

LOCAL AND OUT-OF-TOWN INQUIRIES (OTI) - JUVENILE

- AUTHORITY:** Welfare and Institutions Code (WIC) Sections 17.1, 742, 750, 755, 827, 828, and 831
California Rules of Court Section 5.610 - (Transfer-out Hearing)
California Rules of Court Section 5.552 - (Confidentiality of Records)
California Rules of Court 5.635 - (Parentage)
Local Rules of Court Section 903.1 - (Confidential Information)
Juvenile Court Administrative Order No. 12/003-903 - (Exchange of Information)
- RESCINDS:** Procedure Manual Item 2-5-008, dated 11/20/19
- FORMS:** None
- PURPOSE:** To provide guidelines for responding to requests from persons and agencies for information from case files, verification of residence, and evaluation of homes for the placement of youths.

I. GENERAL INFORMATION

- A. The Department may release data from juvenile case files to all authorized persons or agencies who require the information in connection with and in the course of a criminal investigation or a proceeding, brought to have a youth declared a ward of the Juvenile Court (827/828 WIC), or when making plans for the evaluation and rehabilitation of the youth.
- B. Information may also be released to any authorized person or agency providing employment, training, guidance, or other medical or rehabilitative services for the youth, as needed to assist case planning and service delivery. Evaluate all requests for information in terms of the requestor's right and need to know. All information releases must conform to the Juvenile Court Administrative Order, the Department Policy Manual, and all statutes and court orders defining and limiting the release of confidential information. (Refer to WIC 827 and 828, as well as the Juvenile Court Administrative Order No. 12/003-903.)

II. PROCEDURE

- A. Requests for Information from Files
1. Letter Requests
 - a. Letter requests are received by Records/Juvenile Intake who review the request and check in the Integrated Case Management System (ICMS) on all names included in the OTI. The request is referred, with the file if there is one, to:

- (1) The Supervising Probation Officer (SPO) of the **Juvenile Court Officers Unit (LJC-5)** if the request is for a record check or file-only information.
- (2) To the SPO of the appropriate field unit if a home evaluation or residence verification is requested.

b. SPO:

Reviews the request to determine the right and need to know, assign a Deputy Probation Officer (DPO) to the case. When the request is completed, return it to Records/Juvenile Intake MOB-4.

c. DPO:

- (1) If the OTI requests information needed for inclusion in a disposition report, respond within 48 hours. Complete other OTIs within 10 days.
- (2) Review the file and limit the disclosure of information to that which is specifically requested.
- (3) Respond in **writing** whenever possible, even **if the agency submitting the OTI requests** copies of reports or documents.
 - (a) Answer requests for full background, court reports, rehabilitation programs or **facility reports** with the following information:
 - i. Prior record and dispositions.
 - ii. Adjustment and success or **difficulties/challenges** while on probation.
 - iii. All other relevant evaluations and observations of problem areas, including information derived from psychological and diagnostic workups.
 - (b) Do not release any documents from the probation file. If the requestor is seeking documents or materials, refer **them** to the Custodian of Records (COR) within the Professional Standards Division (PSD).
 - (c) Do not release copies of other agency reports. Refer requestor to original source for complete documents.
- (4) Submit **the** completed **written** response with an Application for Petition and **the** case file to Records/Juvenile Intake at MOB-4 for processing.

- (5) If youth has no record, return all material to sender and do not complete an Application for Petition.

2. Telephone or Walk-In Inquiry

- a. Assigned DPO or the Officer of the Day (OD) completes these inquiries.
- b. When an inquiring jurisdiction telephones the department, determine the **right-to-know and need-to-know** and the information necessary to process the OTI Inquiries.
- c. Advise the requestor that a written follow-up is required to confirm the request.
- d. Submit to Records/Juvenile Intake, MOB-4, a request for record **check** and **route** as appropriate.
- e. If the requestor needs the information forthwith, release it over the telephone if the legitimacy of the requestor's **need-to-know**, **right-to-know**, and identity is ascertained. If information is released, prepare a **CORI** chrono indicating:
 - (1) Name, address, phone number, and agency of the requestor.
 - (2) File number of requestor's case.
 - (3) Exactly what information was released.

B. Requests for Residence Verification

1. OTIs are received from other California probation departments seeking verification of the youth's residence in Orange County, preparatory to transfer under WIC 750 (Refer to Procedure Manual Item (PMI) 2-5-005 [Inter-county Transfers of Wardship Jurisdiction]). All OTIs are processed through the Inter-county Transfer DPO.

Note that:

"...the residence of the child shall be the residence of the person who has the legal right to custody of the child according to prior court order, including (1) a Juvenile Court order under Section 361.2, and (2) an order appointing a guardian of the person of the child. If there is no order determining custody, custody shall be with both parents. The juvenile court may make a finding of paternity under California Rules of the Court 5.635. If there is no finding of paternity, the mother is deemed to have physical custody. Residence of a ward may be with the person with whom the child resides with approval of the Court." (California Rules of Court 5.610(a)(4))

2. Evaluate the residence, not so much in terms of its suitability, but to determine the degree of stability or transiency of the relocation.

