

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 1069  
Judiciary

(Delegate Williams, *et al.*)

Judicial Proceedings

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Juvenile Causes - Court Records

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This bill specifies that provisions of law regarding the confidentiality of court records in child in need of assistance (CINA) cases do not prohibit the Department of Juvenile Services (DJS) from reviewing the court record, if DJS is providing treatment, services, or care to a child who is the subject of the record. The bill also alters statutory provisions regarding access to court records in juvenile matters by specifying that the Department of Human Services (DHS) or a local department of social services may access and use the records if the entities are providing *treatment*, services, or care to a child who is the subject of the record. The bill repeals conditions that limited the use of the juvenile court records to circumstances in which the records were being used for a purpose relevant to the provision of the services or care and in coordination with DJS.

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Fiscal Summary

**State Effect:** The bill's changes do not materially affect the workload or finances of DHS, DJS, or the Judiciary.

**Local Effect:** The bill does not materially affect the finances or operations of the circuit courts.

**Small Business Effect:** None.

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## Analysis

### Current Law:

#### *CINA proceedings*

All court records related to CINA proceedings pertaining to a child are confidential and their contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown. However, personnel of the court, a party or a party's counsel, a court-appointed special advocate for the child, or authorized personnel of the Social Services Administration and local departments of social services, as specified, may review the records.

#### *Court Records in Other Juvenile Proceedings*

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.

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## Additional Information

**Prior Introductions:** None.

**Designated Cross File:** None.

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

**Fiscal Note History:** First Reader - February 26, 2020  
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