



DATE: March 5, 2025

TO: Clerks of circuit court, registers in probate, juvenile clerks

FROM: Meg Sternitzky

SUBJECT: A Guide to Confidentiality, Sealing, and Redaction in Wisconsin Circuit Courts

This memo is intended as a guide for filers, court staff, and judges on the various statutory provisions related to confidentiality, redaction, and sealing of information in circuit court case records. This general guide clarifies how the court system treats different types of filings under statute. Individual practices of judges in each county may vary from this guide. If a filer wants to supplement this guide with additional information, please contact Meg Sternitzky in the Office of Court Operations at meg.sternitzky@wicourts.gov.

1. Documents that can be marked as confidential and submitted with no further motion

- Wis. Stat. § 801.20 requires parties to identify confidential information when it is filed. The Director of State Courts has created a list of commonly filed documents and case types that the clerks of court and registers in probate must automatically treat as confidential without a motion.
- The CCAP software will automatically mark the below documents as confidential when filed through eFiling based on the document type. eFilers need to select the correct document type when eFiling these documents in order for the software to mark them as confidential.
- Clerks and registers in probate are responsible for recognizing and treating these documents as confidential without any notification from the parties. If an eFiler does not select the correct document type and the software does not mark the document as confidential, clerks and registers in probate must manually mark the document as confidential by checking the “confidential” box under the document restriction type.
- The DA should mark these documents as confidential when filed through PROTECT.
- Clerks and registers in probate are responsible for marking these documents as confidential when they are filed in paper.

Form Title	Form Number	Statute Number	Who Is Allowed to View the Record?¹
Confidential Address Information in TRO and Injunction Actions	CV-502	813.12(5m) 813.122(5g) 813.123(5g) 813.125(5m)	<ul style="list-style-type: none"> • Petitioner/Child/Individual at Risk • Petitioner/Child/Individual at Risk's Attorney or person filing on behalf of the person to be protected.
Confidential Disclosure of Protected Information	GF-241	801.19(2)(h)1.	<ul style="list-style-type: none"> • Parties • Parties' Attorneys • Guardian ad Litem • Judicial Officers • Court Staff • Individuals allowed access by stipulation of parties • Other individuals ordered by the court to have access.
Court Reports <ul style="list-style-type: none"> • Original Disposition Report to the Court • Court Report for Extension of Dispositional Order • Youth Justice Dispositional Court Report • Court Report for Transfer of Legal Guardianship • Court Report for Termination of Parental Rights 	<u>DCF Forms</u> <ul style="list-style-type: none"> • CFS-2118 • CFS-2110 • CFS-2111 • CFS-2138 • CFS-2117 	48.396(2) & (3)(b)2. 48.33 48.293(2) 48.38(5)(d) & (5m)(d) 938.33 938.293(2), 938.38(5)(d) & (5m)(d) 938.396(2g) & (2m)(b)2.	At the time of filing or for purposes of participating in a permanency review/hearing under 48.38 and 938.38: <ul style="list-style-type: none"> • Parents • Parents' Attorney(s) • Guardian • Legal custodian • Child's/Juvenile's Guardian ad Litem/Adversary Counsel • Corporation Counsel/District Attorney • Court Appointed Special Advocate (CASA) • Indian custodian • Tribe
Cover Sheet for Confidential Records Supporting Documents	GF-244	801.20	Access will be determined based upon the type of document filed.
Confidential Disclosure of Information to be Sealed or Redacted	GF-245	801.21(2)	The court should use form GF-246B to designate who can access the records.

¹ "Allowed to view the record" means allowed to access the record under Wisconsin state statutes unless otherwise ordered by the court. Some statutes allow for individuals to only inspect the record while others allow for individuals to obtain copies of the record. For eFiling parties, access may be granted through the eFiling system. For paper parties and other individuals, access may be through traditional means.

Confidential Petition Addendum	GF-179	767.215(5)(b)	<ul style="list-style-type: none"> • Parties • Parties' Attorneys • County Child Support Agency • Individuals who have a court order to access the information.
Disclosure of Sealed Identifying Information in a Child Custody Proceeding	GF-178	822.29(5)	Party and party attorney who files the affidavit unless court orders disclosure to other party or public. Wis. Stat. 822.29(5)
Examining Physician's or Psychologist's Report in Guardianship cases	GN-3130	51.30(4)(b) 54.36	<ul style="list-style-type: none"> • Appropriate examiners and facilities who will be examining the ward (54.36(3)) • Ward • Proposed Ward • Ward's Guardian ad Litem and Attorney • Corporation Counsel and the District attorney are entitled to access under s. 804.10(3)(a) and s. 51.30(3)(b).

