

**DECLARATION IN SUPPORT OF ACCESS TO AND
COPIES OF JUVENILE RECORDS
INSTRUCTION SHEET**



Dear Applicant:

Records related to the abuse or neglect of minors generated by the Department of Children and Family Services (DCFS) and/or the Juvenile Court are confidential and may only be accessed by a specific class of persons and/or entities (*WIC* §827(a)(1)). Juvenile records may not be obtained via a subpoena duces tecum (*Lorenza P. v. Superior Court* (1988) 197 Cal. App. 3d 607; Rule of Court 5.552 & Local Rule of Court 7.2) or through a Public Records Act request. The Juvenile Court has exclusive jurisdiction in these matters and determines the extent to which juvenile files will be released (*Wescott v. County of Yuba* (1980) 104 Cal.App.3d 103, 110).

To access juvenile records, you must be eligible under one of the categories in Section A on the attached ***Declaration in Support of Access to and Copies of Juvenile Records (Declaration)*** form. If you are eligible, please complete the Declaration in its entirety. Be sure to include your legal name and mailing address (P.O. Boxes are not permitted), the name of your agency or department, if applicable, the minor(s) name(s) and date(s) of birth, and the mother's name and date of birth. Declarations may be mailed, faxed, or emailed to:

Office of the County Counsel – Confidentiality Unit
201 Centre Plaza Drive, Suite 1
Monterey Park, CA 91754
Fax: (323) 881-3791
Dependencyrecords@counsel.lacounty.gov

Be advised that you may not be entitled to certain information in the file which otherwise may be confidential (e.g. the name of the person who reported the allegation of abuse or neglect, psychiatric or medical reports of persons other than you, your biological or adopted child, your client, or the person about whom your investigation pertains, police reports involving other unrelated minors, etc.)

If you are **NOT** eligible under one of the categories in Section A of the Declaration and you want to obtain copies of confidential juvenile records, you must complete and file a ***Request for Disclosure of Juvenile Case File*** (JV-570) petition with the Juvenile Court's Presiding Judge's Office. The petition may be submitted to:

Juvenile Dependency Court
Office of the Presiding Judge, Department 400
201 Centre Plaza Drive
Monterey Park, CA 91754
Tel.# (323) 307-8096

If you seek to have a DCFS social worker personally appear at a court proceeding to testify to the records or to an investigation, please issue a ***Civil Subpoena for Personal Appearance at Trial or Hearing*** (SUBP-001) and serve it on the County Counsel's Office at the above address. Due to the confidential nature of juvenile records, social workers cannot and will not bring juvenile records to court. Pursuant to Government Code §68096.1, subpoenas for appearance in non-criminal, civil or family court proceedings must be accompanied by a check in the amount of \$275 made payable to the Office of the County Counsel. To allow us ample time to contact the social worker to appear in court, subpoenas served less than five (5) business days prior to the court proceeding may not be accepted.

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CONTACT INFORMATION:

All applicants **MUST** complete this section in its entirety. Please be sure to include your name, complete mailing address (NO postal boxes), including apartment or suite number, and telephone number. In the box labeled "Reserved for Clerk's File Stamp," write the name of the mother of the child for whom records are requested and her date of birth, if known. If you know the Dependency or Delinquency court case number, please include it in the designated section.

Note: If you are an attorney completing this Declaration on behalf of your client, you must also complete Section B.

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|--|--|--|
| NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: John A. Smith, 1234 S. Main Street, Los Angeles, CA 90210 | | Reserved for Clerk's File Stamp |
| ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES | | |
| COURTHOUSE ADDRESS: | | |
| PETITIONER: | | |
| CHILD'S NAME: John A. Smith, Jr. DOB: 1/1/2001 | | |
| DECLARATION IN SUPPORT OF ACCESS TO JUVENILE RECORDS (WIC §827, CRC Rule 5.552; Local Rule 7.2) | | CASE NUMBER: Dependency CK12345 Delinquency _____ |

A. ELIGIBLE PARTIES:

Please check one box that best describes your relationship to the minor for whom records are requested.

Check one (1) box **ONLY**.

