

Probate Redaction Tips

Hopefully, these tips will help you navigate filings in the Probate Division!

GENERAL BACKGROUND INFORMATION

- Court Operating Rule 2.02 (“COR 2”) as amended by the Supreme Court requires certain publicly available information to be redacted.
- **Confidential Information** is information deemed confidential by statute, court rule, local court rule, court order or other law.
- If the **Confidential Information** is contained in a publicly-available court-filed document, the filer must file both a redacted copy and a unredacted copy.
- A **Confidential Document** is a court-filed document that, by statute, rule or determination by the State Judicial Records Committee, is not available to the general public and only available to court personnel, parties and counsel of record.
- COR 2 was amended because members of the general public will be able to view filings that are not Confidential Documents. Remote public access is on a county-by-county rollout. Greene County is set to begin in October of 2023.
- The policy behind COR 2 is that the records of all courts are presumed to be open to any member of the public for inspection or copying. HOWEVER, this policy does NOT apply to records that are confidential pursuant to statute, court rule or order, or other law.

APPLICABILITY TO PROBATE

- If you correctly file a document that is NOT available to the general public (“Confidential Document”), you DO NOT have to redact any of the confidential information in the Confidential Document.
- How do you know if a document is a Confidential Document? The document has a red padlock next to it on its casenet entry.
- For example, an inventory is a Confidential Document and is not available to the general public. Therefore, you **do not** need to redact account information from an inventory.

- The State Judicial Records Committee is authorized to set the security levels for Casenet filings.
- Examples of Confidential Documents:
 1. Statements of Account and accompanying documents;
 2. Annual and Final Settlements;
 3. Vouchers;
 4. Verification of Assets;
 5. Medical Affidavits in a guardianship case;
 6. Annual Status Reports;
 7. Confidential Case Information Sheet;
 8. Death Certificates.

To repeat, you do not have to redact confidential information from the documents listed above.

WHAT TO REDACT

- When you do need to redact? If the document is not a Confidential Document, then you need to redact confidential information from that document. Such information includes:
 1. Social Security numbers;
 2. Driver's License numbers;
 3. State ID numbers;
 4. Tax ID numbers;
 5. Passport numbers;
 6. Financial institution account numbers;
 7. Credit or debit card numbers;
 8. PIN's;
 9. Names, addresses and contact information of informants, victims, witnesses, and persons protected under orders of protection.

Please note that names and addresses are NOT confidential unless they fit in #9 above. For example, you will not redact names and addresses in an Application for Letters or a Petition for Guardianship.

Redaction of Minor's Names and Dates of Birth

1. For purposes of probate matters in which the minor is a proposed ward/protectee, an heir/devisee, or other interested party, the minor's name and date of birth are not considered confidential information and are not required to be redacted.
2. Here is the reasoning as set forth by the State Judicial Records Committee: Section 509.520 RSMo took effect August 28, 2023. It includes a list of information that is confidential and should be redacted. Subsection (7) includes the name, address and date of birth of a minor.
3. However, Section 472.141 of the Probate Code exempts probate from the provisions of Chapter 509. Thus, Section 509.520 does not apply to minor guardianships or other probate matters.

Questions to Ask Before Filing

1. Is my filing a confidential document? If so, you do not need to redact.
2. If my filing is not a confidential document, does it contain confidential information? If yes, you need to redact and you will end up with two documents. One will be the redacted document, with the confidential information removed. This document will be available to the public online. The other document must include the unredacted information so the court can decide the case. This document will not be available online.

When you file a redacted document, you also must file a Confidential Redacted Information Filing Sheet, or you can make your own. If you have an unredacted version of your document, you can attach it to this sheet. Otherwise, use the sheet to explain what information was removed or to "translate" the generic labels.