

AMENDED IN SENATE MAY 2, 2001  
AMENDED IN SENATE APRIL 3, 2001

**SENATE BILL**

**No. 940**

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**Introduced by Committee on Judiciary (Senators Escutia  
(Chair), Kuehl, O'Connell, Peace, and Sher)**

February 23, 2001

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An act *to amend Section 40513 of the Vehicle Code, and to amend Sections 202, 241.1, 257, 727.3, and 827 827, and 828 of the Welfare and Institutions Code, and to amend Section 40513 of the Vehicle Code,* relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 940, as amended, Committee on Judiciary. Disclosure of information regarding juveniles.

(1) Existing law provides for the protection and safety of minors under the jurisdiction of the juvenile court. Existing law further requires juvenile courts and other public agencies responsible for administering the juvenile court law to consider the protection of the public, the importance of providing redress for victims, and the best interests of minors subject to these provisions.

This bill would require juvenile court judges to act in accordance with a specified standard of judicial administration recommended by the Judicial Council that encourages juvenile court judges, among other things, to play a role in the leadership of a community in developing resources for prevention, intervention, and treatment services for at-risk children and families.

(2) Existing law provides that a minor may come within the jurisdiction of the juvenile court on the ground that the minor (a) has

been or will be neglected or abused, or (b) has violated a law, an ordinance, or a curfew, or is habitually disobedient or truant. Whenever a minor appears to come within the jurisdiction of the juvenile court on the ground that both (a) and (b) are applicable, the county probation department and the county welfare department are required, pursuant to a jointly developed written protocol, to initially determine which status will serve the best interests of the child and the protection of society. These recommendations are required to be presented to the juvenile court. The court is then required to determine which status is appropriate for the minor.

This bill would establish a similar procedure whenever a minor who is under the jurisdiction of the juvenile court in one county is alleged to come within the jurisdiction of the juvenile court in another county. The bill would also require that any other juvenile court having jurisdiction over the minor shall receive a specified notice from the court in which the petition is filed within 5 calendar days of the presentation of the recommendations of the departments pursuant to these provisions. By imposing additional duties on county probation and child protective ~~service~~ *services* departments and local court employees, the bill would impose a state-mandated local program.

The bill would also provide that child protective services departments, rather than county welfare departments, shall carry out the duties described above.

(3) Existing law generally provides that the status of every child who has been declared a ward of the juvenile court and placed in foster care shall be reviewed at least every 6 months. These provisions also provide that there shall be a permanency planning hearing within 12 months of the date the child first entered foster care and no less often than every 12 months during the period of placement. Under certain conditions, the court may order a hearing to terminate parental rights.

This bill would require the probation department to file a petition to terminate parental rights and to work with the State Department of Social Services when it is acting as an adoption agency, as specified, to identify a family for adoption of the child, in any case in which the child has been declared a ward of the juvenile court and has been in foster care for 15 of the most recent 22 months. By imposing additional duties on local probation department employees, the bill would impose a state-mandated local program.

(4) Existing law generally restricts the disclosure of information regarding juvenile offenders. However, information contained in a case



file may be inspected by a person designated by court order of a judge of the juvenile court upon filing a petition.

This bill would make technical, nonsubstantive changes to those provisions.

*(5) Existing law generally provides for the confidentiality of juvenile case files concerning a minor. A juvenile case file is defined to mean a petition filed in any juvenile court proceeding reports of the probation officer; and all other documents filed in the case. Certain persons, including court personnel, the minor and his or her parents, and judges, referees, and law enforcement officers are authorized to inspect those files, except as specified. Existing law also authorizes a law enforcement agency to disclose information regarding the taking of a minor into custody to another law enforcement agency or to any person or agency which has a legitimate need for the information, as specified. Existing law requires a law enforcement agency to disclose information regarding a minor who has escaped from a secure detention facility, as specified, to a person who has specifically requested this information.*

*This bill would revise and recast those provisions. The bill would expand the definition of a juvenile case file for purposes of these provisions to specifically include, among other things, the notes and records of a probation officer, social worker, or court-appointed special advocate, and all other documents prepared by those persons. Since documents in the juvenile case file must be kept confidential, the bill would specifically impose additional duties on local employees. Thus, the bill would impose a state-mandated local program.*

*The bill would specifically authorize certain persons, including the Attorney General, local prosecuting attorneys, the minor and his or her parents or legal guardians, and judges, referees, or other hearing officers who are actively participating in criminal or juvenile proceedings involving the minor to inspect the juvenile case file. The bill would provide that these persons are not authorized to copy or disseminate those files. The bill would authorize other persons, including court personnel, judges, referees, or other hearing officers assigned to a family law case with issues concerning custody or visitation, or both, involving the minor, or a family court mediator to inspect and copy those files.*

*The bill would also expand the category of persons to whom a law enforcement agency may release complete copies of a juvenile police record, as defined, without notice or consent of the juvenile who is the subject of that record.*



*The bill would also authorize the release of a redacted copy of the record to specified persons or entities. If that person or entity seeks a complete copy of the record, that person or entity must submit a request using a specified form to the appropriate law enforcement agency. The bill would require the law enforcement agency to take specified actions in response to that request. Among other actions, the law enforcement agency may be required to send a notice of the request to specified persons, to make reasonable efforts to obtain the address of those persons, and, under certain circumstances, to submit the request, any objections to the request, and a copy of the requested record to the juvenile court in order to obtain authorization to release the records. The bill would set forth procedures for obtaining the release of those records. The bill would require out-of-state entities to file a petition to obtain that information. The bill would also require the Judicial Council to develop forms to implement these provisions.*

*The bill would provide that information received pursuant to these provisions is confidential. An intentional violation of these confidentiality provisions would be a misdemeanor punishable by a fine not to exceed \$500.*

*By imposing additional duties on law enforcement agencies and by creating new crimes, the bill would impose a state-mandated local program.*

(6) Existing law provides that a hearing may be conducted with the consent of the minor, where a minor is charged with a traffic or nontraffic offense.

This bill would exclude infraction violations from that provision and would provide that consent of the minor is not required prior to conducting a hearing upon written notice to appear in the case of an infraction violation. The bill would also authorize a minor to enter a plea at the arraignment upon a written notice to appear in the case of an infraction violation.

~~(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~



~~reimbursement for those costs shall be made pursuant to these statutory provisions.~~

*(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 40513 of the Vehicle Code is amended*  
2 *to read:*

3 40513. (a) Whenever written notice to appear has been  
4 prepared, delivered, and filed with the court, an exact and legible  
5 duplicate copy of the notice when filed with the magistrate, in lieu  
6 of a verified complaint, shall constitute a complaint to which the  
7 defendant may plead “guilty” or “nolo contendere.”

8 If, however, the defendant violates his or her promise to appear  
9 in court or does not deposit lawful bail, or pleads other than  
10 “guilty” or “nolo contendere” to the offense charged, a complaint  
11 shall be filed that shall conform to Chapter 2 (commencing with  
12 Section 948) of Title 5 of Part 2 of the Penal Code, which shall be  
13 deemed to be an original complaint, and thereafter proceedings  
14 shall be had as provided by law, except that a defendant may, by  
15 an agreement in writing, subscribed by him or her and filed with  
16 the court, waive the filing of a verified complaint and elect that the  
17 prosecution may proceed upon a written notice to appear.

18 (b) Notwithstanding subdivision (a), whenever the written  
19 notice to appear has been prepared on a form approved by the  
20 Judicial Council, an exact and legible duplicate copy of the notice



1 when filed with the magistrate shall constitute a complaint to  
2 which the defendant may enter a plea and, if the notice to appear  
3 is verified, upon which a warrant may be issued. If the notice to  
4 appear is not verified, the defendant may, at the time of  
5 arraignment, request that a verified complaint be filed. *In the case*  
6 *of an infraction violation in which the defendant is a minor, the*  
7 *defendant may enter a plea at the arraignment upon a written*  
8 *notice to appear. Notwithstanding any other provision of law, in the*  
9 *case of an infraction violation, no consent of the minor is required*  
10 *prior to conducting the hearing upon a written notice to appear.*

11 SEC. 2. Section 202 of the Welfare and Institutions Code is  
12 amended to read:

13 202. (a) The purpose of this chapter is to provide for the  
14 protection and safety of the public and each minor under the  
15 jurisdiction of the juvenile court and to preserve and strengthen the  
16 minor's family ties whenever possible, removing the minor from  
17 the custody of his or her parents only when necessary for his or her  
18 welfare or for the safety and protection of the public. When  
19 removal of a minor is determined by the juvenile court to be  
20 necessary, reunification of the minor with his or her family shall  
21 be a primary objective. When the minor is removed from his or her  
22 own family, it is the purpose of this chapter to secure for the minor  
23 custody, care, and discipline as nearly as possible equivalent to that  
24 which should have been given by his or her parents. This chapter  
25 shall be liberally construed to carry out these purposes.

26 (b) Minors under the jurisdiction of the juvenile court who are  
27 in need of protective services shall receive care, treatment and  
28 guidance consistent with their best interest and the best interest of  
29 the public. Minors under the jurisdiction of the juvenile court as  
30 a consequence of delinquent conduct shall, in conformity with the  
31 interests of public safety and protection, receive care, treatment,  
32 and guidance that is consistent with their best interest, that holds  
33 them accountable for their behavior, and that is appropriate for  
34 their circumstances. This guidance may include punishment that  
35 is consistent with the rehabilitative objectives of this chapter. If a  
36 minor has been removed from the custody of his or her parents,  
37 family preservation and family reunification are appropriate goals  
38 for the juvenile court to consider when determining the disposition  
39 of a minor under the jurisdiction of the juvenile court as a  
40 consequence of delinquent conduct when those goals are



1 consistent with his or her best interests and the best interests of the  
2 public. When the minor is no longer a ward of the juvenile court,  
3 the guidance he or she received should enable him or her to be a  
4 law-abiding and productive member of his or her family and the  
5 community.

