

1 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
2 COUNTY OF RIVERSIDE
3 JUVENILE DIVISION

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 22 2017

X. Magaña

4) BLANKET ORDER NO. 25
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SECTION 827 HEARING AND
ORDER NOT REQUIRED FOR
SPECIFIED INDIVIDUALS TO
INSPECT AND RECEIVE COPY
OF JUVENILE CASE FILE

10 Under WIC section 827(a)(1)(C) & (E), the subject of a juvenile case file, his/her
11 criminal defense counsel, and/or defense counsel's authorized agent(s), may access and
12 obtain copies of the subject's juvenile case file, defined in WIC section 827(e) and Cal.
13 Rules of Court, Rule 5.552. The right of such parties to inspect and receive copies of
14 juvenile records pertaining to a Section 300 petition is limited by subdivision (a)(3) of
15 section 827, which prohibits release of privileged or confidential portions of the juvenile
16 case file to anyone other than one who is entitled to assert or waive the privilege or
17 confidentiality provision at issue. Inspection and copying of the records does not require a
18 court hearing or order under section 827.

19 This Order seeks to streamline the process in which the subject or his attorney may
20 access those documents required to be reviewed and, possibly, disseminated to other
21 827(a)(A) through (O) parties, in criminal and habeas corpus proceedings, particularly
22 those in which defense counsel is obligated to present evidence regarding the
23 circumstances of his/her client's childhood, in accordance with *Miller v. Alabama* (2012)
24 567 U.S. ____ [132 S.Ct. 2455, 183 L.Ed. 2d 407], *People v. Caballero* (2012) 55 Cal.4th
25 262, *People v. Gutierrez* (2014) 58 Cal.4th 1354; *People v. Franklin* (2016) 63 Cal.4th
26 261, and *People v. Perez* (2016) 3 Cal.App.5th 612 and Penal Code sections 1170,
27 subdivision (d)(2), 3051, and 4801, subdivision (c).

28 Based on the foregoing, IT IS HEREBY ordered that, upon receipt of an informal

1 written request by assigned counsel for the person who is the subject of the juvenile case
2 file and who is also the subject of a dependency, delinquency, criminal, habeas, or other
3 post-conviction release proceeding, accompanied by a release of confidential or privileged
4 information signed by the client, the custodian of records for the Probation Department, the
5 Department of Child Protective Services, and any other County agency tasked with
6 maintaining documents included in the "juvenile case file," shall make all information
7 contained in the juvenile case file, except as specified in section 827, subdivision (a)(3) or
8 other governing provisions of state and federal law, available to the requestor and/or
9 his/her agent for inspection, and upon request, shall provide him/her with a digital or actual
10 copy of any item contained in the juvenile case file.

11 This order is subject to the confidential/privileged matters that must be redacted
12 from the case file before it is inspected or copied; including:

- 13 1. Sexual Assault Victim-Counselor Privileged Records (Evidence Code §§ 1035-
14 1036)
- 15 2. Drug/Alcohol Abuse Patient Records (42 Code of Federal Regulations, Ch. 1. Sub
16 ch. A, Part 2),
- 17 3. Mental Health Records (Welfare & Institutions Code § 5328, California Civil Code
18 §§ 56 et seq., Title 45 Code of Federal Regulations Parts 160, 162, and 164),
- 19 4. Psychotherapist-Patient Records (Evidence Code §§ 1010-1015),
- 20 5. Physician-Patient Information/Medical Records (Evidence Code §§ 992-994 and
21 Civil Code §56),
- 22 6. Identity of Reporting Party of Child Abuse (Penal Code § 11167(d)),
- 23 7. Suspected Child Abuse Report (Penal Code § 11167.5),
- 24 8. AIDS/HIV Results (Health & Safety Code §§ 120980, 121010),
- 25 9. CLETS Records (Penal Code § 11105 and welfare & Institutions Code § 16504.5),
- 26 10. Public Social Services Records (Welfare & Institutions Code § 10850),
- 27 11. School Pupil Records (Education Code §§ 49076, 49602),
- 28 12. Unrelated Children's names and information (Welfare & Institutions Code §
827(a)(2); and Rules of Court, Rule 5.552),

1 13. Attorney/Client work product. (Code of Civil Procedure § 2018.010 et seq;
2 Evidence Code § 950-962).

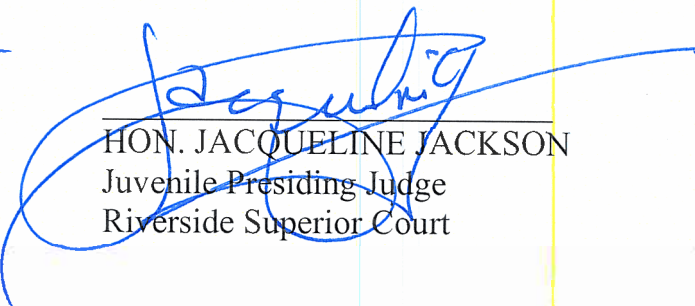
3 14. Social Security Numbers of any individuals (California Constitution Article I, § 1).

4 15. Names and Information of Care Providers, including financial information (Health
5 & Safety Code § 1536; Welfare & Institutions Code §§ 308, 10850

6 However, the information in numbers 1 – 15 above shall not be redacted if it is the
7 subject's information.

8 The records are subject to a protective order. The records may only be utilized in
9 criminal and habeas corpus proceedings, up to and including all appeals.

10 Dated: June 20, 2017

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12 HON. JACQUELINE JACKSON
13 Juvenile Presiding Judge
14 Riverside Superior Court
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