

Proposed Amendments to Title 33 § 5110 – Confidentiality of Proceedings

§ 5110. Conduct of hearings

(a) Hearings under ~~the juvenile judicial proceedings chapters~~ chapter 52 shall be conducted by the Court without a jury and shall be confidential.

(b) The general public shall be excluded from hearings under ~~the juvenile judicial proceedings chapters~~ chapter 52, and only the parties, their counsel, witnesses, persons accompanying a party for his or her assistance, and such other persons as the Court finds to have a proper interest in the case or in the work of the Court, including a foster parent or a representative of a residential program where the child resides, may be admitted by the Court. This subsection shall not prohibit a victim's exercise of his or her rights under sections 5233 and 5234 of this title, and as otherwise provided by law.

~~(c) There shall be no publicity given by any person to any proceedings under the authority of the juvenile judicial proceedings chapters except with the consent of the child, the child's guardian ad litem, and the child's parent, guardian, or custodian. A person who violates this provision may be subject to contempt proceedings pursuant to Rule 16 of the Vermont Rules for Family Proceedings.~~

(c) Hearings under this chapter and chapter 53 shall be conducted by the Court without a jury. On the motion of any of the parties or on the court's own motion, the general public may be excluded from any hearing under this chapter and chapter 53, and only the parties, their counsel, witnesses, persons accompanying a party for his or her assistance, and such other persons as the Court finds to have a proper interest in the case or in the work of the Court, including a foster

parent or a representative of a residential program where the child resides, may be admitted by the Court. The Court shall exclude the general public from the hearing if the Court determines that the possibility of damage or harm to the child outweighs the public's interest in having an open hearing.

(d) There shall be no publicity given by any person to any confidential or closed proceedings under this section except with the consent of the child, the child's guardian ad litem, and the child's parent, guardian, or custodian. A person who violates this provision may be subject to contempt proceedings pursuant to Rule 16 of the Vermont Rules for Family Proceedings.

Proposed Amendments to Title 33 § 5117 – Records of juvenile judicial proceedings

(g) Notwithstanding this section, inspection by non-parties of court records of proceedings under chapters 51 and 53 is permitted unless the proceeding is closed by the court pursuant to 33 V.S.A. 5110(c). Inspection by non-parties of records, reports and documents that are privileged or confidential under any other provision of law is not permitted. Photocopying or reproduction of any records maintained by the court by non-parties is permitted only upon order the court for good cause after motion and notice to all parties to the proceeding.