6 (c) It is also the purpose of this chapter to reaffirm that the duty  
7 of a parent to support and maintain a minor child continues, subject  
8 to the financial ability of the parent to pay, during any period in  
9 which the minor may be declared a ward of the court and removed  
10 from the custody of the parent.

11 (d) Juvenile courts and other public agencies charged with  
12 enforcing, interpreting, and administering the juvenile court law  
13 shall consider the safety and protection of the public, the  
14 importance of redressing injuries to victims, and the best interests  
15 of the minor in all deliberations pursuant to this chapter.  
16 Participants in the juvenile justice system shall hold themselves  
17 accountable for its results. They shall act in conformity with a  
18 comprehensive set of objectives established to improve system  
19 performance in a vigorous and ongoing manner. In working to  
20 improve system performance, the presiding judge of the juvenile  
21 court and other juvenile court judges designated by the presiding  
22 judge of the juvenile court shall ~~act in accordance with~~ *take into*  
23 *consideration the recommendations contained in* subdivision (e)  
24 of Standard 24 of the Standards of Judicial Administration,  
25 contained in Division I of the Appendix to the California Rules of  
26 Court.

27 (e) As used in this chapter, “punishment” means the  
28 imposition of sanctions. It shall not include a court order to place  
29 a child in foster care as defined by Section 727.3. Permissible  
30 sanctions may include the following:

- 31 (1) Payment of a fine by the minor.
- 32 (2) Rendering of compulsory service without compensation  
33 performed for the benefit of the community by the minor.
- 34 (3) Limitations on the minor’s liberty imposed as a condition  
35 of probation or parole.
- 36 (4) Commitment of the minor to a local detention or treatment  
37 facility, such as a juvenile hall, camp, or ranch.
- 38 (5) Commitment of the minor to the Department of the Youth  
39 Authority.



1 “Punishment,” for the purposes of this chapter, does not  
2 include retribution.

3 (f) In addition to the actions authorized by subdivision (e), the  
4 juvenile court may, as appropriate, direct the offender to complete  
5 a victim impact class, participate in victim offender conferencing  
6 subject to the victim’s consent, pay restitution to the victim or  
7 victims, and make a contribution to the victim restitution fund after  
8 all victim restitution orders and fines have been satisfied, in order  
9 to hold the offender accountable or restore the victim or  
10 community.

11 ~~SEC. 2.~~

12 *SEC. 3.* Section 241.1 of the Welfare and Institutions Code is  
13 amended to read:

14 241.1. (a) Whenever a minor appears to come within the  
15 description of both Section 300 and Section 601 or 602, the county  
16 probation department and the child protective services department  
17 shall, pursuant to a jointly developed written protocol described in  
18 subdivision (b), initially determine which status will serve the best  
19 interests of the minor and the protection of society. The  
20 recommendations of both departments shall be presented to the  
21 juvenile court with the petition that is filed on behalf of the minor,  
22 and the court shall determine which status is appropriate for the  
23 minor. Any other juvenile court having jurisdiction over the minor  
24 shall receive notice from the court, within five calendar days, of  
25 the presentation of the recommendations of the departments. The  
26 notice shall include the name of the judge to whom, or the  
27 courtroom to which, the recommendations were presented.

28 (b) The probation department and the child protective services  
29 department in each county shall jointly develop a written protocol  
30 to ensure appropriate local coordination in the assessment of a  
31 minor described in subdivision (a), and the development of  
32 recommendations by these departments for consideration by the  
33 juvenile court. These protocols shall require, which requirements  
34 shall not be limited to, consideration of the nature of the referral,  
35 the age of the minor, the prior record of the minor’s parents for  
36 child abuse, the prior record of the minor for out-of-control or  
37 delinquent behavior, the parents’ cooperation with the minor’s  
38 school, the minor’s functioning at school, the nature of the minor’s  
39 home environment, and the records of other agencies which have  
40 been involved with the minor and his or her family. The protocols



1 also shall contain provisions for resolution of disagreements  
2 between the probation and ~~welfare~~ *child protective services*  
3 departments regarding the need for dependency or ward status and  
4 provisions for determining the circumstances under which a new  
5 petition should be filed to change the minor's status.

6 (c) Whenever a minor who is under the jurisdiction of the  
7 juvenile court of a county pursuant to Section 300, 601, or 602; is  
8 alleged to come within the description of Section 300, 601, or 602  
9 by another county, the county probation department or child  
10 protective services department in the county that has jurisdiction  
11 under Section 300, 601, or 602; and the county probation  
12 department or child protective services department of the county  
13 alleging the minor to be within one of those sections; shall initially  
14 determine which status will best serve the best interests of the  
15 minor and the protection of society. The recommendations of both  
16 departments shall be presented to the juvenile court in which the  
17 petition is filed on behalf of the minor, and the court shall  
18 determine which status is appropriate for the minor. In making  
19 their recommendation to the juvenile court, the departments shall  
20 conduct an assessment consistent with the requirements of  
21 subdivision (b). Any other juvenile court having jurisdiction over  
22 the minor shall receive notice from the court in which the petition  
23 is filed within five calendar days of the presentation of the  
24 recommendations of the departments. The notice shall include the  
25 name of the judge to whom, or the courtroom to which, the  
26 recommendations were presented.

27 (d) Nothing in this section shall be construed to authorize the  
28 filing of a petition or petitions, or the entry of an order by the  
29 juvenile court, to make a minor simultaneously both a dependent  
30 child and a ward of the court.

31 ~~SEC. 3.~~

32 *SEC. 4.* Section 257 of the Welfare and Institutions Code is  
33 amended to read:

34 257. (a) (1) Except in the case of infraction violations, with  
35 the consent of the minor, a hearing before a juvenile hearing  
36 officer, or a hearing before a referee or a judge of the juvenile  
37 court, where the minor is charged with an offense as specified in  
38 this section, may be conducted upon an exact legible copy of a  
39 written notice given pursuant to Article 2 (commencing with  
40 Section 40500) of Chapter 2 of Division 17 or Section 41103 of the



1 Vehicle Code, or an exact legible copy of a written notice given  
2 pursuant to Chapter 5C (commencing with Section 853.5) of Title  
3 3 of Part 2 of the Penal Code when the offense charged is a  
4 violation listed in Section 256, or an exact legible copy of a citation  
5 as set forth in subdivision (e) of Section 660.5, in lieu of a petition  
6 as provided in Article 16 (commencing with Section 650).

7 (2) Notwithstanding any other provision of law, in the case of  
8 infraction violations, consent of the minor is not required prior to  
9 conducting a hearing upon written notice to appear.

10 (b) Prior to the hearing, the judge, referee, or juvenile hearing  
11 officer may request the probation officer to commence a  
12 proceeding, as provided in Article 16 (commencing with Section  
13 650), in lieu of a hearing in Informal Juvenile and Traffic Court.

14 ~~SEC. 4.~~

15 *SEC. 5.* Section 727.3 of the Welfare and Institutions Code is  
16 amended to read:

17 727.3. The purpose of this section is to provide a means to  
18 monitor the care of every child in foster care who has been declared  
19 a ward of the juvenile court pursuant to Section 601 or 602 to  
20 ensure that everything reasonably possible is done to facilitate the  
21 safe early return of the child to his or her own home or to establish  
22 a permanent plan for the child.

23 (a) Whenever the court orders the care, custody, and control of  
24 the minor to be under the supervision of the probation officer for  
25 placement pursuant to subdivision (a) of Section 727, the juvenile  
26 court shall order the probation department to ensure the provision  
27 of services to facilitate the safe return of the child to a safe home  
28 or the permanent placement of the child, and to address the needs  
29 of the child while in foster care.

30 (b) A child shall be deemed to have entered foster care, for  
31 purposes of this section, on the date that is 60 days after the date  
32 on which the minor was removed from his or her home.

33 (c) The status of every child declared a ward and placed in  
34 foster care shall be reviewed at the time of the initial placement  
35 order and then as determined by the court but no less frequently  
36 than once every six months, as calculated from the date the minor  
37 entered foster care. If the court so elects, the court may declare the  
38 hearing at which the court orders the care, custody, and control of  
39 the minor to be under the supervision of the probation officer for  
40 foster care placement pursuant to subdivision (a) of Section 727



1 as the first status review hearing. At each status review hearing, the  
2 court shall consider the safety of the child and make findings and  
3 orders which determine the following:

4 (1) The continuing necessity for and appropriateness of the  
5 placement.

6 (2) The extent of the probation department's compliance with  
7 the case plan in making reasonable efforts to safely return the child  
8 to the child's home or to complete whatever steps are necessary to  
9 finalize the permanent placement of the child.

10 (3) The extent of progress that has been made toward  
11 alleviating or mitigating the causes necessitating placement in  
12 foster care.

13 (4) The likely date by which the child may be returned to and  
14 safely maintained in the home or placed for legal guardianship or  
15 adoption.

16 (d) The status review hearings required by subdivision (c) may  
17 be heard by an administrative review panel, provided:

18 (1) The administrative review shall be open to participation by  
19 the child and parents or legal guardians and all those persons  
20 entitled to notice under Section 727.4.

21 (2) The child and his or her parents or legal guardians receive  
22 proper notice as required in Section 727.4.

23 (3) The administrative review panel is composed of persons  
24 appointed by the presiding judge of the juvenile court, the  
25 membership of which shall include at least one person who is not  
26 responsible for the case management of, or delivery of services to,  
27 the child or the parents who are the subject of the review.

