

AMENDMENTS TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on May 15, 2020, effective September 1, 2020

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1 **Rule 3.1161. Request to make minor’s information confidential in civil harassment**
2 **protective order proceedings**

3
4 **(a) Application of rule**

5
6 This rule applies to requests and orders made under Code of Civil Procedure section
7 527.6(v) to keep a minor’s information confidential in a civil harassment protective
8 order proceeding.

9
10 Wherever used in this rule, “legal guardian” means either parent if both parents
11 have legal custody, or the parent or person having legal custody, or the guardian, of
12 a minor.

13
14 **(b)–(f) * * ***

15
16 **(g) Factors in selecting redaction procedures * * ***

17
18 *(Subd (g) amended effective September 1, 2020.*

19
20 **(h) ~~Sharing of information about a protected minor~~ Releasing minor’s confidential**
21 **information**

22
23 (1) ~~*Sharing of information with the respondent*~~ To respondent

24
25 Information about a protected minor must be released to the respondent only
26 as provided in Code of Civil Procedure section 527.6(v)(4)~~(B)~~(A)(ii), limited
27 to information necessary to allow the respondent to respond to the request for
28 the protective order and to comply with the confidentiality order and the
29 protective order.

30
31 (2) ~~*Sharing of information with law enforcement*~~ To law enforcement

32
33 Information about a ~~protected~~ minor must be shared with law enforcement
34 ~~only~~ as provided in Code of Civil Procedure section 527.6(v)(4)(A)(i) or by
35 court order.

36
37 (3) To other persons

38
39 If the court finds it is necessary to prevent harassment or is in the best interest
40 of the minor, the court may release confidential information on the request of
41 any person or entity or on the court’s own motion.

42
43 (A) Request for release of confidential information

- 1 (i) Any person or entity may request the release of confidential
2 information by filing *Request for Release of Minor's Confidential*
3 *Information* (form CH-176) and a proposed, *Order on Request for*
4 *Release of Minor's Confidential Information* (form CH-179), with
5 the court.
6
7 (ii) Within 10 days after filing form CH-176 with the clerk, the clerk
8 must serve, by first-class mail, the following documents on the
9 minor or legal guardian who made the request to keep the minor's
10 information confidential:
11
12 a. *Cover Sheet for Confidential Information* (form CH-175);
13
14 b. *Request for Release of Minor's Confidential Information* (form
15 CH-176);
16
17 c. *Notice of Request for Release of Minor's Confidential*
18 *Information* (form CH-177);
19
20 d. *Response to Request for Release of Minor's Confidential*
21 *Information* (form CH-178) (blank copy);
22
23 e. *Order on Request for Release of Minor's Confidential*
24 *Information* (form CH-179).
25

26 (B) *Opportunity to object*
27

- 28 (i) The person who made the request for confidentiality has the right
29 to object by filing form CH-178 within 20 days from the date of
30 the mailing of form CH-177, or verbally objecting at a hearing, if
31 one is held.
32
33 (ii) The person filing a response must serve a copy of the response
34 (form CH-178) on the person requesting release of confidential
35 information. Service must occur before filing the response form
36 with the court unless the response form contains confidential
37 information. If the response form contains confidential
38 information, service must be done as soon as possible after the
39 response form has been redacted.
40
41 (iii) If the person who made the request for confidentiality objects to
42 the release of information, the court may set the matter for a closed
43 hearing.
44

1 (C) Rulings

2
3 The request may be granted or denied in whole or in part without a hearing.
4 Alternatively, the court may set the matter for hearing on at least 10 days'
5 notice to the person who made the request for release of confidential
6 information and the person who made the request for confidential information.
7 Any hearing must be confidential.

8
9 (i) Order granting release of confidential information

10
11 a. The order (form CH-179) granting the release of confidential
12 information must be prepared in a manner consistent with the
13 procedures outlined in (f).

14
15 b. A redacted copy of the order (form CH-179) must be filed in a
16 public file and an unredacted copy of the order must be filed in
17 a confidential file.

18
19 c. Service

20
21 If the court grants the request for release of information based
22 on the pleadings, the court must mail a copy of form CH-179 to
23 the person who filed form CH-176 and the person who made
24 the request to keep the minor's information confidential.
25 Parties may be served in court if present at the hearing.

26
27 (ii) Order denying request to release minor's confidential information

28
29 a. The court may deny a request to release confidential
30 information based on the request alone.

31
32 b. The order (form CH-179) denying the release of confidential
33 information must be filed in a public file and must not include
34 any confidential information.

35
36 c. Service

37
38 If the court denies the request for release of information based
39 on the pleadings, the court must mail a copy of form CH-179 to
40 the person who filed form CH-176 and the person who made
41 the request to keep the minor's information confidential.
42 Parties may be served in court if present at the hearing.

1 (iii) If the court finds that the request to release confidential
2 information is insufficiently specific to meet the requirements
3 under Code of Civil Procedure section 527.6(v)(4)(C), the court
4 may conduct a closed hearing to determine if there are additional
5 facts that would support granting the request. The court may
6 receive any relevant evidence, including testimony from the person
7 requesting the release of a minor’s confidential information, the
8 minor, the legal guardian, the person who requested the restraining
9 order, or other competent witness.

10
11 *(Subd (h) amended effective September 1, 2020.)*

12
13 **(i) Protecting information in subsequent filings and other civil cases**

14
15 (1) * * *

16
17 (2) Other civil case

18
19 (A) Information subject to an order of confidentiality issued under Code of
20 Civil Procedure section 527.6(v) must be kept confidential in any other
21 civil case with the same parties.

