



Chambers of  
**JOANNE MOTOIKE**  
JUVENILE COURT PRESIDING JUDGE

# Superior Court of California County of Orange

341 THE CITY DRIVE  
DEPARTMENT L21  
ORANGE, CA 92868  
PHONE: 657-622-5502

## **NOTICE OF INTENT TO REVISE ADMINISTRATIVE ORDER NO. 12/003-903 Re: Exchange of Information**

PLEASE TAKE NOTICE:

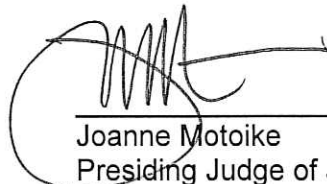
Pursuant to Superior Court of Orange County Local Rule 900.1.2, the Orange County Juvenile Court intends to revise the Orange County "Juvenile Court Administrative Order 12/003-903, Re: Exchange of Information". The revised order is attached to this Notice.

All interested persons, agencies and organizations are invited to comment upon the Court's proposed revised order, prior to the expiration of the forty-five day period.

Further, upon adoption of the proposed order, the Court shall rescind any prior administrative or miscellaneous orders pertaining to the same substantive matters addressed by the proposed order, unless otherwise referenced or incorporated into the proposed order.

Pursuant to Local Rule 900.1.2, this notice shall be distributed to: County Counsel, District Attorney, Social Services Agency, Probation Department, Public Defender, the law firms and counsel with whom the Juvenile Court has contracted for the representation of minors and/or parents before the dependency and delinquency courts, Health Care Agency, Department of Education, Children and Families Commission, Court Appointed Special Advocates (CASA), and Orangewood Foundation.

Date: May 7, 2018

  
\_\_\_\_\_  
Joanne Motoike  
Presiding Judge of Juvenile Court

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
LAMOREAUX JUSTICE CENTER

MAY 07 2018

DAVID H. YAMASAKI, Clerk of the Court  
BY *J. Wautlet*  
J. WAUTLET, DEPUTY

**JUVENILE COURT ADMINISTRATIVE ORDER NO. 12/003-903**

**Revised: May 7, 2018**

**EXCHANGE OF INFORMATION**

1 Considering recent changes to the California Welfare and Institutions Code (hereinafter "WIC")  
2 which pertain to the disclosure of juvenile case files<sup>1</sup>, this Administrative Order (No. 12/003-903)  
3 (hereinafter "Order") is now revised as set forth below.

4 The exchange and/or dissemination of information from within a juvenile case file may be  
5 authorized as follows:

6 *1. In WIC Section 709 Proceedings*

7 In proceedings wherein a doubt has been declared as to a current ward's competency pursuant  
8 to WIC Section 709, there may be an exchange of information concerning a current ward "only among  
9 all private or public agencies providing case planning, eligibility, and/or services delivered. This  
10 authorization includes, but is not limited to, the Orange County Probation Department, the Orange  
11 County Social Services Agency, the Orange County Health Care Agency, the Orange County  
12 Department of Education, the Regional Center of Orange County, and local school." (Super. Ct. Orange  
13 County, Local Rules, Rule 903.1; see also Superior Court of California, County of Orange  
14 Administrative Order re: Competency (WIC § 709); Administrative Order No. 13/010, Revised:  
15 March 7, 2013.) For minors who have not yet been declared wards of the Orange County Juvenile  
16 Court and for whom a doubt as to competency has been declared pursuant to WIC Section 709, the  
17

18  
19 <sup>1</sup> For purposes of this Order, a "juvenile case file" means dependency or delinquency files maintained  
20 by the court, probation, social services agency and law enforcement. The file includes "all documents  
21 filed in a juvenile court case", "[r]eports to the court by probation officers, social workers of child  
22 welfare services programs, and CASA volunteers", "[d]ocuments made available to probation officers,  
23 social workers of child welfare services programs, and CASA volunteers in preparation of reports to  
24 the court", "[d]ocuments 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", "[t]ranscripts, records, or reports relating to the matters prepared or  
released by the court, probation department, or child welfare services program", and "[d]ocuments,  
video, or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings."  
(Cal. Rules of Court, Rule 5.552, subd. (a); see also Cal. Welf & Inst. Code, § 827, subd. (e).)

1 exchange of information concerning the youth is governed by Administrative Order No. 13/010,  
2 Revised: March 7, 2013.

3 *2. To victims for whom restitution has been ordered*

4 Pursuant to WIC Sections 730.6 and 730.7 and Penal Code Section 1214, the victim(s) is  
5 entitled to obtain all information allowed by law to pursue collection of restitution as if it were a money  
6 judgment. Upon request by a victim, the Orange County Probation Department is authorized to provide  
7 the victim(s) with a recorded abstract of judgment to enforce any restitution order pursuant to Penal  
8 Code Section 1214, subdivision (b).