28 (4) The findings of the administrative review panel shall be  
29 submitted to the juvenile court for the court's approval and shall  
30 become part of the official court record.

31 (e) At the status review hearing the court shall order return of  
32 the child to the physical custody of his or her parent or legal  
33 guardian unless the court finds, by a preponderance of the  
34 evidence, that the return of the child to his or her parent or legal  
35 guardian would create a substantial risk of detriment to the safety,  
36 protection, or physical or emotional well-being of the child. The  
37 probation department shall have the burden of establishing that  
38 detriment. The failure of the child to participate in court-ordered  
39 treatment programs shall be prima facie evidence that the return  
40 of the child would be detrimental. In making its determination, the



1 court shall review and consider the social study report and  
2 recommendations pursuant to Section 706.5 and the report and  
3 recommendations of any child advocate appointed for the child in  
4 the case, and shall consider the efforts or progress, or both,  
5 demonstrated by the child and family and the extent to which the  
6 child availed himself or herself of the services provided.

7 (f) There shall be a permanency planning hearing within 12  
8 months of the date the child entered foster care and periodically  
9 thereafter, but no less frequently than every 12 months during the  
10 period of placement. It shall be the duty of the probation officer to  
11 prepare a written social study report pursuant to Section 706.5  
12 containing a statement of the responsibilities of the parents or legal  
13 guardians, the probation department, the caseworker of the  
14 probation department, the foster parents, and the child. The written  
15 social study shall also describe the goals for the child's placement  
16 and care with the department, including the services provided to  
17 achieve the goal that the child shall exhibit lawful and productive  
18 behavior, and the appropriate plan for permanence for the child.  
19 The report shall be submitted to the court at the permanency  
20 planning hearing.

21 (1) At all permanency planning hearings, the court shall  
22 determine the permanent plan for the child that includes a  
23 determination of whether the child will be returned to the physical  
24 custody of the parent or legal guardian. Upon findings that there  
25 is substantial probability that additional services will aid the safe  
26 return of the child to the physical custody of his or her parents or  
27 legal guardian within six months, the court may order further  
28 reunification services to be provided to the child and parent or  
29 legal guardian for a period not to exceed six months. For purposes  
30 of this section, in order to find a substantial probability, the court  
31 shall be required to find the child and his or her parents or  
32 guardians to have demonstrated the capacity and ability to  
33 complete the objectives of his or her case plan. If the child is not  
34 returned to a parent or legal guardian at the permanency hearing,  
35 the court shall determine whether or not the child should be  
36 referred for adoption proceedings, referred for legal guardianship  
37 pursuant to subdivision (c) of Section 728, or referred to an  
38 alternative planned permanent living arrangement, including  
39 whether, because of the child's special needs or circumstances, the  
40 child should be continued in foster care on a permanent basis. The



1 court shall also determine the extent of progress in achieving the  
2 treatment goals of the plan. In the case of a child who has reached  
3 16 years of age, the hearing shall, in addition, determine the  
4 services needed to assist the child to make the transition from  
5 foster care to independent living.

6 (2) An “alternative planned permanent living arrangement”  
7 means a permanent foster care placement with a specific identified  
8 foster family on a permanent basis, a facility described in Section  
9 11402, or an independent living arrangement, such as  
10 emancipation by marriage, court order, or reaching the age of  
11 majority.

12 (3) When a minor is placed in long-term foster care with a  
13 relative, the court may authorize the relative to provide the same  
14 legal consent for the minor’s medical, surgical, and dental care,  
15 and education as the custodial parent of the minor.

16 (4) If the child has a continuing involvement with his or her  
17 parents or legal guardians, the parents or legal guardians shall be  
18 involved in the planning for a permanent placement. The court  
19 order placing the child in a permanent placement shall include a  
20 specification of the nature and frequency of visiting arrangements  
21 with the parents or legal guardians.

22 (5) Any change in the placement of a child in permanent foster  
23 care or the responsibilities of the foster parents for that child shall  
24 be made only by order of the court that ordered the placement  
25 pursuant to a petition filed pursuant to Section 778.

26 (g) Prior to any status or permanency hearing involving a child  
27 in the physical custody of a community care facility or foster  
28 family agency, the facility or agency shall file with the court a  
29 report containing its recommendations. Prior to any status or  
30 permanency hearing involving the physical custody of a foster  
31 parent, relative caregiver, preadoptive parent, or legal guardian,  
32 that person may present to the court a report containing his or her  
33 recommendations. The court shall consider all reports and  
34 recommendations, filed pursuant to this subdivision.

35 (h) In any case in which a child has been declared a ward of the  
36 juvenile court and has been in foster care for 15 of the most recent  
37 22 months, the probation department shall file a petition to  
38 terminate parental rights and, concurrently, shall work with the  
39 State Department of Social Services, when it is acting as an  
40 adoption agency in counties that are not served by a county



1 adoption agency or a licensed county adoption agency, to identify  
2 a family for adoption of the child, unless the probation department  
3 has documented in the case plan a compelling reason for  
4 determining that termination of parental rights would not be in the  
5 child's best interests, or has not provided the family with  
6 reasonable efforts necessary to achieve reunification. For purposes  
7 of this subdivision, compelling reasons for not filing that petition,  
8 include, but are not limited to, those described in subparagraphs  
9 (A) to (D), inclusive, of paragraph (1) of subdivision (j).

10 (i) If the minor is not returned to the custody of a parent or legal  
11 guardian at the permanency hearing, the court shall do one of the  
12 following:

13 (1) Continue the case for up to six months for a permanency  
14 ~~reviewing~~ *review* hearing, provided that the hearing shall occur  
15 within 18 months of the date the minor was originally taken from  
16 the physical custody of his or her parent or legal guardian. The  
17 court shall continue the case only if it finds that there is a  
18 substantial probability that the minor will be returned to the  
19 physical custody of his or her parent or legal guardian and safely  
20 maintained in the home within the extended period of time or that  
21 reasonable services have not been provided to the parent or  
22 guardian.

23 The court shall inform the parent or legal guardian that if the  
24 minor cannot be returned home by the next permanency review  
25 hearing, a proceeding pursuant to Section 727.31 may be  
26 instituted. The court shall not order that a hearing pursuant to  
27 Section 727.31 be held unless there is clear and convincing  
28 evidence that reasonable services have been provided or offered to  
29 the parent or legal guardian.

30 (2) Order that the minor remain in long-term foster care, but  
31 only if the court finds by clear and convincing evidence, based  
32 upon the evidence already presented to it, including a  
33 recommendation by the State Department of Social Services when  
34 it is acting as an adoption agency in counties that are not served by  
35 a county adoption agency or by a licensed county adoption agency,  
36 that there is a compelling reason for determining that a hearing  
37 held pursuant to Section 727.31 is not in the best interest of the  
38 minor because the minor is not a proper subject for adoption and  
39 has no one willing to accept legal guardianship. For purposes of  
40 this section, a recommendation by the State Department *of* Social



1 Services when it is acting as an adoption agency in counties that  
2 are not served by a county adoption agency or by a licensed county  
3 adoption agency that adoption is not in the best interest of the  
4 minor shall constitute a compelling reason for the court's  
5 determination. That recommendation shall be based on the present  
6 circumstances of the minor and shall not preclude a different  
7 recommendation at a later date if the minor's circumstances  
8 change.

9 (3) Order that the hearing be held within 120 days, pursuant to  
10 Section 727.31, if there is clear and convincing evidence that  
11 reasonable services have been provided or offered to the parents.

12 (j) Notwithstanding subdivision (i), the court shall not order a  
13 hearing pursuant to Section 727.31 if the probation department has  
14 documented a compelling reason for determining that the  
15 termination of parental rights would not be in the minor's best  
16 interests. A compelling reason is either of the following:

17 (1) A determination made by the probation officer that any of  
18 the following applies:

19 (A) The parent or legal guardians have maintained regular  
20 visitation and contact with the minor and the minor would benefit  
21 from continuing the relationship.

22 (B) The permanent plan is for the minor to return to his or her  
23 own home.

24 (C) A child 12 years of age or older objects to termination of  
25 parental rights.

26 (D) The minor is placed in a residential treatment facility,  
27 adoption is unlikely or undesirable, and continuation of parental  
28 rights will not prevent finding the minor a permanent family  
29 placement if the parents cannot resume custody when residential  
30 care is no longer needed.

31 (2) A determination by the licensed county adoption agency or  
32 the State Department of Social Services when it is acting as an  
33 adoption agency in counties that are not served by a county  
34 adoption agency that the minor is unlikely to be adopted and the  
35 child is living with a relative who is unable or unwilling to adopt  
36 the child because exceptional circumstances that do not include an  
37 unwillingness to accept legal or financial responsibility for the  
38 minor but who is willing and capable of providing the minor with  
39 a stable and permanent home environment, and the removal of the



1 minor from the physical custody of his or her relative or foster  
2 parent would be detrimental to the minor's emotional well-being.

3 (k) Whenever the court orders that a hearing pursuant to  
4 Section 727.31 shall be held, it shall direct the agency supervising  
5 the minor and the licensed county adoption agency, or the State  
6 Department of Social Services when it is acting as an adoption  
7 agency in counties that are not served by a county adoption agency,  
8 to prepare an assessment that shall include all of the following:

9 (1) Current search efforts for an absent parent or parents.

10 (2) A review of the amount and nature of any contact between  
11 the minor and his or her parents and other members of his or her  
12 extended family since the time of placement. Although the  
13 extended family of each minor shall be reviewed on a case-by-case  
14 basis, "extended family" for the purpose of the paragraph shall  
15 include, but not be limited to, the minor's siblings, grandparents,  
16 aunts, and uncles.

17 (3) An evaluation of the minor's medical, developmental,  
18 scholastic, mental, and emotional status.

