June 4, 2015

Re: JIC Advisory Opinion 2015-07.

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: You are presiding over a guardian appointment being sought for a minor child in a Family Court case. During a hearing it was disclosed that the minor's father is a fugitive from justice from   Pennsylvania. One of the potential guardians also revealed the father's cell phone number and address. You want to know if it is proper for you to provide the father's information to law enforcement even though Family Court hearings are confidential.
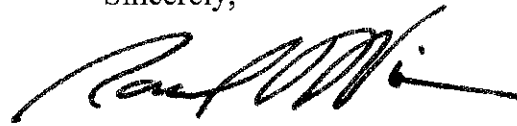
Canon 3B(11) of the Code of Judicial Conduct states that "[a] judge shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic information acquired in a judicial capacity." The term "nonpublic information" is defined as "information that, by law, is not available to the public. Nonpublic information may include but is not limited to: information that is sealed by statute or court order, impounded, or communicated in camera; and information offered in grand jury proceedings, presentencing reports, dependency cases, or psychiatric reports." The term "law" is defined by the Code as "court rules, statutes, constitutional provisions, and decisional law."

The Commission is of the opinion that the father's cell phone number and address are nonpublic information which you acquired in your judicial capacity in a

confidential proceeding. As such, you are precluded from informing law enforcement about the information.

We hope this opinion fully addresses the issue which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/bjl