

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

W17-04

Title	Action Requested
Juvenile Law: Sealing of Records	Review and submit comments by February 14, 2017
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise forms JV-060, JV-596, JV-596-INFO, and JV-794	September 1, 2017
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Tracy Kenny, 916-263-2838 tracy.kenny@jud.ca.gov
Hon. Jerilyn Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes revised forms to conform to recently enacted statutory provisions concerning the sealing of juvenile records. The proposal would update recently adopted forms to implement sealing of records for cases sealed under Welfare and Institutions Code section 786 to include changes to that section that go into effect on January 1, 2017. In addition, two other forms with information on the sealing of juvenile records would be revised to be consistent with the current state of the law.

Background

In 2013, the Legislature took action to ensure that all juveniles who come before the court or a probation officer receive information about the process required to request sealing of records, and to require the adoption of a Judicial Council form that can be used to petition the court for sealing under section 781.¹ In 2014, the Legislature went a step further by enacting section 786, requiring courts to seal records without requiring a petition for any child 14 or older who was not a serious or violent 707(b) offender and who satisfactorily completed probation.² That legislation, however, spurred many questions and concerns within the juvenile justice system, and as a result, legislation was enacted in 2015 to clarify the scope and impacts of section 786.

¹ Assembly Bill 1006 [Yamada]; Stats. 2013, ch. 269.

² Sen. Bill 1038 [Leno]; Stats. 2014, ch. 249.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Assembly Bills 666³ and 989⁴ both sought to clarify section 786 and remedy the ambiguities and concerns raised by stakeholders about the original legislation. In 2016, Assembly Bill 1945⁵ further amended section 786 to clarify some of its provisions and to expressly authorize the child welfare agency to access records sealed under section 786 for the purpose of identifying appropriate placements and services for children and nonminor dependents under their supervision.

The Proposal

This proposal recommends revising one optional informational pamphlet, one optional sealing order form, a mandatory informational form, and the optional petition to terminate juvenile wardship to incorporate recent changes in juvenile records sealing law.

Revised form JV-060

Form JV-060, *Juvenile Court—Information for Parents*, is an optional informational pamphlet designed to provide parents with information about juvenile delinquency court. The information is presented in a question-and-answer format and includes a question about the sealing of juvenile court records. The answer to that question needs to be revised and updated to reflect the new provisions of law that allow for the sealing of records as a matter of law under section 786 when probation is satisfactorily completed. The proposed revised answer provides information on sealing under section 786 as well as information about petitioning the court to seal records for those cases not sealed under section 786. In addition it references the two sealing information forms adopted effective July 1, 2016, as sources of further information.

In addition to sealing, other sections of form JV-060 are no longer accurate. The advisory committee proposes that these sections be updated along with the sealing section. Specifically, item 12, which discusses juvenile fitness hearings, was revised to reflect the changes in the law enacted by Proposition 57, the Public Safety and Rehabilitation Act of 2016, which changed the terminology concerning the transfer of jurisdiction from juvenile to criminal court.⁶ Items 21 and 22, which discuss the Division of Juvenile Justice (DJJ), were revised to reflect statutory changes that affect the availability of DJJ as a dispositional option. A minor revision was made to item 23 to clarify that a restitution order will become a civil judgment. Similarly, the discussion of the child's right to a lawyer in item 5 was revised to reference the recently approved rule related to delinquency attorney standards, California Rules of Court, rule 5.664. Minor grammatical modifications were also made.

³ Stone; Stats. 2015, ch. 368

⁴ Cooper; Stats. 2015, ch. 375

⁵ Stone; Stats. 2016, ch. 858

⁶ Other changes to rules and forms to implement Proposition 57 will be circulated separately in a proposal for that specific purpose, but because form JV-060 was part of this proposal, changes to this information form are included here to allow review of all the proposed changes to the form in one invitation.

Revised form JV-596

To assist courts in implementing the new requirements of section 786, the council adopted an optional sealing order form, JV-596, *Dismissal and Sealing of Records—Welfare and Institutions Code Section 786*, effective July 1, 2016. Because AB 1945 allows child welfare agencies to access sealed records under specified circumstances, form JV-596 must be revised to reflect that authority in the court’s order. Thus the proposed change to the form would simply add “child welfare agency” to those who can access the sealed records for the specific purposes stated in section 786.