22
23 (B) The minor or person making the request for confidentiality and any
24 person who has been served with a notice of confidentiality must submit
25 a copy of the order of confidentiality (form CH-165) in any other civil
26 case involving with the same parties.

27
28 *(Subd (i) amended effective September 1, 2020.)*

29
30 *Rule 3.1161 amended effective September 1, 2020; adopted effective January 1, 2019.*

31
32 **Rule 4.130. Mental competency proceedings**

33
34 **(a)–(c) * * ***

35
36 **(d) Examination of defendant after initiation of mental competency proceedings**

37
38 (1) * * *

39
40 (2) Any court-appointed experts must examine the defendant and advise the
41 court on the defendant’s competency to stand trial. Experts’ reports are to be
42 submitted to the court, counsel for the defendant, and the prosecution. The
43 report must include the following:

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(A) A brief statement of the examiner’s training and previous experience as it relates to examining the competence of a criminal defendant to stand trial and preparing a resulting report;

(B) A summary of the examination conducted by the examiner on the defendant, including a summary of the defendant’s mental status, a diagnosis under the most recent version of the *Diagnostic and Statistical Manual of Mental Disorders*, if possible, of the defendant’s current mental health disorder or disorders, and a statement as to whether symptoms of the mental health disorder or disorders which motivated the defendant’s behavior would respond to mental health treatment;

(C) A detailed analysis of the competence of the defendant to stand trial using California’s current legal standard, including the defendant’s ability or inability to understand the nature of the criminal proceedings or assist counsel in the conduct of a defense in a rational manner as a result of a mental health disorder;

(D)–(G) * * *

(3) * * *

(Subd (d) amended effective September 1, 2020; previously amended effective January 1, 2018, and January 1, 2020.)

(e)-(f) * * *

(g) Diversion of a person eligible for commitment under section 1370 or 1370.01

(1)–(3) * * *

(4) A finding that the defendant suffers from a mental health disorder or disorders rendering the defendant eligible for diversion, any progress reports concerning the defendant’s treatment in diversion, or any other records related to a mental health disorder or disorders that were created as a result of participation in, or completion of, diversion or for use at a hearing on the defendant’s eligibility for diversion under this section, may not be used in any other proceeding without the defendant’s consent, unless that information is relevant evidence that is admissible under the standards described in article I, section 28(f)(2) of the California Constitution.

(5)–(6) * * *

1
2 (Subd (g) amended September 1, 2020; adopted effective January 1, 2020.)
3

4 (h) * * *

5
6 Rule 4.130 amended effective September 1, 2020; adopted effective January 1, 2007; previously
7 amended effective January 1, 2018, and January 1, 2020.
8

9 **Advisory Committee Comment**

10
11 * * *

12
13 ~~The expert reports, unless sealed under rule 2.550, are publicly accessible court documents.~~
14

15 * * *

16
17 **Rule 5.382. Request to make minor's information confidential in domestic violence**
18 **protective order proceedings**

19
20 (a)–(d) * * *

21
22 (e) **Orders on request for confidentiality**

23
24 (1) * * *

25
26 (2) *Order granting request for confidentiality*

27
28 (A)–(C) * * *

29
30 (D) *Service and copies*

31
32 The other party, or both parties if the person making the request for
33 confidentiality is not a party to the action, must be served with a copy of
34 the ~~*Request for Domestic Violence Restraining Order*~~ *Request to Keep*
35 *Minor's Information Confidential* (form DV-160), *Order on Request to*
36 *Keep Minor's Information Confidential* (form DV-165), and *Notice of*
37 *Order Protecting Information of Minor* (form DV-170), redacted if
38 required under (f)(4).
39

40 The protected person and the person requesting confidentiality (if not the
41 protected person) must be provided up to three copies of redacted and
42 unredacted copies of any request or order form.
43

1 (3) * * *

2
3 (Subd (e) amended effective September 1, 2020.)

4
5 (f)–(g) * * *

6
7 (h) ~~Sharing of information about a protected minor~~ Releasing minor’s confidential
8 information

9
10 (1) ~~Sharing of information with the respondent~~ To respondent

11
12 Information about a ~~protected~~ minor must be shared with the respondent only
13 as provided in Family Code section 6301.5(d)(2)(1)(B), limited to information
14 necessary to allow the respondent to respond to the request for the protective
15 order and to comply with the confidentiality order and the protective order.

16
17 (2) ~~Sharing of information with law enforcement~~ To law enforcement

18
19 Information about a ~~protected~~ minor must be shared with law enforcement
20 ~~only~~ as provided in Family Code section 6301.5(d)(1)(A) or by court order.

21
22 (3) To other persons

23
24 If the court finds it is necessary to prevent abuse within the meaning of Family
25 Code section 6220, or is in the best interest of the minor, the court may release
26 confidential information on the request of any person or entity or on the
27 court’s own motion.

28
29 (A) Request for release of confidential information

30
31 (i) Any person or entity may request the release of confidential
32 information by filing *Request for Release of Minor’s Confidential*
33 *Information* (form DV-176) and a proposed order, *Order on*
34 *Request for Release of Minor’s Confidential Information* (form
35 DV-179), with the court.

36
37 (ii) Within 10 days after filing form DV-176 with the clerk, the clerk
38 must serve, by first-class mail, the following documents on the
39 minor or legal guardian who made the request to keep the minor’s
40 information confidential:

41
42 a. Cover Sheet for Confidential Information (form DV-175);
43

- b. Request for Release of Minor's Confidential Information (form DV-176);
- c. Notice of Request for Release of Minor's Confidential Information (form DV-177);
- d. Response to Request for Release of Minor's Confidential Information (form DV-178) (blank copy);
- e. Order on Request for Release of Minor's Confidential Information (form DV-179).

