



COUNTY OF SACRAMENTO

Probation Department

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JUVENILE RECORD SEALS (Welf. & Inst. Code § 781)

PLEASE READ THIS INSTRUCTIONAL SHEET BEFORE SUBMITTING YOUR APPLICATION

A. Who is Eligible?

There are minimum eligibility requirements for obtaining a record seal. The minimum requirements are:

- Be at least 18 years of age, or be off probation for five years;
- Not have a sustained juvenile offense at age 14 or older for a serious felony listed in Welfare and Institutions Code 707(b);
- Not have an adult Court felony conviction; and
- Not have an adult Court misdemeanor conviction involving moral turpitude.¹

B. Who May Petition for a Record Seal?

- You may personally petition the Court to seal your records; or
- You may request that the Probation Department petition the Court for you.

C. Who is Not Likely to Have Records Sealed?

Just because the minimum requirements are met does not mean that the Court will grant the petition to seal records. By law, the judge cannot seal juvenile records unless he/she is satisfied that you have attained rehabilitation. Though many petitions to seal juvenile records are granted, frequently the judge is not satisfied of that and denies the petition because:

- You were committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (formerly CYA) and have been off parole less than five (5) years;
- You were made a ward of the Court (for a felony or misdemeanor) and have been off probation for less than two (2) years;
- You completed either Six Months Probation (WIC § 725(a)) or Informal Supervision (WIC § 654 or 654.2) less than one (1) year ago; or
- All charges against you were either not filed or dismissed less than one (1) year ago.

¹ "Moral turpitude" is a legal term that means "readiness to do evil or corruption of others." It commonly includes crimes of violence, theft related offenses, crimes related to drug sales and sex offenses.

D. What Other Factors Will The Court Consider?

The judge will take into account any of the following circumstances in deciding whether you have sufficiently attained rehabilitation to justify sealing your records:

- Is there any civil law suit pending against you related to the facts that were involved in your juvenile case?
- Have you had any recent arrests or citations, including traffic matters?
- Are you currently on any kind of formal or informal probation or parole?
- Do you still owe any restitution as a result of juvenile or adult Court orders?
- Do you have any Court-ordered fines that have not been fully paid?

E. Is There a Filing Fee?

A fee of \$120.00 is due at the time of the filing of the petition with the Court. **If for any reason, your petition is not granted, the fees are not refundable.**

F. What is the Application and Petition Filing Process?

- First, you must obtain and complete an Application to Seal Juvenile Records. You can receive an application for a record seal at the Juvenile Courthouse reception window (9605 Kiefer Blvd.) or on the Probation Department's internet website.²
- Then, submit your application to the Juvenile Court reception window in person or by regular mail. (Neither fax nor email is permitted.)
- At the time you submit your application to the Court, you must pay the filing fee.
- After you pay the filing fee, your application will be forwarded to the Probation Department Record Seal Officer to do a background investigation.
- After you pay the filing fee, either you, or the Probation Officer on your behalf, can file a Petition to Seal Juvenile Court Records, listing all of the law enforcement agencies that have any of your records that could be sealed.
- Once the Petition is filed, the Court Clerk will set a date for a court hearing.
- You may attend the court hearing.
- At the court hearing on the Petition, the Probation Department's Record Seal Officer will make a recommendation to the judge whether the petition should be granted or denied.

G. What if You Cannot Afford to Pay the Filing Fee?

- You can obtain an *Application for Waiver of Court Fees and Costs* at the Juvenile Courthouse reception window.
- After completing the *Application for Waiver of Court Fees and Costs*, submit it to the Juvenile Court in person or by mail. (Neither fax nor email is permitted.)
- The Court will determine whether your circumstances justify a waiver of the filing fee.
- If the filing fee is waived by the Court and your application is accepted, it will be forwarded to the Probation Department Record Seal Officer to do a background investigation.
- If the filing fee is not waived by the Court, your Application to Seal Juvenile Records will be rejected. No further action will be taken on your application, but it will be forwarded to the Probation Department Record Seal Officer for statistical purposes only.

² On the internet, go to www.probation.saccounty.net, then select the "search" site box; enter "record seal" and click on "record seal application".

H. What Does the Record Seal Officer Do?

- The Record Seal Officer will research your background to see if you are eligible to have your record sealed in compliance with the law.
- The Record Seal Officer will also determine if it believes you are a suitable or unsuitable candidate for a record seal based on Probation Department policy.
- If the Record Seal Officer finds that you are **not eligible**, a rejection letter will be mailed to you informing you why your application was denied and when and if you are eligible or appropriate to reapply.
- If the Record Seal Officer finds that you are **eligible**, a letter will be mailed to you informing you that he/she is preparing a Petition to Seal Juvenile Records and obtain a court date for the judge to review the Petition.
- At the court date for eligible applicants, the Record Seal Officer will make a recommendation to the judge whether you are suitable to have your record sealed as a person who has satisfactorily attained rehabilitation.

I. What Happens When Your Record Is Sealed?

- If the Court orders your juvenile record sealed, by law the juvenile proceedings are deemed to have never occurred and you can lawfully say to anyone that you have no juvenile record.
- The Court will send a copy of the order to each agency and official who has any of your records directing them to seal and destroy their records.
- However, Vehicle Code charges cannot be sealed from access by the Department of Motor Vehicles. The DMV must grant access to insurance companies to look at your sealed driving records for the purpose of determining your eligibility for automobile insurance and the rates they will charge you if they issue an insurance policy.
- Generally, once your records are sealed, they cannot be unsealed unless you request it. Unsealing records for any purpose requires a court hearing and order.
- An exception to that is if you ever sue someone for defamation of character, the person you sue, the judge and the jury in that case may be able to look at your sealed records.