



TYRONE C. FAHNER
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

May 28, 1981

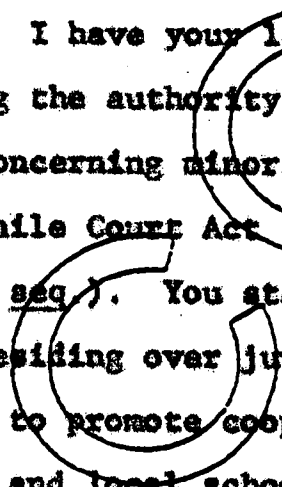
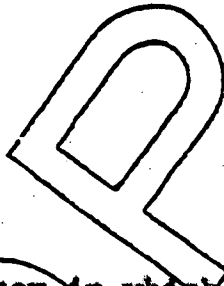
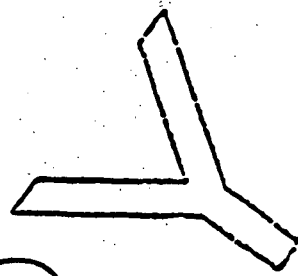
FILE NO. 81-017

**PUBLIC RECORDS AND INFORMATION:
Disclosure of Confidential
Information Concerning Juvenile
Court Proceedings**

Honorable Randy Patchett
State's Attorney
Williamson County
Marion, Illinois 62959

Dear Mr. Patchett:

I have your letter in which you request an opinion regarding the authority of juvenile courts to disclose information concerning minors subject to proceedings pursuant to the Juvenile Court Act (Ill. Rev. Stat. 1979, ch. 37, par. 701-1 et seq.). You state in your letter that the Circuit Judge presiding over juvenile matters in Williamson County, in order to promote cooperation between juvenile justice agencies and local schools, desires to furnish selected information pertaining to such minors to officials of schools where they are enrolled, or likely to be enrolled, as students. Your question is whether a juvenile court is authorized to release information concerning current juvenile cases and



Honorable Randy Patchett - 2.

juvenile probationers to school officials without breaching the confidentiality provisions of the Act. It is my opinion that juvenile courts are authorized by sections 2-8 and 2-10 of the Juvenile Court Act (Ill. Rev. Stat. 1979, ch. 37, pars. 702-8, 702-10), to release otherwise confidential information to third parties, including local school officials.

The purpose of the Juvenile Court Act is to secure such care and guidance for minors subject to the jurisdiction of the juvenile courts as will serve the welfare of the minor and the best interests of the community. (Ill. Rev. Stat. 1979, ch. 37, par. 701-2.) The Act clearly expresses a legislative policy limiting the right to inspect or use public records which relate to minors subject to juvenile court proceedings. People ex rel. Burgess v. City of Urbana (1975), 33 Ill. App. 3d 623, 625.

Section 2-8 of the Juvenile Court Act reads in pertinent part:

* * *

(3) The records of law enforcement officers concerning all minors under 17 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public except by order of the court or when the institution of criminal proceedings has been permitted under Section 2-7 or such a person has been convicted of a crime and is the subject of pre-sentence investigation or proceedings on an application for probation."

Honorable Randy Patchett - 3.

Section 2-8 specifically authorizes a court to order otherwise confidential records of law enforcement agencies pertaining to minors under 17 years of age, opened to public inspection, or the disclosure of the contents of such records to the public. In the construction of statutes, that which is implied in a statute is as much a part of the statute as that which is expressed. (The People ex rel. Keeney v. City of Chicago (1894), 152 Ill. 546, 552.) Inherent within the express authority to disclose the contents of such records to the public is the implied authority to restrict disclosure to specified individuals or groups constituting a part of the public. Therefore, it is my opinion that a juvenile court may order disclosure of the contents of law enforcement records pertaining to minors, or selected portions thereof, to local school officials, without breaching the confidentiality requirements of the Act.

Section 2-10 of the Juvenile Court Act reads in pertinent part:

"Impounding and sealing of certain files.
(1) Except as provided in Section 2-10.1 of this Act, the official court file and other files containing any memorandum or report and any transcript of testimony in proceedings under this Act shall be impounded and shall not be made available to the general public but may be inspected by representatives of agencies, associations and news media or other properly interested persons by general or special order of court. The State's Attorney and the attorney for the minor shall at all times have the right to examine court files and records except as provided in Section 5-1.

* * *

"

Honorable Randy Patchett - 4.

Section 2-10 requires records pertaining to juvenile court proceedings to be impounded and withheld from public inspection. However, the court is expressly authorized to permit, by general or special order, the inspection of such files by "representatives of agencies * * * or other properly interested persons". Therefore, a court is empowered, upon its determination that local school officials are properly interested in the proceedings, to permit such officials to inspect files and memoranda relating to the proceedings.

In general, a grant of power impliedly authorizes the employment of any reasonable and proper means necessary to execute such grant. (DuPage County v. Jenks, et al. (1872), 65 Ill. 275, 285.) In my opinion, the express grant of power to permit inspection of impounded files carries with it such implied powers as the power to notify properly interested persons of the court's order permitting inspection, the power to restrict inspection to certain portions of such files, and the power to transmit information contained in impounded files to specific persons included in the court's order permitting inspection. Therefore, in my opinion a court may, by order, furnish information contained in the judicial records of juvenile court proceedings to local school officials.

You also inquire concerning the effect of section 22-20 of The School Code (Ill. Rev. Stat. 1979, ch. 122, par. 22-20) on the power of juvenile courts to release confidential information to schools. Section 22-20 provides as follows:

Honorable Randy Patchett - 5.

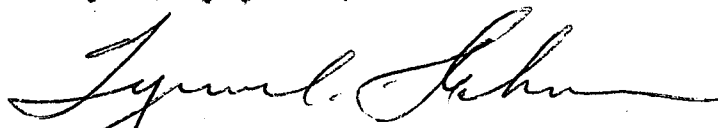
"All courts and law enforcement agencies of the State of Illinois and its political subdivisions shall report to the principal of any public school in this State whenever a child enrolled therein is detained for proceedings under the 'Juvenile Court Act', approved August 5, 1965, as heretofore and hereafter amended, or for any criminal offense or any violation of a municipal or county ordinance.

The information derived thereby shall be kept separate from and shall not become a part of the official school record of such child and shall not be a public record. Such information shall be used solely by the principal, counselors and teachers of the school to aid in the proper rehabilitation of the child."

Clearly, the intent of this provision is merely to require notification of the principal of a school of the fact that a child enrolled as a student therein is being detained for juvenile court or other judicial proceedings. Section 22-20 of The School Code does not otherwise abrogate the policy of confidentiality contained in the Act nor supersede the specific judicial order requirements of sections 2-8 and 2-10 of the Act.

Finally, you ask whether juvenile probation officers may, in their discretion and absent an order of court permitting disclosure, furnish confidential information to local school officials. The Juvenile Court Act contains no provision which may be interpreted as conferring such authority upon juvenile probation officers. Therefore, it is my opinion that juvenile probation officers have no unilateral authority to furnish confidential information to school officials.

Very truly yours,


ATTORNEY GENERAL