

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY, FLORIDA
PROBATE DIVISION

IN RE:

Case No: 05-2017-GA-044037-XXXX-XX

The Guardianship of

TAMMY BULLARD KISER,

An alleged incapacitated person.

ORDER GRANTING MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS

THIS MATTER came before this Court on the Motion to Determine Confidentiality of Court Records filed by Lillian Clover, Esq., Counsel for **PETITIONER, GREGORY WARD KISER**, pursuant to Florida Rule of Judicial Administration 2.420(c)(9). Lillian Clover, Esq. seeks an Order determining confidentiality of the following information relative to this Guardianship matter: particular document(s) within the Court file, specifically: **Petition for Appointment of Emergency Temporary Guardian of the Person and Property and Petition for Appointment of Plenary Guardian of Person and Property**.

Having considered the arguments of the parties, legal authority, and otherwise being fully advised, the Court **GRANTS** the Motion as follows:

Confidentiality of the information is required to protect the following interests:

Avoiding substantial injury to a party by the disclosure of matter protected by common law or a privacy right not generally inherent in this type of proceeding, specifically: the disclosure of HIPPA-protected, personal medical information of an alleged incapacitated person who is elderly, infirm, and/or vulnerable.

The Court further finds that no less restrictive measure is available to protect this interest, and that the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interest.

IT IS HEREBY ORDERED that the Clerk of Court is hereby directed to treat as confidential immediately the following materials related to this matter and to keep such materials from public access: **the following documents within the Court file, specifically:**

Petitions for Appointment of Emergency Temporary Guardian of the Person and Property and Petition for Appointment of Plenary Guardian of Person and Property. However, the file and progress docket shall otherwise remain available to the public subject to any substitution of a party's name set forth above.

It is further **ORDERED** that any materials treated as confidential pursuant to this Order may be disclosed only as follows:

1. To any judge of this Circuit for case-related reasons;
2. To the Chief Judge or his or her designee;
3. To authorized government agencies;
4. To the following specific individuals: _____, or
5. By further Order of this Court.

Per Rule 2.420(c)(9), confidentiality is required to protect the following interest(s):
[select any/all that apply]

1. _____ Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically: _____
2. _____ A trade secret.
3. _____ A compelling government interest, specifically _____
4. _____ Obtaining evidence to determine the legal issues in a case.
5. _____ Avoiding substantial injury to innocent third parties, specifically _____
6. ☒ Avoiding substantial injury to a party by the disclosure of matters protected by a common law or privacy right not generally inherent in this type of proceeding, specifically: **Private medical information of the Alleged Incapacitated Person/Ward.**
7. _____ Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically: _____

It is further **ORDERED** that, within ten (10) days of the date of this Order, the Clerk shall post a copy of this Order in a prominent location at the Moore Justice Center, 2825 Judge Fran Jamieson Way, Viera, FL 32940, and the Clerk's website for a period of thirty (30) days to provide public notice.

It is further **ORDERED** that the Clerk is hereby authorized to open any materials determined to be confidential pursuant to this Order for the purpose of filing, microfilming or imaging files or transmitting a Record to an appellate tribunal. The materials shall be treated as confidential immediately upon completion of filing.

ORDERED on this 29 day of Sept, 2017.

Circuit Court Judge

Lisa Davidson