



Judicial Council of California

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Subject Text

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File #: 20-006, Version: 1

Title

Rules and Forms | Appellate Procedure: Access to Juvenile Case Files in Appellate Court Proceedings (Action Required)

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.