



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on November 30, 2018

Title	Agenda Item Type
Rules and Forms: Technical Changes	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms DV-800/JV-252, FL-150, and JV-690	January 1, 2019
Recommended by	Date of Report
Judicial Council staff	November 1, 2018
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Executive Summary

Judicial Council staff and members of the branch have identified errors in Judicial Council family and juvenile law forms that are technical in nature. Judicial Council staff recommends making the necessary corrections to avoid confusion for court staff, judicial officers, and members of the public who use the forms.

Recommendation

Judicial Council staff recommends that the council, effective January 1, 2019:

1. Revise form DV-800/JV-252, *Proof of Firearms Turned In, Sold, or Stored*, item 5, to correct “Signature of law enforcement agent” to “Signature of licensed gun dealer” and the footer on page 1 to correct “§ 6389 et se.” to “§ 6389 et seq.”;
2. Revise form FL-150, *Income and Expense Declaration*, item 13a(1), to delete a duplicate line and correct a typographical error in the caption; and

3. Revise form JV-690, *School Notification of Court Adjudication*, footer on pages 1 and 2, to include a reference to Education Code, section 48267 in addition to some other minor edits.

The revised forms are attached at pages 5–12.

Relevant Previous Council Action

The Judicial Council has acted on these forms previously but this proposal only involves minor corrections that are unrelated to prior council action. However, because the council’s action on two of the forms occurred at the September 21, 2018 council meeting and would have the same effective date as the corrections recommended in this report, the history is included here.

Form FL-150 was last revised by the council at its meeting on September 21, 2018, to implement the changes to the Internal Revenue Code relating to the tax treatment of spousal support orders. The council adopted the recommended changes, effective January 1, 2019.¹

Form JV-690 was last revised by the council at its meeting on September 21, 2018, to correct inaccuracies in the listed offenses and to conform the form to Welfare and Institutions Code section 827(b)(1). The council adopted the recommended changes, effective January 1, 2019.²

Analysis/Rationale

The proposed changes to these forms are technical in nature and necessary to correct typographical errors and include a reference that was unintentionally omitted.

Form DV-800/JV-252

The Judicial Council revised this form in 2014. The version that was published contained an error in item 5, incorrectly stating “Signature of law enforcement officer” instead of “Signature of licensed gun dealer.” In 2017, the form was again revised to make a technical change to the footer on page 1, and the error in the signature line of item 5 was not caught.

Form FL-150

This form incorrectly contains an extra line item for a party to indicate the amount of rent or mortgage that the party pays each month. A fillable line is provided for the party’s answer; however, a second line appears immediately below it. This extra line could cause confusion to the person trying to complete the form because it does not relate to any specific query in item 13. To avoid confusion, staff recommends that the Judicial Council approve a revised version of the form in which the extra line is removed. In addition, staff recommends that the Judicial Council correct a misspelling of the word “Petitioner” in the caption on page 4.

¹ The Judicial Council report is available at <https://jcc.legistar.com/LegislationDetail.aspx?ID=3602276&GUID=5D88574B-D7F4-4B82-8D17-4903594D2D0B>.

² The Judicial Council report is available at <https://jcc.legistar.com/LegislationDetail.aspx?ID=3602274&GUID=78627CB4-D630-4044-8547-5B3F76BD41EC>.

Form JV-690

Several minor edits are suggested for the form *School Notification of Court Adjudication* (JV-690). Due to an inadvertent error, the footer of the form does not include a reference to Education Code section 48267. The form was amended during the 2018 spring cycle to include the notice required under Education Code section 48267 if applicable. In addition, several minor edits are suggested, including the correct spelling of “principal” as opposed to “principle” on page two and adding “a” in front of “...court of competent jurisdiction” on page one.

Policy implications

The technical changes recommended to the forms in this report provide for continued effective and consistent procedures in family and juvenile court.

Form DV-800/JV-252

The error in the signature line in item 5 could cause confusion to licensed gun dealers who would need to complete this item on the form and could also lead to delays in providing the court with proof of relinquishment of firearms.

Form FL-150

The inadvertent additional line in the summary of the party’s monthly expenses could cause confusion to the party, the party’s attorney, or to the court by erroneously prompting the person completing the form to insert a dollar amount beneath the line for the amount of rent or mortgage paid each month. This could ultimately result in the court making an inaccurate calculation of a support or other order relating to a party’s financial obligations.

Form JV-690

There are no anticipated policy implications for the changes suggested for the JV-690 form, as the changes are minor typographical edits that do not address the substance of the form.

Comments

This proposal was not circulated for comment because it recommends a noncontroversial, technical revision, and is therefore within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Alternatives considered**Form DV-800/JV-252**

Staff considered delaying the recommendation but concluded that the form needs to be changed as soon as possible, given the policy implications noted above.

Forms FL-150 and JV-690

Since other changes to these forms have already been approved by the council to take effect on January 1, 2019, staff did not consider delaying the technical changes proposed here.

