

THE LEGAL SCHOLAR: THE RELEASE OF JUVENILE COURT RECORDS TO CRIME VICTIMS

By Jennifer R. Ellis

Most states require that juvenile court records be kept confidential. Typically, courts may only disseminate information contained in such records to those persons showing “good cause” or a “legitimate interest” in the proceedings, or to persons authorized to attend a juvenile’s court hearings. While these laws protect juvenile perpetrators from the stigma of a criminal record, they also may prevent the victims of juvenile perpetrators from obtaining information necessary to pursue civil lawsuits against the perpetrators.

Several states have addressed this problem by enacting statutes that allow victims of juvenile perpetrators to access juvenile court records. These states include Alabama,ⁱ Alaska,ⁱⁱ Colorado,ⁱⁱⁱ Connecticut,^{iv} Hawaii,^v Indiana,^{vi} Kentucky,^{vii} Missouri,^{viii} New Jersey,^{ix} and Wyoming.^x In these states, courts may release juvenile court records to crime victims for the purpose of allowing victims to pursue civil actions for damages arising out of juvenile crimes.

These statutes generally allow victims access to all legal records concerning a juvenile’s court proceedings, including any petitions, adjudications, and dispositions. New Jersey also authorizes the court to release a juvenile’s social, medical, and psychological records. Victims may use these court records for the sole purpose of pursuing legal action against juvenile perpetrators. Alaska and Indiana’s statutes further provide for the release of records to allow victims to bring civil actions against parents or guardians.

Under most of these statutes, courts may release juvenile court records to a crime victim without regard to the juvenile’s age or to the type of offense committed against the victim. However, in Hawaii the juvenile perpetrator must be at least fourteen years of age and the crime

must either have been a felony or have resulted in serious bodily harm or death in order for the court to release the records.

Other states have enacted statutes authorizing courts to release more limited information contained in juvenile court records to the victims of juvenile perpetrators. For instance, South Carolina^{xi} and Virginia^{xii} have statutes that permit victims access to basic descriptive information about the juvenile, the status and disposition of the juvenile case, and the findings of the court.

In California,^{xiii} Illinois,^{xiv} Iowa,^{xv} Maine,^{xvi} Montana,^{xvii} Nevada,^{xviii} Rhode Island,^{xix} South Dakota,^{xx} Vermont,^{xxi} and Washington,^{xxii} courts may disclose to a victim the juvenile's name and address. South Dakota's statute also authorizes the court to release the address of the juvenile's parents or guardians.

By permitting disclosure of juvenile court records and other identifying facts, these statutes provide crime victims with information necessary to pursue a civil lawsuit against juvenile perpetrators. No longer can statutes requiring the confidentiality of juvenile court records shield juvenile perpetrators from civil liability.

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- i. ALA. CODE § 12-15-100 (2000).
 - ii. ALASKA STAT. § 47.12.300 (2000).
 - iii. COLO. REV. STAT. § 19-1-304 (2000).

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- iv. CONN. GEN. STAT. § 46 (b)-124 (1999).
 - v. HAW. REV. STAT. § 571-84.6 (2000).
 - vi. IND. CODE ANN. § 31-39-2-13 (Burns 2000).
 - vii. KY. REV. STAT. ANN. § 610.340 (Baldwin 1998).
 - viii. MO. REV. STAT. § 211.321 (1999).
 - ix. N.J. REV. STAT. § 2A:4A-60 (2000).
 - x. WYO. STAT. § 14-6-240 (2000).
 - xi. S.C. CODE ANN. § 20-7-8510 (Law. Co-op. 1999).
 - xii. VA. CODE ANN. 16.1-309.1 (Michie 2000).
 - xiii. CAL. WELF. & INST. CODE § 676 (West 2000).
 - xiv. ILL. REV. STAT. ch. 37, para. 801-8 (2000).
 - xv. IOWA CODE § 232.147 (1999).
 - xvi. ME. REV. STAT. ANN. tit. 15 § 3308 (West 1999).
 - xvii. MONT. CODE ANN. § 41-5-215 (2000).
 - xviii. NEV. REV. STAT. ANN. § 62.360 (2000).
 - xix. R.I. GEN. LAWS § 14-1-66 (2000).
 - xx. S.D. CODIFIED LAWS ANN. § 23A-28-14 (2000).
 - xxi. VT. STAT. ANN. tit. 33 § 5536 (2000).
 - xxii. WASH. REV. CODE ANN. § 13.50.050 (West 2000).