

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT IN AND FOR
OSCEOLA COUNTY, FLORIDA

MENTAL HEALTH DIVISION

CASE NO.: 2011-MH-000085-OM

IN RE: K.C.
An Adult

**ORDER ON THE DEPARTMENT'S
MOTION TO DETERMINE CONFIDENTIALITY OF COURT RECORDS**

THIS CAUSE came before the Court on the Department of Children and Families motion pursuant to the Florida Rules of Judicial Administration,

2.420(c)(9)(A)(vii), (d)(3) and (e)(1) for this Court to make a determination as to whether the "court records" in this case as defined in section (b)(1)(A) of Rule 2.420 are "confidential" as defined in section (b)(4) of Rule 2.420 and enters this order pursuant to Florida Rules of Judicial Administration 2.420(e)(3). After consideration of the motion the Court finds and orders the following:

1. This action is brought pursuant to Chapter 415, Florida Statutes, and concerns a vulnerable adult.

2. Section 415.107(1), F.S., titled "confidentiality of reports and records" provides the following:

In order to protect the rights of the individual or other persons responsible for the welfare of a vulnerable adult, all records concerning reports of abuse, neglect, or exploitation of the vulnerable adult, including reports made to the central abuse hotline, and all records generated as a result of such reports shall be confidential and exempt from s. 119.07(1) and may not be disclosed except as specifically authorized by ss. 415.101-415.113.

3. Other than the persons, officials and agencies designated by the legislature in section 415.107(3) through (5), F.S., the records generated by the

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OSCEOLA COUNTY, FLORIDA
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MALLORY, JUDITH
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Dkt: ORDER



Department pursuant to its duties under Chapter 415, F.S., which includes the entire court record in this case, are confidential and exempt and should not be accessed by any persons, officials or agencies other than those designated by the legislature, unless otherwise ordered by the court pursuant to Section 415.1071, F.S.

4. The Court finds that the "court records" in this case as defined in section (b)(1)(A) of Rule 2.420 are "confidential" as defined in section (b)(4) of Rule 2.420.

5. The Court determines that the entire court record in this case is confidential. The particular ground for determining the records to be confidential are established by public policy and confidentiality laws set forth in Florida Statutes.

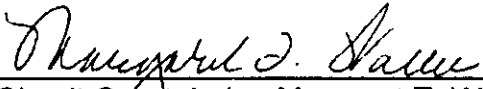
6. The Court finds that the vulnerable adult's name is confidential. The clerk shall designate the case by using the vulnerable adult's initials in any online or other systems where the public can view the clerk's docket or other records related to this case.

7. The degree, duration and manner of confidentiality so ordered are no broader than necessary to protect the established public policy and confidentiality set forth in Florida Statutes. No less restrictive measures are available to protect the confidentiality of the records.

8. The vulnerable adult, court appointed counsel for the vulnerable adult, the Department, counsel for the Department, the vulnerable adult's caregiver and/or guardian, and such other persons, officials and/or agencies designated in section 415.107(3), F.S., may access the court records in this case.

9. The Clerk of the Court is ordered to publish this order in accordance with subdivision (e)(4) of Rule 2.420 of the Florida Rules of Judicial Administration.

ORDERED AND ADJUDGED in Kissimmee, Florida, this 9th day of March 2011.


Circuit Court Judge Margaret T. Waller
Case No. 2011-MH-000085-OM

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