Revised form JV-596-INFO

The council adopted two information forms on sealing, effective July 1, 2016. One form is to be given at the termination of the case to people whose records are sealed under section 786, and the other is for those wards whose cases are not dismissed under section 786 and who need information about petitioning the court for the sealing of records under section 781. Form JV-596-INFO, *Sealing of Records for Satisfactory Completion of Probation*, includes information about who can access records after they are sealed under section 786. That information is proposed to be updated to include the new authority given to child welfare agencies to access sealed records.

Revised form JV-794

The proposal would revise optional form JV-794, *Petition to Terminate Wardship and Order*, to eliminate a notice (currently at the bottom of the form) to the child regarding the sealing of records. That notice is not needed because rules 5.830 and 5.840 of the California Rules of Court require the court or the probation department to provide all wards with mandatory information forms concerning sealing at the time jurisdiction is terminated. As a result, the notice is duplicative of these forms and is proposed to be deleted, but a reference to the forms is proposed to be added to the current finding on providing information about sealing of records. In addition, form JV-794 would be revised to remove a finding concerning successful completion of court-ordered programs, which is potentially confusing given that it is not tied to any statutory requirement, and to add a finding that probation has been successfully completed for purposes of section 786.

Alternatives Considered

The committee considered updating the notice on form JV-794 to reflect the changes in the law but determined that this information would simply duplicate what was already being provided and might be confusing because it would not be tailored to the outcome of the case. Under the current rules, if a child’s records are sealed, a copy of form JV-596-INFO is provided, and if they are not sealed, a copy of form JV-595-INFO is provided by the court or probation. Since form JV-794 can be used in either situation, the notice on sealing would need to be revised to reflect both possible outcomes, and the committee deemed this option more confusing than helpful.

Implementation Requirements, Costs, and Operational Impacts

Printing costs may be incurred by courts to provide form JV-596-INFO as required by law. Those courts that print form JV-060 will also need to replace their existing stock with new versions. Some courts may incur programming charges if electronic systems are used for the court orders. All of these impacts are a result of legislative changes and are necessary to make the forms legally accurate. In addition, because the informational forms are available in other languages, there will be costs to translate the revised forms.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is it preferable to delete the notice on form JV-794 in light of the new informational forms, or should it be revised?
- Should information be added to form JV-596-INFO or form JV-595-INFO regarding the changes in what employers may ask people with juvenile records to disclose, enacted by Assembly Bill 1843 (Stone; Stats. 2016, ch. 686), or should those forms remain focused on the impact of sealing of records?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would four months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Proposed revised forms JV-060, JV-596, JV-596-INFO, and JV-794, at pages 5–14
2. Link A: Assembly Bill 1945,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1945

26. Can my child's juvenile court record be used against him or her as an adult?

Under the three-strikes law, certain serious or violent felonies committed as a juvenile can be counted as strikes and used against your child in the future.

27. What should I do as a parent?

All your parental responsibilities continue when your child receives a citation. You may want to contact a lawyer for assistance.

If your child is placed in a group home or committed to a probation camp or the Division of Juvenile Justice, do your best to maintain contact with your child and support the positive activities he or she does there. Understand what is happening in your child's life so that you can prepare for his or her return. Explore ways of creating a protective and supportive environment for your child's return to school or work. Develop strategies to hold your child accountable for his or her behavior.

Contact your child's parole agent or probation officer to ask for referrals to community organizations that can assist you, such as parent groups or counseling. Your school district and local hospital or mental health department may also offer programs.

County

**JUVENILE COURT
INFORMATION FOR PARENTS**

The purposes of the delinquency court are to protect, give guidance to, and rehabilitate children who commit delinquent acts, and to protect the community.

If your child becomes a ward of the court as a juvenile delinquent, the court will make orders for you and your child so that your child and the community will be protected.

As a ward of the delinquency court:

1. Your child may be allowed to live in your home under court supervision; or
2. Your child may be placed outside of your home in an unlocked or locked facility, depending upon your child's age, the seriousness of the offense, and your child's history of delinquency.

The petition and other papers you may have received say your child is accused of having done certain delinquent acts. The petition does not prove anything, but it is important for you to know what your child is accused of having done. You have the right to receive a copy of the petition.

