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2 IN THE SUPERIOR COURT OF CALIFORNIA  
3 IN AND FOR THE COUNTY OF SOLANO  
4 IN SESSION AS A JUVENILE COURT  
5

6 STANDING ORDER NO. 2016-001-JV

7 RELEASE OF JUVENILE CASE FILE  
8 INFORMATION FOR WELF. & INST. C. §§  
9 601 AND 602 PROCEEDINGS  
10 (Welf. & Inst. C. § 827; *T.N.G. v Superior  
11 Court* (1971) 4 Cal.3d 767; Cal. Rules of  
12 Court, rule 5.552)

13 Effective July 1, 2016, Juvenile Court Standing Order No. 2013-001 is vacated and  
14 replaced with this Standing Order.

15 Good cause appearing and consistent with Welfare and Institutions Code section 827<sup>1</sup>,  
16 *T.N.G. v Superior Court* (1971) 4 Cal.3d 767, and California Rules of Court, rule 5.552, Cal.  
17 Rules of Court, rule 5.552, the Juvenile Court of the Superior Court of California, County of  
18 Solano makes the following Standing Order:

19 **I. GENERAL PROVISIONS**

20 A. This Standing Order applies to the inspection and copying of juvenile case files  
21 for minors currently involved or previously involved in proceedings under sections 601 and  
22 602.

23 B. The provisions of section 827 and California Rules of Court, rule 5.552 are  
24 incorporated herein by reference.

25 C. The term "juvenile case file" as used in this standing order includes the  
26 documents listed in California Rules of Court, rule 5.552, subdivision (a). With the exception of  
27 documents specifically related to a proceeding involving a violation of a court order, the

28 <sup>1</sup> All future statutory references are to the Welfare and Institutions Code, unless otherwise indicated.

1 following documents are not included in the definition of a juvenile case file:

- 2 1. Victim information not already contained in a probation report.
- 3 2. Records from the Solano County Juvenile Detention Facility or other  
4 placements; *except to the extent described in W 31.827(e) and*  
5 *CRC 5.552(a)(1-6).*  
6 Other documents that are privileged or confidential pursuant to any  
7 other state law, federal law or regulation, including, but not limited to  
8 psychological or psychiatric evaluations, mental health records and  
9 medical records.<sup>2</sup> The terms "psychological or psychiatric reports,  
10 evaluations and other mental health records" and "medical records" are  
11 those records which are created by a mental health or medical care  
12 provider and which contain medical information as defined by Civil Code  
13 section 56.05, subdivision (j).  
14 4. Records that have been sealed pursuant to Welfare and Institutions  
Code sections 398, 781, 786, or 793, subdivision (c).

15 D. Nothing in this Standing Order shall prohibit any city or the County from  
16 establishing a computerized data base system that permits the probation department, law  
17 enforcement agencies and school districts to access probation department, law enforcement,  
18 school district and juvenile court information and records pursuant to the provisions of section  
19 827.1.

20 E. Notwithstanding any other provision of this Standing Order, an individual  
21 seeking psychiatric evaluations, medical records and/or mental health records from his or her  
22 own juvenile case file may receive such records following execution of a release that is  
23 compliant with the federal Health Information Privacy and Accountability Act ("HIPAA") and the  
24 California Confidentiality of Medical Information Act (Cal. Civil Code §56 et seq.). The  
25 release shall be on a form adopted by the Probation Department and must be either notarized

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27 <sup>2</sup> See Welfare and Institutions Code section 827(a)(3)(A). Privileged or confidential records not subject to  
28 the informal release provisions of this Standing Order include, but are not limited to, records protected by  
Welfare and Institutions Code section 10850 [public social services records], Penal Code section 11167  
[mandated reporting of abuse or neglect], Evidence Code section 1040 [official information given in  
confidence] and Government Code sections 6253.2 and 6254(n) [persons paid to perform in-home  
supportive services, licensing applications].

1 or signed in the presence of a Probation Department official or other law enforcement official  
2 designated by the Chief Probation Officer.

3 F. Except as otherwise provided in this Standing Order, requests by any individual  
4 for access to juvenile case file information, or by any law enforcement agency to disseminate  
5 any information in its files to any person or agency not authorized by section 827, this  
6 Standing Order, or another effective standing order to receive such information shall only be  
7 considered by the Juvenile Court on an individual basis, pursuant to a petition filed under  
8 section 827.

9 G. Nothing in this Standing Order shall prohibit the dissemination of information as  
10 otherwise required or permitted by law.

## 11 II. VIEWING JUVENILE CASE FILES

12 A. Only those persons specifically identified in section 827(a)(1) may view a  
13 juvenile case file. Any person not specifically listed must file a petition under section 827 for  
14 permission to view a juvenile case file.

15 B. The Probation Department and the court may, in their sole discretion, require  
16 proof that a person wishing to view a file falls into one of the categories listed in section  
17 827(a).