19 (4) A preliminary assessment of the eligibility and  
20 commitment of any identified prospective adoptive parent or  
21 guardian, particularly the caretaker, to include a social history  
22 including screening for criminal records and prior referrals for  
23 child abuse or neglect, the capability to meet the minor's needs,  
24 and the understanding of the legal and financial rights and  
25 responsibilities of adoption and guardianship. If a proposed  
26 guardian is a relative of the minor, and the relative was assessed  
27 for foster care placement of the minor prior to January 1, 1998, the  
28 assessment shall also consider, but need not be limited to, all of the  
29 factors specified in subdivision (a) of Section 361.3.

30 (5) The relationship of the minor to any identified prospective  
31 adoptive parent or guardian, the duration and character of the  
32 relationship, the motivation of seeking adoption or guardianship,  
33 and a statement from the minor concerning placement and the  
34 adoption or guardianship, unless the minor's age or physical,  
35 emotional, or other condition precludes his or her meaningful  
36 response, and if so, a description of the condition.

37 (6) An analysis of the likelihood that the minor will be adopted  
38 if parental rights are terminated.

39 (7) Whenever a court orders a hearing pursuant to Section  
40 727.31, it shall order that the State Department of Social Services



1 when it is acting as an adoption agency in counties that are not  
2 served by a county adoption agency or the licensed county  
3 adoption agency has exclusive responsibility for determining the  
4 adoptive placement and making all adoption-related decisions.

5 (l) Nothing in this section shall be construed to limit the ability  
6 of a parent to voluntarily relinquish his or her child to the State  
7 Department of Social Services when it is acting as an adoption  
8 agency in counties that are not served by a county adoption agency  
9 or to a licensed county adoption agency at any time while the minor  
10 is a ward of the juvenile court if the department agency is willing  
11 to accept the relinquishment.

12 ~~SEC. 5.~~

13 ~~SEC. 6.~~ Section 827 of the Welfare and Institutions Code is  
14 amended to read:

15 ~~827. (a) (1) Except as provided in Section 828, a case file~~  
16 ~~may be inspected only by the following:~~

17 ~~(A) Court personnel.~~

18 ~~(B) The district attorney, a city attorney, or city prosecutor~~  
19 ~~authorized to prosecute criminal or juvenile cases under state law.~~

20 ~~(C) The minor who is the subject of the proceeding.~~

21 ~~(D) The parents or guardian of the minor.~~

22 ~~(E) The attorneys for the parties, and judges, referees, other~~  
23 ~~hearing officers, probation officers and law enforcement officers~~  
24 ~~who are actively participating in criminal or juvenile proceedings~~  
25 ~~involving the minor.~~

26 ~~(F) The superintendent or designee of the school district where~~  
27 ~~the minor is enrolled or attending school.~~

28 ~~(G) Members of the child protective agencies as defined in~~  
29 ~~Section 11165.9 of the Penal Code.~~

30 ~~(H) The State Department of Social Services to carry out its~~  
31 ~~duties pursuant to Division 9 (commencing with Section 10000),~~  
32 ~~and Part 5 (commencing with Section 7900) of Division 12 of the~~  
33 ~~Family Code to oversee and monitor county child welfare~~  
34 ~~agencies, children in foster care or receiving foster care assistance,~~  
35 ~~and out of state placements.~~

36 ~~(I) To authorized legal staff or special investigators who are~~  
37 ~~peace officers who are employed by, or who are authorized~~  
38 ~~representatives of, the State Department of Social Services, as~~  
39 ~~necessary to the performance of their duties to inspect, license, and~~  
40 ~~investigate community care facilities, and to ensure that the~~



1 standards of care and services provided in those facilities are  
2 adequate and appropriate and to ascertain compliance with the  
3 rules and regulations to which the facilities are subject. The  
4 confidential information shall remain confidential except for  
5 purposes of inspection, licensing, or investigation pursuant to  
6 Chapter 3 (commencing with Section 1500) and Chapter 3.4  
7 (commencing with Section 1596.70) of Division 2 of the Health  
8 and Safety Code, or a criminal, civil, or administrative proceeding  
9 in relation thereto. The confidential information may be used by  
10 the State Department of Social Services in a criminal, civil, or  
11 administrative proceeding. The confidential information shall be  
12 available only to the judge or hearing officer and to the parties to  
13 the case. Names that are confidential shall be listed in attachments  
14 separate to the general pleadings. The confidential information  
15 shall be sealed after the conclusion of the criminal, civil, or  
16 administrative hearings, and shall not subsequently be released  
17 except in accordance with this subdivision. If the confidential  
18 information does not result in a criminal, civil, or administrative  
19 proceeding, it shall be sealed after the State Department of Social  
20 Services decides that no further action will be taken in the matter  
21 of suspected licensing violations. Except as otherwise provided in  
22 this subdivision, confidential information in the possession of the  
23 State Department of Social Services shall not contain the name of  
24 the minor.

25 (J) Members of children's multidisciplinary teams, persons or  
26 agencies providing treatment or supervision of the minor.

27 (K) A judge assigned to a family law case with issues  
28 concerning custody or visitation, or both, involving the minor, a  
29 family court mediator assigned to a case involving the minor  
30 pursuant to Article 1 (commencing with Section 3160) of Chapter  
31 11 of Part 2 of Division 8 of the Family Code, and a child custody  
32 evaluator appointed by the court pursuant to Section 3118 of the  
33 Family Code.

34 (L) Juvenile justice commissions as established under Section  
35 225. The confidentiality provisions of Section 10850 shall apply  
36 to a juvenile justice commission and its members.

37 (M) Any other person who may be designated by court order  
38 of a judge of the juvenile court upon filing a petition.

39 (2) Notwithstanding any other law and subject to subparagraph  
40 (A) of paragraph (3), juvenile case files, except those relating to



1 ~~matters within the jurisdiction of the court pursuant to Section 601~~  
2 ~~or 602, which pertain to a deceased child who was within the~~  
3 ~~jurisdiction of the juvenile court pursuant to Section 300, shall be~~  
4 ~~released to the public pursuant to an order by the juvenile court~~  
5 ~~after a petition has been filed and interested parties have been~~  
6 ~~afforded an opportunity to file an objection. Any information~~  
7 ~~relating to another child or which could identify another child,~~  
8 ~~except for information about the deceased, shall be redacted from~~  
9 ~~the juvenile case file prior to release, unless a specific order is~~  
10 ~~made by the juvenile court to the contrary. Except as provided in~~  
11 ~~this paragraph, the presiding judge of the juvenile court may issue~~  
12 ~~an order prohibiting or limiting access to the juvenile case file, or~~  
13 ~~any portion thereof, of a deceased child only upon a showing that~~  
14 ~~release of the juvenile case file or any portion thereof is~~  
15 ~~detrimental to the safety, protection, or physical, or emotional~~  
16 ~~well-being of another child who is directly or indirectly connected~~  
17 ~~to the juvenile case that is the subject of the petition.~~

18 ~~(3) Access to juvenile case files pertaining to matters within the~~  
19 ~~jurisdiction of the juvenile court pursuant to Section 300 shall be~~  
20 ~~limited as follows:~~

21 ~~(A) If a juvenile case file, or any portion thereof, is privileged~~  
22 ~~or confidential pursuant to any other state law or federal law or~~  
23 ~~regulation, the requirements of that state law or federal law or~~  
24 ~~regulation prohibiting or limiting release of the juvenile case file~~  
25 ~~or any portions thereof shall prevail. Unless a person is listed in~~  
26 ~~subparagraphs (A) to (L), inclusive, of paragraph (1) and is~~  
27 ~~entitled to access under the other state law or federal law or~~  
28 ~~regulation without a court order, all those seeking access, pursuant~~  
29 ~~to other authorization, to portions of, or information relating to the~~  
30 ~~contents of, juvenile case files protected under another state law~~  
31 ~~or federal law or regulation, shall petition the juvenile court. The~~  
32 ~~juvenile court may only release the portion of, or information~~  
33 ~~relating to the contents of, juvenile case files protected by another~~  
34 ~~state law or federal law or regulation if disclosure is not~~  
35 ~~detrimental to the safety, protection, or physical or emotional~~  
36 ~~well-being of a child who is directly or indirectly connected to the~~  
37 ~~juvenile case that is the subject of the petition. This paragraph shall~~  
38 ~~not be construed to limit the ability of the juvenile court to carry~~  
39 ~~out its duties in conducting juvenile court proceedings.~~



1 ~~(B) Prior to the release of the juvenile case file or any portion~~  
2 ~~thereof, the court shall afford due process, including a notice of~~  
3 ~~and an opportunity to file an objection to the release of the record~~  
4 ~~or report to all interested parties.~~

5 ~~(4) A juvenile case file, any portion thereof, and information~~  
6 ~~relating to the content of the juvenile case file, shall not be~~  
7 ~~disseminated by the receiving agencies to any persons or agencies,~~  
8 ~~other than those persons or agencies authorized to receive~~  
9 ~~documents pursuant to this section. Further, a juvenile case file,~~  
10 ~~any portion thereof, and information relating to the content of the~~  
11 ~~juvenile case file, shall not be made as an attachment to any other~~  
12 ~~documents without the prior approval of the presiding judge of the~~  
13 ~~juvenile court, unless it is used in connection with and in the course~~  
14 ~~of a criminal investigation or a proceeding brought to declare a~~  
15 ~~person a dependent child or ward of the juvenile court.~~

