

**PROBATION DEPARTMENT
JUVENILE SERVICES MANUAL**

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**Notes and
References**

CONFIDENTIALITY

I. General Policy

A. Juvenile case file information is confidential information and may only be released to those agencies that have a right and need to know, except in specified situations. Access to such information is strictly limited by statute, case law, Court directive and departmental policy. The unauthorized release of such information is strictly prohibited, and all release requests not covered specifically in this manual section should be reviewed with an immediate supervisor.

1. Any information released shall be documented in the case file's *Criminal History Record Information Release Sheet (Pro-27)*, which is saved in *IMPACT* under Documents.
2. The person releasing such information shall initial the Pro-27 form in the *Information Released By* column.

B. Criminal Offender Record Information (CORI) includes records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and maintains the following information of such offenders:

1. A summary of arrest.
2. Pre-trial proceedings.
3. The nature and disposition of criminal charges.
4. Sentencing.
5. Incarceration.
6. Rehabilitation
7. Release from custody.
8. Information is restricted to that which is recorded as the result of:

Admin Manual
Chapter 1103

T.N.G. order
(1971) 4C.3d
767

§827 W&IC

5.552 CRC
Pro-27

Co. of Placer v
Sup. Ct. (Wade
Stoner) (2005)
130 CA 4th 807

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- a. An arrest.
 - b. Detention.
 - c. Other initiation of criminal proceedings.
 - d. Any consequent criminal proceedings.
9. CORI may be disseminated, whether directly or through an intermediary, only to agencies which are authorized by statute to receive such records, such as:
- a. Law Enforcement.
 - b. The Courts.
 - c. Criminal Justice Agencies
 - d. Public Housing Authorities
 - e. Landlords who receive government subsidies.
 - f. Schools.
 - g. Hospitals.
 - h. Day-care Facilities
10. CORI information that is held or received in a computerized system shall not be shared via e-mail transmission.
11. CORI information is only that information supplied by or through the California Department of Justice (DOJ) and does not include locally produced juvenile case file information.
- C. California Law Enforcement Telecommunications System (CLETS)
- 1. The Deputy Probation Officer (DPO) may request State Summary Criminal History information via CLETS.

Pro-27

§11075 PC
§11076 PC

§10850 W&IC

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2. The request is completed in IMPACT and submitted by the DPO.
 3. All inquiries must be based on a need to know and the right to know.
 4. CLETS shall not be used for any reason other than a work-related investigation.
 5. CLETS requests may be made for the juvenile offender, parents of a juvenile offender, a legal guardian, prospective caregiver, sibling, or other person who resides in the juvenile's home.
 6. Questions regarding the permissibility of a CLETS request are to be discussed with a supervisor.
- D. Health Insurance Portability and Accountability Act of 1996 (HIPAA).
1. HIPAA provides our clients the right to have their Protected Health Information (PHI):
 - a. Kept confidential and protected.
 - b. Be able to request to see their PHI in private.
 - c. Request amendments to the originating agency of their PHI.
 - d. Request limits on who can see their PHI.
 - e. Receive an accounting and know the defined uses and disclosures of health information.
 2. For further information and clarification, click on the Probation Department's HIPAA training overview link or refer to [Administrative Manual Section 1103a](#).
- II. Right to Inspect and Copy Juvenile Case File
- A. Juvenile Case File means:
1. Any petition filed in a juvenile court proceeding.

