



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 20-006*

For business meeting on: May 15, 2020

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**Title**

Appellate Procedure: Access to Juvenile Case Files in Appellate Court Proceedings

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822

**Recommended by**

Appellate Advisory Committee  
Hon. Louis R. Mauro, Chair  
Family and Juvenile Law Advisory Committee  
Hon. Jerilyn L. Borack, Chair  
Hon. Mark A. Juhas, Chair

**Agenda Item Type**

Action Required

**Effective Date**

September 1, 2020

**Date of Report**

April 9, 2020

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### Executive Summary

Recent Judicial Council–sponsored legislation amended the statute governing access to records in a juvenile case. The statutory amendment provides that individuals who petitioned for, and by order of the juvenile court were granted access to, the juvenile case file are entitled to access those same records for purposes of appellate court proceedings in which they are parties. To implement that legislation, the Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee now recommend amending the rules regarding confidentiality in juvenile court and appellate court proceedings, approving a new information sheet, and revising a number of forms used in juvenile dependency matters and subsequent appellate proceedings.

## Recommendation

The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective September 1, 2020:

1. Amend rule 5.552 of the California Rules of Court to replace the terms “disclosure” and “disclosed” with “access to” and “released,” to more accurately describe the juvenile court’s action as permitting access to records in the juvenile case file rather than permitting disclosure;
2. Amend rule 8.401 of the California Rules of Court to add new subdivision (b)(2) to implement the new statutory provision, add a new advisory committee comment for the new subdivision, add definitions to clarify terms, and make other changes to clarify the application of each paragraph;
3. Approve *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO);
4. Revise the following forms to add a notice to potential parties in appellate proceedings who are not entitled to access records in the juvenile case file absent court order:
  - a. Relative Information (form JV-285);
  - b. Caregiver Information Form (form JV-290);
  - c. De Facto Parent Request (form JV-295);
  - d. Request for Prospective Adoptive Parent Designation (form JV-321); and
  - e. Objection to Removal (form JV-325);
5. Revise *Proof of Service—Request for Disclosure* (form JV-569) to rename it *Proof of Service—Petition for Access to Juvenile Case File*, update the language, and add new item 3 for the filer to explain any failure to serve required public entities;
6. Revise *Request for Disclosure of Juvenile Case File* (form JV-570) to rename it *Petition for Access to Juvenile Case File*, update the language, and make other clarifying changes;
7. Revise *Notice of Request for Disclosure of Juvenile Case File* (form JV-571) to rename it *Notice of Petition for Access to Juvenile Case File* and update the language;
8. Revise *Objection to Release of Juvenile Case File* (form JV-572) to update the language;
9. Revise *Order on Request for Disclosure of Juvenile Case File* (form JV-573) to rename it *Order on Petition for Access to Juvenile Case File*, update the language, add check boxes and space in item 1 for the judicial officer to state the reason for denying the petition, and add new item 6 to provide space for other orders;
10. Revise *Order After Judicial Review* (form JV-574) to rename it *Order After Judicial Review on Petition for Access to Juvenile Case File*, update the language, and add check boxes for

the judicial officer to indicate the reason for denying the petition and information regarding redaction and dissemination of records;

11. Revise *Notice of Appeal—Juvenile* (form JV-800) to add a notice to potential parties in appellate proceedings who are not entitled to access records in the juvenile case file absent court order, to add an item allowing the litigant who has been granted access to records to indicate this and attach a copy of the order, and to add to the list of appealable orders in item 7 an order under Welfare and Institutions Code section 305.5 denying transfer to the tribal court and an order under section 388;
12. Revise *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26* (form JV-820) to add a notice to potential parties in appellate proceedings who are not entitled to access records in the juvenile case file absent court order and to add an item allowing the litigant who has been granted access to indicate this and attach a copy of the order; and
13. Revise *Notice of Intent to File Writ Petition and Request for Record to Review Order Designating or Denying Specific Placement of a Dependent Child After Termination of Parental Rights* (form JV-822) to add a notice to potential parties in appellate proceedings who are not entitled to access records in the juvenile case file absent court order, add an item allowing the litigant who has been granted access to indicate this and attach a copy of the order, and clarify that this form may be signed by the attorney of record.

The text of the amended rules and the new and revised forms are attached at pages 13–41.

### **Relevant Previous Council Action**

In 2017 the Appellate Advisory Committee, after consultation with the Family and Juvenile Law Advisory Committee, recommended that the Judicial Council sponsor legislation to amend the statute that specifies who may access and copy records in a juvenile case file. The amendment would clarify that persons who are entitled to seek review of certain orders in juvenile proceedings or who are respondents in such appellate proceedings may, for purposes of those appellate proceedings, access and copy those records to which they were previously given access by order of the juvenile court.

This legislation, Assembly Bill 1617, added new subdivision (a)(6) to Welfare and Institutions Code section 827<sup>1</sup> (section 827) and took effect on January 1, 2019. New subdivision (a)(6) authorizes a person who is not entitled to access the juvenile case file under section 827(a)(1)(A)–(P) to access records in the case file for purposes of the appeal or writ if the person has previously petitioned for, and been granted access to, those records under section

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<sup>1</sup> All further unspecified statutory references are to the Welfare and Institutions Code, and all rule references are to the California Rules of Court. The full text of this statute is available at [http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=827.&lawCode=WIC](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=827.&lawCode=WIC).

827(a)(1)(Q) by the juvenile court. New subdivision (a)(6) also requires the Judicial Council to adopt rules to implement the paragraph.

Rules 5.552 and 8.401 have been amended over the years, but the council has not taken action relevant to the recommendations contained herein. Similarly, the forms have been revised periodically, but none of those prior revisions has bearing on this proposal.

### **Analysis/Rationale**

This proposal is intended to help parties to appellate court proceedings, particularly those who are self-represented, recognize as early as possible whether they need to file a petition for access to records, better understand the procedure, and better navigate the process. The new and revised forms are also intended to assist judicial officers, who must review the petitions and make decisions regarding access to records in the juvenile case file, and court staff, who must prepare and send the record.

### **Background**

The confidentiality of juvenile case files is established by section 827. This confidentiality is intended to protect the privacy rights of the child who is the subject of the juvenile court proceedings. Section 827(a)(1) identifies those who may inspect and receive copies of a juvenile court case file, including the child who is the subject of the proceeding, the child's parent or guardian, the attorneys for the parties, the petitioning agency in a dependency action, or the district attorney, city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

Ordinarily, to help resolve these matters as quickly as possible, when an appeal or petition is filed challenging a judgment or order in a juvenile proceeding, the record for that appellate proceeding is prepared and sent to the Court of Appeal and the parties very quickly. The items that must be included in the record on appeal or for certain writ proceedings are listed in rules 8.407, 8.450, and 8.454. The trial court is required to begin preparing the record in these proceedings upon filing of the notice of appeal or notice of intent to file a writ petition.

However, some individuals who are authorized to participate in juvenile proceedings and have the right to seek review of certain orders in those proceedings or who have a right to respond to an appeal or petition seeking such review are not entitled under section 827, absent court order, to access (inspect or copy) any records in a juvenile case file. This situation occurs, for example, when the appellant is a family member or other person who files a petition seeking de facto parent status and is appealing the denial of that petition or who files a petition under section 388 to change, modify, or set aside a juvenile court order on grounds of change of circumstance or new evidence and is appealing the denial of that petition. In those cases, before the recent legislation, the juvenile courts and Court of Appeal followed various procedures to decide, on a case-by-case basis, what records such litigants could receive. Doing so took time and resources of the juvenile court, the Court of Appeal, and the persons seeking access to records for such proceedings. It also resulted in delays and, particularly when the appellant or petitioner was self-

represented and failed to obtain the necessary records, procedural dismissals of these appeals without consideration of their merit.

### **Prior circulation**

This proposal circulated previously in spring 2019. At that time, the committees proposed extensive amendments to several rules relating to juvenile appeals and writs to include provisions relating to persons required to petition for access to records in the juvenile case file and the limited record to be prepared and provided to these persons. The proposal included a new information sheet and a notice on certain forms regarding the process to seek authorization from the juvenile court to access records in the juvenile case file.

The committees received a number of public comments raising various concerns with the prior proposal, including, among others, due process issues and perceived gaps in the proposed rules that would require more rules. The committees concluded that, in attempting to provide detailed procedures and information for litigants and courts and to account for various situations that could arise, the proposal's scope and complexity expanded beyond what was necessary to implement the legislation, which was narrow in scope and aimed at a situation that arises relatively infrequently. Accordingly, the committees determined that the best way to move forward would be a more focused rules proposal to add the juvenile court petition process to the appellate rule on access to records in a juvenile case.

### **Rule amendments**

The committees recommend amending both the appellate and juvenile rules on confidentiality of records. The proposed rule amendments appropriately track the provisions of section 827.

#### ***Rule 5.552***

To be consistent with the language of section 827, the committees recommend amending the rule on confidentiality of records in the juvenile court to replace the terms “disclosure” and “disclosed” with “access to” and “released,” respectively. The committees also recommend making these changes to the names of several forms that are referenced in the rule and are part of this proposal (see below). These changes would more accurately describe the juvenile court's action in granting a petition as permitting *access* to records in the juvenile case file rather than permitting *disclosure*, which could suggest that the petitioner may disclose the information.

#### ***Rule 8.401***

Rule 8.401 is the appellate rule on confidentiality in juvenile proceedings; subdivision (b) addresses access to documents and records. The committees recommend adding a new paragraph regarding access to records in the juvenile case file under section 827 stating that individuals who were granted access to records by order of the juvenile court may access the same records for purposes of an appeal or writ proceeding. A new advisory committee comment would describe the petition process under section 827 and refer to rule 5.552 and the mandatory form a petitioner must use.

Other amendments to this rule would add definitions to clarify terms. Existing rule 8.401(b) refers to “filed documents,” “documents filed by the parties,” “the record on appeal,” and “records” in presenting various rules regarding access to documents and records, and proposed new subdivision (b)(2) would add the term “records in the juvenile case file.” To eliminate confusion and draw clear distinctions, the committees recommend defining “filed document,” “record on appeal,” “record on a writ proceeding,” and “records in the juvenile case file.”

### **New and revised forms**

Whereas the rules component of this revised proposal is narrower than what was originally circulated, the forms portion now includes several additional forms. The committees recommend a new information sheet for individuals who must use the petition process to access records in the juvenile case file and adding a notice regarding the petition process to certain forms. Other revisions to forms are intended to raise awareness of the possible need to petition for access to records and to assist the juvenile court and litigants in that process. In addition, several changes are intended to update or clarify content on the forms.

#### ***Proposed information sheet***

*Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO) provides information for individuals with a limited right to seek review of a juvenile court order, such as relatives and de facto parents. This includes information about requesting access to the juvenile case file through a petition under section 827(a)(1)(Q). The form emphasizes that these individuals have a right to appeal or file a writ petition only in limited circumstances. This form is substantially similar to the version included in the earlier proposal, but renamed and with other minor clarifying changes.

#### ***Notice on JV forms***

Potential parties in appellate proceedings who are not entitled to access records in the juvenile case file absent a court order may be unaware of the requirement to petition for such access, and thus may not file such a petition until after the appellate proceeding has begun. This situation can cause delays and difficulties for litigants and the courts—problems the legislation was intended to solve. The committees recommend adding a short notice to forms typically used by these litigants in dependency and juvenile justice cases. The notice reads as follows:

If you are not the child, child’s parent, or child’s legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may need a court order granting you access to records in the juvenile case file. For more information, please see *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

The committees recommend adding this notice to the following forms:

- *Relative Information* (form JV-285)
- *Caregiver Information Form* (form JV-290)
- *De Facto Parent Request* (form JV-295)
- *Request for Prospective Adoptive Parent Designation* (form JV-321)
- *Objection to Removal* (form JV-325)
- *Notice of Appeal—Juvenile* (form JV-800)
- *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26* (form JV-820)
- *Notice of Intent to File Writ Petition and Request for Record to Review Order Designating or Denying Specific Placement of a Dependent Child After Termination of Parental Rights* (form JV-822)

***Revisions to notice of appeal and notice of intent to file writ petition forms***

In addition to adding the notice described above, the committees recommend adding an item to these forms so that the litigant who has been granted access to records by order of the juvenile court may indicate this and attach a copy of the order, if it is available. This item will provide notice to the juvenile court clerk who prepares the appellate court record that the litigant’s access to records is specified in the juvenile court’s order.

The committees recommend adding this item to the following forms:

- *Notice of Appeal—Juvenile* (form JV-800)
- *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26* (form JV-820)
- *Notice of Intent to File Writ Petition and Request for Record to Review Order Designating or Denying Specific Placement of a Dependent Child After Termination of Parental Rights* (form JV-822)

***Revisions to mandatory forms for the section 827 petition process***

The Judicial Council adopted mandatory forms for use by litigants and the juvenile courts in the section 827 petition process. The committees recommend updating the names of these forms and language within the forms to refer to “access” and “petition for access” rather than “disclosure” and “request for disclosure.”

The committees propose making these revisions to the following forms:

- *Proof of Service—Request for Disclosure* (form JV-569), renamed *Proof of Service—Petition for Access to Juvenile Case File*
- *Request for Disclosure of Juvenile Case File* (form JV-570), renamed *Petition for Access to Juvenile Case File*
- *Notice of Request for Disclosure of Juvenile Case File* (form JV-571), renamed *Notice of Petition for Access to Juvenile Case File*

- *Objection to Release of Juvenile Case File* (form JV-572)
- *Order on Request for Disclosure of Juvenile Case File* (form JV-573), renamed *Order on Petition for Access to Juvenile Case File*
- *Order After Judicial Review* (form JV-574), renamed *Order After Judicial Review on Petition for Access to Juvenile Case File*

### ***Other revisions to forms***

The committees recommend additional changes to the forms as described below.

Form JV-569 is the mandatory form for filing proof of service of the petition under section 827(a)(1)(Q). Under rule 5.552, the petitioner is required to serve notice of the petition on certain individuals and entities, but if the petitioner does not know the names and addresses and is unable to effect service for that reason, the clerk must do it. The committees recommend adding a new item 3 for litigants to indicate that they were unable to serve county counsel and the child welfare agency (if the petition is filed under section 300), or the district attorney and the probation department (if the petition is filed under section 601 or 602). The new item requires the litigant to describe the efforts to locate the addresses and to provide an explanation for not being able to locate the addresses. This is intended to reduce the number of instances in which the burden of serving notice on public entities is unnecessarily transferred to the court.

Form JV-570 is the mandatory form used to petition for access to the juvenile case file. It requires the petitioner to describe in detail the records that are sought and why the records are needed. The committees recommend expanding the instructions for item 5, which requires the petitioner to describe the records being sought, and revising item 6 to add the option that records are sought for a juvenile court proceeding or an appellate court proceeding and provide space for the petitioner to list the relevant hearing dates.

Form JV-573 is the mandatory form for the juvenile court to make its ruling on the petition. The revisions would add check boxes and space in item 1 for the judicial officer to indicate the reason for denying the petition, and add new item 6 to provide space for other orders.

Form JV-574 is the mandatory form for the juvenile court to issue orders after judicial review of the juvenile case file. The committees recommend adding check boxes and space in item 2 for the judicial officer to indicate the reason or reasons for denying the petition, adding a check box to items 3a and 4c to indicate that records released to the petitioner must be redacted, and adding a check box and space to item 6 to permit the petitioner to disseminate records to a specified person and to indicate that those records must be redacted or are subject to a protective order.

Form JV-800, the notice of appeal form, would be revised to add check boxes to item 7, which lists appealable orders under different sections of the Welfare and Institutions Code, to include an order under section 305.5 denying transfer to a tribal court and an order under section 388 (request to change a court order).



Form JV-820, the notice of intent to file a writ petition challenging the setting of a hearing under section 366.26, would be revised to add language to the box on page 2 titled “What Will Happen at the Hearing to Make a Permanent Plan?” to include the court’s option of ordering another planned permanent living arrangement for a child who is 16 years old or older at the section 366.26 hearing.

Form JV-822, the notice of intent to file a writ petition challenging the court’s placement order, would be revised to add language to the box on page 2 titled “Who Must Sign the *Notice of Intent*?” to clarify that the notice of intent may be signed by the attorney of record.

### **Policy implications**

The committees have identified no policy implications.

### **Comments**

This proposal was circulated for public comment from December 13, 2019, to February 11, 2020, as part of the regular winter comment cycle. Eleven organizations submitted comments on this proposal. Three commenters agreed with the proposal. Five organizations, including the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, agreed if the proposal if it is modified. Three others submitted comments but did not state a position. A chart with the full text of all comments received and the committee’s responses is attached at pages 42–96.

### ***Petition process***

Three commenters, Advokids, Appellate Defenders, and California Appellate Project–Los Angeles (CAP-LA), submitted extensive comments regarding the petition process: that it is difficult and frustrating, causes long delays, and results in an inadequate record on appeal. The committees understand the difficulties and attempted to address them more fully in the earlier proposal. However, as described above, those proposed rule amendments raised extensive issues and concerns, created additional gaps in procedures, and far exceeded the legislative mandate to implement the new statutory provision.

Advokids comments that limiting access to the record in appellate matters without also amending the rules regarding juvenile appeals and writs will create confusion and delay. To address this issue and to streamline the process, Advokids proposes revising several forms used in the juvenile court to add an item that requests an order granting access to records in the juvenile case file pursuant to section 827(a)(1)(Q). The committees note that the limitation on access to records in the juvenile case file is mandated by statute and has not changed as a result of this proposal. The committees will retain this suggestion for consideration in the future.

To ease the delay problems, Appellate Defenders contends that third party litigants (family members, former caretakers) who have been present at juvenile court hearings have been implicitly granted access to the records used at those hearings, meaning they should not have to file a petition. This commenter also suggests that a full copy of the record should be provided for appellate counsel for the third party, with the caveat that counsel cannot share it with the client.

However, absent case law or statute supporting these interpretations, the committees reject these interpretations as inconsistent with section 827. To address the problem of an inadequate record, Appellate Defenders suggest including on form JV-570 additional specific types of records to assist third party litigants with requesting what they will need. The committees declined to add this content to the form, reasoning that the additions would likely result in voluminous requests and that the instructions on the form are sufficient.

CAP-LA suggests shifting the burden of designating the record and serving the JV-570 petition from the third party appellant to the juvenile court judicial officer who heard the dependency case, and to include a time frame for the judicial officer to return form JV-570 to the clerk. The commenter suggests that the judicial officer is better able to identify the necessary record based on the order being appealed from, and also suggests adding a mechanism for seeking completion of an inadequate record filed in the Court of Appeal, prior to briefing. These comments are beyond the scope of the proposal that circulated for public comment. The committees will retain them for consideration as part of a future proposal.

### ***Questions presented in the ITC***

The committees included four additional questions on the ITC.

On the first question regarding whether the definition of “records in the juvenile case file” in rule 8.401(b) should more closely track the definition of “juvenile case file” in rule 5.552(a) or section 827(e), the committees received four responses that came to various conclusions. The committees considered the feedback and modified the definition of “records in the juvenile case file” to include records lodged, as well as filed, in the juvenile court.

The second question asked for feedback on the new information sheet, form JV-291-INFO. Most of the commenters responded that the form is helpful and provides the necessary information. One commenter suggested formatting it along the lines of form JV-060-INFO, which uses a question-and-answer format. The committees will retain this suggestion for future consideration. Two commenters suggested including a note of caution or warning that the petition process can cause lengthy delays. The committees declined to add this note because each court is different and there are no “typical” time frames. In addition, such warning might have the unintended effect of deterring someone from filing a petition.

The third and fourth questions concerned the notice requirements of rule 5.552. Question three asked whether rule 5.552 should continue to require notice to county counsel and the parents when a petition for access to records is filed by an adult who is a former or current dependent. Question four asked whether the rule should be changed to require that a parent’s attorney of record receive notice of a petition for access to records. To the third question, two commenters responded no, and one said yes. Five commenters responded to the fourth question; all said some version of yes. The committees decided that notice to parents and county counsel is important to any petition for access as their input is needed on confidentiality issues concerning records in the case file. The committees also determined that notice to parents usually includes their attorney if they have one, so notice is sufficient in this respect as well.

### ***Suggestions for rules and forms***

Several commenters submitted specific suggestions for clarifying edits and corrections to rule language and the forms. As indicated in the comment chart, a number of these suggestions were accepted; others were declined or deferred.

### **Alternatives Considered**

The committees did not consider proposing no rule changes because the legislation requires the Judicial Council to adopt implementing rules.

