



MEMORANDUM

TO: Committee on Court Administration and Case Management

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RE: Exploratory Analysis of Unredacted Minors' Names in Federal Court PACER Documents

Appellate Rule 25(a)(5), Bankruptcy Rule 9037, Civil Rule 5.2, and Criminal Rule 49.1 require parties and nonparties to redact personally identifiable information in documents they file with the federal courts. Specifically, filers must redact Social Security numbers (SSNs), individual taxpayer identification numbers, birthdates, minors' names, and financial account numbers. Criminal Rule 49.1 and Appellate Rule 25(a)(5) further require filers to redact individuals' home addresses.

In April 2024, at the request of the Committee on Court Administration and Case Management (CACM), the Federal Judicial Center (Center) completed the study, [*Unredacted Social Security Numbers in Federal Court PACER Documents*](#), which reports the number of unredacted SSNs and taxpayer identification numbers found in a sample of nearly 4.7 million federal court PACER documents filed on 37 days in 2022.¹

CACM also requested that the Center examine the presence of minors' names in federal court documents available on PACER. This memorandum outlines our method and includes minimum estimates of the prevalence of unredacted minors' names in court documents.

As anticipated, we encountered several challenges in our efforts to estimate the prevalence of minors' names. Most notably, in contrast to our studies of unredacted SSNs and dates of birth, it was not possible to use pattern matching and keyword proximity analyses to reliably distinguish

¹ To construct the sample, we randomly selected 37 dates in calendar year 2022 and downloaded all documents filed in the federal district, bankruptcy, and appeals courts on those days. Although the number of documents in our sample was substantial, the number of primary sampling units—37 days—is small from a statistical perspective, which limits the generalizability of our findings. Consequently, we restrict our conclusions regarding the prevalence of personally identifiable information to the 37 days in 2022 that we analyzed. We encourage readers to interpret our findings within this context.

minors' names from the multitude of adults' names contained in court documents.² In the absence of a reliable, automated method for identifying the unredacted names of minors, we designed a more targeted search strategy involving a smaller set of documents of specific types and more manual review.

The percentages we report in this memorandum should be viewed as floor estimates because we did not analyze the full set of 4.7 million documents, nor did we select the smaller sets of documents at random from the full set. Instead, we used nonrandom selection methods to focus on specific document types that we surmised might contain minors' names. Consequently, the reported percentages are conservative figures that likely may underestimate the actual prevalence of unredacted minors' names in court documents.

Search Method

To estimate the minimum percentage of minors' names in court documents, we conducted three targeted searches that involved subsets of the 4.7 million PACER documents we used in our earlier studies on SSNs and dates of birth.

First, we used the list of birthdates we created for our date of birth analysis to flag any documents containing birthdates belonging to minors at the time the document was filed.³ Two independent researchers then reviewed each of the birthdates in context and noted when a minor's unredacted name also appeared in the document. Because we compared the birthdates of the named individuals to the document file dates, we have a great deal of confidence that the unredacted names we found using this method belonged to individuals who were minors at the time the respective documents were filed with the courts.

Second, we searched the 4.7 million court documents for the phrases "Next Friend" and "Guardian ad Litem." We then manually inspected 18,370 instances in which these terms appeared to determine if an unredacted minor name was present.⁴ Many instances resembled the following examples: "Jane Brown, a minor by and through her father and next friend, Edward Brown" and "Ashley Smith, Guardian Ad Litem for Sarah Johnson, Minor." When we encountered phrases like these, we counted the names "Jane Brown" and "Sarah Johnson" as

² We initially attempted to search the 4.7 million documents for minors' names by cross-referencing lists of baby names published by the Social Security Administration. After isolating the many names that appeared in court documents, we attempted to use context to predict which names might belong to minors. For example, if words such as "minor," "child," "son," or "daughter" appeared near a name, we flagged it for manual review. This approach failed, however, because the keywords did not effectively isolate minors' names from adults' names.

³ Any birthdate after December 31, 2004 would have belonged to someone under 18 in 2022, as would many 2004 birthdates, depending on the file date of the document.