(B) Opportunity to object

- (i) The person who made the request for confidentiality has the right to object by filing form DV-178 within 20 days from the date of the mailing of form DV-177, or verbally objecting at a hearing, if one is held.
- (ii) The person filing a response must serve a copy of the response (form DV-178) on the person requesting release of confidential information. Service must occur before filing the response form with the court unless the response form contains confidential information. If the response form contains confidential information, service must be done as soon as possible after the response form has been redacted.
- (iii) If the person who made the request for confidentiality objects to the release of information, the court may set the matter for a closed hearing.

(C) Rulings

The request may be granted or denied in whole or in part without a hearing. Alternatively, the court may set the matter for hearing on at least 10 days' notice to the person who made the request for release of confidential information and the person who made the request for confidential information. Any hearing must be confidential.

- (i) Order granting release of confidential information
 - a. The order (form DV-179) granting the release of confidential information must be prepared in a manner consistent with the procedures outlined in (f).

1
2 b. A redacted copy of the order (form DV-179) must be filed in a
3 public file and an unredacted copy of the order must be filed in
4 a confidential file.

5
6 c. Service
7

8 If the court grants the request for release of information based
9 on the pleadings, the court must mail a copy of form DV-179
10 to the person who filed form DV-176 and the person who made
11 the request to keep the minor's information confidential.
12 Parties may be served in court if present at the hearing.

13
14 (ii) Order denying request to release minor's confidential information
15

16 a. The court may deny a request to release confidential
17 information based on the request alone.

18
19 b. The order (form DV-179) denying the release of confidential
20 information must be filed in a public file and must not include
21 any confidential information.

22
23 c. Service
24

25 If the court denies the request for release of information based
26 on the pleadings, the court must mail a copy of form DV-179
27 to the person who filed form DV-176 and the person who made
28 the request to keep the minor's information confidential.
29 Parties may be served in court if present at the hearing.

30
31 (iii) If the court finds that the request to release confidential
32 information is insufficiently specific to meet the requirements
33 under Family Code section 6301.5(d)(3), the court may conduct a
34 closed hearing to determine if there are additional facts that would
35 support granting the request. The court may receive any relevant
36 evidence, including testimony from the person requesting release
37 of the minor's confidential information, the minor, the legal
38 guardian, the person who requested the restraining order, or other
39 competent witness.
40

41 *(Subd (h) amended effective September 1, 2020.)*
42

1 (i) **Protecting information in subsequent filings and other civil cases**

2
3 (1) * * *

4
5 (2) *Other civil case*

6
7 (A) Information subject to an order of confidentiality issued under Family
8 Code section 6301.5 must be kept confidential in any family law case
9 and any other civil case with the same parties.

10
11 (B) The minor or person making the request for confidentiality and any
12 person who has been served with a notice of confidentiality must submit
13 a copy of the order of confidentiality (form DV-165) in any family law
14 case and any other civil case involving with the same parties.

15
16 (*Subd (i) amended effective September 1, 2020.*)

17
18 *Rule 5.382 amended effective September 1, 2020; adopted effective January 1, 2019.*

19
20 **Rule 5.552. Confidentiality of records (§§ 827, 827.12, 828)**

21
22 (a) * * *

23
24 (b) **Petition**

25
26 Juvenile case files may be obtained or inspected only in accordance with sections
27 827, 827.12, and 828. They may not be obtained or inspected by civil or criminal
28 subpoena. With the exception of those persons permitted to inspect juvenile case
29 files without court authorization under sections 827 and 828, and the specific
30 requirements for accessing juvenile case files provided in section 827.12(a)(1),
31 every person or agency seeking to inspect or obtain juvenile case files must petition
32 the court for authorization using ~~Request for Disclosure of~~ Petition for Access to
33 Juvenile Case File (form JV-570). A chief probation officer seeking juvenile court
34 authorization to access and provide data from case files in the possession of the
35 probation department under section 827.12(a)(2) must comply with the
36 requirements ~~of in subdivision~~ (e) of this rule.

37
38 (1)–(2) * * *

39
40 (*Subd (b) amended effective September 1, 2020; adopted as subd (c); previously amended*
41 *effective July 1, 1997, January 1, 2007, and January 1, 2019; previously amended and*
42 *relettered effective January 1, 2018.*)

1 (c) **Notice of petition for disclosure access**

2
3 (1) At least 10 days before the petition is submitted to the court, the petitioner
4 must personally or by first-class mail serve ~~Request for Disclosure of~~ Petition
5 for Access to Juvenile Case File (form JV-570), ~~Notice of~~ ~~Request for~~
6 ~~Disclosure of~~ Petition for Access to Juvenile Case File (form JV-571), and a
7 blank copy of *Objection to Release of Juvenile Case File* (form JV-572) on
8 the following:

9
10 (A)–(I) * * *

11
12 (2) The petitioner must complete *Proof of Service—*~~Request for Disclosure~~
13 *Petition for Access to Juvenile Case File* (form JV-569) and file it with the
14 court.

15
16 (3) If the petitioner or the petitioner’s counsel does not know or cannot
17 reasonably determine the identity or address of any of the parties in (c)(1)
18 above, the clerk must:

19
20 (A) Serve personally or by first-class mail to the last known address a copy
21 of ~~Request for Disclosure of~~ Petition for Access to Juvenile Case File
22 (form JV-570), ~~Notice of~~ ~~Request for Disclosure of~~ Petition for Access
23 to Juvenile Case File (form JV-571), and a blank copy of *Objection to*
24 *Release of Juvenile Case File* (form JV-572); and

25
26 (B) Complete *Proof of Service—*~~Request for Disclosure~~ *Petition for Access*
27 *to Juvenile Case File* (form JV-569) and file it with the court.

