

INVITATION TO COMMENT

The Superior Court of California, County of Solano, invites comments on proposed revisions to the court's local rules and forms, effective July 1, 2012.

CONTENTS

- Text of Proposed Changes to Local Rules (8 pages):
 - Amend Rule 6.2
 - Amend Rule 6.37
 - Adopt Juvenile Standing Order 2012-001
- Proposed Changes to Local Forms (2 pages):
 - Amend Form 898 (Application and Declaration for Access to Juvenile Case File in Possession of Juvenile Court)
- Response Form to Proposed Revisions (1 page)

DEADLINE FOR COMMENT: 5:00 p.m. on Monday, May 14, 2012

**Superior Court of California
County of Solano**

Rule 6 – Juvenile Proceedings

PART ONE: Rules for Juvenile Court in General

6.1 ADOPTION, CONSTRUCTION AND AMENDMENT OF RULES AND STANDING ORDERS

a. APPLICABILITY OF RULES

Unless otherwise stated in a particular rule, Rule 6 shall apply to all matters heard pursuant to Welfare and Institutions Code sections 300, 601, or 602.

(Subd (a) amended effective January 1, 2010; adopted effective August 1, 2002; previously amended effective August 3, 2007, and July 1, 2008.)

b. STANDING ORDERS

The Presiding Judge of the Juvenile Division may issue such standing orders for the administration of the Juvenile Court, as the court deems appropriate. The court may issue new or amended standing orders by filing the same with the clerk of the court and posting the order for a period of thirty (30) days outside of the juvenile courtrooms and the clerk's office.

(Subd (b) amended and relettered effective January 1, 2010; adopted as subdivision (c) of Rule 6.1.1 effective August 1, 2002; previously amended effective July 1, 2008.)

(Rule 6.1 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.1 effective August 1, 2002; previously amended effective August 3, 2007, and July 1, 2008.)

6.2 ASSIGNMENT OF JUDICIAL OFFICER; JUVENILE CALENDAR

a. ASSIGNMENT OF JUDICIAL OFFICER FOR ALL PURPOSES

When a juvenile case is filed, or received and filed as a transfer from another jurisdiction, the Clerk of the Court shall assign the case to one judicial officer for all purposes, as directed by and subject to the approval of the Presiding Judge of the Juvenile Division. The assignment shall be designed to fairly distribute the workload among the judicial officers of the Juvenile Division and best serve the court.

(Subd (a) adopted effective July 1, 2012.)

b. JUVENILE CALENDAR

All juvenile matters will be heard by the Juvenile Court on such days and such times as scheduled or approved by the Juvenile Presiding Judge.

(Subd (b) relettered effective July 1, 2012; adopted as unlettered portion of Rule 6.1.2 effective August 1, 2002; previously amended effective July 1, 2008; amended and renumbered effective January 1, 2010.)

**Superior Court of California
County of Solano**

Rule 6 – Juvenile Proceedings

PART ONE: Rules for Juvenile Court in General

(Rule 6.2 amended effective July 1, 2012 and ~~renumbered effective January 1, 2010~~; adopted as Rule 6.1.2 effective August 1, 2002; previously amended effective July 1, 2008; amended and renumbered effective January 1, 2010.)

6.3 ACCESS TO COURTROOM BY NON-PARTIES

Unless specifically permitted by statute, Juvenile Court proceedings are confidential and shall not be open to the general public. The court encourages interested persons including trainees and students to attend juvenile proceedings in order to better understand the workings of the Juvenile Court. The court retains the discretion to determine in each case whether any such interested party shall remain in the courtroom.

(Rule 6.3 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.3 effective August 1, 2002.)

6.4 CONFIDENTIALITY

All participants or permitted observers in Juvenile Court proceedings shall maintain the confidentiality of Juvenile Court documents and proceedings. Juvenile records may not be copied or disseminated outside of the juvenile proceedings without a court order. An intentional violation of these confidentiality provisions is a misdemeanor punishable by fine, imprisonment or both, and/or punishable as a contempt of court. [W&I § 827(b)(2)]

(Rule 6.4 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.4 effective August 1, 2002; previously amended effective July 1, 2008.)