9 *3. As attachments to Social Service Agency reports filed with the Juvenile Court*

10 On Dependency matters only, in order to promote the efficient exchange of discoverable  
11 documents, the Social Service Agency may attach police reports, medical records, and other documents  
12 to reports filed with the Court, and such attached documents shall be deemed reproduced in full within  
13 the body of the report itself, for the purposes of determining the admissibility of the information  
14 contained in such documents, within the meaning of WIC Section 355. All parties retain all rights to  
15 object to the admissibility of all or a portion of the information contained in such documents, only to  
16 the extent that a party could object had the information been reproduced in the body of the report itself.  
17 With respect to any attachments to reports, as set forth in Rule 903.1 of the Orange County Superior  
18 Court Local Rules, the Social Service Agency shall ensure compliance with all applicable statutes,  
19 rules or regulations regarding the confidentiality of such records and/or the information contained  
20 therein, including, but not limited to: Penal Code Sections 293, 11167, and 11167.5, as well as the  
21 Health Insurance Portability Act (HIPAA). Additionally, “[u]pon request by any party or on its own  
22 motion, a juvenile court judicial officer may order that all or a portion of any attachments to reports be  
23 sealed, placed in a confidential envelope; or any information contained within any attachments be  
24 redacted; or dissemination of any attachments or information contained therein be restricted, pursuant  
to Welfare and Institutions Code, section 827.” (Super. Ct. Orange County, Local Rules, Rule 903.1.)

1           4. *To the Social Security Administration*

2           The Probation Department and the Social Services Agency may release information from a  
3 juvenile case file to the Social Security Administration for purposes of securing benefits for wards or  
4 dependents. (See Cal. Welf. & Inst. Code, § 16501.1, subds. (g)(13) & (g)(16), § 11400 and § 10850;  
5 see also 42 U.S.C. § 675 subds. (1) & (8) and 42 U.S.C. § 671, subd. (a)(16).)

6           5. *Law Enforcement Agencies and Federal Officials*

7           The exchange and/or dissemination of information from a juvenile case file to law enforcement  
8 agencies is governed by WIC Sections 827 and 828. Additionally, WIC Section 831 precludes the  
9 disclosure and/or dissemination “of juvenile information to federal officials absent a court order of the  
10 judge of the juvenile court upon filing a petition as provided” in WIC Section 827, subdivisions  
11 (a)(1)(P) or (a)(4). For purposes of Section 831, “‘juvenile information’ includes the ‘juvenile case  
12 file’ as defined in subdivision (e) of Section 827, and information related to the juvenile, including, but  
13 not limited to, name, date or place of birth, and the immigration status of the juvenile that is obtained  
14 or created independent of, or in connection with, juvenile court proceedings about the juvenile and  
15 maintained by any government agency, including, but not limited to, a court, probation office, child  
16 welfare agency, or law enforcement agency.” (Cal. Welf. & Inst. Code, § 831, subd. (e).)

17           6. *Child Death Review Team*

18           Information including but not limited to autopsy reports, criminal records, mental health  
19 records, physical health records, drug or alcohol information and reports, child abuse reports, and  
20 dependency case information may be shared with and among members of the Orange County Child  
21 Death Review Team. Team members must be advised on confidentiality guidelines and sign a  
22 confidentiality statement.

23           7. *To foreign consulates*

24           The release and exchange of information concerning minors of foreign nationality, who are  
wards or dependents of the Juvenile Court or are subject of a petition to declare the minor a ward, or  
are the subject of an application for such petition, to the consulate of the appropriate government is

1 governed by WIC Section 10609.95 and Orange County Juvenile Court Miscellaneous Order No.  
2 688.2, Revised: May 7, 2018.

3 8. *In all other instances.*

4 In all other instances, the disclosure of juvenile case files, the exchange of information between  
5 and among agencies concerned with court matters affecting children, the presence of persons at  
6 Juvenile Court proceedings, and media coverage of Juvenile Court matters shall be governed by WIC  
7 Sections 345, 346, 675, 676, 676.5, 827, 827.10, 827.11, 827.12, 827.15, 827.2, 827.5, 827.26, 827.7,  
8 827.9, 828, 828.1, 828.3, 829, 830 and 831, as well as California Rules of Court, Rules 5.530, 5.552,  
and 5.553, Orange County Superior Court Local Rules 903 et seq., and this Order.

9 Information from a juvenile case file, received by an authorized recipient, shall be safeguarded  
10 from unauthorized access or disclosure and shall not be further released to any person or agency not  
11 authorized to receive such information by statute, court order, or other lawful process. No person or  
12 entity may copy or inspect confidential psychological, medical, or educational information absent an  
order from the Presiding Judge of the Juvenile Court.

13 This Order is to remain in effect until otherwise ordered by the Presiding Judge of Juvenile  
14 Court. In the event a conflict arises between this Order and the statutes or rules, the statutory and rule  
15 provisions control.

16  
17 Dated this 7<sup>th</sup> of May 2018

18  
19   
20 \_\_\_\_\_  
JOANNE MOTOIKE  
PRESIDING JUDGE of JUVENILE COURT