



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 21, 2018

---

Title

Juvenile Law: School Notification of  
Delinquency Court Adjudication

Agenda Item Type

Action Required

Effective Date

January 1, 2019

Rules, Forms, Standards, or Statutes Affected

Amend form JV-690

Date of Report

August 29, 2018

Recommended by

Family and Juvenile Law Advisory  
Committee

Contact

Daniel Richardson, 415-865-7619  
[Daniel.richardson@jud.ca.gov](mailto:Daniel.richardson@jud.ca.gov)

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

---

### Executive Summary

The Family and Juvenile Law Advisory Committee recommends revising Judicial Council form JV-690 to correct inaccuracies in the listed offenses and to conform the form to Welfare and Institutions Code section 827(b)(1). The proposed changes reflect closely the language of Welfare and Institutions Code section 827(b) and give the court the option to indicate the specific code section of the offense that was adjudicated. The form would also be revised to include notice under Education Code section 48267.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2019, revise *School Notification of Court Adjudication* (form JV-690) to:

1. Provide clarity and conformity with the Welfare and Institutions Code on what information is disseminated to a school when a child has committed certain criminal offenses;
2. Include more specific information for the school on how the form may be disseminated, to enhance confidentiality and help avoid situations in which the form is disseminated incorrectly;

3. Remove offenses from the form that are no longer eligible as felonies or misdemeanors; and
4. Provide for notice under Education Code section 48267.

The proposed revised form is attached at pages 8–9.

### **Relevant Previous Council Action**

The Judicial Council approved *School Notification of Court Adjudication* (form JV-690) for optional use in 2011 as part of a proposal to approve and amend numerous forms to include findings that are required by law but were not on forms, improve the usability of the existing forms, and reflect new legal requirements. The optional form was created to meet the requirements in Welfare and Institutions Code section 827(b) to notify a child's school district if the child is found to have committed an enumerated offense.<sup>1</sup> The form included check boxes for many of the more common qualifying offenses and contained a short admonition about the proper dissemination and handling of the confidential information.

### **Analysis/Rationale**

This proposal is being made because of errors and a lack of clarity in form JV-690 related to some of the criminal code sections listed on the form. The Judicial Council's Center for Families, Children & the Courts (CFCC) staff were contacted by a clerk of a superior court who raised several issues with the form. She noted that the form does not clearly state whether the court is required to inform the school of only the specific code sections that are listed on the form, or if other offenses should be included as well. She also pointed out an error in the form in that it lists some criminal offenses that no longer exist in the Penal Code.

The proposed revisions to the form fall under the following four areas:

1. Clarifying how the form should convey information about the child's criminal offense to the school;
2. Adding instructions on dissemination;
3. Removing offenses that are infractions; and
4. Providing for notice under Education Code section 48267.

### **Offense disclosure**

Form JV-690 currently includes a list of the type of offenses of which the school is being notified, each followed by a citation to a specific code section. The form lists twenty-one commonly adjudicated criminal offenses with the accompanying code section, including an option to include other offenses not list. The list of offenses on the current form and their accompanying code sections present some complications and inaccuracies that the committee is addressing in its recommended revisions. For instance, Penal Code sections 12020 and 120101

---

<sup>1</sup> All further code references are to the Welfare and Institutions Code unless otherwise indicated.

are listed on the form but no longer exist in the Penal Code. The form also lists “Unlawful Sexual Intercourse (Pen. Code, § 261.5),” which does not fall under the offense category in section 827(b) of “a sex offense listed in Section 290 of the Penal Code.”

The form’s listed offenses are also not all that could be included under the list of offenses in section 827(b). For example, on the form, “Gambling (Pen. Code, § 337a)” does not capture all the offenses that could be considered an offense described as “gambling.”<sup>2</sup> Also, “Graffiti on government property (Pen. Code, § 640.5)” is the only listed offense available for vandalism but doesn’t describe all types of vandalism. As pointed out by the superior court clerk, this inaccuracy creates confusion over what information should be included on the form when it is sent to a school district. Hence, the committee has removed the specific code sections currently listed on the form. Instead, the committee is recommending that the form be revised to list the generic offense type and indicate that it is optional for the court to indicate the specific code section for the offense.