Fiscal and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in some costs to the courts replace old versions of forms, both in paper and electronic systems.

Attachments and Links

1. Forms DV-800/JV-252, FL-150, and JV-690, at pages 5–12

1 Protected Person

Name: _____

2 Restrained Person

a. Your Name: _____

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 e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**3 To the Restrained Person:**

If the court has ordered you to turn in, sell, or store your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item ④ or ⑤ and item ⑥. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read form DV-800-INFO/JV-252-INFO, *How Do I Turn In, Sell, or Store My Firearms?*

4 To Law Enforcement

Fill out items ④ and ⑥ of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in ⑥ were turned in on:

Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____

Name and title of law enforcement agent

Name of law enforcement agency

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of law enforcement agent

5 To Licensed Gun Dealer

Fill out items ⑤ and ⑥ of this form. Keep a copy and give the original to the person who sold you the firearms or stored them with you.

The firearms listed in ⑥ were

☐ sold to me ☐ transferred to me for storage on:Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____

Name of licensed gun dealer

License number Telephone

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of licensed gun dealer

6 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

☐ Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "DV-800/JV-252, Item 6—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm. You may use form MC-025, Attachment.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in **6**? ☐ Yes ☐ No

If you answered yes, have you turned in, sold, or stored those other firearms? ☐ Yes ☐ No

If yes, check one of the boxes below:

a. ☐ I filed a *Proof of Firearms Turned In, Sold, or Stored* for those firearms with the court on (date):

b. ☐ I am filing the proof for those firearms along with this proof.

c. ☐ I have not yet filed the proof for the other firearms (*explain why not*):

☐ Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7c" for a title.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name



Sign your name

Attach copies of your pay stubs for last two months (black out Social Security numbers).

- (If you have more than one job, attach an 8 1/2-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1—Other Jobs" at the top.)

a. My age is (*specify*):

b. I have completed high school or the equivalent: ☐ Yes ☐ No If no, highest grade completed (*specify*):

c. Number of years of college completed (*specify*): ☐ Degree(s) obtained (*specify*):

d. Number of years of graduate school completed (*specify*): ☐ Degree(s) obtained (*specify*):

e. I have: ☐ professional/occupational license(s) (*specify*):
☐ vocational training (*specify*):

a. ☐ I last filed taxes for tax year (specify year): _____

b. My tax filing status is ☐ single ☐ head of household ☐ married, filing separately
☐ married, filing jointly with (specify name): _____

c. I file state tax returns in ☐ California ☐ other (specify state): _____

d. I claim the following number of exemptions (including myself) on my taxes (specify): _____

- (If you need more space to answer any questions on this form, attach an 8 1/2-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached:

Date:

(SIGNATURE OF DECLARANT)

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:
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Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your Social Security number on the pay stub and tax return.)

5. **Income** (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)

	Last month	Average monthly
a. Salary or wages (gross, before taxes).....	\$	_____
b. Overtime (gross, before taxes).....	\$	_____
c. Commissions or bonuses.....	\$	_____
d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving	\$	_____
e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage <input type="checkbox"/> federally taxable*	\$	_____
f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership	\$	_____
g. Pension/retirement fund payments.....	\$	_____
h. Social Security retirement (not SSI).....	\$	_____
i. Disability: <input type="checkbox"/> Social Security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance	\$	_____
j. Unemployment compensation.....	\$	_____
k. Workers' compensation.....	\$	_____
l. Other (military allowances, royalty payments) (specify):	\$	_____

6. **Investment income** (Attach a schedule showing gross receipts less cash expenses for each piece of property.)

a. Dividends/interest.....	\$	_____
b. Rental property income.....	\$	_____
c. Trust income.....	\$	_____
d. Other (specify):	\$	_____

7. **Income from self-employment, after business expenses for all businesses**..... \$ _____

I am the ☐ owner/sole proprietor ☐ business partner ☐ other (specify): _____

Number of years in this business (specify): _____

Name of business (specify): _____

Type of business (specify): _____

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your Social Security number. If you have more than one business, provide the information above for each of your businesses.

8. ☐ **Additional income.** I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount): _____

9. ☐ **Change in income.** My financial situation has changed significantly over the last 12 months because (specify): _____

10. **Deductions**

	Last month
a. Required union dues.....	\$ _____
b. Required retirement payments (not Social Security, FICA, 401(k), or IRA).....	\$ _____
c. Medical, hospital, dental, and other health insurance premiums (total monthly amount).....	\$ _____
d. Child support that I pay for children from other relationships.....	\$ _____
e. Spousal support that I pay by court order from a different marriage <input type="checkbox"/> federally tax deductible*.....	\$ _____
f. Partner support that I pay by court order from a different domestic partnership.....	\$ _____
g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g").....	\$ _____

11. **Assets**

	Total
a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts.....	\$ _____
b. Stocks, bonds, and other assets I could easily sell.....	\$ _____
c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe).....	\$ _____

* Check the box if the spousal support order or judgment was executed by the parties and the court before January 1, 2019, or if a court-ordered change maintains the spousal support payments as taxable income to the recipient and tax deductible to the payor.

