
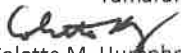




SUPERIOR COURT OF CALIFORNIA - COUNTY OF KERN OPERATING POLICY AND PROCEDURES

Policy #: OPS-2014-1A Approved by:	Title: Viewing and Copying Court Public Records Superior Court – County of Kern  Tamarah Harber-Pickens, CEO  Colette M. Humphrey, PRESIDING JUDGE	Effective Date: April 7, 2014 Revision Date: May 1, 2014 Revision Date: August 12, 2019 Revision Date: June 2, 2022 Prepared by: Carla Ortega; Dyana McPhetridge; Jennifer Brown; Marlyn Garcia and Ana Hinojosa
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I. PURPOSE

This viewing/copying policy has been established to ensure the public has access to the records of the Court while protecting these records for all who wish to view or copy the files. All persons, including governmental agencies, non-governmental agencies, commercial enterprises doing business as professional photocopy providers and media, wishing to access files for purposes of viewing or copying court records must adhere to the policy as established.

II. AUTHORITY

- A. Local Rules of Court 1.8
- B. Government Code §§ 70627, 70631, 70633
- C. California Rules of Court 10.815

III. POLICY

It is the Policy of the Superior Court, County of Kern, to provide reasonable access for viewing and copying of court public records. Court files, while public record, are first and foremost a work product of the Court and therefore priority for their use is given to Judicial Officers, staff and others at the Superior Court, County of Kern for the processing of cases, review of case history, file maintenance, and development of appellate submissions.

Not all files may be immediately available due to budget restrictions and/or staff resources. They may be at an off-site storage facility, in a Judge's chambers, or microfilmed. Files that are being utilized by a Judicial Officer in preparation for a hearing or trial will not be available until the Judicial Officer has finished with their use.

NOTE: In accordance with California Rules of Court (CRC), Rule 2.400(a), and Local Rule of Court 1.8, under no circumstances will anyone other than court personnel be allowed to disassemble documents in court files or remove files from the designated viewing locations or respective Clerks' Offices.



**SUPERIOR COURT OF CALIFORNIA - COUNTY OF KERN
OPERATING POLICY AND PROCEDURES**

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All documents in court files are public records, with the exception of those items deemed confidential by statute, regulation, court rule, court order or case law. Transcripts in a court file, while available for viewing may not be copied without the express, written permission of the court reporter that produced the transcript. Administrative records lodged with the court may not be copied. Wills that are lodged with the Court, and not yet attached to a petition for probate of the will, can only be released for viewing and copying pursuant to Probate Code § 8200.

It is unlawful to remove, destroy or alter Court files.

■Government Code §6200. Every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any purpose, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years if, as to the whole or any part of the record, map, book, paper, or proceeding, the officer willfully does or permits any other person to do any of the following:

- (a) Steal, remove, or secrete.
- (b) Destroy, mutilate, or deface.
- (c) Alter or falsify.

(Amended by Stats. 2011, Ch. 15, Sec. 129. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

■Government Code §6201. Every person not an officer referred to in Section 6200, who is guilty of any of the acts specified in that section, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(Amended by Stats. 2011, Ch. 15, Sec. 130. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)



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IV. PROCEDURES

A. File Viewing:

- All file requests for public viewing must be conducted at the customer service counter/window or designated viewing area for each Court facility location.
- Individuals must remain at the customer service counter/window or designated viewing area when accessing all court files. Files may not be removed from the viewing area.
- Files that are located off-site will be made available for viewing and copying within ten (10) business days from the date of request.
- To view a public file, the requesting party must provide government issued photo identification. The identification shall be taken in exchange for the file to be viewed and immediately returned upon completion of file review by requesting party.
- Supervisors shall have discretion to determine the validity of the photo identification provided.
- Professional Photocopier services, which view large volumes of files for clients, attorneys, or other similar agencies, will be required to provide the identification card provided under Business and Professions Code § 22453, and comply with the requirements of Local Rule of Court 1.8.

B. File Limits/Exceptions:

Absent prior authorization and proper scheduling within the affected department, the Court will not accept requests for more than ten (10) files, at any given time, with one exception. The Family Law Department at the Metro Division will not accept requests for more than five (5) files at a time.

