.
Passport numbers	801.19(a)5.

5. Records submitted from another confidential court proceeding

- If records from other confidential proceedings are used as exhibits in another type of case, the filer must bring them to the attention of the clerk and the court with the appropriate motion in order to assure that the records remain confidential.

6. Information submitted *ex parte*

- If a party wishes to submit documents *ex parte*, the filer must file the documents in paper. The CCAP software does not have the capability for parties to submit these documents through the eFiling system without the other party being able to see the filing.

7. Sealing Address Information from Court Record (GF-183A)

- If a party wishes to seal his or her address in a non-criminal case when there is no statutory authority making the address information confidential, the party can file *Petition and Affidavit Concerning Sealing of Address Information from Court Record (GF-183A)*. Criminal defendants cannot use this form but may file a different motion.
- GF-183A itself is not confidential and can be entered into the court record using the *PASA (Pet/Aff to seal address from court record)* court record event.
- If the judge grants the petition, clerks should update the court record with the court record event *OSPA (Order to seal party address)*. Entering this court record event will seal the party address on the case, but not the party name.
- The intent of the form is to remove a party’s address from **all** documents in the court record, not just the online record. This means clerks and registers in probate should also go through the documents in the file and redact the party’s address if the court grants the petition.

8. Entire classifications of cases that are confidential

- Some statutes require that an entire classification of cases be kept confidential. These statutes have provisions allowing disclosure to the parties, their attorneys, and others.
- When a party commences an action under one of these case types, the clerk and register and probate will automatically treat them as confidential. Clerks and registers in probate must treat these case types as confidential without any notification from the parties.

Case Type	Statute Number
Juvenile Adoption (JA)	48.93
Child Abuse Restraining Orders and Injunctions	813.122(3)(bq)
Children's Proceedings under Chapter 48 • CHIPS (JC) • Minor Guardianships (JG) • Termination of Parental Rights (TP) • Juvenile Child Abuse and Harassment Injunctions (JI)	48.396(2)(a) 48.25(6) 48.14(10)
Confidential Name Change Petition	786.37(4)
Grand juror list and grand jury proceedings	968.40 - 968.53
Guardianship – Adult Guardianships and Minor Estates (GN)	54.75 54.25(2)(c)4. 54.44(5)
Jane Doe Proceedings	48.375(7)(e)
Mental Health Act Proceedings	51.30
Juvenile Proceedings under Chapter 938 • JIPS and Delinquency (JV)	938.396(2)(a)
Paternity pre-adjudication records	767.853
Protective Services and Placement	55.22, 55.10(3)
Unexecuted Search Warrants	968.21
Wills Deposited with the Court During Testator's Life	853.09(1)

More guidance is posted at <https://www.wicourts.gov/services/attorney/redact/index.htm>



Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Patience D. Roggensack
Chief Justice

16 East State Capitol
Telephone 608-266-6828
Fax 608-267-0980

Hon. Randy R. Koschnick
Director of State Courts

INFORMATIONAL BULLETIN 19-02

DATE: February 5, 2019

TO: Circuit Court Judges
Clerks of Circuit Court
Registers in Probate
Juvenile Clerks

FROM: Randy R. Koschnick
Director of State Courts

SUBJECT: Limited use of email to transmit certain documents

In 2011, the Director of State Courts Office issued a policy about sending and receiving court documents by email, Informational Bulletin 11-13. This bulletin is an update to that policy, taking into account the recent successful implementation of electronic filing and progress in developing automated information exchanges with our justice partners.

It is still the policy of the Director's Office that clerks and judges should not accept circuit court documents for filing by email. However, there are a number of situations where email may be used for other kinds of information exchange. Now that eFiling is firmly established, we believe we can allow greater use of email under certain conditions without jeopardizing the work everyone has done to adapt to the new system. We appreciate everyone's cooperation that allowed us to reach this point.

Outgoing Documents

Generally speaking, the majority of case-specific outgoing documents should be provided to individuals directly through the eFiling system, an interface, or the Notice Recipient feature in CCAP Case Management. However, there may be situations where these methods are not available. In these limited situations, email may be the most appropriate and efficient way to send certain documents. Clerks can use the following questions to help them navigate whether it is appropriate to send certain documents via email:¹

1. Is the individual allowed to access this document under the law?
2. Is it possible to send the document through eFiling, an interface, or through the Notice Recipient feature?

¹ See Appendix A for a flow chart showing when it may be appropriate to send outgoing documents via email.

3. Does the law require the document to be served via traditional means or through personal service?

Outgoing Documents that can be sent via email.

