

RULE CHANGE 2025(08)

PUBLIC ACCESS TO INFORMATION AND RECORDS

CHAPTER 38

PUBLIC ACCESS TO INFORMATION AND RECORDS

Rule 2. Public Access to Administrative Records of the Judicial Branch

[NO CHANGE]

SECTION 1 DEFINITIONS

For purposes of Chapter 38, Rule 2, the following definitions apply:

(a) - (b) [NO CHANGE]

COMMENT: [NO CHANGE]

(c) “Custodian” means the person designated by federal or state statute, court rule, or court order as the keeper of the record, regardless of possession. Where no federal statute or regulation, state statute, court rule, or court order designates, the custodian is as provided in this subsection:

(1) - (11) [NO CHANGE]

(12) For the Office of Bridges of Colorado, the custodian is the Executive Director of the Office of Bridges of Colorado or the Director’s designee.

(d) [NO CHANGE]

(e) The “Judicial Branch” includes Colorado State Courts and Probation, the Office of the State Court Administrator, the Office of the Presiding Disciplinary Judge, the Office of Judicial Performance Evaluation, the Office of Attorney Regulation Counsel, the Office of Attorney Registration, the Colorado Lawyer Assistance Program, the Colorado Attorney Mentor Program, the Office of Alternate Defense Counsel, the Office of the Child’s Representative, the Office of the State Public Defender, ~~and~~ the Office of the Respondent Parents’ Counsel, and the Office of Bridges of Colorado. The Judicial Branch does not include the Commission on Judicial Discipline, Independent Ethics Commission, the Independent Office of the Child Protection Ombudsman, or the Office of Public Guardianship.

COMMENT: The Independent Ethics Commission was created by article 29, section 5 of the Colorado Constitution, and is an independent and autonomous constitutional entity. The Supreme Court does not believe it is appropriate to promulgate a rule governing access to records of a separate constitutional entity. The Commission on Judicial Discipline is also a separate constitutional entity, created by article 6, section 23 of the Colorado Constitution. Section 24-72-

401, C.R.S. (2015) governs the confidentiality of information and records of the Commission on Judicial Discipline. The Supreme Court presumes that the legislature intended section 24-72-401, C.R.S. (2015), and not CORA to control the confidentiality of Commission on Judicial Discipline records. The legislation creating the Independent Office of the Child Protection Ombudsman specifies that it is subject to CORA. § 19-3.3-102(5), C.R.S. (2015). The Office of Public Guardianship was created within the judicial department in 2019. § 13-94-104, C.R.S. (2019). The Office of Bridges of Colorado was created within the Judicial Department in 2023. § 13-95-103(1)(a), C.R.S. (2023). ~~The statute is silent on whether the Office of Public Guardianship is subject to CORA or this Rule.~~ 3

(f) - (h) [NO CHANGE]

SECTION 2 [NO CHANGE]

SECTION 3 EXCEPTIONS AND LIMITATIONS ON ACCESS TO RECORDS

(a) - (b) [NO CHANGE]

(c) Must Deny Inspection. Unless otherwise provided by federal statute or regulation, state statute, court rule, or court order, the custodian must deny inspection of the following records:

(1) - (26) [NO CHANGE]

(27) Case notes, intakes, results of screenings and assessment tools, and other materials and information created and collected by employees of the Office of Bridges of Colorado to assist them in carrying out their duties as outlined in § 13-95-106, C.R.S. Competency evaluation reports, external program records, treatment records, drafts and final application forms for participation in external treatment programs, transition plans and other materials, information and records obtained from other entities as part of the collaborative process described in § 13-95-106, C.R.S. Drafts and final versions of court reports that are submitted to the court pursuant to § 13-95-106, C.R.S.

COMMENT: Nothing in this subsection creates a new privilege under law. The records identified in this subsection relate to confidential medical, mental health and sociological information, and records ordered to be suppressed.

(d) [NO CHANGE]

SECTION 4 [NO CHANGE]

SECTION 5 [NO CHANGE]

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(d) [NO CHANGE]

(e) The “Judicial Branch” includes Colorado State Courts and Probation, the Office of the State Court Administrator, the Office of the Presiding Disciplinary Judge, the Office of Judicial Performance Evaluation, the Office of Attorney Regulation Counsel, the Office of Attorney Registration, the Colorado Lawyer Assistance Program, the Colorado Attorney Mentor Program, the Office of Alternate Defense Counsel, the Office of the Child’s Representative, the Office of the State Public Defender, the Office of the Respondent Parents’ Counsel, and the Office of Bridges of Colorado. The Judicial Branch does not include the Commission on Judicial Discipline, Independent Ethics Commission, the Independent Office of the Child Protection Ombudsman, or the Office of Public Guardianship.

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SECTION 2 [NO CHANGE]

SECTION 3

EXCEPTIONS AND LIMITATIONS ON ACCESS TO RECORDS

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SECTION 4 [NO CHANGE]

SECTION 5 [NO CHANGE]

Amended and Adopted by the Court, En Banc, March 13, 2025, effective immediately.

By the Court:

**Monica M. Márquez
Chief Justice, Colorado Supreme Court**