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:
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12. The following people live with me:

Name	Age	How the person is related to me (ex: son)	That person's gross monthly income	Pays some of the household expenses?	
a.				<input type="checkbox"/> Yes	<input type="checkbox"/> No
b.				<input type="checkbox"/> Yes	<input type="checkbox"/> No
c.				<input type="checkbox"/> Yes	<input type="checkbox"/> No
d.				<input type="checkbox"/> Yes	<input type="checkbox"/> No
e.				<input type="checkbox"/> Yes	<input type="checkbox"/> No

13. Average monthly expenses ☐ Estimated expenses ☐ Actual expenses ☐ Proposed needs

a. Home: (1) <input type="checkbox"/> Rent or <input type="checkbox"/> mortgage..... \$ _____ If mortgage: (a) average principal: \$ _____ (b) average interest: \$ _____ (2) Real property taxes..... \$ _____ (3) Homeowner's or renter's insurance (if not included above)..... \$ _____ (4) Maintenance and repair..... \$ _____ b. Health-care costs not paid by insurance..... \$ _____ c. Child care..... \$ _____ d. Groceries and household supplies..... \$ _____ e. Eating out..... \$ _____ f. Utilities (gas, electric, water, trash)..... \$ _____ g. Telephone, cell phone, and e-mail..... \$ _____	h. Laundry and cleaning..... \$ _____ i. Clothes..... \$ _____ j. Education..... \$ _____ k. Entertainment, gifts, and vacation..... \$ _____ l. Auto expenses and transportation (insurance, gas, repairs, bus, etc.)..... \$ _____ m. Insurance (life, accident, etc.; do not include auto, home, or health insurance)..... \$ _____ n. Savings and investments..... \$ _____ o. Charitable contributions..... \$ _____ p. Monthly payments listed in item 14 (itemize below in 14 and insert total here)..... \$ _____ q. Other (specify): \$ _____ <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> r. TOTAL EXPENSES (a–q) (do not add in the amounts in a(1)(a) and (b)) \$ _____ </div> s. Amount of expenses paid by others \$ _____
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14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This information is required if either party is requesting attorney fees):

- a. To date, I have paid my attorney this amount for fees and costs (specify): \$
- b. The source of this money was (specify):
- c. I still owe the following fees and costs to my attorney (specify total owed): \$
- d. My attorney's hourly rate is (specify):

I confirm this fee arrangement.

Date:

 (TYPE OR PRINT NAME)

▶

 (SIGNATURE OF DECLARANT)

<p style="text-align: center;">PETITIONER:</p> <p style="text-align: center;">RESPONDENT:</p> <p style="text-align: center;">OTHER PARTY/PARENT/CLAIMANT:</p>	<p>CASE NUMBER:</p>
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CHILD SUPPORT INFORMATION
(NOTE: Fill out this page only if your case involves child support.)

16. Number of children

- a. I have *(specify number)*: _____ children under the age of 18 with the other parent in this case.
- b. The children spend _____ percent of their time with me and _____ percent of their time with the other parent.
(If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

17. Children's health-care expenses

- a. ☐ I do ☐ I do not have health insurance available to me for the children through my job.
- b. Name of insurance company: _____
- c. Address of insurance company: _____
- d. The monthly cost for the **children's** health insurance is or would be *(specify)*: \$ _____
(Do not include the amount your employer pays.)

18. Additional expense for the children in this case

- | | Amount per month |
|--------------------------------------------------------------------------------|------------------|
| a. Childcare so I can work or get job training..... | \$ _____ |
| b. Children's health care not covered by insurance..... | \$ _____ |
| c. Travel expenses for visitation..... | \$ _____ |
| d. Children's educational or other special needs <i>(specify below)</i> :..... | \$ _____ |

19. Special hardships. I ask the court to consider the following special financial circumstances

(attach documentation of any item listed here, including court orders):

- | | Amount per month | For how many months? |
|----------------------------------------------------------------------------------------------------|------------------|----------------------|
| a. Extraordinary health expenses not included in 18b..... | \$ _____ | _____ |
| b. Major losses not covered by insurance <i>(examples: fire, theft, other insured loss)</i> | \$ _____ | _____ |
| c. (1) Expenses for my minor children who are from other relationships and are living with me..... | \$ _____ | _____ |
| (2) Names and ages of those children <i>(specify)</i> : _____ | | |

(3) Child support I receive for those children..... \$ _____

The expenses listed in a, b, and c create an extreme financial hardship because *(explain)*:

20. Other information I want the court to know concerning support in my case *(specify)*:

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 a 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 Welf. & Inst. Code, § 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.