### **Instructions on dissemination**

The committee also elected to expand the admonition on the dissemination and use of the form, expanding the form from one page to two. Section 827(b) and (d) gives detailed instructions on dissemination of the form. When a school district receives the form, without seeking out the language of section 827, the school district may not know the rules on dissemination, resulting in a greater risk that the form will be disseminated beyond what section 827 permits.

Therefore, the second page of the form incorporates the specific directives on the form’s dissemination and use, as found in section 827(b) and (d). The language has been partially revised as plain language to promote readability. The instructions include information on the purpose of the form, how the form is to be disseminated within the school district, how the form may be used, penalties for not following the rules of the form’s confidentiality, instructions for when the child is no longer enrolled in the school district, and the child’s and the child’s family’s right to verify the required destruction of the form. Providing these advisements will help to ensure that the rules on the dissemination of the form are followed.

### **Infractions**

Because of changes in the law, some offenses listed in section 827(b) can no longer be considered misdemeanors or felonies, such as offenses related to curfew and tobacco possession. These offenses are, however, still listed in section 827(b) as potential felonies or misdemeanors that are to be disclosed to the child’s school. Leaving these offenses on the form increases the likelihood that courts will communicate to the school infractions related to curfew or tobacco. Therefore, curfew has been removed from the form so that infractions related to curfew are not communicated to the school unnecessarily. And, for offenses related to tobacco products, the form has been revised to reference only “distribution of tobacco products.” Possession by a

---

<sup>2</sup> See Penal Code chapter 10, Gaming (§§ 330–337z).

minor is no longer a misdemeanor or felony after the Stop Tobacco Access to Kids Enforcement Act (SB 7) was signed into law in 2016,<sup>3</sup> but distribution of tobacco is still a misdemeanor under Penal Code section 308. If these offenses again become felonies or misdemeanors, the form can be revised to include them.

#### **Notice under Education Code section 48267**

Based on a comment as discussed below, the committee also recommends incorporating notice as required by Education Code section 48267. Section 48267 requires that notice be given to the superintendent of the school district of attendance or a designee child's school when a child is found by the court to be a person described by section 602 and as a condition of probation is required to attend a school program approved by a probation officer.

The committee recommends that the form incorporate these requirements so the juvenile courts can comply with section 48267 by using the form, because currently no other Judicial Council form can be used to provide notice under section 48267 and this form is familiar to school districts. The form has been revised to include the option to indicate that notice is being provided under section 48267. In addition, further instructions on the dissemination of the form when notice is provided under section 48267 have been added to page two because section 48267 and section 827(b) differ in how they state that the form may be disseminated.

#### **Policy implications**

The committee considered the broader context of the evolving policy behind juvenile justice in resolving how information should be shared with the child's school district. The landscape of juvenile justice has changed significantly since section 827(b) was last amended in 1994. Policy has shifted toward recognizing juvenile offenders as adolescents in need of rehabilitation efforts. For example, in 2016 California voters approved Proposition 57, which amended the process by which juvenile offenders may be transferred to the jurisdiction of the criminal court by eliminating the authority of prosecutors to directly file petitions in criminal court and requiring that the juvenile court hold a hearing and determine if a transfer is appropriate. Before implementation of Prop. 57, other changes in the law and reform efforts led to a significant drop in the number of juvenile offenders at the Division of Juvenile Justice.

And perhaps most important to this discussion, recent legislation related to the sealing of records demonstrates the law's desire to avoid stigmatizing juvenile offenders. In 2013, the Legislature took action to ensure that all juveniles who come before the court or a probation officer receive information about the process required to request sealing of records, and to require the adoption of a Judicial Council form that can be used to petition the court for sealing under section 781.<sup>4</sup> In 2014, the Legislature went a step further by enacting section 786, requiring courts to seal records without requiring a petition for any child 14 or older who was not a serious or violent 707(b)

---

<sup>3</sup> Sen. Bill 7 (Hernandez; Stats. 2016, ch. 8).

<sup>4</sup> Assem. Bill 1006 (Yamada); Stats. 2013, ch. 269.

offender and who satisfactorily completed probation.<sup>5</sup> And new legislation in 2017 modifies the lifetime ban on sealing a juvenile offense record involving a specified serious or violent offense by allowing section 707 violent offenders over 14 years old to petition the court to seal the record, with certain exceptions.<sup>6</sup>

The committee considered these developments in juvenile justice when determining how information about the child's offense should be communicated. As discussed below, section 827(b) is open to interpretation as to whether the specific code section of the offense committed or the generic description of the offense as listed in section 827(b) should be communicated to the child's school. The committee elected to make the disclosure of the offense committed optional, giving the court greater discretion to make this determination based on the case before it. The committee reasoned that doing so will help to further the policy objective of offering juvenile offenders a chance to have a clean record when they graduate from probation. In so doing, juvenile offenders avoid the collateral consequences of adjudications that have in the past posed barriers for youth such as having to reenroll in a regular school program, limiting employment opportunities and military service, and excluding immigration relief.

