UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0247

September Term, 2014

IN RE: JUSTIN M.

Berger,
Nazarian,
Leahy,

JJ.

Opinion by Berger, J.

Filed: June 23, 2015

This is an appeal by Justin M. ("Justin") from an order by the Circuit Court for Prince George's County, sitting as a juvenile court, denying his motion to place juvenile records under seal. For the reasons set forth below, we shall vacate the juvenile court's order, and remand this case to that court to order that the subject records shall be sealed forthwith.

FACTUAL AND PROCEDURAL BACKGROUND

On September 23, 2008, the State filed a petition alleging that Justin was involved in the commission of acts that, if committed by an adult, would constitute first degree murder and numerous associated offenses.[1] On December 16, 2008, the juvenile court conducted an adjudication hearing and found that Justin had been involved in the conduct as alleged in the petition. On December 30, the juvenile court remanded Justin to the custody of the Department of Juvenile Services for a period not to exceed three years from the date of the Order or until Justin's 21st birthday.

On October 1, 2013, the juvenile court closed this case and ordered Justin's "probation terminated unsatisfactorily." The juvenile court took this action because Justin was facing prosecution in circuit court for an unrelated armed robbery and related charges.

On March 14, 2014, Justin turned 21 and filed a motion to seal his juvenile court records. This motion was denied on that same date, and Justin brought this appeal.

[1] The State originally charged Justin as an adult with first degree murder and related offenses.

DISCUSSION

Introduction

Justin asserts that the juvenile court violated relevant provisions in both the Courts Article and the Maryland Rules when it denied his motion to place his juvenile records under seal. The State responds that the juvenile court's jurisdiction ended first, because it terminated Justin's probation and closed the case on October 1, 2013, and, second, because Justin had reached the age of 21. Accordingly, the State reasons, the juvenile court was without jurisdiction to act.[2] Justin is not without recourse, the State continues, because he would be free to seek equitable relief in the circuit court, and, indeed, should have done so to secure a court order sealing the records.

Standard of Review

This appeal requires us to interpret the language of a statute and related rule. The "[i]nterpretation of a statute is a question of law, and, therefore, we review the decision of the Circuit Court *de novo*." *Maryland-National Capital Park & Planning Commission v. Anderson*, 395 Md. 172, 181 (2006). *See Parker v. State*, 193 Md. App. 469, 498 (2010).

With respect to the interpretation of the statutory language, our standard of review is long established:

> In statutory interpretation, our primary goal is always to discern the legislative purpose, the ends to be accomplished, or the evils to be remedied by a particular provision, be it statutory,

[2] Although the State claims that the juvenile court lacked jurisdiction, it has not sought to dismiss the instant appeal.

> constitutional or part of the Rules. We begin our analysis by first looking to the normal, plain meaning of the language of the statute, reading the statute as a whole to ensure that no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory. If the language of the statute is clear and unambiguous, we need not look beyond the statute's provisions and our analysis ends. Occasionally we see fit to examine extrinsic sources of legislative intent merely as a check of our reading of a statute's plain language. In such instances, we may find useful the context of a statute, the overall statutory scheme, and archival legislative history of relevant enactments.

Ray v. State, 410 Md. 384, 404-05 (2009) (citations and internal quotation marks omitted). *See Parker v. State*, 193 Md. App. at 499. Identical canons of interpretation apply to both rules and statutes. *See Davis v. Slater*, 383 Md. 599, 604 (2004).

Analysis

Two provisions play a leading role in this case. Section 3-8A-27(c) of the Courts and Judicial Proceedings Article ("CJ"), Md. Code (1974, 2013 repl. Vol., 2014 Supp.) and Maryland Rule 11-121(a). There is no question that the General Assembly, by enacting the relevant statute, and the Court of Appeals, by adopting an implementing rule, have mandated that juvenile records shall be sealed as a matter of course at the time the juvenile reaches the age of 21.

At issue is whether the juvenile court has jurisdiction to carry out the mandates of these provisions. The State's argument appears to be that because Justin has now reached the age of 21, juvenile court jurisdiction ceases for all purposes. Hence, as implied by the State, once a delinquency case has closed, either because the juvenile has reached the age of

21, or the case has terminated, the occurrence of these events divested the juvenile court of the authority to provide the relief pursuant to either the Courts Article or its associated rule. We are not persuaded. We also disagree with the State's suggestion that Justin must seek equitable relief in the circuit court to obtain the result he seeks today, and shall hold that the juvenile has jurisdiction in the first instance to seal the records of a delinquency adjudication.