As described above, the committees previously proposed more extensive rule amendments to describe procedures for appellate proceedings involving individuals whose access to records is limited. However, these extensive changes to the juvenile appellate rules would have added numerous new procedures, raised many more issues that would have to be addressed, and went well beyond what is necessary to implement the new statutory provision.

The committees considered making no changes to JV forms, but rejected this option. Because of the likelihood that individuals may be unaware of the potential need to petition for access to records in the juvenile case file, the committees chose to develop a new information sheet, include a notice on certain forms, and make other changes to improve awareness of the petition process and assist litigants and courts in navigating it.

### **Fiscal and Operational Impacts**

The Joint Rules Subcommittee and a superior court advise that implementation requirements for the courts will include staff time and printing costs for the new information sheet, communication with judicial officers and staff, and possible revisions to procedures and updates to case management systems.

Another superior court cited training for staff who process appeals and writ petitions and clerks who process petitions for access to records under section 827. Revision of local rules, local forms, and local procedures will also be required. In addition, the court indicated that it may need to collaborate with the Court of Appeal to ensure efficiency and compliance with new rules.

A third superior court also mentioned training, including training on redaction software, and updates to its case management system. The court also noted that non-party appeals and writs require significant additional resources. Redactions to both clerks' and reporters' transcripts are necessary and costly.

### **Attachments and Links**

1. Cal. Rules of Court, rules 5.552 and 8.401, at pages 13–15
2. Forms JV-291-INFO, JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822, at pages 16–41
3. Chart of comments, at pages 42–96

4. Attachment A: Chart of comments on proposal SPR19-06 (proposal circulated for comment twice; this chart from first comment cycle provided for background)
5. Link A: Welfare and Institutions Code section 827,  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=827.&lawCode=WIC](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=827.&lawCode=WIC)
6. Link B: Assembly Bill 1617 (Stats. 2018, ch. 992),  
[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1617](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1617)

Rules 5.552 and 8.401 of the California Rules of Court are amended, effective September 1, 2020, to read:

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

**(a) \* \* \***

**(b) Petition**

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

(1)–(2) \* \* \*

**(c) Notice of petition for ~~disclosure~~ access**

(1) At least 10 days before the petition is submitted to the court, the petitioner must personally or by first-class mail serve *Request for Disclosure of Petition for Access to Juvenile Case File* (form JV-570), *Notice of Request for Disclosure of Petition for Access to Juvenile Case File* (form JV-571), and a blank copy of *Objection to Release of Juvenile Case File* (form JV-572) on the following:

(A)–(I) \* \* \*

(2) The petitioner must complete *Proof of Service—Request for Disclosure Petition for Access to Juvenile Case File* (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 (c)(1) above, the clerk must:

(A) Serve personally or by first-class mail to the last known address a copy of *Request for Disclosure of Petition for Access to Juvenile Case File*

(form JV-570), ~~Notice of Request for Disclosure of~~ Petition for Access to Juvenile Case File (form JV-571), and a blank copy of Objection to Release of Juvenile Case File (form JV-572); and

(B) Complete Proof of Service—Request for Disclosure Petition for Access to Juvenile Case File (form JV-569) 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 ~~disclosure~~ access.

**(d) Procedure**

(1)–(4) \* \* \*

(5) If the court grants the petition, the court must find that the need for ~~discovery~~ access outweighs the policy considerations favoring confidentiality of juvenile case files. The confidentiality of juvenile case files is intended to protect the privacy rights of the child.

(6) The court may permit ~~disclosure of~~ access to juvenile case files only insofar as is necessary, and only if petitioner shows by a preponderance of the evidence that the records requested are necessary and have substantial relevance to the legitimate need of the petitioner.

(7) If, after in camera review and review of any objections, the court determines that all or a portion of the juvenile case file may be ~~disclosed~~ accessed, the court must make appropriate orders, specifying the information ~~to be disclosed~~ that may be accessed and the procedure for providing access to it.

(8) \* \* \*

(e)–(f) \* \* \*

**Rule 8.401. Confidentiality**

(a) \* \* \*

(b) **Access to filed documents and records**

For the purposes of this rule, “filed document” means a brief, petition, motion, application, or other thing filed by the parties in the reviewing court in a proceeding under this chapter; “record on appeal” means the documents referenced in rule

1 8.407; “record on a writ petition” means the documents referenced in rules 8.450  
2 and 8.454; and “records in the juvenile case file” means all or part of a document,  
3 paper, exhibit, transcript, opinion, order, or other thing filed or lodged in the  
4 juvenile court.

5  
6 (1) Except as provided in (2)–~~(3)~~(4), a filed document, the record on appeal, or  
7 the record on a writ petition and documents filed by the parties in  
8 ~~proceedings under this chapter~~ may be inspected only by the reviewing court,  
9 ~~and~~ appellate project personnel, the parties, or their attorneys for the parties,  
10 ~~and~~ or other persons the reviewing court may designate.

11  
12 (2) Access to records in the juvenile case file, including any such records made  
13 part of the record on appeal or the record on a writ petition, is governed by  
14 Welfare and Institutions Code section 827. A person who is not described in  
15 section 827(a)(1)(A)–(P) may not access records in the juvenile case file,  
16 including any such records made part of the record on appeal or the record on  
17 a writ petition, unless that person petitioned the juvenile court under section  
18 827(a)(1)(Q) and was granted access by order of the juvenile court.

19  
20 ~~(2)~~(3) A filed documents that protects anonymity as required by (a) may be  
21 inspected by any person or entity that is considering filing an amicus curiae  
22 brief.

23  
24 ~~(3)~~(4) Access to a filed document or records items in the record on appeal or the  
25 record on a writ petition that are sealed or confidential under authority other  
26 than Welfare and Institutions Code section 827 is governed by rules 8.45–  
27 8.47 and the applicable statute, rule, sealing order, or other authority.

28  
29 (c) \* \* \*

30  
31 **Advisory Committee Comment**

32  
33 **Subdivision (b)(2).** Welfare and Institutions Code section 827(a)(1)(Q) authorizes a petition by  
34 which a person may request access to records in the juvenile case file. The petition process is  
35 stated in rule 5.552. The Judicial Council has adopted a mandatory form—*Petition for Access to*  
36 *Juvenile Case File* (form JV-570)—that must be filed in the juvenile court to make the request.  
37 This form is available at any courthouse or county law library or online at  
38 [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).  
39

As the relative of a child who has been removed from the home, you may give written information to the court about the child at any time on this form or in a letter. After filling out this form, give it to the clerk of the court.

Please note that other people involved in the case, including the parents, will see your answers on this form. If you prefer to keep your contact information private, fill out *Confidential Information* (form JV-287) and do not write your address or telephone number below.

① Your name: \_\_\_\_\_

Your address: \_\_\_\_\_

Your telephone number: \_\_\_\_\_

☐ Check here if contact information is confidential and form JV-287 is attached.

② Your relation to the child: ☐ maternal ☐ paternal

☐ grandparent ☐ brother/sister ☐ aunt/uncle ☐ cousin

☐ family friend

☐ tribal extended family member

☐ other (specify): \_\_\_\_\_

③ Child's name: \_\_\_\_\_

④ ☐ I would like to talk to the judge at the next court hearing.

Please fill in as much of the following information as you know. If you need more space to respond to any section on this form, attach additional pages as needed and check the box at item 12.

⑤ Information about the child's medical, dental, and general physical health:

\_\_\_\_\_

⑥ Information about the child's emotional and behavioral health:

\_\_\_\_\_

⑦ Information about the child's education:

\_\_\_\_\_

⑧ Other information that might be helpful to the court:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Clerk stamps date here when form is filed.

**DRAFT**  
**Not approved by**  
**the Judicial Council**

Social worker fills in court name and street address.

**Superior Court of California, County of**

Social worker fills in child's name and date of birth.

**Child's Name:**

**Date of Birth:**

Social worker fills in case number.

**Case Number:**





Child's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

*Below are some things you might do to help the child. You can pick some or none of the things listed below. It is up to the social worker and the court whether you will be asked to do these things.*

- 9 I want to
- |   |   |
|---|---|
| <input type="checkbox"/> telephone the child.                                   | <input type="checkbox"/> take the child to visits with parents.                       |
| <input type="checkbox"/> write letters to the child.                            | <input type="checkbox"/> take the child to medical appointments.                      |
| <input type="checkbox"/> take the child on outings.                             | <input type="checkbox"/> supervise the child during visits with brothers and sisters. |
| <input type="checkbox"/> take the child to/from school.                         | <input type="checkbox"/> watch the child after school.                                |
| <input type="checkbox"/> take the child to visits with brothers or sisters.     | <input type="checkbox"/> have the child live with me.                                 |
| <input type="checkbox"/> take the child to therapy.                             | <input type="checkbox"/> other (describe): _____                                      |
| <input type="checkbox"/> take the child to family gatherings.                   | _____   |
| <input type="checkbox"/> help the social worker make a case plan for the child. | _____   |

*You can also help the parents. For example, you might help with transportation, housing, visits, or child care. It is up to the social worker and the court whether you will be asked to do these things.*

- 10 I want to help the ☐ father ☐ mother  
(Describe): \_\_\_\_\_  
\_\_\_\_\_

- 11 Other relatives who might be able to help the child:
- a. Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_  
Contact information: \_\_\_\_\_  
or ☐ I want to keep the contact information confidential and ask that the child's social worker get this information from me.
- b. Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_  
Contact information: \_\_\_\_\_  
or ☐ I want to keep the contact information confidential and ask that the child's social worker get this information from me.
- c. Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_  
Contact information: \_\_\_\_\_  
or ☐ I want to keep the contact information confidential and ask that the child's social worker get this information from me.


- 12 ☐ If you need more space to respond to any section on this form, please check this box and attach additional pages.  
Number of pages attached: \_\_\_\_\_

**NOTICE**

If you are not the child, child's parent, or child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may need a court order granting you access to records in the juvenile case file. For more information, please see *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

  
\_\_\_\_\_  
Sign your name

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
CHILD'S NAME: HEARING DATE AND TIME:	
<b>CAREGIVER INFORMATION FORM</b>	CASE NUMBER:

**To the current caregiver, preadoptive parent, community care facility, or foster family agency caring for the child: You may submit written information to the court, and you may attend review and permanency hearings. You may use this optional form to provide written information to the court. Please type or print clearly in ink and submit the original and eight copies of the form to the court clerk's office at least five calendar days (or seven calendar days, if filing by mail) before the hearing. Be aware that other individuals involved in the case have access to this information. See form JV-290-INFO for instructions on how to complete this form and file it with the court.**

1. a. Child's name:  
 b. Child's date of birth: c. Child's age:
2. **Caregiver Information** (Answer only if you are a caregiver, skip #3.):  
 a. Name of caregiver:  
 b. Type of caregiver: ☐ Foster parent ☐ Relative ☐ Legal guardian ☐ Preadoptive parent  
☐ Nonrelative extended family member ☐ Other (specify):  
 c. The child has been living in my home for (specify): years months.
3. **Agency or Facility Information** (Answer only if you are an agency or facility, skip #2.):  
 a. Name of agency or facility:  
 b. Address:  
 c. Telephone number:  
 d. Type of facility: ☐ Foster family agency ☐ Community care agency ☐ Other (specify):  
 e. The child has been placed with our agency/facility for (specify): years months and in the current home for (specify): years months.  
 f. Name of person completing form: Title:  
 g. Hours per week the person completing this form spends with the child (specify): hours/week.  
 h. The information on this form consists of  
 (1) ☐ the observations and recommendations of the person filling out this form.  
 (2) ☐ the observations and recommendations of a group or team made up of the following individuals (specify):
4. **Current Status of Child's Medical, Dental, and General Physical and Emotional Health**  
 a. ☐ There is no new or additional information since the last court hearing.  
 b. ☐ There is new or additional information since the last court hearing, as follows (do not include the names of doctors):
5. **Current Status of Child's Education**  
 a. ☐ There is no new or additional information since the last court hearing.  
 b. ☐ There is new or additional information since the last court hearing, as follows (do not include the names of schools):

CHILD'S NAME:

CASE NUMBER:

**6. Child's Special Education Status**

- a. ☐ The child is a special education student. Date of last Individualized Education Plan (IEP):
- b. ☐ The child is not a special education student.
- c. ☐ I do not know the child's special education status.

**7. Current Status of Child's Adjustment to Living Arrangement**

- a. ☐ There is no new or additional information since the last court hearing.
- b. ☐ There is new or additional information since the last court hearing, as follows:

**8. Current Status of Child's Social Skills and Peer Relationships**

- a. ☐ There is no new or additional information since the last court hearing.
- b. ☐ There is new or additional information since the last court hearing, as follows:

**9. Current Status of Child's Special Interests and Activities**

- a. ☐ There is no new or additional information since the last court hearing.
- b. ☐ There is new or additional information since the last court hearing, as follows:

**10. Other Helpful Information**

- a. ☐ There is no new or additional information since the last court hearing.
- b. ☐ There is new or additional information since the last court hearing, as follows:

**11. Recommendation for Disposition (*Outcome*)**

- a. ☐ I have no recommendation for disposition (*outcome*).
- b. ☐ I am recommending the following disposition (*outcome*):

12. ☐ If you need more space to respond to any section on this form, please check this box and attach additional pages.  
Number of pages attached:

**NOTICE**

If you are not the child, child's parent, or child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may need a court order granting you access to records in the juvenile case file. For more information, please see *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF CAREGIVER OR FACILITY/AGENCY STAFF PERSON  
WHO HAS COMPLETED THIS FORM)

Under very limited circumstances, a person who is not the child, parent, or legal guardian in a dependency or juvenile justice case has the right to seek review of decisions made by the juvenile court by filing an appeal or writ petition in the Court of Appeal. Such a person, however, is typically not entitled to access records from the juvenile court case file that will be considered by the Court of Appeal unless the person gets approval from the juvenile court. The purpose of this information sheet is to inform those persons who are not the child, parent, or legal guardian, and who may have the right to seek appellate review, of the requirement to file a *Petition for Access to Juvenile Case File* (form JV-570) to have access to certain records in the juvenile case file during an appeal or writ.

### **1 When would I have the right to seek review?**

To have a right to seek review, you must be harmed by an order or judgment of the juvenile court. In the vast majority of cases, only the child, parent, legal guardian, county welfare department, or district attorney will have the right to file an appeal or a writ petition challenging a juvenile court ruling. However, the law also protects those individuals who have a relationship to the child in certain situations.

You might have a right to appeal or file a writ petition if, for example, you are:

- The child's relative, and the child was ordered to be removed from your home, or you requested that the child live with you and the court denied your request.
- Someone who requested de facto parent status, which was denied;
- Someone who requested a change of court order through a section 388 petition (form JV-180), which was denied; or
- A prospective adoptive parent or de facto parent challenging the juvenile court's decision to remove the child from your home.

### **2 If I want to file an appeal or writ petition, what additional steps must I take?**

If the juvenile court has not already authorized you to access records in the juvenile case file, to have access to such records for an appeal or writ proceeding, you must request access from the juvenile court. To make this request, you must file *Petition for Access to Juvenile Case File* (form JV-570). Use *Notice of Petition for Access to*

*Juvenile Case File* (form JV-571) to provide notice of this request. You will need to serve copies of these forms on all interested parties to the case, if you know their names and addresses, including the child, parents, social worker, and probation officer.

On the petition form, you will need to identify which specific records you are requesting. Your request for information can include any documents that you are aware of that exist in the juvenile court file. Be sure to indicate the dates of the hearings that relate to the decision you are challenging. As the basis for the petition, you may indicate the appeal or writ proceeding in the Court of Appeal. You will also need to explain why you are requesting the records. Your explanation should show how the records, including any transcripts, relate to the decision you are challenging (for example, a report or court order following a hearing on your issue). The juvenile court will make a decision on your petition by issuing an order that identifies the records you are authorized to access. The court's order is made on *Order After Judicial Review on Petition for Access to Juvenile Case File* (form JV-574).

When you file a notice of appeal or a notice of intent to file a writ petition, you should attach a copy of the court's order on the JV-574, if you have one. Doing so will alert the clerk that you are authorized to access records in the case file and will ensure that a record will be prepared for you.

**Note:** An order from the juvenile court granting you access to records in the case file is not a condition for filing an appeal or writ petition.

You may wish to consult with an attorney when considering whether to file an appeal or a writ petition and request access to records in the juvenile case file. The timelines for filing an appeal or a writ petition apply whether or not the juvenile court has granted you access to the juvenile case file. A notice of appeal usually must be filed within 60 days of the date the order being appealed was made. For writ review, a notice of intent to file a writ petition must be filed as early as 7 days after the court makes the challenged order, either orally in court or in writing, whichever occurs first. But note that the deadlines for filing a notice of appeal or a notice of intent to file a writ petition may differ, depending on the circumstances. For more information, read rules 8.406, 8.450, and 8.454 of the California Rules of Court.

*Clerk stamps date here when form is filed.*

**DRAFT**  
**Not approved by**  
**the Judicial Council**

The address of any licensed foster family home must remain confidential unless the judge or the foster parent authorizes release of the address. Court clerks should not send this page to the parties without a court order or authorization of the foster parent. (Welf. & Inst. Code, § 308(a).)

**1** My/Our name(s): \_\_\_\_\_

My/Our address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

My/Our phone #: \_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

**2** I am/We are asking that I/we be appointed de facto parent(s) of  
(Child's name): \_\_\_\_\_

Date: \_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Signature of person requesting de facto parent status

Date: \_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Signature of person requesting de facto parent status

Date: \_\_\_\_\_  
Type or print attorney's name

\_\_\_\_\_  
Signature of attorney (if applicable)

Attorney's address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Attorney's phone #: \_\_\_\_\_

**NOTICE**

If you are not the child, child's parent, or child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may need a court order granting you access to records in the juvenile case file. For more information, please see *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

**Request for Prospective Adoptive  
Parent Designation**

Clerk stamps date here when form is filed.

**DRAFT**  
**Not approved by**  
**the Judicial Council**

After filling out this form, bring it to the clerk of the court. If you want to keep an address or telephone number confidential, do not write that information on this form. Instead, **include that information** in Confidential Information—Prospective Adoptive Parent (form JV-322).

- ① Information about the person or persons you want to be designated as prospective adoptive parents:
- a. Name: \_\_\_\_\_
- b. Name: \_\_\_\_\_
- c. Street address: \_\_\_\_\_
- d. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- e. Telephone number: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

- ② If you are not a person in ①, fill out below.

- a. Name: \_\_\_\_\_
- b. I am the ☐ child ☐ child's attorney ☐ other  
(specify role): \_\_\_\_\_
- c. Street address: \_\_\_\_\_
- d. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- e. Telephone number: \_\_\_\_\_

Fill in child's name and date of birth:

**Child's Name:****Date of Birth:**

Fill in case number:

**Case Number:**

- ③ If you are not the child's attorney and you know who the child's attorney is, fill out below.

- a. Name of child's attorney: \_\_\_\_\_
- b. Street address of child's attorney: \_\_\_\_\_
- c. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- d. Telephone number of child's attorney: \_\_\_\_\_

- ④ ☐ The child is 10 years of age or older. Child's telephonenumber: \_\_\_\_\_  
or ☐ Telephone number is confidential.

- ⑤ The child has lived with the person from (date): \_\_\_\_\_ to the present.  
In order for the person in ① to become a prospective adoptive parent, the child must be living with that person now.

- ⑥ Date of Welfare and Institutions Code section 366.26 hearing: \_\_\_\_\_  
The person in ① should not file this form with the court until a Welfare and Institutions Code section 366.26 hearing has been scheduled.

- ⑦ ☐ The person in ① is committed to adopting the child.



Child's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

8 The person in 1 has (check all that apply):

- a. ☐ Applied for an adoptive home study.
- b. ☐ In a case in which tribal customary adoption is the permanent plan, been identified by the Indian child's tribe as the prospective adoptive parent.
- c. ☐ Cooperated with an adoptive home study.
- d. ☐ Signed an adoptive placement agreement.
- e. ☐ Requested de facto parent status.
- f. ☐ Been designated by the juvenile court or the licensed adoption agency as the adoptive parent.
- g. ☐ Discussed a postadoption contact agreement with the social worker, child's attorney, child's Court Appointed Special Advocate (CASA) volunteer, adoption agency, or court.
- h. ☐ Worked to overcome any impediments that have been identified by the California Department of Social Services or the licensed adoption agency.
- i. ☐ Attended any of the classes required of a prospective adoptive parent.
- j. ☐ Taken other steps toward adopting the child (explain): \_\_\_\_\_

If you need more space, attach a sheet of paper and write "JV-321, Item 8—Steps Toward Adoption" at the top. Number of pages attached: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information in items 1 through 8 is true and correct, which means if I lie on this form, I am committing a crime.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

▶ \_\_\_\_\_  
Sign your name

\_\_\_\_\_  
Type or print your name

▶ \_\_\_\_\_  
Sign your name

#### NOTICE

If you are not the child, child's parent, or child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may need a court order granting you access to records in the juvenile case file. For more information, please see *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

If you do not agree with the removal, you can request a court hearing by filling out this form. The following people can object to removal: a current caregiver, the child's attorney, the child (if 10 years of age or older), the child's identified Indian tribe or custodian, and the child's CASA program. Bring this form to the clerk of the court. If you want to keep an address or a phone number confidential, fill out Confidential Information—Prospective Adoptive Parent (form JV-322), and do not write the address or phone number on this form.

