



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-038

For business meeting on October 24, 2025

Title

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt forms JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; approve form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574

Date of Report

October 6, 2025

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Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Tari L. Cody, Cochair

Hon. Stephanie E. Hulse, Cochair

Executive Summary

To implement Assembly Bill 1756 (Stats. 2023, ch. 478, § 62) and Senate Bill 1161 (Stats. 2024, ch. 782, § 12), the Family and Juvenile Law Advisory Committee recommends (1) amending one rule of the California Rules of Court to comply with AB 1756's amendment to Welfare and Institutions Code section 10850.4 to extend the juvenile court's jurisdiction in cases involving the death of a child or nonminor dependent; (2) amending one rule of court to implement SB 1161's amendment to the definition of a "juvenile case file" in Welfare and Institutions Code section 827(e); and (3) adopting one rule of court, amending two rules of court, adopting six mandatory forms, approving one optional form, and revising six forms to clarify the different legal standards for requesting any juvenile delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under Welfare and Institutions Code section 827.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2026:

1. Adopt rule 5.551 of the California Rules of Court to implement SB 1161 by clarifying that the definition of a juvenile case file has the same meaning as defined in Welfare and Institutions Code section 827(e) and recognize the coextensive application of other confidentiality laws on the confidentiality of juvenile records codified in Welfare and Institutions Code section 827(a)(3);
2. Amend rule 5.510 of the California Rules of Court to implement AB 1756 by granting the juvenile court discretion to retain its jurisdiction in cases in which a child or nonminor dependent dies while under the juvenile court's jurisdiction;
3. Amend rule 5.552 of the California Rules of Court to clarify that it applies only to requests for a juvenile delinquency case file or a living child's juvenile dependency case file;
4. Amend rule 5.553 of the California Rules of Court to clarify that it applies only to requests for a deceased child's juvenile dependency case file and to mirror the format in rule 5.552 for consistency;
5. Adopt six new mandatory forms:
 - *Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-583);
 - *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584);
 - *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-585);
 - *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586);
 - *Order on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-587);
 - *Order After Judicial Review on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-588);
6. Approve one new optional form, *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576);
7. Revise *Proof of Service—Petition for Access to Juvenile Case File* (form JV-569) to update its title to *Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File*, update all references to other retitled forms to reflect the proposed revisions to the form titles, and remove all references to requests for a juvenile dependency case file of a deceased child (for all forms in the series JV-569 through

JV-574), add fields for petitioners to provide their contact information or the name and contact information of their lawyer in item 1, add the age qualification to items 2c and 4c, and add individuals protected by Welfare and Institutions Code section 827(a)(3) to items 2 and 4;

8. Revise *Petition for Access to Juvenile Case File* (form JV-570) to update its title to *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File*, add fields for petitioners to provide their contact information or the name and contact information of their lawyer in item 1, revise item 4 to remove subitem b and letter the boxes, add an option to attach additional information to items 5 and 7, and revise item 7 to include a juvenile delinquency case file or a living child's juvenile dependency case file;
9. Revise *Notice of Petition for Access to Juvenile Case File* (form JV-571) to update its title to *Notice of Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File*, revise the introductory paragraph to instruct petitioners on how to fill out the proof of service (form JV-569), and move the warning box above the signature line;
10. Revise *Objection to Release of Juvenile Case File* (form JV-572) to update its title to *Objection to Release of Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File*, add fields for petitioners to provide their contact information or the name and contact information of their lawyer in item 1, renumber the subsequent items accordingly, and add an option to attach additional information to item 5;
11. Revise *Order on Petition for Access to Juvenile Case File* (form JV-573) to update its title to *Order on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* and revise item 2 to include a juvenile delinquency case file or a living child's juvenile dependency case file; and
12. Revise *Order After Judicial Review on Petition for Access to Juvenile Case File* (form JV-574) to update its title to *Order After Judicial Review on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File*, revise items 2 and 3 to state, "After review of the juvenile delinquency case file or a living child's juvenile dependency case file . . .," add a checkbox in item 3c for redaction of information that relates to another child or could identify another child who is not the subject of the petition, and remove items 4 and 5 pertaining to a deceased child and renumber items 6–9 as items 4–7;

The proposed new and amended rules and the new and revised forms are attached at pages 18–50.

Relevant Previous Council Action

The Judicial Council last amended rule 5.510 of the California Rules of Court¹ on January 1, 2021, to address the exclusive jurisdiction of the juvenile court. The council previously amended rule 5.552, effective September 1, 2020, for access to juvenile case files in appellate court proceedings. The council last addressed different standards for requesting the juvenile case file

¹ All further rule references are to the California Rules of Court.

of a living versus a deceased child when it adopted rule 5.553, effective January 1, 2009, to differentiate the procedures for petitions requesting the juvenile case file of a deceased child from those of a living child set forth in rule 5.552.

Proof of Service—Petition for Access to Juvenile Case File (form JV-569), *Petition for Access to Juvenile Case File* (form JV-570), *Notice of Petition for Access to Juvenile Case File* (form JV-571), and *Objection to Release of Juvenile Case File* (form JV-572) were most recently revised for mandatory use on September 1, 2020. *Order on Petition for Access to Juvenile Case File* (form JV-573) and *Order After Judicial Review on Petition for Access to Juvenile Case File* (form JV-574) were most recently revised for mandatory use on January 1, 2021.

Prior Circulation

An earlier version of this proposal² circulated for public comment between March 29 and May 3, 2024, as part of the regular spring 2024 rules cycle. The previous proposal had proposed revising existing council forms to create separate subsections for petitions requesting release of a living child’s juvenile case file and petitions requesting public disclosure of a deceased child’s juvenile case file to minimize possible disruption of existing court workflows.

The committee received 10 comments on this prior proposal. Some of these comments raised substantive issues regarding the proposal, including whether “interested parties” should include categories of parties without a personal privacy interest in the juvenile case file of the deceased child. In light of the substantive differences in procedures and based on the public comments received in the prior circulation, the committee concluded that offering a single set of forms was overly confusing and untenable. A chart of the comments received during the spring 2024 rules cycle and the committee’s responses is attached at pages 100–127.

Analysis/Rationale

This proposal addresses three different issues related to juvenile case files: (1) extending the juvenile court’s jurisdiction to receive death-related documents and information, (2) updating the definition of a juvenile case file, and (3) defining different procedures and standards for release of juvenile dependency case files of deceased children.

AB 1756 and Welfare and Institutions Code section 10850.4(q)

Assembly Bill 1756 amended Welfare and Institutions Code section 10850.4(q) to provide that the court may retain jurisdiction if a child or nonminor dependent dies while subject to the jurisdiction of juvenile court and there is a reasonable suspicion that the death was caused by abuse or neglect for the purpose of receiving documents and information related to the

² Judicial Council of Cal., Invitation to Comment SPR24-20, *Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children* (posted Mar. 29, 2024), <https://courts.ca.gov/system/files?file=itc/spr24-20.pdf>.

circumstances of the death.³ The committee recommends amending rule 5.510 to incorporate this revised statutory language.

The committee recommends adding a new subdivision (d) to rule 5.510, which would incorporate the discretionary extension of the juvenile court's jurisdiction for the limited purpose of receiving documents and information related to the circumstances of the death of a child while under the jurisdiction of the juvenile court.

SB 1161 and Welfare and Institutions Code section 827(e)

Senate Bill 1161 amended the definition of a “juvenile case file” in section 827(e) to include “any writing as defined in Section 250 of the Evidence Code, or electronically stored information relating to the minor.” The committee recommends moving the definition of “juvenile case file” from rule 5.552 to proposed new rule 5.551 and incorporating this revised statutory language. Proposed new rule 5.551(a) would clarify that a juvenile case file has the same meaning as defined in section 827(e) and includes the specific items enumerated in the current rule 5.552(a).⁴ In addition, the committee recommends moving the section titled “Other applicable statutes” from rule 5.552(g) to the proposed new rule 5.551(b).

Defining different procedures and standards for release of juvenile dependency case files of deceased children

Access to juvenile case files is governed by section 827. This statute establishes different procedures and standards for access to all juvenile delinquency case files and juvenile dependency case files of living children, versus public disclosure of juvenile dependency case files of deceased children.

Section 827(a)(1) governs access to juvenile dependency case files of living children and all juvenile delinquency case files of both living and deceased children. It generally restricts access to specifically enumerated individuals and organizations. Any party not statutorily entitled to access under that paragraph must petition the juvenile court for access to and disclosure of juvenile court records under section 827(a)(1)(Q).

³ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

⁴ There are several definitions of a juvenile case file in statute, rule of court, and case law. A “juvenile case file” is defined in section 827(e), and a “juvenile court file” is defined in section 825. Current rule 5.552(a) incorporates the definition from section 827(e) but includes additional items not enumerated in statute. In case law, some courts have interpreted the definition of “juvenile case file” in section 827(e) broadly to include any documents and other information housed in a county child welfare agency file regarding a child who has suffered or is at serious risk of suffering abuse or neglect that brings the child within the jurisdiction of the juvenile court under section 300. This includes information in agency files where no juvenile court proceedings have been instituted and the matter is handled informally. See *T.N.G. v. Superior Court* (1971) 4 Cal.3d 767, 780–781; *In re Elijah S.* (2005) 125 Cal.App.4th 1532; and 87 Ops.Cal.Atty.Gen. 72, 75 (2004).

Section 827(a)(2) governs access to juvenile dependency case files of deceased children and, in contrast to section (a)(1), carries a presumption of public disclosure.⁵ The presumption is overcome only if the objecting party shows, by a preponderance of the evidence, that release of the juvenile case file, or any portion thereof, is detrimental to the safety, protection, or physical or emotional well-being of a surviving⁶ child or nonminor dependent who is directly or indirectly connected to the juvenile case that is the subject of the petition.⁷ In codifying the presumptive public right of access in section 827(a)(2), the Legislature intended to promote prompt access to the records of children who die while in the custody of the state and recognized that delays in accessing the juvenile dependency case files of deceased children reduce the likelihood that disclosure of those files will bring public attention to problems in the juvenile court system and result in corresponding reforms.⁸

Rules 5.552 and 5.553 implement section 827(a)(1)(Q) and (2), addressing the confidentiality of juvenile dependency case files for living children and juvenile delinquency case files, and juvenile dependency case files of deceased children, respectively, and provide guidance on requests for access to and release of juvenile case files. Currently, rule 5.552 contains detailed procedures for petitions seeking the dependency files of living children and juvenile delinquency case files, including requiring that the petitioner (1) establish good cause, (2) demonstrate that the need for access outweighs the policy considerations favoring confidentiality of juvenile case files, and (3) show by a preponderance of the evidence that the records requested are necessary and have substantial relevance to a legitimate need.⁹

⁵ See § 827(a)(2)(A): “[J]uvenile case files . . . that pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. . . .

(B) This paragraph represents a presumption in favor of the release of documents when a child is deceased unless the statutory reasons for confidentiality are shown to exist.

(C) If a child whose records are sought has died, and documents are sought pursuant to this paragraph, no weighing or balancing of the interests of those other than a child is permitted.”

⁶ The limiting factor of “surviving” was added because it has long been recognized that privacy rights expire upon death. See *Flynn v. Higham* (1983) 149 Cal.App.3d 677, 683 (“It is well settled that the right of privacy is purely a personal one; it cannot be asserted by anyone other than the person whose privacy has been invaded, that is, plaintiff must plead and prove that *his* privacy has been invaded. [Citations.] Further, the *right does not survive but dies with the person.*” (Italics added.))

⁷ § 827(a)(2)(A): “Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing by a preponderance of evidence that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition.”

⁸ Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Sen. Bill 199 (1999–2000 Reg. Sess.), as amended May 6, 1999, p. 5 (stating a delay in the process harms the statute’s purpose because “the community’s reaction would have died down, and the opportunity to effect positive change may have passed”).

⁹ Cal. Rules of Court, rule 5.552(d)(1), (5) & (6).

In contrast, rule 5.553 simply contains cross-references to statutes addressing access to the juvenile dependency case files of deceased children. It does not set out detailed procedures for requesting such files, nor does it explicitly include the presumptive public right of access for the juvenile dependency case files of deceased children. In addition, neither rule 5.552 nor rule 5.553 currently recognizes that under section 827(a)(3), individuals who have an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof are also entitled to notice and an opportunity to object to a petition requesting release under either section 827(a)(1)(Q) or section 827(a)(2).

Differentiating standards for release under section 827: rules 5.552 and 5.553

The committee recommends amending rules 5.552 and 5.553 to better reflect the different procedures and standards for the release of any juvenile delinquency case file and a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, subdivisions (a)(1)(Q) and (a)(2), respectively, and to recognize the rights of individuals protected under subdivision (a)(3).

Rule 5.552

The committee recommends amending rule 5.552 to clarify its application and the procedures for release of any juvenile delinquency case file or living child's juvenile dependency case file:

- Change the title of the rule to “Procedure for requesting any juvenile delinquency case file or a living child's juvenile dependency case file.”
- Add specific language to clarify that the rule applies only to petitions requesting any juvenile delinquency case file and a living child's juvenile dependency case file by adding the words “juvenile delinquency case file(s) and a living child's juvenile dependency” to the relettered subdivisions.
- Amend relettered subdivision (a) to add that “information from the file may not be disclosed in testimony without a juvenile court order” to prevent a party from attempting to obtain juvenile case file information without a court order in keeping with relevant case law.¹⁰
- Amend relettered subdivision (b) to include children who are or were subject to a section 300 petition, and add to the notice requirements individuals, and their representatives, with an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof who are entitled to notice and an opportunity to object under section 827(a)(3). The committee determined that specifically calling out the recognized representatives of this class of individuals would be helpful to petitioners and the courts.
- Amend relettered subdivision (b) to require the clerk to serve parties *if* the petitioner or their counsel indicate on the proof of service that they do not know or cannot reasonably determine the identity or address of any of the parties or the clerk possesses information,

¹⁰ See *City of San Diego v. Superior Court* (1981) 136 Cal.App.3d 236, 239 (reasoning that “a litigant may not obtain indirectly what is directly privileged and immune from discovery” in a police personnel records context).

such as a more current address, indicating that service by the petitioner on any of those parties may have been ineffective. This amendment benefits both courts and litigants by removing the need for further continuances to effect proper service and would harmonize the service requirements for 827 petitions. The committee recommends this amendment because the court clerk, as the custodian of the court's records, is in the best position to have the correct contact information for parties whose personal information is contained in the juvenile case file.

Rule 5.553

Rule 5.553 governs the process for petitioning for public disclosure of the juvenile dependency case files of deceased children under section 827(a)(2). The committee recommends amending the rule as follows:

- Change the title of the rule to “Procedure for requesting a deceased child’s juvenile dependency case file”;
- Add language to clarify that the rule specifically applies to the disclosure of the juvenile dependency case files of deceased children;
- Add the presumption of public access to and procedural timelines for section 827(a)(2) petitions requesting the juvenile dependency case files of deceased children; and
- Expand the rule to mirror the structure of rule 5.552, including adding three new subdivisions:
 - Rule 5.553(a) (Petition for requesting a deceased child’s juvenile dependency case file) retains the language of current rule 5.553 but reverses the order of paragraphs (1) and (2) and clarifies that a member of the public seeking to disclose the juvenile case files of deceased children under section 827(a)(2) must petition the presiding judge of the juvenile court for authorization using *Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-584);
 - Rule 5.553(b) (Notice of petition requesting a deceased child’s juvenile dependency case file) instructs petitioners seeking the juvenile dependency case file of a deceased child on the proper procedure for filing and serving the petition and instructs the custodian of records on the proper procedure for serving interested parties; and
 - Rule 5.553(c) (Procedure for evaluating a request for a deceased child’s juvenile dependency case file) refers petitioners to the procedures and timelines governing objections and replies to objections and hearings on a petition for public disclosure of a deceased child’s juvenile dependency case file set forth in section 827(a)(2)(A)–(C) and (E)–(F) and, subject to section 827(a)(3)(A), the standards for granting or denying such a petition.

Creating new forms for section 827(a)(2) petitions

As discussed above, there are important substantive differences between the procedures for release of the juvenile delinquency case file and a living child's juvenile dependency case file versus a deceased child's juvenile dependency file.

The committee recommends (1) revising the set of existing forms (JV-569 through JV-574) to clarify that they apply to petitions requesting access to a delinquency file or a living child's juvenile dependency case file, (2) creating a second set of new forms (numbered JV-583 to JV-588) limited to section 827(a)(2) petitions requesting public disclosure of a deceased child's juvenile dependency case file, and (3) creating a new optional form attachment (JV-576) for orders granting disclosure of all or portions of the juvenile case file pursuant to section 827 petitions and enumerating the most common redactions required by federal and state privacy laws and regulations in addition to redactions required under section 827.

Existing form series revisions to limit to 827(a)(1)(Q) petitions

The committee recommends revising the following existing set of mandatory forms to clearly indicate their use for requesting any juvenile delinquency case file or a living child's juvenile dependency case file. These revisions include modifying the form titles as indicated below, updating all references to other forms to reflect the proposed revisions to the form titles, and removing all references to requests for a juvenile dependency case file of a deceased child:

- *Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-569). The committee recommends the following revisions in addition to the ones described above:
 - Update item 1 to add fields for petitioners to provide their contact information or the name and contact information of their lawyer.
 - Revise items 2c and 4c to add the age qualification of "10 years of age or older."
 - Revise items 2 and 4 to add individuals protected by section 827(a)(3).
- *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-570). The committee recommends the following revisions in addition to the ones described above:
 - Update item 1 to add fields for petitioners to provide their contact information or the name and contact information of their lawyer.
 - Revise item 4 to remove subitem b and letter the boxes.
 - Revise item 7 to include a juvenile delinquency case file or a living child's juvenile dependency case file.
- *Notice of Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-571). The committee recommends the following revisions in addition to the ones described above:

- Revise the introductory paragraph to instruct petitioners on how to fill out the proof of service (form JV-569).
- Move the warning box above the signature line.
- *Objection to Release of Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-572). The committee recommends the following revisions in addition to the ones described above:
 - Update item 1 to add fields for petitioners to provide their contact information or the name and contact information of their lawyer.
 - Renumber the subsequent items accordingly.
 - Revise item 5 to add an option to attach additional information.
- *Order on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-573). The committee recommends the following revisions in addition to the ones described above: Revise item 2 to include a juvenile delinquency case file or a living child's juvenile dependency case file.
- *Order After Judicial Review on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-574). The committee recommends the following revisions in addition to the ones described above:
 - Revise items 2 and 3 to state: "After review of the juvenile delinquency case file or a living child's juvenile dependency case file . . ."
 - Add a checkbox in item 3c for redaction of information that relates to another child or could identify another child, who is not the subject of the petition.
 - Renumber the subsequent items accordingly.

New form series for 827(a)(2) petitions

The following new mandatory forms would be created exclusively for use in requesting public disclosure of a deceased child's juvenile dependency case file under section 827(a)(2):

- *Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-583);
- *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584);
- *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-585);
- *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586);
- *Order on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-587); and
- *Order After Judicial Review on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-588).

Creating a new attachment for court orders granting section 827 petitions

A new optional form entitled *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576) is meant to help guide courts on the information that must be redacted from the juvenile case file as required by some of the most common overlapping federal and state privacy laws and regulations in addition to section 827, prior to release or disclosure of all or portions of the juvenile case file. Section 827 also generally prohibits testimony regarding information in the juvenile case file; form JV-576 provides an option for the court to authorize testimony regarding the released information, as necessary.

Policy implications

This proposal furthers the council’s policy of ensuring equal access to the courts and court proceedings, fair and understandable court procedures for all litigants, and the highest quality of justice and service to the public by (1) conforming the rules and forms to reflect statutory requirements ensuring a public right of access to the juvenile dependency case files of deceased children and (2) implementing recent legislative amendments to section 827.

Comments

The proposal circulated for public comment between April 14 and May 23, 2025, as part of the regular spring comment cycle. Ten commenters provided feedback. Three superior courts, a county bar association, the state department of social services, a county child welfare agency, two legal advocacy organizations, a court operations manager in their individual capacity, and an internal joint rules subcommittee submitted comments on this proposal. Two commenters agreed with the proposal as proposed, six commenters agreed if modified, and two did not indicate a position, but one of them expressed that the proposal appropriately addressed its stated purpose.

A chart with the full text of the comments received during the spring 2025 rules cycle and the committee’s responses is attached at pages 51–99. The comments specifically addressed proposed changes to rules and forms aimed at clarifying language, refining procedural requirements, enhancing privacy protections, and addressing concerns about including or redacting sensitive information in juvenile case files.

Comments on rule 5.510

Clarifying rule 5.510 by incorporating section 10850.4(c)

The California Department of Social Services (CDSS) requested that rule 5.510 be amended because the language in subdivision (d)(2) as initially drafted for the 2025 rules cycle created ambiguity by using both “order” and “request” in the same sentence, implying that the court may order the placing agency to request *others* to send relevant documents and information to the court. Rather than adopting the commenter’s proposed language, the committee recommends amending rule 5.510(d)(2) to more closely track the statutory language of section 10850.4: “The court may order the placing agency to release the documents and information itemized in Welfare and Institutions Code section 10850.4(c) to the court, subject to the redactions set forth in (e).”

Comments on rule 5.551

Requesting additional categories of information be included in the definition of a juvenile case file in rule 5.551

The California Lawyers Association's Family Law Section Executive Committee requested that the definition of a juvenile case file in rule 5.551 include Child Protective Services investigations that do not result in a dependency case and Delivered Service Logs. The committee declined to include these specific categories in the definition of a juvenile case file because they are already encompassed within rule 5.551(a)(3) and (4). The Youth Law Center requested that the definition of a juvenile case file specifically include the terms "juvenile dependency case file" and "juvenile delinquency case file." The committee declined to make this change because the reference to juvenile delinquency versus dependency case files in the form titles is meant to differentiate the basis for juvenile court jurisdiction over the child.