<p>Examining Physician's or Psychologist's Report in cases under the Children's Code</p> <p>Note: This includes juvenile competency reports</p>	N/A	<p>48.295 48.396(2) & (3)(b)2. 48.38(5)(d) & (5m)(d) 938.295 938.38(5)(d) & (5m)(d) 938.396(2g) & (2m)(b)2.</p>	<p>In a UCHIPS, CHIPS, JIPS or delinquency case:</p> <ul style="list-style-type: none"> • Parents • Guardian • Legal custodian • Corporation Counsel/District Attorney • Child's/Juvenile's Guardian ad Litem/Adversary Counsel • Court Appointed Special Advocate (CASA) • Unborn child's expectant mother • Unborn Child's Guardian ad Litem or Counsel <p>In addition to those listed above, the following individuals in preparation of a permanency review/hearing:</p> <ul style="list-style-type: none"> • Indian Custodian • Tribe <p>Note: Wis. Stat. Chs. 48 and 938 do not specifically list parents, custodians or legal guardians as individuals allowed to view the examining physician or psychologist's report. Clerks should discuss whether parents, custodians or legal guardians are authorized to view the report with the judge.</p>
<p>Family History Questionnaire Medical/Genetic</p> <p>Family History Questionnaire Medical/Genetic – Pregnancy and Delivery Information</p>	<p><u>DCF Forms</u></p> <ul style="list-style-type: none"> • CFS-0149 • CFS-0149A 	<p>48.422(9) 48.425(1)(am)</p>	<p>Forwarded to the Department of Children and Families when TPR is ordered.</p>

Family Medical History Questionnaire	FA-608	767.41(7m)(b)	<ul style="list-style-type: none"> Physician or health care provider with custody of the information Any other record custodian at the request of the physician or other healthcare provider
Financial Disclosure Statement	FA-4139V	767.127(3)	<ul style="list-style-type: none"> Parties Parties' Attorneys Department of Children and Families as needed with respect to child and spousal support and establishment of paternity and information to administer the medical support liability program.
Income and Expense Statement	FA-4138V	767.127(3)	<ul style="list-style-type: none"> Parties Parties' Attorneys Department of Children and Families as needed with respect to child and spousal support and establishment of paternity and information to administer the medical support liability program.
Permanency Plan Documents: <ul style="list-style-type: none"> Administrative Permanency Plan Summary Permanency Plan Permanency Plan Addendum CANS Assessment 	<u>DCF Forms</u> <ul style="list-style-type: none"> CFS-2357 CFS-2132 F-5479 F-2611 F-2612 	48.396(2) & (3)(b)2. 48.38(5)(d) & (5m)(d) 938.38(5)(d) & (5m)(d) 938.396(2g) & (2m)(b)2.	<ul style="list-style-type: none"> Child's/Juvenile's Guardian ad Litem/Adversary Counsel Parents Parents' Attorney(s) Child's/Juvenile's Guardian/Legal Custodian District Attorney/Corporation Counsel Court Appointed Special Advocate (CASA) Indian Custodian Tribe

Presentence Investigation Reports		972.15(4m)	<ul style="list-style-type: none"> • District Attorney • Defense Attorney • Assistant Attorney General • If unrepresented, the defendant may view the report, but not keep a copy.
Report of Examination under 51.45(13) (Involuntary Commitment)	ME-940	51.45(13)	<ul style="list-style-type: none"> • The attorney of the person subject to the commitment or the person (if he/she waived counsel) must be provided this report 96 hours prior to the hearing under 51.45(13)(e). • Accessible to individual's attorney, GAL, corporation counsel, without modifications, to prepare for commitments (51.30(3)(b)). • See Wis. Stat. 51.30 for the list of individuals who are able to access these records in other circumstances.
Report of Examination 51.20 (Involuntary Commitment for Treatment)	ME-941	51.20	<ul style="list-style-type: none"> • The attorney of the person subject to the commitment or the person (if he/she waived counsel) must be provided this report 48 hours prior to the final hearing under 51.20(10)(b). • Accessible to individual's attorney, GAL, corporation counsel, without modifications, to prepare for commitments. 51.30(3)(b). • See Wis. Stat. 51.30 for the list of individuals who are able to access these records in other circumstances.

