

**PROCEDURES FOR OBTAINING ACCESS TO AND COPIES OF
JUVENILE COURT RECORDS**

(Amended July 2010)

I. ACCESS TO JUVENILE COURT RECORDS GENERALLY.

Access to Juvenile Dependency and Juvenile Delinquency records is governed by California Welfare and Institutions Code sections 827 and 828, as well as California Rule of Court 5.552. If a person/agency is not entitled to inspect the records without a petition under Welf. & Inst. Code §§ 827-830.1, then he/she must petition for and obtain a court order from the Supervising Judge of the Unified Family Court, or another judicial officer designated by the Supervising Judge. An intentional violation of Welf. & Inst. Code § 827 is punishable by a fine of up to \$500.

II. ACCESS WITHOUT A COURT ORDER.

Pursuant to Cal. Welf. & Inst. Code §§ 827-830.1, specified persons/agencies are entitled to inspect juvenile court records and/or law enforcement records *without* a court order, excluding portions of the records that are otherwise confidential, (e.g., Medical and Psychiatric Records; Child Abuse Reports), and portions of the record which include the names and information of other children. In addition, parties/agencies set forth in Welf. & Inst. Code § 827(a)(5) have the right to inspect and copy records without a court order. In order to obtain access to, and copy if applicable, these records without a court order,

the person/agency must file a “Declaration in Support of Access to Juvenile Records Without a Court Order,” SFUFC Form SO103-A¹ [Appendix I].

Except for those parties/agencies set forth in Welf. & Inst. Code § 827(a)(5), the right to inspect juvenile court records does not include the right to copy those records. For those persons/agencies not included in Welf. & Inst. Code § 827(a)(5), an 827 Petition must be filed in order to obtain copies of any juvenile records. The Petition shall clearly establish the person/agency is an entity entitled to inspection and copies, and the documents requested. The Court will consider the Petition ex parte.

III. PUBLIC ACCESS TO JUVENILE DELINQUENCY RECORDS INVOLVING SPECIFIC CLASS OF OFFENSES.

Pursuant to Cal. Welf. and Inst. Code § 676(d), when a petition has been sustained for an offense listed in § 676(a), the following information contained in the court file shall be available for public inspection: the charging petition, the minutes of the proceeding, and the orders of adjudication and disposition of the court. Pursuant to § 676(c), the name of a minor found to have committed one of the serious violent offenses listed in § 676(a) shall not be confidential, unless the court orders the name to be confidential based on good cause. **Copies** of these records will **not** be provided absent a hearing pursuant to an 827 Petition.

IV. WHEN A COURT ORDER IS REQUIRED TO INSPECT AND COPY RECORDS.

Pursuant to Welf. & Inst. Code § 827 and § 828, a Petition for Disclosure of

¹ This form is available on-line at www.sfgov.org/site/court_index.asp.

Juvenile Court Records is required for all matters not covered in Sections II and III above. Petitions pertaining to Delinquency matters are heard in Department 2 at Youth Guidance Center. Petitions pertaining to Dependency matters are heard in Department 405 at 400 McAllister Street, San Francisco.

A. Required Forms. To request access to juvenile court records, petitioner shall file a Petition for Disclosure of Juvenile Court File (Judicial Counsel Form JV-570). To request access to juvenile law enforcement records, petitioner shall file a Petition to Obtain Report of Law Enforcement Agency (Judicial Counsel Form JV-575).

B. Where to File. Petitions related to Delinquency matters shall be filed with:

Clerk of the Superior Court
Room 101
375 Woodside Avenue
San Francisco, CA 94127

Petitions related to Dependency matters shall be filed with:

Clerk of the Superior Court
Room 402
400 McAllister Street
San Francisco, CA 94102

C. Number of Copies. Petitioner shall submit one original and two copies for filing. If a conformed copy is requested, additional copies of the petition with a self-addressed stamped envelope shall be included.

D. Required Contents of Petition. Failure to complete the petition as specified below may result in the denial of the petition without prejudice.

1. Specific Information Must be Provided. The petition shall be completed

with specificity regarding the records sought and the relevance and necessity of the records. Petitioner shall specify the purpose of access to the records, and the extent to which records will be used or further disseminated.

2. Subject Minor's Date of Birth. Subject Minor's date of birth shall be written on the first page of the petition.

3. Identification. If Petitioner is requesting access to his or her own juvenile records by mail, he or she shall attach a notarized photocopy of a legal form of identification, such as a Driver's License, Military ID, Passport, etc.

4. Inspection and/or Copies of Records. The right to inspect juvenile records does not automatically mean a right to copies of those records. Pursuant to Cal. Welf. & Inst. Code §§ 827(a)(5), specified persons/agencies are also entitled to receive copies of the case file without court order. All other persons/agencies must obtain a court order to copy the records. Petitioner must clearly indicate whether he/she is requesting access to inspect the records and/or to copy records.

E. Notice. At least 10 calendar days before the petition is filed with the court, petitioner shall serve a copy of the petition on the appropriate parties either personally, or by first class mail. Notice shall be served on the parties enumerated in CRC 5.552(d).

F. Objections. Any objections to the Petitioner's request for access to juvenile records must be submitted in writing to, and received by, the Juvenile Court no later than 15 calendar days after date of service, if served by fax or personal service, or 20 calendar days after date of service if served by mail.