16 ~~(b) (1) While the Legislature reaffirms its belief that juvenile~~  
17 ~~court records, in general, should be confidential, it is the intent of~~  
18 ~~the Legislature in enacting this subdivision to provide for a limited~~  
19 ~~exception to juvenile court record confidentiality to promote more~~  
20 ~~effective communication among juvenile courts, family courts,~~  
21 ~~law enforcement agencies, and schools to ensure the rehabilitation~~  
22 ~~of juvenile criminal offenders as well as to lessen the potential for~~  
23 ~~drug use, violence, other forms of delinquency, and child abuse.~~

24 ~~(2) Notwithstanding subdivision (a), written notice that a~~  
25 ~~minor enrolled in a public school, kindergarten to grade 12,~~  
26 ~~inclusive, has been found by a court of competent jurisdiction to~~  
27 ~~have committed any felony or any misdemeanor involving curfew,~~  
28 ~~gambling, alcohol, drugs, tobacco products, carrying of weapons,~~  
29 ~~a sex offense listed in Section 290 of the Penal Code, assault or~~  
30 ~~battery, larceny, vandalism, or graffiti shall be provided by the~~  
31 ~~court, within seven days, to the superintendent of the school~~  
32 ~~district of attendance. Written notice shall include only the offense~~  
33 ~~found to have been committed by the minor and the disposition of~~  
34 ~~the minor's case. This notice shall be expeditiously transmitted by~~  
35 ~~the district superintendent to the principal at the school of~~  
36 ~~attendance. The principal shall expeditiously disseminate the~~  
37 ~~information to those counselors directly supervising or reporting~~  
38 ~~on the behavior or progress of the minor. In addition, the principal~~  
39 ~~shall disseminate the information to any teacher or administrator~~  
40 ~~directly supervising or reporting on the behavior or progress of the~~



1 minor whom the principal believes needs the information to work  
2 with the pupil in an appropriate fashion, to avoid being needlessly  
3 vulnerable or to protect other persons from needless vulnerability.

4 ~~Any information received by a teacher, counselor, or~~  
5 ~~administrator under this subdivision shall be received in~~  
6 ~~confidence for the limited purpose of rehabilitating the minor and~~  
7 ~~protecting students and staff, and shall not be further disseminated~~  
8 ~~by the teacher, counselor, or administrator, except insofar as~~  
9 ~~communication with the juvenile, his or her parents or guardians,~~  
10 ~~law enforcement personnel, and the juvenile's probation officer is~~  
11 ~~necessary to effectuate the juvenile's rehabilitation or to protect~~  
12 ~~students and staff.~~

13 ~~An intentional violation of the confidentiality provisions of this~~  
14 ~~paragraph is a misdemeanor punishable by a fine not to exceed five~~  
15 ~~hundred dollars (\$500).~~

16 (3) ~~If a minor is removed from public school as a result of the~~  
17 ~~court's finding described in subdivision (b), the superintendent~~  
18 ~~shall maintain the information in a confidential file and shall defer~~  
19 ~~transmittal of the information received from the court until the~~  
20 ~~minor is returned to public school. If the minor is returned to a~~  
21 ~~school district other than the one from which the minor came, the~~  
22 ~~parole or probation officer having jurisdiction over the minor shall~~  
23 ~~so notify the superintendent of the last district of attendance, who~~  
24 ~~shall transmit the notice received from the court to the~~  
25 ~~superintendent of the new district of attendance.~~

26 (c) ~~Each probation report filed with the court concerning a~~  
27 ~~minor whose record is subject to dissemination pursuant to~~  
28 ~~subdivision (b) shall include on the face sheet the school at which~~  
29 ~~the minor is currently enrolled. The county superintendent shall~~  
30 ~~provide the court with a listing of all of the schools within each~~  
31 ~~school district, within the county, along with the name and mailing~~  
32 ~~address of each district superintendent.~~

33 (d) ~~Each notice sent by the court pursuant to subdivision (b)~~  
34 ~~shall be stamped with the instruction: "Unlawful Dissemination~~  
35 ~~Of This Information Is A Misdemeanor." Any information~~  
36 ~~received from the court shall be kept in a separate confidential file~~  
37 ~~at the school of attendance and shall be transferred to the minor's~~  
38 ~~subsequent schools of attendance and maintained until the minor~~  
39 ~~graduates from high school, is released from juvenile court~~  
40 ~~jurisdiction, or reaches the age of 18, whichever occurs first. After~~



1 that time the confidential record shall be destroyed. At any time  
2 after the date by which a record required to be destroyed by this  
3 section should have been destroyed, the minor or his or her parent  
4 or guardian shall have the right to make a written request to the  
5 principal of the school that the minor's school records be reviewed  
6 to ensure that the record has been destroyed. Upon completion of  
7 any requested review and no later than 30 days after the request for  
8 the review was received, the principal or his or her designee shall  
9 respond in writing to the written request and either shall confirm  
10 that the record has been destroyed or, if the record has not been  
11 destroyed, shall explain why destruction has not yet occurred.

12 Except as provided in paragraph (2) of subdivision (b), no  
13 liability shall attach to any person who transmits or fails to transmit  
14 any notice or information required under subdivision (b).

15 (c) For purposes of this section, a "juvenile case file" means  
16 a petition filed in any juvenile court proceeding, reports of the  
17 probation officer, and all other documents filed in that case or  
18 made available to the probation officer in making his or her report,  
19 or to the judge, referee, or other hearing officer, and thereafter  
20 retained by the probation officer, judge, referee, or other hearing  
21 officer.

22 SEC. 6. Section 40513 of the Vehicle Code is amended to  
23 read:

24 40513. (a) Whenever written notice to appear has been  
25 prepared, delivered, and filed with the court, an exact and legible  
26 duplicate copy of the notice when filed with the magistrate, in lieu  
27 of a verified complaint, shall constitute a complaint to which the  
28 defendant may plead "guilty" or "nolo contendere."

29 If, however, the defendant violates his or her promise to appear  
30 in court or does not deposit lawful bail, or pleads other than  
31 "guilty" or "nolo contendere" to the offense charged, a complaint  
32 shall be filed that shall conform to Chapter 2 (commencing with  
33 Section 948) of Title 5 of Part 2 of the Penal Code, which shall be  
34 deemed to be an original complaint, and thereafter proceedings  
35 shall be had as provided by law, except that a defendant may, by  
36 an agreement in writing, subscribed by him or her and filed with  
37 the court, waive the filing of a verified complaint and elect that the  
38 prosecution may proceed upon a written notice to appear.

39 (b) Notwithstanding subdivision (a), whenever the written  
40 notice to appear has been prepared on a form approved by the



1 ~~Judicial Council, an exact and legible duplicate copy of the notice~~  
 2 ~~when filed with the magistrate shall constitute a complaint to~~  
 3 ~~which the defendant may enter a plea and, if the notice to appear~~  
 4 ~~is verified, upon which a warrant may be issued. If the notice to~~  
 5 ~~appear is not verified, the defendant may, at the time of~~  
 6 ~~arraignment, request that a verified complaint be filed. In the case~~  
 7 ~~of an infraction violation in which the defendant is a minor, the~~  
 8 ~~defendant may enter a plea at the arraignment upon a written notice~~  
 9 ~~to appear. Notwithstanding any other provision of law, in the case~~  
 10 ~~of an infraction violation, no consent of the minor is required prior~~  
 11 ~~to conducting the hearing upon a written notice to appear.~~

12 ~~SEC. 7. Notwithstanding Section 17610 of the Government~~  
 13 ~~Code, if the Commission on State Mandates determines that this~~  
 14 ~~act contains costs mandated by the state, reimbursement to local~~  
 15 ~~agencies and school districts for those costs shall be made pursuant~~  
 16 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
 17 ~~2 of the Government Code. If the statewide cost of the claim for~~  
 18 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
 19 ~~reimbursement shall be made from the State Mandates Claims~~  
 20 ~~Fund. amended to read:~~

21 827. (a) (1) Except as provided in Section 828, a *juvenile*  
 22 *case file* may be inspected only by the following:

23 (A) ~~Court personnel.~~

24 ~~(B) The A~~ district attorney, a city attorney, or city prosecutor,  
 25 *or Attorney General* authorized to prosecute criminal or juvenile  
 26 cases under ~~state~~ *California* law.

27 ~~(C)~~

28 (B) The minor who is the subject of the ~~proceeding~~ *juvenile*  
 29 *case file and his or her attorney.*

30 ~~(D) His or her~~

31 (C) *The parents or legal guardian of the minor who is the*  
 32 *subject of the juvenile case file.*

33 ~~(E) The attorneys for the parties, and judges~~

34 (D) *Judges, referees, or other hearing officers, probation*  
 35 *officers and law enforcement officers* who are actively  
 36 participating in criminal or juvenile proceedings involving the  
 37 minor *who is the subject of the juvenile case file.*

38 (E) *Probation officers and law enforcement officers who are*  
 39 *actively participating in criminal or juvenile proceedings, or*



1 *investigations whether to initiate proceedings, involving the minor*  
2 *who is the subject of the juvenile case file.*

3 (F) The superintendent or designee of the school district where  
4 the minor is enrolled or attending school.

5 (G) Members of the child protective agencies as defined in  
6 Section 11165.9 of the Penal Code.

7 (H) The State Department of Social Services to carry out its  
8 duties pursuant to Division 9 (commencing with Section 10000),  
9 and Part 5 (commencing with Section 7900) of Division 12 of the  
10 Family Code to oversee and monitor county child welfare  
11 agencies, children in foster care or receiving foster care assistance,  
12 and out-of-state placements.

