

HOUSE BILL 1069

E3, D4

0lr2797

By: **Delegates Williams, Bartlett, Cox, Crutchfield, W. Fisher, J. Lewis, Lopez, and Shetty**

Introduced and read first time: February 6, 2020

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 6, 2020

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Causes – Court Records**

3 FOR the purpose of specifying that a provision of law that provides for the confidentiality
4 of certain court records pertaining to certain children does not prohibit review of a
5 court record by the Department of Juvenile Services under certain circumstances;
6 altering a certain exception to a provision of law that provides for the confidentiality
7 of certain court records pertaining to certain children; and generally relating to
8 juvenile causes and court records.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–827 and 3–8A–27(b)(6)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Courts and Judicial Proceedings
16 Section 3–8A–27(b)(1)
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2019 Supplement)

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

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.



Article – Courts and Judicial Proceedings

3–827.

(a) (1) All court records under this subtitle pertaining to a child shall be confidential and their contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown.

(2) This subsection does not prohibit review of a court record by:

(i) Personnel of the court;

(ii) A party;

(iii) Counsel for a party;

(iv) A Court–Appointed Special Advocate for the child; [or]

(v) Authorized personnel of the Social Services Administration and local departments in order to conduct a child abuse or neglect investigation or to comply with requirements imposed under Title IV–E of the Social Security Act; **OR**

(VI) THE DEPARTMENT OF JUVENILE SERVICES IF THE DEPARTMENT IS PROVIDING TREATMENT, SERVICES, OR CARE TO A CHILD WHO IS THE SUBJECT OF THE RECORD.

(3) Information obtained from a court record is subject to the provisions of §§ 1–201, 1–202, 1–204, and 1–205 of the Human Services Article.

(b) (1) On its own motion or on petition, and for good cause shown, the court:

(i) May order the court records of a child sealed; and

(ii) Shall order them sealed after the child has reached the age of 21.

(2) If sealed, the court records of a child may not be opened, for any purpose, except by order of the court on good cause shown.

3–8A–27.

(b) (1) A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as provided in §§ 7–303 and 22–309 of the Education Article.

(6) (i) This subsection does not prohibit access to and confidential use of a court record by the Department of Human Services or a local department of social

1 services [for]:

2 1. [The] **FOR THE** purpose of claiming federal Title IV–B
3 and Title IV–E funds; or

4 2. If the Department of Human Services or a local
5 department of social services is providing **TREATMENT**, services, or care [in coordination
6 with the Department of Juvenile Services] to a child who is the subject of the record[, a
7 purpose relevant to the provision of the services or care].

8 (ii) The Department of Human Services and local departments of
9 social services shall keep a court record obtained under this paragraph confidential in
10 accordance with the laws and policies applicable to the Department of Human Services and
11 local departments of social services.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.