

INVITATION TO COMMENT

The Superior Court of California, County of Solano, invites comments on proposed revisions to the court's local rules **effective July 1, 2016**.

CONTENTS

- Text of Proposed Changes to Local Rules:
 - Rule 9.3 (Civil)
 - Rule 15.53 (Conservatorships)
- Text of Proposed Changes to Standing Orders:
 - Designation Of Chief Probation Officer/Designee As Representative Of Court For Purposes Of Referring Students To The Community School (current Standing Order 2002-02 [Juvenile])
 - Weapons In The Courthouse (current Standing Order 8771 [Courtwide])
 - Release Of Juvenile Case File Information For Welf. & Inst. C. §§ 601 And 602 Proceedings (Welf. & Inst. C. § 827; T.N.G. v Superior Court (1971) 4 Cal.3d 767; Cal. Rules of Court, rule 5.552) (current Standing Order 2013-001 [Juvenile])
- Response Form to Proposed Revisions

ALL COMMENTS MUST BE RECEIVED BY

5:00 p.m. on Monday, May 9, 2016

**Superior Court of California
County of Solano**

**Rule 9 – Attorney Fees in Default Matters,
Promissory Notes, Contracts, and Foreclosures**

9.3 OPEN BOOK ACCOUNTS - UNLIMITED AND LIMITED CIVIL

a. **ATTORNEY FEES IN OPEN BOOK ACCOUNTS**

Subject to subsection (b), attorney fees in all open book accounts shall be calculated on the principal obligation only pursuant to the following schedule:

<u>Amount</u>	<u>Fees</u>
\$1.00 to \$600.00	\$150.00
\$600.00 to \$1,000.00	\$150.00 plus 25% of amount over \$600.00
\$1,000.00 to \$10,000.00	\$250.00 plus 15% of amount over \$1,000.00
\$10,000.00 to \$25,000.00	\$1,600.00 plus 10% of amount over \$10,000.00

(Subd. (a) amended effective January 1, 2012.)

~~b. **MAXIMUM ALLOWABLE ATTORNEY FEES IN OPEN BOOK ACCOUNTS**~~

~~Per Civil Code section 1717.5, the maximum fee allowable in open book accounts shall be the lesser of the following:~~

~~(1) 25% (Twenty five percent) of the principal obligation owing under the contract; or,~~

~~(2) The following amount:~~

~~(a) \$800.00 based upon an obligation owing by a natural person for goods, moneys, or services which were primarily for personal, family, or household purposes.~~

~~(b) \$1,000.00 for all other book accounts.~~

~~*(Subd. (b) amended effective January 1, 2012.)*~~

b. **MAXIMUM ALLOWABLE ATTORNEY FEES IN OPEN BOOK ACCOUNTS**

The maximum fee allowable in open book accounts shall be as set forth in Civil Code section 1717.5.

(Subd. (b) amended effective July 1, 2016; previously amended effective January 1, 2012.)

(Rule 9.3 amended effective July 1, 2016; adopted effective January 1, 2009; previously amended effective January 1, 2012.)

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

(Rule 15.52 amended effective July 1, 2011; previously adopted as portion of Rule 7.69 effective July 1, 1988; adopted effective July 1, 2009.)

15.53 COURT INVESTIGATOR

a. AUTOMATIC APPOINTMENT OF COURT INVESTIGATOR

The court automatically appoints the court investigator to conduct investigations into probate conservatorships and proposed probate conservatorships.
(Subd (a) adopted effective July 1, 2009.)

b. SERVICE OF DOCUMENTS ON COURT INVESTIGATOR UPON COMMENCEMENT OF THE PROCEEDING

Immediately upon the filing of a *Petition for Appointment of Temporary Conservator* or *Petition for Appointment of Probate Conservator*, the petitioner or the petitioner's attorney must submit the following documents to the Court Investigators Office:

- (1) *Notice of Hearing – Guardianship or Conservatorship* (Judicial Council form GC-020);
- (2) A copy of the *Petition for Appointment of Probate Conservator* (Judicial Council form GC-311);
- (3) A copy of the *Petition for Appointment of Temporary Conservator* (Judicial Council form GC-111), if one was filed; and,
- (4) The *Confidential Conservator Screening Form* (Judicial Council form GC-314).

The documents shall be delivered or mailed to:

Court Investigators Office
Superior Court of California, County of Solano
600 Union Avenue
Fairfield, California 94533

(Subd (b) adopted effective July 1, 2009.)

c. SERVICE OF PETITIONS AND OTHER DOCUMENTS ON COURT INVESTIGATOR AFTER APPOINTMENT OF CONSERVATOR

A copy of any pleadings or documents filed in the court file shall be immediately provided to the Court Investigators Office by the party or attorney filing said pleadings or documents.

(Subd (c) adopted effective July 1, 2009.)

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

d. **DUTY TO UPDATE INFORMATION GIVEN TO INVESTIGATOR**

The petitioner must advise the investigating office of any changes to the contact information of the conservatee or proposed conservatee.

(Subd (d) adopted effective July 1, 2009.)

e. **DUTY TO COOPERATE WITH INVESTIGATOR**

All parties, including but not limited to the petitioner, proposed or appointed conservator, conservatee or proposed conservatee, and any attorneys for the parties, including appointed counsel for the conservatee or proposed conservatee, are to cooperate fully with the appointed investigator. Failure to cooperate may be punishable with sanctions pursuant to Code of Civil Procedure section 575.2, in the court's discretion.

