

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

W16-07

Title	Action Requested
Juvenile Law: Sealing of Records	Review and submit comments by January 22, 2016
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rules of Court, rule 5.840; amend rule 5.830; adopt forms JV-591, JV-595, JV-595-INFO, JV-596, and JV-596-INFO; revise forms JV-590 and JV-600	July 1, 2016
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Tracy Kenny, 916-263-2838 tracy.kenny@jud.ca.gov
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes new and amended rules and forms to implement the provisions of five recently enacted statutes intended to make it easier for those with juvenile delinquency records to ensure those records are sealed. The proposal includes rules and forms to assist the courts in implementing these new legislative mandates to seal certain records at case dismissal, and to provide information about the procedures for record sealing to all juvenile probationers.

Background

The Legislature has been taking repeated action to ensure that all people with juvenile records who are eligible to have them sealed can have the opportunity to do so with as few barriers as possible. Prior to the enactment of this legislation, most sealing was ordered under Welfare and Institutions Codes section 781¹, which enables eligible individuals to petition the juvenile court to have juvenile records sealed under certain circumstances specified within the code. The records eligible for sealing include contacts with the juvenile justice system, law enforcement, the Department of Motor Vehicles, and other agencies. These contacts include juvenile court records resulting from formal adjudications under section 602 of the code and informal contacts with probation and law enforcement under sections 601 and 626 of the code. To qualify for

¹ All further statutory references are to the Welfare and Institutions Code, unless otherwise specified.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

sealing, among other requirements, the records must not fall within section 707(b) of the code² if committed by an individual 14 years of age or older, the offense must not have led to a conviction in adult court under section 707.1, and the petitioner must not have been convicted of a felony or misdemeanor involving moral turpitude as an adult. In addition, the court must find that the petitioner has been satisfactorily rehabilitated.

In 2013, the Legislature took action to ensure that all juveniles who come before the court or a probation officer receive information about the process required to request sealing of records, as well as requiring the adoption of a Judicial Council form that can be used to petition the court for sealing under section 781 (Assembly Bill 1006 [Yamada]; Stats. 2013, ch. 269). In 2014, the Legislature went a step further, by enacting section 786, requiring courts to seal records without requiring a petition for any child 14 or older who was not a serious or violent (707(b)) offender and who satisfactorily completed probation (Sen. Bill 1038 [Leno]; Stats. 2014, ch. 249). That legislation, however, spurred many questions and concerns within the juvenile justice system, and as a result, legislation was enacted in 2015 to clarify the scope and impacts of section 786. Assembly Bill 666 (Stone); Stats. 2015, ch. 368; and Assembly Bill. 989 (Cooper); Stats. 2015, ch. 375; both sought to clarify section 786 and remedy the ambiguities and concerns raised by stakeholders about the original legislation.

Section 786 now requires that when a child satisfactorily completes a term of informal or formal probation for any offense that is not a 707(b) offense committed when the child was 14 or over, the court must dismiss that petition and seal the records pertaining to that arrest and offense. The statute now provides that the records to be sealed must include records in the custody of the court, law enforcement agencies, the probation department, and the Department of Justice. It also allows the child to request that additional records be sealed and allows the court to grant that sealing request if it finds that sealing the additional record will “promote the successful reentry and rehabilitation of the child (Welf. & Inst. Code, § 786(e)(2)).” The court is also authorized to seal records pertaining to prior petitions if the court finds that the sealing criteria in section 786 have been met.

To address the many concerns that were raised by stakeholders as the prior version of section 786 was being implemented; the new statute gives many provisions allowing access to a previously sealed record to ensure that the courts and their juvenile justice system partners can carry out their other statutory obligations.

In addition to the changes to section 786, the Legislature also enacted Senate Bill 504 (Lara; Stats. 2015, ch. 388), amending section 781, which authorizes sealing of a delinquency record by petition to the court, as well as section 903.3, which provides for the imposition of a \$150 fee to recover the costs for probation or the court to research and prepare a sealing order. The amendments to section 781 provide that an unfulfilled order of restitution is not a bar to sealing under section 781 and that outstanding restitution fines and court-ordered fees are not to be

² Section 707(b) contains the list of serious and violent offenses for which a minor may be prosecuted in adult court.

considered when the court assesses the satisfactory rehabilitation of the petitioner. They also clarify the court's authority to continue enforcing restitution, fees, and fines after a record has been sealed. The amendments to section 903.3 limit the cases in which a fee for sealing can be charged to those in which the sealing petitioner is 26 years of age or older.

Prior Circulation

The provisions of this proposal that would implement AB 1006 were circulated for comment in spring 2014. Before the council could act on that proposal, SB 1038 was enacted, significantly changing the law on the sealing of juvenile records. Given this change in the law, committee members opted to defer action on the proposal until they could modify it to incorporate the changes made by SB 1038 and circulate a comprehensive package of rules and forms to implement new law on juvenile record sealing in the spring 2015 cycle. However, because of some ambiguities in SB 1038, legislation was introduced in 2015 to clarify its provisions, and because many of the comments received on the proposal were resolved by the legislation, the committee opted to again defer action to ensure that the rules and forms would be current and comprehensive.

The Proposal

Overview of proposal

This proposal recommends adoption of one mandatory information form, *How to Make Your Juvenile Records Private* (form JV-595-INFO), and approval of one optional petition form, *Request to Seal Juvenile Records* (form JV-595), to implement AB 1006 while incorporating the recent changes made by SB 1038, AB 666, AB 989, and SB 504 into the information form. A new mandatory information form, *Sealing of Records at Termination and Dismissal* (form JV-596-INFO), is recommended for adoption, as is a new rule of court, rule 5.840, to implement the new mandatory sealing requirements created by section 786. An optional order form *Dismissal and Sealing of Records—Welfare and Institutions Code Section 786* (form JV-596), and an optional form for advising the court that the sealing has taken place, *Acknowledgment of Record Sealed* (form JV-591), are recommended for approval. In addition, rule 5.830 would be amended to reflect the directives of AB 1006: the petition and information form would be referred to within the rule, and the distribution requirements would also be specified. Additionally, *Order to Seal Juvenile Records—Welfare and Institutions Code Section 781* (form JV-590) would be revised from a mandatory form to an optional form to provide courts with the flexibility to develop an order that reflects local agency and court practices when sealing records based on a petition. Finally, *Juvenile Wardship Petition* (form JV-600) would be revised to include a notice alerting minors about record sealing at an earlier phase of the proceedings.

Proposed new form JV-591

Section 786 as recently amended now requires that the agencies that receive an order to seal records from the court must advise the court that they have complied with the order. A similar requirement is contained in section 781 for records sealed under a petition to the court. To assist the courts in implementing this requirement, the committee proposes approval of a new optional

form, *Acknowledgment of Record Sealed* (form JV-591), which can be used by agencies ordered to seal records under sections 781 and 786 to advise the court that the sealing order has been followed.

Proposed new forms JV-595-INFO and JV-595

Previously, no statutory directives mandated that the court and probation “shall ensure” that eligible individuals are informed of available record-sealing options. The newly revised code directs that the informational materials and optional form must be provided by the court or probation to eligible individuals when jurisdiction is terminated or the case is dismissed. Proposed new mandatory *How to Make Your Juvenile Records Private* (form JV-595-INFO) includes information on the benefits and limitations of record sealing and includes the new provisions of SB 504 relating to restitution, fines and fees, and the fees for record sealing. It is intended to use plain language and a user-friendly format to explain the process required for record sealing, with the goal of increasing the likelihood that the optional form JV-595, *Request to Seal Juvenile Records*, is completed accurately so that courts can properly seal all appropriate juvenile records. It alerts petitioners to the fact that probation will research their cases and contacts and attach a list of those eligible for sealing to the petition, but that they need to list any contacts that may not be in probation’s records.

Because many minors with juvenile records will now have their records sealed by the court as a matter of law when their cases are dismissed, the form also provides information on those cases that are eligible for this sealing, as well as information on sealing for cases with a deferred entry of judgment order under section 790. Such cases must be ordered by the court sealed if the minor satisfactorily completes the program assigned during the period that the judgment has been deferred.

Proposed new optional *Request to Seal Juvenile Records* (form JV-595) is intended to provide the petitioner with a simple but optional method to request sealing. It directs the petitioner to file the form with each probation agency with records concerning the petitioner, and provides that the probation agency will compile the list of agencies with records subject to sealing. It also directs the petitioner to include any contact with law enforcement and other agencies that were not referred to probation and thus might not be included in the probation agency’s records. The form has been drafted in plain language to make it accessible to all petitioners.

Proposed new form JV-596

To provide the courts with a means to accomplish its new responsibility to seal records after dismissing a petition, as required by section 786, this proposal recommends approval of a new optional order form for this purpose. This form is very similar to the order form used to seal the records of minors who successfully complete a section 790 deferred entry of judgment program. It provides for the court to seal records in the custody of law enforcement, probation, and the Department of Justice in every case dismissed under section 786, and provides courts with the option to seal additional agency records as provided in subdivision (e). It further specifies the

date by which the records must be destroyed as required by section 786. Because section 786 does not specify a time frame for destruction of these records, the committee opted to adopt the timelines for record destruction stated in section 781(d): five years from the date of the order for noncourt records, and when the subject of the order attains age 38 for court records. However, because this time frame might result in records being destroyed before the subject of the order is 18, and access to the sealed records is allowed if a subsequent juvenile petition is filed, the committee has revised this time frame to provide that no record can be destroyed before the subject of the order has attained 18 years of age. In addition, the committee proposes adding a section to the form to allow agencies whose records are sealed to advise the court that its sealing orders have been complied with.

Proposed new form JV-596-INFO

Because the enactment of section 786 has significantly changed the procedural landscape on sealing of juvenile records, the committee determined that it was necessary to create an additional mandatory informational form to explain the new sealing process and requirements and to alert those with juvenile delinquency records to the probability that their records will be sealed by the court without the filing of a petition. New form JV-596-INFO, *Sealing at Termination and Dismissal*, explains how the new sealing provisions will work, which records will be sealed, and who will have access to those records and refers those whose records are not sealed to form JV-595-INFO for information on petitioning the court. Form JV-596-INFO also satisfies the requirement in section 786 that the court provide notice to those whose records are sealed that they need not disclose those offenses or records with a section explaining what it means that the arrests are deemed not to have occurred. This form would be provided to all youth whose records are sealed under section 786 in lieu of JV-595-INFO to avoid confusion and the filing of unnecessary sealing petitions.