1. *Copies to parties or individuals.* Clerks may send copies of certain documents to parties or to individuals who need them. Some examples include:
 - a. Child support orders and interim financial summaries to a child support agency when the agency is not a party to the case
 - b. Court orders (CR-205, 206, 270 – 277, 280) and supporting documentation (doctor's reports/criminal complaints) to the [Department of Health Services](#) when the court orders treatment, mental examination, predisposition investigation, commitment, or a conditional release plan
 - c. Bonds to local jail for intake
 - d. Out-of-county or out-of-state TROs/injunctions
 - e. Documents to GAL from other cases
2. *Case initiating courtesy copies.* To facilitate the access to information at the beginning of a case, clerks may provide courtesy copies of certain documents upon agreement with the party. Some examples include:
 - a. Initiating documents (complaints, petitions, etc...) to the public defender's office
 - b. Initiating documents to corporation counsel
 - c. Criminal complaints to an out-of-county DA's office
 - d. Conflict checks for GAL/social worker prior to appointment of GAL/social worker
3. *Alternative to a phone call/fax.* Email can be used in lieu of a phone call or fax to answer logistical questions about a case, or for an individual to request copies or forms. If you would have made a note of the phone call and placed it in the case file, then print out the email and scan it into the file. Some examples include:
 - a. Probate checklists with a list of documents that need to be filed
 - b. Providing small claims forms to individuals in compliance with Wis. Stat. § 799.04(2)
4. *Public records requests.* Public records requests for copies of official records may be received and answered via email, including the attachment of copies. Some examples include:
 - a. Media requests for public records
 - b. DOJ background requests
 - c. DOJ military and handgun hotline requests
5. *Copies to interested parties.* For Notice Recipients, those who have an interest in a case but who are not parties themselves (e.g., psychiatrists, social workers, medical professionals, school, etc...), the CCAP case management system includes a new feature that allows clerks to email CCAP system-generated documents to Notice Recipients. In order to use this feature, clerks need to obtain the email address of the Notice Recipient and add them to the 'Notice Recipients' section of the 'Parties' tab on the case. Some commonly-used documents that can be sent using the Notice Recipient feature include:
 - a. Notice of Hearings (CR-229, CV-802, GF-101, IW-1724, JD-1700,

JD-1724, PR-101)

- b. Injunctions to the sheriff (CV-404, CV-407, CV-409, CV-414, JC-1692)
- c. Bail/Bonds to the local jail (CR-203)
- d. Order to Surrender Firearm to the sheriff (CV-803)
- e. Order to Produce/Transport to sheriff's office and facility (GF-190)
- f. Notice to School Board (JD-1725)

Incoming Documents

There are very few circumstances where incoming documents may be received by clerks via email. It is still the policy of the Director's Office that clerks and judges should not accept circuit court documents for filing by email (this includes judicial assignments, *pro se* filings, or any document that needs to be filed on a case).

For eFiling parties, documents intended for the case file may be submitted through the electronic filing system or through an electronic interface such as the District Attorney PROTECT system, as required by Wis. Stat. § 801.18(2). For paper parties (self-represented litigants who choose not to eFile), documents intended for the case file should be submitted through traditional means like mail or hand delivery. For non-parties, those who file documents in a case but who are not parties themselves (e.g., psychiatrists, social workers, district court administrators, etc...), the eFiling system includes a non-party filing feature that allows them to upload documents for filing into the case. While non-party filers should be encouraged to use the upload feature, they may also continue to submit documents by traditional means.

Incoming Documents that can be received via email.

1. *Courtesy copies.* Circulating drafts and courtesy copies may be sent by email as long as the official copy is eFiled or filed by traditional means.
2. *Alternative to a phone call/fax.* Email can be used in lieu of a phone call or fax to answer logistical questions about a case, or for an individual to request copies/forms. If you would have made a note of the phone call and placed it in the case file, then print it out and scan it into the file. If your office wishes to set limits on accepting email, it may do so.
3. *Public records requests.* Public records requests for copies of official records may be received and answered via email, including the attachment of copies.
 - a. Media requests for public records
 - b. DOJ background requests
 - c. DOJ military and handgun hotline requests

Electronic Interfaces

CCAP works with the following justice partners to electronically transmit court data and documents whenever possible. Information should always be exchanged through these interfaces. While clerks may honor occasional requests for courtesy copies sent via email, repeated requests should be referred to the Office of Court Operations to follow up with the agency involved.

Department of Children and Families (DCF) – public assistance liens

Department of Corrections (DOC) – all incoming and outgoing documents and data will come through the improved DOC interface

Department of Justice (DOJ) – crime information bureau (CIB), concealed carry records, daycare and firearms restrictions, juvenile adjudications, DNA at arrest

Department of Natural Resources (DNR) – electronic citations, license revocation, disposition, and reinstatement information

Department of Revenue (DOR) – tax warrants, tax intercepts (TRIP), state debt collection (SDC)

Department of Transportation (DOT) – electronic citations, dispositions, license suspensions and reinstatements, and conviction status reports

Department of Workforce Development (DWD) – unemployment compensation cases

District Attorneys Information Technology (DAIT) – all incoming and outgoing documents and data come through the PROTECT system

State Public Defender (SPD) – case data for certain case types; no documents are exchanged through this interface

Local/County Data Exchanges. Certain counties have secure local data systems in place for the exchange of information. These data systems should not be used to file documents in a case, but can be used to exchange information outside of case filings in a secure manner.

Best Practices

If your county chooses to use email as a way of exchanging certain documents and information, it is important to consider the following topics when developing your county's policy.