(Subd (e) adopted effective July 1, 2009.)

f. **SERVICE OF SUBPOENA ON COURT INVESTIGATOR**

Any subpoena to compel a court investigator's presence at a hearing or trial must be served in compliance with Government Code sections 68097.1 and 68097.2. Said subpoena shall be served personally on the court investigator, on the Court Executive Officer, or an agent designated by the Court Executive Officer, during the court's normal business hours. The subpoena shall be accompanied by payment in the amount required by Government Code section 68097.2 for each day that the court investigator is required to remain in attendance at the hearing or trial pursuant to the subpoena; otherwise, the subpoena shall not be accepted or service deemed complete. ~~The subpoena shall be accompanied by payment in the amount of \$150.00 for each day that the court investigator is required to remain in attendance at the hearing or trial pursuant to the subpoena; otherwise, the subpoena shall not be accepted.~~

In order to give the court investigator reasonable time for preparation, the subpoenaing party shall serve the subpoena a minimum of 10 court days prior to the first date the court investigator is to appear at the hearing or trial, unless the court investigator agrees to a shorter period of time.

(Subd (f) amended effective July 1, 2016; adopted effective January 1, 2012.)

(Rule 15.53 amended effective July 1, 2016; ~~January 1, 2012~~; previously adopted as Rule 7.70 effective July 1, 1988; adopted as Rule 15.53 effective July 1, 2009; previously amended effective January 1, 2012.)

1 **IN THE SUPERIOR COURT OF CALIFORNIA**

2 **IN AND FOR THE COUNTY OF SOLANO**

3
4 Standing Order No. **XXXXXXXXXX**

5 **WEAPONS IN THE COURTHOUSE**

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9 This standing order amends and supersedes Standing Order 8771, filed January 28,
10 2008, effective upon the date of filing.

11 **GOOD CAUSE APPEARING, IT IS HEREBY ORDERED:**

12 1. All persons entering a building or location designated as a courthouse or a location
13 for judicial proceedings, whether temporary or on-going, are prohibited from carrying or
14 possessing the following items while in the building or designated location:

15 a. Firearms, including but not limited to cane guns, firearms not immediately
16 recognizable as a firearm, undetectable firearms, and wallet guns (Pen. C. §§ 24410, 24510,
17 24610, and 24710);

18 b. Knives, including but not limited to sheathed knives, air gauge knives, belt
19 buckle knives, cane swords, lipstick case knives, shobi-zues, undetectable knives, writing
20 pen knives, ballistic knives, and dirks or daggers (Pen. C. §§ 20200, 20310, 20410, 20510,
21 20610, 20710, 20810, 20910, 21110, 21310, and 21510);

22 c. Knuckles, including but not limited to composite knuckles, hard wooden
23 knuckles, and metal knuckles (Pen. C. §§ 21710 and 21810);

24 d. Nunchaku (Pen. C. § 22010);

25 e. Leaded canes, saps, and other similar weapons (Pen. C. § 22210); and,

Standing Order **XXXXXXXXXX**

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f. Shuriken (Pen. C. § 22410.)

2. Active on-duty law enforcement officers not appearing as a party or an off-duty witness in an action or proceeding shall be exempt from the provisions of Paragraph 1.

3. The issuance of a concealed carry weapons permit or license shall not exempt any person from the provisions of Paragraph 1.

It is so ordered.

Date: _____

Robert C. Fracchia
Presiding Judge

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1
2 IN THE SUPERIOR COURT OF CALIFORNIA
3 IN AND FOR THE COUNTY OF SOLANO
4 IN SESSION AS A JUVENILE COURT

5
6 STANDING ORDER NO. XXXXXXXXXX

7 RELEASE OF JUVENILE CASE FILE
8 INFORMATION FOR WELF. & INST. C. §§
9 601 AND 602 PROCEEDINGS
10 (Welf. & Inst. C. § 827; T.N.G. v Superior
11 Court (1971) 4 Cal.3d 767; Cal. Rules of
12 Court, rule 5.552)

13 ~~Juvenile Court Standing Order No. 2002-8 as it relates to proceedings under Welfare
14 and Institutions Code sections 601 and 602 and Juvenile Court Standing Order No. 2005-01
15 are vacated. Effective July 1, 2013, Juvenile Court Standing Order No. 2010-001 is vacated
16 and replaced with this Standing Order. Pursuant to the provisions of Welfare and Institutions
17 Code section 827 ("section 827") and the duty imposed upon the Court by the decision of the
18 California Supreme Court in the case of *T.N.G. v Superior Court* (1971) 4 Cal.3d 767, the
19 Juvenile Court of the County of Solano makes the following Standing Order: Effective July 1,
20 2016, Juvenile Court Standing Order No. 2013-001 is vacated and replaced with this Standing
21 Order.~~

22 Good cause appearing and consistent with Welfare and Institutions Code section 827¹,
23 *T.N.G. v Superior Court* (1971) 4 Cal.3d 767, and California Rules of Court, rule 5.552, Cal.
24 Rules of Court, rule 5.552, the Juvenile Court of the Superior Court of California, County of
25 Solano makes the following Standing Order:

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28 **I. GENERAL PROVISIONS**

¹ All future statutory references are to the Welfare and Institutions Code, unless otherwise indicated.

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1 A. ~~Applicability to Delinquency Proceedings Only.~~—This Standing Order
2 applies to the inspection and copying of juvenile case files for minors currently involved or
3 previously involved in proceedings under ~~Welfare and Institutions Code~~ sections 601 and 602.