## **Comments**

The invitation to comment on this proposal circulated from April 9 to June 8, 2018, to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list. Six comments were received. Two commenters agreed with the proposal, and three commenters agreed with the proposal if modified. No commenters opposed the proposal.

As noted above, a comment on behalf of the Superior Court of Los Angeles County recommended that the form include a check box that indicates that notice is being given as required by Education Code section 48267. Section 48267 requires that notice be given to the superintendent of the school district of attendance or a designee child's school when a child is found by the court to be a person described by section 602 and as a condition of probation is required to attend a school program approved by a probation officer. In response to this comment a member of the committee conducted an informal poll to determine compliance with section 48267 and it appears that many courts are not in compliance with this requirement. The committee recommends that the form incorporate these requirements so the juvenile courts can comply with section 48267.

Another commenter recommended that the code sections be listed on the form or, if listing only the generic offenses, a notation that if they need more specific charge information they could contact the court. As discussed below, the committee carefully considered leaving the code sections on the form but decided that the form would be more closely aligned with section 827(b) and more accurate if including the code sections was optional. The committee determined that the form should give the court the discretion to include code sections, taking into account the

---

<sup>5</sup> Sen. Bill 1038 (Leno); Stats. 2014, ch. 249.

<sup>6</sup> Sen. Bill 312 (Skinner); Stats. 2017, ch. 679.

nature of the offense and the particular facts of each case. Leaving code sections off the form will also extend the life of the form if code sections are amended in the future. In addition, it would be nearly impossible for the form to include all the criminal offenses that would be required to be reported to the school under section 827(b). If the school needs more information, the form clarifies on page 1 that the probation officer may be contacted.

### **Alternatives considered**

The committee considered leaving the form in its current format. Given the inaccuracies in the form and the need to frame the disclosure to more closely align with section 827(b), the committee elected to proceed with the proposed amendments.

The committee also considered the following three options for how the form would convey information on a child's offense: (1) include the generic offense as listed in section 827(b) without the option of including the code section of the offense; (2) include the generic offense and provide a blank space for the code section of the offense; and (3) include the generic offense and indicate that including the code section of the offense is optional. The committee elected to proceed with the third option.

Section 827(b) is a limited exception to the overriding purpose of section 827 of protecting the confidentiality of the juvenile court case files. The protections of section 827 apply not only to the documents in the case file, but also to the information contained therein.<sup>7</sup> A school must be informed if a child has been found by a court of competent jurisdiction to have committed any felony or misdemeanor involving the offenses listed in section 827(b). The statute reads in pertinent part:

Notwithstanding subdivision (a), written notice that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven days, to the superintendent of the school district of attendance. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case.

(Welf. & Inst. Code, § 827(b)(2)(A).)

The language related to the disclosure to the school leaves open to interpretation how much information about the child's offense should be communicated to the school.<sup>8</sup> One interpretation is that the specific code section of the offense should or could be communicated to the school. Although the statute doesn't specifically say so, "written notice that a [child] . . . has . . .

---

<sup>7</sup> *T.N.G. v. Superior Court* (1971), 4 Cal.3d 767, 780.

<sup>8</sup> After researching the matter, CFCC staff are unaware of any published case law decisions interpreting section 827(b)(2)(A).

committed any felony or any misdemeanor involving...” and “[w]ritten notice shall include only the offense found to have been committed” could be read to require that the code section of the adjudicated offense be communicated to the school. Another interpretation is that the plain language of section 827(b) requires only that the school be notified of an offense involving the generic crimes as listed in section 827(b).

The committee weighed several factors when determining how the form should convey the information related to the child’s criminal offense, including the legislative history of section 827(b), the context of section 827(b) to the rest of section 827, and the law’s increased emphasis on the sealing of records and avoiding of collateral consequences for juvenile offenders. The committee decided that given the context of section 827 and recent developments in the law related to the sealing of records,<sup>9</sup> the disclosure should as closely as possible preserve confidentiality of the case file and ensure that juvenile offenders can graduate from probation with a clean slate while also providing the school with critical information to ensure safety at the school.

