

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 30, 1999

ALL-COUNTY INFORMATION NOTICE I-49-99**TO: ALL COUNTY ADOPTION AGENCY SUPERVISORS
ALL CDSS ADOPTION DISTRICT OFFICES****REASON FOR THIS TRANSMITTAL**

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: WELFARE AND INSTITUTIONS CODE SECTION 366.26 REPORTS**REFERENCE: TITLE 22 CALIFORNIA CODE OF REGULATIONS SECTION 35195**

The Department recently became aware that some public adoption agencies are attaching a copy of the Welfare and Institutions Code (WIC) Section 366.26 court report to the AD 512 form, Psychosocial and Medical History of the Child. The purpose of this all-county information notice is to inform agencies that the practice is in violation of the provisions of WIC Section 827 and should be discontinued immediately.

WIC Section 827 establishes the confidentiality of juvenile court records. (See also Rule 1423 of the California Rules of Court.) The social worker's report filed for a WIC Section 366.26 hearing in the juvenile court is part of a child's juvenile court record and as such may be inspected by only the individuals authorized under WIC Section 827(a)(1). Those authorized individuals do not include a dependent child's adoptive parents. Furthermore, WIC Section 827(a)(2) prohibits the use of juvenile court records, or any information therein, as attachments to any documents without the prior approval of the presiding judge of the juvenile court, except in a criminal investigation or a proceeding brought to declare a person a dependent or ward of the juvenile court.

The Department recommends that, for purposes of Title 22 California Code of Regulations (CCR) Section 35195, public adoption agencies develop a written summary of information available in the WIC Section 366.26 report that is relevant to the child's psychosocial and medical history. The summary may then be given to the dependent child's prospective adoptive parents as an attachment to the AD 512.

If you have any questions, please contact Marta Irvin, Consultant in the Adoptions Policy Bureau, at (916) 445-2803.

**Original Signed By Wesley A. Beers,
On 7/30/99**

WESLEY A. BEERS
Acting Deputy Director
Children & Family Services Division

c: CWDA