4 B. The provisions of section 827 and California Rules of Court, rule 5.552 are
5 incorporated herein by reference.

6 C. Juvenile Case File—Definition and Exclusions.—The term “juvenile case file”
7 as used in this standing order includes the documents listed in California Rules of Court, rule
8 5.552, subdivision (a). A Juvenile Case File means a petition filed in any juvenile court
9 proceeding, reports of the probation officer, and all other documents filed in the case or made
10 available to the probation officer in making his or her report, or to the judge, referee or other
11 hearing officer, and thereafter retained by the probation officer, judge, referee or other
12 hearing officer. A Juvenile Case File includes the file retained by the Court and the file
13 retained by the Probation Department.—With the exception of documents specifically related to
14 a proceeding involving a violation of a court order, the

15
16 ~~B.~~ following documents are not included in the definition of a ~~j~~uvenile ~~c~~ase ~~f~~ile:

17 ~~1. Case notes of Probation Officers.~~

18 ~~2.1.~~ Victim information not already contained in a probation report.

19 ~~3. Court Appointed Special Advocates (CASA) records.~~

20 ~~4.2.~~ Records from the Solano County Juvenile Detention Facility, ~~Founts~~
21 ~~Springs Youth Facility~~ or other placements.

22 ~~5.3.~~ Other documents that are privileged or confidential pursuant to any
23 other state law, federal law or regulation, including, but not limited to
24 psychological or psychiatric evaluations, mental ~~health~~~~health~~ records
25 and medical records.² The terms “psychological or psychiatric reports,

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28 ² See Welfare and Institutions Code section 827(a)(3)(A). Privileged or confidential records not subject to the informal release provisions of this Standing Order include, but are not limited to, records protected by Welfare and Institutions Code section 10850 [public social services records], Penal Code section 11167 [mandated reporting of abuse or neglect], Evidence Code section 1040 [official information given in

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1 evaluations and other mental health records” and “medical records” are
2 those records which are created by a mental health or medical care
3 provider and which contain medical information as defined by Civil Code
4 section 56.05, subdivision (j).

5 ~~6.4.~~ Records that have been sealed pursuant to Welfare and Institutions
6 Code sections 398, or 781, 786, or 793, subdivision (c).

7 ~~C. Such documents may be only be accessed, if at all, at the discretion of the Court~~
8 ~~following the filing of a petition pursuant to section 827, or as otherwise provided by statute~~

9 ~~**D. Psychological, Psychiatric and Medical Records – Definition.** The terms~~
10 ~~“psychological or psychiatric reports, evaluations and other mental health records” and~~
11 ~~“medical records” are those records which are created by a mental health or medical care~~
12 ~~provider.~~

13 ~~**E.D. Exception – Computerized Data Base System.**~~ Nothing in this Standing
14 Order shall prohibit any city or the County from establishing a computerized data base system
15 that permits the probation department, law enforcement agencies and school districts to
16 access probation department, law enforcement, school district and juvenile court information
17 and records pursuant to the provisions of ~~Welfare and Institutions Code~~ section 827.1.

18 ~~**F.E. Minor Permitted to Review and Receive His/Her Own Medical and Mental**~~
19 ~~**Health Information.**~~ Notwithstanding any other provision of this Standing Order, an individual
20 seeking psychiatric evaluations, medical records and/or mental health records from his or her
21 own ~~j~~Juvenile ~~c~~Case ~~f~~File may receive such records following execution of a release that is
22 compliant with the federal Health Information Privacy and Accountability Act (“HIPAA”) and the
23 California Confidentiality of Medical Information Act (Cal. Civil Code §56 et seq.). The
24 release shall be on a form adopted by the Probation Department and must be either notarized
25 or signed in the presence of a Probation Department official or other law enforcement official
26 designated by the Chief Probation Officer.

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confidence] and Government Code sections 6253.2 and, 6254(n) [persons paid to perform in-home
supportive services, licensing applications].

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1 G.F. Petition Required for Individuals Not Specifically Authorized by Statute to
2 Receive Records.—Except as otherwise provided in this Standing Order, requests by any
3 individual for access to ~~j~~Juvenile ~~c~~Case ~~f~~File information, or by any law enforcement agency to
4 disseminate any information in its files to any person or agency not authorized by ~~either~~
5 section 827, ~~or this Standing Order,~~ or another effective standing order to receive such
6 information shall only be considered by the Juvenile Court on an individual basis, pursuant to
7 a petition filed under ~~Welfare & Institutions Code~~ section 827. ~~Except in the case of a~~
8 ~~deceased child, a petition filed pursuant to section 827 shall be on the appropriate Judicial~~
9 ~~Council Form, and must be served on the District Attorney, the minor, counsel for the minor,~~
10 ~~the minor's parent or guardian, the Probation Department and County Counsel.~~ Any
11 ~~opposition to the petition shall be filed not later than ten court days after the date of service of~~
12 ~~the petition. This time will be extended by five calendar days if service is by mail. In the case~~
13 ~~of a deceased child, the provisions of Welfare & Institutions Code section 827(a)(2)(D)(E) and~~
14 ~~(F) shall control.~~

15 H.G. No Conflict with Other Laws.—Nothing in this Standing Order shall prohibit the
16 dissemination of information as otherwise required or permitted by law.

17 II. VIEWING JUVENILE CASE FILES

18 A. Only those persons specifically identified in ~~Welfare and Institutions Code~~
19 section 827(a)(1) may view a juvenile case file. Any person not specifically listed must file a
20 petition under section 827 for permission to view a ~~j~~Juvenile ~~c~~Case file.