13 (I) To authorized legal staff or special investigators who are  
14 peace officers who are employed by, or who are authorized  
15 representatives of, the State Department of Social Services, as  
16 necessary to the performance of their duties to inspect, license, and  
17 investigate community care facilities, and to ensure that the  
18 standards of care and services provided in those facilities are  
19 adequate and appropriate and to ascertain compliance with the  
20 rules and regulations to which the facilities are subject. The  
21 confidential information shall remain confidential except for  
22 purposes of inspection, licensing, or investigation pursuant to  
23 Chapter 3 (commencing with Section 1500) and Chapter 3.4  
24 (commencing with Section 1596.70) of Division 2 of the Health  
25 and Safety Code, or a criminal, civil, or administrative proceeding  
26 in relation thereto. The confidential information may be used by  
27 the State Department of Social Services in a criminal, civil, or  
28 administrative proceeding. The confidential information shall be  
29 available only to the judge or hearing officer and to the parties to  
30 the case. Names that are confidential shall be listed in attachments  
31 separate to the general pleadings. The confidential information  
32 shall be sealed after the conclusion of the criminal, civil, or  
33 administrative hearings, and shall not subsequently be released  
34 except in accordance with this subdivision. If the confidential  
35 information does not result in a criminal, civil, or administrative  
36 proceeding, it shall be sealed after the State Department of Social  
37 Services decides that no further action will be taken in the matter  
38 of suspected licensing violations. Except as otherwise provided in  
39 this subdivision, confidential information in the possession of the



1 State Department of Social Services shall not contain the name of  
2 the minor.

3 (J) Members of children’s multidisciplinary teams, ~~persons or~~  
4 ~~agencies providing treatment or supervision of the minor as~~  
5 *described in Section 18951.*

6 (K) ~~A judge assigned to a family law case with issues~~  
7 ~~concerning custody or visitation, or both, involving the minor, a~~  
8 ~~family court mediator assigned to a case involving the minor~~  
9 ~~pursuant to Article 1 (commencing with Section 3160) of Chapter~~  
10 ~~11 of Part 2 of Division 8 of the Family Code, and a child custody~~  
11 ~~evaluator appointed by the court pursuant to Section 3118 of the~~  
12 ~~Family Code.—~~ *Persons or agencies providing treatment of*  
13 *evaluation for treatment of the minor.*

14 (L) Juvenile justice commissions as established under Section  
15 225. The confidentiality provisions of Section 10850 shall apply  
16 to a juvenile justice commission and its members.

17 (M) Any other person who may be designated by court order  
18 of the *presiding* judge of the juvenile court, *or in counties with no*  
19 *presiding judge of the juvenile court, by court order of the judge*  
20 *of the juvenile court, or his or her designee, upon filing a petition*  
21 *in the county where the juvenile case file is held.*

22 (2) *A person or entity entitled or authorized to inspect a*  
23 *juvenile case file is not authorized to copy or disseminate the*  
24 *juvenile case file, any part thereof or any information contained*  
25 *therein, in any proceeding or manner. Any individual or entity*  
26 *entitled to inspect a juvenile case file pursuant to subparagraphs*  
27 *(A) to (M), inclusive, of paragraph (1) shall petition the presiding*  
28 *judge of the juvenile court in the county where the juvenile case file*  
29 *is held, or in counties with no presiding judge of the juvenile court,*  
30 *the judge of the juvenile court, or his or her designee, for an order*  
31 *to copy or disseminate that file, or both.*

32 (3) *Except as provided in Section 828, a juvenile case file may*  
33 *be inspected and copied only by the following:*

34 (A) *Court personnel, as necessary in the course of their official*  
35 *duties.*

36 (B) *A judge, referee, or other hearing officer assigned to a*  
37 *family law case with issues concerning custody or visitation, or*  
38 *both, involving the minor. A judicial officer may conduct an in*  
39 *camera review before releasing copies of any juvenile case file to*  
40 *any party.*



1 (C) A family court mediator assigned to a case involving the  
2 minor pursuant to Article 1 (commencing with Section 3160) of  
3 Chapter 11 of Part 2 of Division 8 of the Family Code, and a child  
4 custody evaluator appointed by the court pursuant to Section 3118  
5 of the Family Code.

6 (D) Any other person who may be designated by court order of  
7 the presiding judge of the juvenile court, or in counties with no  
8 presiding judge of the juvenile court, by court order of the judge  
9 of the juvenile court, or his or her designee, upon filing a petition  
10 in the county where the juvenile case file is held.

11 (4) A person entitled or authorized to inspect and copy a  
12 juvenile case file is not authorized to disseminate the juvenile case  
13 file, any part thereof or any information contained therein, in any  
14 proceeding or manner. Any individual or entity entitled to inspect  
15 and copy a juvenile case file pursuant to subparagraphs (A) to (D),  
16 inclusive, of paragraph (3) shall petition the presiding judge of the  
17 juvenile court in the county where the juvenile case file is held, or  
18 in counties with no presiding judge of the juvenile court, by court  
19 order of the judge of the juvenile court, or his or her designee, for  
20 an order to disseminate that file.

21 (5) Notwithstanding any other law and subject to subparagraph  
22 (A) of paragraph ~~(3)~~ (6), juvenile case files, except those relating  
23 to matters within the jurisdiction of the court pursuant to Section  
24 601 or 602, which pertain to a deceased child who was within the  
25 jurisdiction of the juvenile court pursuant to Section 300, shall be  
26 released to the public pursuant to an order by the juvenile court  
27 after a petition has been filed and interested parties have been  
28 afforded an opportunity to file an objection. Any information  
29 relating to another child or which could identify another child,  
30 except for information about the deceased, shall be redacted from  
31 the juvenile case file prior to release, unless a specific order is  
32 made by the juvenile court to the contrary. Except as provided in  
33 this paragraph, the presiding judge of the juvenile court may issue  
34 an order prohibiting or limiting access to the juvenile case file, or  
35 any portion thereof, of a deceased child only upon a showing that  
36 release of the juvenile case file or any portion thereof is  
37 detrimental to the safety, protection, or physical, or emotional  
38 well-being of another child who is directly or indirectly connected  
39 to the juvenile case that is the subject of the petition.

40 ~~(3)~~



1 (6) Access to juvenile case files pertaining to matters within the  
2 jurisdiction of the juvenile court pursuant to Section 300 shall be  
3 limited as follows:

4 (A) If a juvenile case file, or any portion thereof, is privileged  
5 or confidential pursuant to any other state law or federal law or  
6 regulation, the requirements of that state law or federal law or  
7 regulation prohibiting or limiting release of the juvenile case file  
8 or any portions thereof shall prevail. Unless a person is listed in  
9 subparagraphs (A) to ~~(L)~~ (M), inclusive, of paragraph (1) *or*  
10 *subparagraphs (A) to (D), inclusive, of paragraph (3)*, and is  
11 entitled to access under the other state law or federal law or  
12 regulation without a court order, all those seeking access, pursuant  
13 to other authorization, to portions of, or information relating to the  
14 contents of, juvenile case files protected under another state law  
15 or federal law or regulation, shall petition the juvenile court. The  
16 juvenile court may only release the portion of, or information  
17 relating to the contents of, juvenile case files protected by another  
18 state law or federal law or regulation if disclosure is not  
19 detrimental to the safety, protection, or physical or emotional  
20 well-being of a child who is directly or indirectly connected to the  
21 juvenile case that is the subject of the petition. This paragraph shall  
22 not be construed to limit the ability of the juvenile court to carry  
23 out its duties in conducting juvenile court proceedings.

24 (B) Prior to the release of the juvenile case file or any portion  
25 thereof, *or any information contained therein*, the court shall  
26 afford due process, including a notice of and an opportunity to file  
27 an objection to the release of the record or report to all interested  
28 parties.

29 ~~(4)~~

30 (7) A juvenile case file, any portion thereof, and information  
31 relating to the content of the juvenile case file, shall not be  
32 disseminated by the receiving *person or* agencies to any persons  
33 or agencies, other than those persons or agencies authorized to  
34 receive documents pursuant to this section. Further, a juvenile case  
35 file, any portion thereof, and information relating to the content of  
36 the juvenile case file, shall not be made as an attachment to any  
37 other documents without the prior approval of the presiding judge  
38 of the juvenile court *in the county where the juvenile case file is*  
39 *held, or in counties with no presiding judge of the juvenile court,*  
40 *by court order of the judge of the juvenile court, or his or her*



1 *designee*, unless it is used in connection with and in the course of  
2 a criminal investigation or a proceeding brought to declare a  
3 person a dependent child or ward of the juvenile court.

4 (b) (1) While the Legislature reaffirms its belief that juvenile  
5 court records, in general, should be confidential, it is the intent of  
6 the Legislature in enacting this subdivision to provide for a limited  
7 exception to juvenile court record confidentiality to promote more  
8 effective communication among juvenile courts, family courts,  
9 law enforcement agencies, and schools to ensure the rehabilitation  
10 of juvenile criminal offenders as well as to lessen the potential for  
11 drug use, violence, other forms of delinquency, and child abuse.

12 (2) Notwithstanding subdivision (a), written notice that a  
13 minor enrolled in a public school, kindergarten to grade 12,  
14 inclusive, has been found by a court of competent jurisdiction to  
15 have committed any felony or any misdemeanor involving curfew,  
16 gambling, alcohol, drugs, tobacco products, carrying of weapons,  
17 a sex offense listed in Section 290 of the Penal Code, assault or  
18 battery, larceny, vandalism, or graffiti shall be provided by the  
19 court, within seven days, to the superintendent of the school  
20 district of attendance. Written notice shall include only the offense  
21 found to have been committed by the minor and the disposition of  
22 the minor's case. This notice shall be expeditiously transmitted by  
23 the district superintendent to the principal at the school of  
24 attendance. The principal shall expeditiously disseminate the  
25 information to those counselors directly supervising or reporting  
26 on the behavior or progress of the minor. In addition, the principal  
27 shall disseminate the information to any teacher or administrator  
28 directly supervising or reporting on the behavior or progress of the  
29 minor whom the principal believes needs the information to work  
30 with the pupil in an appropriate fashion; to avoid being needlessly  
31 vulnerable or to protect other persons from needless vulnerability.

