

ASSEMBLY BILL

No. 899

Introduced by Assembly Member Levine

February 26, 2015

An act to add Section 831 to the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 899, as introduced, Levine. Juveniles: confidentiality of records.

Existing law requires the case file of a dependent child or ward of the juvenile court to be kept confidential, except as specified. Existing law authorizes only certain persons to inspect the case file, including, among others, the attorneys for the parties, judges, referees, other hearing officers, and law enforcement officers who are participating in proceedings involving the dependent child or ward.

This bill would provide that nothing in these provisions authorizes the disclosure of juvenile information to federal officials absent a court order upon filing a petition, as specified. The bill also would provide that nothing in these provisions authorizes the dissemination of juvenile information to, or by, federal officials absent a court order upon filing a petition, as specified. This bill would also provide that nothing in these provisions authorizes the attachment of juvenile information to other documents given to, or provided by, federal officials absent prior approval of the presiding judge of the juvenile court. This bill would specify that "juvenile information" includes the juvenile case file and information related to the juvenile, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature that juvenile
2 records remain confidential in order to serve the compelling interest
3 of avoiding stigma and promoting rehabilitation for juveniles. It
4 is not the intent of the Legislature to attempt to resist federal
5 officials.

6 SEC. 2. Section 831 is added to the Welfare and Institutions
7 Code, to read:

8 831. (a) It is the intent of the Legislature in enacting this
9 section to clarify that juvenile court records should remain
10 confidential regardless of the juvenile’s immigration status.
11 Confidentiality is integral to the operation of the juvenile justice
12 system in order to avoid stigma and promote rehabilitation for all
13 youth, regardless of immigration status.

14 (b) Nothing in this article authorizes the disclosure of juvenile
15 information to federal officials absent a court order of the judge
16 of the juvenile court upon filing a petition as provided by
17 subparagraph (P) of paragraph (1) of subdivision (a) of Section
18 827.

19 (c) Nothing in this article authorizes the dissemination of
20 juvenile information to, or by, federal officials absent a court order
21 of the judge of the juvenile court upon filing a petition as provided
22 by subparagraph (P) of paragraph (1) and paragraph (4) of
23 subdivision (a) of Section 827.

24 (d) Nothing in this article authorizes the attachment of juvenile
25 information to any other documents given to, or provided by,
26 federal officials absent prior approval of the presiding judge of the
27 juvenile court as provided by paragraph (4) of subdivision (a) of
28 Section 827.

29 (e) For purposes of this section, “juvenile information” includes
30 the “juvenile case file,” as defined in subdivision (e) of Section
31 827, and information related to the juvenile, including, but not
32 limited to, name, date or place of birth, and immigration status.

33 (f) Nothing in this section shall be construed as authorizing any
34 disclosure that would otherwise violate this article.

35 (g) The Legislature finds and declares that this section is
36 declaratory of existing law.

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