



# Judicial Council of California

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## INVITATION TO COMMENT

### SPR25-17

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**Title**

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children

**Proposed Rules, Forms, Standards, or Statutes**

Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; approve form JV-576; adopt forms JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574

**Proposed by**

Family and Juvenile Law Advisory Committee  
Hon. Tari L. Cody, Cochair  
Hon. Stephanie E. Hulsey, Cochair

**Action Requested**

Review and submit comments by May 30, 2025

**Proposed Effective Date**

January 1, 2026

**Contact**

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### Executive Summary and Origin

To implement Assembly Bill 1756 (Stats. 2023, ch. 478, § 62) and Senate Bill 1161 (Stats. 2024, ch. 782, § 12), and to clarify the different legal standards for petitions seeking release of a delinquency file or living child's juvenile dependency case file under Welfare and Institutions Code section 827(a)(1)(Q) and a deceased child's juvenile dependency case file under section 827(a)(2), the Family and Juvenile Law Advisory Committee proposes adopting one rule of the California Rules of Court, amending three rules of court, approving one form, adopting six forms, and revising six forms.

### Background

This proposal addresses three different issues related to juvenile case files.

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

**AB 1756 and Welfare and Institutions Code section 10850.4(q)**

AB 1756 amended Welfare and Institutions Code<sup>1</sup> section 10850.4(q) to provide that the court may retain jurisdiction if a child or nonminor dependent dies while subject to the jurisdiction of juvenile court, and there is a reasonable suspicion that the death was caused by abuse or neglect for the purpose of receiving documents and information related to the circumstances of the death. Rule 5.510 of the California Rules of Court<sup>2</sup> needs to be amended accordingly to incorporate this revised statutory language.

**SB 1161 and Welfare and Institutions Code section 827(e)**

SB 1161 amended the definition of a “juvenile case file” in section 827(e) to include “any writing as defined in Section 250 of the Evidence Code, or electronically stored information relating to the minor.” The definition of “juvenile case file” now in rule 5.552, which the committee proposes be moved to proposed new rule 5.551, needs to be amended to incorporate this revised statutory language.

**Different procedures and standards for release of juvenile dependency case files of deceased children**

Access to juvenile case files is governed by section 827. This statute establishes different procedures and standards for access to all juvenile delinquency case files and juvenile dependency case files of living children, versus public disclosure of juvenile dependency case files of deceased children.

Section 827(a)(1) governs access to juvenile dependency case files of living children and all delinquency case files of both living and deceased children. It generally restricts access to specifically enumerated individuals and organizations. Any party not statutorily entitled to access under that paragraph must petition the juvenile court for access to and disclosure of juvenile court records under subparagraph (a)(1)(Q).

Section 827(a)(2)<sup>3</sup> governs access to juvenile dependency case files of deceased children and, in contrast to section (a)(1), carries a presumption of public disclosure. Petitioners seeking the juvenile dependency case files of deceased children are statutorily entitled to the release of the records because there is a presumptive public right of access. The presumption is only overcome if the objecting party shows, by a preponderance of the evidence, that release of the juvenile case file, or any portion thereof, is detrimental to the safety, protection, or physical or emotional well-being of a surviving child or nonminor dependent who is directly or indirectly connected to the

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

<sup>2</sup> All further unspecified rule references are to the California Rules of Court.

<sup>3</sup> See § 827(a)(2): “(A) [J]uvenile case files ... that pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. ...

(B) This paragraph represents a presumption in favor of the release of documents when a child is deceased unless the statutory reasons for confidentiality are shown to exist.

(C) If a child whose records are sought has died, and documents are sought pursuant to this paragraph, no weighing or balancing of the interests of those other than a child is permitted.”

juvenile case that is the subject of the petition.<sup>4</sup> In codifying the presumptive public right of access in section 827(a)(2), the Legislature intended to promote prompt access to the records of children who die while in the custody of the state and recognized that delays in accessing the juvenile dependency case files of deceased children reduce the likelihood that disclosure of those files will bring public attention to problems in the juvenile court system and result in corresponding reforms.<sup>5</sup>

Rules 5.552 and 5.553 implement section 827(a)(1)(Q) and (2), addressing the confidentiality of juvenile dependency case files for living children and delinquency case files, and juvenile dependency case files of deceased children, respectively, and provide guidance on requests for access to and release of juvenile case files. Currently, rule 5.552 contains detailed procedures for petitions seeking the dependency files of living children and delinquency case files, including requiring that the petitioner (1) establish good cause, (2) demonstrate that the need for access outweighs the policy considerations favoring confidentiality of juvenile case files, and (3) show by a preponderance of the evidence that the records requested are necessary and have substantial relevance to a legitimate need.<sup>6</sup>

In contrast, rule 5.553 simply contains cross-references to statutes addressing access to the juvenile dependency case files of deceased children. It does not set out detailed procedures for requesting such files, nor does it explicitly include the presumptive public right of access for the juvenile dependency case files of deceased children. In addition, neither rule 5.552 nor rule 5.553 currently recognize that under section 827(a)(3), surviving<sup>7</sup> adults who have an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof are also entitled to notice and an opportunity to object to a petition requesting release under either section 827(a)(1)(Q) or section 827(a)(2).

To better reflect the different procedures and standards for the release of juvenile delinquency case files and juvenile dependency case files for living children versus juvenile dependency case files of deceased children under section 827, subdivisions (a)(1) and (2), and to recognize the

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<sup>4</sup> § 827(a)(2)(A): “Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing by a preponderance of evidence that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition.”

<sup>5</sup> Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Sen. Bill 199 (1999–2000 Reg. Sess.), as amended May 6, 1999, p. 5 (stating a delay in the process harms the statute’s purpose because “the community’s reaction would have died down, and the opportunity to effect positive change may have passed”).

<sup>6</sup> Cal. Rules of Court, rule 5.552(d)(1), (5), and (6).

<sup>7</sup> The limiting factor of “surviving” was added because it has long been recognized that privacy rights expire upon death. *See Flynn v. Higham* (1983), 149 Cal.App.3d 677, at 683. (“It is well settled that the right of privacy is purely a personal one; it cannot be asserted by anyone other than the person whose privacy has been invaded, that is, plaintiff must plead and prove that *his* privacy has been invaded. [citations omitted] Further, the *right does not survive but dies with the person.*”(Emphasis added.))

rights of surviving adults under subdivision (a)(3), rules 5.552 and 5.553 and related forms need to be modified.

## **Prior Circulation**

An earlier version of this proposal<sup>8</sup> circulated for public comment between March 29 and May 3, 2024, as part of the regular spring 2024 rules cycle. Last year’s proposal only addressed AB 1756’s amendments to section 10850.4 to extend the juvenile court’s jurisdiction in cases involving the death of a child or nonminor dependent and the different standards for requesting a juvenile case file for living versus deceased children.

The committee received 10 comments on this prior proposal. Some of these comments raised substantive issues regarding the proposal, including whether “interested parties” should include categories of parties without a personal privacy interest in the juvenile case file of the deceased child. The committee took additional time to consider these comments and is now recirculating a modified proposal.

## **The Proposal**

As discussed in detail below, the Family and Juvenile Law Advisory Committee proposes adopting rule 5.551; amending rules 5.510, 5.552, and 5.553; approving one form and adopting six forms; and revising six forms used in juvenile case file requests. The proposed changes are needed to (1) conform to the law; (2) benefit the judicial branch, justice partners, attorneys, and litigants; and (3) be responsive to identified concerns and problems raised by stakeholders.

### **Implementation of AB 1756–Rule 5.510**

The committee proposes adding a new subdivision (d) to rule 5.510 to incorporate AB 1756’s statutory revision of section 10850.4. New subdivision (d) would incorporate the discretionary extension of the juvenile court’s jurisdiction for the limited purpose of receiving documents and information related to the circumstances of the death of a child while under the jurisdiction of the juvenile court.

### **Implementation of SB 1161–Rule 5.551**

The committee proposes adopting new rule 5.551 to implement SB 1161’s amendment to the definition of a “juvenile case file” in section 827(e). The committee proposes moving the definition of a juvenile case file from rule 5.552(a) to proposed new rule 5.551(a), and relettering the remaining subdivisions of rule 5.552 accordingly. Proposed new rule 5.551(a) would clarify that a juvenile case file has the same meaning as defined in section 827(e) and includes the specific items enumerated in current rule 5.552(a).<sup>9</sup> In addition, the committee proposes moving the applicability of other confidentiality laws from rule 5.552(g) to proposed new rule 5.551(b).

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<sup>8</sup> Judicial Council of Cal., Invitation to Comment SPR 24-20, *Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children* (posted Mar. 29, 2024), <https://courts.ca.gov/system/files?file=itc/spr24-20.pdf>.

<sup>9</sup> There are several definitions of a juvenile case file in statute, rule of court, and case law. A “juvenile case file” is defined in section 827(e), and a “juvenile court file” is defined in section 825. Current rule 5.552(a) incorporates the definition from section 827(e), but includes additional items not enumerated in statute. In case law, some courts

### **Clarifying the different standards for release of juvenile case records**

To clarify the differences between the process for releasing a delinquency case file and living child's juvenile dependency case file versus a deceased child's juvenile dependency case file, particularly the presumption in favor of public disclosure of a deceased child's juvenile dependency case file, the committee proposes the following changes to the rules of court and accompanying Judicial Council forms.

