

## RELEASE OF JUVENILE RECORD INFORMATION

- AUTHORITY:** California Rules of Court, Rule 5.552 (Confidentiality of records), Rule 5.553 (Juvenile case file of a deceased child), Rule 8.401 (Confidentiality) Superior Court of California, County of Orange, Local Rule 903.1 (Exchange of Confidential Information)  
 Orange County Juvenile Court Administrative Order No. 12/003-903 Exchange of Information  
 Orange County Juvenile Court Miscellaneous Orders 671.4 (Release and Exchange of Information-Comprehensive Alcohol and Drug Prevention and Education Program (CADPE) in California Schools), 672.4 (Authorization of Exchange of Information Regarding Gang Members), 681.3 (Authorization of Release of School Attendance and Performance Information), and 688.2 (Authorization for the Exchange of Information Concerning Minors of Foreign Citizenship Between the Consulate of the Respective Government and the Orange County Probation Department)  
 Welfare and Institutions Code (WIC) Sections 675, 676, 676.5, 709, 730.6, 730.7, 781, 827, 827.10, 827.11, 827.12, 827.12, 827.15, 827.2, 827.5, 827.26, 827.7, 827.9, 828, 828.1, 828.3, 829, 830, 831, 1155, 10850, 11400, 16501.1, and 10609.95  
 Penal Code (PC) Sections 1214(b), 11167.5, and 11142  
 Education Code (EC) 49075 and 49077  
 Health and Safety (H&S) Code 11845.5  
 Evidence Code 900  
 Civil Code 56.05  
 Title 42 of United States Code (U.S.C.) Sections 671(a)(16) and 675 (1) and (8)  
*Westcott v. County of Yuba* (1980) 104 Cal. App. 3d 103, 163 Cal. Rptr. 382
- RESCINDS:** Procedure Manual Item 1-1-110, (Major Revision that combines PMIs 1-1-110 dated 06/02/14, PMI 1-1-116 dated 12/04/18, and PMI 1-1-118 dated 07/09/19)
- FORMS:**
- |  |              |
|--|--------------|
| School District Notification of Offense Letter                         | (Attachment) |
| Proof of Service Request for Petition for Access to Juvenile Case File | (JV-569)     |
| Request for Disclosure of Juvenile Case File                           | (JV-570)     |
| Notice of Petition for Access to Juvenile Case File                    | (JV-571)     |
| Objection to Release of Juvenile Case File                             | (JV-572)     |
- PURPOSE:** To provide guidelines for responding to requests and the sharing of information regarding youths.

### I. GENERAL INFORMATION

- A. Welfare and Institutions Code (WIC) 827 and California Rules of Court, Rule 5.552 (Confidentiality of records) governs access to records in a juvenile case.

- B. WIC 827 protects a juvenile case file information by restricting access to juvenile case files, documents contained therein, and information relating to those documents. Additionally, it restricts the type of information that is released and restricts the use of the information relating to those files and documents.
- C. California Rules of Court, Rule 5.552 (Confidentiality of records) states that juvenile case files may be obtained or inspected only in accordance with WICs 827, 827.12, and 828. It also lists items that may be considered a part of a juvenile case file.
- D. WIC 828(a) lists exceptions to releasing juvenile case file documents, including:
  - 1. Information gathered by a law enforcement agency, including the Department of Justice (DOJ), relating to the taking of a youth into custody may be released to another law enforcement agency for the information for the purposes of official disposition of a case; as well as specific to a youth's escape from a secure facility (WIC 828(b)).
  - 2. WICs 827 and 828, EC 49077, and Juvenile Court Miscellaneous Orders 671.4, 672.4, and 681.3 authorize all Orange County school districts, police agencies, the District Attorney, and the Probation Department to release information to each other regarding any youth when reasonable belief exists that:
    - a. The youth is involved in or at risk of becoming involved in alcohol or drug abuse.
    - b. The youth is a gang member or at significant risk of becoming a gang member.
  - 3. WIC 827(b)(2) provides the statutory mandate for Probation to give written notice to the superintendent of a youth's school district of attendance within seven (7) days of adjudication when a youth enrolled in a public school who has been found to have committed any felony or misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, sex offense as listed in PC 290, assault or battery, larceny, vandalism, or graffiti. (*School District Notification of Offense* letter – Attachment.
    - a. Deputy probation officer (DPO) discretion is to be used in establishing the reasonable belief referred to in the court orders. Be prepared to substantiate your basis for sharing the information should you be challenged. Note in the Integrated Case Management System (ICMS) all contacts that result in sharing of information and the basis for sharing.
    - b. Review and process requests for release of case file information using the guidelines such as those provided in PMI 1-1-101 (Access to and Release of Criminal Offender Record Information [CORI]), remembering to also complete the Criminal Offender Record Information Chrono (F057-8600).
  - 4. Juvenile Court Administration Order 12/003-903 – Lists some exceptions where information can be released or exchanged by Probation. This

