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IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN RE: :
: MD-6-2017
PUBLIC ACCESS POLICY :
OF THE UNIFIED JUDICIAL SYSTEM: :
: ADMINISTRATIVE ORDER
CONFIDENTIAL INFORMATION :
CONFIDENTIAL DOCUMENTS :
REQUESTING ACCESS TO RECORDS :
:

ADMINISTRATIVE ORDER

AND NOW, this 1st day of December 2017, the Court hereby implements the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* (hereafter referred to as "Policy") with regard to all case records of the Court of Common Pleas of Lycoming County, Pennsylvania, (hereafter referred to as "Court") filed with the Court or Office of the Prothonotary/Clerk of Courts or Clerk of Orphans' Court on or after January 6, 2018.

The Policy shall be available in each filing office (Office of the Prothonotary/Clerk of Courts or Clerk of Orphans' Court), in the Lycoming County Office of the District Court Administrator, on the website of the Unified Judicial System of Pennsylvania at <http://www.pacourts.us/public-record-policies>, and on the website of the Lycoming County Office of the District Court Administrator at <http://www.lyco.org/Courts/Court-Administration>.

Pursuant to Section 7 of the Policy, persons who file documents that contain confidential information as defined by the Policy shall use and file a "Confidential Information Form" filed contemporaneously with the document, except in cases that are sealed or exempted from public access pursuant to applicable authority. The Confidential Information Form shall be available in each filing office as well as on the website of the Lycoming County Office of the District Court Administrator.

Unless required by applicable authority, the following information is confidential and shall be not included in any document filed except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers;

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SUZANNE M. FEDERER
PROTHONOTARY
CLERK OF COURTS

2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victims' addresses and other contact information, including employer's name and address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victims' names.

Pursuant to Section 8 of the Policy, persons who file confidential documents as defined by the Policy shall use and file with the confidential document a "Confidential Document Form" cover sheet except in cases that are sealed or exempted from public access pursuant to applicable authority. The Confidential Document Form shall be available in each filing office as well as on the website of the Lycoming County Office of the District Court Administrator.

Unless required by applicable authority, the following documents are confidential and shall be filed under a cover sheet designated "Confidential Document Form":

1. Financial Source Documents;
2. Minors' educational records;
3. Medical/Psychological records;
4. Children and Youth Services' records;
5. Marital Property Inventory and Pre-Trial Statements as provided in Pa.R.C.P. No. 1920.33;
6. Income and Expense Statements as provided in Pa.R.C.P. No. 1910.27(c); and
7. Agreements between the parties as used in 23 Pa.C.S. § 3105.

Pursuant to Sections 1 and 8 of the Policy, the following documents are "Financial Source Documents" that are confidential and shall be filed under a cover sheet designated "Confidential Document Form":

1. Tax returns and schedules;
2. W-2 forms and schedules including 1099 forms or similar documents;
3. Wage stubs, earning statements, or other similar documents;
4. Credit card statements;
5. Financial institution statements;
6. Check registers;
7. Checks or equivalent; and
8. Loan application documents.

Confidential documents submitted with the Confidential Document Form shall not be accessible to the public; however, the Confidential Document Form or a copy of it shall be accessible to the public.

Parties and their attorneys shall be solely responsible for complying with the Policy and shall certify their compliance to the Court. The certification that shall accompany each filing shall be substantially in the following form: "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."

The Court or Office of the Prothonotary/Clerk of Courts or Clerk of Orphans' Court is not required to review or redact any filed document for compliance with this Policy. A party's or attorney's failure to comply with the Policy shall not affect access to case records that are otherwise accessible.

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

Pursuant to Section 4 of the Policy, when a member of the public desires to inspect or copy case records, the member of the public shall make a written request to the applicable custodian (Prothonotary/Clerk of Courts or Clerk of Orphans' Court) utilizing the "Lycoming County Request for Access to Case Records" form, unless otherwise provided by court order or rule. The "Lycoming County Request for Access to Case Records" form shall be available in each filing office as well as on the website of the Lycoming County Office of the District Court Administrator. Fees for duplication by photocopying or printing from electronic media or microfilm shall be \$0.25 per page.

Pursuant to Sections 1 and 2 of the Policy, the Policy governs access *by the public* to case records. Pursuant to Section 1 of the Policy, the "public" is any person, member of the media, business, non-profit entity, organization, or association. The term "public" does not include a party to a case; the attorney(s) of record in a case; Unified Judicial System officials or employees if acting in their official capacities; or any federal, state, or local government entity and employees or officials of such an entity if acting in their

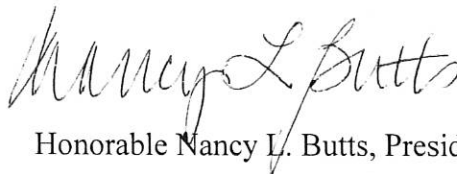
official capacities. Consequently, the following individuals and entities shall have access to confidential case records:

1. A party to a case;
2. An attorney of record in a case;
3. Unified Judicial System officials or employees if acting in their official capacities; and
4. Any federal, state, or local government entity and employees or officials of such an entity if acting in their official capacities.

The following educational handouts created by the Public Access Implementation Committee – Appellate and Trial Court Records shall be available in each filing office as well as on the website of the Lycoming County Office of the District Court Administrator:

1. *Protecting Confidential Information – Here's How* explaining what are considered confidential information and confidential documents;
2. *Protecting Confidential Information – Here's How* explaining Section 7.0 and how to file the Confidential Information Form; and
3. *Protecting Confidential Information – Here's How* explaining Section 8.0 and how to file the Confidential Document Form.

By the Court,



Honorable Nancy L. Butts, President Judge

cc: Nancy L. Butts, President Judge
Dudley N. Anderson, Judge
Richard A. Gray, Judge
Marc F. Lovecchio, Judge
Joy Reynolds McCoy, Judge
Suzanne M. Fedele, Prothonotary/Clerk of Courts
Kathy Rinehart, Clerk of Orphans' Court
Adrianne J. Stahl, District Court Administrator
Stephanie Tribble, Director of the Domestic Relations Office
Edward McCoy, Chief Adult Probation Officer
Edward Robbins, Chief Juvenile Probation Officer
Eric R. Linhardt, District Attorney
William J. Miele, Chief Public Defender
Lycoming Law Association
North Penn Legal Services
Wise Options