

# MARYLAND

In Maryland, an adjudication of “juvenile delinquent” is not a criminal conviction. It does not impose any of the civil disabilities imposed by a criminal conviction. MD. CODE, CTS. & JUD. PROC. § 3-8A-23 (a)(1).

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## Juvenile Record Contents

Juvenile records include the files and records of the court in juvenile proceedings, including the docket entries and indices. Md. R. 4-502.

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## Confidentiality of Law Enforcement Records

Juvenile law enforcement records can be released to the following agencies and individuals:

- Law enforcement agencies. MD. CODE, CTS. & JUD. PROC. § 3-8A-27.
- Probation department personnel. MD. CODE, CTS. & JUD. PROC. § 3-8A-27.
- The school superintendent, the principal, and the school security officer will be notified of the arrest and the charges if arrested for a reportable offense or gang-related offense. MD. CODE, EDUC. § 7-303.

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## Confidentiality of Court Records

Juvenile court records are generally confidential. However, under MD. CODE, CTS. & JUD. PROC. § 3-8A-27, they may be released to the following agencies and individuals:

- Law enforcement agencies involved in the investigation and prosecution of a juvenile
- Maryland Division of Parole and Probation or the Maryland Parole Commission
- Maryland Division of Correction
- Court personnel
- The school superintendent, the principal, and the school security officer (who will be notified of the arrest and the charges if arrested for a reportable offense or gang-related offense). MD. CODE, EDUC. § 7-303.
- Victim who has filed a notification request
- Juvenile’s attorney
- Juvenile

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## Exceptions to Confidentiality

**Whether emergency circumstances exist:** A law enforcement agency of the State or of a political subdivision of the State may release to the public photographs and identifying information of a child who has escaped from a detention center for juveniles or a secure residential facility for juveniles. MD. CODE, CTS. & JUD. PROC. § 3-8A-27.

**Court Order:** The contents of court records may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown. MD. CODE, CTS. & JUD. PROC. § 3-8A-27.

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## Availability of Records Online or in Commercial Background Reports

Juvenile records are not publicly available online.

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## Consequences for Unlawfully Sharing Confidential Information

No information found.

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## Sealing or Expungement

**Expungement:** MD. CODE, CRIM. PROC. § 10-106 (only criminal cases transferred to juvenile court)

**Sealing:** MD. CODE, CTS. & JUD. PROC. § 3-8A-27

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## Excluded Offenses

None.

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## Automatic (without application)

Juvenile records can be sealed automatically by the court on its own motion. MD. CODE, CTS. & JUD. PROC. § 3-8A-27.

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## Eligibility

Juvenile court records in Maryland can be sealed, and criminal records transferred to juvenile court can be expunged. Juvenile court records can be sealed by the court, on its own motion or on petition, and shall be sealed after the child has reached 21 years of age. MD. CODE, CTS. & JUD. PROC. § 3-8A-27(c).

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## Notification

No information found.

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## Petition/Application

A petition for juveniles seeking expungement of a charge originally filed in adult court can be found at: MARYLAND COURTS, *Petition for Expungement of Records*, available at <http://www.mdcourts.gov/courtforms/joint/ccdccro72.pdf> (last visited Sept. 22, 2014).

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## Hearing

No information found.

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## Court Process

Juvenile court records can be sealed by the court, on its own motion or on petition, for “good reason.” Once the child has turned 21, the court shall seal the records on its own motion or on petition. MD. CODE, CTS. & JUD. PROC. § 3-8A-27.

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## Effect

If sealed, the court records of a child may not be opened, for any purpose, except by order of the court upon good cause shown. MD. CODE, CTS. & JUD. PROC. § 3-8A-27.

Expungement or sealing of records does not prohibit access to or use of any the records for criminal justice research purposes, as long as the information is used anonymously. MD. CODE, CTS. & JUD. PROC. § 3-8A-27.

Once a record of a case transferred to juvenile court is expunged, a victim or victim’s representative who has filed a notification request form may be notified of proceedings and events involving the expungement. Additionally, the records may be used by judicial officers who must determine a defendant’s eligibility for pretrial release, in addition to counsel for the defendant, the State’s Attorney, or the Maryland Division of Pretrial Detention and Services, if the child is charged as an adult with a criminal offense within 3 years of delinquency adjudication. The Maryland Division of Parole and Probation or the Maryland Parole Commission, as well as the Maryland Division of Correction, also may have access to the records in the course of their duties. MD. CODE, CTS. & JUD. PROC. § 3-8A-27.

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## Consequences for Sharing Sealed/Expunged Information

No information found.

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## Resources

For a helpful resource guide on the entire expungement process, see MARYLAND JUDICIARY, *Expungement: Information about Removing Criminal Records from Public Access in Maryland*, available at <http://www.courts.state.md.us/courtforms/joint/ccdccro72br.pdf>.