Comments on multiple rules or forms

Removing restraints on testimony about information from the juvenile case file in rules 5.552 and 5.553

The Youth Law Center requested that all references to prohibiting testimony regarding information from a juvenile case file in the proposed rules be removed because the commenter fears the rules as written may prevent people from testifying to facts for which they have independent knowledge. The committee added "and the information in the file may not be disclosed in testimony" to rules 5.552(a) and 5.553(a)(3) in response to public comment from the San Diego County Office of County Counsel during the 2024 rules cycle specifically requesting the rules include protection for social worker or probation officer testimony about juvenile case file information to prevent a party from attempting to obtain juvenile case file information without a court order through testimony. (See *City of San Diego v. Superior Court* (1981) 136 Cal.App.3d 236, 239 (applying protection in the context of law enforcement personnel files).) The committee does not recommend the suggested change, but instead added "without a juvenile court order" after "the file may not be disclosed in testimony" and replaced "information *in* the file" with "information *from* the file" (italics added) to make it clear that disclosure of information taken from the juvenile case file, not from personal knowledge, must be reviewed by the juvenile court before it can be released.

Removing notice required by section 827(a)(3)(B) from rules 5.552 and 5.553

The Youth Law Center raised concerns that expanding the petitioner's notice and service obligations to individuals with protected privacy interests under section 827(a)(3) may undermine the Judicial Council's goal of preserving such individuals' privacy because the amended rules require the petitioner or custodian of records to identify and serve these individuals. The committee does not recommend removing the notice requirements because section 827(a)(3)(B) requires that notice be provided to all interested parties. Any individual whose information is privileged or confidential pursuant to any other state law or federal law or regulation is an interested party who must be noticed under the statute. The committee specifically included "Any other interested party as determined by the court" in rule

5.553(b)(1)(H) to reserve the court’s discretion in determining who must be served as an interested party under section 827.

Clarifying conditions that trigger the clerk or custodian of record’s duty to serve in rules 5.552 and 5.553

The Superior Court of San Diego County raised concerns that rule 5.552(b)(3) as written implies the clerk has a duty to serve, not re-serve, the parties where the petitioner attempted service but did not succeed. The committee agrees with the commenter’s feedback and recommends amending rules 5.552(b)(3) and 5.553(b)(3) to clarify that the clerk or custodian of record’s duty to serve is triggered only after the petitioner or their counsel has indicated on the proof of service (as set forth in item 2 of either form JV-569 or JV-583, respectively) that they do not know or cannot reasonably determine the identity or address of the parties in rules 5.552(b)(1) and 5.553(b)(1) or the clerk possesses information, such as a more recent address, indicating that service by the petitioner on any of those parties may have been effective.

Including an example of information indicating service was ineffective in rules 5.552 and 5.553

Three superior court commenters, one bar association commenter, and one internal joint rules subcommittee commenter agreed that rules 5.552(b)(3) and 5.553(b)(3) should include the language from section 827(a)(2)(D) that gives an example of how a clerk or custodian of records possesses information indicating that the service by the petitioner on interested parties may have been ineffective, such as a more recent address. The committee agrees with the commenters’ feedback and recommends amending rules 5.552(b)(3) and 5.553(b)(3) to include the language “such as a more recent address” from section 827(a)(2)(D) to give an example of circumstances in which the clerk or custodian of records possesses information indicating that the service by the petitioner on interested parties may have been ineffective.

Suggested changes to form titles

Two superior court commenters and one county child welfare agency suggested changes to the form titles. The Superior Court of San Diego County suggested removing reference to “delinquency case file” and the Orange County Social Services Agency suggested removing reference to “a living child” from the proposed revisions to the existing set of forms. To avoid confusion, the committee decided to maintain the distinction between the process of requesting any juvenile delinquency case file (of either a living or deceased child) or the dependency case file of a living child versus the dependency case file of a deceased child.

Comments on advisory committee comment

The Superior Court of San Diego County questioned the advisory committee comment’s reference to rule 5.165 because it is housed in chapter 7 (Request for Emergency Orders (Ex parte Orders)) of division 1 (Family Rules) as opposed to division 3 (Juvenile Rules). The advisory committee comment was removed in light of concerns raised by commenters regarding its clarity and the potential for multiple interpretations that could result in confusion or misapplication.

Comments on form JV-569

Converting form JV-569 from mandatory to optional

One court operations manager requested to amend rules 5.552(b)(3)(B) and 5.553(b)(3)(B) to allow the use of form JV-569 or a local form. The committee does not recommend the suggested change because form JV-569 is part of a mandatory series of plain language forms meant to assist self-represented litigants in requesting a juvenile case file.

Adding “if 10 years of age or older” qualifier to “child” receiving notice

The Superior Court of San Diego County suggested adding “if 10 years of age or older” as a qualifier to “child” requiring notice in items 2c and 4c of form JV-569. The committee agrees and recommends adding “if the child is 10 years of age or older” to items 2c and 4c on form JV-569, consistent with newly amended rule 5.552(b)(1)(C).

Comments on form JV-576

Adding other categories of protected confidential information in items 1 and 2

The Superior Court of San Diego County suggested including additional checkboxes for other categories of information protected by other state and federal confidentiality laws and regulations in items 1 and 2 of form JV-576. The committee agrees with the commenter’s feedback and recommends revising items 1 and 2 on form JV-576 to include the additional proposed categories of information to provide a more comprehensive list of protected confidential information that may warrant removal or redaction. The committee decided to refrain from referring to specific form numbers to err on the side of inclusivity rather than risk exclusion by omission.

Including additional categories of proceedings in item 4

The Superior Court of Orange County suggested including additional checkboxes for family law and probate proceedings in item 4 of form JV-576. The committee agrees with the suggestion and recommends adding separate checkboxes for “juvenile,” “family law,” and “probate” proceedings in item 4 along with separate fields for petitioners to provide the respective case number(s), if known.

Revising the instructions and item 4 to “restrict” instead of “authorize” testimony

The Youth Law Center suggested replacing “authorize” with “restrict” or “limit” in item 4 and the introductory instructions to form JV-576 because it is concerned that the form may authorize testimony that is prohibited by other orders of the court, including legally required redactions or document removals. The committee does not recommend the suggested change because testimony regarding confidential information taken from a juvenile case file is generally restricted unless authorized by juvenile court order.

Comments on form JV-584

The Superior Court of San Diego County requested “county child welfare” be added before “agency” in item 4b of form JV-584. The committee does not recommend the suggested change because it would exclude dual-status cases where the lead agency is not a child welfare agency.

Comments on form JV-585

The Superior Court of San Diego County suggested revising the introductory instructions to form JV-585 to require petitioners to notice all parties listed in items 2 and 4 of the *Proof of Service—Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-583) if their names and addresses are known. The committee agrees and recommends revising the first paragraph of form JV-575 to require service on parties listed in item 4 of form JV-583, if their names and addresses are known to the petitioner, and for the petitioner to indicate which parties they were unable to serve in item 2 of form JV-583.

Comments on form JV-587

The Superior Court of San Diego County requested a blank line be inserted at the end of item 2 on form JV-587 for the clerk to fill in the deadline for the issuance of the court’s decision on the section 827 petition because the petitioning party might not be able to calculate the deadline on their own. The committee declines to incorporate the suggested change because the deadline for the court’s decision is not fixed and will have to be calculated on a case-by-case basis depending on the date of service by the custodian of records on the parties, which would create undue burden on the court clerk with minimal benefit to litigants.

Comments regarding nonminor dependents

The Superior Court of San Diego County requested that the rules and corresponding forms in this proposal address that the confidentiality of case files for nonminor dependents is governed by section 362.5. This suggestion is beyond the scope of the proposal. Incorporation of nonminor dependent records into the section 827 petition process via court rules and forms will require further consideration by subject matter experts and juvenile law stakeholders and an opportunity for public comment in a future cycle.

Comments on need for additional forms

The Youth Law Center requests that an INFO form be created to be included in this series of forms because it is unclear which set of forms should be used and how they should be completed. The committee acknowledges that an INFO form may be helpful to courts and litigants and will monitor implementation and assess the potential need for an INFO form in a future cycle.

Alternatives considered

The committee considered several alternatives to aspects of this proposal as discussed below. The committee rejected the alternative of taking no action because amendments to rule 5.510 and 5.552 are legislatively mandated. The committee also rejected the alternative of delaying the proposal to incorporate statutory amendments to section 827 contained in pending Senate Bill 413 (Allen, as amended June 25, 2025) (Juveniles: case file inspection) because the proposed revisions were delayed from the last legislative cycle and need to be implemented.

Proposing amendments only to rule 5.510 to implement AB 1756 and SB 1161

The committee considered proposing amendments only to rule 5.510 to reflect the recently enacted legislation. However, the committee noted that the definition of a juvenile case file in rule 5.552 would still need to be revised to comply with SB 1161’s amendment of section 827(e),

and there is confusion around the different standards governing requests for access to the juvenile dependency case file of a living child and requests for disclosure of a juvenile dependency case file of a deceased child. Based on this, the committee concluded that the additional proposed amendments to the rules and revisions to forms would be helpful to courts, litigants, and the public by providing clarification and better guidance on the proper standards and procedures for access to and disclosure of juvenile case files.

Proposing that existing forms continue to be used for petitions to access juvenile dependency case files of deceased children

The committee considered revising the existing forms to clearly articulate the standards for release of juvenile case files of both living and deceased children so that they could continue to be used in both types of cases. However, the committee ultimately decided to propose a separate series of forms for section 827(a)(2) petitions seeking access to the juvenile dependency case files of deceased children after considering comments from the previous public comment cycle.

Interested parties definition

The committee considered multiple ways of defining “interested parties” who must be served with notice of section 827(a)(2) petitions seeking public disclosure of a deceased child’s juvenile dependency case file. The following options were considered and ultimately rejected by the committee.

Mirroring rule 5.552

“Interested parties” could be defined to be the same parties identified in rule 5.552(c)(1) who must be served with notice of a petition requesting juvenile delinquency case files or the juvenile dependency case file of a living child. The committee declined to adopt this option because, based on legislative intent,¹¹ there is no statutory authority for a broad construction to include persons who do not have a cognizable privacy interest in the personal information contained within the deceased child’s juvenile dependency case file.¹²

Providing courtesy notice to persons other than interested parties

The committee considered a rule dividing the parties who receive notice of a section 827(a)(2) petition into two classes: (1) “interested parties” who are statutorily entitled to notice and an opportunity to object and (2) persons who did not have a right to notice or to object but who might have useful input to provide to the court in deciding whether a deceased child’s juvenile

¹¹ Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Sen. Bill 199 (1999–2000 Reg. Sess.), as amended May 6, 1999, p. 5 (section 827(a)(2) was meant to increase governmental transparency by compelling public disclosure of the deceased child’s juvenile case file when a child dies while in the custody and care of the state to promote prompt access to the records and to recognize that delays in disclosure reduce the likelihood that public attention will be paid to problems within the juvenile court system and result in corresponding reforms because “the community’s reaction would have died down, and the opportunity to effect positive change may have passed”).

¹² Section 827(a)(2): “Juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, that pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, *shall be released to the public* pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection.” (Italics added.)

dependency case file or any portion thereof should be withheld from public disclosure. However, the committee discarded this option for exceeding the scope of the legislative mandate.

Refraining from defining “interested parties” altogether

The committee considered the option of not defining “interested parties” at all. However, the committee concluded that it would be helpful to petitioners who must serve interested parties and to courts to specifically identify the parties with a cognizable privacy interest in personal information contained within the deceased child’s juvenile dependency case file, while still leaving the juvenile court discretion to make its own determination of the meaning of “interested party.”

Fiscal and Operational Impacts

Implementation of AB 1756 and SB 1161 and clarification of the standards and process for disclosure of the juvenile case files of deceased children may create additional costs for courts to update their case management systems to track relevant information and hearing and decision deadlines, as well as to integrate the new mandatory forms into current court workflows. In addition, the committee recommends increasing the clerk’s responsibilities under rule 5.552(b)(3) to require the clerk to serve parties *if* the petitioner or their counsel indicate on the proof of service that they do not know or cannot reasonably determine the identity or address of any of the parties or the clerk possesses information, such as a more current address, indicating that service by the petitioner on any of those parties may have been ineffective. Education or training on the legal standard and procedural requirements for processing section 827 petitions may be required for courts, social welfare agencies, probation departments, county counsel, prosecutors, and defense counsel.

Attachments and Links

1. Cal. Rules of Court, rules 5.510, 5.551, 5.552, and 5.553, at pages 18–27
2. Forms JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588, at pages 28–50
3. SPR25-17 public comment chart, at pages 51–99
4. SPR24-20 public comment chart, at pages 100–127
5. Link A: Judicial Council of Cal., Invitation to Comment SPR25-17, *Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children* (posted Apr. 14, 2025), <https://courts.ca.gov/system/files/itc/spr25-17.pdf>
6. Link B: Judicial Council of Cal., Invitation to Comment SPR24-20, *Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children* (posted Mar. 29, 2024), <https://courts.ca.gov/system/files?file=itc/spr24-20.pdf>
7. Link C: Welf. & Inst. Code, § 10850.4(q), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=10850.4.&lawCode=WIC
8. Link D: Welf. & Inst. Code, § 827(e), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=827&lawCode=WIC

Rule 5.551 of the California Rules of Court is adopted, and rules 5.510, 5.552, and 5.553 are amended, effective January 1, 2026, to read:

Rule 5.510. Proper court; determination of child’s residence; exclusive jurisdiction; retention of jurisdiction after death of child or nonminor dependent

(a)–(c) * * *

(d) Retention of jurisdiction (§ 10850.4(q)(1))

- (1) If the death of a child or nonminor dependent occurs while the child or nonminor dependent is within the jurisdiction of the court, whether or not a petition was filed, the court may retain jurisdiction on its own motion or at the request of a party for the exclusive purpose of receiving documents and information related to the circumstances of the death, including but not limited to medical records, police reports, and autopsy reports.
- (2) If the court retains jurisdiction, the case must remain open until the court receives the documents and information related to the circumstances of death. The court may order the placing agency to release the documents and information itemized in Welfare and Institutions Code section 10850.4(c) to the court, subject to the redactions set forth in section 10850.4(e).
- (3) The court must terminate jurisdiction upon receipt of the documents and information.

Rule 5.551. Confidentiality of a juvenile case file (§ 827)

This rule defines the scope of a juvenile case file for both living and deceased children and recognizes the applicability of other confidentiality laws.

(a) Definition of a juvenile case file

A juvenile case file is confidential and includes the records and information described in Welfare and Institutions Code section 827(e), as well as the following:

- (1) All records and information filed in a juvenile court case or made available to the court;
- (2) Reports to the court by probation officers, social workers of child welfare services programs, and CASA volunteers;
- (3) Records and information made available to probation officers, social workers of child welfare services programs, and CASA volunteers in preparation of reports to the court;

- 1
2 (4) Records and information relating to a child within the jurisdiction of the
3 juvenile court, whether or not a petition has been filed, that are maintained in
4 the office files of probation officers, social workers of child welfare services
5 programs, and CASA volunteers;
6
7 (5) Transcripts, records, or reports relating to matters prepared or released by the
8 court, probation department, or child welfare services program; and
9
10 (6) Records and information, including but not limited to video or audio
11 recordings, photographs, digital images and recordings, and exhibits admitted
12 into evidence at juvenile court hearings.
13

14 **(b) Other applicable law (§ 827(a)(3))**

15
16 Under no circumstances may this rule, rule 5.552, rule 5.553, or any subdivision of
17 these rules be interpreted to permit access to or release of a juvenile case file, or
18 any portion thereof, that is protected under any other federal or state law, including
19 Penal Code section 11165 et seq., except as provided in those laws, or to limit
20 access to or release of a juvenile case file, or any portion thereof, permitted under
21 any other federal or state law.
22
23

24 **Rule 5.552. Confidentiality of records Procedure for requesting any juvenile**
25 **delinquency case file and a living child's juvenile dependency case file**
26 **(§§ 827(a)(1), 827.12, 828)**
27

28 **(a) Definitions**

29
30 ~~For purposes of this rule, "juvenile case file" includes:~~

- 31
32 ~~(1) All documents filed in a juvenile court case;~~
33
34 ~~(2) Reports to the court by probation officers, social workers of child welfare~~
35 ~~services programs, and CASA volunteers;~~
36
37 ~~(3) Documents made available to probation officers, social workers of child~~
38 ~~welfare services programs, and CASA volunteers in preparation of reports to~~
39 ~~the court;~~
40
41 ~~(4) Documents relating to a child concerning whom a petition has been filed in~~
42 ~~juvenile court that are maintained in the office files of probation officers,~~
43 ~~social workers of child welfare services programs, and CASA volunteers;~~

- 1 (5) Transcripts, records, or reports relating to matters prepared or released by the
2 court, probation department, or child welfare services program; and
3
4 (6) Documents, video or audio recordings, photographs, and exhibits admitted
5 into evidence at juvenile court hearings.
6

7 **(b) (a) Petition for access to any juvenile delinquency case file and a living child's**
8 **juvenile dependency case file**
9

10 Juvenile delinquency case files and a living child's juvenile dependency case files
11 may be obtained or inspected, and information from the file may be disclosed, only
12 in accordance with sections 827, 827.12, and 828. ~~They~~ The file may not be
13 obtained or inspected by civil or criminal subpoena, and the information from the
14 file may not be disclosed by testimony without a juvenile court order. With the
15 exception of those persons permitted to inspect juvenile case files without court
16 authorization under sections 827 and 828, and the specific requirements for
17 accessing juvenile case files provided in section 827.12(a)(1), every person or
18 agency seeking to inspect or obtain the juvenile delinquency case file or a living
19 child's dependency case files must petition the court for authorization using
20 *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile*
21 *Dependency Case File* (form JV-570). A chief probation officer seeking juvenile
22 court authorization to access and provide data from case files in the possession of
23 the probation department under section 827.12(a)(2) must comply with the
24 requirements in ~~(e)~~ (d) of this rule.
25

- 26 (1) The specific files sought must be identified in the petition based on
27 knowledge, information, and belief that such a files exists and are is relevant
28 to the purpose for which ~~they are~~ it is being sought.
29
30 (2) Petitioner must describe in detail the reasons the files ~~are is~~ being sought and
31 their its relevancy relevance to the proceeding or other purpose for which
32 petitioner wishes to inspect or obtain the files.
33

34 **(e) (b) Notice of petition for access to any juvenile delinquency case file and a living**
35 **child's juvenile dependency case file**
36

- 37 (1) At least 10 days before the petition is submitted to the court, the petitioner
38 must personally or by first-class mail serve *Petition for Access to Juvenile*
39 *Delinquency Case File or a Living Child's Juvenile Dependency Case File*
40 (form JV-570), *Notice of Petition for Access to Juvenile Delinquency Case*
41 *File or a Living Child's Juvenile Dependency Case File* (form JV-571), and a
42 blank copy of *Objection to Release of Juvenile Delinquency Case File or a*

1 Living Child's Juvenile Dependency Case File (form JV-572) on the
2 following:

- 3
- 4 (A) The county counsel, city attorney, or any other attorney representing
5 the petitioning agency in a dependency action if the child's is or was
6 the subject of a petition ~~was~~ filed under section 300;
- 7
- 8 (B) The district attorney if the child's is or was the subject of a petition ~~was~~
9 filed under section 601 or 602;
- 10
- 11 (C) The child if the child is 10 years of age or older;
- 12
- 13 (D) The attorney of record for the child who was or remains a ward or
14 dependent of the court;
- 15
- 16 (E) The parents of the child if:
- 17
- 18 (i) The child is under 18 years of age; or
- 19
- 20 (ii) The child's is the subject of a petition ~~was~~ filed under section
21 300;
- 22
- 23 (F) The guardians of the child if:
- 24
- 25 (i) The child is under 18 years of age; or
- 26
- 27 (ii) The child's is the subject of a petition ~~was~~ filed under section
28 300;
- 29
- 30 (G) The probation department or child welfare agency, or both, if
31 applicable;
- 32
- 33 (H) The Indian child's tribe, if applicable; ~~and~~
- 34
- 35 (I) The child's CASA volunteer, if applicable;
- 36
- 37 (J) Anyone with a surviving interest protected by another state or federal
38 law prohibiting or limiting the release of the juvenile case file or any
39 portions thereof under section 827(a)(3); and
- 40
- 41 (K) The attorney of record or legal representative of the individual
42 protected under section 827(a)(3).
- 43

- (2) The petitioner must complete *Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child’s Juvenile Dependency Case File* (form JV-569) and file it with the court.
- (3) If the petitioner or the petitioner’s counsel ~~does~~ indicates on the proof of service that they do not know or cannot reasonably determine the identity or address of any of the parties in (e)(b)(1) above or the clerk possesses information, such as a more recent address, indicating that service by the petitioner on any of those parties may have been ineffective, the clerk must:
- (A) Serve personally or by first-class mail to the last known address a copy of *Petition for Access to Juvenile Delinquency Case File or a Living Child’s Juvenile Dependency Case File* (form JV-570), *Notice of Petition for Access to Juvenile Delinquency Case File or a Living Child’s Juvenile Dependency Case File* (form JV-571), and a blank copy of *Objection to Release of Juvenile Delinquency Case File or a Living Child’s Juvenile Dependency Case File* (form JV-572); and
- (B) Complete *Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child’s Juvenile Dependency Case File* (form JV-569) and file it ~~with the court~~ in the court’s case file.
- (4) For good cause, the court may, on the motion of the person seeking the order or on its own motion, shorten the time for service of the *Petition for Access to Juvenile Delinquency Case File or a Living Child’s Juvenile Dependency Case File* (form JV-570).