1. ☐ Court Personnel
2. ☐ Child (Non-Minor Dependent who is the subject of a juvenile proceeding)
3. ☐ Attorney or subject child or his or her agent with proper proof of affiliation (including appellate attorney) [continue to Section B below] actively participating in a criminal or juvenile proceeding.
4. ☐ Subject child's parent who still has parental rights or child's legal guardian
5. ☐ The attorney for subject child's parent who still has parental rights or child's legal guardian, or his or her agent with proper proof of affiliation (including appellate attorney) [continue to Section B below]
6. ☐ The County Counsel, City Attorney, or any other attorney representing the petitioning agency in a dependency action, or his or her agent with proper proof of affiliation [continue to Section B below]
7. ☐ Attorney authorized to prosecute adult criminal or juvenile matters under California state law (district attorney, city attorney, city prosecutor), or his or her agent with proper proof of affiliation [continue to Section B below]
8. ☐ Judge, referee, hearing officer, probation officer, or law enforcement officer actively participating in adult criminal or juvenile proceedings involving the minor
 - a. Criminal case number: _____
 - b. Juvenile case number: _____
9. ☐ State Department of Social Services staff for the purposes delineated in WIC section 827(a)(1)(I), CRC 5.552(b)(1)(J), LR 7.2(a)(2)(h)
10. ☐ State Department of Social Services staff for purposes delineated in WIC section 827(a)(1)(J), LR 7.2(a)(2)(i)
11. ☐ Member of child protective agencies per Penal Code section 11165.9 (police, sheriff, county probation, county child welfare)
12. ☐ Superintendent or designee of school district where child attends or is enrolled

C. TYPE OF RECORDS:

Check only the boxes that apply to the type of records you seek. Do not check the box for Juvenile Dependency or Juvenile Delinquency court files if there was **NO** court proceeding. If there was a court proceeding, please contact the Court Clerk's Office at (323) 307-8096 to obtain copies of the records. If the alleged abuse or neglect was investigated by a social worker only, check the box for "DCFS."

C. What type of records are you requesting to access?

- ☐ Juvenile Court File
☐ Dependency
☐ Delinquency

- ☐ Agency Records
☒ DCFS
☐ Probation

If you are entitled and wish to access records from the Department of Children and Family Services (DCFS), please submit this form to DCFS Records Unit/Office of County Counsel – address: 201 Centre Plaza Dr. Ste. 1, Monterey Park, CA 91754 – phone number: (323) 526-6100 – email: Dependencyrecords@counsel.lacounty.gov. If you are entitled and wish to access records from the Probation Department, please contact the Custodian of Records at (562) 940-2876, or send an email to civillitigationoffice@probation.lacounty.gov.

D. REASON FOR REQUEST:

Please state the reason for the request. With very few exceptions, juvenile records cannot be released or disseminated to persons not entitled to access them under WIC 827. Please note the warning below.

D. Why are you requesting the records?

- ☐ For personal use
☒ Other reasons (please specify):

- ☐ Will you share the records with anyone else? If so, with whom? (Please provide name and title)

WARNING: Any records, reports, or information obtained from the juvenile record(s) shall not be further released or disseminated to persons or agencies not otherwise entitled to access to juvenile records pursuant to WIC section 827, CRC 5.552, and LR 7.2 (i.e. agencies/individuals listed above). Further, juvenile records shall not be attached to any documents without prior approval of the Juvenile Court Presiding Judge, unless they are used in connection with a criminal investigation or juvenile court proceeding to declare a minor a dependent or ward of the Court.

SIGNATURE & DATE:

Declarations that do not contain an original signature will **NOT** be processed and will be returned to the requesting party. Electronic signatures are not acceptable. Attorney designees, including paralegals, investigators, and social workers, must sign their name.

I declare under penalty of perjury that the foregoing is true and correct and that I am aware of the above warning regarding dissemination of juvenile records.

