

202A.091 Confidentiality of court records -- Expungement.

- (1) The court records of a respondent made in all proceedings pursuant to this chapter are hereby declared to be confidential and shall not be open to the general public for inspection except when such disclosure is provided in KRS 202A.016.
- (2) Twelve (12) months after the discharge of a respondent from a treatment facility or the issuance of a court order denying a petition for a commitment, a respondent may move to have all court records pertaining to the proceedings expunged from the files of the court. The county attorney shall be given notice of the motion and shall have five (5) days in which to respond to the motion or request a hearing on the motion.
- (3)
 - (a) Any petitioner under KRS 202A.051 who qualifies as a responsible party under KRS 311.631 may motion the court to participate in court proceedings and be informed by a hospital of the discharge plan prior to a respondent's release under this chapter, except for any confidential therapeutic communication or any other medical records.
 - (b) The court may enter a written order allowing the petitioner to participate as described in paragraph (a) of this subsection, unless the court finds the petitioner's participation is not in the best interests of the respondent.
- (4) Any person seeking information contained in the court files or the court records of proceedings involving persons under this chapter may file a written motion in the cause setting out why the information is needed. A District Judge may issue an order to disclose the information sought if he or she finds the order is appropriate under the circumstances and if he or she finds it is in the best interest of the person or of the public to have the information disclosed.

Effective: October 1, 2026

History: Amended 2026 Ky. Acts ch. 92, sec. 23, effective October 1, 2026. -- Created 1982 Ky. Acts ch. 445, sec. 17, effective July 1, 1982.

Legislative Research Commission Note. This section was enacted in 1982 Acts, Chapter 445, which contains the following language in Section 45 of that Act: "This Act shall become effective on July 1, 1982." The Ky. Constitution, in Section 55, requires that a reason be set forth for the emergency. However, no reason is set forth in this Act. The effective date for 1982 Acts with no emergency provision is July 15, 1982.