

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

Senate Bill 43

(Chair, Judicial Proceedings Committee)(By Request -  
Departmental - Juvenile Services)

Judicial Proceedings

Judiciary

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**Juvenile Court Records - Disclosure**

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This departmental bill creates an additional exception to the general rule of confidentiality of juvenile records by establishing that the Department of Human Resources (DHR) may have access to and confidential use of a court record for the purpose of claiming federal Title IV-B funds, which provide support for child welfare services.

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**Fiscal Summary**

**State Effect:** The bill's requirements can be handled with existing budgeted resources. In addition, the bill may help protect federal child welfare funding by ensuring that juvenile court records are available for claiming Title IV-B funds.

**Local Effect:** None.

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

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**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.

Statutory provisions also set forth circumstances under which the court records of a child may be accessed and used by various entities for specified purposes. For example, DHR may have access and confidential use of a court record for the purpose of claiming federal Title IV-E funds.

**Background:** Title IV-E of the Social Security Act provides federal matching funds to help states pay for foster care placements for children who meet federal eligibility criteria. Youth who have been adjudicated delinquent qualify for these funds if they meet all of the federal foster care criteria and are placed with a foster family or in other types of facilities as allowed by federal law. Pursuant to Chapter 486 of 2009, DHR is allowed access to and confidential use of court records in order to claim federal Title IV-E funds. Title IV-B of the Social Security Act provides federal funding for support services to prevent youth from requiring an out-of-home placement, such as family preservation and support services. DJS advises that because of the correlation between these two streams of federal child welfare funds, it is important to ensure that juvenile court records are permitted to be shared with DHR for Title IV-E *and* Title IV-B purposes.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Human Resources; Department of Juvenile Services; Department of Legislative Services

**Fiscal Note History:** First Reader - January 16, 2017  
md/kdm Third Reader - February 3, 2017

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**ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES**

TITLE OF BILL: Juvenile Law – Records Disclosure

BILL NUMBER: SB 43

PREPARED BY: Betsy Fox Tolentino

**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**