

AMENDMENTS TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on May 24, 2018, effective September 1, 2018

1	Rule 3.36. Notice of limited scope representation and application to be relieved as	
2	attorney	2
3	Rule 5.552. Confidentiality of records (§§ 827, 827.12, 828)	3
4	Rule 5.840. Dismissal of petition and sealing of records (§ 786).....	6
5	Rule 5.850 Sealing of records by probation in diversion cases (§ 786.5)	7
6		

1 **(f) No objection**

2
3 If no objection is served and filed with the court within 15 days from the date that
4 the *Application to Be Relieved as Attorney on Completion of Limited Scope*
5 *Representation* (form ~~MC-955~~CIV-151) is served on the client, the attorney making
6 the application must file an updated form ~~MC-955~~CIV-151 indicating the lack of
7 objection, along with a proposed *Order on Application to Be Relieved as Attorney*
8 *on Completion of Limited Scope Representation* (form ~~MC-958~~CIV-153). The clerk
9 must then forward the order for judicial signature.

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11 *(Subd (f) amended effective September 1, 2018.)*
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13 **(g) Objection**

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15 If an objection to the application is served and filed within 15 days, the clerk must
16 set a hearing date on the *Objection to Application to Be Relieved as Attorney on*
17 *Completion of Limited Scope Representation* (form ~~MC-956~~CIV-152). The hearing
18 must be scheduled no later than 25 days from the date the objection is filed. The
19 clerk must send the notice of the hearing to the parties and the attorney.

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21 *(Subd (g) amended effective September 1, 2018.)*
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23 **(h) Service of the order**

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25 If no objection is served and filed and the proposed order is signed under (f), the
26 attorney who filed the *Application to Be Relieved as Attorney on Completion of*
27 *Limited Scope Representation* (form ~~MC-955~~CIV-151) must serve a copy of the
28 signed order on the client and on all parties or the attorneys for all parties who have
29 appeared in the case. The court may delay the effective date of the order relieving
30 the attorney until proof of service of a copy of the signed order on the client has
31 been filed with the court.

32
33 *(Subd (h) amended effective September 1, 2018.)*
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35 *Rule 3.36 amended effective September 1, 2018; adopted effective January 1, 2007.*
36

37 **Rule 5.552. Confidentiality of records (§§ 827, 827.12, 828)**

38
39 **(a) * * ***

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41 **(b) Petition**
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Juvenile case files may ~~only~~ be obtained or inspected only in accordance with sections 827, 827.12, and 828. They may not be obtained or inspected by civil or criminal subpoena. With the exception of those persons permitted to inspect juvenile case files without court authorization under sections 827 and 828, and the specific requirements for accessing juvenile case files provided in section 827.12(a)(1), every person or agency seeking to inspect or obtain juvenile case files must petition the court for authorization using *Request for Disclosure of Juvenile Case File* (form 7-570). A chief probation officer seeking juvenile court authorization to access and provide data from case files in the possession of the probation department under section 827.12(a)(2) must comply with the requirements of subdivision (e) of this rule.

(1)–(2) * * *

(Subd (b) amended effective September 1, 2018; adopted as subd (c); previously amended effective July 1, 1997, and January 1, 2007; previously amended and relettered effective January 1, 2018.)

(c)–(d) * * *

(e) Release of case file information for research (§ 872.12(a)(2))

The court may authorize a chief probation officer to access and provide data contained in juvenile delinquency case files and related juvenile records in the possession of the probation department for the purpose of data sharing or conducting or facilitating research on juvenile justice populations, practices, policies, or trends if the court finds the following:

(1) The research, evaluation, or study includes a sound method for the appropriate protection of the confidentiality of an individual whose juvenile delinquency case file is accessed for this purpose. In considering whether a method is sound, the court must have information on:

(A) The names and qualifications of any nonprobation personnel who will have access to personally identifying information as defined in Civil Code section 1798.79.8(b);

(B) Procedures to mask personally identifying information that is shared electronically; and

(C) Data security protocols to ensure that access to the information is limited to those people authorized by the court.

1 (2) No further release, dissemination, or publication of personally identifying
2 information by the probation department or a program evaluator, researcher,
3 or research organization that is retained by the probation department will take
4 place for research or evaluation purposes.

6 (3) The disclosure requirements of section 10850 are met if any dependency
7 information in a delinquency file may be disclosed.

9 (4) A date for destruction of records containing personally identifying
10 information in the possession of nonprobation department personnel has been
11 set to prevent inappropriate disclosure of the records.

13 If the information is being released for human subject research as defined in 45
14 Code of Federal Regulations part 46, the probation department must provide notice
15 to the office of the public defender 30 days before the court authorizes the release
16 of the information so that the office has an opportunity to file an objection to the
17 release with the court. If such an objection is filed within the 30 day period the
18 court must set a hearing on the objection within 30 days of the filing of the
19 objection to consider the objection and make a determination on whether and how
20 release of information should be accomplished. Upon receiving authorization, but
21 prior to the release of information, the probation department must enter into a
22 formal agreement with the entity or entities conducting the research that specifies
23 what may and may not be done with the information disclosed.

