

PETITION FOR PUBLIC DISCLOSURE OF A DECEASED CHILD'S JUVENILE DEPENDENCY CASE FILE

FORMS INCLUDED IN THIS PACKET:

JV-583	Proof of Service – Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File
JV-584	Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File
JV-585	Notice of Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File
JV-586	Objection to Public Disclosure of a Deceased Child’s Juvenile Dependency Case File
JV-587	Order on Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File
JV-588	Order After Judicial Review on Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File
JV-576	Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions

INSTRUCTIONS:

1. Complete JV-584 Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File **(Date & Signature Required)**
2. Complete JV-585 Notice of Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File **(Date & Signature Required)**
3. Serve a copy of the JV-584, JV-585, and a **blank** copy of the JV-586 on all parties that might be involved in the case, including the Parent(s) or Legal Guardian as well as:

For Juvenile Dependency – Welfare & Institutions Code (WIC) § 300

- Stanislaus County Counsel
- Stanislaus County Community Services Agency
- Attorney for the Minor (if known)

4. Complete JV-583 Proof of Service – Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File **(Date & Signature Required)**, including all details as to service of the Petition documents.

IMPORTANT ADDITIONAL INFORMATION:

- Please complete the packet/forms in their entirety, to the best of your ability.
- Please date and sign all applicable forms (**wet signature is required**) (JV-584, JV-583, JV-585).
- Please submit the original packet/forms including Order Forms (JV-587, JV-588, and JV-576), with one (1) copy to: Juvenile Division Court Clerk’s Office, 2215 Blue Gum Avenue, Room 15, Modesto, CA 95358.
- Please submit a separate packet for each minor.

For information regarding the release of juvenile case information, please see California Welfare and Institutions Code (WIC) Section 827, which governs the confidentiality and release of juvenile case files, and California Rules of Court Sections 5.552 and 5.553.

For additional information regarding Juvenile records, please see the Judicial Council Website at:
<https://courts.ca.gov/programs-initiatives/families-and-children>.

JV-583**Proof of Service—Petition for Public
Disclosure of a Deceased Child's
Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

1 a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case): _____

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information.)

If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of
Stanislaus
Juvenile Division
2215 Blue Gum Avenue, Room 15
Modesto, CA 95358

Fill in case number if known.

Case Number: _____

2 I was not able to provide notice of this petition to the following because I did not know their names or addresses. The custodian of records must serve a copy of the petition.

- a. The custodian of records as defined in Welfare and Institutions Code section 10850.4(k)(2);
- b. The county counsel, city attorney, or any other attorney representing the custodian of records;
- c. Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file;
- d. Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in item 2c above:
 - (1) The parent or guardian of any surviving minor sibling or child;
 - (2) The Indian tribe—and, if applicable, the Indian custodian—of any surviving sibling, child, or nonminor dependent who is an Indian child as defined in Welfare and Institutions Code section 224.1(b); and
 - (3) The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent;
- e. Any surviving adult who has an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3);
- f. Any of the following who is authorized to represent the interest of any surviving adult who has an interest protected by another state or federal law described in item 2e above:
 - (1) The Indian tribe of any surviving adult who was an Indian child as defined in Welfare and Institutions Code section 224.1(b); and
 - (2) The attorney of record or legal representative of any surviving adult; and
- g. Any other interested party as determined by the court.
- h. Other (describe): _____



Your name: _____

Case Number: _____

3 If you checked box 2a or 2b, describe the efforts made to locate those addresses and explain why you are unable to locate the addresses: _____

4 Copies of *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-584) and *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-585) and a blank *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-586) have been served personally or placed in a sealed envelope with postage paid and deposited in the United States mail addressed to the following:

a. The custodian of records as defined in Welfare and Institutions Code section 10850.4(k)(2) (*name and address*): _____

Date mailed: _____ or Personally served on (*date*): _____

b. The county counsel, city attorney, or any other attorney representing the custodian of records (*name and address*): _____

Date mailed: _____ or Personally served on (*date*): _____

c. Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file (*name and address*): _____

Date mailed: _____ or Personally served on (*date*): _____

d. Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in item 4c above:

(1) The parent or guardian of any surviving minor sibling or child (*name and address*): _____

Date mailed: _____ or Personally served on (*date*): _____

(2) The Indian tribe—and, if applicable, the Indian custodian—of any surviving sibling, child, or nonminor dependent who is an Indian child as defined in Welfare and Institutions Code section 224.1(b) (*name and address*): _____

Date mailed: _____ or Personally served on (*date*): _____

Your name: _____

Case Number: _____

4 d. (3) The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent (*name and address*):

 Date mailed: _____ or Personally served on (*date*): _____

e. Any surviving adult who has an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3) (*name and address*):

 Date mailed: _____ or Personally served on (*date*): _____

f. Any of the following who is authorized to represent the interest of any surviving adult who has an interest protected by another state or federal law described in item 4e above:

(1) The Indian tribe of any surviving adult who was an Indian child as defined in Welfare and Institutions Code section 224.1(b) (*name and address*):

 Date mailed: _____ or Personally served on (*date*): _____

(2) The attorney of record or legal representative of any surviving adult (*name and address*):

 Date mailed: _____ or Personally served on (*date*): _____

g. Any other interested party as determined by the court (*name and address*):

 Date mailed: _____ or Personally served on (*date*): _____

h. Other (*name and address*):

 Date mailed: _____ or Personally served on (*date*): _____

Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 4 to form JV-583, item 4" for a title.

5 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be found guilty of a crime.

Date: _____



Type or print your name

Sign your name

JV-584

Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File

If you are a member of the public requesting public disclosure of the juvenile dependency case file of a deceased child, you can:

- Fill out this form and file it with the juvenile court. You must also fill out and file Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (form JV-583). You must then provide a copy of this form to the custodian of records of the county child welfare agency, who will then provide notice of this petition to any interested party whom you have indicated you were unable to serve in item 2 of form JV-583.
- Do not complete the form, and instead request the juvenile case file from the child welfare agency under Welfare and Institutions Code section 10850.4.

or

• **1** a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case): _____

Name: _____ State Bar No.: _____

Firm Name: _____

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of
Stanislaus
Juvenile Division
2215 Blue Gum Avenue, Room 15
Modesto, CA 95358

Fill in case number, if known:

Case Number: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____ City: _____

State: _____ Zip: _____ Telephone: _____ Fax: _____

Email Address: _____

2 Name of child: _____

3 Date of birth of child in **2** (if known): _____

4 a. A petition regarding the child in **2** has been filed under (check all that apply):
(1) Welfare and Institutions Code section 300
(2) Welfare and Institutions Code section 601
(3) Welfare and Institutions Code section 602
b. A petition has not been filed, but the deceased child was within the jurisdiction of the juvenile court. An investigation is believed to have been conducted, and records are within the care and custody of the agency or agencies.



Your name: _____

5 a. The child in ② is deceased. Approximate date of death: _____
b. I believe the child in ② died as a result of abuse or neglect.

6 Petitioner requests (*check one*):

a. The entire juvenile case file
b. Part(s) of the juvenile case file described below:

Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 6 to form JV-584, item 6" for a title.

7 The reason for this petition is the presumptive public right of access to the file of a deceased child.

8 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be found guilty of a crime.

Date: _____

Type or print your name _____

Sign your name _____

Note: You must provide a copy of this completed form to all interested parties if you know their names and addresses.

JV-585**Notice of Petition for Public
Disclosure of a Deceased Child's
Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

**RE: Release of Juvenile Case File and Right to File
an Objection**

To petition the juvenile court for public disclosure of a deceased child's juvenile dependency case file, you must provide this notice to all those listed in item 4 of Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (form JV-583) if you know their names and addresses. If not, you must indicate which parties you were unable to serve in item 2 of form JV-583.

To (names):

1 Child's name: _____

2 Information relating to the child named in 1 is being sought by (name):

3 The requested information is described in the attached *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584).4 If you object to the release of these records and information, you must fill out *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586) and return it to the court listed at the address above within 15 days of service of this notice of a petition for public disclosure of a deceased child's juvenile case file.

Date: _____

Type or print your name _____



Sign your name _____

Warning: If you do not object, the court may grant access to the child's case file.

JV-586

Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File

Clerk stamps date here when form is filed.

Objections to the release of information and records described in the attached Petition for Public Disclosure of a Deceased Child's Juvenile Case File (form JV-584) must be filed with the juvenile court.

1 a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case): _____

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of
Stanislaus
Juvenile Division
2215 Blue Gum Avenue, Room 15
Modesto, CA 95358

Court fills in case number when form is filed.