Date: _____

Signature: _____

| | | |
|---|--|--|
| <small>NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:</small> Louis Martinez 741 Butter Street Los Angeles 90210 ATTORNEY FOR (Name): | | Reserved for Clerk's File Stamp |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES | | |
| <small>COURTHOUSE ADDRESS:</small> Juvenile Division 201 Centre Plaza Drive Monterey Park, CA 91754 | | |
| <small>PETITIONER:</small> | | |
| <small>CHILD'S NAME:</small> Freddy Martinez | <small>DOB:</small> 2010-05-05 | <small>CASE NUMBER:</small> Dependency <u>555412</u> Delinquency _____ |
| DECLARATION IN SUPPORT OF ACCESS TO JUVENILE RECORDS (WIC §827, CRC Rule 5.552; Local Rule 7.2) | | |

A. Are you one of the entitled parties or agencies listed under Welfare & Institutions Code (WIC) §827, California Rules of Court, Rule 5.552, and Los Angeles Superior Court (LASC) Local Rules (LR), Rule 7.2? (Check 1 box only):

1. ☒ Court Personnel
2. ☐ Child/Non-Minor Dependent who is the subject of a juvenile proceeding
3. ☐ Attorney for subject child or his or her agent with proper proof of affiliation (including appellate attorney) [*continue to Section B below*] actively participating in a criminal or juvenile proceeding.
4. ☐ Subject child's parent who still has parental rights or child's legal guardian
5. ☐ The attorney for subject child's parent who still has parental rights or child's legal guardian, or his or her agent with proper proof of affiliation (including appellate attorney) [*continue to Section B below*]
6. ☐ The County Counsel, City Attorney, or any other attorney representing the petitioning agency in a dependency action, or his or her agent with proper proof of affiliation [*continue to Section B below*]
7. ☐ Attorney authorized to prosecute adult criminal or juvenile matters under California state law (district attorney, city attorney, city prosecutor), or his or her agent with proper proof of affiliation [*continue to Section B below*]
8. ☐ Judge, referee, hearing officer, probation officer, or law enforcement officer actively participating in adult criminal or juvenile proceedings involving the minor
 - a. Criminal case number: _____
 - b. Juvenile case number: _____
9. ☐ State Department of Social Services staff for the purposes delineated in WIC section 827(a)(1)(I), CRC 5.552(b)(1)(J), LR 7.2(a)(2)(h)
10. ☐ State Department of Social Services staff for purposes delineated in WIC section 827(a)(1)(J), LR 7.2(a)(2)(i)
11. ☐ Member of child protective agencies per Penal Code section 11165.9 (police, sheriff, county probation, county child welfare)
12. ☐ Superintendent or designee of school district where child attends or is enrolled
13. ☐ Member of child's multi-disciplinary team as provided in WIC section 830, 830.1, and 18951(d)
14. ☐ Person or agency currently providing supervision or treatment of child (physician, surgeon, other health care providers, psychotherapist, sexual assault or domestic violence counselor, group home or foster family agency social worker/case managers, regional center consumer service coordinator)
 - a. Title & relationship to child: _____
15. ☐ Family law judicial officer, or clerk acting on behalf of judicial officers
 - a. Family law case number: _____
16. ☐ Family law mediator or court appointed evaluator actively participating in a family law case involving the subject minor (including person performing investigation or assessment)
 - a. Family law case number: _____
17. ☐ Court-appointed counsel for minor in family law case under Family Code section 3150. **Counsel for the minor on related matters is required to provide a copy of the court order appointing him/her as minor's counsel.**

| | |
|--------------------|--------------------|
| SHORT TITLE: _____ | CASE NUMBER: _____ |
|--------------------|--------------------|

- a. Family law case number: _____
18. ☐ Court-appointed probate guardianship investigator
- a. Probate case number: _____
19. ☐ Local child support agency for establishing paternity and establishing or enforcing child support orders
20. ☐ Juvenile Justice Commission as established under WIC section 225
21. ☐ Person from an Indian tribe, reservation, or tribal court serving in a similar capacity as those listed in Section A, numbers 1, 3, 5, 6, 11, 13, 15, 16, 17, or 18
- a. If so, what tribe? _____
- b. Please specify your role: _____
22. ☐ Other (including pursuant to court order; please attach copy of order)