§827(e) W&IC

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2. Reports of the probation officer.
 3. All other documents filed in a case or made available to the probation officer in making his/her report.
 4. All other documents made available to the judge, referee or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.
- B. Juvenile case files may not be obtained or inspected by civil or criminal subpoena. It is important to note, however, that attorneys and judicial officers often seek juvenile case information by means of a subpoena despite this provision. In cases where a civil or criminal subpoena is received for juvenile case file information, the matter should be immediately addressed with a supervisor.
- C. Section 827(a)(1) of the Welfare and Institution Code (WIC) outlines which persons may inspect a juvenile case file. Juvenile case files as defined in California Rules of Court (Rule) 5.552 include:
1. All documents filed in a juvenile court case.
 2. Reports to the court by probation officers, social workers of the child welfare services programs and CASA volunteers.
 3. Documents made available to probation officer, social workers of child welfare services and CASA volunteers in preparation of reports to the court.
 4. Documents relating to a child concerning whom a petition has been filed in juvenile court that are maintained in the office files of probation officers, social workers of child welfare services programs and CASA volunteers.
 5. Transcripts, records, or reports relating to matters prepared or released by the court, probation department, or child welfare services programs.
 6. Documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings.

CRC 5.552

§827(a)(1) W&IC

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7. Psychological evaluations or reports.
- C. Psychological evaluations or reports may NOT be viewed by anyone except Probation staff and psychological evaluations are not to be released without a court order.
- D. Persons and entities who may inspect a juvenile case file without a court order pursuant to section 827(a)(1) W&IC and Rule 5.552 include the following:
 1. Court Personnel.
 2. The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.
 3. The minor who is the subject of the proceedings.
 4. The minor's parents or guardians.
 5. The attorneys for the parties, judges, referees, other hearing officers, probation officers and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.
 6. The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action.
 7. The superintendent or his designee of the school district where the minor is enrolled or attending school.
 8. Members of child protective agencies as defined in section 11165.9 of the Penal Code (PC).
 9. The State Department of Social Services in order to carry out its duties to oversee and monitor county child welfare agencies, children in foster care or receiving foster-care assistance, and out-of-state placements.
 10. Authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of the

See
Attachment 1
§827(a)(1)
(A) - (R)
W&IC

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State Department of Social Services, as necessary to inspect, license, and investigate community care facilities.

11. Members of a children’s multidisciplinary team, persons or agencies providing treatment or supervision of the minor.
 12. A judge, commissioner, or other hearing officer assigned to a family law case with issues concerning custody or visitation, or both; a court-appointed investigator who is actively participating in a guardianship case involving a minor
 13. A local child support agency for the purpose of establishing paternity and establishing and enforcing child support orders.
 14. Juvenile Justice Commissions as established under Section 225 W&IC. The confidentiality provisions of §10850 W&IC shall apply to a juvenile justice commission and its members.
 15. An Indian child’s tribal representative if the tribe has intervened in the child’s case.
 16. Any other person who may be designated by court order of the juvenile court upon filing a petition.
 17. A probation officer who is preparing a report pursuant to §1178 W&IC on behalf of a person who was in the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities,
- D. Persons and entities that may inspect, receive and copy the juvenile case file without a court order of the juvenile court, pursuant to Section 827(a)(5) W&IC are:
1. Court personnel.
 2. The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under the law.
 3. The minor who is the subject of the proceedings.
 4. The minor’s parents or guardians.

See
Attachment 2
§827(a)(5)
W&IC

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| <ol style="list-style-type: none"> 5. The attorneys for the parties, including any trial court or appellate attorney representing a party in the juvenile proceeding or related appellate proceeding, judges, referees, other hearing officers, probation officers and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor. 6. The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action 7. Members of the Child Protective agencies as defined in section 11165.9 PC. 8. State Department of Social Services in order to carry out its duties to oversee and monitor county child welfare agencies, children in foster care or receiving foster-care assistance, and out-of-state placements. <p>E. <u>The following individuals and entities may inspect the juvenile file without a court order and may receive a copy of the juvenile case file pursuant to a court order</u>, as indicated in section 827and 828 W&IC and Rule 5.552(b)(2):</p> <ol style="list-style-type: none"> 1. The superintendent or designee of the school district where the minor is enrolled or attending school. 2. Members of children’s multidisciplinary teams or agencies providing treatment or supervision of the minor. 3. Authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of the State Department of Social Services, as necessary to inspect, license, and investigate community care facilities. (See 827 (a)(1)(I)(J) W&IC) 4. A judge, commissioner, or other hearing officer assigned to a family law case with issues concerning custody or visitation, or both, (see §827 (a)(1)(L) W&IC); and a court-appointed investigator who is actively participating in a guardianship case involving a minor. (See §827(a)(1)(M) W&IC. | <p>See Attachment 3 §827(a)(1) W&IC</p> |
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5. A local child support agency for the purpose of establishing paternity and establishing and enforcing child support orders.
6. Juvenile Justice Commissions subject to the requirements of §10850 W&IC.
7. An Indian child’s tribal representative if the tribe has intervened in the child’s case.
8. Authorization for any other person or entity to inspect, obtain or copy the juvenile case files may be ordered by the juvenile court presiding judge or a judicial officer of the juvenile court.

