

Under very limited circumstances, a person who is not the child, parent, or legal guardian in a dependency or juvenile justice case has the right to seek review of decisions made by the juvenile court by filing an appeal or writ petition in the Court of Appeal. Such a person, however, is typically not entitled to access records from the juvenile court case file that will be considered by the Court of Appeal unless the person gets approval from the juvenile court. The purpose of this information sheet is to inform those persons who are not the child, parent, or legal guardian, and who may have the right to seek appellate review, of the requirement to file a *Petition for Access to Juvenile Case File* (form JV-570) to have access to certain records in the juvenile case file during an appeal or writ.

1 When would I have the right to seek review?

To have a right to seek review, you must be harmed by an order or judgment of the juvenile court. In the vast majority of cases, only the child, parent, legal guardian, county welfare department, or district attorney will have the right to file an appeal or a writ petition challenging a juvenile court ruling. However, the law also protects those individuals who have a relationship to the child in certain situations.

You might have a right to appeal or file a writ petition if, for example, you are:

- ‘ The child’s relative, and the child was ordered to be removed from your home, or you requested that the child live with you and the court denied your request.
- ‘ Someone who requested de facto parent status, which was denied;
- ‘ Someone who requested a change of court order through a section 388 petition (form JV-180), which was denied; or
- ‘ A prospective adoptive parent or de facto parent challenging the juvenile court’s decision to remove the child from your home.

2 If I want to file an appeal or writ petition, what additional steps must I take?

If the juvenile court has not already authorized you to access records in the juvenile case file, to have access to such records for an appeal or writ proceeding, you must request access from the juvenile court. To make this request, you must file *Petition for Access to Juvenile Case File* (form JV-570). Use *Notice of Petition for Access to*

Juvenile Case File (form JV-571) to provide notice of this request. You will need to serve copies of these forms on all interested parties to the case, if you know their names and addresses, including the child, parents, social worker, and probation officer.

On the petition form, you will need to identify which specific records you are requesting. Your request for information can include any documents that you are aware of that exist in the juvenile court file. Be sure to indicate the dates of the hearings that relate to the decision you are challenging. As the basis for the petition, you may indicate the appeal or writ proceeding in the Court of Appeal. You will also need to explain why you are requesting the records. Your explanation should show how the records, including any transcripts, relate to the decision you are challenging (for example, a report or court order following a hearing on your issue). The juvenile court will make a decision on your petition by issuing an order that identifies the records you are authorized to access. The court’s order is made on *Order After Judicial Review on Petition for Access to Juvenile Case File* (form JV-574).

When you file a notice of appeal or a notice of intent to file a writ petition, you should attach a copy of the court’s order on the JV-574, if you have one. Doing so will alert the clerk that you are authorized to access records in the case file and will ensure that a record will be prepared for you.

Note: An order from the juvenile court granting you access to records in the case file is not a condition for filing an appeal or writ petition.

You may wish to consult with an attorney when considering whether to file an appeal or a writ petition and request access to records in the juvenile case file. The timelines for filing an appeal or a writ petition apply whether or not the juvenile court has granted you access to the juvenile case file. A notice of appeal usually must be filed within 60 days of the date the order being appealed was made. For writ review, a notice of intent to file a writ petition must be filed as early as 7 days after the court makes the challenged order, either orally in court or in writing, whichever occurs first. But note that the deadlines for filing a notice of appeal or a notice of intent to file a writ petition may differ, depending on the circumstances. For more information, read rules 8.406, 8.450, and 8.454 of the California Rules of Court.