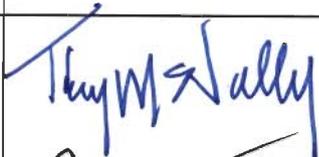
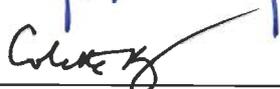




## SUPERIOR COURT OF CALIFORNIA - COUNTY OF KERN OPERATING POLICY AND PROCEDURES

Policy #: <i>OPS-2014-1A</i>	<b>Title: Viewing and Copying Court Public Records Superior Court – County of Kern</b>	Effective Date: April 7, 2014 Revision Date: May 1, 2014
Approved by:	 TERRY McNALLY, COURT EXECUTIVE OFFICER  COLETTE HUMPHREY, PRESIDING JUDGE	Prepared by: M. Castaneda; J. Brown; G. Fisher; T. Klassen; D. McPhetridge; L. Nipper; M.C. Alcantar

### I PURPOSE:

This viewing/copying policy has been established to ensure the public has access to the records of the Court while protecting these records for all who wish to view or copy the files. All persons, including governmental agencies, non-governmental agencies, commercial enterprises doing business as copy service providers and media, wishing to access files for purposes of viewing or copying court records must adhere to the policy as established.

### II AUTHORITY:

Local Rules of Court 1.8

### III POLICY

It is the Policy of the Superior Court, County of Kern, to provide reasonable access for viewing and copying of court public records. Court files, while public record, are first and foremost a work product of the Court and therefore priority for their use is given to Judicial Officers, staff and others at the Superior Court, County of Kern for the processing of cases, review of case history, file maintenance, and development of appellate submissions.

All files may not be immediately available due to budget restrictions and/or staff resources. They may be at an offsite storage facility, in a Judge's chambers, or microfilmed. Files that are being utilized by a Judicial Officer in preparation for a hearing or trial will not be available until the Judicial Officer has finished with their use.

**NOTE: In accordance with California Rules of Court, Rule 2.400(a), and local Rules of Court, Section 1.8, under no circumstances will anyone other than court personnel be allowed to disassemble documents in court files or remove files from the designated viewing locations or respective Clerks' Offices.**



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All documents in court files are public record, with the exception of those items deemed confidential by statute, regulation, court rule, court order or case law. Transcripts in a court file, while available for viewing may not be copied without the express, written permission of the court reporter that produced the transcript. Administrative Records lodged with the court may not be copied.

It is unlawful to remove, destroy or alter Court files.

➤ **Government Code §6200.** Every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any purpose, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years if, as to the whole or any part of the record, map, book, paper, or proceeding, the officer willfully does or permits any other person to do any of the following:

- (a) Steal, remove, or secrete.
- (b) Destroy, mutilate, or deface.
- (c) Alter or falsify.

*(Amended by Stats. 2011, Ch. 15, Sec. 129. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

➤ **Government Code §6201.** Every person not an officer referred to in Section 6200, who is guilty of any of the acts specified in that section, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

*(Amended by Stats. 2011, Ch. 15, Sec. 130. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

### IV PROCEDURES

#### A. File Viewing:

- All file requests for public viewing must be conducted at the counter or designated viewing area for each Court facility location.
- Individuals must remain at the customer service counter/window or designated viewing area when accessing all court files. Files may not be removed from the Court facility.



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- Files that are located offsite will be made available for viewing and copying within ten (10) business days from the date of request.
- Notwithstanding statutory authority directing otherwise, for purposes of viewing a public file, the requesting party must provide any form of picture identification listing the name of pictured person within the identification. The identification shall be taken in exchange for the file to be viewed and immediately returned upon completion of file review by requesting party.
- Supervisors shall have discretion to determine the validity of the identification provided.
- Commercial Enterprises which view large volumes of files for clients, attorneys, or other similar agencies may be required to provide identification and comply with the requirements in Local Rule of Court 1.8.

B. File Limits/Exceptions:

- Absent prior authorization and proper scheduling within the affected department, the Court will not accept requests for more than ten (10) files, at any given time, with the following exceptions:
  - Metro Division -- Family Law                      Number of File Requests up to five (5);

C. Confidential Files/Documents NOT released for inspection or copying:

1. **General**
  - Fee Waiver Application/Requests
  - Any case or court document ordered sealed by court order or statute
  - Sealed/Confidential Envelopes
  - The copying of transcripts is strictly prohibited



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### 2. Juvenile

- Viewing of Juvenile Dependency or Delinquency files is restricted by statute. To view a file, please call the Juvenile Department. Contact information can be obtained at: <http://www.kern.courts.ca.gov/>
- Governed by Welfare & Institutions Codes 827 and 828.

