

1 § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

2 (a) Except as otherwise provided, court and law enforcement reports and  
3 files concerning a person subject to the jurisdiction of the court shall be  
4 maintained separate from the records and files of other persons. Unless a  
5 charge of delinquency is transferred for criminal prosecution under chapter 52  
6 of this title or the court otherwise orders in the interests of the child, such  
7 records and files shall not be open to public inspection nor their contents  
8 disclosed to the public by any person. However, upon a finding that a child is a  
9 delinquent child by reason of commission of a delinquent act which would  
10 have been a felony if committed by an adult, the court, upon request of the  
11 victim, shall make the child's name available to the victim of the delinquent  
12 act. If the victim is incompetent or deceased, the child's name shall be  
13 released, upon request, to the victim's guardian or next of kin.

14 (b)(1) Notwithstanding the foregoing, inspection of such records and files  
15 by, or dissemination of such records and files to the following is not  
16 prohibited:

17 (A) a court having the child before it in any juvenile judicial  
18 proceeding;

19 (B) the officers of public institutions or agencies to whom the child is  
20 committed as a delinquent child;

1 (C) a court in which a person is convicted of a criminal offense for  
2 the purpose of imposing sentence upon or supervising the person, or by  
3 officials of penal institutions and other penal facilities to which the person is  
4 committed, or by a parole board in considering the person’s parole or discharge  
5 or in exercising supervision over the person;

6 (D) the parties to the proceeding, court personnel, the State’s  
7 Attorney or other prosecutor authorized to prosecute criminal or juvenile cases  
8 under State law, the child’s guardian ad litem, the attorneys for the parties,  
9 probation officers, and law enforcement officers who are actively participating  
10 in criminal or juvenile proceedings involving the child;

11 (E) the child who is the subject of the proceeding, the child’s parents,  
12 guardian, and custodian may inspect such records and files upon approval of  
13 the Family Court judge;

14 (F) any other person who has a need to know may be designated by  
15 order of the Family Division of the Superior Court;

16 (G) the Commissioner of Corrections if the information would be  
17 helpful in preparing a presentence report, in determining placement, or in  
18 developing a treatment plan for a person convicted of a sex offense that  
19 requires registration pursuant to 13 V.S.A. chapter 167, subchapter 3;

20 (I) the Human Services Board and the Commissioner’s Registry  
21 Review Unit in processes required under Chapter 49 of this Title; and

1                   (J) the Department for Children and Families.

2                   (2) Files inspected under this subsection shall be marked: UNLAWFUL  
3                   DISSEMINATION OF THIS INFORMATION IS A CRIME PUNISHABLE  
4                   BY A FINE UP TO \$2,000.00.

5                   (c)(1) Upon motion of a party in a divorce or parentage proceeding related  
6                   to parental rights and responsibilities for a child or parent-child contact, the  
7                   court may order that court records in a juvenile proceeding involving the same  
8                   child or children be released to the parties in the divorce proceeding.

9                   (2) Upon the court’s own motion in a probate proceeding involving  
10                  adoption, guardianship, or termination of parental rights, the court may order  
11                  that court records in a juvenile proceeding involving the same child or children  
12                  be released to the Probate Division. When the court orders release of records  
13                  pursuant to this subdivision, the court shall notify the parties that it intends to  
14                  consider confidential juvenile case information and shall provide the parties  
15                  with access to the information in a manner that preserves its confidentiality.

16                  (3) Files inspected under this subsection shall be marked: UNLAWFUL  
17                  DISSEMINATION OF THIS INFORMATION IS A CRIME PUNISHABLE  
18                  BY A FINE OF UP TO \$2,000.00. The public shall not have access to records  
19                  from a juvenile proceeding that are filed with the court or admitted into  
20                  evidence in the divorce or parentage proceeding or in the probate proceeding.

1           (d) Such records and files shall be available to State’s Attorneys and all  
2 other law enforcement officers in connection with record checks and other  
3 legal purposes.

4           (e) Any records or reports relating to a matter within the jurisdiction of the  
5 court prepared by or released by the court or the Department for Children and  
6 Families, any portion of those records or reports, and information relating to  
7 the contents of those records or reports shall not be disseminated by the  
8 receiving persons or agencies to any persons or agencies, other than those  
9 persons or agencies authorized to receive documents pursuant to this section.

10          (f) This section does not provide access to records sealed in accordance  
11 with section 5119 of this title unless otherwise provided in section 5119.