Make sure you have a valid email address. For individual communications, make sure your email address is up to date as well as the email address of the person who is receiving the communication. For repeated communications, it is best to set up a global email address rather than using an individual email address, so long as the global email is sufficiently monitored to ensure that information is not missed. A global email address is also preferred when information is being sent to local agencies (e.g., jail, sheriff's department, etc...).

Email is not always a two-way street. While it may be permissible to send case-related documents to individuals via email, it is not always appropriate to receive documents via email. Again, email should not be used to receive documents that need to be filed on a particular case.

Confidential documents. When sending or receiving confidential documents via email, use your discretion. You should exercise caution to ensure that the document is protected from disclosure. You may choose to use traditional methods such as mail or hand delivery for confidential documents if you are not certain that the document should be transmitted via email. Some agencies email confidential documents regularly through secure methods.

Conclusion

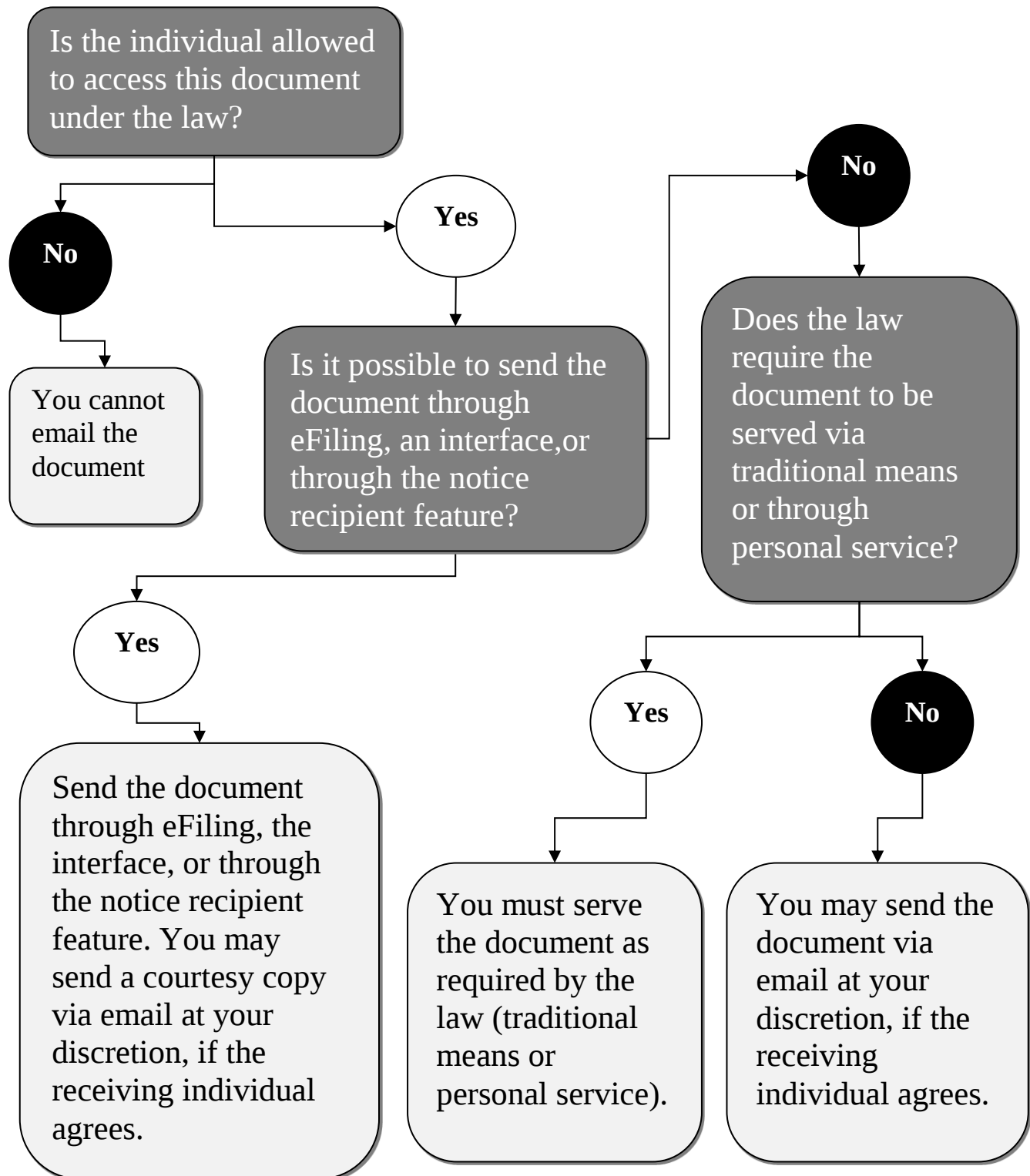
My office remains committed to developing the most efficient case management system and data exchanges that we can build. Please feel free to send me your ideas for better ways to automate and upgrade our case management functions.

cc: District Court Administrators

Appendix A

Emailing Outgoing Documents Flowchart

Question: Is it appropriate to email this particular document?