21 B. The Probation Department and the ~~Superior Court~~court may, in their sole
22 discretion, require proof that a person wishing to view a file falls into one of the categories
23 listed in ~~Welfare & Institutions Code~~ section 827(a).

24 C. All persons wishing to view a ~~j~~Juvenile ~~c~~Case ~~f~~File must complete and sign a
25 form which includes an acknowledgement that the records being viewed are confidential and
26 the information contained is not to be further disseminated without an order of the ~~c~~Court.
27 The form shall also contain a declaration signed under penalty of perjury that the person
28 requesting access to the juvenile case file is authorized either by statute or court order to view

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1 the file. The executed form shall be maintained in the Probation Department file or ~~Superior~~
2 ~~Court~~ the court file being accessed.

3 D. No information relating to the contents of a ~~j~~Juvenile ~~c~~Case ~~f~~File may be
4 disseminated by the person viewing the file without a court order, except to employees of the
5 department employing the person viewing the file with an official need.

7 III. OBTAINING COPIES OF DOCUMENTS FROM JUVENILE CASE FILES

8 A. Only those persons specifically listed in ~~Welfare & Institutions Code~~ section
9 827(a)(5) may obtain copies of documents contained in the ~~j~~Juvenile ~~c~~Case ~~f~~File without a
10 court order.

11 B. The Probation Department and the ~~Superior Court~~court may, in their sole
12 discretion, require proof that a person wishing to obtain copies of documents falls into one of
13 the ~~categories~~ permitted by ~~Welfare & Institutions Code~~ section 827(a)(5), and may impose a
14 reasonable fee for copying, consistent with the fee schedule set by the County Board of
15 Supervisors (for Probation Department records) or by law and the Administrative Office of the
16 ~~Courts~~ (for cCourt records).

17 C. All persons wishing to receive copies of documents from a ~~j~~Juvenile ~~c~~Case
18 ~~f~~File must complete and sign a form which includes an acknowledgement that the records are
19 confidential and are not to be further disseminated without an order of the cCourt. The form
20 shall also contain a declaration signed under penalty of perjury that the person requesting
21 access to the juvenile case file is authorized either by statute or court order to obtain copies of
22 documents from the file. The executed form shall be maintained in the Probation Department
23 file or ~~Superior Court~~ court file being accessed. Every person receiving copies of documents
24 from a ~~j~~Juvenile ~~c~~Case ~~f~~File ~~shall~~will be provided with a copy of a *Protective Order re: Release*
25 *of Juvenile Case File Information* ~~issued~~adopted by the court. ~~Juvenile Court~~.

26 D. The Probation Department may, in its discretion, release documents regarding
27 minors currently under their supervision as necessary to hospitals, schools, camps, job corps,
28 ranches, or any other person, group or institution which requires such information for the

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1 placement, treatment or rehabilitation of the minor, including but not limited to no-contact
2 orders, gang terms and other terms of probation. The Probation Department fFile shall
3 contain a written record of information and documents released pursuant to this paragraph.

4 E. The Probation Department, may, in its discretion, release to the superintendent
5 or designee of the school district where the minor is enrolled or attending school information
6 regarding (1) the minor's status with the cCourt or the Probation Department and (2) terms or
7 conditions imposed on the minor as a result of said status which pertain to the minor's
8 schooling, including, but not limited to, no-contact orders gang terms and other terms of
9 probation. The Probation Department fFile shall contain a written record of information and
10 documents released pursuant to this paragraph.

11 IV. OBTAINING VERBAL INFORMATION CONTAINED IN JUVENILE CASE FILES

12 A. To the extent permitted or required by state or federal law, tThe Probation
13 Department may, in its discretion, verbally release information regarding a jJuvenile cCase
14 fFile to the following persons who have an official interest and need to know in connection with
15 the discharge of their official responsibilities, and who are employed by:

- 16 1. California Attorney General.
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- 18 ——2. District Attorney's offices throughout California.
- 19 3. California law enforcement agencies.
- 20 4. Probation Departments in California.
- 21 5. Public Welfare Agencies in California.
- 22 6. California Bureau of Identification and Investigation.
- 23 7. California Department of Corrections and Rehabilitation, Division of
24 Juvenile Justice.
- 25 8. California Department of Corrections and Rehabilitation.
- 26 9. Any Coroner.
- 27 10. Federal investigative and enforcement agencies.
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1 B. The Probation Department may, in its discretion, verbally provide information,
2 including, but not limited to, no-contact orders, gang terms and other relevant terms of
3 probation to a minor's school as necessary to promote the rehabilitation of the minor and to
4 lessen the potential for drug use, violence and other forms of delinquency. The Probation
5 Department fFile shall contain a written record of information released pursuant to this
6 paragraph.

7 C. The Probation Department may, in its discretion, verbally release information
8 regarding minors currently under their supervision as necessary to hospitals, schools, camps,
9 job corps, ranches, or any other person, group or institution which requires such information
10 for the placement, treatment or rehabilitation of the minor, including, but not limited to, no-
11 contact orders, gang terms and other relevant terms of probation. The Probation Department
12 fFile shall contain a written record of all information released pursuant to this paragraph.