6.5 RELEASE OF INFORMATION RELATING TO JUVENILES

a. DISCOVERY OF JUVENILE RECORDS

Except as indicated within this rule, in all cases in which a person or agency seeks access to Juvenile Court records, including records maintained by the Juvenile Court Clerk, the Probation Department, or the Health and Social Services Department – Child Welfare Services Division, the person or agency shall file a Petition for Disclosure (Judicial Council form JV-570) [W&I § 827(a)(2)(A)] with the Presiding Judge or a judicial officer of the Juvenile Court. The petition shall set forth with specificity the materials sought and the relevance of the materials to the underlying action. The petition shall be supported by a declaration which specifies the information or documents sought, the purpose for

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PART TWO: Juvenile Dependency

6.37 COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)

The court adopts by incorporation into these rules the requirements of Welfare and Institutions Code sections 100 *et seq.* and 356.5, California Rules of Court, rule 5.655, and the Judicial Council Court-Appointed Special Advocate (CASA) Grant Program Guidelines, which implement the requirements of these statutory provisions. Any grant funds received under the CASA Grant Program shall be administered in accordance with the CASA Grant Program Guidelines.

Pursuant to California Rules of Court, rule 5.655(k)(5), CASA must submit its report to the Clerk of the Juvenile Court at least seven (7) days before each regularly scheduled review following the appointment of the CASA advocate. Copies of the report will be distributed by the Clerk of the Juvenile Court only to the parties or their attorneys of record when represented by counsel at least two (2) court days before the hearing for which the report was prepared. Relatives, de facto parents, foster parents, and service providers are not entitled to receive copies of the CASA reports absent further order of the juvenile court.

(Rule 6.37 amended effective July 1, 2012; amended and renumbered effective January 1, 2010; adopted as Rule 6.2.13 effective August 1, 2002; previously renumbered as Rule 6.2.8 effective July 1, 2008; previously amended and renumbered effective January 1, 2010.)

6.38 – 6.59 [RESERVED]

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APPENDIX – Standing Orders of the Juvenile Court

<u>Standing Order</u>	<u>Title</u>
2002-01	Medical Authorization – Juvenile Hall
2002-02	Community School Programs
2002-03	Records – Family Law [VACATED] <i>(Vacated effective January 1, 2012)</i>
2002-04	Records—Multi-Disciplinary Teams [VACATED] <i>(Vacated effective July 1, 2011; see Standing Order 2011-004)</i>
2002-05	Release of Records, Absent Parents
2002-06	Release of Records—Guardianship Proceedings [VACATED] <i>(Vacated effective July 1, 2011; see Standing Order 2011-005)</i>
2002-07	Release of Records – Financial Hearing Officer
2002-09	Release of Records—Foster Youth Services Program [VACATED] <i>(Vacated effective July 1, 2011; see Standing Order 2011-006)</i>
2002-10	Release of School Records—Probation [VACATED] <i>(Vacated effective July 1, 2011; see Standing Order 2011-007)</i>
2002-11	Toxicology Testing [VACATED] <i>(Vacated effective July 1, 2011; see Standing Order 2011-008)</i>
2010-001	Release of Juvenile Case File Information for W&I 601 and 602 Proceedings
2011-001	Standing Order Authorizing Mental Health Evaluation and/or Treatment for Dependent Children or Minors Placed into Protective Custody by Child Welfare Services
2011-002	Order re: Release of Probation Files and Information Regarding Parents with Children Under the Jurisdiction of the Juvenile Court
2011-003	Standing Order to Facilitate Child Welfare Services Disaster Response Plan
2011-004	The Exchange of Information Pertaining to Juveniles Among Members of Multidisciplinary Teams
2011-005	Exchange and Release of Information Between Child Welfare Services and the Solano County Court Investigator

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APPENDIX – Standing Orders of the Juvenile Court

<u>Standing Order</u>	<u>Title</u>
2011-006	Exchange & Release of Juvenile Records to be Used in the Solano Countywide Foster Youth Services Program (Education Code § 488850 et seq., Welfare & Institutions Code § 827, Cal. Rules of Court, rule 5.552)
2011-007	Release of School Records to Solano County Probation and Solano County Health and Social Services, Child Welfare Services Division (Education Code § 49077)
2011-008	Toxicology Testing for Drug Exposed Children Subject to Juvenile Laws (Welfare & Institutions Code § 369, subd. (d))
<u>2012-001</u>	<u>Standing Order Authorizing Medical Evaluation and Treatment for Minors Placed into Protective Custody and Temporarily Detained in Out-of-Placement by Child Welfare Services</u>

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2
3
4 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
5 **IN AND FOR THE COUNTY OF SOLANO**
6 **JUVENILE COURT DIVISION**
7