(d) (c) Procedure for evaluating a petition for access to any juvenile delinquency case file and a living child’s juvenile dependency case file

- (1) The court must review the petition for access to a juvenile delinquency case file or a living child’s juvenile dependency case file and, if petitioner does not show good cause, deny it summarily.
- (2) If petitioner shows good cause, the court may set a hearing. The clerk must give notice of the hearing to the persons and entities listed in (e)(b)(1) above.
- (3) Whether or not the court holds a hearing, if the court determines that there may be information or documents in the records sought to which the petitioner may be entitled, the juvenile court judicial officer must conduct an in camera review of the juvenile delinquency case file or a living child’s juvenile dependency case files and any objections and assume that all legal claims of privilege are asserted.

- 1 (4) In determining whether to authorize inspection or release of the juvenile
2 delinquency case file or a living child's juvenile dependency case files, in
3 whole or in part, the court must balance the interests of the child and other
4 parties to the juvenile court proceedings, the interests of the petitioner, and
5 the interests of the public.
6
- 7 (5) If the court grants the petition, the court must find that the need for access
8 outweighs the policy considerations favoring confidentiality of the juvenile
9 delinquency case file or a living child's juvenile dependency case files. The
10 confidentiality of the juvenile case files is intended to protect the privacy
11 rights of the child.
12
- 13 (6) The court may permit access to the juvenile delinquency case file or a living
14 child's juvenile dependency case files only insofar as is necessary, and only if
15 petitioner shows by a preponderance of the evidence that the records
16 requested are necessary and have substantial relevance to the legitimate need
17 of the petitioner.
18
- 19 (7) If, after in camera review and review of any objections, the court determines
20 that all or a portion of the juvenile delinquency case file or a living child's
21 juvenile dependency case file may be accessed, the court must make
22 appropriate orders, specifying the information that may be accessed or
23 disclosed and the procedure for providing access to or disclosure of it.
24
- 25 (8) The court may issue redaction and protective orders such as *Order Granting*
26 *Section 827 Petition Attachment: Required Redactions* (form JV-576) to
27 accompany authorized disclosure, discovery, or access to the juvenile
28 delinquency case file or a living child's juvenile dependency case file.
29

30 **(e) (d) Release of ~~case file information~~ any juvenile delinquency case file and related**
31 **probation records for research (§ 827.12(a)(2))**
32

- 33 (1) The court may authorize a chief probation officer to access and provide data
34 contained in juvenile delinquency case files and related juvenile records in
35 the possession of the probation department for the purpose of data sharing or
36 conducting or facilitating research on juvenile justice populations, practices,
37 policies, or trends if the court finds the following:
38
- 39 (A) The research, evaluation, or study includes a sound method for the
40 appropriate protection of the confidentiality of an individual whose
41 juvenile delinquency case file is accessed for this purpose. In
42 considering whether a method is sound, the court must have
43 information on:

- ~~(A)~~ (i) The names and qualifications of any nonprobation personnel who will have access to personally identifying information as defined in Civil Code section 1798.79.8(b);
 - ~~(B)~~ (ii) Procedures to mask personally identifying information that is shared electronically; and
 - ~~(C)~~ (iii) Data security protocols to ensure that access to the information is limited to those people authorized by the court.
- ~~(2)~~ (B) No further release, dissemination, or publication of personally identifying information by the probation department or a program evaluator, researcher, or research organization that is retained by the probation department will take place for research or evaluation purposes.
- ~~(3)~~ (C) The disclosure requirements of section 10850 are met if any dependency information in a Juvenile Delinquency file may be disclosed.
- ~~(4)~~ (D) A date for destruction of records containing personally identifying information in the possession of nonprobation department personnel has been set to prevent inappropriate disclosure of the records.
- (2) If the information is being released for human subject research as defined in 45 Code of Federal Regulations part 46, the probation department must provide notice to the office of the public defender or the juvenile's retained attorney 30 days before the court authorizes the release of the information so that the office has an opportunity to file an objection to the release with the court.
- (A) If such an objection is filed within the 30 day period the court must set a hearing on the objection within 30 days of the filing of the objection to consider the objection and make a determination on whether and how release of information should be accomplished.
- (B) Upon receiving authorization, but prior to the release of information, the probation department must enter into a formal agreement with the entity or entities conducting the research that specifies what may and may not be done with the information disclosed.

1 **~~(f)~~ (e) Reports of law enforcement agencies (§ 828)**

2
3 Except as authorized under section 828, all others seeking to inspect or obtain
4 information gathered and retained by a law enforcement agency regarding the
5 taking of a living child into custody must petition the juvenile court for
6 authorization using *Petition to Obtain Report of Law Enforcement Agency* (form
7 JV-575).
8

9 **~~(g)~~ Other applicable statutes**

10
11 ~~Under no circumstances must this rule or any section of it be interpreted to permit~~
12 ~~access to or release of records protected under any other federal or state law,~~
13 ~~including Penal Code section 11165 et seq., except as provided in those statutes, or~~
14 ~~to limit access to or release of records permitted under any other federal or state~~
15 ~~statute.~~
16
17

18 **Rule 5.553. ~~Juvenile case file of a deceased child~~ Procedure for requesting a**
19 **deceased child's juvenile dependency case file (§ 827(a)(2))**

20
21 **(a) Petition for requesting a deceased child's juvenile dependency case file**

22
23 When the juvenile dependency case file of a deceased child is sought, the court
24 must proceed as follows:
25

- 26 (1) Under section 827(a)(2) if the request is made by a member of the public
27 16502.5 if the request is made by a county board of supervisors; or
28
29 (2) Under section 16502.5 if the request is made by a county board of
30 supervisors. 827(a)(2) if the request is made by a member of the public. The
31 remainder of this rule applies to the release of the juvenile dependency case
32 file of a deceased child under section 827(a)(2). It does not apply to review of
33 records relating to the deceased child by the county board of supervisors
34 under section 16502.5.
35
36 (A) Except to the extent that the file has been released to the public by
37 court order under section 827(a)(2) and this rule, the file may not be
38 obtained or inspected by civil or criminal subpoena, and the
39 information from the file may not be disclosed by testimony without a
40 juvenile court order.
41
42 (B) Any person or agency seeking the release or disclosure of the juvenile
43 dependency case file of a deceased child must petition the court under

section 827(a)(2) using *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584).

(b) Notice of petition requesting a deceased child's juvenile dependency case file (§ 827(a)(2))

(1) Upon filing a petition under section 827(a)(2), the petitioner must personally or by first-class mail serve a copy of the *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584) that was filed with the court, *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-585), and a blank copy of *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586) on the following, to the extent that their identity and contact information is known by the petitioner:

(A) The custodian of records, as defined in section 10850.4(k)(2);

(B) The county counsel, city attorney, or any other attorney representing the custodian of records;

(C) Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file;

(D) Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in (C):

(i) The parent or guardian of any surviving minor sibling or child;
and

(ii) The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent;

(E) Anyone with a surviving interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under section 827(a)(3);

(F) The attorney of record or legal representative of the individual protected under section 827(a)(3);

(G) The Indian tribe—and, if applicable, the Indian custodian—of any surviving sibling, child, nonminor dependent, or individual protected

under section 827(a)(3), who is or was an Indian child as defined in section 224.1(b); and

(H) Any other interested party as determined by the court.

(2) The petitioner must complete *Proof of Service—Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-583) and file it with the court.

(3) If the petitioner or the petitioner’s counsel indicates on the proof of service that they do not know or cannot reasonably determine the identity or address of any of the interested parties in (b)(1) or the custodian of records possesses information, such as a more recent address, indicating that service by the petitioner on any of those interested parties may have been ineffective, the custodian of records must, within 10 days of receipt of the petition:

(A) Serve on those parties, personally or by first-class mail to the last known address, a copy of *Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (JV-584), *Notice of Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (JV-585), and a blank copy of *Objection to Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-586); and

(B) Complete *Proof of Service—Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-583) and file it with the court.

(4) For good cause, the court may, on the motion of the person seeking the order or on its own motion, shorten the time for service of the *Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (JV-584).

(c) Procedure for evaluating a request for a deceased child’s juvenile dependency case file

Section 827(a)(2)(A)–(C), (E), and (F) sets forth the procedures and timelines governing objections, replies to objections, and hearings on a *Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (JV-584) and, subject to section 827(a)(3)(A), the standards for granting or denying such a petition. The court may issue redaction and protective orders such as *Order Granting Section 827 Petition Attachment: Required Redactions* (form JV-576) to limit public disclosure of a deceased child’s juvenile dependency case file, as necessary.

**Proof of Service—Petition for
Access to Juvenile Delinquency
Case File or a Living Child's
Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

1 a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known.

Case Number:

2 ☐ I was not able to provide notice of this petition to the following because I did not know their names or addresses. The clerk must serve a copy of the petition.

- a. ☐ County counsel or other attorney representing the child welfare agency if petition filed under Welfare and Institutions Code section 300
- b. ☐ District attorney if petition filed under Welfare and Institutions Code section 601 or 602
- c. ☐ Child if the child is 10 years of age or older
- d. ☐ Attorney of record for the child
- e. ☐ Child's parent
- f. ☐ Child's legal guardian
- g. ☐ Probation department if petition filed under Welfare and Institutions Code section 601 or 602
- h. ☐ Child welfare agency/custodian of records if petition filed under Welfare and Institutions Code section 300
- i. ☐ Child's identified Indian tribe
- j. ☐ Child's CASA volunteer
- k. ☐ An individual with an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3)
- l. ☐ The attorney of record or legal representative of the individual protected under Welfare and Institutions Code section 827(a)(3)

3 If you checked box 2a, 2b, 2g, or 2h, describe the efforts made to locate those addresses and explain why you are unable to locate the addresses:



Your name: _____

Case Number: _____

- 4 ☐ Copies of *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (JV-570), *Notice of Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (JV-571), and a blank *Objection to Release of Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (JV-572) have been served personally or placed in a sealed envelope with postage paid and deposited in the United States mail addressed to the following:
- a. ☐ County counsel or other attorney representing the child welfare agency if petition filed under **Welfare and Institutions Code** section 300 (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- b. ☐ District attorney if petition filed under **Welfare and Institutions Code** section 601 or 602 (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- c. ☐ Child if the child is 10 years of age or older (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- d. ☐ Attorney of record for the child (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- e. ☐ Child's parent (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- f. ☐ Child's parent (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- g. ☐ Child's legal guardian (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- h. ☐ Probation department if petition filed under **Welfare and Institutions Code** section 601 or 602 (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____



Your name: _____

Case Number: _____

- 4 i. ☐ Child welfare agency/custodian of records if petition filed under Welfare and Institutions Code section 300 (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- j. ☐ The Indian child's tribal representative (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- k. ☐ The child's CASA volunteer (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- l. ☐ Anyone with an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3) (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- m. ☐ The attorney of record or legal representative of the individual protected under Welfare and Institutions Code section 827(a)(3) (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____

- 5 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be found guilty of a crime.

Date: _____

Type or print your name



Sign your name

JV-570

Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File

If you are requesting a court order to obtain access to the juvenile delinquency case file or a living child's juvenile dependency case file, fill out all items on this form, and file it with the juvenile court. You must also fill out and file Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-569).

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number, if known:

Case Number:

1 a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Name of child: _____

3 Child's date of birth (if known): _____

4 ☐ A petition regarding the child in **2** has been filed under (check all that apply):

a. ☐ Welfare and Institutions Code section 300

b. ☐ Welfare and Institutions Code section 601

c. ☐ Welfare and Institutions Code section 602

5 The records I want are: (Describe in detail. Attach more pages if you need more space. If you are involved in a pending proceeding in an appellate court or you are preparing to participate in such a proceeding, you should describe here the transcripts, reports, and any other evidence considered by the juvenile court at hearings related to the subject of the appeal or writ proceeding. For example, you should describe a report by providing its title (such as "status review report," "jurisdiction/disposition report," or "CASA report") and the date of the hearing when the document was considered.)

☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 5 to form JV-570, item 5" for a title.



Your name: _____

Case Number: _____

6 The reasons for this petition are:

- a. ☐ Civil court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- b. ☐ Criminal court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- c. ☐ Juvenile court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- d. ☐ Family law court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- e. ☐ Writ or appeal case pending in *(name of district)*: _____
Case number *(if available)*: _____
Hearing dates related to the juvenile court order being challenged or to be challenged on appeal or by writ: _____
- f. ☐ Other *(specify)*: _____
Case number: _____ Hearing date: _____

7 I need the records of a juvenile delinquency case file or a living child's juvenile dependency case file because *(describe in detail; attach more pages if you need more space)*:

- ☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 7 to form JV-570, item 7" for a title.

8 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be found guilty of a crime.

Date: _____

Type or print your name



Sign your name

Note: You must provide a copy of this completed form to all interested parties if you know their names and addresses.

JV-571

**Notice of Petition for Access to
Juvenile Delinquency Case File or
a Living Child's Juvenile
Dependency Case File**

**RE: Release of Juvenile Case File and Right to File
an Objection**

To petition the juvenile court for access to a juvenile delinquency case file or a living child's juvenile dependency case file, you must provide this notice to all those listed in item 4 of Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-569), if you know their names and addresses. If not, you must indicate which parties you were unable to serve in item 2 of form JV-569.

To (names):

① Child's name: _____

② Information relating to the child named in ① is being sought by (name): _____

③ The requested information is described in the attached *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-570).

④ If you object to the release of these records and information, you must fill out *Objection to Release of Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-572) and return it to the court listed at the address above within 10 days of service of this notice.

Warning: If you do not object, the court may grant access to the child's case file.

Date: _____

Type or print your name



Sign your name

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

JV-572

Objection to Release of Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File

Objections to the release of information and records described in the attached copy of Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-570) must be filed with the juvenile court.

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

1 a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Fill in court name and street address:

Superior Court of California, County of

- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Court fills in case number when form is filed.

Case Number:

2 Name of child: _____

3 My relationship to the child named in 2, if any, is: _____

4 I object to the release of information and records relating to the child named in 2.

5 I do not want the juvenile court to release the records because (describe in detail, attach additional pages if necessary):

- ☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 5 to form JV-572, item 5" for a title.

Warning: If you do not object, the court may grant access to the child's case file.

Date: _____

Type or print your name



Sign your name

**Order on Petition for Access to
Juvenile Delinquency Case File
or a Living Child's Juvenile
Dependency Case File**

The court finds and orders:

- ① ☐ The request is denied.
- a. ☐ Petitioner has not shown good cause for the release of the requested records.
- b. ☐ Petitioner has not met the notice requirements of rule 5.552(b) of the California Rules of Court.
- c. ☐ Request for records is overbroad or records sought are insufficiently identified.
- d. ☐ Other:

- ② ☐ The court sets a hearing on the request. Applicant has shown good cause for release of the juvenile case file, but the court must balance the interests of the applicant, the child, other parties to the juvenile delinquency or a living child's juvenile dependency court proceedings, and the public. Clerk to send notice under rule 5.552 of the California Rules of Court.

Date of hearing: _____
Time of hearing: _____
Location: _____

- ③ ☐ The court will conduct a review of the juvenile case file and any filed objections.

- ④ ☐ Other:

Date: _____

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Court fills in case number when form is filed.

Case Number:

Judicial Officer

JV-574**Order After Judicial Review on
Petition for Access to Juvenile
Delinquency Case File or a Living
Child's Juvenile Dependency Case
File***Clerk stamps date here when form is filed.***DRAFT
Not approved by
the Judicial Council****1** Name of petitioner: _____**The court finds and orders:**

- 2** ☐ After a review of the juvenile delinquency case file or a living child's juvenile dependency case file and any filed objections
☐ and a noticed hearing, the court denies the request.

Reason(s) for denial:

- a. ☐ Access is not in the child's best interests.
- b. ☐ The need for access does not outweigh the privacy rights of the child and the policy considerations favoring confidentiality of the juvenile case file.
- c. ☐ Petitioner has not shown by a preponderance of the evidence that the records requested are necessary and have substantial relevance to the legitimate need of the petitioner.
- d. ☐ There are no responsive records.
- e. ☐ Other: _____

*Fill in court name and street address:***Superior Court of California, County of***Fill in child's name and date of birth:***Child's Name:****Date of Birth:***Court fills in case number when form is filed.***Case Number:**

- 3** ☐ After a review of the juvenile delinquency case file or a living child's juvenile dependency case file and any filed objections ☐ and a noticed hearing, the court grants the request.
The petitioner has shown by a preponderance of the evidence that access to records is necessary and that records have substantial relevance to the legitimate needs of the petitioner. The court has balanced these needs with the child's best interest. The court finds that the need for access outweighs the policy considerations favoring confidentiality of juvenile records.

- a. ☐ The following records may be disclosed: ☐ with redactions

- b. ☐ The procedure for providing access is:



Your name: _____

- 3 c. ☐ Any information that relates to another child or could identify another child who is not the subject of the petition must be redacted. The court orders required redactions as specified in *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576).
- The court orders the required redactions be made by (*check one*):
- ☐ court clerk
- ☐ custodian of records
- ☐ Other: _____
- d. ☐ See attached.
- 4 a. ☐ Petitioner may not disseminate the information to anyone who is not specified in Welfare and Institutions Code section 827 or 827.10.
- b. ☐ Petitioner may disseminate the disclosed records listed in item 3a only to: _____
- ☐ as redacted ☐ subject to protective order ☐ additional orders attached
- 5 ☐ Disclosure subject to protective order (*list orders*): _____
- _____
- _____
- _____
- _____
- 6 ☐ Other: _____
- _____
- _____
- 7 ☐ See attached.

Date: _____

Judicial Officer

**Order Granting Welfare and
Institutions Code Section 827
Petition Attachment: Required
Redactions**

Clerk stamps date here when form is filed.

- To** ☐ *Order After Judicial Review on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-574)*
- ☐ *Order After Judicial Review on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (form JV-588)*

Use this form to identify required redaction(s) to the juvenile case file when granting the Welfare and Institutions Code Section 827 petition, and to authorize testimony related to the released juvenile case file information, as necessary.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

- 1** After an in-camera review, the court determines that (*check one*): ☐ all ☐ portions of the juvenile case file may be disclosed. The court releases the documents specified below subject to the requirements of any state law or federal law or regulation prohibiting or limiting release of the juvenile case file or any portions thereof (*check all that apply*):

- a. ☐ Court File
- (1) ☐ Orders
 - (2) ☐ Petitions, applications, motions, oppositions, replies, and accompanying memoranda of points and authorities and exhibits
 - (3) ☐ Reports by social workers
 - (4) ☐ Reports by probation officers
 - (5) ☐ Reports by Court Appointed Special Advocates (CASA)
 - (6) ☐ Psychological or psychiatric reports
 - (7) ☐ Letters of guardianship
 - (8) ☐ Adoption records
 - (9) ☐ Restraining or protective orders
 - (10) ☐ Declarations
 - (11) ☐ Health records (including authorizations for psychotropic medication)
 - (12) ☐ Education records
 - (13) ☐ Waivers, information, and notification forms
 - (14) ☐ Intercounty transfer records
 - (15) ☐ Interstate Compact on the Placement of Children (ICPC) records
 - (16) ☐ Indian Child Welfare Act (ICWA) records
 - (17) ☐ Short-Term Residential Therapeutic Program (STRTP) or community treatment facility (CTF) records
 - (18) ☐ Resource Family Approval (RFA) records

- ① a. (19) ☐ Other (please specify additional documents or information):

- b. ☐ Agency File

- (1) ☐ Emergency response referrals
 (2) ☐ Delivered service logs
 (3) ☐ Investigative narratives
 (4) ☐ Relative home assessments
 (5) ☐ Other (please specify additional documents or information):

- ② ☐ The following information must be removed or redacted before the documents are released (check all that apply):

- a. ☐ Any information relating to or that could identify other minors, nonminor dependents, or individuals protected pursuant to Welfare and Institutions Code section 827, and the California Consumer Privacy Act (CCPA) (Civ. Code, § 1798.100 et seq.).
- b. ☐ Names, addresses, and telephone numbers of reporting parties pursuant to the Child Abuse and Neglect Reporting Act (CANRA) (Pen. Code, § 11167(d)).
- c. ☐ Social Security numbers pursuant to California Civil Code section 1798.85.
- d. ☐ Dates of birth pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a, the Driver's Privacy Protection Act (DPPA) (18 U.S.C. § 2721), and the California Public Records Act (CPRA) (Gov. Code, § 7927.410).
- e. ☐ Driver's license numbers pursuant to the Driver's Privacy Protection Act (DPPA) (18 U.S.C. § 2721) and Vehicle Code section 1808.21.
- f. ☐ Protected health information pursuant to the Health Insurance Portability and Accountability Act (HIPAA) (Public Law 104-191 (1996)), the California Confidentiality of Medical Information Act (CMIA) (Civ. Code, § 56 et seq.), and Health and Safety Code sections 12097–121020.
- g. ☐ Mental health information pursuant to the Lanterman-Petris-Short Act (LPS) (Welf. & Inst. Code, § 5000 et seq.), Health and Safety Code section 11845.5, and Civil Code section 56.103.
- h. ☐ Substance abuse treatment information pursuant to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (CAAAPTR) (42 U.S.C. § 4541 et seq.), Public Health Service Act (42 U.S.C. § 290dd–2), and Health and Safety Code section 11845.5.

