

FILED

SUPERIOR COURT OF CALIFORNIA

2013 MAR -5 P 1:24

COUNTY OF SANTA CLARA

David H. Yamassa, Clerk of the Superior Court
County of Santa Clara, California

By: *Ezli Connelly*
Ezli Connelly

IN RE SANTA CLARA COUNTY
OFFICE OF EDUCATION

ORDER AUTHORIZING RELEASE OF
JUVENILE RECORDS FOR USE IN
A FOSTER YOUTH DATA SHARING
PROGRAM; PROTECTIVE ORDER

Pursuant to Welfare and Institutions Code Section 827, and California Rules of Court Rule 5.552, Petitioner Santa Clara County Office of Education (“Petitioner”) has requested an order from the Court granting it ongoing access to certain juvenile case information to implement Education Code 49076 (consistent with E.C. 48850-59, 49069.5 and W&I 16501.1), Standard 5.40 (e) (4) and (6), and (g) of the Standards of Judicial Administration, and California Rule of Court 5.651, the judicial duty to enforce education rights, for the purpose of developing a Foster Youth Services Database system (FYS Database) to house health and education information for all youth under the jurisdiction of the Santa Clara County Superior Court, Juvenile Division (the Court). The FYS Database will be used to determine health and educational needs of those youth and to facilitate the transfer of information to appropriate agencies charged with providing education and health services to them.

Juvenile case files are confidential and contain information protected from disclosure by federal and state statutory law, and, in certain instances, a constitutional right to privacy. Petitioner has agreed that if the Court grants this petition, Petitioner will abide by the terms and conditions of the Court’s Order, and ensure that other cooperating

agencies to whom Petitioner discloses FYS Database information, as set forth below, know of and abide by the terms and conditions of the Order as required by the Interagency Agreements. It is required that the cooperating agencies, including the county Social Service Agency (SSA), the county Probation Department (PD) and school districts, sign and agree to abide by the Interagency Agreements.

For those youth under the jurisdiction of the juvenile court (W&I 300, 601 and 602), the Court finds it is in these children's best interest that the FYS Database develop and maintain information necessary to obtain appropriate health services for these children, to enroll them in school and extracurricular activities, and to update social workers, probation officers, and court personnel about important developments affecting these youth. The Court also finds it in the youths' best interests to implement the FYS Database to accomplish the specific purposes set forth above.

FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED:

1. For the specific purposes set forth above, Petitioner shall be entitled to inspect, copy and transmit electronically information, including the information identified in Welfare and Institutions Code & 16010 and E.C. 49076, maintained in the juvenile case file that refers to educational or healthcare needs, history, or status (hereinafter, the "Health and Education Information") of children under the jurisdiction of the Court.
2. All Health and Education Information obtained by Petitioner and cooperating agencies shall be maintained as confidential and only used to effectuate the purpose of the FYS Database. Except as provided herein, no one can disclose or permit to be disclosed any Health and Education Information which is stored or transmitted by the

FYS Database without further order of the Court.

3. Such Health and Education Information will not include:
 - a. Records of the identity, diagnosis, prognosis, or treatment of any patient maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, as described in 42 U.S.C. & 290dd-2, including but not limited to drug or alcohol testing results, which information any be released but not limited to drug or alcohol testing results, which information may be released only upon the written consent of the patient or as otherwise provided by law;
 - b. The identity and records of the identity, diagnosis, prognosis, or treatment of any patient, which identity and records are maintained in connection with the performance of any alcohol and other drug abuse treatment or prevention effort or function conducted, regulated, or directly or indirectly assisted by the State Department of Alcohol and Drug Programs, as described in California Health and Safety Code Section 11845.5, including but not limited to drug or alcohol testing results, which information may be disclosed only upon the written consent of the patient or as otherwise provided by law;
 - c. Patient mental health records including psychological evaluations and reports, absent written consent by the minor or the minor's guardian or as otherwise permitted by Welfare and Institutions Code Section 5328;
 - d. DNA test results (Family Code Section 9202.5);

e. Records or information about any minor other than the specific youth under the jurisdiction of the juvenile court.

4. Petitioner may permit inspection without further court order of the Health and Education Information properly obtained by Petitioner pursuant to paragraph above, only by those persons and/or agencies identified in Welfare and Institutions Code Section 827(a)(1)(A)-(N) as entitled to inspect juvenile court records without court order, and for the specific purposes set forth in this Order.

5. Should Petitioner wish to allow inspection of Health and Education Information persons and/or agencies other than those identified in Welfare and Institutions Code Section 827(a)(1)(A)-(N), Petitioner must petition the Court pursuant to Welfare and Institutions Code Section 827 and CRC 5.552 for an order authorizing it to permit the inspection.

6. Petitioner must provide a copy of this Order to any person or agency permitted to inspect the Health and Education Information, and require the person or agency to sign a form agreeing to maintain the confidentiality of the Health and Education Information and to use it only for the specific purposes expressly provided herein.

7. Any unauthorized disclosure of confidential information or failure to comply with the terms and conditions of this Order may result in the Court vacating the Order, and may be otherwise punished by law.

Date:

3-5-13



The Honorable Patrick Tondreau

Presiding Judge of the Juvenile Court