

November 1, 2018

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 18-127**

Senate Bill (SB) 462 adds section 827.12 to the W&IC, which permits a law enforcement agency, county probation department, court, the Department of Justice, or other state or local agency to access juvenile delinquency case files for the limited purpose of complying with data collection or data reporting requirements.



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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EDMUND G. BROWN JR.  
GOVERNOR

November 1, 2018

ALL COUNTY LETTER NO. 18-127

TO: ALL COUNTY WELFARE DIRECTORS  
ALL TITLE IV-E AGREEMENT TRIBES  
ALL CHIEF PROBATION OFFICERS  
ALL JUVENILE COURT JUDGES

SUBJECT: ACCESS TO JUVENILE DELINQUENCY CASE FILES FOR DATA  
COLLECTION AND REPORTING

REFERENCE: [SENATE BILL \(SB\) 462 \(CHAPTER 462, STATUTE OF 2017\), AND  
WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTIONS 787, 827  
AND 827.12](#)

## PURPOSE

The purpose of this All County Letter (ACL) is to inform county placing agencies of the provisions of [Senate Bill \(SB\) 462](#) which permits a law enforcement agency, county probation department, court, the Department of Justice, or other state or local agency that has custody of juvenile delinquency case files, to have access to the files for the limited purpose of complying with data collection or data reporting requirements that are imposed by terms of a grant or by another state or federal law.

## BACKGROUND

Existing law, limits access to juvenile case files to specified individuals and officials. These parties are prohibited from disseminating the file or its contents unless otherwise permitted. The SB 462 extends access to juvenile delinquency records for complying with data collection or reporting requirements, provided no personally identifying information is released, and allows for the parties to conduct research on juvenile justice populations, practices, policies, or trends if certain criteria are met.

## SUMMARY

The SB 462 added section [827.12](#) to the W&IC, which allows the juvenile court to authorize a probation department to access and provide data contained in juvenile delinquency case files

and related juvenile records to research entities for the purpose of data sharing, facilitating or conducting research.

In order for the juvenile court to authorize access to these records, the following must be in place:

- a. A request must be submitted by the Chief Probation Officer.
- b. The methodology used by the research, evaluation, or study must be determined, by the court, to appropriately protect the confidentiality of the individual whose juvenile case file is accessed, and
- c. No personally identifying information is released relating to the individual whose juvenile delinquency case file is accessed.

The probation department shall not disclose any dependency information contained in a juvenile delinquency case record, unless the probation department has complied with the requirements for disclosure set forth in W&IC section [10850](#).

If conducting human subject research and an authorization from the court has been granted the following requirements shall be in place:

- a. Prior to releasing any information from a juvenile delinquency case file, the probation department must enter into a formal agreement with the entity or entities conducting the human subject research that specifies what may and may not be done with the information disclosed, and
- b. The research must be conducted in compliance with the Code of Federal Regulations, [Title 45, Part 46](#) and all other laws, limits and requirements of human subject research.

It is critical that the confidentiality of these case files be protected while also supporting the need to gather system-level information to document the performance of juvenile justice grants, programs and policies. If you have any questions regarding this ACL, please contact the Concurrent Planning & Policy Unit at (916) 657-1858 or email [concurrentplanningpolicyunit@dss.ca.gov](mailto:concurrentplanningpolicyunit@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division