B. Attorney

| | | |
|---|--------------------|----------------|
| Name: _____ | State Bar #: _____ | Case No: _____ |
| Court (criminal, juvenile, etc.) _____ | Client Name: _____ | |
| Client's relationship to subject of juvenile records: _____ | | |

C. What type of records are you requesting to access?

- | | |
|---|--|
| <input type="checkbox"/> Juvenile Court File <input type="checkbox"/> Dependency <input type="checkbox"/> Delinquency | <input type="checkbox"/> Agency Records <input type="checkbox"/> DCFS <input type="checkbox"/> Probation |
|---|--|

If you are entitled and wish to access records from the Department of Children and Family Services (DCFS), please submit this form to DCFS Records Unit/Office of County Counsel – address: 201 Centre Plaza Dr. Ste. 1, Monterey Park, CA 91754 – phone number: (323) 526-6100 – email: Dependencyrecords@counsel.lacounty.gov. If you are entitled and wish to access records from the Probation Department, please contact the Custodian of Records at (562) 940-2876, or send an email to civillitigationoffice@probation.lacounty.gov.

D. Why are you requesting the records?

- ☐ For personal use
- ☐ Other reasons (please specify):

- ☐ Will you share the records with anyone else? If so, with whom? (Please provide name and title)

WARNING: Any records, reports, or information obtained from the juvenile record(s) shall not be further released or disseminated to persons or agencies not otherwise entitled to access to juvenile records pursuant to WIC section 827, CRC 5.552, and LR 7.2 (i.e. agencies/individuals listed above). Further, juvenile records shall not be attached to any documents without prior approval of the Juvenile Court Presiding Judge, unless they are used in connection with a criminal investigation or juvenile court proceeding to declare a minor a dependent or ward of the Court.

I declare under penalty of perjury that the foregoing is true and correct and that I am aware of the above warning regarding dissemination of juvenile records.

Date: _____ Signature: _____

DECLARATION IN SUPPORT OF ACCESS TO AND
COPIES OF JUVENILE RECORDS
FREQUENTLY ASKED QUESTIONS (PUBLIC)



Q: A social worker with the Department of Children and Family Services (DCFS) investigated an allegation of abuse or neglect regarding my child, my sibling(s), and/or me. How do I obtain a copy of the investigation?

You must complete and file a Declaration in Support of Access to and Copies of Juvenile Records (Declaration) form with the Office of the County Counsel, 201 Centre Plaza Drive, Suite 1, Los Angeles, CA 91754. Because juvenile records are confidential by law, you are only entitled to your and/or your children's records, NOT those of your siblings.

Q: Where do I obtain a Declaration form?

You may obtain a Declaration form from the Los Angeles Superior Court's Website at: <http://www.lacourt.org/forms/juvenile>.

Q: How do I submit my request for records to the County Counsel's Office?

Requests may be mailed to: Office of the County Counsel, 201 Centre Plaza Drive, Suite 1, Monterey Park, CA 91754 or emailed to dependencyrecords@counsel.lacounty.gov or faxed to (323) 881-3791. Please note that records more than 20 years old may be lost or destroyed.

Q: Is there a fee for records?

Yes. County Counsel will charge a fee for all records requested after July 1, 2016. Fees are based on the amount of time it takes to retrieve and process the requested records. Records are stored off-site and must be retrieved and processed before they can be turned over to you. We will bill in 15 minute increments at \$19.20 per 15 minutes. Estimates of the total cost to produce the records will be provided to the requesting party before the records are processed. The requesting party must confirm in writing that s/he agrees to pay the estimated amount or a negotiated portion thereof. Payment MUST be received prior to the release of records. Only checks or money orders made payable to Los Angeles County are accepted. No cash or credit card payments accepted.

Q: Do you accept fee waivers? Or, is financial assistance available?

Yes. Previously "filed and accepted" fee waivers from other courts (family law, probate, civil) are accepted so long as they were "filed and accepted" within the last 24 months. We also accept Department 401 financial reimbursement determinations as proof. Or, you may request a Fee Waiver Questionnaire from the County Counsel's Office.

Q: Once I submit the Declaration form to the County Counsel's Office, how soon will I receive the requested records?

