

# Sealing Your Juvenile Records



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## **Why Should You Read This?**

Even though you may have completed your probation time and plan to stay out of trouble, a juvenile delinquency adjudication can still affect your life. For example, it may make it more difficult for you to get a job or go to the college of your choice. Sealing your juvenile records can help you to leave your past behind and move on.

This pamphlet will explain what it means to seal your juvenile record, who qualifies to have their juvenile record sealed, and how to go about doing it.

## **What is a Juvenile Record?**

In this pamphlet, we refer to a juvenile record as all the papers and orders by the judge in your juvenile court file, and papers relating to your case which are kept by other agencies, such as the Probation Department and the police.

## **What Does It Mean To Seal Your Records?**

Sealing means that records held by the police department, the court, the district attorney, and the probation department will be closed up and sealed off. Sealed court proceedings will be treated as though they never took place. If someone asks these agencies about a sealed record, the law requires the agencies to answer, "We have no record of that matter." The law says that you can legally say that you were not adjudicated,\* and not even arrested, for the matter that gets sealed.

**\*NOTE:** A juvenile delinquency adjudication is NOT a criminal conviction.

- So, if you are asked in a job application whether you were ever convicted of a crime, you can truthfully answer “no” – even if you haven’t yet sealed your record.

### **What Gets Sealed?**

All records and papers that are in the custody of the juvenile court AND other records relating to the case which are in the custody of other agencies and officials.

- For example, records kept by the police, the probation department, and the district attorney can be sealed.
- In addition, sealing you records will relieve you from the requirement to register as a sex offender under Penal Code Section 290.

### **Who is Eligible to Get Their Records Sealed?**

You can seal your records if:

- You are at least 18 years old, or if you are younger than 18 but at least 5 years have passed since your last arrest or discharge from probation.
  - For example, if you completed probation at age 12, you can petition to have your record sealed at age 17.
- You have not been convicted of a felony or of any

misdemeanor involving a crime of “moral turpitude” since your last arrest or discharge from probation.

- You can show the court that you have been “rehabilitated.”
- Your case started and ended in juvenile court.

AND

- You do not have an open civil suit regarding the actions that caused your juvenile record.

### **What is a Misdemeanor Involving Moral Turpitude?**

Moral turpitude crimes are crimes that reflect dishonesty or a deep lack of concern about what society views as right or wrong on issues such as sexual behavior and drug use. For example, such things as fraud, theft, and sex and drug-related offenses are considered to involve moral turpitude.

### **Who Doesn't Qualify To Get Their Records Sealed?**

- You cannot seal your record if you committed an offense that is listed in Welfare & Institutions Code section 707(b) when you were age 14 or older (see list at back of pamphlet). Make sure you know what offense was adjudicated against you—it may be different than the offense you were charged with!
- Traffic violations or offenses and parking violations cannot be sealed.

For example: a ticket for speeding.

## **Once they are sealed can the records be unsealed again?**

Generally, once your records are sealed, they cannot be unsealed. However, insurance companies are permitted by the Department of Motor Vehicles to look at your sealed records for the purpose of determining your rates. Only automobile-related violations should affect your rates. In addition, if you sue someone for defamation, that person may be able to look at your sealed records. Lastly, in certain circumstances your records may be unsealed to increase your sentence in a later crime under the “Three Strikes” law.

## **Is the Process of Sealing Automatic?**

No, unless your records are being sealed through a procedure called “deferred entry of judgment.” Otherwise, your records will not be sealed unless you file a petition with the court. Your attorney or public defender should be able to tell you if your records are sealed. You can also go and request your court file from the court where you appeared to answer to the charges and review the file to see if your records have been sealed.

Deferred entry of judgment means that you admitted your charges, but once you complete the program satisfactorily, the judge will dismiss your charges. Your charges and your arrest will be treated as if they had never occurred, and your juvenile court records will be sealed automatically.

## **How Do I Get A Petition to Have My Records Sealed?**

You must call or write to the clerk of the court of the county where the juvenile delinquency adjudication took place. In Los Angeles County, you can contact:

Clerk of Juvenile Court  
(323) 226-2854

- Listen to the recorded information on how to obtain an application.
- Fill out and return the form according to the instructions provided.
- There is a fee of \$120.00 for the application. If you can't pay, you may file a fee waiver request.

*Note:* The fee may change.

## **What Happens After I File the Petition?**

After you file your petition, the court will hold a hearing. You, the district attorney, probation officer, or any other person who has relevant evidence may testify at the hearing on the petition.

If the court grants your petition, it will seal your court record and require other agencies which have evidence of your juvenile court history to seal their records.

## **How Can I Check To Make Sure That My Rap Sheet Shows that My Records Were Sealed?**

In order to make sure that the police, sheriff, and other agencies seal your juvenile records, you should request a copy of your criminal records.

### For FBI records:

Send your name, address, date of birth, a set of fingerprints (fingerprint services are in the yellow pages and generally charge about \$10 for the service), and the appropriate fee (currently \$18.00) to:

Criminal Justice Information Services  
SCUMOD D2  
1000 Custer Hollow Road  
Clarksburg, West Virginia 26306

### For California criminal records:

Send your name, address, reason for requesting your record, fingerprints and the appropriate fee (currently \$32.00) to:

California Department of Justice  
P.O. Box 903417  
Sacramento, CA 94203-4170  
Attn: Records Review Unit

For local records, check with your local police and sheriff's departments.