32 Any information received by a teacher, counselor, or  
33 administrator under this subdivision shall be received in  
34 confidence for the limited purpose of rehabilitating the minor and  
35 protecting students and staff, and shall not be further disseminated  
36 by the teacher, counselor, or administrator, except insofar as  
37 communication with the juvenile, his or her parents or guardians,  
38 law enforcement personnel, and the juvenile's probation officer is  
39 necessary to effectuate the juvenile's rehabilitation or to protect  
40 students and staff.



1 An intentional violation of the confidentiality provisions of this  
2 paragraph is a misdemeanor punishable by a fine not to exceed five  
3 hundred dollars (\$500).

4 (3) If a minor is removed from public school as a result of the  
5 court’s finding described in subdivision (b), the superintendent  
6 shall maintain the information in a confidential file and shall defer  
7 transmittal of the information received from the court until the  
8 minor is returned to public school. If the minor is returned to a  
9 school district other than the one from which the minor came, the  
10 parole or probation officer having jurisdiction over the minor shall  
11 so notify the superintendent of the last district of attendance, who  
12 shall transmit the notice received from the court to the  
13 superintendent of the new district of attendance.

14 (c) Each probation report filed with the court concerning a  
15 minor whose record is subject to dissemination pursuant to  
16 subdivision (b) shall include on the face sheet the school at which  
17 the minor is currently enrolled. The county superintendent shall  
18 provide the court with a listing of all of the schools within each  
19 school district, within the county, along with the name and mailing  
20 address of each district superintendent.

21 (d) Each notice sent by the court pursuant to subdivision (b)  
22 shall be stamped with the instruction: “Unlawful Dissemination  
23 Of This Information Is A Misdemeanor.” Any information  
24 received from the court shall be kept in a separate confidential file  
25 at the school of attendance and shall be transferred to the minor’s  
26 subsequent schools of attendance and maintained until the minor  
27 graduates from high school, is released from juvenile court  
28 jurisdiction, or reaches the age of 18, whichever occurs first. After  
29 that time the confidential record shall be destroyed. At any time  
30 after the date by which a record required to be destroyed by this  
31 section should have been destroyed, the minor or his or her parent  
32 or guardian shall have the right to make a written request to the  
33 principal of the school that the minor’s school records be reviewed  
34 to ensure that the record has been destroyed. Upon completion of  
35 any requested review and no later than 30 days after the request for  
36 the review was received, the principal or his or her designee shall  
37 respond in writing to the written request and either shall confirm  
38 that the record has been destroyed or, if the record has not been  
39 destroyed, shall explain why destruction has not yet occurred.



1 Except as provided in paragraph (2) of subdivision (b), no  
2 liability shall attach to any person who transmits or fails to transmit  
3 any notice or information required under subdivision (b).

4 (e) For purposes of this section, a “juvenile case file” means  
5 *documents pertaining to a minor who is the subject of the juvenile*  
6 *case file, including a petition filed in any juvenile court*  
7 *proceeding, minutes of court proceedings, reports, notes, and*  
8 *records of the a probation officer, social worker, or*  
9 *court-appointed special advocate, items admitted into evidence,*  
10 *and all other documents filed in that case prepared by or made*  
11 *available to the probation officer, social worker, or*  
12 *court-appointed special advocate in making his or her report, or*  
13 *to the judge, referee, or other hearing officer, and thereafter*  
14 *retained by the probation officer, social worker, or*  
15 *court-appointed special advocate, judge, referee, or other hearing*  
16 *officer, or the juvenile court.*

17 (f) For purposes of this section the following definitions apply:

18 (1) “Copying” means obtaining a photocopy or other form of  
19 reproduction of a juvenile case file or the information contained  
20 therein.

21 (2) “Dissemination” means distributing, disclosing or using a  
22 juvenile case file, or the information contained therein, in a  
23 proceeding or manner, including verbal disclosure, whereby  
24 confidential information is revealed.

25 (3) “Inspection” means a review or examination of a juvenile  
26 case file.

27 SEC. 7. Section 828 of the Welfare and Institutions Code is  
28 repealed.

29 ~~828. (a) Except as provided in Sections 389 and 781 of this~~  
30 ~~code or Section 1203.45 of the Penal Code, any information~~  
31 ~~gathered by a law enforcement agency relating to the taking of a~~  
32 ~~minor into custody may be disclosed to another law enforcement~~  
33 ~~agency, including a school district police or security department,~~  
34 ~~or to any person or agency which has a legitimate need for the~~  
35 ~~information for purposes of official disposition of a case. When the~~  
36 ~~disposition of a taking into custody is available, it shall be included~~  
37 ~~with any information disclosed.~~

38 ~~A court shall consider any information relating to the taking of~~  
39 ~~a minor into custody, if the information is not contained in a record~~  
40 ~~which has been sealed, for purposes of determining whether~~



1 ~~adjudications of commission of crimes as a juvenile warrant a~~  
2 ~~finding that there are circumstances in aggravation pursuant to~~  
3 ~~Section 1170 of the Penal Code or to deny probation.~~

4 (b) ~~When a law enforcement agency has been notified pursuant~~  
5 ~~to Section 1155 that a minor has escaped from a secure detention~~  
6 ~~facility, the law enforcement agency shall release the name of, and~~  
7 ~~any descriptive information about, the minor to a person who~~  
8 ~~specifically requests this information. The law enforcement~~  
9 ~~agency may release the information on the minor without a request~~  
10 ~~to do so if it finds that release of the information would be~~  
11 ~~necessary to assist in recapturing the minor or that it would be~~  
12 ~~necessary to protect the public from substantial physical harm.~~

13 SEC. 8. *Section 828 is added to the Welfare and Institutions*  
14 *Code, to read:*

15 828. (a) *It is the intent of the Legislature to reaffirm its belief*  
16 *that records or information gathered by law enforcement agencies*  
17 *relating to the taking of a minor into custody, temporary custody,*  
18 *or detention (juvenile police records) should be confidential.*  
19 *Confidentiality is necessary to protect those persons from being*  
20 *denied various opportunities, to further the rehabilitative efforts*  
21 *of the juvenile justice system, and to prevent the lifelong stigma*  
22 *that results from having a juvenile police record. Although these*  
23 *records generally should remain confidential, the Legislature*  
24 *recognizes that certain circumstances require the release of*  
25 *juvenile police records to specified persons and entities. The*  
26 *purposes of this section are to clarify the persons and entities*  
27 *entitled to receive a complete copy of a juvenile police record, to*  
28 *specify the persons or entities entitled to receive copies of juvenile*  
29 *police records with certain identifying information about other*  
30 *minors removed from the record, and to provide procedures for*  
31 *others to request a copy of a juvenile police record. This section*  
32 *does not govern the release of police records involving a minor*  
33 *who is the witness to or victim of a crime who is protected by other*  
34 *laws including, but not limited to, Section 841.5 of the Penal Code,*  
35 *Section 11167 et seq. of the Penal Code, and Section 6254*  
36 *Government Code.*

37 (b) *Except as provided in Sections 389 and 781 of this code or*  
38 *Section 1203.45 of the Penal Code, a law enforcement agency may*  
39 *release a complete copy of a juvenile police record, as defined in*  
40 *subdivision (m), without notice or consent from the person who is*



1 *the subject of the juvenile police record to the following persons*  
2 *or entities:*

3 *(1) Other California law enforcement agencies including the*  
4 *office of the Attorney General of California, any district attorney,*  
5 *the Department of Corrections, the Department of the Youth*  
6 *Authority, and any peace officer as specified in subdivision (a) of*  
7 *Section 830.1 of the Penal Code.*

8 *(2) School district police.*

9 *(3) Child protective agencies as defined in Section 11165.9 of*  
10 *the Penal Code.*

11 *(4) State Board of Control or designated local victim centers in*  
12 *accordance with the provisions of subdivision (d) of Section 13968*  
13 *of the Government Code.*

14 *(5) Juvenile justice commissions.*

15 *(c) Except as provided in Sections 389 and 781 of this code or*  
16 *Section 1203.45 of the Penal Code, law enforcement agencies may*  
17 *release a copy of a juvenile police record to the following persons*  
18 *and entities only if identifying information pertaining to any other*  
19 *person, within the meaning of subdivision (n), has been removed*  
20 *from the record:*

21 *(1) The person who is the subject of the juvenile police record.*

22 *(2) The parent or guardian of a minor who is the subject of the*  
23 *juvenile police record.*

24 *(3) The attorneys for a person who is a subject of the juvenile*  
25 *police record and any attorney for a parent or guardian of that*  
26 *person if he or she is a minor.*

27 *(4) The United States Immigration and Naturalization Service*  
28 *with written consent from the person who is the subject of the*  
29 *juvenile police record specifically authorizing the release of the*  
30 *confidential juvenile police record to that entity.*

31 *(5) Military personnel with written consent from the person*  
32 *who is the subject of the juvenile police record specifically*  
33 *authorizing the release of the confidential juvenile police record*  
34 *to the military personnel who submitted the request.*

35 *(d) (1) (A) If a person or entity listed in subdivision (c) seeks*  
36 *to obtain a complete copy of a juvenile police record that contains*  
37 *identifying information concerning the taking into custody or*  
38 *detention of any other person, within the meaning of subdivision*  
39 *(n), who is not a dependent child or a ward of the juvenile court,*  
40 *that person or entity shall submit a completed Petition to Obtain*