28
29 (4) For good cause, the court may, on the motion of the person seeking the order
30 or on its own motion, shorten the time for service of the petition for
31 disclosure access.

32
33 *(Subd (c) amended effective September 1, 2020; adopted as subd (d); previously amended*
34 *effective January 1, 2007, and January 1, 2009, previously amended and relettered*
35 *effective January 1, 2018)*

36
37 (d) **Procedure**

38
39 (1)–(4) * * *

40
41 (5) If the court grants the petition, the court must find that the need for discovery
42 access outweighs the policy considerations favoring confidentiality of

1 juvenile case files. The confidentiality of juvenile case files is intended to
2 protect the privacy rights of the child.

3
4 (6) The court may permit ~~disclosure of~~ access to juvenile case files only insofar
5 as is necessary, and only if petitioner shows by a preponderance of the
6 evidence that the records requested are necessary and have substantial
7 relevance to the legitimate need of the petitioner.

8
9 (7) If, after in camera review and review of any objections, the court determines
10 that all or a portion of the juvenile case file may be ~~disclosed~~ accessed, the
11 court must make appropriate orders, specifying the information ~~to be~~
12 ~~disclosed~~ that may be accessed and the procedure for providing access to it.

13
14 (8) * * *

15
16 *(Subd (d); amended effective September 1, 2020; adopted as subd (e); previously amended*
17 *effective January 1, 2007, and January 1, 2009; amended and relettered effective January*
18 *1, 2018.)*

19
20 **(e)–(f) * * ***

21
22 *Rule 5.552 amended effective September 1, 2020; adopted as rule 1423 effective July 1, 1992;*
23 *previously amended effective January 1, 1994, July 1, 1995, July 1, 1997, January 1, 2001,*
24 *January 1, 2004, January 1, 2009, January 1, 2018, and January 1, 2019; previously amended*
25 *and renumbered effective January 1, 2007.*

26
27 **Rule 5.640. Psychotropic medications**

28
29 **(a) * * ***

30
31 **(b) Authorization to administer (§§ 369.5, 739.5)**

32
33 (1) Once a child is declared a dependent child of the court and is removed from
34 the custody of the parents, ~~or~~ guardian, or Indian custodian, only a juvenile
35 court judicial officer is authorized to make orders regarding the
36 administration of psychotropic medication to the child, unless, under (e), the
37 court orders that the parent or legal guardian is authorized to approve or deny
38 the medication.

39
40 (2) Once a child is declared a ward of the court, removed from the custody of the
41 parents, ~~or~~ guardian, or Indian custodian, and placed into foster care, as
42 defined in Welfare and Institutions Code section 727.4, only a juvenile court
43 judicial officer is authorized to make orders regarding the administration of

1 psychotropic medication to the child, unless, under (e), the court orders that
2 the parent or legal guardian is authorized to approve or deny the medication.

3
4 *(Subd (b) amended effective September 1, 2020; previously amended effective January 1,*
5 *2009, July 1, 2016, and January 1, 2018.)*

6
7 **(c) Procedure to obtain authorization**

8
9 (1) To obtain authorization to administer psychotropic medication to a dependent
10 child of the court who is removed from the custody of the parents, ~~or~~ legal
11 guardian, or Indian custodian, or to a ward of the court who is removed from
12 the custody of the parents, ~~or~~ legal guardian, or Indian custodian and placed
13 into foster care, the following forms must be completed and filed with the
14 court:

15
16 (A)–(C) * * *

17
18 (2) The child, caregiver, parents, ~~or~~ legal guardians, or Indian custodian, child’s
19 Indian tribe, and Court Appointed Special Advocate, if any, may provide
20 input on the medications being prescribed.

21
22 (A)–(C) * * *

23
24 (3) *Input on Application for Psychotropic Medication* (form JV-222) may be
25 filed by a parent, ~~or~~ guardian, or Indian custodian, ~~his or her~~ their attorney of
26 record, a child’s attorney of record, a child’s Child Abuse Prevention and
27 Treatment Act guardian ad litem appointed under rule 5.662 of the California
28 Rules of Court, or the Indian child’s tribe. If form JV-222 is filed, it must be
29 filed within four court days of receipt of notice of the application.

30
31 (4)–(9) * * *

32
33 (10) Notice of the application must be provided to the parents, ~~or~~ legal guardians,
34 or Indian custodian, their attorneys of record, the child’s attorney of record,
35 the child’s Child Abuse Prevention and Treatment Act guardian ad litem, the
36 child’s current caregiver, the child’s Court Appointed Special Advocate, if
37 any, and where a child has been determined to be an Indian child, the Indian
38 child’s tribe (see also 25 U.S.C. § 1903(4)–(5); Welf. & Inst. Code, §§
39 224.1(a) and (e) and 224.3).

40
41 (A)–(B) * * *

42
43 (C) Notice must be provided as follows:

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(i)–(ii) * * *

(iii) Notice to the child’s attorney of record and any Child Abuse Prevention and Treatment Act guardian ad litem for the child must include:

a.–c. * * *

d. A blank copy of *Input on Application for Psychotropic Medication* (form JV-222) or information on how to obtain a copy of the form-; ~~and~~

e. A blank copy of *Child’s Opinion About the Medicine* (form JV-218) or information on how to obtain the form-; and

f. If the application could result in the authorization of three or more psychotropic medications for 90 days or longer, notice must also include a blank copy of *Position on Release of Information to Medical Board of California* (form JV-228), a copy of *Background on Release of Information to Medical Board of California* (form JV-228-INFO), a blank copy of *Withdrawal of Release of Information to Medical Board of California* (form JV-229), and the procedures in rule 5.642 must be followed.