13 D. Victims, parents or guardians of minor victims, attorneys for victims and
14 insurers of victims may verbally receive the following information without a court order:

- 15 1. Whether or not an arrest has been made.
- 16 2. The offenses for which an arrest has been made.
- 17 3. The disposition of the minor by the law enforcement agency.
- 18 4. Whether or not a petition has been filed with the Juvenile Court and the
19 charge(s) to be alleged in any such petition.
- 20 5. _____The results of any detention and/or disposition hearing held.
- 21 6. _____The date, time and location of any hearing in the case.
- 22 7. _____The identification of the judge or referee who heard or will hear
23 the case.
- 24 8. _____The jurisdictional finding and the final disposition of the Court.
- 25 9. _____Any anticipated release date.
- 26 10. All information received by any recipient shall be kept confidential by
27 that recipient, and shall not be further released unless utilized to take
28 court action against a minor, parent or guardian.

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1 The Probation Department ~~f~~File shall contain a written record of information
2 and documents released pursuant to this paragraph.

3 E. The Probation Department may, in its sole discretion, require proof that a
4 person wishing to obtain verbal information from a jJuvenile cCase ~~f~~File is authorized by this
5 oOrder to receive such information.

6 **V. RELEASE OF INFORMATION TO THE MEDIA.**

7 The following ~~policy~~ shall apply with regard to the release of information to the media
8 relating to minor offenses:

9 A. The District Attorney, Chief Probation Officer, and law enforcement officials or
10 their designees may, in their discretion, divulge the following information:

- 11 1. Whether or not an arrest has been made.
- 12 2. The offenses for which an arrest has been made.
- 13 3. The disposition of the minor by the law enforcement agency.
- 14 4. In cases where disclosure of information aids in an investigation, assists in
15 the arrest of a suspect or escapee or otherwise warns the public of
16 danger; the name, date of birth and physical description of a minor and,
17 where relevant to protect public health and safety, the charges against
18 the minor.

19 B. The District Attorney and Chief Probation Officer or their designees may, in
20 their discretion, divulge the following:

- 21 1. Whether or not a petition has been filed with the Juvenile Court and the
22 charge to be alleged in any such petition.
- 23 2. The results of any detention hearing held.
- 24 3. The date and location of the hearing.
- 25 4. The identification of the jJudge or rReferee who heard or will hear the
26 matter.
- 27 5. The jurisdictional finding and the final disposition of the cCourt.

28 **VI. PROTECTIVE ORDER**

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1 Unless otherwise specifically authorized by the Juvenile Court, or otherwise provided
2 by this ~~o~~Order, every person who receives documents or information from a ~~j~~Juvenile ~~c~~Case
3 ~~f~~File is subject ~~to the following~~to a protective order. The terms of the protective order shall be
4 incorporated herein by reference and shall be a part of this Standing Order.:

5 ~~A. No documents from a Juvenile Case File or information relating to the contents~~
6 ~~of records in a Juvenile Case File may be disseminated by the receiving party to~~
7 ~~any other person or agency, or made attachments to any other document(s) or~~
8 ~~used in any other proceeding without the prior approval of the Presiding Judge~~
9 ~~of the Juvenile Court, except as follows:~~

10 ~~1. The records are used in a proceeding to declare the minor who is the subject~~
11 ~~of the records a dependent child or ward of the juvenile court;~~

12 ~~2. The records are released to immediate office staff, clients, expert witnesses~~
13 ~~and investigators retained for the purposes of the pending matter only and~~
14 ~~with no one else.~~

15 ~~3. District Attorneys, City Attorneys authorized to prosecute criminal cases, and~~
16 ~~Public Defenders or other private defense counsel may disseminate records~~
17 ~~or disclose information in compliance with their discovery obligations under~~
18 ~~statutory and case law.~~

19 ~~4. Records and information may be disclosed to a judicial officer of Solano~~
20 ~~County Superior Court for any purpose associated with that judicial officer's~~
21 ~~obligation to render any type of decision concerning that individual.~~

22 ~~5. In cooperation with federal authorities or entities as permitted or required by~~
23 ~~state or federal law.~~

24 ~~B. Any violation of this Protective Order is punishable as a misdemeanor.~~

25 ~~C. Any production or dissemination of juvenile records shall be accompanied by a~~
26 ~~copy of the Protective Order made herein. A true and correct copy of the~~
27 ~~Protective Order is attached and made a part of this Standing Order.~~

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1 ~~D. At the conclusion of the proceedings for which the records were disseminated,~~
2 ~~the receiving party shall cause all copies of the documents released to be~~
3 ~~destroyed, except that a single copy of the documents may be retained in each~~
4 ~~counsel's file, in a sealed condition, and no person shall have access to the~~
5 ~~documents thereafter without further order from the juvenile Court.~~

6 It is so ordered.

7
8 Dated: _____

_____ D. SCOTT DANIELS
Presiding Judge of the Superior Court
Juvenile Division

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1 SUPERIOR COURT OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SOLANO
3 IN SESSION AS A JUVENILE COURT

4
5 IN THE MATTER OF:
6 RELEASE OF JUVENILE RECORDS
7
8
9

PROTECTIVE ORDER RE: RELEASE OF
JUVENILE CASE FILE INFORMATION FOR
W&I 601 AND 602 PROCEEDINGS

10 Pursuant to the terms of Standing Order XXXXXXXX. Unless otherwise specifically
11 authorized by the Juvenile Court, or otherwise provided by this Order, every person who
12 receives documents or information from a jJuvenile cCase fFile is subject to the following
13 protective order:

14 A. No documents from a jJuvenile cCase fFile or information relating to the
15 contents of records in a jJuvenile cCase fFile may be disseminated by the receiving party to
16 any other person or agency, or made attachments to any other document(s) or used in any
17 other proceeding without the prior approval of the Presiding Judge of the Juvenile Court,
18 except as follows:

19 1. The records are used in a proceeding to declare the minor who is the
20 subject of the records a dependent child or ward of the juvenile court.

