**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.)*

*(Rule 6.2 amended effective July 1, 2012; 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 which the documents or information is sought, the relevance of the documents or information

to the purpose for which they are sought, and, if necessary, a memorandum of points and authorities. The Juvenile Court Clerk shall not accept facsimile copies of Section 827 petitions for filing. This section does not apply to those persons and agencies designated by Welfare and Institutions Code section 827(a) or any party authorized to obtain records by a standing order issued by this court.
*(Subd (a) amended and subd (1) through (3) deleted effective January 1, 2010; adopted effective August 1, 2002; previously amended effective July 1, 2008.)*

b. **RELEASE OF RECORDS TO PARTIES AND THEIR ATTORNEYS**
Any party, their attorney, or authorized agent in any Welfare and Institutions Code §§300, 601 or 602 matter shall be given access to all records relating to the child which are held by the Clerk of the Court unless otherwise specifically ordered by the court. The party or counsel shall also have the right to secure copies of such records. The party or counsel shall be responsible for the cost of any copying. Any person requesting records shall complete the form adopted or approved by the court for this purpose. A copy of the request shall be filed in the court file.
*(Subd (b) amended effective January 1, 2010; adopted as subd (f) effective August 1, 2002; previously amended and relettered effective July 1, 2008.)*

c. **RELEASE OF COURT REPORTS TO COURT-APPROVED MENTAL HEALTH EVALUATORS**
Where the court has ordered a mental health or psychological evaluation of a minor, the court approved evaluator shall be given access to the court's file, unless the court makes a specific order to the contrary in the referral.
*(Subd (c) amended and relettered effective July 1, 2008; adopted as subd (g) effective August 1, 2002.)*

*(Rule 6.5 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.5 effective August 1, 2002; previously amended effective July 1, 2008.)*

## 6.6 DISCOVERY

a. **INFORMAL DISCOVERY**
Discovery shall be conducted informally. Except as protected by privilege, all relevant material shall be disclosed in a timely fashion to all parties to the litigation.
*(Subd (a) adopted effective August 1, 2002.)*

b. **FORMAL DISCOVERY**

If all informal means of discovery have been exhausted, a party may petition the court for discovery. Any noticed motion shall state the relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information. The motion shall be served on all parties at least five (5) court days before the hearing date. The date for the hearing shall be obtained from the Juvenile Court clerk. A copy shall be served on the court before whom the matter is scheduled to be heard. Any responsive papers shall be filed and served in like manner two (2) court days prior to the hearing.
*(Subd (b) amended effective January 1, 2010; adopted effective August 1, 2002.)*

*(Rule 6.6 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.7 effective August 1, 2002; renumbered as Rule 6.1.6 effective July 1, 2008.)*

## 6.7 PETITIONS, PLEADINGS & MOTIONS

a. **FORMAT OF PETITIONS, PLEADINGS AND MOTIONS**

All petitions, pleadings and motions filed with the Juvenile Court must be in a format approved by the court. All petitions, pleadings and motions must be reviewed and signed by the attorney of record for the party where the party is represented by counsel. Counsel are responsible for ensuring the legal sufficiency of the document and compliance with procedural requirements.
*(Subd (a) relettered effective January 1, 2010; adopted as unlettered portion of Rule 6.1.8 effective August 1, 2002; former subd (a) repealed effective January 1, 2010.)*

b. **EX PARTE APPLICATIONS**

All ex parte applications shall be in writing and the party making the applications shall provide notice to all counsel at least one court day prior to the hearing.
*(Subd (b) amended effective January 1, 2010; adopted as subd (e) effective August 1, 2002; amended and relettered effective July 1, 2008.)*

c. **NOTICES OF UNAVAILABILITY**

The court shall not accept for filing a "Notice of Unavailability of Counsel" or other document or pleading whose sole purpose is to advise the court and/or other parties of an attorney's or party's unavailability. *Carl v. Superior Court of Orange County* (2007) 157 Cal.App.4th 73.
*(Subd (c) adopted effective January 1, 2009.)*

*(Rule 6.7 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.8 effective August 1, 2002; previously amended and renumbered as Rule 6.1.7 effective July 1, 2008; previously amended effective January 1, 2009.)*

## 6.8 REQUEST FOR TRANSCRIPTS BY NON-PARTY

Any non-party requesting a reporter's transcript of a juvenile proceeding must file a Petition for Disclosure (Judicial Council form no. 570).

*(Rule 6.8 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.11 effective August 1, 2002; previously renumbered as Rule 6.1.10 effective July 1, 2008.)*

## 6.9 WELFARE AND INSTITUTIONS CODE SECTION 241.1 ASSESSMENTS

Any party requesting a Welfare and Institutions Code section 241.1 hearing may submit a written declaration providing specific facts supporting the party's assertion that the minor comes within the description of a person subject to both Welfare & Institutions Code section 300 and either Section 601 or 602. The Probation Department and Child Welfare Services shall prepare an assessment report in accordance with the protocol established by Welfare and Institutions Code section 241.1, subdivision (b). The report shall provide the sources of the factual information upon which the recommendations of the respective departments are based.

*(Rule 6.9 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.15 effective August 1, 2002; previously amended and renumbered as Rule 6.1.11 effective July 1, 2008.)*

## 6.10 MOTION TO CHALLENGE LEGAL SUFFICIENCY OF PETITION

a. **TIMING OF THE MOTION**

A motion to challenge the legal sufficiency of the petition may be made orally or in writing at the initial/detention hearing, or at the jurisdictional hearing. A party may object on the ground that the petition alleges facts which, even if determined to be true, either are not sufficient to state a cause of action, or are not stated with sufficient clarity and precision to enable the party to determine what must be defended against. The court may entertain the objection by oral argument when made, or may set it for further hearing. No objection in the nature of a special demurrer to particular allegation shall lie to challenge only certain paragraphs under

a particular subdivision of Welfare & Institutions Code section 300 (i.e. a party must challenge all allegations under Section 300(b), not merely certain allegations.) *(Subd (a) amended effective January 1, 2010; previously adopted as subd (a) of Rule 6.2.5 effective August 1, 2002.)*

b. **HEARING ON MOTION; MEMORANDA OF POINTS AND AUTHORITIES**
If the court sets a hearing on the objection, counsel for the objecting party may file a supporting memorandum of points and authorities. To be considered timely, the memorandum must be filed at least 48 hours before the hearing in the department where the hearing is scheduled. The petitioner may file a memorandum of points and authorities in opposition to the objection. To be considered timely, the memorandum in opposition must be filed by 8:30 a.m. on the day of the hearing, in the department where the matter is set for hearing. All memoranda of points and authorities, whether in support of or in opposition to the objection, must be served on all other counsel and the petitioner via facsimile or personal service.
*(Subd (b) amended effective January 1, 2010; previously adopted as subd (b) of Rule 6.2.5 effective July 1, 2008.)*