- ②
- i. ☐ Psychotherapy notes pursuant to Civil Code section 56.10(c)(1).
 - j. ☐ Education information pursuant to the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g, 34 C.F.R. part 99) and the California Student Records Act (Ed. Code, §§ 49060–49085).
 - k. ☐ Privileged information pursuant to Evidence Code sections 954, 994, 1014, 1035.8, 1037.5, 1038.
 - l. ☐ AIDS, HIV, and hepatitis testing information pursuant to Health and Safety Code sections 120820, 120970(i), 120975, 120980, 121015, 121023(f), 121025, 121035, 121065, 121070, 121075, 121280; Penal Code sections 1202.1, 7517, 7523, 7540; and Welfare and Institutions Code section 1768.9.
 - m. ☐ Blood-alcohol test records pursuant to Vehicle Code section 1804.
 - n. ☐ Address of a party known to be a victim of domestic violence pursuant to Penal Code section 278.7 and Welfare and Institutions Code sections 302(b), 332(e).
 - o. ☐ Identity of and information about clients of a community care facility pursuant to Health and Safety Code section 1557.5.
 - p. ☐ Identity of and information about recipients of public social services or aid, including Medi-Cal and workers' compensation pursuant to Welfare and Institutions Code sections 9401, 10810, 10850, 10850.1, 10850.2, 10850.3, 10850.7, 14100.2, 17006, 18491.
 - q. ☐ Identity of and information about conservatees and developmentally disabled persons pursuant to Health and Safety Code sections 416.8, 416.18; Penal Code section 1620; Probate Code sections 1821(a)(5), 1826, 1827.5(e), 1834, 1851, 2586; and Welfare and Institutions Code sections 4514, 4518, 4552.5, 4727, 4903.
 - r. ☐ Other information:

- ③ ☐ The court releases the foregoing documents upon the petitioner submitting a signed protective order.

- ④ ☐ The court further authorizes ☐ social workers ☐ probation officers ☐ other: _____
to testify about information from the juvenile case file in the upcoming proceedings
- ☐ criminal, case number(s), if known: _____ ☐ juvenile, case number(s), if known: _____
☐ family law, case number(s), if known: _____ ☐ probate, case number(s), if known: _____
☐ civil, case number(s), if known: _____

Date: _____

Judicial Officer

Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known.

Case Number:

① a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

② ☐ I was not able to provide notice of this petition to the following because I did not know their names or addresses. The custodian of records must serve a copy of the petition.

- a. ☐ The custodian of records as defined in Welfare and Institutions Code section 10850.4(k)(2);
- b. ☐ The county counsel, city attorney, or any other attorney representing the custodian of records;
- c. ☐ Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file;
- d. ☐ Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in item 2c above:
 - (1) ☐ The parent or guardian of any surviving minor sibling or child;
 - (2) ☐ The Indian tribe—and, if applicable, the Indian custodian—of any surviving sibling, child, or nonminor dependent who is an Indian child as defined in Welfare and Institutions Code section 224.1(b); and
 - (3) ☐ The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent;
- e. ☐ Any surviving adult who has an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3);
- f. ☐ Any of the following who is authorized to represent the interest of any surviving adult who has an interest protected by another state or federal law described in item 2e above:
 - (1) ☐ The Indian tribe of any surviving adult who was an Indian child as defined in Welfare and Institutions Code section 224.1(b); and
 - (2) ☐ The attorney of record or legal representative of any surviving adult; and
- g. ☐ Any other interested party as determined by the court.
- h. ☐ Other (describe): _____



Your name: _____

Case Number: _____

- 3 If you checked box 2a or 2b, describe the efforts made to locate those addresses and explain why you are unable to locate the addresses: _____

- 4 ☐ Copies of *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-584) and *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-585) and a blank *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-586) have been served personally or placed in a sealed envelope with postage paid and deposited in the United States mail addressed to the following:

- a. ☐ The custodian of records as defined in Welfare and Institutions Code section 10850.4(k)(2) (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____

- b. ☐ The county counsel, city attorney, or any other attorney representing the custodian of records (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____

- c. ☐ Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____

- d. ☐ Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in item 4c above:

- (1) ☐ The parent or guardian of any surviving minor sibling or child (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____

- (2) ☐ The Indian tribe—and, if applicable, the Indian custodian—of any surviving sibling, child, or nonminor dependent who is an Indian child as defined in Welfare and Institutions Code section 224.1(b) (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____



Your name: _____

Case Number: _____

- 4 d. (3) ☐ The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- e. ☐ Any surviving adult who has an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3) (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- f. ☐ Any of the following who is authorized to represent the interest of any surviving adult who has an interest protected by another state or federal law described in item 4e above:
- (1) ☐ The Indian tribe of any surviving adult who was an Indian child as defined in Welfare and Institutions Code section 224.1(b) (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- (2) ☐ The attorney of record or legal representative of any surviving adult (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- g. ☐ Any other interested party as determined by the court (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- h. ☐ Other (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- ☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 4 to form JV-583, item 4" for a title.

- 5 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be found guilty of a crime.

Date: _____

Type or print your name



Sign your name

**Petition for Public Disclosure of a
Deceased Child's Juvenile
Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

If you are a member of the public requesting public disclosure of the juvenile dependency case file of a deceased child, you can:

- *Fill out this form and file it with the juvenile court. You must also fill out and file Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (form JV-583). You must then provide a copy of this form to the custodian of records of the county child welfare agency, who will then provide notice of this petition to any interested party whom you have indicated you were unable to serve in item 2 of form JV-583.*

or

- *Do not complete the form, and instead request the juvenile case file from the child welfare agency under Welfare and Institutions Code section 10850.4.*

Fill in court name and street address:

Superior Court of California, County of

Fill in case number, if known:

Case Number:

1 a. Your Name: _____

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____ City: _____

State: _____ Zip: _____ Telephone: _____ Fax: _____

Email Address: _____

2 Name of child: _____

3 Date of birth of child in **2** (if known): _____

4 a. ☐ A petition regarding the child in **2** has been filed under (check all that apply):

(1) ☐ Welfare and Institutions Code section 300

(2) ☐ Welfare and Institutions Code section 601

(3) ☐ Welfare and Institutions Code section 602

- b. ☐ A petition has not been filed, but the deceased child was within the jurisdiction of the juvenile court. An investigation is believed to have been conducted, and records are within the care and custody of the agency or agencies.



Your name: _____

Case Number: _____

- 5 a. ☐ The child in 2 is deceased. Approximate date of death: _____
b. ☐ I believe the child in 2 died as a result of abuse or neglect.

6 Petitioner requests (*check one*):

- a. ☐ The entire juvenile case file
b. ☐ Part(s) of the juvenile case file described below:

☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 6 to form JV-584, item 6" for a title.

7 The reason for this petition is the presumptive public right of access to the file of a deceased child.

8 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be found guilty of a crime.

Date: _____

Type or print your name



Sign your name

Note: You must provide a copy of this completed form to all interested parties if you know their names and addresses.

**Notice of Petition for Public
Disclosure of a Deceased Child's
Juvenile Dependency Case File***Clerk stamps date here when form is filed.***DRAFT
Not approved by
the Judicial Council****RE: Release of Juvenile Case File and Right to File
an Objection**

To petition the juvenile court for public disclosure of a deceased child's juvenile dependency case file, you must provide this notice to all those listed in item 4 of Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (form JV-583) if you know their names and addresses. If not, you must indicate which parties you were unable to serve in item 2 of form JV-583.

To (names):

*Fill in court name and street address:***Superior Court of California, County of***Court fills in case number when form is filed.***Case Number:**

- ① Child's name: _____
- ② Information relating to the child named in ① is being sought by (name): _____

- ③ The requested information is described in the attached *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584).
- ④ If you object to the release of these records and information, you must fill out *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586) and return it to the court listed at the address above within 15 days of service of this notice of a petition for public disclosure of a deceased child's juvenile case file.

Date: _____

Type or print your name

*Sign your name***Warning: If you do not object, the court may grant access to the child's case file.**

**Objection to Public Disclosure of a
Deceased Child's Juvenile
Dependency Case File**

Objections to the release of information and records described in the attached Petition for Public Disclosure of a Deceased Child's Juvenile Case File (form JV-584) must be filed with the juvenile court.

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

① a. Your Name: _____

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Fill in court name and street address:

Superior Court of California, County of

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Court fills in case number when form is filed.

Case Number:

② Child's name: _____

③ I object to the release of information and records relating to the child named in ②.

④ I do not want the juvenile court to release the records because (check all that apply):

a. ☐ I can show by a preponderance of evidence that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical or emotional well-being of another surviving child who is directly or indirectly connected to the juvenile case that is the subject of the petition for the following reason(s) (identify the surviving child and describe how public disclosure is detrimental):

b. ☐ The juvenile case file, or any portion thereof, is privileged or confidential pursuant to another state law or federal law or regulation, which prohibits or limits release of the juvenile case file or any portions thereof for the following reason(s) (provide the name and citation of the state law or federal law or regulation on which you base your objection and what information in the juvenile case file is protected):

☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 4 to form JV-586, item 4" for a title.

Date: _____

Type or print your name

Sign your name

Warning: If you do not object, the court may grant access to the child's case file.

**Order on Petition for Public
Disclosure of a Deceased Child's
Juvenile Dependency Case File***Clerk stamps date here when form is filed.***DRAFT
Not approved by
the Judicial Council****The court finds and orders:**

- ① ☐ The child is deceased, an objection to the request has been filed, and the court sets a hearing on the request within 60 calendar days from the date the petition was served on the custodian of records.

Date of service on the custodian of records: _____

Date of hearing: _____

Time of hearing: _____

Location: _____

- ② ☐ The child is deceased, and the court will (1) conduct a review of the juvenile case file without a hearing because no objections were filed and (2) issue its decision within 10 calendar days of the final day for filing an objection.

- ③ ☐ Other:

_____*Fill in court name and street address:***Superior Court of California, County of***Fill in child's name and date of birth:***Child's Name:****Date of Birth:***Court fills in case number when form is filed.***Case Number:**

Date: _____

Judicial Officer

**Order After Judicial Review on
Petition for Public Disclosure of a
Deceased Child's Juvenile
Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

① Name of petitioner: _____

The court finds and orders:

② ☐ This child is deceased, and the request is granted.

a. ☐ The court has read and considered the following:

b. ☐ There is a presumption under Welfare and Institutions Code section 827(a)(2)(B) in favor of the release of the documents unless a statutory reason for confidentiality is shown to exist. The court has balanced only the interests of the surviving children, siblings, and nonminor dependents who may be named in the file with the deceased child.

c. ☐ The following records may be disclosed: ☐ with redactions

d. ☐ The procedure for providing access is:

e. Any information that relates to another surviving child or could identify another surviving child, except for information about the deceased, must be redacted.

f. ☐ Any information that is privileged or confidential pursuant to another state or federal law or regulation must be redacted. The court orders required redactions as specified in *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576).

The court orders the required redactions be made by (check one):

- ☐ Court clerk
☐ Custodian of records
☐ Other: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Court fills in case number when form is filed.

Case Number:



Your name: _____

- 2 g. ☐ See attached.
- h. ☐ Disclosure subject to protective order (*list orders*): _____
- _____
- _____
- _____

- 3 ☐ The child is deceased and the request is denied because (*check all that apply*):
- a. ☐ The court finds by a preponderance of the evidence that access to the juvenile case file or of any portion of it is detrimental to the safety, protection, or physical or emotional well-being of another surviving child, sibling, or nonminor dependent who is directly or indirectly connected to the juvenile case that is the subject of the request.
- b. ☐ The juvenile case file, or a portion thereof, is privileged or confidential pursuant to another state law or federal law or regulation, which prohibits or limits release of the juvenile case file or any portions thereof for the following reason(s) (*provide the name and citation of the state law or federal law or regulation and what information in the juvenile case file is protected*):
- _____
- _____
- c. ☐ Other:
- _____
- _____
- d. ☐ See attached.

Date: _____

Judicial Officer

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	California Department of Social Services by Dianna Wagner on behalf of Angie Schwartz, Deputy Director of the Children and Family Services Division	AM	This letter provides comments from the California Department of Social Services (CDSS) on the Judicial Council of California’s proposed amendments to rule 5.510 of the California Rules of Court implementing amendments made to Welfare and Institutions Code (WIC) section 10850.4 by Assembly Bill (AB) 1756 (Stats. 2023, Ch. 478, § 62). The statutory amendments made by AB 1756 authorize the juvenile courts to retain jurisdiction after the death of a child or nonminor dependent who was subject to the jurisdiction of the juvenile court at the time of their death “for the exclusive purpose of receiving documents and information, including medical records, police reports, and autopsy reports, related to the circumstances of the death” (WIC § 10850.4, subd. (q)(1)). The proposed amendments to rule 5.510 aim to implement the statutory provisions for retention of juvenile court jurisdiction under these circumstances The CDSS is “the single state agency with full power to supervise every phase of the administration of public social services, except health care services and medical assistance, for which grants-in-aid are received from the United States government or made by the state in order to secure full compliance with the applicable provisions of state and federal laws” (WIC § 10600.). In that capacity, the CDSS regulates the county responsibilities under WIC section 10850.4.	The committee thanks the commenter for their attention to and feedback on this proposal. See the committee’s responses to the CDSS’s specific comments, below. The committee thanks the commenter for their response to its request for specific comments.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			The CDSS is concerned that one of the proposed amendments to rule 5.510 may be interpreted to expand the scope of the statute to impose requirements of [sic] county child welfare agencies beyond the statute. Specifically, the sentence in proposed subdivision (d)(2) states: “The court may order the placing agency to request that the documents and information related to the circumstances of death be sent to the court.” This language has an ambiguity in the use of both order and request in the same sentence. One reading is that the court may order the placing agency to request others to send relevant documents and information to the court. Such an interpretation would require the agency to “gather information from other investigating agencies for the purpose of providing them to the juvenile court” beyond any investigation into the cause of death, contrary to the plain language of the statute (WIC § 10850.4, subd. (q)(5)).	The committee agrees with the commenter’s feedback and recommends changing rule 5.510 to read: “The court may order the placing agency to release the documents and information itemized in Welfare and Institutions Code section 10850.4(c) to the court, subject to the redactions set forth in section 10850.4(e).”
			In the alternative, CDSS recommends the following amendment to the proposed rule, to align more closely with the statute: (2) If the court retains jurisdiction, the case must remain open until the court receives the documents and information related to the circumstances of death. The court may order the placing agency to send the available documents and information related to the circumstances of death to the court in the same manner as the	No further response required.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			placing agency would send to any other requester pursuant to WIC section 10850.4, subdivision (c). This amendment would avoid an interpretation that places responsibility on the placing agency to gather information from other sources when it is not already required to do so.	
			All other aspects of the proposed amendments to rule 5.510 are consistent with WIC section 10850.4 and the CDSS' guidance to counties. We appreciate the opportunity to participate in the public comment process and are available to answer further questions about the comments above.	No further response required.
2.	California Lawyers Association, Family Law Section Executive Committee (FLEXCOM) by Shanon Quinley, FLEXCOM Legislation Chair, Saul Bercovitch, Associate Executive Director, Governmental Affairs	A	FLEXCOM generally agrees with this proposal. However, FLEXCOM suggests that language be added to clarify that the meaning of "juvenile case file" includes CPS investigations that do not result in a dependency case and Delivered Service Logs.	The committee thanks the commenter for their attention to and support for this proposal. The committee understands the commenter's concern, but declined to include CPS investigations that do not result in a dependency case and Delivered Service Logs in the definition of a juvenile case file in new rule 5.551 because these categories of information are already encompassed within rule 5.551(a)(3) and (4).
3.	Orange County Bar Association by Mei Tsang, President	A	Does the proposal appropriately address the stated purpose? Yes.	The committee thanks the commenter for their attention to and support for this proposal.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		The committee proposes increasing a clerk's responsibilities under rule 5.552(b)(3); would adding this requirement to rule 5.552 pose a burden to courts that outweighs the benefits to litigants and interested parties? If so, please explain. In our opinion the requirement to make sure the most probably correct addresses are used for notice does not cause a burden that outweighs the benefits.	The committee thanks the commenter for their response to its request for specific comments.
		Should the proposed new content in rules 5.552(b)(3) and 5.553(b)(3) include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner on interested parties may have been ineffective"? Yes, because it makes the rule more readily understandable.	The committee agrees with the commenter's feedback and recommends changing rules 5.552(b)(3) and 5.553(b)(3) to include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective."
		Does proposed rule 5.553(b)(1) appropriately identify those who should be considered interested parties who are served with a copy of a petition under this rule? Yes.	The committee thanks the commenter for their response to its request for specific comments.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			Are the new proposed form titles sufficiently clear? If not, please provide suggestions on how to make the form titles clearer. The titles or the new forms are sufficiently clear.	The committee thanks the commenter for their response to its request for specific comments.
			What, if any, other categories of information should be enumerated in item 1 of proposed form JV-576? No further categories of information should be enumerated.	The committee thanks the commenter for their response to its request for specific comments.
			What, if any, other information should be listed in item 2 of proposed form JV-576 as protected by another state or federal law or regulation? Please provide the citation to any state or federal law or regulation that protects such information. None recommended.	The committee thanks the commenter for their response to its request for specific comments.
			What, if any, other parties should be listed in item 4 of proposed form JV-576 as potential witnesses? None recommended. The “Other” box provides a method for the Court to insert any additional categories or persons that might apply in a particular case.	The committee thanks the commenter for their response to its request for specific comments.
4.	Orange County Social Services Agency by Carmen McCorvey, Human Services Manager	AM	The term “living child” that is used to describe a non-deceased child is limiting. One suggestion is to avoid using any term to describe the category of a non-deceased child’s juvenile dependency	The committee appreciates the commenter’s attention to and feedback for this proposal. To avoid confusion, the committee does not recommend changing the proposal to distinguish

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			case file. For example, “Petition for Access to Delinquency Case File or Juvenile Dependency Case File.” This phrasing would mirror the framework in Welfare and Institutions Code section 827, where WIC 827(a)(1) is general and silent, and WIC 827(a)(2) refers to case files that pertain to a deceased child.	between the process for requesting the dependency case file of a deceased child, versus the process for requesting any delinquency case file (whether the child is living or deceased) or the dependency case file of a living child.
5.	Superior Court of California, County of Los Angeles by Stephanie Kuo	AM	Comments The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular judicial officer or employee.	The committee thanks the commenter for their attention to this proposal.
			In response to the Judicial Council of California’s ITC, “Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and its ability to appropriately address its stated purpose.	The committee thanks the commenter for their attention to and support for this proposal.
			The Court does not believe that increasing a clerk’s responsibilities under rule 5.552(b)(3) would impose a burden that outweighs the benefits to litigants and interested parties.	The committee thanks the commenter for their response to its request for specific comments.
			The Court does, however, believe that the proposed new content in rules 5.552(b)(3) and 5.553(b)(3) should incorporate the language from section 827(a)(2)(D).	The committee agrees with the commenter’s feedback and recommends changing rules 5.552(b)(3) and 5.553(b)(3) to include the language from section 827(a)(2)(D) that gives

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
			an example of how a clerk as the custodian of records “possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective.”
		Additionally, the Court agrees that the proposed rule 5.553(b)(1) appropriately identifies all necessary parties and provides sufficiently clear form titles.	The committee thanks the commenter for their response to its request for specific comments.
		Regarding the JV-576 form, the Court has no additional information to provide for item 1, item 2, or item 4.	The committee thanks the commenter for their response to its request for specific comments
		Although the Court does not see any cost savings from the proposal, it anticipates minimal implementation requirements, which include but are not limited to: Training for staff Updating policies and procedures Updating macros, event codes, and forms in the case management system	The committee thanks the commenter for their response to its request for specific comments
		Lastly, the Court agrees that three to six months from Judicial Council approval of this proposal until its effective date will provide sufficient time for implementation and that this proposal would work well in courts of different sizes.	The committee thanks the commenter for their response to its request for specific comments

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
6.	Superior Court of California, County of Orange, Family Law and Juvenile Divisions	NI	Does the proposal appropriately address the stated purpose? Yes, the proposal details the stated purpose of modifying and creating new forms for the petition to request a juvenile case file for living and deceased children.	The committee thanks the commenter for their response to its request for specific comments.
			The committee proposes increasing a clerk's responsibilities under rule 5.552(b)(3); would adding this requirement to rule 5.552 pose a burden to courts that outweighs the benefits to litigants and interested parties? If so, please explain. The burden it imposes does not outweigh the benefits to the litigants and other interested parties.	The committee thanks the commenter for their response to its request for specific comments.
			Should the proposed new content in rules 5.552(b)(3) and 5.553(b)(3) include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner on interested parties may have been ineffective"? The proposed language should be incorporated to clarify that, in instances where service on an interested party has been ineffective and the court has a more recent address, the clerk or	The committee agrees with the commenter's feedback and recommends changing rules 5.552(b)(3) and 5.553(b)(3) to include the language from section 827(a)(2)(D) that gives an example of how a clerk as the custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective."

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		custodian is expected to direct service to the most current address on record. This clarification is important to help ensure proper and timely notice.	
		Does proposed rule 5.553(b)(1) appropriately identify those who should be considered interested parties who are served with a copy of a petition under this rule? The proposed Rule 5.553(b)(1) effectively and appropriately identifies the individuals and entities that should be recognized as interested parties. It provides a clear and detailed explanation of who qualifies as an interested party and outlines the specific categories or roles that such parties may hold in relation to the matter at hand.	The committee thanks the commenter for their response to its request for specific comments.
		Are the new proposed form titles sufficiently clear? If not, please provide suggestions on how to make the form titles clearer. ‘Juvenile Dependency Case File for a Child Still Alive’ may be clearer to self-represented litigants than ‘Living Child’s Juvenile Dependency Case File.’ The other places that use “living child” in the forms may be better understood if that phrase is revised.	The committee appreciates the commenter’s attention to and feedback for this proposal. To avoid confusion, the committee does not recommend changing the references to the suggested language of “a child still alive” to preserve consistency in grammar tenses with the companion form series for requesting a deceased child’s juvenile dependency case file (e.g., <i>Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File</i> (form JV-584)).