8 In the Matter of

STANDING ORDER

9 **STANDING ORDER AUTHORIZING**
10 **MEDICAL EVALUATION AND**
11 **TREATMENT FOR MINORS PLACED**
12 **INTO PROTECTIVE CUSTODY AND**
13 **TEMPORARILY DETAINED IN OUT-OF-**
14 **PLACEMENT BY CHILD WELFARE**
15 **SERVICES**

No. 2012-001

16 1. To ensure the assessment and treatment of the medical needs of minors after
17 they are taken into protective custody and temporarily detained in out-of-home
18 placement and prior to any juvenile court intervention, it is hereby ordered that
19 effective July 1, 2012, the Child Welfare Services Division of Solano County Health
20 and Social Services may authorize medical evaluation and treatment for such minors
21 as specified in this order.

22 2. Nothing in this Standing Order shall allow Child Welfare Services to consent to
23 invasive medical procedures absent the consent of the minor's parent or legal guardian
24 or a specific order of this Court.

25 3. This authority is given in all cases in which consent to a medical or dental
procedure must be given by a minor's parent or legal guardian and the minor's parent

1 or legal guardian is unavailable, unable or unwilling to provide written consent or verbal
2 consent to the medical or dental facility or provider consistent with the facility's or
3 provider's policies and procedures. Nothing in this Standing Order shall allow Child
4 Welfare Services to override a minor's consent or refusal to give consent to a medical
5 or dental procedure for which the minor has capacity to consent per Family Code
6 section 6920 et seq.

7 4. At the time a minor is taken into protective custody, Child Welfare Services shall
8 make all reasonable efforts to obtain the consent of the parent or legal guardian for
9 ongoing medical and dental evaluation and treatment for the minor while the minor is
10 detained. Child Welfare Services shall maintain records of its efforts to obtain consent
11 for evaluation and treatment. If consent cannot be obtained with reasonable efforts,
12 Child Welfare Services is authorized to consent on behalf of the minor to secure the
13 following medical and dental services to protect and promote the minor's physical well-
14 being consistent with the services recommended in the Statement of the Committee on
15 Adolescents of the American Academy of Pediatrics, Health Care for Children and
16 Adolescents in Detention Centers, Jail, Lock-ups and other Court Sponsored
17 Residential Facilities:

- 18 A. A comprehensive health assessment and physical examination.
- 19 B. Any clinical laboratory tests the physician determines are necessary for
20 the evaluation of the minor's health status.
- 21 C. Any immunization necessary to bring a minor's immunizations up to date,
22 if immunizations are recommended by the American Academy of Pediatrics for
23 that minor's age.
- 24 D. Any routine medical care or procedures required based on the results of
25 the comprehensive health assessment and any routine medical required for the

1 care of illnesses and injury, including the use of standard X-rays or imaging.
2 Routine medical procedures exclude any medical procedure requiring local or
3 general anesthesia. Routine medical care or procedures as referred to above
4 includes:

- 5 1. First aid care for conditions which require immediate assistance
6 from a person trained in basic first aid as defined by the American Red
7 Cross or its equivalent;
- 8 2. Clinic care for ambulatory minors with health care complaints which
9 are evaluated and treated on an out-patient basis;
- 10 3. Inpatient bed care for illness or injury which requires limited
11 observation and/or management and does not require admission to a
12 licensed hospital. Routine medical care does not include blood
13 transfusions or inpatient care for illness or diagnosis which requires
14 optimal observation and/or management in a licensed hospital.

15 E. A dental assessment, including X-rays when appropriate, and any routine
16 dental treatment required based on the results of the dental assessment. Routine
17 dental treatment does include the use of local anesthesia but excludes any
18 procedure requiring general anesthesia.

19 5. Child Welfare Services shall have the authority to execute any documents
20 required by the treating facility or provider to secure the medical and dental
21 assessments, treatments and/or procedures which are consistent with the scope of this
22 order, including specific consents required for assessment, treatment, sharing of
23 information, determination of eligibility and provision for the payment of the services.