Case Number: _____

2 Child's name: _____

3 I object to the release of information and records relating to the child named in 2.

4 I do not want the juvenile court to release the records because (check all that apply):

a. I can show by a preponderance of evidence that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical or emotional well-being of another surviving child who is directly or indirectly connected to the juvenile case that is the subject of the petition for the following reason(s) (identify the surviving child and describe how public disclosure is detrimental):

b. The juvenile case file, or any portion thereof, is privileged or confidential pursuant to another state law or federal law or regulation, which prohibits or limits release of the juvenile case file or any portions thereof for the following reason(s) (provide the name and citation of the state law or federal law or regulation on which you base your objection and what information in the juvenile case file is protected):

Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 4 to form JV-586, item 4" for a title.

Date: _____

Type or print your name

Sign your name

Warning: If you do not object, the court may grant access to the child's case file.

JV-587

Order on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File

Clerk stamps date here when form is filed.

The court finds and orders:

1 The child is deceased, an objection to the request has been filed, and the court sets a hearing on the request within 60 calendar days from the date the petition was served on the custodian of records.

Date of service on the custodian of records: _____

Date of hearing: _____

Time of hearing: _____

Location: _____

2 The child is deceased, and the court will (1) conduct a review of the juvenile case file without a hearing because no objections were filed and (2) issue its decision within 10 calendar days of the final day for filing an objection.

3 Other: _____

Fill in court name and street address:

Superior Court of California, County of
Stanislaus
Juvenile Division
2215 Blue Gum Avenue, Room 15
Modesto, CA 95358

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Court fills in case number when form is filed.

Case Number:

Date: _____

Judicial Officer

JV-588**Order After Judicial Review on
Petition for Public Disclosure of a
Deceased Child's Juvenile
Dependency Case File**

Clerk stamps date here when form is filed.

1 Name of petitioner: _____**The court finds and orders:****2** This child is deceased, and the request is granted.
a. The court has read and considered the following:

_____**b.** There is a presumption under Welfare and Institutions Code section 827(a)(2)(B) in favor of the release of the documents unless a statutory reason for confidentiality is shown to exist. The court has balanced only the interests of the surviving children, siblings, and nonminor dependents who may be named in the file with the deceased child.
c. The following records may be disclosed: with redactions

_____**d.** The procedure for providing access is:

_____**e.** Any information that relates to another surviving child or could identify another surviving child, except for information about the deceased, must be redacted.
f. Any information that is privileged or confidential pursuant to another state or federal law or regulation must be redacted. The court orders required redactions as specified in *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576).

The court orders the required redactions be made by (check one):

 Court clerk
 Custodian of records
 Other: _____

Fill in court name and street address:

Superior Court of California, County of
Stanislaus
Juvenile Division
2215 Blue Gum Avenue, Room 15
Modesto, CA 95358

Fill in child's name and date of birth:

Child's Name:**Date of Birth:**

Court fills in case number when form is filed.

Case Number:

Your name: _____

(2) g. See attached.h. Disclosure subject to protective order (*list orders*): _____

(3) The child is deceased and the request is denied because (*check all that apply*):a. The court finds by a preponderance of the evidence that access to the juvenile case file or of any portion of it is detrimental to the safety, protection, or physical or emotional well-being of another surviving child, sibling, or nonminor dependent who is directly or indirectly connected to the juvenile case that is the subject of the request.b. The juvenile case file, or a portion thereof, is privileged or confidential pursuant to another state law or federal law or regulation, which prohibits or limits release of the juvenile case file or any portions thereof for the following reason(s) (*provide the name and citation of the state law or federal law or regulation and what information in the juvenile case file is protected*):

c. Other: _____

d. See attached.

Date: _____

Judicial Officer

JV-576

Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions

To *Order After Judicial Review on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-574)

Order After Judicial Review on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (form JV-588)

Use this form to identify required redaction(s) to the juvenile case file when granting the Welfare and Institutions Code Section 827 petition, and to authorize testimony related to the released juvenile case file information, as necessary.

1 After an in-camera review, the court determines that (check one): all portions of the juvenile case file may be disclosed. The court releases the documents specified below subject to the requirements of any state law or federal law or regulation prohibiting or limiting release of the juvenile case file or any portions thereof (check all that apply):

a. Court File

(1) Orders

(2) Petitions, applications, motions, oppositions, replies, and accompanying memoranda of points and authorities and exhibits

(3) Reports by social workers

(4) Reports by probation officers

(5) Reports by Court Appointed Special Advocates (CASA)

(6) Psychological or psychiatric reports

(7) Letters of guardianship

(8) Adoption records

(9) Restraining or protective orders

(10) Declarations

(11) Health records (including authorizations for psychotropic medication)

(12) Education records

(13) Waivers, information, and notification forms

(14) Intercounty transfer records

(15) Interstate Compact on the Placement of Children (ICPC) records

(16) Indian Child Welfare Act (ICWA) records

(17) Short-Term Residential Therapeutic Program (STRTP) or community treatment facility (CTF) records

(18) Resource Family Approval (RFA) records

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of
Stanislaus
Juvenile Division
2215 Blue Gum Avenue, Room 15
Modesto, CA 95358

Court fills in case number when form is filed.