F. Disclosure of Court Documents

1. When a petition is sustained for any offense listed in section 676(a) W&IC, the charging petition, the minutes of the proceeding, and the orders of adjudication and disposition of the court that are contained in the court file shall be available for public inspection. Nothing in subdivision 676(d) W&IC shall be construed to authorize public access to any other document in the court file. Psychological evaluation and reports may NOT be viewed by anyone except Probation staff and psychological evaluations are not to be released without a court order.
2. The probation officer or any party may petition the juvenile court to prohibit disclosure to the public of any file or record.
 - a. The juvenile court shall prohibit disclosure if it appears that the harm to the minor, victims, witnesses, or public from the public disclosure outweighs the benefit of public knowledge.
 - b. The juvenile court shall not prohibit disclosure for the benefit of the minor unless the court makes a written finding that the reason for the prohibition is to protect the safety of the minor.
3. Section 676 W&IC pertains to the court file. Any requests from the public referencing section 676 W&IC for disclosure of records should be referred back to the juvenile court.

§676(d) W&IC
§676(e) W&IC

III. Inspect and Copy Probation File Procedure

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- A. A Juvenile Probation Manager is to be advised immediately of any request to inspect or copy a juvenile case file.
- B. A Supervising Probation Officer (SPO) is to review the juvenile case files to remove or redact any information that does not fall into Section II, subsection A, 1 through 4 of this Chapter.
- C. Information that should be removed or redacted from the case file includes the following:
 - 1. HIPAA information.
 - 2. CLETS record checks on relatives or codefendants.
 - 3. Chronological notes of conversations with County Counsel.
 - 4. Names of third parties not involved in the §602 W&IC matter.
 - 5. Medical or psychological reports.
 - 6. Any other information that was not utilized for the probation report and does not fall under the Section II subsection A-1 through 4 of this Chapter.
- D. The redacted information and other information of concern should be discussed with a Juvenile Probation Manager or the Deputy Chief of Juvenile Services.
 - 1. The DPO is to note the concerns in the chronological (Chrono) section of the case file.
- E. In order to insure that juvenile case file information in possession of the probation department is inspected by and copies provided to only those persons authorized by law, and to insure that non-juvenile case file information is not disclosed, the following protocol is established when a physical case file is inspected:
 - 1. Persons wishing to inspect juvenile case file information are to schedule an appointment to do so during normal business hours. In

Chapter 2101
Section II A.1, 4

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all cases, notice of the request for an appointment must be made to the Supervising Probation Officer (SPO) for the unit.

2. The assigned Deputy Probation Officer (DPO), a unit Senior DPO, or the unit SPO are to definitively confirm that the person requesting an appointment to inspect the information is authorized by §827(a)(1) WIC to do so.
3. The DPO is to inspect the case file prior to making it available to the person requesting to inspect it to insure that only information subject to disclosure as juvenile case file information is contained in the physical file. Information covered by Federal and State laws governing the disclosure of personal health information (e.g., Health Insurance Portability and Accountability Act), as well as victim identifying or contact information, is not subject to disclosure and is to be removed for the period of the actual inspection.
4. The following information and documents are generally not considered juvenile case file information for the purposes of this directive and are not to be disclosed to or copied for a person inspecting a case file:
 - a. Email communications.
 - b. Custom reports or any reports identifying other juvenile offenders, unless redacted.
 - c. Incident or use of force reports.
 - d. Medical information protected by other Federal or State law.
 - e. Psychological or other mental health assessments unless prepared for a juvenile court matter or hearing and, as such, have been or would be disseminated.

