

Article - Family Law

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§4–512.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Court record” means an official record of a court about a proceeding that the clerk of a court or other court personnel keeps.

(ii) “Court record” includes:

1. an index, a docket entry, a petition, a memorandum, a transcription of proceedings, an electronic recording, an order, and a judgment; and

2. any electronic information about a proceeding on the website maintained by the Maryland Judiciary.

(3) “Shield” means to remove information from public inspection in accordance with this section.

(4) “Shielding” means:

(i) with respect to a record kept in a courthouse, removing the record to a separate secure area to which persons who do not have a legitimate reason for access are denied access; and

(ii) with respect to electronic information about a proceeding on the website maintained by the Maryland Judiciary, completely removing all information concerning the proceeding from the public Web site, including the names of the parties, case numbers, and any reference to the proceeding or any reference to the removal of the proceeding from the public Web site.

(5) “Victim services provider” means a nonprofit or governmental organization that has been authorized by the Governor’s Office of Crime Control and Prevention to have online access to records of shielded protective orders in order to assist victims of abuse.

(b) (1) Subject to subsection (c) of this section, if a petition filed under this subtitle was denied or dismissed at the interim, temporary, or final protective order stage of a proceeding under this subtitle, the petitioner or the respondent may file a written request to shield all court records relating to the proceeding in accordance with subsection (d) of this section.

(2) Subject to subsection (c) of this section, if the respondent consented to the entry of a protective order under this subtitle, the petitioner or the respondent may file a written request to shield all court records relating to the proceeding in accordance with subsection (e) of this section.

(c) A request for shielding under this section may not be filed within 3 years after the denial or dismissal of the petition or the consent to the entry of the protective order, unless the requesting party files with the request a general waiver and release of all the party's tort claims related to the proceeding under this subtitle.

(d) (1) If a petition was denied or dismissed at the interim, temporary, or final protective order stage of a proceeding under this subtitle, on the filing of a written request for shielding under this section, the court shall schedule a hearing on the request.

(2) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(3) Except as provided in paragraphs (4) and (5) of this subsection, after the hearing, the court shall order the shielding of all court records relating to the proceeding if the court finds:

(i) that the petition was denied or dismissed at the interim, temporary, or final protective order stage of the proceeding;

(ii) that a final protective order or peace order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;

(iii) that the respondent has not been found guilty of a crime arising from abuse against the petitioner; and

(iv) that none of the following are pending at the time of the hearing:

1. an interim or temporary protective order or peace order issued against the respondent in a proceeding between the petitioner and the respondent; or

2. a criminal charge against the respondent arising from alleged abuse against the petitioner.

(4) (i) On its own motion or on the objection of the other party, the court may, for good cause, deny the shielding.

(ii) In determining whether there is good cause under subparagraph (i) of this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and the community.

(5) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(e) (1) (i) If the respondent consented to the entry of a protective order under this subtitle, the petitioner or the respondent may file a written request for shielding at any time after the protective order expires.

(ii) On the filing of a request for shielding under this paragraph, the court shall schedule a hearing on the request.

(iii) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(iv) Except as provided in subparagraph (vi) of this paragraph and subject to subparagraph (v) of this paragraph, after the hearing, the court may order the shielding of all court records relating to the proceeding if the court finds:

1. for cases in which the respondent requests shielding, that the petitioner consents to the shielding;

2. that the respondent did not violate the protective order during its term;

3. that a final peace order or protective order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;

4. that the respondent has not been found guilty of a crime arising from abuse against the petitioner; and

5. that none of the following are pending at the time of the hearing:

A. an interim or temporary peace order or protective order issued against the respondent; or

B. a criminal charge against the respondent arising from alleged abuse against an individual.

(v) In determining whether court records should be shielded under this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and the community.

(vi) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(2) (i) If the respondent consented to the entry of a protective order under this subtitle, but the petitioner did not consent to shielding at the hearing under paragraph (1) of this subsection, the respondent may refile a written request

for shielding after 1 year from the date of the hearing under paragraph (1) of this subsection.

(ii) On the filing of a request for shielding under this paragraph, the court shall schedule a hearing on the request.

(iii) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(iv) Except as provided in subparagraph (vi) of this paragraph and subject to subparagraph (v) of this paragraph, after the hearing, the court may order the shielding of all court records relating to the proceeding if the court finds:

1. A. that the petitioner consents to the shielding; or
B. that the petitioner does not consent to the shielding, but that it is unlikely that the respondent will commit an act of abuse against the petitioner in the future;
2. that the respondent did not violate the protective order during its term;
3. that a final peace order or protective order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;
4. that the respondent has not been found guilty of a crime arising from abuse against the petitioner; and
5. that none of the following are pending at the time of the hearing:
 - A. an interim or temporary peace order or protective order issued against the respondent; or
 - B. a criminal charge against the respondent arising from alleged abuse against an individual.

(v) In determining whether court records should be shielded under this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and the community.

(vi) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(f) (1) This section does not preclude the following persons from accessing a

shielded record for a legitimate reason:

- (i) a law enforcement officer;
- (ii) an attorney who represents or has represented the petitioner or the respondent in a proceeding;
- (iii) a State's Attorney;
- (iv) an employee of a local department; or
- (v) a victim services provider.

(2) (i) A person not listed in paragraph (1) of this subsection may subpoena, or file a motion for access to, a record shielded under this section.

(ii) If the court finds that the person has a legitimate reason for access, the court may grant the person access to the shielded record under the terms and conditions that the court determines.

(iii) In ruling on a motion under this paragraph, the court shall balance the person's need for access to the record with the petitioner's or the respondent's right to privacy and the potential harm of unwarranted adverse consequences to the petitioner or the respondent that the disclosure may create.

(g) Within 60 days after entry of an order for shielding under this section, each custodian of court records that are subject to the order of shielding shall advise in writing the court and the respondent of compliance with the order.

(h) The Governor's Office of Crime Control and Prevention, in consultation with the Maryland Judiciary, may adopt regulations governing online access to shielded records by a victim services provider.

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