If you are a caregiver or the child and you requested the hearing, the clerk will provide notice of the hearing to you and any other participants.

If you are the child's attorney and you requested the hearing, you must provide notice of the hearing to all other participants.

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: \_\_\_\_\_

Fill in case number:

Case Number: \_\_\_\_\_

**1** Information about the caregiver or caregivers:

- a. Name: \_\_\_\_\_
- b. Name: \_\_\_\_\_
- c. Address: \_\_\_\_\_
- d. Phone number: \_\_\_\_\_

**2** If you (the person objecting to the removal) are not the caregiver, fill out below.

- a. Name: \_\_\_\_\_
- b. I am the ☐ child ☐ child's attorney ☐ child's identified Indian tribe  
☐ child's identified Indian custodian ☐ child's CASA program

- c. Address: \_\_\_\_\_
- d. Phone number: \_\_\_\_\_

**3** If you are not the child's attorney and you know who the child's attorney is, fill out below.

- a. Name of child's attorney: \_\_\_\_\_
- b. Address of child's attorney: \_\_\_\_\_
- c. Phone number of child's attorney: \_\_\_\_\_

- 4** ☐ The child is 10 years of age or older. Child's telephone number: \_\_\_\_\_  
☐ Confidential phone number in court file

- 5** ☐ The child has an identified Indian tribe (specify tribe): \_\_\_\_\_  
Phone number of tribe: \_\_\_\_\_

- 6** ☐ The child has a Court Appointed Special Advocate (CASA) volunteer.  
Phone number of CASA program, if known: \_\_\_\_\_

- 7** ☐ The caregiver or caregivers have been designated by the judge as the child's prospective adoptive parent or parents.





Child's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

8 ☐ The caregiver or caregivers may meet the definition of prospective adoptive parent or parents. *Request for Prospective Adoptive Parent Designation* (form JV-321), will be filed with this objection and request for hearing.

9 The social worker should not remove the child from the caregiver's home because (*give reasons*):

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*If you need more space, attach a sheet of paper and write "JV-325, Item 9—Reasons to Not Remove Child" at the top. Number of pages attached: \_\_\_\_\_*

I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct, which means that if I lie on this form, I am committing a crime.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Sign your name*

#### NOTICE

If you are not the child, child's parent, or child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may need a court order granting you access to records in the juvenile case file. For more information, please see *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

#### What if I am deaf or hard of hearing?



##### Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* ([form MC-410](#)). (Civ. Code, § 54.8.)

*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** Your name: \_\_\_\_\_  
Relationship to child (if any): \_\_\_\_\_  
Street address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Lawyer (if any) (name, address, telephone numbers, and State Bar number): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2** ☐ I was not able to provide notice of this petition to the following because I did not know their names or addresses. If this is a request for the case file of a living child, the clerk must serve a copy of the petition. If this is a request for the case file of a deceased child, the custodian of records must serve a copy of the petition.
- a. ☐ County counsel or other attorney representing the child welfare agency if petition filed under section 300
  - b. ☐ District attorney if petition filed under section 601 or 602
  - c. ☐ Child
  - d. ☐ Attorney of record for the child
  - e. ☐ Child's parent
  - f. ☐ Child's legal guardian
  - g. ☐ Probation department if petition filed under section 601 or 602
  - h. ☐ Child welfare agency/custodian of records if petition filed under section 300
  - i. ☐ Child's identified Indian tribe
  - j. ☐ Child's CASA volunteer

**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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4** ☐ Copies of *Petition for Access to Juvenile Case File* (JV-570), *Notice of Petition for Access to Juvenile Case File* (JV-571), and a blank *Objection to Release of Juvenile 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 section 300 (name and address): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Date mailed: \_\_\_\_\_ or ☐ Personally served on (date): \_\_\_\_\_



Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

- 4 b. ☐ District attorney if petition filed under section 601 or 602 (*name and address*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
☐ Date mailed: \_\_\_\_\_ or ☐ Personally served on (*date*): \_\_\_\_\_
- c. ☐ Child (*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 section 601 or 602 (*name and address*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
☐ Date mailed: \_\_\_\_\_ or ☐ Personally served on (*date*): \_\_\_\_\_



Your name: \_\_\_\_\_

Case Number: _____
--------------------

i. ☐ Child welfare agency/custodian of records if petition filed under 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*): \_\_\_\_\_

**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 guilty of a crime.

Date:

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Sign your name*

If you are requesting a court order to obtain access to the juvenile case file of a child who is alive, 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 Case File (form JV-569).

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

a. Fill out items 1–5 and 7 on this form and file it with the juvenile court. 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.

**Or**

b. 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.

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 Your name: \_\_\_\_\_

Relationship to child (if any): \_\_\_\_\_

Street address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Lawyer (if any) (name, address, telephone numbers, and State Bar number): \_\_\_\_\_

\_\_\_\_\_

② Name of child: \_\_\_\_\_

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

④ a. ☐ A petition regarding the child in ② has been filed under

☐ Welfare and Institutions Code section 300

☐ Welfare and Institutions Code section 601

☐ Welfare and Institutions Code section 602 or

b. ☐ I believe the child in ② died as a result of abuse or neglect. Approximate date of death: \_\_\_\_\_

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.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Continued on Attachment 5.

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 because (describe in detail; attach more pages if you need more space):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Continued on Attachment 7.

**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 am 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.**

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

You must provide notice to all those listed in item 2 on Proof of Service—  
Petition for Access to Juvenile Case File (form JV-569).

TO (names):

---



---



---

① Child's name: 

---

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

---

---



---

③ The requested information is described in the attached  
Petition for Access to Juvenile 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 Case File* (form JV-572) and return it to the court listed at the address above within 10 days of the date you received this notice.

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:**

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.**

*Clerk stamps date here when form is filed.*

**DRAFT  
Not approved by  
the Judicial Council**

*Objections to the release of information and records described in the attached  
Petition for Access to Juvenile Case File (form JV-570) must be filed with the  
juvenile court.*

① Name of child: \_\_\_\_\_

② My relationship to the child, if any, is: \_\_\_\_\_

③ I object to the release of information and records relating to the child  
named in item ①.

④ I do not want the juvenile court to release the records because *(describe  
in detail, attach additional pages if 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:**

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.**



## The Court finds and orders:

**DRAFT**  
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**the Judicial Council**

- ① ☐ The child is alive and 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(c) of the California Rules of Court.
- c. ☐ Request for records is overbroad or records sought are insufficiently identified.
- d. ☐ Other:

Fill in court name and street address:

Superior Court of California, County of

- ② ☐ The child is alive and 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 court proceedings, and the public. Clerk to send notice under rule 5.552 of the California Rules of Court.

Court fills in case number when form is filed.

Case Number:

Date of hearing: \_\_\_\_\_

Time of hearing: \_\_\_\_\_

Location: \_\_\_\_\_

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

- ④ ☐ The child is deceased and the court sets a hearing on the request.

Date of hearing: \_\_\_\_\_

Time of hearing: \_\_\_\_\_

Location: \_\_\_\_\_

- ⑤ ☐ The child is deceased and the court will conduct a review of the juvenile case file and any filed objections.

- ⑥ ☐ Other:

Date: \_\_\_\_\_

\_\_\_\_\_  
Judicial Officer

# Order After Judicial Review on Petition for Access to Juvenile 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**

Court fills in case number when form is filed.

**Case Number:**

1 Name of petitioner: \_\_\_\_\_

## The court finds and orders:

2 ☐ After a review of the juvenile case file and review of 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: \_\_\_\_\_

3 ☐ After a review of the juvenile case file and review of 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. ☐ See attached.

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your name: \_\_\_\_\_

- 4 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 child who is the subject of the juvenile case file and the interests of other children who may be named in the file with \_\_\_\_\_.
- c. ☐ The following records may be disclosed: ☐ with redactions
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- d. ☐ The procedure for providing access is:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- e. Any information that relates to another child or could identify another child, except for information about the deceased, must be redacted.
- f. ☐ See attached.
- 5 ☐ The child is deceased and the request is denied. 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 child who is directly or indirectly connected to the juvenile case that is the subject of the request.

**Additional orders:**

- 6 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
- 7 ☐ Disclosure subject to protective order (*list orders*): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- 8 ☐ Other: \_\_\_\_\_
- \_\_\_\_\_
- 9 ☐ See attached.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>NOTICE OF APPEAL—JUVENILE</b>	
CASE NUMBER:	

**— NOTICE —**

- You or your attorney **must** fill in items 1 and 2 and sign this form at the bottom of the page. If possible, to help process your appeal, fill in items 6–8 on the reverse of this form.
- Rule 8.406 says that to appeal from an order or judgment, you must file a written notice of appeal within **60** days after rendition of the judgment or the making of the order being appealed or, in matters heard by a referee, within **60** days after the order of the referee becomes final.
- You are advised that if you wish to file an appeal of an order for transfer to a tribal court, you (1) may ask the juvenile court to stay (delay the effective date of) the transfer order and (2) must file the appeal before the transfer to tribal jurisdiction is finalized. Read rule 5.483 and the advisory committee comment.
- If you are not the county welfare department, district attorney, child, child's parent, or child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may need a court order granting you access to records in the juvenile case file. For more information, please see *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

1. I appeal from the findings and orders of the court (specify date of order or describe order):

2. This appeal is filed by

a. Appellant (name):

b. Address:

c. Phone number:

d. Name, address, and phone number of person to be contacted (if different from appellant):

e. ☐ Appellant has been granted access to specified records in the juvenile case file, and a copy of the court's order under Welfare and Institutions Code section 827(a)(1)(Q), on *Order After Judicial Review on Petition for Access to Juvenile Case File* (form JV-574), if available, is attached.

3. ☐ I request that the court appoint an attorney on appeal. I ☐ was ☐ was not represented by an appointed attorney in the superior court.

Date:

\_\_\_\_\_  
 TYPE OR PRINT NAME

▶

\_\_\_\_\_  
 SIGNATURE OF ☐ APPELLANT ☐ ATTORNEY

4. Items 5–7 on the reverse are ☐ completed ☐ not completed.

CHILD'S NAME:

CASE NUMBER:

## 5. Appellant is the

- a. ☐ child. f. ☐ county welfare department.  
 b. ☐ mother. g. ☐ district attorney.  
 c. ☐ father. h. ☐ child's tribe.  
 d. ☐ legal guardian. i. ☐ other (*state relationship to child or interest in the case*):  
 e. ☐ de facto parent.

6. This notice of appeal pertains to the following child or children (*specify number of children included*):

- a. Name of child: c. Name of child:  
 Child's date of birth: Child's date of birth:  
 b. Name of child: d. Name of child:  
 Child's date of birth: Child's date of birth:  
☐ Continued in Attachment 6.

7. The order appealed from was made under Welfare and Institutions Code (*check all that apply*):

- a. ☐ **Section 305.5** (transfer to tribal court)  
☐ Granting transfer to tribal court ☐ Denying transfer to tribal court  
 Dates of hearing (*specify*):
- b. ☐ **Section 360** (declaration of dependency) ☐ Removal of custody from parent or guardian ☐ Other orders  
☐ with review of section 300 jurisdictional findings  
 Dates of hearing (*specify*):
- c. ☐ **Section 366.26** (selection and implementation of permanent plan)  
☐ Termination of parental rights ☐ Appointment of guardian ☐ Planned permanent living arrangement  
 Dates of hearing (*specify*):
- d. ☐ **Section 366.28** (order designating a specific placement after termination of parental rights in which a petition for extraordinary writ review that substantively addressed the specific issues to be challenged was timely filed and summarily denied or otherwise not decided on the merits)  
 Dates of hearing (*specify*):
- e. ☐ **Section 388** (request to change court order)  
 Dates of hearing (*specify*):
- f. ☐ Other appealable orders relating to dependency (*specify*):  
 Dates of hearing (*specify*):
- g. ☐ **Section 725** (declaration of wardship and other orders)  
☐ with review of section 601 jurisdictional findings  
☐ with review of section 602 jurisdictional findings  
 Dates of hearing (*specify*):
- h. ☐ Other appealable orders relating to wardship (*specify*):  
 Dates of hearing (*specify*):
- i. ☐ Other (*specify*):

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>NOTICE OF INTENT TO FILE WRIT PETITION          AND REQUEST FOR RECORD TO REVIEW ORDER SETTING A HEARING          UNDER WELFARE AND INSTITUTIONS CODE SECTION 366.26          (California Rules of Court, Rule 8.450)</b>	CASE NUMBER:

**NOTICE**

The juvenile court has decided it will make a permanent plan for this child that may result in the termination of your parental rights and adoption of the child. If you want a **court of appeal** to review the juvenile court's decision, you must first tell the juvenile court by filing a Notice of Intent. You may use this form as your Notice of Intent. In most cases, you have only 7 days from the **juvenile** court's decision to file a Notice of Intent. Please see page 2 for your specific deadline for filing this form.

If you are not the county welfare department, child, child's parent, or child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may need a court order granting you access to records in the juvenile case file. For more information, please see *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

1. Petitioner's name:
2. Petitioner's address:
3. Petitioner's phone number:
4. Petitioner is
  - a. ☐ parent (name):
  - b. ☐ legal guardian.
  - c. ☐ county welfare department.
  - d. ☐ child.
  - e. ☐ other (state relationship to child or interest in the case):
5. Child's name: Child's date of birth:
6. a. On (date): the juvenile court made an order setting a hearing under Welfare and Institutions Code section 366.26. Petitioner intends to file a writ petition to challenge the findings and orders made by the court on that date and requests that the clerk assemble the record.  
 b. List all known dates of the hearing that resulted in the order:
7. The hearing under Welfare and Institutions Code section 366.26 is set for (date, if known):
8. ☐ Petitioner has been granted access to specified records in the juvenile case file, and a copy of the court's order under Welfare and Institutions Code section 827(a)(1)(Q), on form *Order After Judicial Review on Petition for Access to Juvenile Case File* (form JV-574), if available, is attached.

Date:

TYPE OR PRINT NAME		SIGNATURE OF <input type="checkbox"/> PETITIONER <input type="checkbox"/> ATTORNEY	

The *Notice of Intent to File Writ Petition* must be signed by the person who intends to file the writ petition or by the attorney of record.

**PLEASE READ THE BACK OF THIS FORM FOR IMPORTANT INFORMATION AND DEADLINES**

Page 1 of 2

APPELLATE CASE TITLE:

APPELLATE CASE NUMBER:

**WHAT WILL HAPPEN AT THE HEARING TO MAKE A PERMANENT PLAN?**

- The court may order the termination of parental rights and adoption of the child.
- The court may order a legal guardianship for the child.
- The court may order a permanent plan of placement of the child with a fit and willing relative.
- The court may order another planned permanent living arrangement if the child is 16 years old or older.
- The court may order a permanent plan of placement of the child in a foster home.

The above options are listed in the normal order of preference, because the main goal is to give the child a stable and permanent living situation.

**SEE WELF. & INST. CODE, § 366.26 FOR MORE INFORMATION**

**HOW DO I CHALLENGE THE COURT'S DECISION TO SET A HEARING TO MAKE A PERMANENT PLAN?**

- File this Notice of Intent to File Writ Petition and Request for Record in the juvenile court within the time specified below in the next box. This will let the court know you intend to file a writ petition, and the court will prepare the record.
- You will be notified after the record is filed in the Court of Appeal, and you will get copies of the record. **You have 10 days after the record is filed in the Court of Appeal to file and serve your writ petition.**
- You may use the optional Judicial Council form *Petition for Extraordinary Writ* (form JV-825) to complete your writ petition, or, if you have an attorney, your attorney can write the writ petition for you.
- After you file a writ petition in the Court of Appeal, you must send copies of the petition to all of the parties in the case, to the child's CASA volunteer, to the child's present caregiver, and to any de facto parent who has standing to participate in the juvenile court proceedings. With your writ petition, you must file a Proof of Service confirming you have sent a copy of the petition to these people.

**SEE WELF. & INST. CODE, § 366.26(f); CAL. RULES OF COURT, RULES 8.450–8.452**

**WHEN DO I HAVE TO FILE MY NOTICE OF INTENT TO FILE WRIT PETITION AND REQUEST FOR RECORD?**

- If you were present when the court set the hearing to make a permanent plan, you must file the Notice of Intent within 7 days from the date the court set the hearing.
- If you were not present in court but were given notice by mail of the court's decision to set a hearing to make a permanent plan and you live in California, you must file the Notice of Intent within 12 days from the date the clerk mailed the notification.
- If you were not present in court but were given notice by mail of the court's decision to set a hearing to make a permanent plan and you live in a state other than California, you must file the Notice of Intent within 17 days from the date the clerk mailed the notification.
- If you were not present in court but were given notice by mail of the court's decision to set a hearing to make a permanent plan and you live outside the United States, you must file the Notice of Intent within 27 days from the date the clerk mailed the notification.
- If you are a party in a custodial institution you must give the Notice of Intent to custodial officials for mailing within the time specified in this box.

**SEE CAL. RULES OF COURT, RULES 8.450, 5.540(c)**

- If the order setting the hearing was made by a referee not acting as a temporary judge, you have an additional 10 days to file the Notice of Intent.

**SEE WELF. & INST. CODE, §§ 248–252; CAL. RULES OF COURT, RULES 5.538, 5.540**

**WHO MUST SIGN THE NOTICE OF INTENT?**

- The person who intends to file the writ petition, or
- The attorney of record for the person who intends to file the writ petition

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CASE NAME: _____	
<b>NOTICE OF INTENT TO FILE WRIT PETITION AND REQUEST FOR RECORD TO REVIEW ORDER DESIGNATING OR DENYING SPECIFIC PLACEMENT OF A DEPENDENT CHILD AFTER TERMINATION OF PARENTAL RIGHTS (California Rules of Court, Rule 8.454)</b>	CASE NUMBER: _____

#### NOTICE

The juvenile court has ordered or denied a specific placement for this child. If you want an appeals court to review the juvenile court's decision, you must first tell the juvenile court by filing a Notice of Intent. You may use this form as your Notice of Intent. In most cases, you have only 7 days from the court's placement decision to file a Notice of Intent. Please see page 2 for your specific deadline for filing this form.

If you are not the county welfare department, child, child's parent, or child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may need a court order granting you access to records in the juvenile case file. For more information, please see *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

1. Petitioner's name: \_\_\_\_\_
2. Petitioner's address: \_\_\_\_\_
3. Petitioner's phone number: \_\_\_\_\_
4. Petitioner is
  - a. ☐ child's caretaker (specify dates in your care): \_\_\_\_\_
  - b. ☐ child.
  - c. ☐ county welfare department.
  - d. ☐ legal guardian.
  - e. ☐ other (state relationship to child or interest in the case): \_\_\_\_\_
5. Child's name: \_\_\_\_\_ Child's date of birth: \_\_\_\_\_
6. a. On (date): \_\_\_\_\_ the juvenile court terminated parental rights under Welfare and Institutions Code section 366.26.
- b. On (date): \_\_\_\_\_ the court made a specific placement order or denied a specific placement request that the dependent child is to reside in, be retained in, or be removed from a specific placement. Petitioner intends to file a writ petition to challenge the specific placement order or the denial of a specific placement request made by the court on that date and requests that the clerk assemble the record.
7. ☐ Petitioner has been granted access to specified records in the juvenile case file, and a copy of the court's order under Welfare and Institutions Code section 827(a)(1)(Q), on *Order After Judicial Review on Petition for Access to Juvenile Case File* (form JV-574), if available, is attached.

