



Judicial Council of California

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Title

Indian Child Welfare Act: Tribal Access to Court Records (Action Required)

Summary

The Family and Juvenile Law Advisory Committee and Tribal Court-State Court Forum jointly recommend amending the rule regarding the confidentiality of juvenile court records to conform to the current statutory language in the Welfare and Institutions Code. These amendments will eliminate discrepancies between the rule and statutory requirements that practitioners and court staff advised were causing confusion.

Recommendation

The Family and Juvenile Law Advisory Committee and Tribal Court-State Court Forum recommend that the Judicial Council, effective January 1, 2018, amend rule 5.552 of the California Rules of Court as follows:

1. Delete subdivision (b) of the rule, which is duplicative of section 827(a) of the Welfare and Institutions Code. This deletion also addresses the inconsistency between the rule and section 827(f);
2. Reletter and amend subdivision (c) of the rule in light of the removal of subdivision (b);
3. Change references to “juvenile court records” in subdivision (c) to “juvenile case files” to be consistent with the rest of the rule. Effective 2009, this language was changed throughout the rule except in subdivision (c), which inadvertently remained unchanged;
4. Revise and reletter subdivision (d)(1)(C) of the rule to require notice to a child only when the child is 10 years of age or older, in conformity with sections 290.1 through 295;
5. Revise and reletter subdivision (f) of the rule to remove language that is duplicative of section 828;
6. Delete subdivision (g) of the rule, which is duplicative of section 827(b)(2); and
7. Revise and reletter subdivision (h) in light of the deletion of other subdivisions and to remove reference to Government Code section 13968 which was repealed.