C. Confidential Files/Documents NOT released for inspection or copying:

1. General

- Fee Waiver Application/Requests (Gov. Code § 68633(f); CRC Rule 3.54.)
- Any case or court document ordered sealed by court order, statute, case law or rule



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- Sealed/Confidential Documents or Envelopes
- Special Immigrant Juvenile Findings (Code Civ. Proc. § 155(c).)
- Request for accommodations by persons with disabilities (CRC Rule 1.100(c)(4).)
- Revenue Recovery Department application, also known as the TR-320/CR-320 Form – Determination of ability to pay fine: traffic or other infractions
- The copying of transcripts is strictly prohibited

2. Juvenile

- Viewing of Juvenile Dependency or Delinquency files is restricted by statute. (*See Welfare & Institutions Codes § 825 through § 832*). Juvenile case files may be obtained or inspected only in accordance with Welf. & Inst. Code §§ 827, 827.12, and 828. In conjunction with those code sections, CRC Rule 5.552 sets forth the procedure for review of otherwise confidential juvenile court records. Those persons who are permitted to inspect juvenile case files without court authorization under §§ 827 and 828, and the specific requirements for accessing juvenile case files provided in § 827.12(a)(1), should contact the Juvenile Department. Contact information can be obtained at: <http://www.kern.courts.ca.gov/>

3. Civil

- Mandatory Settlement Conference Statements (Evidence Code § 1152)
- Unlawful Detainers – Note: Limited Access (See page 109 of Appendix 1 of the *Trial Court Records Manual* at <https://www.courts.ca.gov/documents/trial-court-records-manual.pdf>)
- All information regarding complaints about the conduct of mediators in court-connected mediation programs (CRC Rule 3.871.)
- Confidential name change because of domestic violence, stalking, or sexual assault (Code Civ. Proc. § 1277; Gov. Code § 6205 et. seq.) also known as the SAFE at HOME program



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- Records in an action in which prejudgment attachment is sought are temporarily unavailable to the public for up to 30 days if requested by plaintiff (Code Civ. Pro. § 482.050; CRC Rule 2.580.)
- 4. **Criminal**
 - Financial statements and/or other financial information of criminal defendants (Penal Code § 987(c).)
 - Applications by indigent defendants for funds for investigators and/or experts and the appointment if granted (Penal Code § 987.9.)
 - Medical reports
 - Diagnostic reports from the Director of the Department of Corrections (Penal Code § 1203.03(b).)
 - Department of Motor Vehicle (DMV) Printouts
 - Rap sheets
 - (a) State summary criminal history information (Penal Code §§ 11142-11144.)
 - (b) Local summary criminal history information (Penal Code §§ 13300-13305.)
 - Unredacted Police Reports
 - Confidential motions
 - Probation Reports and Declarations, pursuant to Penal Code §1203.05, which sets forth limitations on who may inspect probation reports filed with the court and when those reports may be inspected
 - Probation reports are only publicly available from the date judgment is pronounced or probation granted, to and including 60 days from the date judgment is pronounced or probation is granted, whichever is earlier.



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- Search Warrants (court records and documents related thereto) – not available unless the warrant has been executed (Penal Code § 1534(a).) However, executed search warrants may be sealed by Court order.
- Mentally disordered offenders and sexually violent predator cases (Welf. & Inst. Code §§ 4135, 5202, 5326.4, 5328, 6603, 8103.)
- Motion to seal pursuant to Penal Code §§ 851.8; 851.91; 851.92; 1170(h)(4) and Health & Saf. Code § 11361.8(f) (becomes confidential if motion is granted)
- Criminal juror identifying information (names, addresses and telephone numbers) (Code Civ. Proc. § 237)
- Records involving victims of identity theft:
 - (a) The police report generated on behalf of the victim under Penal Code § 530.6 (Penal Code § 530.8(d)(1).)
 - (b) The victim’s written request for records regarding the unauthorized use of the victim’s identity made upon the person or entity in possession of the records (Penal Code § 530.8(d)(1).)
- Specified victim statements (written audiotaped, videotaped or statement stored on CD-ROM, , DVD, or any other recording medium) including statements in lieu of personal appearance shall remain sealed until the time set for imposition of judgment and sentence (Penal Code § 1191.15.)

5. Family Law

- Adoptions/Abandonments (Family Code § 9200.)
- Paternity – with exception of final judgment (Family Code § 7643.)
- Termination of parental rights proceedings (Family Code § 7805.)



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- In child custody or visitation proceedings psychological evaluations of a child or recommendations submitted to the court (Family Code § 3025.5.)
- Child custody evaluation reports (Family Code § 3111.)
- Mediation proceedings (Family Code § 3177.)

6. Traffic

- Accident reports

7. Probate

- Confidential Guardian Screening Form (Form GC-212) (CRC 7.1001(c).)
- Confidential Conservator Screening Form and Confidential Supplemental Information Statement (Forms GC-312 and GC-314) (CRC 7.1050(c).)
- Capacity Declarations (Forms GC-335 and GC-335A) (Civ. Code § 56.13; Probate Code § 1821(a).)
- Anything contained in the (currently) "Red" confidential file, including but not limited to:
 - Reports regarding proposed guardianship or conservatorship (Probate Code §§ 1513(d), 1826(c).)
 - Court investigators' reports for periodic review of conservatorships (Probate Code § 1851(e).)
 - Court investigators' reports regarding the transfer of a conservatorship from another state (Probate Code § 1851.1(d), 2002.)
 - Confidential Guardianship Status Report (Form GC-251) (Probate Code § 1513.2(c).)
 - Mandatory Settlement Conference Statements (Evidence Code § 1152.)

