

IT IS ORDERED that the amendments to Rule 123(d)(6) of the Rules of the Supreme Court of Arizona that the Court adopted on an emergency basis on August 24, 2023 are adopted permanently in accordance with the attachment to this order, effective immediately. The attachment to this order is the same as the attachment to the Court's August 24, 2023 order.

DATED this 6th day of December, 2023.

/s/
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution
David K Byers

ATTACHMENT¹

RULES OF THE SUPREME COURT OF ARIZONA

Rule 123. Access to Judicial Records of the State of Arizona

(a)-(c) [No change]

(d) **Access to Case Records.** All case records are open to the public except as may be closed by law or as provided in this rule. The court must state the reason for closing any record and include a reference to any statute, case, rule or administrative order on which the court relied.

(1)-(5) [No change]

(6) *Mental Health Case Records.*

(A) [No change]

(B) Case records and information are open to the following:

(i) [No change]

(ii) a current attorney of record in the mental health proceeding and any attorney in that office who is assigned to the case;

(iii)-(vii) [No change]

(viii) a lawful representative of a regional behavioral health authority, health care institution as defined in ARS § 36-401 that provides services subject to the federal Emergency Medical Treatment and Labor Act, or health care provider as defined in ARS § 36-501 and their respective attorneys through an electronic system as established by the director of the Administrative Office of the Courts; and

(ix) [No change]

(C)-(F) [No change]

(e)-(j) [No change]

¹ Additions to the text of a rule are shown by underscoring and deletions are shown by ~~strike through~~.