(iv) * * *

(11) * * *

(12) The court may grant the application without a hearing or may set the matter for hearing at the court’s discretion. If the court sets the matter for a hearing, the clerk of the court must provide notice of the date, time, and location of the hearing to the parents, ~~or~~ legal guardians, or Indian custodian, their attorneys of record, the dependent child if 12 years of age or older, a ward of the juvenile court of any age, the child’s attorney of record, the child’s current caregiver, the child’s social worker or probation officer, the social worker’s or probation officer’s attorney of record, the child’s Child Abuse Prevention and Treatment Act guardian ad litem, the child’s Court Appointed Special Advocate, if any, and the Indian child’s tribe at least two court days before the hearing. Notice must be provided to the child’s probation officer and the district attorney, if the child is a ward of the juvenile court.

1 (Subd (c) amended effective September 1, 2020; previously amended effective January 1,
2 2007, January 1, 2008, January 1, 2009, January 1, 2014, July 1, 2016, January 1, 2018,
3 and January 1, 2019.)
4

5 **(d) * * ***

6
7 **(e) Delegation of authority (§ 369.5, 739.5)**

8
9 If a child is removed from the custody of his or her parent, ~~or~~ legal guardian, or
10 Indian custodian, the court may order that the parent, legal guardian, or Indian
11 custodian is authorized to approve or deny the administration of psychotropic
12 medication. The order must be based on the findings in section 369.5 or section
13 739.5, which must be included in the order. The court may use *Order Delegating*
14 *Judicial Authority Over Psychotropic Medication* (form JV-216) to document the
15 findings and order.
16

17 (Subd (e) amended effective September 1, 2020; previously amended effective January 1,
18 2008, and January 1, 2018.)
19

20 **(f) * * ***

21
22 **(g) Progress review**

23
24 (1)–(5) * * *

25
26 (6) The child, caregiver, parents, ~~or~~ legal guardians, or Indian custodian, and
27 Court Appointed Special Advocate, if any, may provide input at the progress
28 review as stated in (c)(2).
29

30 (7) * * *

31
32 (Subd (g) amended effective September 1, 2020; adopted effective July 1, 2016; previously
33 amended effective January 1, 2018, and January 1, 2019.)
34

35 **(h)–(k) * * ***

36
37 *Rule 5.640* amended effective January 1, 2020; adopted as rule 1432.5 effective January 1, 2001;
38 previously amended and renumbered effective January 1, 2007; previously amended effective
39 January 1, 2003, January 1, 2008, January 1, 2009, January 1, 2014, July 1, 2016, January 1,
40 2018, and January 1, 2019.
41

1 **Rule 5.642. Authorization to release psychotropic medication prescription**
2 **information to Medical Board of California**

3
4 **(a) Providing authorization forms**

5
6 Whenever there is an *Application for Psychotropic Medication* (form JV-220) filed
7 with the court under rule 5.640, the applicant must review the *Physician’s*
8 *Statement—Attachment* (form JV-220(A)) or *Physician’s Request to Continue*
9 *Medication—Attachment* (form JV-220(B)) to determine if the request would result
10 in the child being prescribed three or more concurrent psychotropic medications for
11 90 days or more, as described in section 14028. If the request would result in the
12 child being prescribed three or more psychotropic medications for 90 days or more,
13 the applicant must provide blank copies of *Position on Release of Information to*
14 *Medical Board of California* (form JV-228), *Background on Release of Information*
15 *to Medical Board of California* (form JV-228-INFO), and *Withdrawal of Release of*
16 *Information to Medical Board of California* (form JV-229) to the child and the
17 child’s attorney.

18
19 **(b) Signing authorization form**

20
21 (1) Form JV-228 may be signed by either the child, nonminor dependent, or the
22 attorney, with the informed consent of the child if the child is found by the
23 court to be of sufficient age and maturity to consent. Sufficient age and
24 maturity to consent must be presumed, subject to rebuttal by clear and
25 convincing evidence, if the child is 12 years of age or over. If the child does
26 not want to sign form JV-228, the child’s attorney may not sign it. The
27 child’s attorney may sign form JV-228 with the approval of a child 12 years
28 of age or older, if the child is under 12 years of age, or if the court finds the
29 child not to be of sufficient age and maturity to consent.

30
31 (2) The authorization is for the release of medical records only. It is not an
32 authorization for the release of juvenile court case files as described in
33 section 827.

34
35 **(c) Filing and sending authorization form**

36
37 (1) The child’s attorney must review form JV-228 with the child and file it with
38 the superior court.

39
40 (2) Within three court days of filing, the clerk of the superior court must send
41 form JV-228 to the California Department of Social Services at the address
42 indicated on the form.

1 **(d) Withdrawal of authorization**

2
3 At any time, the child, nonminor dependent, or attorney may withdraw the
4 authorization to release information to the Medical Board of California.

5
6 (1) Withdrawal may be made by filing *Withdrawal of Release of Information to*
7 *Medical Board of California* (form JV-229) or by written letter to the
8 California Department of Social Services.

9
10 (2) The child, nonminor dependent, or attorney may sign (as specified in (b))
11 form JV-229.

12
13 (3) Within three court days of filing, the clerk of the superior court must send
14 form JV-229 to the California Department of Social Services at the address
15 indicated on the form.

16
17 **(e) Notice of release of information to medical board**

18
19 If the California Department of Social Services releases identifying information to
20 the Medical Board of California, the California Department of Social Services must
21 notify the child, nonminor dependent, or former dependent or ward, at the last
22 known address. The California Department of Social Services must also notify the
23 child's, nonminor dependent's, or former dependent's or ward's attorney, including
24 in cases when jurisdiction has been terminated.