21 2. The records are released to immediate office staff, clients, expert
22 witnesses and investigators retained for the purposes of the pending matter only and with no
23 one else.

24 3. District Attorneys, City Attorneys authorized to prosecute criminal
25 cases, and Public Defenders or other private defense counsel may disseminate records or
26 disclose information in compliance with their discovery obligations under statutory and case
27 law.
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1 ~~3.4.~~ Records and information may be disclosed to a judicial officer of Solano
2 County Superior Court for any purpose associated with that judicial officer's obligation to
3 render any type of decision concerning that individual.

4 ~~4.5.~~ In cooperation with federal authorities or entities as permitted or
5 required by state or federal law.

6 B. Any production or dissemination of records pursuant to ~~this~~ Standing Order
7 ~~XXXXXXX~~ shall be accompanied by a copy of ~~this the~~ Protective Order. ~~made herein. A~~
8 ~~true and correct copy of the Protective Order is attached and made a part of this Standing~~
9 ~~Order.~~

10 C. At the conclusion of the proceedings for which the records were disseminated,
11 the receiving party shall cause all copies of the documents released to be destroyed, except
12 that a single copy of the documents may be retained in each counsel's file, in a sealed
13 condition, and no person shall have access to the documents thereafter without further order
14 from the Juvenile Court.

15 D. Any violation of this Protective Order is punishable as a misdemeanor.

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18 Dated: _____

D. SCOTT DANIELS
Presiding Judge of the Superior Court
Juvenile Division

"CLEAN" DRAFT

1
2 IN THE SUPERIOR COURT OF CALIFORNIA
3 IN AND FOR THE COUNTY OF SOLANO
4 IN SESSION AS A JUVENILE COURT

5
6 STANDING ORDER NO. XXXXXXXX

7 RELEASE OF JUVENILE CASE FILE
8 INFORMATION FOR WELF. & INST. C. §§
9 601 AND 602 PROCEEDINGS
10 (Welf. & Inst. C. § 827; *T.N.G. v Superior
11 Court* (1971) 4 Cal.3d 767; Cal. Rules of
12 Court, rule 5.552)

13 Effective July 1, 2016, Juvenile Court Standing Order No. 2013-001 is vacated and
14 replaced with this Standing Order.

15 Good cause appearing and consistent with Welfare and Institutions Code section 827¹,
16 *T.N.G. v Superior Court* (1971) 4 Cal.3d 767, and California Rules of Court, rule 5.552, Cal.
17 Rules of Court, rule 5.552, the Juvenile Court of the Superior Court of California, County of
18 Solano makes the following Standing Order:

19 **I. GENERAL PROVISIONS**

20 A. This Standing Order applies to the inspection and copying of juvenile case files
21 for minors currently involved or previously involved in proceedings under sections 601 and
22 602.

23 B. The provisions of section 827 and California Rules of Court, rule 5.552 are
24 incorporated herein by reference.

25 C. The term "juvenile case file" as used in this standing order includes the
26 documents listed in California Rules of Court, rule 5.552, subdivision (a). With the exception of
27 documents specifically related to a proceeding involving a violation of a court order, the

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¹ All future statutory references are to the Welfare and Institutions Code, unless otherwise indicated.

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1 following documents are not included in the definition of a juvenile case file:

- 2 1. Victim information not already contained in a probation report.
- 3 2. Records from the Solano County Juvenile Detention Facility or other
4 placements.
- 5 3. Other documents that are privileged or confidential pursuant to any
6 other state law, federal law or regulation, including, but not limited to
7 psychological or psychiatric evaluations, mental health records and
8 medical records.² The terms "psychological or psychiatric reports,
9 evaluations and other mental health records" and "medical records" are
10 those records which are created by a mental health or medical care
11 provider and which contain medical information as defined by Civil Code
12 section 56.05, subdivision (j).
- 13 4. Records that have been sealed pursuant to Welfare and Institutions
14 Code sections 398, 781, 786, or 793, subdivision (c).

15 D. Nothing in this Standing Order shall prohibit any city or the County from
16 establishing a computerized data base system that permits the probation department, law
17 enforcement agencies and school districts to access probation department, law enforcement,
18 school district and juvenile court information and records pursuant to the provisions of section
19 827.1.

20 E. Notwithstanding any other provision of this Standing Order, an individual
21 seeking psychiatric evaluations, medical records and/or mental health records from his or her
22 own juvenile case file may receive such records following execution of a release that is
23 compliant with the federal Health Information Privacy and Accountability Act ("HIPAA") and the
24 California Confidentiality of Medical Information Act (Cal. Civil Code §56 et seq.). The
25 release shall be on a form adopted by the Probation Department and must be either notarized

26 ² See Welfare and Institutions Code section 827(a)(3)(A). Privileged or confidential records not subject to
27 the informal release provisions of this Standing Order include, but are not limited to, records protected by
28 Welfare and Institutions Code section 10850 [public social services records], Penal Code section 11167
[mandated reporting of abuse or neglect], Evidence Code section 1040 [official information given in
confidence] and Government Code sections 6253.2 and 6254(n) [persons paid to perform in-home
supportive services, licensing applications].

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1 or signed in the presence of a Probation Department official or other law enforcement official
2 designated by the Chief Probation Officer.

