

FBI Justice Partner Application for Online Access to New Mexico Judiciary Secure Court Cases

*New Mexico Administrative Office of the Courts
Judicial Information Division
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Introduction

Pursuant to New Mexico Supreme Court Order No. 17-8500-001, justice partners (as provided in the Case Access Policy for Online Court Records) may apply to receive login credentials to view court cases currently digitized in the New Mexico Judiciary's Odyssey Case Management System "Secured Odyssey Public Access" website (SOPA). Access to court records in SOPA is a privilege conferred by the Supreme Court to aid the efficient administration of justice to the extent permitted by law. Access will be granted only to applicants who qualify and who agree to the terms of use and non-disclosure set forth below.

Due to varying restrictions on public access for certain case types as provided by law, cases in SOPA are divided into three tiers with three corresponding levels of access, which are defined as follows:

- **Tier 1:** Most cases that are viewable in SOPA fall within Tier 1, including most civil, probate, domestic relations, and criminal case types. To request login credentials to view SOPA cases in Tier 1, you must complete Part A of this application and the New Mexico Administrative Office of the Courts Terms of Use and Non-Disclosure Agreement.
- **Tier 2:** Cases in Tier 2 include delinquency proceedings in Children's Court and criminal proceedings that involve domestic violence. To request login credentials to view SOPA cases in Tier 2, you must complete Part B of this application, in addition to the items identified above for requesting Tier 1 access.
- **Tier 3:** Cases in Tier 3 are subject to strict confidentiality protections and therefore are not viewable in SOPA. Tier 3 cases include proceedings under the Abuse and Neglect Act, the Families in Need of Court-Ordered Services Act, adoption proceedings, parentage proceedings, and mental health proceedings. Proceedings under the Family Violence Protection Act, i.e. civil domestic violence proceedings, are also in Tier 3, but for public safety purposes, only Law Enforcement Officers may view these cases.

Use of SOPA for any purpose other than viewing individual electronic court records, including attempting to download multiple records, is strictly prohibited. Data use is subject to NMSA 1978, Section 14-3-15.1.

The Administrative Office of the Courts reserves the right to redact information from SOPA court case files as required by law. Online access does not include documents that have been sealed in a particular case, regardless of tier or case type.

Application Process

To apply for an account to access Tier 1 SOPA court case files, please complete Part A of this application and the New Mexico Administrative Office of the Courts Terms of Use and Disclosure Agreement. Each applicant requesting access must submit the application via email to the New Mexico Administrative Office of the Courts Judicial Information Division (“JID”) at support@nmcourts.gov. The account will have unique login credentials associated with the applicant’s email address, and therefore, each applicant must submit his or her own application using the applicant’s email address. Please allow up to thirty (30) business days for your application to be processed. You will be emailed your login credentials along with an initial password after your application has been approved. All information provided to JID in your application will be held confidential and will only be used to open and manage your account.

If you also would like to apply for access to Tier 2 SOPA court case files, please complete Part B of this application, in addition to the items listed above for requesting Tier 1 access. Tier 2 cases are divided into two categories: (1) delinquency proceedings in Children’s Court, and (2) criminal proceedings involving domestic violence. You may request access to either or both Tier 2 categories by completing the relevant portion(s) of Part B. Because Tier 2 cases include confidential information that must be protected by law, **Tier 2 access is limited to applicants who qualify for access under state or federal law and who demonstrate a compelling need to view delinquency or criminal domestic violence proceedings.**

Access to Tier 2 cases will be granted only upon approval by the Online Access Subcommittee and may take up to sixty (60) business days to process. The terms of use and non-disclosure as set forth in your application apply to any access you are granted for Tier 1 or Tier 2 case types.