includes:

- a. WIC 709 Competency Proceedings-Concerning a current ward only among all private or public agencies providing case planning, eligibility, and/or services delivered; and or youth who have not been declared wards and for whom a doubt of competency has been declared.
  - b. To victims for whom restitution has been ordered-The victim(s) is entitled to obtain all information allowed by law to pursue collection of restitution (i.e. Abstract of Judgement).
  - c. To the Social Security Administration for purposes of securing benefits for wards of the Court.
  - d. Law Enforcement Agencies – The exchange and/or dissemination of information from a juvenile case file to law enforcement agencies is governed by WICs 827 and 828.
  - e. Child Death Review Team-Team members are advised on confidentiality guidelines and sign a confidentiality statement.
  - f. Foreign Consulates – The release and exchange of information concerning youth of foreign nationality to the consulate of the appropriate government is permitted for youth who are wards of the Court, are subject of a petition to declare the youth a ward of the Court, or are subject of an application for such petition. This exchange of information can take place for the purpose of 1) investigating and making necessary contracts to determine the youth's true name, date of birth, and legal residence and 2) contacting the youth's parents to inform them of the youth's detention, whereabouts, and possible consequences.
5. WICs 827 and 830 – Permits members of youths' multidisciplinary teams, law enforcement, and public agencies to share information relevant to ensuring the rehabilitation of juvenile criminal offenders, as well as to lessen the potential for drug use, violence, other forms of delinquency, and child abuse.
  6. Superior Court, County of Orange, Local Rule of Court 903.1 (Exchange of Confidential Information) – Authorizes the exchange of information concerning current and former wards and dependents only among private or public agencies providing case planning, eligibility, and/or services delivered pertaining to official activities.

## II. ACCESSING JUVENILE CASE FILES

### A. Authorization to Inspect Juvenile Case Files

WIC 827 outlines those who can inspect juvenile case files and the circumstances surrounding the inspection.

However, it is important to note that the right to inspect juvenile records "does not

include the automatic right to copy documents in the file.” (*In re Gina S.* (2005) 133 Cal.App4th 1074, 1082). Instead, those persons can request to inspect these records via the Professional Standards Division (PSD) Custodian of Records (COR) before petitioning the Court to obtain copies of those records. All other persons or agencies requesting access to case files must petition the Court through the WIC 827 process.

B. When a Court Order is Required

1. Juvenile case files may not be obtained or inspected by civil or criminal subpoena as specified in California Rules of Court, Rule 5.522 and *Lorenzo P. v. Superior Court* (1988) 197 Cal.App.3d 607, 611) without a court order.
2. The youth or parent(s)/guardian(s) of the record must have a court order prior to signing a release to authorize inspection/copying of juvenile records.
3. The agency or individual seeking access is not entitled under WICs 827 and 828.
4. The agency or individual seeking access is entitled but wants authority to re-release the information.
5. The agency or individual seeking access is entitled but wants access to confidential, privileged, or otherwise protected information that it does not have a right to under applicable law (e.g. medical information protected under the Health Insurance Portability and Accountability Act [HIPAA], education records protected under Family Educational Rights and Privacy Act [FERPA], mental health records protected under the Lanterman-Petris-Short Act (LPS), child abuse reports, etc.)

