

JUVENILE COURT  
POLICY/PROCEDURE

**ACCESS TO/RELEASE OF COURT FILES**

POLICY

Access to and/or the release of Court files may not be granted unless specifically authorized by Court Policy/Order or Statute as follows:

\***Review** as defined in this and any other related records policy means that the party may read/see information in the record but may not remove the record from the court office and may not make copies of documents unless otherwise ordered by the court or specifically permitted in these policies.

1. **Review** of the Court file without Court Order may be granted to:

- personnel of the Court, including persons providing services to the Court, Family Court Commissioner, Family Court Counseling Service, IV-D, Family Support, and CASA Volunteers
- the State Department of Health and Social Services staff providing services to the juvenile pursuant to a court order,
- State Probation Officers (adult) assigned to investigate or provide supervision to the youth, and -the attorney representing the youth in adult court with the consent of the youth.
- Staff of the State Department of Corrections Division of Youth Services Juvenile Corrective Sanctions program and Juvenile Probation agents. Staff in this category may make copies of the information they may require for purposes of providing services to the juvenile.
- the department of corrections, for purposes of providing the department with a juvenile's offense history **if** the child has been adjudicated delinquent for a sexually violent offense as defined in §980.01(6).
- the victim-witness coordinator for the purpose of enforcing the rights of or providing services to individuals related to the case.

2. Counselors of the Family Court Counseling Office, in addition to reviewing records as noted above, may make copies of any court or Human Service records to which they will otherwise be entitled to receive from the department, including evaluations ordered under §48/938.295, without further specific court authorization. Information received shall be segregated in confidential envelopes within the Family Court Counseling file and would not be used in any family proceeding nor disclosed to any other party or their attorney without specific prior approval of the assigned juvenile judge.

3. A person 17 years of age or older must receive permission from the court to **review** his/her file as outlined below (#8). Copies of orders previously provided the person or his or her parents which are now lost may be duplicated and provided to the requestor without additional permission of the Court.
4. Law Enforcement agencies may **review** files pursuant to a request authorized by statute (§938.396(2)(c)) for the investigation of the juvenile's possible involvement in gang related activity.
5. The Youth Restitution Program may verbally disclose certain information about the juvenile's offense and record to potential employer(s) as may be reasonably necessary to protect fellow employees and the public. Such information shall be restricted to that which is necessary to permit the on-the-job supervision to be structured to meet the needs of the child and to protect the safety and welfare of the employer, fellow employees, and the public, and may include the nature of the offense for which the juvenile was found delinquent.
6. Municipal Courts may **review** Juvenile Court files for the purpose of verifying the current status of the child in Juvenile Court related to the following: the nature of prior petitions, the current status of the child (e.g. under supervision, Delinquent, CHIPS, etc.), or for verifying a juvenile's participation in AODA or other treatment programs as may be relevant to the Municipal Court in making a disposition in a pending Municipal Court action. Material is not to be removed from the file or copied without the permission of the Judge assigned to the case, and consistent with requirements for continuing confidentiality below further disclosure of the record or information is prohibited.
7. Pursuant to §938.396(2m), the Court shall disclose to the requestor, the name and age of a child who has been adjudicated delinquent for committing a violation of §940.01 First-degree intentional homicide), 940.02 (First degree reckless homicide), 940.03 (Felony Murder), 940.05 (Second degree intentional homicide), 940.06 (Second-degree reckless homicide), 940.225(1) or (2) (First or Second Degree Sexual Assault), or 943.32(2) (Armed Robbery), or 939.62(2m)(a)1,2 or 3, the nature of the violation, and the disposition imposed as a result of that violation. The requestor may further disclose that information to anyone.
8. Pursuant to §938.396(2)(d) upon request of a court of criminal jurisdiction or a District Attorney they may **review** court records for the purpose of investigating whether a person has possessed a firearm in violation of §941.29(2) relating to any child who has been adjudicated delinquent for an act that would be a felony if committed by an adult.
9. Requests for the inspection of records other than those indicated above must be approved by the Court pursuant to a request made on the form provided by the Court and verification by the Court that the person making the request is the person authorized by statute to inspect such information.

## REQUIREMENT FOR CONTINUING CONFIDENTIALITY

Unless otherwise specifically authorized by statute (e.g. §938.396(2m)(a) or (b), §938.396(2)(f) or Court Policy/Order, any person or agency receiving a record or information under Court Policy shall be informed that further disclosure of the record or information without Court authorization is prohibited under penalty of contempt.

## PROCEDURE

Any requests for information or review as provided for in this policy shall be made in writing to the Branch assigned on a form provided by the court. If the request is made in person, the court staff will verify the identity of the individual making the request and so note that on the form. If the request is mailed to the court, the request must be notarized as assurance that the person making the request is that person. If court approval is required, the judge assigned will review the request within 72 hours and approve/deny the request and notify the requester of approval/denial and the manner in which the records may be inspected/reviewed. In these cases, the judge may, in his/her discretion, limit disclosure/review to the following documents: petitions, motions, court orders, and hearing minutes.

In the event the request is made by the parent, guardian, or legal custodian of a juvenile or by the juvenile age 14 or over (§938/48.396(2)(ag) the judge may refuse access to the record(s) if there is concern that inspection of the records by any of those parties would result in imminent danger to anyone. In this case, the judge shall set a hearing within 21 days at which time the court may determine whether or not to release the records for inspection. The court shall provide due notice of the hearing to the party making the request and any other party as may be deemed to be appropriate by the court.

In all cases, the request and approval must be documented in the court file, including a notation of when the file was reviewed by the requesting party.

## EXCEPTIONS/COMMENTS

If copies of records are requested and provided, pursuant to §814.61(1) a charge per page is required. In the event the requestor does not provide a case number if required to conduct the search, a search fee is authorized by §814.61(11) and as determined by the Clerk of Courts.