#### ***Rule 5.552***

Rule 5.552 sets forth the process for petitioning for release of a delinquency case file or living child's juvenile dependency case file under section 827(a)(1)(Q). The committee proposes amending the rule to clarify its application and the procedures for release of these files:

- Retitle the rule: “Procedure for requesting a juvenile delinquency case file or a living child's juvenile dependency case file.”
- Add specific language to clarify that the rule only applies to petitions requesting the delinquency case files and a living child's juvenile dependency case files by adding the words “delinquency case file(s) and a living child's juvenile dependency” to subdivisions (b), (d)(1), (d)(3)–(8), and (e), which will be relettered.
- Amend subdivision (a) to add that “the information in the file may not be disclosed in testimony” to prevent a party from attempting to obtain juvenile case file information without a court order in keeping with the reasoning of recent case law.<sup>10</sup>
- Amend subdivision (b) to add to the notice requirements individuals with an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof, who are entitled to notice and an opportunity to object under section 827(a)(3), and their representatives. The committee determined that specifically calling out the recognized representatives of this class of individuals would be helpful to petitioners and the courts.
- Amend subdivision (b) to require the clerk to re-serve parties *if* the clerk possesses information, such as a more current address, indicating that service by the petitioner on any of those parties may have been ineffective. This would benefit both courts and litigants by removing the need for further continuances to effect proper service and would harmonize the service requirements for 827 petitions. The committee proposes this amendment because the court clerk, as the custodian of the court's records, is in the best position to have the correct contact information for parties whose personal information is contained in the juvenile case file.

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have interpreted the definition of “juvenile case file” in section 827(e) broadly to include any documents and other information housed in a county child welfare agency file regarding a child who has suffered or is at serious risk of suffering abuse or neglect that brings the child within the jurisdiction of the juvenile court under section 300. This includes information in agency files where no juvenile court proceedings have been instituted and the matter is handled informally. See *T.N.G. v. Superior Court* (1971) 4 Cal.3d 767, 780–781; *In re Elijah S.* (2005) 125 Cal.App.4th 1532; and 87 Ops.Cal.Atty.Gen. 72, 75 (2004).

<sup>10</sup> See *City of San Diego v. Superior Court* (1981) 136 Cal.App.3d 236, 239 (reasoning that “a litigant may not obtain indirectly what is directly privileged and immune from discovery” in a police personnel records context).

### ***Rule 5.553***

Rule 5.553 governs the process for petitioning for public disclosure of the juvenile dependency case files of deceased children under section 827(a)(2). The committee proposes amending the rule to do the following:

- Title the rule: “Procedure for requesting a deceased child’s juvenile dependency case file”;
- Add language to clarify that the rule specifically applies to the disclosure of the juvenile dependency case files of deceased children;
- Add the presumption of public access to and procedural timelines for section 827(a)(2) petitions requesting the juvenile dependency case files of deceased children; and
- Expand the rule to mirror the structure of rule 5.552, including adding the following:
  - New subdivision (a) (Petition for requesting a deceased child’s juvenile dependency case file). This subdivision would retain the language of current rule 5.553, but reverse the order of paragraphs (1) and (2), and clarify that a member of the public seeking to disclose the juvenile case files of deceased children under section 827(a)(2) must petition the presiding judge of the juvenile court for authorization using *Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-584).
  - New subdivision (b) (Notice of petition requesting a deceased child’s juvenile dependency case file) would instruct petitioners seeking the juvenile dependency case file of a deceased child on the proper procedure for filing and serving the petition, and instruct the custodian of records on the proper procedure for serving interested parties. Parties responsible for the maintenance of the deceased child’s juvenile dependency case file, interested parties, and their respective representatives would be served with a copy of the *Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-584) that was filed with the court, *Notice of Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-585), and a blank copy of *Objection to Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-586) under subdivision (b)(1). The committee determined that specifically calling out the recognized representatives of individuals entitled to notice would be helpful to petitioners and the courts. In addition, to reflect the requirements of section 827(a)(2)(D), this subdivision would require the custodian of records to serve parties if the petitioner or the petitioner’s counsel does not know or cannot reasonably determine the identity or address of any of the parties in (b)(1) or if the custodian possesses information indicating that service by the petitioner on any of those parties may have been ineffective.
  - New subdivision (c) (Procedure for evaluating a request for a deceased child’s juvenile dependency case file) would refer petitioners to the procedures and timelines governing objections, replies to objections, and hearings on a petition

for public disclosure of a deceased child’s juvenile dependency case file set forth in section 827(a)(2)(A)–(C) and (E)–(F) and, subject to section 827(a)(3)(A), the standards for granting or denying such a petition. Under these statutory provisions, objections filed by form JV-586 would trigger the need for the juvenile court to hold a hearing no more than 60 calendar days from the date the petition is served on the custodian of records. If an objection is not filed to the petition, the court would only need to review the petition and issue its decision within 10 calendar days of the final day for filing an objection.

***Defining “interested parties” for purposes of service under section 827(a)(2)***

Section 827(a)(2) requires service of a copy of any petition to release the juvenile dependency case file of a deceased child on “interested parties” and gives those parties a right to object to the release of all or part of the file.<sup>11</sup> The statute does not, however, define the term “interested parties.” The committee proposes a narrow construction of “interested parties” because it is most consistent with the overall purpose of the juvenile dependency scheme generally—the promotion of a child’s best interest (see section 202)—and the purpose of section 827(a)(2), which is to compel release of a deceased child’s juvenile dependency case file and subject the child welfare system to public scrutiny when a child dies while in state care.

Accordingly, the committee proposes that “interested parties” for purposes of serving 827(a)(2) petitions be defined to include only the following persons who have a cognizable privacy interest in the deceased child’s juvenile dependency case file:

- Surviving siblings, children, or nonminor dependents whose information is directly or indirectly included in the deceased child’s juvenile dependency case file or who may be identified by information in the deceased child’s juvenile dependency case file;
- Anyone with a surviving interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under section 827(a)(3);
- The custodian of records who has custody of the juvenile case file; and
- The representatives of these classes of individuals.

The committee seeks specific input on whether this proposed definition appropriately identifies those who should be considered interested parties.

***Creating new forms for section 827(a)(2) petitions***

As discussed above, there are important substantive differences between the procedures for release of the juvenile delinquency case file and a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency file. These differences include the statutory presumption of public disclosure for the juvenile dependency case files of deceased children, the timelines for noticing and objecting to a petition requesting a deceased child’s versus a living child’s juvenile dependency case file, and the committee’s proposed definition of “interested

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<sup>11</sup> § 827(a)(2)(D)–(E).

parties,” which will result in differences in who must be served with a petition seeking access or disclosure.

The previous proposal circulated for comment had proposed merely revising existing council forms to create joint forms with separate subsections for petitions requesting release of a living child’s juvenile case file and petitions requesting public disclosure of a deceased child’s juvenile case file to minimize possible disruption of existing court workflows. However, in light of the substantive differences in procedures and based on the public comments received in the prior circulation, the committee concluded that this approach of having a single set of forms was overly confusing and untenable.

The committee is now proposing (1) revising the set of existing forms (JV-569 through JV-574) to clarify that they apply to petitions requesting access to a delinquency file or a living child’s juvenile dependency case file, (2) creating a second set of new forms (numbered JV-583 to JV-588) limited to section 827(a)(2) petitions requesting public disclosure of a deceased child’s juvenile dependency case file, and (3) creating a new optional form attachment (JV-576) for orders granting disclosure of all or portions of the juvenile case file pursuant to section 827 petitions, and enumerating the most common redactions required by federal and state privacy laws and regulations in addition to redactions required under section 827.

***Existing form series revisions to limit to 827(a)(1)(Q) petitions***

The committee proposes revising the following existing set of mandatory forms to clearly indicate their use for requesting the juvenile delinquency case file or a living child’s juvenile dependency case file. These revisions include modifying the form titles as indicated below, updating all references to other forms to reflect the proposed revisions to the form titles, and removing all references to requests for a juvenile dependency case file of a deceased child:

- *Proof of Service—Petition for Access to Delinquency Case File or a Living Child’s Juvenile Dependency Case File* (form JV-569).
- *Petition for Access to Delinquency Case File or a Living Child’s Juvenile Dependency Case File* (form JV-570). In addition to the revisions described above, the committee is proposing the following revisions to this form:
  - Item 1 would be updated to include a space for the petitioner’s email.
  - Item 4 would be revised to remove subdivision b. and letter the subparts of subdivision a.
  - Item 7 would be revised to state, “I need the records of “a juvenile delinquency case file or a living child’s juvenile dependency case file” because (describe in detail; attach more pages if you need more space).”
- *Notice of Petition for Access to Delinquency Case File or a Living Child’s Juvenile Dependency Case File* (form JV-571).



- *Objection to Release of Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-572).
- *Order on Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-573).
- *Order After Judicial Review on Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-574). Items 2 and 3 would be revised to state, "After review of the juvenile case file of a living child ... ."