**PLEASE READ THE BACK OF THIS FORM FOR IMPORTANT INFORMATION AND DEADLINES**



APPELLATE CASE TITLE:

APPELLATE CASE NUMBER:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF ☐ PETITIONER ☒ ATTORNEY)

**The *Notice of Intent to File Writ Petition* must be signed by the person intending to file the writ petition or, by the attorney of record. See below for more information.**

## HOW DO I CHALLENGE THE COURT'S PLACEMENT DECISION AFTER TERMINATION OF PARENTAL RIGHTS?

- File this *Notice of Intent to File Writ Petition and Request for Record* in the juvenile court within the time listed below in the next box. This will let the court know you intend to file a writ petition, and the court will prepare the record.
- You will be notified after the record is filed in the Court of Appeal, and you will get a copy of the record. **You have 10 days after the record is filed in the Court of Appeal to file and serve your writ petition.**
- You may use the optional Judicial Council form JV-825 to complete your writ petition, or, if you have an attorney, your attorney can write the writ petition for you.
- After you file a writ petition in the Court of Appeal you must send a copy of the petition to all of the parties in the case, to the child's CASA volunteer, to the child's present caregiver, and to any de facto parent who has standing to participate in the juvenile court proceedings.

**SEE CAL. RULES OF COURT, RULES 8.454–8.456**

## WHEN DO I HAVE TO FILE MY NOTICE OF INTENT TO FILE WRIT PETITION AND REQUEST FOR RECORD?

- If you were present when the court granted or denied the **specific** placement, you must file the *Notice of Intent* within 7 days from the date the court granted or denied the **specific** placement.
- If you were not present in court but were given notice by mail of the court's decision to grant or deny the **specific** placement, you must file the *Notice of Intent* within 12 days from the date the clerk mailed the notification.
- If the order granting or denying the specific placement was made by a referee not acting as a temporary judge, you must file the *Notice of Intent* within 17 days from the date the court set the hearing.

## WHO MUST SIGN THE NOTICE OF INTENT?

- The person who intends to file the writ petition; or
- The attorney of record for the person who intends to file the writ petition

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
1.	Advokids by Janet G. Sherwood Deputy Director	NI	<p>The following comments to the proposed rule are submitted by Advokids, a nonprofit organization that advocates for the rights of children in foster care, including the right to safety, security, stability, and timely permanency decisions. These responses to the specific questions posed by the proposal, as well as all other comments, were prepared by a certified child welfare law specialist with over 45 years of experience in the field. She was also a certified appellate law specialist handling dependency appeals until 2015 when she closed her private practice to work full-time with Advokids.</p> <p>Does the Proposal Adequately Address the Stated Purpose?</p> <p>No. Putting the limitations on access to the record in appellate matters in Rule 8.401, without also amending the appellate rules and the rules applicable to statutory writs, will create confusion and delays because of the apparent inconsistencies between those rules and rule 8.401.</p>	<p>The committees appreciate this feedback on the proposal.</p> <p>The committees considered extensive amendments to appellate rules to implement the requirements of section 827(a)(6), as reflected in the proposal that circulated for public comment in spring 2019. This approach however resulted in an increasingly complex system of rules that, in the committees' view, was impractical and unwieldy. The committees concluded that, in attempting to provide detailed procedures and information for litigants and courts, and to account for various situations that could arise, the proposal's scope and complexity expanded beyond what was necessary to implement the legislation, which was narrow in scope and aimed at a situation that</p>

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			<p>For example, section 366.28 prescribes the process for prospective adoptive parents to seek appellate court review of a juvenile court's removal decision. The statute itself contemplates that parties to the removal proceedings will be parties to the statutory writ proceedings. (See, <i>Wayne F. v. Superior Court</i> (2006) 145 Cal.App.4th 1331 [prospective adoptive parents, while not parties to the underlying dependency proceedings unless they are also de facto parents, were entitled to "fully participate" in 366.26(n) hearings concerning proposed removal from their home].) The implementing Rule of Court, rule 8.454 requires the clerk to prepare the record and to send it to "counsel of record and any unrepresented party and unrepresented custodian of the dependent child." There is nothing in the rule that requires anyone who is entitled to be served with a copy of the record under the rule to have first filed a</p>	<p>arises relatively infrequently. Accordingly, the committees determined that the best way to move forward would be a more focused rules proposal to add the juvenile court petition process to the appellate rule on access to records in a juvenile case. The "apparent inconsistencies" are a result of the statute that requires individuals who are not described in section 827(a)(1)(A)-(P) to petition the juvenile court for access to records. One goal of this proposal is to highlight that requirement and advise litigants of it early in the proceedings.</p> <p>The committees agree that the commenter raises legitimate concerns. However, the scope of this project is to implement section 827(a)(6). Section 827 governs access to the juvenile case file and the Legislature has clarified in section 827(a)(6) that the petition process for access to confidential records applies to appellate court proceedings. A prospective adoptive parent is not listed in section 827(a)(1)(A)-(P), and therefore must obtain a court order for access to records in the juvenile case file. The committees understand that prospective adoptive parents could be considered "parties" in the appellate court under rule 8.454, but this does not change the fundamental statutory mandate that individuals who are not described in section 827(a)(1)(A)-(P) must petition the juvenile court for access to records.</p>

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			<p>section 827 petition. (Rule 8.454(i)(2).) The use of the word “parties” in the rule clearly refers to the persons who participated in the juvenile court removal proceedings, not just the parties to the underlying juvenile court case. Stealth amendment of the appellate rules, without reference to the rule that amends the rules being consulted, is unfair to litigants, especially those who are not already familiar with the appellate rules in dependency cases.</p> <p>The proposal also does not adequately address the stated purpose because there are no time limits on how long a juvenile court may take to act on a section 827 petition nor is there any remedy available when the juvenile court wrongfully denies a section 827 petition or fails to act at all, thereby effectively preventing the appeal or writ from being considered.</p> <p>For example, the Los Angeles Superior Court has a practice of refusing to file notices of appeal or notices of intent to file a writ petition from de facto parents as well as persons who are not the parent, the child, or the agency unless that person also files a section 827 petition at the same time the Notice of Appeal is filed. Many of those section 827 petitions then languish for months before they are acted upon. It is also not unheard of for those petitions to be sent for a ruling to the very bench officer whose order is being appealed, even though the</p>	<p>The committees agree that delay is a significant concern. Although section 827(a)(2)(E)-(F) provides a timeline for a juvenile court’s decision on a section 827 petition in the case of a deceased child, the statute is silent regarding a timeline for the court’s decision in other circumstances. The committees considered including time limits on the petition process, but juvenile courts are already struggling to meet the demands of processing these petitions. The committees concluded that, without additional resources for the juvenile courts, imposing deadlines is simply not feasible. In addition, adding deadlines would be a substantive change to the proposal that, under rule 10.22, would require circulation for public comment again before including the change.</p>

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			<p>procedure specified by section 827 requires the presiding judge to make that determination. In the meantime, resolution of issues important to the child's stability, permanency, or well-being are being unnecessarily delayed or thwarted by the court's failure to make a timely decision on the section 827 petition.</p> <p>The absence of time limits on when the juvenile court must act on the section 827 petition must be addressed. The time for filing a valid Notice of Intent is very short. Even if a section 827 petition is filed before the notice of intent, it is likely that it will not have been acted upon before the notice of intent must be filed to preserve the right to file a writ petition. No record will be prepared within the time limits set forth in the rules because the court has not yet acted on the pending section 827 petition. The statutory writ proceedings under sections 366.26(l) and 366.28 were adopted because the Legislature wanted the issues raised by those writ petitions to be re- solved swiftly, usually in no more than in 120 days from the date of the order. If there are no time limits on when the juvenile court must act on a prerequisite section 827 petition and no remedy when such petitions are wrongfully denied, then the purpose of the writ procedures will be completely thwarted by the failure of a juvenile court to make a prompt decision on the section 827 petition.</p>	See response above.

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			<p>Imposition of the section 827 process as a prerequisite for preparation of the appellate record builds unconscionable delays into the process of getting issues concerning the safety or stability of a child before an appellate court. For example, while the rule provides for the clerk to serve the petition if the petitioner does not know the identity or address of any of the parties, many clerks' offices routinely refuse to comply with this provision and refuse to file the petition at all because there is no proof of prior service. If a person seeking to file such a petition asks the clerk to supply name and address information so that the petitioner may accomplish the required service, clerks' offices often refuse to supply that information on the ground that it is "confidential."</p> <p>An additional problem with the proposal is that it does not address the situation where one of the affected persons is a respondent in the appellate court, rather than the appellant or writ petitioner. For example, if the county agency appeals an order granting de facto parent status or files a writ petition when the juvenile court rules against the agency's attempt to remove a child from an adoptive placement, the de facto parent or prospective adoptive parent should have the right to respond to the agency's claims. It is probable that these individuals will not even be served with the opening brief or writ petition if that person has not already filed a</p>	<p>As mentioned above, section 827 requires that certain persons file a petition for access to records in the juvenile case file. The committees cannot recommend, and the Judicial Council cannot adopt, rules that are inconsistent with statute. (Cal. Const., art. VI, section 6.) The committees acknowledge the concerns raised and agree that there will be difficulties in many instances, but the issues are based in section 827 provisions regarding the confidentiality of juvenile case files.</p> <p>The committees acknowledge that several rules appear to have been written without consideration of persons who must petition for access to records in the juvenile case file. In this example, the de facto parent or prospective adoptive parent clearly has the right to respond to the agency's claims. Section 827(a)(6) recognizes this. The committees appreciate this suggestion. However, including such rules would be a substantive change to the proposal that, under rule 10.22, would require circulation for public comment. The committees will keep the suggestion for consideration in a future cycle.</p>

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			<p>section 827 because rule 8.401(b)(1) does not permit service of “filed documents” on persons who are not “parties” or attorneys for “parties.”</p> <p><i><b>Suggested alternative.</b></i> The proposed procedures provide too many ways in which appellate review to which aggrieved relatives, caregivers, de facto parents, or other interested persons would be otherwise entitled can and will be impeded or prevented by these amendments. A possible and more efficient solution would be to add an item to the JV-180, JV-285, JV-321 and JV-325 forms that requests an order granting access to the juvenile court records relevant to that proceeding pursuant to section 827(a)(1)(Q). The form order for each of these petitions could also be amended include an item for the court to rule on the section 827 request. These additions would streamline the process of giving prior notice of the request for access to interested parties, address the extent of discovery, etc. available to the petitioner in that proceeding, make the relevant documents available for any appeal or statutory writ proceeding, and obviate most of the due process problems presented by the present proposal.</p> <p><b>Should the definition of “records in the juvenile case file” in rule 8.401(b) more closely track the definition of “juvenile case file” in rule 5.552(a) or Welfare and Institutions Code section 827(e)?</b></p>	See response above.

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			<p><b>No.</b> The definitions of “juvenile case file” in the rule and the statute are broader than the documents that may properly be included in an appellate record or record on a statutory writ petition. For example, records in possession of the social worker or probation officer that were never filed with the juvenile court or offered or entered into evidence in a contested juvenile court proceeding would not be a proper part of the appellate record.</p> <p><b>Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to records in the juvenile case file?</b></p> <p><b>No.</b> The list of people who might have the right to seek review, includes this language:</p> <p>You might have a right to appeal or file a writ petition if, for example, you are: The child’s relative, and the child was removed from your home, <i>or you requested that the child be placed in your home or that your home be assessed for possible placement, and the court denied your request for placement or the placing agency never assessed your home;</i></p>	<p>The committees agree with this comment and have modified the definition to include records from the juvenile case file that would be in the court record and thus part of the appellate record.</p> <p>The committees agree that the language should be amended to clarify that a court order is required for there to be a right to appeal. The change has been made.</p>



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			<p>The italicized language is misleading. An agency's failure to assess or place, in the absence of judicial review by the juvenile court, would not give rise to the right to appellate review.</p> <p>The first full paragraph in column two states that the petitioner's request can include documents in the possession of the social worker or the probation officer. This is misleading because, as noted above, these documents would not be in the record of the juvenile court proceedings at issue and, therefore, would not be properly part of the appellate record.</p> <p>The reference to this form should not be added to the JV-285 or the JV-290 forms. Including the JV-291-INFO reference on those forms implies that relatives and caregivers may have appellate rights. This is almost never the case for those who have not sought or achieved some kind of party or quasi-party status through other means, such as a 388 petition or a de facto parent re- quest.</p> <p><b>Should other information be included?</b></p> <p><b>Yes.</b> The information sheet should warn people not to wait to file their 827 petition until after the court has ruled on their section 388 petition, de facto parent request, or prospective adoptive</p>	<p>While a petitioner could request information in the social worker's or probation officer's file unrelated to an appeal, the committees agree that this language should be removed because the focus of the form is on accessing the case file for purposes of appeal, which, as the commenter correctly points out, would not include documents in the social worker's or probation officer's case file.</p> <p>The committees elected to include the notice on these forms because the individuals who use these forms may eventually have a right to appeal or seek writ relief. The committees agree however that most relatives and caregivers will not. The language of the notice and form JV-291-INFO clarifies that these individuals will have a right to appeal or file a writ petition in only very limited circumstances.</p> <p>The committees elected not to include a warning that appellate review may be delayed or denied because of delay in the section 827 petition process. The committees understand that there are</p>

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			<p>parent status request and that any appellate review may be unduly delayed or denied because of the necessity of obtaining an 827 order granting access to the juvenile court file before they may have access to the appellate record.</p> <p><b>Should rule 5.552 require that the parent and county counsel receive notice if a petition for access is filed by an adult who is a former or current dependent and is seeking access to their case file for the purpose of education, employment, immigration, and/or military enlistment?</b></p> <p><b>No.</b></p> <p><b>Rule 5.552 does not require that a parent's attorney of record receive notice when a petition for access is filed. Should the rule require such notice?</b></p> <p>Yes. But there should be an exception in cases where parental rights have been terminated for both parents.</p>	<p>no typical time periods for decisions on section 827 petitions, as each court is different in how these petitions are handled. Such a warning could also deter someone from filing the petition.</p> <p>The committees have elected to continue to require notice to the parent and county counsel in these situations because their input on confidential information in the case file is essential.</p> <p>The committees elected not to change the notice requirements of rule 5.552. The committee anticipates that a parent's or guardian's attorney will be notified if the parent or guardian cannot be located.</p>
2.	Appellate Defenders, Inc. By Linda Fabian Staff Attorney San Diego, California	NI	<p>1. The Proposed JV-570 Process Causes Undue Delay.</p> <p>The proposed JV-570 procedure for producing a record for the appellant who is not the child, or</p>	<p>The committees appreciate these comments.</p> <p>The committees acknowledge the concerns regarding delay caused by the petition process and</p>

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			<p>the child's parent or guardian will likely result in significant delays in the appellate process. We find a majority of the appellants in these cases in the Fourth Appellate District are relatives or de facto parents challenging placement decisions (removal, denial of placement). Almost all of these individuals do not have counsel representing them in the juvenile court. They will likely find the JV-570 process difficult to navigate and may be unable to comply with the deadlines for completing and submitting the petition for filing.</p> <p>All dependency appeals in two of our three Divisions (San Diego, Orange and Imperial Counties) are subject to fast-track rules. (Cal. Rules of Court, rule 8.416(a)(B)(I).) The courts endeavor to decide the appeal in these cases within 250 days. The JV-570 process creates significant delay in preparing the appellate record.</p> <p>The JV-570 process will delay preparation of the appellate record for several months at a minimum. The court must offer notice to the parties and an opportunity to object to the release of the record. (§ 827 (3)(B).) Anybody objecting to the request may do so within 15 days. The petitioning party has another 10 days within which to reply to the objection. The juvenile court must set the matter for hearing no later than 60 days from the date the petition is</p>	<p>that it is a challenging process for self-represented litigants. The purpose of the notice on a number of forms and the new information sheet is to raise awareness of the process and provide guidance for navigating it. Ideally, litigants will petition for access to records during the proceedings in the juvenile court rather than waiting until an order is challenged on appeal.</p> <p>The committees acknowledge that delay in preparing the appellate record often results from the petition process, but the process is required by the statute.</p>

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			<p>served. The court then has another 30 days after the hearing within which to render its decision. (§ 827 (2)(E).) The proposed rules do not assign a deadline for the superior court clerk's preparation of the appellate record.</p> <p>As a result, the process to obtain an appellate record order can take at least four months, likely longer. (See Appendix, time lines for two cases that went through this process). A colleague who works in the Second Appellate District (where a procedure very similar to the proposal as been in effect for a few years) shared that in some cases it took eight months for an order to issue on the JV-570 petition to begin preparation of the appellate record.</p> <p>As noted, most of these appeals are from adverse placement decisions. Meaningful appellate review of placement decisions require prompt review because the juvenile dependency case continues to progress. The child's circumstances change and they develop attachments to new caretakers. Appellate review of a placement decision that occurred a year ago robs the court of the ability to correct a mistake. "Meaningful redress for past mistakes may not be possible, but we cannot unwind the clock." (<i>In re R.T.</i> (2015) 232 Cal.App.4th 1284, 1308 [recognizing the court is likely unable to correct the placement mistake made two and one-half years prior, due to the intervening change in the</p>	<p>The committees acknowledge this difficulty for litigants.</p> <p>The committees appreciate this feedback and acknowledge that time is of the essence in juvenile dependency matters.</p>

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			<p>child’s circumstances[.]) Unless an effort is made in the juvenile court to expedite these appellate related JV-570 petitions, appellants will suffer a true case of “justice delayed is justice denied.”</p> <p>We understand the need to protect the interests of the children in maintaining the confidentiality of their case. But the proposed process treats these appellants the same as a stranger to the case, where the expectation of confidentiality is substantially greater. These relatives and former caretakers are likely very familiar with the circumstances that required intervention, the child’s circumstances pre- and/or post-juvenile court intervention. The proposal should seek to protect only information that is actually confidential. If the appellant has been present at the case hearings, the juvenile court has implicitly granted them access to those proceedings under section 827.</p> <p>2. If Appellate Counsel is Appointed to Represent the Appellant, the Juvenile Court Should Have the Option of Ordering Counsel Be Provided a Full Record With a Protective Order.</p> <p>The concerns outlined above with respect to an adequate record and delay could be resolved by providing a full copy of the record to appellate counsel for the third-party who has been</p>	<p>The statute requires that all parties who are not the parent, guardian or child, or otherwise listed in section 827(a)(1)(A)-(P), must follow the petition process. The committees recognize that these individuals are often relatives and former caretakers who may be very familiar with the circumstances of the case. However, the Judicial Council is not authorized to adopt rules that are inconsistent with statute.</p> <p>It is not clear that such a procedure would be consistent with the language of the statute.</p>

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			<p>appointed by the Court of Appeal. The Juvenile Court can issue a protective order prohibiting counsel from turning over any portion of the record to the client not authorized by an 827 order. The JV-570 petition could include this option for appellate counsel to complete.</p> <p>3. It is Unlikely the JV-570 Process Will Produce an Adequate Record.</p> <p>As noted the majority of these appellants do not have representation in the trial court. Completing the JV-570 petition process will be daunting for the lay person. While they are petitioning for access to the juvenile court record, they are also designating the record on appeal. Unlike the civil litigant, they cannot review the court's file to determine which documents they will need for their appeal. They are being asked to designate a record without access to the record.</p> <p>Forcing this process on pro-per appellants will result in preparation of an inadequate record to present their claim. These two published cases, <i>Isabella G.</i> (2016) 246 Cal.App.4th 708, and <i>In re R.T., supra</i>, 232 Cal.App.4th 1284, demonstrate a relatively full record is essential to effectively prosecuting relative placement claims in these cases. The <i>Isabella G.</i> court cited evidence the minor missed her grandmother, was happy to be with her,</p>	<p>The committees acknowledge this concern and the difficulty an individual would have in trying to designate the record/request access to records in the juvenile case file without knowing what those records are. The JV-570 form asks the petitioner to describe the records (rather than provide titles, for example), but the committees recognize that this is not easily done and that it has resulted in an inadequate record being prepared.</p> <p>The committees thank the commenter for providing these examples.</p>

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>requested more contact with her, and the caregiver thought the minor should be placed with Grandmother, as relevant to show prejudice from the court’s failure to apply the relative placement criteria. (<i>In re Isabella G.</i>, supra, 246 Cal.App.4th at p.724.)</p> <p>We believe the proposed JV-570 form is too general to assist the lay person in this endeavor. The form serves as the appellant’s only means of designating the appellate record. It makes sense to devote a portion of the form to this purpose. A section of the form could be reserved for appellants and request very specific information that assists them with designating the record on appeal. At a minimum, the JV-570 petition should be modified to ask the petitioner to list the juvenile court hearing dates at which the court allowed them to be present. Not only will this approach assist the appellant, it will likely prove helpful to the juvenile court in eliciting more specificity. It will help insure more uniformity in record preparation. The information we propose be included in this new “appeal” section of the JV-570 form is found on the last page of the Appendix.</p> <p>Appendix Delay in Utilizing the 827 Petition Process: Two Case Examples</p>	<p>The committees appreciate the specific suggestions for improving the JV-570 form. The committees believe that including the items listed in the appendix to this comment on the JV-570 form would encourage petitioners to check all the boxes listed and the petition would therefore lack the specificity required under rule 5.552(b)(1) and encourage requests for access to records that the petitioner does not know exist. This would create an undue burden for the juvenile court reviewing the petition. The committee has however elected to amend item 5 of form JV-570 to provide more guidance to the petitioner by giving instructions to include the type of report by name and date.</p> <p>The committees appreciate receiving these two case examples.</p>

**W20-02**

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>1. D073770: the Court of Appeal ordered the non-party appellant to obtain an 827 order from the Juvenile Court which sets forth the record to which she can have access. This appellant is an attorney who was able to navigate this process much better than a lay person. The 827 process took more than three months:</p> <ul style="list-style-type: none"> <li>– Court of Appeal’s order to seek 827 order issued November 29th 2018;</li> <li>– 827 petition filed in Juvenile Court December 3, 2018;</li> <li>– 827 order rendered by the Juvenile Court February 1, 2019;</li> <li>– Court of Appeal ordered limited record prepared February 27, 2019;</li> <li>– Limited record filed in the Court of Appeal March 11, 2019.</li> </ul>	No further response required.
			<p>2. D073296: This fast-track case took 10 months to decide, 6 months to order the limited record:</p> <p>Mother – appellant: NOA filed 12/28/17 – appointed counsel 1/9/18</p> <p>Maternal great aunt &amp; 388 NOA filed 12/28/17 – appointed counsel 2/16/18</p> <p>Minors W. &amp; J (RB) Counsel appointed on court's own motion – 4/13/18 (apptd. 4/18/18)</p> <p>Minors M &amp; Je (RB) appointed counsel – 1/25/18</p> <p>de facto father (RB, retained counsel)</p> <p>de facto mother (RB, retained counsel)</p> <p>Record filed 1/19/18</p>	No further response required.



## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			Augment by mother (denied) 2/2/18 De facto 827 motion 3/29/18 Oppo to 827 motion by mother & aunt 4/2/18 Mother & aunt file AOB 4/4/18 County counsel do not oppo release 4/5/18 (since aunt already has record) Oppo to release by minors M & J 5/25/18 Court orders limited record 6/6/18 – attorneys ordered not to provide the record to the aunt or de facto De facto father files augment 6/8/18 Mother & aunt oppose 6/14/18 Court orders augment considered w/appeal 6/19/18 RB by de facto father filed 7/27/18 County RB filed after 17B notice 7/31/18 De facto father requests judicial notice 8/1/18 – post-appeal info re: resolution of 1 issue – ordered to be considered w/appeal 8/16/18 minors' letter brief of W & J 8/23/18 Court's request for further briefing 8/30/18 – statutory interp. for relative placement issue ARB filed by mother 9/4/18 ARB filed by aunt 9/4/18 Mother's, aunt's, minors W & J's, agency's, de facto father's – supplemental briefs filed 9/14/18 minors M & J filed supplemental brief 9/17/18 case fully briefed 9/17/18 case submitted 10/23/18 opinion filed 10/23/18 remittitur issued 1/2/19	

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>INFORMATION TO ADD TO JV-570</p> <p>For use by appellants who are requesting access to the Juvenile case file as described in Rules 5.552 and 8.401(b)).</p> <p>The records I want are: (Check all that apply.)</p> <p><input type="checkbox"/> All reports, documents and orders the judge expressly stated were considered or were admitted as evidence in making the challenged order. (List, if known.)</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p><input type="checkbox"/> The reporter's transcript from each hearing Petitioner attended. The dates are:</p> <hr/> <hr/> <hr/> <hr/> <p><input type="checkbox"/> All reports and attachments prepared by the county agency and/or the CASA containing information about the placement history of the child/children.</p> <p><input type="checkbox"/> All reports and attachments prepared by the county agency and/or the CASA containing information about Petitioner's visitation and/or request for visitation with the child/children.</p>	<p>The committees thank the commenter for the specific suggestions for form JV-570. Please response above.</p>

## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>o All reports and attachments prepared by the county agency and/or the CASA containing information about interviews or conversations with Petitioner.</p> <p>o All reports and attachments prepared by the county agency and/or the CASA containing information about interviews or conversations with any parties or collateral contacts discussing Petitioner's request for placement and/or visitation.</p> <p>o Other: (Describe in detail any records that are not covered above.)</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
3.	California Appellate Project Los Angeles By Stephanie G. Miller Staff Attorney	AM	Reconsider placing burdens for designation of the record, and service of JV-570 Request, on the third party appellant (i.e., a person who is not the parent, child, or guardian) now found in Local Rules Court of Appeal Second District Rule 8 and the proposed changes to Judicial Council Form JV-570.	The committees note the commenter's agreement with the proposal if modified.

## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>Suggest: Shift burden for both tasks to the judicial officer who heard the dependency case. Direct the juvenile court clerk to file the timely third party appeal and refer it with the JV-570 form to the judicial officer for completion and return to the juvenile court appellate desk within 14 days after the filing of the notice of appeal.</p> <p>CAP/LA's experience with the implementation of Local Rule 8 is that most third party appellants are not represented by counsel in the juvenile court and are laypersons with a limited ability to identify the necessary record for presentation and consideration of the appeal, and with limited means and knowledge to serve notice of the JV-570. It is also CAP/LA's experience that the judicial officer reviewing the JV-570 petition completed by the third party appellant often is not knowledgeable about the necessary content of an appellate record, and his/her designation of the appellate record for the third party appeal is inadequate.</p> <p>The Proposal partially tracks the process in Local Rule 8. But, the local rule, although an improvement, has not resulted in the timely filing of an adequate record for a third party appeal.</p> <p>One example of the persisting substantial delay in deciding the appeal of a third party appellant is <i>In re O.R. et al</i> [B290446; unpub. opn. fld.</p>	<p>Shifting the responsibility for designating the record and serving form JV-570 would be a major departure from the standard practice of parties designating the record. The committees appreciate the feedback and suggestions for revising procedures. The suggested changes exceed the scope of the proposal and, under rule 10.22, would need to circulate for public comment. The committees will retain the suggestions for future consideration.</p>

## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>11/26/19]. In that case, maternal aunt's notice of appeal from the denial of her Section 388 petition was filed in February 2018, but not decided until approximately 21 months later. Securing an adequate record for presentation and consideration of the appeal delayed decision. In order to obtain an adequate record, appellate counsel turned to the reviewing court and filed a petition for writ of mandate. (<i>R.F. v. Superior Court of Los Angeles County</i> [B296683; rem. to sup. ct. w/directions 4/26/19].)</p> <p>Requiring the judicial officer to timely designate the proposed record for a third party appeal, serve the parties with the proposed designation, consider any objection, and finally designate the appellate record would facilitate the preparation of the record for the third party appeal, now delayed, in part, by the third party's inability to adequately do so on his or her own. Secondly, with the third party notice of appeal in hand identifying the order that is the subject of the appeal, the judicial officer is best able to identify the necessary record, guided by the existing statewide rule defining the normal appellate record for an appeal by a parent, guardian, child or social services agency, the limited scope of the third party appeal, and the goal to protect the child's confidentiality. Those guidelines should produce an adequate appellate record at the outset.</p>	<p>See response above.</p>

## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>To date, the appellate record in most third party appeals is not timely filed or adequate. Although the Proposal contemplates that a second JV-570 Request filed in the juvenile court may be necessary in order for a third party appellant to reply to another party's brief, it should also anticipate the likely need to complete the record before briefing begins. Thus far, there is no direction in this area found in the proposed rules implementing Section 827, subdivision (a)(6). That absence of direction led to the filing in the Court of Appeal of the petition for writ of mandate in <i>R.F. v. Superior Court of Los Angeles County, supra</i>.</p> <p>Second Comment Received The Proposal to implement Welfare and Institutions Code section 827, subdivision (a)(6) is similar to existing Local Rules Court of Appeal Second District Rule 8 applicable to a notice of appeal filed by a person who is not the parent, child, or guardian in the dependency case. (Hereafter, third party appeal.) Although now in use for several years, Local Rule 8 has yet to achieve the timely identification, preparation, and filing of the appellate record in a third party appeal. Many third party appeals are not perfected and reach a decision on the merits.</p>	<p>The committees note the commenter's concerns regarding the adequacy of the appellate record that is produced as a result of the petition process.</p> <p>The committees appreciate these additional comments providing further explanation, and for bringing these issues to the committees' attention. As noted above, the suggestions for improving the section 827 petition process are beyond the scope of the present proposal and would need to circulate for public comment. The committees will retain these suggestions for future consideration.</p> <p>See response above.</p>

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	Commenter	Position	Comment	DRAFT Committees Response
			In the Second District, the majority of third party appellants are unrepresented lay persons for whom the challenge to complete and serve the JV-570 request for access to the juvenile court file is a daunting one, often not completed, resulting in default and the dismissal of the appeal. (See Local Rule 8.) Secondly, if the JV-570 request is filed, preparation of the appellate record is further delayed by allowance for objection by the parties to the third party's access to the record identified in the JV-570, and by the tremendous press of other juvenile court cases. Third, the record approved after judicial review by the juvenile court for distribution to the third party appellant in his or her appeal is rarely adequate for presentation and consideration of the appellate issues. Consideration should be given to including in the Proposal a mechanism for seeking completion of the inadequate record filed in the Court of Appeal, prior to briefing. Filing a second JV-570 in the juvenile court in the quest for an additional record will undoubtedly result in further significant delay.	<p>The committees appreciate this concern. To address this concern the committees created a preamble to item 5 of JV-570 giving instructions when the petition relates to an appeal or writ. The preamble tells petitioners to include in their request "the transcripts, reports, and any other evidence considered by the juvenile court at hearings related to the subject of the appeal or writ proceeding." In addition, item 6d requires petitioners to provide the hearing dates of the juvenile court order being challenged. The committees understand there may still be instances where a second JV-570 will need to be filed.</p> <p>See response above.</p>

## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			Consideration should also be given to shifting the burden for completion and service of the JV-570 from the third party appellant to the judicial officer who presided over the dependency case; imposing reasonable, mandatory time frames for designation of the proposed contents of the juvenile court record for access by the third party appellant and circulation among the parent, guardian, child and social services agency, submission of comments and objections thereto, and finalization of the content of the record designated for the third party appeal. The content of the third party notice of appeal, the judicial officer's familiarity with the case, statewide rules defining the "normal" record in a dependency appeal, and the statutory protection of the confidentiality of the child are ready guidelines to inform the juvenile court's timely, noticed, designation of the juvenile court record accessible to the third party appellant.	
4.	California Lawyers Association By Leah Spero, Chair Committee on Appellate Courts and Saul Bercovitch Director of Governmental Affairs	AM	The Committee on Appellate Courts supports this proposal. In response to the Request for Specific Comments, the Committee provides the following:  Should the definition of "records in the juvenile case file" in rule 8.401(b) more closely track the definition of "juvenile case file" in rule 5.552(a) or Welfare and Institutions Code section 827(e)?	The committees note the commenter's support for the proposal and appreciate the responses to the requests for specific comments.



## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>The Committee believes the definition of “records in the juvenile case file” in rule 8.401(b) should more closely track the definition of that term as provided in section 827(e), rather than the definition as provided in rule 5.552(a). Many of the items contemplated by rule 5.552(a) are never presented to the juvenile court itself (such as “[d]ocuments made available to . . . social workers”). Those items therefore could not properly be presented in connection with the appellate review process, and permitting parties to access such items would only serve to increase the risk of public disclosure or provide access to otherwise irrelevant material.</p> <p>Relatedly, the Committee is concerned that the definition in the proposed amendment to rule 8.401(b) is ambiguous. As presently drafted, “records in the juvenile case file” would only encompass “a document, paper, . . . or other thing filed in the juvenile court.” It is therefore susceptible to an interpretation that a successful petitioner could access only those materials formally “filed” with the juvenile court. However, Welfare &amp; Institutions Code section 827(e) contemplates access to all things “filed in that case or made available to. . . and thereafter retained” by the court. Section 827(a)(6) similarly seems to contemplate access to all “records in a juvenile case file”— regardless of</p>	<p>The committees agree that the definition should not include the items mentioned in rule 5.552. The rule has been amended to reflect this.</p> <p>The committees agree and have modified the definition to include lodged materials.</p>

## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>whether they were formally filed, or merely lodged or retained. That is, the statute contemplates access to lodgings or other documents which were reviewed and retained by the court, and which might therefore be made part of the record on appeal, but which were never officially docketed or “filed” with the court. The Committee therefore recommends that the proposed rule be modified to address this ambiguity.</p> <p>Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to records in the juvenile case file? Should other information be included?</p> <p>The Committee believes that JV-291-INFO provides the necessary information regarding appeals by persons who are not children, parents, or legal guardians. For additional clarity, the information sheet could also describe the presumptions applicable to children, parents, or legal guardians. However, the information sheet is relatively clear as drafted, and information for children, parents, and legal guardians is available from other sources. The Committee therefore does not believe this additional guidance is affirmatively necessary.</p>	<p>The committees note this suggestion and agree with the commenter that it could be helpful. However, the information sheet already contains a lot of information. The committees concluded that it would be better not to add non-essential content.</p>

## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>Should rule 5.552 require that the parent and county counsel receive notice if a petition for access is filed by an adult who is a former or current dependent and is seeking access to their case file for the purpose of education, employment, immigration, and/or military enlistment?</p> <p>The Committee does not believe that Rule 5.552 should further specify circumstances under which a parent or county counsel must receive notice. Rule 5.552(c)(1) already specifies that parents and county counsel are generally entitled to receive notice whenever a petition for access has been filed. Moreover, while public policy supports notifying a parent or county counsel of documents filed in connection with minor children, public policy does not seem to support notifying parents of their adult children's requests. Rather, it would seem to favor the adult petitioner's right to privacy.</p> <p>Rule 5.552 does not require that a parent's attorney of record receive notice when a petition for access is filed. Should the rule require such notice?</p> <p>The Committee believes that Rule 5.552 should specify that notice must be given to attorneys of record whenever petitions for access are filed. Juvenile proceedings generally require that attorneys be notified of any filing relevant to</p>	<p>The committees agree that the notice requirements in rule 5.552 should not be changed. The committees have elected to require notice to the parent and county counsel in these situations because their input on confidential information in the case file is essential.</p> <p>The committees elected not to change the notice requirements of rule 5.552. The committee anticipates that a parent's or guardian's attorneys will be notified if the parent or guardian cannot be located.</p>

**W20-02**

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Committees Response</b>
			their client. (See Rule 5.502(27).) The Committee sees no reason to depart from this general rule.	
5.	California Lawyers Association Executive Committee of the Family Law Section (FLEXCOM) by Justin M. O’Connell FLEXCOM Legislation Chair and Saul Bercovitch Director of Governmental Affairs	A	[No specific comment provided.]	The committees note the commenter’s agreement with the proposal.
6.	Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	AM	<p>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:</p> <ul style="list-style-type: none"> <li>• Results in additional training, which requires the commitment of staff time and court resources.</li> <li>• Increases court staff workload.</li> </ul> <p>• JV-569 – Proof of Service-Petition to Access to a Juvenile Case File</p> <ul style="list-style-type: none"> <li>o The duplicated item #4 should be renumbered to #5. The existing #5 should be renumbered to #6.</li> </ul> <p>• JV-574 – Order After Judicial Review on Petition for Access to Juvenile Case File</p> <ul style="list-style-type: none"> <li>o In section 2d, it is recommended that the sentence be updated to read, “There are no records that can be released in response to the</li> </ul>	<p>The committees note the commenter’s agreement with the proposal if modified.</p> <p>The committees appreciate this feedback on the impact to court operations and the commenter’s responses to specific questions presented in the invitation to comment.</p> <p>Item 4 continues onto page 2 of the form. Repeating the item number at the top of the next page is a form convention.</p> <p>The committees agree that this item should be clarified.</p>

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>petitioner's request." This may make it easier for individuals to understand the reason for the denied request.</p> <p>Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to records in the juvenile case file?</p> <ul style="list-style-type: none"><li>o Yes, the proposed form provides the necessary information to individuals. The proposed information sheet provides sufficient information; however, it could be formatted differently to make it easier for individuals to comprehend. Section #2 is a block of information. It may be more beneficial to provide questions and answers similar to the JV-060-INFO.</li><li>• Would the proposal provide a cost savings?<ul style="list-style-type: none"><li>o The proposal would not provide a cost savings. The approved form, JV-291-INFO, would require additional printing and court time to disseminate to individuals.</li></ul></li><li>• What would the implementation requirements be for courts?<ul style="list-style-type: none"><li>o Communication would be needed to judicial officers and staff. Procedures may require revisions and updates would be needed to the case management system.</li></ul></li></ul>	<p>Reformatting the information sheet to a question-and-answer format is beyond the scope of changes that can be made at this time. The committees will retain this suggestion for consideration in a future rules cycle.</p> <p>Noted. No further response required.</p> <p>Noted. No further response required.</p>

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			<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?<ul style="list-style-type: none"><li>o Yes, three months would be sufficient time to implement.</li></ul></li></ul>	Noted. No further response required.
7.	Orange County Bar Association by Scott B. Garner, President Newport Beach, California	A	<p>Does the proposal appropriately address the stated purpose?</p> <p>Yes.</p> <p>Should the definition of “records in the juvenile case file” in rule 8.401(b) more closely track the definition of “juvenile case file” in rule 5.552(a) or Welfare and Institutions Code section 827(e)?</p> <p>The definition of “juvenile case file” in rule 5.552(a) is preferable to the statutory definition. Notably, it clearly states that the rule of confidentiality extends to transcripts of juvenile court proceedings, a point left ambiguous by section 827(e).</p> <p>Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to records in the juvenile case file? Should other information be included?</p>	<p>The committees note the commenter’s agreement with the proposal and appreciate the responses to specific questions.</p> <p>The committees have modified the definition in rule 8.401 to include lodged materials.</p> <p>Noted. No further response required.</p>

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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

	Commenter	Position	Comment	DRAFT Committees Response
			<p>The information provided by the form in clear, easy to understand and complete.</p> <p>Should rule 5.552 require that the parent and county counsel receive notice if a petition for access is filed by an adult who is a former or current dependent and is seeking access to their case file for the purpose of education, employment, immigration, and/or military history?</p> <p>With respect to records actually in the court file, section 827 would provide the person with access without notice to their own records but for the fact that they have reached the age of majority and in the case of non-minor dependents, they nevertheless retain access under section 362.5. It makes little sense to require notice now that the person is an adult in light of the fact that they are the one whose confidential interest is at stake. However, as a practical matter, especially when the petition for access seeks records covered under Penal Code section 11164 et seq that did not result in a court filing, county counsel may be involved in reviewing the records sought and notice may expedite that process.</p> <p>Rule 5.552 does not require that a parent's attorney of record receive notice when a petition for access is filed. Should the rule require such notice?</p>	<p>The committees elected not to change the notice requirements of rule 5.552. The committees have elected to require notice to the parent and county counsel in these situations because their input on confidential information in the case file is essential.</p>

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			The statute requires notice on all “interested parties.” The attorney for a party is not a party. Currently, the rule, along with Form JV-569 require service only on three types of attorneys—County Counsel in a dependency case, the District Attorney in a delinquency or truancy case, and the minor’s attorney, as they are either the petitioner in the proceedings or the attorney representing the interests of the child. Expanding notice to require service on parent’s counsel goes beyond the call of the statute. However, it is not uncommon in dependency proceedings for parents to absent themselves. In that situation, parent’s counsel do their best to protect their clients’ rights and interests. In such a situation, those interests can only be protected by service on the attorney.	The committees elected not to change the notice requirements of rule 5.552. The committee anticipates that a parent’s or guardian’s attorneys will be notified if the parent or guardian cannot be located.
8.	San Diego County Bar Association by Helen Irza, Chair Appellate Practice Section	AM	The Appellate Practice Section of the San Diego County Bar Association appreciates the opportunity to review and comment on the proposed amendments to the California Rules of Court that govern access to records in juvenile cases. After canvassing our membership and forming a subcommittee to discuss the proposed changes, we respectfully submit the following comments.  Specific Comments:	The committees note the commenter’s agreement with the proposal if modified.



## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>The Invitation to Comment requests comments on five specific topics. Our section's input is provided below.</p> <p>1. Does the proposal adequately address the stated purpose?</p> <p>The Executive Summary of the Invitation to Comment states that the purpose of the proposed rule and form changes is to implement the recent Judicial Council-sponsored legislation that amends the statute that governs access to records in juvenile cases. Our understanding is that the changes are intended to help expedite the review process and to provide notice about the requirements for accessing confidential records to individuals who seek review. Our section supports the proposed changes to the rules and the proposed new forms. Below we offer specific feedback and a few suggestions to increase awareness and make the forms easier for laypersons to understand.</p> <p>Rule amendments: Rule 5.552</p> <p>Our section strongly supports the proposed replacement of the terms "disclosure" and "disclosed" with "access to" and "released." We agree that the proposed changes will further the purpose of the new legislation by clarifying the scope and limits of a petitioner's access to confidential juvenile court records.</p>	<p>The committees note the commenter's support for the proposed rule and form changes and appreciate the additional comments and suggestions.</p> <p>Noted. No further response required.</p>

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>New and revised forms: Notice on JV forms</p> <p>Our section supports the addition of the proposed notice on the forms specified in the Invitation to Comment, namely JV-285, JV-290, JV-295, JV-321, JV-325, JV-800, JV-820 and JV-822, and we agree that the proposed change will help foster awareness that petitioners and appellants must file a petition in order to access confidential records in a juvenile case file.</p> <p>We propose, however, that the notice should also be included on these additional forms: Request To Change Court Order (form JV-180); Court Order on Form JV-180 (form JV-183); and Order After Hearing On Form JV-180 (form JV-184).</p> <p>As noted in the background section of the Invitation to Comment, one purpose of the proposed changes is to provide notice about the petition process to litigants who are authorized to participate in juvenile proceedings and who either have a right to seek review of certain orders or to respond to an appeal of such orders. This group of litigants includes individuals who file a petition under Welfare and Institutions Code, section 388, to change, modify, or set aside a juvenile court order. The form created for filing such a petition under section 388 is form JV-180.</p>	<p>Noted. No further response required.</p> <p>Modifying additional forms exceeds the scope of the present proposal, but the Family and Juvenile Law Advisory Committee will retain this suggestion for future consideration.</p> <p>The committees appreciate this discussion of the benefit of adding the notice to these three additional forms.</p>

## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			Forms JV-183 and JV-184 are typically used by the court for orders served on the appellant after the Request to Change Court Order has been denied. It is our understanding that most appeals occur after a denial, For this reason, including the notice on these forms in addition to the JV-180 would further the purpose of informing appellants about the need to request a record to prepare for an appeal.	No further response required.
			Our section submits that adding the proposed notice to forms JV-180, JV-183 and JV-184 would expedite the process of creating an appellate record that includes confidential documents for those individuals who subsequently need to access them for an appeal. We believe this will assist in preventing delays in creating the record in juvenile dependency appeals which, under rule 8.416(e), must be determined within 250 days after the notice of appeal is filed.	No further response required.
			New and revised forms: Revisions to notice of appeal and notice of intent to file writ petition forms	
			Our section supports the proposed revisions to the notice of appeal and notice of intent to file writ petition forms that will allow litigants who have been granted access to confidential records by the juvenile court to attach the authorizing	The committees appreciate this feedback.

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>order to these forms. The proposal, in our view, furthers the stated goal of implementing the new legislation and preventing delay in cases governed by rule 8.416(e). We anticipate that the ability to provide notice of an existing order in this simple and straightforward manner to the court clerks who prepare appellate records will reduce delays in the preparation of the appellate record.</p> <p>2. Should the definition of “records in the juvenile case file” in rule 8.401(b) more closely track the definition of “juvenile case file” in rule 5.552(a) or Welfare and Institutions Code section 827, subd. (e)?</p> <p>After reviewing both rules, in our view, the definition of “records in the juvenile case file” should more closely track rule 5.552(a). We suggest that rule 5.552(a) is more appropriate because it includes documents that are typically used in both juvenile delinquency and dependency appeals.</p> <p>Section 827, subdivision (e), defines a “juvenile case file” to mean documents filed by or used by the probation officer in making a probation officer’s report. (§ 827, subd. (e).) By contrast, rule 5.552(a) defines a “juvenile case file” to include all documents filed in a juvenile court case, including reports by probation officers, social workers of child welfare services</p>	<p>The committees agree and have modified the definition to include lodged materials.</p>

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>programs and CASA volunteers, transcripts, and documents submitted as evidence. (Rule 5.552(a).) Notably, probation officer reports are typical in delinquency cases, but are only rarely prepared in dependency cases, which most often rely on social worker reports. Also, juvenile case files frequently include other confidential documents (e.g., <i>Marsden</i> hearing transcripts) in addition to the probation and social worker reports.</p> <p>For these reasons, we believe the definition in rule 5.552(a) is the better one to track as it will make it clear to individuals who request access to confidential records that all confidential documents, including those typically used in dependency appeals, are subject to the new legislation.</p> <p>3. Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to records in the juvenile case file? Should other information be included?</p> <p>In our view, the proposed information sheet provides the information that is necessary for an individual to understand the process for requesting access to confidential records with one caveat. We suggest that it would be helpful to tell petitioners that the typical processing</p>	<p>The committees elected not to include a warning that the section 827 petition process can be delayed or denied based on the venue. The committees do not believe that there are typical time periods for decisions on section 827 petitions, as each venue is different in how these petitions are handled, and</p>

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>time for a petition may be weeks or months. The provision of this information would increase awareness of the need to file petitions at the very beginning of the appellate process, and it would be especially helpful for unrepresented parties who do not have an attorney to advise them that they must make a timely request for access.</p> <p>4. Should rule 5.552 require that the parent and county counsel receive notice if a petition for access is filed by an adult who is a former or current dependent and is seeking access to their case file for the purpose of education, employment, immigration and/or military enlistment?</p> <p>In our view, rule 5.552 should require notice to the parent and county counsel for the purpose of allowing those parties to advocate for redactions to the requested records.</p> <p>In dependency cases, it is important for parents and county counsel to be notified about a request for access even if the case is final. Juvenile dependency case files often include confidential information about the parent and parties other than the subject dependent, such as psychological evaluations and social security numbers. In the typical appellate record from a dependency case, such documents are sealed and labeled “confidential.” They are not</p>	<p>such a warning could have the potential of deterring someone from filing the petition.</p> <p>The committees elected not to change the notice requirements of rule 5.552. The committees have elected to require notice to the parent and county counsel in these situations because their input on confidential information in the case file is essential.</p>

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>provided to counsel for the dependent minor on appeal. After an appellate case has closed, the former or current dependent (including non-minor dependents) should still be prohibited from accessing this type of private and sensitive information. Requiring notification to the parent and county counsel that a petition for access has been filed would provide an opportunity for affected parties to notify the juvenile court of the need to redact confidential information that should remain protected.</p> <p>Our section is aware that the judge who reviews a petition to access confidential records has the ability restrict access to a redacted copy. However, it is the parent and county counsel who are familiar with the case file and what needs to be protected. A rule that requires notice of a request for access will allow the parent and county counsel to assist the court with locating information that should be redacted or otherwise protected from disclosure. Such a rule would accordingly assist with the protection of the parties' private information and also save judicial resources.</p> <p>5. Rule 5.552 does not require that a parent's attorney of record receive notice when a petition for access is filed. Should the rule require such notice?</p>	

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	Commenter	Position	Comment	DRAFT Committees Response
			It is the position of our section that the rule should require notice to a parent's attorney of record when a petition for access is filed. The current rule provides that a parent must be notified. However, it is often difficult to locate parents who may have moved or become homeless. Requiring notification to parent's counsel would enhance the likelihood that such parents will be located and provided with an opportunity to advocate for redaction to the requested files. In addition, for those parents whose whereabouts are known, the attorney of record may nevertheless be the person who is most informed about the existence of confidential information that needs to be protected.	The committees elected not to change the notice requirements of rule 5.552. The committee anticipates that a parent's or guardian's attorneys will be notified if the parent or guardian cannot be located.
9.	Superior Court of California, County of Los Angeles	AM	<p>See attached recommended changes to proposed forms.</p> <p>Does the proposal adequately address the stated purpose?</p> <p>No. Consider these circumstances: A non-party petitioner previously requested access to the juvenile records by filing a JV570. Court granted access to records with redactions. If the petitioner later files an appeal or writ, are they required to file a new JV570 outlining the records/documents needed for the appeal or writ or do they have access to the prior records</p>	<p>The committees note the commenter's support for the proposal if modified and have made several of the suggested modifications to the forms.</p> <p>The non-party petitioner in this example would not have to file a new JV-570 form. The amendment to section 827 provides that the person would be entitled to the same access to records in the appellate court as was granted in the superior court.</p>



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	Commenter	Position	Comment	DRAFT Committees Response
			<p>requested as previously redacted? This is currently not clear. Records requested should only be related to hearing or petition appealing.</p> <p>Rules should clearly reflect that whenever there is an appeal or writ filed by a non-party participant that a JV570 be required at the time of the filing of the appeal or writ.</p> <p>Updates to JV569 and 570 need to be made for further clarification to non-party appellants/petitions.</p> <ul style="list-style-type: none"><li>• Should the definition of “records in the juvenile case file” in rule 8.401(b) more closely track the definition of “juvenile case file” in rule 5.552(a) or Welfare and Institutions Code section 827(e)?</li></ul> <p>Juvenile Case File in rule 5.552 (a).</p> <ul style="list-style-type: none"><li>• Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to records in the juvenile case file?</li></ul> <p>Yes. This is very helpful.</p> <p>Should other information be included?</p>	<p>The non-party participant may have already filed the form JV-570 petition during juvenile court proceedings. Based on feedback that filing a form JV-570 should not be a prerequisite for filing a notice of appeal or petition for writ, the committees decline to make this change.</p> <p>The committees thank the commenter for providing specific suggestions for these forms.</p> <p>The committees have modified the definition to include lodged materials.</p> <p>Noted. No further response required.</p>

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>Yes. Notice requirement for party to give notice to “interested parties.” How is this possible when non-party appellants do not have access to case information, party names or mailing addresses? Must the Court be responsible for giving notice on all non-party petitions? These petitioners are not represented. They do not have access to party names, types and addresses. (See recommendations for changes to form JV569 and 570) Court will have to fill out form JV569.</p> <p>Forms should be fillable.</p> <ul style="list-style-type: none"><li>• Should rule 5.552 require that the parent and county counsel receive notice if a petition for access is filed by an adult who is a former or current dependent and is seeking access to their case file for the purpose of education, employment, immigration, and/or military enlistment?</li></ul> <p>No. If parent’s rights have been terminated they should not receive notice. If youth is 18 years old or older, no notice to parents should be required unless court orders notice to child/adult.</p> <ul style="list-style-type: none"><li>• Rule 5.552 does not require that a parent’s attorney of record receive notice when a petition</li></ul>	<p>Rule 5.552(c)(3) requires the clerk to provide service if the petitioner does not know the identify or address of any of the parties required to receive notice.</p> <p>The forms will be fillable.</p> <p>The committees elected not to change the notice requirements of rule 5.552. The committees have elected to require notice to the parent and county counsel in these situations because their input on confidential information in the case file is essential. The committees agree that the rule should clarify that notice is not required if parental rights have been terminated. The suggested change has been made.</p>

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			<p>for access is filed. Should the rule require such notice?</p> <p>Yes, for children under 18 years.</p> <p>The advisory committees also seek comments from courts on the following cost and implementation matters:</p> <ul style="list-style-type: none"><li>• Would the proposal provide cost savings? If so, please quantify.</li></ul> <p>No. Non-party appeals or writs require a lot of additional resources to review, notice and process the appeals/writs. Redactions of the record are required for both the Clerk's and Reporter's record on appeal. Costly to order reporter's transcripts, original after review. Order to redact must require the court reporter to file a new original transcript with redacted information.</p> <ul style="list-style-type: none"><li>• 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?</li></ul>	<p>The committees elected not to change the notice requirements of rule 5.552. The committee anticipates that a parent's or guardian's attorneys will be notified if the parent or guardian cannot be located.</p> <p>The committees acknowledge the additional court resources required for these appeals and writs, and appreciate this insight.</p> <p>The committees appreciate this information on the implementation requirements.</p>

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**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>Training on the process, redaction software and training, new forms would require the addition of event codes in CMS.</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>Los Angeles already has implemented a similar process. Besides the new forms, the required noticing of the petition and the time consuming redactions of records, the changes could be implemented within 3 months. Proposed changes to the forms must be completed prior to implementation.</p>	Noted. No further response required.
10.	Superior Court of California, County of Orange Family Law and Juvenile Court	NI	<p>Comments</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> JV-569 – Proof of Service-Petition to Access to a Juvenile Case File</li> <li><input type="checkbox"/> The duplicated item #4 should be renumbered to #5. The existing #5 should be renumbered to #6.</li> <li><input type="checkbox"/> JV – 571 - Notice of Petition for Access to Juvenile Case File</li> <li><input type="checkbox"/> It is recommended to revise the top portion “TO: (names)” to “TO (names of parties being served)”</li> <li><input type="checkbox"/> JV-574 – Order After Judicial Review on Petition for Access to Juvenile Case File</li> </ul>	<p>The committees appreciate the comments and responses to the requests for specific comments.</p> <p>See response to JRS.</p> <p>Because notice under rule 5.552 is required for a CASA volunteer who is not considered a party, the committees have elected not to make this change.</p> <p>See response to JRS.</p>

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			<p><input type="checkbox"/> In section 2d, it is recommended that the sentence be updated to read, “There are no records that can be released in response to the petitioner’s request.” This may make it easier for individuals to understand the reason for the denied request.</p> <p>Request for Specific Comments</p> <p><input type="checkbox"/> Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to records in the juvenile case file?</p> <p><input type="checkbox"/> Yes, the proposed form provides the necessary information to individuals.</p> <p><input type="checkbox"/> Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to records in the juvenile case file?</p> <p><input type="checkbox"/> The proposed information sheet provides sufficient information; however, it could be formatted differently to make it easier for individuals to comprehend. Section #2 is a block of information. It may be more beneficial to provide questions and answers similar to the JV-060-INFO.</p> <p><input type="checkbox"/> Would the proposal provide a cost savings?</p>	<p>Noted.</p> <p>See response to JRS.</p> <p>See response to JRS.</p>

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	Commenter	Position	Comment	DRAFT Committees Response
			<p><input type="checkbox"/> The proposal would not provide a cost savings. The approved form, JV-291-INFO, would require additional printing and court time to disseminate to individuals.</p> <p><input type="checkbox"/> What would the implementation requirements be for courts?</p> <p><input type="checkbox"/> Communication would be needed to judicial officers and staff. Procedures may require revisions and updates would be needed to the case management system.</p> <p><input type="checkbox"/> Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p><input type="checkbox"/> Yes, three months would be sufficient time to implement.</p>	<p>See response to JRS.</p> <p>See response to JRS.</p>
11.	Superior Court of California, County of San Diego by Mike Roddy Executive Officer	AM	<ul style="list-style-type: none"> <li>Does the proposal adequately address the stated purpose? Yes.</li> <li>Should the definition of “records in the juvenile case file” in rule 8.401(b) more closely track the definition of “juvenile case file” in rule 5.552(a) or Welfare and Institutions Code section 827(e)? No.</li> <li>Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to</li> </ul>	<p>The committees note the commenter’s support for the proposal if modified.</p> <p>The committees have modified the definition to include lodged materials.</p>

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>records in the juvenile case file? Should other information be included?</p> <p>Please see suggested revisions below.</p> <ul style="list-style-type: none"><li>• Should rule 5.552 require that the parent and county counsel receive notice if a petition for access is filed by an adult who is a former or current dependent and is seeking access to their case file for the purpose of education, employment, immigration, and/or military enlistment?</li></ul> <p>No. An “adult who is a former or current dependent” need not file a petition for access in the first place (see WIC § 827(a)(1)(C)) unless he or she seeks to disseminate the juvenile case file, or any portion thereof, to a person or agency not authorized to receive documents under WIC § 827 (see § 827(a)(4)). Assuming the adult former or current dependent is filing a petition solely for the purpose of further dissemination, there is no underlying policy reason to protect the confidentiality of the parent(s), the county child welfare agency, or the county probation department. As noted in the proposal, the confidentiality provided by WIC § 827 “is intended to protect the privacy rights of the child who is the subject of the juvenile court proceedings,” (Invitation to Comment W20-02,</p>	<p>Noted.</p> <p>The committees elected not to change the notice requirements of rule 5.552. The committees have elected to require notice to the parent and county counsel in these situations because their input on confidential information in the case file is essential.</p>

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>p. 2), not the privacy rights of other adults involved in the child’s case. (See also WIC § 300.2 [“the provisions of this chapter ensuring the confidentiality of proceedings and records are intended to protect the privacy rights of the child”].) On the other hand, if the juvenile court file contains information identifying other former or current dependents (e.g., the petitioner’s sibling(s)), they or their counsel should receive notice.</p> <ul style="list-style-type: none"><li>• Rule 5.552 does not require that a parent’s attorney of record receive notice when a petition for access is filed. Should the rule require such notice?</li></ul> <p>San Diego has a local rule that requires notice to the parent’s attorney if there is an open dependency case.</p> <ul style="list-style-type: none"><li>• Would the proposal provide cost savings?</li></ul> <p>Probably, to the extent the workload of court clerks is reduced by the proposed procedures for providing the record on appeal to nonparty appellants and the new item 3 proposed for form JV-569.</p> <ul style="list-style-type: none"><li>• What would the implementation requirements be for courts—for example, training</li></ul>	<p>The committees elected not to change the notice requirements of rule 5.552. The committees anticipate that in some venues parent’s and guardian’s attorneys will still be noticed, as is the case in San Diego.</p> <p>Noted. No further response required.</p>



## W20-02

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>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?</p> <p>Training of clerks (and their supervisors) who process appeals and writ petitions and clerks who process WIC § 827 petitions. Revision of local rules, local forms, local protocols and procedures. Possible need to collaborate with Fourth District, Division One, Court of Appeal to ensure efficiency and compliance with new rules.</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>Three months probably is insufficient for larger counties who process a large number of appeals/writ petitions and WIC § 827 petitions. Revision of our local rules is a long process that only happens once each year, so that might not happen within three months.</p> <p>General comments</p> <p>This is an issue we have already been addressing here in San Diego. It will be helpful to have more clarity in the rules and forms.</p>	<p>The committees appreciate this information regarding implementation requirements for the court.</p> <p>The committees acknowledge that three months may not be enough time to have local rules and procedures fully in place, but are proceeding with the September 1, 2020, effective date because the statute has been in effect since January 2019.</p> <p>The committees appreciate this feedback.</p>

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>Overall, this proposal makes more sense than the one circulated last spring.</p> <p>Change to names of forms: "Access" is more accurate than "disclosure" but this change will require us to update our local policy document, local rules, and web site with the new names of the forms.</p> <p>CRC 8.401(b)(2)</p> <p>Access to records in the juvenile case file, including any such records made part of the record on appeal or the record on a writ petition, is governed by Welfare and Institutions Code section 827. Persons who are not described in subdivision (a)(1)(A)-(P) <del>and have petitioned the juvenile court under subdivision (a)(1)(Q)</del> may <del>not inspect and or receive copies of copy</del> <u>only those records from in the juvenile case file unless to which that person and have has petitioned the juvenile court under subdivision (a)(1)(Q) and</u> was granted access by order of the juvenile court.</p> <p>JV-291-INFO, paragraph 1</p> <p>Under very limited circumstances, a person who is not the child, parent, or legal guardian in a dependency or <del>delinquency</del> <u>juvenile justice</u> case has the right to seek review of decisions made by the juvenile court by filing an appeal or writ</p>	<p>The committees acknowledge the effort required to implement this change.</p> <p>The committees agree and have made these edits to the rule.</p> <p>The committees agree and have made these changes to the form.</p>

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>petition in the Court of Appeal. Such an <del>individual person</del>, however, is typically not entitled to access records <u>from the juvenile court case file</u> that will be considered <u>by the Court of Appeal</u> <del>on appeal from the juvenile court case file for purposes of an appeal or writ proceeding</del> unless the person gets approval from the juvenile court. The purpose of this information sheet is to inform those <del>individuals</del> <u>persons</u> who are not the child, parent, or legal guardian, and who may have the right to seek appellate review, of the requirement to file a Petition for Access to Juvenile Case File (form JV-570) to have access to <u>certain records in</u> the juvenile case file during an appeal or writ.</p> <p>JV-291-INFO, item 2</p> <p>Comment: In certain cases, a non-party appellant or petitioner might already be authorized to access certain documents in the juvenile case file before they file a notice of appeal or notice of intent to file a writ petition, e.g., where the trial court granted the non-party access under WIC § 827 during the proceedings below which are being challenged. Perhaps the first sentence in this item can be revised to read:</p> <p><u>“If the juvenile court has not already authorized you to access records in the juvenile case file, to</u> <del>To</del> have access to <u>such</u> records <del>in the juvenile</del></p>	<p>The committees agree and have made these changes.</p>