D. Notice of Government Code § 70633(b): Authorization to Charge for Copy and Certification Fees for Court Records in Criminal Actions

The Court charges government agencies for copy and certification fees for criminal



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court records pursuant to Government Code § 70633(b). Search and off-site retrieval fees will not be charged. There is one exception for requests for local summary criminal history information furnished to a public law enforcement agency to assist it in employing, licensing, or certifying a person who is applying for employment with the agency as a peace officer or criminal investigator. (Penal Code § 13300(f).)

E. Government Agency Requests for Non-Criminal Records:

Pursuant to Government Code §§ 70627 and 70633(c), all federal and government agencies within California are exempt from paying copy and certification fees. All city, county or state agencies outside of California shall be charged fees for regular copies and certified copies.

F. Media Requests:

Members of the media may view and copy court records through the same standard public process outlined in this procedure.

G. Search¹ Fees:

- There may be a fee pursuant to Govt. Code §70627(c) of \$15.00 per file for a search that requires more than ten (10) minutes. This fee includes searches of files for public viewing.
- All search fees are due at the time of request for access to a file(s).
- Multiple Case Files: Search fees will be imposed at the rate of one fee per case or one fee per every ten (10) minutes of search, whichever is less.
- Off-Site Files: Off-site files are defined as those files housed in off-site storage facilities, separate and apart from each divisions respective address.
 - There will be a search fee of \$15.00 per file and an additional \$20.00 [effective July 1, 2014] for retrieving a case from off-site premises pursuant to Government Code § 70631, CRC Rule 10.815(b)(13) and Local Rule 1.8.
 - Off-Site retrieval of files is not available the same day/date.

¹ For purposes of this policy, "search" is defined as the combined collaborative effort between court personnel in various departments involved in the physical act(s) of looking, researching, locating, retrieving, and/or regaining specific case information or case file(s) for public access whether by electronic or physical means.



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- Failure of the requesting party to return to the division to view the files within ten (10) business days will result in the files being returned to off-site premises.
- Once files have been returned off-site, new fees will be imposed for retrieval.
- Files that are located off-site will be made available for viewing within ten (10) business days from the date of the request.
- Fee Schedule: A complete fee schedule for court services can be obtained at: <http://www.kern.courts.ca.gov/>

H. **Copy Fees:** In addition to search fees, there will be a charge for Court-made copies as follows:

Copy of any record, proceeding or paper on file per page	0.50	Gov. Code § 70627(a)
Certification of any record, proceeding or paper on file, per document	\$40.00	Gov. Code § 70626(a)(4)
Certification of a marriage or domestic partnership dissolution record (requested by a public agency)	\$10.00	Gov. Code § 70674
Certification of a marriage or domestic partnership dissolution record (by any other applicant)	\$15.00	Gov. Code § 70674
Exemplification of record or other paper on file	\$50.00	Gov. Code § 70628

Fee Schedule: A complete fee schedule for court services can be obtained at:
<http://www.kern.courts.ca.gov/>

I. **Additional Fees:** *[Effective July 1, 2014, Amended September 1, 2019; January 1, 2022]*

- Pursuant to Government Code § 70631 and CRC Rule 10.815, the Court may charge additional fees as necessary or requested for completing and delivering copy order requests.

●Off-site retrieval of files	Per File	\$20.00
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●Copy requests on compact discs (CD):		
	1-50 pages	\$14.00
	51-75 pages	\$19.00
	76-100 pages	\$24.00
	101-125 pages	\$29.00
	126-150 pages	\$34.00
	151-200 pages	\$44.00
●Postage for CD		\$4.86

- Fees in addition to copy fees, search, and off-site record retrieval fees (if applicable), include but may not be limited to:

Postage/Shipping (envelope provided by Court) for Hardcopies:

1-15 pages	\$2.13
16-30 pages	\$2.73
31-45 pages	\$3.13
46-60 pages	\$3.73
61-75 pages	\$4.13
Postage for CD	\$4.86

- Additional fees for media platform (Blu-Ray, Cassette, VHS , etc.)
- \$58.00 per hour fee for CD/DVD recording transfers, manually making photocopies from hardcopies, transfer of records from all other media platforms, additional search fees and offsite retrieval fees