***New form series for 827(a)(2) petitions***

The following new mandatory forms would be created exclusively for use in requesting public disclosure of a deceased child's juvenile dependency case file under section 827(a)(2):

- *Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-583);
- *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584);
- *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-585);
- *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586);
- *Order on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-587); and
- *Order After Judicial Review on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-588).

***Creating a new attachment for court orders granting section 827 petitions***

A new optional form entitled *Order Granting Section 827 Petition Attachment: Required Redactions* (form JV-576) is proposed to help guide courts on the information that must be redacted from the juvenile case file as required by some of the most common overlapping federal and state privacy laws and regulations in addition to section 827, prior to release or disclosure of all or portions of the juvenile case file. Section 827 also generally prohibits testimony regarding information in the juvenile case file; form JV-576 provides an option for the court to authorize testimony regarding the released information, as necessary.

## **Alternatives Considered**

The committee considered several alternatives to aspects of this proposal.

### **Taking no action**

The committee rejected the alternative of taking no action because amendments to rule 5.510 and 5.552 are legislatively mandated.

### **Proposing amendments only to rule 5.510 to implement AB 1756 and SB 1161**

The committee considered only proposing amendments to rule 5.510 to reflect the recently enacted legislation. However, the committee noted that the definition of a juvenile case file in rule 5.552 would still need to be revised to comply with SB 1161's amendment of section 827(e), and there is confusion around the different standards governing requests for access to the juvenile dependency case file of a living child and requests for disclosure of a juvenile dependency case file of a deceased child. Based on this, the committee concluded that the additional proposed amendments to the rules and revisions to forms would be helpful to courts, litigants, and the public by providing clarification and better guidance on the proper standards and procedures for access to and disclosure of juvenile case files.

### **Proposing that existing forms continue to be used for petitions to access juvenile dependency case files of deceased children**

As noted above, the committee considered revising the existing forms to clearly articulate the standards for release of juvenile case files of both living and deceased children so that they could continue to be used in both types of cases. However, for the reasons discussed above, the committee ultimately decided to propose a separate series of forms for section 827(a)(2) petitions seeking access to the juvenile dependency case files of deceased children.

### **Interested parties definition**

The committee considered multiple ways of defining "interested parties" who must be served with notice of 827(a)(2) petitions seeking public disclosure of a deceased child's juvenile dependency case file. The following options were considered and ultimately rejected by the committee:

#### ***Mirroring rule 5.552***

"Interested parties" could be defined to be the same parties identified in rule 5.552(c)(1) who must be served with notice of a petition requesting juvenile delinquency case files or the juvenile dependency case file of a living child. The committee declined to adopt this option because it would include persons who do not have a cognizable privacy interest in the personal information contained within the deceased child's juvenile dependency case file, and because there is no statutory authority for this broad construction. In addition, expanding the class of individuals with the ability to object to and obstruct release of a deceased child's juvenile dependency case

file would run counter to the legislative intent<sup>12</sup> of section 827(a)(2).<sup>13</sup> For these reasons, this option was discarded.

***Requiring notice to the deceased child’s attorney because such notice is required for the release of specific records under section 10850.4***

Section 10850 pertains to the confidentiality of public welfare records. Section 10850.4 creates an exception that requires the custodian of records to disclose specific information and records when a child dies due to abuse or neglect.<sup>14</sup> It was noted that under section 10850.4(f)<sup>15</sup> the attorney for the deceased child can object to release of the records required to be disclosed under this code section by filing a section 827(a)(2) petition. Thus, a deceased child’s attorney is given express authority to object to disclosure of a limited number of specific juvenile case file records under section 10850.4(f).

The suggestion was made that the deceased child’s attorney should also be able to object to the release of records sought by a petition filed under section 827(a)(2). However, the committee received public comment from a children’s advocacy organization that it does not seem to serve a purpose to include the attorney of the deceased child on the service list since the deceased child has no privacy interest to protect, nor does the attorney have any client direction.

The committee ultimately rejected the suggestion to notice a deceased child’s attorney because unlike section 10850.4(f), there is no express authority in section 827(a)(2) for the deceased child’s attorney to object. Instead, the statute requires that “interested parties” have the right to

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<sup>12</sup> Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Sen. Bill 199 (1999–2000 Reg. Sess.), as amended May 6, 1999, p. 5. (Section 827(a)(2) was meant to increase governmental transparency by compelling public disclosure of the deceased child’s juvenile case file when a child dies while in the custody and care of the state to promote prompt access to the records and to recognize that delays in disclosure reduce the likelihood that public attention will be paid to problems within the juvenile court system and result in corresponding reforms because “the community’s reaction would have died down, and the opportunity to effect positive change may have passed.”)

<sup>13</sup> Section 827(a)(2): “Juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, that pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, *shall be released to the public* pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection.” (Emphasis added.)

<sup>14</sup> Section 10850.4(c)(2) requires that upon completion of the child abuse investigation, and if the child died while living with a parent or guardian, the custodian of records shall release, upon request, certain described juvenile case file documents. Those documents include prior referrals of abuse or neglect, risk and safety assessments, the child’s health care records reflective of a pattern of abuse or neglect, police reports, and a description of services provided and actions taken by the child welfare agency. Subdivision (c)(3) describes additional records that must be disclosed if the child died while in foster care.

<sup>15</sup> Section 10850.4(f) states: “If counsel for a child, *including the deceased child or any sibling of the deceased child*, objects to the release of any part of the documents listed in paragraphs (2) and (3) of subdivision (c), they may petition the juvenile court for relief to prevent the release of any document or part of a document requested pursuant to paragraph (2) of subdivision (a) of Section 827.” (Emphasis added.)

object. Since a deceased child no longer has a privacy right,<sup>16</sup> there is no basis upon which the child's attorney could object to a section 827(a)(2) request for these juvenile case file records.

And although a section 827(a)(2) request might seek the same records as those the custodian is required to disclose under section 10850.4(c)(2) and (3), the deceased child's attorney could object to disclosure of those specific records under the procedure available in section 10850.4(f). Using that process, however, does not give the attorney a right to object to records other than those described in section 10850.4(c)(2) and (3). In fact, section 10850.4(g) makes clear that disclosure of any records not described in (c)(2) and (3) requires the filing of a section 827(a)(2) petition. To the extent there is any conflict between sections 827(a)(2) and 10850.4, a legislative fix would be necessary to harmonize them.

### ***Providing courtesy notice to persons other than interested parties***

The committee considered a rule dividing the parties who receive notice of a 827(a)(2) petition into two classes: (1) "interested parties" who are statutorily entitled to notice and an opportunity to object; and (2) persons who did not have a right to notice or to object, but who might have useful input to provide to the court in deciding whether a deceased child's juvenile dependency case file or any portion thereof should be withheld from public disclosure. However, after further legal review, the committee discarded this option for exceeding the scope of the legislative mandate.

### ***Refraining from defining "interested parties" altogether***

The committee considered the option of not defining "interested parties" at all. The committee concluded, however, that it would be helpful to petitioners who must serve interested parties and to courts to specifically identify the parties with a cognizable privacy interest in personal information contained within the deceased child's juvenile dependency case file, while still leaving the juvenile court discretion to make its own determination of the meaning of "interested party."

## **Fiscal and Operational Impacts**

Implementation of AB 1756, SB 1161, and clarification of the standards and process for disclosure of the juvenile case files of deceased children may create additional costs for courts to update their case management systems to track relevant information and hearing and decision deadlines, as well as to integrate the new mandatory forms into current court workflows. In addition, the committee proposes increasing the clerk's responsibilities under rule 5.552(b)(3) to re-serve interested parties *if* the clerk possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective. Education or training on the legal standard and procedural requirements for processing 827 petitions may be required for courts, social welfare agencies, probation departments, county counsel, prosecutors, and defense counsel.

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<sup>16</sup> See *Flynn v. Higham* (1983) 149 Cal.App.3d 677, at 683. (The right of privacy does not survive but dies with the person.)

### Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- The committee proposes increasing a clerk’s responsibilities under rule 5.552(b)(3); would adding this requirement to rule 5.552 pose a burden to courts that outweighs the benefits to litigants and interested parties? If so, please explain.
- Should the proposed new content in rules 5.552(b)(3) and 5.553(b)(3) include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records “possesses information, *such as a more recent address*, indicating that the service by the petitioner on interested parties may have been ineffective”?
- Does proposed rule 5.553(b)(1) appropriately identify those who should be considered interested parties who are served with a copy of a petition under this rule?
- Are the new proposed form titles sufficiently clear? If not, please provide suggestions on how to make the form titles clearer.
- What, if any, other categories of information should be enumerated in item 1 of proposed form JV-576?
- What, if any, other information should be listed in item 2 of proposed form JV-576 as protected by another state or federal law or regulation? Please provide the citation to any state or federal law or regulation that protects such information.
- What, if any, other parties should be listed in item 4 of proposed form JV-576 as potential witnesses?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

## Attachments and Links

1. Cal. Rules of Court, rules 5.510, 5.551, 5.552, and 5.553, at pages 15–24
2. Forms JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, JV-588, at pages 25–46
3. Link A: Judicial Council of Cal., Invitation to Comment SPR 24-20, *Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children* (posted March 29, 2024), <https://courts.ca.gov/system/files?file=itc/spr24-20.pdf>
4. Link B: Welf. & Inst. Code, § 10850.4(q),  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=10850.4.&lawCode=WIC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=10850.4.&lawCode=WIC)  
Link C: Welf. & Inst. Code, § 827(e),  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=827&lawCode=WIC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=827&lawCode=WIC)

Rule 5.551 of the California Rules of Court would be adopted, and rules 5.510, 5.552, and 5.553 would be amended, effective January 1, 2026, to read:

1 **Rule 5.510. Proper court; determination of child’s residence; exclusive jurisdiction**

2  
3 (a)–(c) \* \* \*

4  
5 **(d) Retention of jurisdiction (§ 10850.4(q)(1))**

- 6  
7 (1) If the death of a child or nonminor dependent occurs while the child or  
8 nonminor dependent is within the jurisdiction of the court, whether or not a  
9 petition was filed, the court may retain jurisdiction on its own motion or at  
10 the request of a party for the exclusive purpose of receiving documents and  
11 information related to the circumstances of the death, including but not  
12 limited to medical records, police reports, and autopsy reports.  
13  
14 (2) If the court retains jurisdiction, the case must remain open until the court  
15 receives the documents and information related to the circumstances of death.  
16 The court may order the placing agency to request that the documents and  
17 information related to the circumstances of death be sent to the court.  
18  
19 (3) The court must terminate jurisdiction upon receipt of the documents and  
20 information.  
21  
22

23 **Rule 5.551. Confidentiality of juvenile records (§ 827)**

24  
25 This rule applies to the confidentiality of juvenile records of living and deceased children  
26 and nonminor dependents generally, and for the purposes of rules 5.552 and 5.553.  
27

28 **(a) Definitions of a juvenile case file**

- 29  
30 For the purposes of this rule, A “juvenile case file” has the same meaning as  
31 defined in Welfare and Institutions Code section 827(e) and includes:  
32  
33 (1) All records and information filed in a juvenile court case or made available to  
34 the court;  
35  
36 (2) Reports to the court by probation officers, social workers of child welfare  
37 services programs, and CASA volunteers;  
38  
39 (3) Records and information made available to probation officers, social workers  
40 of child welfare services programs, and CASA volunteers in preparation of  
41 reports to the court;  
42

1 (4) Records and information relating to a child within the jurisdiction of the  
2 juvenile court, whether or not a petition has been filed, that are maintained in  
3 the office files of probation officers, social workers of child welfare services  
4 programs, and CASA volunteers;

5  
6 (5) Transcripts, records, or reports relating to matters prepared or released by the  
7 court, probation department, or child welfare services program; and

8  
9 (6) Records and information, including but not limited to video or audio  
10 recordings, photographs, digital images and recordings, and exhibits admitted  
11 into evidence at juvenile court hearings.

12  
13 **(b) Other applicable law (§ 827(a)(3))**

14  
15 Under no circumstances may this rule, rule 5.552, rule 5.553, or any subdivision of  
16 these rules be interpreted to permit access to or release of records protected under  
17 any other federal or state law, including Penal Code section 11165 et seq., except as  
18 provided in those laws, or to limit access to or release of records permitted under  
19 any other federal or state law.

20  
21  
22 **Rule 5.552. Confidentiality of records Procedure for requesting a juvenile**  
23 **delinquency case file and a living child’s juvenile dependency case file**  
24 **(§§ 827(a)(1), 827.12, 828)**

25  
26 **(a) Definitions**

27  
28 For purposes of this rule, ~~“juvenile case file” includes:~~

29  
30 (1) ~~All documents filed in a juvenile court case;~~

31  
32 (2) ~~Reports to the court by probation officers, social workers of child welfare~~  
33 ~~services programs, and CASA volunteers;~~

34  
35 (3) ~~Documents made available to probation officers, social workers of child~~  
36 ~~welfare services programs, and CASA volunteers in preparation of reports to~~  
37 ~~the court;~~

38  
39 (4) ~~Documents relating to a child concerning whom a petition has been filed in~~  
40 ~~juvenile court that are maintained in the office files of probation officers,~~  
41 ~~social workers of child welfare services programs, and CASA volunteers;~~  
42



- 1 (5) ~~Transcripts, records, or reports relating to matters prepared or released by the~~  
2 ~~court, probation department, or child welfare services program; and~~  
3  
4 (6) ~~Documents, video or audio recordings, photographs, and exhibits admitted~~  
5 ~~into evidence at juvenile court hearings.~~  
6

7 **(b) (a) Petition for access to a juvenile delinquency case file and a living child's**  
8 **juvenile dependency case file**  
9

10 Juvenile delinquency case files and a living child's juvenile dependency case files  
11 may be obtained or inspected, and information in the file may be disclosed, only in  
12 accordance with sections 827, 827.12, and 828. ~~They~~ The file may not be obtained  
13 or inspected by civil or criminal subpoena, and the information in the file may not  
14 be disclosed in testimony. With the exception of those persons permitted to inspect  
15 juvenile case files without court authorization under sections 827 and 828, and the  
16 specific requirements for accessing juvenile case files provided in section  
17 827.12(a)(1), every person or agency seeking to inspect or obtain the juvenile  
18 delinquency case file or a living child's dependency case files must petition the  
19 court for authorization using *Petition for Access to Delinquency Case File or a*  
20 *Living Child's Juvenile Dependency Case File* (form JV-570). A chief probation  
21 officer seeking juvenile court authorization to access and provide data from case  
22 files in the possession of the probation department under section 827.12(a)(2) must  
23 comply with the requirements in ~~(e)~~ (d) of this rule.  
24

- 25 (1) The specific files sought must be identified in the petition based on  
26 knowledge, information, and belief that such a files exists and ~~are~~ is relevant  
27 to the purpose for which ~~they are~~ it is being sought.  
28  
29 (2) Petitioner must describe in detail the reasons the files ~~are~~ is being sought and  
30 ~~their~~ its ~~relevaney~~ relevance to the proceeding or other purpose for which  
31 petitioner wishes to inspect or obtain the files.  
32

33 **(e) (b) Notice of petition for access to a delinquency case file and a living child's**  
34 **juvenile dependency case file**  
35

- 36 (1) At least 10 days before the petition is submitted to the court, the petitioner  
37 must personally or by first-class mail serve *Petition for Access to*  
38 *Delinquency Case File or a Living Child's Juvenile Dependency Case File*  
39 *(form JV-570), Notice of Petition for Access to Delinquency Case File or a*  
40 *Living Child's Juvenile Dependency Case File* (form JV-571), and a blank  
41 copy of *Objection to Release of Delinquency Case File or a Living Child's*  
42 *Juvenile Dependency Case File* (form JV-572) on the following:  
43

- 1 (A) The county counsel, city attorney, or any other attorney representing  
2 the petitioning agency in a dependency action if the child's is or was  
3 the subject of a petition was filed under section 300;  
4
- 5 (B) The district attorney if the child's is or was the subject of a petition  
6 filed under section 601 or 602;  
7
- 8 (C) The child if the child is 10 years of age or older;  
9
- 10 (D) The attorney of record for the child who was or remains a ward or  
11 dependent of the court;  
12
- 13 (E) The parents of the child if:  
14
- 15 (i) The child is under 18 years of age; or  
16
- 17 (ii) The child's is the subject of a petition filed under section 300;  
18
- 19 (F) The guardians of the child if:  
20
- 21 (i) The child is under 18 years of age; or  
22
- 23 (ii) The child's is the subject of a petition filed under section 300;  
24
- 25 (G) The probation department or child welfare agency, or both, if  
26 applicable;  
27
- 28 ~~(H)~~ (H) The child's CASA volunteer, if applicable;  
29
- 30 (I) Anyone with a surviving interest protected by another state or federal  
31 law prohibiting or limiting the release of the juvenile case file or any  
32 portions thereof under section 827(a)(3);  
33
- 34 (J) The attorney of record or legal representative of the individual  
35 protected under section 827(a)(3); and  
36
- 37 ~~(H)~~ (K) The Indian child's tribe—and, if applicable, the Indian custodian—if  
38 the child or individual protected under section 827(a)(3) is or was an  
39 Indian child as defined in section 224.1(b).  
40
- 41 (2) The petitioner must complete *Proof of Service—Petition for Access to*  
42 *Delinquency Case File or a Living Child's Juvenile Dependency Case File*  
43 (form JV-569) and file it with the court.

- 1  
2 (3) If the petitioner or the petitioner’s counsel does not know or cannot  
3 reasonably determine the identity or address of any of the parties in ~~(e)(b)(1)~~  
4 above or the clerk possesses information indicating that service by the  
5 petitioner on any of those parties may have been ineffective, the clerk must:  
6  
7 (A) Serve personally or by first-class mail to the last known address a copy  
8 of *Petition for Access to Delinquency Case File or a Living Child’s*  
9 *Juvenile Dependency Case File* (form JV-570), *Notice of Petition for*  
10 *Access to Delinquency Case File or a Living Child’s Juvenile*  
11 *Dependency Case File* (form JV-571), and a blank copy of *Objection to*  
12 *Release of Delinquency Case File or a Living Child’s Juvenile*  
13 *Dependency Case File* (form JV-572); and  
14  
15 (B) Complete *Proof of Service—Petition for Access to Delinquency Case*  
16 *File or a Living Child’s Juvenile Dependency Case File* (form JV-569)  
17 and file it ~~with the court~~ in the court’s case file.  
18  
19 (4) For good cause, the court may, on the motion of the person seeking the order  
20 or on its own motion, shorten the time for service of the *Petition for Access to*  
21 *Delinquency Case File or a Living Child’s Juvenile Dependency Case File*  
22 *(form JV-570)*.

