

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 91

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

Judicial Proceedings

Judiciary

Juvenile Law - Disclosure of Court Records

This departmental bill creates additional exceptions to the general rule of confidentiality of juvenile records that apply to the Department of Human Services (DHS), local social services departments, the Maryland Department of Health, and local health departments.

Fiscal Summary

State Effect: General fund expenditures increase by \$15,400 in FY 2019 only for programming costs. Otherwise, the bill’s requirements can be handled with existing budgeted resources. No effect on revenues.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	15,400	0	0	0	0
Net Effect	(\$15,400)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill’s requirements can be handled with existing budgeted resources. No effect on revenues.

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. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: DHS or a local department of social services may have access to and confidential use of a court record if, in coordination with DJS, it is providing services or care for a child who is the subject of the record, for a purpose relevant to the provision of the services or care. The bill creates a similar exception for circumstances in which the Maryland Department of Health or a local health department is providing treatment, services, or care for the child, in coordination with DJS. The entities must keep confidential any court records obtained in accordance with applicable laws and policies.

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, DHS may have access and confidential use of a court record for the purpose of claiming federal funds.

Unless otherwise permitted, a person may not disclose a report or record concerning child abuse or neglect. Unless permitted by one of a number of statutory exceptions, a person may not disclose any information concerning an applicant for or recipient of social services, child welfare services, or medical assistance that is directly or indirectly derived from the records, investigations, or communications of the State, county, or a municipal corporation (or a unit of these entities), or that is acquired in the course of the performance of official duties. Unless otherwise permitted, health care providers must keep medical records of patients and recipients confidential.

Background: DJS notes that because its records related to the treatment, services, and care of a youth are considered court records, this bill is necessary to permit DJS to share such information with other human services agencies. It further advises that it is launching reform efforts that are designed to bring human services agencies together to jointly plan and develop treatment service plans to support youth and their families. Collaborating with other State agencies streamlines the delivery of services and reduces duplication of effort and services. The bill is intended to enhance these collaborations to improve outcomes for youth and families who have contact with the juvenile justice system. It is also intended

to support the development and implementation of MD THINK, the State's technology platform intended to integrate access to programs administered by human services agencies.

State Expenditures: General fund expenditures increase by \$15,360 in fiscal 2019 only for the Judiciary to implement necessary computer programming changes. Otherwise, the bill's requirements can be handled with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, and Montgomery counties; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Human Services; Department of Juvenile Services; Department of Legislative Services

Fiscal Note History: First Reader - January 15, 2018
nb/kdm Third Reader - March 20, 2018
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Juvenile Law – Records for Treatment, Services and Care

BILL NUMBER: SB 91

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