C. Petitioning the Court to Access Juvenile Files

In such instances, every person or agency seeking to inspect or obtain juvenile case files must petition the Court for authorization using Request for Disclosure of Juvenile Case File (form JV-570) via [www.courts.ca.gov/formnumber.htm](http://www.courts.ca.gov/formnumber.htm) or picked up at the Lamoreaux Justice Center, 341 the City Drive, Orange, Ca 92868 (Room 207 – Juvenile Records Window).

III. POLICE RECORDS

- A. The Probation Department must exercise care to protect the confidentiality, interests, and safety of persons named in police reports. These persons include other youth (*Wescott v. County of Yuba* [1980]), victims, and witnesses.
- B. WIC 827.9 restricts disclosure of juvenile police records.

Although the department does not have legal authorization to release police reports to youth and parents or guardians, or their attorneys, except where release is ordered by the Juvenile Court. In terms of the above-referenced limited ability to disclose police record information, the following applies:

1. Disclosure of Information in Police Reports Prior to the Filing of a Petition -

### Custody Intake and Non-Custody Intake/Diversion Units

- a. During intake interviews with youth and parents or guardians, or their attorneys, the deputy probation officer (DPO) can read or summarize appropriate portions of police reports. However, be mindful not to divulge confidential information about persons other than the youth.
- b. If appropriate, allow youth and parent(s)/guardian(s), or the youth's counsel, to read or inspect police reports in the DPO's presence as long as reports do not contain information about other youth or sensitive privileged information (e.g. the names and addresses of victims, witnesses, informants, and others involved in any capacity). Make an ICMS entry when this occurs. Do not provide them with any copies or allow them to take photos of the information reviewed.
- c. Do not allow access by youth, parents, guardians, or the youth's counsel access to any other police reports in possession of the Probation Department prior to the filing of a petition except by order of the Juvenile Court.
- d. Should youth and parents or guardians, or other attorneys, insist on obtaining copies of police reports prior to the filing of a WIC 827 petition:
  - (1) Refer them to appropriate police agencies, if they have not already made that contact.
  - (2) Inform them that they may file a WIC 827 *Petition for Disclosure of Juvenile Records (JV-570)* with the Presiding Judge of the Juvenile Court for an order allowing release of the desired documents.
- e. In cases where youth and parents or guardians, or defense counsel have obtained an order of the Juvenile Court requiring the Probation Department to release police reports or information prior to the filing of a petition:
  - (1) Contact the PSD COR and forward a copy of the court order along with a copy of the police report.
  - (2) The PSD COR will review the court order and police report.
  - (3) Based on the order the of the court, the PSD COR will either release all reports to attorneys of record or will redact any sensitive information (e.g. victim/witness information) prior to the release of the police report.

If the PSD COR releases the report, they will stamp it with the following notice or have the notice attached:

“Confidential (WIC 827) – This document contains juvenile record information furnished in accordance with your official

duties. Further, release by you of this information may be accomplished only in accordance with applicable statute or Court orders or other lawful processes.”

- (4) Consult the supervisor of the Juvenile Court Officers Unit supervising probation officer (SPO), if necessary, regarding steps to be taken in releasing documents pursuant to the court order if clarification is needed.

## 2. Disclosure of Information in Police Reports After the Filing of a Petition

Police reports, applications for petition, and petitions after a petition has been filed with the Court and before adjudication may not be released, except by court order. In such cases, it is the responsibility of the District Attorney to provide copies of the police report to the appropriate parties via discovery.