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			<p><del>case file</del> for an appeal or writ proceeding, you must request access from the juvenile court.”</p> <p>Suggested addition to first paragraph:</p> <p>You will need to serve a copy of this form on all interested parties to the case, if you know their names and addresses, including the child, parents, social worker, and probation officer. <u>(See Notice of Petition for Access to Juvenile Case File (form JV-571).</u></p> <p>Query: In the second paragraph, should “request” be replaced with “petition” to be consistent with the proposed change in the title of the JV-570?</p> <p>Suggested revision to third paragraph (unless the original of the JV-574 order is desired):</p> <p>When you file a notice of appeal or a notice of intent to file a writ petition, you should attach <u>a copy of</u> the court’s order on the JV-574, if you have one. Doing so will alert the clerk that you are authorized to access records in the case file and will ensure that a record will be prepared for you.</p> <p>JV-321, item 8i.</p>	<p>The committees agree with calling the reader’s attention to this mandatory form and have made changes to this paragraph.</p> <p>The committees agree with replacing several instances of “request” with “petition” to be consistent.</p> <p>The committees agree and have made this change.</p> <p>The correction has been made.</p>

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

	Commenter	Position	Comment	DRAFT Committees Response
			<p>Attended any of the classes required of a prospective adoptive parent.</p> <p>JV-569, item 3</p> <p>Comment: Is there a reason to limit that to attorneys? In San Diego, we publish those addresses in our local policy on the court web site and expect even unrepresented litigants to serve those agencies.</p> <p>JV-570, item 5</p> <p>If you are <del>an individual</del> involved in a pending proceeding in an appellate court or you are preparing to participate in such a proceeding, you should describe <u>here</u> <del>in this Petition for Access</del> 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.)</p> <p>JV-570, item 6d</p> <p>Insert blank line after “(name of district): _____”</p> <p>JV-572, item 3</p>	<p>The committees agree that this item should not be limited to only attorneys and have modified the language.</p> <p>The committees have made these edits.</p> <p>The correction has been made.</p> <p>The correction has been made.</p>

## W20-02

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	DRAFT Committees Response
			<p>I object to the release of information and records relating to the child named <u>in</u> item 1.</p> <p>JV-573 and JV-574, left footer</p> <p>Delete “828” from statutes cited.</p> <p>JV-574, item 2c</p> <p>Change for consistency with language in CRC 5.552(d)(6):</p> <p>Petitioner has not shown by a preponderance of the evidence that the records requested are necessary and have a substantial relevance to the legitimate need of the petitioner.</p> <p>JV-574, item 3</p> <p>Move checkbox after “noticed” to after “objections”:</p> <p>After a review of the juvenile case file and review of any filed objections <input type="checkbox"/> and a noticed <input type="checkbox"/> hearing, the court grants the request.</p> <p>JV-800, item 2e (unless the original of the JV-574 order is desired)</p> <p>Appellant has been granted access to specified records in the juvenile case file, and <u>a copy of</u></p>	<p>This correction has been made on both forms.</p> <p>The edit has been made.</p> <p>The committees have made this correction.</p> <p>The committees have made this correction.</p>

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

	Commenter	Position	Comment	DRAFT Committees Response
			<p>the court's order under Welfare and Institutions Code section 827(a)(1)(Q), on Order After Judicial Review on Petition for Access to Juvenile Case File (form JV-574) if available, is attached.</p> <p>JV-800, item 7</p> <p>Insert colon after “(check all that apply).”</p> <p>JV-800, item 7a</p> <p>Query: Should a check box be added for “<b>Denying</b> transfer to tribal court”?</p> <p>JV-820, page 2, last box section, WHO MUST SIGN THE NOTICE OF INTENT?</p> <p><del>Must be signed by the</del> <u>The person who intends to file the writ petition, or</u>  <del>By the</del> <u>The attorney of record for the person who intends to file the writ petition</u></p> <p>JV-822, item 7 (unless the original of the JV-574 order is desired)</p> <p>Petitioner has been granted access to specified records in the juvenile case file, and <u>a copy of</u> the court's order under Welfare and Institutions Code section 827(a)(1)(Q), on Order After Judicial Review on Petition for Access to</p>	<p>This correction has been made.</p> <p>The suggested change has been made.</p> <p>The committees agree and have made this change.</p> <p>The committees have made this change.</p>

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 5.552 and 8.401; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-800, JV-820, and JV-822)

	Commenter	Position	Comment	DRAFT Committees Response
			<p>Juvenile Case File (form JV-574) if available, is attached.</p> <p>JV-822, page 2, second boxed section</p> <p>The <i>Notice of Intent to File Writ Petition</i> must be signed by the person intending to file the writ petition or, by the attorney of record <u>for that person</u>. See below for more information.</p> <p>JV-822, page 2, last box section, WHO MUST SIGN THE NOTICE OF INTENT?</p> <p><del>Must be signed:</del></p> <p><del>By the</del> The person who intends to file the writ petition, or  <del>By the</del> <u>The attorney of record for the person who intends to file the writ petition</u></p>	<p>The committees have made this change.</p> <p>The committees agree and have made these changes.</p>



## SPR19-06

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 8.400, 8.401, 8.405, 8.407–8.410, 8.412, 8.416, 8.450, 8.452, 8.454, and 8.456; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-570, JV-800, JV-820, and JV-822)

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	Commenter	Position	Comment	Committee Response
1.	Advokids By Janet G. Sherwood, J.D., CWLS Deputy Director		<p>The following comments to the proposed rule are submitted by Advokids, a nonprofit organization that advocates for the rights of children in foster care, including the right to safety, security, stability, and timely permanency decisions. These responses to the specific questions posed by the proposal and as well as all other comments were prepared by a certified child welfare law specialist with over 40 years of experience in the field. She was also a certified appellate law specialist until she closed her private practice in 2016 to work full-time with Advokids.</p> <p><b>Does the proposal adequately address the stated purpose?</b>  <b>No.</b> It needlessly creates a barrier to timely appeals by appearing to require juvenile court approval of a Welfare and Institutions Code section 8271 petition before either the appeal can be filed or the record prepared. It is not entirely clear from the proposal when the 827 petition must be filed. It can be read to say that the only documents that may be included in the record are those for which the juvenile court granted an 827 petition <i>during</i> the juvenile court proceedings</p>	

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	Commenter	Position	Comment	Committee Response
			resulting in the order being appealed and that the petition must have been granted before the appeal or notice of intent can be filed. (See, e.g., JV-291-INFO [“When you file a notice of appeal or a notice of intent to file a writ petition, you will need to attach the juvenile court’s order indicating the records to which it granted you access.”]) The proposal also does not adequately address the stated purpose because there are no time limits on how much time a juvenile court can take to act on a section 827 petition nor is there any remedy available when the juvenile court wrongfully denies a section 827 petition, thereby effectively preventing the appeal or writ from being considered. For example, the Los Angeles Superior Court has a practice of refusing to file notices of appeal or notices of intent to file a writ petition from de facto parents as well as persons who are not the parent, the child, or the agency unless that person also files a section 827 petition. Those section 827 petitions then languish for months and months before they are acted upon. It is also not unheard of for those petitions to be sent for a ruling to the judge whose order is being appealed, even though the procedure	

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	Commenter	Position	Comment	Committee Response
			<p>specified by section 827 requires the presiding judge to make that determination.</p> <p>In the meantime, resolution of issues important to the child’s stability, permanency, or well-being are being unnecessarily delayed or not decided at all. If the proposal requires a ruling on the section 827 petition before a notice of appeal or notice of intent can be filed, then the absence of time limits on when the juvenile court must act on the section 827 petition must be addressed. The time limits for filing a Notice of Intent are very short. Even if a section 827 petition is filed before the notice of intent, it will not have been acted upon before the notice of intent must be filed to preserve the right to file a writ petition after the record is prepared and no record will be prepared because the court has not yet acted on the pending section 827 petition. The statutory writ proceedings under sections 366.26(<i>l</i>) and 366.28 were adopted because the Legislature wanted the issues raised by these writ petitions to be resolved swiftly, usually in no more than in 120 days from the date of the order. If there are no time limits on when the juvenile court must act on a prerequisite section 827</p>	

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			<p>petition and no remedy when such petitions are wrongfully denied, then the purpose of the writ procedures can be completely thwarted by the failure of a juvenile court to make a prompt decision on the section 827 petition.</p> <p><b>Should other rules apply to preparing, sending, and using a limited record?</b> <b>Yes.</b> There are a number of proceedings in juvenile court for which a formal section 827 petition is not considered or granted for access to the pleadings or other documents during that proceeding but from which a writ petition or appeal may appropriately be taken by a party to that proceeding who is not also a party to the entire juvenile court case. The most prominent examples are 388 petitions filed by relatives or other interested persons for modification of an existing juvenile court order, de facto parent requests that are denied, and writ petitions filed under section 366.28 after the court has made a prospective adoptive parent determination under section 366.26, subdivision (n) or otherwise granted or denied a change in adoptive placement. In those cases, if the appellate review is sought by someone who is not otherwise a</p>	

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			<p>party to the entire section 300 proceeding, the appropriate record would include the documents before the court for that specific proceeding and reporter’s transcripts, if any, of those proceedings.</p> <p>Generally speaking, if the juvenile court grants access to social worker reports or other documents during those proceedings, it does not do so by employing the formal 827 process. It makes a ruling authorizing access in response to a discovery request or similar motion in the course of the proceeding, usually because due process requires that the information be made available to ensure a fair opportunity to be heard and to defend against any adverse information in those reports. (See, e.g., <i>In re Matthew P.</i> (1999) 71 Cal.App.4th 841, 850-851 [denial of due process to decide section 388 petition without permitting cross-examination of social worker regarding information in the social worker’s report adverse to the de facto parents].) Aside from the due process problems that arise when an appellant or writ petitioner is barred from having access to the same documents as the other parties to the appeal or writ proceeding, the notion that the</p>	

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			<p>documents employed in the proceedings from which appellate review is sought are confidential from the persons who either filed or had access to those very same documents when they participated in the juvenile court proceeding is illogical and ridiculous. The notion that a person who was present at and participated in a hearing must file a section 827 hearing to obtain a reporter's transcript of that same hearing is likewise ridiculous.</p> <p>Adding the completely unnecessary step of requiring a section 827 petition before the person who filed the documents in the trial court or participated in the hearing can see documents or a reporter's transcript of that hearing in the appellate record would be a huge waste of resources for both the juvenile courts and the courts of appeal. A better way to address this issue would be to consider any access afforded the petitioner during the proceedings by the juvenile court to be the equivalent of a section 827(a)(1)(Q) order even though no separate section 827 petition was filed and granted.</p>	

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			People who petition the juvenile court under section 388 or section 366.26(n) or who were denied de facto parent status are all granted limited standing, by statute or rule of court, to participate in specified juvenile court proceedings covered by the rule or statute. It would be quite reasonable to recognize those people as “parties” to those specified proceedings. (See. e.g., <i>Wayne F. v. Superior Court</i> (2006) 145 Cal.App.4th 1331, [prospective adoptive parents, while not parties to the underlying dependency proceedings unless they are also de facto parents, were entitled to “fully participate” in 366.26(n) hearings concerning proposed removal from their home].) Under the exceptions listed in new section 827(a)(6), their attorneys should be given access to the documents submitted to the juvenile court and the transcripts of those proceedings under section 827(a)(1)(E) (attorneys for parties) without having to waste a lot of time and resources, including the court’s resources, seeking a section 827 order. It would make more sense to modify the appellate rules concerning preparation of the record to specify that something other than the “normal record” is to be prepared when the appeal or notice of intent is filed	

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## SPR19-06

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	Commenter	Position	Comment	Committee Response
			<p>by persons who requested de facto parent status or who were parties to a 388 petition or a section 366.26(n) prospective adoptive parent proceeding or adoptive placement decision, but who are not parties to the entire juvenile court proceeding. In those cases, the rules should specify that only the documents filed in connection with the proceedings resulting in the order being challenged, any other documents to which access was granted by the court, and the reporter's transcripts of those proceedings should be included in the appellate record. Any questions about documents other than those listed should be resolved by the courts of appeal in the context of a motion to augment the record, not by the juvenile court in the context of a section 827 petition.</p> <p><b>Does the proposed notice on the JV forms adequately alert individuals of the requirement to request access to records in the juvenile case file by filing a petition under section 827(a)(1)(Q)?</b></p> <p><b>No.</b> It is confusing and incomplete. The information is incomplete because it excludes de facto parents, who are parties to the juvenile court proceedings and, as such,</p>	

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			<p>are entitled to appeal a juvenile court decision that adversely affects their interests. It is interesting to note that 8.409(c)(1) and the proposed amendment to rule 8.409 (f)(2)(A) specify that the record on appeal must be sent to any Indian tribe that has intervened (making the tribe a party) but does not mention de facto parents.</p> <p><b>Should the notice be included on forms that may not typically relate to an appeal, such as Relative Information (form JV-285) and Caregiver Information Form (form JV-290)?</b></p> <p><b>No.</b> The notice is confusing and inaccurate to the extent it excludes de facto parents from the list of people who will have the right to file an appeal or a writ petition. Although they are required by law to do so, most counties do not actually send either of these forms to relatives or caregivers. In addition, those forms are designed for the purpose of providing a vehicle for relatives and caregivers to provide information about the child to the court without having to make a court appearance. Including the proposed language might be read as suggesting that relatives and caregivers who</p>	

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			<p>file the forms have appellate rights that they do not actually have.</p> <p><b>Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to records in the juvenile case file? Should other information be included? Should other scenarios be listed in item 1 to describe when someone not entitled to access the juvenile case file would have a right to appeal?</b></p> <p><b>No.</b> The second to the last paragraph states that the person seeking review “will need to attach the juvenile court’s order indicating the records to which the court has granted you access.” This suggests that the person must have the order in hand before the notice of appeal or notice of intent may be filed. As noted above, if a granted section 827 petition is a prerequisite to filing the notice of appeal or a notice of intent, many people will be deprived of any review at all. Because there are no time limits on how long the juvenile court has to act on a section 827 petition, the section 827 petition may still be undecided when the time limits</p>	

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			<p>for filing a notice of intent (7 days) or a notice of appeal (60 days) have run. Attempting to list all possible scenarios is fraught with peril. The first example--a relative who requested placement but the placing agency did not assess their home for placement before a hearing to terminate parental right—may be read to suggest that these people may file an appeal even though there is no juvenile court order denying them placement. The fourth—the child’s sibling who requested visitation or an exception to adoption—is at best questionable.</p> <p>Siblings who are juvenile court dependents have the right to notice of and the right to be present and represented by counsel at each other’s hearings. (Welf. &amp; Inst. Code §349.) This arguably makes them parties to each other’s cases. If a sibling has participated in a hearing which results in a request for appellate review, that sibling’s appellate counsel should have the same access to the appellate record as all other appellate counsel.</p> <p>Thank you for your consideration of these comments.</p>	

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2.	Appellate Defender's, Inc. by Elaine Alexander Executive Director San Diego		<p><b>Summary of Provisions.</b></p> <p>The proposed rules create a new method of preparing the appellate record when the appellant is an individual who is not entitled to access the juvenile court record under the provisions section 827. (Rule 8.405.) The proposal refers to these individuals as the “designated person.” (Rule 8.400(b)(1).)</p> <p>The proposal envisions the creation of two appellate records: a limited record for the designated person and a regular, full record for the court, the petitioning agency, the parents and minor(s). (Rules 8.400(b)(2); 8.407(f).) The limited record is to be paginated separately from the full record. (Rule 8.409(b)(2).) The proposal provides that counsel for the designated person may receive only the limited record. (Rule 8.409(f)(3)(A) &amp; (B).)</p> <p>The limited record contains only the material to which the designated person has been granted access by the juvenile court pursuant to a section 827 petition for disclosure they must file. (Rule 8.400(b)(2).) The proposal includes a</p>	

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			<p>revision to the 827 petition, form JV-570. Several other forms are proposed to notify the designated person of the need to file a petition for access to the file pursuant to section 827. (Pages 48-63 of the Invitation to Comment package.)</p> <p>If the other parties to the appeal cite to material that is not in the limited record, the proposal allows the designated person to file another 827 petition to request the juvenile court give them access to this additional material. (Rule 8.412 (a)(5).) They may also request an extension from the COA. (<i>Ibid.</i>)</p> <p>Provisions almost identical to those described above are proposed for the statutory writ records. (Rules 8.450-8.456.)</p> <p><b>Our analysis.</b> <b>1. The Limited Record Raises Due Process Concerns.</b> We have a fundamental concerns about appellate issues being raised and considered from two different records, which essentially infringes on an appellant's right to appeal.</p>	

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			<p>– The designated person working from the limited record is at a distinct disadvantage. They are unable to discern and cite to favorable evidence supporting their position in the case record that is omitted from the limited record.</p> <p>– The court (and other parties) will rely on the entire case record to determine 388 issues (most relative placement issues are raised in 388 petitions). (See <i>In re Justice P.</i> (2004) 123 Cal.App.4th 181, 189, [court can rely on entire case record when determining whether a section 388 petition makes a prima facie showing].)</p> <p>– The proposed instruction sheet given to the designated person explaining the need to obtain the 827 order <b>instructs</b> them to request a very limited record from the juvenile court. The form, “Right to Appeal for a Nonparty– Requirement to Request Access to Juvenile Record” (JV-291-INFO, found at page 48 of the packet), states: “You should indicate (on the 827 application) you are requesting the record and transcripts relating to the dates of the hearing related to</p>	

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			<p>the issue you are appealing, and that you are requesting transcripts as well.”</p> <p>Omitted from this narrow request are matters that are relevant and not necessarily confidential: social worker interviews with the nonparty and references in the reports to them; visitation between the nonparty and the minor(s); any assessments of the nonparty regarding placement or visitation; statements the minor makes about the designated person; descriptions of the minor’s visits with the designated person.</p> <p>This information is relevant to a request for placement per the statutory factors the court must consider (section 361.3) and as demonstrated by the case <i>Isabella G.</i> (2016) 246 Cal.App.4th 708, 724 [evidence the minor missed her grandmother, was happy to be with her, requested more contact with her, the caregiver thought the minor should be placed with Grandmother, was relevant to show prejudice from the court’s failure to apply the relative placement</p>	

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			<p>criteria). This information is also relevant to requests for visitation.</p> <p>If the designated person was present at any other hearings (besides the hearing from which the appeal is taken), those proceedings are arguably not confidential as to this individual.</p> <p>The ability of the designated person to obtain this more extensive information through a juvenile court 827 order would begin to address the due process concerns. In item 4, below, we are proposing modifications to the 827 application for records designed to illicit this relevant information.</p> <p><b>2. Counsel for the Designated Person Should Have a Full Record.</b></p> <p>The due process concerns outlined above could be alleviated by providing a full copy of the record to counsel for the designated party. The designated person's access to the record can be circumscribed by the 827 order; counsel will not turn over any portion of the record to the client not authorized by the 827 order.</p>	

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			<p>It is highly unlikely counsel for the designated person will cite to material that isn't relevant to the issue raised. And it is very likely this material will be cited by either the respondent or the court. The designated person is allowed to apply to see material cited in other parties' briefs through another section 827 petition per Rule 8.412(a)(5). Providing the full record to appellate counsel for the designated person eliminates the need for the second (or third) 827 petition, and eliminates a big source of delay in these fast track cases. Rule 8.401 (b) (2) would presumably address the case of a pro per designated persons, and instruct them to obtain a section 827 order from the juvenile court.</p> <p>We propose Rule 8.401(b) read as follows (new provisions italicized)</p> <p><b>8.401</b> <b>(a)</b> . . . .</p> <p><b>(b) Access to filed documents</b> (1) Except as limited in (2) or as provided in (2) (3) (4), the record on appeal and documents filed by the parties in proceedings under this chapter</p>	

