



Addendum to the Mentally Ill and Dangerous Civil Commitment Task Force Report & Recommendations

Background on sealing civil commitment records

Submitted to the Legislature on August 20, 2026

Background on the Sealing of Civil Commitment Court Records

Minnesota's Process for Sealing Records

Minnesota Statute 253B.23, subdivision 9, governs the sealing of civil commitment records. Under this provision, an individual who has been the subject of a judicial commitment proceeding may file a motion requesting that the court seal all records related to the commitment. The court may grant the request if it determines that public access to the civil commitment court records creates an undue hardship for the individual. The county attorney must be notified of the motion and has the right to participate in the proceedings. All hearings on the motion are conducted in-camera, and the records associated with the sealing proceedings remain confidential, accessible only to the moving party, the party's attorney, the county attorney, or other persons authorized by court order.

The Minnesota Judicial Branch provides the forms and instructions necessary to petition for the sealing of civil commitment records. The process generally requires the petitioner to complete and file a Notice of Motion and Motion to Seal Civil Commitment Records, which formally notifies the county attorney of the request. The petitioner must also complete an Affidavit in Support of Motion to Seal Records (Form COM1203), schedule a hearing date, serve the required documents on the county attorney, file the documents with the court, and appear at the scheduled hearing.

In the supporting affidavit, the petitioner must describe the undue hardship that has resulted or is likely to result from continued public access to the civil commitment record. The affidavit should also explain why the benefits of sealing the record outweigh the public interest in maintaining access to the information. While individuals may pursue the sealing process without legal representation, consulting with an attorney is strongly recommended to ensure that the motion is properly prepared and supported.

The Process in Other States

In December of 2025, a review of practices surrounding expungement of civil commitment records was conducted via a query to the National Association of State Mental Health Program Directors (NASMHPD). Nine states (MO, VT, WA, UT, OR, WV, KY, NY, CA) responded to the questionnaire. Each of the respondents reported that they do not have a process for expungement of civil commitment in their respective states. Oregon reported that it has an expungement law for those who successfully asserted the insanity defense. Upon a review of this process, it appeared that it was restricted to certain offenses (murder and most sex offenses were not included) and certain criteria must be met prior to someone being able to file a motion with the court in the county in which the applicant was determined to have met the insanity defense.

Minnesota Data Trends 2016-2026

The Mentally Ill and Dangerous Civil Commitment Reform Task Force was charged with analyzing current trends in civil commitments, expungements, and vacaturs, including but not limited to the frequency of expungements and vacaturs in Minnesota. Data was requested from the Minnesota Judicial Branch for 2016-2026.

The data to determine the total number of cases in which the court considered sealing civil commitment records is not obtainable due to limitations in the Minnesota Judicial Branch's categorization of documents in its filing case management system. Despite diligent and reasonable efforts to obtain the relevant data, the Task Force was informed by the Minnesota Judicial Branch that cases where the court considered a request to seal civil

commitment records may also be filed using generic case events (such as Affidavit-Other, Proposed Order or Document) which makes it impossible to identify total number of civil commitment cases where a request to seal records is considered based on the administrative data available. Accordingly, the only currently available data is the number of cases where a court ordered granting requests to seal civil commitment records.

Sealed Cases by Filed Year	
Note: 2026 data is through 6/5/2026. Counts are based on current case security status.	
Case Filed Year	Number of Cases Currently Sealed
2016	18
2017	14
2018	19
2019	14
2020	14
2021	12
2022	9
2023	14
2024	7
2025	5
2026	1

Sealed Cases by Filed Year and MNCIS Case Type		
Note: 2026 Data is through 06/05/2026. Counts are based on current case security status.		
Case Filed Year	MNCIS Case Type	Number of Cases Currently Sealed
2016	Commitment – Mentally Ill	12
2016	Commitment – Mentally Ill & Chemically Dependent	6
2017	Commitment – Chemically Dependent	1
2017	Commitment – Mentally Ill	11
2017	Commitment – Mentally Ill & Chemically Dependent	2
2018	Commitment – Chemically Dependent	2
2018	Commitment – Mentally Ill	10
2018	Commitment – Mentally Ill & Chemically Dependent	7
2019	Commitment – Chemically Dependent	2
2019	Commitment – Mentally Ill	11

2019	Commitment – Mentally Ill & Chemically Dependent	1
2020	Commitment – Chemically Dependent	1
2020	Commitment – Mentally Ill	9
2020	Commitment – Mentally Ill & Chemically Dependent	4
2021	Commitment – Mentally Ill	8
2021	Commitment – Mentally Ill & Chemically Dependent	4
2022	Commitment – Mentally Ill	7
2022	Commitment – Mentally Ill & Chemically Dependent	2
2023	Commitment – Mentally Ill	12
2023	Commitment – Mentally Ill & Chemically Dependent	2
2024	Commitment – Mentally Ill	7
2025	Commitment – Mentally Ill	4
2025	Commitment – Mentally Ill & Chemically Dependent	1
2026	Commitment – Mentally Ill	1

This data summarizes currently sealed commitment cases filed between 2016 and June 5, 2026, based on their current security status. Overall, the number of sealed cases has remained relatively low and stable across filing years, with most years having between 12 and 18 sealed cases. The highest number of currently sealed cases occurred among cases filed in 2018 (19 cases). Counts for more recent filing years (2024–2026) are lower, reflecting both the recency of those cases and the fact that 2026 data are partial.

The data also show that the vast majority of sealed cases involve Commitment – Mentally Ill (MI) proceedings, while Commitment – Mentally Ill & Chemically Dependent (MI/CD) cases account for a smaller share and Commitment – Chemically Dependent (CD) cases are relatively uncommon.

Key Findings

- 127 commitment cases are currently sealed across filing years 2016–2026.
- The number of currently sealed cases remained relatively stable from 2016 through 2023, ranging from 9 to 19 cases per filing year.
- Counts declined for more recent filing years:
 - 2024: 7 sealed cases
 - 2025: 5 sealed cases
 - 2026 (through June 5): 1 sealed case
- Commitment – Mentally Ill (MI) cases account for 92 of the 127 sealed cases (approximately 72%), making them the predominant case type.
- Commitment – Mentally Ill & Chemically Dependent (MI/CD) cases account for 29 sealed cases (23%), while Commitment – Chemically Dependent (CD) cases account for 6 sealed cases (5%).

- Because counts are based on current case security status, they reflect the number of cases that are currently sealed rather than the total number of cases that have ever been sealed. Additionally, 2026 data are incomplete, representing filings through June 5, 2026.

Recommendation: No Statutory Changes

Based on its review, the Task Force does not recommend any statutory changes. The Minnesota Judicial Branch already maintains an established process for requesting the sealing of commitment cases, with accessible, plain-language guidance and all required forms available on its website.

- Form: COM1201 Instructions for Expungement (Sealing) Civil Commitment Record
- <https://mncourts.gov/getforms/commitment/form-com1202-notice-of-motion-and-motion-to-seal-records>
- <https://mncourts.gov/getforms/commitment/form-com1203-affidavit-in-support-of-motion-to-seal-records>
- <https://mncourts.gov/getforms/civil/form-civ604-notice-of-hearing>