Revised form JV-590

Order to Seal Juvenile Records—Welfare and Institutions Code Section 781 (form JV-590) is currently a mandatory form. To provide courts with maximum flexibility to issue record-sealing orders that reflect the individual court's needs, practices, and local agencies, the committee proposes that form JV-590 be revised from mandatory to optional. This change would provide flexibility from county to county, with the optional form available if needed. In addition, the committee proposes adding room on the form for the court to specify the date that these records should be destroyed and to allow those whose records are sealed to advise the court that sealing has been accomplished. Finally, the committee has removed references to sealing records in other juvenile courts, consistent with its proposal to require that a petition be filed in each court in which records are held to ensure that records are sealed.³

Revised form JV-600

The committee also proposes revising *Juvenile Wardship Petition* (form JV-600) to include a directive informing youth about the option of record sealing and identifying forms JV-595-

³ This issue is discussed in detail as part of the description of the proposed amendments to rule 5.830.

INFO, *How to Make Your Juvenile Records Private*, and JV-596-INFO, *Sealing of Records at Termination and Dismissal*, as sources of information. This proposed revision will serve two purposes: it will (1) alert minors about record sealing at an earlier phase of the juvenile court proceedings and (2) provide a supplementary way to reach those minors who may be named in a petition but have limited contact with probation.

Amended rule 5.830

The proposed changes to rule 5.830 involve incorporating references to forms JV-595-INFO, JV-595, and JV-590 and defining the roles of the court and probation department in ensuring that the forms are provided as required. The rule would also direct probation to assemble a list of contact and agency addresses to be attached to the petition so that all records will be sealed.

The committee proposes deleting the provisions in the existing rule which specify that the sealing order “must apply in the county of the court hearing the petition and in all other counties in which there are juvenile records concerning the petitioner.” Although this has been the rule for many years, nothing in section 781 requires or directs courts to seal records in other courts. In its current form, rule 5.830 has not been interpreted consistently with regard to its description of the records that must be sealed in other counties when the court’s record-sealing order is issued. Moreover, as comments have been received on prior circulations of this rule, it has become clear that unless a case has been formally transferred from one court to another, many courts do not have information about these records, and as a result many courts do not seal the non-transfer records of other courts in practice. Given this context, the committee proposes deleting the requirement that courts seal the records of other juvenile courts unless the case has been transferred. While this practice may be somewhat more burdensome for those seeking to seal their records, it is also designed to ensure that all eligible records are in fact sealed and the full benefits of sealing are achieved by the petitioners. The committee also notes that this burden has been lessened by the recent statutory changes that make sealing by the court more likely in most cases going forward and that eliminate fees for sealing by petition for those under 26.

The committee also proposes adding an advisory comment that provides general context on the purpose of record sealing and addresses the scope and overall specifications of the act of record sealing.

Proposed new rule 5.840

The proposal recommends adoption of a new rule of court to implement the sealing requirements of section 786 as required by the recently amended statute. The rule would result in the sealing of all records in the custody of law enforcement, probation, and the Department of Justice in every case dismissed under section 786, and presents the standard for sealing the records of additional agencies upon request as authorized in section 786(e). It further directs the clerk of the court to distribute the order to all named agencies, the subject of order, and his or her attorney. It requires the court to include the record destruction date as described in section 781(d), provided that no

record is destroyed before the subject of the order reaches age 18. It also includes the access exceptions allowed by sections 786 and 787.

Alternatives Considered

With the passage of Assembly Bill 1006, the Legislature directed the Judicial Council to develop informational materials and a form petition to ensure that eligible individuals are adequately informed about the option of sealing their records and provided with a form to assist them in petitioning the court. Consideration was given to how the informational materials could be most effectively presented and in what format. The committee determined that an information form, available on the court website, would be more likely to reach the target audience and remain more relevant than a less formal handout, which might, over time, be forgotten. In addition, making the information form mandatory would raise its relevance by increasing awareness and encouraging compliance. The committee, to further increase the likelihood for the form to reach its target audience and to provide information at an earlier phase of the proceedings, determined that adding a notice about record sealing to the *Juvenile Wardship Petition* (form JV-600) would be beneficial.

Consideration was also given to whether rule 5.830 needed to be revised. Ensuring consistency and clarifying the new requirements are the clear benefits of revising the rule as proposed. Although a prior version required probation to develop a list of cases and contacts to be handed out at the termination of each case, with the enactment of section 786 and the increasing frequency of sealing as a matter of law, it seemed less burdensome on probation to have the contact list created at the time the petition is filed so that this work only occurs when needed.

Request to Seal Juvenile Records, form JV-595, was created as required by the Legislature but is proposed as an optional form to allow petitioners to submit a request to seal in whatever manner they prefer. Although the form provides a convenient method of petitioning the court, mandating its use may delay applications and run contrary to the intent of Assembly Bill 1006. Similarly, revising form JV-590, *Order to Seal Juvenile Records—Welfare and Institutions Code Section 781*, from a mandatory form to an optional form will lead to more flexibility in implementation for the courts.

Although the new legislation's target population is primarily youth described by sections 602 and 626 of the Welfare and Institutions Code, consideration was given to whether efforts should be made to reach youth described by section 781(d)—specifically, those youth who are arrested and dealt with informally by law enforcement. Although reaching these youth would clearly be beneficial, the legislation does not provide an avenue to accomplish this goal, and efforts to reach those individuals not described in section 781(d) would be burdensome to the court and probation.

When SB 1038 first enacted section 786 in 2014, it did not expressly require the council to take any action, but at the time the committee deemed it necessary at a minimum to ensure that the information provided to those seeking to seal their records reflected the current state of the law.