PLEASE READ THE PETITION CAREFULLY.

1. **My child came home after being arrested. What will happen now?**

Your county's probation department will probably get in touch with you and ask your child to come in for a meeting with a probation officer.

You may receive a Notice to Appear (a specific date and time you must show up at the probation department).

In some cases, your child may receive a Notice to Appear directly in juvenile court.

2. My child was arrested and taken into custody. What can the arresting officer do?

The officer may do one of five things:

- a. Let your child go home to you or accompany him or her home or back to the place of arrest, and maintain a record of the contact.
- b. Refer your child to a community agency providing shelter, care, diversion, or counseling.
- c. In some counties, require your child to return to the police station rather than to the probation department (this is sometimes referred to as "cited back").
- d. Give you and your child a Notice to Appear, telling you what you and your child must do and when you must do it.
- e. Shortly after the arrest, lock up your child in the probation juvenile hall (this is called "detention"). If your child is locked up or held by the officer, your child has the right to make at least two phone calls no later than one hour after arrest. One of the phone calls must be a completed call to a parent, guardian, responsible relative, or employer. The other call must be a completed call to an attorney. If the officer is going to question your child about what happened, the officer must also tell your child that he or she has the right to remain silent, that anything your child says will be used against him or her, that he or she has a right to be represented by a lawyer, and that the court will appoint a lawyer if your child cannot afford one. These are called *Miranda* rights. If the officer is not going to question your child, the officer will not necessarily explain these rights.

24. Will I be required to pay my child's fees?

Yes. Unless you have been the victim of your child's crime, you may receive a bill from the county for all or a portion of your child's attorney's fees. You will be billed for probation department services fees (such as food and laundry while your child was in juvenile hall), and placement costs for keeping your child in a state placement such as the Division of Juvenile Justice, a probation camp, or an out-of-home placement. These costs can be expensive. You will have a chance to show how much, if any, of these costs you are able to pay. The Juvenile Court does not make this determination.

25. Can my child's juvenile records be sealed?

This is very important for your child because when records are sealed, it is as if the offense that brought your child to court never happened. That means that your child can truthfully say that he or she does not have a criminal record (except possibly to this if your child wants to join the military or get federal security clearance).

If your child's case is dismissed by the juvenile court after January 1, 2015, because your child satisfactorily completed probation (formal or informal), in many cases the court will have sealed your child's records. If the court seals your child's records for this reason, he or she should receive a copy of the sealing order and form [JV-596-INFO](#) *Sealing of Records for Satisfactory Completion of Probation*.

If the court finds that your child has not satisfactorily completed probation, it will not dismiss the case and will not seal the records at termination. If your child wants to have the records sealed in this situation, he or she will need to ask the court to seal the records at a later date (see form [JV-595-INFO](#), *How to Ask the Court to Seal Your Records*, for more information about asking the court to seal records).

The court will not seal your child's records if your child is found to have committed an offense listed in Welfare and Institutions Code section 707(b) (these are violent offenses such as killing, raping, or kidnapping, and also some offenses involving drugs or weapons) when he or she was 14 or older and it was not dismissed or reduced to a lesser offense not listed in 707(b).

You may visit your child during visiting hours, which are on Saturdays or Sundays for 2 to 3 hours at a time, depending on the reception center. The Ventura reception center for girls allows visits for up to 6½ hours at a time. You may not call your child at the reception center, but you may write to your child. Your child may make collect calls to you from a pay phone.

22. When would my child go to the Division of Adult Operations instead of the Division of Juvenile Justice (DJJ)?

Your child can be sentenced to adult prison (California Department of Corrections and Rehabilitation, Division of Adult Operations) if he or she is tried as an adult (see questions 19 and 20). If your child will be tried as an adult, it is extremely important to talk to your child's attorney about all of the very serious consequences of your child's situation.

Between the ages of 14 and 18, your child must stay at DJJ even if he or she is sentenced to adult prison.

Your child may serve the entire term at DJJ if the term will end before he or she reaches age 21. If your child's term will last past age 21, then your child could be at DJJ until age 18, and then would automatically be transferred to the Division of Adult Operations on his or her 18th birthday.