c. **AMENDING THE PETITION**
Petitioner may not amend the petition without leave of court once a written objection to the sufficiency of the petition has been filed.
*(Subd (c) amended effective January 1, 2010; previously adopted as subd (c) of Rule 6.2.5 effective July 1, 2008.)*

d. **OBJECTION OVERRULED**
If an objection to the sufficiency of a petition is overruled and no admission or denial has been entered, the Court shall allow the admission or denial to be entered at the conclusion of the hearing, or upon such terms as may be just.
*(Subd (d) amended effective January 1, 2010; previously adopted as subd (d) of Rule 6.2.5 effective July 1, 2008.)*

e. **OBJECTION SUSTAINED**

If the Court sustains the objection to the sufficiency of a petition, the Court may grant leave to amend the petition upon any terms as may be just and shall fix the time within which the amended petition shall be filed. During the time that the petition is being amended, the minor may continue to be detained if the Court finds that a prima facie case for detention exists.

*(Subd (e) amended effective January 1, 2010; adopted as unlettered portion of Rule 6.2.8 effective August 1, 2002; amended and relettered as Subd (e) effective July 1, 2008.)*

*(Rule 6.10 adopted effective January 1, 2010.)*

**6.11 – 6.29 [Reserved]**

**Superior Court of California**
**County of Solano**

**Rule 6 – Juvenile Proceedings**

**PART TWO: Juvenile Dependency**

## 6.30 APPOINTED COUNSEL IN DEPENDENCY PROCEEDINGS

a. **MINIMUM STANDARDS OF COMPETENCE**
All attorneys seeking appointment in juvenile dependency proceedings must meet the minimum standards of competence set forth in California Rules of Court, rule 5.660(d).
*(Subd (a) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 6.2.1 effective August 1, 2002.)*

b. **INITIAL APPLICATION TO PRACTICE IN THE JUVENILE COURT**
An attorney seeking to practice before the Juvenile Court in dependency matters shall submit an *Application to Practice* (Solano County Local Form no. 6000) to the Presiding Judge of the Juvenile Court.
*(Subd (b) adopted effective January 1, 2010.)*

c. **RENEWAL APPLICATION TO PRACTICE IN THE JUVENILE COURT**
A *Renewal Application to Practice* (Solano County Local Form no. 6001) before the Juvenile Court must be submitted to the court by January 30 in the year immediately following the two (2) year anniversary of the submission of the original *Application to Practice.* Those attorneys who submitted their original application in January shall file their renewal application by January 30 of the second year following the submission of the original Application to Practice. The attorney shall attach to the renewal application evidence that he or she completed at least eight (8) hours of continuing training or education directly related to dependency proceedings since the last application. This evidence may include a certificate of attendance at MCLE training, professional organization training (along with a copy of the program schedule) and/or attendance at court-sponsored or approved training.

Failure to supply proof of completion of continuing education or training by the due date will cause the court to notify the attorney that his or her right to be appointed in dependency proceedings will be revoked. The attorney shall have thirty (30) days from mailing of notice to submit proof of completion of the required education or training. If the attorney fails to submit such proof, the court will not recommend further appointments until such time as the requisite proof is provided.
*(Subd (a) amended and relettered effective July 1, 2008; adopted as subd (c) effective August 1, 2002.)*

*(Rule 6.30 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.1 effective August 1, 2002; previously amended effective July 1, 2008.)*

## 6.31 APPOINTMENT OF PRIVATE COUNSEL IN DEPENDENCY PROCEEDINGS

a. **ELIGIBILITY FOR APPOINTMENT**
The court will appoint only counsel who has submitted the application required by these rules and have been certified by the court to represent parents or children in the dependency court.
*(Subd (a) amended effective July 1, 2008; adopted effective August 1, 2002)*

b. **NOTIFICATION OF APPOINTMENT**
Notification of appointment may be communicated by phone call and confirmed by appropriate written order or minute order.
*(Subd (b) amended effective July 1, 2008; adopted effective August 1, 2002.)*

c. **COMPENSATION**
Billing shall be forwarded to the court on appropriate forms with documentation for approval.
*(Subd (c) adopted effective August 1, 2002.)*

*(Rule 6.31 renumbered effective January 1, 2010; adopted as Rule 6.2.2 effective August 1, 2002; previously amended effective July 1, 2008..)*

## 6.32 PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS REGARDING REPRESENTATION IN DEPENDENCY PROCEEDINGS

a. **WHO MAY LODGE A COMPLAINT**
Any party to a Juvenile Court dependency proceeding may lodge a written complaint with the court concerning the performance of the party's appointed attorney in that proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged either by the minor or on the minor's behalf by the social worker, a caretaker relative or a foster parent.
*(Subd (a) amended effective July 1, 2008; adopted effective August 1, 2002.)*

b. **PROCEDURE**

(1) Upon receipt of a written complaint, the court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint, and shall give the attorney fifteen days from the date of the notice to respond to the complaint in writing.
*(Subd (1) renumbered effective January 1, 2010; adopted as portion of subd (b) effective August 1, 2002.)*

(2) After a response has been filed by the attorney or the time for the submission of a response has passed, the court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to local rules or policies or has acted incompetently. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.
*(Subd (2) renumbered effective January 1, 2010; adopted as subd (c) effective August 1, 2002.)*

(3) If, after reviewing the complaint, the response, and any additional information, the court, either in writing or at oral hearing, finds that the attorney acted contrary to the rules or policies of the court or incompetently, the court shall take appropriate action.
*(Subd (3) renumbered effective January 1, 2010; adopted as subd (d) effective August 1, 2002.)*

(4) The court shall notify the attorney and complaining party either in writing or by oral ruling at a closed hearing of its determination of the complaint. The court's determination will be final.
*(Subd (4) renumbered effective January 1, 2010; adopted as subd (e) effective August 1, 2002.)*

*(Subd (b) amended effective January 1, 2010; adopted effective August 1, 2002.)*

*(Rule 6.32 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.4 effective August 1, 2002; amended and renumbered as Rule 6.2.3 effective July 1, 2008.)*

## 6.33 PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD [CRC 5.660]

a. **NOTIFICATION TO THE COURT**
At any time during the pendency of a dependency proceeding, any interested person may notify the court that the minor who is the subject of the proceeding may have an interest or right which needs to be protected or pursued in another judicial or administrative forum. Notice to the court may be given by the filing of filing a verified petition or notice of motion specifying the right or interest to be protected. The person giving notice shall set forth the nature of the interests or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected and the nature or the proceedings being contemplated or conducted there.
*(Subd (a) amended effective January 1, 2010; adopted effective August 1, 2002.)*

b. If the court determines that further action on behalf of the child is required, the court shall do one or more of the following:

(1) Authorize the minor's attorney to pursue the matter on the child's behalf;

(2) Appoint an attorney for the child if the child is unrepresented;

(3) Notice a joinder hearing pursuant to Section 362(a) compelling the responsible agency to report to the court with respect to whether it has carried out its statutory duties with respect to the child;

(4) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);

(5) Take any other action the court may deem necessary or appropriate to protect the welfare, interests and rights of the child.

