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**Notes and
References**

JUVENILE RECORD SEALING

I. General

- A. Youth who successfully complete their grants of probation are eligible for record sealing. Youth over the age of 18 can apply for record sealing under §781 WIC. Pursuant to §786 WIC and §793 WIC, youth who successfully complete a grant of probation pursuant to §654.2 WIC, §725(a) WIC, §790 WIC, or §602 WIC and are under the age of 18, are eligible to have their records sealed upon successful completion of their probation grant unless they were adjudicated of a §707(b) WIC offense.
- B. There is no fee for a person to apply for sealing under any of the provisions listed in this section.

II. Eligibility for juvenile record sealing pursuant to §781 WIC

- A. Applicant must NOT have been convicted of a felony since turning 18 years old.
- B. Applicant must NOT have been convicted of a misdemeanor after age 18 years involving moral turpitude (generally; theft, fraud, sex offenses, or providing false information).
- C. Applicant must have completed probation successfully if adjudicated of an offense listed in Welfare and Institutions code section 707(b) after age 14 years.
- D. Applicant must be over 18 years old, or
- E. If under 18 years old, five years must have elapsed since arrested/cited, brought before the Probation Officer or the jurisdiction of the Juvenile Court has terminated.

III. Eligibility for juvenile record sealing pursuant §786 WIC:

- A. The youth successfully completes a grant of probation pursuant to §654.2 WIC or §602 WIC. It should be noted that an unfulfilled order or condition of restitution, including a restitution fine that can be converted to a civil

§781(a) WIC

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judgment under §730.6 WIC or an unpaid restitution fee shall not be deemed to constitute unsatisfactory completion of probation.

- B. The youth's §725(a) WIC grant expires.
- C. The above only entail sealing matters that pertain to or occurred during that grant of probation. Prior matters will need to be sealed in accordance with §781 WIC, unless, pursuant to §786(f)(1) WIC, the court includes an order to seal a record relating to, or to dismiss, any prior petition or petitions that have been filed or sustained against the individual and that appear to the satisfaction of the court to meet the sealing and dismissal criteria.
- D. A court shall not seal a record or dismiss a petition pursuant to §786 WIC if the petition was sustained based on the commission of an offense listed in subdivision (b) of §707 WIC that was committed when the individual was 14 years of age or older unless the finding on that offense was dismissed or was reduced to a misdemeanor or to a lesser offense not listed in §707(b) WIC.

IV. Eligibility for Juvenile Record Sealing Pursuant to §793 WIC:

Youth granted probation pursuant to §790 WIC are eligible for sealing pursuant to §793 WIC once they successfully complete their grant of probation.

V. Offenses listed in Subsection (b), of §707 WIC, are eligible for record sealing under §781 WIC under one of the two circumstances:

- A. The person was committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, has attained 21 years of age, and has completed his or her period of probation supervision after release from the division.
- B. The person was not committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, has attained 18 years of age, and has completed any period of probation supervision related to that offense imposed by the Court.

§707(b) WIC

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VI. Application for Sealing under §781 WIC

- A. Client returns the completed Juvenile Record Sealing documents in person or by mail.
 - 1. Juvenile Support Staff at each office accepts the Juvenile Record Sealing documents.
 - 2. Juvenile Support Staff reviews the documents for completeness.
 - 3. Juvenile Support Staff requests and verifies photo identification. If mailed, a photocopy of identification must be included.

- B. Once a §781 WIC application has been processed the sealing paperwork will be forwarded to an identified Deputy Probation Officer (DPO) in the area office which generated the application.
 - 1. The assigned DPO will process the application and determine whether there is a basis to oppose the sealing of the record.
 - 2. If the application is complete and will not be opposed, the sealing packet will be prepared. This packet includes forms required by the Court as well as forms for identifying all agencies that may have a record of the juvenile's Court/Probation history.
 - 3. If the application is complete and will be opposed, the sealing packet will be prepared and the assigned DPO will complete the Pro-663 detailing justification for opposition.
 - 4. Situations where record sealing paperwork would be submitted to the Court; however, Probation will recommend against the record being sealed include:
 - a. Applicant is on any type of probation or parole.
 - b. Applicant has pending court appearances for any criminal matters.

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- c. Applicant has civil litigation pending relating to the criminal act that caused the juvenile records to be created.
- d. Applicant has outstanding adult or juvenile criminal or traffic matters (unpaid victim restitution, fines, fees, warrants, etc.).
- e. Applicant is over 18 years old and a minimum of six months has not lapsed since applicant has been terminated from Probation.

VII. Sealing Process

- A. It is the assigned Officer or designee’s responsibility to submit sealing paperwork to the Court at the time of termination or within 30 days of termination. Once the packet is complete, the entire packet is sent to the Juvenile Court Clerk. Copies are distributed by the Court Clerk to all of the concerned parties, including the District Attorney’s Office and Defense Counsel.
- B. All parties have 30 days to respond to the application to seal. If no party objects, the application is given to the Juvenile Court Judge to make the final decision of approval of the sealing. If a party objects, the applicant is entitled to a hearing before the Juvenile Court Judge.
- C. Once a sealing is granted, the order and form letter from the Court is provided to the AOP Supervisor and to all agencies listed on attachment A (Compliance Order to Seal Juvenile Record), which are agencies that may have a record of the juvenile’s Court/Probation history advising each of their responsibility to eliminate and destroy all documents pertaining to the juvenile record, including crime reports. Once all the required steps for probation are completed, the AOP Supervisor completes the Court’s form letter and returns it to the Court to advise that Sealing Order has been complied with and completed.

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