

## SENATE THIRD READING

SB 413 (Allen)

As Amended June 25, 2025

Majority vote

**SUMMARY**

Provides additional attorneys with access to juvenile case files for limited purposes.

**Major Provisions**

- 1) Allows the county counsel, city attorney, or any other attorney representing the county child welfare agency in juvenile delinquency proceedings to inspect a juvenile case file without obtaining a juvenile court order.
- 2) Allows the county counsel or city attorney, representing the child welfare agency or probation department, to inspect a juvenile case file without a juvenile court order when their inspection is in connection with the administration or review of child welfare or probation services provided by the agency or department, to the subject of the case file, or to that person's sibling, parent, or legal guardian.
- 3) Allows an attorney representing a person who is, or was, subject to juvenile *dependency* proceedings, like an attorney representing such a person subject to juvenile *delinquency* proceedings, to inspect their client's juvenile case file without a court order.
- 4) Allows an attorney representing a party in a civil proceeding (as defined in 9, below) that is filed by, or on behalf of the person who is the subject of the juvenile case file against the county welfare agency or probation department or an employee of one of those entities, to inspect the juvenile case file and use information and documents from the file in the civil proceeding without a juvenile court order.
- 5) Conditions 4) upon the information and copies of records from the juvenile case file received not being disseminated to anyone who is not entitled to access under the language of the bill or any other state law or federal law or regulation, and shall not be used or made as an attachment to any other document in any other proceeding, without the prior approval of the juvenile court.
- 6) Requires persons assisting the attorneys to return all copies of records from a juvenile case file provided by an attorney pursuant to this subparagraph at the conclusion of the civil proceeding; and requires the attorney who provides copies of records to other persons assisting them in the litigation to shall take appropriate steps to ensure that all of the copies of the records are returned to the attorney upon conclusion of the civil proceeding.
- 7) Requires the attorney to take appropriate steps to ensure that all copies of records from a juvenile case file obtained pursuant to this subparagraph are destroyed upon the conclusion of the civil proceeding consistent with other applicable laws.
- 8) Requires that any information and copies of records from a juvenile case file and submitted to the court or attached to pleadings in a civil action by an attorney representing a party other than the person who is the subject of the juvenile case file to be submitted to the court with a motion or application for an order by the court for the submission or pleadings to be filed

under seal; but allows the person who is the subject of the juvenile case file to object during, or upon the conclusion of, the civil proceeding to any information or copies of records being filed under seal and may request that the information or records be filed without sealing. The court shall grant the request of the person who is the subject of the case file in regards to all information or records contained in the case file, except upon a finding of unusual circumstances.

- 9) Defines, for purposes of the above, "civil proceeding" to mean a civil action or a government claim filed pursuant to Part 3 (commencing with Section 900) of Division 3.6 of Title 1 of the Government Code.

- 10) Makes other clarifying and conforming changes.

## COMMENTS

A juvenile case file is the collection of records filed or created in connection with a minor's juvenile dependency case, including the petition, any probation officer reports, and reports filed by the county welfare agency. The law recognizes the importance of maintaining the confidentiality of juvenile case files in order to protect the privacy rights of the child. Section 827 of the Welfare and Institutions (WIC) Code sets forth the categories of persons the Legislature has determined should automatically have access to juvenile case records. All other persons who wish to view a juvenile case record must petition the court for permission to do so. According to the author of this bill, the limitations in existing law are too narrow and the process to petition the juvenile court for access to the case files is too time-consuming, difficult, and – given that juvenile courts reportedly nearly always grant the petitions – almost always unnecessary.

*Background – Confidential Nature of Juvenile Court Case Files.* Existing law recognizes the importance of maintaining the confidentiality of juvenile case files about a youth's involvement in the foster youth and/or probation system in order to protect the privacy rights of the youth, including after the youth ages out of one or both of those systems. The Legislature has determined that only certain categories of persons should automatically have access to juvenile case records. All other persons who wish to view a juvenile case record must petition the court for permission to do so.