*(Subd (b) amended and relettered effective January 1, 2010; adopted as subd (c) effective August 1, 2002.)*

*(Rule 6.33 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.5 effective August 1, 2002; amended and renumbered as Rule 6.2.4 effective July 1, 2008.)*

## 6.34 MOTION TO CHALLENGE LEGAL SUFFICIENCY OF PETITION

a. **TIMING OF MOTION**

A motion to challenge the legal sufficiency of the petition may be made orally or in writing at the initial/detention hearing, or at the jurisdictional hearing. A party may object on the ground that the petition alleges facts which, even if determined to be true, either are not sufficient to state a cause of action, or are not stated with sufficient clarity and precision to enable the party to determine what must be defended against. The court may entertain the objection by oral argument when made, or may set it for further hearing. No objection in the nature of a special demurrer to particular allegation shall lie to challenge only certain paragraphs under a particular subdivision of Welfare and Institutions Code section 300 (i.e. a party must challenge all allegations under Section §300(b), not merely certain allegations.)

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

b. **MEMORANDUM OF POINTS AND AUTHORITIES**

If the court sets a hearing on the objection, counsel for the moving party may file a supporting memorandum of points and authorities. To be considered timely, the memorandum must be filed at least 48 hours before the hearing in the department where the hearing is scheduled. Petitioner may file a memorandum of points and authorities in opposition to the objection. To be considered timely, the memorandum in opposition must be filed by 9 a.m. on the day of the hearing, in the department where the matter is set for hearing. All memoranda of points and authorities, whether in support of or in opposition to the objection, must be served on all other counsel and the petitioner via facsimile.

*(Subd (b) adopted effective July 1, 2008.)*

c. **AMENDING THE PETITION**

Petitioner may not amend the petition without leave of court once a written objection to the sufficiency of the petition has been filed.

*(Subd (c) adopted effective July 1, 2008.)*

d. **OBJECTION TO SUFFICIENCY OF PETITION OVERRULED**

If an objection to the sufficiency of a petition is overruled and no admission or denial has been entered, the court shall allow the admission or denial to be entered at the conclusion of the hearing, or upon such terms as may be just.

*(Subd (d) adopted effective July 1, 2008.)*

e. **OBJECTION TO SUFFICIENCY OF PETITION SUSTAINED**
If the court sustains the objection to the sufficiency of a petition, the court may grant leave to amend the petition upon any terms as may be just and shall fix the time within which the amended petition shall be filed. During the time that the petition is being amended, the minor may continue to be detained if the court finds that a prima facie case for detention exists.
*(Subd (e) amended and relettered effective July 1, 2008; adopted as unlettered portion of Rule 6.2.8 effective August 1, 2002.)*

*(Rule 6.34 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.8 effective August 1, 2002; previously amended and renumbered as Rule 6.2.5 effective July 1, 2008.)*

## 6.35 ACCESS TO MINORS

a. **ACCESS TO MINORS PETITIONED PURSUANT TO W& I § 300**
No party or attorney in a dependency proceeding shall interview the minor about the events relating to the allegations in the petition(s) on file without permission of the minor's attorney or court order. No party or attorney in a dependency proceeding shall cause the minor to undergo physical, medical or mental health examination or evaluation without court approval. This rule does not apply to the investigating social worker prior to the establishment of jurisdiction.
*(Subd (a) amended and relettered effective July 1, 2008; adopted as subd (b) effective August 1, 2002.)*

b. **INTERVIEWING MINORS WHO ARE ALLEGED VICTIMS OF CHILD SEXUAL ABUSE**
In all dependency matters where there are allegations of child sexual abuse, all participants and their counsel shall minimize the number of interviews they take of the minor relating to the events surrounding the alleged abuse.
*(Subd (b) amended and relettered effective July 1, 2008; adopted as Subd (c) effective August 1, 2002.)*

*(Rule 6.35 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.10 effective August 1, 2002; previously amended and renumbered as Rule 6.2.6 effective July 1, 2008.)*

## 6.36 MODIFICATIONS OF ORDERS

a. **VACATIONS OUT OF SOLANO COUNTY**
Permission for a dependent child's custodian to take the child out of Solano County for a vacation may be submitted directly to the Court for approval at least five court days prior to departure. Any attempts to notify the parents and the parents' position on the request shall be indicated in the application.
*(Subd (a) relettered effective July 1, 2008; adopted as Subd (e) effective August 1, 2002.)*

b. **NEW SERVICE PLAN REQUIREMENTS**
Any significant changes or additions to the service plan for parents or guardians shall be submitted to them for approval before implementation. A parent or guardian who disagrees with the new requirements may request a hearing with the Court on the matter.
*(Subd (b) amended effective January 1, 2010; adopted as Subd (f) effective August 1, 2002; relettered effective July 1, 2008.)*

c. **NOTICE RE CHANGE IN PLACEMENT**
In order to ensure that proper notice is received by attorneys for parents and children of any change in a child's placement after the original dispositional hearing:

(1) In non-emergency situations, the Department shall give notice at least three (3) court days prior to the change in placement.

(2) Prior to removal of a child from one county to another, the Department shall provide notice at least ten (10) court days unless emergency circumstances prevent such notice. In emergency circumstances, the Department shall give notice immediately and in no case later than 48 hours (two court days) following the child's change in placement. Notice may be given orally or in writing.

*(Subd (c) amended effective January 1, 2010; adopted as portion of Rule 6.2.11 effective August 1, 2002; previously amended effective July 1, 2008.)*

*(Rule 6.36 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.11 effective August 1, 2002; amended and renumbered as Rule 6.2.7 effective July 1, 2008.)*

## 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; 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]

## 6.60 RETURN ON BENCH WARRANT

With a minimum of two court days notice to the Juvenile Court, the District Attorney and Probation, counsel for juveniles in Welfare and Institutions Code section 602 proceedings may schedule a return on warrant hearing. If the minor fails to appear at the Return on Bench Warrant hearing, counsel for the juvenile will need permission to re-calendar the matter from the Juvenile Court Judge or their designated staff.

