

**All juvenile case records and hearings are CONFIDENTIAL
unless specifically authorized by law or court order.**

15 M.R.S. § 3308-C CONFIDENTIALITY OF JUVENILE CASE RECORDS		
Charge petitioned	Juveniles age 13 and Older (at d.o.jc.)	Juveniles under age 13 (at d.o.jc.)
Murder, Felony Murder, Manslaughter	Always OPEN to the public	Open to the public on court order only
Class A crimes	Presumptively open – may be confidential by court order	Presumptively closed – may be open to the public by court order
Class B and C crimes	Presumptively confidential – may be open to the public by court order	Presumptively confidential – may be open to the public by court order
Class D and E crimes	Always CONFIDENTIAL	Always CONFIDENTIAL
Civil Violations	Always CONFIDENTIAL	Always CONFIDENTIAL
Competence determination pending regardless of charge	Always CONFIDENTIAL	Always CONFIDENTIAL
Bind-over hearings	Always OPEN to the public	Always OPEN to the public

Highest classification of crime petitioned determines whether a petition is confidential or open to public inspection. [§ 3308-C (2)(D)]

Juvenile petitions that are deemed “open to public inspection” may be **INSPECTED** by any member of the public **at the courthouse**. [§ 3308-C (1)]

Juvenile case records may **NEVER be disseminated** by the court electronically or in paper form except as authorized by statute or court order. [§ 3308-C (1)]

When a request is made by any person to have a **presumptively open** petition be made confidential, or a **presumptively confidential** petition be open to public inspection, a **hearing** must be held where the court considers:

- The purposes of the Maine Juvenile Code
- The juvenile’s interest in privacy
- The alleged victim’s interest in privacy
- The nature of the juvenile crime alleged [as outlined in the bind-over statute]
- Characteristics of the juvenile [as outlined in the bind-over statute]
- Public safety concerns [as outlined in the bind-over statute]

The court must determine whether the “general public’s right to information substantially outweighs the juvenile’s interest in privacy or the alleged victim’s interest in privacy” [§§3308-C (2)(B) and 3308-C (2)(C)(3)]

If a juvenile **petition** is open to public inspection, the public may attend any juvenile **court hearing** on the petition and may inspect the **order of adjudication**. [§ 3308-D (2)]

Unless proceedings are suspended for a competence determination, **Victims** may be present at hearings or inspect orders of adjudication even if the general public is prohibited. [§ 3308-D (4)]

PERMISSIVE Sharing of Juvenile Case Record Information:

Criminal justice agencies may share any information in juvenile case records for purpose of administering juvenile or criminal justice [§ 3308-C (4)(B)]

Following adjudication of a juvenile crime, any information contained in juvenile case records may be disseminated to persons who **directly supervise** or report on the health, behavior or progress of the juvenile, school superintendents, criminal justice agencies or agencies such as DOC or DHHS if relevant to and disseminated for purpose of creating or maintain **individualized plan for rehabilitation or reintegration into a school** [§ 3308-C (4)(C)]

Juvenile case record information in the possession of DOC may be disseminated to anyone with **informed written consent** of the juvenile/guardian [§ 3308-C (4)(D)]

Juvenile intelligence investigative record information, JCCO records and all other reports of **social or clinical studies** contained in JCR may be inspected, disclosed or disseminated pursuant to a **court order** but names of victims and minors must be **redacted** [§ 3308-C (4)(E)]

Before ordering disclosure, dissemination or inspection of confidential juvenile case records, there must be:
Notice and opportunity to be heard to the juvenile, parent/guardian, juvenile’s attorney, prosecuting attorney and any agency given legal custody of the juvenile

At the hearing the court shall The court shall consider:

Purposes of the Juvenile Code

The reasons for the request

The court may restrict further disclosure, dissemination

With consent of the court and subject to reasonable limitations, **redacted** records may be made available to **“persons having a legitimate interest in the proceedings” or “conducting pertinent research”** [§ 3308-C (6)]

Following a determination that juvenile case records may be shared, the **Court must issue an order** specifying which juvenile case records may be inspected, disclosed or disseminated and to whom [§ 3308-C (7)]

MANDATORY Sharing of Juvenile Case Record Information

If a juvenile is adjudicated of GSA involving a child under age 13 or involving compulsion and is committed or placed on probation, DOC SHALL disseminate a copy of the judgment and commitment to DHHS, law enforcement agencies where the juvenile resides, works or attends school, to the Superintendent of any school where the juvenile is enrolled, all licensed day care facilities in the municipality where the juvenile resides, works or attends school. [§ 3308-C (4)(F)]

This section also permits dissemination (DOC MAY) of such a judgment and commitment to any other agency or person that the DOC determines is appropriate to ensure public safety.

Juvenile case records MUST be open to inspection and upon request be disseminated to:

The juvenile

The juvenile’s parent(s), guardian or legal custodian

The juvenile’s attorney

The prosecuting attorney

Any agency to which legal custody of the juvenile was transferred

DHHS prior to adjudication if commitment to their custody is a possible disposition

An abstract must be sent to the Secretary of State following adjudication for juvenile crime involving operation of a motor vehicle or when the juvenile's right to operate is ordered suspended [§ 3308-C (8)]

A copy of the commitment order, order of adjudication, social studies and clinical or educational reports and "information pertinent to the care and treatment of the juvenile" must be transmitted to DOC and/or DHHS when committed to their custody [§ 3308-C (9)]