

DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 06: Court

Item 026: **Providing Court Reports to Parents and Guardians**

Suggested changes send to: [DSS PSOA](#) Mailbox

Issued: **March 12, 2024**

References: [WIC 302\(b\)](#) and [WIC 308\(a\)](#), California Rules of Court [5.502\(10\)](#), [5.534\(e\)](#), and [5.546](#); PPG 03-06-024

Revisions in Red

Replaces Issue: July 27, 2018

Preamble

Child Welfare Policy and Procedure Guides (PPG) are meant to be used as tools to relay best practice and staff expectations. It is understood that specific case scenarios may not always align themselves with the stated practices and that at all times what is of paramount importance is the Safety and Well-being of the children we are charged to protect.

Policy

Child Welfare **Services (CWS)** Social Workers (SW) involved in Welfare and Institutions Code (WIC) 300 hearings will provide copies of all court reports, including all attachments referenced in the report, to parents (custodial and non custodial) or guardians. Additionally, a discovery packet will be provided to all “pro per” parents.

Purpose

This PPG outlines the process and timeframes for providing parents or guardians copies of court reports and discovery, when applicable, prior to court proceedings.

Definitions

“Pro Per parents” are those parents who have declined appointment of counsel and represent themselves in court proceedings.

According to California Rules of Court [5.502\(10\)](#), “De facto parent means a person who has been found by the court to have assumed, on a day-to-day basis, the role of parent, fulfilling both the child's physical and psychological needs for care and affection, and who has assumed that role for a substantial period.”

Process

SWs are to provide copies of all court reports to parents or guardians unless mutually agreed upon by all parties. **Parents who are presumed, biological, alleged (unless they have been excluded), and legal guardians (unless guardianship has been set aside) are legally allowed a copy of the court report.**

SWs are to provide discovery to pro per parents unless mutually agreed upon by all parties. Reports may be delivered personally or by first-class mail. If court reports are mailed, they must be postmarked by the allotted time frame, shown in the table below.

The SW shall not charge a fee for providing the reports.

The SW shall keep confidential the address of any parent who is known to be the victim of domestic violence in accordance with [WIC 302\(b\)](#). In addition, it is best practice to review parents' filed JV140 Notification of Mailing Address form to review if their address is confidential.

The SW shall keep confidential the address of any care provider who wishes their address to remain confidential in accordance with [WIC 308\(a\)](#).

Please note that any JV-140 address that are confidential should be kept as so in any reports or documents.

Timeframes for Providing Court Reports

HEARING TYPE	REPORT TO BE IN THE COURT ROOM	REPORT TO BE GIVEN TO PARENT(S)
Detention	No later than 11:00 a.m. day of the hearing.	Immediately prior to on the day of the Detention hearing
Jurisdiction	No later than 48 hours prior to the hearing.	24 hours prior to the Jurisdiction Hearing
Disposition	No later than 48 hours prior to the hearing.	24 hours prior to the Disposition Hearing
RDS	No later than noon ten calendar days prior to the hearing.	7 days prior to the RDS Hearing
WIC 366.26 & Adoption	No later than noon ten calendar days prior to the hearing.	7 days prior to the 366.26 & Adoption Hearing
Additional Reports Including: Supplemental, Addendum, FMR's, EVR's, etc.	No later than 48 hours prior to the hearing.	Immediately prior to on the day of the hearing

Pro Per Parent

A pro per parent is entitled to receive a copy of all reports and attachments or other documents (*i.e. copies of petition, JV180 or ex parte applications, etc.*) provided to the court and **all discovery** on the case.

California Rules of Court, rule [5.546](#) sets forth the requirements for discovery in dependency cases. The purpose of the rule is to encourage the sharing of information, “subject to the right of a party to show privilege or other good cause not to disclose specific material or information.”

Rule [5.546](#) (b), (c), and (d) requires the Department of Social Services (DSS) to either “deliver to or make accessible for inspection and copying by the child and the parent or guardian, or their counsel” most documents/information contained in the DSS case file.

Based on this language, the law presumes that a pro per parent will be provided everything that would be provided to an attorney, if one were representing that parent.

De Facto Parents

When the Court orders “de facto” status, the de facto parent is entitled to the following pursuant to California Rules of Court [5.534\(e\)](#):

- Be present at the hearing;
- Be represented by retained counsel or, at the discretion of the court, by appointed counsel; and
- Present evidence.

Please be aware that De Facto Parents are not entitled to a copy of the report. Only parents such as presumed, biological, alleged (unless they have been excluded), and legal guardians (unless guardianship has been set aside) are legally allowed a copy of the court report.

Report Attachments

Please note that **attachments to reports are part of the report**. Therefore, under [WIC 302\(b\)](#), parents or guardians who are entitled to notice of a dependency hearing are also entitled to receive a copy of the attachments to the reports provided to the court. This applies whether the parent or guardian is represented by counsel or acting in pro per.

Concerns Regarding Disclosure of Specific Information

In the rare situation where the DSS has a substantial concern about making certain information available to a parent (even one represented by counsel, since such a parent is entitled to a copy of the court reports given to counsel), rule [5.546](#) (g) provides that, “[o]n a showing of privilege or other good cause, the court may make orders restricting disclosures.” This could include orders directed at the parent’s attorney, and all other counsel and parties, that the specific information is not to be disclosed to the parent.

For example, where there is a hostile relationship between the father and the mother and one parent’s psychological evaluation has information that would likely lead to violence on that parent by the other if learned by the other parent, DSS shall ask the court to limit the other parent’s access to this information.

- If such a situation were to arise, the SW must review the concern with her or his supervisor and/or **Division Chief**. DSS must articulate the necessity for wanting the disclosure limited.
- If the matter is currently set for trial, the SW should review the concern with the Deputy County Counsel assigned to the case.

If Court Orders Limited Disclosure

Please note that if DSS obtains an order from the court approving a request to limit disclosure, the recipients of the documents need to be notified of that deletion. Because of a parent or guardian's right to receive copies of the DSS reports and attachments, such documents should be reviewed for information that needs to be maintained confidentially (e.g., in appropriate cases, a parent's or foster parent's address) and that information should not be included in the report.