23  
24 **(d) (c) Procedure for evaluating a petition for access to delinquency case file and a**  
25 **living child’s juvenile dependency case file**  
26

- 27 (1) The court must review the petition for access to a delinquency case file or a  
28 living child’s juvenile dependency case file and, if petitioner does not show  
29 good cause, deny it summarily.  
30  
31 (2) If petitioner shows good cause, the court may set a hearing. The clerk must  
32 give notice of the hearing to the persons and entities listed in ~~(e)(b)(1)~~ above.  
33  
34 (3) Whether or not the court holds a hearing, if the court determines that there  
35 may be information or documents in the records sought to which the  
36 petitioner may be entitled, the juvenile court judicial officer must conduct an  
37 in camera review of the juvenile delinquency case file or a living child’s  
38 juvenile dependency case files and any objections and assume that all legal  
39 claims of privilege are asserted.  
40  
41 (4) In determining whether to authorize inspection or release of the juvenile  
42 delinquency case file or a living child’s juvenile dependency case files, in  
43 whole or in part, the court must balance the interests of the child and other

1 parties to the juvenile court proceedings, the interests of the petitioner, and  
2 the interests of the public.

- 3
- 4 (5) If the court grants the petition, the court must find that the need for access  
5 outweighs the policy considerations favoring confidentiality of the juvenile  
6 delinquency case file or a living child's juvenile dependency case files. The  
7 confidentiality of the juvenile case files is intended to protect the privacy  
8 rights of the child.
- 9
- 10 (6) The court may permit access to the juvenile delinquency case file or a living  
11 child's juvenile dependency case files only insofar as is necessary, and only if  
12 petitioner shows by a preponderance of the evidence that the records  
13 requested are necessary and have substantial relevance to the legitimate need  
14 of the petitioner.
- 15
- 16 (7) If, after in camera review and review of any objections, the court determines  
17 that all or a portion of the juvenile delinquency case file or a living child's  
18 juvenile dependency case file may be accessed, the court must make  
19 appropriate orders, specifying the information that may be accessed or  
20 disclosed and the procedure for providing access to or disclosure of it.
- 21
- 22 (8) The court may issue redaction and protective orders such as *Order Granting*  
23 *Section 827 Petition Attachment: Required Redactions* (form JV-576) to  
24 accompany authorized disclosure, discovery, or access to the juvenile  
25 delinquency case file or a living child's juvenile dependency case file.

26

27 **(e) (d) Release of delinquency case file and a living child's juvenile dependency case**  
28 **file information for research (§ 872.12(a)(2))**

- 29
- 30 (1) The court may authorize a chief probation officer to access and provide data  
31 contained in juvenile delinquency case files and related juvenile records in  
32 the possession of the probation department for the purpose of data sharing or  
33 conducting or facilitating research on juvenile justice populations, practices,  
34 policies, or trends if the court finds the following:

35

36 (A) (A) The research, evaluation, or study includes a sound method for the  
37 appropriate protection of the confidentiality of an individual whose juvenile  
38 delinquency case file is accessed for this purpose. In considering whether a  
39 method is sound, the court must have information on:

40

41 (A) (i) The names and qualifications of any nonprobation personnel  
42 who will have access to personally identifying information as defined  
43 in Civil Code section 1798.79.8(b);

1  
2           ~~(B)~~ (ii) Procedures to mask personally identifying information that is  
3 shared electronically; and  
4

5           ~~(C)~~ (iii) Data security protocols to ensure that access to the information  
6 is limited to those people authorized by the court.  
7

8           ~~(2)~~ (B) No further release, dissemination, or publication of personally  
9 identifying information by the probation department or a program evaluator,  
10 researcher, or research organization that is retained by the probation  
11 department will take place for research or evaluation purposes.  
12

13           ~~(3)~~ (C) The disclosure requirements of section 10850 are met if any  
14 dependency information in a delinquency file may be disclosed.  
15

16           ~~(4)~~ (D) A date for destruction of records containing personally identifying  
17 information in the possession of nonprobation department personnel has been  
18 set to prevent inappropriate disclosure of the records.  
19

20           (2) If the information is being released for human subject research as defined in  
21 45 Code of Federal Regulations part 46, the probation department must  
22 provide notice to the office of the public defender 30 days before the court  
23 authorizes the release of the information so that the office has an opportunity  
24 to file an objection to the release with the court.  
25

26           (A) If such an objection is filed within the 30 day period the court must set  
27 a hearing on the objection within 30 days of the filing of the objection  
28 to consider the objection and make a determination on whether and  
29 how release of information should be accomplished.  
30

31           (B) Upon receiving authorization, but prior to the release of information,  
32 the probation department must enter into a formal agreement with the  
33 entity or entities conducting the research that specifies what may and  
34 may not be done with the information disclosed.  
35

36           ~~(f)~~ (e) **Reports of law enforcement agencies (§ 828)**  
37

38           Except as authorized under section 828, all others seeking to inspect or obtain  
39 information gathered and retained by a law enforcement agency regarding the  
40 taking of a living child into custody must petition the juvenile court for  
41 authorization using *Petition to Obtain Report of Law Enforcement Agency* (form  
42 JV-575).  
43

1 ~~(g) Other applicable statutes~~

2  
3 Under no circumstances must this rule or any section of it be interpreted to permit  
4 access to or release of records protected under any other federal or state law,  
5 including Penal Code section 11165 et seq., except as provided in those statutes, or  
6 to limit access to or release of records permitted under any other federal or state  
7 statute.  
8  
9

10 **Rule 5.553. Juvenile case file of a deceased child Procedure for requesting a**  
11 **deceased child's juvenile dependency case file (§ 827(a)(2))**

12  
13 **(a) Petition for requesting a deceased child's juvenile dependency case file**

14  
15 When the juvenile dependency case file of a deceased child is sought, the court  
16 must proceed as follows:

- 17  
18 (1) Under section 16502.5 if the request is made by a county board of  
19 supervisors; or  
20  
21 (2) Under section 827(a)(2) if the request is made by a member of the public.  
22 The remainder of this rule applies to the release of the juvenile dependency  
23 case file of a deceased child under section 827(a)(2). It does not apply to  
24 review of records relating to the deceased child by the county board of  
25 supervisors under section 16502.5.  
26  
27 (3) Except to the extent that the file has been released to the public by court order  
28 under section 827(a)(2) and this rule, the file may not be obtained by civil or  
29 criminal subpoena, and the information in the file may not be disclosed by  
30 testimony.  
31  
32 (4) Any person or agency seeking the release or disclosure of the juvenile  
33 dependency case file of a deceased child must petition the court under section  
34 827(a)(2) using *Petition for Public Disclosure of a Deceased Child's Juvenile*  
35 *Dependency Case File* (form JV-584).

36  
37 **(b) Notice of petition requesting a deceased child's juvenile dependency case file**  
38 **(§ 827(a)(2))**

- 39  
40 (1) Upon filing a petition under section 827(a)(2), the petitioner must personally  
41 or by first-class mail serve a copy of the *Petition for Public Disclosure of a*  
42 *Deceased Child's Juvenile Dependency Case File* (form JV-584) that was  
43 filed with the court, *Notice of Petition for Public Disclosure of a Deceased*

1 Child's Juvenile Dependency Case File (form JV-585), and a blank copy of  
2 Objection to Public Disclosure of a Deceased Child's Juvenile Dependency  
3 Case File (form JV-586) on the following, to the extent that their identity and  
4 contact information is known by the petitioner:  
5

6 (A) The custodian of records, as defined in section 10850.4(k)(2);  
7

8 (B) The county counsel, city attorney, or any other attorney representing  
9 the custodian of records;  
10

11 (C) Any surviving sibling, child, or nonminor dependent whose  
12 information is directly or indirectly included in the deceased child's  
13 juvenile case file or who may be identified by information in the  
14 deceased child's juvenile case file;  
15

16 (D) Any of the following who is authorized to represent the interest of a  
17 surviving sibling, child, or nonminor dependent described in (C):  
18

19 (i) The parent or guardian of any surviving minor sibling or child;  
20 and  
21

22 (iii) The attorney of record or legal representative of any surviving  
23 sibling, child, or nonminor dependent;  
24

25 (E) Anyone with a surviving interest protected by another state or federal  
26 law prohibiting or limiting the release of the juvenile case file or any  
27 portions thereof under section 827(a)(3);  
28

29 (F) The attorney of record or legal representative of the individual  
30 protected under section 827(a)(3);  
31

