



# California Rules of Court

(Revised September 1, 2019)

## **Rule 5.552. Confidentiality of records (§§ 827, 827.12, 828)**

### **(a) Definitions**

For the purposes of this rule, "juvenile case file" includes:

- (1) All documents filed in a juvenile court case;
- (2) Reports to the court by probation officers, social workers of child welfare services programs, and CASA volunteers;
- (3) Documents made available to probation officers, social workers of child welfare services programs, and CASA volunteers in preparation of reports to the court;
- (4) Documents relating to a child concerning whom a petition has been filed in juvenile court that are maintained in the office files of probation officers, social workers of child welfare services programs, and CASA volunteers;
- (5) Transcripts, records, or reports relating to matters prepared or released by the court, probation department, or child welfare services program; and
- (6) Documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings.

*(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2001.)*

### **(b) Petition**

Juvenile case files may be obtained or inspected only in accordance with sections 827, 827.12, and 828. They may not be obtained or inspected by civil or criminal subpoena. With the exception of those persons permitted to inspect juvenile case files without court authorization under sections 827 and 828, and the specific requirements for accessing juvenile case files provided in section 827.12(a)(1), 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). A chief probation officer seeking juvenile court authorization to access and provide data from case files in the possession of the probation department under section 827.12(a)(2) must comply with the requirements of subdivision (e) of this rule.

- (1) The specific files sought must be identified based on knowledge, information, and belief that such files exist and are relevant to the purpose for which they are being sought.
- (2) Petitioner must describe in detail the reasons the files are being sought and their relevancy to the proceeding or purpose for which petitioner wishes to inspect or obtain the files.

*(Subd (b) amended effective January 1, 2019; adopted as subd (c); previously amended effective July 1, 1997, and January 1, 2007; previously amended and relettered effective January 1, 2018.)*

### **(c) Notice of petition for disclosure**

- (1) At least 10 days before the petition is submitted to the court, the petitioner must personally or by first-class mail serve *Request for Disclosure of Juvenile Case File* (form JV-570), *Notice of Request for Disclosure of Juvenile Case File* (form JV-571), and a blank copy of *Objection to Release of Juvenile Case File* (form JV-572) on the following:

- (A) The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action if the child's petition was filed under section 300;
  - (B) The district attorney if the child's petition was filed under section 601 or 602;
  - (C) The child if the child is 10 years of age or older;
  - (D) The attorney of record for the child who remains a ward or dependent of the court;
  - (E) The parents of the child if:
    - (i) The child is under 18 years of age; or
    - (ii) The child's petition was filed under section 300;
  - (F) The guardians of the child if:
    - (i) The child is under 18 years of age; or
    - (ii) The child's petition was filed under section 300;
  - (G) The probation department or child welfare agency, or both, if applicable;
  - (H) The Indian child's tribe; and
  - (I) The child's CASA volunteer.
- (2) The petitioner must complete *Proof of Service-Request for Disclosure* (form JV-569) and file it with the court.
- (3) If the petitioner does not know the identity or address of any of the parties in (c)(1) above, the clerk must:
- (A) Serve personally or by first-class mail to the last known address a copy of *Request for Disclosure of Juvenile Case File* (form JV-570), *Notice of Request for Disclosure of Juvenile Case File* (form JV-571), and a blank copy of *Objection to Release of Juvenile Case File* (form JV-572); and
  - (B) Complete *Proof of Service-Request for Disclosure* (form JV-569) and file it with the court.
- (4) For good cause, the court may, on the motion of the person seeking the order or on its own motion, shorten the time for service of the petition for disclosure.

*(Subd (c) amended and relettered effective January 1, 2018; adopted as subd (d); previously amended effective January 1, 2007, and January 1, 2009.)*

**(d) Procedure**

- (1) The court must review the petition and, if petitioner does not show good cause, deny it summarily.
- (2) If petitioner shows good cause, the court may set a hearing. The clerk must notice the hearing to the persons and entities listed in (c)(1) above.
- (3) Whether or not the court holds a hearing, if the court determines that there may be information or documents in the records sought to which the petitioner may be entitled, the juvenile court judicial officer must conduct an in camera review of the juvenile case file and any objections and assume that all legal claims of privilege are asserted.
- (4) In determining whether to authorize inspection or release of juvenile case files, in whole or in part, the court must balance the interests of the child and other parties to the juvenile court proceedings, the interests of the petitioner, and the interests of the public.

- (5) If the court grants the petition, the court must find that the need for discovery outweighs the policy considerations favoring confidentiality of juvenile case files. The confidentiality of juvenile case files is intended to protect the privacy rights of the child.
- (6) The court may permit disclosure of juvenile case files only insofar as is necessary, and only if petitioner shows by a preponderance of the evidence that the records requested are necessary and have substantial relevance to the legitimate need of the petitioner.
- (7) If, after in-camera review and review of any objections, the court determines that all or a portion of the juvenile case file may be disclosed, the court must make appropriate orders, specifying the information to be disclosed and the procedure for providing access to it.
- (8) The court may issue protective orders to accompany authorized disclosure, discovery, or access.

*(Subd (d) amended and relettered effective January 1, 2018; adopted as subd (e); previously amended effective January 1, 2007, and January 1, 2009.)*

**(e) Reports of law enforcement agencies (§ 828)**

Except as authorized under section 828, all others seeking to inspect or obtain information gathered and retained by a law enforcement agency regarding the taking of a child into custody must petition the juvenile court for authorization using *Petition to Obtain Report of Law Enforcement Agency* (form JV-575).

*Subd (e) amended and relettered effective January 1, 2018; adopted as subd (f) effective January 1, 1994; previously relettered as subd (g) effective January 1, 2001, and as subd (f) effective January 1, 2009; previously amended effective January 1, 2007.)*

**(f) Other applicable statutes**

Under no circumstances must this rule or any section of it be interpreted to permit access to or release of records protected under any other federal or state law, including Penal Code section 11165 et seq., except as provided in those statutes, or to limit access to or release of records permitted under any other federal or state statute.

*(Subd (f) amended and relettered effective January 1, 2018; adopted as subd (f); previously amended and relettered as subd (h) effective July 1, 1995; previously relettered as subd (g) effective January 1, 1994, as subd (i) effective January 1, 2001, and as subd (h) effective January 1, 2009; previously amended effective January 1, 2007.)*

*Rule 5.552 amended effective January 1, 2019; adopted as rule 1423 effective July 1, 1992; previously amended effective January 1, 1994, July 1, 1995, July 1, 1997, January 1, 2001, January 1, 2004, January 1, 2009, and January 1, 2018; previously amended and renumbered effective January 1, 2007.*