### 3. Civil

- Mandatory Settlement Conference Statements
- Unlawful Detainers – 1<sup>st</sup> 60 days only (or if defendant prevails or case dismissed)
- SAFE at HOME program

### 4. Criminal

- Medical reports
- Department of Motor Vehicle (DMV) Printouts
- Rap sheets
- Unredacted Police Reports
- Confidential motions
- Probation Reports pursuant to Penal Code §1203.05
- Appointment of experts
- Mentally disordered offenders and sexually violent predator cases



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- Motion to seal pursuant to Penal Code §851.8 (becomes confidential if motion is granted – hold for 3 years)
- Probation Declarations
- Revenue Recovery Department application

### 5. Family Law

- Adoptions/Abandonments
- Paternity

### 6. Traffic

- Accident reports

### 7. Probate

- Confidential Screening Form - Guardianships and Conservatorships
- Anything contained in the (currently) “Red” confidential file

#### D. Search<sup>1</sup> Fees:

- There may be a fee pursuant to Govt. Code §70627(c) of \$15.00 per file for a search that requires more than ten (10) minutes. This fee includes searches of files for public viewing.
- All search fees are due at the time of request for access to a file(s).

<sup>1</sup> For purposes of this policy, “search” is defined as the combined collaborative effort between court personnel in various departments involved in the physical act(s) of looking, researching, locating, retrieving, and/or regaining specific case information or case file(s) for public access whether by electronic or physical means.



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- Multiple Case Files: Search fees will be imposed at the rate of one fee per case or one fee per every ten (10) minutes of search, whichever is less.
- Off-Site Files: Off-site files are defined as those files housed in off-site storage facilities, separate and apart from each divisions respective address.
  - There will be a search fee of \$15.00 per file and an additional \$20.00 *[effective July 1, 2014]* for retrieving a case from off-site premises.
  - Off-Site retrieval of files is not available the same day/date.
  - Failure of the requesting party to return to the Division to view the files within ten (10) business days will result in the files being returned to off-site premises.
  - Once Files have been returned off-site, new fees will be imposed for retrieval.
  - Files that are located offsite will be made available for viewing within ten (10) business days from the date of the request.
- Fee Schedule: A complete fee schedule for court services can be obtained at: <http://www.kern.courts.ca.gov/>

E. Copy Fees: In addition to search fees, there will be a charge for Court made copies as follows:

- Copy of any record, proceeding or paper on file per page:
 

0.50	[GC 70627(a)]
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- Certification of any record, proceeding or paper on file, per document:
 

\$25.00	[GC 70626(a)(4)]
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- Certification of a marriage or domestic partnership dissolution record (requested by a public agency):
 

\$10.00	[GC 70674]
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- Certification of a marriage or domestic partnership dissolution record (by any other applicant):
 

\$15.00	[GC 70674]
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- Fee Schedule: A complete fee schedule for court services can be obtained at: <http://www.kern.courts.ca.gov/>



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F. Additional Fees: *[Effective July 1, 2014]*

- Pursuant to California Rule of Court 10.815, the Court may charge additional fees as necessary or requested for completing and delivering copy order requests.
- Off-site retrieval of files-up to \$20.00
- Copy requests on compact discs (CD):
  - 1-50 pages - \$12.00
  - 51-75 pages - \$16.00
  - 76-100 pages - \$20.00
  - 101-125 pages - \$24.00
  - 126-150 pages - \$28.00
  - 151-200 pages - \$36.00
- Postage for CD \$2.75
- Fees in addition to copy fees, search, and offsite record retrieval fees (if applicable), include but may not be limited to:
  - Postage/Shipping- Hardcopies:
    - 1-15 pages - \$1.52
    - 16-30 pages - \$1.92
    - 31-45 pages - \$2.52
    - 46-60 pages - \$2.92
    - 61-75 pages - \$3.32
    - 76-90 pages - \$5.05
  - Postage for CD \$2.75