32 (G) The Indian tribe—and, if applicable, the Indian custodian—of any  
33 surviving sibling, child, nonminor dependent, or individual protected  
34 under section 827(a)(3), who is or was an Indian child as defined in  
35 section 224.1(b); and  
36

37 (H) Any other interested party as determined by the court.  
38

39 (2) The petitioner must complete *Proof of Service—Petition for Public*  
40 *Disclosure of a Deceased Child's Juvenile Dependency Case File (form JV-*  
41 *583) and file it with the court.*  
42

1 (3) If the petitioner or the petitioner’s counsel does not know or cannot  
2 reasonably determine the identity or address of any of the interested parties in  
3 (b)(1) or the custodian of records possesses information indicating that  
4 service by the petitioner on any of those interested parties may have been  
5 ineffective, the custodian of records must, within 10 days of receipt of the  
6 petition:

7  
8 (A) Serve on those parties, personally or by first-class mail to the last  
9 known address, a copy of *Petition for Public Disclosure of a Deceased*  
10 *Child’s Juvenile Dependency Case File (JV-584)*, *Notice of Petition for*  
11 *Public Disclosure of a Deceased Child’s Juvenile Dependency Case*  
12 *File (JV-585)*, and a blank copy of *Objection to Public Disclosure of a*  
13 *Deceased Child’s Juvenile Dependency Case File* (form JV-586); and

14  
15 (B) Complete *Proof of Service—Petition for Public Disclosure of a*  
16 *Deceased Child’s Juvenile Dependency Case File* (form JV-582) and  
17 file it with the court.

18  
19 (4) For good cause, the court may, on the motion of the person seeking the order  
20 or on its own motion, shorten the time for service of the *Petition for Public*  
21 *Disclosure of a Deceased Child’s Juvenile Dependency Case File*.

22  
23 **(c) Procedure for evaluating a request for a deceased child’s juvenile dependency**  
24 **case file**

25  
26 Section 827(a)(2)(A)–(C), (E), and (F) sets forth the procedures and timelines  
27 governing objections, replies to objections, and hearings on a *Petition for Public*  
28 *Disclosure of a Deceased Child’s Juvenile Dependency Case File* and, subject to  
29 section 827(a)(3)(A), the standards for granting or denying such a petition. The  
30 court may issue redaction and protective orders such as *Order Granting Section*  
31 *827 Petition Attachment: Required Redactions* (form JV-576) to limit public  
32 disclosure of a deceased child’s juvenile dependency case file, as necessary.

33  
34 **Advisory Committee Comment**

35  
36 Consistent with rule 5.165, which requires reasonable and good faith efforts to give notice to the  
37 other party, if petitioner in good faith attempted to inform the interested parties but was unable to  
38 do so, petitioner should specify in the proof of service their efforts made to inform the interested  
39 parties.



**Proof of Service—Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT  
Not approved by  
the Judicial Council**

**1** a. Your Name:

Relationship to child (if any): \_\_\_\_\_  
Your Lawyer (if you have one for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Fill in case number if known.

**Case Number:**

**2**  I was not able to provide notice of this petition to the following because I did not know their names or addresses. The clerk must serve a copy of the petition.

- a.  County counsel or other attorney representing the child welfare agency if petition filed under Welfare and Institutions Code section 300
- b.  District attorney if petition filed under Welfare and Institutions Code section 601 or 602
- c.  Child
- d.  Attorney of record for the child
- e.  Child's parent
- f.  Child's legal guardian
- g.  Probation department if petition filed under Welfare and Institutions Code section 601 or 602
- h.  Child welfare agency/custodian of records if petition filed under Welfare and Institutions Code section 300
- i.  Child's identified Indian tribe
- j.  Child's CASA volunteer
- k.  An individual with an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3)
- l.  The Indian tribe of the individual protected under Welfare and Institutions code section 827(a)(3) who was an Indian child as defined in Welfare and Institutions Code section 224.1(b)
- m.  The attorney of record or legal representative of the individual protected under Welfare and Institutions Code section 827(a)(3)

**3** If you checked box 2a, 2b, 2g, or 2h, describe the efforts made to locate those addresses and explain why you are unable to locate the addresses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Your name: \_\_\_\_\_

Case Number: _____
--------------------

- 4  Copies of *Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File* (JV-570), *Notice of Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File* (JV-571), and a blank *Objection to Release of Delinquency Case File or a Living Child's Juvenile Dependency Case File* (JV-572) have been served personally or placed in a sealed envelope with postage paid and deposited in the United States mail addressed to the following:
- a.  County counsel or other attorney representing the child welfare agency if petition filed under **Welfare and Institutions Code** section 300 (*name and address*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_
- b.  District attorney if petition filed under **Welfare and Institutions Code** section 601 or 602 (*name and address*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_
- c.  Child (*name and address*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_
- d.  Attorney of record for the child (*name and address*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_
- e.  Child's parent (*name and address*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_
- f.  Child's parent (*name and address*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_
- g.  Child's legal guardian (*name and address*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_
- h.  Probation department if petition filed under **Welfare and Institutions Code** section 601 or 602 (*name and address*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_



Your name: \_\_\_\_\_


Case Number: \_\_\_\_\_

- 4 i.  Child welfare agency/custodian of records if petition filed under Welfare and Institutions Code section 300 (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_
- j.  The Indian child's tribal representative (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_
- k.  The child's CASA volunteer (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_
- l.  Anyone with an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3) (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_
- m.  The Indian tribe of the individual protected under Welfare and Institutions Code section 827(a)(3) who was an Indian child as defined in Welfare and Institutions Code section 224.1(b) (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_
- n.  The attorney of record or legal representative of the individual protected under Welfare and Institutions Code section 827(a)(3) (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_

5 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be guilty of a crime.

Date:

\_\_\_\_\_  
Type or print your name

 \_\_\_\_\_  
Sign your name

**Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT  
Not approved by  
the Judicial Council**

If you are requesting a court order to obtain access to the juvenile delinquency case file or a living child's juvenile dependency case file, fill out all items on this form, and file it with the juvenile court. You must also fill out and file Proof of Service—Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-569).

**1** a. Your Name: \_\_\_\_\_

Relationship to child (if any): \_\_\_\_\_

Your Lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fill in case number, if known:

**Case Number:**

**2** Name of child: \_\_\_\_\_

**3** Child's date of birth (if known): \_\_\_\_\_

**4**  A petition regarding the child in **2** has been filed under (check all that apply):

a.  Welfare and Institutions Code section 300

b.  Welfare and Institutions Code section 601

c.  Welfare and Institutions Code section 602

**5** The records I want are: (Describe in detail. Attach more pages if you need more space. If you are involved in a pending proceeding in an appellate court or you are preparing to participate in such a proceeding, you should describe here the transcripts, reports, and any other evidence considered by the juvenile court at hearings related to the subject of the appeal or writ proceeding. For example, you should describe a report by providing its title (such as "status review report," "jurisdiction/disposition report," or "CASA report") and the date of the hearing when the document was considered.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you have additional information to provide. Attach a separate sheet of paper or papers and write "Attachment 5 to form JV-570, item 5" for a title.



Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

- 6 The reasons for this petition are:
- a.  Civil court case pending in (name of county): \_\_\_\_\_  
     Case number: \_\_\_\_\_ Hearing date: \_\_\_\_\_
  - b.  Criminal court case pending in (name of county): \_\_\_\_\_  
     Case number: \_\_\_\_\_ Hearing date: \_\_\_\_\_
  - c.  Juvenile court case pending in (name of county): \_\_\_\_\_  
     Case number: \_\_\_\_\_ Hearing date: \_\_\_\_\_
  - d.  Family law court case pending in (name of county): \_\_\_\_\_  
     Case number: \_\_\_\_\_ Hearing date: \_\_\_\_\_
  - e.  Writ or appeal case pending in (name of district): \_\_\_\_\_  
     Case number (if available): \_\_\_\_\_  
     Hearing dates related to the juvenile court order being challenged or to be challenged on appeal or by writ:  
     \_\_\_\_\_
  - f.  Other (specify): \_\_\_\_\_  
     Case number: \_\_\_\_\_ Hearing date: \_\_\_\_\_

7 I need the records of a juvenile delinquency case file or a living child's juvenile dependency case file because (describe in detail; attach more pages if you need more space):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Check here if you have additional information to provide. Attach a separate sheet of paper or papers and write "Attachment 7 to form JV-570, item 7" for a title.

8 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I am guilty of a crime.

Date: \_\_\_\_\_

\_\_\_\_\_

Type or print your name

\_\_\_\_\_

Sign your name

**Note: You must provide a copy of this completed form to all interested parties if you know their names and addresses.**

**Notice of Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT  
Not approved by  
the Judicial Council**

**RE: Release of Juvenile Case File and Right to File an Objection**

You must provide notice to all those listed in item 2 on Proof of Service—Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-569).

TO (names):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

① Child's name: \_\_\_\_\_

② Information relating to the child named in item ① is being sought by (name): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Court fills in case number when form is filed.

**Case Number:**

③ The requested information is described in the attached Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-570).

④ If you object to the release of these records and information, you must fill out Objection to Release of Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-572) and return it to the court listed at the address above within 10 days of service of this notice.

