

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

SB 413 (Allen)  
Version: February 14, 2025  
Hearing Date: April 8, 2025  
Fiscal: Yes  
Urgency: No  
AWM

**SUBJECT**

Juveniles: case file inspection

**DIGEST**

This bill clarifies and adds to the list of persons who may view a juvenile case file without a court order, to ensure that counsel for parties in a case filed by a minor or former minor can expeditiously view the file.

**EXECUTIVE SUMMARY**

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.<sup>1</sup> 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.

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<sup>1</sup> *Id.*, § 827(a)(1)(A)-(V).

This bill amends Section 827 to clarify that the attorneys in cases where the minor, or former minor, is a party in a lawsuit against a local agency 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 requiring any material obtained from the case file to be filed 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.

This bill is sponsored by the County of Los Angeles and is supported by the Consumer Attorneys of California. The Committee has not received timely opposition to this bill.

### **PROPOSED CHANGES TO THE LAW**

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. (Welf. & 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.)
- 3) Exempts 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) Modifies the exemption for inspecting a juvenile case file without a court order for county counsel, city attorney, or other attorney representing the petitioning agency in a dependency action to instead include the “county counsel or city attorney representing the county child welfare agency or probation department.”
- 2) Adds a category of persons who may inspect a juvenile case file without a court order: attorneys representing a party in a civil action or in a specified government claim in which a local agency, child welfare agency, or probation department, or employee of one of those entities acting in their official capacity, is a party, for use in that civil action or government claim.
- 3) Limits access by the persons in 2), as follows:
  - a) Information from a juvenile case file received pursuant to 2) may be used only in connection with a civil action or government claim and shall not be disseminated to anyone other than the court, the parties, counsel for the parties, and those assisting counsel for the parties without the prior approval of the juvenile court.
  - b) Attorneys in possession of records from a juvenile case file pursuant to 2) shall destroy the records upon the conclusion of the civil action or government claim, whichever is later.
  - c) Any portion of a juvenile case file that is received pursuant to 2) that is submitted to the court or attached to pleadings in a civil action shall be filed under seal, unless the judicial officer presiding over the civil matter rules otherwise.
- 4) Makes conforming changes to reflect the addition of the new category of exempt persons in 2).

### COMMENTS

#### 1. Author’s comment

According to the author:

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 bill would allow attorneys representing a party in a civil action or in a government claim in which a local agency, child welfare agency, or probation department, or their

employee, is a party, to inspect and receive copies of a juvenile case file for use in the civil action or government claim. It would also clarify access of the county counsel or city attorney representing the county child welfare agency or probation department to juvenile case files, even in the absence of a dependency action.

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. This problem has exponentially grown over the last few years with the passage of AB 218 (2019). Since then, thousands of child sexual assault claims have been filed in Los Angeles County alone which has had a major impact on delaying civil court procedures. 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.

2. Juvenile case files are presumptively confidential, but there is a long list of persons who may nevertheless view a juvenile case file without a court order

A juvenile case file is the collection of records filed or created in connection with a minor's juvenile dependency case, including the petition, probation officer reports, and reports filed by the county welfare agency.<sup>2</sup> 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 sets forth the categories of persons the Legislature has determined should automatically have access to juvenile case records.<sup>3</sup> All other persons who wish to view a juvenile case record must petition the court for permission to do so.<sup>4</sup> Section 827 grants the juvenile court "exclusive authority to determine whether and to what extent to grant access to confidential juvenile records" to persons not automatically granted access by the statute.<sup>5</sup>

For a person not pre-authorized by section 827 to view a juvenile case record as a matter of course, the procedure for petitioning the court to obtain an order is extensive. At least ten days before submitting the petition, the person must serve forms developed by the Judicial Council of California setting forth the petition, the notice of the petition, and a blank form for objections to the petition on all of the following persons:

- The county counsel, city attorney, district attorney, or other attorney representing the child, depending on whether the child is a ward or dependent of the court;
- The child if the child is ten years of age or older;

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<sup>2</sup> Welf. & Inst. Code, § 827(e).

<sup>3</sup> *Id.*, § 827(a)(1)(A)-(V).

<sup>4</sup> *Id.*, § 827(a)(2).

<sup>5</sup> *In re Elijah S.* (2005) 125 Cal.App.4th 1532, 1541.

- The attorney of record for the child who remains a ward or dependent of the court;
- The parents or guardians of the child, if the child is under 18 or the child is subject to the juvenile court's jurisdiction through a dependency petition;
- The probation department, child welfare agency, or both, if applicable;
- The child's Indian tribe, if applicable; and
- The child's Court Appointed Special Advocate (CASA) volunteer.<sup>6</sup>

Once the petitioner files the petition, the court may deny it summarily if the petitioner did not show good cause to view the court file.<sup>7</sup> 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.<sup>8</sup> The court may hold a hearing to assist in determination of the issue.<sup>9</sup> 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, and if the court finds that the need outweighs the policy considerations favoring confidentiality of juvenile case files.<sup>10</sup> 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.<sup>11</sup>

3. Juvenile case files are often necessary evidence in cases filed against a local agency by persons who were harmed while under the jurisdiction of the juvenile court

In recent years, the Legislature has significantly expanded the time in which a person can bring a civil action for childhood sexual assault.<sup>12</sup> This chance has led to a significant increase in the number of lawsuits filed against institutions across the state.<sup>13</sup> Local entities, including county dependency and juvenile justice agencies, are among the institutions who have seen a dramatic uptick in lawsuits, often alleging that the county failed to properly supervise children placed into foster homes or juvenile justice facilities.<sup>14</sup>

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<sup>6</sup> Cal. Rules of Court, r. 5.552(c).

<sup>7</sup> *Id.*, r. 5.552(d)(1).