*(Rule 6.60 renumbered effective January 1, 2010; adopted as Rule 6.1.9 effective July 1, 2008.)*

**Superior Court of California**
**County of Solano**

**Rule 6 – Juvenile Proceedings**

**APPENDIX – Standing Orders of the Juvenile Court**

| Standing Order | Title |
|---|---|
| 2002-01 | Medical Authorization – Juvenile Hall |
| 2002-02 | Community School Programs |
| 2002-05 | Release of Records, Absent Parents |
| 2002-07 | Release of Records – Financial Hearing Officer |
| 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 |
| 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)) |
| 2012-001 | Standing Order Authorizing Medical Evaluation and Treatment for Minors Placed into Protective Custody and Temporarily Detained in Out-of-Placement by Child Welfare Services |
| 2013-001 | Standing Order re: Release of Juvenile Case File Information for W&I 601 and 602 Proceedings |

**Superior Court of California**
**County of Solano**

**Rule 6 – Juvenile Proceedings**

**APPENDIX – Standing Orders of the Juvenile Court**

FILED
SOLANO COUNTY COURTS

02 AUG -2 PM 3:50

CHARLES D. RAMEY
By Patty Worcester
DEPUTY CLERK

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

| | |
|---|---|
| **IN THE MATTER OF:**<br><br>AUTHORIZATION FOR IMMEDIATE HEALTH APPRAISAL, IMMUNIZATION AND TREATMENT OF ACUTE CONDITIONS OF MINORS DETAINED AT JUVENILE HALL; AND AUTHORIZING CHIEF PROBATION OFFICER TO CONSENT TO ONGOING TREATMENT IN CERTAIN CIRCUMSTANCES | **STANDING ORDER**<br><br>**2002- 1** |

The Juvenile Court Standing Order Misc J 629, issued on May 23, 2002, is hereby vacated and reissued *nunc pro tunc* as Standing Order 2002-1 effective August 1, 2002.

## I. HEALTH APPRAISAL AT CONFINEMENT

In order that juveniles confined in the Solano County Juvenile Hall undergo a health appraisal at the first possible opportunity after their initial admission to the facility, Solano County Juvenile Hall is authorized to provide a health appraisal and appropriate services in compliance with California Code of Regulations, Title 15, Section 1430 et seq. This comprehensive health appraisal is to be conducted consistent with the requirements set forth in Title 15, as well as the recommendations of the American Academy of Pediatric Health Standards for Juvenile Court Residential Facilities, and may consist of:

1. A complete medical history and physical examination, including laboratory and diagnostic testing.

2. A mental health status evaluation.

3. A dental assessment and remedial care to include cleaning, fillings and root canal therapy.

4. Any clinical laboratory tests the physician determines are necessary for the evaluation of the juvenile's health status, to include screening for tuberculosis and sexually transmitted diseases in sexually active juveniles, with their consent.

5. Any immunizations necessary to bring the juvenile's immunization status up to date following guidelines of the American Academy of Pediatrics.

6. An assessment of the appropriateness of continuing or discontinuing the prescription of any medication (including psychotropic medication) the minor may presently be taking.

7. Mental health crisis intervention and the management of acute psychiatric episodes.

8. Any routine medical care or dental care required for the care of illness and injury, including the use of standard x-ray, based upon the results of this comprehensive health appraisal.

## II. CONTINUING TREATMENT AFTER DETENTION

At the time of admission to the Juvenile Hall, all reasonable efforts shall be made to obtain the consent of the parent or legal guardian for ongoing medical, dental and mental health care while the juvenile is in the facility. A further attempt to obtain consent shall be made at the time of the detention hearing for ongoing care while the minor is detained in Juvenile Hall, New Foundations or other placement. In the event that consent cannot be obtained (e.g., parents or legal guardians not available to give consent) through reasonable efforts, the Chief Probation Officer or his/her designee, shall complete a statement of due diligence, to be placed in the minor's health file and lodged with the Court. Upon completion of the statement of due diligence and placement in the minor's health file, the Chief Probation Officer or his/her designee shall be authorized to consent on behalf of the minor to any routine, ongoing or emergency care which will protect and promote the minor's physical and mental well being. This authorization shall include the authority to

complete any documents required by the treating practitioner which are consistent with the scope of this order, including specific consents required by the treating practitioner prior to administering treatment.

Dated: 8/2/02

DAVID EDWIN POWER
Judge of the Superior Court, Juvenile Division

FILED
SOLANO COUNTY COURTS
02 AUG -2 PM 4:04
CHARLES D. RAMEY
By Patsy Winchester
DEPUTY CLERK

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

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| **IN THE MATTER OF:**<br><br>DESIGNATION OF CHIEF PROBATION OFFICER/DESIGNEE AS REPRESENTATIVE OF COURT FOR PURPOSES OF REFERRING STUDENTS TO THE COMMUNITY SCHOOL PROGRAMS<br>(Welfare and Institutions Code Section 654 and Education Code Section 42238.18(c).) | **STANDING ORDER**<br><br>**2002-** 2 |

The Juvenile Standing Order Misc J 430 issued on February 7, 2000, is hereby vacated and reissued *nunc pro tunc* as Standing Order 2002- 2 effective August 1, 2002.

**GOOD CAUSE APPEARING, THEREFORE, IT IS HEREBY ORDERED THAT** in the matter of students referred to Community Schools, the Chief Probation Officer or his/her designee be the representative of the Court for the purpose of referring students to the Community Schools pursuant to Welfare and Institutions Code section 654. The Court further authorizes the representative to review and certify the appropriateness of the placement pursuant to Education Code section 42238.18(c).

Dated: 8/2/02

DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

FILED
SOLANO COUNTY COURTS
02 AUG -2 PM 4:05
CHARLES D. RAMEY
By D. E. Brothers
DEPUTY CLERK

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

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| **IN THE MATTER OF:**<br><br>**RELEASE OF ABSENT PARENTS NAMES AND ADDRESS BY SOLANO COUNTY DEPARTMENT OF CHLD SUPPORT SERVICES TO CPS** | **STANDING ORDER**<br><br>**2002-** 5 |

The Juvenile Standing Order Misc J 572 issued on July 24, 2001, is hereby vacated and reissued *nunc pro tunc* as Standing Order 2002- 5 effective August 1, 2002.

