

# SEALING JUVENILE RECORDS

California Welfare and Institutions Code § 781 is the statute that gives you the legal right to have your juvenile record sealed. The right to seal your record is available in most juvenile cases, with certain exceptions explained below.

## **WHAT IS A JUVENILE RECORD AND WHAT DOES IT MEAN TO SEAL IT?**

- A juvenile record includes all papers and court records in your juvenile court file, any recorded contact with law enforcement or probation agencies. It also includes any and all papers relating to your case which are kept by other agencies, such as the district attorney's office, group homes, foster homes or any entity who may have had an interest in your case.
- Sealed court proceedings *are deemed not to have occurred*. You can answer "no" to any questions asking whether you have a criminal record or whether you've ever been arrested. You can also answer "no" if you are asked if you have a sealed record. (*T.N.G. v. Superior Court* (1971) 4 Cal.3d 767)

## **WHEN CAN YOU ASK TO HAVE YOUR JUVENILE RECORD SEALED?**

- You can ask to have your juvenile record sealed five years or more after juvenile court jurisdiction has ended or after you have reached the age of 18, whichever comes first. (*T.N.G. v. Superior Court* (1971) 4 Cal.3d 767)

## **WHO CAN HAVE A JUVENILE RECORD SEALED?**

- You must not have been convicted, as an adult, of any felony or any misdemeanor involving "moral turpitude". ("Moral Turpitude" is defined as crimes that show baseness, vileness, depravity, or which violate moral sentiment or accepted moral standards of the community, such as crimes involving theft, fraud, sex, or drugs.)
- You must be able to show the Court: 1) you have been "rehabilitated"; 2) your case started and ended in juvenile court; and 3) you do not have an open civil suit regarding the actions that caused your juvenile record.
- You must pay in full all previous fines or restitution owed to the court as an adult or juvenile, including any traffic fines.
- If you were found to have committed an offense listed in Welfare and Institutions Code § 707(b) after you turned 14 years old, the Court will not allow you seal your record. (examples of offenses under § 707(b) include: murder, attempted murder, voluntary manslaughter, arson, robbery, certain sex offenses, kidnapping, certain types of assault, and any violent felony)

## **WHY IS IT IMPORTANT TO HAVE YOUR RECORD SEALED?**

- It is important to have your record sealed because when you apply to potential employers, colleges, college financial aid programs, and professional licensing agencies, you might be asked about having a criminal record. If your record is sealed, you can deny having a criminal record on all of these applications.
- Even without having your record sealed; because your juvenile delinquency adjudication is NOT a criminal conviction, you can truthfully answer "no" if you are asked if you were ever "convicted" of a crime.
- Agencies (in addition to local law enforcement and probation departments) may have records about you and your background. Once given notice by the Court, these agencies are required to remove any reference to your juvenile record and to report they have no record for you.

- Also, sealing your records also means you are no longer required to register as a sex offender under Penal Code Section 290. (Welfare & Institutions Code §781(a))
- If you do not take any action to have your juvenile record sealed after you turn 18, the court will generally destroy the record, but not until your 38<sup>th</sup> birthday

### **ARE DEPARTMENT OF MOTOR VEHICLE (DMV) RECORDS INCLUDED?**

- The DMV is prohibited from releasing information from sealed juvenile records. Your sealed records cannot be considered prior convictions in revoking or suspending a driver's license.
- However, traffic violations and parking violations cannot be sealed.

### **ONCE SEALED, CAN THE RECORDS BE UNSEALED AGAIN?**

- Inspection of sealed records is permitted only by those named in a petition brought by you and only if the court so orders. (Welfare & Institutions Code §781(a))
- However, insurance companies are permitted by the DMV to look at your sealed records, but only automobile-related violations should affect your rates.

## **\*\*PROCESS FOR SEALING YOUR RECORDS\*\***

- 1. Contact the juvenile Probation Department:**
  - Obtain a "Record Sealing Packet" from the Probation Department, complete the application and return it to Probation. Complete the Petition and file it with the Court.
  - An attorney is not necessary.
  - You must go through this process for each county in which you have a record.
- 2. The Probation Department will conduct an investigation and issue a report.**
  - A criminal history will be run to verify whether you have any new arrests or convictions.
  - The Probation Officer will write a report for the Court.
- 3. The juvenile court will hold a hearing and grant or deny your petition.**
  - You will be notified of the date and time of the hearing in writing.
  - You have the option to appear or not appear at your hearing.
  - The district attorney may present evidence at the hearing and argue against sealing the record.
  - A defense attorney is usually not present.
  - If the court denies the petition, you may petition again at a later date.
- 4. If your petition is granted, the law requires the Court seal all juvenile records relating to you.**
  - The Court must send a copy of the order to all agencies and/or persons named in the order instructing any records relating to you be sealed.
  - The records are considered sealed once all agencies have reported to the Court they have complied with the order.

## APPLICATION TO PETITION TO SEAL JUVENILE RECORD

I, the undersigned hereby request the Probation Officer of Amador County to Petition the Juvenile Court to seal my juvenile record in accordance with the provisions of Section 781 of the Welfare and Institutions Code, State of California.

**APPLICATION:**

First Name		Middle Name	Last Name	
Maiden Name		Other Name(s) Used		
Street		City	State	Zip
Previous Address		City	State	Zip
Other Counties Lived in				
Home Phone		Cell/Message Phone	Work Phone	

**PERSONAL DESCRIPTION:**

Sex	Race	Date of Birth	Birthplace		
Height	Weight	Eyes	Hair	Social Security #	Driver's License #
Marks or Scars					

**EDUCATION (state highest grade achieved):**

Junior High	Date
High School	Date
College	Date

**EMPLOYMENT HISTORY in the past 2 yrs (Use additional paper if necessary):**

Date (from/to)	Type of Work	Employer	Reason for Leaving

**MILITARY HISTORY:**

Branch	Date (from/to)	Type of Discharge
If other than Honorable, state reason for:		

**ARREST RECORD (List all juvenile and adult arrests or citations, use extra paper if necessary):**

Date	Arresting agency	Offense	Disposition (result)

Are you currently on probation or parole? Yes  No  If yes, name of parole agent or probation officer. \_\_\_\_\_

Are you currently pending Court action for any offense? Yes  No  Explain: \_\_\_\_\_

**THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

Signature:	Date:
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