25
26 *Rule 5.642 adopted effective September 1, 2020.*

27
28 **Rule 5.649. Right to make educational or developmental-services decisions**

29
30 The court must identify the educational rights holder for the child ~~on form JV-535~~ at each
31 hearing in a juvenile dependency or delinquency juvenile justice proceeding. At any
32 hearing, where the court limits, restores, or modifies educational rights, or where there
33 are updates to any contact or other information, in any juvenile proceeding, the findings
34 and orders must be documented on form JV-535. Unless his or her the rights of the
35 parent, guardian, or Indian custodian rights have been limited by the court under this rule,
36 the parent, ~~or~~ guardian, or Indian custodian holds the educational and developmental-
37 services decisionmaking rights for the ~~his or her~~ child. In addition, a nonminor or
38 nonminor dependent youth holds the rights to make educational and developmental-
39 services decisions for ~~himself or herself~~ the youth and should be identified on form JV-
40 535, unless rule 5.650(b) applies.

1 (a) **Order (§§ 361, 366, 366.27, 366.3, 726, 727.2; 20 U.S.C. § 1415; 34 C.F.R.**
2 **§ 300.300)**

3
4 At the dispositional hearing and each subsequent review or permanency hearing,
5 the court must determine whether the rights of a parent, ~~or~~ guardian, or Indian
6 custodian to make educational or developmental-services decisions for the child
7 should be limited.

8
9 If necessary to protect a child who is adjudged a dependent or ward of the court
10 under section 300, 601, or 602, the court may limit the rights of a parent's, ~~or~~
11 guardian's, or Indian custodian rights to make educational or developmental-
12 services decisions for the child by making appropriate, specific orders on *Order*
13 *Designating Educational Rights Holder* (form JV-535).

14
15 *(Subd (a) amended effective September 1, 2020.)*

16
17 (b) **Temporary order (§ 319)**

18
19 At the initial hearing on a petition filed under section 325 or at any time before a
20 child is adjudged a dependent or the petition is dismissed, the court may, on
21 making the findings required by section 319(g)(1), use form JV-535 to temporarily
22 limit the rights of a parent's, ~~or~~ guardian's, or Indian custodian rights to make
23 educational or developmental-services decisions for the child. An order made under
24 section 319(g) expires on dismissal of the petition, but in no circumstances later
25 than the conclusion of the hearing held under section 361.

26
27 If the court does temporarily limit the rights of a parent's, ~~or~~ guardian's, or Indian
28 custodian rights to make educational or developmental-services decisions, the court
29 must, at the dispositional hearing, reconsider the need to limit those rights and must
30 identify the authorized educational rights holder on form JV-535.

31
32 *(Subd (b) amended effective September 1, 2020.)*

33
34 (c) **No delay of initial assessment**

35
36 The child's initial assessment to determine any need for special education or
37 developmental services need not be delayed to obtain parental or guardian consent
38 or for the appointment of an educational rights holder if one or more of the
39 following circumstances is met:

- 40
41 (1) The court has limited, even temporarily, the educational or developmental-
42 services decisionmaking rights of the parent, ~~or~~ guardian, or Indian custodian,

1 and consent for an initial assessment has been given by an individual
2 appointed by the court to represent the child;

3
4 (2) The local educational agency or regional center, after reasonable efforts,
5 cannot locate the parent, ~~or~~ guardian, or Indian custodian; or

6
7 (3) Parental rights have been terminated or the guardianship has been set aside.

8
9 *(Subd (c) amended effective September 1, 2020.)*

10
11 **(d) Judicial determination**

12
13 If the court determines that the child is in need of any assessments, evaluations, or
14 services—including special education, mental health, developmental, and other
15 related services—the court must direct an appropriate person to take the necessary
16 steps to request those assessments, evaluations, or services.

17
18 *(Subd (d) amended effective September 1, 2020.)*

19
20 **(e) Filing of order**

21
22 Following the dispositional hearing and each statutory review hearing, the party
23 that has requested a modification, limitation, or restoration of educational or
24 developmental-services decisionmaking rights must complete form JV-535 and any
25 required attachments to reflect the court’s orders and submit the completed form
26 within five court days for the court’s review and signature. ~~If no request is made,~~
27 ~~the child’s or youth’s attorney must complete and file the form. If there has been no~~
28 request for modification, limitation, or restoration of educational or developmental-
29 services decisionmaking rights, or there are no required updates to contact or other
30 information, there is no need to file a new form JV-535. If a new form JV-535 is
31 filed, the most recent Attachment to Order Designating Educational Rights Holder
32 (form JV-535(A)) must be attached. The court may instead direct the appropriate
33 party to attach a new Attachment to Order Designating Educational Rights Holder
34 (form JV-535(A)) to document the court’s findings and orders.

35
36 *(Subd (e) amended effective September 1, 2020.)*

37
38 **(f) Service of Process**

39
40 After each hearing where a party has requested a modification, limitation, or
41 restoration of educational or developmental-services decisionmaking rights, the
42 court clerk must serve the most current forms JV-535 and JV-535(A) on each
43 applicable party.

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(Subd (f) adopted effective September 1, 2020.)

Rule 5.649 amended effective September 1, 2020; adopted effective January 1, 2014.

Rule 5.706. Family maintenance review hearings (§ 364)

(a) * * *

(b) Release of Information to the Medical Board of California

If the child has signed *Position on Release of Information to Medical Board of California* (form JV-228), the social worker must provide the child with a blank copy of *Withdrawal of Release of Information to Medical Board of California* (form JV-229) before the hearing if it is the last hearing before the child turns 18 years of age or if the social worker is recommending termination of juvenile court jurisdiction.