## IV. REQUESTS FROM FEDERAL AGENCIES

- A. Pursuant to WIC 831, the Probation Department shall not disclose and/or disseminate of juvenile information to federal officials, including immigration status, absent a court order.
- B. When such requests are received from federal officials (in-person, phone, mail, email, etc.), the receiving party shall advise them of the following:

In order to obtain the requested information, the requestor (petitioner) must file a petition pursuant with WIC 827 (a)(1)(P). Specifically, the petitioner must complete a JV-570 package, which includes four (4) judicial forms (JV-569, JV 570, JV-571, and JV-572). These forms can be accessed at:

<https://www.occourts.org/directory/juvenile/records> (*Request for Disclosure of Juvenile Case File in Which An Order is Required booklet [L0452]*) or they can be picked up at the Lamoreaux Justice Center, 341 the City Drive, Orange, Ca 92868 (Room 207 – Juvenile Records Window).

If the judge grants the WIC 827 petition, a Juvenile Court Officers Unit DPO or SPO will notify the PSD COR to finalize the process.

## V. ADDITIONAL INFORMATION

Information from a juvenile case file, received by an authorized recipient, shall be safeguarded from unauthorized access or disclosure and shall not be further released to any person or agency not authorized to receive such information by statute, court order, or other lawful process.

## REFERENCES:

Procedures:	1-1-101	Access to and Release of Criminal Offender Record Information (CORI)
	1-1-108	Release of Juvenile Record Information to Victims
	2-1-107	Release of Pre-Sentence Reports to Victims Per

2-4-001 Marsy's Law/Victim's Bill of Rights  
2-4-101 Non-Custody Intake  
2-5-007 Custody Intake Referrals  
2-5-008 Juvenile Court Officer  
2-6-101 Local and Out-of-Town Inquiries (OTI)-Juvenile  
2-5-008 Juvenile Probation Violations  
2-5-008 Local and Out-of-Town Inquiries (OTI)-Juvenile

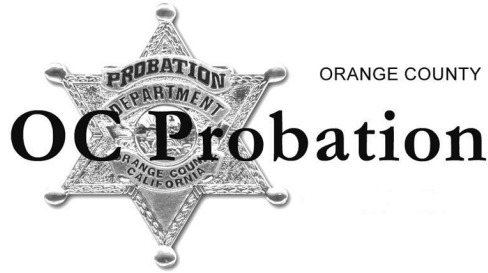
Policies:

A-1 Policy, Procedure and the Law  
A-8 Telephone Calls, Voice/Electronic Mail and  
Correspondence  
A-9 Requests for Information and Assistance (Except  
Media Requests)  
A-21 Liability  
B-1 Case Confidentiality-Client's Right to Privacy  
B-2 Inter- and Intra-Agency Confidentiality  
B-3 Case File Management and Security  
E-12 Resolving Problems in Probationer's Employment  
Status  
G-3 Building Security and Safety

Attachment

C. Ronald

**APPROVED BY:**



STEVEN J. SENTMAN  
CHIEF PROBATION OFFICER

TELEPHONE: (714) 569-2000

1055 N MAIN 5<sup>TH</sup> FLOOR  
SANTA ANA CA 92701

MAILING ADDRESS:  
P.O. BOX 10260  
SANTA ANA, CA 92711-0260

RE: \_\_\_\_\_  
DL#: \_\_\_\_\_  
DOB: \_\_\_\_\_  
SCHOOL: \_\_\_\_\_

\_\_\_\_\_

Subject: SCHOOL DISTRICT NOTIFICATION OF OFFENSE

Per Section 827(b) of the Welfare and Institutions Code, you are hereby advised that the above-named minor has been found by the Juvenile Court to have committed the following offense(s):

\_\_\_\_\_

Section 827(b)(2) states in part: Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher, counselor, or administrator. An intentional violation of the confidentiality provisions of the section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

Very truly yours,

\_\_\_\_\_  
Deputy Probation Officer  
( ) \_\_\_\_ - \_\_\_\_\_

ANY INFORMATION RECEIVED FROM THE COURT SHALL BE DESTROYED BY SCHOOL AUTHORITIES 12 MONTHS AFTER ITS RECEIPT FROM THE COURT OR 12 MONTHS AFTER THE MINOR RETURNS TO PUBLIC SCHOOL, WHICHEVER OCCURS LAST. UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A MISDEMEANOR.