The State's theory of this case falls short when we examine the language of the relevant statute and rule. The language of both CJ § 3-8A-27(c) and Rule 11-121, taken in the overall context of the juvenile services subtitle, clearly demonstrates that it is the juvenile court that is responsible for ensuring that the juvenile records are sealed pursuant to law.

Title 3, subtitle 8A of the Courts Article governs "Juvenile Causes – Children Other Than CINAs and Adults." *See* CJ §§ 3-8A-01 *et seq*. Section 3-8A-27 addresses the confidentiality of juvenile court records and the relevantly provides:

> **§ 3-8A-27. Confidentiality of records.**
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> * * *
>
> (c) *Sealing of court records.* – The court, on its own motion or on petition, and for good cause shown, may order the court records of a child sealed, and, upon petition or on its own motion, shall order them sealed after the child has reached 21 years of age. 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.

The "court" to which CJ § 3-8A-27(c) refers is primarily the "juvenile court," because CJ § 3-8A-01(j) defines "Court" as "the circuit court for a county sitting as the juvenile

court." Section 3-8A-27(c). The definition of "court" in CJ § 3-8A-01(j) reaches every instance of that term in subtitle 8A. As the Court of Appeals further noted in *Ray*:

> When the statute is part of a larger statutory scheme, it is axiomatic that the language of a provision is not interpreted in isolation; rather, we analyze the statutory scheme as a whole considering the purpose, aim, or policy of the enacting body, and attempt to harmonize provisions dealing with the same subject so that each may be given effect.

Ray, 410 Md. at 405 (citations and internal quotation marks omitted). Clearly, it is the juvenile court that was required to seal the records in this case pursuant to Section 3-8A-27(c) of the Courts Article.

Md. Rule 11-121 follows suit by mandating the sealing of juvenile court records under the circumstances present here:

> **Rule 11-121. Court records -- Confidentiality.**
>
> a. **Sealing of Records.** Files and records of the court in juvenile proceedings, including the docket entries and indices, are confidential and shall not be open to inspection except by order of the court or as otherwise expressly provided by law. On termination of the court's juvenile jurisdiction, the files and records shall be sealed pursuant to Section 3-828 (c)[3] of the Courts Article, and all index references shall be marked "sealed." If a hearing is open to the public pursuant to Code,

[3] This citation is obsolete. In 2001, the General Assembly passed legislation that "establishe[d] a new Child in Need of Assistance (CINA) statute and separate[d] provisions of law concerning CINA cases from provisions related to juvenile delinquency cases." 2001 Laws of Md., chap. 415. *See* Department of Legislative Services, Maryland General Assembly, *Fiscal Note – Senate Bill 660* at 1 (Feb. 20, 2001). The applicable Code provision is now set forth at Md. Code (1974, 2013 Repl. Vol., 2014 Supp.), § 3-8A-27(c) of the Courts & Judicial Proceedings Article.

> Courts Article, § 3-812, the name of the respondent and the date, time, and location of the hearing are not confidential.
>
> b. **Unsealing of Records.** Sealed files and records of the court in juvenile proceedings may be unsealed and inspected only by order of the court.

Again, we believe that the "court" to which this Rule refers is primarily the "juvenile court," because Rule 11-101 incorporates the statutory "definitions stated in Section 3-801 of the Courts Article." *See* CJ § 3-801(i). We may not look beyond the clear and unambiguous terms of a statute or rule. *See Parker*, 193 Md. App. at 499 (citing cases).

To buttress its claim that Justin's sole recourse at this point is to file for equitable relief in the circuit court, the State refers us to the Court of Appeals' decision in *In re Miles*, 269 Md. 649 (1973). We consider *Miles* to be inapposite.

Lester Lee Miles and companions were convicted of robbery and burglary when they were each 17 years of age. They appealed, asserting that they were not afforded a waiver hearing, a proceeding to determine whether, as juveniles, they should be bound over and prosecuted in criminal court. This hearing was not conducted by the juvenile court until after Miles and his companions reached the age of 21. They pressed the following argument:

> At the core of the appellees' position is the notion that the petitions filed on 31 July 1972 did not confer jurisdiction upon the Juvenile Court for any purpose. Not having jurisdiction, they argue, the court could not waive it. But, they say, they cannot be proceeded against in the criminal court without a waiver and since there now can be no waiver they must be released.