G. Notify Court If Information No Longer Necessary. If the underlying matter has settled, or if the information is no longer necessary for any other reason, Petitioner shall

notify the Juvenile Court of this development within three days so that the record search and review can be suspended.

H. Access for Purpose of Civil Litigation. If access is sought in relation to pending civil litigation, the attorney of record shall attach a separate declaration signed under penalty of perjury pursuant to Code of Civil Procedure section 2015.5 that he/she is the attorney of record in a pending action or potential action which relates to the petition. The declaration must contain: the type of action being pursued, identification of the party represented by said attorney, and specification of the necessity and relevance for access to juvenile records, including a copy of any complaint. Petitioner shall include in his/her declaration, under penalty of perjury, that any records or reports or information relating to the contents of these records or reports shall not be disseminated to any persons or agencies not authorized to receive documents under Welfare and Institutions Code § 827 without further court order.

I. Limits on Access to Information. Pursuant to Welf. & Inst. Code § 827(a)(4), persons/agencies who receive access to juvenile case records shall not disseminate any information relating to its contents to any other persons/agencies, other than those authorized to receive this information pursuant to this section.

1. Records Including More than One Child. When more than one child is included in a juvenile court record, information regarding other children will be redacted as a condition to granting access or copies of the record. Alternatively, the court may prohibit disclosure of the record where redaction is not practical or possible. In such cases, Petitioner may specifically request access to information regarding all children.

2. Medical and Psychiatric Records. Medical and psychiatric records,

including Evidence Code Section 730 evaluations, are strictly confidential. To obtain access to medical and psychiatric information contained in juvenile court records Petitioner must: (a) specifically request such information, and (b) state good cause and legal justification for why the information should be disclosed.

3. Child Abuse Reports. Child abuse reports are confidential pursuant to Cal. Penal Code § 11165 et. seq., and can be disclosed only to persons and agencies provided in those sections or by court order. (See Cal. Rule of Court 5.552). To obtain access to child abuse reports, Petitioner must: (a) specifically request such documents in an 827 or 828 Petition, and (b) state good cause and legal authority and legal justification for why a report should be disclosed.

V. PROSPECTIVE CAREGIVERS.

Pursuant to Cal. Welf. and Inst. Code § 16010(d), the county child welfare agency may disclose information from juvenile records to a prospective caregiver if the following provisions are met:

- A. The agency intends to place the child with the prospective caregiver;
 - B. The prospective caregiver is willing to become the adoptive parent of the child;
- or

C. The prospective caregiver has an approved adoption assessment or home study, a foster home license, certification by a licensed foster family agency, or approval pursuant to Cal. Welf. and Inst. Code §§ 361.3, 361.4. The county child welfare agency may also disclose to such a prospective caregiver the placement history and documents that are provided to adoptive parents under Cal. Fam. Code § 8706(a)-(b).

VI. RESEARCH REQUESTS.

Persons or agencies who want to conduct research involving children under juvenile court jurisdiction for educational, scientific or public policy purposes must petition the Supervising Judge of the Unified Family Court for a court order.

A. Petition Process.

1. Complete the Petition. The petition shall be submitted using the "Petition and Order for Research," SFUFC Form SO103-B² [Appendix II]. And include a copy of any materials and/or questions to be utilized in the research. Petitions connected with research through a university or school must include a letter of approval from their Human Subjects Committee, or faculty advisor for a student request. The Petitioner must provide in detail:

- a. the purpose of the proposed research project;
- b. a description of the information for which access is requested;
- c. a description of the subjects of the research;
- d. the methodology to be used to obtain the information;
- e. estimated start and completion dates;
- f. any benefits the proposed project may have for the Court, Department of Children and Family Services or Probation Department; and
- g. procedures for protecting confidentiality.

2. Requirements. The Petitioner must agree to all of the following requirements:

- a. pay any and all costs incidental to the research/record search;

² This form is available on-line at www.sfgov.org/site/court_index.asp.

- b. abide by all laws regarding confidentiality and the policies and procedures of the Human Services Agency, the Probation Department, and the Court;
- c. insure no unauthorized person or agency has access to case specific information released to the petitioner;
- d. insure names and identifying information of minors are not used in any published documents (i.e. reports, evaluations);
- e. schedule access with the appropriate departments;
- f. submit all reports using case specific information for approval, prior to publication; and
- g. provide a copy of all research reports upon completion to the appropriate agency and the Court.

VI. RECORDS PERTAINING TO DECEASED DEPENDENT CHILD.

Pursuant to Cal. Welf. and Inst. Code § 827(a)(2), juvenile case files pertaining to a deceased child who was within the juvenile court's jurisdiction under Cal. Welf. and Inst. Code § 300 shall be released to the public pursuant to an order by the Supervising Judge of the Juvenile Court after a petition has been filed and interested parties have been afforded the opportunity to file an objection.

If there is information in the file relating to another child or which could identify another child, that information shall be redacted prior to the release of the file, unless the Supervising Judge makes an order to the contrary. The Supervising Judge may limit or prohibit access to the juvenile case file of a deceased dependent child on a showing that

release of the file contents would be detrimental to the safety, protection, or physical or emotional well-being of another child who is directly or indirectly connected to the case.