

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER ON ACCESS BY
STATE'S ATTORNEYS AND OFFICE OF THE PUBLIC DEFENDER
TO CERTAIN CASE RECORDS IN JUVENILE DELINQUENCY CASES

WHEREAS, Questions have arisen regarding the ability of authorized attorneys in the Office of the Public Defender (OPD) to have access to certain basic information in juvenile delinquency cases in which they may not have entered an appearance; and

WHEREAS, Code, Courts Article, § 3-8A-27(b)(1) provides, in relevant part, that a court record pertaining to a child in a delinquency case is confidential and its contents may not be divulged except by order of the court upon good cause shown; and

WHEREAS, § 3-8A-27(b)(2) provides that § 3-8A-27(b)(1) does not prohibit access to and use of such a court record by certain persons, including the State's Attorney and counsel for the child; and

WHEREAS, Maryland Rule 16-1006(a)(2), in relevant part, requires the custodian of a case record to deny inspection of case records in delinquency cases except (1) as otherwise provided by court order, or (2) that the name of the respondent and the date, time, and location of a hearing that is open to the public pursuant to Code, Courts Article, § 3-8A-13(f) may be disclosed; and

WHEREAS, Maryland Rule 20-109(b), a Maryland Electronic Courts (MDEC) Rule, provides that attorneys of record in an affected action shall have full access, including remote access, to all case records in that affected action; and

WHEREAS, OPD, through its attorneys, represents over 90 percent of the

respondent children in delinquency cases, and the State's Attorneys represent the State in nearly all of those cases; and

WHEREAS, It is sometimes important for authorized attorneys in OPD to determine (1) whether a child alleged to be delinquent or found to have committed a delinquent act, in an action in which an OPD attorney has entered an appearance, is the subject of another delinquency action in the same court, in which OPD may not have entered an appearance, or (2) whether a separate delinquency petition has been filed in the same court against another child arising out of the same incident, in which an attorney from OPD may not have entered an appearance; and

WHEREAS, The information needed by the OPD attorney consists of the docket number of and docket entries in the other case, and the time, date, and location of any hearings scheduled in that case; and

WHEREAS, All of that information, except for the docket number and docket entries, may be available to OPD pursuant to Rule 16-1006(a)(2); and

WHEREAS, Although the State's Attorney's Office may already have that information in its own files, it would be convenient for the State's Attorney and authorized Assistant State's Attorneys to be able to confirm that information from case records; and

WHEREAS, I find that, with proper safeguards, it is reasonable for the State's

Attorneys and authorized attorneys from OPD to have access to that information, including the docket number and docket entries from case records.

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 24th day of February, 2015, effective immediately, that:

(1) The County Administrative Judges of the Circuit Courts are hereby authorized to enter Administrative Orders, in the form attached to this Administrative Order, authorizing and directing the clerk of the juvenile court, or the clerk of the court, for their county to disclose to (i) the State's Attorney for the county, (ii) an Assistant State's Attorney for the county authorized by the State's Attorney, (iii) the District Public Defender for the county, or (iv) an Assistant Public Defender for the county authorized by the District Public Defender, pursuant to access protocols established by the Judicial Information Systems of the Administrative Office of the Courts, the following information regarding any juvenile delinquency case pending in the court: the name of the respondent, the docket number of and docket entries in the case, and the date, time, and place of all hearings scheduled in the case;

(2) Remote access to that information shall be by secured Case Search;

(3) In this Order, the word "county" includes Baltimore City; and

(4) This Administrative Order is not intended to preclude or limit the judges

of the Circuit Courts from exercising any other authority they may have under the Maryland Code or the Maryland Rules to allow or deny access to case records in juvenile delinquency cases.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge of the Court of Appeals

Filed: February 24th, 2015

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals of Maryland

IN THE CIRCUIT COURT FOR _____

ADMINISTRATIVE ORDER ON ACCESS BY

STATE'S ATTORNEY AND OFFICE OF THE PUBLIC DEFENDER

TO CERTAIN CASE RECORDS IN JUVENILE DELINQUENCY CASES

Pursuant to the authority conferred by Administrative Order, dated February ____, 2015, issued by the Chief Judge of the Court of Appeals of Maryland, it is, this ____ day of _____, 2015, by the County Administrative Judge of the Circuit Court for _____, hereby

ORDERED, that, pursuant to access protocols established by the Judicial Information Systems of the Administrative Office of the Courts, the Clerk of the Juvenile Court [for this county/Baltimore City] or the Clerk of the Circuit Court for [this county/Baltimore City] shall provide access, including remote access, by (1) the State's Attorney for [this county/Baltimore City], (2) an Assistant State's Attorney for [this county/Baltimore City] authorized by the State's Attorney, (3) the District Public Defender for [the county/Baltimore City], or (4) an Assistant Public Defender for [the county/Baltimore City] authorized by the District Public Defender, to the following information regarding any juvenile delinquency case pending in this court: the name of the respondent, the docket number of and docket entries in the case, and the date, time, and place of all hearings scheduled in the case; and it is

FURTHER ORDERED, that remote access to that information shall be by secured

Case Search.

County Administrative Judge

Clerk

Filed: