

SUBJECT: Allowing limited access to certain records in the juvenile justice system

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 6 ayes — Dutton, Bolton, Farrar, Gonzalez Toureilles, Hernandez, Vaught
0 nays
3 absent — Eiland, Farias, Strama

WITNESSES: For — None
Against — Riley Shaw, Tarrant County District Attorney
On — June Harden, Office of Attorney General

BACKGROUND: Under Family Code, sec. 58.007, records and files of a juvenile court, a clerk of court, a juvenile probation department, or a prosecuting attorney relating to a child are open to inspection only by:

- the judge, probation officers, and professional staff or consultants of the juvenile court;
- a juvenile justice agency;
- an attorney for a party;
- a public or private agency or institution providing supervision of the child or having custody of the child; or
- with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

In addition, if a juvenile is arrested, convicted of a crime, or placed on parole or probation, the proper authorities must notify the school district that the child attends.

DIGEST: HB 1960 would amend Family Code, sec. 58.007 to allow law enforcement records and files concerning a child to be inspected or copied by a juvenile justice agency that had custody or control over juvenile offenders, a criminal justice agency, the child, and the child's parent or guardian. Before a child or child's parent or guardian could inspect a copy

of a record or file concerning the child, the custodian of the record or file would be required to redact any reference in the record or file to a juvenile suspect or offender who was not the child.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

CSHB 1960 would give access to information about juvenile records to parties that had a legitimate need for the information while protecting the privacy of suspects and offenders. While such records should not be subject to public information requests, juvenile suspects or offenders and their parents or guardians should be able to receive law enforcement files and records pertaining to the child. The parents need access to the police report and other factual information to appropriately discipline their child and respond to his or her delinquent conduct. The juvenile also may need these records as a required part of an employment or college application process.

If other juvenile suspects or offenders' names appeared in the record, they would be redacted to protect the privacy of these children while allowing the needed access. In addition, current law allows police to withhold information regarding ongoing investigations, so they would not have to release files under those circumstances. Further, release of records would be limited to parents, the juvenile suspect or offender, and juvenile and criminal justice agencies, which adequately would protect the privacy of juvenile witnesses or crime victims named in the records.

**OPPONENTS
SAY:**

While parents and the juvenile offenders or suspects themselves should have access to information in juvenile justice records, the bill should not allow the entire file to be released. The potential release of the identities of victims and witnesses in a juvenile's file could negatively affect community protection efforts and harm ongoing investigations. Instead of releasing the entire file, law enforcement could provide an official summary of the charges filed against a juvenile to release to the parents so the file's confidential contents could be protected.