

AUG 11 2004

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
JUVENILE COURT

On behalf of:)
)
Department of Children and)
Family Services)
and)
Family Court Services,)
)
Petitioners)
_____)

BLANKET ORDER RE:
WAIVER OF
CONFIDENTIALITY

Family Court Services (FCS) employs child custody evaluators to perform custody evaluations for the Family Law Courts. On January 10, 2002, the Juvenile Court issued a blanket order for the sharing of information between FCS and the Department of Children and Family Services (DCFS). On June 3, 2004, FCS submitted a request for clarification of the January 10, 2002 blanket order to allow its child custody evaluators to inspect juvenile case files where a child custody evaluator has been appointed by the Family Law Court to perform a custody evaluation pursuant to Family Code section 3111, 3118, or Evidence Code section 730.

GOOD CAUSE APPEARING, the Juvenile Court hereby issues the following order pursuant to Welfare and Institutions Code section 827 and California Rules of Court, Rule 1423:

1. This order shall apply in all cases where a child custody evaluator has been appointed by the

1 Family Law Court to conduct an evaluation pursuant to Family Code section 3111, 3118 or Evidence
2 Code 730.

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4 2. This order grants to DCFS and FCS (“Petitioners”) a limited waiver of confidentiality to
5 share information between the two agencies where a FCS child custody evaluator has been appointed
6 pursuant to Family Code section 3111, 3118 or Evidence Code 730. Such information sharing shall
7 include access to dependency court files, DCFS files, and oral exchange of information in the
8 following circumstances:

9 A. If FCS is working on a case and there has been a previous filing in Dependency
10 Court on the family, FCS staff may view the Dependency Court file and obtain
11 copies of relevant information. DCFS may disclose orally any information contained
12 in the Dependency Court file to FCS. However, FCS may not obtain any information
13 that is confidential or privileged pursuant to any other state law or federal law or
14 regulation.

15 B. If FCS is working on a case and there was a previous investigation by DCFS, but no
16 petition was filed in Dependency Court:

17 (1) DCFS may disclose orally to FCS:

18 (a) Whether the family has been the subject of a child abuse investigation;

19 (b) The status or disposition of the child abuse investigation regarding
20 the family;

21 (c) The dates the case was opened and closed.

22 (2) FCS may inspect DCFS records regarding the family at issue and obtain
23 copies of relevant documents, including alcohol and drug counseling
24 information. DCFS may redact the following:

25 (a) Educational information;

26 (b) Medical/mental health information;

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- 1 (c) HIV status;
2 (d) Identity of child abuse reporter; and
3 (e) Any other information that is confidential or privileged pursuant to
4 any other state law or federal law or regulation.

5 C. If FCS is working on a case and simultaneously DCFS is investigating the family,
6 DCFS may disclose orally to FCS:

- 7 (1) Whether there is an active DCFS case and the dates the case was opened and
8 closed;
9 (2) The status or disposition of the child abuse investigation regarding the family;
10 (3) The name, location, telephone number of the Children's Social Worker.

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12 2. Where FCS is performing a child custody evaluation pursuant to Family Code section 3111,
13 3118, or Evidence Code section 730, and a petition is filed in Dependency Court:

- 14 A. All decisions regarding custody and visitation will be made by the Dependency Court
15 pursuant to Welfare & Institutions Code section 304;
16 B. If ordered by the Dependency Court, FCS will continue the evaluation and file the
17 completed evaluation with the Dependency Court.

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19 3. Petitioners agree to the following limitations:

- 20 A. Petitioners agree to abide by the Los Angeles County Superior Court Local Rules
21 regarding confidentiality. The information obtained shall be used for the sole purpose
22 outlined in this order.
23 B. FCS shall ensure the confidentiality of the Dependency Court and DCFS records by
24 maintaining such information in a separate confidential file clearly marked with the
25 instruction: "This record contains confidential information. Unlawful dissemination
26 of this record is a misdemeanor."

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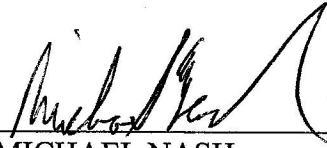
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- C. Ensure that only authorized persons and agencies shall have access to the confidential information released to Petitioners.
- D. Petitioners shall utilize the Welfare & Institutions Code section 827 petition process to access confidential information that is not covered by this order.
- E. Further dissemination of Dependency Court or DCFS information by FCS is permitted only by order of the Juvenile Court Presiding Judge pursuant to Welfare & Institutions Code section 827.

4. This Order shall remain in effect until or unless it is revoked or otherwise amended on the motion of the Juvenile Court Presiding Judge or at the request of any interested parties.

IT IS SO ORDERED.

DATED: 8/11/04



MICHAEL NASH
Presiding Judge of the Juvenile Court