18 C. All persons wishing to view a juvenile case file must complete and sign a form  
19 which includes an acknowledgement that the records being viewed are confidential and the  
20 information contained is not to be further disseminated without an order of the court. The form  
21 shall also contain a declaration signed under penalty of perjury that the person requesting  
22 access to the juvenile case file is authorized either by statute or court order to view the file.  
23 The executed form shall be maintained in the Probation Department file or the court file being  
24 accessed.

25 D. No information relating to the contents of a juvenile case file may be  
26 disseminated by the person viewing the file without a court order, except to employees of the  
27 department employing the person viewing the file with an official need.  
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1 **III. OBTAINING COPIES OF DOCUMENTS FROM JUVENILE CASE FILES**

2 A. Only those persons specifically listed in section 827(a)(5) may obtain copies of  
3 documents contained in the juvenile case file without a court order.

4 B. The Probation Department and the court may, in their sole discretion, require  
5 proof that a person wishing to obtain copies of documents falls into one of the categories  
6 permitted by section 827(a)(5), and may impose a reasonable fee for copying, consistent with  
7 the fee schedule set by the County Board of Supervisors (for Probation Department records)  
8 or by law (for court records).

9 C. All persons wishing to receive copies of documents from a juvenile case file  
10 must complete and sign a form which includes an acknowledgement that the records are  
11 confidential and are not to be further disseminated without an order of the court. The form  
12 shall also contain a declaration signed under penalty of perjury that the person requesting  
13 access to the juvenile case file is authorized either by statute or court order to obtain copies of  
14 documents from the file. The executed form shall be maintained in the Probation Department  
15 file or court file being accessed. Every person receiving copies of documents from a juvenile  
16 case file shall be provided with a copy of a *Protective Order re: Release of Juvenile Case File*  
17 *Information* issued by the court.

18 D. The Probation Department may, in its discretion, release documents regarding  
19 minors currently under their supervision as necessary to hospitals, schools, camps, job corps,  
20 ranches, or any other person, group or institution which requires such information for the  
21 placement, treatment or rehabilitation of the minor, including but not limited to no-contact  
22 orders, gang terms and other terms of probation. The Probation Department file shall contain  
23 a written record of information and documents released pursuant to this paragraph.

24 E. The Probation Department, may, in its discretion, release to the superintendent  
25 or designee of the school district where the minor is enrolled or attending school information  
26 regarding (1) the minor's status with the court or the Probation Department and (2) terms or  
27 conditions imposed on the minor as a result of said status which pertain to the minor's  
28 schooling, including, but not limited to, no-contact orders gang terms and other terms of

1 probation. The Probation Department file shall contain a written record of information and  
2 documents released pursuant to this paragraph.

3 **IV. OBTAINING VERBAL INFORMATION CONTAINED IN JUVENILE CASE FILES**

4 A. To the extent permitted or required by state or federal law, the Probation  
5 Department may, in its discretion, verbally release information regarding a juvenile case file to  
6 the following persons who have an official interest and need to know in connection with the  
7 discharge of their official responsibilities, and who are employed by:

- 8 1. California Attorney General.
- 9 2. District Attorney's offices throughout California.
- 10 3. California law enforcement agencies.
- 11 4. Probation Departments in California.
- 12 5. Public Welfare Agencies in California.
- 13 6. California Bureau of Identification and Investigation.
- 14 7. California Department of Corrections and Rehabilitation, Division of  
15 Juvenile Justice.
- 16 8. California Department of Corrections and Rehabilitation.
- 17 9. Any Coroner.
- 18 10. Federal investigative and enforcement agencies.

19 B. The Probation Department may, in its discretion, verbally provide information,  
20 including, but not limited to, no-contact orders, gang terms and other relevant terms of  
21 probation to a minor's school as necessary to promote the rehabilitation of the minor and to  
22 lessen the potential for drug use, violence and other forms of delinquency. The Probation  
23 Department file shall contain a written record of information released pursuant to this  
24 paragraph.

25 C. The Probation Department may, in its discretion, verbally release information  
26 regarding minors currently under their supervision as necessary to hospitals, schools, camps,  
27 job corps, ranches, or any other person, group or institution which requires such information  
28 for the placement, treatment or rehabilitation of the minor, including, but not limited to, no-

1 contact orders, gang terms and other relevant terms of probation. The Probation Department  
2 file shall contain a written record of all information released pursuant to this paragraph.