Part A: Tier 1 Access

Justice Partner Applicant Information

First Name: _____ Last Name: _____

Title: _____

Email: _____

Phone: _____

Organization Information (Government Agency, Judicial or Private Entity)

Agency/Department Name: _____

Agency/Department Physical Address: _____

Agency/Department Mailing Address: _____

Agency/Department City, State and Zip: _____

Agency/Department Phone: _____

Part B: Tier 2 Access

Name: _____

Delinquency Proceedings: Requests for access to delinquency proceedings in Children's Court must go before the Online Access Subcommittee for approval and may take up to sixty (60) business days to process. Information in delinquency proceedings includes information that is protected by various provisions of law, including the Delinquency Act and Rule 10-166 NMRA.

Request Tier 2 access to Delinquency Proceedings? Yes No

If yes, please select the option that best describes you:

- Juvenile Probation and Parole Officer (CYFD or Federal)
- CYFD Protective Services Division Personnel
- Law Enforcement Officer (State, County, Municipal, or Federal)
- Jail or Detention/Correctional Facility Personnel
- Other Justice Partner: _____

If you selected other justice partner, please explain your compelling need for access to Delinquency Proceedings. Your explanation will be considered by the Online Access Subcommittee:

Criminal Domestic Violence Cases: Requests for access to criminal domestic violence cases must go before the Online Access Subcommittee for approval and may take up to sixty (60) business days to process. Criminal domestic violence cases include information that is protected under the Family Violence Protection Act.

Request Tier 2 access to Criminal Domestic Violence Cases? Yes No

If yes, please select the option that best describes you:

- Law Enforcement Officer (State, County, Municipal, or Federal) (Access will also include proceedings under the Family Violence Protection Act, i.e. civil domestic violence cases)
- Adult Probation and Parole Officer (State or Federal)
- Jail or Detention/Correctional Facility Personnel
- Other Justice Partner: _____

If you selected other justice partner, please explain your compelling need for access to criminal domestic violence cases. Your explanation will be considered by the Online Access Subcommittee:

New Mexico Administrative Office of the Courts
Terms of Use and Non-Disclosure Agreement
FBI Use Only

This application is used to determine whether the applicant should be granted authorization to access SOPA court case files. The court case files in SOPA may contain protected personal identifiers and other confidential information that must be protected by law. The Administrative Office of the Courts reserves the right to redact protected personal identifiers and other confidential information from SOPA court case files. Submitting this application constitutes an agreement between the New Mexico Administrative Office of the Courts and you to certain terms of use and non-disclosure as set forth in the Application.

As an authorized user of SOPA court case files, regardless of tier type, you agree to the following:

- To not share your login credentials with any individual;
- To not disclose any information protected by law that you gain through accessing SOPA court case files unless such disclosure is through the discharge of your official duties or as otherwise required by law; and
- To take all reasonable precautions to protect all case information, including protected personal identifier information in SOPA court case files as required by Rules 1-079, 2-112, 3-112, 5-123, 6-114, 7-113, 8-112, 10- 166, and 12-314NMRA.

None of the provisions of this agreement can be waived or modified by the AOC or its employees. This Agreement shall in all respects be governed by and interpreted, construed and enforced in accordance with the laws of the United States. If issues of state law may be relevant to a court or tribunal's resolution of pending claims or disputes, a party may be present those issues to the court or tribunal to the extent that forum may permit it. Any action arising out of or relating to this Agreement, its performance, enforcement or breach will be venued in federal court situated within the State. FBI reserves the right to petition that court for a change of venue. This agreement may be terminated by AOC for any violation of its terms.

Applicant Signature: _____ **Date:** _____

Applicant Full Name: _____

As the supervisor of this user of the New Mexico Judiciary's SOPA court case files, I affirm under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge and belief:

- I am the applicant's supervisor, and I remain responsible for the applicant's treatment and protection of SOPA court case file information;
- I have reviewed the terms of use and non-disclosure set forth in this agreement;
- I will ensure to the best of my ability that the applicant complies with the terms of use and non-disclosure set forth in this agreement; and
- I will immediately notify JID of the applicant's departure or internal transfer so that the applicant's

login credentials can be terminated or modified.

Supervisor's Signature: _____ **Date:** _____

Supervisor's Full Name: _____