Option three (indicating that providing the code section of the offense is optional) allows the court to communicate the offense but does not require it to do so, giving the court flexibility to consider the unique circumstances of the case when determining whether the specific offense should be communicated to the school. The committee also believes that the language of section 827(b) does not prohibit the disclosure of the specific criminal offense, but also does not specifically require it. Therefore, giving the court the option of disclosing the code section does not appear to run afoul of the statutory language.

## **Fiscal and Operational Impacts**

The committee does not anticipate that this proposal will result in costs to the courts other than printing costs. The form has expanded from one page to two to accommodate the extra directives that the committee believes are important for proper dissemination of the form, so printing the form will now require both sides of a single sheet of paper.

## **Attachments and Links**

1. Form JV-690, at pages 8–9
2. Chart of comments, at pages 10–19

---

<sup>9</sup> In 2013, the Legislature took action to ensure that all juveniles who come before the court or a probation officer receive information about the process required to request sealing of records, and to require the adoption of a Judicial Council form that can be used to petition the court for sealing under section 781. (Assem. Bill 1006 [Yamada]; Stats. 2013, ch. 269.) In 2014, the Legislature went a step further by enacting section 786, requiring courts to seal records without requiring a petition for any child 14 or older who was not a serious or violent 707(b) offender and who satisfactorily completed probation. (Sen. Bill 1038 [Leno]; Stats. 2014, ch. 249.) And new legislation in 2017 modifies the lifetime ban on sealing a juvenile offense record involving a specified serious or violent offense by allowing section 707 violent offenders over 14 years of age to petition the court to seal the record, with certain exceptions. (Sen. Bill 312 [Skinner]; Stats. 2017, ch. 679.)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

**SCHOOL NOTIFICATION OF COURT ADJUDICATION**  
**(Welfare & Institutions Code Section 827(b) and Education Code Section 48267)**

**TO SUPERINTENDENT:**

SCHOOL DISTRICT:

MAILING ADDRESS:

CITY, STATE, ZIP CODE:

1. YOU ARE HEREBY NOTIFIED that (*child's name*): \_\_\_\_\_, born on: \_\_\_\_\_, is currently enrolled in your public school and that under:

- a. ☐ Education Code section 48267, the child is in a grade 7 thru 12 and is described by section 602, and a condition of probation requires that the minor attend a school program approved by the probation officer.
- b. ☐ Welfare & Institutions Code section 827(b), the child is in a grade kindergarten to grade 12 and was found by court of competent jurisdiction to have committed a felony or misdemeanor involving
- |   |   |
|---|---|
| (1) <input type="checkbox"/> gambling ( <i>code section, optional</i> ):            | (6) <input type="checkbox"/> a sex offense listed in section 290 of the Penal Code ( <i>code section, optional</i> ): |
| (2) <input type="checkbox"/> alcohol ( <i>code section, optional</i> ):             | (7) <input type="checkbox"/> assault or battery ( <i>code section, optional</i> ):                                    |
| (3) <input type="checkbox"/> drugs ( <i>code section, optional</i> ):               | (8) <input type="checkbox"/> larceny ( <i>code section, optional</i> ):   |
| (4) <input type="checkbox"/> graffiti ( <i>code section, optional</i> ):            | (9) <input type="checkbox"/> vandalism ( <i>code section, optional</i> ):   |
| (5) <input type="checkbox"/> carrying of weapons ( <i>code section, optional</i> ): | (10) <input type="checkbox"/> distribution of tobacco products ( <i>code section, optional</i> ):                     |

2. THE COURT-ORDERED DISPOSITION of the child's case is (*complete only for section 827(b)*)

- |  |   |
|--|---|
| a. <input type="checkbox"/> wardship probation                                       | c. <input type="checkbox"/> nonwardship probation |
| b. <input type="checkbox"/> Division of Juvenile Facilities (DJF aka DJJ) commitment | d. <input type="checkbox"/> Other:                |

Date:

\_\_\_\_\_  
CLERK OF THE SUPERIOR COURT

For more information, contact the probation officer for the child.

**WARNING: UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A MISDEMEANOR**

Any information received from this court is to be kept in a separate confidential file at the school of attendance. This record must be destroyed upon the child's graduating from high school, reaching the age of 18, or being released from court jurisdiction, whichever occurs first.