- a. The procedure for processing and assigning is the same as for file information requests, above. The case is routed to the SPO of the appropriate field unit for assignment.
- b. Verify the residence as follows:
 - (1) Make a home call and interview at least one adult.
 - (2) Determine the type of residence (motel, apartment house), stability, or transiency of arrangement, as well as who lives there.
 - (3) Who is employed and where.
 - (4) Whether **the** youth is enrolled in school and where. Secure authorization for release of student records.
 - (5) Ascertain any immediate casework needs and take appropriate action.
- c. Upon completion of the investigation, prepare the written response. Include the verification and our **department's** willingness to accept transfer. The county of residence has little choice but to accept upon the filing of a petition with the court (WIC 750). However, indications of transience should be noted if applicable, with a recommendation against the transfer. Courtesy supervision might be offered in the interim. **If there is a recommendation against transfer of the case, advise the parents to keep the requesting agency apprised of any change in plans or residence.**

C. Requests for Home Evaluations

OTIs are received from other states. They ask us to evaluate the suitability of a given home in which the requestor is planning to place or has placed the youth. Determine suitability by evaluating the residence, living arrangements, plans for supervision of the youth, and by record checking the adults and juveniles living in the home. PMI 2-6-202 (Out-of-Home Residence or Vacations for Juveniles) provides evaluation guidelines.

1. Procedures for processing and assigning are the same as for file information requests, above. Route the case to the SPO of the appropriate field unit.
2. Since each youth's circumstances may vary considerably, exercise your discretion relative to the areas to be investigated, but always make a home call to assess the following:
 - a. The home environment in terms of plans for the youth's living arrangements (own room or sharing and with whom).
 - b. The relationship between adults and the youth (relatives, friends, strangers). **If the youth is residing with someone other than a parent or legal guardian, the family may be required to go**

through the resource family approval process, depending on circumstances. Contact the Placement Unit's officer of the day for questions if this situation is encountered.

- c. The attitude of acceptance:
 - (1) Are parties under consideration aware of the requesting jurisdiction's plans?
 - (2) Will youth be treated as a family member, a boarder, or a source of extra income?
 - (3) Will youth be isolated or rejected because of the problems associated with being under court jurisdiction?
 - d. The potential caretakers should have a plan for supervision during their work hours.
 - e. The school status and plans.
- 3. The above represents a minimal home evaluation. Refer to PMI 2-6-202 for complete instructions and proper forms and contact the Placement Unit for guidance **as needed**.
 - 4. Complete record checks on all adults and juveniles in the home.
 - 5. Report your findings to the requestor. Include all relevant aspects of the investigation and your assessment of the youth's potential for successful adjustment in the home.
 - a. Include a recommendation for or against the placement plans, as the requesting jurisdiction will be relying heavily on this input.
 - b. If indicated, recommend courtesy supervision, whether it was requested or not.

D. Requests for Courtesy Supervision

OTIs are received from other counties and states. The requesting agency retains jurisdiction and asks that we supervise the case for them (WIC 755 and PMI 2-6-005 [Interstate Compact for Juveniles (Out-of-State Courtesy Supervision) Rules of Interstate Compact for Juveniles]).

- 1. Assign these cases to the field unit in which the youth's residence is located, for both response and supervision.
- 2. OTIs from other states are sometimes unclear as to what service is desired. Assign questionable cases to the field unit based on the address given.
- 3. Review the information provided by the requestor. Verify family data and living arrangements and obtain any missing information. Follow the instructions in paragraphs II. B. and C. above.

4. Advise the requestor of your findings and your decision to accept or not accept the case for supervision.

E. Other OTIs

1. Active Cases

Route OTIs directly to the assigned DPO.

2. CORI

OTIs requesting file information on adult records are covered under PMI 1-1-101 (Access to and Release of Criminal Offender Record Information [CORI]).

3. Civil

Route civil custody, pre-marriage, guardianship stepparent adoption, and abandonment inquiries to the Mediation and Investigative Services of the Orange County Superior Court. They are located at LJC-5.

4. Job Corps and Military Record Checks

Do not release any information and refer to PMI **1-1-118**.

REFERENCES:

Procedures:	1-1-101	Access to Release of Criminal Offender Record Information (CORI)
	2-5-005	Inter-county Transfers of Wardship Jurisdiction
	1-1-118	Federal Agency Request for Juvenile Record Information and Character References (Including Military Recruiter, Department of Defense, and Job Corps)
	2-6-005	Interstate Compact for Juveniles (Out-of-State Courtesy Supervision) Rules of Interstate Compact for Juveniles Out of Home Residence or Vacations for Juveniles
Policies	A-8	Telephone Calls, Voice/Electronic Mail and Correspondence
	B-1	Case Confidentiality-Client's Right to Privacy
	B-2	Inter- and Intra-Agency Confidentiality

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APPROVED BY: