\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(*Your name*)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(*Your mailing address*)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(*City*) (*State*) (*ZIP*)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(*Your phone number*)

**Montana \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Judicial District Court**

*Number of the Judicial District where you are filing*

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County**

*Name of the county where you are filing*

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Cause No. |  |
| In Re the of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:(*write “Child”*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Petitioner(s) (*your name or names*) |  |  (*to be filled out by Clerk of Court*)**Motions to Keep Certain Information Private and Memorandum in Support**  |
|  |  |  |

**Motions**

Petitioner(s), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ,

 (*write your name(s) here*)

have lodged (not filed) court papers in this guardianship proceeding, which contain sensitive information including the child’s name. I (we) first move the Court to seal the entire record in this case, and direct that the previously-lodged papers be filed under seal.

Alternatively, I (we) move the Court to order that the previously-lodged papers be returned so I (we) can redact them by crossing the sensitive information out with a black marker. I (we) request 10 days from the date of the Court’s order on these alternative motions to resubmit the previously-lodged court papers.

If the Court orders redaction rather than sealing, I (we) will also submit redacted copies of any school records, bank statements, and medical evaluations I (we) offer as evidence.

 Whether the Court seals the record or orders redaction, I (we) ask that any letters of guardianship issued in this case name the child, do not become part of the court record, and are released to people who need to know if the Court has appointed me (us) as the child’s guardian(s).

**Memorandum in Support**

It is the responsibility of the filing party to comply with the Privacy Rules to protect private information. Section 4.50(d) Montana Supreme Court Rules of Privacy and Public Access to Court Records in Montana, cause number AF 06-0377 (Privacy Rules). Title 72, Chapter 5, Part 2, MCA, does not require that a minor child’s name be made public or accessible to the public in a guardianship proceeding. Because most of the court papers in this case name the child, I (we) ask that the record be sealed or, in the alternative, documents be redacted to comply with the Privacy Rules.

 In addition to the child’s name, this proceeding may also involve other types of sensitive information, such as account information, addresses, school records, and mental health evaluations. I (we) believe the Court should consider some sensitive information in making its decision, but the information should be kept private for the following reasons (*list any other sensitive information that may come up in this case, and write why you believe each piece of information should be kept private*):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

As a practical matter, certain people will need to know if the Court has ordered that I am (we are) the child’s guardian(s). I (we) ask the Court to keep any documents naming the child out of the court record available to the public.

**I (we) respectfully ask this Court to:**

* Keep certain information confidential;
* Order any other relief the Court decides is just and proper.

**Note:** *You must sign and date this Motion. By signing, you are telling the Court that:*

* *You have read the Motion;*
* *The information in the Motion is true to the best of your knowledge; and*
* *You are not using this Motion for an improper reason.*

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (*mm/dd/yyyy*)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print name(s):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Montana \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Judicial District Court**

*Number of the Judicial District where you are filing*

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County**

*Name of the county where you are filing*

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Cause No. |  |
| In Re the of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:(*write “Child” or the child’s initials*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Petitioner(s) (*your name or names*) |  | (*to be filled out by Clerk of Court*)**ORDER REGARDING MOTION TO KEEP CERTAIN INFORMATION CONFIDENTIAL** |
|  |  |  |

This Court orders:

[ ]  The entire court record in this case is SEALED.

[ ]  All documents filed in this case are SEALED.

[ ]  The document named \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is SEALED.

[ ]  The documents attached to the following cover sheet(s) are SEALED.

 [ ]  Cover Sheet: Health Care Records and attached documents

 [ ]  Cover Sheet: Financial Records and attached documents

 [ ]  Cover Sheet: Confidential Reports and attached documents

[ ]  A portion of a document sealed. List the name of the document where the portion is found: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

List the particular portion of the document sealed:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  The Clerk of Court is directed to file the appropriate documents under seal.

[ ]  A member of the public may file a Motion with the Court to request access to these records.

[ ]  The Motion to Keep Certain Information Confidential is DENIED. The party who asked that this information be kept confidential shall inform the Clerk of District Court whether the documents shall be filed with the Court, [ ]  within 14 days of this order or [ ]  by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ]  Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DISTRICT COURT JUDGE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Your name*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Your mailing address*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*City* *State*  *Zip*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Your phone number*

**Montana \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Judicial District Court**

*Number of the judicial district where you are filing*

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County**

*Name of the county where you are filing*

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Cause No.: |  |
| In Re the of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:(*write “Child” or the child’s initials*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Petitioner(s) (*your name or names*) |  (*to be filled out by Clerk of Court*)**Sensitive Data Form****Civil Case** |
|  |

Pursuant to the Privacy and Access Rules of the Montana Supreme Court (AF 06-0377) sensitive data should not be filed or included in a case record, except on this form. Sensitive data is defined as social security numbers, bank account numbers, credit card numbers, other financial account numbers, dates of birth and full names of minor children (unless required to be made public by law). The Clerk will secure this form separately from other case records and will prohibit access to this information except as provided by Section 4.60 (c) of the ***Rules on Public Access to Court Records*** *(available @* [*www.courts.mt.gov*](http://courts.mt.gov)*).*

|  |
| --- |
| Information about Plaintiff |
|  | [ ]  Full Date of Birth |  |
|  | [ ]  Social Security Number |  |
|  | [ ]  Financial Account Numbers  |  |

|  |
| --- |
| Information about Defendant |
|  | [ ]  Full Date of Birth |  |
|  | [ ]  Social Security Number |  |
|  | [ ]  Financial Account Numbers |  |

|  |
| --- |
| Information about Children |
| Name Used in Court Document | Full Legal Name | Date of Birth | Age | Social Security |
|  |  |  |  |  |
|  |  |  |  |  |

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 mm/dd/yyyy Sign here

Print name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***NOTE:* The other party will have access to this sensitive data sheet.**