3 F. Except as otherwise provided in this Standing Order, requests by any individual
4 for access to juvenile case file information, or by any law enforcement agency to disseminate
5 any information in its files to any person or agency not authorized by section 827, this
6 Standing Order, or another effective standing order to receive such information shall only be
7 considered by the Juvenile Court on an individual basis, pursuant to a petition filed under
8 section 827.

9 G. Nothing in this Standing Order shall prohibit the dissemination of information as
10 otherwise required or permitted by law.

11 **II. VIEWING JUVENILE CASE FILES**

12 A. Only those persons specifically identified in section 827(a)(1) may view a
13 juvenile case file. Any person not specifically listed must file a petition under section 827 for
14 permission to view a juvenile case file.

15 B. The Probation Department and the court may, in their sole discretion, require
16 proof that a person wishing to view a file falls into one of the categories listed in section
17 827(a).

18 C. All persons wishing to view a juvenile case file must complete and sign a form
19 which includes an acknowledgement that the records being viewed are confidential and the
20 information contained is not to be further disseminated without an order of the court. The form
21 shall also contain a declaration signed under penalty of perjury that the person requesting
22 access to the juvenile case file is authorized either by statute or court order to view the file.
23 The executed form shall be maintained in the Probation Department file or the court file being
24 accessed.

25 D. No information relating to the contents of a juvenile case file may be
26 disseminated by the person viewing the file without a court order, except to employees of the
27 department employing the person viewing the file with an official need.
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1 III. OBTAINING COPIES OF DOCUMENTS FROM JUVENILE CASE FILES

2 A. Only those persons specifically listed in section 827(a)(5) may obtain copies of
3 documents contained in the juvenile case file without a court order.

4 B. The Probation Department and the court may, in their sole discretion, require
5 proof that a person wishing to obtain copies of documents falls into one of the categories
6 permitted by section 827(a)(5), and may impose a reasonable fee for copying, consistent with
7 the fee schedule set by the County Board of Supervisors (for Probation Department records)
8 or by law (for court records).

9 C. All persons wishing to receive copies of documents from a juvenile case file
10 must complete and sign a form which includes an acknowledgement that the records are
11 confidential and are not to be further disseminated without an order of the court. The form
12 shall also contain a declaration signed under penalty of perjury that the person requesting
13 access to the juvenile case file is authorized either by statute or court order to obtain copies of
14 documents from the file. The executed form shall be maintained in the Probation Department
15 file or court file being accessed. Every person receiving copies of documents from a juvenile
16 case file shall be provided with a copy of a *Protective Order re: Release of Juvenile Case File*
17 *Information* issued by the court.

18 D. The Probation Department may, in its discretion, release documents regarding
19 minors currently under their supervision as necessary to hospitals, schools, camps, job corps,
20 ranches, or any other person, group or institution which requires such information for the
21 placement, treatment or rehabilitation of the minor, including but not limited to no-contact
22 orders, gang terms and other terms of probation. The Probation Department file shall contain
23 a written record of information and documents released pursuant to this paragraph.

24 E. The Probation Department, may, in its discretion, release to the superintendent
25 or designee of the school district where the minor is enrolled or attending school information
26 regarding (1) the minor's status with the court or the Probation Department and (2) terms or
27 conditions imposed on the minor as a result of said status which pertain to the minor's
28 schooling, including, but not limited to, no-contact orders gang terms and other terms of

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1 probation. The Probation Department file shall contain a written record of information and
2 documents released pursuant to this paragraph.

3 **IV. OBTAINING VERBAL INFORMATION CONTAINED IN JUVENILE CASE FILES**

4 A. To the extent permitted or required by state or federal law, the Probation
5 Department may, in its discretion, verbally release information regarding a juvenile case file to
6 the following persons who have an official interest and need to know in connection with the
7 discharge of their official responsibilities, and who are employed by:

- 8 1. California Attorney General.
- 9 2. District Attorney's offices throughout California.
- 10 3. California law enforcement agencies.
- 11 4. Probation Departments in California.
- 12 5. Public Welfare Agencies in California.
- 13 6. California Bureau of Identification and Investigation.
- 14 7. California Department of Corrections and Rehabilitation, Division of
15 Juvenile Justice.
- 16 8. California Department of Corrections and Rehabilitation.
- 17 9. Any Coroner.
- 18 10. Federal investigative and enforcement agencies.

19 B. The Probation Department may, in its discretion, verbally provide information,
20 including, but not limited to, no-contact orders, gang terms and other relevant terms of
21 probation to a minor's school as necessary to promote the rehabilitation of the minor and to
22 lessen the potential for drug use, violence and other forms of delinquency. The Probation
23 Department file shall contain a written record of information released pursuant to this
24 paragraph.

25 C. The Probation Department may, in its discretion, verbally release information
26 regarding minors currently under their supervision as necessary to hospitals, schools, camps,
27 job corps, ranches, or any other person, group or institution which requires such information
28 for the placement, treatment or rehabilitation of the minor, including, but not limited to, no-

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1 contact orders, gang terms and other relevant terms of probation. The Probation Department
2 file shall contain a written record of all information released pursuant to this paragraph.

