

## **JULY 2021 — ADI NEWS ALERT**

This alert<sup>1</sup> covers:

- [New rules for appellate records apply in non-party dependency appeals](#)
- [Supreme Court clarifies rules on citations to and effects of certain review-granted cases](#)
- [Some fees eradicated as of July 1](#)

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### **New rules for appellate records apply in non-party dependency appeals**

Relatives, de facto parents and foster parents (“non-parties”) no longer have automatic access to inspect juvenile court records under Welfare and Institutions Code section 827 in connection with an appeal potentially affecting them, unless the juvenile court grants their petition, filed under section 827, and orders that they have access to specified parts of the case file. This requirement was imposed by a recent amendment to section 827 and implementing California Rules of Court, rule 8.401(b)(2). It may mean appellate counsel for non-parties have a duty to file a petition under section 827 in order to gain access to the record.

ADI staff attorney Linda Fabian has prepared [an analysis of this change and its implications for counsel](#).<sup>2</sup>

### **Supreme Court clarifies rules on citations to and effects of certain review-granted cases**

The California Supreme Court has issued an administrative order ([2021-04-21](#)<sup>3</sup>) that amends the comment to California Rules of Court, rule 8.1115. First, in the future, when the court grants review of a published Court of Appeal decision, that decision’s treatment

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<sup>1</sup>As always, panel attorneys are responsible for familiarizing themselves with all ADI news alerts and other resources on the ADI website.

<sup>2</sup>[http://adi-sandiego.com/pdf\\_forms/Appellate\\_Record\\_in\\_Non-Party\\_Appeals.pdf](http://adi-sandiego.com/pdf_forms/Appellate_Record_in_Non-Party_Appeals.pdf)

<sup>3</sup>[https://www.courts.ca.gov/documents/administrative\\_order\\_2021-04-21.pdf](https://www.courts.ca.gov/documents/administrative_order_2021-04-21.pdf)

of any issue that is the subject of a split of authority among the Courts of Appeal will retain limited precedential status during review—allowing a superior court to choose to follow the review-granted decision’s approach to the issue.

Second, the order clarifies that when the court grants review of a published Court of Appeal decision, then “vacates” the decision below and transfers the cause back to the Court of Appeal for reconsideration, the Court of Appeal’s decision will be rendered either “depublished” or “not citable,” unless the Supreme Court orders otherwise.

### **Some fees eradicated as of July 1**

Some fees were repealed in the fiscal year 2020-2021 Budget Trailer Bill. The fees were proposed to be repealed in SB 144 (Mitchell), along with other fees that are not included in this proposal. SB 144 is no longer moving forward.

The [website of the Fines and Fees Justice Center](#)<sup>4</sup> has links to the text of the bill and a list of the fees repealed.

Counsel should be alert to protect clients from the imposition of fees no longer in effect.

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<sup>4</sup><https://finesandfeesjusticecenter.org/articles/california-ab-1869-criminal-fees/>