

**GENERAL GUIDELINES FOR PERSONS SEEKING**  
**DISCLOSURE OF JUVENILE CASE FILE<sup>1</sup>**  
**(INCLUDING HEALTH AND HUMAN SERVICES AGENCY RECORDS)**

**Instructions Packet**

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To seek the inspection and/or disclosure of juvenile court case file and/or Health and Human Services Agency (hereinafter "HHS") records:

- 1) Obtain copies of Judicial Council forms: JV-570 *Request for Disclosure of Juvenile Case File*; JV-571 *Notice of Request for Disclosure of Juvenile Case File* and JV-572 *Objection to Release of Juvenile Case File* The necessary forms for filing an 827 can be found at <http://www.courts.ca.gov/forms.htm> under "Juvenile" - forms JV 569 through JV 574.
- 2) Review Welfare and Institutions Code section 827 (hereinafter "section 827") and California Rules of Court, rule 5.552 (hereinafter "rule 5.552"). (Copies attached.)
- 3) Fill out the Judicial Council forms as completely as possible. **Please note that pursuant to rule 5.552, subd. (b)(4), juvenile court case files are not subject to civil or criminal subpoena.** It is this Office's position that even if the parent or minor is requesting his or her records and waives the right to confidentiality, the juvenile court still has jurisdiction over the time, place and manner of inspection and release of records. (See *In re Lorenza P.* (1988) 197 Cal.App.3d 607, 611.) Even if the parents waive their right to confidentiality, certain information contained in the files still may be protected, e.g., the identity of the reporting parties (Penal Code § 11167 et seq.) and psychologist/ patient records (Evidence Code §§ 1010 et seq.)

Please note that when you submit your Request for Disclosure of Juvenile Case File (form JV-570) a copy of the **complaint** if the matter pertains to a civil case or the **information/indictment** if it pertains to a criminal matter must be attached, along with any other appropriate documents supporting your discovery request. **Failure to do this may result in your Petition being denied by the court.**

**The following is a list of information you may wish to include at item (4) on the JV-570 form: (Attach extra pages or do a separate declaration and points and authorities, if necessary.)**

- a) What are you requesting, e.g., juvenile court case files, HHS records, and/or social worker testimony concerning the files. It is important you specify both juvenile court and HHS records, if this is your request, since those are separate sets of files.

If you are requesting only those documents which show specific information, e.g., someone made a child abuse report which HHS investigated and found unsubstantiated or unfounded, be sure to note specifically what you are looking for. **Specificity in your request will assist the juvenile court and HHS in processing your Request for Disclosure of Juvenile Case File more rapidly.**

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<sup>1</sup> These are general guidelines based on the Office of County Counsel Juvenile Dependency Division's experience in handling these matters. The juvenile court may require different or additional procedures. This memorandum does not constitute legal advice.

- b) Whether you are requesting inspection and/or release of copies of the documents. (Inspection means the opportunity to review the file; release is actual copies of the documents for use in the underlying proceedings.)
- c) How your request meets the balancing test of rule 5.552 in that:
- i) disclosure is necessary;
  - ii) the records are reasonably likely to disclose information which is substantially relevant to the pending litigation, investigation or prosecution; and
  - iii) you have no other ability to obtain this information.
- d) How you anticipate using the documents should the court order them released.
- 4) Once the JV-570 Request for Disclosure of Juvenile Case File is prepared, see rule 5.552 for the notice requirements. Although not required by statute or rule, you may also wish to serve the opposing party in your original proceeding to avoid any later dispute concerning lack of notice of discovery proceedings.
- 5) **Send copies** of the *Request for Disclosure of Juvenile Case File* (form JV-570), *Notice of Request for Disclosure of Juvenile Case File* (form JV-571), a blank copy of *Objection to Release of Juvenile Case File* (form JV-572), and Proof of Service - Request for Disclosure (form JV-569) to:
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| <p><b>(1): Office of County Counsel</b><br/>         Juvenile Dependency<br/>         5530 Overland Ave., Suite 170<br/>         San Diego, CA 92123-1206</p> | <p><b>(2): Health and Human Services Agency</b><br/>         Attn: Legal Services Unit<br/>         8965 Balboa Ave<br/>         San Diego, CA 92123-1507</p> |
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- 6) **File the following forms:**
- **JV-569 Proof of Service Request for Disclosure;**
  - **JV-570 Request for Disclosure of Juvenile Case File;**
  - **JV-571 Notice of Request for Disclosure of Juvenile Case File;**
  - **JV-572 Objection to Release of Juvenile Case File;**
  - **JV-573 Order on Request for Disclosure of Juvenile Case File and**
  - **JV-574 Order After Judicial Review**
- with the Juvenile Court Clerk's Office on the second floor of the Juvenile Court at 2851 Meadow Lark Drive, San Diego, CA 92123, telephone number (858) 634-1600**
- 7) The juvenile court may either deny the Petition outright, grant it outright, or set a hearing on the request. If a hearing is set, you will receive a copy of the Petition with the hearing date/time/place on it; this should again be served on the parties noted in rule 5.552.
- 8) After the court makes its order, the Petitioner is usually charged with preparing an order regarding the release of the documents, including a protective order. (A sample Protective Order may be attached.)
- 9) When HHSA records are involved, the juvenile court will generally make its order, put it in written format, send the HHSA file and written order to HHSA for copying and distribution. HHSA will issue an invoice to the Petitioner for the copying costs.

