

MEETING MINUTES
Commission on Technology
July 28, 2022

MEMBERS PRESENT

Justice Shea, Chair

Peg Allison, Flathead Clerk of District Court

Judge Audrey Barger, COLJ Automation Chair (Hill County Justice Court Judge)

Beth McLaughlin, Supreme Court Administrator

Christine Mandiloff, State Law Librarian

Mars Scott, Public Member

Lisa Mader, IT Division Director

Justice Shea called the meeting to order and asked Peg Allison to summarize details for the conversation.

DISCUSSION

Peg Allison stated that the District Court Clerk's Automation Committee met to experiment with the FullCourt Enterprise public role in an attempt to fully understand the outcome of clicking the "Confidential" option on FCE party names, such as minors in guardianship cases. She explained that it does not work well because the case style still includes the party names, meaning it does not remove the party name in the case style.

Peg remembered that the COT had decided to exclude DJ (Juvenile) cases from public portal so the public wouldn't see minor's names on DJ cases. She felt that we wouldn't be consistent if we didn't address minor's names in other case types such as Guardianship or Civil Name Changes cases. Peg wrote to Justice Shea and asked if the COT should have a discussion to see if changes should be made to the rules and/or access to other case types that have minor's names listed as a party. She explained that Civil Name Change cases list minors as a party and Guardianship cases for Compromise Settlement and Guardianship of Minor cases list minors as parties because they are the ward.

Mars Scott notes that minors are also listed in Petitions for Dissolution. Peg responded that the clerks have historically been entering minor names but not as a party to the case on pleadings.

To her knowledge, no other clerk in state adds minors as parties because they're not listed on pleadings as a petitioner or respondent.

Judge Barger added that the COLJ Automation Committee also had a demonstration and discovered that although a minor name cannot be searched, if a case number is specifically entered, it will show the minors' name. This wasn't too concerning because nothing is confidential in the limited jurisdiction, but she wanted to make sure that the way it's working is consistent with the rules that were adopted.

Lisa explained that there are options for the District Court case types discussed, but as she understood the discussion and motion made by Judge Barger, the direction was to block the juvenile case number search capability on the District Court public portal and allow the age of majority rules to function. In addition, a disclaimer would be posted to the portal site noting that information not available via the public portal "may" be available through the court. Lisa stated that on the limited jurisdiction side she thinks it's working the way it should.

Beth explained that the reason we didn't want the juvenile case search ability is because once the party reaches the age of 18, if they've successfully completed their consent decree the case is sealed and can be destroyed at some point. We didn't want to have the case out there in perpetuity recognizing that most juveniles comply, and the cases are destroyed after 5 years.

Lisa provided a demo showing that in the DC portal the juvenile case search option is not available. She also provided a demo of the party search for a party under the age of majority showing that the party does not get presented, but that a publicly accessible case with that minor's name could be seen. Lisa stated that she felt it was working correctly but wanted to confirm with the Commission.

Beth stated that that was how she understand it should work because the case is a public record. Peg offered that perhaps the only concern is the rules themselves. She noted that Section 4.30(b) states "the public portal shall not include cases in which the party is a minor" which would not be accurate so maybe the best option is to change the language in the rules. Judge Barger agreed.

Beth stated that we would need to make it clear in the rules that minor's names cannot be searched in the limited courts, but ticket and criminal case information could be seen. She stated that she and Lisa could do a rewrite of the rules and send it out. Peg offered that maybe 4.3(b) needs to be modified to state the public portal shall not include district court juvenile cases because we're not excluding cases in which the party is a minor, that's the part that is a problem, we are only excluding DC juvenile cases.

Justice Shea questioned whether it is only Juvenile cases, isn't it also Guardianship cases. Lisa demonstrates a DG case with a minor in the DC portal showing that you can see the case and the minor but can't do a search for the minor name. Lisa asked if we need to block all DG cases or determine a certain sub-type that should be blocked from access? Peg stated that if the COT truly only wanted to exclude DJ cases because they can be purged after a period of time, the committee should only need to focus on DJ cases. She further stated that Guardianship cases and Civil Name Change cases for minors are all public records and don't get purged. The concern with DJ cases no longer applies to anything else.

Beth stated that we need to make it clear in rules that DJ cases aren't available and minor names cannot be searched. Peg and Justice Shea agreed that the statement is consistent with their recollections. Justice Shea stated that the overriding concern was that if it's a Juvenile case, it would be sealed and expunged but that a case involving a minor for a Guardianship, Family Law, or Traffic case is not of concern.

Beth asked Justice Shea if changes are made to the rules, would they have to go back to the court. Justice Shea responded that they would but could be done expeditiously and suggested submitting the changes to the committee for an email vote. After the vote, Justice Shea would take the rules to the court at the next conference and do the amendment.

Beth asked about timeline to have the public portal setup complete. Lisa explained the remaining technical work, and that a security analysis for vulnerabilities needed to be done but anticipated it could be ready for public consumption by mid-September 2022.

Beth offered that she and Lisa would work on the rules and get the changes out to the committee for review and vote the following week.

Meeting adjourned at 12:25 p.m.