**IT IS HEREBY ORDERED THAT:**

The Solano County Department of Child Support Services [SCDCSS] (formerly the Solano County District Attorney's Family Support Division) shall provide the name and address of absent parents, if known, to Solano County Child Protective Services. The information shall be provided upon written request by C.P.S. to SCDCSS and a determination by SCDCSS that providing the name and address of the absent parent will not violate the provisions of Family Code Section 17212(b)(2).

Dated: 8/2/02

DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

Standing Order 2002- 5
Re: Release of Parent Information by Solano County Department of Child Support Services to CPS

FILED
SOL- . COUNTY COURTS
02 AUG 2 PM 4:03
CHARLES D. RAMEY
By M. Q. Brock
DEPUTY CLERK

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

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| **IN THE MATTER OF:**<br><br>RELEASE OF CONFIDENTIAL INFORMATION TO FINANCIAL HEARING OFFICER | **STANDING ORDER**<br><br>**2002-7** |

The Juvenile Standing Order Misc J 144 issued on August 25, 1993, is hereby vacated and reissued *nunc pro tunc* as Standing Order 2002- 7 effective August 1, 2002.

The Court finds that in the interest of continuing to provide optimum legal representation for parents and minors in Welfare and Institutions Code Section 300 proceedings in a effort to further the goal of family preservation and reunification, it is necessary to share certain information protected pursuant to Welfare and Institutions Code section 10850.

**THE COURT THEREFORE ISSUES THE FOLLOWING STANDING ORDER:**

For purposes of determining financial responsibility for court appointed attorney fees, Child Welfare workers may share the name, address, social security number, name and address of employer and any other financial information regarding a parent in a Welfare and Institutions Code section 300 proceeding with the Superior Court Financial Hearing Officer.

**IT IS FURTHER ORDERED** that the Financial Hearing Officer may convey this information to the Office of County Counsel for the sole purpose of collecting any fees ordered in the Welfare and Institutions Code Section 300 proceedings. The Office of County Counsel shall not use the information for any other purpose and shall keep such information separate

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from Welfare and Institutions Code section 300 case files.

Dated: 8/2/02

DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

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| In the Matter of<br><br>STANDING ORDER AUTHORIZING MENTAL HEALTH EVALUATION AND/OR TREATMENT FOR DEPENDENT CHILDREN OR MINORS PLACED INTO PROTECTIVE CUSTODY BY CHILD WELFARE SERVICES | STANDING ORDER<br><br>2011-001 |

To expedite the assessment and treatment of mental health needs of minors who are in need of crisis mental health services after being taken into protective custody and prior to any juvenile court intervention, it is hereby ordered that the Child Welfare Services Division of Solano County Health and Social Services, may authorize mental health treatment for minors as specified in this order. Nothing in this Standing Order shall allow Child Welfare Services to consent to placement of a minor in an inpatient psychiatric facility, or to the prescription or administration of psychotropic medications for a minor, absent the written consent of the minor's parent or guardian when permitted by law, or a specific order of this Court.

This authority is given in all cases in which the minor's parent or guardian is unavailable, unable or unwilling to execute such documents.

At the time a minor is taken into protective custody, all reasonable efforts shall be made to obtain the consent of the parent or legal guardian for ongoing mental health care while the minor is detained. Child Welfare Services shall maintain records of its efforts to obtain consent for treatment. If consent cannot be obtained with

reasonable efforts, Child Welfare Services is authorized to consent on behalf of the minor to any routine, ongoing or emergency mental health care which will protect and promote the minor's mental well being. Child Welfare Services shall have the authority to execute any documents required by the treating provider which are consistent with the scope of this order, including specific consents required by the provider for:

(1) assessment;

(2) treatment;

(3) sharing of information;

(4) determination and eligibility; and

(5) provision of payment of services.

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

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| In the Matter of<br><br>ORDER RE: RELEASE OF PROBATION FILES AND INFORMATION REGARDING PARENTS WITH CHILDREN UNDER THE JURISDICTION OF THE JUVENILE COURT | STANDING ORDER<br><br>2011-002 |

Pursuant to the provisions of California Penal Code section 1203.10 and the holdings in *McGuire v. Superior Court* (1993) 12 Cal.App.4th 1685 and *People v. Gayton* (2006) 137 Cal.App.4th 96, the Court finds good cause to issue the following order regarding access to Probation Department files regarding adults who have children under the jurisdiction of the Solano County Juvenile Court. ON GOOD CAUSE APPEARING, IT IS ORDERED THAT:

1. The Solano County Department of Health and Social Services, Child Welfare Services Division, is authorized to obtain verbal information from the Probation Department and/or view the Probation Department's file concerning the parent, and may make photocopies of documents contained in the file that are relevant to the pending juvenile court proceeding as determined by the reviewing Child Welfare Services worker.

2. A separate court order upon motion and a showing of good cause must be obtained for disclosure of documents in the Probation Department's file which contain:

(a) information regarding victims that is not already included in a probation report,

(b) statements made in confidence to a probation officer by a non-party to the pending proceeding,

(c) medical and mental health records, including psychological/psychiatric evaluations, and

(d) medical records concerning the defendant. For purposes of this Standing Order, the Probation Department File means the physical file maintained in the Probation Department and any notes maintained in the automated case management system.

3. All file reviews shall be conducted in the presence of a probation officer, by appointment made at least 48 hours in advance, at the Probation Department office or at another mutually agreeable location.

4. No original documents may be removed from the Probation Department's file by Child Welfare Services Division staff.

5. The use of the information contained in the Probation Department's file is limited to the Juvenile Court proceedings involving the parent's minor child(ren). No information obtained pursuant to this Standing Order shall be used for any other purpose without further Court orders.

6. The Probation Department may, in its sole discretion, require proof that the person requesting to obtain information or view and copy a Probation Department file is an authorized representative of the Department of Health and Social Services,

Child Welfare Services Division and that there are pending Juvenile Court proceedings involving the individual(s) minor child(ren).

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

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| In re:<br><br>STANDING ORDER TO FACILITATE CHILD WELFARE SERVICES DISASTER RESPONSE PLAN | ) | STANDING ORDER 2011-003 |

It is ordered that in the event that Solano County is declared a disaster area by the Governor of the State of California and the Presiding Judge of the Juvenile Court or his designee is not available to conduct regular court business; Solano County Child Welfare Services is authorized to take the action listed below pursuant to this standing order to ensure the safety and protection of the children within Solano County:

1. **Authorization to Place in Temporary Custody:** Child Welfare Services may place into temporary protective custody any minor in need of services.