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			What, if any, other categories of information should be enumerated in item 1 of proposed form JV-576? The proposed item 1 categories on the JV- 576 form are sufficient.	The committee thanks the commenter for their response to its request for specific comments.
			What, if any, other information should be listed in item 2 of proposed form JV-576 as protected by another state or federal law or regulation? Please provide the citation to any state or federal law or regulation that protects such information. Include an additional sub-bullet: ‘All minors named, other than _____, along with all minors’ contact information’, as this information may not be necessary or relevant to the request and is protected under Welfare and Institutions Code § 827 to maintain the confidentiality of the other minors.	The committee appreciates the commenter’s feedback, but does not recommend adding the suggested sub-bullet because item 2a on form JV-576 already covers this class of information: “Any information relating to or that could identify other minors or nonminor dependents pursuant to Welfare and Institutions Code section 827(a)(2), California Consumer Privacy Act (CCPA), Civil Code § 1798.100, et seq.”
			What, if any, other parties should be listed in item 4 of proposed form JV-576 as potential witnesses? Include a separate checkbox for Family Law and Probate cases, along with a field to indicate the related case number for those proceeding(s). May also want to expand authorization for use under seal in a particular case identified by case number.	The committee agrees with the commenter’s feedback and recommends refining item 4 on form JV-576 to include separate checkboxes for juvenile, family law, and probate proceedings and accompanying fields for litigants to provide the respective case numbers, if known.

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	Commenter	Position	Comment	Committee Response
			Would the proposal provide cost savings? If so, please quantify. No, it does not appear to provide cost savings. When considering the proposal, it would require additional resources for training. Additionally, some counties may have an added cost of completing the service, as described in the proposal for rules 5.552 and 5.553.	The committee thanks the commenter for their response to its request for specific comments from courts.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Implementation will require providing communication to judicial officers and court staff, revising current procedures, updating the case management system, and conducting court staff training (approximately 1 hour).	The committee thanks the commenter for their response to its requests for specific comments from courts.
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County.	The committee thanks the commenter for their response to its request for specific comments from courts.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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	Commenter	Position	Comment	Committee Response
			How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	The committee thanks the commenter for their response to its request for specific comments from courts.
7.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	Q: Does the proposal appropriately address the stated purpose? A: For the most part, yes. However, the proposed rule amendments do not adequately encompass the laws governing the confidentiality of the case file of a living nonminor dependent. WIC § 362.5 provides a different list of persons and entities who may have access without having to file a § 827 petition.	The committee appreciates the commenter’s attention to and feedback for this proposal. The committee notes that section 827(a)(1) and the proposed rule amendments in this proposal apply to the juvenile dependency case files of living children under age 18, while section 362.5 applies to nonminor dependent case files of living children who are 18 years old or older.
			Q: Would adding rule 5.552(b)(3) pose a burden to courts that outweighs the benefits to litigants and interested parties? If so, explain. A: The new language in subd. (b)(3) might be interpreted as imposing an additional duty on court clerks and thus may be perceived as burdensome on courts. Although it could reduce the need for further continuances, the proposed text does not use the language that is on page 5 of the Invitation to Comment, i.e., that it would “require the clerk to re-serve parties if the clerk possesses information...” – language that implies the petitioner attempted service but did not succeed. The proposed language in rule 5.552(b)(3) implies the clerk	The committee agrees with the commenter’s feedback and recommends changing rules 5.552(b)(3) and 5.553(b)(3) to clarify that the clerk as the custodian of record’s duty to serve is triggered only after the petitioner or their counsel has indicated on the proof of service (as set forth in item 2 of forms JV-569 and JV-583) that they do not know or cannot reasonably determine the identity or address of the parties in (b)(1) or the clerk possesses information, such as a more recent address, indicating that service by the petitioner on any of those parties may have been effective.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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	Commenter	Position	Comment	Committee Response
			must serve, not re-serve. More importantly, item 2 of form JV-569 (the Proof of Service) already requires petitioner to indicate an inability to provide the required notice to certain parties. This might be sufficient to trigger the court clerk's duty to serve notice and a copy of the petition.	
			Q: Should the proposed new content in rules 5.552(b)(3) and 5.553(b)(3) include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner on interested parties may have been ineffective"?	The committee agrees with the commenter's feedback and recommends changing rules 5.552(b)(3) and 5.553(b)(3) to include the language from section 827(a)(2)(D) that gives an example of how a clerk as the custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective."
			A: Yes.	
			Q: Does proposed rule 5.553(b)(1) appropriately identify those who should be considered interested parties who are served with a copy of a petition under this rule?	The committee thanks the commenter for their response to its request for specific comments from courts.
			A: Yes.	
			Q: Are the new proposed form titles sufficiently clear? If not, please provide suggestions on how to make the form titles clearer.	The committee thanks the commenter for their response to its request for specific comments.
			A: Please see suggested edits below for each	

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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Commenter	Position	Comment	Committee Response
		form.	
		Q: What, if any, other categories of information should be enumerated in item 1 of proposed form JV-576? A: In the court file, letters of guardianship; adoption records (unless these are kept separately in a confidential adoption case file); restraining or protective orders; declarations (e.g., JV-132); reports by probation officers; health and education records (including re authorizations for psychotropic medication); waivers, information, and notification forms (e.g., JV-140, JV-195, JV-285, JV-290, JV-618, JV-702); applications under WIC §§ 329 and 331; notices of hearings et al. (e.g., JV-323); motions, oppositions, replies, and accompanying memoranda of points and authorities and exhibits; ICPC records; ICWA records; intercounty transfer records; STRTP or CTF placement records. In the agency file, resource family approval (RFA) records?	The committee agrees with the commenter's feedback and recommends changing item 1 on form JV-576 to include the additional proposed categories of information to provide a more comprehensive list of confidential information that may warrant removal or redaction. The committee decided not to list all existing forms since additional forms may be created or could be revoked necessitating a need to change this form and the committee determined the burden of doing so outweighs the benefit of listing all forms.
		Q: What, if any, other information should be listed in item 2 of proposed form JV-576 as protected by another state or federal law or regulation? Please provide the citation to any state or federal law or regulation that protects such information. A: AIDS, HIV, hepatitis testing information.	The committee agrees with the commenter's feedback and recommends changing item 2 on form JV-576 to include the additional proposed categories of information to provide a more comprehensive list to help guide courts on the categories of information protected by another state or federal law or regulation.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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	Commenter	Position	Comment	Committee Response
			(H&S Code §§ 120820, 120970(i), 120975, 120980, 121015, 121023(f), 121025, 121035, 121065, 121070, 121075, 121280; PC § 1202.1, 7517, 7523, 7540; WIC § 1768.9.) Blood-alcohol test records. (Veh. Code 1804.) Address of parent known to be a victim of domestic violence. (PC § 278.7; WIC §§ 302(b), 332(e).) Identity of and information about client of community care facility. (H&S Code 1557.5.) Identity of and information about recipient of public social services or aid, including Medi-Cal and workers' comp. (WIC §§ 9401, 10810, 10850, 10850.1, 10850.2, 10850.3, 10850.7, 14100.2, 17006, 18491.) Identity of and information about conservatees and developmentally disabled persons. (H&S Code §§ 416.8, 416.18; PC § 1620; Prob. Code §§ 1821(a)(5), 1826, 1827.5(e), 1834, 1851, 2586; WIC §§ 4514.4518, 4552.5, 4727, 4903.)	
			Q: What, if any, other parties should be listed in item 4 of proposed form JV-576 as potential witnesses? A: None.	The committee thanks the commenter for their response to its request for specific comments from courts.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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Commenter	Position	Comment	Committee Response
		Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee thanks the commenter for their response to its request for specific comments from courts.
		Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Updating internal procedures, adding filings to case management system, training staff, and notifying judicial officers.	The committee thanks the commenter for their response to its request for specific comments from courts.
		Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation ? A: Yes, provided the final versions of the forms are provided at that time.	The committee thanks the commenter for their response to its request for specific comments from courts.
		Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes.	The committee thanks the commenter for their responses to its requests for specific comments from courts.
		General Comments Rule 5.510, heading: Add text to describe the added language in subd. (d), e.g., Proper court; determination of child's residence;	The committee agrees with the commenter's feedback and recommends changing the heading for Rule 5.510 to include the additional proposed language of “ <u>retention of jurisdiction after death of child or nonminor dependent</u> ” to describe the language added in subdivision (d).

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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Commenter	Position	Comment	Committee Response
		exclusive jurisdiction; <u>retention of jurisdiction after death of child or nonminor dependent</u>	
		Rule 5.510(d)(1): When would a child or NMD be within the jurisdiction of the court if a petition was <u>not</u> filed? The language “whether or not a petition was filed” is not in WIC § 10850.4(q)(1). Is it necessary to add it to the rule? If not, it should be deleted.	The language “ <u>whether or not a petition was filed</u> ,” was added to account for the holding in <i>In re Elijah S.</i> (2005) 125 Cal.App.4th 1532, 1544 (“a child is by definition ‘within the jurisdiction of the juvenile court pursuant to Section 300’ if he or she is one who either has suffered or will likely suffer serious neglect or abuse, without regard to whether a section 332 dependency petition — or indeed any jurisdictional petition — has yet been filed to establish that particular child as a dependent of the juvenile court.”).
		Rule 5.551, 1st par.: Query – Shouldn’t this rule address the fact that the confidentiality of case files for nonminor dependents is governed by WIC § 362.5? This paragraph states that it applies to the confidentiality of NMDs’ records, but it does not cite § 362.5.	The committee does not recommend including nonminor dependents in the iteration of the rules of court and series of forms because these rules and forms were specifically designed to differentiate between the process for requesting the dependency case file of a deceased child, versus the process for requesting any delinquency case file (whether the child is living or deceased) or the dependency case file of a living child under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5. Although section 362.5(d) directs parties not entitled to access to request access to the court

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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Commenter	Position	Comment	Committee Response
			file by filing a petition under section 827, this was not contemplated in the current cycle’s proposal or request for specific comment. The committee acknowledges that incorporation of nonminor dependent records into the section 827 petition process via court rules and forms will require further consideration by subject matter experts and juvenile law stakeholders, and an opportunity for public comment in a future cycle.
		Rule 5.552 heading, subd. (a) heading, and throughout rule: Change “delinquency” to “juvenile justice,” add “or nonminor dependent’s” and citation to § 362.5.	The committee has previously recommended to the council, and the council has approved, leaving all references to “delinquency” rather than “juvenile justice” since the Welfare and Institutions Code still uses the term “delinquency”.
		Rule 5.552(d): Comment – § 827.12 explicitly does <i>not</i> apply to dependency case information (see subd. (c)). Accordingly, subdivision (d) of rule 5.552 should not apply to any dependency case files. (d) Release of <u>juvenile delinquency case file and a living child’s juvenile dependency case file information related probation records for research</u> (§ 87227.12(a)(2)) (2) If the information is being released for human subject research as defined in <u>Part 46 of Title 45</u>	The committee agrees with the commenter’s feedback and recommends changing the title of subdivision (d) of Rule 5.552 to remove dependency case file information of a living child and to correct the typo in the reference to Welfare and Institutions Code section 827. The committee also agrees with the suggested changes to subdivision (d)(2) and recommends refining subdivision (d)(2) as suggested.

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		of the Code of Federal Regulations part 46, the probation department must provide notice to the office of the public defender 30 days before the court authorizes the release of the information so that the office has an opportunity to file an objection to the release with the court. Query: Should “or the juvenile’s retained attorney” be inserted after “the office of the public defender”?	
		Rule 5.553(b)(3): Correct form number to JV-583.	The committee agrees with the suggested change and has made the form number correction to rule 5.553(b)(3)(B).
		Rule 5.553, Advisory Committee Comment: The comment begins, “Consistent with rule 5.165....” Does CRC 5.165 apply here? It’s in Chapter 7, Request for Emergency Orders (Ex parte Orders), of Division 1, <i>Family</i> Rules, as opposed to Division 3, Juvenile Rules. Also, 827(a)(2) petitions are not requests for emergency orders. Item 2 of the draft form JV-583 already requires the petitioner to indicate an inability to provide notice of the § 827 on certain parties, so this ACC is unlikely to improve compliance with a “requirement” or directive to indicate whether petitioner was able to provide the required notice.	The committee acknowledges the commenter’s concern and has removed the advisory committee comment due to issues with its clarity and the potential for multiple interpretations, which could lead to confusion or misapplication.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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		JV-569 title & footers: Suggested edits -- Proof of Service—Petition for Access to Delinquency Juvenile Case File or of a Living Child's or Nonminor Dependent Juvenile Dependency Case File [Commenter highlights removed.] JV-569, p. 1, left footer: Add citation to WIC § 362.5. Delete citation to rule 5.553.	The committee understands the commenter's concern, but does not recommend the suggested change to the title and footer of form JV-569. To avoid confusion, the committee does not recommend the distinction between the process for requesting the dependency case file of a deceased child, versus the process for requesting any delinquency case file (whether the child is living or deceased) or the dependency case file of a living child. The committee does not recommend including nonminor dependents in this iteration of the rules of court and series of forms because these rules and forms were specifically designed to differentiate between the process of seeking any delinquency case file (of either a living or deceased child) or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5. The committee agrees with the suggested change of removing the citation to rule 5.553 from the footer of form JV-569.
		JV-569: <u>Item 2c:</u> Per CRC 552(c)(1)(C) [sic], add "if 10 years of age or older." Per WIC § 362.5(d), add "or nonminor dependent."	The committee agrees with the suggested change and recommends adding "if the child is 10 years of age or older" to item 2c on form JV-569. The committee understands the commenter's concerns, but does not recommend

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Commenter	Position	Comment	Committee Response
		c. <u>Child if 10 years of age or older or nonminor dependent</u> [Commenter highlights removed.] <u>Item 2d</u>: Per WIC § 326.5(d) [sic], add “or nonminor dependent.” d. <u>Attorney of record for the child or nonminor dependent</u>	the suggested change to add “or nonminor dependent” in items 2.c. or 2.d. because the forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		<u>Item 4</u>: Suggested edits – Copies of <i>Petition for Access to Delinquency Juvenile Case File or a Living Child’s Juvenile Dependency Case File of a Living Child or Nonminor Dependent</i> (JV-570), <i>Notice of Petition for Access to Delinquency Juvenile Case File or a Living Child’s Juvenile Dependency Case File of a Living Child or Nonminor Dependent</i> (JV-571), and a blank <i>Objection to Release of Delinquency Juvenile Case File or a Living Child’s Juvenile Dependency Case File of a Living Child or Nonminor Dependent</i> (JV-572) have been served personally or placed in a sealed envelope with postage paid and deposited in the United States mail addressed to the following:	The committee understands the commenter’s concern, but does not recommend the suggested change to the titles and footers of forms JV-570, JV-571, and JV-572. To avoid confusion, the committee decided to maintain the distinction between the process for requesting the dependency case file of a deceased child, versus the process for requesting any delinquency case file (whether the child is living or deceased) or the dependency case file of a living child. The committee does not recommend including nonminor dependents in the latest iteration of these rules of court and series of forms because they were specifically designed to differentiate between the process of seeking any delinquency case file (of either a living or deceased child) or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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Commenter	Position	Comment	Committee Response
			of parties entitled to access to the nonminor dependent court file under section 362.5.
		<u>Item 4c</u>: Per CRC 552(c)(1)(C) [sic], add “if 10 years of age or older.” Per WIC § 326.5(d), add “or nonminor dependent.” c. ___ Child if 10 years of age or older or <u>nonminor dependent</u> (name and address): <u>Item 4d</u>: Per WIC § 362.5(d), add “or nonminor dependent.” d. ___ Attorney of record for the child or <u>nonminor dependent</u> (name and address):	The committee agrees with the suggested change and recommends adding “if the child is 10 years of age or older” to item 4.c. on form JV-569. The committee understands the commenter’s concerns, but does not recommend the suggested change to add “or nonminor dependent” in items 4.c. or 4.d. because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		JV-570 title and footers: Suggested edits – Petition for Access to Delinquency Juvenile Case File or of a Living Child's or Nonminor Dependent Juvenile Dependency Case File JV-570, p. 1, par. 1: Suggested edits -- <i>If you are requesting a court order to obtain access to the juvenile delinquency case file or of a living child's juvenile dependency case file or <u>nonminor dependent</u>, fill out all items on this</i>	The committee understands the commenter’s concern, but does not recommend the suggested change to the title, footer, or the first paragraph of form JV-570 because the latest iteration of this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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		<i>form, and file it with the juvenile court. You must also fill out and file Proof of Service—Petition for Access to Delinquency Juvenile Case File or of a Living Child's Juvenile Dependency Case File or Nonminor Dependent (form JV-569).</i>	access to the nonminor dependent court file under section 362.5.
		JV-570, p. 1, left footer: Add citation to WIC § 362.5. Delete citation to rule 5.553.	The committee agrees with the suggested change of removing the citation to rule 5.553 from the footer of form JV-569.
		JV-570: <u>Item 2:</u> Per WIC § 362.5(d), add “or nonminor dependent.” Name of child <u>if 10 years of age or older or nonminor dependent</u> [Commenter highlights removed.] <u>Item 3:</u> Per WIC § 362.5(d), add “or nonminor dependent’s.” Child’s <u>or nonminor dependent’s</u> date of birth (<i>if known</i>): [Commenter highlights removed.] <u>Item 4:</u> Per WIC § 362.5(d), add “or nonminor dependent.” A petition regarding the child <u>or nonminor dependent</u> in 2 has been filed under (<i>check all that apply</i>): [Commenter highlights removed.]	The committee understands the commenter’s concern, but does not recommend the suggested change to items 2-4 of form JV-570 because the latest iteration of this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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Commenter	Position	Comment	Committee Response
		<u>Item 7</u>: Suggested edits – I need the records of from a juvenile delinquency case file or of a living child's or nonminor dependent juvenile dependency case file because . . .	The committee understands the commenter's concern, but does not recommend the suggested change to item 7 of form JV-570 because this iteration of the forms series was specifically designed to differentiate between the process of seeking any delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		JV-571, title and footer: Suggested edits – <u>Notice of Petition for Access to Delinquency Juvenile Case File or of a Living Child's or Nonminor Dependent Juvenile Dependency Case File</u> JV-571, p. 1, left footer: Add citation to WIC § 362.5. Delete citation to rule 5.553. JV-571, p. 1, 1st par.: Suggested edits – <i>You must provide notice to all those listed in item 2 on Proof of Service—Petition for Access to Delinquency Juvenile Case File or of a Living Child's Juvenile Dependency Case File or Nonminor Dependent (form JV-569).</i>	The committee understands the commenter's concern, but does not recommend the suggested change to the title, footer, and first paragraph of form JV-571 because this iteration of these series of forms was specifically designed to differentiate between the process of seeking any delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5. The committee agrees with the suggested change of removing the citation to rule 5.553 from the footer of form JV-569.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		JV-571: <u>Item 1:</u> Per WIC § 362.5(d), add “or nonminor dependent’s.” Child’s <u>or nonminor dependent’s</u> name: [Commenter highlights removed.] <u>Item 2:</u> Per WIC § 362.5(d), add “or nonminor dependent.” Information relating to the child <u>or nonminor dependent</u> named in item 1 is being sought by (name): [Commenter highlights removed.]	The committee understands the commenter’s concern, but does not recommend the suggested change to items 1 and 2 of form JV-571 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		<u>Item 3:</u> Suggested edits – The requested information is described in the attached <i>Petition for Access to Delinquency Juvenile Case File or of a Living Child’s Juvenile Dependency Case File or Nonminor Dependent</i> (form JV-570). [Commenter highlights removed.] <u>Item 4:</u> Suggested edits – If you object to the release of these records and information, you must fill out <i>Objection to Release of Delinquency Juvenile Case File or of a Living Child’s Juvenile Dependency Case File or Nonminor Dependent</i> (form JV-572) and return it to the court listed at the address above	The committee understands the commenter’s concern, but does not recommend the suggested change to items 3 and 4 of form JV-571 because the latest iteration of this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		within 10 days of service of this notice. [Commenter highlights removed.]	
		<u>Warning box beneath signature lines</u> – Consider moving this box so that it is above the signature lines and directly under item 4, which provides the instructions for filing an objection. Also, add “or nonminor dependent’s.” Warning: If you do not object, the court may grant access to the child’s <u>or nonminor dependent’s</u> case file. [Commenter highlights removed.]	The committee agrees with and recommends the suggested change of moving the warning box above the signature line of form JV-571. The committee understands the commenter’s concern, but does not recommend the suggested change to the warning box on form JV-571 because it is beyond the scope of the current proposal. This series of forms were specifically designed to differentiate between the process of seeking any juvenile delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5, which would require further consideration by subject matter experts and juvenile law stakeholders and an opportunity for public comment in a future cycle.
		JV-572, title and footer: Suggested edits – Objection to Release of Delinquency Juvenile Case File or of a Living Child’s <u>or Nonminor Dependent</u> Juvenile Dependency Case File [Commenter highlights removed.]	The committee understands the commenter’s concern, but does not recommend the suggested change to the title, footer, and first paragraph of form JV-572 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		JV-572, p. 1, left footer: Add citation to WIC § 362.5. JV-572, p. 1, 1st par.: Suggested edits – <i>Objections to the release of information and records described in the attached <u>copy of</u> Petition for Access to Delinquency Juvenile Case File or of a Living Child's or Nonminor Dependent Juvenile Dependency Case File (form JV-570) must be filed with the juvenile court within 10 days of service of notice and a copy of the petition.</i> [Commenter highlights removed.]	versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5. The committee does not recommend the suggested change of incorporating the 10 day service deadline into form JV-572 because it is beyond the scope of the invitation to comment. The committee will consider the suggestion in a future cycle as resources permit.
		JV-572: <u>Item 1a, line 2:</u> Add “or nonminor dependent.” Query – Should there be a blank line for the lawyer's telephone number (for ease of contact if needed by the court)? Relationship to child <u>or nonminor dependent</u> (if any): <u>Items 2, 3, 4:</u> Add “or nonminor dependent.” Name of child <u>or nonminor dependent</u>: My relationship to the child <u>or nonminor dependent</u>, if any, is: I object to the release of information and records	The committee understands the commenter's concern, but does not recommend the suggested change because the parenthetical after item 1.b. already instructs the litigant to provide their lawyer's information (address, phone number, and email) if they have a lawyer. The committee understands the commenter's concern, but does not recommend the suggested changes to items 1.a. (line 2), 2-4 of form JV-572 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		relating to the child <u>or nonminor dependent</u> named in item 2.	dependent court file under section 362.5.
		<u>Warning box beneath signature lines</u> – Consider moving this box so that it is above the signature lines and directly under item 5. Also, add “or nonminor dependent’s.” Warning: If you do not object, the court may grant access to the child’s <u>or nonminor dependent’s</u> case file. [Commenter highlights removed.]	The committee agrees with and recommends the suggested change of moving the warning box above the signature line of form JV-572. The committee understands the commenter’s concern, but does not recommend the suggested change to the warning box on form JV-572 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		JV-573, title and footer: Suggested edits – Order on Petition for Access to Delinquency Juvenile Case File or of a Living Child’s <u>or Nonminor Dependent</u> Juvenile Dependency Case File JV-573, p. 1, left footer: Add citation to WIC § 362.5.	The committee understands the commenter’s concern, but does not recommend the suggested change to the title, footer, and item 2 of form JV-573 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		<u>Item 2</u>: Add “or nonminor dependent” and delete “delinquency or a living child's juvenile dependency.” The court sets a hearing on the request. Applicant has shown good cause for release of the juvenile case file, but the court must balance the interests of the applicant, the child <u>or nonminor dependent</u>, other parties to the juvenile delinquency or a living child's juvenile dependency court proceedings, and the public. Clerk to send notice under rule 5.552 of the California Rules of Court.	dependent court file under section 362.5.
		JV-574, title and footers: Suggested edits – Order After Judicial Review on Petition for Access to Delinquency Juvenile Case File or of a Living Child's <u>or Nonminor Dependent</u> Juvenile Dependency Case File JV-574, p. 1, left footer: Add citation to WIC § 362.5. JV-574: <u>Item 2</u>: Delete “delinquency” and “or a living child's juvenile dependency case file.” After a review of the juvenile delinquency case file or a living child's juvenile dependency case	The committee understands the commenter’s concern, but does not recommend the suggested change to the title, footer, and items 2-3 of form JV-574 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			file and any filed objections and a noticed hearing, <u>Item 2a:</u> Add “or nonminor dependent’s.” a. Access is not in the child’s <u>or nonminor dependent’s</u> best interests. <u>Item 2b:</u> Add “or nonminor dependent.” b. The need for access does not outweigh the privacy rights of the child <u>or nonminor dependent</u> and the policy considerations favoring confidentiality of the juvenile case file. <u>Item 3:</u> Suggested edits – After a review of the juvenile delinquency case file or a living child's juvenile dependency case file and any filed objections __ and a noticed hearing, the court grants the request. The petitioner has shown by a preponderance of the evidence that access to records is necessary and that records have substantial relevance to the legitimate needs of the petitioner. The court has balanced these needs with the child’s <u>or nonminor dependent’s</u> best interest. The court finds that the need for access outweighs the policy considerations favoring confidentiality of juvenile records.	

