

WHAT INFORMATION DOES THE COURT TREAT AS CONFIDENTIAL?



Wis. Stat. § 801.20 provides a procedure for filing information and documents that are made confidential by statute or case law. To protect other court records not listed here, you must file a motion to seal.

What are the clerk of circuit court and register in probate responsible for?

- Confidential address information in TRO and injunction actions (form CV-502)
- Confidential disclosure of protected information (form GF-241)
- Cover sheet for confidential records (GF-244)
- Confidential disclosure of information to be sealed or redacted (GF-245)
- Confidential petition addendum (form GF-179)
- Court report in cases under the Children’s Code (Ch. 48) and the Juvenile Justice Code (see Wis. Stats. §§ 48.396(3)(b)2., 48.33, 48.293(2), 48.38(5)(d) & (5m)(d), 938.396(2m)(b)2., 938.33, 938.293(2), and 938.38(5)(d) & (5m)(d))
- Disclosure of sealed identifying information in a child custody proceeding (form GF-178)
- Examining physician’s or psychologist’s report in Guardianship cases and cases under the Children’s Code and Juvenile Justice Code (see Wis. Stats. §§ 51.30(4)(b), 54.36, 48.396(3)(b)2., 48.295, 938.396(2m)(b)2., and 938.295)
- Family medical history questionnaire (form FA-608)
- Family financial disclosure (form FA-4139V)
- Income and expense statement (FA-4138V)
- Permanency Plans in cases under the Children’s Code and Juvenile Justice Code (see Wis. Stats. §§ 48.396(3)(b)2., 48.38(5)(d) & (5m)(d), and 938.38(5)(d) & (5m)(d))
- Presentence investigation reports (see Wis. Stat. § 972.15(4m))
- Report of Examination under s. 51.45(13), Wisconsin Statutes, regarding Involuntary Commitment (form ME-940)
- Report of Examination under s. 51.20, Wisconsin Statutes, regarding Involuntary Commitment for Treatment (form ME-941)

Some statutes require that an entire classification of cases be kept confidential. These statutes have provisions allowing disclosure to the parties, their attorneys, and others. You do not need to submit form GF-244 for the following records:

- Adoption
- Child abuse restraining orders and injunctions
- Children’s proceedings under ch. 48
- Confidential name change petition
- Guardianship
- Grand juror list and grand jury proceedings
- Jane Doe proceedings
- Mental health act proceedings
- Juvenile proceedings under ch. 938
- Paternity pre-adjudication records
- Protective services and placement
- Search warrants until executed
- Wills deposited for safekeeping during life of testator



What is the filing party responsible for?

It is the responsibility of the filing party to bring certain confidential documents to the clerk's attention, using form GF-244:

- Child pornography as evidence
- Criminal competency determinations prior to competency hearing
- Criminal mental disease or defect reports prior to testimony or completion of trial
- Documents previously sealed by court order
- Family maintenance payment records
- Physical/mental health/sensitive personal matter in proceedings under Chapters 48 and 938.
- Pupil records provided under subpoena for in camera inspection
- Treatment records of individuals criminally committed under ch. 971 and 975
- Wiretap records, electronic or oral interceptions
- Medical reports, records, or information filed by the Department of Transportation under §343.16(5), Wis. Stats.

Filing parties must also identify certain cases as confidential:

- Insurance proceedings submitted for judicial review
- Medical incapacity of attorney petition
- Parent denied periods of physical placement
- Uniform Child Custody Jurisdiction Enforcement Act Proceedings where risk of harm alleged

Parties should be careful not to include confidential records as attachments or exhibits; they should be submitted separately by attaching them to the form.

What if I don't see a record on this list?

To protect other court records not listed on form GF-244, you must file a motion to seal. See our brochure "How Do I Ask the Court to Seal a Court Record?" New forms are also available for protecting social security numbers, financial accounts, driver license, and other numbers. See our brochure "What is Protected Information?"

Where do I go for more information?

Visit the court's website at <http://www.wicourts.gov/services/attorney/redact.htm>. There you will find the new rules, forms, frequently asked questions, and more.