3 D. Victims, parents or guardians of minor victims, attorneys for victims and
4 insurers of victims may verbally receive the following information without a court order:

- 5 1. Whether or not an arrest has been made.
- 6 2. The offenses for which an arrest has been made.
- 7 3. The disposition of the minor by the law enforcement agency.
- 8 4. Whether or not a petition has been filed with the Juvenile Court and the
9 charge(s) to be alleged in any such petition.
- 10 5. The results of any detention and/or disposition hearing held.
- 11 6. The date, time and location of any hearing in the case.
- 12 7. The identification of the judge or referee who heard or will hear the
13 case.
- 14 8. The jurisdictional finding and the final disposition of the Court.
- 15 9. Any anticipated release date.
- 16 10. All information received by any recipient shall be kept confidential by
17 that recipient, and shall not be further released unless utilized to take
18 court action against a minor, parent or guardian.

19 The Probation Department file shall contain a written record of information and
20 documents released pursuant to this paragraph.

21 E. The Probation Department may, in its sole discretion, require proof that a
22 person wishing to obtain verbal information from a juvenile case file is authorized by this order
23 to receive such information.

24 **V. RELEASE OF INFORMATION TO THE MEDIA.**

25 The following shall apply with regard to the release of information to the media relating
26 to minor offenses:

27 A. The District Attorney, Chief Probation Officer, and law enforcement officials or
28 their designees may, in their discretion, divulge the following information:

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- 1 1. Whether or not an arrest has been made.
- 2 2. The offenses for which an arrest has been made.
- 3 3. The disposition of the minor by the law enforcement agency.
- 4 4. In cases where disclosure of information aids in an investigation, assists in
- 5 the arrest of a suspect or escapee or otherwise warns the public of
- 6 danger; the name, date of birth and physical description of a minor and,
- 7 where relevant to protect public health and safety, the charges against
- 8 the minor.

9 B. The District Attorney and Chief Probation Officer or their designees may, in
10 their discretion, divulge the following:

- 11 1. Whether or not a petition has been filed with the Juvenile Court and the
- 12 charge to be alleged in any such petition.
- 13 2. The results of any detention hearing held.
- 14 3. The date and location of the hearing.
- 15 4. The identification of the judge or referee who heard or will hear the
- 16 matter.
- 17 5. The jurisdictional finding and the final disposition of the court.

18 VI. PROTECTIVE ORDER

19 Unless otherwise specifically authorized by the Juvenile Court, or otherwise provided
20 by this order, every person who receives documents or information from a juvenile case file is
21 subject to a protective order. The terms of the protective order shall be incorporated herein by
22 reference and shall be a part of this Standing Order.

23 **It is so ordered.**

24 Dated: _____

25 D. SCOTT DANIELS
26 Presiding Judge of the Superior Court
27 Juvenile Division
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1 SUPERIOR COURT OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SOLANO
3 IN SESSION AS A JUVENILE COURT
4

5 IN THE MATTER OF:
6 RELEASE OF JUVENILE RECORDS
7
8
9

PROTECTIVE ORDER RE: RELEASE OF
JUVENILE CASE FILE INFORMATION FOR
W&I 601 AND 602 PROCEEDINGS

10 Pursuant to the terms of Standing Order XXXXXXXX, unless otherwise specifically
11 authorized by the Juvenile Court, or otherwise provided by this Order, every person who
12 receives documents or information from a juvenile case file is subject to the following
13 protective order:

14 A. No documents from a juvenile case file or information relating to the contents of
15 records in a juvenile case file may be disseminated by the receiving party to any other person
16 or agency, or made attachments to any other document(s) or used in any other proceeding
17 without the prior approval of the Presiding Judge of the Juvenile Court, except as follows:

18 1. The records are used in a proceeding to declare the minor who is the
19 subject of the records a dependent child or ward of the juvenile court.

20 2. The records are released to immediate office staff, clients, expert
21 witnesses and investigators retained for the purposes of the pending matter only and with no
22 one else.

23 3. District Attorneys, City Attorneys authorized to prosecute criminal
24 cases, and Public Defenders or other private defense counsel may disseminate records or
25 disclose information in compliance with their discovery obligations under statutory and case
26 law.
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1 4. Records and information may be disclosed to a judicial officer of Solano
2 County Superior Court for any purpose associated with that judicial officer's obligation to
3 render any type of decision concerning that individual.

4 5. In cooperation with federal authorities or entities as permitted or
5 required by state or federal law.

6 B. Any production or dissemination of records pursuant to Standing Order
7 XXXXXXXX shall be accompanied by a copy of this Protective Order.

8 C. At the conclusion of the proceedings for which the records were disseminated,
9 the receiving party shall cause all copies of the documents released to be destroyed, except
10 that a single copy of the documents may be retained in each counsel's file, in a sealed
11 condition, and no person shall have access to the documents thereafter without further order
12 from the Juvenile Court.

13 D. Any violation of this Protective Order is punishable as a misdemeanor.

14
15
16 Dated: _____

D. SCOTT DANIELS
Presiding Judge of the Superior Court
Juvenile Division

Response Form

I am commenting on the proposed revisions to the local rules or forms as follows:

- Agree with proposed changes
- Agree with proposed changes with modifications (*please explain below*)
- Do not agree with proposed changes (*please explain below*)

Comments: _____

Name: _____

Address: _____

City, State, ZIP code: _____

To SUBMIT COMMENTS:

Comments may be written on this form, prepared in a letter format, or e-mailed. If you are not commenting directly on this form, please include the information requested above. Questions may be directed to the Executive Office at (707) 207-7475.

E-mail: CourtOutreach@solano.courts.ca.gov

Mail: Superior Court of California, County of Solano
Executive Office
600 Union Avenue
Fairfield, CA 94533

FAX: (707) 426-1631

ALL COMMENTS MUST BE RECEIVED BY

5:00 p.m. on Monday, May 9, 2016