2. **Personal Identification of Minor Children:** Child Welfare Services may release a minor's personal identifying information, including but not limited to name, age, gender, birth date and photograph to assist in locating or placing a minor.

3. **Placement of Minor Children:** Child Welfare Services may place minors in emergency housing in or outside of the county and state and may temporarily place minors with relatives and non-relatives who have not been live-scanned.

4. **Authorization to Consent to Medical Care:** Child Welfare Services may give consent for medical treatment for any minor in the temporary physical custody and control of Child Welfare Services, even if the minor is not currently under the supervision of the Juvenile Court.

This standing order shall cease to be effective when the Presiding Judge of the Juvenile Court or his designee is again available to conduct regular court business and issues an order terminating the applicability of the standing order to the declared disaster or the declaration of disaster has been rescinded.

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

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| In the Matter of<br><br>THE EXCHANGE OF INFORMATION PERTAINING TO JUVENILES AMONG MEMBERS OF MULTIDISCIPLINARY TEAMS. | STANDING ORDER<br><br>2011-004 |

The Juvenile Standing order Misc. 2002-4 issued on August 1, 2002, is hereby vacated and reissued *nun pro tunc* as Standing Order 2011-004 effective July 1, 2011.

Pursuant to the provisions of Welfare and Institutions Code section 18986.40, the Solano County Probation Department and the Solano County Department of Health and Social Services, Division of Mental Health, have adopted a Memorandum of Understanding (MOU) establishing a multidisciplinary team (MDT) to provide services to minors coming within the jurisdiction of the juvenile court.

The MOU specifies the type of information that may be shared, and sets forth a process which ensures the maximum protection of privacy and confidentiality rights by requiring each team member to maintain the same confidentiality obligations, and be subject to the same penalties as the persons disclosing confidential information.

Pursuant to the establishment of the MDT, and to further the treatment plans and the delivery of services through the coordination of care to minors falling under the jurisdiction of the Juvenile Court and their families, the Court makes the following orders:

1. Each member of the MDT is hereby authorized to share medical, mental health, social service and education information regarding the minor in order to provide services to the minor, pursuant to the terms of the MOU.

2. No information shared among members of the MDT may be disclosed to anyone other than members of the MDT and collateral service providers as defined by Welfare and Institutions Code section 18986.40.

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

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| In the Matter of<br><br>EXCHANGE AND RELEASE OF INFORMATION BETWEEN CHILD WELFARE SERVICES AND THE SOLANO COUNTY COURT INVESIGATOR | STANDING ORDER<br><br>2011-005 |

The Juvenile Court Standing order 2002-6 effective August 1, 2002, is vacated and reissued as Standing Order 2011-005 effective July 1, 2011, as follows:

In order for the Solano County Superior Court to fully evaluate and consider the establishment or continuance of guardianships over minors who come before the Probate Court and to make custodial and placement decisions regarding minors who come before the juvenile court, it is necessary for the Presiding Court to receive a comprehensive investigative report of each minor's circumstances.

In order for the Presiding Court to have complete and accurate information, it is necessary for the Solano County Court Investigators and the Solano County Department of Health and Social Services, Child Welfare Services division, to receive any and all information regarding the custody and care of minor children who have come before the Probate Court or the attention of the Solano County Child Welfare Services.

Therefore, pursuant to Welfare and Institutions Code sections 827, 827.10 and

10850, each and every Solano County Superior Court Investigator or Child Welfare Services worker, upon verification of employment and assignment to investigate the guardianship or dependency matter under the jurisdiction of the Solano County Superior Court, shall be given access to information pertaining to the minor, minor's family of origin, the minor's guardian or prospective guardian as follows:

1. Any and all records maintained by the Solano County Health and Social Services, Child Welfare Division, including but not limited to referrals, emergency response investigative reports, court reports, evaluation, etc., pertaining to the minor, the guardian or prospective guardian.

2. Any reports, recommendations, assessments prepared by a multi-disciplinary team convened for the purpose of assessing and making recommendations regarding a family or family group which includes the minor who is the subject of the guardianship investigation.

3. Any and all school records pertaining to the minor who is the subject of the guardianship investigation.

4. Any and all health records pertaining to the minor who is the subject of the guardianship investigation.

5. Any and all mental health records pertaining to the minor who is the subject of the guardianship investigation.

6. Any and all substance abuse records pertaining to the minor who is the subject of the guardianship investigation.

7. Any and all court documents contained in a Solano County Superior Court Probate Guardianship file on a minor who is subject to the jurisdiction every representative of the Solano County Superior Court Dependency action Department of Health and Social Services, Child Welfare Services Division, upon showing proof of

employment and verification of an open juvenile dependency case, shall be entitled to receive copies of all court documents, including any Court Investigator's reports submitted on behalf of the minor, regarding a guardianship of any minor child regarding whom a Juvenile Dependency case has been filed.

8. Each party shall maintain the confidentiality of the records reviewed, inspected or copied pursuant to this order. Any information obtained from these records shall not be disseminated except in the court proceedings for which they were obtained. Any copies or records obtained by the Court Investigator shall be destroyed upon termination of the proceedings for which they were obtained. .

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

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| In the Matter of<br><br>EXCHANGE & RELEASE OF JUVENILE RECORDS TO BE USED IN THE SOLANO COUNTYWIDE FOSTER YOUTH SERVICES PROGRAM<br><br>(Education Code section 488850 et seq, Welfare & Institutions Code 827, California Rules of Court, rule 5.552) | STANDING ORDER<br><br>2011-006 |

Juvenile Court Standing Order 2002-9 issued on August 1, 2002, is hereby vacated and reissued as Standing Order No. 2011-006 effective July 1, 2011.

WHEREAS, the Solano County Office of Education Foster Youth Services Program (FYS) is intended to make foster youth educational services more readily available to foster children and youth that are under the jurisdiction of the County of Solano in compliance with the requirements established under AB 490; and

WHEREAS, in order to develop a database of foster children and youth under the jurisdiction of the County of Solano, determine the educational services required and provide such services, FYS has a need to access certain records and information regarding the foster children and youth under the jurisdiction of the County of Solano; and

WHEREAS, it is recognized that such records and information may be confidential and may be released by court order; and

WHEREAS, it is the intent of the court to allow access to and use of such records to the extent necessary for the purposes of FYS and the delivery of educational services to the foster children and youth of this community;

IT IS ORDERED AS FOLLOWS:

1. Educational records and any other records necessary to ensure that the educational needs of children and youth taken into protective custody by Child Welfare Services or who come under the jurisdiction of the juvenile court; may be exchanged between schools, school districts, community colleges, community college districts, Solano County Office of Education and Child Welfare Services.

