

Rule 55. Records

(a) Review or inspection of information contained in juvenile case records.

(1) Persons with statutory access; no application required.

(A) Unless the court has limited access pursuant D.C. Code § 16-2331(c), the following persons and entities may gain access to and share information from juvenile case records with other persons and entities named in this paragraph without seeking permission from or notifying the court: the judges and professional staff of the Superior Court, including Court Social Services; the Attorney General and his or her assistants assigned to the Family Court; the respondent, his or her parents or guardians, and their duly authorized attorneys; and authorized personnel in the Mayor's Family Court Liaison, the Department of Health, the Department of Mental Health, the Child and Family Services Agency, the Department of Human Services, and the District of Columbia Public Schools for the purpose of delivery of services to individuals or their families under the jurisdiction of the Family Court. Inspection of sealed juvenile case records is subject to the limitations of D.C. Code § 16-2335. The persons and entities named in this paragraph may release juvenile case records to contract and service providers and their authorized personnel if the recipients of the information certify that they will not disclose or use the record or information for any purpose other than that for which the information is provided and that the information will not be used in a manner reasonably likely to identify the respondent.

(B) Nothing in this rule shall prevent the Attorney General and his or her assistants assigned to the Family Court from disclosing to the United States Attorney for the District of Columbia, his or her assistants, any other prosecuting attorneys, or law enforcement personnel: orders issued in juvenile cases regarding conditions of release, probation or commitment, including but not limited to stay-away orders and curfew restrictions; resolution of the charges; and photographs, physical descriptions, and address contained in juvenile case records under D.C. Code § 16-2331(b). The Attorney General and his or her assistants assigned to the Family Court may also disclose other information contained in juvenile case records to the United States Attorney for the District of Columbia, his or her assistants, and any other prosecuting attorneys:

(i) when the prosecuting attorney receiving the information is involved in the investigation or prosecution of a criminal case arising out of the same transaction or occurrence as a case in which a child is alleged to be delinquent;

(ii) when the records are relevant to a determination of the conditions of release or bail in a criminal proceeding, to plea bargaining, or to the sentencing of a person charged with a criminal offense; or

(iii) when the United States Attorney for the District of Columbia is considering charging an individual pursuant to D.C. Code § 16-2301(3) or the Attorney General is considering transfer of a child or minor pursuant to D.C. Code § 16-2307.

(C) Public disclosure by the Office of the Attorney General shall be governed by subparagraph (a)(2)(D) of this rule.

(2) Persons with statutory access; application required.

(A) Except for those persons and entities named in section (a)(1) and for the purposes identified therein, the following persons or entities who seek to inspect or copy juvenile case records shall file an application with the Clerk of the Family Court for submission to the Presiding Judge of the Family Court or his or her designee:

(i) any other court in which the respondent is charged or convicted as a respondent in a delinquency case or status offense or as a defendant in a criminal case, the court's probation staff, and counsel for the respondent or defendant in that case;

(ii) public or private agencies or institutions providing supervision or treatment, or having custody of, the child, if supervision, treatment, or custody is under order of the Family Court;

(iii) the United States Attorney for the District of Columbia, his or her assistants, and any other prosecuting attorneys or defense attorneys, when necessary for the discharge of their official duties;

(iv) the Child Fatality Review Committee, for the purpose of examining past events and circumstances surrounding deaths of children in the District of Columbia or of children who are either residents or wards of the District of Columbia, or for the discharge of its official duties;

(v) the Children's Advocacy Center and the public and private agencies and institutions that are members of the multidisciplinary investigation team, for the purpose of carrying out of their official duties, except that only information contained in the records, and not the records or copies of the records, may be provided pursuant to this paragraph; and

(vi) any law enforcement personnel when necessary for the discharge of their official duties.

(B) The application shall:

(i) provide the applicant's name, address, telephone number, and professional affiliation;

(ii) indicate whether the applicant seeks to inspect or copy case records, social records, or both;

(iii) indicate the purpose for which inspection is sought;

(iv) if applicable, specify the statutory provision that entitles the applicant to access; and

(v) certify that the applicant will not disclose or use the record or information for any purpose other than that for which it is provided.

