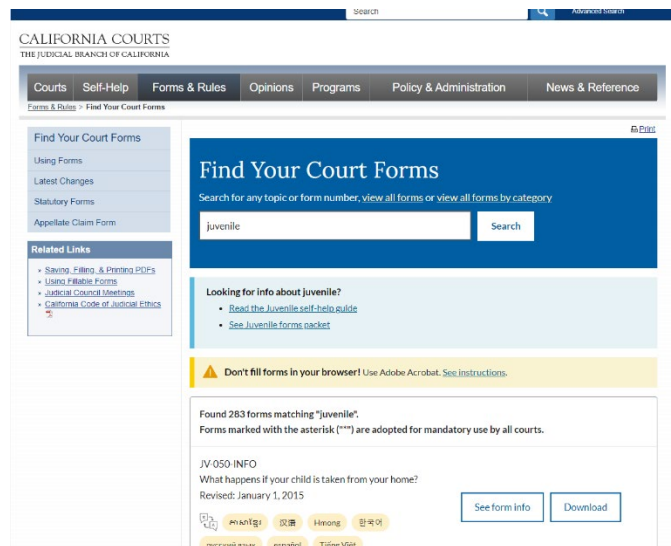


TECHNICAL ASSISTANCE: Record Sealing

Following the satisfactory completion of probation, which might include a youth residing at home with parents/guardians, a relative, in a non-relative placement, or finishing a treatment program such as a Short-term Therapeutic Residential Treatment Program (STRTP), or a commitment such as a ranch/camp, or in certain instances even a Secure Youth Treatment Facility (SYTF), most youth are entitled to have their juvenile court records sealed.

Below is a table summarizing the types of record sealing available for youth, the requirements for each, and the exceptions, if any. In some instances, based upon the offense, the outcome, the age of the person seeking the sealing, or the time elapsed since an arrest occurred or probation ended, certain requirements need to be met. Depending upon the type of record sealing being sought, different parties may be responsible for initiating the action.

Obviously, dismissal and sealing decisions will be fact specific and require consideration of unique circumstances in each case. There have been many published appellate decisions interpreting these statutory provisions and the myriad changes made by the Legislature in recent years. California Rules of Court, Rules 5.830 (§ 781), 5.840 (§ 786), and 5.850 (§ 786.5) are also instructive. For additional information and the applicable forms, refer to the Judicial Council’s website at: <https://www.courts.ca.gov/forms.htm?query=juvenile>



STATUTORY AUTHORITY (all references are to WIC unless otherwise noted)	TYPE OF CASE	PROCESS REQUIREMENTS	EXCEPTION TO SEALING	WHAT SURVIVES SEALING?	WHEN
WIC § 786	WIC § 654.2 cases; probation under WIC § 725; or a term of probation for any offense*	<p>Court dismisses petition and seals record if “satisfactory” completion of probation (no new findings of wardship; no conviction for a felony offense or misdemeanor involving moral turpitude during the period of supervision or probation; and if the person has not failed to substantially comply with the reasonable orders of supervision or probation that are within their capacity to perform)</p> <p>Court, probation, LEA, and DOJ records are ordered to be sealed; may also dismiss and seal other prior petitions that meet the sealing criteria</p>	*No sealing if sustained WIC § 707(b) offense committed by youth aged 14 or older (unless the offense has been reduced to a lesser offense, a misdemeanor, or the finding on the 707(b) offense has been dismissed).	Firearm restrictions pursuant to PC § 29820; restitution order or restitution fine that can be converted to civil judgment under § 730.6 <i>Brady</i> obligations	Done automatically at time of probation dismissal unless unsatisfactory completion of probation

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WIC § 781	Cases where a WIC 601/602 petition was filed to adjudge a person a ward; if cited to appear before probation under WIC 626; a minor taken before a police agency; if records not previously sealed pursuant to § 786	<p>Person must petition the court for sealing; record can be sealed if there was not an intervening felony conviction or moral turpitude misdemeanor, and rehabilitation has been attained to court's satisfaction</p> <p>Court seals all court records and other agency records named in the order; may include an order relieving person from registration pursuant to PC § 290</p>	<p>No sealing of records re: 707(b) offense committed at 14 years of age or older for which registration under § 290.008 is required</p> <p>No sealing of certain DMV records; records can be unsealed in a defamation action; no sealing of a record where person was convicted in adult court pursuant to WIC 707.1</p> <p>(WIC § 707(b) offense records may be sealed if the person went to DJJ, is age 21, and has completed supervised probation period; or was not sent to DJJ, is age 18, and has completed probation supervision period)</p>	<p>Sealed records re: WIC § 707(b) offenses committed when 14 years of age or older may be accessed by prosecutor in some instances listed in 781(a)(1)(D)(ii);</p> <p><i>Brady</i> obligations</p> <p>Civil judgment for restitution pursuant to § 730.6</p>	<p>Person may petition 5 years after court jurisdiction ends; if no petition was ever filed, 5 years after taken to probation/police or the citations were received; or after turning 18</p>

STATUTORY AUTHORITY (all references are to WIC unless otherwise noted)	TYPE OF CASE	PROCESS REQUIREMENTS	EXCEPTION TO SEALING	WHAT SURVIVES SEALING?	WHEN
WIC § 790, et seq (DEJ)	Youth granted deferred entry of judgment in lieu of wardship; no sustained petition	Satisfactory performance during the period of DEJ; petition dismissed and records sealed		Restitution orders pursuant to § 730.6, § 742.16, and civil judgments Records may be used for future DEJ eligibility determination <i>Brady</i> obligations	At any time minor satisfactorily completes 1-3 year period of supervision
WIC § 786.5	Diversion or supervision program in lieu of petition filing, including under § 654	Satisfactory completion of the diversion or other supervision program Probation, arresting LEA, and the agency operating the diversion program shall seal their records Probation must notify person record has been sealed; if not sealed, person may petition the court for review of decision not to seal		Probation may access records to determine eligibility pursuant to § 654.3 <i>Brady</i> obligations	Upon satisfactory program completion, records must be sealed within 60 days of probation's notification to do so

STATUTORY AUTHORITY (all references are to WIC unless otherwise noted)	TYPE OF CASE	PROCESS REQUIREMENTS	EXCEPTION TO SEALING	WHAT SURVIVES SEALING?	WHEN
PC § 851.7	Minor arrested for misdemeanor where released under PC § 849, proceedings were dismissed, person was acquitted; not in custody under § 625, or case does not fall under § 781, unless transferred to adult court and no conviction was obtained.	Person must petition the court Doesn't apply to arrests or proceedings related to PC § 290, H&S Code § 11000, et seq, or Vehicle Code violations		<i>Brady</i> obligations	Petition may be filed anytime, before or after age of 18