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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re J.H., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.H.,

Defendant and Appellant.

A145398

(Marin County  
Super. Ct. No. JV25736H)

Appellant appeals from juvenile court orders, filed on April 30, 2015,<sup>1</sup> which (1) dismissed a Welfare and Institutions Code<sup>2</sup> petition, filed on February 20, 2013, after appellant’s satisfactory completion of a term of probation for an offense not listed in section 707, subdivision (b), and (2) granted appellant’s request, under section 786, to seal all records pertaining to the dismissed petition that were in the custody of the juvenile court. Appellant contends the juvenile court erred in denying an additional

<sup>1</sup> In the notice of appeal, appellant seeks to appeal from juvenile court orders purportedly issued on April 29, 2015. The record, however, contains no orders issued on that date. Instead, the orders described in the notice of appeal were issued on April 30, 2015. Accordingly, we shall dismiss the appeal from orders purportedly issued on April 29, 2015 and deem the notice of appeal to be from the April 30, 2015, orders. (Cal. Rules of Court, rule 8.100(a)(2).)

<sup>2</sup> All further statutory references are to the Welfare and Institutions Code.

request, pursuant to section 786, to seal all records pertaining to the dismissed petition that were in the custody of the prosecution, probation department, and law enforcement agencies. However, since the juvenile court issued its decision in this case the Legislature has amended section 786 to provide that, under that section, the juvenile court now has the authority to order the sealing of records in the custody of certain entities in addition to the juvenile court. (See Assem. Bill No. 666 (2015-2016 Reg. Sess.), Assem. Bill No. 989 (2015-2016 Reg. Sess.)) The bills were chaptered on September 30, 2015, and effective January 1, 2016, section 786 was amended to read, in pertinent part: “(a) If a minor satisfactorily completes (1) an informal program of supervision pursuant to Section 654.2, (2) probation under Section 725, or (3) a term of probation for any offense, the court shall order the petition dismissed. The court shall order sealed all records pertaining to the dismissed petition in the custody of the juvenile court, and in the custody of law enforcement agencies, the probation department, or the Department of Justice.” (Stats. 2015, ch. 368, § 1; Stats. 2015, ch. 375, § 1.5; see Cal. Const. art. IV, § 8, cl. (c)(1) [a statute enacted at a regular session of the Legislature generally becomes effective on January 1 of the year following its enactment except where the statute is passed as an urgency measure and becomes effective sooner].) The Attorney General commendably and appropriately concedes that appellant is entitled to the benefit of the 2015 amendment to section 786. Accordingly, we shall reverse so much of the orders as denied, in part, appellant’s section 786 sealing request, and remand the matter with directions to the juvenile court to reconsider the sealing request under the 2015 amendment to section 786.

### **DISPOSITION**

The appeal from orders purportedly filed on April 29, 2015, is dismissed. The orders of April 30, 2015, are reversed insofar as they deny appellant’s request, pursuant to Welfare and Institutions Code section 786, to seal all records pertaining to the juvenile petition, filed on February 20, 2013, that are in the custody of the prosecution, probation department, and law enforcement agencies. The matter is remanded with directions to the juvenile court to reconsider appellant’s sealing request under Welfare and Institutions

Code section 786, as amended by Statutes 2015, chapter 368, section 1, and Statutes 2015, chapter 375, section 1.5. In all other respects, the orders of April 30, 2015, are affirmed.

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Jenkins, J.

We concur:

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Pollak, Acting P. J.

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Siggins, J.