

## CALIFORNIA STYLE MANUAL (4th Ed. 2000)

### CHAPTER 5

### EDITORIAL POLICIES FOLLOWED IN OFFICIAL REPORTS

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#### B. PROTECTIVE NONDISCLOSURE OF IDENTITY

##### § 5:9 Policy regarding nondisclosure of victim or minor

The Supreme Court has issued the following policy statement to all appellate courts: “To prevent the publication of damaging disclosures concerning living victims of sex crimes and minors innocently involved in appellate court proceedings it is requested that the names of these persons be omitted from all appellate court opinions whenever their best interests would be served by anonymity. Anonymity, however, is inappropriate for homicide victims, who are to be identified whenever possible.” Thus, a homicide victim’s name is not suppressed even if a sex crime was also committed against that victim.

Individuals entitled to protective nondisclosure are described by first name and last initial, or by referring to them by their status. Do not use middle names or middle initials, street addresses, or full birth dates. The name “Anonymous” and other fictitious names should be avoided absent a court order under Penal Code section 293.5 (Jane Doe or John Doe designation).

Susan T.  
The complaining witness  
the 10-year-old child  
the victim (Mary)  
Anna B., not Anna Marie B. or Anna M. B.

##### § 5: 10 Application to minors, juvenile court law

The identity of minors involved in juvenile court proceedings, or innocently involved in appellate court proceedings, should be protected both in the title and in the body of an opinion, generally by using the first name and last initial. If a parent has the same last name as the minor, the parent’s last name should be suppressed as well. If the minor’s first name is so unusual as to defeat the objective of anonymity, only the minor’s initials should be used.

In re CHANTAL S., a Person Coming  
Under the Juvenile Court Law.

RIVERSIDE COUNTY DEPARTMENT  
OF PUBLIC SOCIAL SERVICES,  
Plaintiff and Respondent,

v.

RANDALL S.,  
Defendant and Appellant, (title)

A petition charged John E., a minor, with burglary.  
The two minors, K.D. and J.D., were removed from their parents' home.  
Fred E. testified at the juvenile court hearing of his daughter Mary E.

The nondisclosure policy does not apply where the minor is held to answer as an adult in criminal proceedings. However, nondisclosure is followed when a minor *successfully* seeks relief in a collateral proceeding, such as a petition for a writ of mandate to compel the juvenile court to reconsider its determination that he or she was not amenable to treatment under juvenile law.

#### **§ 5: 11 Adult plaintiff's action for wrongdoing committed during plaintiff's minority**

Protective nondisclosure should not be applied to an adult who is bringing an action for wrongdoing committed against him or her during the plaintiff's minority. (See, e.g., *Sellery v. Cressey* (1996) 48 Cal.App.4th 538; *Doyle v. Fenster* (1996) 47 Cal.App.4th 1701.)

#### **§ 5:12 Jurors and witnesses**

After a verdict in a criminal matter, court records containing juror personal identifying information are sealed, and that information remains confidential (Code Civ. Proc., §§ 206, 237). In such cases, care must be taken to ensure that protected jurors not be identified in opinions. Initials or juror identification numbers, or similar identification adopted by local court rules or policies, may be used instead of names.

Similarly, the identities of victims or witnesses in criminal matters may be subject to protective nondisclosure. (See, e.g., Pen. Code, § 1054.7.) Again, care must be taken to ensure that those persons not be identified in opinions.

#### **§ 5:13 Lanterman-Petris-Short conservatees**

Welfare and Institutions Code section 5325.1, subdivision (b), part of the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5000 et seq.) protects a conservatee's right to dignity, privacy, and care. Accordingly, the identity of such conservatees should not be disclosed. (See, e.g., *Conservatorship of Susan T.* (1994) 8 Cal.4th 1005.)

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