23. Am I financially liable for my child's acts?

Yes. You may also have to pay restitution to the victim if your child is ordered to pay. Restitution is money to pay for the victim's losses caused by your child's illegal conduct. Examples of restitution might include the value of stolen or damaged property, medical expenses, and lost wages. Restitution that remains to be paid when your child's case is closed becomes a civil judgement, which can affect your credit score.

If your child is locked up or held somewhere, the officer must take immediate steps to notify you that your child is in custody and where your child is being held. When you are notified, the officer must also tell you about each of the *Miranda* rights that your child has.

3. If we get a Notice to Appear, what will happen at the meeting with the probation officer? What should I do?

If your child doesn't already have a lawyer, you may wish to contact the public defender or a private attorney for advice.

One of three things may happen at the meeting:

- a. The probation officer can reprimand your child and then let your child go home without getting the juvenile court involved.
- b. The probation officer may offer your child a voluntary program instead of going to court. Each county is different and programs vary, but generally if your son or daughter successfully completes the program (for example, attending special classes or substance abuse counseling, performing community service, cleaning graffiti, or going to a youth or peer court if your county has one), the juvenile court does not need to become involved. If you and your child agree to a voluntary program, the probation department may ask you to sign an informal contract describing what you and your child must do. It can last up to six months.
- c. The probation officer can refer your child's case to the district attorney, who will decide whether or not to file a petition.

4. Do I need a lawyer for myself?

No, not usually. If your child has a lawyer, the lawyer represents your child and not you.

5. Does my child need a lawyer?

Yes, and your child has a right to a lawyer who is both effective and prepared. California Rules of Court, rule 5.664 talks about the training and education that juvenile delinquency attorneys must have.

6. My child's probation officer told me that the district attorney will be filing a petition. What does that mean?

A petition asks the court to become involved in your child's life. The petition says what the state believes your child did. Later, a judge will decide if what the petition says is true.

There are two types of petitions. They are named after numbered sections of California law:

- a. **601 Petition.** A 601 Petition is filed by the probation department and says that a child has run away, skipped school, violated curfew, or regularly disobeyed his or her parents. If the court finds that the petition is true, the youth may become a "ward" of the court and is known as a "status offender."
- b. **602 Petition.** A 602 Petition is filed by the district attorney's office and says that a child has committed an act that would be considered against the law if an adult had done it. If the court finds the facts stated in the petition to be true, the child becomes a "ward" of the court as a delinquent.

Section 602 covers any act that is against the law when an adult does it. This includes felonies such as auto theft, burglary, selling a controlled substance (drugs), rape, and murder, and misdemeanors such as simple assault and drunk driving.

The penalty for the offense depends on the type of offense.

7. What will happen if my child is taken to juvenile hall after the arrest?

It is up to the probation officer whether or not to keep your child in custody. The probation officer may let your child go home without asking the district attorney to file a petition. The probation officer may allow your child to go home and still refer the case to the district attorney, who will decide whether or not to file a petition. There may be restrictions placed on your child as a condition of being allowed to go home.

18. May the victim attend and speak at the disposition hearing?

Yes. A crime victim's bill of rights allows the victim to come to the hearing. The victim, and his or her parents if the victim is a child, will get notice of the hearing.

19. When can my child be tried as an adult?

For some felonies, your child can be tried and sentenced as an adult if your child is at least 14 years old. The case would be moved to adult court. There are major differences between juvenile and adult criminal court procedures and philosophies. If the district attorney requests that your child be tried as an adult, it is extremely important to talk to your child's attorney about all of the very serious consequences of your child's situation.

20. What felonies are likely to be tried in adult court?

A child can be tried in adult court for a wide range of offenses. These are violent and serious offenses, including murder and attempted murder, arson of an inhabited building, robbery with a dangerous or deadly weapon, some forms of rape, some forms of kidnapping and carjacking, some felonies involving firearms, certain controlled substance offenses, and certain violent escapes from a juvenile detention facility.