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			<p>may be inspected only by the reviewing court and appellate project personnel, the parties including their attorneys, <i>the appellate attorneys for the designated persons, although not the designated persons themselves, except as provided in (b)</i>, and other persons the court may designate.</p> <p><b>3. Separately Paginated Records:</b> Separately paginating the limited record will prove cumbersome, as the court and other parties will be working from two different records. The respondent's brief will certainly cite to material beyond the limited record.</p> <p>The designated person is able to request access to cited material outside the limited record through another 827 petition. This process will create additional delay. Two or more 827 petitions have to be processed in juvenile court to facilitate the direct appeal. The designated person will be citing to two different records in the reply brief.</p> <p>Would a sort of Marsden type approach work better? The respondent has to</p>	

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			<p>notify the court that its briefing referred to matters beyond the limited record. This then provides cause for an 827 order to be issued granting the designated person access? We think the better approach is to provide the designated person a redacted record. Everyone will be working from the same page citations.</p> <p><b>4. Delay Concerns</b> There are multiple ways in which the proposed process creates delay:</p> <ul style="list-style-type: none"><li>– The initial 827 process. (See Appendix, time lines for two cases that went through this process);</li><li>– The subsequent 827 process to obtain material cited in other parties’briefs.</li></ul> <p>Example: If a parent or minor is a co-appellant with the designated person, the entire appeal can be delayed: the record won’t be filed until the initial 827 process is completed. If the co-appellant parent cites to material not in the limited record, the designated person can request it via another 27 petition. (Rule 8.412(a)(5).) And with yet another 827 petition if the respondent’s brief cites to</p>	

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			<p>additional material not in the limited record.</p> <p><b>5. More Specificity in the application for an 827 order.</b> We believe the proposed form, JV-570 (found at p. 58 of the packet) is too general and not very helpful to the lay person. A check-the-box format will likely prove helpful to the juvenile court in eliciting more specificity from the applicant. A proposed attachment to form JV-570 is found in the Appendix.</p> <p><b>6. Clarify the JV-291 Information Form:</b> The form presently suggests that obtaining the 827 order is a condition of being able to file an NOA. It states: “When you file the notice of appeal . . . you will need to attach the court’s order indicating which records the court has granted you access.”</p> <p>Our concern is the 60-day appeal period will expire before the 827 order is obtained. At a minimum, the information form should indicate the NOA must be filed before 60-day appeal period expires and it can be filed before the 827 order is issued.</p>	

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			<p><b>Appendix</b></p> <p><b>Delay in Utilizing the 827 Petition Process: Two Case Examples</b></p> <p><b>1. D073770:</b> the Court of Appeal ordered the non-party appellant to obtain an 827 order from the Juvenile Court which sets forth the record to which she can have access. This appellant is an attorney who was able to navigate this process much better than a lay person. The 827 process took more than three months:</p> <ul style="list-style-type: none"><li>– Court of Appeal’s order to seek 827 order issued November 29th 2018;</li><li>– 827 petition filed in Juvenile Court December 3, 2018;</li><li>– 827 order rendered by the Juvenile Court February 1, 2019;</li><li>– Court of Appeal ordered limited record prepared February 27, 2019;</li><li>– Limited record filed in the Court of Appeal March 11, 2019.</li></ul> <p><b>2. D073296:</b> This fast-track case took 10 months to decide, 6 months to order the limited record:</p>	

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			Mother – appellant: NOA filed 12/28/17 – appointed counsel 1/9/18 Maternal great aunt & 388 NOA filed 12/28/17 – appointed counsel 2/16/18 Minors W. & J (RB) Counsel appointed on court's own motion – 4/13/18 (apptd. 4/18/18) Minors M & Je (RB) appointed counsel – 1/25/18 de facto father (RB, retained counsel) de facto mother (RB, retained counsel) Record filed 1/19/18 Augment by mother (denied) 2/2/18 De facto 827 motion 3/29/18 Oppo to 827 motion by mother & aunt 4/2/18 Mother & aunt file AOB 4/4/18 County counsel do not oppo release 4/5/18 (since aunt already has record) Oppo to release by minors M & J 5/25/18 Court orders limited record 6/6/18 – attorneys ordered not to provide the record to the aunt or de facto De facto father files augment 6/8/18 Mother & aunt oppose 6/14/18 Court orders augment considered w/appeal 6/19/18 RB by de facto father filed 7/27/18	

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			<p>County RB filed after 17B notice 7/31/18 De facto father requests judicial notice 8/1/18 – post-appeal info re: resolution of 1 issue – ordered to be considered w/appeal 8/16/18 minors' letter brief of W &amp; J 8/23/18 Court's request for further briefing 8/30/18 – statutory interp. for relative placement issue ARB filed by mother 9/4/18 ARB filed by aunt 9/4/18 Mother's, aunt's, minors W &amp; J's, agency's, de facto father's – supplemental briefs filed 9/14/18 minors M&amp; J filed supplemental brief 9/17/18 case fully briefed 9/17/18 case submitted 10/23/18 opinion filed 10/23/18 remittitur issued 1/2/19</p> <p><b>ATTACHMENT TO JV-570</b> For use by appellants who are designated persons with access to a limited record as described in Rule 8.400(b).</p> <p>The records I want are: (Check all that apply.)</p>	

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			<p>o All reports, documents and orders the judge expressly stated were considered or were admitted as evidence in making the challenged order. (List, if known.)</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p>o The reporter's transcript from each hearing Petitioner attended. The dates are:</p> <hr/> <hr/> <hr/> <hr/> <p>o All reports and attachments prepared by the county agency and/or the CASA containing information about the placement history of the child/children.</p> <p>o All reports and attachments prepared by the county agency and/or the CASA containing information about Petitioner's visitation and/or request for visitation with the child/children.</p> <p>o All reports and attachments prepared by the county agency and/or the CASA containing information about interviews or conversations with Petitioner.</p>	

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	Commenter	Position	Comment	Committee Response
			<p>o All reports and attachments prepared by the county agency and/or the CASA containing information about interviews or conversations with any parties or collateral contacts discussing Petitioner’s request for placement and/or visitation.</p> <p>o Other: (Describe in detail any records that are not covered above.)</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
3.	Executive Committee of the Family Law Section of the California Lawyers Association (FLEXCOM) By Saul Bercovitch Director of Governmental Affairs	A	No specific comment.	
4.	First District Appellate Project by Jonathan Soglin Executive Director Oakland	NI	The notice of appeal (NOA) form (JV-800) and notice of intent forms (JV-820 and JV-822) are frequently used forms serving parties in a variety of delinquency and	

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## SPR19-06

**Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings** (Amend Cal. Rules of Court, rules 8.400, 8.401, 8.405, 8.407–8.410, 8.412, 8.416, 8.450, 8.452, 8.454, and 8.456; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-570, JV-800, JV-820, and JV-822)

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			<p>dependency proceedings. Usually (e.g. for most delinquency and many dependency appeals) the form is used when there is no need for a limited-record. We are concerned that the some aspects of the modifications increase the complexity of the forms in a way that will create confusion without the anticipated benefits. For these reasons, we suggest a change that might strike a balance between helpful information for the clerk and reducing potential confusion.</p> <p>On one hand, we suggest retaining the proposed new boxes requiring the filing party to state whether they are “not the department, child, parent, or legal guardian,” and whether they were granted access to specified records. This will be useful to the clerk and it is information the filing party should have at hand.</p> <p>On the other hand, we recommend omitting the line asking the filing party to identify whether the appeal or writ involves “a respondent who is not the department, child, parent, or legal guardian” (item 4 on the NOA and item 8 or 9 on the notices of intent). It is no simple matter to determine</p>	

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			who is a “respondent” in a dependency appeal or writ. These proceedings frequently involve a multitude of interested persons whose interests can align or be opposed in patterns that are not easy to predict, even for the filing party. This is particularly difficult for the many pro per parties who file NOAs and notices of intent, but it also problematic in a counseled case. For these reasons, the inclusion of the item asking the filing party to predict who might be a respondent seems unlikely to assist the superior court appellate clerks in determining who must receive a limited record and, worse, it could add confusion for parties and counsel. Accordingly, we recommend omitting from the forms item 4 on form JV-800, item 9 on JV-820, and item 8 on JV-822.	
5.	Stephanie Miller	NI	Thank you for this opportunity to comment.  The Committees’ Proposal seeks “to balance the policy considerations favoring confidentiality of juvenile case files against designated persons’ need for access to these record to effectuate their right to participate in appellate proceedings in these cases.” (Invitation to Comment, p. 3 [IC].) The Committees recognize that	

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			“these individuals were already privy to the record in the juvenile court proceedings . . .” (Ibid.) This is an important point. To some extent, the nonrelated caretaker of the child who seeks de facto parent status is “privy” to the dependency case as a result of the child’s placement in the caretaker’s home. In many instances, the caretaker is the monitor for parental visits, thus a relationship between the caretaker and the parent is established. To a greater extent, a close relative of the child who seeks relative placement or petitions for modification of the juvenile court orders may be intimately aware of the circumstances requiring juvenile court intervention as a result of the relative’s preexisting relationship with the child and/or the child’s parents. The social worker’s assessment of a relative for the child’s placement may result in disclosure of confidential information in the course of an interview to determine whether the relative was aware of the circumstances requiring juvenile court intervention, but had failed to protect the child. (Welf. & Inst. Code, § 361.3, subd. (a)(7)(D).) Thus, the child’s and/or the parent’s expectation of confidentiality in the dependency case may be affected and reduced by the reality	

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			<p>of family relationships preceding juvenile court intervention (grandparents, aunts and uncles, siblings, etc.) or by the substitute caregiver relationships created as a result of that intervention (foster parent or de facto parent/child). The Proposal should seek to protect only information which is actually confidential, i.e., information that has not previously been disclosed to the designated person, in- or outside of the courtroom.</p> <p>Not addressed in the Proposal is the potential obstacle to confidentiality presented by the request of a designated person who is a party in the appeal or writ proceeding to be served with a party's brief. Currently, the court rules do not require service on a "designated person." (Cal. Rules of Ct., rule 8.412(e).) But, the proposed Rule 8.412(a)(4) contemplates that the designated party will be served with the brief filed by a party. Although the parties are required to refer to the parent, guardian, and child by their initials if necessary to protect their privacy, the contents of the briefs filed by the party who is not a designated person will likely reveal more of the juvenile court record than the juvenile court previously allowed the</p>	

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			<p>designated person to access. (Cal. Rules of Ct., rule 8.401(a).) Thus, service alone of the party's brief on the designated person could result in the disclosure of confidential information.</p> <p>One method of addressing the access of persons other than the parent, child, or guardian to the confidential juvenile court record is to limit the access of those persons (hereafter, designated persons) to the courtroom in the first instance, with the following exceptions: (1) a relative who has filed a petition for modification of orders; (2) a caregiver who has filed an application for de facto parent status. Those filings are appropriate actions necessary to confer the petitioner or applicant with the status of a party in the dependency case. (See <i>In re Joseph G.</i> (2000) 83 Cal.App.4<sup>th</sup> 712, 725.) Upon the first appearance of the petitioner or applicant, the judicial officer can then direct him or her to complete and deliver to the courtroom clerk then and there the JV-570 form. The 388 petitioner or de facto parent applicant, or the courtroom clerk should then and there complete the JV-570 form to designate the date of the first appearance,</p>	

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			and the record of those proceedings, as the approved record in the event of an appeal. As indicated in the Proposal, the juvenile court clerk should thus begin the creation of a separate file for the designated person. The separate file can also include the minute order for each hearing at which the designated person/party is present. Thereafter, at each appearance made by the designated person who has acquired party status, the judicial officer can direct him or her to complete a new JV-570 form. The additional JV-570 form and the minutes should be added to the separate file created for the designated person. In this manner, the record accessible to the designated person can be “marked” as it is made. Also, any objections to disclosure of that portion of the juvenile court record to the designated person can be entertained each time a designated person appears in court. If and when the designated person files a notice of appeal, the portions of the confidential juvenile court record will be readily identifiable by the previously completed JV-570 forms and the minutes orders. In this manner, the separate file created for the designated person can timely identify the record to which that individual	

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			<p>was previously given access by the juvenile court, and after notice to the other party.</p> <p>In order to address the parties’ right to confidentiality and the right of designated persons to appellate review, several years ago the Second District adopted Local Rule 8. (Local Rules Court of Appeal Second District Rule 8 [Filing of an appeal in a dependency matter by a person who is not the parent, child or guardian].) It is the experience of the California Appellate/Los Angeles that while the local rule has served to protect the right of the parties to confidentiality, it has not served the right of a designated person to review. Pursuant to Local Rule 8, the designated person is required to complete and file a JV-570 form and file it with the notice of appeal, or within 10 days after receipt of the juvenile court clerk’s request for that form. The delay in the preparation of the appellate record for the designated person occurs between the filing of the JV-570 form, with the notice of appeal, and the judicial officer’s designation of the portions of the confidential record which will comprise the appellate record for the designated</p>	

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			person. The record designation process takes many months.  I hope that my comments are useful to the Committees. I appreciate their work.	
6.	Office of the County Counsel County of Los Angeles by Alyssa Skolnick Principal Deputy County Counsel Monterey Park	AM	1. I believe the intent is that when the appeal/writ proceeding involves a designated person (as defined under the proposed court rules), the designated person (or his/her attorney of record) will receive a limited record, while everyone else who is entitled to access the records will receive both (1) limited record; (2) normal/complete record. However, the fact the normal/complete record (in addition to limited record) will be provided to all parties entitled to access needs to be clarified. (See California Rule of Court, rule 8.409, et seq.)  2. The proposed changes to the California Rules of Court do not address whether the non-designated persons (those who are entitled to the normal/complete record) should serve the designated persons with their briefs (redacted or un-redacted), which will almost certainly include significant	

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			information that the designated person is not entitled to access. This has been a significant issue historically. If the appellant/respondent/petitioner etc. is a “designated person,” which briefs are they entitled to access and be served with? This is a significant concern because once the designated person is served with an un-redacted brief, they have all the information in the record that they were not previously privy to. We have historically struggled with this and the Court of Appeal has not been consistent with respect to whether it wants our office to serve redacted or un-redacted briefs on those who were not entitled to access under WIC 827 and are being referred to as “designated persons” in the proposed rules. The California Rules of Court need to directly address which briefs (Writ Petition, Appellant’s Opening Brief, Respondent’s Brief/Answer/Reply Brief etc.) the designated person is entitled to because unless the designated party was given access to the entire case file, the briefs from the other parties will always contain information that the designated person has not been granted access to.	

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			<p>The only hint of this issue in the proposed rules is proposed amended California Rule of Court, rule 8.412(a)(5), which states, “If an appeal involves a designated person, and the brief of a party who is not a designated person refers to juvenile case records that are not in the limited record, the designated person may petition the juvenile court for access to those records and may petition the juvenile court for access to those records ...” Does this assume that the designated person is to be served with un-redacted briefs that necessarily included case history and records that the designated person was not previously granted access to?</p> <p>It is our office’s practice to only serve the party who is not entitled to access the records (referred to as “designated person in the proposed rules) with heavily redacted briefs that omit all the information they are not privy to unless otherwise ordered by the Court of Appeal.</p> <p>3. Proposed amendments to California Rules of Court, rules 8.405 and 8.450(e)(1) state that if the appellant/party seeking writ review is aware that a party to the appeal is an individual not authorized to access the</p>	

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			<p>juvenile case file without petition pursuant to WIC 827(A)(1)(Q), the appellant/party seeking writ review must indicate this on the notice of appeal. However, the (a) proposed amended Notice of Appeal (JV-800) and (b) Notice of Intent to File a Writ Petition (JV-820) do not include a section for this information or notice of the requirement – they only include a box indicating that the appellant/person seeking writ review is not a child, legal guardian or parent – it does not include a box to indicate a different party is not authorized to access the case file.</p> <p>4. The California Rules of Court should clarify that the designated person’s attorney of record is not entitled to any documents/records that the designated party is not entitled to. This has come up with respect to California Rule of Court, rule 8.452 and 8.456 Petitions/Answers.</p> <p>5. The admonishment language from the proposed JV-291-Info form that has been added (proposed) to various other forms states “In the vast majority of cases, only the child, parent, or guardian have the right to appeal a juvenile court ruling.” This is</p>	

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			inaccurate in that it does not include CPS as a party having a right to appeal. It also does not reference writ proceedings.	
7.	Orange County Bar Association By Deirdre Kelly President Newport Beach	A	No specific comment.	
8.	Superior Court of Los Angeles County	AM	<b>Proposed Modifications</b> <b>Rule 8.405 (b)(1)(B), Rule 8.450 (h)(1) and h(2), and Rule 8.454 (h)(1) and (h)(2)</b> The requirement to immediately notify each court reporter by telephone should be updated by either eliminating the telephone requirement or changing it to an email requirement. Change: “immediately notify each court reporter by telephone” to: “immediately notify each court reporter.” <b>Request for Specific Comments</b> <b>Does the proposal adequately address the stated purpose?</b> Yes, the proposal adequately addresses the stated purpose. <b>What is the most effective way to communicate that people should request access to records in the juvenile case file</b>	

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			<p><b>before the commencement of appellate court proceedings?</b></p> <p>The most effective communication is by written notice.</p> <p><b>What is the best way to alert the clerk that the appeal or writ proceeding involves a limited record, particularly when the limited record is required for a party who is not the appellant or the petitioner?</b></p> <p>The most effective way to alert the clerk is by written notification.</p> <p><b>Should other rules apply to preparing, sending, and using a limited record?</b></p> <p>No, other rules should not apply.</p> <p><b>Should the rules further address the situation of a designated person responding to a brief or memorandum by a party who is using the normal record and referring to matters in documents to which the designated person has not been granted access?</b></p> <p>Yes, the rules should address this.</p> <p><b>Does the proposed notice on the JV forms adequately alert individuals of the requirement to request access to records in the juvenile case file by filing a petition under section 827(a)(1)(Q)? Should the notice be included on forms that may not</b></p>	

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			<p>typically relate to an appeal, such as <b>Relative Information (form JV-285) and Caregiver Information Form (form JV-290)?</b></p> <p>Yes, the proposed notice adequately alerts individuals of the requirement and should be included on the other forms.</p> <p><b>Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to records in the juvenile case file? Should other information be included? Should other scenarios be listed in item 1 to describe when someone not entitled to access the juvenile case file would have a right to appeal?</b></p> <p>Yes, the proposed information sheet provides the information necessary.</p> <p><b>Would the proposal provide cost savings? If so, please quantify.</b></p> <p>No.</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</b></p>	

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			<b>management systems, or modifying case management systems?</b> Implementation requirements include training, procedure updates, and changes to event codes in the Case Management System. <b>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> Yes, three months would be sufficient.	
9.	Superior Court of San Diego County by Mike Roddy Executive Officer	AM	“Designated person” is defined in rule 8.400(b), but it is still confusing in the context of some of the other rules. For example, rule 8.401(b)(1) allows access by a person designated by the Court of Appeal, but then in subdivision (b)(2) “designated person” is a person designated by the juvenile court, not the Court of Appeal.  Preparation of both a full record and a limited record seems like double work. However, this is probably the most efficient way.  CRC 8.409(b)(2): “must be designated as a limited clerk’s transcript and a limited reporter’s transcript.”	

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			<p>Proposed revisions to Form JV-291-INFO:</p> <ol style="list-style-type: none"><li>1) Add "or probation officer" in item 2 to the list of those who must be served.</li><li>2) Add "legal" before guardian throughout.</li><li>3) It should be stated clearly that there is a deadline to seek review by writ or appeal and that deadline is not extended to seek access to records. (The JV-570 process can take a long time and I foresee people missing the appeal deadline while they wait for a resolution to their JV-570.)</li></ol> <p>Proposed revisions to Form JV-570:</p> <ol style="list-style-type: none"><li>1) The proposed change in item 5 is confusing and unnecessary. Why call out just one type of request when there are so many reasons a person could file a JV-570?</li><li>2) The proposed change in item 6 is good.</li></ol> <p>Proposed revisions to Forms JV-800, 820, 822:</p> <p>"department" is unclear. It is believed to mean county welfare department and our court recommends it be spelled out. Change "County Welfare Agency" to "county</p>	

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			<p>welfare department" on the JV-820 for consistency with the other two forms.</p> <p>Proposed revision to Form JV-800, item 7: Change Attachment 5 to Attachment 7 to match the new item number.</p> <p>Proposed revision to Form JV-822, page 2:</p> <p>1) 1<sup>st</sup> box: See <del>the back of this form</del> below for more information. (Or delete sentence completely.)</p> <p>2) 3<sup>rd</sup> box, 1<sup>st</sup> 2 bullet points: Change “specified placement” to “specific placement.”</p> <p>3) 4<sup>th</sup> box, 3<sup>rd</sup> bullet point: change CRC citation to 8.454(e)(3).</p>	

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