Notes entered into Impact as Events and Workers Special Reports (WSRs) prepared by institutional staff at the Santa Maria Juvenile Hall or Los Prietos Boys Camp can be disclosed as case file information if requested.

5. During the actual inspection of the juvenile case file information, a sworn member of the unit is to be present with the person inspecting the case file information for the duration that the person does so. This is to protect against unauthorized access, dissemination, or

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copying, and to resolve any issues that may arise during the inspection.

6. For those persons who inspect a case file and subsequently request copies of a document, the sworn officer is to have the person identify which document(s) he or she wishes to have copied. If few in number and readily accessible, the sworn officer may arrange to have the copies prepared at the time of the inspection. If providing copies will take further effort and time, the sworn officer will arrange for the copies to be prepared and instruct the requesting person to return at a later time or date to retrieve them.

7. At the conclusion of the inspection, the case file will be returned to the sworn officer, who will document as an Event in Impact that the inspection occurred. When copies of juvenile case file information are provided to a requesting person, the Impact Event entry will also include a specific description of which document(s) and information have been copied and provided to the person.

G. If the above arrangements are not acceptable, advise the attorney that this protocol is supported by County Counsel.

1. In some situations, County Counsel may have to appear in court on the attorney's motion and file a protective order.

2. It is recommended that the Juvenile Probation Manager discuss the matter with County Counsel in a timely manner.

H. All documents released will be stamped as a *Confidential Documents/Not to be Shared or Copied*.

IV. Petition for Disclosure of Juvenile Records.

A. With the exception of those persons permitted to inspect a juvenile case file without court authorization under section 827 W&IC and 828 W&IC, every person and agency seeking to inspect a juvenile case file or obtain juvenile court records must petition the court for authorization using *Petition for Disclosure of Juvenile Court Records*.

1. The specific record sought must be identified.

See Forms:
JV-569
JV-570
JV-571
JV-572
827(a)(2)(D), (E),
(F) WIC
Rules 5.552(c), (d)

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2. The petitioner must describe in detail the reason and relevancy as to why the petitioner wishes to inspect or obtain the records.
 3. The petitioner must notice the following persons and entities personally or by first-class mail:
 - a. County Counsel.
 - b. District Attorney.
 - c. Minor.
 - d. Attorney of Record.
 - e. Parent or guardian if minor under 18 years of age.
 - f. Probation Department, or Child Welfare Services.
 - g. Indian child's tribe, if applicable.
 - h. Child's CASA volunteer, if applicable.
 4. The petitioner must complete *Proof of Service-Request for Disclosure* (form JV-569) and file it with the court.
 5. The court reviews the petition and makes a finding following procedural guidelines pursuant to Section 827(a)(2)(D), (E) and (F) WIC and Rules 5.552 (c)and (d).
- B. Probation files are on occasion subject to *Subpoena Duces Tecum*, which is a legal document to produce records. When such a subpoena is received the DPO shall:
1. Notify the supervisor immediately.
 2. If the *Subpoena Duces Tecum* is signed by a Judge and the request for documents are ordered to be delivered to Court either by mail or in person, the subpoena must be obeyed.