J. File Copying (In Person): (Subject to Department Capability)



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***YOU ARE PROHIBITED from copying/photographing and disseminating personal identifying information, including but not limited to Dates of Birth, Social Security Numbers, Drivers' License Numbers, Government-issued identification card numbers (i.e., military) and Financial Account Numbers and/or Information
Except as authorized by law***

- All file requests for public copying must be conducted at the customer service counter or designated copying area for each court facility location.
 - Individuals must remain at the customer service counter/window or designated copying area when viewing/copying all court files. Files may not be removed from the designated area.
 - Each division shall schedule its hours of operation to meet the public and departmental needs.
1. Court Copying Services: A copy order request shall be submitted to request that the Court make copies of a file. In addition to applicable search and off-site retrieval fees, there will be a charge for copies and certification fees. Depending on the number of volumes, number of pages, and the location of the file, a copy order request may take fifteen to thirty (15-30) business days to complete.
 2. Copying by Professional Photocopiers: Files may be copied by a professional photocopy service which utilizes its own copying machine and is on record with the Clerk of the County in accordance with Business and Professions Code §22450. Representatives of professional photocopy services must be prepared to present identification that they have complied with the requirements of Business and Professions Code §22450 et seq. Payment of fees to the professional photocopy service is the sole responsibility of the



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individual, law firm or business that has retained the services.

- Professional photocopy services require an appointment to access court files for inspection and copying. Please contact the respective Metropolitan Division or Regional Court Branch to arrange for the files to be retrieved. All applicable search fees shall be paid by the professional photocopy service representative.

3. Utilizing Personal Electronic Devices: Files may be photographed using electronic devices such as cellular telephones and tablets. Search fees will apply. Individuals must remain at the customer service counter/window or designated copying area. Files may not be removed from the designated area. Any photographing or scanning of any file and/or document is limited to only those items in the file which are public record and do not include any files/documents labeled or otherwise considered confidential by statute, Court rule, Court order or case law. The copying of juvenile records is restricted by statute. (*See Welfare & Institutions Codes § 825 through § 832.*) This method of service prohibits any certification of the documents by the Court. The copying of transcripts is strictly prohibited.

K. Copy Requests (Mail):

Persons unable to be present at a court facility may request the Court to copy a file and return it by mail. The following are the procedures for requesting a mailed copy of a court record:

- Request: Submit the request for copying of a court file by submitting a written request, or on-line web-request form.
- Charges: Attach a check for payment of applicable search and off-site retrieval fees, copy and certification fees. The check should be made payable to the Superior Court, County of Kern. You may enter in the Memo section of the check "not to exceed \$_____00" to allow for all



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applicable fees.

- Contact: Provide a telephone number so the Court may contact you concerning any problems or clarifications needed to comply with the copy request.
- Your request will be processed within fifteen to thirty (15-30) business days.

L. Copy Requests (Telephone/Webmail)

- Telephonic Requests: Copies may be requested by telephone. Requesting party will be charged applicable search and off-site retrieval fees. Fees must be paid at the time the request is made by the requesting party. Divisions with the ability to process credit and debit card payments will impose fees over the telephone. The requesting party is responsible for additional payment of copy and certification fees at time of pick up.
- Webmail Requests: Requests for copies may be made by the on-line web-request form. The request form may be printed and mailed in for processing or requestors may submit the form requesting a telephonic payment be processed.
- No division has the ability to accept payment for search fees online at this time.

M. Electronic Transmission of Documents

- Subject to department capability, copy requests may be provided by the court in electronic format, exempt from copy surcharges.
- Search fees, however may apply and must be paid prior to any electronic transmission of a court document.
- Certifications are not available in electronic format.

N. Exhibit: Copy requests for exhibits may be requested by completing and submitting the attached form or web-request to the Exhibit Room in the Metro Division, 1415 Truxtun Avenue or the Court Supervisor at a Regional Court location. Requests will be returned within fifteen to thirty (15-30) business days.

O. Destroyed Files/File Purging: The Court routinely purges court records pursuant to



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Government Code § 68152. Advise those requesting to view and copy records to review this code section for the length of time a record is kept (which varies) and for policies governing file destruction.

- P. **Fee Waivers:** For litigants involved in existing cases, all or part of Court fees for copies, may be waived pursuant to CRC 3.55, if the applicant of the Request to Waive Court Fees meets the standards of eligibility and application requirements outlined in Government Code §68630 et seq. The Request to Waive Court Fees must be approved by the Court prior to the release of requested copies and is only available to parties designated in the Court order. The Court reserves the right to verify the identity of the party relying upon a fee waiver for copy requests. For forms and information on Waiver of Court Fees, please go to the California Courts Website at <http://www.courts.ca.gov/>.