

#### **Rule 46. Inspection and Disclosure of Neglect Records**

(a) Who may inspect. Pursuant to the provisions of D.C. Code §§ 16-2331(b)(7) and 16-2332(b)(5), the following persons or agencies are also authorized to inspect the records of any child who was previously or is now within the jurisdiction of the Family Court, unless such records have been sealed pursuant to D.C. Code § 16-2335:

(1) Any person, hospital, institution or agency engaged in mental or physical evaluation or diagnosis pursuant to an order under D.C. Code § 16-2315;

(2) Any hospital, institution or agency to which the child could be committed under D.C. Code § 16-2320, provided the allegations of the petition have been adjudicated, and such hospital, institution or agency is being investigated as a dispositional possibility by the agency with case responsibility or the attorneys for the parties.

(b) Application for special order. Any person or agency not named in D.C. Code §§ 16-2331 or 16-2332 or in paragraph (a) of this Rule may apply, or the party's attorney may apply on the party's behalf, to the presiding judge of the Family Court or his or her designee for a special order to inspect case records or social records pursuant to D.C. Code §§ 16-2331 or 16-2332. The application for a special order shall contain the name, address and telephone number of the person or agency desiring to inspect the child's records, the professional affiliation of the person or agency, and the reasons for which the special order is sought. After consulting with the judicial officer assigned to the case, the presiding judge or his or her designee shall approve or deny in writing the application for a special order. The order approving or denying the application for a special order shall be filed by the Family Court Clerk in the child's case record. In considering an application for a special order, the judicial officer shall consider the following factors:

(1) The potential importance to the justice system of the proposed research;

(2) The demonstrated legitimate purpose of the research;

(3) The likelihood that the person seeking access will be able to protect the anonymity of the parties and the confidentiality of information contained within the files;

(4) The likelihood that the proposed research will disrupt or impede the necessary business of the Clerk's office;

(5) Whether the number of records sought will permit notification of counsel in the requested cases;

(6) The type of records sought;

(7) Whether the request is of such a nature that notice should be given to counsel; and

(8) Whether it is intended that personal contact is to be made of persons listed in the case records.

(c) Orders. All orders issued pursuant to this Rule shall specify the particular purpose of the inspection or copying authorized by the order and shall set any conditions or limitations upon the methods or scope of inspection or copying and on the use of the information or records obtained. Persons authorized to inspect or copy records by special order shall be informed of the criminal penalties that attach to the unauthorized use of the information.

(d) Procedure for inspection and copying. The Family Court shall maintain a suitable room for the inspection of records. Any person or agency authorized to inspect or copy records under paragraph (a) or (b) of this Rule shall file with the Clerk a form indicating the person's name, address, the record inspected or copied and the date when inspected or copied. Such form shall be filed by the Clerk in the child's case record. Copies shall be provided upon payment of the authorized fee pursuant to SCR-General Family C.