(C) If the court determines that the applicant meets the requirements set forth in D.C. § 16-2331, the court shall grant the request, except that the court may redact or withhold particular items or classes of items contained in the juvenile case records pursuant to D.C. Code § 16-2331(c). The court shall act promptly upon an applicant to inspect and issue a written order.

(D) Public disclosure by the Office of the Attorney General.

(i) Pursuant to D.C. Code §§ 16-2331(b-2) and 16-2333(b-1), when the Attorney General for the District of Columbia or his or her designees seeks to release information contained in a juvenile case or juvenile law enforcement record for the purpose of public safety, they must file a written request and a proposed order with the judicial officer presiding over Family Court proceedings involving the respondent and shall provide notice of the request to the respondent or his or her counsel. The written request shall:

a) state that the respondent has escaped from detention or from the custody of the Department of Youth Rehabilitation Services and is likely to pose a danger or threat of bodily harm to another person;

b) set forth factors that demonstrate that release of such information is necessary to protect the public safety and welfare; and

c) state that the respondent has been charged with a crime of violence as set forth in the D.C. Code § 23-1331(4).

(ii) The Court shall act promptly on the application and shall issue a written order setting forth specific information that may be released to the public and advising the parties of the penalties that attached to the unauthorized disclosure of information.

(3) All other persons having a professional interest; application required.

(A) Other persons or entities who have a professional interest in the protection, welfare, treatment, and rehabilitation of the respondent or a member of his or her family, or in the work of the Superior Court and who seek to inspect or copy juvenile case records as permitted by D.C. Code § 16-2331(b)(7) shall file an application with the Clerk of the Family Court for submission to the Presiding Judge of the Family Court or his or her designee.

(B) The application shall:

(i) provide the applicant's name, address, telephone number, and professional affiliation;

(ii) indicate whether the applicant seeks to inspect or copy case records, social records, or both;

(iii) indicate the purpose for which inspection is sought;

(iv) if applicable, specify the statutory provision that entitles the applicant to access; and

(v) certify that the applicant will not disclose or use the information for any purpose other than that for which it was provided.

(C) If the court determines that the applicant meets the requirements set forth in D.C. Code § 16-2331(b)(7), the court shall grant the request except that the court may redact or withhold particular items or classes of items contained in the juvenile social records pursuant to D.C. Code § 16-2331(c). The court shall act promptly upon an application to inspect and shall issue a written order.

(b) Review or inspection of information contained in juvenile social records.

(1) Persons with statutory access; no application required. Unless the court has limited access pursuant to D.C. Code § 16-2332(c), the following persons and entities may gain access to and share information from juvenile social records with other persons and entities named in this paragraph: the judges and professional staff of the Superior Court, including Court Social Services; the Attorney General and his assistants assigned to the Family Court; the attorney for the child at any stage of a proceeding in the Family Court, including intake; and authorized personnel in the Mayor's Family Court Liaison, the Department of Health, the Department of Mental Health, the Child and Family Services Agency, the Department of Human Services, and the District of Columbia Public Schools for the purpose of delivery of services to individuals or their families under the jurisdiction of the Family Court. Inspection of sealed juvenile social records is subject to the limitations of D.C. Code § 16-2335. The persons or entities named in this paragraph may release juvenile social records to contract and service providers and their authorized personnel if the recipients of the information certify that they will not disclose or use the record or information for any purpose other than that for which the information was provided and that

the information will not be used in a manner which is reasonably likely to identify the respondent.

(2) Persons with statutory access; application required.

(A) Except for those parties named in section (b)(1) and for the purposes identified therein, the following persons or entities, who seek to inspect or copy juvenile social records, shall file an application with the Clerk of the Family Court for submission to the Presiding Judge of the Family Court or his or her designee:

(i) any other court or its probation staff, for purposes of sentencing the child as a defendant in a criminal case, and, if and to the extent other presentence materials are disclosed to him or her, the counsel for the defendant in that case;

(ii) public or private agencies or institutions providing supervision or treatment, or having custody of the child, if the supervision, treatment or custody is under order of the Family Court;

(iii) the Child Fatality Review Committee for the discharge of its official duties; and

(iv) law enforcement officers of the United States, the District of Columbia, and other jurisdictions when a custody order has issued for the respondent.