2. Other information made confidential by statute - submit using form GF-244

- There are some confidential documents parties are responsible for bringing to the attention of the clerk or register in probate. The below confidential documents must be brought to the attention of the clerk or register in probate by the parties at the time the documents are filed, using the *Cover Sheet for Confidential Records (GF-244)* form. This information is confidential by statute, so no motion needs to accompany the form.
- GF-244 itself is an open record and should not be made confidential. Parties should file the *Cover Sheet* and supporting documents separately.

- If a party files a confidential document and GF-244 in paper, the clerk or register in probate should enter the *Cover Sheet* into CCAP using the *CSCR (Cover sheet for confidential records)* court record event, and take the appropriate steps to make the attached record as confidential.
- It is not the clerk or register in probate's responsibility to ensure that the party or the party's attorney has inadvertently filed confidential information as an open record. However, in an effort to provide good customer service, if a clerk or register in probate notices that a party file confidential information as part of an open record, the clerk or register in probate can call the party/attorney to say that the information will remain in the open file unless a motion to seal is filed and granted.
- The clerk should note on the court record the nature of the information submitted.
- See Wis. Stat. § 801.20.

Information	Statute Number	Who Is Allowed to View the Record?
Child pornography recordings as evidence	971.23(11)(d)	<ul style="list-style-type: none"> • Law Enforcement • District Attorney • Must be made reasonably available to the defense (so defense can view the evidence). The defense may get a copy upon order from the court.
Criminal competency determinations prior to competency hearing	971.14(4)(a)	<ul style="list-style-type: none"> • District Attorney • Defense Attorney • Defendant • Sheriff or jailer only upon request to the court. Sheriff or jailer may in turn provide it to the medical records custodian, nurse, physician or physician assistant of the defendant.
Criminal mental disease or defect reports prior to testimony or end of trial	971.16(3)	District attorney and defense attorney until the physician or psychologist has testified or at the completion of the trial. The contents of the report are confidential until the physician or psychologist has testified or at the completion of the trial.
Documents previously sealed by court order	801.21(7)	Access granted according to the original order to seal.
Family maintenance payment records	767.57(1)(c)	<ul style="list-style-type: none"> • Parties to the action • Parties' Attorneys • Circuit Court Commissioner
Records relating to insurer rehabilitation/liquidation summary proceedings	645.24(3)	All parties to the proceeding and their attorneys unless otherwise ordered by the court.

Medical incapacity of attorney petition	SCR 12.02(1)(e)	<ul style="list-style-type: none"> • Petitioner • Attorney • Trustee attorney after appointment by the court • OLR upon notice of the court (SCR 12.02(1)(a))
Parent denied physical placement has limited access to child's records	767.41(7)(b)	Certain child's records (school records, court/treatment records, protective services records, health records) may not be available to a parent who has been denied periods of physical placement under Ch. 767.
Physical/mental health/sensitive personal matter in proceedings under chs. 48/938	48.396(3)(b)2. 938.396(2m)(b)2.	Documents may be disclosed to individuals as permitted under ss. 48.396(2) and 938.396(2g) or as otherwise permitted by another section of this chart.
Pupil records provided under subpoena for in camera inspection	118.125(2)(f)	After the court conducts an in camera review, the records or parts of the records may be turned over to the parties in the action and their attorneys.
Treatment records of individuals criminal committed under ch. 971 and 975 (e.g. conditional release plan in NGI cases)	51.30(7)	<ul style="list-style-type: none"> • Individual's Attorney • Guardian ad Litem • Corporation Counsel, without modifications, to prepare for commitments (51.30(3)) • <i>See Wis. Stat. 51.30 for the list of individuals who are able to access these records in other circumstances.</i>
UCCJEA proceedings where risk of harm is alleged	822.29(5)	<ul style="list-style-type: none"> • Petitioner • Petitioner's Attorney
Wiretap records, electronic or oral interceptions	968.30(7)	Court shall seal the records and recordings. The court has the authority to grant access to sealed records and recordings under specific circumstances.

3. Information to be sealed based on court discretion (may require a motion to seal)

- If a party wishes to protect a court record that is not protected by Wis. Stat. 801.19 (protected information) or Wis. Stat. 801.20 (confidential information), the party must file a motion to seal or redact. The court will then use its discretion to determine if the information should be sealed or redacted. Court staff cannot independently decide whether to seal something. This decision must be made by a court official.