25 *(Subd (e) was adopted effective September 1, 2018.)*

27 ~~(e)~~(f) **Reports of law enforcement agencies (§ 828)**

29 * * *

31 *(Subd (f) relettered effective September 1, 2018; adopted as subd (f) effective January 1,*
32 *1994; previously relettered as subd (g) effective January 1, 2001, and as subd (f) effective*
33 *January 1, 2009; previously amended effective January 1, 2007; previously amended and*
34 *relettered as subd (e) effective January 1, 2018.)*

37 ~~(f)~~(g) **Other applicable statutes**

39 * * *

41 *(Subd (g) relettered effective September 1, 2018; adopted as subd (f); previously amended*
42 *and relettered as subd (h) effective July 1, 1995; previously relettered as subd (g) effective*
43 *January 1, 1994, as subd (i) effective January 1, 2001, and as subd (h) effective January 1,*

2009; previously amended effective January 1, 2007; previously amended and relettered as subd(f) effective January 1, 2018.)

Rule 5.552 amended effective September 1, 2018; adopted as rule 1423 effective July 1, 1992; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 1994, July 1, 1995, July 1, 1997, January 1, 2001, January 1, 2004, January 1, 2009 and January 1, 2018.

Rule 5.840. Dismissal of petition and sealing of records (§ 786)

(a) * * *

(b) Dismissal of petition

If the court finds that a minor subject to this rule has satisfactorily completed his or her informal or formal probation supervision, the court must order the petition dismissed. The court must not dismiss a petition if it was sustained based on the commission of an offense listed in subdivision (b) of section 707 when the minor was 14 or older unless the finding on that offense has been dismissed or was reduced to a misdemeanor or an offense not listed in subdivision (b) of section 707. The court may also dismiss prior petitions filed or sustained against the minor if they appear to the satisfaction of the court to meet the sealing and dismissal criteria in section 786. An unfulfilled order, condition, or restitution or an unpaid restitution fee must not be deemed to constitute unsatisfactory completion of probation supervision. The court may not extend the period of supervision or probation solely for the purpose of deferring or delaying eligibility for dismissal and sealing under section 786.

(Subd (b) amended effective September 1, 2018.)

(c) Sealing of records

For any petition dismissed by the court under section 786, including any petition dismissed before adjudication, the court must also order sealed all records in the custody of the court, law enforcement agencies, the probation department, and the Department of Justice pertaining to those dismissed petition(s) using form JV-596, *Dismissal and Sealing of Records—Welfare and Institutions Code Section 786*, or a similar form. The court may also seal records pertaining to these cases in the custody of other public agencies upon a request by an individual who is eligible to have records sealed under section 786, if the court determines that sealing the additional record(s) will promote the successful reentry and rehabilitation of the individual. The prosecuting attorney, probation officer, and court must have access

1 to these records as specifically provided in section 786. Access to the records for
2 research purposes must be provided as required in section 787.

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4 *(Subd (c) amended effective September 1, 2018.)*

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6 **(d)–(f) * * ***

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8 *Rule 5.840 amended effective September 1, 2018; adopted effective July 1, 2016.*

9
10 **Rule 5.850 Sealing of records by probation in diversion cases (§ 786.5)**

11
12 **(a) Applicability**

13
14 This rule states the procedures to seal the records of persons who are subject to
15 section 786.5.

16
17 **(b) Sealing of records**

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19 Upon satisfactory completion of a program of diversion or supervision under a
20 referral by the probation officer or the prosecutor instead of filing a petition to
21 adjudge the person a ward of the juvenile court, including a program of informal
22 supervision under section 654, the probation department must seal the arrest and
23 other records in its custody relating to the arrest or referral and participation in the
24 program. The probation department must also notify the public or private agency
25 operating the diversion program to which the person has been referred to seal any
26 records in its custody relating to the arrest or referral and participation in the
27 program, and the operator of the program must do so promptly.

28
29 **(c) Notice to participant**

30
31 Within 60 days of the satisfactory completion of a program subject to this rule, the
32 probation department must notify the person in writing that his or her records have
33 been sealed. If the probation department determines that the program has not been
34 completed satisfactorily, it must notify the person in writing of the reason or
35 reasons for not sealing the record and provide the person with a copy of the
36 *Petition to Review Denial of Sealing of Records After Diversion Program* (form
37 JV-598) or similar local form to allow the person to seek court review of the
38 probation department's determination within 60 days of making that
39 determination.

40
41 **(d) Review of unsatisfactory completion of program by the juvenile court**

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1 A person who receives notice from the probation department that he or she has not
2 satisfactorily completed the program and that his or her records have not been
3 sealed may seek review of that determination by the court by submitting a petition
4 to the probation department on the *Petition to Review Denial of Sealing of Records*
5 *After Diversion Program* (form JV-598) or similar local form, and the probation
6 department must file that petition with the court for a hearing to review whether he
7 or she has met the satisfactory completion requirement and is eligible for record
8 sealing by the probation department. The petition must be provided to the probation
9 department within 60 days of the date the notice from the probation department was
10 sent, and must include a copy of that notice. The probation department must file the
11 petition with the juvenile court in the county that issued the notice within 30 days of
12 receiving it. The clerk of the court must set the matter for hearing and notify the
13 petitioner and the probation department of the date, time, and location of the
14 hearing. The court must appoint counsel to represent the child before or at the
15 hearing unless the court finds that the child has made an intelligent waiver of the
16 right to counsel under section 634 or is already represented. If the court finds after
17 the hearing that the petitioner is eligible to have the records sealed under section
18 786.5, it must order the probation department to promptly comply with the sealing
19 and notice requirements of this rule.

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21 *Rule 5.850 adopted effective September 1, 2018.*
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