

PROPOSED CHANGES TO JUVENILE LOCAL RULE 1K.c

c. Petition for Juvenile Case Files

- i. After inspection, the person or agency must file a Request for Disclosure of Juvenile Case File (Judicial Council Form JV-570) (also called a “Petition”). The Petition must be filed even if no action has been commenced in Juvenile Court under Welfare & Institutions (“W & I”) Code Sections 300, 601, or 602. The person or agency seeking the documents or the records must give notice to all necessary parties. (See W & I Code Section 827 and Form JV-570).
- ii. The Petition must state with specificity the information sought and the relevance to any related legal action, including the specific details of the related legal action. The Petition must be supported by a declaration of counsel and/or a Petitioner, and, if necessary, a memorandum of points and authorities.
- iii. The Petition must include two copies of the Juvenile Court documents or records requested for release in a sealed envelope marked “confidential” with a notation that the copies are lodged for review by the Court in connection with the ~~W & I Code Section 827~~ Petition. Of the two copies, one set must be the unredacted version of the original documents selected from the Juvenile Court file, unaltered in any fashion. The second set must be submitted with redaction of all content that is not relevant to the underlying action for which any document is sought, and redaction of all content that may be inappropriate for release. The Petition must identify with particularity as to each document, the reasons that the document should be released pursuant to the requirements of CRC 5.552. (Effective 1/1/2023)
- iv. The Petition must also include a Proposed Order After Judicial Review (Judicial Council Form JV-574), including the following language: “The released documents are to be used only in the above captioned Santa Clara County Superior Case. Experts are permitted to use the documents for purposes of the pending proceeding, but must return them to counsel in a timely manner. Social workers are permitted to discuss the contents of the documents, and also to testify regarding the same if called as a witness. The documents may be disclosed to necessary persons in the pending court proceedings, as determined by the trial judge and subject to any additional orders made by that judge. Except as otherwise provided herein, the documents must not be published, disseminated, copied, or placed on the Internet. Upon completion of the pending proceedings, the petitioner is ordered to either return the documents to the Court or destroy and discard them.”
- v. In any request for Juvenile Court records where no record is found, that fact will be noted on Form JV-570 ~~Petition for Records Form~~ and the that Form will be returned to the petitioner.

vi. Whenever a person is seeking a copy of his/her own Juvenile Court records for the purpose of providing required information to the Immigration and Naturalization Service for citizenship purposes, or to the United States Armed Forces, or to obtain employment as reflected on the Declaration for Juvenile Court Record, the petitioner will receive a redacted copy of the dismissal order or minute order bearing the youth's name, date of birth, juvenile petition number, and date of dismissal.

vii. If a party who has filed a Petition no longer wants to proceed with the Petition, the party must promptly inform the Court by filing Local Juvenile Form JV-2033.

viii. A party who has filed a Petition who changes counsel must promptly notify the Court by filing Local Juvenile Form JV-2034 if the Petition is pending and not yet adjudicated. If Form JV-2034 is filed with the Court, it is not necessary for new counsel to file their own Petition; they can obtain documents by relying on the Petition filed by previous counsel. It is not necessary to file Form JV-2034 (or file a new Petition) if a party's counsel is changed within a firm or office, such as the offices of the District Attorney, Public Defender, or Alternate Defender.

Superior Court of California, County of Santa Clara JJ STREET ADDRESS: 840 Guadalupe Parkway, San José, CA 95110 MAILING ADDRESS: 191 North First Street, San José, CA 95113 BRANCH NAME: Juvenile Justice	Clerk stamps date here when form is filled out
Child's Name: Date of Birth:	
DECLARATION AND [PROPOSED] ORDER RE: CHANGE OF ATTORNEY OFFICE SEEKING RECORDS THROUGH A WELFARE AND INSTITUTIONS (W & I) CODE SECTION 827 PETITION	JUVENILE CASE NUMBER: CRIMINAL/OTHER CASE NUMBER (IF APPLICABLE):

Please submit and complete this form to communicate a change of office or substitution of counsel while a Request for Disclosure of Juvenile Case File pursuant to W & I Code Section 827 ("Petition") is pending and not yet adjudicated. You do not need to submit this form for change of counsel within a firm or office, such as the district attorney's office, public defender's office, or alternate defender's office.

1) Name and organization of person making this declaration:

2) The Petition was filed on (date): _____ by (identify name and organization of original requesting counsel)

_____.

3) I am now assuming responsibility for the petition because:

☐ The attorney office that had originally filed the Petition is no longer part of the underlying case or matter that had prompted the Petition.

☐ Other (explain): _____.

4) I have reviewed the Petition and accompanying filings by previous counsel.

5) I understand my obligation to safeguard confidential information of juveniles under Rule 1.K of the Court's Juvenile Rules, W & I Code Section 827, California Rule of Court 5.552, and orders issued by the Court in connection with this Petition.

6) I have notified all persons I originally noticed for the Petition of this change of attorney office, except the following (because I do not know their names or addresses):

☐ County counsel (if Petition filed under section 300)

- ☐ District attorney (if Petition filed under section 601 or 602)
- ☐ Child
- ☐ Attorney of record for child
- ☐ Child's parent
- ☐ Child's legal guardian
- ☐ Probation department (if Petition filed under section 601 or 602)
- ☐ Child welfare agency/custodian of records (if Petition filed under section 300)
- ☐ Child's identified Indian tribe
- ☐ Child's CASA volunteer

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

Type or print your name

Sign your name

[PROPOSED] ORDER

In light of this declaration, and good cause appearing, the Court:

- a) permits the new counsel's office to "take the place" of previous counsel in the Petition process, as opposed to having to file a new Petition; and
- b) permits previous counsel to provide confidential information/records obtained through the Petition process directly to the new counsel's office.

IT IS SO ORDERED.

Date: _____

Judge of the Superior Court

<i>Superior Court of California, County of Santa Clara</i> JJ STREET ADDRESS: 840 Guadalupe Parkway, San José, CA 95110 MAILING ADDRESS: 191 North First Street, San José, CA 95113 BRANCH NAME: Juvenile Justice	Clerk stamps date here when form is filled
Child's Name: Date of Birth:	
DECLARATION RE: WITHDRAWAL OF WELFARE AND INSTITUTIONS ("W & I") CODE SECTION 827 PETITION	JUVENILE CASE NUMBER: CRIMINAL/OTHER CASE NUMBER (IF APPLICABLE):

- 1) Name of person making this request: _____.
- 2) The Request for Disclosure of Juvenile Case File pursuant to W & I Code Section 827 ("Petition") was filed on (date): _____.
- 3) I now withdraw the Petition.
- 4) I have notified all persons originally noticed for the Petition about this withdrawal, except the following persons (because I do not know their names or addresses):
 - ☐ County counsel (if Petition filed under section 300)
 - ☐ District attorney (if Petition filed under section 601 or 602)
 - ☐ Child
 - ☐ Attorney of record for child
 - ☐ Child's parent
 - ☐ Child's legal guardian
 - ☐ Probation department (if Petition filed under section 601 or 602)
 - ☐ Child welfare agency/custodian of records (if Petition filed under section 300)
 - ☐ Child's identified Indian tribe
 - ☐ Child's CASA volunteer

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

Sign your name