AB 666, however, does expressly require the council to adopt rules and forms to allow for the implementation of section 786, and because of the added complexity of the revised statute, the committee determined that two information forms would be preferable to get accurate information to juvenile probationers and prevent confusion. In addition, because section 786 significantly modifies current practices in juvenile court by requiring courts to dismiss and seal many of the petitions that will come before them going forward, the committee deemed it best to create an optional form and a simple and straightforward rule of court to assist courts in implementing these new requirements as efficiently as possible. The committee considered modifying existing rules and forms, but given that this method of sealing will likely become the most common sealing procedure and given its sufficient distinctions from existing sealing processes, the committee concluded that new forms would ultimately be more useful to the courts.

Implementation Requirements, Costs, and Operational Impacts

Courts will be required to produce paper copies of the information form and petition as required by AB 1006. Some courts may incur programming charges if electronic systems are used for the court order. Implementation of section 786 will require courts to generate and disseminate many new sealing orders as required by the legislation. The optional order form will assist courts in carrying out this function, and the rule will clarify the basic procedures required to accomplish the new requirements. In addition, the optional acknowledgment form will provide a means for courts to obtain the required advisement that records have been sealed.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is the time frame for destruction of records sealed under section 786 proposed by the committee an appropriate standard given that the statute is silent?
- Will the proposed change in the rule to require petitions to be filed in each county in which a petitioner has non-transfer records improve or hinder the current record-sealing process?
- Is it preferable to provide information on sealing to youth on two information forms to distinguish between sealing under section 786 and section 781 or would one form be preferable?
- Will the optional *Acknowledgment of Juvenile Record Sealed* assist courts in ensuring compliance with their orders?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Proposed Cal. Rules of Court, rules 5.830 and 5.840, at pages 10–14
2. Proposed new and revised forms JV-590, JV-591, JV-595, JV-595-INFO, JV-596, JV-596-INFO, and JV-600, at pages 14–24
3. Assembly Bill 1066
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1006
4. Senate Bill 1038
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1038
7. Senate Bill 504
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB504
5. Assembly Bill 666
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB666
6. Assembly Bill 989
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB989

Rule 5.830 of the California Rules of Court would be amended and rule 5.840 adopted, effective January 1, 2016, to read:

1 **Rule 5.830. Sealing records (§ 781)**

2
3 **(a) Sealing records—former wards (§ 781)**

4
5 (1) A former ward of the court may apply to petition the court to order juvenile
6 records sealed. Determinations under section 781 must be made by the court
7 in each the county in which wardship was last terminated. A court may seal
8 the records of another court when a case has been transferred to its
9 jurisdiction under rules 5.610 and 5.612.

10
11 (2) At the time jurisdiction is terminated or the case is dismissed, the court must
12 provide or instruct the probation department to provide form JV-595-INFO,
13 How to Make Your Juvenile Records Private, and form JV-595, Request to
14 Seal Juvenile Records, to the ward if the court does not seal the ward's
15 records under section 786. If the court does seal the ward's records under
16 section 786, the court must provide or instruct the probation department to
17 provide form JV-596-INFO, Sealing of Records at Termination and
18 Dismissal, and a copy of the sealing order as provided in rule 5.840.

19
20 ~~(1)~~(3) *Application—submission*

21
22 (A) The application for a petition to seal records must be submitted to the
23 probation department in each county in which wardship was last
24 terminated.

25
26 (B) The application for a petition to seal juvenile records may be submitted
27 on form JV-595, Request to Seal Juvenile Records, or on another form
28 that includes all required information.

29
30 ~~(2)~~(4) *Investigation*

31
32 If the probation officer determines that under section 781 the former ward is
33 eligible to petition for sealing, the probation officer must do all of the
34 following:

35
36 (A) Prepare the petition;

37
38 (B) Conduct an investigation under section 781 and compile a list of cases
39 and contact addresses of every agency or person that the probation
40 department knows has a record of the ward's case—including the date
41 of each offense, case number(s), and date when the case was closed—
42 to be attached to the sealing petition.

- 1
2 (C) Prepare a report to the court with a recommendation supporting or
3 opposing the requested sealing; and
4
5 (D) Within 90 days from receipt of the application ~~if only the records of~~
6 ~~the investigating county are to be reviewed, or within 180 days from~~
7 ~~receipt of the application if records of other counties are to be~~
8 ~~reviewed:~~
9
10 (i) File the petition;
11
12 (ii) Set the matter for a hearing, which may be nonappearance; and
13
14 (iii) Notify the prosecuting attorney of the hearing.

15
16 ~~(3)(5)~~ * * *

17
18 ~~(4)(6)~~ If the petition is granted, the court must order the sealing of all records
19 described in section 781 using form JV-590, *Order to Seal Juvenile*
20 *Records—Welfare and Institutions Code Section 781*, or a similar form. The
21 order must apply in the county of the court hearing the petition and in all
22 other counties in which there are juvenile records concerning the petitioner.

23
24 **(b) Sealing—nonwards**

25
26 (1) For all other persons described in section 781, application may be submitted
27 to the probation department in any county in which there is a juvenile record
28 concerning the petitioner, and the procedures of (a) must be followed.

29
30 (2) When jurisdiction is terminated or the case is closed, the probation
31 department must provide the following forms to individuals described under
32 section 781(h)(1)(A) and (B):

33
34 (A) If the individual’s records have not been sealed under section 786, form
35 JV-595-INFO, *How to Make Your Juvenile Records Private*, and form
36 JV-595, *Request to Seal Juvenile Records*; or

37 (B) If the individual’s records have been sealed under section 786, form
38 JV-596-INFO, *Sealing of Records at Termination and Dismissal*, and a
39 copy of the sealing order.

