

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

A BILL ENTITLED

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:

21 **Article – Courts and Judicial Proceedings**

22 3–827.

23 (a) (1) All court records under this subtitle pertaining to a child shall be
24 confidential and their contents may not be divulged, by subpoena or otherwise, except by

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 order of the court on good cause shown.

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

3 (i) Personnel of the court;

4 (ii) A party;

5 (iii) Counsel for a party;

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

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

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

13 (3) Information obtained from a court record is subject to the provisions of
14 §§ 1–201, 1–202, 1–204, and 1–205 of the Human Services Article.

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

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

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

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

20 3–8A–27.

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

24 (6) (i) This subsection does not prohibit access to and confidential use
25 of a court record by the Department of Human Services or a local department of social
26 services [for]:

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

29 2. If the Department of Human Services or a local

1 department of social services is providing **TREATMENT**, services, or care [in coordination
2 with the Department of Juvenile Services] to a child who is the subject of the record[, a
3 purpose relevant to the provision of the services or care].

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

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