

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 264

(Chair, Judiciary Committee)(By Request - Departmental
- Juvenile Services)

Judiciary

Judicial Proceedings

Juvenile Law - Juvenile Records - Disclosure

This departmental bill repeals a provision that restricts the Department of Juvenile Services (DJS) to only providing access to and the confidential use of a child’s treatment plan to agencies in the District of Columbia or Virginia that meet specified criteria. Instead, the bill authorizes DJS to provide access to and the confidential use of court records of a child to any agencies in the District of Columbia or state agencies in Delaware, Pennsylvania, Virginia, or West Virginia that meet the established criteria. The bill also repeals the requirement that the agency must have custody of the child in order to obtain access to the information.

Fiscal Summary

State Effect: None. DJS can use existing resources to share information as authorized under the provisions of this bill.

Local Effect: None.

Small Business Effect: DJS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: In general, a court record concerning a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by court order upon a showing of good cause or in certain circumstances relating to notification of a local

superintendent or nonpublic school principal upon the arrest of a child for specified offenses. This prohibition does not restrict access to and the use of court records or fingerprints in court proceedings involving the child by personnel of the court, the State's Attorney, counsel for the child, a court-appointed special advocate for the child, or authorized personnel of DJS. Subject to certain exceptions, the restriction also does not prohibit access to and confidential use of the court record or fingerprints of a child by DJS or in an investigation and prosecution by a law enforcement agency.

DJS is authorized to provide access to and the confidential use of a treatment plan of a child by an agency in the District of Columbia or a state agency in Virginia if the agency (1) performs the same functions in its jurisdiction as DJS does in Maryland; (2) has a reciprocity agreement with Maryland; and (3) has custody of the child. A shared record may only provide information that is relevant to the supervision, care, and treatment of the child.

Background: DJS advises that the proposal is necessary to increase its ability to collaborate and share information regarding juveniles across jurisdictional boundaries.

Additional Information

Prior Introductions: SB 247 of 2012, a similar bill, passed the Senate as amended but received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2013
ncs/kdm

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Juvenile Law – Juvenile Records - Disclosure

BILL NUMBER: HB 264

PREPARED BY: Department of Juvenile Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.