Memorandum

SUPREME COURT OF WISCONSIN
OFFICE OF COURT OPERATIONS
PHONE (608) 266-3121 FAX (608) 267-0911



DATE: January 29, 2019
(Original memo: March 27, 2017)

TO: Clerks of Circuit Court
Juvenile Clerks
Registers in Probate
District Court Administrators

FROM: Amber Peterson, Legal Advisor

SUBJECT: Safe at Home (Address Confidentiality Program) Legislation

Effective **April 1, 2017**, [2015 WI Act 356](#) created Safe at Home, a statewide address confidentiality program that provides victims of actual or threatened abuse with a legal substitute address to be used for both public and private purposes. The intent of Safe at Home is to allow those who fear for their safety to maintain a private, confidential home, work, or school address.

The following memo summarizes important information for clerks and registers to know about the Safe at Home Program.

Important Terminology	
"Abuse" [Wis. Stat. 165.68(1)(a)]	An act or threat of any of the following: 1. Child abuse 2. Domestic abuse 3. Sexual abuse 4. Stalking 5. Trafficking
"Actual Address" [Wis. Stat. 165.68(1)(b)]	Residential street address, school address, work address, or any portion thereof of the program participant
"Assigned Address" [Wis. Stat. 165.68(1)(c)]	Address designated by Safe at Home to a program participant
"Program Participant" [Wis. Stat. 165.68(1)(g)]	A person who is certified by Safe at Home to participate in the address confidentiality program (According to Safe at Home, minors can participate in the program)
"Safe at Home"	The name given to the address confidentiality program created under Wis. Stat. 165.68 and administered by the Department of Justice

Safe at Home Program Overview

Safe at Home is governed by Wis. Stat. § 165.68 and administered by the Wisconsin Department of Justice Office of Crime Victim Services.

Participant Eligibility

A person is eligible to participate in Safe at Home if s/he:

1. Is a resident of Wisconsin.
2. At least one of the following applies:
 - a. S/he is a victim of abuse, a parent or guardian of a person who is a victim of abuse, or a resident of a household in which a victim of abuse also resides.
 - b. S/he fears for his/her physical safety or for the physical safety of his/her child or ward.
3. Resides or will reside at a location in Wisconsin that is not known by the abuser.
4. Will not disclose his/her actual address to the abuser. [Wis. Stat. 165.68(2)(a)]

Note

A person is eligible to participate in Safe at Home regardless of whether:

- Any criminal charges have been brought
- A restraining order has been sought, or
- The abuse has been reported to law enforcement

[Wis. Stat. 165.68(2)(b)]

Application and Enrollment Process

Individuals wishing to participate in the program apply directly to Safe at Home. There is no fee to apply. [Wis. Stat. 165.68(3)(a)] Information regarding the application process can be found at www.safeathomewi.gov.

A program participant remains enrolled for 5 years, unless s/he cancels enrollment or is disenrolled by Safe at Home. [Wis. Stat. 165.68(3)(b)4.a.]

Issuance of an Assigned Address

If the applicant is approved for the program, the participant will be issued an “assigned address” that will be a legal substitute for the participant’s actual address. [Wis. Stat. 165.68(4)(a)] Any mail sent to the assigned address will be routed to Safe at Home and Safe at Home will forward the mail to the participant’s actual address. [Wis. Stat. 165.68(4)(b)] Participants are told to expect a 5-7 day delay in receiving their mail.

A program participant may use the assigned address for all purposes. No state or local agency or unit of government may refuse to use the assigned address for any official business, unless a specific statutory duty requires the agency or unit of government to use the actual address. [Wis. Stat. 165.68(5)(a) and (b)]

Notifying the Court of Safe at Home Enrollment – Notice Form

Safe at Home participants are responsible for notifying entities, including the court, that they are enrolled in the program and updating their records to reflect the substitute assigned address.

If a program participant submits a written request to the clerk asking to keep the participant's actual address confidential, the clerk may not disclose any record which reveals the actual address, except pursuant to court order. [Wis. Stat. 66.0504(2)(a)] Clerks shall redact the actual address immediately. No judicial review is required.

Program participants are instructed by Safe at Home to provide notice to the court using ***Notice to Court of Participation in Safe at Home***. This form was created by Safe at Home and is not a standard court form. A copy of the form can be found at the end of this document and is posted on Safe at Home's website under the "Courts and Service of Process" link at www.safeathomewi.gov.

It is participants' responsibility to inform the clerk of all the cases where they would like their actual address replaced with the assigned address. Participants are instructed by Safe at Home to file one Notice form per case they have with the court. If a participant only files one form for multiple cases, you can ask the participant to make enough copies for each case, or offer to make the copies (preferably at no charge to the participant).

If a program participant files a ***Notice to Court of Participation in Safe at Home***, the clerk will:

- Enter the form into CCAP using the ***NSAH (Notice to court of participation in safe at home)*** court record event;
 - Entering ***NSAH*** will add a ***SH (Safe at Home Participant) maintenance*** bar to the case
- No filing fee should be collected for this form;
- Remove all references to the last known/actual address in the court record;
- In CCAP, replace the participant's actual/last known address with the assigned address listed on the form.

