Judicial Council of California

Subject Details (With Text)

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Title

Judicial Council-Sponsored Legislation: Electronic Filing and Service in Juvenile Proceedings (Action Required)

Summary

The Policy Coordination and Liaison Committee, the Family and Juvenile Law Advisory Committee, the Information Technology Advisory Committee, and the Judicial Council Technology Committee recommend adding section 212.5 and amending various sections of the Welfare and Institutions Code to authorize electronic filing and electronic service in juvenile law proceedings and establish parameters for e-business in the juvenile court.

Recommendation

The Policy Coordination and Liaison Committee, Family and Juvenile Law Advisory Committee, the Information Technology Advisory Committee and the Judicial Council Technology Committee recommend that the Judicial Council sponsor legislation to enact section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 of the Welfare and Institutions Code.

New section 212.5 of the Welfare and Institutions Code would expressly apply the provisions of section 1010.6 of the Code of Civil Procedure to all juvenile proceedings while setting limitations and conditions on the electronic service of parties and other persons. The limitations on electronic service include the following:

1. Electronic service is authorized only if the county and the court choose to permit electronic service.
2. Electronic service on a party or other person is permitted only upon consent to receive electronic service by the party or other person.
3. A party or other person may withdraw prior consent to electronic service.
4. Consent or withdrawal of prior consent to receive electronic service may be filed with the court only by a party or other person, or that person's attorney.
5. Electronic service is not permitted on minors who are under the age of 16.
6. If the party or other person to be served is a minor who is 16 years old or older, electronic service is

permitted only upon consent by both the minor and the minor's attorney.

7. Electronic service of medical or psychological documentation relating to a minor is not permitted on a minor who is 16 years old or older.

8. The party or other person must be served by both electronic means and by other means specified in the statute if (1) the document to be served is the notice of hearing at which the social worker will recommend the termination of parental rights, or the appellate advisements required pursuant to Welfare and Institutions Code section 366.26(*l*)(3)(A); or (2) there is a citation issued pursuant to section 661, or a hearing is noticed under section 777(d).

9. If the minor is an Indian child, or the court has reason to know that an Indian child is involved, service shall be provided exclusively in accordance with Welfare and Institutions Code section 224.2.

In addition, new section 212.5 codifies paragraph (3) of subdivision (b) of rule 5.522 of the California Rules of Court, which provides that the confidentiality of juvenile records shall be preserved when these records are transmitted electronically through encryption. The requirement to apply encryption to ensure the confidentiality of records would apply to both electronic filing and electronic service.