

Enter Name and Address for Attorney or Unrepresented Party

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

Enter Plaintiff's Name,

Plaintiff,

v.

Enter Defendant's Name,

Defendant.

**ORDER FOR THE RELEASE OF
PRIVATE, CONTROLLED,
PROTECTED, AND/OR ATTORNEY'S
EYES ONLY DESIGNATED
TREATMENT RECORDS TO
DETERMINE OR RESTORE
COMPETENCY**

Case No. Enter Case Number – Include
Judges' Initials

Enter District Judge Title and Name

Enter Magistrate Judge Title and Name –
Delete if N/A

Based on the court's order related to competency, Enter ECF No., and for good cause appearing, the court **FINDS AND ORDERS AS FOLLOWS:**

1. The records sought deal with the competency of defendant over which this court has jurisdiction.

2. The court has considered the merits of the request for access to records maintained by Enter Name of Agency.

3. The court has considered and, where appropriate, limited the parties' use and further disclosure of these records to protect defendant's privacy interests while balancing the public's presumptive right to access court records. To the extent the records are properly classified as Private, Protected, or Controlled, the interests favoring access, with applicable limitation thereon, outweigh the interests favoring restriction of access.

4. Where access is restricted by a rule, statute, or regulation referred to in Utah Code § 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

5. The **Enter Name of Agency** shall release to counsel for defendant, if requested, and **Enter Name of Evaluator** the records that are relevant and responsive to the issue of defendant's competency.

6. The **Enter Name of Agency**'s records classified as Private, Protected, Controlled and/or Attorney's Eyes Only are subject to the following:

- a. When disclosed, the records maintain the same classification as the **Enter Name of Agency** made and must only be used for purposes of determining defendant's competency.
- b. Records marked Protected or Controlled shall not be left in the possession the parties, their counsel, or the evaluator, either in original form or as a copy.
- c. Any parties to this action and the evaluator must maintain the record classification as so made by the **Enter Name of Agency**.
- d. Counsel or the evaluator may attach records, which have been classified as Private, Protected, Controlled, or Attorney's Eyes Only, to a court filing as

an exhibit as necessary to address issues related to defendant's competency.

- e. Any party who attaches records as an exhibit to a court filing must contemporaneously file a motion consistent with the Judicial Council Code of Judicial Administration 4-202.04 requesting the court limit public access to the record, as follows: 1) Sealed if the **Enter Name of Agency** has designated the record as Controlled or Attorney's Eyes Only; or, 2) Restricted if the **Enter Name of Agency** has designated the record as Protected or Private.
- f. Parties, their counsel, and the evaluator must destroy medical records at the conclusion of the competency determination.

7. Payment of costs associated with production of the records shall be made by **Enter Payment Information**.

IT IS SO ORDERED.

DATED this **Enter Number for the Day** day of **Enter the Month**, **Enter Year**.

BY THE COURT:

**Enter Name and Title of Judge –
Add Certificate of Service, if needed**