















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:

1  
2 (i)–(ii) \* \* \*

3  
4 (iii) Notice to the child’s attorney of record and any Child Abuse  
5 Prevention and Treatment Act guardian ad litem for the child  
6 must include:

7  
8 a.–c. \* \* \*

9  
10 d. A blank copy of *Input on Application for Psychotropic*  
11 *Medication* (form JV-222) or information on how to obtain  
12 a copy of the form-; ~~and~~

13  
14 e. A blank copy of *Child’s Opinion About the Medicine* (form  
15 JV-218) or information on how to obtain the form-; and

16  
17 f. If the application could result in the authorization of three or  
18 more psychotropic medications for 90 days or longer,  
19 notice must also include a blank copy of *Position on*  
20 *Release of Information to Medical Board of California*  
21 (form JV-228), a copy of *Background on Release of*  
22 *Information to Medical Board of California* (form JV-228-  
23 INFO), a blank copy of *Withdrawal of Release of*  
24 *Information to Medical Board of California* (form JV-229),  
25 and the procedures in rule 5.642 must be followed.

26  
27 (iv) \* \* \*

28  
29 (11) \* \* \*

30  
31 (12) The court may grant the application without a hearing or may set the matter  
32 for hearing at the court’s discretion. If the court sets the matter for a hearing,  
33 the clerk of the court must provide notice of the date, time, and location of  
34 the hearing to the parents, ~~or~~ legal guardians, or Indian custodian, their  
35 attorneys of record, the dependent child if 12 years of age or older, a ward of  
36 the juvenile court of any age, the child’s attorney of record, the child’s  
37 current caregiver, the child’s social worker or probation officer, the social  
38 worker’s or probation officer’s attorney of record, the child’s Child Abuse  
39 Prevention and Treatment Act guardian ad litem, the child’s Court Appointed  
40 Special Advocate, if any, and the Indian child’s tribe at least two court days  
41 before the hearing. Notice must be provided to the child’s probation officer  
42 and the district attorney, if the child is a ward of the juvenile court.  
43

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.



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 ~~(l)~~(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](http://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](http://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