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		<u>Item 3c:</u> Suggested edits – Any information that relates to another child <u>or nonminor dependent</u> or could identify another child <u>or nonminor dependent</u>, who is not the subject of the petition, must be redacted. The court orders required redactions as specified in <i>Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions</i> (form JV-576).	
		JV-576, Check boxes at top: Suggested edits – TO <i>Order After Judicial Review on Petition for Access to Delinquency Juvenile Case File or of a Living Child's or Nonminor Dependent Juvenile Dependency Case File</i> (form JV-574) JV-576, p. 1, left footer: Add citation to WIC § 362.5.	The committee understands the commenter's concern, but does not recommend the suggested change to the title of form JV-574 referenced in form JV-576 and the footer of form JV-576 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		JV-576, all citations in item 2: If the California Style Manual applies to Judicial Council forms, delete all commas preceding "et seq." For example, "Civil Code section 1798.100, et seq."	The committee agrees with and recommends the suggested change to delete all commas preceding "et seq." in item 2 and to add subdivision "(a)(3)" and "and the" to item 2a.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		<u>Item 2a</u>: Change “827(a)(2)” to “section 827(a)(3),” delete first comma, and insert “and the.” [Commenter highlights removed.] Any information relating to or that could identify other minors or nonminor dependents pursuant to Welfare and Institutions Code section 827(a)(2) and the California Consumer Privacy Act (CCPA), Civil Code section 1798.100 et seq. [Commenter highlights removed.]	
		<u>Item 2d</u>: “Dates of birth pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a, the Driver's Privacy Protection Act (DPPA), 18 U.S.C. § 2721, and the California Public Records Act (CPRA), Government Code section 7927.410.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to add “the” and “and the” to item 2d.
		<u>Item 2e</u>: “Driver's license numbers pursuant to the Driver's Privacy Protection Act (DPPA), 18 U.S.C. § 2721, Vehicle Code section 1808.21.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to add “the” to item 2d.
		<u>Item 2f</u>: “Protected health information pursuant to the Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191 (1996), and the California Confidentiality of Medical Information Act (CMIA), Civil Code section 56 et seq., Health and Safety Code sections 12097–121020.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to remove the comma preceding “et seq.” and to add “and the” to item 2f.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		<u>Item 2g</u> : “Mental health information pursuant to the Lanterman-Petris-Short Act (LPS), Welfare and Institutions Code section 5000 ⁵ , et seq., Health and Safety Code section 11845, Civil Code section 56.103.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to delete the comma preceding “et seq.” in item 2g.
		<u>Item 2h</u> : Delete space between “dd” and “2” in “§ 290-dd-2.” Also: “Substance abuse treatment information pursuant to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (CAAAPTR), 42 U.S.C. § 4541 ⁵ , et seq., <u>the</u> Public Health Service Act, 42 U.S.C. § 290dd-2, <u>and</u> Health and Safety Code section 11845.5.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to delete the comma preceding “et seq.”, and to add “the” and “and” to item 2h.
		<u>Item 2j</u> : “Education information pursuant to <u>the</u> Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g, 34 C.F.R. part 99, <u>and the</u> California Student Records Act, Education Code sections 49060-49085.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to add “the” and “and the” to item 2j.
		JV-584: <u>Item 4b</u> : Insert “county child welfare” before “agency.” <u>Item 6b</u> : Change “Part” to “Part(s).” [Commenter highlights removed.]	The committee understands the commenter’s concern, but does not recommend the suggested change because it would exclude dual status cases where the lead agency is not a child welfare agency. The committee instead revised item 4.b. to include “or agencies.”

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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Commenter	Position	Comment	Committee Response
			The committee agrees with and recommends the suggested change to add “(s)” after “Part” in item 6b.
		JV-585: <u>Instructions at top of page 1:</u> Suggested edits – <i>To petition the juvenile court for public disclosure of For a deceased child’s juvenile dependency case file, you must provide <u>this</u> notice to all those listed in <u>items 2 and 4 of POS</u> Proof of Service–Petition for Public Disclosure of a Deceased Child’s Juvenile <u>Dependency</u> Case File (form <u>JV-583</u>) <u>if you know their names and addresses</u>.</i> [Commenter highlights removed.]	The committee agrees with the need for and recommends the suggested change in the first paragraph of form JV-575 to read: “ <i>To petition the juvenile court for public disclosure of a deceased child’s juvenile dependency case file, you must provide this notice to all those listed in item 4 of Proof of Service–Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File (form JV-583) if you know their names and addresses. If not, you must indicate which parties you were unable to serve in item 2 of form JV-583.</i> ”
		JV-586: <u>Item 4a:</u> Insert “release of” before “the juvenile case file” – “I can show by a preponderance of evidence that <u>release of</u> the juvenile case file or any portion thereof is detrimental . . .” [Commenter highlights removed.]	The committee agrees with the suggested change and adds “release of” before “the juvenile case file” in item 4.a.
		JV-587: <u>Item 2:</u> Query – Should a blank line be inserted for the clerk to fill in the deadline for the	The committee understands the commenter’s concern that this would be very challenging for litigants to calculate, but declines to incorporate the suggested change because the deadline for

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			issuance of the court’s decision? The petitioning party might not be able to calculate “10 calendar days of the final day for filing an objection.” For example, The child is deceased, and the court will (1) conduct a review of the juvenile case file without a hearing because no objections were filed, and (2) issue its decision within 10 calendar days of the final day for filing an objection <u>(latest date for decision)</u>: [Commenter highlights removed.]	the court’s decision is not fixed and will have to be calculated on a case by case basis depending upon the date of service by the custodian of records on the parties, which would create undue burden on the courts.
8.	TCPJAC/CEAC Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	AM	The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: • Impact on existing automated systems. • Results in additional training, which requires the commitment of staff time and court resources. • Increases court staff workload.	The committee appreciates the commenter’s attention to and support for this proposal.
			Suggested Modifications 1. The proposed new content in rules	The committee agrees with the commenter’s feedback and recommends refining rules 5.552(b)(3) and 5.553(b)(3) to include the

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			5.552(b)(3) and 5.553(b)(3) should include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records possesses information indicating that the service by the petitioner on interested parties may have been ineffective, such as a more recent address. Given that that this would be a new requirement placed on the clerk's office, and that the currently proposed language leaves room for subjective interpretation that could result in debate in court, the proposed rules should be modified to clearly list the circumstances in which the clerk's office must re-serve the parties. That should not be left to interpretation.	language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective".
			2. "Orders" should be added as distinct from minute orders, or "minute orders" could be changed to "orders" if differentiation is not necessary, in item 1 of proposed form JV-576. Juvenile case files contain both types.	The committee agrees with the commenter's feedback and recommends refining item 1a(1) on form JV-576 to read: "Orders" in order to include the court's orders as well as minute orders.
			Request for Specific Comments Does the proposal appropriately address the stated purpose? Yes.	The committee thanks the commenter for their response to its request for specific comments.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		The committee proposes increasing a clerk's responsibilities under rule 5.552(b)(3); would adding this requirement to rule 5.552 pose a burden to courts that outweighs the benefits to litigants and interested parties? If so, please explain. No. The benefit outweighs the added burden. While this would represent an increase in workload in the clerk's office, it should in turn reduce workload in the courtroom and expedite the handling of these matters.	The committee thanks the commenter for their response to its request for specific comments.
		Should the proposed new content in rules 5.552(b)(3) and 5.553(b)(3) include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner on interested parties may have been ineffective"? Yes. See the above suggested modification. Leaving this to interpretation would result in inconsistent application, both within and across courts, and could create avoidable disputes in court proceedings.	The committee agrees with the commenter's feedback and recommends the revising rules 5.552(b)(3) and 5.553(b)(3) to include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective".
		Does proposed rule 5.553(b)(1) appropriately identify those who should be considered interested parties who are served with a copy of a petition under this rule?	No response required.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			Yes.	
			Are the new proposed form titles sufficiently clear? If not, please provide suggestions on how to make the form titles clearer. Yes.	No response required.
			What, if any, other categories of information should be enumerated in item 1 of proposed form JV-576? “Orders” should be added as distinct from minute orders, or “minute orders” could be changed to “orders” if differentiation is not necessary. Juvenile case files contain both types.	The committee agrees with the commenter’s feedback and recommends revising item .a(1) on form JV-576 to read: “Orders” in order to include the court’s orders as well as minute orders.
9.	Patricia Xavier Court Operations Manager, Central—Juvenile Division of the Superior Court of California, County of San Diego	NI	I would like to propose a change to CRC 5.552 (b)(3)(B) and proposed rule 5.553 (b)(3)(B) to allow the use of form JV-569 or a local form.	The committee understands the commenter’s concern, but does not recommend the suggested changes because form JV-569 is part of a mandatory series of plain language forms meant to assist self-represented litigants in requesting a juvenile case file.
10.	Youth Law Center by Marisa Lopez-Scott, Directing Attorney, and Meredith Desautels, Directing Attorney	AM	Youth Law Center (YLC) appreciates the opportunity to review and comment on the Judicial Council’s Invitation to Comment SPR25-27 Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children. We agree with the Judicial Council’s proposal to create two series of forms to address the different legal presumptions for disclosure of a juvenile case file based on whether the petitioner is requesting	The committee appreciates the commenter’s attention to and feedback for this proposal. See the committee’s responses to YLC’s specific comments, below.

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Commenter	Position	Comment	Committee Response
		access to a juvenile delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file. Bifurcating these rules, processes, and forms should help ensure that the appropriate rules and presumptions are applied. However, we are concerned about the addition of a limitation on disclosure by testimony, and the expansion of the notice provisions to include individuals with privacy interests. We address each of these concerns in turn.	
		<u>Comments on the Proposal</u> As a preliminary matter, it may be prudent for the Judicial Council to wait again on making changes suggested by this proposal because another bill that seeks to modify Welfare and Institutions Code Section 827 is pending before the Legislature (SB 413 (Allen, 2025)). If passed, SB 413 would require additional modifications to the rules and forms included in this proposal, and it may be most efficient to consider all changes together. We also have serious concerns regarding certain aspects of the proposal in its current form that must be addressed.	The committee appreciates the commenter's feedback on this proposal. The committee declines to defer this proposal because the proposed rules and forms changes are necessary to correct inaccuracies in the current rules and forms that should not be further delayed and the issues addressed in the pending bill are unrelated to correcting these inaccuracies and may be addressed in a future cycle.
		<u>Implementation of SB 1161–Rule 5.551</u> <i>Definition of Juvenile Case File</i> Overall we agree with the adoption of a new rule to implement SB 1161's amendment to the definition of juvenile case file in Welfare and	The committee appreciates the commenter's support for the adoption of a new rule to implement SB 1161's amendment to the definition of a juvenile case file.

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		Institutions Code Section 827(e). However, throughout proposed rules 5.552 and 5.553, the term “juvenile dependency case file” and “juvenile delinquency case file” are used in addition to the term “juvenile case file,” and no separate definition for “juvenile dependency case file” or “juvenile delinquency case file” is provided.	
		Based on our reading, “juvenile dependency case file” and “juvenile delinquency case file” have the same meaning as “juvenile case file;” however, we’d request the overlap of these terms to be clarified in proposed rule 5.510 [sic] by adding the following language to proposed rule 5.510(a) [sic]: (a)Definitions <u>of a juvenile case file</u> For the purposes of this rule, A “juvenile case file” <u>has the same meaning as defined in Welfare and Institutions Code section 827(e), and includes the terms “juvenile dependency case file” and “juvenile delinquency case file”, and includes comprises:</u>	The committee understands the commenter’s concern, but does not recommend the suggested change. The committee differentiated between juvenile delinquency and dependency case files in the form titles because the existing series of forms apply to the juvenile delinquency case files of both living and deceased children and the juvenile dependency case files of living children, while the second series of new forms apply to the juvenile dependency case files of deceased children. The form titles refer to the basis for juvenile court jurisdiction over the child, not to the definition of a juvenile case file.
		Similarly, proposed subdivision (b) of rule 5.551, should be amended to conform language to WIC 827(a)(3) and proposed rule 5.551(a) regarding the juvenile case file, as “record” is overly narrow.	The committee agrees with and recommends the suggested change to replace “records” with “a juvenile case file, or any portion thereof”.

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Commenter	Position	Comment	Committee Response
		(b) Other applicable law (§ 827(a)(3)) Under no circumstances may this rule, rule 5.552, rule 5.553, or any subdivision of these rules be interpreted to permit access to or release of <u>a juvenile case file, or any portion thereof, that is records</u> protected under any other federal or state law, including Penal Code section 11165 et seq., except as provided in those laws, or to limit access to <u>the juvenile case file, or any portion thereof, or release of records</u> permitted under any other federal or state law.	
		<u>Clarifying the different standards for release of juvenile case records</u> <i>Rules 5.552 and 5.553</i> 1. Disclosure by Testimony The proposed amendments to rules 5.552(a) and 5.553(a)(3) regarding limitations on disclosure by testimony are unsupported by the citation in the proposal (<i>City of San Diego v. Superior Court</i> (1981) 136 Cal.App.3d 236, 239) and go beyond the scope of the Judicial Council’s rule and form making authority. By adding a limitation on disclosure by testimony, the Judicial Council is proposing a new rule of law that is overbroad and unworkable. The proposal indicates that subdivision 5.552(a) is being modified based on the reasoning of “recent case law”; however, the citation is to a	The committee recommends that rule 5.553(a)(3) should be renumbered to 5.553(a)(2)(A), as it more appropriately fits under the section detailing requests under Welfare and Institutions Code section 827(a)(2). The committee recommends adding the phrase “and the information from the file may not be disclosed by testimony without a juvenile court order” to rules 5.552(a) and 5.553(a)(2)(A) in response to public comment from the San Diego County Office of County Counsel during the 2024 rules cycle specifically requesting the rules include protection for social worker or probation officer testimony based on information taken from the juvenile case file. This change is intended to clarify that testimony based on information obtained from the juvenile

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			nearly 45 year-old case regarding police personnel records. The case is not directly analogous to juvenile case file records, nor is it sufficiently “recent” to support any changes to this provision. No reasoning or support are included at all in the proposed change for rule 5.553(a)(3), though presumably the Judicial Council is relying on the same case as justification for the proposed change. The proposed rules would have absurd results. First, juvenile case files contain a wide variety of information and records beyond the court reports written by the social worker or probation officer, including handwritten letters and cards; information regarding school, milestone events, and ongoing health conditions; visitation notes; children’s drawings; school report cards; photographs; certificates of program completion; progress reports from various services and more. Though these records are contained within the juvenile case file, it would be nonsensical to limit someone’s ability to testify regarding aspects or events in their lives that also happen to be contained within the juvenile case file. It’s important to remember that juvenile case files contain information about real peoples’ lives, and almost anything could be contained within a person’s juvenile case file. It does not make sense to suggest that an individual could not testify to incidents related to their own life, simply because those incidents are also recorded	case file—rather than from a witness’s independent personal knowledge—is subject to court approval. The committee notes that this change is aimed at preventing parties from circumventing judicial review by eliciting protected case file information through testimony. (<i>See City of San Diego v. Superior Court</i> (1981) 136 Cal.App.3d 236, 239 (applying protection for testimony in the context of law enforcement personnel files)). While the committee acknowledges the commenter’s concerns, it does not recommend adopting the commenter’s suggestion to strike this language. Instead, it has revised the proposed rule to replace “information <i>in</i> the file” with “information <i>from</i> the file” and clarified that disclosure through testimony requires prior juvenile court authorization

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			in the file. Second, if it were true that an individual may not testify on a subject that is also contained within a juvenile case file, it may create an incentive to write down certain information and include it in the juvenile case file, for the purpose of restraining someone's ability to speak about that information, since it then could not be disclosed in testimony under this rule. It is more appropriate for the court to include any applicable limitations on the use of information or records within its orders on the WIC 827 petition under Rules of Court 5.552(c)(8) and 5.553(c), rather than to create an unworkable and overbroad limitation absent an order. This approach would allow people to testify as to facts for which they have independent knowledge, while preserving the court's ability to restrict testimony that is based directly on the records themselves. Under this approach, all references to prohibiting testimony regarding information in a juvenile case file in the proposed rules should be removed. With this removal on the limitation on disclosure by testimony, the form JV-576 should then be modified to allow the court to order specified limitations on testimony, as follows: Use this form to identify required redaction(s) to the juvenile case file when granting the Welfare and Institutions Code Section 827 petition, and to <u>restrict any</u> authorize testimony	The committee understands the commenter's concern, but does not recommend the suggested change because testimony regarding confidential information taken from a juvenile case file is generally restricted unless authorized by juvenile court order.