1 *Report of Law Enforcement Agency, as developed pursuant to*  
2 *subdivision (i), to the appropriate law enforcement agency. The*  
3 *law enforcement agency shall send a notice to the following*  
4 *persons that a Petition to Obtain Report of Law Enforcement*  
5 *Agency has been submitted to the agency:*

6 (i) *Any minor other than the subject of the juvenile police*  
7 *record who would be identified if the information is released.*

8 (ii) *The parents or guardian of any person described in*  
9 *subparagraph (i) if that person is a minor. The law enforcement*  
10 *agency shall make reasonable efforts to obtain the address of the*  
11 *parents or guardian.*

12 (B) *For purposes of responding to a request submitted pursuant*  
13 *to this subdivision, a law enforcement agency may contact the*  
14 *juvenile court to determine whether a person is a dependent child*  
15 *or a ward of the juvenile court.*

16 (C) *The notice sent pursuant to this subdivision shall include*  
17 *the following information: the identity of the person or entity*  
18 *requesting a copy of the juvenile police record; a copy of the*  
19 *completed Petition to Obtain Report of Law Enforcement Agency;*  
20 *the period for submitting an objection to the law enforcement*  
21 *agency; and the means to submit an objection. The period for*  
22 *submitting an objection shall be 20 days if notice is provided by*  
23 *mail or confirmed fax and 15 days if notice is provided by personal*  
24 *service. If no objections are filed, the law enforcement agency shall*  
25 *release the juvenile police record within 15 days of the expiration*  
26 *of the objection period.*

27 (D) *If any objections to the disclosure of the other juvenile's*  
28 *information are submitted to the law enforcement agency, the law*  
29 *enforcement agency shall send the completed Petition to Obtain*  
30 *Report of Law Enforcement Agency, the objections, and a copy of*  
31 *the requested juvenile police record to the presiding judge of the*  
32 *juvenile court or, in counties with no presiding judge of the juvenile*  
33 *court, the judge of the juvenile court or his or her designee, to*  
34 *obtain authorization from the court to release a complete copy of*  
35 *the juvenile police record.*

36 (2) *If a person or entity listed in subdivision (c) seeks to obtain*  
37 *a complete copy of a juvenile police record that contains*  
38 *identifying information concerning the taking into custody or*  
39 *detention of any other person, within the meaning of subdivision*  
40 *(n), who is a dependent child or a ward of the juvenile court, that*



1 *person or entity shall submit a Petition to Obtain Report of Law*  
2 *Enforcement Agency, as developed pursuant to subdivision (i), to*  
3 *the appropriate law enforcement agency. The law enforcement*  
4 *agency shall send that Petition to Obtain Report of Law*  
5 *Enforcement Agency and a completed petition for authorization to*  
6 *release the information to that person or entity along with a*  
7 *complete copy of the requested juvenile police record to the*  
8 *presiding judge of the juvenile court, or, in counties with no*  
9 *presiding judge of the juvenile court, the judge of the juvenile court*  
10 *or his or her designees. The law enforcement agency shall also*  
11 *provide notice of the petition for authorization to the following*  
12 *persons:*

13 *(A) If the person who would be identified if the information is*  
14 *released is a minor who is a dependent child of the juvenile court,*  
15 *notice of the petition shall be provided to the following persons:*

16 *(i) The minor.*

17 *(ii) The attorney of record for the minor.*

18 *(iii) The parents or guardian of the minor, unless parental*  
19 *rights have been terminated.*

20 *(iv) The child protective agency responsible for the minor.*

21 *(v) The attorney representing the child protective agency*  
22 *responsible for the minor.*

23 *(B) If the person who would be identified if the information is*  
24 *released is a ward of the juvenile court, notice of the petition shall*  
25 *be provided to the following:*

26 *(i) The ward.*

27 *(ii) The attorney of record for the ward.*

28 *(iii) The parents or guardian of the ward if the ward is under 18*  
29 *years of age, unless parental rights have been terminated.*

30 *(iv) The district attorney.*

31 *(v) The probation department.*

32 *(e) Except as otherwise provided in this section or in Sections*  
33 *389 and 781 of this code or Section 1203.45 of the Penal Code, law*  
34 *enforcement agencies may release copies of juvenile police records*  
35 *to any person who may be designated by court order of the*  
36 *presiding judge of the juvenile court, or, in counties with no*  
37 *presiding judge of the juvenile court, the judge of the juvenile court*  
38 *or his or her designee, in the county where the juvenile police*  
39 *record is maintained upon the filing of a Petition to Obtain Report*  
40 *of a Law Enforcement Agency by that person.*



1 (f) (1) After considering the petition and any objections  
2 submitted to the juvenile court pursuant to paragraph (1) or (2) of  
3 subdivision (d), the court shall determine whether the law  
4 enforcement agency may release a complete copy of the juvenile  
5 police record to the person or entity that submitted the request.

6 (2) In determining whether to authorize the release of a juvenile  
7 police record, the court shall balance the interests of the person  
8 who is the subject of the record, the petitioner, and the public. The  
9 juvenile court may issue protective orders prohibiting or limiting  
10 the release of information contained in the juvenile police record.  
11 The court may also deny the existence of a juvenile police record  
12 where the record is properly sealed or the person who is the subject  
13 of the record has properly denied its existence.

14 (3) Prior to authorizing the release of any juvenile police  
15 record, the juvenile court shall ensure that notice and an  
16 opportunity to file an objection to the release of the record has been  
17 provided to the person who is the subject of the record or who  
18 would be identified if the information is released, that person's  
19 parents or guardian if he or she is under 18 years of age, and any  
20 additional person or entity described in subdivision (d), as  
21 applicable. The period for filing an objection shall be 20 days from  
22 the date notice is given if notice is provided by mail or confirmed  
23 fax and 15 days from the date notice is given if notice is provided  
24 by personal service. If review of the petition is urgent, the  
25 petitioner may file a motion with the presiding judge of the juvenile  
26 court showing good cause why the objection period should be  
27 shortened. The court shall issue a ruling on the completed petition  
28 within 15 days of the expiration of the objection period.

29 (g) Any out-of-state entity comparable to the California entities  
30 listed in paragraphs (1) to (5), inclusive, of subdivision (b) shall  
31 file a petition with the presiding judge of the juvenile court in the  
32 county where the juvenile police record is maintained in order to  
33 receive a copy of a juvenile police record. A petition from that  
34 entity may be granted on an *ex parte* basis.

35 (h) Nothing in this section shall require the release of  
36 confidential victim or witness information protected by other laws  
37 including, but not limited to, Section 841.5 of the Penal Code,  
38 Section 11167 *et seq.* of the Penal Code, and Section 6254 of the  
39 Government Code.



1 (i) The Judicial Council, in consultation with the California  
2 Law Enforcement Association of Record Supervisors (CLEARS),  
3 shall develop forms for distribution by law enforcement agencies  
4 to the public to implement this section. Those forms shall include,  
5 but are not limited to, the Petition to Obtain Report of Law  
6 Enforcement Agency. The material for the public shall include  
7 information about the persons who are entitled to a copy of the  
8 juvenile police record and the specific procedures for requesting  
9 a copy of the record if a petition is necessary. The Judicial Council  
10 shall provide law enforcement agencies with suggested forms for  
11 compliance with the notice provisions set forth in subdivision (d).

12 (j) Any information received pursuant to subdivisions (a) to (e),  
13 inclusive, of this section shall be received in confidence for the  
14 limited purpose for which it was provided and shall not be further  
15 disseminated. An intentional violation of the confidentiality  
16 provisions of this section is a misdemeanor, punishable by a fine  
17 not to exceed five hundred dollars (\$500).

18 (k) A court shall consider any information relating to the taking  
19 of a minor into custody, if the information is not contained in a  
20 record which has been sealed, for purposes of determining whether  
21 an adjudication of the commission of a crime as a minor warrants  
22 a finding that there are circumstances in aggravation pursuant to  
23 Section 1170 of the Penal Code or to deny probation.

24 (l) When a law enforcement agency has been notified pursuant  
25 to Section 1155 that a minor has escaped from a secure detention  
26 facility, the law enforcement agency shall release the name of, and  
27 any descriptive information about, the minor to a person who  
28 specifically requests this information. The law enforcement agency  
29 may release the information on the minor without a request to do  
30 so if it finds that release of the information would be necessary to  
31 assist in recapturing the minor or that it would be necessary to  
32 protect the public from substantial physical harm.

33 (m) For purposes of this section, a “juvenile police record”  
34 refers to records or information relating to the taking of a minor  
35 into custody, temporary custody, or detention.

36 (n) For purposes of this section, with respect to a juvenile  
37 police record, “any other person” refers to a minor who was taken  
38 into custody or temporary custody, or detained and who is not the  
39 subject of the juvenile police record.



1     *SEC. 9. No reimbursement is required by this act pursuant to*  
2 *Section 6 of Article XIII B of the California Constitution for*  
3 *certain costs that may be incurred by a local agency or school*  
4 *district because in that regard this act creates a new crime or*  
5 *infraction, eliminates a crime or infraction, or changes the penalty*  
6 *for a crime or infraction, within the meaning of Section 17556 of*  
7 *the Government Code, or changes the definition of a crime within*  
8 *the meaning of Section 6 of Article XIII B of the California*  
9 *Constitution.*

10     *However, notwithstanding Section 17610 of the Government*  
11 *Code, if the Commission on State Mandates determines that this*  
12 *act contains other costs mandated by the state, reimbursement to*  
13 *local agencies and school districts for those costs shall be made*  
14 *pursuant to Part 7 (commencing with Section 17500) of Division*  
15 *4 of Title 2 of the Government Code. If the statewide cost of the*  
16 *claim for reimbursement does not exceed one million dollars*  
17 *(\$1,000,000), reimbursement shall be made from the State*  
18 *Mandates Claims Fund.*

