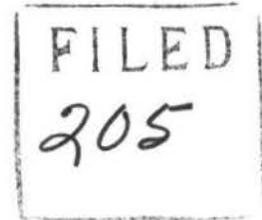


December 19, 1975

OPINION LETTER NO. 205  
Answer by Letter - Klaffenbach

Mr. Milt Harper  
Prosecuting Attorney  
Boone County, Courthouse  
Columbia, Missouri 65201



Dear Mr. Harper:

This letter is in response to your question in which you ask as follows:

"Are the Circuit Clerk's records public, with no discretion, upon filing of a civil suit or when the defendant is served?"

Obviously not all circuit court records are public since there are certain statutory exceptions such as those concerning juvenile court records as contained in Chapter 211, RSMo. However, we are of the view that in the absence of a statutory exception or in the absence of an exception lawfully imposed by a court in furtherance of its jurisdiction the records of the circuit clerk are public records and therefore open to public inspection. See Section 109.180, RSMo.

As to your precise question concerning whether the record is an open record at the time service is made or at the time the civil suit is filed, it is our view that the record becomes an open and public record at the time the suit is filed. Supreme Court Rule 53.01 provides that an action is commenced when the petition is filed with the court. See State ex rel. Kincannon v. Schoenlaub, 521 S.W.2d 391 (Mo.Banc 1975) in which the court recognized this rule.

Therefore, in direct answer to your question, civil petitions filed with the circuit clerk are with some exceptions open public records.

Mr. Milt Harper

In answering your question, we have not attempted to detail the exceptions to the rule that may exist since such can be done only on a case by case basis.

Very truly yours,

JOHN C. DANFORTH  
Attorney General