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| <p>3. If the subpoena has been issued by an attorney, law firm or process server, the requestor should be notified that the records may not be released except in compliance with a valid court order.</p> <p>C. Except as authorized under §828 W&IC, all others seeking to inspect or obtain information gathered and retained by a law enforcement agency regarding the taking of a child into custody must petition the juvenile court for authorization, using <i>Petition to Obtain Report of Law Enforcement Agency</i> (form JV-575).</p> | <p>§828 W&IC JV-575</p> |
| <p>V. Confidentiality-Schools.</p> <p>A. When a minor enrolled in a public school is found to have committed one of the offenses described in section 827(b)(2) W&IC:</p> <ol style="list-style-type: none"> 1. The court must provide written notice of the offense found to have been committed by the minor and the disposition to the superintendent of the school district of attendance, within seven days. 2. The superintendent must disseminate information to the principal of the school the minor attends. 3. The principal may disseminate this confidential information to any teacher, counselor or administrator who is directly supervising or reporting on the behavior and progress of the minor for the purposes of rehabilitation of the minor, or the protection of other students and staff. <ol style="list-style-type: none"> a. Any further dissemination will be for purposes of communicating with the minor, his/her parents or guardians, law enforcement personnel, and the minor’s DPO to effectuate the minor’s rehabilitation or to protect students and staff. | <p>§827(b)(2) W&IC</p> |
| <p>B. When a minor who has committed an offense described in section 827 (b)(2) W&IC is removed from public school as result of the court’s finding:</p> <ol style="list-style-type: none"> 1. The superintendent shall maintain the information in a confidential file and defer transmittal of the information received from the court until the minor is returned to public school. | <p>§827(b)(3) W&IC</p> |

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- a. If the minor enrolls in a subsequent public school, the probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice previously received from the court to the superintendent of the new district of attendance.
 - C. Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to Section 827 (b)(2) W&IC, shall include on the face sheet the school at which the minor is currently enrolled.
 - D. DPOs should establish and maintain lines of communication with officials of the schools attended by their probationers, maintaining confidentiality within the parameters of sections 827 W&IC and 828.1 W&IC and Department policy.
 - 1. The exchange of information with school officials regarding a probationer’s juvenile case file is strictly limited pursuant to sections 827, 706.5 and 729.2 W&IC.
 - 2. The DPO shall request school checks by phone or fax. E-mail transmissions are prohibited.
 - a. The school check may be requested by an AOP or a Probation Assistant (PA) under the direction of the DPO.
- VI. Confidentiality-Homeland Security/Immigration and Customs Enforcement (ICE)
- A. Immigration/Deportation hearings are considered administrative hearings and do not meet the threshold for release of records without a court order. This includes:
 - 1. The Department of Health and Human Resources;
 - 2. Unaccompanied Immigrant and Refugee Minors Program; or
 - 3. Any county Probation Department contracted by the Federal government to perform social study investigations for immigration purposes.

§827(b)(3)(c)
WIC

§827(a)(1) W&IC

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- B. Investigations by the above agencies or any other entity identified as a law enforcement agency who are actively involved in a criminal proceeding or juvenile hearing regarding the minor do fall under section 827(a)(1)(E) W&IC. This would include a United State Probation Officer conducting an investigation for a Federal sentencing.

- C. Should ICE inquire about a juvenile under the jurisdiction of the Juvenile Court, including subjects 18 years of age or over, the ICE agent should be informed that absent a court order pursuant to §827(a)(1) W&IC, no specific information will be released. Should ICE contact a juvenile facility and inquire if a specifically named juvenile not currently in the facility is in custody, including subjects 18 years of age, custody staff should indicate the named individual is not housed in the facility. If the named youth is in custody at the time of the inquiry, the ICE agent should be informed that absent a court order pursuant to §827(a)(1)W&IC, no specific information will be released, including any confirmation they are detained. Upon receiving an inquiry from ICE, the DPO or JIO should notify the Supervising Probation Officer (SPO), who in turn would notify his/her Manager, and the request should be documented in Information Management for Probation Automated Client Tracking (IMPACT) via an Event entry.

Typically, a Notice of Request for Disclosure of Juvenile Case File (JV-571 Judicial Council form), along with a Request for Disclosure of Juvenile Case File (JV-570) delineating the specific records being sought, an Objection to Release of Juvenile Case File (JV-572), and Proof of Service – Request for Disclosure (JV-569) are submitted to the Court, constituting the request under §827(a)(1)(Q) W&IC. Upon receipt of such a request, County Counsel will be contacted, via the chain of command, and a copy of the request should be provided to the assigned attorney for review. In the event the Court grants the request, the minute order or other Court order specifying the release of records should be scanned into IMPACT and only the specific documents delineated in the Court order should be provided to ICE. An Event entry should be generated in IMPACT documenting the release of the document(s) and to whom they were released.