- For some of the documents below, parties will need to file a motion to seal and the court will determine whether to treat the information/documents as confidential. Parties can file a motion to seal using form *Motion to Seal or Redact a Court Record (GF-246A)* or *Motion to Seal or Redact a Transcript (GF-247A)*. Parties can also submit a motion to seal in a different format.
- *Confidential Disclosure of Information to be Sealed or Redacted (GF-245)* should accompany GF-246A or GF-247A and should be used by the party to specify the information the party wants sealed or redacted.
- The CCAP software automatically places form GF-245 under temporary seal when submitted through eFiling. The filer should check the radio button labeled “seal” in order to seal the documents submitted with the GF-245. Until the court rules on the motion, only the filer can view the information.
- The DA needs to place the GF-245 under “temporary seal” when filing through PROTECT.
- Clerks should mark the GF-245 and information to be sealed or redacted as sealed when they are filed in paper until the court can rule on the motion by checking the “sealed” box under the document restriction type when the document is scanned into the case.
- The motions to seal, GF-246A and GF-247A, and their orders, GF-246B and GF-247B, are open to the public. The motion should be entered into the court record using the *MSRC (Motion to seal/redact court record)* or *MSRT (Motion to seal/redact transcript)* court record event. The order should be entered into the court record using the *OMSRC (Order on motion to seal/redact)* or *OMSRT (Order on motion to seal/redact transcript)* court record event.
- If the court grants a motion to seal the court record, the clerk will place the GF-245 under permanent seal and allow access to the parties only as provided in the court order.
- See Wis. Stat. § 801.21.

Information	Statute Number	Who Is Allowed to View the Record?
Antitrust actions - business or trade secrets	133.13(2)	The court should use form GF-246B to designate who can access the records.
Confidential informants - identification and testimony	905.10(3)	The court should use form GF-246B to designate who can access the records.
Coroner's inquest records	979.05(6) 979.08(7)	The court should use form GF-246B to designate who can access the records.
Divorce judgments may be impounded when parties remarry each other or reconcile	767.35(6) 767.35(7)	The court should use form GF-246B to designate who can access the records.
Family actions may be impounded for good cause shown	767.13	The court should use form GF-246B to designate who can access the records.

In camera inspection of potential discovery under 971.23	971.23(6m)	Under 971.23, the court shall review the documents and shall mask or delete any material which is not relevant to the case being tried. District attorneys, defense attorneys and defendant attorneys get access after inspection and redaction. 971.23(6m)
In camera inspection of state employment records if the employee demands de novo review of the release (<i>Woznicki</i> notice)	19.356	The court shall determine access after review of the records.
John Doe proceedings	968.26(4)	The court should use form GF-246B to designate who can access the records.
Juror Information	<i>State v. Tucker</i> , 2003 WI 12, 259 Wis. 2d 484	Under <i>State v. Tucker</i> , in order to restrict juror information, the court must make an individualized determination that the jury needs protection, and take reasonable precautions to minimize any prejudicial effect to the defendant. <i>Id.</i> at ¶ 27. The court may use form GF-246B to designate who can access this information.
Restraining orders and injunctions, individual at risk	813.123(3)(c)2.	The court should use form GF-246B to designate who can access the records.
Trade secrets litigation	134.90(5)	The court should use form GF-246B to designate who can access the records.
Court Appointed Special Advocate (CASA) Reports	48.236(3) 48.396(2) & (3)(b)2.	No distribution list provided in statute (consult with judge to determine who should have access).

Home Study Documents in Adoption Cases <ul style="list-style-type: none"> • Adoption Investigation Report to Circuit Court (DCF - CFS-0857) • Report to the court on adoption investigation (DCF - CFS-2225) • Step-parent screening • Adoption home study summary step-parent adoption 	48.88(2)(b) 48.88(2)(c) 48.93(1d)	No distribution list provided in statute (consult with judge to determine who should have access).
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Other state statutes provide confidentiality for records when held by other custodians. These statutes may be used in support of a motion to the court to seal the record, but the clerk does not automatically treat the information as confidential without a court order (e.g. patient health care records).

A party may wish to file a motion to seal the following information/documents, even though there is no statute that specifically provides for confidentiality when these are submitted to the court:

- Medical and Psychological Records
- Crime Victim and Witness Information – Name
- Victim Impact Statements
- Children’s Names in Cases outside the Children’s Code (Ch. 48) and Juvenile Code (Ch. 938)
- Driver Records
- Qualified Domestic Relations Orders
- Personnel Records

When ordering a record sealed, the court should use Form GF-246B to designate who can access the records. The clerk or register in probate should take the appropriate steps to seal the record consistent with the court order. The unredacted or sealed document is not accessible to the public, unless permitted by the court.