40
41 (c) * * *

42
43 **(d) Distribution of order**

1
2 The clerk of the issuing court must:

- 3
4 (1) Send a copy of the order to each agency and official listed in the order; ~~and~~
5
6 (2) Send a certified copy of the order to the clerk in each county in which a
7 record is ordered sealed.
8

9 (e) * * *

10
11 **Advisory Committee Comment**
12

13 This rule is intended to describe the legal process by which a person may apply to petition the
14 juvenile court to order the sealing—that is, the prohibition of access and inspection—of the
15 records related to specified cases in the custody of the juvenile court, the probation department,
16 and other agencies and public officials. This rule establishes minimum legal standards, but does
17 not prescribe procedures for the management of physical or electronic records or methods for
18 preventing public inspection of the records at issue. These procedures remain subject to local
19 discretion. Procedures may, but are not required to, include the actual sealing of physical records
20 or files. Other permissible methods of sealing physical records pending their destruction under
21 section 781(d) include, but are not limited to, storing sealed records separately from publicly
22 accessible records, placing sealed records in a folder or sleeve of a color different from that in
23 which publicly accessible records are kept, assigning a distinctive file number extension to sealed
24 records, or designating them with a special stamp. Procedures for sealing of electronic records
25 must accomplish the same objectives as the procedures used to seal a physical record.
26

27 **Rule 5.840. Dismissal of petition and sealing of records (§ 786)**
28

29 **(a) Applicability**
30

31 This rule states the procedures to dismiss and seal the records of minors who are
32 subject to section 786.
33

34 **(b) Dismissal of petition**
35

36 If the court finds that a minor subject to this rule has satisfactorily completed his or
37 her informal or formal probation supervision, the court must order the petition
38 dismissed. The court may also dismiss prior petitions filed or sustained against the
39 minor if they appear to the satisfaction of the court to meet the sealing and
40 dismissal criteria in section 786.
41

42 **(c) Sealing of records**
43

1 For any petition dismissed by the court pursuant to section 786, the court must also
2 order sealed all records in the custody of the court, law enforcement agencies, the
3 probation department, and the Department of Justice pertaining to those dismissed
4 petition(s) using form JV-596, *Dismissal and Sealing of Records—Welfare and*
5 *Institutions Code Section 786*, or a similar form. The court may also seal records
6 pertaining to these cases in the custody of other public agencies upon a request by
7 an individual who is eligible to have records sealed under section 786, if the court
8 determines that sealing the additional record(s) will promote the successful reentry
9 and rehabilitation of the individual. The prosecuting attorney, probation officer,
10 and court must have access to these records as specifically provided in section 786.
11 Access to the records for research purposes must be provided as required in section
12 787.

13
14 **(d) Destruction of records**

15
16 All sealed records must be destroyed according to section 781(d), except that no
17 record shall be destroyed before the subject of the order has attained 18 years of
18 age. The court must specify the destruction date for all records in its order.

19
20 **(e) Distribution of order**

21
22 The clerk of the issuing court must send a copy of the order to each agency and
23 official listed in the order and provide a copy of the order to the individual whose
24 records have been sealed and his or her attorney. The court shall also provide or
25 instruct probation to provide the individual with form JV-596-INFO, *Sealing of*
26 *Records at Termination and Dismissal*.

27
28 **(f) Deadline for sealing**

29
30 Each agency, individual, and official notified must immediately seal all records as
31 ordered and advise the court that its sealing order has been completed using form
32 JV-591, *Acknowledgment of Record Sealed*, or another means.
33

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CASE NAME: _____	
ORDER TO SEAL JUVENILE RECORDS— WELFARE AND INSTITUTIONS CODE SECTION 781	CASE NUMBER: _____

1. Name of petitioner (*specify aliases*): _____ Date of birth: _____
2. a. Date of hearing: _____ Dept.: _____ Room: _____
 b. Judicial officer (*name*): _____
3. The court has read and considered the petition and the report of the probation officer.
4. The petition is
 a. Granted. b. Denied.

THE COURT ORDERS

5. a. The sealing of petitioner's juvenile records in the custody of this court and the courts, agencies, and officials named below (*designate county*):

 See attachment (5) for additional names.
 b. The destruction of all sealed records according to Welfare and Institutions Code sections 389(c) and 781(d).
 c. Date court records must be destroyed: _____
 d. Date all other records must be destroyed: _____
6. Petitioner is relieved from the registration requirements under Penal Code section 290, and the registration information in the custody of the Department of Justice and other agencies and officials listed above shall be destroyed.
7. The clerk shall send a certified copy of this order to the clerk in each county in which a record is ordered sealed, and a copy to each agency and official listed above.

Date: _____ _____
 JUDICIAL OFFICER OF THE SUPERIOR COURT

[SEAL]	CLERK'S CERTIFICATE I certify that the foregoing is a true and correct copy of the original on file in my office. Date: _____ Clerk, by _____, Deputy
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ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CLERK'S USE ONLY
CASE NAME:	CASE NUMBER:

ACKNOWLEDGMENT OF JUVENILE RECORD SEALED

1. TO THE CLERK OF THE COURT: I certify that the records ordered to be sealed by the court have been sealed, and a copy of this acknowledgement of record sealed has been sent to the court advising the court of compliance with its order.