21. Where will my child go if he or she is sent to the Division of Juvenile Justice (DJJ)?

Your child will first go to a reception center for 30 to 90 days. After that, your child will be sent to one of three correctional facilities or the Pine Grove Youth Conservation Camp. The correctional facilities are:

- a. N.A. Chaderjian Youth Correctional Facility in Stockton (209-944-6400)
- b. O.H. Close Youth Correctional Facility in Stockton (209-944-6391)
- c. Ventura Youth Correctional Facility (for girls) (805-485-7951)

- c. Your child may be placed on probation and ordered to live in a relative's home, a private residential group home, or an institutional program.
- d. Your child may be placed on probation and sent to a probation camp or ranch.
- e. Your child may be committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ). (But if your child is tried as an adult, the adult criminal court could sentence your child to the California Department of Corrections and Rehabilitation, Division of Adult Operations (see questions 19 and 20).
- f. As a parent, you may be ordered to comply with conditions such as counseling or parent training.

15. May I be present at the hearings?

Yes. In fact, state law requires you to be present. One thing the judge will decide is what will be best for your child. Depending on the offense, if you can show that your child will listen to you and follow your rules, and that you will hold your child accountable and be supportive at home, the judge may order that your child be released to your custody.

16. May I speak at the hearings?

You may speak if the judge asks you questions directly, or if you are called as a witness. You may ask to speak to the judge. Generally, your child's lawyer will speak for your child. The district attorney will speak for the state. The probation department may be called as a witness.

17. Do we have the right to an interpreter?

Your child has a constitutional right to an interpreter. You may also have a right to an interpreter and should ask for one if you need one.

If the probation officer keeps your child locked up, the law requires that a petition be filed very quickly, usually within 48 hours from the time the child is taken into custody by the police. Then there must be a detention hearing the next day that the court is in session. The courts are closed on Saturdays, Sundays, and holidays.

8. How long could my child have to stay in juvenile hall?

At the detention hearing, the judge could decide your child must be kept in juvenile hall until the next hearing. The different hearings are described in question 12. The judge may continue to order your child to remain in juvenile hall until the case is finished.

9. Can I visit my child in juvenile hall?

Usually, but you should contact the probation officer to find out when you can see your child.

10. What is the role of the probation officer?

The probation officer is responsible for writing a report to the juvenile court judge about your child. The report tells the judge what the probation department thinks would be best for your child if the judge finds that your child committed the crime. The report also includes your child's prior arrest record; a description of the current offense; statements from your child, his or her family, and other people who know your child well; a school report; and a statement by the victim. The probation officer presents this report at the disposition hearing.

If your child is placed on probation, the probation officer will enforce the court's orders. This means monitoring your child to make sure he or she obeys the law and follows the terms of probation. The probation officer will also encourage your child's positive involvement in school and participation in job training, counseling, and community programs. Depending on the situation, the probation officer could meet with your child as often as twice a week or as little as once a month.

If your child is in custody, and the judge decides your child should not go home right after the case is finished, the probation officer's job is to find an appropriate placement for your child. This could be with a relative, in a county-based foster or group home, or in a private institution.

11. How will my child and I find out about the court hearings?

If your child is locked up you should get the petition and notice of the hearing, personally or by mail, as soon as possible after the petition is filed and at least 5 days before the hearing. If the hearing is less than 5 days after the petition is filed, you will get notice at least 24 hours before the hearing. Your child has the right to get notice if he or she is at least 8 years old.

If your child is not in custody, you should get notice of the petition and hearing personally or by first-class mail at least 10 calendar days before the hearing.

12. What hearings will my child go to in juvenile court?

There are several types of hearings:

- a. **The Detention Hearing.** If your child is locked up in juvenile hall for more than 48 hours, there will be a detention hearing after no more than 72 hours, counting only court business days (no Saturdays, Sundays, or holidays). At the detention hearing, the judge will decide whether or not to let your child go home before the next hearing.
- b. **The Pretrial or Settlement Conference.** In many counties, a court appearance is scheduled to try to resolve the matter without a trial.
- c. **Hearings on Motions.** There may be court appearances for the court to hear additional matters that come up before the matter is resolved.
- d. **The Transfer to Criminal Court Jurisdiction Hearing.** If your child is at least 14 years old, the district attorney may ask that your child be tried in adult court. At this hearing on transfer of jurisdiction to criminal court, the judge will decide whether your child will be tried in adult court or in juvenile court. If the judge decides that your child's case should be transferred, he or she will be tried in adult court. If your child is younger than 14, he or she cannot be transferred to adult court.
- e. **The Jurisdiction Hearing.** At the jurisdictional hearing, the judge will decide whether or not your child committed the offense.

