

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR15-20

Title

Juvenile Law: Sealing of Records

Action Requested

Review and submit comments by June 17, 2015

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rule 5.840; amend rule 5.830; adopt forms JV-595, JV-595-INFO, and JV-596; revise forms JV-590 and JV-600

Proposed Effective Date

January 1, 2016

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Proposed by

Family and Juvenile Law Advisory
Committee
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 two recently enacted statutes. Assembly Bill 1006 (Yamada; Stats. 2013, ch. 269) directed the Judicial Council to develop informational materials and a form to enable a former ward or individual for whom a petition was filed under Welfare and Institutions Code section 602, or any individual who had contact with a probation department under section 626, to petition the court for the sealing and destruction of juvenile records under section 781 and rule 5.830.¹ Section 781(g) provides that each county probation department and court must ensure that record-sealing information and a form petition are provided to eligible youth. It also instructs that the sealing information and the form petition “shall be provided . . . when jurisdiction is terminated or when the case is dismissed.” After the council circulated a proposal for comment to implement these requirements, new legislation (Sen. Bill 1038 [Leno]; Stats. 2014, ch. 249) was enacted that requires the court to automatically dismiss and seal the records for many juvenile wards.

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

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 These proposals are circulated for comment purposes only.

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.

The Proposal

This proposal recommends adoption of one mandatory information form, *How to Make Your Juvenile Records Private* (form JV-595-INFO), and 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 into the information form. A new optional order form, *Dismissal and Sealing of Records—Welfare and Institutions Code Section 786* (form JV-596), is recommended for approval, as well as a new rule of court, rule 5.840, to implement the new mandatory sealing requirements created by SB 1038. 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.

Section 781 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 sealing, among other requirements, the records must not fall within section 707(b) of the code 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.

Newly enacted section 786 provides an alternate procedure for the sealing of records for non-707(b) matters by requiring the juvenile court to dismiss a petition and seal the records pertaining to that petition for any minor who satisfactorily completes an informal probation supervision program under section 654.2, probation under section 725, or a term of probation for any other offense not listed in section 707(b). This newly enacted section went into effect on January 1, 2015, and will thus be applied to matters dismissed after that date, which will result in the sealing of many more records in this manner as opposed to in response to a petition filed under section 781. Only those cases dismissed before January 1, 2015, or those cases in which the court does not find that the minor has satisfactorily completed his or her probation will be required to follow the procedures for section 781.

Proposed new form JV-595-INFO

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. 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 also emphasizes that only eligible records included on the form and known to the court will be sealed. This emphasis reinforces that probation will not be taxed with investigation requirements and reduces the burden on the court and probation by clarifying that the responsibility of identifying agencies where records may be found rests with the petitioner.

The form also explains that when a probation case is closed, the probation officer will provide the petitioner with a list of the petitioner’s known contacts housed with the juvenile justice system and other agencies. This information will assist the petitioner in filling out form JV-595 as completely as possible. 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 automatic sealing for cases with a deferred entry of judgment order under section 790. Such cases are sealed if the minor satisfactorily completes the program assigned during the period that the judgment has been deferred.

Proposed new form JV-595

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 include all known contacts with law enforcement; probation; the Department of Motor Vehicles; and other agencies. It also instructs the petitioner to include contacts in all counties, as provided by amended rule 5.830, which states: “The order must apply in the county of the court hearing the petition and in all other counties in which eligible juvenile records are identified by the petitioner on the petition.”² Section 781(a) directs the court to “send a copy of the order to each agency and official named therein, directing the agency to seal its records and stating the date thereafter to destroy the sealed records.” Some courts have interpreted the requirement to be limited to in-county agencies. By ensuring that the form instructs that *all* identified agencies must be provided with the order, this misinterpretation will be resolved and form JV-590, *Order to Seal Juvenile Records—Welfare and Institutions Code Section 781*, will be used more consistently and comprehensively.

² Clarification about proposed changes to the rule is provided in the section of this invitation to comment specific to the rule.