G. File Copying (In Person): *(Subject to Department Capability)*

***YOU ARE PROHIBITED from copying/photographing and disseminating personal identifying information, including but not limited to Dates of Birth, Social Security Numbers, Drivers' License Numbers, and Financial Account Numbers and/or Information except as authorized by law.***



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- All file requests for public copying must be conducted at the counter or copying area, when designated, for each court facility location.
  - Individuals must remain at the customer service counter/window or designated copying area when viewing/copying all court files. Files may not be removed from the Court facility.
  - Each division shall schedule appropriate times to meet the public and departmental needs.
1. Court Copying Services: You may request the Court make a copy of a file by submitting a copy order request. In addition to applicable search and off-site retrieval fees, there will be a charge for copy and certification fees. Depending on the volumes, number of pages, and the location of the file, a copy order request may take 15-30 business days to complete.
  2. Commercial Enterprise Copying: File(s) may be copied by a commercial enterprise doing business as a copy service vendor which utilizes their own copying machines and is on record with the Clerk of the County in accordance with Business and Professions Code §22450. Commercial enterprise representatives must be prepared to present identification that they have complied with the requirements of Business and Professions Code §22450 et seq. Payment of fees to the commercial enterprise is the sole responsibility of the individual, law firm or business that has retained the services of the enterprise.
    - Commercial enterprises require an appointment to access court files for inspection and copying. Please contact the respective Metropolitan Division or Regional Court Branch to arrange for the files to be retrieved. All applicable search fees shall be paid by the representative of the copying services company.
  3. Utilizing Personal Electronic Devices: Files may be photographed using electronic devices such as cellular telephones and tablets. Search Fees will apply. Individuals must remain at the customer service counter/window or designated area. Files may not be removed from the designated area. Any photographing or scanning of any file and/or document is limited to only those items in the file which are public record and do not include any files/documents labeled or otherwise considered confidential by statute,



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Court rule, or Court order. This method of service prohibits any certification of the documents by the Court. The copying of transcripts is strictly prohibited.

### H. Copy Requests (Mail):

Persons unable to be present at a court facility may request the Court to copy a file and return it by mail. The following are the procedures for requesting a mailed copy of a court record:

- Request: Submit the request for copying of a court file by submitting a written request, or on-line web-request form.
- Charges: Attach a check for payment of applicable search and off-site retrieval fees, copy and certification fees. The check should be made payable to the Superior Court, County of Kern. You may enter in the Memo section of the check “not to exceed \$\_\_\_\_.00” to allow for all applicable fees.
- Contact: Provide a telephone number so the Court may contact you concerning any problems or clarifications needed to comply with the copy request.
- Envelope: Include a large enough envelope to return requested copies with sufficient postage.
- Your request will be processed within 15-30 business days.

### I. Copy Requests (Telephone/Webmail)

- Telephonic Requests: Copies may be requested by telephone. Requesting party will be charged applicable search and off-site retrieval fees. Fees must be paid at the time the request is made by the requesting party. Divisions with VitalChek capability will impose a search fee over the telephone. Parties are responsible for additional payment of copy and certification fees at time of pick up.
- Webmail Requests: Requests for copies may be made by the on-line web-request form. The request form may be printed and mailed in for processing or requestors may submit the form requesting a telephonic payment be acquired.
- No division has the ability to accept payment for search fees online at this time.

### J. Electronic Transmission of Documents

- Subject to department capability, copy requests may be provided by the court in electronic format, exempt from copy surcharges.



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- Search fees, however may apply and must be paid prior to any electronic transmission of a court document.
- Certifications are not available in electronic format.

K. Exhibits: Copy requests for exhibits may be requested by completing and submitting the attached form or web-request to the Exhibit Room in the Metro Division, 1415 Truxtun Ave. or the Court Supervisor at a Regional Court location. Requests will be returned within 15 – 30 business days.

L. Fee Waivers: For litigants involved in existing cases, all or part of Court fees for copies, may be waived pursuant to California Rule of Court 3.55, if the applicant of the Request to Waive Fees meets the standards of eligibility and application requirements outlined in Government Code §68630 et seq. The Request for Waiver of Fees must be approved by the Court prior to the release of requested copies and is only available to parties involved within the requested case. The Court reserves the right to verify the identity of the party accessing a waiver of fees for copy requests. For forms and information on Waiver of Court Fees, please go to the California Courts Website at <http://www.courts.ca.gov/>.