## FURTHER INSTRUCTIONS

This form serves two purposes. It is primarily designed to provide the notice required by Welfare and Institutions Code section 827(b). The form can also be used to provide notice under Education Code section 48267. In addition, the form can be used to provide notice under both. If the form is providing notice for both section 827(b) and section 48267, the rules of section 827(b) on its dissemination, listed below, should be followed.

### PURPOSE AND DISSEMINATION UNDER EDUCATION CODE SECTION 48267

Education Code section 48267 requires that if the child is in a grade from 7 to 12, the juvenile court must notify the superintendent of the child's school district when the child is described by section 602 and a condition of probation requires attendance in a school program approved by the probation officer.

If the form is being used to provide notice under Education Code section 48267, the juvenile court must provide the written notice to the superintendent of the school district of attendance within seven days of the disposition order, which must be expeditiously transmitted to the principal or to one person designated by the principal of the school that the minor is attending. The principal or the principal's designee must not disclose this information to any other person except as otherwise required by law.

### PURPOSE AND DISSEMINATION UNDER WELFARE AND INSTITUTIONS CODE SECTION 827(b)

Welfare and Institutions Code section 827(b) requires that when a child is found to have committed a felony or misdemeanor for certain offenses, the court must send this form to inform the school of the underlying offense and the outcome of the case. The form is intended to encourage communication between the courts, law enforcement, and schools to ensure rehabilitation of the child and to promote public safety.

Juvenile court proceedings and information related to the case are confidential, and disclosure of this form is governed by the rules of confidentiality found in Welfare and Institutions Code section 827. Information related to a child's juvenile case is strictly confidential; the disclosure on this form is a limited exception. It is to be provided only to select individuals in the child's school district. An intentional violation of these rules is a misdemeanor.

Welfare and Institutions Code section 827(b) provides specific instructions for the school on how the form should be disseminated when it is sent by the court:

- The court will send this form to the district superintendent of the child's school district.
- The district superintendent must expeditiously transmit it to the principal at the school of attendance.
- The principal must then expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the child. In addition, the principal must disseminate the information to any teachers or administrators directly supervising or reporting on the behavior or progress of the child, if the principal believes they need the information to work with the child in an appropriate fashion or to promote school safety.

Any information received from the court by a teacher, counselor, or administrator must be received in confidence for the limited purpose of rehabilitating the child and protecting students and staff.

A teacher, counselor, or administrator who receives the information in the form must *not* disclose the information or disseminate the form unless it is communication with the child, his or her parents or guardians, law enforcement personnel, or the juvenile probation officer and is necessary to effectuate the child's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of Welfare and Institutions Code section 827(b) is a misdemeanor punishable by a fine not to exceed \$500.

If a child is removed from public school because of the court's finding described in this form, the superintendent must maintain the information in a confidential file and must defer transmitting the form received from the court until the child is returned to public school. If the child is returned to a school district other than the one from which the child came, the parole or probation officer having jurisdiction over the child must notify the superintendent of the last district of attendance, who must transmit the notice received from the court to the superintendent of the new district of attendance.

The form is required to be destroyed when the child graduates from high school, reaches the age of 18, or is released from court jurisdiction, whichever occurs first. At any time after the form is required to be destroyed, the child or his or her parent or guardian has the right to make a written request to the principal of the school to review the child's school records to verify that the form has been destroyed. After this requested review, the principal or his or her designee must respond in writing to the written request and either confirm or deny that the form has been destroyed, or explain why destruction has not yet occurred.