Date:

\_\_\_\_\_  
Type or print your name



\_\_\_\_\_  
Sign your name

**Warning: If you do not object, the court may grant access to the child's case file.**

**Objection to Release of Delinquency Case File or a Living Child's Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT  
Not approved by  
the Judicial Council**

Objections to the release of information and records described in the attached Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-570) must be filed with the juvenile court.

1 a. Your Name:

Relationship to child (if any): \_\_\_\_\_

Your Lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Court fills in case number when form is filed.

**Case Number:**

2 Name of child: \_\_\_\_\_

3 My relationship to the child, if any, is: \_\_\_\_\_

4 I object to the release of information and records relating to the child named in item 2

5 I do not want the juvenile court to release the records because (describe in detail, attach additional pages if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you have additional information to provide. Attach a separate sheet of paper or papers and write "Attachment 5 to form JV-572, item 5" for a title.

Date:

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Sign your name

**Warning: If you do not object, the court may grant access to the child's case file.**

**Order on Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File**

*Clerk stamps date here when form is filed.*

**DRAFT  
Not approved by  
the Judicial Council**

**The court finds and orders:**

- ①  The request is denied.
  - a.  Petitioner has not shown good cause for the release of the requested records.
  - b.  Petitioner has not met the notice requirements of rule 5.552(b) of the California Rules of Court.
  - c.  Request for records is overbroad or records sought are insufficiently identified.
  - d.  Other:  
\_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in child's name and date of birth:*

**Child's Name:**

**Date of Birth:**

*Court fills in case number when form is filed.*

**Case Number:**

- ②  The court sets a hearing on the request. Applicant has shown good cause for release of the juvenile case file, but the court must balance the interests of the applicant, the child, other parties to the juvenile delinquency or a living child's juvenile dependency court proceedings, and the public. Clerk to send notice under rule 5.552 of the California Rules of Court.  
  
Date of hearing: \_\_\_\_\_  
Time of hearing: \_\_\_\_\_  
Location: \_\_\_\_\_

- ③  The court will conduct a review of the juvenile case file and any filed objections.

- ④  Other:  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*



**Order After Judicial Review on  
Petition for Access to Delinquency  
Case File or a Living Child's  
Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT  
Not approved by  
the Judicial Council**

1 Name of petitioner: \_\_\_\_\_

**The court finds and orders:**

2  After a review of the juvenile delinquency case file or a living child's juvenile dependency case file and any filed objections  and a noticed hearing, the court denies the request.

Reason(s) for denial:

- a.  Access is not in the child's best interests.
- b.  The need for access does not outweigh the privacy rights of the child and the policy considerations favoring confidentiality of the juvenile case file.
- c.  Petitioner has not shown by a preponderance of the evidence that the records requested are necessary and have substantial relevance to the legitimate need of the petitioner.
- d.  There are no responsive records.
- e.  Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in child's name and date of birth:

**Child's Name:**

**Date of Birth:**

Court fills in case number when form is filed.

**Case Number:**

3  After a review of the juvenile delinquency case file or a living child's juvenile dependency case file and any filed objections  and a noticed hearing, the court grants the request.  
The petitioner has shown by a preponderance of the evidence that access to records is necessary and that records have substantial relevance to the legitimate needs of the petitioner. The court has balanced these needs with the child's best interest. The court finds that the need for access outweighs the policy considerations favoring confidentiality of juvenile records.

a.  The following records may be disclosed:  with redactions  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b.  The procedure for providing access is:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c.  Any information that relates to another child or could identify another child, who is not the subject of the petition, must be redacted. The court orders required redactions as specified in *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576).

d.  See attached.



Case Number:

Your name: \_\_\_\_\_

- 4 a.  Petitioner may not disseminate the information to anyone who is not specified in Welfare and Institutions Code section 827 or 827.10.
- b.  Petitioner may disseminate the disclosed records listed in item 3a only to: \_\_\_\_\_
- as redacted     subject to protective order     additional orders attached

- 5  Disclosure subject to protective order (*list orders*): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- 6  Other:
- \_\_\_\_\_
- \_\_\_\_\_

- 7  See attached.

Date:

\_\_\_\_\_  
*Judicial Officer*

PETITIONER:  
MINOR'S NAME:

Date petition filed:  
Case No.:

**ORDER GRANTING WELFARE AND INSTITUTIONS CODE SECTION  
827 PETITION ATTACHMENT: REQUIRED REDACTIONS**

(Welfare and Institutions Code section 827)

- TO  *Order After Judicial Review on Petition for Access to Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-574)*  
 *Order After Judicial Review on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (form JV-588)*

Use this form to identify required redaction(s) to the juvenile case file when granting the Welfare and Institutions Code Section 827 petition, and to authorize testimony related to the released juvenile case file information, as necessary.

1. After an in-camera review, the court determines that (*check one*):  all  portions of the juvenile case file may be disclosed. The court releases the documents specified below. (*check all that apply*):

a.  **Court File**

- (1)  Minute orders  
 (2)  Petitions  
 (3)  Reports by Social Workers  
 (4)  Reports by Court Appointed Special Advocates (CASA)  
 (5)  Psychological/Psychiatric Reports  
 (6)  Other (*Please specify additional documents or information.*):

b.  **Agency File**

- (1)  Emergency Response Referrals  
 (2)  Delivered Service Logs  
 (3)  Investigative Narratives  
 (4)  Relative Home Assessments  
 (5)  Other (*Please specify additional documents or information.*):

PETITIONER: MINOR'S NAME:	Date petition filed: Case No.:
------------------------------	-----------------------------------

2.  The following information must be removed or redacted before the documents are released (*check all that apply*):
- a.  Any information relating to or that could identify other minors or nonminor dependents pursuant to Welfare and Institutions Code section 827(a)(2), California Consumer Privacy Act (CCPA), Civil Code section 1798.100, et seq.
  - b.  Names, addresses, and telephone numbers of reporting parties pursuant to the Child Abuse and Neglect Reporting Act (CANRA), Penal Code section 11167(d).
  - c.  Social security numbers pursuant to California Civil Code section 1798.85.
  - d.  Dates of birth pursuant to Privacy Act of 1974, 5 U.S.C. § 552a, Driver's Privacy Protection Act (DPPA), 18 U.S.C. § 2721, California Public Records Act (CPRA), Government Code section 7927.410.
  - e.  Driver's license numbers pursuant to Driver's Privacy Protection Act (DPPA), 18 U.S.C. § 2721, Vehicle Code section 1808.21.
  - f.  Protected health information pursuant to the Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191 (1996), California Confidentiality of Medical Information Act (CMIA), Civil Code section 56, et seq., Health and Safety Code sections 12097–121020.
  - g.  Mental health information pursuant to the Lanterman-Petris-Short Act (LPS), Welfare and Institutions Code section 5000, et seq., Health and Safety Code section 11845, Civil Code section 56.103.
  - h.  Substance abuse treatment information pursuant to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (CAAAPTR), 42 U.S.C. § 4541, et seq., Public Health Service Act, 42 U.S.C. § 290dd -2, Health and Safety Code section 11845.5.
  - i.  Psychotherapy notes pursuant to Civil Code section 56.10(c)(1).
  - j.  Education information pursuant to Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g, 34 C.F.R. part 99, California Student Records Act, Education Code sections 49060–49085.
  - k.  Privileged information pursuant to Evidence Code sections 954, 994, 1014, 1035.8, 1037.5, 1038.
  - l.  Other information:

3.  The court releases the foregoing documents upon the petitioner submitting a signed protective order.

4.  The court further authorizes the testimony of  social workers  probation officers  Other: in the upcoming  criminal  civil proceedings.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judicial Officer

**Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File**

*Clerk stamps date here when form is filed.*

**DRAFT  
Not approved by  
the Judicial Council**

① a. Your Name: \_\_\_\_\_

Relationship to child (if any): \_\_\_\_\_

Your Lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

*Fill in case number if known.*

**Case Number:**

②  I was not able to provide notice of this petition to the following because I did not know their names or addresses. The custodian of records must serve a copy of the petition.