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- f. **The Disposition Hearing.** If the judge rules that your child committed the offense, then at the disposition hearing the judge will decide what orders should be made about your child. If the judge rules that your child did not commit the offense, there is no disposition hearing. Sometimes the disposition hearing is held right after the jurisdiction hearing, on the same day.
- g. **Review Hearings.** In some cases, the law or the court may set hearings to review your child's progress and performance under probation supervision.

13. What will happen at the jurisdiction hearing?

In many cases, the child will admit all or part of the petition.

Your child's attorney will advise your child as to whether or not to make an admission.

If there is a contested hearing, or "trial," the district attorney will present the case against your child. Then your child's attorney will present your child's defense. Based on this evidence, the judge will decide whether or not your child has committed the acts he or she is accused of. If the judge makes a "true finding," this means that there is enough evidence for the judge to find beyond a reasonable doubt that your child did commit the acts.

After a "true finding," the judge schedules a disposition hearing to decide what the consequences will be.

If there is not enough evidence for the judge to find that your child committed the act he or she is accused of, the case will be dismissed. If your child is in custody, he or she will be released.

14. What will happen at the disposition hearing?

The judge will decide one of six things:

- a. Your child may remain at home on probation supervision for up to 6 months.
- b. Your child may be ordered home under the formal supervision of a probation officer. Formal supervision is set up by the judge.

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ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
DISMISSAL AND SEALING OF RECORDS— WELFARE AND INSTITUTIONS CODE SECTION 786	CASE NUMBER:

1. Name of subject child: _____ Date of birth: _____
2. a. Date of hearing: _____ Dept.: _____ Room: _____
 b. Judicial officer (name): _____
3. The court has read and considered the report of the probation officer and any other evidence presented or information provided.

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

4. The child has satisfactorily completed a program of informal supervision, probation under section 725, or a term of probation.
5. The petition(s) filed on (date(s)): _____ is/are dismissed.
6. The child's juvenile records related to the arrest(s) on (date(s)): _____
 regarding an alleged violation of (specify offense(s)): _____
 in the custody of this court and of the courts, agencies, and officials listed below are ordered sealed:
- Probation Dept. (specify county): _____
- California Dept. of Justice
- Law enforcement agency (specify all): _____
 Law enforcement case number(s): _____
7. The court finds that sealing the following additional public agency records will promote the successful reentry and rehabilitation of the subject child and orders the records in their custody relating to petitions and arrests listed in 5. and 6. sealed:
- District Attorney (specify county): _____
- School: _____
- Department of Motor Vehicles: _____
- Other (specify): _____
- Attachment

CHILD'S NAME:	CASE NUMBER:
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8. All records pertaining to the dismissed petition are to be destroyed on the dates stated in this item, and the arrest is deemed never to have occurred except that the prosecuting attorney, probation officer, child welfare agency, and court may access these records for the specific purposes stated in Welfare and Institutions Code section 786.

- a. Date court records must be destroyed:
- b. Date all other records must be destroyed:

9. The clerk shall send a certified copy to the clerk in each county in which a record is ordered sealed and a copy to the child, the child's attorney, and each agency and official listed above.

Date:


 JUDICIAL OFFICER OF THE SUPERIOR COURT

[SEAL]

CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date:

Clerk, by _____, Deputy

In many cases, the court will seal your juvenile records if you satisfactorily complete probation (formal or informal supervision).

If your case is dismissed by the juvenile court after January 1, 2015, because you satisfactorily completed your probation (formal or informal), in many cases the court will have sealed your records. If the court sealed your records for this reason, you should have received a copy of the sealing order with this form.

If the court finds that you have not satisfactorily completed your probation, it will not dismiss your case and will not seal your records at termination. If you want to have your records sealed in this situation, you will need to ask the court to seal your records at a later date (see **Form JV-595-INFO** for more information about asking the court to seal your records).

The court will not seal your records if you were found to have committed an offense listed in Welfare and Institutions Code section 707 (b) (these are violent offenses such as killing, raping, or kidnapping, and also some offenses involving drugs or weapons) when you were 14 or older and it was not dismissed or reduced to a lesser offense not listed in 707 (b).