Helpful CCAP Resources

- How to redact a party's address from electronic case documents:
<http://help.wicourts.gov/cc/case/docs/redaction.pdf>
- Use Mass Party Update to update the address in multiple cases: See "Mass Party Update Window" procedures in CCAP Case Management Help

Important Notes Regarding “Notice to Court of Participation in Safe at Home”

- No fee to file the form.
- CCAP court record event: ***NSAH (Notice to court of participation in safe at home)***
- Adding the ***NSAH*** court record event adds an **SH (Safe at Home Participant) maintenance** bar to the case.
- The Notice form is not confidential.
- Unlike other motions to seal and redact information, it is the clerk’s responsibility to search the file for all references to the address. Participants are not required to indicate the location of each reference to their address in the court record.
- Clerks are not required to retain the participant’s actual address once it has been replaced with the assigned address. Clerks can keep it, but it must be retained in a confidential manner and not disclosed to anyone, except pursuant to court order. Erasing the actual address better protects against accidental disclosure.
- It is the participant’s responsibility to notify the court of enrollment in Safe at Home for every new court case. If a participant has notified the court in one case and a subsequent case is filed, it is not the clerk’s responsibility to determine if parties are enrolled.

Address Redaction Checklist Did You Check:

- ✓ Court minutes
- ✓ All documents, including the distribution lists on the Notice of Hearing court original documents
- ✓ Additional text of the ***CAN (Change of address notification)*** court record event

Verification of Participant’s Enrollment in Safe at Home Program

Entities may verify that an individual is enrolled in the Safe at Home Program by requesting to view his/her Safe at Home Authorization Card or by contacting Safe at Home directly using the information at the end of this memo. [Wis. Stat. 165.68(5)(b)]

Disclosure of Actual Address Requires a Court Order

Safe at Home cannot disclose a program participant’s actual address to any person except:

1. Pursuant to a court order, or
2. To a law enforcement officer for official purposes [Wis. Stat. 165.68(4)(d)1. and 2.]

The statute does not indicate whether the court is required to hold a hearing regarding this disclosure, so counties should develop a local practice. There is no standard court form for a person to make the disclosure request and there is no standard court form for the court to issue an order. Additionally, clerks cannot disclose a participant’s actual address except pursuant to a court order. [Wis. Stat. 66.0504(2)(a)]

Service of Process

Program participants are required to certify that Safe at Home is the participants' designated agent for service of process. [Wis. Stat. 165.68(3)(b)4.g.] Paperwork that does not require personal service may be sent via U.S. Postal Service mail to the Safe at Home participant's assigned address. If personal service is required, it can be served to the Department of Justice at the Office of the Attorney General in Madison. More information can be found on Safe at Home's website under the "Courts and Service of Process" link at www.safeathomewi.gov.

Participant Leaves the Program and Assigned Address is No Longer Valid

A program participant remains enrolled for 5 years, unless s/he cancels enrollment or is disenrolled by Safe at Home. [Wis. Stat. 165.68(3)(b)4.a.] Once a person is no longer enrolled in the program, participants need to provide agencies, including the court, with their updated address. If a participant is no longer enrolled and their mail is sent to Safe at Home, Safe at Home will return the mail and notify the participant that his/her address must be updated.

Program participants who are no longer in the program should provide notice to the court using ***Notice to Court of Cancellation of Participation in Safe at Home***. Safe at Home will provide participants with this form. A copy of the form can be found at the end of this document for your reference, but should not be distributed directly to parties by the court.

If a program participant files a ***Notice to Court of Participant in Safe at Home***, the clerk will:

- Enter the form into CCAP using the ***NCSAH (Notice to court of cancellation of safe at home)*** court record event;
 - Entering ***NCSAH*** will remove the ***SH (Safe at Home Participant) maintenance***
- In CCAP, replace the participant's assigned address with the new address listed on the form.
 - Note: There is no requirement to un-redact any previously-redacted documents

If a program participant does not provide the court with an up-to-date address, clerks should follow their local procedures for handling undelivered mail.

Safe at Home Contact Information

Phone: 608-266-6613
Email: safeathome@doj.state.wi.us
Website: www.safeathome.wi.gov

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Plaintiff/Petitioner _____

-VS- _____

Defendant/Respondent _____

Other _____

**Notice to Court of
Participation in
Safe at Home**

Case No. _____

This notice is to inform the court and all parties to the above-named action that _____ is a participant in Safe at Home, Wisconsin's address confidentiality program.