Case Number:



① a. (19) Other (please specify additional documents or information):

b. Agency File

- (1) Emergency response referrals
- (2) Delivered service logs
- (3) Investigative narratives
- (4) Relative home assessments
- (5) Other (please specify additional documents or information):

② The following information must be removed or redacted before the documents are released (check all that apply):

- a. Any information relating to or that could identify other minors, nonminor dependents, or individuals protected pursuant to Welfare and Institutions Code section 827, and the California Consumer Privacy Act (CCPA) (Civ. Code, § 1798.100 et seq.).
- b. Names, addresses, and telephone numbers of reporting parties pursuant to the Child Abuse and Neglect Reporting Act (CANRA) (Pen. Code, § 11167(d)).
- c. Social Security numbers pursuant to California Civil Code section 1798.85.
- d. Dates of birth pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a, the Driver's Privacy Protection Act (DPPA) (18 U.S.C. § 2721), and the California Public Records Act (CPRA) (Gov. Code, § 7927.410).
- e. Driver's license numbers pursuant to the Driver's Privacy Protection Act (DPPA) (18 U.S.C. § 2721) and Vehicle Code section 1808.21.
- f. Protected health information pursuant to the Health Insurance Portability and Accountability Act (HIPAA) (Public Law 104-191 (1996)), the California Confidentiality of Medical Information Act (CMIA) (Civ. Code, § 56 et seq.), and Health and Safety Code sections 12097–121020.
- g. Mental health information pursuant to the Lanterman-Petris-Short Act (LPS) (Welf. & Inst. Code, § 5000 et seq.), Health and Safety Code section 11845.5, and Civil Code section 56.103.
- h. Substance abuse treatment information pursuant to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (CAAAPTR) (42 U.S.C. § 4541 et seq.), Public Health Service Act (42 U.S.C. § 290dd–2), and Health and Safety Code section 11845.5.

2. i. Psychotherapy notes pursuant to Civil Code section 56.10(c)(1).

j. Education information pursuant to the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g, 34 C.F.R. part 99) and the California Student Records Act (Ed. Code, §§ 49060–49085).

k. Privileged information pursuant to Evidence Code sections 954, 994, 1014, 1035.8, 1037.5, 1038.

l. AIDS, HIV, and hepatitis testing information pursuant to Health and Safety Code sections 120820, 120970(i), 120975, 120980, 121015, 121023(f), 121025, 121035, 121065, 121070, 121075, 121280; Penal Code sections 1202.1, 7517, 7523, 7540; and Welfare and Institutions Code section 1768.9.

m. Blood-alcohol test records pursuant to Vehicle Code section 1804.

n. Address of a party known to be a victim of domestic violence pursuant to Penal Code section 278.7 and Welfare and Institutions Code sections 302(b), 332(e).

o. Identity of and information about clients of a community care facility pursuant to Health and Safety Code section 1557.5.

p. Identity of and information about recipients of public social services or aid, including Medi-Cal and workers' compensation pursuant to Welfare and Institutions Code sections 9401, 10810, 10850, 10850.1, 10850.2, 10850.3, 10850.7, 14100.2, 17006, 18491.

q. Identity of and information about conservatees and developmentally disabled persons pursuant to Health and Safety Code sections 416.8, 416.18; Penal Code section 1620; Probate Code sections 1821(a)(5), 1826, 1827.5(e), 1834, 1851, 2586; and Welfare and Institutions Code sections 4514, 4518, 4552.5, 4727, 4903.

r. Other information:

3. The court releases the foregoing documents upon the petitioner submitting a signed protective order.

4. The court further authorizes social workers probation officers other: _____
to testify about information from the juvenile case file in the upcoming proceedings
 criminal, case number(s), if known: _____ juvenile, case number(s), if known: _____
 family law, case number(s), if known: _____ probate, case number(s), if known: _____
 civil, case number(s), if known: _____

Date: _____

Judicial Officer