**PLEASE BE AWARE THAT THE COURT AND HHSA NEED AMPLE TIME TO PROCESS THE PETITION; YOU SHOULD PLAN TO FILE THE PETITION WELL IN ADVANCE OF THE NEED FOR THE RECORDS OR TESTIMONY IN THE UNDERLYING PROCEEDING.**

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# **CALIFORNIA** **RULES OF COURT**

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

### **(a) Definitions**

For the purposes of this rule, "juvenile case file" includes:

- (1) All documents filed in a juvenile court case;
- (2) Reports to the court by probation officers, social workers of child welfare services programs, and CASA volunteers;
- (3) Documents made available to probation officers, social workers of child welfare services programs, and CASA volunteers in preparation of reports to the court;
- (4) Documents relating to a child concerning whom a petition has been filed in juvenile court that are maintained in the office files of probation officers, social workers of child welfare services programs, and CASA volunteers;
- (5) Transcripts, records, or reports relating to matters prepared or released by the court, probation department, or child welfare services program; and
- (6) Documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings.

*(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2001.)*

### **(b) General provisions**

- (1) The following individuals and entities may inspect, receive, and copy the juvenile case file without an order of the juvenile court:
  - (A) Court personnel;
  - (B) The district attorney, a city attorney, or a city prosecutor authorized to prosecute criminal or juvenile cases under the law;
  - (C) The child who is the subject of the proceeding;
  - (D) The child's parents;
  - (E) The child's guardians;
  - (F) The attorneys for the parties, including any trial court or appellate attorney representing a party in the juvenile proceeding or related appellate proceeding;

- (G) Judges, referees, other hearing officers, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the child;
  - (H) The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action;
  - (I) Members of child protective agencies as defined in Penal Code section 11165.9; and
  - (J) The California Department of Social Services in order to carry out its duty to oversee and monitor county child welfare agencies, children in foster care or receiving foster-care assistance, and out- of-state placements.
- (2) The following individuals and entities may inspect the juvenile case file without a court order and may receive a copy of the juvenile case file pursuant to a court order:
- (A) All persons and entities listed in Welfare and Institutions Code sections 827 and 828 who are not listed in (b)(1) above; and
  - (B) An Indian child's tribal representative if the tribe has intervened in the child's case.
- (3) Authorization for any other person or entity to inspect, obtain, or copy juvenile case files may be ordered only by the juvenile court presiding judge or a judicial officer of the juvenile court.
- (4) Juvenile case files may not be obtained or inspected by civil or criminal subpoena.
- (5) When a petition is sustained for any offense listed in section 676, the charging petition, the minutes of the proceeding, and the orders of adjudication and disposition that are contained in the juvenile case file must be available for public inspection, unless the court has prohibited disclosure of those records under that section.

*(Subd (b) amended effective January 1, 2009; previously amended effective January 1, 2004, and January 1, 2007.)*

**(c) Petition**

With the exception of those persons permitted to inspect juvenile court records without court authorization under sections 827 and 828, every person or agency seeking to inspect or obtain juvenile court records must petition the court for authorization using *Petition for Disclosure of Juvenile Court Records* (form JV-570).

- (1) The specific records sought must be identified based on knowledge, information, and belief that such records exist and are relevant to the purpose for which they are being sought.
- (2) Petitioner must describe in detail the reasons the records are being sought and their relevancy to the proceeding or purpose for which petitioner wishes to inspect or obtain the records.

