

7.3 PUBLIC AND MEDIA COURTROOM ACCESS

(a) General Rule. Pursuant to Welfare & Institutions Code sections 346 and 676, dependency and delinquency proceedings are closed to the public unless the judge handling the proceeding grants access.

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(1) Access to Dependency Court Proceeding. Pursuant to Welfare and Institutions Code section 346, a member of the public will not be admitted to a dependency court hearing unless (a) a parent/guardian makes a request for admission of a person, and the minor who is the subject of the petition consents, (b) the subject minor makes a request for admission of a person, or (c) the judge admits a person deemed to have a direct and legitimate interest in a particular case or the work of the court.

(2) Access to Delinquency Court Proceeding. Pursuant to Welfare and Institutions Code section 676, a member of the public will not be admitted to a delinquency court hearing unless: (a) the minor who is the subject of the petition and any parent/guardian who is present request admission of a person, or (b) the judge admits a person deemed to have a direct and legitimate interest in the particular case or the work of the court.

a) Exceptions for Serious Violent Offenses. The public must be admitted to a delinquency court hearing that concerns a delinquency petition alleging the minor has violated one of the serious violent offenses listed in Welfare and Institutions Code section 676(a). If, however, the petition alleges that the minor has committed rape, sodomy, oral copulation, or rape with a foreign or unknown object, the public must not be admitted to a juvenile delinquency hearing where: (a) the district attorney makes a motion for a closed hearing upon the victim's request; or (b) during the victim's testimony, if the victim was under 16 years of age at the time of the offense.

(3) Conditions of Admission . Where a member of the public/media is admitted into a juvenile court proceeding, that person a) must provide appropriate identifying information to the court bailiff or clerk upon request, b) must conduct himself or herself in a manner consistent with the decorum and dignity of the courtroom, and c) must make any request to photograph, record, or broadcast the proceeding in accordance with California Rules of Court, rule 1.150.

(b) Observation Orders for Educational Purposes. For the purpose of general education regarding the juvenile court system, a request to observe a juvenile court proceeding may be filed in the office of the Presiding Judge of the Juvenile Court. The request must specify the reason for observation and must be filed so that the Presiding Judge of the Juvenile Court has time to consider the request and make the appropriate arrangements. An authorization for court observation will not permit (1) interviews of the parties, attorneys, or court staff, (2) photography, voice recording, and/or videotaping, and (3) public release of any information that identifies individuals or cases. An authorization for court observation remains subject to the discretion of the judge handling a particular proceeding.

(c) Requests for Interviewing, Photographing, Videotaping, or Voice Recording of Dependent/Delinquent Children. A member of the public or media representative must obtain a court order from the Presiding Judge of the Juvenile Court prior to contacting a child if (1) the person seeks to interview, photograph, videotape or voice record a child, who that person knows, or has reason to know, is under juvenile court jurisdiction and has been removed from the physical custody of the parent or legal guardian, and (2) confidential information regarding the child's case or dependency or wardship status may or will be disclosed as a result.

(1) Access to Dependent or Delinquent Children Without Court Permission. This rule does not prevent dependent or delinquent children from initiating contact with a person or media representative without court permission. This rule does not limit contact between a person or media representative and families, attorneys, detention facilities, or court-ordered placements. Finally, the rule does not suggest that children, their families, attorneys, or personnel of detention facilities or

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placements have any obligation to agree to an interview or to provide information to a media representative.

(2) Request Forms. A request for a court order permitting contact with a child must be sent to the office of the Presiding Judge of the Juvenile Court. (Juvenile Form 2) All of the court's juvenile forms are available on the court's website or in Room 2700 at the Children's Court. A failure to fully complete all sections of the form may result in a denial of the request without prejudice.

(3) Notice. At least five calendar days before filing, the person initiating the request must serve, or attempt to serve, a copy on the appropriate parties either personally, by fax, by first class mail, or email.

In a dependency proceeding, notice must be served on the child, the attorney of record for a child who is a dependent of the court, the parent(s) or guardian(s) of the child (who is under 18 years old) or their attorney, County Counsel, and DCFS.

In a delinquency proceeding, notice must be served on the child, attorney of record for a child who is a ward of the court, the parent(s) or guardian(s) of the child (who is under 18 years old), the District Attorney, and the Probation Department.

a) Objections. Any objections to the request must be submitted in writing to, and received by, the Presiding Judge of the Juvenile Court no later than (a) 15 calendar days after date of service, if the request was served by fax, email, or personal service, or (b) 20 calendar days after date of service, if the request was served by mail. In order to receive a copy of the court's decision on the request, the person or agency filing an objection must include a self-addressed, stamped envelope.

b) Time for Objection Shortened for Good Cause. The requesting party may request the time allowed for objections to be shortened. The request for shortened time must provide timely notice to ensure any person/agency has an opportunity to object, and establish good cause why the objection period should be shortened. The Presiding Judge of the Juvenile Court will approve or deny the request based on whether good cause has been established, or set the matter for a hearing.