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. Although section 786 directs the court to seal “all records pertaining to that dismissed petition in the custody of the juvenile court,” the committee has interpreted this language to be consistent with other juvenile record–sealing statutes and to include all records relating to the petition—whether in the custody of the court or another agency. The committee has adopted this view based on the implementation of very similar language in section 793 relating to the sealing of deferred entry of judgment records for which the rule of court and the form provide for sealing of all records, and not simply those held by the juvenile court.³

This reading is consistent with the underlying purpose of juvenile record sealing, which is to improve employment and educational opportunities for youth with a juvenile justice record. If the court records were sealed, but criminal history databases continued to include information about the underlying arrest and disposition, this objective would not be comprehensively accomplished. Moreover, it would require two separate sealing processes for many minors, one when the case was dismissed and another under section 781 to seal the remainder of the records. And were the court to act on these subsequent petitions, it would have no access to its own records because they would have been sealed via the earlier process.

The committee concluded that its understanding of section 786 was consistent with the section’s intent but that implementation of these new requirements will pose challenges because the juvenile justice system at large, the courts, probation, and other agencies will not have access to information on what services and programs a minor has previously received if a new petition is filed subsequent to the filing of an earlier petition.⁴

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

³ Section 793 provides that when the case is dismissed, “any records in the possession of the juvenile court” must be sealed.

⁴ Because the committee is aware that two bills (AB 666 (Stone) and AB 989 (Cooper)) have been introduced to revise section 786 to address and clarify these issues, it has used statutory references rather than express language in the proposed form and rule so that modifications to the statute may not require changes to the form and rule. However, the existence of these bills may require subsequent modifications to the proposal after the comment cycle has concluded, or in a future cycle.

should be destroyed or to indicate that they not be destroyed per the court's order or statutory requirements.

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 form JV-595-INFO, *How to Make Your Juvenile Records Private*, as a source 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

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 provide the petitioner with a list of the petitioner's known contacts housed with the juvenile justice system at the time that the case is closed, which would assist the petitioner in filling out the petition as completely as possible.

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. The rule specifies 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." The committee recommends that the word *eligible* be inserted before the word *juvenile* to clarify that only those records that can be legally sealed are covered by the order. 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. The rule would result in the sealing of all records related to eligible petitions dismissed by the court and would direct the clerk of the court to distribute the order to all named agencies and direct those agencies to immediately seal their records. It also includes the access exceptions allowed by section 786, but as with the proposed order form described above, it does not specify the exceptions but rather references the statute so that any future modification to section 786 will not result in the need for changes to the rule. In addition, the rule directs the court to seal all records and not just those in its custody for the reasons discussed above with reference to proposed new form JV-596.

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.

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(g) would be burdensome to the court and probation.

Implementation of SB 1038 does not expressly require the council to take any action, but 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. In addition, because SB 1038 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. However, the committee believes that full implementation of this proposal may aid court operations and reduce probation department costs by providing youth with a listing of relevant records at case closing and by streamlining the process in a single county. Although this effort may result in additional time to send notices of record sealing, it should also reduce or eliminate the need for the youth to file requests in multiple counties or to inspect court files to determine which records to request for sealing.

Implementation of SB 1038 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.

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 of ensuring that up-to-date information regarding the eligibility for and the procedures to obtain or request sealing and destruction of records is provided to each person for whom a petition has been filed on or after January 1, 2015, to adjudge the person a ward of the juvenile court, and to specified other minors who are taken into temporary custody and brought before a probation officer under Welfare and Institutions Code section 626?
- Do you agree that the JV-595 petition form should be optional so that juveniles who may choose to submit a petition on a self-created application or local form are able to do so?
- Is the addition of the information about the date of destruction useful, or would it impose an additional workload burden for courts or probation to research and calculate these dates? Would this be overcome if the form was fillable and included a calculation based on the rules that apply to 602 files (in 602 cases, the rule that applies would be five years for noncourt records and age 38 for court records, so a formula could be used in a fillable form, but for 601 and 300 records, the rule is five years for both)?
- Does the information on federal requirements for disclosing sealed records on form JV-585 and JV-595-INFO provide petitioners with accurate and helpful information about when it may be necessary to report juvenile adjudications even when the records have been sealed?

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?
- Do you agree that all of the sealing order forms be optional forms so that courts have the flexibility to use the form that best meets their needs?