⁴ Our search for the two phrases "Next Friend" and "Guardian ad Litem" turned up 30,917 hits. We then wrote an algorithm that identified when initials appeared in context near either phrase and removed those hits under the assumption that initials represented a redaction. We considered a string of letters to be initials if they appeared in the following formats: A.A., A. A., A.A.A., or A. A. A. We did not remove hits if the initials could be state abbreviations (e.g., N.Y., W.V.) or if they could be abbreviations for United States (as in U.S., U.S.C., U.S.P.). We also did not remove hits with initials commonly associated with court name abbreviations (e.g., D.D.C., S.D., N.D.) and law firm names (e.g., L.L.C., P.L.C., L.P.).

unredacted minors' names because the documents identified them as such.⁵ However, generally no information was available in these documents about the actual age of the child. For this reason, we have less confidence that the unredacted names found using this method always belonged to individuals who were minors at the time their respective documents were filed with the courts, especially when documents were initially filed in state court and then later filed (sometimes years later) as an exhibit in a federal case.⁶

Third, we searched the sample of two million bankruptcy documents from our earlier SSN study, excluding proofs of claim, for Bankruptcy Form 106J. A section of Form 106J asks debtors to state if they have dependents and, if so, to provide the relationship between the dependent and the debtor, the dependent's age, and whether the dependent lives with the debtor. Although the form instructs debtors not to state the names of their dependents on their form, some list them anyway. Our search returned 55,552 Form 106Js. We then randomly selected 10,000 instances and manually reviewed each for the existence of unredacted minors' names.

Two researchers independently inspected each possible minor name, with a senior member of the research team resolving any disagreements. Two researchers also independently inspected each name to determine if they were exempt from redaction under the rules and, if so, why.

Results

Table 1 reports the number of documents we found with unredacted minors' names. The counts are disaggregated by type of court and which of our three search methods identified the document. If the same document was identified using multiple methods or search terms, we only counted it once.⁷ Overall, we identified 2,325 documents from our targeted samples that contained at least one unredacted minor's name.

⁵ Without the phrase "a minor," it would not be clear in these examples if Jane Brown and Sarah Johnson were minors. Instead, it could be that Jane Brown's father was the "next friend" because Jane was an incapacitated adult or currently housed in a carceral setting. *See, e.g.,* Fed. R. Civ. P. 25(b), which states, "If a party becomes incompetent, the court may, on motion, permit the action to be continued by or against the party's representative." Similarly, Fed. R. Civ. P. 17(c)(2) provides that, "A minor or an incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem." In some cases, courts permit a "next friend" to proceed on behalf of an incarcerated individual unable to seek relief on their own. *See Ford v. Haley*, 195 F.3d 603, 624 (11th Cir. 1999).

⁶ The privacy rules require the "party or nonparty making the filing" to redact the name of "an individual known to be a minor." The emphasis is on the filer's knowledge of an individual's status at the time a document is filed, not when the document was created. Based on this language, filing an older document that names someone who was a minor at the time but is now an adult would appear not to violate the rules.

⁷ Some documents were identified both with the birthdate method and with the next friend and guardian ad litem search terms. We counted these documents once and included them only in the birthdate method column.

Table 1. Number of Documents with Unredacted Minors' Names, by Search Method

Court Type	Date of birth search	Next Friend/ Guardian Ad Litem search	Form 106J search	All search methods combined
District Courts	654	1,326	-	1,980
<i>Civil Docket</i>	552	1,311	-	1,863
<i>Criminal Docket</i>	90	8	-	98
<i>Miscellaneous Docket</i>	12	7	-	19
Bankruptcy Courts	121	80	13	214
<i>Proofs of Claim</i>	50	6	-	56
<i>All Other Documents</i>	71	74	13	158
Appeals Courts	51	80	-	131
Total	826	1,486	13	2,325

Upon our manual review of the documents, we observed that minors' names connected to birthdates often appeared in medical records, psychological evaluations, school records, and authorizations to obtain and release information about a child. Notably, one case, mainly involving unredacted medical records, included an unredacted minor victim's name 4,750 times.⁸ In a different case, an unredacted minor's name appeared 72 times across various documents. The documents were mostly psychological evaluations and diagnoses.⁹