*(Subd (c) amended effective January 1, 2007; previously amended effective July 1, 1997.)*

**(d) Notice of petition for disclosure**

- (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 Juvenile Case File* (form JV-570), *Notice of Request for Disclosure of 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) The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action if the child's petition was filed under section 300;
  - (B) The district attorney if the child's petition was filed under section 601 or 602;
  - (C) The child;
  - (D) The attorney of record for the child who remains a ward or dependent of the court;
  - (E) The parents of the child if:
    - (i) The child is under 18 years of age; or
    - (ii) The child's petition was filed under section 300;
  - (F) The guardians of the child if:
    - (i) The child is under 18 years of age; or
    - (ii) The child's petition was filed under section 300;
  - (G) The probation department or child welfare agency, or both, if applicable;
  - (H) The Indian child's tribe; and
  - (I) The child's CASA volunteer.
- (2) The petitioner must complete *Proof of Service-Request for Disclosure* (form JV-569) and file it with the court.
- (3) If the petitioner does not know the identity or address of any of the parties in (d)(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 Juvenile Case File* (form JV-570), *Notice of Request for Disclosure of 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* (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.

*(Subd (d) amended effective January 1, 2009; previously amended effective January 1, 2007.)*

**(e) Procedure**

- (1) The court must review the petition and, if petitioner does not show good cause, deny it summarily.
- (2) If petitioner shows good cause, the court may set a hearing. The clerk must notice the hearing to the persons and entities listed in (d)(1) above.
- (3) Whether or not the court holds a hearing, if the court determines that there may be information or documents in the records sought to which the petitioner may be entitled, the juvenile court judicial officer must conduct an in camera review of the juvenile case file and any objections and assume that all legal claims of privilege are asserted.
- (4) In determining whether to authorize inspection or release of juvenile case files, in whole or in part, the court must balance the interests of the child and other parties to the juvenile court proceedings, the interests of the petitioner, and the interests of the public.
- (5) If the court grants the petition, the court must find that the need for discovery 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 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, the court must make appropriate orders, specifying the information to be disclosed and the procedure for providing access to it.
- (8) The court may issue protective orders to accompany authorized disclosure, discovery, or access.

*(Subd (e) amended effective January 1, 2009; previously amended effective January 1, 2007.)*

**(f) Reports of law enforcement agencies (§ 828)**

Except for records sealed under section 389 or 781, or Penal Code section 1203.45, information gathered and retained by a law enforcement agency regarding the taking of a child into custody may be disclosed without court authorization to another law enforcement agency, including a school district police or security department, or to any person or agency that has a legitimate need for the information for the purposes of official disposition of a case.

- (1) If the law enforcement agency retaining the report is notified under section 1155 that the child has escaped from a secure detention facility, the agency must release the name of the child and any descriptive information on specific request by any agency or individual whose attempts to apprehend the child will be assisted by the information requested.

- (2) In the absence of a specific request, the law enforcement agency retaining the report may release information about a child reported to have escaped from a secure detention facility if the agency determines that the information is necessary to assist in the apprehension of the child or the protection of members of the public from substantial physical harm.
- (3) Under section 828, all others seeking to inspect or obtain such reports must petition the juvenile court for authorization, using *Petition to Obtain Report of Law Enforcement Agency* (form JV-575).

*(Subd (f) relettered effective January 1, 2009; adopted as subd (f) effective January 1, 1994; previously relettered as subd (g) effective January 1, 2001; previously amended effective January 1, 2007.)*

### **(g) School notification**

When a child enrolled in a public school is found to have committed one of the offenses described in section 827(b)(2), the court must provide written notice of the offense and the disposition to the superintendent of the school district within seven days. The superintendent must disseminate information to the principal of the school the child attends, and the principal may disseminate information to any teacher or administrator for the purposes of the rehabilitation of the child or the protection of other students and staff.

*(Subd (g) relettered effective January 1, 2009; adopted as subd (g) effective July 1, 1995; previously relettered as subd (h) effective January 1, 2001; previously amended effective January 1, 2007.)*

### **(h) Other applicable statutes**

Under no circumstances must this rule or any section of it be interpreted to permit access to or release of records protected under any other federal or state law, including Penal Code section 11165 et seq., except as provided in those statutes, or to limit access to or release of records permitted under any other federal or state statute, including Government Code section 13968.

*(Subd (h) relettered effective January 1, 2009; adopted as subd (f) effective July 1, 1992; previously relettered as subd (g) effective January 1, 1994, and as subd (i) effective January 1, 2001; previously amended and relettered as subd (h) effective July 1, 1995; previously amended effective January 1, 2007.)*

*Rule 5.552 amended effective January 1, 2009; adopted as rule 1423 effective July 1, 1992; previously amended effective January 1, 1994, July 1, 1995, July 1, 1997, January 1, 2001, and January 1, 2004; previously amended and renumbered effective January 1, 2007.*