



The Administrative Office of the Courts voice the concern that by allowing the news media access to these court records may cause respondents (the parents) in these type of cases to withhold information and/or cause them to be less likely to stipulate to or agree upon particular issues in the case or treatment plan. AOC further declares that: (1) it may result in the creation of an adversarial environment or court system requiring additional resources to resolve these type of cases, and (2) that there may also be a negative impact on existing mediation programs, operating in some of the children's courts, which were specifically designed to provide parties in these cases with more opportunities to resolve their differences and arrive at resolutions and permanency plans that are responsive to their particular circumstances.

While the information contained in CYFDs files is highly personal, the name of the child and family cannot be revealed under this legislation. CYFD believes that this statute tracks this approach and provides the correct balance between the public's right to know and the child's privacy.

### **ADMINISTRATIVE IMPLICATIONS**

CYFD acknowledges that the preparation of a case record for press review would be time-consuming. Privileged information and all identifying information about the family would have to be redacted. The impact is still undetermined.

### **OTHER SUBSTANTIVE ISSUES**

CYFD recognizes that the public's right to know about child abuse and neglect cases and to be educated on these issues must be balanced against the privacy interests of the child to prevent stigmatization and to avoid the intimate details of a child's life from public disclosure. The New Mexico Supreme Court recently addressed this issue and ruled that the child's privacy interests must be protected.

The Developmental Disabilities Planning Council (DDPC) expresses the following concerns with the legislation:

- It conflicts with Family Privacy Act.
- Increases the potential for breach of confidentiality which will result in increase litigation in this area.

Moreover, the DDPC states that if the press wants information they should obtain a release of information document from the responsible parties.

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