



Checklist for Sealing Documents in Criminal Proceedings

- File a Notice of Appearance and Assertion of Victims' Rights (NOA).
- File a Motion to Seal that includes:
 - The jurisdiction-specific standard for the imposition of seal.
 - Legal support for sealing documents containing identifying, locating, or otherwise private victim information, including:
 - Federal constitutional right to privacy.
 - Jurisdiction-specific constitutional, statutory, or rule-based rights to privacy.
 - Jurisdiction-specific constitutional, statutory, or rule-based rights to protection.
 - Jurisdiction-specific constitutional, statutory, or rule-based rights for victims to be treated with fairness, dignity, and respect.
 - Federal constitutional right to meaningfully access the courts.
 - Jurisdiction-specific constitutional, statutory, or rule-based right to access justice.
 - Victim- or crime-specific authority (*e.g.*, some jurisdictions provide protections for child-victims, sexual assault victims).
 - ❖ If any of right is not explicit, case law may establish the right.
 - The duration of the sealing order.
 - ❖ If the seal will be lifted ensure that unredacted materials are redacted before that date.
- Citing the above legal bases, request a protective order instructing the parties not to use or disclose the identity of the victim—or refer to any other sealed information—in future proceedings, filings, or public communications.

Visit NCVLI online at www.ncvli.org where you'll find

- More resources to help protect victims' rights in the *Victim Law Library*



- Additional tools in the *Toolkit*



- An online technical assistance request form

Are you working on a case with a victims' rights issue?

NCVLI provides legal technical assistance to practitioners serving crime victims.

- Seek appellate review of adverse court rulings by appeal or appropriate writ.
- Anticipate future motion practice regarding requests to unseal documents.
- ❖ If a party is moving to seal or for a protective order be sure to preserve independent standing to seek appellate review (*e.g.*, by formally joining the motion, filing a motion for reconsideration of adverse decision).

Are you a practitioner who needs help in a case? Visit www.navra.org where enhanced members of NCVLI's membership alliance (NAVRA) can access sample pleadings.



This project was supported by Grant No. 2012-TA-AX-K030 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.