

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 588

(Delegate Anderson)(By Request - Baltimore City
Administration)

Judiciary

Judicial Proceedings

Baltimore City - Children - Records Access

This bill authorizes access to court, social services, juvenile, and police records by the Office of Youth Violence Prevention (OYVP) within the Baltimore City Health Department (BCHD) and the Baltimore City Mayor's Office on Criminal Justice (BCMOCJ) under specified circumstances. OYVP and BCMOCJ are liable for the unauthorized release of any of the provided records.

The bill terminates September 30, 2019.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources.

Local Effect: The bill's requirements can be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: The bill allows OYVP access to court and police records concerning a child if (1) OYVP is providing treatment or care to a child and the disclosure is related to that purpose; (2) the record concerns a child convicted of a crime or adjudicated delinquent for an act that caused a death or near fatality; or (3) the record concerns a victim of a "crime of violence," who is a child residing in Baltimore City, for the purpose of developing appropriate programs and policies aimed at reducing violence against children in Baltimore City. Reports or records concerning child abuse or neglect must

also be disclosed, on a written request, to OYVP if the above circumstances apply. On written request, the Department of Juvenile Services (DJS) must disclose to OYVP any confidential research records concerning a child if any of the above circumstances apply. OYVP must keep confidential any information provided.

BCMOCJ may also have access to the police records if it is providing programs and services to a child who is the subject of the record for related purposes. BCMOCJ may also have access to and confidential use of a court record if it is providing programs and services in conjunction with the Baltimore Police Department to a child who is the subject of the record, for a purpose relevant to the provision of the programs and services and development of a comprehensive treatment plan.

The Department of State Police (DSP) must provide to OYVP and BCMOCJ, on written request, information concerning (1) a victim of a “crime of violence” who is a child residing in Baltimore City and (2) a child convicted of a crime or adjudicated delinquent for an act that caused a death or near fatality. OYVP and BCMOCJ must keep any information provided confidential and use the information solely to develop appropriate programs and policies, as specified.

Within 180 days after receiving, accessing, or viewing a record, OYVP or BCMOCJ must submit a report to the court, DJS, DSP, or DHR, as appropriate, detailing the purposes for which the record was used.

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.

In general, police records concerning a child are confidential and maintained separately from adult records. The contents of these records may not be divulged except by court order for good cause shown, or specific situations in which police notify school superintendents of the arrest of a student. However, records may still be accessed by DJS or by any law enforcement agency involved in the investigation and prosecution of a child and under specific situations related to writs of attachment to apprehend a child named in the writ.

All records and reports about child abuse and neglect are confidential; however, records of child abuse or neglect must be disclosed pursuant to an order of the court or an administrative law judge. Child abuse and neglect records may be disclosed on request to employees or persons of interest as specified in statute, including specified personnel of the Department of Human Resources and local departments of social services, law enforcement personnel, and individuals who are providing treatment or care to a child who is the subject of a report of child abuse or neglect.

Background: Chapter 10 of 2006 (HB 900 of 2005) first established the authority of BCHD to access the records of children who were victims of violence or who were under the health department's care. Chapters 602 and 603 of 2008 (SB 607/HB 768) extended the original termination date of Chapter 10 to September 30, 2011, and authorized BCHD to also access records as they pertained to a child who committed a crime that caused a death or near fatality.

Baltimore City advises that although it has reduced juvenile violent crime significantly over the past four years, over 41% of all juvenile homicides in the State occur in Baltimore City. It further advises that ensuring appropriate referrals and coordination of care is often hindered by the inability to share relevant and necessary information. The bill is intended to facilitate the city's role in programs such as Operation Safe Kids and the Maryland Safe Streets Initiative.

Additional Information

Prior Introductions: None.

Cross File: SB 473 (Senator Jones-Rodwell)(By Request - Baltimore City Administration) - Judicial Proceedings.

Information Source(s): Baltimore City, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Public Safety and Correctional Services, Department of Legislative Services

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