- a.  The custodian of records, as defined in Welfare and Institutions Code section 10850.4(k)(2);
- b.  The county counsel, city attorney, or any other attorney representing the custodian of records;
- c.  Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file;
- d.  Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in item 2.c. above:
  - (i)  The parent or guardian of any surviving minor sibling or child;
  - (ii)  The Indian tribe—and, if applicable, the Indian custodian—of any surviving sibling, child, or nonminor dependent who is an Indian child as defined in Welfare and Institutions Code section 224.1(b); and
  - (iii)  The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent;
- e.  Any surviving adult who has an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3);
- f.  Any of the following who is authorized to represent the interest of any surviving adult who has an interest protected by another state or federal law described in item 2.e. above:
  - (i)  The Indian tribe of any surviving adult who was an Indian child as defined in Welfare and Institutions Code section 224.1(b); and
  - (ii)  The attorney of record or legal representative of any surviving adult; and
- g.  Any other interested party as determined by the court.
- h.  Other (describe): \_\_\_\_\_



Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

3 If you checked box 2.a. or 2.b., describe the efforts made to locate those addresses and explain why you are unable to locate the addresses: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4  Copies of *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (JV-584)*, *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (JV-585)*, and a blank *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File (JV-586)* have been served personally or placed in a sealed envelope with postage paid and deposited in the United States mail addressed to the following:

a.  The custodian of records, as defined in Welfare and Institutions Code section 10850.4(k)(2) (*name and address*): \_\_\_\_\_  
\_\_\_\_\_

Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_

b.  The county counsel, city attorney, or any other attorney representing the custodian of records (*name and address*): \_\_\_\_\_  
\_\_\_\_\_

Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_

c.  Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file (*name and address*): \_\_\_\_\_  
\_\_\_\_\_

Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_

d.  Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in item 4.c. above:

(i)  The parent or guardian of any surviving minor sibling or child (*name and address*): \_\_\_\_\_  
\_\_\_\_\_

Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_

(ii)  The Indian tribe—and, if applicable, the Indian custodian—of any surviving sibling, child, or nonminor dependent who is an Indian child as defined in Welfare and Institutions Code section 224.1(b) (*name and address*): \_\_\_\_\_  
\_\_\_\_\_

Date mailed: \_\_\_\_\_ or  Personally served on (*date*): \_\_\_\_\_



Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

- 4 d. (iii)  The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_
- e.  Any surviving adult who has an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3) (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_
- f.  Any of the following who is authorized to represent the interest of any surviving adult who has an interest protected by another state or federal law described in item 4.e. above:
  - (i)  The Indian tribe of any surviving adult who was an Indian child as defined in Welfare and Institutions Code section 224.1(b) (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_
  - (ii)  The attorney of record or legal representative of any surviving adult (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_
- g.  Any other interested party as determined by the court (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_
- h.  Other (name and address): \_\_\_\_\_  
 Date mailed: \_\_\_\_\_ or  Personally served on (date): \_\_\_\_\_

Check here if you have additional information to provide. Attach a separate sheet of paper or papers and write "Attachment 4 to form JV-583, item 4" for a title.

5 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be guilty of a crime.

Date:

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Sign your name

**Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT  
Not approved by  
the Judicial Council**

If you are a member of the public requesting public disclosure of the juvenile dependency case file of a deceased child, you can:

a. Fill out this form and file it with the juvenile court. You must then provide a copy of this form to the custodian of records of the county child welfare agency, who will then provide notice of this petition. You must also fill out and file Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (form JV-583).

**Or**

b. Do not complete the form, and instead request the juvenile case file from the child welfare agency under Welfare and Institutions Code section 10850.4.

Fill in court name and street address:

**Superior Court of California, County of**

① a. Your Name: \_\_\_\_\_

Relationship to child (if any): \_\_\_\_\_

Your Lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Fill in case number, if known:

**Case Number:**

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

② Name of child: \_\_\_\_\_

③ Child's date of birth (if known): \_\_\_\_\_

④ a.  A petition regarding the child in ② has been filed under (check all that apply):

(i)  Welfare and Institutions Code section 300

(ii)  Welfare and Institutions Code section 601

(iii)  Welfare and Institutions Code section 602

b.  A petition has not been filed, but the deceased child was within the jurisdiction of the juvenile court. An investigation is believed to have been conducted, and records are within the care and custody of the agency.





Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

- 5 a.  The child in 2 is deceased. Approximate date of death: \_\_\_\_\_
- b.  I believe the child in 2 died as a result of abuse or neglect.

- 6 Petitioner requests (check one):
  - a.  The entire juvenile case file
  - b.  Part of the juvenile case file described below:
   
\_\_\_\_\_
   
\_\_\_\_\_
   
\_\_\_\_\_


Check here if you have additional information to provide. Attach a separate sheet of paper or papers and write "Attachment 6 to form JV-584, item 6" for a title.

7 The reason for this petition is the presumptive public right of access to the file of a deceased child.

8 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I am guilty of a crime.

Date:

\_\_\_\_\_  
*Type or print your name*

 \_\_\_\_\_  
*Sign your name*

**Note: You must provide a copy of this completed form to all interested parties if you know their names and addresses.**

**Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File**

Clerk stamps date here when form is filed.  
  
**DRAFT**  
**Not approved by**  
**the Judicial Council**

**RE: Release of Juvenile Case File and Right to File an Objection**

*For a deceased child, you must provide notice to all those listed in POS-Petition for Public Disclosure of a Deceased Child's Juvenile Case File (form-583).*

TO (names):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

① Child's name: \_\_\_\_\_

② Information relating to the child named in item ① is being sought by (name): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Court fills in case number when form is filed.

**Case Number:**

- ③ The requested information is described in the attached *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584).
- ④ If you object to the release of these records and information, you must fill out *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586) and return it to the court listed at the address above within 15 days of service of this notice of a petition for public disclosure of a deceased child's juvenile case file.

Date:

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Sign your name*

**Warning: If you do not object, the court may grant access to the child's case file.**

**Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT  
Not approved by  
the Judicial Council**

Objections to the release of information and records described in the attached Petition for Public Disclosure of a Deceased Child's Juvenile Case File (form JV-584) must be filed with the juvenile court.

1 a. Your Name: \_\_\_\_\_  
Relationship to child (if any): \_\_\_\_\_  
Your Lawyer (if you have one for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Court fills in case number when form is filed.

**Case Number:**

2 Child's name: \_\_\_\_\_


3 I object to the release of information and records relating to the child named in item 2.

4 I do not want the juvenile court to release the records because (check all that apply):  
a.  I can show by a preponderance of evidence that the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical or emotional well-being of another surviving child who is directly or indirectly connected to the juvenile case that is the subject of the petition for the following reason(s): (identify the surviving child and describe how public disclosure is detrimental):  
\_\_\_\_\_  
\_\_\_\_\_  
b.  The juvenile case file, or any portion thereof, is privileged or confidential pursuant to another state law or federal law or regulation, which prohibits or limits release of the juvenile case file or any portions thereof for the following reason(s): (provide the name and citation of the state law or federal law or regulation on which you base your objection and what information in the juvenile case file is protected):  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you have additional information to provide. Attach a separate sheet of paper or papers and write "Attachment 4 to form JV-586, item 4" for a title.

Date:

\_\_\_\_\_  
Type or print your name

 \_\_\_\_\_  
Sign your name

**Warning: If you do not object, the court may grant access to the child's case file.**

**Order on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File**

*Clerk stamps date here when form is filed.*

**DRAFT  
Not approved by  
the Judicial Council**

**The court finds and orders:**

- ①  The child is deceased, an objection to the request has been filed, and the court sets a hearing on the request within 60 calendar days from the date the petition was served on the custodian of records.

Date of hearing: \_\_\_\_\_

Time of hearing: \_\_\_\_\_

Location: \_\_\_\_\_

- ②  The child is deceased, and the court will (1) conduct a review of the juvenile case file without a hearing because no objections were filed, and (2) issue its decision within 10 calendar days of the final day for filing an objection.

- ③  Other:  
\_\_\_\_\_  
\_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in child's name and date of birth:*

**Child's Name:**

**Date of Birth:**

*Court fills in case number when form is filed.*

**Case Number:**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**Order After Judicial Review on  
Petition for Public Disclosure of a  
Deceased Child's Juvenile  
Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT  
Not approved by  
the Judicial Council**

① Name of petitioner: \_\_\_\_\_

**The court finds and orders:**

②  This child is deceased, and the request is granted.

a.  The court has read and considered the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b.  There is a presumption under Welfare and Institutions Code section 827(a)(2)(B) in favor of the release of the documents unless a statutory reason for confidentiality is shown to exist. The court has balanced only the interests of the surviving children, siblings, and nonminor dependents who may be named in the file with the deceased child.

c.  The following records may be disclosed:  with redactions

\_\_\_\_\_  
\_\_\_\_\_

d.  The procedure for providing access is:

\_\_\_\_\_  
\_\_\_\_\_

e. Any information that relates to another surviving child or could identify another surviving child, except for information about the deceased, must be redacted.

f.  Any information that is privileged or confidential pursuant to another state or federal law or regulation must be redacted. The court orders required redactions as specified in *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576).

g.  See attached.

h.  Disclosure subject to protective order (*list orders*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**  
\_\_\_\_\_  
\_\_\_\_\_

Fill in child's name and date of birth:

**Child's Name:**  
\_\_\_\_\_  
**Date of Birth:**  
\_\_\_\_\_

Court fills in case number when form is filed.

**Case Number:**  
\_\_\_\_\_

Case Number:

Your name: \_\_\_\_\_

- 3  The child is deceased and the request is denied because *(check all that apply)*:
- a.  The court finds by a preponderance of the evidence that access to the juvenile case file or of any portion of it is detrimental to the safety, protection, or physical or emotional well-being of another surviving child, sibling, or nonminor dependent who is directly or indirectly connected to the juvenile case that is the subject of the request.
- b.  The juvenile case file, or a portion thereof, is privileged or confidential pursuant to another state law or federal law or regulation, which prohibits or limits release of the juvenile case file or any portions thereof for the following reason(s) *(provide the name and citation of the state law or federal law or regulation and what information in the juvenile case file is protected)*:  
\_\_\_\_\_  
\_\_\_\_\_
- c.  Other:  
\_\_\_\_\_  
\_\_\_\_\_
- d.  See attached.

Date:

\_\_\_\_\_  
*Judicial Officer*