

Rule 79-I. Copies and Custody of Filed Papers

(a) ACCESS TO FILED PAPERS. Unless prohibited by statute, rule, or order of the court, inspection and copying of the files and records of the Family Court will be permitted.

(b) CERTIFIED COPIES.

(1) *In Person Filings*. When a paper is received and filed, the clerk must stamp the date of filing on the face of the paper in any manner that is legible and must also stamp the date of filing separately on any exhibit. If any person filing any paper requests a certification of such filing, a copy of the paper provided by such person must be marked to show the time and date of the filing and initialed by the person with whom the paper was filed. Such certified copy is prima facie evidence in any proceeding that the original of the paper was filed as shown by the certification.

(2) *Electronic Filings*. Any filings made electronically as permitted by these rules or by administrative order is considered date stamped as specified by administrative order.

(c) CUSTODY OF DOCUMENTS. The clerk or his or her designee is the custodian of all papers filed in all civil cases. No original paper, document, or record in any case may be removed from its place of filing or custody, except under the following conditions:

(1) Except with approval of the court, no paper, document, or record may be taken from the courthouse by any person other than the custodian of the paper, document, or record, who must retain possession of it and must return it to its place of filing immediately upon completion of the purpose for which it was removed.

(2) When required for use before a division of the court or a person to whom the case has been referred for consideration, or when ordered by a judge of the court, the custodian, the custodian's designee, any attorney or party to the case, or any person designated by a judge may be permitted to remove such paper, document, or record for the use required or ordered.

(3) In any case where the paper, document or record is removed by any person other than the custodian, or the custodian's designee, a receipt must be given to the custodian and the paper, document or record, must be returned to its place of filing or custody immediately upon completion of the purposes for which it was removed.

COMMENT TO 2018 AMENDMENTS

This rule is new. It closely conforms to the Civil Rule 79-I, except that section (a) limits access to filed papers and records where prohibited by statute.