VII. Confidentiality-Electronic Transmissions (E-Mail)

- A. Electronic Transmissions of information regarding a minor’s case and any documentation in the probation case file is strictly limited to the following entities who have access to a secure network and/or through an agreement with the Juvenile Court and the Chief Probation Officer:

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1. The Juvenile Court.
 2. The Santa Barbara County Offices of the District Attorney and Public Defender.
 3. The County Counsel.
 4. Department of Social Services of Santa Barbara County.
- B. No other entities, including law enforcement agencies covered under section 827(a)(1) W&IC may receive information via e-mail transmission unless they share the same secured network.

VIII. Confidentiality-Facsimile Transmissions (FAX)

- A. The following documents may be filed in juvenile court by the use of a fax machine:
1. Petitions filed under sections 601, 602, 777 and 778 W&IC.
 - a. The petition must be faxed to the telephone number during business hours provided by the juvenile court.
 - b. A fax filing is to be accompanied by *Fax Filing Cover Sheet* (form JV-520) and must be the first page transferred. The court is not required to retain or file a copy of the cover sheet.
- D. Any documents faxed to a person or entity shall have the Probation Department fax cover sheet that indicates the following information:
1. Date of fax
 2. Name, phone and fax number of the person and agency to receive the fax
 3. Name, phone number and address of person and agency sending the fax
 4. A Confidentiality statement that shall read as follows:

See Forms:
JV-520

Pro-320

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“ATTENTION: The document being faxed is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service or immediately destroy the information by shredding the document.

- E. Reasonable measures are required to ensure the facsimile transmission is sent to the appropriate destination.
 - 1. If you are notified that a fax was misdirected:
 - a. Verify the person you sent the fax to is not there or with the company/agency
 - b. Verify the fax number
 - c. Ask the recipient to immediately destroy the information received by shredding the documents or returning the documents to you by mail
 - d. Call the person who was to receive the fax and verify the number
 - e. Submit an e-mail to your Supervisor no later than the end of the business day, detailing the circumstances of the errant fax.

IX. Confidentiality-Release of Information via Phone Calls

- A. Confidential Information should not be released via the telephone unless:
 - 1. The identity and entity of the caller has been established.

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References**

3. “Poor communication skills with parents/guardians.”
- B. Once an initial appointment has been set up by the CBO and services are scheduled to begin the counselor may:
 1. Come to the Probation Department and inspect the file pursuant to section 827(a)(1) (K) W&IC or
 2. The DPO may share specific information from the probation case file by phone.
 3. The counselor will adhere to his/her confidentiality mandates when sharing information with the DPO. The basic information needed by the DPO is if progress is being made and attendance.
 4. It is not necessary to obtain the signature of a parent or juvenile for a referral to a CBO.

XII. Confidentiality-Placement Packets

- A. The Court must order/authorize Probation to release identified documents to prospective placements. Without the order from the Court, no information regarding the minor may be shared with prospective foster/group homes. The following language will be used by the Court allowing Probation to share case file information of the minor:

Probation is authorized to release to any suitable foster care placement program any juvenile case file information as may be necessary to appropriately screen the minor for extra-parental placement; such information may include probation reports, psychological or psychiatric reports, police reports, criminal/medical history reports. Pre-placement visits (PPV) are also authorized.

- B. A Pre-Placement Standing General Order with this language was signed by the Presiding Juvenile Court Judge on June 28, 2012, and a copy of that order shall accompany any pre-placement packets.
- C. After screening, if the minor is not placed at the facility, the screening information shall be destroyed by the prospective placement.

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CONFIDENTIALITY (continued)

**Notes and
References**

1. The placement must provide written verification that the packet was destroyed.
2. The proof of destruction must be returned within 30 days and then indicated on the *Criminal History Record Information Release Sheet*.

D. Health and Education Passport (HEP) (“Blue Binder”)

1. A Health and Education Passport, in Santa Barbara County nicknamed the “Blue Binder”, accompanies all minors to placement. The binder contains the minor’s birth certificate, social security card, insurance or Medi-cal information, school records and IEP, medical and immunization records, PRO-116 Health History form and a copy of the case plan.
2. Much of the above listed information is protected by HIPAA and must be handled carefully by Probation and placement staff.
3. The Blue Binder must be returned to the Probation Department when a minor is removed from the placement.

E. If the placement loses the pre-placement screening packet or the Health and Education Passport, steps must immediately be taken to attempt to locate the information.

1. Immediately contact the placement to determine when the packet/binder was last seen.
2. Document all attempts to locate the packet/binder by the placement.
3. Send an e-mail to your Supervisor by the end of the business day detailing the facts of the missing packet/binder.

XIII. Confidentiality-Reports Submitted to the Court

- A. In the body of any court report submitted, only the first name and last initial of any co-offenders and victims should be used.
- B. The full name of the above individuals will be used in the terms and conditions of probation.

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CONFIDENTIALITY (continued)

**Notes and
References**

XIV. Confidentiality-Release of Information/Duty to Warn

- A. The DPO has the dual responsibility to:
 - 1. Protect the confidentiality of the probationer's criminal history.
 - 2. Protect the public from any violent propensities capable of being perpetrated by the probationer.

- B. The DPO shall not be hampered by the confidentiality statutes and has a duty to warn when:
 - 1. There is a *threat to harm a specific, potential victim* with physical violence.
 - a. The DPO shall immediately notify the potential victim.
 - b. The DPO will review the case with the SPO and Juvenile Manager to confirm that a threat of harm to a specific victim exists. (If an immediate notification is warranted, with no time for SPO or Manager input, the DPO will use his/her best judgment and respond. Immediately thereafter, he/she will notify the SPO/Manager.)
 - c. If a threat exists, the DPO shall take necessary action in order to protect the victim/public.
 - 2. The DPO has determined a *reasonably foreseeable risk of harm* exists for monetary loss to a potential victim.
 - a. The DPO must determine if there is a risk of harm due to the probationer's criminal history, prior pattern of criminal conduct, and a current situation such as employment or a living arrangement.
 - b. The DPO will review the case with the SPO to confirm that a reasonably foreseeable risk of harm has been established.
 - c. If established, the DPO will take the necessary steps to rectify the situation, e.g. order the probationer to notify his/her employer of his/ her criminal background.

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CONFIDENTIALITY (continued)

**Notes and
References**

- 1) The DPO will follow up with potential victim to verify notification has been made.
- 2) If the probationer failed to make the notification, the DPO will staff with SPO for next course of action.

XV. Confidentiality-Release of Information During Field Contacts

- A During the course of conducting a field visit, the DPO may have incidental interaction with the probationer's friends, neighbors or employers. It may be necessary for the DPO to identify him/herself, which could lead one to the conclusion that the minor in question is a probationer. Such incidental revelation is permissible and should be handled with discretion.
- B The mere fact that an individual is subject to Probation jurisdiction is not protected in the same manner as CORI. In this context, the release of information would be limited to the establishment of Probation jurisdiction and not for a specific release of CORI.
- C The key element for field officers is to properly identify themselves and the scope of their duties in making the field contact.

XVII. Confidentiality-Victim/Witness Information

- A The DPO or any employee of the Probation Department or any other law enforcement officer or employee shall NOT disclose to any arrested person, or to any person who may be a subject in a criminal action, the address or telephone number of any person who is a victim or witness in the alleged offense.
 1. There are exceptions to the disclosure laws in the cases of Court-ordered discovery pursuant to Chapter 10, Section 1054 of Title 7 or the California and US Constitutions.
- B The minor and his/her attorney do have the right to obtain necessary information through the discovery process for preparation of his/her defense.