**S18-26****Juvenile Law: School Notification of Delinquency Court Adjudication** (Amend form JV-690)

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

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Orange County Bar Association By Nikki P. Miliband, President Newport Beach, CA	A	Newly amended form JVC 690 conforms to recent changes in the law. The offenses listed in Welfare and Institutions Code section 827(b)(2)(A) do not cite any code sections. The suggested option of citing the code section next to the offense should the court wish to do so should remain. The content and readability of the second page admonitions is fine as drafted.	No response required.
2.	Joseph Stevens Compliance Assistant Student Intern Bakersfield, CA	A	This proposal is going to add clarity to a rather convoluted administrative process that would serve to ensure that adjudicated youth are properly identified along strict guidelines. I would like to see that provisions are followed when a Probation Investigation Officer is requesting student data (social study); specifically, when gathering on a pre-adjudicated minor who is before the court. It seems that school districts are not uniform in their policies when these contacts for requests include secretaries, teachers, as well as those not within the mandate providing dissemination guidance: School District Supervisor's. In my own experience, I have seen where a pre-adjudicated minors charges became the catalyst for school officials targeting the disseminated minor following a Probation Investigations request. The need to ensure strict adherence and create a specified contact "choke-point" for confidential information requires consideration. Unless mandated within policy, that currently could attach within SPR18-26, the foreseeability these requests will continue to be misconstrued to create the perception that a youth has been adjudicated. The courts have a duty of due	The committee appreciates these comments and agrees with many of the points made by the commenter. This proposal however addresses amendments to the form JV-690, and cannot be expanded into other legal areas that are not in the scope of the proposal. This proposal only addresses the disclosure required by section 827(b) and Education Code section 48267, which occurs after adjudication. The committee hopes that the admonitions on page two will help to inform those involved with delinquent minors of the strict rules around the confidentiality of the juvenile case file information. It is a misdemeanor to disseminate the contents of the juvenile court case file. The protections of section 827 apply not only to the documents in the case file, but also the information contained therein. <i>T.N.G. v. Superior Court</i> (1971), 4 Cal.3d 767, 780. This would include during pre-adjudication. Section 827(a)(1)(G) does however authorize the superintendent or designee of the school district where the minor is enrolled to inspect the case file. Any further dissemination of information beyond the superintendent or designee would be a misdemeanor, unless section 827(b) applied. Some of the issues raised by the commenter could

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**S18-26****Juvenile Law: School Notification of Delinquency Court Adjudication** (Amend form JV-690)

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

	Commenter	Position	Comment	Committee Response
			<p>diligence to protect unnecessary dissemination; especially, at the crucial stage during a minors proceedings. As holder of the minors confidential record, even as it develops to become an official case file, a clear policy that restricts the contact person from being someone who simply "answers a phone"; and instead, a person who shares the same understanding as the District Supervisor. It is my hope that school safety is never sacrificed and in protecting students, it becomes necessary that staff is aware of any potential student whose behavior resulted in a formal adjudication. Nonetheless, protecting any dissemination that could harm a pre-adjudicated minor, the public's trust, and especially any harm that could result in reversible error and subsequent appellate review. A study would likely find the potential to correlate a significant reduction of State allocations that are earmarked for the following results when there is no established protocol: unnecessary School Administrative hearings, civil litigations in suit, and the increased burden of cases being subjected to appellate review; for which the error and prejudice was likely preventable. For additional metrics based on a case study, conducted on my personal experience and including the parameters in the above mentioned example of my son's California Petition: feel free to contact as he has already agreed to release liability for any, and all, Judicial Council studies that would serve to improve record retention at school sites for student's protection. Voters and legislators alike,</p>	<p>therefore be resolved within the parameters of section 827.</p> <p>While this proposal cannot address some of the concerns raised by the commenter, the comments are recognized by the committee and will be used to consider the development of future proposals by the committee.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**S18-26****Juvenile Law: School Notification of Delinquency Court Adjudication** (Amend form JV-690)

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

	Commenter	Position	Comment	Committee Response
			assert their support of inter-agency dissemination with increased awareness and identification of 300, 601, and 602 populations within the Public Schools. Chiefly, our purpose here as both parents and members of a community is based on express policy that requires inter-agency dissemination. The Social Contract is equity in theory on ground that "prevents children from falling through the cracks" for when one falls, and there are no means of protection, society eventually reaches the same ends. A policy that ensures a bright line of separation of those minors who are the subject of an investigation, and yet to be adjudicated, is not at the mercy of hearsay and unfound conjecture; is instead made distinctly to those with the right and responsibility. Defined as those juveniles who have been adjudicated and therefore within statutory obligation of the School District's Supervisor, with discretion, and as lawful holder of record along clear uniform guidelines..	
3.	Superior Court of Los Angeles County Los Angeles, CA	AM	<b>Suggested Modifications:</b> Currently, Los Angeles County has a local form that combines the requirement to report the same information as required not only under WIC §827(b), but also under the Education Code § 48267. If new form JV-690 could include an additional box to check that there has been compliance with Ed Code § 48267, that would make the form more efficient and the local form could be replaced with JV-690.	The committee agrees that the form should address notice under Education Code section 48267. The form has been revised to provide a for a checklist for this notice, and additional information has been added to page to address the dissemination of the form when notice is provided under Education Code section 48267.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