- Pursuant to §66.0504(2), Wis. Stats., the clerk shall redact all references to the last known address/actual address in the case number referenced above.
- Pursuant to §165.68(5)(a), Wis. Stats., a Safe at Home participant may use their Department of Justice assigned address for all purposes. Correspondence may be mailed to the above-named participant at the following assigned address:

Assigned Address
3902 Milwaukee St., #S_____
PO Box 7188
Madison, WI 53707

- The Wisconsin Department of Justice is the designated agent for service of process for this Safe at Home participant. Legal documents to be personally served to this Safe at Home participant may be served to the Department of Justice at the Office of the Attorney General in the Wisconsin State Capitol Building (114 East, State Capitol) during business hours. Additional information may be found at www.safeathomewi.gov.
- No state or local agency or unit of government may refuse to use a program participant's assigned address for any official business, unless a specific statutory duty requires the agency or unit of government to use the participant's actual address. A state or local agency or unit of government may confirm with the department a person's status as a program participant. See Wis. Stat. §165.68(5)(b). To do so, **contact Safe at Home directly at (608) 266-6613 or safeathome@doj.state.wi.us**.
- No person who has received a notification form from a program participant may refuse to use the assigned address for the program participant, may require the program participant to disclose his or her actual address, or may intentionally disclose to another person the actual address of a program participant. See Wis. Stat. §165.68(5)(c).
- A person who intentionally releases actual address information of a Safe at Home participant is guilty of a misdemeanor. See Wis. Stat. §165.68(7).
- Safe at Home participant should note that this notice is not confidential and that they will need to complete a notice form for each case in which their actual address appears. The clerk will continue to use the Safe at Home assigned address until notified of a new address by the program participant.

Safe at Home Participant Signature: _____ Date: _____

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Plaintiff/Petitioner _____

-VS- _____

Defendant/Respondent _____

Other _____

**Notice to Court of
Cancellation of
Participation in
Safe at Home**

Case No. _____

This notice is to inform the court that _____ is no longer enrolled as a participant in Safe at Home, Wisconsin's address confidentiality program. Due to this change in enrollment status, the above-named individual is no longer authorized to use the following address:

Assigned Address
3902 Milwaukee St., #S_____
PO Box 7188
Madison, WI 53707

Update the above-named individual's address to the following:

New Address

All mail sent to the assigned address for the above-named individual will be returned to sender. The Department of Justice can no longer accept service of process on behalf of the above-named individual. Please update your records accordingly.

This notice is submitted to the court by:

- ☐ The above-named individual, who is no longer enrolled in Safe at Home.

Signature: _____ Date: _____

- ☐ The director or an authorized designee of Safe at Home.

Signature: _____ Date: _____

COURT RECORDS RETENTION SCHEDULE

A Summary of Supreme Court Rule Chapter 72

Prepared by the Office of Court Operations, Updated February 2022

The following is a summary of the records retention rules under Wisconsin Supreme Court Rule Chapter 72. Before destroying any record, consult the full Chapter 72 rule

(https://www.wicourts.gov/supreme/sc_rules.jsp).

DISPOSING OF COURT RECORDS (SCR 72.02, 72.03)

A court records custodian may destroy records after the minimum retention periods in SCR 72.01 expire and after offering the record to the State Historical Society (SHS), if applicable.

Paper court records that have been electronically stored (scanned) following the procedures in SCR 72.05 may be destroyed 48 hours after scanning per SCR 72.03(3). Paper court records that have been suitably microfilmed may be destroyed 2 years after entry of final order or 2 years after filing for records not specifically related to court actions per SCR 72.03(2).

OFFERING TO STATE HISTORICAL SOCIETY (SHS) (SCR 72.04)

All court records custodians must give at least 60-day written notice to SHS prior to the destruction of most court records. The records custodian should complete and submit *Notification to the State Historical Society (GF-110)* form when providing notification. Complete one form for each record series (e.g., family on one form, criminal on another). This form can be printed from the forms section of the Wisconsin Court System website – www.wicourts.gov.

Notification to SHS is not required when paper records have been electronically or optically stored. Notice of destruction to SHS is required when the electronically or optically stored record will be destroyed once the retention period under SCR 72.01 has expired. Notice is not required if SHS has previously approved destruction or waived interest in a particular record series.

Courts are not required to purge confidential information from records prior to transfer to SHS. However, Courts should identify in the Notification form when records with confidential information might be included in the series for transfer.

NOTIFICATION REQUIREMENT WAIVED

The SHS has waived notification under SCR 72.04 for the following records:

- Accounting Records (receipts, bank statements, etc.)
- Complex Forfeitures
- Condominium and Construction Liens
- Court Reporter Notes
- Criminal Misdemeanor Records
- Criminal Traffic (CT) Records
- Exhibits
- Expunged Case Records
- Family Case Records that are Dismissed
- Family Maintenance/Support Records
- Guardianship Records
- Incarcerated Persons Records
- Judgment/Lien Docket Records
- Jury Records (payroll, questionnaires, arrays)
- Juvenile Delinquency/CHIPS Records
- Mental Health Records
- Notary Public Appointments
- Oaths of Office
- Ordinance Violations (FO)
- Other Lien Claims (claims filed as liens only)
- Public Assistance Liens
- Search Warrants
- Small Claims Records

- Subpoenas for Documents (Wis. Stat. 968.135)
- Subpoenas for Electronic Documents (Wis. Stat. 968.30)
- Tax Warrants/Liens
- Traffic/Conservation Forfeiture Records
- Trust Account Ledgers
- Unemployment Compensation Warrants/Liens
- Workers Compensation Liens

