

# SENATE BILL 354

J1, D3

6lr2817  
CF HB 364

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By: ~~Senator Feldman~~ Senators Feldman, Kelley, Klausmeier, Mathias, and  
Middleton

Introduced and read first time: January 28, 2016

Assigned to: Finance and Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

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## 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)

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### 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 IF:~~**

7                   **(I) THE RECORDS DO NOT INDICATE THAT THE EMERGENCY**  
8 **EVALUEE ENGAGED IN VIOLENT BEHAVIOR AGAINST THE EMERGENCY EVALUEE OR**  
9 **ANOTHER;**

10                   **(II) THE PETITION DID NOT RESULT IN THE INVOLUNTARY**  
11 **ADMISSION OF THE EMERGENCY EVALUEE; AND**

12                   **(III) GOOD CAUSE IS SHOWN.**

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

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

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

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

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

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
26 1, 2016.