2. Date of Court Order:

3. Child's Name:

4. Agency Name:

Date:

By: _____
Type or print your name

▶

Signature

Probation stamps date here when form is received.

**DRAFT
NOT APPROVED
BY THE JUDICIAL
COUNCIL**

This form can be used to petition the juvenile court to seal your juvenile records if you meet the requirements of Welfare and Institutions Code section 781. More information about sealing is available on form JV-595-INFO, *How to Make Your Juvenile Records Private*.

Submit this form to the probation department in EVERY county where you were on juvenile probation or, if you were not on probation, in EVERY county where you had contact with law enforcement or probation that did not result in a court case. Once the probation department receives the completed form, it will have 90 days to file a record-sealing petition with the court for you.

1 My information:

- a. Name: _____
- b. AKA (nickname, or other family name): _____
- c. Address: _____
- d. City, state, zip code: _____
- e. Area code and telephone number: _____
- f. Date of birth: _____
- g. E-mail address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in your name:

Name:

Fill in case number, if known:

Case Number:**2** I had a case(s) that went to court.

Case file number(s) (if known): _____

The date probation was terminated (if known): _____

- I don't remember my case number and/or date.
- See attached. (If you need more space, you may attach a separate page.)

3 I had contact with law enforcement but did not go to court.

- Date(s) I had contact with law enforcement: _____
- Name(s) of law enforcement or other agency(ies): _____
- See attached. (If you need more space you may attach a separate page.)

4 I understand that the probation department is responsible for requesting the juvenile court to seal the records of only those agencies in its records and those listed on page 2 of this form. I understand that after I file this document and pay any fees that are required (note: fees are required only for petitioners 26 years of age and older), the probation department will have 90 days to conduct an investigation and file a record-sealing petition for me with the juvenile court. I also understand that some records may not be eligible for sealing. I am aware that form JV-595-INFO, *How to Make Your Juvenile Records Private*, provides more information on this process. I also understand that the federal government will not recognize sealing of records and that juvenile records must be reported, even though sealed, if I apply for enlistment in the armed services or other federal employment requiring disclosure of juvenile records.

Your name: _____

Case Number: _____

Note: When you file this form with the probation department, it will research your case history and attach a list of contacts and addresses of all agencies that it knows has records of the case(s) and contacts(s) you listed on page 1. If you have had contacts with law enforcement or another agency with a record of your offense that may not have been reported to the probation department, please list them below, or those records may not be sealed. If your case was transferred from one county to another, your records in both counties will be sealed. If you have a probation record in more than one county that was not transferred, you need to file this form in each of those counties to ensure that all of your eligible records are sealed.


5 Include all contacts (with addresses) you had, before your 18th birthday, with the agencies below that might not be part of your probation records:

- Court: _____
- Probation Department: _____
- Sheriff's Department: _____
- Police Department: _____
- California Highway Patrol: _____
- Department of Motor Vehicles: _____
- Law Enforcement: _____
- School(s): _____
- Homeland Security: _____
- Other: _____
- See attached. *(If you need more space, you may attach a separate page or pages listing the contacts.)*

I declare that the information on this form is true and correct to the best of my knowledge.

Date: _____

Type or print your name

 _____
Sign your name

JV-595-INFO How to Make Your Juvenile Records Private

If you did something wrong when you were under 18, the justice system, your school(s), or another public agency may have records about what you did. If you make those records **private** (sealed), it could be easier for you to:

- Find a job.
- Get a driver's license.
- Get a loan.
- Rent an apartment.
- Go to college.

In many cases the court will seal your records when probation is terminated.

If you satisfactorily completed probation after January 1, 2015, and you were not found to have committed an offense listed in Welfare and Institutions Code section 707(b) when you were 14 or older, the court sealed your records when it dismissed your case. Also, if your probation supervision was under "deferred entry of judgment" under Welfare and Institutions Code sections 790 to 795 and you did what you were supposed to do during the time of that agreement, the court ordered your records sealed when it dismissed your case. You should have received a copy of the sealing order, and you do not need to ask the court to seal the records in that order.

If the court did not find your probation completion satisfactory, it did not seal your records and you will need to ask the court to seal your records by filing a petition. For more information on when the court seals your records at termination of probation, see Form JV-596-INFO.

If you have more than one juvenile case or contact and are unsure which records were sealed by the court, ask your attorney or probation officer.

Who qualifies to ask the court to seal their juvenile records?

If the court has not already sealed your records, you can ask the court to make that order. You qualify if:

- You are at least **18**; or it has been at least five years since your case was closed, or your last contact with probation; and
- You have been rehabilitated to the satisfaction of the court.

What if you owe restitution or fines?

The court will not consider outstanding restitution, fines, and court ordered fees, but you are still required to pay the restitution, fines, and fees, and your records can be looked at to enforce those orders.

When do you *not* qualify to seal your records?

- If you were convicted as an adult of an offense involving moral turpitude, such as:
 - A sex or serious drug crime,
 - Murder or other violent crime, or
 - Forgery, welfare fraud, or other crime of dishonesty.
 or
- When you were 14 or older and the court found that you committed a serious offense listed in Welfare and Institutions Code section 707(b), such as murder, arson, rape, or other violent crime, as well as some offenses involving drugs or weapons, unless the court has dismissed that petition.

Who can see your sealed records?

