
UNFINISHED BUSINESS

Bill No: SB 413
Author: Allen (D)
Amended: 9/4/25
Vote: 21

SENATE JUDICIARY COMMITTEE: 13-0, 4/8/25

AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 37-0, 4/24/25 (Consent)

AYES: 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

NO VOTE RECORDED: Archuleta, Reyes, Rubio

ASSEMBLY FLOOR: 61-0, 9/9/25 – Roll call vote not available.

SUBJECT: Juveniles: case file inspection

SOURCE: County of Los Angeles

DIGEST: This bill provides specified attorneys access to a juvenile case file without a court order for specified purposes.

Assembly Amendments of 9/4/25 narrow the types of cases in which attorneys in a case involving the subject of a juvenile case file can view the case file without a court order; and add protections for information in a case file relating to individuals' immigration status and pertaining only to minors who are not the subject of the case.

ANALYSIS:

Existing law:

- 1) Defines “juvenile case file” as a petition filed in a juvenile court proceeding, reports of the probation officer, and all other physical records and electronically stored information relating to the minor that is filed in the case or made available to the probation officer in making the probation officer’s report, or to the judge, referee, or other hearing officer and thereafter retained by the probation officer, judge, referee, or other hearing officer. (Welfare (Welf.) & Institutions (Inst.) Code, § 827(e).)
- 2) Provides the general rule that a juvenile case file may be inspected only with a court order. (Welf. & Inst. Code, § 827 (“Section 827”).)
- 3) Exempts, in Section 827, a number of persons, notwithstanding the general rule in 2), who may inspect, or receive a copy of, a juvenile case file without a court order, including:
 - a) Court personnel;
 - b) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile justice cases under state law;
 - c) The minor who is the subject of the proceeding;
 - d) The minor’s parent or guardian;
 - e) The city counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action;
 - f) Authorized state and county staff, as specified; and
 - g) Persons serving in a similar capacity as the persons listed above for an Indian tribe, reservation, or tribal court, when the case file involves a member of, or person who is eligible for membership in, that tribe. (Welf. & Inst. Code, § 827(a)(1) & (f).)
- 4) States that the intent of the Legislature in enacting the exemptions set forth in 3) is to promote more effective communication among the juvenile courts, family courts, law enforcement agencies, and schools to ensure the rehabilitation of criminal offenders as well as to lessen the potential for drug use, violence, other forms of delinquency, and child abuse. (Welf. & Inst. Code, § 827(b).)

This bill:

- 1) Permits the county counsel or a city attorney representing a child welfare agency or probation department 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.
- 2) Permits an attorney representing a party in a civil proceeding filed by, or on behalf of, the person who is the subject of the juvenile case file, in which the defendant is either the child welfare agency, or probation department, or an employee of one of those entities, for use in the civil proceeding, subject to the following limitations:
 - a) Information and copies of records from the juvenile case file may be used only in the civil proceeding and, consistent with existing law, shall not be disseminated to anyone who is not entitled access under state 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.
 - b) Notwithstanding existing law, and subject to existing limitations in Section 827, the immigration status of any individual in the juvenile case file, and information contained in the juvenile case file that pertains only to a sibling or to a minor who is not the subject of the juvenile case file, shall remain confidential and shall not be released absent an order by the juvenile court.
 - c) Notwithstanding existing law, information and copies of records from a juvenile file may 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; persons assisting the attorneys shall return all copies of records from a juvenile case file provided by an attorney at the conclusion of the civil proceeding.
 - d) An attorney who obtains access to a juvenile case file and provides copies of records to persons assisting the attorneys for the parties in the civil proceeding for their use in that proceeding 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, and shall take appropriate steps to ensure that all copies of records from a juvenile case file obtained are destroyed

upon the conclusion of the civil proceeding, consistent with other applicable laws.

- e) Any information and copies of records from a juvenile case file that is 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 shall 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, unless the judicial officer presiding over the civil matter rules otherwise. 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 court shall grant such a request except upon a finding of unusual circumstances.
- 3) Defines “civil proceeding,” for purposes of 2), as a government claim filed pursuant to Part 3 of Division 3.6 of Title 1 of the Government Code.
 - 4) Makes conforming changes to reflect the addition of the new category of exempt persons in 2).

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 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.

Section 827 is currently unclear as to when the attorneys in a lawsuit relating to the minor’s, or then-minor’s, time under county supervision view the plaintiff’s juvenile case file without a court order. According to the author and sponsor, this ambiguity is significantly slowing down lawsuits brought by minors (or former minors) against local agencies seeking damages during their time under the juvenile dependency jurisdiction of the court. Because the juvenile case file is likely to contain key evidence about what the local agency knew at the time, the litigation has to pause while the defendants go through the petition process in order to obtain access to the file. The sponsors report that the petition process can take months, and even over a year.

This bill amends Section 827 to clarify that the attorneys in a lawsuit against a local agency filed by, or on behalf of, the subject of the juvenile case file can view the plaintiff's juvenile case file without a court order. The bill adds guardrails for a juvenile case file released under these circumstances, including protecting the immigration status of persons discussed in the case file, and information relating only to minors other than the plaintiff, from disclosure without a court order; requiring the defendant to seek to file any material from the case file under seal; and requiring copies of the file obtained by attorneys to be destroyed at the end of the litigation. These measures are intended to enable cases filed against a local agency to move forward without the delay of petitioning for juvenile case file access.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee, the fiscal effect is:

- 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.

SUPPORT: (Verified 9/8/25)

County of Los Angeles (source)
California State Association of Counties
Consumer Attorneys of California
Dependency Legal Services San Diego
Los Angeles Dependency Lawyers, Inc.
Riverside County Board of Supervisors
Rural County Representatives of California
Sacramento County Board of Supervisors
San Mateo County Board of Supervisors
Urban Counties of California

OPPOSITION: (Verified 9/8/25)

Youth Law Center

ARGUMENTS IN SUPPORT: According to the Sacramento County Board of Supervisors:

SB 413 will address the slow and cumbersome undertaking the current Welfare and Institutions Code (WIC) section 827 petition process requires. Sacramento County has seen a vast increase in civil litigation claims against Child Protective Services since the passage of AB 218 (2019). As a result, the volume of WIC § 827 petitions, filed by both plaintiff's counsel and outside defense counsel for the County, has grown exponentially. This increase and the number of records provided to the juvenile court for review on each case has created a significant delay in delivering records to the parties. Additionally, WIC § 827 court orders can be overly restrictive, inconsistent and/ or confusing requiring subsequent § 827 petitions to be filed to ultimately obtain the records necessary for the civil litigation. SB 413 will allow timely resolution of government tort claims while at the same time ensuring that the confidentiality rights of minors are protected.

ARGUMENTS IN OPPOSITION: According to Youth Law Center:

SB 413, unfortunately, seeks to upend California's longstanding approach of limiting dissemination of juvenile case file information by carving out civil litigation as an exemption to juvenile court review. Under current law, a defined list of individuals and entities are authorized to inspect and receive copies of juvenile case file information, but these individuals may not further disseminate such information without juvenile court authorization. This juvenile 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.

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
9/9/25 12:37:05

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