2. Records and information regarding foster children and youth under the jurisdiction of the County of Solano and maintained by any agency for the purpose of the delivery of educational services to the foster children under the jurisdiction of the County of Solano shall be released to the representatives of FYS.

3. The records subject to this Order shall consist of health and education records as described in Welfare and Institutions Code section 16010(a).

4. Copies of this Order shall be distributed to:

a. County of Solano, Health and Social Services Department, Child Welfare Services, Mental Health, and Public Health,

b. County of Solano, Probation Department,

c. County of Solano, Office of Education,

d. All school districts in the County of Solano,

e. All Directors of Special Education Local Plan Areas (SELPAs) in the County of Solano,

f. All private and charter schools in the County of Solano,

g. Any community college district or community college.

h All other educational institutions serving foster youth in the County, of Solano County,

i. All foster care providers and foster family agencies in the County of Solano County,

j. All Regional Centers for the Developmentally Disabled in the County of Solano County,

k. CASA of Solano County,

l. All attorneys representing clients in Juvenile Court matters;

m. ICWA Tribal Advocates,

n. All out-of-county Foster Youth Services Coordinators; and

o. All out-of-county providers who serve Solano County wards and dependents.

5. FYS representative may share information with the persons and agencies listed in the preceding paragraph if: (1) such disclosure will be in the best interest of the minor whose records are sought and (2) the information contained in those records is necessary and relevant to the provision of services to the foster youth.

6. The records or information subject to this order may be transmitted electronically if the transmitting party establishes a method of transmission that ensures the confidentiality of the record or information.

7. Any person or agency receiving the records and information referred to in this order or allowed access to the records and information maintained by FYS shall maintain the confidentiality of these records and information and shall use such records and information only to the extent necessary for the purposes of FYS or for the delivery of educational services to the foster child or youth.

8. The Solano County Office of Education shall be responsible to ensure that all persons and agencies involved with FYS are provided with a copy of this Order.

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

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| In the Matter of<br><br>RELEASE OF SCHOOL RECORDS TO SOLANO COUNTY PROBATION AND SOLANO COUNTY HEALTH AND SOCIAL SERVICES, CHILD WELFARE SERVICES DIVISION<br>(Education Code section 49077) | STANDING ORDER<br><br>2011-007 | FILED<br>Clerk of the Superior Court<br>JUN 17 2011<br>By DEPUTY CLERK |

Juvenile Court Standing Order 2002-10 issued August 1, 2002 is hereby vacated and reissued as Juvenile Court Standing Order 2011-007, effective July 1, 2011.

Having found that it is necessary to have access to any and all student information for Juvenile Court purposes in making pre-detention, detention, dispositional and placement decisions regarding wards and dependent children of the court, the Court hereby orders that:

1. The Solano County Probation Department or the Solano County Department of Health and Social Services, Child Welfare Services division employee is authorized to access student education records pertaining to a minor who has been taken into protective custody, detained by the juvenile authorities or the Court or declared a juvenile court ward or dependent in order for the department to(s) perform the investigative and supervisory functions mandated by the above-entitled court .

2. This order shall remain in full force and effect until modified or rescinded by the above-entitled court.

Dated: 5/25/11

PRESIDING JUDGE OF THE JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

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| In the Matter of<br><br>TOXICOLOGY TESTING FOR DRUG EXPOSED CHILDREN SUBJECT TO JUVENILE LAWS<br>(Welfare & Institutions Code section 369(d) | STANDING ORDER<br><br>2011-008 |

Juvenile Court Standing Order 2002-11 issued August 1, 2002 is hereby vacated and reissued as Juvenile Court Standing Order 2011-008, effective July 1, 2011.

The Juvenile Court of the County of Solano finds that when children are taken into protective custody by law enforcement officials or Solano County Health and Social Services Child Welfare Division social workers due to alleged child endangerment through the child's exposure to the illegal manufacturing, distribution or use of methamphetamine or other illegal substance, it is important to determine the extent of each child's toxic exposure to the chemicals used in the production of the methamphetamine or illegal drug or to the methamphetamine or illegal drug itself to ensure that each child's medical needs are met.

THEREFORE, IT IS ORDERED that

1. When a child is placed into protective custody by Solano County law enforcement officials or Child Welfare Services Division, due to alleged child endangerment through exposure or suspected exposure to the manufacture, production or use of methamphetamine or other illegal substance, or the chemicals involved in the

manufacture or production of methamphetamine or other illegal substance; at the discretion of Solano County Health and Social Services, Child Welfare Division that child may be immediately tested by trained medical personnel to assess the minor for the ingestion or assimilation of chemicals and drugs. Follow-up medical treatment and care shall be obtained as directed by the medical personnel.

2. The testing may consist of the analysis of urine, blood, or hair, with the least invasive testing method to be used to secure medically accurate and timely results.

3. Parental consent to such testing shall be sought and such efforts shall be documented in the case records. However, if no parent or guardian is available, capable or willing to authorize such medical procedures, a Solano County Child Welfare division social worker may authorize such testing due to the emergency nature of the need for medical assessment and treatment, pursuant to Welfare and Institutions Code section 369(d).

4. All of the results and documentation of the medical testing conducted pursuant to this order shall be deemed confidential; however, such information may be released to law enforcement officials, the Solano County Health and Social Services Child Welfare Division, the child's counsel and the child's parents and their counsel.

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

FILED
Clerk of the Superior Court
JUN - 4 2012
By DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SOLANO

JUVENILE COURT DIVISION

| In the Matter of | STANDING ORDER |
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| **STANDING ORDER AUTHORIZING MEDICAL EVALUATION AND TREATMENT FOR MINORS PLACED INTO PROTECTIVE CUSTODY AND TEMPORARILY DETAINED IN OUT-OF-PLACEMENT BY CHILD WELFARE SERVICES** | No. 2012-001 |

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

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

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

or legal guardian is unavailable or unable to provide written consent or verbal consent to the medical or dental facility or provider consistent with the facility's or provider's policies and procedures. This authority is also given if a parent refuses to give consent and Child Welfare Services determines, upon consultation with appropriate medical personnel, that the parent's refusal to give consent would (1) place the child at imminent risk of serious physical harm or illness, (2) expose others to a communicable disease that could pose a significant risk, or (3) pose a hazard to the minor or to others if a health condition is left untreated during the period of temporary custody. Nothing in this Standing Order shall allow Child Welfare Services to override a minor's consent or refusal to give consent to a medical or dental procedure for which the minor has capacity to consent per Family Code section 6920 et seq.