- DMV can see your vehicle and traffic records and share them with insurance companies.
- The federal government (and the military) can see your sealed records if you apply for a federal job or enlist.
- The court may see your records if you are a witness or involved in a defamation case.
- If you apply for benefits as a nonminor dependent, the court may see your records.
- If your records were sealed automatically, the prosecutor and others can look at your record to determine if you are eligible to participate in a deferred entry of judgment program (diversion).
- You can request the court to unseal your records if you want to have access to them or allow someone else to inspect them.

How do you ask to have your records sealed?

- ① You must fill out a court form. Form JV-595, *Request to Seal Juvenile Records*, at www.courts.ca.gov/forms.htm, can be used, or your court may have a local form.



- ② When you file your petition, the probation department will compile a list of every law enforcement agency, entity, or person the probation department knows has a record of your case, as well as a list of any prior contacts with law enforcement or probation and attach it to your petition.
- ③ If you think there are agencies that might have records on you that were never sent to probation, you need to include them, or the court will not know to seal them.
If you are not sure what contacts you might have had with law enforcement, you can get your criminal history record from the Department of Justice. See <http://oag.ca.gov/fingerprints/security> for more information.
- ④ Take your completed form to each probation department where you were on probation. (If you were not on probation, take your form to any county probation office where you have a juvenile record.)
Note: A small number of counties require you to take your form to the court. More information on each county's specific requirements can be found at www.courts.ca.gov/28120.htm.
- ⑤ If you are currently 26 years of age or older, you may have to pay a fee. If you cannot afford the fee, ask the probation department or the court about a fee waiver.
- ⑥ Probation will review your form and submit it to the court within 90 days.
- ⑦ The court will review your application. The court may decide right away to seal your juvenile records. Or the court may order a hearing. If there is a hearing, you will receive a notice in the mail with the date and time of the hearing. If the notice says your hearing is "unopposed" (meaning there is no disagreement with your request), you may choose not to go.
- ⑧ If you qualify to have your juvenile records sealed, the court will make an order to seal the eligible records listed on your application.
Important! The court can seal only records it knows about. If you have records in more than one court, you need to file a petition in every court that has your records to ensure that all records are sealed, unless your case was transferred from one court to the court where you are filing your sealing petition.
- ⑨ If the court grants your request, it will order each agency, entity, or person on your list to seal your records. The court will also order the records destroyed by a certain date.
- ⑩ The court will provide you with a copy of its order. Be sure to keep it in a safe place.

What about sex offender registration? (Penal Code, § 290)

If the court seals a record that required you to register as a sex offender, the order will say you do **not** have to continue to register.

If your records are sealed, do you have to report the offenses in the sealed records on job, school, or other applications?

No. Once your records are sealed, the law treats those offenses as if they did not occur. **However**, the military and some federal agencies will not recognize sealing of records and will require you to report all juvenile records, even if sealed, if you are seeking to enlist or apply for a job requiring you to provide information about your juvenile records.

Questions?

If you are not sure if you qualify to seal your records or if you have other questions, talk to a lawyer. The court is not allowed to give you legal advice. More information on sealing your records can be found at www.courts.ca.gov/28120.htm.

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CASE NAME: _____	
DISMISSAL AND SEALING OF RECORDS— WELFARE AND INSTITUTIONS CODE SECTION 786	CASE NUMBER: _____

1. Name of subject child: _____ Date of birth: _____
2. a. Date of hearing: _____ Dept.: _____ Room: _____
 b. Judicial officer (name): _____
3. The court has read and considered the report of the probation officer and any other evidence presented or information provided.

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

4. The child has satisfactorily completed probation or a term of informal supervision.
5. The petition(s) filed on (date(s)): _____ is/are dismissed.

6. The child's juvenile records related to the arrest(s) on (date(s)): _____ regarding an alleged violation of (specify offense(s)): _____ in the custody of this court and of the courts, agencies, and officials listed below are ordered sealed:

- Probation Dept. (specify county): _____
- California Dept. of Justice
- Law enforcement agency (specify all): _____
 Law enforcement case number(s): _____

7. The court finds that sealing the following additional public agency records will promote the successful reentry and rehabilitation of the subject child and orders the records in their custody relating to petitions and arrests listed in 5. and 6 sealed:

- District Attorney (specify county): _____
- Child's Attorney (name): _____
- School: _____
- Department of Motor Vehicles: _____
- Other (specify): _____
- Attachment

CHILD'S NAME:	CASE NUMBER:
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8. All records pertaining to the dismissed petition are to be destroyed according to Welfare and Institutions Code section 781(d), and the arrest is deemed never to have occurred except that the prosecuting attorney, the probation officer, and the court may access these records for the specific purposes stated in Welfare and Institutions Code section 786 and no records shall be destroyed before the subject child has attained 18 years of age.

- a. Date court records must be destroyed:
- b. Date all other records must be destroyed:

Date:

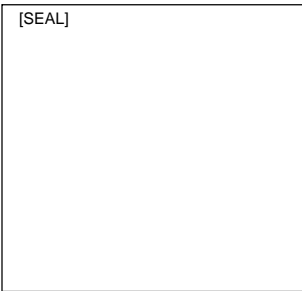
JUDICIAL OFFICER

9. The clerk shall send a certified copy to the clerk in each county in which a record is ordered sealed and a copy to the child, the child's attorney, and each agency and official listed above.

Date:



JUDICIAL OFFICER OF THE SUPERIOR COURT



CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date:

Clerk, by _____, Deputy

JV-596-INFO Sealing of Records at Termination and Dismissal

In many cases, the court will seal your records.

