



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 21, 2018

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| Title | Agenda Item Type |
| Rules and Forms: Miscellaneous Technical Changes | Action Required |
| Rules, Forms, Standards, or Statutes Affected | Effective Date |
| Amend Cal. Rules of Court, rule 5.552, and the heading of article 2 of chapter 13 of division 3 of title 5 | September 24, 2018 |
| Recommended by | Date of Report |
| Judicial Council staff | August 16, 2018 |
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Executive Summary

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors and changes resulting from legislation and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation

Judicial Council staff recommend that the Judicial Council, effective September 24, 2018, amend:

1. Rule 5.552 of the California Rules of Court to correct a typographical error in rule 5.552(b) that erroneously refers to the *Request for Disclosure of Juvenile Case File* as form “7-570” instead of “JV-570”; and

2. The heading of article 2 of chapter 13 of division 3 of title 5 from “Fitness Hearings” to “Hearing on Transfer of Jurisdiction to Criminal Court” to make it consistent with the language in Welfare and Institutions Code section 707 and the amended rules of court.

The text of the amended rule and article heading are attached at page 4.

Relevant Previous Council Action

On May 24, 2018, the Judicial Council approved amendments to rule 5.552 concerning the confidentiality of juvenile court records to implement changes enacted into law from recent legislation, effective September 1, 2018. Following the council action, staff were alerted to a typographical error inadvertently included in the final text of the rule approved by the council in the form of the wrong name for a form referenced in the rule.

In addition, in May 2017 the Judicial Council amended and revoked the rules of court concerning the transfer of those alleged to have committed crimes as juveniles to adult criminal court to implement the changes to the law enacted by the voters via Proposition 57, the Public Safety and Rehabilitation Act of 2016. One of the key changes was to delete references to “fitness” and “fitness hearings” to reflect the changes in the law, which deleted that term from Welfare and Institutions Code section 707 and instead described the process as a transfer of jurisdiction (from juvenile to criminal court).

Analysis/Rationale

To ensure that the error in rule 5.552 is corrected as soon as possible, Judicial Council staff recommend that the council approve a restoration of the correct form number (JV-570) in rule 5.552(b), effective September 24, 2018. The other changes to the rule are technical in nature and necessary to correct inadvertent omissions and incorrect references.

Regarding changes to the rules relating to Prop. 57, although the council removed the term “fitness” from the rules of court themselves, the action taken by the council did not include a change to the heading of the article that contains the procedures to carry forth the transfer of jurisdiction. Thus, staff recommend that the council amend the heading of article 2 from “Fitness Hearings” to “Hearing on Transfer of Jurisdiction to Criminal Court.”

Policy implications

None.

Comments

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Alternatives considered

These corrections must be made and staff determined that they should be made as soon as possible.

Fiscal and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, case management systems are unlikely to need updating to implement them.

Attachments and Links

1. Cal. Rules of Court, rules 5.552, at page 4

Rule 5.552 and the heading of article 2 of chapter 13 of the California Rules of Court are amended, effective September 24, 2018, to read:

1 **Rule 5.552. Confidentiality of records (§§ 827, 827.12, 828)**

2
3 (a) * * *

4
5 (b) **Petition**

6
7 Juvenile case files may be obtained or inspected only in accordance with sections
8 827, 827.12, and 828. They may not be obtained or inspected by civil or criminal
9 subpoena. With the exception of those persons permitted to inspect juvenile case
10 files without court authorization under sections 827 and 828, and the specific
11 requirements for accessing juvenile case files provided in section 827.12(a)(1),
12 every person or agency seeking to inspect or obtain juvenile case files must petition
13 the court for authorization using *Request for Disclosure of Juvenile Case File* (form
14 7JY-570). A chief probation officer seeking juvenile court authorization to access
15 and provide data from case files in the possession of the probation department
16 under section 827.12(a)(2) must comply with the requirements of subdivision (e) of
17 this rule.

18
19 (1)–(2) * * *

20
21 (c)–(g) * * *

22
23
24 **Chapter 13. Cases Petitioned Under Sections 601 and 602**

25
26 **Article 2. Fitness Hearings on Transfer of Jurisdiction to Criminal Court**