RETENTION PERIODS BY RECORD TYPE

- Accounting Records - 7 years
- Adoption/TPR Records - 150 years
- Civil Records - 20 years
- Complex Forfeitures - 20 years
- Coroner's Inquests - None (Wis. Stat. 979.08(6))
- Court Records in Books - Retention period of related case file
- Court Records No Longer Created - 20 years
- Court Reporter Notes - 10 years
- Criminal Felony Records (if disposed as felony) - 50 years or 75 years for Class A felonies
- Criminal Misdemeanor Records (if disposed as misdemeanor) - 20 years
- Criminal Traffic Records (if disposed as misdemeanor) - 20 years
- Delinquent Income Tax Warrants
 - Filed before Aug 1, 1981: 10 years
 - Filed on Aug 1, 1981-April 30, 2004: Permanent
 - Filed on or after May 1, 2004: 20 years
- Estate/Probate Records - 75 years
- Exhibits
 - Felony - the later of 20 years or until every person is discharged
 - Misdemeanor - 10 years
 - Juvenile delinquency - 4 years after 18th birthday
 - Criminal exhibits containing biological material - the later of 50 years after entry of final judgment or until every person in custody is discharged, or until the court otherwise orders disposition of the evidence
 - Non-Criminal - 1 year after time for appeal has expired
 - Ch. 980 - length of time underlying case is retained
- Family Records - 40 years
 - Dismissed divorce, legal separation, annulment, paternity - 2 years
- Family Support/Maintenance Records - 40 years
- Forfeiture (Traffic, DNR, FO) (if disposed as Traffic, DNR, FO) - 5 years
- Grand Jury Records - 75 years
- Guardianship Records - 7 years after termination of guardianship, or 75 years if firearm restriction was ordered, or 7 years after death of the ward
- Incarcerated Persons Records - 5 years
- Information & Indictment Records - None
- John Doe Records - 75 years
- Jury Records - 4 years
- Juvenile Delinquency, JIPS, and CHIPS Records
 - 4 years after 18th birthday
 - 75 yrs. if adjudicated for act punishable as felony, misdemeanor with firearm restriction, or sex offender registry requirement
- Juvenile Guardianships - 7 yrs. after 18th birthday or 75 years if firearm restriction was ordered

- Juvenile Ordinance Violations - 5 years
- Juvenile Search Warrants (if not filed w/case) - 15 years
- Liens
 - Condominium liens - 7 years from date of filing
 - Construction liens - 6 years from date of filing
 - Public assistance liens - 20 years
 - Liens not specifically covered in another rule - 30 years
- Mental Health Records - 7 years or 75 years if firearm restriction was ordered
- Ministers' Credentials - None (not filed with court)
- Misdemeanor Traffic Records (CT) - 20 years
- Naturalization Records - Transfer to SHS
- Notary Public Appointment - None (not filed with court)
- Oaths of Office - 7 years
- Paternity Records - 40 years
 - Dismissed divorce, legal separation, annulment, paternity - 2 years
- Proceedings Commenced Under 968.02 - 75 years
- Register of Officials - 2 years
- Registry of Wills - 100 years
- Search Warrants (if not filed w/case) - 75 years
- Sexually Violent Person Commitments (CI) - 75 years
- Small Claims Records - 20 years
 - Dismissed small claims cases - 2 years
- Trust Account Ledgers - Retention of related case file
- Unemployment Compensation Warrants - 20 years
- Workers Compensation Warrants - 20 years
- Wills
 - Deposited for safekeeping - 100 years
 - Deposited after death, but no probate filed - 100 years
 - Admitted to probate - 2 years after case closure (as long as electronically or optically stored)

RETENTION PERIODS BY LENGTH OF RETENTION

1 YEAR

- Non-Criminal Case Exhibits (+120 days for appeal time)

2 YEARS

- Dismissed Small Claims Cases
- Dismissed Family and Paternity Cases
- Register of Officials
- Wills that have been admitted to probate and have been electronically or optically stored (2 years after case closure)

4 YEARS

- Juror Questionnaires
- Jury Array and Records of Jurors
- Juvenile Delinquency, JIPS, CHIPS (4 years after 18th birthday, unless felony, misdemeanor with firearm restriction, or sex offender registry requirement)
- Juvenile Delinquency Exhibits – 4 years after 18th birthday

5 YEARS

- Incarcerated Persons Records
- DNR Forfeiture Cases (cases disposed as forfeiture)
- Juvenile Ordinance Violation Cases
- Ordinance Violation Cases (FO) (cases disposed as forfeiture)
- Traffic Forfeiture Cases (cases disposed as forfeiture)

6 YEARS

- Construction Liens

7 YEARS

- Bank Statements, Checks, Deposit Slips
- Certificates of Payment/Vouchers
- Condominium Liens
- Guardianship Cases (unless firearm restriction)
- Jury Payrolls
- Juvenile Guardianships (7 yrs. after 18th birthday, unless firearm restriction)
- Mental Health Cases (unless firearm restriction)
- Oaths of Office
- Receipts

10 YEARS

- Verbatim record of in-court proceedings
- Misdemeanor Exhibits (cases disposed as a misdemeanor)

15 YEARS

- Juvenile Search Warrants (if not filed w/case)

