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June 28, 2006

Bill Owens, Governor of Colorado.  
136 State Capitol  
Denver, Colorado  
80203-1792

### **PUBLIC ACCESS TO COURT RECORDS**

Dear Mr. Governor:


You vetoed a bill in 2002 that would have sealed judicial documents in divorce, child custody and child support cases. You stated in your veto message, *“If these records are unavailable to the public, we will have no effective means to determine how the judicial branch in general and individual judges in particular handle dissolution of marriage, child custody and child support matters.”* I regret to report that your message has been ignored.

Chief Judge Jackson of the Jefferson County District Court earlier this year has issued a directive denying public access to dissolution, child custody and child support matters.<sup>1</sup> This directive was not authorized by our Chief Justice Directive 05-01 (designed to prevent identity theft). I’d like to also point out that this was an administrative –not a judicial –act, and, therefore, is not subject to non-involvement of the Executive branch under the Separation of Powers Doctrine.

This new policy has created a tangible obstacle to myself and a group of other concerned citizens, who have been attempting to monitor what is taking place in child custody cases. Further, even if access was granted to one or more of us for a case here or a case there, the Chief Judge has imposed significant financial burdens to obtaining access to these **public records**.

I am writing to formally request that you engage the Attorney General to take up this matter on behalf of myself and other concerned citizens to restore our right to public access to public records, so that we do not have to undertake costly litigation or a media campaign.

... with kind regards,



Sean Harrington

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<sup>1</sup> A copy of the Directive has been attached, hereto.

# IMPORTANT NOTICE REGARDING PUBLIC ACCESS TO COURT RECORDS COMBINED COURT JEFFERSON COUNTY

This is inaccurate. The Associated Press quoted in an April 17th 2006 article that, "Colorado Supreme Court Justice Alex Martinez, the chairman of the committee, said he wasn't surprised some districts took the route of 'blanket sealing of cases. . . We anticipated that would occur, But at the same time, it's occurred more often than we expected. ...We're definitely sympathetic because that's more restrictive than what we want it to be. We don't want to be in that posture of having cases sealed, closed or inaccessible."

In order to comply with Federal and State statutes, the Chief Justice of the Colorado Supreme Court has ordered that certain information contained in court files be restricted from public access. Upon request the clerk will provide you will a full list of the types of information protected by this order.

It is the goal of this court to make as many files as possible available to the public. Court records are now classified in the following categories and access to those files restricted as noted:

## **Restricted Access files –access limited to parties to the case or attorneys of record**

**Domestic Relations (DR)**

**Probate (PR).**

**Juvenile (JV, JD, JR, JS, JN, JA) - per statute**

**Mental Health (MH) – per statute**

Non-parties may obtain a copy of the Decree of Dissolution and/or Separation Agreement once social security numbers are redacted without application to the court.

## **Controlled Access files – full access allowed once clerk has removed documents with protected information**

**Criminal (CR) cases alleging sexual offenses**

**Misdemeanor (M) cases alleging sexual offenses**

Individual cases designated by the Court

## **Open Access – full access allowed once clerk has removed sealed documents**

**Traffic (T)**

**Infraction (R)**

**Misdemeanor (M)**

**Criminal (CR)**

**District Court Civil (CV)**

**County Court Civil (C)**

**Small Claims (S)**

**ADDITIONAL FEES WILL BE CHARGED WHEN IT IS NECESSARY FOR A CLERK TO READ A FILE AND REMOVE PROTECTED INFORMATION**