24 Dated:

25 _____
PRESIDING JUDGE OF THE
JUVENILE COURT

Attorney or Party without Attorney (Name and Address)	Telephone Number	For Court Use Only
Attorney for (Name): Superior Court of California, County of Solano Street Address: 600 Union Avenue City, State, and Zip: Fairfield, CA 94533 Branch Name: Juvenile		
Name of Minor: _____ Date of Birth: _____		
APPLICATION AND DECLARATION FOR ACCESS TO JUVENILE CASE FILE IN POSSESSION OF JUVENILE COURT (Welfare & Institutions Code §827, California Rules of Court, rule 5.552)		Case Number:

I, _____, do hereby declare that I am a person described in Welfare & Institutions Code section 827(a)(1)(A)-(O), to wit:

A. Persons entitled to inspect and receive copies of juvenile case files: (check one of the following boxes)

- 1. A district attorney, city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law. [WIC §827(a)(1)(B)]
- 2. The minor who is the subject of the juvenile proceeding. [WIC §827(a)(1)(C)]
- 3. A parent or guardian of the minor. [WIC §827(a)(1)(D)]
- 4. An attorney for the minor who is actively participating in criminal or juvenile proceedings involving the minor. [WIC §827(a)(1)(E)]
- 5. An attorney for the parent or guardian of the minor who is actively participating in criminal or juvenile proceedings involving the minor. [WIC §827(a)(1)(E)]
- 6. An attorney representing the petitioning agency in a dependency action. [WIC §827(a)(1)(E) & (F)]
- 7. A probation officer actively participating in criminal or juvenile proceedings involving the minor. [WIC §827(a)(1)(E)]
- 8. A social worker or investigator employed by a child protective agency. [WIC §272(a)(1) & 827(a)(1)(E) & (H)]
- 9. A law enforcement officer, other than a deputy sheriff or city police officer, who is actively participating in criminal or juvenile proceedings involving the minor. [WIC §827 (a)(1)(E)]
- 10. A probation officer who receives mandated reports of suspected child abuse or neglect pursuant to county designation. [WIC §827(a)(1)(H) & PC §11165.9]
- 11. A State Department of Social Services employee engaged in the oversight and monitoring of county child welfare agencies, foster care assistance, and/or out-of-state placements. [WIC §827(a)(1)(I)]
- 12. Court Appointed Special Advocate (CASA) [WIC §827(a)(1)(A) & 103(h)]

A. Persons entitled to inspect copies of juvenile case files [no copies]: (check one of the following boxes)

- 1. A superintendent or designee of the school district where the minor is enrolled or attending school. [WIC §827(a)(1)(G)]
- 2. A State Department of Social Services legal staff or special investigator peace officer engaged in the inspection, licensing and investigation of community care facilities. [WIC §827(a)(1)(J)]
- 3. A person, agency, or member of a multidisciplinary team providing treatment or supervision of the minor. [WIC §827(a)(1)(K)]
- 4. A family court mediator actively participating in a family law case involving the minor. [WIC §827(a)(1)(L)]
- 5. A child custody evaluator actively participating in a family law case involving the minor. [WIC §827(a)(1)(L)]
- 6. An attorney appointed for the minor in a family law case. [WIC §827(a)(1)(L)]
- 7. A probate court investigator actively participating in a guardianship case involving the minor. [WIC §827(a)(1)(M)]
- 8. A local child support agency employee or child support commissioner engaged in establishing paternity and/or establishing and enforcing child support. [WIC §827(a)(1)(N)]
- 9. A juvenile justice commissioner appointed pursuant to Welfare and Institutions Code §225. [WIC §827(a)(1)(O)]

I further declare:

C. I am requesting to view and/or receive copies of the juvenile case file concerning the above-named minor for use in my capacity described above, and will not share any portion of the records released to me or information relating to their contents, other than as provided by law. ____ [initial]

D. I will not attach any portion of the juvenile case file or any information relating to the contents of the juvenile case file to any other document without the prior approval of the Presiding Judge of the Juvenile Court, unless they are used in connection with and in the course of a criminal investigation or prosecution, a proceeding to declare a person a dependent child or ward of the Juvenile Court, or a proceeding described in Welfare and Institution Code section 827(a)(1)(I) by the State Department of Social Services. ____ [initial]

E. Designation of Authorized Agent: I authorize _____ as my agent to view and/or receive copies of the requested records.

I declare under penalty of perjury the forgoing is true and correct.

Dated this _____ day of _____, 20____, at Fairfield, California.

Signature: _____

Print Title

If applicable, indicate the following:

State Bar No. (Attorneys):	_____
Badge No. (Law Enforcement):	_____
Agency Case No.:	_____
Related (non-juvenile) Case No.:	_____

For Office Use Only

GRANTED DENIED
 Date: _____ By Clerk: _____

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

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