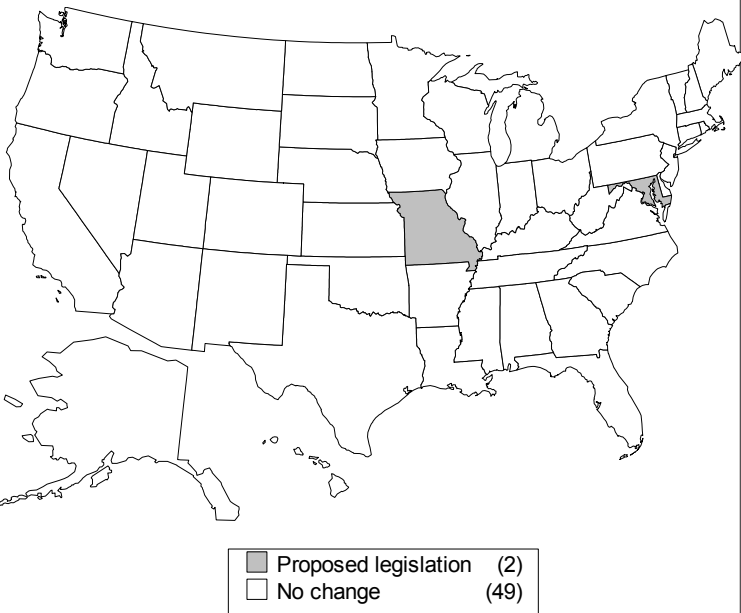


## Confidentiality of Juvenile Delinquency Hearings (2008 Update)

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### Confidentiality of Juvenile Delinquency Hearings



Currently, 14 states have statutes and/or court rules that permit or require juvenile delinquency hearings to be open to the general public: Arizona, Arkansas, Colorado, Florida, Iowa, Michigan, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oregon, Texas, and Washington.

Another 21 states open delinquency hearings to the public but place certain age/offense requirements on the openness of the hearing: Alaska, California, Delaware, Georgia, Hawaii, Idaho, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, North Dakota, Oklahoma, Pennsylvania, South Dakota, Utah, Virginia, and Wisconsin.

Fifteen jurisdictions have statutes and/or court rules that generally close delinquency hearings to the public: Alabama, Connecticut, the District of Columbia, Illinois, Kentucky, Mississippi, New Hampshire, New Jersey, New York, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, and Wyoming.

In 2000, the Ohio Supreme Court held that juvenile proceedings are not presumed to be open or closed to the public.

Thus far in the 2008 legislative session, 2 states, Maryland and Missouri, have proposed, but not yet enacted, amendments to their state law concerning the confidentiality of delinquency hearings.

Under current law, in Maryland, delinquency hearings are open to the public but certain age/offense requirements are placed on the openness of the hearing. The proposed 2008 amendment would add an additional purpose to the Purpose Clause of the Juvenile Code: to remove from children committing delinquent acts the taint of criminality and the consequences of criminal behavior.

In order to put this purpose into practice, the hearing statute would be amended to state that: in any proceeding in which a child is alleged to have committed a delinquent act that would be a felony if committed by an adult, on motion of a party and if the court determines that there is a substantial reason, the court may exclude the general public from a hearing and admit only the victim and those persons having a direct interest in the proceeding and their representatives.

If enacted, this amendment will take effect July 1, 2008.

Missouri is another state where, under current law, delinquency hearings are open to the public but certain age/offense requirements are placed on the openness of the hearing. Legislation was introduced in March 2008 that would create greater juvenile court openness.

Under the proposed Missouri amendment, the juvenile court would be required to publish the time, date, and location of juvenile proceedings where the juvenile is accused of conduct which, if committed by an adult, would be considered a serious or repeat felony. The proposed amendment further requires the juvenile court to post this court docket in a location in the courthouse where it is both conspicuous and readily available to the public.

Those who argue in favor of closing delinquency hearings do so on the grounds of juvenile rights.

Those who argue in favor of opening delinquency hearings do so on the grounds that open courtrooms help educate the public about the workings of the court.

The trend has been for much greater openness in juvenile delinquency hearings.

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