How will the court determine if probation is satisfactorily completed?

If you have done what you were ordered to do while on probation, and have not been found to have committed any further crimes (felonies or any misdemeanors for crimes involving moral turpitude, such as a sex crime or a crime involving dishonesty), the court will find that your probation was satisfactorily completed even if you still owe restitution, court ordered fees, and fines, **BUT...**

Restitution and court fines and fees must still be paid.

Even if your records are sealed, you are still required to pay your restitution and court-ordered fees and fines. Your sealed records can be looked at to enforce those orders.

Which records will be sealed?

The court will order your court, probation, Department of Justice, and law enforcement agency records sealed for the case the court is closing and prior cases, if the court determines you are eligible. If you or your attorney ask the court, it can also seal records of other agencies (such as the District Attorney) if it finds that doing so would help you to be rehabilitated.

If you have more than one juvenile case and are unsure which records were sealed, ask your attorney or probation officer.

Who can see your sealed records?

- If your records were sealed by the court at dismissal, the prosecutor and others can look at your record to determine if you are eligible to participate in a deferred entry of judgment or informal supervision program.
- If you apply for benefits as a nonminor dependent, the court may see your records.
- If a new petition is filed against you for a felony offense, probation can look at what programs you have participated in but cannot use that information to keep you in juvenile hall or to punish you.
- If you have been found to have committed a felony by the juvenile court, your sealed records can be viewed to determine what disposition (sentence) the court should order.
- If you are arrested for a new offense and the prosecuting attorney asks the court to transfer you to adult court, your record can be reviewed to determine if transfer is appropriate.
- If you are in foster care, child welfare can look at your records to determine an appropriate placement or services for you.
- If you want to have access to your records or allow someone else to inspect them, you can request the court to unseal them.

NOTE: Even if someone looks at your records in one of these situations, your records will stay sealed in the future and you do not need to ask the court to seal them.

If your records are sealed, do you have to report the offenses in the sealed records on job, school, or other applications?

No. Once your records are sealed, the law treats those offenses as if they did not occur and you do not need to report them. **However,** the military and some federal agencies may not recognize sealing of records and may be aware of your juvenile justice history, even if your records are sealed. If you are seeking to enlist in the military or apply for a job requiring you to provide information about your juvenile records seek legal advice about this issue.

CHILD'S NAME:	CASE NUMBER:
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PETITION TO TERMINATE WARDSHIP AND ORDER

1. Wardship was declared on _____ based on a finding that the child violated the following sections:
- | | | |
|----|--------------|-------|
| a. | of the _____ | Code. |
| b. | of the _____ | Code. |
| c. | of the _____ | Code. |
| d. | of the _____ | Code. |
| e. | of the _____ | Code. |
2. The child has adhered to the terms and conditions of probation.
3. The child has satisfactorily met the goals of rehabilitation.
4. The child has satisfactorily completed probation for purposes of Welfare and Institutions Code section 786.
5. The child has reached the age of majority. The child has been in a foster placement. A completed *Termination of Juvenile Court Jurisdiction—Child Attaining Age of Majority* (form JV-365), has been filed with this court.
6. The whereabouts of the child have been unknown since _____.
7. Continued wardship is not required for the rehabilitation or protection of the child.
8. Continued wardship is not required for the protection of the public.
9. The warrant issued on _____ is recalled.
10. A summary of the child's contacts with the probation department and law enforcement agencies is included as Attachment 10.
11. A summary of the child's school performance and other activities is included as Attachment 11.
12. The child is now a dependent of the juvenile court.
13. The sealing process has been explained to the child, and the child has received either form JV-595-INFO or form JV-596-INFO as appropriate and the name of his or her attorney, who can assist with the sealing process.

Petitioner requests that the court terminate the child's wardship and release him or her from all orders of the juvenile delinquency court.

Date: _____

TYPE OR PRINT PETITIONER'S NAME	 (SIGNATURE OF PETITIONER)
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ORDER

- Wardship and delinquency court jurisdiction are terminated. All other orders of the juvenile court that are not in conflict remain in full force and effect.
- The matter is set for hearing on (date): _____ at (time): a.m. p.m.
- The petition is denied.

Date: _____

JUDICIAL OFFICER