

HOUSE BILL 364

J1, D3

6lr0792
CF SB 354

By: **Delegates Dumais, Fraser–Hidalgo, and A. Miller**

Introduced and read first time: January 27, 2016

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2016

CHAPTER _____

1 AN ACT concerning

2 **Petitions for Emergency Evaluation – Minors – Sealing of Court Records**

3 FOR the purpose of authorizing a certain individual to file a motion with the court
4 requesting that any court records relating to a certain petition for emergency
5 evaluation be sealed; requiring the court to have a copy of the motion served on a
6 certain petitioner at a certain address; authorizing the court to order that certain
7 court records be sealed under certain circumstances; authorizing a certain petitioner
8 to file an objection to the motion; authorizing the court to grant the motion without
9 a hearing under certain circumstances; requiring the court to hold a hearing if the
10 petitioner files an objection to the motion within a certain time period after a copy of
11 the motion is served on the petitioner; authorizing the court to hold a hearing on its
12 own initiative; prohibiting certain court records, if sealed, from being opened for any
13 purpose except by order of the court under certain circumstances; clarifying that a
14 certain provision of law allowing the review of certain court records by certain
15 persons and entities does not apply to the review of certain court records that have
16 been sealed under a certain provision of this Act; and generally relating to petitions
17 for emergency evaluation and court records.

18 BY repealing and reenacting, with amendments,
19 Article – Health – General
20 Section 10–630
21 Annotated Code of Maryland
22 (2015 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Health – General**

4 10–630.

5 (a) All court records relating to a petition for an emergency evaluation made
6 under this subtitle are confidential and the contents may not be divulged, by subpoena or
7 otherwise, except by order of the court on good cause shown.

8 (b) ~~This~~ **EXCEPT FOR A COURT RECORD SEALED UNDER SUBSECTION (D) OF**
9 **THIS SECTION, THIS** section does not prohibit review of a court record relating to a petition
10 by:

11 (1) Personnel of the court;

12 (2) The petitioner;

13 (3) The emergency evaluatee or counsel for the emergency evaluatee;

14 (4) Authorized personnel of the Department;

15 (5) Authorized personnel of the local core service agency or local behavioral
16 health authority;

17 (6) A law enforcement agency; or

18 (7) A person authorized by a court order on good cause shown.

19 (c) A petition for an emergency evaluation:

20 (1) Shall be considered a mental health record under Title 4 of this article;
21 and

22 (2) May be released by a health care provider, as defined in § 4–301 of this
23 article, only as permitted by law.

24 **(D) (1) AN EMERGENCY EVALUEE WHO WAS A MINOR WHEN A PETITION**
25 **FOR EMERGENCY EVALUATION WAS MADE OR SOUGHT CONCERNING THE**
26 **EMERGENCY EVALUEE UNDER PART IV OF THIS SUBTITLE MAY FILE A MOTION WITH**
27 **THE COURT AT ANY TIME REQUESTING THAT ANY COURT RECORDS RELATING TO**
28 **THE PETITION BE SEALED.**

1 **(2) THE COURT SHALL HAVE A COPY OF THE MOTION FILED UNDER**
2 **THIS SUBSECTION SERVED ON THE PETITIONER AT THE ADDRESS STATED FOR THE**
3 **PETITIONER IN THE PETITION FOR EMERGENCY EVALUATION.**

4 **(3) THE COURT MAY ORDER COURT RECORDS RELATING TO THE**
5 **PETITION FOR EMERGENCY EVALUATION THAT IS THE SUBJECT OF THE MOTION**
6 **SEALED FOR GOOD CAUSE SHOWN.**

7 **(4) (I) THE PETITIONER MAY FILE AN OBJECTION TO A MOTION**
8 **FILED UNDER THIS SUBSECTION.**

9 **(II) IF NO OBJECTION IS FILED, THE COURT MAY GRANT THE**
10 **MOTION WITHOUT A HEARING.**

11 **(III) IF THE PETITIONER FILES AN OBJECTION TO THE MOTION**
12 **WITHIN 30 DAYS AFTER A COPY OF THE MOTION IS SERVED ON THE PETITIONER, THE**
13 **COURT SHALL HOLD A HEARING.**

14 **(IV) THE COURT MAY HOLD A HEARING ON ITS OWN INITIATIVE.**

15 **(5) IF SEALED, THE COURT RECORDS RELATING TO THE PETITION**
16 **FOR EMERGENCY EVALUATION THAT IS THE SUBJECT OF THE MOTION MAY NOT BE**
17 **OPENED, FOR ANY PURPOSE, EXCEPT BY ORDER OF THE COURT FOR GOOD CAUSE**
18 **SHOWN.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
20 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.