## Juvenile Law: School Notification of Delinquency Court Adjudication (Amend form JV-690)

	Commenter	Position	Comment	Committee Response
			<p><b>Request for Specific Comments:</b></p> <p><b>Would the proposal provide cost savings? If so please quantify.</b></p> <p>There are no cost savings.</p> <p><b>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?</b></p> <p>The only impact should be replacing old copies of the local form with new form JV-690.</p>	<p>No response required.</p> <p>No response required.</p>
4.	Superior Court of Riverside County	AM	<p><u>Position on the Proposal:</u> Agree with modifications.</p> <ul style="list-style-type: none"> <li>• Section 2 should have additional check boxes for placement and in custody (non DJJ).</li> <li>• Section 2-does Department of Juvenile Facilities Commitment refer to the Division of Juvenile Justice?</li> </ul> <p><u>Response to Request for Specific Comments:</u></p> <ul style="list-style-type: none"> <li>• In terms of the disclosure of the offense committed by the child,</li> </ul>	<p>The statutory reference to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (DJF), enacted under Penal Code section 6001, designates the legal title to the organization commonly referred to as “DJJ”. DJF houses youth between the ages of 12 and 25 who have committed serious and/or violent felonies and require intensive treatment services conducted in a structured environment. DJF is often referred to as the DJJ (Division of Juvenile Justice), including in materials distributed by the California Department of Corrections and Rehabilitation itself. For purposes</p>

13

**S18-26****Juvenile Law: School Notification of Delinquency Court Adjudication** (Amend form JV-690)

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

	Commenter	Position	Comment	Committee Response
			<p>should the form indicate that providing the code section of the offense is optional (as proposed), or should the form not give the option of including the code section or require that the code section be inserted?</p> <p>We recommend that the code sections should either be listed on the form, or if listing only the generic offenses perhaps a notation that if the school needed more specific charge information that they could contact the court.</p> <ul style="list-style-type: none"> <li>• Are there any suggestions to improve the readability and content of the admonitions on the proposed second page?</li> </ul> <p>The content and readability of the admonitions are adequate. Anything that can be done to</p>	<p>of this form, DJF refers to the facility and the jurisdictional body to which youth are transferred.</p> <p>The committee considered leaving the code sections on the form, but decided that the form would be more closely aligned with section 827 and more accurate if including the code sections were optional. Section 827(b)(1) does not specify that the code section must be provided, although it does not appear to prohibit it either. The committee determined that the form should give the court the discretion to include the code section, taking into account the nature of the offense and the particular facts of each case. Leaving the code sections off the form will also make the form more accurate, as code sections may be amended in the future. In addition, it would be nearly impossible for the form to include all the criminal offenses that would be required to be reported to the school under section 827(b). In terms of the school needing more information, the form does clarify that if more information is needed the probation officer may be contacted.</p> <p>No response required.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**S18-26****Juvenile Law: School Notification of Delinquency Court Adjudication** (Amend form JV-690)

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

	Commenter	Position	Comment	Committee Response
			<p>stress the importance of following these instructions would be useful.</p> <ul style="list-style-type: none"> <li>• Would the proposal provide cost savings?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• What would the implementation requirements be for courts?</li> </ul> <p>Action codes and filing processes are already in place. The courts would need to conduct training with staff on how to properly complete the updated forms particularly in regard to the charges.</p> <ul style="list-style-type: none"> <li>• Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</li> </ul> <p>Yes.</p> <ul style="list-style-type: none"> <li>• How well would this proposal work for courts of different sizes?</li> </ul> <p>The proposal would work well for courts of any size.</p>	<p>No response required.</p> <p>The committee hopes that the current form will provide a more simplified approach for the court. The determination on whether to include the code section of the violations should be determined by the court on a case by case basis.</p> <p>No response required.</p> <p>No response required.</p>
5.	Superior Court of San Bernardino County	NA	I agree to revising the codes as some have been changed, also like the 2 <sup>nd</sup> page which provides clear instruction for the school on how the information is disseminated for confidentiality	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**S18-26****Juvenile Law: School Notification of Delinquency Court Adjudication** (Amend form JV-690)