For a person not authorized by WIC Section 827 to view a juvenile case record, the procedure for petitioning the court to obtain an order is extensive. Once the petition is filed, the court may deny it summarily if the petitioner did not show good cause to view the court file. If the petitioner did show good cause, the court must conduct an in camera hearing of the records sought by the petitioner and must assume that all legal claims of privilege are asserted. The court may hold a hearing to assist in determination of the issue. The court may grant the petition only if the petitioner shows, by a preponderance of the evidence, that the records are necessary and have substantial relevance to the petitioner's legitimate need for access. If the court finds that the need outweighs the policy considerations favoring confidentiality of juvenile case files, the court must include in its order specific information about what material may be accessed and the procedure for obtaining access, and may issue protective orders to accompany the access. (See Cal. Rules of Court, Rule 5.552 (d)(1) – (d)(8).)

*The author, sponsor, and supporters of the bill allege that this process is overly cumbersome and time-consuming. According to the author:*

Petitions drain limited resources by requiring all parties to go through the arduous process of drafting petitions, noticing the interested parties, and filing the request with the juvenile court. The juvenile court is then required to review the requests, consider any responses, possibly hold hearings, and issue orders. If access is granted, the court and county department staff must then review, redact, and produce the case file. This process can result in delays of more than a year for civil lawsuits and increases civil court and juvenile court congestion. These delays negatively impact parties, including plaintiffs, because litigation becomes needlessly protracted. They also overwhelm the courts, preventing timely consideration of other important matters, such as access requests from public defenders in criminal cases. In addition, delays to attorneys' access to records can prevent timely discovery planning or legal advice that may prevent future harm or litigation.

It is a cumbersome and costly process, especially since the court regularly grants these petitions.

This process has been particularly cumbersome and time-consuming for Los Angeles County, given that it is in litigation, or has recently settled, civil and government claims brought by hundreds of litigants who were formerly held in the county's juvenile camps and detention halls and allege that they were grievously mistreated there.

*The bill* would provide additional attorneys with additional access to juvenile case files, but would authorize such access for very limited purposes.

*Attorneys representing parties in civil proceedings initiated by the subject of the case file against the county.* The bill would allow an attorney representing a party in a civil proceeding (defined to mean either a civil action or a government claim filed pursuant to the Government Claims Act) to inspect and use information and records in a juvenile case file, the type of civil claim would be restricted to civil proceedings that are filed by, or on behalf of the person who is the subject of the juvenile case file.

*Procedural protections.* The bill would allow information and copies of records from a juvenile case file to be provided to persons assisting the attorneys for the parties in the civil proceeding for their use in that proceeding without the prior approval of the court, but requires them to return all copies of records from a juvenile case file provided by an attorney pursuant to this subparagraph at the conclusion of the civil proceeding.

Furthermore, an attorney who obtains access to a juvenile case file pursuant to the bill and provides copies of records to persons assisting them must take appropriate steps to ensure that all of the copies of the records are returned to the attorney upon conclusion of the civil proceeding. The attorney must also take appropriate steps to ensure that all copies of records from a juvenile case file obtained pursuant to this subparagraph are destroyed upon the conclusion of the civil proceeding consistent with other applicable laws.

*Sealing requirements (that allow the subject of the case file to opt out of having their court records sealed).* The bill includes a sealing requirement, but only applies that requirement to information and copies of records that are submitted by an attorney representing a party *other than the person who is the subject of the juvenile case file*. (Therefore, the subject of the case file could make such a motion if they chose, but would not be required to do so.) The person who is the subject of the juvenile case file may object during, or upon the conclusion of, the civil proceeding to any information or copies of records being filed under seal and may request that

the information or records be filed without sealing. The bill requires the court to grant that request, except upon a finding of unusual circumstances.

**According to the Author**

The delays caused by the current requirements for attorneys for parties in these instances to file petitions with the juvenile court, notice appropriate parties, wait for rulings by the court, and redact records significantly impacts the ability for the lawsuits to move forward at an acceptable pace.

