

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 364

(Delegate Dumais, *et al.*)

Health and Government Operations

Finance and Judicial Proceedings

Petitions for Emergency Evaluation - Minors - Sealing of Court Records

This bill authorizes an individual to file a motion with a court requesting that the court records related to a petition for emergency evaluation be sealed if the individual was a minor at the time the petition was made or sought. The court may seal the records for good cause shown. The bill also establishes procedures for filing an objection and for the court to hold a hearing.

The bill takes effect June 1, 2016.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: The bill does not materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: The court must serve a copy of the individual's motion requesting the sealing of the court records with the petitioner. If the petitioner files an objection within 30 days of service, the court must hold a hearing. If no objection is filed, the court may grant the motion without a hearing. The court may also hold a hearing on its own initiative.

If the court records are sealed, the court records may not be opened for any purpose except by order of the court for good cause shown. The bill also exempts the sealed court records

from review by specified individuals who are authorized to review such records under existing law.

Current Law: Under the Health-General Article, specified health professionals and other interested parties may petition for an emergency evaluation of an individual, which may result in the involuntary admission of the individual to a mental disorder treatment facility, if the petitioner has reason to believe that the individual (1) has a mental disorder and (2) presents a danger to the life or safety of the individual or of others. Court records relating to a petition are confidential; the contents may not be divulged, by subpoena or otherwise, except by order of a court for good cause shown. Specified individuals may review the court records relating to a petition, including the petitioner, the emergency evaluatee or the evaluatee's counsel, law enforcement, or authorized personnel of a local behavioral health authority. Petitions are considered mental health records and may be released by specified health care providers as permitted by law.

Background: According to the National Alliance on Mental Illness, 20% of teenagers (ages 13 to 18) live with a mental health condition, and 50% of all lifetime cases of mental illness begin by age 14. Additionally, according to a 2014 *U.S. News and World Report* article, nearly 1 in 10 hospitalized children have a primary diagnosis of a mental health problem.

Additional Information

Prior Introductions: None.

Cross File: SB 354 (Senator Feldman, *et al.*) - Finance and Judicial Proceedings.

Information Source(s): Maryland Association of County Health Officers, Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Department of State Police, National Alliance on Mental Illness, *U.S. News and World Report*, Department of Legislative Services

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