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

	Commenter	Position	Comment	Committee Response
			<p>purposes. The implementation process should be more than 3 months.</p> <p>It needs to be clear if the notice is sent to the school where the child was enrolled at the time of the offense or the school where the child now attends school. Due to the length of time from when the offense occurred or the expulsion of the child from that school, or if the minor attends a charter school, it needs to be clear on which school(s) receive notice.</p> <p>The court would need to make changes to the case management system to send notice to the correct school(s) and ensure that when the minor is released from court jurisdiction the school(s) are notified.</p>	<p>Item 1b of the form indicates that the child “is enrolled in your school...” The committee agrees that the form should be as specific as possible and has added the wording “currently” in front of “enrolled.”</p> <p>The committee agrees. Courts will need to ensure that the correct school receives notice. This highlights the importance of accurate and timely reporting by probation departments.</p>
6.	Superior Court of San Diego County By Mike Roddy, Executive Officer	AM	<p><input type="checkbox"/> <i>In terms of the disclosure of the offense committed by the child, should the form indicate that providing the code section of the offense is optional (as proposed), or should the form not give the option of including the code section or require that the code section be inserted?</i></p> <p>Providing the code section should be optional, as proposed.  1) We have a local form for school notifications - SDSC JUV-002.  2) I like the proposed changes and leaving the code section optional.</p> <p><input type="checkbox"/> <i>Are there any suggestions to improve the readability and content of the admonitions on</i></p>	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated



**S18-26****Juvenile Law: School Notification of Delinquency Court Adjudication** (Amend form JV-690)

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

Commenter	Position	Comment	Committee Response
		<p><i>the proposed second page? See comment below.</i></p> <p>The warnings are much more clear than before, but there is still a question whether it is a good use of resources to send that second page out with every single notice. It seems that courts could get that information out to schools in a more efficient way.</p> <p><input type="checkbox"/> <i>Would the proposal provide cost savings? Probably negligible savings.</i></p> <p><input type="checkbox"/> <i>What would the implementation requirements be for courts? Print and distribute revised forms. Train staff how to use new forms. Create or revise any written internal procedures.</i></p> <p><input type="checkbox"/> <i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.</i></p> <p><input type="checkbox"/> <i>How well would this proposal work in courts of different sizes? Should not be a problem.</i></p> <p><b><u>Form JV-690</u></b></p> <p><b>Page 2, Question 2, third bullet point.</b> The sentence is slightly inaccurate in paraphrasing the language in WIC § 827(b)(2)(A):</p>	<p>The committee understands that the use of a second page might create the need to use extra resources to print a second page. However, the committee believes that the form is best distributed as one two-sided document. Doing so eliminates the need to use two pieces of paper and includes the admonitions to inform the school district on how the form should be disseminated on the back of the form sent to the school district.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The language on page two of the form, second question, third bullet point, paraphrases the language of section 827(b)(2)(A) highlighted by the commenter. Instead of “to avoid being</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

## S18-26

### Juvenile Law: School Notification of Delinquency Court Adjudication (Amend form JV-690)

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

	Commenter	Position	Comment	Committee Response
			<p>The principal must then expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the child. In addition, the principal must disseminate the information to any teachers or administrators directly supervising or reporting on the behavior or progress of the child, if the principal believes they need the information to work with the child in an appropriate fashion <b>and</b> to promote school safety.</p> <p>WIC § 827(b)(2)(A) reads:</p> <p>“In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil <b>in an appropriate fashion, to avoid being needlessly vulnerable <b>or</b> to protect other persons from needless vulnerability.</b>”</p> <p>The following change is suggested:</p> <p>... In addition, the principal must disseminate the information to any teachers or administrators directly supervising or reporting on the behavior or progress of the child, if the principal</p>	<p>needlessly vulnerable or to protect other persons from needless vulnerability,” the committee paraphrased this language to “promote school safety.” The committee felt that paraphrasing the language in this way makes the form more readable for a lay person and concise while still conveying the same message. The committee however agrees that “and” in the sentence should be replaced with “or” to reflect the language in section 827(2)(A).</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

## S18-26

### Juvenile Law: School Notification of Delinquency Court Adjudication (Amend form JV-690)

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

	Commenter	Position	Comment	Committee Response
			believes they need the information to work with the child <b>in an appropriate fashion, to avoid being needlessly vulnerable, or</b> <del>and</del> to promote school safety.	

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated