

FILED  
SUPERIOR COURT OF CA. COUNTY OF KERN  
JUN 23 2020  
ENDORSED  
BY \_\_\_\_\_ DEPUTY

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF KERN  
9 METROPOLITAN DIVISION, JUVENILE JUSTICE CENTER

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11 **IN RE: RELEASE OF INFORMATION**  
12 **TO THE SUPERIOR COURT OF**  
13 **CALIFORNIA, COUNTY OF KERN**  
14 **COURT INVESTIGATORS BY KERN**  
15 **COUNTY DEPARTMENT OF HUMAN**  
16 **SERVICES**

MISCELLANEOUS NO.: JM058128

**STANDING ORDER**

17  
18 By order of the Presiding Judge of the Juvenile Court pursuant to Welfare and  
19 Institutions Code section 827:

20 In order for the Superior Court of California, County of Kern effectively to evaluate  
21 and consider the establishment or continuance of guardianships over minors who come  
22 before the Probate Court, and to determine the best interests of children who come  
23 before the Family Court in custody, termination, and adoption proceedings, it is  
24 necessary for the Probate and Family Courts to receive all available information about  
25 each child's circumstances and best interests, including child abuse and neglect history

1 information maintained by the Kern County Department of Human Services (DHS).  
2 (See Prob. Code, §§ 1513, subd. (a); Fam. Code, §§ 3011, subd. (a), 3020, subd. (a),  
3 3111, 3118, 7850, 9001; Cal. Rules of Court, rule 5.220.) To the extent that this  
4 standing order is inconsistent with any prior orders issued, the provisions of this  
5 standing order shall prevail.

#### 6 I. Inspection of Juvenile Case Files

7 All DHS records concerning a child about whom a report of suspected child  
8 abuse or neglect is received or investigated, regardless of whether proceedings were  
9 ever initiated in the juvenile court, are part of the “juvenile case file” as defined in Welfare  
10 and Institutions Code section 827, subdivision (e), California Rules of Court, rule  
11 5.552(a), and *In re Elijah S.* (2005) 125 Cal.App.4th 1532, 1548-1551.

12 Reports and summaries of child abuse and neglect allegations and investigations  
13 that are generated and maintained by DHS or included in California’s Child Welfare  
14 Services/Case Management System (CWS/CMS) are also part of the juvenile case file  
15 and subject to disclosure under Welfare and Institutions Code section 827. (See *Castillo*  
16 *v. County of Los Angeles* (C.D. Cal. 2013) 959 F.Supp.2d 1255, 1260-1261.) Probate  
17 court investigators assigned to a probate guardianship case, and family court  
18 mediators/investigators assigned to a family law case (hereafter collectively “court  
19 investigators”), are entitled to inspect juvenile case files without a court order. (Welf. &  
20 Inst. Code, § 827, subd. (a)(1)(L), (a)(1)(M); Cal. Rules of Court, rule 5.552(b).)

21 The juvenile court has the exclusive authority to determine whether juvenile  
22 records may be released and the extent to which they may be released. (*Elijah S.*,  
23 *supra*, 125 Cal.App.4th 1532.)

24 Therefore, pursuant to Welfare and Institutions Code sections 827, subdivisions  
25 (a)(1)(L) and (a)(1)(M), 827.10 and 10850, and the Juvenile Court’s authority as stated

in *Elijah S.*, *supra*, 125 Cal.App.4th 1532, 1548-1551, DHS shall allow court  
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KERN COURT INVESTIGATORS BY KERN COUNTY DEPARTMENT OF HUMAN SERVICES PAGE 2

1 investigators, upon verification of employment and assignment to investigate a  
2 guardianship or family law matter under the jurisdiction of the Probate or Family Court,  
3 to inspect juvenile case file documents and information maintained by DHS or included  
4 in CWS/CMS pertaining to the child or to any history of alleged child abuse or neglect  
5 by the child's guardian or prospective guardian, the child's prospective adoptive parent,  
6 parent, caretaker, or proposed caretaker, and any other adults residing in the same  
7 household as the guardian, prospective guardian, prospective adoptive parent, parent,  
8 caretaker, or proposed caretaker, subject to exclusion or redaction of documents or  
9 information that are privileged or confidential pursuant to any other state or federal law  
10 or regulation.

11 DHS may require court investigators to complete a declaration in support of  
12 access to juvenile records verifying that they are entitled to access under Welfare and  
13 Institutions Code section 827.

14 Court investigators shall not disclose in their reports the name, contact  
15 information, or other personal identifying information of any child alleged to have been  
16 abused or neglected by a person being considered for placement or custody unless the  
17 child is the subject of the probate guardianship or family law proceedings. All  
18 summaries of child abuse and neglect history information shall be anonymized to the  
19 extent possible.

## 20 **II. Copying of Juvenile Case Files**

21 Pursuant to Welfare and Institutions Code section 827.10, subdivisions (a)(4)  
22 and (a)(5), DHS shall allow court investigators assigned to and actively participating in  
23 a probate guardianship or family law matter to inspect and receive copies of DHS files  
24 and records relating to a child who is the subject of the probate guardianship or family  
25 law case, subject to exclusion or redaction of documents or information that are  
privileged or confidential pursuant to any other state or federal law or regulation.

1                                   **III. Release of Suspected Child Abuse Reports**

2           Suspected Child Abuse Reports (Form SS 8572) filed with the California  
3 Department of Justice are confidential under the Child Abuse and Neglect Reporting  
4 Act (Penal Code section 11164 et seq.), and may be disclosed only as authorized in  
5 Penal Code section 11167.5.

6           Court investigators conducting a guardianship investigation under Probate Code  
7 section 1513 are authorized to receive substantiated Suspected Child Abuse Reports  
8 filed with the Department of Justice concerning any adult residing in the home where  
9 the child may be placed, if the information is requested to ensure that the placement is  
10 in the child's best interest. (Pen. Code, §§ 11167.5, subd. (b)(2), 11170, subd. (b)(7).)

11           However, court investigators are not entitled to disclosure of the identity of the  
12 reporting party. (Pen. Code, § 11167, subd. (d)(1).)

13           Thus, pursuant to Penal Code sections 11167.5, subdivision (b)(2) and 11170,  
14 subdivision (b)(7), DHS shall allow court investigators who are assigned to investigate  
15 a guardianship matter to receive Suspected Child Abuse Reports filed with the  
16 Department of Justice concerning any adult residing in a home where the child may be  
17 placed. The identities of the reporting parties shall be redacted.

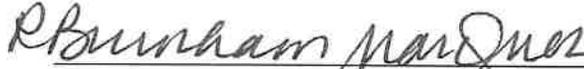
18                                   **IV. Further Dissemination of Juvenile Case Information**

19           All persons who obtain access to juvenile case files must maintain the  
20 confidentiality of the records reviewed, inspected or copied. Any information obtained  
21 from access to a juvenile case file is confidential shall not be made available other than  
22 as provided in Probate Code section 1513, subdivision (d) and Family Code sections  
23 3111, subdivision (b), 3118, subdivision (b)(6), 7851, and 9001. Such information shall  
24 not be further disseminated except as provided in Welfare and Institutions Code section  
25 827, subdivision (a)(4). Any juvenile case file documents obtained by a court

1 investigator shall be destroyed upon termination of the proceedings for which they were  
2 obtained.

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4 **IT IS ORDERED.**

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6 Dated: June 22, 2020.

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9 Raymonda Burnham Marquez  
10 Presiding Judge of the Juvenile Court