Attachments and Links

1. Proposed Cal. Rules of Court, rules 5.830 and 5.840, at pages 9–11
2. Proposed new and revised forms JV-590, JV-595, JV-595-INFO, JV-596, and JV-600, at pages 12–19
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

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**

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 the county in which wardship was last terminated.

8
9 (2) At the time jurisdiction is terminated or the case is dismissed, the court must
10 provide or instruct the probation department to provide form JV-595-INFO,
11 How to Make Your Juvenile Records Private, and form JV-595, Request to
12 Seal Juvenile Records, to the ward.

13
14 (3) At the time wardship is terminated or the case is dismissed, the probation
15 department must provide the ward with a list of every agency or person that
16 the probation department knows has a record of the ward’s case, including
17 the date of each offense, the case number or numbers, and the date when the
18 case was closed. Probation does not need to provide this list if the record is
19 being sealed automatically under section 786.

20
21 ~~(1)~~(4) *Application—submission*

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

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

30
31 ~~(2)~~(5) * * *

32
33 ~~(3)~~(6) * * *

34
35 ~~(4)~~(7) If the petition is granted, the court must order the sealing of all records
36 described in section 781 using form JV-590, Order to Seal Juvenile
37 Records—Welfare and Institutions Code Section 781, or a similar form. The
38 order must apply in the county of the court hearing the petition and in all
39 other counties in which ~~there are~~ eligible juvenile records ~~concerning the~~
40 ~~petitioner~~ are identified by the petitioner on the petition.

1 (b) **Sealing—nonwards**

2
3 (1) * * *

4 (2) When jurisdiction is terminated or the case is closed, the probation
5 department must provide the following to individuals described under section
6 781(g)(1)(A) and (B):

7
8 (A) Form JV-595-INFO, *How to Make Your Juvenile Records Private*;

9
10 (B) Form JV-595, *Request to Seal Juvenile Records*; and

11
12 (C) A list of cases of every agency or person that the probation department
13 knows has a record of the ward’s case, including the date of each
14 offense, case number(s), and the date when the case was closed.
15 Probation does not need to provide this list if the record is being sealed
16 automatically under section 786.

17
18 (c)–(e) * * *

19
20 **Advisory Committee Comment**

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

36
37 **Rule 5.840. Dismissal of petition and sealing of records (section 786)**

38
39 (a) **Applicability**

40
41 This rule states the procedures to dismiss and seal the records of minors who are
42 subject to section 786, including all minors who have satisfactorily completed an
43 informal program of supervision under section 654.2, probation under section 725,

1 or a term of probation for any offense not listed in subdivision (b) of section 707
2 and whose cases are dismissed on or after January 1, 2015.

3
4 **(b) Dismissal of petition**

5
6 If the court finds that a minor subject to this rule has satisfactorily completed his or
7 her informal or formal probation supervision, the court must order the petition
8 dismissed.

9
10 **(c) Sealing of records**

11
12 If the court dismisses the petition, it must also order sealed all records pertaining to
13 that dismissed petition using form JV-596, *Dismissal and Sealing of Records—*
14 *Welfare and Institutions Code Section 786*, or a similar form. The prosecuting
15 attorney, the probation officer, and the court shall have access to these records as
16 specifically provided in section 786.

17
18 **(d) Destruction of records**

19
20 All records sealed must be destroyed according to section 781(d).

21
22 **(e) Distribution of order**

23
24 The clerk of the issuing court must:

25
26 (1) Send a copy of the order to each agency and official listed in the order; and

27
28 (2) Send a certified copy of the order to the clerk in each county in which a
29 record is ordered sealed.

30
31 **(f) Deadline for sealing**

32
33 Each agency, individual, and official notified must immediately seal all records as
34 ordered.

35

*Probation stamps date 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*.

On page two of this form, include all the officials and agencies you came in contact with when you were under the age of 18, including law enforcement, probation, the Department of Motor Vehicles, and the district attorney's office. Include agencies in EVERY county. Submit this form to the probation department in the county where you were last on juvenile probation or, if you were not on probation, in any 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, or 180 days if you include agencies outside of this county.

*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:****1** My information:

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

2 I had a case(s) that went to court.

Case file number(s): _____ The date my case(s) was closed: _____

-
- I do not remember my case file number or the date my case was closed.