(4) Ex Parte Requests. The Presiding Judge of the Juvenile Court may grant a request on an ex parte basis, without the notice otherwise required, upon a showing of good cause.

(5) Evaluation on Case-by-Case Basis.

a) Detrimental to Child's Best Interests. The Presiding Judge of the Juvenile Court, or his or her designee, may deny the request if the court finds a reasonable likelihood that the requested contact will be detrimental to the child's best interests.

b) Burden of Proof. The person or agency opposing the request bears the burden of showing detriment to the child.

c) Pertinent Factors . In making its determination, the court may consider, but is not limited to, the following factors: age of the child, nature of the allegations in the case, child's expressed desire, child's physical and emotional health, extent of the present or expected publicity and its effect, if any, on the child and his or her family.

d) Protective Orders. Where it is necessary to protect the best interests of a child, the court may issue additional protective orders to maintain the confidentiality of the child's name and/or identity.

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(6) Prompt Determination of Request. Within five court days after the deadline for an opposition, the court will make a determination on the request, or set a hearing.

(7) Particularized Findings Where Request Is Denied. If the court denies the request, it will issue particularized findings as to why such denial is necessary to serve the child's best interests.

(d) Research Requests. A person or agency seeking to conduct research involving children

under juvenile court jurisdiction for educational, scientific, or public policy purposes must petition the Supervising Judge for permission to do so. (Juvenile Form 3.)

(1) Petition Process.

a) Notice. At least five calendar days before filing, the petitioner must serve, or attempt to serve, a copy of the petition on the appropriate agencies and other interested parties either personally, by first class mail, or by email.

Research proposals involving dependent children must be sent to the following:

Department of Children and Family Services
Bureau of Information Services, Research Unit
425 Shatto Place, Room 401
Los Angeles, CA 90020
Phone: (213) 351-5696
Fax: (213) 637-4557

County Counsel's Office
201 Centre Plaza Drive, Suite 1
Monterey Park, CA 91754
Children's Law Center of Los Angeles
201 Centre Plaza Drive, Suite 10
Monterey Park, CA 91754

Attn: Executive Director
Los Angeles Dependency Lawyers, Inc.
1000 Corporate Center, Suite 308
Monterey Park, CA 91754

Research proposals involving delinquent children must be sent to the head of each delinquency panel for distribution to the other panel members, as well as to the following:

Los Angeles County Probation Department
Quality Assurance Services Bureau
Lynwood Regional Justice Center
11701 Alameda Street, Room 3144
Lynwood, CA 90262

TEL: (562) 940-2626 or (562) 940-2753 SUPERIOR COURT OF CALIFORNIA
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FAX: (562) 803-0389

District Attorney's Office
Head Deputy — Juvenile Division
100 Ocean Gate, Suite 500
Long Beach, CA 90802

Public Defender's Office
Head Deputy — Juvenile Division
590 Hall of Records
320 W. Temple Street
Los Angeles, CA 90012

Alternate Public Defender's Office
Juvenile Division
1055 Wilshire Blvd., Suite 850
Los Angeles, CA 90017

b) Objections. Any objection to a research request for access to juvenile records must be submitted in writing to, and received by, the Presiding Judge of the Juvenile Court no later than (a) 15 calendar days after date of service, if the request was served by fax, personal service, or email, or (b) 20 calendar days after date of service, if served by mail. In order to receive a copy of the court's decision on the petition, the person/agency filing an objection must include a

self-addressed envelope.

(2) Completing the Petition. The petition for access to juvenile records for research purposes must be submitted using the "Petition and Order for Research" form (Juvenile Form 6) and include a copy of any materials/questions to be utilized in the research. A petition for research conducted through a university or school must include a letter of approval from the school's human subjects committee or from a faculty advisor for a student request. The petitioner must provide in detail a) the purpose of the research project, b) a description of the information for which access is requested, c) a description of the subjects of the research, d) the methodology to be used to obtain the information, e) estimated start and completion dates, and f) any benefits the proposed project may have for the court, DCFS or the Probation Department.

(3) Requirements. The petitioner must agree to all of the following: a) pay any and all costs incidental to the research/record search; b) abide by all laws regarding confidentiality and the policies and procedures of DCFS, the Probation Department, and the court; c) insure no unauthorized person or agency has access to case specific information released to the petitioner; d) insure names and identifying information of minors are not used in any published documents (i.e., reports, evaluations); e) schedule access with the appropriate departments; f) submit all reports using case specific information for approval, prior to publication; and g) provide a copy of all research reports upon completion to the appropriate agency and the court.

(Rule 7.3 new and effective July 1, 2011)