

## New Confidentiality Rules and your VIP Cases in Trial and Appellate Courts

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Effective January 6, 2018, the Unified Judicial System of Pennsylvania adopted new confidentiality requirements for all case records and exhibits. The new policy governs public access to documents filed with courts, and the term “public” does not include parties or attorneys of record. 204 Pa. Code §213.81. Case records that are, by law, already excluded from public access are exempt from this policy, e.g., support filings in family court. However, VIP case types affected by the policy change include:

**Custody      Divorce      Adoption      Guardianship      Name Changes**

### **Attorney Responsibilities**

In Philadelphia, Compliance with the new Public Access Policy requires attorneys to:

- File a **redacted** version of all filings that contain confidential information (as defined below). Redactions must be made in a visibly apparent manner;
- File an **unredacted** version of all filings with confidential information. This should be marked “confidential” or “unredacted,” to aid the court in identifying confidential material;
- Include a Confidential Document Form with exhibits containing confidential documents (as defined below); **and**
- **Certify** compliance with the Public Access Policy.

\*click underlined text above to download document

### **Confidential Information**

- Social Security Numbers
- Financial Account Numbers
- Driver License Numbers
- State Identification (SID) Numbers
- Minors’ names and dates of birth
- Abuse victims’ addresses and other contact information. See Pa.R.C.P. No. 1931(a). Note: An abuse victim’s name is **not** confidential information

### **Confidential Documents**

- Financial Source Documents
- Minors’ Educational Records
- Medical/Psychological Records
- Children and Youth Services Records
- Marital Property Inventory and Pre-Trial Statement as provided by Pa. R.C.P. No. 1920.33
- Income and Expense Statement as provided by Pa. R.C.P. No. 1920.27(c)
- Agreements between parties as used in 23 Pa. C.S. §3105

**CONFIDENTIAL  
DOCUMENT FORM****APPELLATE/TRIAL COURT  
CASE RECORDS**

*Public Access Policy of the Unified Judicial System of Pennsylvania:  
Case Records of the Appellate and Trial Courts  
204 Pa. Code § 213.81  
[www.pacourts.us/public-records](http://www.pacourts.us/public-records)*

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(Party name as displayed in case caption)

Docket/Case No.

Vs.

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(Party name as displayed in case caption)

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Court

This form is associated with the pleading titled \_\_\_\_\_, dated \_\_\_\_\_, \_\_\_\_\_.

Pursuant to the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*, the Confidential Document Form shall accompany a filing where a confidential document is required by law, ordered by the court, or is otherwise necessary to effect the disposition of a matter. This form shall be accessible to the public, however the documents attached will not be publicly accessible, except as ordered by a court. The documents attached will be available to the parties, counsel of record, the court, and the custodian. **Please only attach documents necessary for the purposes of this case.** Complete the entire form and check all that apply. This form and any additional pages must be served on all unrepresented parties and counsel of record.

Type of Confidential Document	Paragraph, page, etc. where the confidential document is referenced in the filing:
<input type="checkbox"/> Financial Source Documents	
<input type="checkbox"/> Tax Returns and schedules	
<input type="checkbox"/> W-2 forms and schedules including 1099 forms or similar documents	
<input type="checkbox"/> Wage stubs, earning statements, or other similar documents	
<input type="checkbox"/> Credit card statements	
<input type="checkbox"/> Financial institution statements (e.g., investment/bank statements)	
<input type="checkbox"/> Check registers	
<input type="checkbox"/> Checks or equivalent	
<input type="checkbox"/> Loan application documents	
<input type="checkbox"/> Minors' educational records	
<input type="checkbox"/> Medical/Psychological records	
<input type="checkbox"/> Children and Youth Services' records	
<input type="checkbox"/> Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33	
<input type="checkbox"/> Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c)	
<input type="checkbox"/> Agreements between the parties as used in 23 Pa.C.S. §3105	

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

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Signature of Attorney or Unrepresented Party

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Date

Name: \_\_\_\_\_

Attorney Number: (if applicable) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_



**Instructions for Completing the Confidential Document Form**

The following documents are confidential and shall be filed with a court or custodian with the “Confidential Document Form”:

1. Financial Source Documents as listed on the form
2. Minors’ educational records
3. Medical/Psychological records are defined as “records relating to the past, present, or future physical or mental health or condition of an individual”
4. Children and Youth Services’ records
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33
6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c)
7. Agreements between the parties as used in 23 Pa.C.S. §3105

For each confidential document, list the paragraph, page, etc. where the document is referenced in the filing. Please note, this form does not need to be filed in types of cases that are sealed or exempted from public access pursuant to applicable authority (e.g. juvenile, adoption, etc.)

- **Please only attach documents necessary for the purposes of this case.**
- Complete the entire form and check all that apply.
- This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

A court or custodian is not required to review or redact any filed document for compliance with the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*. A party’s or attorney’s failure to comply shall not affect access to case records that are otherwise accessible.

If a filed document fails to comply with the above referenced policy, a court may, upon motion or its own initiative, with or without a hearing, order the filed document sealed, redacted, amended or any combination thereof. A court may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Attorney No. (if applicable): \_\_\_\_\_