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): _____**4** I understand that the probation department is responsible for requesting the juvenile court to seal the records of only those agencies listed on page 2 of this form. I understand that after I file this document and pay any fees that are required, the probation department will have 90 days to conduct an investigation and file a record-sealing petition for me with the juvenile court, or 180 days if I am requesting that information in more than one county be sealed. 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: Your probation officer provided you with a list of contacts with law enforcement when your case closed. That document should make filling out this form easier for you because it includes the contacts that probation is aware of from your juvenile records. The best way to ensure that all your juvenile records are sealed is for you to list all contacts on this form or attach a copy of the list of contacts probation provided to you. Include cases and contacts in both the county where you are filing this petition and any other county where you had contact with law enforcement and other agencies. If contacts in other counties are not included on this form, those juvenile records may not be sealed, and you may need to file again in the county where the record is located.

5 Include all contacts (with addresses) you had with the agencies listed below in every county, before your 18th birthday:

- Court Clerk: _____
- Probation Department: _____
- Sheriff's Department: _____
- Police Department: _____
- District Attorney: _____
- Department of Motor Vehicles: _____
- Homeland Security: _____

(If you need more space, you may attach a separate page or pages listing the contacts.)

6 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 the Department of Motor Vehicles (DMV) 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 automatically 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), you do not need to ask the court to seal your records because the court will do it automatically. If the court finds that you have *not* satisfactorily completed your probation, it may not dismiss your case and will *not* seal your records automatically. If you want to have your records sealed in this situation, you will need to ask the court to seal your records (see instructions later on this form).

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 had to order your records sealed when it dismissed your case. If you did not complete the agreement adequately and the court entered judgment against you, you will need to ask the court to seal your records by filing a petition.

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

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

If the court has not automatically 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.

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.
 - 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 At the end of your case, your probation officer will provide you with a list of every agency or person the probation department knows has a record of your case, as well as a list of any prior contacts with law enforcement, probation, or the courts.
- ③ Write the names of all agencies from your contacts list on your form and attach it to the form. Also list any other agency that might have records on you, such as:
 - Juvenile court,
 - Probation,
 - Police or sheriff,
 - District attorney's office, and
 - Department of Motor Vehicles.If you think you might have contacts that are not on that form, 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 the probation department where you were *last* 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 the website listed at the end of this form.
- ⑤ 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** (or **180 days**, if you have records in two or more counties).
- 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. Make sure you list *all* the records from *all* counties where you have any records.**
- ⑨ The court will order each agency on your list to seal your records. The court will also order the records destroyed by a certain date.
- ⑩ The court will mail you 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 (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h2 style="margin: 0;">Not approved by the Judicial Council</h2>
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 complied satisfactorily with the conditions imposed.
5. The petition filed on (*date*): _____ is dismissed.
6. The child's juvenile records related to the arrest on (*date*): _____ regarding an alleged violation of (*specify offense*): _____ in the custody of this court and of the courts, agencies, and officials listed below are ordered sealed:

- District Attorney (*specify county*):
- Child's Attorney (*name*):
- Probation Dept. (*specify county*):
- California Dept. of Justice
- Other (*specify*):

- Attachment

7. 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 purpose stated in Welfare and Institutions Code section 786.

Date court records must be destroyed:

Court records must be retained:

- For good cause
- Records pertain to a person adjudged delinquent for an offense listed in section 707(b) when 14 years of age or older

Date all other records must be destroyed:

Date:

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 10px 0 0 0;">Not approved by the Judicial Council</h3>
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 (check applicable boxes; see attachments for concise statements of facts): <input type="checkbox"/> 601(a) <input type="checkbox"/> 601(b) <input type="checkbox"/> 602(a) Violation (specify code section):			
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: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	h. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		
i. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	j. Other (state name, address, and relationship to child): <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 (if known): Address: Phone number:	l. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained. Date and time of detention (custody): Current place of detention (address):		

(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

You may have the right to have your record sealed at the conclusion of your case. Please see form JV-595-INFO, *How to Make Your Juvenile Records Private*, and form JV-595, *Request to Seal Juvenile Records*, available through your attorney or www.courts.ca.gov/forms.htm, for more information about record sealing.