

PROPOSED

SUPERIOR COURT RULE 18

IMPOUNDMENT AND PERSONAL IDENTIFYING INFORMATION

(Applicable to All Counties)

A. Impoundment

1. Impoundment in the Superior Court shall be governed by Trial Court Rule VIII (Uniform Rules on Impoundment Procedure (“URIP”)), as supplemented by paragraph 2(b), below.

2. a. Purpose.

Paragraph 2(b) of this Rule makes exceptions to the notice requirement of URIP Rule 13(b), which ordinarily requires that when a person files impounded material, he or she also must file a notice alerting the clerk to that material.

b. Exceptions to Notice Requirement of URIP Rule 13(b).

Because the following materials are impounded by law, and the clerks' offices impound them in the normal course, no Rule 13(b) notice is necessary when filing any of them:

1. an Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees & Costs, on the form prescribed by the Chief Justice of the Supreme Judicial Court under G.L. c. 261, § 27B;
2. a Petition for Abortion Authorization under G.L. c. 112, § 12S , or any materials in such matter;
3. an action for judicial review of a decision of the Sex Offender Registry Board, under G.L. c. 6, § 178M , or any materials in such matter; or
4. any confidential document or other material prepared especially for a pre-indictment judicial hearing concerning a grand jury proceeding.

c. Duty of the Clerk.

The clerk shall maintain the impounded material described above in accordance with the clerk’s duties prescribed in URIP Rule 9.

B. Personal Identifying Information

3. Redaction and treatment of personal identifying information shall be governed by Supreme Judicial Court Rule 1:24, as supplemented by paragraph 4 below.

4. Pursuant to Section 5(c) of Supreme Judicial Court 1:24, personal identifying information contained in administrative records filed by agencies shall be treated as may be provided in Standing Order 1-96, as amended from time to time.