We observed that minors' names connected to language noting a Next Friend or Guardian Ad Litem appeared less often in medical and educational documents. Instead, they tended to be included in the federal case caption and in federal and state case names cited in court documents. Cited case names appeared in court documents such as briefs and opinions to support legal arguments. However, they also appeared in documents filed by, or on behalf of, experts to show they were qualified. These documents could include long lists of prior trial testimony and depositions. For instance, one expert provided a record of 188 cases in which the expert earlier provided depositions or expert assistance. The record included 22 case names in which the minors' names were properly redacted and 8 case names in which at least one minor's name was unredacted.

Finally, of the 10,000 Form 106J filings we examined, only 13 contained the unredacted names of dependents alongside age information indicating that the name belonged to a minor at the time of filing. We found four additional dependents' names in the 106J forms we reviewed, but they

⁸ We determined that each instance of this child's name was exempt from redaction because it appeared as part of an official state court record.

⁹ We determined that all instances of this child's name were likely out of compliance with the rules.

did not include age information or otherwise identify the person as a minor. Consequently, we could not determine whether these names belonged to minor children or dependent adults.

Table 2. Minimum Percentage of Court Documents with Names Associated with Minors

Court Type	Minimum %
District Courts	0.10%
<i>Civil Docket</i>	<i>0.13%</i>
<i>Criminal Docket</i>	<i>0.02%</i>
<i>Miscellaneous Docket</i>	<i>0.02%</i>
Bankruptcy Courts	0.01%
<i>Proofs of Claim</i>	<i>0.01%</i>
<i>All Other Documents</i>	<i>0.01%</i>
Appeals Courts	0.09%
Total	0.05%

Table 2 lists the minimum percentage of documents from our full set of 4.7 million documents that contained the unredacted name of a person identified as a minor in some manner, either by way of a birthdate or words suggesting that they were a minor. As discussed earlier, these percentages should be viewed as absolute minimums because we used nonrandom selection methods to focus on specific document types, leaving many other types of documents unanalyzed. The true percentage of documents with minors' names could be higher than reported in Table 2.

Table 2 indicates that the extent of unredacted minor names is not zero and could be similar to the proportion of documents with unredacted SSNs. Recall from our earlier report on SSNs that of the 4.7 million court documents we analyzed, 0.10% appeared to contain unredacted SSNs. The civil docket and courts of appeals were most affected, with 0.14% and 0.17% containing unredacted SSNs. Similarly, this analysis indicates that at least 0.13% of civil documents and 0.09% of appeals documents contained the unredacted name of a person identified as a minor in some fashion.

Table 3. Percentage of Unredacted Names Noncompliant and Exempt from Rules

Court Type	Minors' Names Found	% Noncompliant with rules	% Exempt from rules
District Courts	11,318	45%	55%
<i>Civil Docket</i>	10,874	43%	57%
<i>Criminal Docket</i>	401	83%	17%
<i>Miscellaneous Docket</i>	43	60%	40%
Bankruptcy Courts	446	61%	39%
<i>Proofs of Claim</i>	114	52%	48%
<i>All Other Documents</i>	332	64%	36%
Appeals Courts	546	82%	18%
Total	12,310	47%	53%

Using our three search methods, we found 12,310 instances in which minors' names were printed without redaction. Table 3 shows the percentage of those instances that appeared to be out of compliance with the privacy rules and the percentage that appeared to be exempt from redaction under the rules. We assume for the purposes of this study that minors could not waive their privacy protections.

Overall, about half of instances with an unredacted name appeared to be out of compliance with the privacy rules and about half appeared to be exempt. Across all instances of identified minors' names, the most common reason for exemption was that the unredacted name appeared in the record of a state court proceeding. This reason applied to 99% of the exempt names. The remaining 1% of exempt names appeared in the records of administrative agency proceedings, criminal investigations, civil immigration cases, criminal warrants, and criminal charging documents.