

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814  
(916) 322-6333



January 13, 1981

**ALL-COUNTY INFORMATION NOTICE I-04-81**

TO: ALL COUNTY WELFARE DIRECTORS

**SUBJECT:** REPRESENTATION OF MINORS BY COUNSEL IN JUVENILE COURT PROCEEDINGS  
CHAPTER 1254, STATUTES 1980, WELFARE & INSTITUTIONS CODE SECTION 318  
**REFERENCE:**

On September 28, 1980, the Governor signed into law SB 782, a nonurgency measure that modifies a minor's right to legal counsel during juvenile court proceedings.

The provisions of SB 782 expand Welfare and Institutions Code Section 318 to identify the rights and responsibilities of counsel appointed to represent a minor alleged to be within the jurisdiction of the juvenile court under provisions of Welfare and Institutions Code Section 300(d) and to identify information to which such minor's counsel has the right of access.

The added subsections 318(d) and 318(e) require the following:

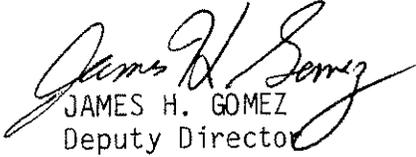
1. Counsel is charged with the representation of the minor's interests and making investigations into the facts of the case. Counsel shall also investigate and report to the court other interests, beyond the scope of the juvenile proceeding, that may be protected by other administrative or judicial proceedings.
2. Counsel shall be given access to all records relevant to the case maintained by state or local public agencies. In addition, counsel, upon presentation of written authorization or a copy thereof signed by the minor's parent or guardian, shall be given access to the minor's records maintained by hospitals, medical or nonmedical practitioners or child care custodians.

A minor's records maintained by hospitals, medical and nonmedical practitioners or child care custodians must be made available during business hours. Failure to make such records available during business hours and within five days after the presentation of the written authorization may subject the person or entity in custody or control of such records to liability for all reasonable expenses, including attorney's fees incurred in any proceeding to enforce this provision. In addition, all reasonable costs incurred in making these records available

may be billed against the person whose written authorization required the availability of such records. These reasonable costs include the actual copying costs not to exceed 10 cents (\$0.10) per page plus any additional reasonable clerical costs incurred in locating and making the records available.

Any questions concerning this information should be directed to your Family and Children Services Program Operations Bureau management consultant at (916) 445-7653 or ATSS (916) 485-7653.

Sincerely,

  
JAMES H. GOMEZ  
Deputy Director

cc: CWDA