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

A. A comprehensive health assessment and physical examination.

B. Any clinical laboratory tests the physician determines are necessary for the evaluation of the minor's health status.

C. Any immunization necessary to bring a minor's immunizations up to date, if immunizations are recommended by the American Academy of Pediatrics for that minor's age.

D. Any routine medical care or procedures required based on the results of the comprehensive health assessment and any routine medical required for the care of illnesses and injury, including the use of standard X-rays or imaging. Routine medical procedures exclude any medical procedure requiring local or general anesthesia. Routine medical care or procedures as referred to above includes:

1. First aid care for conditions which require immediate assistance from a person trained in basic first aid as defined by the American Red Cross or its equivalent;

2. Clinic care for ambulatory minors with health care complaints which are evaluated and treated on an out-patient basis;

3. Inpatient bed care for illness or injury which requires limited observation and/or management and does not require admission to a licensed hospital. Routine medical care does not include blood transfusions or inpatient care for illness or diagnosis which requires optimal observation and/or management in a licensed hospital.

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

5. Child Welfare Services shall have the authority to execute any documents required by the treating facility or provider to secure the medical and dental

assessments, treatments and/or procedures which are consistent with the scope of this order, including specific consents required for assessment, treatment, sharing of information, determination of eligibility and provision for the payment of the services.

Dated: 6/4/12

PRESIDING JUDGE OF THE
JUVENILE COURT

FILED
Clerk of the Superior Court
JUN - 6 2013
By DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE COUNTY OF SOLANO

IN SESSION AS A JUVENILE COURT

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| IN THE MATTER OF:<br><br>RELEASE OF JUVENILE DELINQUENCY RECORDS | STANDING ORDER NO. 2013-001_____<br><br>RE: RELEASE OF JUVENILE CASE FILE INFORMATION FOR W&I 601 AND 602 PROCEEDINGS |

Juvenile Court Standing Order No. 2002-8 as it relates to proceedings under Welfare and Institutions Code sections 601 and 602 and Juvenile Court Standing Order No. 2005-01 are vacated. Effective July 1, 2013, Juvenile Court Standing Order No. 2010-001 is vacated and replaced with this Standing Order.

Pursuant to the provisions of Welfare and Institutions Code section 827 ("section 827") and the duty imposed upon the Court by the decision of the California Supreme Court in the case of *T.N.G. v Superior Court* (1971) 4 Cal.3d 767, the Juvenile Court of the County of Solano makes the following Standing Order:

## I. GENERAL PROVISIONS

A. **Applicability to Delinquency Proceedings Only**. This order applies to the inspection and copying of juvenile case files for minors currently involved or previously involved in proceedings under Welfare and Institutions Code sections 601 and 602.

B. **Juvenile Case File – Definition and Exclusions**. A Juvenile Case File means a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in the case or made available to the probation officer in making his or her report, or to the judge, referee or other hearing

officer, and thereafter retained by the probation officer, judge, referee or other hearing officer. A Juvenile Case File includes the file retained by the Court and the file retained by the Probation Department. With the exception of documents specifically related to a proceeding involving a violation of a court order, the following documents are not included in the definition of a Juvenile Case File:

1. Case notes of Probation Officers.
2. Victim information not already contained in a probation report.
3. Court Appointed Special Advocates (CASA) records.
4. Records from the Solano County Juvenile Detention Facility, Fouts Springs Youth Facility or other placements.
5. Other documents that are privileged or confidential pursuant to any other state law, federal law or regulation, including, but not limited to psychological or psychiatric evaluations, mental heath records and medical records.[1]
6. Records that have been sealed pursuant to Welfare and Institutions Code section 398 or 781.

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

D. **Psychological, Psychiatric and Medical Records – Definition**. The terms "psychological or psychiatric reports, evaluations and other mental health records" and "medical records" are those records which are created by a mental health or medical care provider.

E. **Exception – Computerized Data Base System**. Nothing in this Standing Order shall prohibit any city or the County from establishing a computerized data base system that permits the probation department, law enforcement agencies and

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

school districts to access probation department, law enforcement, school district and juvenile court information and records pursuant to the provisions of Welfare and Institutions Code section 827.1.

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

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

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

## II. VIEWING JUVENILE CASE FILES

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

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

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

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

## III. OBTAINING DOCUMENTS FROM JUVENILE CASE FILES

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

B. The Probation Department and the Superior Court may, in their sole discretion, require proof that a person wishing to obtain copies of documents falls into one

of the categories permitted by Welfare & Institutions Code section 827(a)(5), and may impose a reasonable fee for copying, consistent with the fee schedule set by the County Board of Supervisors (for Probation records) and the Administrative Office of the Courts (for Court records).

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

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

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

## IV. OBTAINING VERBAL INFORMATION CONTAINED IN JUVENILE CASE FILES

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

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

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

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

relevant terms of probation. The Probation File shall contain a written record of all information released pursuant to this paragraph.

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

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

The Probation File shall contain a written record of information and documents released pursuant to this paragraph.

E. The Probation Department may, in its sole discretion, require proof that a person wishing to obtain verbal information from a Juvenile Case File is authorized by this Order to receive such information.

## V. RELEASE OF INFORMATION TO THE MEDIA.

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

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

1. Whether or not an arrest has been made.

2. The offenses for which an arrest has been made.
3. The disposition of the minor by the law enforcement agency.
4. In cases where disclosure of information aids in an investigation, assists in the arrest of a suspect or escapee or otherwise warns the public of danger; the name, date of birth and physical description of a minor and, where relevant to protect public health and safety, the charges against the minor.

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

1. Whether or not a petition has been filed with the Juvenile Court and the charge to be alleged in any such petition.
2. The results of any detention hearing held.
3. The date and location of the hearing.
4. The identification of the Judge or Referee who heard or will hear the matter.
5. The jurisdictional finding and the final disposition of the Court.

## VI. PROTECTIVE ORDER

Unless otherwise specifically authorized by the Juvenile Court, or otherwise provided by this Order, every person who receives documents or information from a Juvenile Case File is subject to the following protective order:

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

1. The records are used in a proceeding to declare the minor who is the subject of the records a dependent child or ward of the juvenile court;
2. The records are released to immediate office staff, clients, expert witnesses and investigators retained for the purposes of the pending matter only and with no one else.

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

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

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

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

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

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

Dated: June 6, 2013

ROBERT C. FRACCHIA
Presiding Judge of the Superior Court
Juvenile Division