(Subd (b) adopted effective September 1, 2020.)

~~**(b)(c)**~~ * * *

(Subd (c) relettered effective September 1, 2020; adopted as subd (d); previously relettered as subd (b) effective January 1, 2017;

~~**(e)(d)**~~ * * *

(Subd (d) relettered effective September 1, 2020; adopted as subd (e); previously amended and relettered as subd(c) effective January 1, 2017.)

~~**(d)(e)**~~ * * *

(Subd (e) relettered effective September 1, 2020; adopted as subd (f); previously relettered as subd (d) effective January 1, 2017.)

~~**(e)(f)**~~ * * *

Subd (f) amended effective September 1, 2020; adopted as subd (g); previously amended and relettered as subd (e) effective January 1, 2017.)

Rule 5.706 amended effective September 1, 2020; adopted effective January 1, 2010; previously amended effective January 1, 2017.

1
2 **Rule 5.708. General review hearing requirements**
3

4 ~~(a)~~–(b) * * *

5
6 **(c) Release of Information to the Medical Board of California**
7

8 If the child has signed *Position on Release of Information to Medical Board of*
9 *California* (form JV-228), the social worker must provide the child with a blank
10 copy of *Withdrawal of Release of Information to Medical Board of California*
11 (form JV-229) before the hearing if it is the last hearing before the child turns 18
12 years of age or if the social worker is recommending termination of juvenile court
13 jurisdiction.

14
15 *(Subd (c) adopted effective September 1, 2020.)*
16

17 ~~(e)~~(d) * * *

18
19 *(Subd (d) relettered effective September 1, 2020; adopted as subd (e); previously amended*
20 *and relettered as subd (c) effective January 1, 2017;.)*
21

22 ~~(d)~~(e) * * *

23
24 *(Subd (e) relettered effective September 1, 2020; adopted as subd (f); previously amended*
25 *effective January 1, 2014, and January 1, 2016; previously relettered as subd (d) effective*
26 *January 1, 2017.)*
27

28 ~~(e)~~(f) * * *

29
30 *(Subd (f) relettered effective September 1, 2020; adopted as subd (g); previously amended*
31 *effective July 1, 2010, January 1, 2014, January 1, 2016, and January 1, 2019; previously*
32 *amended and relettered as subd (e) effective January 1, 2016.)*
33

34 ~~(f)~~(g) * * *

35
36 *(Subd (g) relettered effective September 1, 2020; adopted as subd (j); previously amended*
37 *effective January 1, 2016; previously relettered as subd (f) effective January 1, 2017.)*
38

39 ~~(g)~~(h) * * *

40
41 *(Subd (h) relettered effective September 1, 2020; adopted as subd (k); previously relettered*
42 *effective January 1, 2017.)*
43

1 ~~(h)~~(i) * * *

2
3 (Sub(i) relettered effective September 1, 2020; adopted as subd (l); previously relettered as
4 subd (h) effective January 1, 2017.)

5
6 ~~(j)~~(i) * * *

7
8 (Subd (j) relettered effective September 1, 2020; adopted as subd (n) previously amended
9 effective July 1, 2010, January 1, 2014, January 1, 2015, January 1, 2016, and July 1,
10 2016; previously amended and relettered as Subd (i) effective January 1, 2017.)

11
12 ~~(k)~~(k) * * *

13
14 (Subd (k) relettered effective September 1, 2020; adopted as subd (o); relettered as subd (j)
15 effective January 1, 2017; previously amended effective January 1, 2019.)

16
17 Rule 5.708 amended effective September 1, 2020; adopted effective January 1, 2010; previously
18 amended effective July 1, 2010, January 1, 2014, January 1, 2015, January 1, 2016, July 1, 2016,
19 January 1, 2017, and January 1, 2019.

20
21 **Rule 5.810. Reviews, hearings, and permanency planning**

22
23 (a)–(e) * * *

24
25 **(f) Release of Information to the Medical Board of California**

26
27 If the child has signed *Position on Release of Information to Medical Board of*
28 *California* (form JV-228), the probation officer must provide the child with a blank
29 copy of *Withdrawal of Release of Information to Medical Board of California*
30 (form JV-229) before the hearing if it is the last hearing before the child turns 18
31 years of age or if the social worker is recommending termination of juvenile court
32 jurisdiction.

33
34 (Subd (f) adopted effective September 1, 2020.)

35
36 Rule 5.810 amended effective September 1, 2020; adopted as rule 1496 effective January 1, 1991;
37 previously amended and renumbered as rule 5.810 effective January 1, 2007; previously
38 amended effective January 1, 1998, January 1, 2001, January 1, 2003, January 1, 2004, January
39 1, 2006, January 1, 2014, January 1, 2016, and January 1, 2018.

40
41 **Rule 8.401. Confidentiality**

1 (a) * * *

2
3 (b) **Access to filed documents and records**

4
5 For the purposes of this rule, “filed document” means a brief, petition, motion,
6 application, or other thing filed by the parties in the reviewing court in a proceeding
7 under this chapter; “record on appeal” means the documents referenced in rule
8 8.407; “record on a writ petition” means the documents referenced in rules 8.450
9 and 8.454; and “records in the juvenile case file” means all or part of a document,
10 paper, exhibit, transcript, opinion, order, or other thing filed or lodged in the
11 juvenile court.

