

TRIAL COURT ADMINISTRATION

Policy 521

Repealed February 10, 2023

SEALED AND EXPUNGED COURT RECORD INFORMATION

SECTION 1. AUTHORITY

Under Administrative Rule 22 and Policy 501, the Administrative Council may develop and adopt policies and procedures to ensure uniform administrative operation of the trial courts. This policy establishes procedures governing the management and disposition of court record information that is sealed or expunged as required by statute, rule, policy, or court order.

SECTION 2. DEFINITIONS

“Expunged” means removal and destruction of all record information, except as provided in this section, in the possession of the judicial branch, including record information stored in an electronic format. Electronic information concerning case type and number, entry of the expungement order, the assigned judge, and any financial information associated with the case may be retained and used for statistical and audit purposes. The retained information must not identify the subject of the record.

“Sealed” means placing paper record information in an opaque envelope, which must then be securely sealed and clearly marked “Sealed By Court Order”. Disclosure of sealed record information that is stored in an electronic format must be limited to only that information necessary for subsequent requests to unseal the record.

SECTION 3. SEALED RECORDS - SPECIFIC REQUIREMENTS

In accordance with N.D.C.C. §§19-03.1-23(8), 29-10.2-05, and 31-13-07, court record information must be sealed as ordered by the court. Once sealed, the record may not be reopened even by order of the court.

SECTION 4. EXPUNGED RECORDS

In accordance with N.D.C.C. §§ 25-03.1-45 and 50-09-32(4) and Judicial System Policy 403, court record information must be expunged as ordered by the court.

SECTION 5. COURT ORDER FOR EXPUNGEMENT - DISPOSITION

A court order directing that court record information be expunged is confidential and must be sealed following expungement of the record information. The sealed order must be retained in the original file.

Approved by the Administrative Council on 5/23/07, as an emergency measurement effective 8/1/07, subject to comment; amended 12/14/07; repealed 2/10/23