(B) The application shall:

(i) provide the applicant's name, address, telephone number, and professional affiliation;

(ii) indicate whether the applicant seeks to inspect or copy case records, social records, or both;

(iii) indicate the purpose for which inspection is sought;

(iv) if applicable, specify the statutory provision that entitles the applicant to access; and

(v) certify that the applicant will not disclose or use the information for any purpose other than that for which it was provided.

(C) If the court determines that the applicant meets the requirements set forth in D.C. Code § 16-2332, the court shall grant the request, except that the court may redact or withhold particular items or classes of items contained in the juvenile social records pursuant to D.C. Code § 16-2332(c). The court shall act promptly upon an application to inspect and issue a written order.

(3) All other persons having a professional interest; application required.

(A) Other persons or entities who have a professional interest in the protection, welfare, treatment, and rehabilitation of the respondent or a member of his or her family, or in the work of the Family Court and who seek to inspect or copy juvenile social records as permitted by D.C. Code § 16-2332(b)(1)(E) shall file an application with the Clerk of the Family Court for submission to the Presiding Judge of the Family Court or his or her designee.

(B) The application shall:

(i) provide the applicant's name, address, telephone number, and professional affiliation;

(ii) indicate whether the applicant seeks to inspect or copy case records, social records, or both;

(iii) indicate the purpose for which inspection is sought;

(iv) if applicable, specify the statutory provision that entitles the applicant to access;

(v) certify that the applicant will not disclose or use the information for any purpose other than that for which it was provided.

(C) The application may include written consent to the application by the respondent, the respondent's parent, guardian, or custodian, and the respondent's attorney.

(D) Unless the application includes the respondent's written consent to access the records as provided by subparagraph (b)(3)(C), the court shall give notice to the respondent, the respondent's parent, guardian, or custodian, and the respondent's attorney that an application to inspect was filed. Following the provision of notice, the court may conduct a hearing on the application. If the court determines that the applicant meets the requirements set forth in D.C. Code § 16-2332(b)(1)(E), the court shall grant the request except that the court may redact or withhold particular items or classes of items contained in the juvenile social records pursuant to D.C. Code § 16-2332(c). The court shall act promptly upon an application to inspect and issue a written order. The court shall deny an application sought pursuant to D.C. Code 16-2332(b)(1)(E) unless it appears that:

(i) the application is accompanied by written consent of the respondent, the respondent's parent, guardian, or custodian and the respondent's attorney;

(ii) the information contained in the social records and sought by the applicant is not otherwise available to the applicant and the applicant has a professional interest in the protection, welfare, treatment, or rehabilitation of the respondent or the respondent's family; or

(iii) the applicant has a professional interest in the work of the Family Court and inspection of the juvenile social record and the intended use by the applicant of the information is not reasonably likely to cause the respondent or the respondent's family embarrassment or emotional or psychological harm.

(E) An applicant who receives access to juvenile social records, released pursuant to section (b)(3)(D) of this Rule, shall not use information obtained from the social records in a manner which is reasonably likely to identify the respondent and shall not reveal or publish information of a personal nature about the respondent or the respondent's family.

COMMENT

While this rule provides that applications to inspect case records should be submitted to the Presiding Judge of the Family Court, nothing in the rule is intended to preclude the Presiding Judge from certifying the matter to a judge presiding over a trial in which a party has made a motion to inspect case or social records of a juvenile.

Juvenile Rule 55 was revised to implement the Omnibus Juvenile Justice Act of 2004, D.C. Law 15-0261 (March 17, 2005), which amended D.C. Code §§ 16-2331 and 16-2332 to expand the number of persons and entities that may access confidential Family Court records and broadened the scope of information that may be inspected. The rule sets forth procedures for persons to apply to the court to inspect records. The rule also requires application by some persons who are provided access under the statute, pursuant to the court's authority under D.C. Code §§ 16-2331(d) and 16-2332(d), which state that, "[t]he Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile case records by persons entitled to inspect them."