12
13 (1) Except as provided in (2)–~~(3)~~(4), a filed document, the record on appeal, or
14 the record on a writ petition and documents filed by the parties in
15 proceedings under this chapter may be inspected only by the reviewing court,
16 ~~and~~ appellate project personnel, the parties, ~~or their~~ for the parties,
17 ~~and~~ or other persons the reviewing court may designate.

18
19 (2) Access to records in the juvenile case file, including any such records made
20 part of the record on appeal or the record on a writ petition, is governed by
21 Welfare and Institutions Code section 827. A person who is not described in
22 section 827(a)(1)(A)–(P) may not access records in the juvenile case file,
23 including any such records made part of the record on appeal or the record on
24 a writ petition, unless that person petitioned the juvenile court under section
25 827(a)(1)(Q) and was granted access by order of the juvenile court.

26
27 ~~(2)~~(3) A filed documents that protects anonymity as required by (a) may be
28 inspected by any person or entity that is considering filing an amicus curiae
29 brief.

30
31 ~~(3)~~(4) Access to a filed document or records items in the record on appeal or the
32 record on a writ petition that are sealed or confidential under authority other
33 than Welfare and Institutions Code section 827 is governed by rules 8.45–
34 8.47 and the applicable statute, rule, sealing order, or other authority.

35
36 *(Subd (b) amended effective September 1, 2020; adopted as subd (a); previously amended*
37 *and relettered effective January 1, 2012; previously amended effective January 1, 2014.)*

38
39 (c) * * *

40
41 *Rule 8.401 amended effective September 1, 2020; adopted effective July 1, 2010; previously*
42 *amended effective January 1, 2012 and January 1, 2014.*

1 Advisory Committee Comment

2
3 Subdivision (b)(2). Welfare and Institutions Code section 827(a)(1)(Q) authorizes a petition by
4 which a person may request access to records in the juvenile case file. The petition process is
5 stated in rule 5.552. The Judicial Council has adopted a mandatory form—*Petition for Access to*
6 *Juvenile Case File* (form JV-570)—that must be filed in the juvenile court to make the request.
7 This form is available at any courthouse or county law library or online at
8 www.courts.ca.gov/forms.
9

10
11 **Rule 8.851. Appointment of appellate counsel**

12
13 **(a) Standards for appointment**

- 14
15 (1) On application, the appellate division must appoint appellate counsel for a
16 defendant ~~convicted of a misdemeanor~~ who was represented by appointed
17 counsel in the trial court or establishes indigency and who:
18
19 (A) Was convicted of a misdemeanor and is subject to incarceration or a
20 fine of more than \$500 (including penalty and other assessments), or
21 who is likely to suffer significant adverse collateral consequences as a
22 result of the conviction; ~~and~~ or
23
24 (B) ~~Was represented by appointed counsel in the trial court or establishes~~
25 ~~indigency.~~ Is charged with a misdemeanor and the appeal is a critical
26 stage of the criminal process.
27
28 (2) On application, the appellate division may appoint counsel for any other
29 indigent defendant charged with or convicted of a misdemeanor.
30
31 (3) For applications under (1)(A), a defendant is subject to incarceration or a fine
32 if the incarceration or fine is in a sentence, is a condition of probation, or may
33 be ordered if the defendant violates probation.
34

35 *(Subd (a) amended effective September 1, 2020.*

36
37 **(b) Application; duties of trial counsel and clerk**

- 38
39 (1) If defense trial counsel has reason to believe that the client is indigent and
40 will file an appeal or is a party in an appeal described in (a)(1)(B), counsel
41 must prepare and file in the trial court an application to the appellate division
42 for appointment of counsel.
43

- 1 (2) If the defendant was represented by appointed counsel in the trial court, the
2 application must include trial counsel’s declaration to that effect. If the
3 defendant was not represented by appointed counsel in the trial court, the
4 application must include a declaration of indigency in the form required by
5 the Judicial Council.
6
7 (3) Within 15 court days after an application is filed in the trial court, the clerk
8 must send it to the appellate division. A defendant may, however, apply
9 directly to the appellate division for appointment of counsel at any time after
10 ~~filing~~ the notice of appeal is filed.
11
12 (4) The appellate division must grant or deny a defendant’s application for
13 appointment of counsel within 30 days after the application is filed.
14

15 *(Subd (b) amended effective September 1, 2020; previously amended effective March 1,*
16 *2014.)*

17
18 (c) * * *

19
20 *Rule 8.851 amended effective September 1, 2020; adopted effective January 1, 2009; previously*
21 *amended effective March 1, 2014.*

22
23 **Advisory Committee Comment**

24
25 *Request for Court-Appointed Lawyer in Misdemeanor Appeal* (form CR-133) may be used to
26 request that appellate counsel be appointed in a misdemeanor case. If the ~~appellant~~ defendant was
27 not represented by the public defender or other appointed counsel in the trial court, the ~~appellant~~
28 defendant must use *Defendant’s Financial Statement on Eligibility for Appointment of Counsel*
29 *and Reimbursement and Record on Appeal at Public Expense* (form ~~MC-210~~ CR-105) to show
30 indigency. These forms are available at any courthouse or county law library or online at
31 www.courts.ca.gov/forms.
32

33 **Subdivision (a)(1)(B).** In *Gardner v. Appellate Division of Superior Court* (2019) 6 Cal.5th 998,
34 the California Supreme Court addressed what constitutes a critical stage of the criminal process.
35 The court provided the analysis for determining whether a defendant has a right to counsel in
36 confrontational proceedings other than trial, and held that the pretrial prosecution appeal of an
37 order granting the defendant’s motion to suppress evidence was a critical stage of the process at
38 which the defendant, who was represented by appointed counsel in the trial court, had a right to
39 appointed counsel as a matter of state constitutional law.
40