SB 413 would streamline litigation processes, facilitate timely and comprehensive legal advice, and reduce costs for legal matters involving juvenile case files, all while continuing to safeguard foster youths' confidentiality. . . . This proposal represents an important step in ensuring that plaintiffs who are filing redress for alleged harm caused by the child welfare agency or probation department obtain more efficient resolution of their claims.

**Arguments in Support**

Sponsor County of Los Angeles writes:

This proposal represents a tremendous step in ensuring plaintiffs who are filing claims against a county, the child welfare department, and/or the probation department obtain timely resolution of their claims. In addition to saving time, this proposal will reduce litigation costs by eliminating the now necessary, time-consuming, and costly WIC §827 petition process. And, significantly, it protects the confidentiality rights of minors by including very specific requirements for the care, handling, and ultimate destruction of the juvenile records. SB 413 strikes the appropriate balance between the Code's presumption that juvenile files are unavailable to the public except under specified circumstances, and the need for county counsel and attorneys representing counties to access the files when counties are sued for damages by current or former wards and dependents.

**Arguments in Opposition**

The Youth Law Center writes that the bill does not adequately protect the privacy interests of current and former welfare and probation system-involved youth:

Because these records are extremely private, California has a long history of strictly limiting access to this information and requiring juvenile court permission before it can be distributed outside of the juvenile court sphere.

. . . [J]uvenile court review is critically important, as a juvenile judge is in the best position to weigh the sensitive nature of the records against the needs of the person seeking to distribute them, and the judge can also issue orders imposing appropriate limitations on that distribution. SB 413 cuts out this important juvenile court review for civil cases filed by the youth against the county, allowing use of juvenile case file records in public civil litigation without any prior review or limitations on use that may have been deemed necessary by the juvenile court. This approach takes away a carefully considered judicial process and gives authority to the civil parties—whose interests are shaped by the needs of the litigation—to decide whether and how highly sensitive information will become subject to public view.

We understand that the sponsor, Los Angeles County, is seeking to address existing juvenile court backlogs of case file requests; however, we do not believe that these efficiency needs outweigh the privacy interests of youth and their families. While juvenile court review may

appear to be a formality, in our experience it offers important protections for youth. It also ensures that a youth is not forced to forgo the privacy of their entire juvenile file just because they are seeking to vindicate their rights in civil court. While parts of a juvenile file may be relevant to a civil case, much of it will not be, and the juvenile court is in the best position to make that determination.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee:

- 1) Possible cost savings to the court system to the extent the bill eliminates the need for certain parties to petition the court for access to juvenile case files.
- 2) Possible costs (local funds, General Fund) to county child welfare agencies and probation departments to provide records to parties authorized by this bill. However, these costs may be minor; it appears that courts generally grant petitions for access to records from the parties affected by this bill, so this bill may not substantially increase workload to local agencies. Local agencies may also experience some cost savings to the extent the bill streamlines litigation involving juvenile case files. If the bill results in costs to local agencies, the state must reimburse those costs from the General Fund if the Commission on State Mandates determines the duties imposed by this bill constitute a reimbursable state mandate.

## **VOTES**

### **SENATE FLOOR: 37-0-3**

**YES:** Allen, Alvarado-Gil, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

**ABS, ABST OR NV:** Archuleta, Reyes, Rubio

### **ASM JUDICIARY: 11-1-0**

**YES:** Kalra, Garcia, Bryan, Connolly, Harabedian, Tangipa, Pacheco, Papan, Sanchez, Lee, Zbur

**NO:** Dixon

### **ASM APPROPRIATIONS: 12-0-3**

**YES:** Wicks, Sanchez, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Solache, Ta, Tangipa

**ABS, ABST OR NV:** Arambula, Dixon, Pellerin

## **UPDATED**

VERSION: June 25, 2025

CONSULTANT: Alison Merrilees / JUD. / (916) 319-2334

FN: 0001126