

Juvenile Confidential Record Information and Sealed Records Policy

I: Policy

The records of juvenile probation officers shall be maintained in a confidential manner and shall not be disclosed without express permission from the court of jurisdiction. Access to such documents and information shall not be afforded without proper authorization both during and following a juvenile's involvement with probation services or supervision.

II: Purpose

This policy provides guidelines to ensure the proper handling of all confidential record information and documents.

III: Reference

[Neb. Rev. Stat. § 29-2258](#)

[Neb. Rev. Stat. § 43-2,108](#)

[Neb. Rev. Stat. § 43-2,108.05](#)

IV: Procedure

A. Juvenile Confidentiality

1. Each probation district shall ensure the proper handling of confidential record information considered to be a part of the juvenile probation file (physical and electronic). Pursuant to [Neb. Rev. Stat. § 43-2, 108](#) "the medical, psychological, psychiatric, and social welfare reports and the records of juvenile probation officers as they relate to individual proceedings in juvenile court shall not be open to inspection, without order of the court." In addition to the reports and records of probation officers these records also include predisposition investigations and updates, evaluations, and any other information supplied to the court of jurisdiction. The handling of confidential record information, including information obtained through a signed release, shall be privileged and shall not be disclosed to anyone other than a judge or probation officer, unless by order of the court.
2. A release of information signed by a juvenile and/or parent(s)/guardian(s) does not supersede the statutory restrictions or administrative policy for release of information. Rather, a signed release allows for:

- a) A probation office to gain information from an outside source for the purpose of investigation or supervision.
- b) Verbal communication between the probation officer and treatment provider or school official updating the juvenile's progress.

B. Sealed Records

- 1. As indicated in [Neb. Rev. Stat. § 43-2, 108.05](#) the effect of having a record sealed is that thereafter no person is allowed to release any information concerning such record. "A sealed record is accessible to law enforcement officers, county attorneys, and city attorneys in the investigation, prosecution, and sentencing of crimes, to the sentencing judge in the sentencing of criminal defendants, to a judge making a determination whether to transfer a case to or from juvenile court, and to any attorney representing the subject of the sealed record. Inspection of records that have been ordered sealed under section [§ 43-2, 108.04](#) may be made by the following persons or for the following purposes:
 - a) "By the court or by any person allowed to inspect such records by an order of the court for good cause shown;
 - b) "By the court, city attorney, or county attorney for purposes of collection of any remaining parental support or obligation balances under section [§ 43-290](#);
 - c) "By the Nebraska Probation System for purposes of juvenile intake services, for presentence and other probation investigations, and for the direct supervision of persons placed on probation and by the Department of Correctional Services, the Office of Juvenile Services, a juvenile assessment center, a criminal detention facility, a juvenile detention facility, or a staff secure juvenile facility, for an individual committed to it, placed with it, or under its care;
 - d) "By the Department of Health and Human Services for purposes of juvenile intake services, the preparation of case plans and reports, the preparation of evaluations, compliance with federal reporting requirements, or the supervision and protection of persons placed with the department or for licensing or certification purposes under sections [§ 71-1901 to § 73-1906.01](#), the Child Care Licensing Act, or the Children's Residential Facilities and Placing Licensure Act;
 - e) "Upon application, by the person who is the subject of the sealed record and by persons authorized by the person who is the subject of the sealed record who are named in that application;

- f) “At the request of a party in a civil action that is based on a case that has a sealed record, as needed for the civil action. The party also may copy the sealed record as needed for the civil action. The sealed record shall be used solely in the civil action and is otherwise confidential and subject to this section;
- g) “By persons engaged in bona fide research, with the permission of the court, only if the research results in no disclosure of the person's identity and protects the confidentiality of the sealed record; or
- h) “By a law enforcement agency if a person whose record has been sealed applies for employment with the law enforcement agency.”