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		based on related to the released juvenile case file information, as necessary.	
		Item 4: The court further <u>limits</u> authorizes the testimony of ☐ social workers ☐ probation officers ☐ Other: _____ in the upcoming ☐ criminal ☐ civil proceedings as follows:- These changes reflect the ability of individuals to testify regarding the contents of a juvenile case file, subject to the further limitations of the court. If the JV-576 remains as is, it may actually authorize testimony that is prohibited by other orders of the court, including legally required redactions or document removals.	The committee understands the commenter's concern, but does not recommend the suggested change because testimony regarding confidential information taken from a juvenile case file is generally restricted unless authorized by juvenile court order.
		2.Notice of Petition The proposed rules expanding the petitioner's notice and service obligations to individuals with protected privacy interests under WIC 827(a)(3) may undermine the Judicial Council's goal of preserving such individuals' privacy. Specifically, proposed rules 5.552(b)(1)(I) and 5.553(b)(1)(H) require the petitioner or custodian of records to try to identify individuals with protected privacy interests and to serve them with the petition. Juvenile case files may contain an extremely wide range of protected information of third parties, many of whom might prefer not	The committee understands the commenter's concern, but does not recommend the suggested changes because section 827(a)(3)(B) requires that "[p]rior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a <i>notice of</i> , and an opportunity to file an objection to, the release of the record or report to all interested parties." (emphasis added). Any individual whose information is privileged or confidential pursuant to any other state law or federal law or regulation is an interested party who must be

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		to have to go to court if their privacy could be appropriately protected through court orders. Rather than place the onus on the petitioner or the clerk, the determination of when and how to involve third parties with protected privacy interests should rest with the court.	noticed under the statute. The committee specifically included “Any other interested party as determined by the court” in rule 5.553(b)(1)(H) to reserve the court’s discretion in determining who must be served as an interested party under section 827.
		a. Rule 5.552(b)(1)(I) WIC Section 827(a)(3) does not include any language regarding “surviving interests” and it creates confusion in these provisions to include this language since the other forms and rules are being changed to address the procedure to obtain records of a deceased child. Since “it has long been recognized that privacy rights expire upon death,” ¹ no additional clarifications should be needed here.	The committee understands the commenter’s concern, but does not recommend the suggested change of removing “surviving interests” because there has been confusion among practitioners about who has standing to object to the release of a juvenile case file. This language is meant to clarify and reiterate that privacy rights expire upon death.
		Additionally, we have some concerns regarding the addition of an individual with a protected interest to 5.552(b)(1)(I) because those individuals could be siblings, or victims, or co-minors etc. and it may broaden the class of individuals who would be entitled to notice of the petition and may in fact violate the privacy interests of those individuals for the petitioner to try to identify, find, and serve them. It is unnecessary for individuals with a cognizable privacy interest to be noticed and have an opportunity to weigh-in on disclosure	Section 827(a)(3)(B) requires that “[p]rior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a <i>notice of</i> , and an opportunity to file an objection to, the release of the record or report to all interested parties.” (emphasis added). Any individual whose information is privileged or confidential pursuant to any other state law or federal law or regulation is an interested party who must be noticed under the statute.

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			when the court could protect and address these privacy interests through additional removals and redactions of the juvenile case file before release. For example, the driver's license number of a witness in a police report could simply be redacted by the court, rather than requiring notice to that individual, which may further invade their privacy. If, upon review, the court determines that a privacy interest is sufficiently implicated that notice is appropriate, the court can make orders to that effect.	
			We recommend removing this requirement from the rule and form. If the Judicial Council is unwilling to strike the addition in (b)(1)(I) entirely, we at least ask that it be changed as follows: (I) Anyone with an surviving interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under section 827(a)(3) <u>as determined by the court</u>; Additionally, we'd ask that proposed form JV-569 be updated in conformity with our suggested changes to the proposed rule.	The committee understands the commenter's concern, but does not recommend the suggested change because (1) there has been confusion among practitioners about who has standing to object to the release of a juvenile case file, and (2) section 827(a)(3)(B) requires notice be provided to interested parties.
			b. Rule 5.553 - Defining "interested parties" for purposes of service under section 827(a)(2)	

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			Though we appreciate the Judicial Council’s attempts to limit the definition of interested parties to ensure only those with cognizable privacy interests will be noticed and included in the proceedings, the procedure of finding and noticing these “interested parties” could lead to invasions of privacy of living individuals by either the petitioner or custodian of records, as they try to figure out who may have a protected interest and how such persons can be contacted. The need for further inquiry cuts against the interests of trying to protect the privacy interests of individuals who may be identified by information in the deceased child’s juvenile dependency case file by suggesting that the petitioner investigate and try to serve them. Generally a petitioner does not know the contents of the juvenile case file, hence the need for the petition, so they can’t possibly know the identities of individuals with surviving interests without requiring them to investigate further and potentially violate an individual’s protected privacy interests in doing so. In particular, proposed rule 5.553(b)(1)(H) is excessively overbroad and goes beyond the limited definition of interested parties as indicated in the proposal. The rules should leave it to the court to either order further notice or order redactions or exclusions such that that the privacy interests are not at issue. The court is also far better able to know and understand the various privacy laws and statutes that may be	The committee understands the commenter’s concern, but does not recommend the suggested changes because section 827(a)(3)(B) requires that “[p]rior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a <i>notice of</i>, and an opportunity to file an objection to, the release of the record or report to all interested parties.” (emphasis added). Any individual whose information is privileged or confidential pursuant to any other state law or federal law or regulation is an interested party who must be noticed under the statute. The committee specifically included “Any other interested party as determined by the court” in rule 5.553(b)(1)(H) to reserve the court’s discretion in determining who must be served as an interested party under section 827.

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		applicable, and neither a lay petitioner nor the custodian of records is likely to understand or know about what and which privacy interests may need protection under WIC 827(a)(3).	
		We recommend that proposed rule 5.553(b)(1)(H) be struck, and proposed rule 5.553(b)(1)(E) changed as follows: (E) Anyone with a surviving interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under section 827(a)(3) <u>as determined by the court</u>; [Commenter red font coloring removed.] We have left the addition of the word “surviving” in this subdivision because it would address any confusion about whether the deceased child is included in the list of those with a protective privacy interest under WIC 827(a)(3). Finally, we’d ask that proposed form JV-538 [sic] be updated in conformity with the changes to the proposed rules.	The committee understands the commenter’s concern, but does not recommend the suggested change because § 827(a)(3)(B) requires notice be provided to interested parties. Any individual whose information is privileged or confidential pursuant to any other state law or federal law or regulation is an interested party who must be noticed under the statute. The committee specifically included “Any other interested party as determined by the court” in rule 5.553(b)(1)(H) to reserve the court’s discretion in determining who must be served as an interested party under section 827.
		<u>Additional Concerns Not Addressed in the Proposal</u> We recommend that an INFO form be created to be included in this series of forms. Without an info form, it is unclear which set of forms should	These suggestions are beyond the scope of the invitation to comment. The committee will consider developing an INFO form in a future cycle.

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			be used and how they should be completed. In particular, the proof of service forms are exceptional when compared with all other juvenile proof of service forms (e.g. JV-510) since they first indicate who was not served (Item 2 on proposed forms JV-569 and JV-583) before the petitioner would indicate who was served (Item 4 on proposed forms JV-569 and JV-583). Additionally, it's unclear from the face of the forms whether the list of individuals contained in Item 2 on the draft JV-569 and the draft JV-583 is the full list of individuals that are entitled to receive notice, so it may be difficult for a petitioner to know whether they have fulfilled their noticing obligations, and which individuals the custodian of records would need to serve.	

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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	Commenter	Position	Comment	Committee Response
1.	California CASA Association, by Sharon Lawrence, CEO	A	[No specific comments.]	The committee appreciates the commenter's attention to and support for this proposal.
2.	California Lawyers Association, Executive Committee of the Family Law Section (FLEXCOM), by Justin M. O'Connell, FLEXCOM Legislation Chair, Saul Bercovitch, Associate Executive Director, Governmental Affairs	A	FLEXCOM agrees with this proposal. FLEXCOM also suggests that at item 4 in form JV-570, there be a place to check a box indicating that a petition has not been filed although an investigation is believed to have been conducted and records are within the care and custody of the Department of Health and Human Services. Where no petition is filed in dependency court but CPS conducted an investigation and records are sought for another proceeding (e.g., family law case), then one seeking such records is required to use this form. Currently, one must write or type that information into the form at item 4.	The committee appreciates the commenter's attention to and support for this proposal and revised item 4 of new form JV-584 to read: a. ☐ A petition regarding the child in (2) has been filed under: (i) ☐ Welfare and Institutions Code section 300 (ii) ☐ Welfare and Institutions Code section 601 (iii) ☐ Welfare and Institutions Code section 602 b. ☐ <u>A petition has not been filed, but the deceased child was within the jurisdiction of the juvenile court. An investigation is believed to have been conducted, and records are within the care and custody of the agency or agencies.</u>
3.	Children's Legal Services of San Diego, by Beth Ploesch, Executive Director	N	My office is court-appointed counsel for youth involved in dependency proceedings. If the child is deceased, we no longer have a client to consult re: the 827 process. It does not seem to serve a purpose to include the attorney of the deceased child on the service list for the JV-569 since the deceased child has no privacy interest for us to protect (nor do we have any client direction).	The committee appreciates the commenter's attention to this proposal and its thoughtful reflection and feedback on the issue of whether to notice the deceased child's attorney. The committee agrees that the deceased child has no privacy interest in the juvenile case file and has, in the final recommendation, excluded the attorney of the deceased child from the service list in new form <i>Proof of Service—Petition for Public Disclosure of a Deceased Child's Dependency Case File</i> (form JV-583) because they are not entitled to notice.

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			Additionally, our funding is through JCC funds and FFDRP dollars. We are relieved as counsel if a client passes away; keeping the case open would skew the number of dependents being served by our contract. This is especially concerning if there is no set timeframe for the court to terminate jurisdiction following a child's death. For example, we may be dealing with discovery/827 issues for several months/years if a civil case ensues. To improve these rules, I recommend clarifying that the attorney for the deceased child will be relieved even if the court retains jurisdiction. deceased child will be relieved even if the court retains jurisdiction.	The committee thanks the commenter for their feedback, but declines to recommend incorporating the suggested language into proposed rule 5.510(d)(2) because a deceased child's attorney of record may already request to be relieved upon the death of their client, even if the court retains jurisdiction, without further clarification or express language in the proposed rule.
			Also, I would add that the attorney for the deceased child is not required to be served with the 827 petition documents.	The committee agrees that the deceased child has no privacy interest in the juvenile case file and has, in the final recommendation, excluded the attorney of the deceased child from the service list in proposed new form JV-583 because they are not entitled to notice and service of the section 827 petition.
			Finally, it is highly relevant for the surviving siblings' lawyer to receive notice of a petition under 827 for a deceased sibling. In our county, the social worker files one report at each hearing that includes information about each child/sibling. As a result, the sibling's confidential/protected information is intertwined throughout the deceased child's file. I like the language in Rule 5.553(c)(7) but I recommend adding that the surviving sibling's attorney of	The committee agrees with the commenter's feedback, and amended proposed rule 5.553(b)(1)(D) to include: <u>(ii) The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent.</u> The committee also proposed revising item 2 in proposed new form JV-583 to include subdivision "d.(iii) □ The attorney of record or

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	Commenter	Position	Comment	Committee Response
			record must also be served with the petition and added to JV-569: (2)(k).	legal representative of any surviving sibling, child, or nonminor dependent”.
4.	Julia Hanagan, Policy Direction for Dependency Legal Services CITY	AM	JV-570, specifically, item 4 there should be a section wherein you check a box that states a petition has not been filed, however, an investigation is believed to have been conducted and records are within the care and custody of the Dept. of Health and Human Services. If JV-570 is not amended, my recommendation would be to add a subsection c to item 4. If the forms are amended as SPR24-20 recommends, then still adding a subsection c to item 4 on JV-570 would work the way the forms are proposed to be amended.	The committee agrees with the commenter’s feedback and proposes adding the following language to item 4 of form JV-584: a. ☐ A petition regarding the child in (2) has been filed under: (i) ☐ Welfare and Institutions Code section 300 (ii) ☐ Welfare and Institutions Code section 601 (iii) ☐ Welfare and Institutions Code section 602 b. ☐ <u>A petition has not been filed, but the deceased child was within the jurisdiction of the juvenile court. An investigation is believed to have been conducted, and records are within the care and custody of the agency or agencies.</u>
5.	Orange County Bar Association by Christina Zabat-Fran, President	A	THE PROPOSAL APPROPRIATELY ADDRESSES THE STATED PURPOSE. THERE SHOULD BE A SEPARATE FORM TO REQUEST A DECEASED CHILD’S JUVENILE CASE FILE.	The committee agrees and proposed a new set of forms for requesting disclosure of a deceased child’s juvenile dependency case file that circulated for comment during the Spring 2025 cycle.
			THE PARENTS OF THE CHILD SHOULD BE INCLUDED IN THE NOTICE REQUIREMENTS OF SECTION 5.553(b).	The committee thanks the commenter for their feedback and recommends amending Rule 5.553(b)(1)(D)(i) to include “ <u>The parent or guardian of any surviving minor sibling or child;</u> ”

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
6.	San Diego County Office of County Counsel by Lisa R. Storing, Assistant Chief Deputy County Counsel	N	1. Proposal: “Subdivision (a)(3) applies to requests for records of a living child; subdivision (a)(2) applies to requests for records of a deceased child.” (Invitation to Comment at p. 2.) Comment: The San Diego County Office of County Counsel disagrees with the first clause of this statement. WIC 827(a)(3) does not govern the release of information from a living child’s file. WIC 827(a)(2) describes the process to obtain the files of a deceased minor, but there is no corresponding WIC 827 subdivision that describes the process to obtain a living child’s file. The authority to request a living child’s file is only found in Rule 5.552(b)-(d).	The committee thanks the commenter for their feedback. It is precisely this confusion over the standards and procedure for access and disclosure of juvenile case files of living versus deceased children that spurred the committee to clarify the procedures, burdens, and timelines for release of a juvenile dependency case file in the two contexts. The committee recognizes that the carve out for overlapping confidentiality laws applies to both requests for the juvenile case files of living and deceased children as recognized in rule 5.551(b). The committee proposes amending the parenthetical to rule 5.552 from “827(a)(3)” to “827(a)(1)” since petitioners requesting the juvenile case files of living children may include classes of individuals enumerated in section 827(a)(1) who wish to share or receive copies beyond what is permitted under 827(a)(4) or (a)(5).
			WIC 827(a)(3) governs the disclosure of information within the file that is privileged or confidential under other state or federal laws, and it applies to the files of both living and deceased children. (WIC 827(a)(2)-(3); <i>See also “Sharing Information From Juvenile Agency Files,”</i> (December 2019) Judicial Council of California; Center for Families, Children & the Courts, pp. 5-6, 20-21.) This subdivision applies to deceased children by the plain language of WIC 827(a)(2), which states that such records are “subject to paragraph (A) of paragraph (3).”	The committee agrees that other applicable privacy laws that permit or limit access to or release of juvenile case file records are incorporated by reference into section 827(a)(2) by reference to subdivision (a)(3) and incorporated in new rule 5.551(b). However, this does not mean that the public right of access codified in section 827(a)(2) applies to requests for the juvenile dependency case files of living children under 827(a)(1). The statute citation in the parenthetical to rule 5.552 has been amended accordingly from section “827(a)(3)” to “827(a)(1)”.

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	Commenter	Position	Comment	Committee Response
			2. Proposal: “Petitioners seeking the files of living children under subdivision (a)(3) must establish good cause and demonstrate that disclosure is not detrimental to the safety, protection, or physical or emotional well-being of a living child who is directly or indirectly connected to the juvenile case that is the subject of the petition.” (Invitation to Comment at p. 2.) Comment: The San Diego County Office of County Counsel disagrees with this statement of the law. The legal standard for release of information from a living child’s file is found in Rule 5.552(d) and there is no corresponding language in WIC 827. The court must find good cause, that the need for access outweighs the policy considerations favoring confidentiality, and that the petitioner has shown, by a preponderance of the evidence, that the records requested are necessary and have substantial relevance to the legitimate need of the petitioner. (Rule 5.552(d).) The standard stated in the proposal above applies to release of privileged information within the case file. The juvenile court may only grant a request for privileged information if the requirements of Rule 5.552 are met, and disclosure of the privileged information is not detrimental to the safety, protection, or physical or emotional well-being of a child who is directly or indirectly connected to the juvenile	The committee thanks the commenter for their clarification and acknowledges that the standard, notice, and procedure for requesting a living child’s juvenile case file are currently contained in rule 5.552, while those for a deceased child’s juvenile case file are set out in section 827(a)(2) and rule 5.553. The good cause and preponderance standards referred to by the commenter here are taken from language in rule 5.552, which applies to the release of any juvenile delinquency case file and a living child’s juvenile dependency case file. It is precisely this confusion over the standards and procedure for access and disclosure of the juvenile case files of living versus deceased children that spurred the committee to clarify the procedures, burdens, and timelines for release of a juvenile dependency case file in the two contexts. The standard laid out in section 827(a)(3) has been incorporated into rule 5.551(b) to preserve the interoperability of other state and federal confidentiality laws with requests for the juvenile case files of both living and deceased children.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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Commenter	Position	Comment	Committee Response
		case. (827(a)(3)(A).)	
		Rule 5.551 Proposal: The committee proposes moving the definition of a juvenile case file from rule 5.552(a) to the newly adopted rule 5.551(a). (Invitation to Comment at p. 4.) Comment: The San Diego Office of County Counsel agrees with the proposal to move the definition of juvenile case file to Rule 5.551(a). This Office suggests three changes to the definition of juvenile case file to bring the Rule of Court into conformity with existing case law and modern technology.	The committee appreciates the commenter's attention to and support for this part of the proposal.
		1. Modify subdivision (a)(4) to include children who fall within section 300, but for whom a petition was not filed. This follows the holding of <i>In re Elijah S.</i> below, and would ensure that all child abuse investigation records are considered part of the juvenile case file. "Like section 827, section 300 itself contains no requirement making the filing of a dependency petition a prerequisite to the exercise of juvenile court jurisdiction. To the contrary, section 300 expressly provides that the juvenile court "<i>may</i> adjudge" any child who is "within the jurisdiction of the juvenile court ... to be a dependent child of the court." (Italics added.)	The committee values the commenter's feedback and proposes amending subdivision (a)(4) of proposed rule 5.551 to include "Records and information relating to a child <u>within the jurisdiction of the juvenile court, whether or not a petition has been filed,</u> " in accordance with the holding in <i>In re Elijah S.</i> (2005) 125 Cal.App.4th 1532, 1544.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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	Commenter	Position	Comment	Committee Response
			By implication, such a child may come “within the jurisdiction of the juvenile court” <i>before</i> the juvenile court has adjudged him or her to be a dependent child. By extension, “a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300” for purposes of section 827, subdivision (a)(2) need not have been the subject of any section 332 dependency petition for the juvenile court to have jurisdiction to release his or her records.” (<i>In re Elijah S.</i> (2005) 125 Cal.App.4th 1532, 1544.) “(4) Documents relating to a child concerning whom a petition has been filed in <u>who is within the jurisdiction of the juvenile court</u> that are maintained in the office files of probation officers, social workers of child welfare services programs, and CASA volunteers;” 2. Modify subdivision (a)(6) to replace “video or audio tapes” with “video or audio recordings,” and add “digital images.” This would capture other media formats, such as digital recordings, flash drives, digital images, DVDs, and CDs. “(6) Documents, video or audio tapes <u>recordings</u>, photographs, <u>digital images</u>, and exhibits admitted into evidence at juvenile court hearings.”	The committee values the commenter’s feedback and proposes amending subdivision (a)(6) of rule 5.551 to include: “Records and information, including but not limited to video or audio tapes <u>recordings</u>, photographs, <u>digital images and recordings</u>, and exhibits admitted into evidence at juvenile court hearings.”

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	Commenter	Position	Comment	Committee Response
			3. Add new subdivision (a)(7) to include social worker or probation officer testimony about juvenile case file information. This would prevent a party from attempting to obtain juvenile case file information without a court order through social worker testimony. (<i>See City of San Diego v. Superior Court</i> (1981) 136 Cal.App.3d 236, 239.) “(7) Testimony of a social worker or probation officer regarding the information contained within the documents described in subdivisions (a)(1)-(a)(6).” Rule 5.552 Proposal: Rule 5.552 sets forth the process for petitioning for release of the juvenile case files of living children. The committee proposes adding specific language to clarify that the rule only applies to petitions requesting the juvenile case files of living children by adding the words “of a living child” to subdivisions (b), (d)(1), and (d)(3)–(8), which will be re-lettered. (Invitation to Comment, p.4.) Comment: The San Diego County Office of County Counsel submits the following suggestions: 1. Remove “827(a)(3)” from the title; it is not the controlling statute. Replace with “827(a)(1)(Q)”.	The committee values the commenter’s feedback and proposes adding the following language to both rules 5.552(a) and 5.553(a)(3): the “file may not be obtained or inspected by civil or criminal subpoena, <u>and the information from the file may not be disclosed by testimony without a juvenile court order.</u>” The committee thanks the commenter for their feedback on this issue and the statute citation in the parenthetical to rule 5.552 has been amended accordingly from section “827(a)(3)” to “827(a)(1)” since petitioners requesting the juvenile case files of living children may include classes of individuals enumerated in section 827(a)(1) who wish to share or receive copies beyond what is permitted under 827(a)(4) or (a)(5).