Miles, 269 Md. at 654 (footnote omitted).

The Court of Appeals agreed that Miles and the others could not be tried in criminal court without a waiver hearing, and that such a hearing, given their age, was beyond the authority of the juvenile court. The Court, however, rejected the claims that they were essentially beyond the reach of the law. Miles and the others had reasoned that, because they were now 21, they would never be subject to prosecution in criminal court or adjudication in juvenile court. The Court of Appeals disagreed, and ruled that the circuit court could conduct a limited proceeding to determine whether a "waiver should have been ordered[.]" *Miles*, 269 Md. at 657. The Court, therefore, vacated the rulings by the juvenile court and remanded to the circuit court, sitting in equity, for the chancellor to make this determination. The Court explained that, should the chancellor rule that a waiver was appropriate, the case could then proceed in criminal court. If not, then the case should be dismissed and the respondents released. *Id*.

The holding in *Miles* emphasizes that the juvenile court, of course, lacks jurisdiction over an individual who has reached the age of 21. This explains why the juvenile court was no longer authorized to conduct a waiver hearing. *Miles* does not, however, reach the continuing oversight and superintendence by the juvenile court over its records. That case does not support the interpretation that the juvenile court, while it may no longer have the authority to adjudicate the case of an individual who has outgrown its jurisdiction, may ignore the clear mandates of CJ § 3-8A-27(c) and Rule 11-121(a) to see that the juvenile court records are sealed in the appropriate instance.

Moreover, aside from the fact that the juvenile causes subtitle defines "court" as "juvenile court," a companion section in that subtitle, which governs the expungement of records, provides that a "person may file a petition for expungement of the person's juvenile record in the court in which the petition or citation was filed." CJ § 3-8A-27.1(b). If the juvenile court lacked the judicial authority to expunge juvenile records of a closed case, even if the subject of those records had attained the age of 21, CJ § 3-8A-27.1(b) would be unenforceable.

We are mindful that the Courts Article allows for the disclosure of juvenile records upon a finding of "good cause." *See* CJ § 3-8A-27(b); Rule 11-121.b. We also recognize that such a "good cause" determination is not confined to the juvenile court, but may be made in proceedings that lie outside its jurisdiction. We have held, for example, that a criminal court erred by not considering whether a defendant's request for discovery of a pertinent juvenile record should be granted. *See Samie v. State*, 181 Md. App. 59 (2008) (assault defendant sought disclosure of juvenile record involving same altercation). To be sure, disclosure may be required "when there is a good cause that outweighs the juvenile's interest in confidentiality." *Samie v. State*, 181 Md. App. at 65 (citing *Davis v. Alaska*, 415 U.S. 308, 320 (1974)) (further citation omitted). In the final analysis, while there are overriding concerns that may outweigh the confidentiality of juvenile records, and the disclosure of such records may occur in a forum outside of the jurisdiction of the juvenile court, we are

nonetheless of the view that the task of maintaining the confidentiality of juvenile records is entrusted to the juvenile court in the first instance.

The applicable statute and its implementing rule dictate that the juvenile records at issue shall be sealed. Although not self-executing, they clearly mandate that the records are to be sealed by the juvenile court when the juvenile turns 21; no discretion remains with the juvenile court on this issue. By enacting these provisions, the General Assembly and the Court of Appeals respectively have recognized that "special solicitude for the privacy of a minor is a pervasive feature of American law[,]" and that "[c]onfidentiality has long been a distinguishing feature of juvenile court records and proceedings." *M.P. v. Schwartz*, 853 F. Supp. 164, 168 (D. Md. 1994).

The juvenile court erred in refusing to seal the records. Therefore, we vacate the juvenile court's order and remand to that court with instructions to order the subject records sealed forthwith.

ORDER OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, SITTING AS A JUVENILE COURT, VACATED. CASE REMANDED TO THAT COURT WITH INSTRUCTIONS TO ORDER THE JUVENILE COURT RECORDS IN THIS CASE TO BE SEALED. COSTS TO BE PAID BY PRINCE GEORGE'S COUNTY.