ATTACHMENTS

ATTACHMENT 1

| Persons and Entities That May Have Right to Inspect Juvenile Case File |
|--|
| §827(a)(1) W&IC |
| Court Personnel District Attorney Defense Attorney Minor Parents or Guardians Judges, Referees, other Hearing Officers assigned to Criminal or Juvenile Proceedings or Family Law Case Deputy Probation Officer Law Enforcement Officer County Counsel Superintendent of School District Child Protective Agencies State Department of Social Services Authorized Legal Staff or Special Investigators of Peace Officer Status representing the State Department of Social Services Children Multidisciplinary Team Local Child Support Agency Juvenile Justice Commissions Treatment Providers Indian Tribal Representative Any person designated by court order of the Juvenile Court upon filing a petition A Probation Officer Preparing a Report Pursuant to §1178 W&IC |

ATTACHMENT 2

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| Persons and Entities That May Have The Right to Inspect, Receive and Copy Juvenile Case File Without Court Order |
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|----------------------------|
| §827(a)(5) W&IC |
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| Court Personnel District Attorney Defense Attorney Minor Parents or Guardians Judges, Referees, other Hearing Officers assigned to Criminal or Juvenile Proceedings Deputy Probation Officer Law Enforcement Officers County Counsel Child Protective Agencies State Department of Social Services |
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ATTACHMENT 3

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| Persons and Entities That May Have The Right to Inspect Juvenile Case File without Court Order and may Copy with Court Order |
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|---------------------------|
| §827(a)(1)W&IC |
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| Superintendent or Designee of School District Children Multidisciplinary Team Authorized Legal Staff or Special Investigators of Peace Officer Status representing the State Department of Social Services Local Child Support Agency Juvenile Justice Commissions Treatment Providers Indian Tribal Representative Any person designated by court order of the Juvenile Court upon filing a petition |
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FORMS

CHAPTER 1000 FORMS

| <u>Form #</u> | <u>Title</u> |
|----------------------|---|
| JV-520 | Facsimile Filing Cover Sheet-Juvenile |
| JV-520 (S) | Facsimile Filing Cover Sheet –Juvenile (Spanish) |
| JV-525 | Order To Attend Court Or Provide Documents: Subpoena/Subpoena Duces Tecum |
| JV-530 | Certified Request For Pupil Records-Truancy |
| JV-530 (S) | Certified Request For Pupil Records-Truancy (Spanish) |
| JV-531 | Local Educational Agency Response To JV-530 |
| JV-531 (S) | Local Educational Agency Response To JV-530 (Spanish) |
| JV-569 | Proof of Service-Request for Disclosure |
| JV-570 | Request for Disclosure of Juvenile Case File |
| JV-570 (S) | Request for Disclosure of Juvenile Case File (Spanish) |
| JV-571 | Notice of Request for Disclosure of Juvenile Case File |
| JV-572 | Objection to Release of Juvenile Case File |
| JV-573 | Order on Request for Disclosure of Juvenile Case File |
| JV-574 | Order After Judicial Review |
| JV-575 | Petition To Obtain Report of Law Enforcement Agency |
| JV-575 (S) | Petition To Obtain Report of Law Enforcement Agency (Spanish) |
| JV-580 | Notice To Child And Parent/Guardian Re: Release of Juvenile Police Records and Objection |
| JV-580(S) | Notice To Child And Parent/Guardian Re: Release of Juvenile Police Records and Objection (Spanish) |

| <u>Form #</u> | <u>Title</u> |
|----------------------|--|
| Attachment A | Declaration In Support Of Access To Juvenile Records |
| Attachment B | Notice and Acknowledgment of Confidentiality |
| Attachment C | Notice of Unauthorized Dissemination of Records |
| Attachment D | Standing order relative to copying documents (see V. E.2.) |
| PRO-27 | Criminal history Record Information Release Sheet |
| PRO-147 | Release of Information Authorization |
| PRO-147 (S) | Release of Information Authorization (Spanish) |
| PRO-320 | Fax Cover Sheet |