20 YEARS

- Civil Cases
- Complex Forfeitures
- Court Records No Longer Created
- Criminal Traffic Cases (cases disposed as a misdemeanor)
- Felony Exhibits (the later of 20 years or until every person in custody has been discharged - does not include exhibits w/ biological material)
- Misdemeanor Cases (cases disposed of as a misdemeanor)
- Public Assistance Liens
- Small Claims Cases (except for dismissed small claims)
- Unemployment Compensation Warrants/Docket
- Workers Compensation Warrants

30 YEARS

- Liens not specifically covered by another rule

40 YEARS

- Family Cases
- Family Maintenance & Support Records
- Paternity Cases

50 YEARS

- Felony Cases (cases disposed as a felony, except for Class A)

75 YEARS

- Estate Cases
- Felony Case Files (Class A) (cases disposed as a Class A felony)
- Grand Jury Proceedings
- Guardianship Records (if firearm restriction was ordered)
- John Doe Cases
- Juvenile Delinquency (if adjudicated delinquent for act punishable as a felony, misdemeanor w/ firearm restriction, or sex offender registry requirement)
- Juvenile Guardianships (if firearm restriction was ordered)
- Mental Health Records (if firearm restriction was ordered)
- Probate Cases
- Proceedings commenced Under 968.02
- Search Warrants (if not filed w/case)
- Sexually Violent Person Commitments (CI) and exhibits

100 YEARS

- Registry of Wills
- Wills Deposited for Safekeeping
- Wills Not Admitted to Probate

150 YEARS

- Adoption and TPR Cases

VARIABLE RETENTION PERIODS

- Criminal Case Exhibits Containing Biological Material
- Court Records in Books - Retention of related case file
- Delinquent Income Tax Warrants
- Trust Account Ledgers - Retention of related case file
- Group File (GF) cases (see below)

NO RETENTION REQUIRED

- Coroner's Inquest Records (Wis. Stat. 979.08(6))
- Information & Indictment Records
- Judgment & Order Records
- Minister's Credentials
- Naturalization Records (Transfer to SHS)
- Notary Public Appointments

OTHER USEFUL RETENTION PERIODS

- General Judicial Assignments - Current year plus 10 years after the year assigned
- County Board Reports/Admin. Files - Retain for current year plus 6 years (Wis. Stat. 59.52(4)(c) requires 6 years)

Retention Period for GF Cases

There is no specific retention period for GF cases under Supreme Court Rule (SCR) 72.01. Given the wide variety of documents filed in GF cases, there is no one retention period that works well for all situations. To determine when to destroy GF documents, clerks should examine the documents, consider what case type those documents are most akin to, and destroy the GF file using the corresponding retention period under SCR 72.01 for those case types. (*E.g.*, denied restraining order petitions filed in a GF case should be retained for 20 years, consistent with the civil case retention period under SCR 72.01(1).)



Handling Requests for Juveniles' Records

Wisconsin Supreme Court ■ Director of State Courts Office ■ P.O. Box 1688, Madison, WI 53701-1688 ■ 608/266-1298

The vast majority of juvenile records and proceedings involving Class A and B felonies are open to the public. Wisconsin Statute §938.396(2g)(k) provides that proceedings and records involving **juveniles 14 and over** who are charged with crimes listed in §938.34 (4h) are to be open. The statute provides that if a request is made the court "shall" open the records for inspection by the requester **except for the following items:**

- physical, psychological, mental or developmental examinations (938.295);
- court dispositional reports (938.33);
- other records dealing with "sensitive personal information of the juvenile or juvenile's family."

Here is the list of crimes this covers:

- Attempt to commit a Class A felony (939.32(1)(a))
- Felony murder (940.03)
- 2nd degree reckless homicide (940.06)
- Mayhem (940.21)
- 1st degree sexual assault (940.225(1))
- Taking hostages (940.305)
- Kidnapping (940.31)
- Tampering with a household product (941.327(2)(b)4.
- Arson by explosive (943.02)
- Armed burglary (943.10(2))
- Operate vehicle without owners consent w/weapon and force (943.23(1g)(1m)(1r))
- Robbery with a dangerous weapon or an attempt (943.32(2))
- 1st degree sexual assault of a child (948.02(1))
- Repeated acts of sexual assault of same child (948.025)(1)
- Child abduction (948.30(2))

Further, if a juvenile is charged with any felony and has previously been adjudicated delinquent for anything else, the hearings and records are open.

In addition, the proceedings and records are open when the **juvenile is 10 or over** in the following:

- 1st degree intentional homicide or an attempt (940.01)
- 1st degree reckless homicide (940.02)
- 2nd degree intentional homicide (940.05)

Recommended procedure for responding to open records requests:

1. the juvenile court clerk reviews the file to remove any of the information that is exempted;
2. the trial judge (or duty judge if the trial judge is unavailable) reviews the file again;
3. the person making the request is provided with the information that is deemed to be public.

Questions? Problems? Call...

Office of Court Operations
Director of State Courts Office, 608/266-3121

We gratefully acknowledge the work of Taylor County Circuit Court Judge Gary L. Carlson, who provided the legal analysis in this guide.
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