3 D. Victims, parents or guardians of minor victims, attorneys for victims and  
4 insurers of victims may verbally receive the following information without a court order:

- 5 1. Whether or not an arrest has been made.
- 6 2. The offenses for which an arrest has been made.
- 7 3. The disposition of the minor by the law enforcement agency.
- 8 4. Whether or not a petition has been filed with the Juvenile Court and the  
9 charge(s) to be alleged in any such petition.
- 10 5. The results of any detention and/or disposition hearing held.
- 11 6. The date, time and location of any hearing in the case.
- 12 7. The identification of the judge or referee who heard or will hear the  
13 case.
- 14 8. The jurisdictional finding and the final disposition of the Court.
- 15 9. Any anticipated release date.
- 16 10. All information received by any recipient shall be kept confidential by  
17 that recipient, and shall not be further released unless utilized to take  
18 court action against a minor, parent or guardian.

19 The Probation Department file shall contain a written record of information and  
20 documents released pursuant to this paragraph.

21 E. The Probation Department may, in its sole discretion, require proof that a  
22 person wishing to obtain verbal information from a juvenile case file is authorized by this order  
23 to receive such information.

24 **V. RELEASE OF INFORMATION TO THE MEDIA.**

25 The following shall apply with regard to the release of information to the media relating  
26 to minor offenses:

27 A. The District Attorney, Chief Probation Officer, and law enforcement officials or  
28 their designees may, in their discretion, divulge the following information:

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- 1. Whether or not an arrest has been made.
- 2. The offenses for which an arrest has been made.
- 3. The disposition of the minor by the law enforcement agency.
- 4. In cases where disclosure of information aids in an investigation, assists in the arrest of a suspect or escapee or otherwise warns the public of danger; the name, date of birth and physical description of a minor and, where relevant to protect public health and safety, the charges against the minor.

B. The District Attorney and Chief Probation Officer or their designees may, in their discretion, divulge the following:

- 1. Whether or not a petition has been filed with the Juvenile Court and the charge to be alleged in any such petition.
- 2. The results of any detention hearing held.
- 3. The date and location of the hearing.
- 4. The identification of the judge or referee who heard or will hear the matter.
- 5. The jurisdictional finding and the final disposition of the court.

**VI. PROTECTIVE ORDER**

Unless otherwise specifically authorized by the Juvenile Court, or otherwise provided by this order, every person who receives documents or information from a juvenile case file is subject to a protective order. The terms of the protective order shall be incorporated herein by reference and shall be a part of this Standing Order.

**It is so ordered.**

Dated: May 16, 2016

*D. Scott Daniels*  
 D. SCOTT DANIELS  
 Presiding Judge of the Superior Court  
 Juvenile Division

1 SUPERIOR COURT OF CALIFORNIA  
2 IN AND FOR THE COUNTY OF SOLANO  
3 IN SESSION AS A JUVENILE COURT  
4

5 IN THE MATTER OF:  
6 RELEASE OF JUVENILE RECORDS  
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PROTECTIVE ORDER RE: RELEASE OF  
JUVENILE CASE FILE INFORMATION FOR  
W&I 601 AND 602 PROCEEDINGS

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10 Pursuant to the terms of Standing Order 2016-001-JV, unless otherwise specifically  
11 authorized by the Juvenile Court, or otherwise provided by this Order, every person who  
12 receives documents or information from a juvenile case file is subject to the following  
13 protective order:

14 A. No documents from a juvenile case file or information relating to the contents of  
15 records in a juvenile case file may be disseminated by the receiving party to any other person  
16 or agency, or made attachments to any other document(s) or used in any other proceeding  
17 without the prior approval of the Presiding Judge of the Juvenile Court, except as follows:

18 1. The records are used in a proceeding to declare the minor who is the  
19 subject of the records a dependent child or ward of the juvenile court.

20 2. The records are released to immediate office staff, clients, expert  
21 witnesses and investigators retained for the purposes of the pending matter only and with no  
22 one else.

23 3. District Attorneys, City Attorneys authorized to prosecute criminal  
24 cases, and Public Defenders or other private defense counsel may disseminate records or  
25 disclose information in compliance with their discovery obligations under statutory and case  
26 law.  
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1                   4.       Records and information may be disclosed to a judicial officer of Solano  
2 County Superior Court for any purpose associated with that judicial officer's obligation to  
3 render any type of decision concerning that individual.

4                   5.       In cooperation with federal authorities or entities as permitted or  
5 required by state or federal law.

6                   B.       Any production or dissemination of records pursuant to Standing Order 2016-  
7 001-JV shall be accompanied by a copy of this Protective Order.

8                   C.       At the conclusion of the proceedings for which the records were disseminated,  
9 the receiving party shall cause all copies of the documents released to be destroyed, except  
10 that a single copy of the documents may be retained in each counsel's file, in a sealed  
11 condition, and no person shall have access to the documents thereafter without further order  
12 from the Juvenile Court.

13                  D.       Any violation of this Protective Order is punishable as a misdemeanor.  
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16 Dated: May 16, 2016

17 W. Scott Daniels  
18 D. SCOTT DANIELS  
19 Presiding Judge of the Superior Court  
20 Juvenile Division  
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