## **Once the records are sealed, do they get destroyed?**

Yes. Your juvenile court file will be destroyed 5 years after it was sealed if you committed a 601 (status) offense, and on your 38<sup>th</sup> birthday if you committed a 602 offense. (See the back of this pamphlet for definitions of 601 and 602 offenses.) The probation department, police department, and other agencies can (but don't have to) destroy their records after 5 years.

## **Are There Any Alternatives To Sealing Records?**

If you were arrested, but not taken before a court, you may request that you be found “factually innocent” and your records be sealed. “Factually innocent” means that there is no reasonable cause to believe that you committed the offense for which you were arrested.

If you do not file an application to seal your records, your **juvenile court file only** will be destroyed eventually, unless the court finds good cause to keep your file open:

- 601 (status offender) records at age 21
- 602 records at age 38

However, if you committed a 707(b) offense, your records will not be destroyed.

In addition, the probation department may destroy your probation records after 5 years.

If you committed or were arrested for an adult offense, there may be other ways to wipe away part or all of your record. You should consult an attorney.

## APPENDIX

(Note: code sections may change)  
*All sections are to the California Code*

### Welfare and Institutions Code Section 601:

§ 601. Persons subject to jurisdiction of court as ward for refusal to obey orders of parents, violation of curfew, or truancy

(a) Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his or her parents, guardian, or custodian, or who is beyond the control of that person, or who is under the age of 18 years when he or she violated any ordinance of any city or county of this state establishing a curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court.

### Welfare and Institutions Code Section 602:

§ 602. Persons subject to jurisdiction of juvenile court and to adjudication as ward for violation of law or ordinance defining crime; Persons subject to prosecution in criminal court

(a) Except as provided in subdivision (b), any person who is under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.

(b) Any person who is alleged, when he or she was 14 years of age or older, to have committed one of the following offenses shall be prosecuted under the general law in a court of criminal jurisdiction:

(1) Murder, as described in Section 187 of the Penal Code, if one of the circumstances enumerated in subdivision (a) of Section 190.2 of the Penal Code is alleged by the prosecutor, and the prosecutor alleges that the minor personally killed the victim.

(2) The following sex offenses, if the prosecutor alleges that the minor personally committed the offense, and if the prosecutor alleges one of the circumstances enumerated in the One Strike law, subdivision (d) or (e) of Section 667.61 of the Penal Code, applies:

(A) Rape, as described in paragraph (2) of subdivision (a) of Section 261 of the Penal Code.

(B) Spousal rape, as described in paragraph (1) of subdivision (a) of Section 262 of the Penal Code.

(C) Forcible sex offenses in concert with another, as described in Section 264.1 of the Penal Code.

(D) Forcible lewd and lascivious acts on a child under the age of 14 years, as described in subdivision (b) of Section 288 of the Penal Code.

(E) Forcible sexual penetration, as described in subdivision (a) of Section 289 of the Penal Code.

(F) Sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code, by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(G) Lewd and lascivious acts on a child under the age of 14 years, as defined in subdivision (a) of Section 288, unless the defendant qualifies for probation under subdivision (c) of Section 1203.066 of the Penal Code.

## Offenses listed in Welfare and Institutions Code 707

(b):

(1) Murder.

(2) Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.

(3) Robbery.

(4) Rape with force or violence or threat of great bodily harm.

(5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.

(6) Lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.

(7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.

(8) Any offense specified in subdivision (a) of Section 289 of the Penal Code.

(9) Kidnapping for ransom.

(10) Kidnapping for purpose of robbery.

(11) Kidnapping with bodily harm.

(12) Attempted murder.

(13) Assault with a firearm or destructive device.

(14) Assault by any means of force likely to produce great bodily injury.

(15) Discharge of a firearm into an inhabited or occupied building.

(16) Any offense described in Section 1203.09 of the Penal Code.

(17) Any offense described in Section 12022.5 or 12022.53 of the Penal Code.

(18) Any felony offense in which the minor personally used a weapon listed in subdivision (a) of Section 12020 of the Penal Code.

(19) Any felony offense described in Section 136.1 or 137 of the Penal Code.

(20) Manufacturing, compounding, or selling one-half ounce or more of any salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.

(21) Any violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which would also constitute a felony violation of subdivision (b) of Section 186.22 of the Penal Code.

(22) Escape, by the use of force or violence, from any county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 where great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.

(23) Torture as described in Sections 206 and 206.1 of the Penal Code.

(24) Aggravated mayhem, as described in Section 205 of the Penal Code.

(25) Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon.


(26) Kidnapping, as punishable in subdivision (d) of Section 208 of the Penal Code.

(27) Kidnapping, as punishable in Section 209.5 of the Penal Code.

(28) The offense described in subdivision (c) of Section 12034 of the Penal Code.

(29) The offense described in Section 12308 of the Penal Code.

(30) Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.



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