

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

**ORDER OF ADOPTION**

Supreme Court No. 20190368

---

**Proposed Amendments to North Dakota Rule of Appellate Procedure 14  
Regarding Identity Protection**

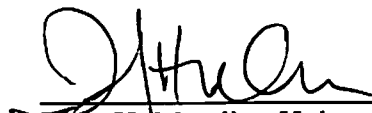
---

[¶1] The Clerk of Court submitted proposed amendments to North Dakota Rule of Appellate Procedure 14 regarding identity protection. The Court allowed comment on the proposal. The proposal is available at <https://www.ndcourts.gov/news/north-dakota/north-dakota-supreme-court/notices>. The Court considered the matter, and

[¶2] IT IS HEREBY ORDERED, that as further amended by the Court, North Dakota Rule of Appellate Procedure 14 is ADOPTED effective March 1, 2020.

[¶3] The Supreme Court of the State of North Dakota convened this 18th day of December, 2019, with the Honorable Gerald W. VandeWalle, Chief Justice, and the Honorable Daniel J. Crothers, the Honorable Lisa Fair McEvers, the Honorable Jerod E. Tufte, and the Honorable Jon J. Jensen, Justices, directing the Clerk of the Supreme Court to enter the above order.



  
\_\_\_\_\_  
Petra H. Mandigo Hulm  
Chief Deputy Clerk  
North Dakota Supreme Court

**RULE 14. IDENTITY PROTECTION**

**(a) Form of Confidential References.** In ~~appellate briefs~~ all filed documents, at oral argument and in opinions, the following individuals may not be referred to by name but may be referred to by the individual's initials:

(1) the respondent in a mental health proceeding;

(2) the respondent and members of the respondent's family in a conservatorship or guardianship proceeding;

(3) the respondent in a juvenile proceeding;

(4) the child and members of the child's family in a proceeding to terminate parental rights;

(5) a minor child;

(6) a victim or alleged victim of a sexual offense.

**(b) Other Privacy Protection.** Privacy protections in N.D.R.Ct. 3.4, in the North Dakota Century Code, and the North Dakota Constitution must be complied with in all filed documents, at oral argument and in opinions.

**(c) Modification of Electronic Opinions.**

**(1) Individual Names.** On request, if the name of an individual eligible for protection under subdivision (a) appears in the electronic version of a specific appellate opinion, it must be replaced by the individual's initials and the opinion annotated with the words "Modified under N.D.R.App.P. 14."

**(2) Birth Dates.** On request, if the full birth date of any individual appears in the electronic version of a specific appellate opinion, it may be replaced by the individual's birth year and the opinion annotated with the words "Modified under N.D.R.App.P. 14."

**EXPLANATORY NOTE**

27 Rule 14 was adopted effective March 1, 2008; March 1, 2009; December 15,  
28 2011; March 1, 2019.

29 This rule is not intended to create a separate cause of action.

30 Subdivision (a) was amended, effective \_\_\_\_\_, 2019, to require identity protection for  
31 all filed documents.

32 Paragraph (a)(4) was amended, effective March 1, 2019, to require all references to a  
33 child or members of a child's family in appellate material to be by the individual child's  
34 initials in termination of parental rights proceedings. As an alternative to using initials,  
35 family members may be referred to by descriptive terms such as "father" or "mother" or  
36 by terms indicating their role in the appeal such as "appellant." Questions as to whether a  
37 person is a member of a family should be resolved in favor of protecting the person's  
38 identity.

39 Paragraph (a)(5) was amended, effective March 1, 2009, to require all references to minor  
40 children in appellate material to be by the individual child's initials.

41 Subdivision (b) was added, effective \_\_\_\_\_, 2019, to require identity protection for  
42 all documents as provided for in N.D.R.Ct. 3.4, in the North Dakota Century Code, and in  
43 the North Dakota Constitution.

44 Paragraph (b)(2) was added, effective December 15, 2011, to allow persons to request  
45 removal of a full birth date from an electronic version of an appellate opinion.

46 Sources: Joint Procedure Committee Minutes of September 30, 2011, pages 17-18; April  
47 26-27, 2007, pages 28-29.

48 Statutes Affected:

49 Considered: N.D.C.C. §§ 12.1-34-02, 12.1-35-03, 14-15-16, 14-20-54, 25-03.1-43, 27-  
50 20-51.