<sup>8</sup> *Id.*, r. 5.552(d)(3).

<sup>9</sup> *Id.*, r. 5.552(d)(2).

<sup>10</sup> *Id.*, r. 5.552(d)(5), (6).

<sup>11</sup> *Id.*, r. 5.552(7), (8).

<sup>12</sup> See AB 452 (Addis, Ch. 655, Stats. 2024); AB 218 (Gonzalez, Ch. 861, Stats. 2019).

<sup>13</sup> E.g., Nelson, *As deadline looms, California's institutions face thousands of childhood sexual abuse claims* (Dec. 28, 2022) L.A. Times, available at <https://www.latimes.com/california/story/2022-12-28/child-sex-abuse-lawsuits-california-deadline-ab218>. All links in this analysis are current as of April 4, 2025.

<sup>14</sup> E.g., Blakinger & Ellis, *L.A. County hit with record number of lawsuits amid flood of childhood sex abuse claims* (Feb. 6, 2025), available at <https://www.latimes.com/california/story/2025-02-06/l-a-county-hit-with-record-number-of-lawsuits-amid-flood-of-sex-abuse-claims>.

In these cases, if the plaintiff had a juvenile case file while under dependency or juvenile justice jurisdiction, the juvenile case file will typically be relevant evidence in the case, or, at a minimum, provide the parties with information about the case that might not be available from any other source. Given that some of the cases filed go back decades, the juvenile case file can be the only source of information about a child's placement or the thought processes involved in the child's case. Section 827, however, is unclear as to whether the attorneys representing the parties in a civil suit filed by the minor or former minor against a local government entity can view a juvenile case file<sup>15</sup>. As a result, in many counties, parties have to go through the petition process, which can significantly delay the litigation. According to the author, obtaining an order for the release of the file can take a year or more.

4. This bill clarifies and adds to section 827 to allow juvenile case files to be accessed by counsel for the parties in an action brought by a minor or former minor

This bill makes two clarifications and additions to section 827 to ensure that counsel in actions filed by a minor can obtain the minor's juvenile case file in a timely manner.

First, the bill clarifies that county counsel or city attorneys representing the county child welfare agency or probation department may inspect a juvenile case file without a court order, rather than restricting these individuals to access in dependency actions only.

Second, this bill adds to section 827's list of authorized parties an attorney representing a party in a civil action or government claim in which a local agency, child welfare agency, probation department, or employee of one of those entities acting in their official capacity, is a party. The bill adds guardrails to this provision, specifying that a case file received pursuant to this provision can be used only in connection with the claim at issue and shall not be disseminated to anyone other than the court, the parties and their counsel, and those assisting counsel without a court order. The bill also specifies that an attorney in possession of a juvenile case file pursuant to this provision must destroy the file upon the conclusion of the action and that all portions of the juvenile case file filed with the court must be filed under seal, unless otherwise ordered by the court.

Together, these changes are intended to permit parties in childhood sexual assault, and other lawsuits, to access the documents they need in order for those suits to move forward. The author is continuing to work with children's advocacy groups to ensure that the language is crafted as narrowly as possible to avoid inadvertent disclosure of private information.

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<sup>15</sup> See Welf. & Inst. Code, § 827(a).

5. Arguments in support

According to the bill's sponsor, the County of Los Angeles:

Los Angeles County is proud to sponsor SB 413, which makes two important clarifying amendments to Welfare and Institutions Code section 827. First, this bill clarifies that the use of the term "county counsel" in subparagraph (a)(1)(F) applies to the county counsel attorneys who represent the child welfare agency or probation department in any capacity. Second, this bill ensures that attorneys representing parties in a government tort claim or civil action, where a local agency, child welfare agency, or probation department, or their employees acting in their official capacity, are named, are entitled parties for the purpose of accessing juvenile records.

These two modest amendments will provide significant benefits. They will:

- Save counties, as well child litigants suing counties, money;
- Expedite civil claims against counties (for everything from claims of child sexual assault to dangerous conditions);
- Clarify the statute to reduce inconsistencies among counties and courts; and,
- Ensure that juvenile records are handled with care and confidentiality.

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.

**SUPPORT**

County of Los Angeles (sponsor)  
Consumer Attorneys of California

**OPPOSITION**

None received

**RELATED LEGISLATION**

Pending legislation:

SB 794 (Ochoa Bogh, 2025) expands the categories of persons who may view a juvenile case file without a court order, to include members of a minor's parent's treatment team

and the minor's counsel in specified circumstances. SB 794 is pending before this Committee.

AB 243 (Ahrens, 2025) expands the categories of persons who may view a juvenile case file without a court order to include personnel at institutions of higher education, as specified, for the purpose of facilitating the minor's institution's attendance at the institution. AB 243 is pending before the Assembly Judiciary Committee.

Prior legislation:

SB 1161 (Becker, Ch. 782, Stats. 2024) among other things, clarified what material is included in, and who may view, a juvenile case file.

SB 1071 (Umberg, Ch. 613, Stats. 2022) authorized the attorneys in an administrative appeal pertaining to a foster child or caregiver's receipt of certain state-administered public assistance programs to access the portions of the confidential juvenile case file that the agency relied on in reaching the appealed decision, without a court order.

AB 2711 (Calderon, Ch. 870, Stats. 2022) allowed staff of the California Department of Social Services (CDSS) to view a juvenile case file without a court order for the purpose of completing CDSS's duties relating to the adoption of minors.

AB 2659 (Cooley, 2018) would have authorized an individual seeking access to juvenile case files in child dependency proceedings to petition the criminal court for the release of information to a criminal prosecutor or defense attorney of record if the court determined that the file contained information that is material to a current criminal prosecution, as specified. AB 2659 died in the Assembly Appropriations Committee.

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