4. Five numbers identified by court rule as “protected information” – submit using form GF-241 OR omit if not needed for the court proceeding

- As of July 1, 2016, parties should not submit protected information in any document filed with the court in any action or proceeding. “Protected information” is defined as the following numbers: social security number, employer or taxpayer identification number, financial account number, driver license number, passport number (Wis. Stat. 801.19(1)(a)). A party must omit or redact protected information from any documents filed with the court. Court staff is not responsible for redacting this information from the paper file if it is submitted by parties with their filings.
- If the protected information is required by law or is necessary to the action, in addition to redacting the information, the party must provide the redacted information to the court

using *Confidential Disclosure of Protected Information (GF-241)*.

- The CCAP software automatically marks form GF-241 as confidential when submitted through eFiling. Attachments are automatically marked as confidential if submitted with the GF-241 as a single document.
- The DA needs to mark the GF-241 as confidential when filing through PROTECT.
- Clerks should mark the GF-241 as confidential when it is filed in paper by checking the “confidential” box under the document restriction type when the document is scanned into the case.
- Form GF-242A, Motion to Redact Protected Information in Court Record, is used when a party wishes to redact information previously filed. Form GF-243A, Motion to Redact Protected Information in Transcript, is used when one of the numbers has been spoken in court and needs to be redacted from the transcript. These motions and their orders are not confidential.
- See Wis. Stat. § 801.19.

Protected Information	Statute Number
Social security numbers	801.19(a)1.
Employer & tax ID numbers	801.19(a)2.
Financial account numbers (bank accounts, credit cards, passwords, PINs)	801.19(a)3.
Driver license and state identification numbers	801.19(a)4.
Passport numbers	801.19(a)5.

5. Records submitted from another confidential court proceeding

- If records from other confidential proceedings are used as exhibits in another type of case, the filer must bring them to the attention of the clerk and the court with the appropriate motion in order to assure that the records remain confidential.

6. Information submitted *ex parte*

- If a party wishes to submit documents *ex parte*, the filer must file the documents in paper. The CCAP software does not have the capability for parties to submit these documents through the eFiling system without the other party being able to see the filing.

7. Sealing Address Information from Court Record (GF-183A)

- If a party wishes to seal his or her address in a non-criminal case when there is no statutory authority making the address information confidential, the party can file *Petition and Affidavit Concerning Sealing of Address Information from Court Record (GF-183A)*. Criminal defendants cannot use this form but may file a different motion.
- GF-183A itself is not confidential and can be entered into the court record using the *PASA (Pet/Aff to seal address from court record)* court record event.
- If the judge grants the petition, clerks should update the court record with the court record event *OSPA (Order to seal party address)*. Entering this court record event will seal the party address on the case, but not the party name.
- The intent of the form is to remove a party’s address from **all** documents in the court record, not just the online record. This means clerks and registers in probate should also go through the documents in the file and redact the party’s address if the court grants the petition.

8. Entire classifications of cases that are confidential

- 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.
- When a party commences an action under one of these case types, the clerk and register and probate will automatically treat them as confidential. Clerks and registers in probate must treat these case types as confidential without any notification from the parties.

Case Type	Statute Number
Juvenile Adoption (JA)	48.93
Child Abuse Restraining Orders and Injunctions	813.122(3)(bq)
Children's Proceedings under Chapter 48 <ul style="list-style-type: none">• CHIPS (JC)• Minor Guardianships (JG)• Termination of Parental Rights (TP)• Juvenile Child Abuse and Harassment Injunctions (JI)	48.396(2)(a) 48.25(6) 48.14(10)
Confidential Name Change Petition	786.37(4)
Grand juror list and grand jury proceedings	968.40 - 968.53
Guardianship – Adult Guardianships and Minor Estates (GN)	54.75 54.25(2)(c)4. 54.44(5)
Jane Doe Proceedings	48.375(7)(e)
Mental Health Act Proceedings	51.30
Juvenile Proceedings under Chapter 938 <ul style="list-style-type: none">• JIPS and Delinquency (JV)	938.396(2)(a)
Paternity pre-adjudication records	767.853
Protective Services and Placement	55.22, 55.10(3)
Unexecuted Search Warrants	968.21
Wills Deposited with the Court During Testator's Life	853.09(1)

More guidance is posted at <https://www.wicourts.gov/services/attorney/redact/index.htm>