

ROSEBUD SIOUX TRIBAL COURT)
 ROSEBUD INDIAN RESERVATION) SS IN TRIBAL COURT
 ROSEBUD, SOUTH DAKOTA

 IN THE MATTER OF COURT RULE) COURT RULE 17-03
 REGARDING ACCESS TO COURT RECORDS)

RECORD ACCESS RULE

There are no rules or regulations in the Rosebud Sioux Tribe Law and Order Code to provide for public access to court records. This rule will allow certain members of the public access to some court records to ensure public confidence in the Court and public safety and will deny certain members of the public access to some court records to ensure the protection of the safety and/or privacy rights of those identified in court records and of proprietary business information contained in court records. It will also provide guidance to the Court whether to grant or deny access to Court records.

1. The public may request from the Court access to court records in writing on a form prescribed by the Court.
2. The Court will review the request and the relevant court records to determine what records if any are accessible by the requesting party.
3. The following are exempt from the above requirements if the request is for legitimate work related inquiries by any Rosebud Sioux Tribal Court or law enforcement agencies, prosecutor or public defender’s offices, and any social service agency involved in a case or required under federal law to be released to a federal agency.
4. The following Court Records/Files are excluded from public access unless specifically allowed by the Court:
 - (a) any Children’s Court or Juvenile Court record or file
 - (b) adoption records or files
 - (c) guardianship records or files
 - (d) any identifying and location (residential address or place of employment) information of a party that may be used to harass or otherwise injure that party
 - (e) mental health commitment records/files
 - (f) involuntary alcohol/drug commitment records/files
 - (g) parts of any file or record containing HIPAA information, medical or financial information or any portion of a file sealed by Court order
 - (h) information whose access is prohibited by tribal or federal law
5. The Court may deny access to portions of any Court Record/File that contains:
 - (a) any part of domestic abuse or elder abuse records or files the Court deems necessary to protect the safety and/or privacy of the victim.

(b) information whose access is prohibited by tribal or federal law (such as medical information protected under HIPAA)

6. The Court has discretion to grant or deny access to any Court record or file in whole or in part depending on the type of record/file requested and the individual or entity requesting access.

7. The Court may grant access to a Court record or file to a litigant or the litigant's counsel unless the Court finds that a litigant will use such record to harass or otherwise injure another party, the information is prohibited by law or is private health care or financial information.

8. Nothing in this rule prevents a party to the case from requesting a copy of a court order contained in the court record/file.

The Rosebud Sioux Tribal Court hereby adopts this local court rule pursuant to RST Constitution Article XI Sec. 4 on June 5, 2017.

/S/ Sherman J. Marshall, Chief Judge
Rosebud Sioux Tribal Court

I, Denita Whipple, Chief Clerk of Courts, certify that the forgoing is a true and correct copy of the Court Rule entered by this Court on June 5, 2016.

/S/ Denita Whipple, Chief Clerk of Courts

ROSEBUD SIOUX TRIBAL COURT

RECORDS REQUEST FORM

DATE: _____

REQUESTOR IDENTIFICATION

Name of Requestor or Agency _____

Requestor's mailing address _____

City _____ State _____ Zip Code _____

E-mail address _____

Telephone number (including area code) _____

FAX number (including area code) _____

REQUEST FOR RECORDS

For copies from a file or specific case information state the documents that you are requesting.

Search fee _____ Copy fee _____ Certification fee _____

Case Number _____ Name of parties _____

Decree _____ Paternity _____ Child Support _____ Custody/Guardianship _____

Protection/Restraining Order _____ Criminal Charges _____ Disposition _____

Other _____

Which, if any, of these documents need to be certified?

RECORD SEARCH INFORMATION

If requesting a record search provide the following information:

Name(s) to be searched (first, middle, last): _____

Date of birth (mm/dd/yyyy): _____

Case numbers(s): _____

Additional information (type of case, other names, approximate year to search, etc.):

Type of search: Criminal Court _____ Civil Court _____ Children's Court _____

Appellate Court _____

Search fee _____