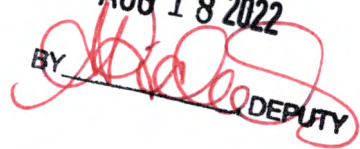


FILED
SUPERIOR COURT of CA. COUNTY OF KERN

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SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF KERN
METROPOLITAN DIVISION, JUVENILE JUSTICE CENTER

**IN RE: RELEASE OF INFORMATION
TO THE SUPERIOR COURT OF
CALIFORNIA, COUNTY OF KERN
COURT INVESTIGATORS BY KERN
COUNTY DEPARTMENT OF HUMAN
SERVICES**

MISCELLANEOUS NO. JM058128
STANDING ORDER 2020-01

By order of the Presiding Judge of the Juvenile Court pursuant to Welfare and Institutions Code section 827:

In order for the Superior Court of California, County of Kern effectively to evaluate and consider the establishment or continuance of guardianships over minors who come before the Probate Court, and to determine the best interests of children who come before the Family Court in custody, termination, and adoption proceedings, it is necessary for the Probate and Family Courts to receive all available information about each child's circumstances and best interests, including child abuse and neglect history

1 information maintained by the Kern County Department of Human Services (DHS).
2 (See Prob. Code, §§ 1513, subd. (a); Fam. Code, §§ 3011, subd. (a), 3020, subd. (a),
3 3111, 3118, 7850, 9001; Cal. Rules of Court, rule 5.220.) To the extent that this
4 standing order is inconsistent with any prior orders issued, the provisions of this
5 standing order shall prevail.

6 **I. Inspection of Juvenile Case Files**

7 All DHS records concerning a child about whom a report of suspected child
8 abuse or neglect is received or investigated, regardless of whether proceedings were
9 ever initiated in the juvenile court, are part of the "juvenile case file" as defined in Welfare
10 and Institutions Code section 827, subdivision (e), California Rules of Court, rule
11 5.552(a), and *In re Elijah S.* (2005) 125 Cal.App.4th 1532, 1548-1551.

12 Reports and summaries of child abuse and neglect allegations and investigations
13 that are generated and maintained by DHS or included in California's Child Welfare
14 Services/Case Management System (CWS/CMS) are also part of the juvenile case file
15 and subject to disclosure under Welfare and Institutions Code section 827. (See *Castillo*
16 *v. County of Los Angeles* (C.D. Cal. 2013) 959 F.Supp.2d 1255, 1260-1261.) Probate
17 court investigators assigned to a probate guardianship case, and family court
18 mediators/investigators assigned to a family law case (hereafter collectively "court
19 investigators"), are entitled to inspect juvenile case files without a court order. (Welf. &
20 Inst. Code, §827, subd. (a)(1)(L), (a)(1)(M); Cal. Rules of Court, rule 5.552(b).)

21 The juvenile court has the exclusive authority to determine whether juvenile
22 records may be released and the extent to which they may be released. (*Elijah S.*,
23 *supra*, 125 Cal.App.4th 1532.)

24 Therefore, pursuant to Welfare and Institutions Code sections 827, subdivisions
25 (a)(1)(L) and (a)(1)(M), 827.10 and 10850, and the Juvenile Court's authority as stated

1 in *Elijah S., supra*, 125 Cal.App.4th 1532, 1548-1551, DHS shall allow court
2 investigators, upon verification of employment and assignment to investigate a
3 guardianship or family law matter under the jurisdiction of the Probate or Family Court,
4 to inspect and receive copies of juvenile case file documents and information
5 maintained by DHS or included in CWS/CMS pertaining to the child or to any history of
6 alleged child abuse or neglect by the child's guardian or prospective guardian, the
7 child's prospective adoptive parent, parent, caretaker, or proposed caretaker, and any
8 other adults residing in the same household as the guardian, prospective guardian,
9 prospective adoptive parent, parent, caretaker, or proposed caretaker, subject to
10 exclusion or redaction of documents that are or contain privileged or confidential
11 information pursuant to any other state or federal law or regulation.

