ACCESS TO INFORMATION IN ADULT GUARDIANSHIP & CONSERVATORSHIP CASES

PRE-ADJUDICATION

DOCKET SHEET
Includes docket entries only. **Does not** include access to actual pleadings.

Rule 1-79.1 B(1) & C(1) ; NMSA §§ 45-5-303(J) and 45-5-407 (M)

Public Record:
Any individual or organization may access this information.

PLEADINGS
Includes documents filed in the case, such as the petition, motions and notice of hearing. Does not include confidential reports by professionals.

Rule 1-79.1 B(2) & C(2); NMSA §§ 45-5-303(K) and 45-5-407 (M)

Limited Access:
Only individuals listed in the Information Sheet (Form 4-992).

CONFIDENTIAL REPORTS
Reports filed by the Guardian ad Litem (GAL), Court Visitor and Qualified Health Care Professional.

Rule 1-79.1 B(4) & C(4); NMSA §§ 45-5-303(L) and 45-5-407(O), NMSA 1978

Restricted Access:
Only available to the Petitioner, Alleged Incapacitated Person, Attorneys of Record, GAL, Court Visitor, Agent under a Power of Attorney, and any other individual identified in a court order.

COURT HEARING

NMSA §§ 45-5-303(N) and 45-5-407(Q), NMSA 1978; Rule 1-104

Open to the Public:
Hearing open to anyone unless the judge issues an order for courtroom closure. Closure must be narrowly tailored to protect the overriding interest.

Order Appointing Guardian and/or Conservator

NMSA §§ 45-5-304(E) & 45-5-407(S); Rule 1-79.1 B(2) & C(2); Rule 1-140(A)

Authorized Access:
Provided to individuals listed in the Information Sheet (Form 4-992).

POST ADJUDICATION

Initial/Annual Reports filed by a Guardian &/or Conservator, and any pleadings filed in the case, both pre and post adjudication.

NMSA §§ 45-5-314(A) & 45-5-409(A);Rule 1-79.1 B(3) & C(3); Rule 1-140(A) and 1-141

Designated Access:
Protected Person, Guardian, Conservator and any other person identified in the Order of Persons Entitled to Notice & Access to Court Records (Form 4-993).

Financial Statements/Records/Information

Rule 1-145 & Coversheet approved by Supreme Ct.

Prohibited Access: must have an order allowing access to records.