JV-915-INFO Information on Filing a Petition to Terminate Juvenile Sex Offender Registration

1 General Information

- You must continue to register as a sex offender until a court grants your request to terminate the registration requirement.
- You may be required to register as a sex offender in another jurisdiction even if your requirement to register in California is terminated.
- Do not file evidence that shows proof of rehabilitation unless requested by the court after the petition is filed.
- Form JV-915 and proof of current registration may only be filed following the expiration of your mandated minimum registration period.
- This information sheet is for terminating registration based on adjudications in juvenile court. It does not address registration based on criminal convictions.
- Proof of current registration is available at the registering law enforcement agency.
- It is very important that you provide a dependable mailing address on form JV-915 so that the district attorney and the court can reach you. Contact the court immediately if your mailing address changes.

2 Am I eligible for relief under Penal Code section 290.5?

You *may be* eligible to petition for relief under Penal Code section 290.5 if:

- You are required to register as a sex offender under Penal Code section 290; *and*
- You have registered for the minimum time period for your assigned tier.

3 Which tier am I? How is my tier determined?

Your tier is based on the offense for which you were adjudicated and committed to the Division of Juvenile Justice. If your registrable offense is considered either a serious or violent felony under either Penal Code section 667.5(c) or 1192.7(c), you are in Tier 2; if not, you are in Tier 1. Registrants may request a tier notification letter from the registering law enforcement agency.

- Upon being adjudicated for a registrable offense, your minimum required registration period begins on the date you were released from the Division of Juvenile Justice.
- Any misdemeanor conviction for failure to register extends the minimum time period by one year, without regard to the actual time served in custody for the conviction. Any felony conviction for failure to register extends the minimum time period by three years, without regard to the actual time served in custody for the conviction.
- If the minimum registration period has not been tolled or extended, you are eligible for relief after you have registered for the following time periods:

If you are...	You must have registered for at least...
Tier 1 (Juvenile)	5 years
Tier 2 (Juvenile)	10 years

4 Are there any other requirements besides registering for my tier's minimum time period?

If you are assessed as Tier 1 or Tier 2, you are eligible to petition for relief only upon reaching the end of the minimum registration period, and only if *all of* the following are true:

- You are not the subject of pending criminal charges that could extend the time to complete the registration requirements of the tier or change the tier status;
- You are not in custody; and
- You are not on parole, probation, postconviction supervised release, or any other form of supervised release.

5 At the end of my minimum period of registration, where and how do I file my petition and proof of current registration with the court?

You may file form JV-915 and proof of current registration as a sex offender, which you can get from the registering law enforcement agency, in the juvenile court in the county where you register. If you register with more than one law enforcement agency (for example, if you are also required to register at a school campus or at an additional residence

address), you must file the petition and proof of current registration in the county of your primary residence.

- Make a copy of the completed form JV-915 and proof of current registration for each law enforcement agency and district attorney's office you (or someone on your behalf) must serve.
- Contact the court clerk or check the court's website to see if any local rules exist regarding filing or serving the petition and proof of current registration and ask how you can receive proof of filing.
- File form JV-915 and proof of current registration by:
  - Taking them to the court clerk in person;
  - Mailing them to the court; or
  - Depending on the court's local rules and practices, filing them electronically.

6 Who else gets a copy of the petition and proof of current registration, and how?

After form JV-915 and proof of current registration are filed with the court, you or someone on your behalf must deliver a copy of the petition and the proof of current registration to:

- The law enforcement agency with which you currently register; and
- The district attorney in the county in which you currently register.

If you were adjudicated for a registrable offense in a county other than where you currently reside or register, the petition and proof of current registration must also be delivered to the law enforcement agency and the district attorney of the county of adjudication of the registrable offense.

- *Example:* If you were adjudicated for a registrable offense in Los Angeles County but register in Orange County, you or someone on your behalf must serve the law enforcement agency and the district attorney's office in both counties.
- Contact every agency that must be served to check if there is a specific person or mailing address that should receive the petition and proof of current registration. If the agencies do not get a copy, they will not be able to provide the information the court needs to consider your request, and the court may deny the request or delay its decision until it receives this information.

There are three main ways to serve the petition and proof of current registration (use *Proof of Service—Juvenile Sex Offender Registration Termination* (form JV-916) as a guide for the information you need to report back to the court about how and when the petition was served):

- **Personal service:** You may serve the petition and proof of current registration or ask someone else to do it. Go in person to hand-deliver the petition and proof of current registration to a representative of the law enforcement agency and district attorney's office during business hours. This is the most reliable form of service.
- **Service by mail:** Place copies of the petition and proof of current registration in a stamped, sealed envelope addressed to the law enforcement agency and district attorney's office. Put first-class postage on the envelope and mail it by depositing the envelope with the U.S. Postal Service or at an office or business mail drop where the mail is picked up every day and deposited with the U.S. Postal Service.

  Alternatively, you may mail the documents by certified mail with a return receipt requested.
- **Electronic service:** Contact the law enforcement agency and district attorney's office to check if they accept electronic service and, if so, how to confirm receipt of service. The court may require proof of consent and proof of electronic service. You can use *Consent to Electronic Service and Notice of Electronic Service Address* (form EFS-005-CV) and *Proof of Electronic Service* (form EFS-050), available at courts.ca.gov/rules-forms/find-your-court-forms.

Your petition may be denied if all law enforcement agencies and district attorney offices required to be served are not served. When service is complete, you or the person who served the documents on your behalf must fill out *Proof of Service—Juvenile Sex Offender Registration Termination* (form JV-916) and file it with the court.

7 Time frame for court's decision

The court will not make a decision until it hears from the law enforcement agency and the district attorney. This may take four months or longer.

- The law enforcement agency has 60 days from receipt of the petition to report on your eligibility to the court and district attorney. The law enforcement agency may request more time if it discovers a conviction not previously considered by the Department of Justice.
- The district attorney may request a hearing within 60 days after receiving the eligibility report from law enforcement.
- Once you file your petition and proof of current registration and the court gives you a case number, you can see whether the court has received and filed any responses from the law enforcement agency and the district attorney's office by going in person to the juvenile court to request access to your paper file. The district attorney will also serve a copy of its response on you or your attorney.
- The court may grant your request, deny your request, or set the request for a hearing if one is requested by the district attorney.The court will notify you or your attorney if a hearing is set.

8 Hearing

The district attorney in the county where the petition is filed may request a hearing if the district attorney does not believe you have registered for the minimum time period required or if they believe that you should continue registering for the safety of the community. If the court must decide at the hearing whether you should continue to register for the safety of the community, the court will make its decision by considering the facts of your case, your conduct before and after the adjudication, and your current risk of sexual or violent re-offense, among other factors.

If the district attorney does not request a hearing, the court must grant the petition for termination if (1) you provided proof of current registration, (2) the registering law enforcement agency reported that you met the requirements for termination, (3) there are no pending charges against you that could extend the minimum time you are required to register, and (4) you are not in custody or on parole, probation, or supervised release.

9 Subsequent petition

If the court denies your request, it will let you know how much time must pass before you can make the request again. That period must be at least one year from date of denial, but may not exceed five years, based on facts presented at the hearing.

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