12 DHS may require court investigators to complete a declaration in support of
13 access to juvenile records verifying that they are entitled to access under Welfare and
14 Institutions Code section 827.

15 Court investigators shall not disclose in their reports the name, contact
16 information, or other personal identifying information of any child alleged to have been
17 abused or neglected by a person being considered for placement or custody unless the
18 child is the subject of the probate guardianship or family law proceedings. All
19 summaries of child abuse and neglect history information shall be anonymized to the
20 extent possible.

21 **II. Copying of Juvenile Case Files**

22 Pursuant to Welfare and Institutions Code section 827.10, subdivisions (a)(4)
23 and (a)(5), DHS shall allow court investigators assigned to and actively participating in
24 a probate guardianship or family law matter to inspect and receive copies of DHS files
25 and records relating to a child who is the subject of the probate guardianship or family

1 law case, subject to exclusion or redaction of documents that are or contain privileged
2 or confidential information pursuant to any other state or federal law or regulation.

3 In addition, pursuant to the Juvenile Court's authority under *Elijah S., supra*, 125
4 Cal.App.4th 1532, 1548-1551, DHS shall allow court investigators assigned to and
5 actively participating in a probate guardianship or family law matter to receive copies of
6 DHS files and records relating to any child who is the subject of DHS records if the
7 records relate to a history of alleged child abuse or neglect by the child's guardian or
8 prospective guardian, the child's prospective adoptive parent, parent, caretaker, or
9 proposed caretaker, or any other adults residing in the same household as the guardian,
10 prospective guardian, prospective adoptive parent, parent, caretaker, or proposed
11 caretaker, subject to exclusion or redaction of documents that are or contain privileged
12 or confidential information pursuant to any other state or federal law or regulation.

13 III. Release of Child Abuse and Neglect History Information

14 Suspected Child Abuse Reports (Form SS 8572) filed with the California
15 Department of Justice are confidential under the Child Abuse and Neglect Reporting
16 Act (Penal Code section 11164 et seq.), and may be disclosed only as authorized in
17 Penal Code section 11167.5.

18 Court investigators conducting a guardianship investigation under Probate Code
19 section 1513 are authorized to receive substantiated Suspected Child Abuse Reports
20 filed with the Department of Justice concerning any adult residing in the home where
21 the child may be placed, if the information is requested to ensure that the placement is
22 in the child's best interest. (Pen. Code, §§ 11167.5, subd. (b)(2), 11170, subd. (b)(7).)

23 However, court investigators are not entitled to disclosure of the identity of the
24 reporting party. (Pen. Code, § 11167, subd. (d)(1).)

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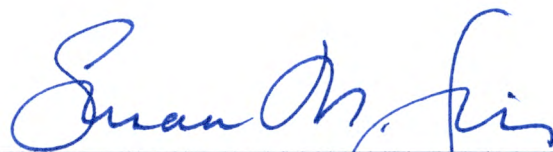
1 Thus, pursuant to Penal Code sections 11167.5, subdivision (b)(2) and 11170,
2 subdivision (b)(7), DHS shall allow court investigators who are assigned to investigate
3 a guardianship matter to receive Suspected Child Abuse Reports filed with the
4 Department of Justice concerning any adult residing in a home where the child may be
5 placed. The identities of the reporting parties shall be redacted.

6 **IV. Further Dissemination of Juvenile Case Information**

7 All persons who obtain access to juvenile case files must maintain the
8 confidentiality of the records reviewed, inspected or copied. Any information obtained
9 from access to a juvenile case file is confidential shall not be made available other than
10 as provided in Probate Code section 1513, subdivision (d) and Family Code sections
11 3111, subdivision (b), 3118, subdivision (b)(6), 7851, and 9001. Such information shall
12 not be further disseminated except as provided in Welfare and Institutions Code section
13 827, subdivision (a)(4). Any juvenile case file documents obtained by a court
14 investigator shall be destroyed upon termination of the proceedings for which they were
15 obtained.

16 **IT IS ORDERED.**

17
18 Dated: August 18, 2022.

19 

20 Susan M. Gill
21 Presiding Judge of the Juvenile Court