



Public Access to Circuit Court Records

Prepared by: Peggy Hurley, Staff Attorney

This issue brief addresses public access to Wisconsin circuit court records and explains which materials are available for public view online and in person, and describes some of the limits on public access to circuit court records.

CIRCUIT COURT RECORDS ARE GENERALLY OPEN FOR INSPECTION

The Wisconsin Supreme Court has recognized that our state's public records laws¹ extend to circuit court records and that, with certain exceptions, the public has a right to view all records kept by the clerks of circuit court.² Exceptions include: (1) court records for case types that are statutorily defined as confidential, such as adoptions, juvenile delinquency proceedings, terminations of parental rights, mental health commitments and guardianships; (2) certain documents within an otherwise open case type, such as a financial disclosure statement in a divorce action; and (3) any court record that has been sealed or redacted pursuant to a court order.³

Some court records are confidential until certain events occur in a court action, at which point they become open records. Examples include an action to determine paternity, which is confidential only until paternity is determined, or a search warrant, which remains confidential only until the warrant is executed.

The public may view all nonconfidential portions of a circuit court record in person, at the office of the clerk of court for the county where the case was filed, or may view certain portions of the circuit court record online via the Director of State Courts' public internet website.

INTERNET ACCESS

In 1999, the Director of State Courts launched the Wisconsin Circuit Court Access (WCCA) website, a publicly accessible website that displays some of the public records retained by the courts. Access to this website, WCCA⁴, is free of charge⁵ and available at any time. WCCA is commonly referred to as "CCAP." However, CCAP, which stands for Consolidated Court Automation Programs, is not a website; CCAP is a case management system created by the Director of State Courts for the purpose of case administration. The WCCA website is exceptionally popular, garnering over one million data requests every day.⁶

Information Displayed on WCCA

The WCCA website displays certain information on nonconfidential cases and reflects the information entered into CCAP by the clerk of court for each county. The Director of State Courts determines which portions of the public record are viewable on the WCCA website and which may be viewed only in person.⁷

The WCCA website generally displays a case summary, which lists the parties to the case; a limited court record; a description of the case type (e.g., foreclosure of mortgage, divorce, or criminal); the court official assigned to the case; and an indication of whether the case is still pending or is completed. The court record displayed on WCCA is an itemized list, arranged by date, of events that occurred during the pendency of the case (e.g., filing fee paid, or hearing held), documents that are filed (e.g., complaint, letter by witness, or settlement agreement), and the ultimate disposition of a completed case.

In criminal cases, the WCCA website displays each charge in the case and indicates whether the person was convicted, acquitted, or had the charge dismissed. In civil cases, the WCCA website indicates whether a case is dismissed, whether a judgment is entered against any party, and whether the judgment

has been paid. In family law cases, the website display indicates whether the case concluded with a judgment of divorce or a finding of paternity. The WCCA website displays any notes or explanatory comments the clerk of court enters into the record. For example, the clerk of court may list the persons present at a hearing, or may include a brief explanation of testimony heard. The explanatory notes displayed on WCCA are not an official transcript or meant to be a complete description of a document, hearing, court order, or other event.

The WCCA website does not display documents that are filed in the case. While the court record may indicate that a document is filed and may include a description of the document, the actual document may not be viewed on WCCA. Documents, which are generally filed electronically with the clerk of court or scanned into an electronic record, may be viewed in person at the courthouse.

Time Period Displayed

Generally, the WCCA website displays case file information for the entire period of time the file is retained by the clerk of court. Civil case files are generally retained for 20 years, as are misdemeanor criminal cases; felony criminal cases are generally retained for 50 years, except that Class A felony cases are retained for 75 years.⁸ There are two exceptions to this rule: court records for small claims cases that are dismissed with no money judgment entered against any party are displayed on the WCCA website for two years, as are records of criminal cases where all charges in the case are dismissed or result in an acquittal.

IN-PERSON ACCESS

A person may view an entire case file, including all nonconfidential documents, in person at the office of the clerk of court for the county where the case was heard. If the case file is stored electronically, the contents of the file may be viewed at a public access terminal located within the clerk of courts' office. If the case file is stored in whole or in part in a paper file, the file may still be viewed but there may be a brief time before the file can be retrieved from storage. A public case file is viewable in person for the entire time it is retained by the clerk of court; even cases that are no longer displayed on the WCCA website may be inspected in person so long as the file is retained.

¹ Sections 19.21 to 19.39, and 59.20(3), Stats.

² *State ex rel. Bilder v. Delavan*, 112 Wis. 2d 539 (1983).

³ A court may order that an otherwise open court record be sealed from public view if the court determines that doing so is necessary to the administration of justice. [*Bilder* at 556-7.] An order to seal a court record may encompass the entire record or may apply to only certain documents within the court record.

⁴ The WCCA website link is found here: <https://wcca.wicourts.gov/>.

⁵ Individual searches may be done free of charge. Subscriptions to obtain data as a bulk distribution are additionally available for a fee.

⁶ *WCCA Oversight Committee Final Report*, November 2017.

⁷ Since the inception of the WCCA website, the Director of State Courts has convened three oversight committees to help set policy for the public display of court records on the internet: one in 2000, one in 2005, and the latest in 2016. More information on the WCCA Oversight Committee can be found here: <https://wicourts.gov/courts/committees/wcca.htm>.

⁸ Retention periods for all case types are governed by Supreme Court Rule, ch. 72 <https://wicourts.gov/sc/scrule/DisplayDocument.pdf?content=pdf&seqNo=171244>.