If your case is dismissed by the juvenile court after January 1, 2015, because you satisfactorily completed your probation and were NOT found to have committed an offense listed in Welfare and Institutions Code section 707 (b) (these are violent offenses such as killing, raping, or kidnapping, and also some offenses involving drugs or weapons) when you were 14 or older, you do not need to ask the court to seal your court, probation, or law enforcement records because the court will have sealed your records. You should have received a copy of the order. If the court finds that you have *not* satisfactorily completed your probation, it will not dismiss your case and will *not* seal your records at termination. If you want to have your records sealed in this situation, you will need to ask the court to seal your records at a later date (see Form JV-595-INFO for more information about asking the court to make your records private).

How will the court determine if probation is satisfactorily completed?

If you have done what you were ordered to do while on probation, and have not been found to have committed any further crimes (felonies or any misdemeanors for crimes involving moral turpitude, such as a sex crime or a crime involving dishonesty), the court will find that your probation was satisfactorily completed even if you still owe restitution, court ordered fees, and fines , **BUT...**

Restitution and court fines and fees must still be paid.

Even if your records are sealed, you are still required to pay your restitution and court-ordered fees and fines. Your sealed records can be looked at to enforce those orders.

Which records will be sealed?

The court will order your court, probation, Department of Justice, and law enforcement agency records sealed for the case the court is closing and prior cases if the court determines you are eligible. If you or your attorney ask the court, it can also seal records of other agencies (such as the District Attorney or your attorney) if it finds that doing so would help you to be rehabilitated.

If you have more than one juvenile case and are unsure which records were sealed, ask your attorney or probation officer.

Who can see your sealed records?

- If your records were sealed by the court at dismissal, the prosecutor and others can look at your record to determine if you are eligible to participate in a deferred entry of judgment or informal probation program (diversion).
- If you apply for benefits as a nonminor dependent, the court may see your records.
- If a new petition is filed against you for a felony offense, probation can look at what programs you have participated in, but cannot use that information to keep you in juvenile hall or to punish you.
- If you have been found to have committed a felony by the juvenile court, your sealed records can be viewed to determine what disposition (sentence) the court should order.
- If you are arrested for a new offense and the prosecuting attorney asks the court to transfer you to adult court, your record can be reviewed to determine if transfer is appropriate.
- You can request the court to unseal your records if you want to have access to them or allow someone else to inspect them.

NOTE: Even if someone looks at your records in one of these situations, your records will stay sealed in the future and you do not need to ask the court to seal them.

If your records are sealed, do you have to report the offenses in the sealed records on job, school, or other applications?

No. Once your records are sealed, the law treats those offenses as if they did not occur. **However**, the military and some federal agencies will not recognize sealing of records and will require you to report all juvenile records, even if sealed, if you are seeking to enlist or apply for a job requiring you to provide information about your juvenile records.

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CASE NAME: _____	
JUVENILE WARDSHIP PETITION <input type="checkbox"/> § 601(a) <input type="checkbox"/> § 601(b) <input type="checkbox"/> § 602(a)	CASE NUMBER: _____

1. Petitioner on information and belief alleges the following:

a. <input type="checkbox"/> The child named below comes within the jurisdiction of the juvenile court under the following sections of the Welfare and Institutions Code (<i>check applicable boxes; see attachments for concise statements of facts</i>): <input type="checkbox"/> 601(a) <input type="checkbox"/> 601(b) <input type="checkbox"/> 602(a) Violation (<i>specify code section</i>): _____			
b. <input type="checkbox"/> Under a previous order of this court, dated _____, the child was declared a ward under Welfare and Institutions Code section <input type="checkbox"/> 601(a) <input type="checkbox"/> 601(b) <input type="checkbox"/> 602(a).			
c. Child's name and address: _____	d. Age: _____	e. Date of birth: _____	f. Sex: _____
g. Name: _____ Address: _____ <input type="checkbox"/> mother <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	h. Name: _____ Address: _____ <input type="checkbox"/> mother <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		
i. Name: _____ Address: _____ <input type="checkbox"/> mother <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	j. Other (<i>state name, address, and relationship to child</i>): <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.		
k. Attorney for child (<i>if known</i>): Address: _____ Phone number: _____	l. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained. Date and time of detention (<i>custody</i>): _____ Current place of detention (<i>address</i>): _____		

(See important notices on page 2.)

CHILD'S NAME:	CASE NUMBER:
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- 2. Petitioner requests that the court find these allegations to be true.
- 3. Petitioner requests a hearing to determine whether the child is a fit and proper subject under juvenile court law under Welfare and Institutions Code section 707(a)(1) 707(a)(2) 707(c).

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Indian Child Inquiry Attachment (form ICWA-010(A)) is completed and attached.

Number of pages attached: _____

TO PARENTS OR OTHERS LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD

You and the estate of your child may be jointly and severally liable for the cost of the care, support, and maintenance of your child in any placement or detention facility, the cost of legal services for your child or you by a public defender or other attorney, the cost of supervision of your child by order of the juvenile court, and the cost of any restitution owed to the victim.

RECORD SEALING

The court may seal your records at the conclusion of your case or you may request sealing at a later date. Please see form JV-595-INFO, *How to Make Your Juvenile Records Private*, and form JV-596-INFO, *Sealing of Records at Termination and Dismissal*, available through your attorney or www.courts.ca.gov/forms.htm, for more information about record sealing.