Because the County Counsel's Office receives a large volume of requests each week, the current process time is three (3) months.

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FREQUENTLY ASKED QUESTIONS (PUBLIC)



Q: Why does it take so long to receive the requested records?

Once our office receives a request, we follow a multi-step process that ensures that the requestor is a party entitled to access the records under Welfare and Institutions Code §827 and that the records provided meet certain legal requirements.

Q: I have an approaching court date for which I need records. Can my attorney or I request that the records be rushed or expedited?

There is no process in place to rush or expedite a request for records. Due to the high volume of requests our office receives each week, requests are processed on a first come, first served basis. However, we try our best to meet court dates, but cannot guarantee that the records will be available in time.

Q: Can I obtain records directly from the investigating social worker or the DCFS office that serviced my case?

No. All requests for records are processed through the County Counsel's Office. The investigating social worker will direct you to contact County Counsel.

Q: Can I obtain the records by issuing a subpoena duces tecum or by making a Public Records Act request?

*No. Juvenile records cannot be subpoenaed (per *Lorenza P. v. The Superior Court of Mateo County, et al.* (1988) 197 Cal. App. 3d 607) and are not subject to the Public Records Act.*

Q: Can I subpoena the investigating social worker to appear in court with the records?

You may only subpoena the social worker to appear personally in court. Juvenile records are confidential and not subject to a subpoena. To subpoena a social worker to appear at a non-criminal, civil or family court proceeding, include a check for \$275 made payable to the County Counsel's Office with your subpoena and serve it at 201 Centre Plaza Drive, Suite 1, Monterey Park, CA 91754. To allow us ample time to contact the social worker to appear in court, subpoenas served less than five (5) business days prior to a court proceeding may not be accepted.

Q: Can I pick-up a copy of my records from the County Counsel's office?

Records are stored off-site and must be retrieved and processed before they can be turned over to you. You may pick-up the requested records once you receive confirmation from our office that they are ready. You must present a valid picture ID to pick up the records. Records may also be emailed to a secure email address or saved on a compact disc or flash drive provided by the requesting party. Records will be emailed or saved in Adobe Acrobat PDF (portable document format).

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FREQUENTLY ASKED QUESTIONS (PUBLIC)



Q: Will I receive a complete file? If not, what type of records/information will I receive?

No. You will not receive a complete file. In certain circumstances, we are required by law to withhold the identity of the party who reported the suspected abuse or neglect, privileged attorney-client communications, the Suspected Child Abuse Report (SCAR), psychological/mental health records, social security numbers, driver's license numbers, and the identity of children not a party to the case. You may receive, for example, a copy of the DCFS social workers' notes and a summary of the investigation of the abuse or neglect allegation.

Q: I need delinquency, adoption or birth records. Can I obtain them through this process?

Copies of delinquency, adoption or birth records are not available through this process. For delinquency records, contact the delinquency court or the Probation Department. For copies of adoption records, contact the Los Angeles Superior Court's Adoptions Office at (323) 307-8099. For birth records, if you were born in Los Angeles County, contact the Los Angeles County Registrar Recorder/County Clerk's Office at (562) 462-2137.

Q: Once I receive the records, can I use them in another court proceeding (e.g. family court, criminal court, probate court, or immigration proceedings)?

NO juvenile case file, portion of a juvenile case file, or information relating to the contents of a juvenile case file may be distributed to any persons or agencies, other than those persons or agencies authorized to receive documents under WIC 827. Further, NO juvenile case file, portion of a juvenile case file, or information relating to the contents of a juvenile case file, may be attached to any other documents without the prior approval of the presiding judge of the juvenile court, unless the file is used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court. (WIC 827(a)(4)).

Q: I am applying for college financial aid and need a Minute Order that states that I was a ward of the Juvenile Court. Can I get this through your office?

No. To obtain a Minute Order stating that you were a ward of the Juvenile Court for college financial aid purposes, please contact the Juvenile Court Clerk's Office at (323) 307-8096. You may also contact the California Ombudsman for Foster Care by calling (877) 846-1602 or by emailing fosteryouthhelp@dss.ca.gov for proof that you were a ward of the Court.