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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Commenter	Position	Comment	Committee Response
		“Rule 5.552. Procedure for requesting a living child’s juvenile case file (§§ 827 (a)(3) (a)(1)(q), 827.12, 828)”	
		2. The addition of the words “living child” in 5.552(a) is sufficient; it is unnecessary to also add the words “living child” to subdivisions (a)(1) – (a)(2) because it is implied by subdivision (a).	The committee thanks the commenter for their feedback, but will proceed in its recommendation to add “living child” to the language of subdivisions (a)(1)–(a)(2) to be as clear as possible.
		Rule 5.553 Proposal: New subdivision (b) (Notice of petition requesting a deceased child’s juvenile case file) would instruct petitioners seeking the juvenile case file of a deceased child on the proper procedure for filing and serving the petition and instruct the custodian of records on the proper procedure for serving interested parties. Parties responsible for the maintenance of the deceased child’s juvenile case file or with a privacy interest in and standing to object to the release of a deceased child’s juvenile case file would be served with a blank <i>Objection to Release of Juvenile Case File</i> (form JV-572) under subdivision (b)(1). Other parties without a privacy interest in the deceased child’s juvenile case file would be served with the new proposed <i>Input on Release of Juvenile Case File</i> (form JV-576) because they lack standing to object to the release of a deceased child’s juvenile case file. (Invitation to Comment at p. 4.)	No response required. The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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Commenter	Position	Comment	Committee Response
		Comment: The San Diego County Office of County Counsel agrees with the modification of Rule 5.553 to contain the process and legal standard applicable to requests pertaining to deceased minors. However, this Office does not agree with the notice provisions of subdivision (b) because they are confusing and inconsistent with WIC 827(a)(2)(D).	The committee thanks the commenter for their feedback and general support for the proposed modification of rule 5.553. The comment regarding the notice provisions of subdivision (b) is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.
		1. Proposed subdivision (b)(1)(D) is unclear and confusing. It might be helpful to break this down into several subdivisions.	The committee values the commenter's feedback and has amended rule 5.553(b)(1)(D) to read: <u>(D) Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in (C):</u> (i) <u>The parent or guardian of any surviving minor sibling or child;</u> <u>and</u> (ii) <u>The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent;</u> (iii)
		2. Proposed subdivision (b)(4) is inconsistent with WIC 827(a)(2)(D) in that it shifts the initial burden of notice from the petitioner to the custodian of records. Under the proposed rule, the petitioner is required to attempt service to four categories of interested party, and the custodian of records is required to provide notice to six other categories. However, under	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

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	Commenter	Position	Comment	Committee Response
			WIC 827, the custodian of records is only required to provide notice if petitioner lacks the information to do so, or has served the party ineffectively (i.e., at an outdated address). (WIC 827(a)(2)(D).) 3. Proposed subdivision (b)(4) divides “interested parties” into two categories: interested parties with standing who may object, and interested parties without standing who may only provide input. These categories are not present in the statute. Additionally, disclosure under WIC 827(a)(2) requires that “interested parties have been afforded an opportunity to file an objection.” The proposed rule would not comply with WIC 827(a)(2) because it does not allow the interested parties listed in 5.552(b)(4) to file an objection. It is also unclear how providing input differs from filing an objection San Diego County Office of County Counsel proposes the following revisions to proposed Rule 5.553(b) to address these concerns: Rule 5.553 (b) Notice of petition requesting a deceased child’s juvenile case file (1) At least 10 days before the petition is submitted to the court, the petitioner must personally or by first-class mail serve <i>Petition Requesting Juvenile Case File</i> (form JV-570), <i>Notice of Petition Requesting Juvenile Case File</i>	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

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	Commenter	Position	Comment	Committee Response
			(form JV-571), and a blank copy of <i>Objection to Release of Juvenile Case File</i> (form JV-572) on the following: (A) The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action if the deceased child's petition was filed under section 300; (B) <u>The district attorney if the deceased child's petition was filed under section 601 or 602;</u> (BC) The custodian of records of the agency in possession of the requested records; (ED) The attorney of record for the deceased child; and (E) The parents of the deceased child if: <u>(i) The deceased child died under 18 years of age; or</u> <u>(ii) The deceased child's petition was filed under section 300;</u> (F) The guardians of the deceased child if: <u>(i) The deceased child died under 18 years of age; or</u> <u>ii) The deceased child's petition was filed under section 300;</u> (G) <u>The probation department or child welfare agency handling the deceased child's case, or both, if applicable;</u> (H) <u>The deceased Indian child's tribe;</u> <u>(I) The deceased child's CASA volunteer;</u> (DJ) Any surviving adult sibling, any surviving child or sibling or child who is 10 years of age or older, or any nonminor dependent, and the guardian, tribe, and legal representative for any	

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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	Commenter	Position	Comment	Committee Response
			surviving child, sibling, or nonminor dependent whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file. <u>(K) The attorney of record for any party listed in subdivision (b)(1)(D) who is a dependent or ward of the juvenile court;</u> <u>(L) The parent, legal guardian, and tribe of any party listed in subdivision (b)(1)(D) who is less than 18 years of age;</u> (2) The petitioner must complete <i>Proof of Service—Petition Requesting Juvenile Case File</i> (form JV-569) and file it with the court. (3) If the petitioner or the petitioner's counsel does not know or cannot reasonably determine the identity or address of any of the parties in (b)(1) above, the custodian of records must within 10 days of receipt of the petition: (A) Serve personally or by first-class mail to the last known address a copy of <i>Petition Requesting Juvenile Case File</i> (JV-570), <i>Notice of Petition Requesting Juvenile Case File</i> (JV-571); and (B) Complete <i>Proof of Service—Petition Requesting Juvenile Case File</i> (form JV-569) and file it with the court. (4) Within 10 days of receipt of the petition, the eustodian of records must also serve the <i>Petition Requesting Juvenile Case File</i> (form JV-570), <i>Notice of Petition Requesting Juvenile Case File</i> (form JV-571), and a blank copy of <i>Input on</i>	

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Commenter	Position	Comment	Committee Response
		<i>Release of Juvenile Case 1 File</i> (form JV-576) on the following parties: (A) The district attorney if the deceased child's petition was filed under section 601 or 602; (A) [sic] The parents of the deceased child if: (i) The deceased child died under 18 years of age; or (ii) The deceased child's petition was filed under section 300; (B) [sic] The guardians of the deceased child if: (i) The deceased child died under 18 years of age; or (ii) The deceased child's petition was filed under section 300; (D) The probation department or child welfare agency handling the deceased child's case, or both, if applicable; (E) The deceased Indian child's tribe; and (F) The deceased child's CASA volunteer.	
		Request for Specific Comments 1. Does the proposal appropriately address the stated purpose? The proposal appropriately addresses the amendment of Rule 5.510 to incorporate the revision language of WIC 10850.4(q).	The committee appreciates the commenter's attention to and support for this part of the proposal.
		The proposal does not appropriately address changes to the Rules of Court to clarify the standards applicable to the a deceased child's file. While this Office agrees that such a remedy is sorely needed, the proposal contains	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

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	Commenter	Position	Comment	Committee Response
			significant misstatements of the existing law and is not consistent with the noticing provisions of WIC 827(a)(2).	
			2. Should there be a separate form for petitions requesting a deceased child's juvenile case file? Yes, there should be a separate form. The proposed JV-570 begins with three different instructions for how to complete the form, depending on the nature of the request. This is likely to create errors and confusion.	The committee agrees and proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case that the Spring 2025 cycle.
			3. Are all relevant, interested parties afforded proper notice under rule 5.553(b)? If not, who should also receive notice and why? Yes.	No response required.
7.	Superior Court of California, County of Los Angeles by Bryan Borys, Director of Research and Data Management	A	The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's "ITC SPR24-20 Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children," the Court agrees with the proposal and its ability to appropriately address its stated purpose.	The committee appreciates the commenter's attention to and support for this proposal. The committee understands the commenter's concern, but proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case file that circulated for comment during the Spring 2025 cycle because revising the existing set of forms was overly confusing and untenable due to the substantive differences in legal standards and procedures.

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	Commenter	Position	Comment	Committee Response
			Furthermore, the Court does not think there is a need for a separate form for petitions requesting a deceased child's juvenile case file.	
			In addition, parents who have not had their parental rights terminated and who are not the cause of the abuse or neglect should also receive notice. Although the Court does not see any cost savings from the proposal, it anticipates minimal implementation requirements, which include but are not limited to: 1) Training for staff; 2) Updating policies, procedures, and reference materials; 3) Updating event codes and forms in the case management system. Lastly, the Court agrees that three months from Judicial Council approval of this proposal until its effective date will provide sufficient time for implementation and that this proposal would work well in courts of different sizes.	The committee thanks the commenter for their concern for parental privacy interests in the records of deceased children. The committee declined to recommend notice to the parents of deceased children because the right to privacy expires at death. <i>Flynn v. Higham</i> (1983) 149 Cal.App.3d 677. Deceased children, their estates, and their representatives have no cognizable privacy interests to assert in a deceased child's juvenile case file, unless there is a reasonable suspicion that the fatality was caused by abuse or neglect under section 10850.4(a). Then the deceased child's attorney of record retains the right to object under section 10850.4(f). The family members of the deceased child may "have a common law privacy right in the death images of a decedent, subject to certain limitations." <i>See Catsouras v. Department of California Highway Patrol</i> (Cal. App. 2010) 104 Cal. Rptr. 3d 352. However, because this is a common law right, there is no statutorily required notice to the decedent's family.
8.	Superior Court of California, County of Orange by ?	NI	<u>Does the proposal appropriately address the stated purpose?</u> Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the commenter's attention to and support for this proposal.

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Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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Commenter	Position	Comment	Committee Response
		<u>Should there be a separate form for petitions requesting a deceased child's juvenile case file?</u> No, the committee is correct that there is confusion around the different standards when requesting access to juvenile case files of a living child and a deceased child, and the proposed amendment of the current forms will properly address this issue.	The committee understands the commenter's concern, but proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case file that circulated for comment during the Spring 2025 cycle because revising the existing set of forms was overly confusing and untenable due to the substantive differences in legal standards and procedures.
		<u>Are all relevant, interested parties afforded proper notice under rule 5.553(b)? If not, who should also receive notice and why?</u> Yes, all relevant, interested parties are afforded proper notice under rule 5.553(b).	The committee thanks the commenter for their response to its request for specific comments.
		<u>Would the proposal provide cost savings? If so, please quantify.</u> No, the proposal does not appear to provide any cost savings.	The committee thanks the commenter for their response to its request for specific comments.
		<u>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</u> Implementation would require revising procedures, providing communication to	The committee thanks the commenter for their response to its request for specific comments.

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	Commenter	Position	Comment	Committee Response
			judicial officers and staff, conducting staff training, and updating the case management system.	
			<u>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u> Yes, three months would provide sufficient time for implementation in Orange County.	The committee thanks the commenter for their response to its request for specific comments.
			<u>How well would this proposal work in courts of different sizes?</u> Our court is a large court, and this could work for Orange County.	The committee thanks the commenter for their response to its request for specific comments.
9.	Superior Court of California, County of Riverside by Sarah Hodgson, Chief Deputy of Legal Services/General Counsel	AM	General Comments on the proposal: The committee proposes changing the title of the JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574 to reflect that they are for use in filing petitions requesting juvenile case file information that included requests for the juvenile case file of a living child, and for the disclosure of the juvenile case file of a deceased child to the public. It is not clear how changing the titles from “Petition for Access to Juvenile Case File” to “Petition Requesting Juvenile Case File” make this distinction. The form series for filing petitions regarding access to juvenile case files pursuant to WIC § 827 were	The committee understands the commenter’s concern, but recommends that the form series titles be updated to differentiate between requests for any juvenile delinquency case file or juvenile dependency case file of a living child versus a juvenile dependency case file of a deceased child because the existing series of forms apply to the former category, while the second series of new forms apply to the latter.

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			recently retitled in 2020 to distinguish between access and disclosure, which did make the titles more accurate to what they were actually requesting. The changing of titles for an entire series of forms should not be taken lightly. The legal community, including court staff, judges, attorneys, and the public are familiar with the forms and their use under the current names and form numbers. While it may seem like a simple change, changing the titles to this form series will require substantial updates to court document filing codes, minute codes, and the automated processes that have been created to streamline these processes for the court, and the benefit of this change seem negligible.	
			Specific Comments: <u>Does the proposal appropriately address the stated purpose?</u> The updates, other than the suggested title changes, do clarify and reflect the different standards for requesting files for living vs. deceased children.	The committee appreciates the commenter's attention to this proposal and the overall support for clarifying the different standards for requesting files of living versus deceased children.
			<u>Should there be a separate form for petitions requesting a deceased child's juvenile case file?</u> No. Other than the suggested updates regarding form titles, the updates do differentiate between the different standards, and the updated order after judicial review clearly reflects the specific orders required for a deceased child's records.	The committee understands the commenter's concern, but proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case file that circulated for comment during the Spring 2025 cycle because revising the existing set of forms was overly confusing and untenable due to the substantive differences in legal standards and procedures.

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			However, it would be helpful if the JV-570 had an additional item to allow the petitioner to indicate clearly that the child is in fact deceased. Item 4(b) is only regarding the petitioner's belief that the child died as a result of abuse or neglect. How would a petitioner indicate that a child is deceased even if petitioner had no information or belief regarding abuse or neglect? If only the juvenile presiding judge can make orders limiting or prohibiting release on these petitions regarding records of deceased children, pursuant to WIC 827(a)(2), and the new Cal. Rule of Court 5.553(a), then the court filing clerks will need a simple clear way to differentiate the petitions regarding deceased children to ensure that these petitions are sent to the juvenile presiding judge. If the committee does not wish to add this item, then a separate form for the request for deceased children may be necessary.	The comment is no longer applicable because the committee proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case file that circulated for comment during the Spring 2025 cycle.
			<u>Are all relevant, interested parties afforded proper notice under rule 5.553(b)? If not, who should also receive notice and why?</u> It would seem that the parent/guardian of the deceased child should receive notice. They may have valid objections that can only be ruled on by the court, particularly if the child's death was not due to abuse or neglect of the parent/guardian.	The committee thanks the commenter for their concern for parental privacy interests in the records of deceased children. The committee declined to recommend notice to the parents of deceased children because the right to privacy expires at death. <i>Flynn v. Higham</i> (1983) 149 Cal.App.3d 677. Deceased children, their estates, and their representatives have no cognizable privacy interests to assert in a deceased child's juvenile case file. The family members of the deceased child may "have a common law privacy

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			right in the death images of a decedent, subject to certain limitations.” <i>See Catsouras v. Department of California Highway Patrol</i> (Cal. App. 2010) 104 Cal. Rptr. 3d 352. However, because this is a common law right, there is no statutorily required notice to the decedent’s family.
		<u>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe)?</u> If the document titles are to be changed, there will be substantial updates needed to document filing codes and minute codes in the case management system. Automated functions would also need to be updated. Filing clerks and courtroom staff would need to be updated and trained regarding these changes (2-4 hours). Judges would need to be made aware of the changes. Desk procedures and training materials would need to be updated.	The committee thanks the commenter for their feedback. The committee considered the alternative of not changing the titles for this form series, but doing so would leave the form titles legally inaccurate and confusing in light of the new set of forms specifically drafted for public disclosure of a deceased child’s juvenile dependency case file.
		<u>Would the proposal provide cost savings? If so, please quantify?</u> There would be no cost savings to the court.	No response required.
		<u>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u> Perhaps, however, as stated above, substantial	The committee thanks the commenter for their feedback and notes that these title and form updates are necessary to clarify and ensure proper legal compliance with the different

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			revisions based on the updated titles would be required to filing and minute codes in the case management system, including automated functions that have helped to streamline this process. If the titles are not changed, then 3 months would be more than enough time.	standards for requesting files of living versus deceased children. Failure to update this form series would leave the forms legally inaccurate and confusing in light of the new set of forms specifically drafted for public disclosure of a deceased child's juvenile dependency case file.
10.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	Specific Comments: Q: Does the proposal appropriately address the state purpose? A: Generally, yes. However, the proposal fails to recognize that WIC §827(a)(2) applies only to the juvenile case file of a deceased dependent child: "... juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to <i>Section 601 or 602</i>, that pertain to a deceased child who was <i>within the jurisdiction of the juvenile court pursuant to Section 300</i>, ..."	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.
			Q: Should there be a separate form for petitions requesting a deceased child's juvenile case file? A: No, the modifications to form JV-570 are sufficient. If a separate form is created, however, additional revisions will need to be made to rule 5.553 and forms JV-569, JV-571, and JV-572.	The committee understands the commenter's concern, but proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case file that circulated for comment during the Spring 2025 cycle because revising the existing set of forms was overly confusing and untenable due to the substantive differences in legal standards and procedures.
			Q: Are all relevant, interested parties afforded proper notice under rule 5.553(b)? If not, who should also receive notice?	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

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		A: Please see comments below for rule 5.553(b). Some of the parties listed need not be noticed because WIC § 827(a)(2) applies only to deceased <u>dependent</u> children.	
		Q: Would the proposal provide cost savings? If so, please quantify. A: No.	No response required.
		Q: What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Implementation will require training of staff, updates to the case management system, and revising internal procedures. In addition, courts would need to inform their judicial officers and their justice partners (child welfare agency, probation department, tribal agencies, attorney offices, CASA offices, et al.) of the amended rules of court and the new forms.	The committee appreciates the commenter's attention to this question and thanks them for their feedback.
		Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	No response required.

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			Q: How well would this proposal work in courts of different sizes? A: This proposal should work well, regardless of the size of the court.	The committee appreciates the commenter’s attention to this question and thanks them for their feedback.
			General Comments: CRC 5.552(b): Should the time for filing an objection be the same as in rule 5.553? CRC 5.552 just says the petition must be served 10 days before it is submitted and does not specify a time for the objection to be filed. The new 5.553(c) is more detailed and gives 15 calendar days to file an objection.	The committee thanks the commenter for their attention to and concern for consistency among the rules. The filing requirements in rule 5.553 are taken directly from section 827(a)(2), which does not govern the process for release of juvenile delinquency case files and a living child’s juvenile dependency case file set forth in rule 5.552. The committee acknowledges the differences in filing deadlines between form JV-571 and form JV-585, but harmonizing the filing deadlines without legislative mandate and without an opportunity for public comment would go beyond the scope of this proposal.
			CRC 5.552(d): Suggest changing “juvenile delinquency” to “juvenile justice” for consistency.	The committee has previously recommended to the council, and the council has approved, leaving all references to “delinquency” rather than “juvenile justice” since the Welfare and Institutions Code still uses the term “delinquency.”
			CRC 5.553, Title and throughout rule: Suggest changing “deceased child” to “deceased dependent child” or “juvenile case file” to “juvenile dependency case file,” as §827(a)(2) does not apply to deceased children who were under the jurisdiction of the court	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

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			pursuant to §601 or §602. CRC 5.553(b): Suggest deleting language as indicated below from (b)(1)(A), (b)(4)(A), and (b)(4)(C) (and re-letter accordingly) because these petitions can be filed only for a deceased child who was under the court’s §300 jurisdiction. (b) Notice of petition requesting a deceased <u>dependent</u> child’s juvenile case file (1) ... (A) The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action if the deceased child’s petition was filed under section 300; (B) ... (C) The attorney of record for the deceased <u>dependent</u> child; and (D) Any surviving adult sibling, any surviving child or sibling who is 10 years of age or older, <u>and any surviving and the guardian, tribe, and legal representative for any surviving child, sibling, or nonminor dependent</u> whose information is directly or indirectly included in the deceased <u>dependent</u> child’s juvenile case file or who may be identified by information in the deceased <u>dependent</u> child’s juvenile case file, <u>and the guardian, tribe, and legal representative of that surviving child, sibling, or nonminor dependent.</u> ...	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

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			(4) Within 10 days of receipt of the petition, the custodian of records must also serve <i>Petition Requesting Juvenile Case File</i> (form JV-570), <i>Notice of Petition Requesting Juvenile Case File</i> (form JV-571), and a blank copy of <i>Input on Release of Juvenile Case File</i> (form JV-576) on the following parties: (A) The district attorney if the deceased child's petition was filed under section 601 or 602; (B) <u>A</u> The parents or <u>guardians</u> of the deceased <u>dependent</u> child if: (i) The deceased child died under 18 years of age; or (ii) The deceased child's petition was filed under section 300; (C) The guardians of the deceased child if: (i) The deceased child died under 18 years of age; or (ii) The deceased child's petition was filed under section 300; (D) <u>B</u> The probation department or child welfare agency handling the deceased <u>dependent</u> child's case, or both, if applicable; (E) <u>C</u> The deceased Indian child's tribe, <u>if applicable;</u> and (F) <u>D</u> The deceased <u>dependent</u> child's CASA volunteer, <u>if any.</u> Subparagraph (b)(4)(B) may not be necessary because the child welfare agency will be receiving JV-570, JV-571, and JV-572 under (b)(1)(A) and (b)(1)(2). If it is deleted, (b)(4)(C) & (D) should be re-lettered	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

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		accordingly.	
		JV-569: Suggest adding a surviving child, sibling, or nonminor dependent to Item 4 since they are listed in Item 2k.	The committee values the commenter’s feedback and proposes revising items 2 and 4 on form JV-583 to include: “Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child’s juvenile case file or who may be identified by information in the deceased child’s juvenile case file.”
		JV-570: Page 1, paragraph 2: suggest changing “file of a child who is deceased” to “file of a dependent child who is deceased.” Item 6g.: suggest inserting “dependent” after deceased.	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.
		JV-574: Item 6: suggest inserting “dependent” before child. Page 2 footer: suggest replacing “ADOPT-203” with “JV-574.” Item 7: suggest inserting “or nonminor dependent” after “another child.”	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle. The committee thanks the commenter for their thorough attention to detail and proposes correcting the mistake in the page 2 footer of form JV-574.
		JV-576: Title and throughout form: suggest inserting “dependent” before child.	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.
		Suggest deleting references to deceased nonminor dependents. WIC §827(a)(2) has not	The committee thanks the commenter for their feedback, but will proceed in its

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			been amended to include deceased nonminor dependents, and proposed rule 5.553 does not include deceased nonminor dependents, so it may be questionable to include nonminor dependents on this form. No additional Comments.	recommendation, noting that only surviving nonminor dependents are referenced in rule 5.553 in order to encompass the cases of surviving nonminor dependents who qualify for extended foster care, whose information was collected while they were subject to the jurisdiction of the juvenile court, and directly or indirectly included in the deceased child's juvenile case file, or who may be identified by information in the deceased child's juvenile case file, to which section 827(a)(2) applies.