

WANT TO SEAL YOUR JUVENILE DELINQUENCY RECORD?

HOW TO:

Seal your Juvenile Delinquency Record.

WHEN TO USE:

Five years after your juvenile case has been dismissed or you are at least 18 years of age and not currently on juvenile or adult probation.

To qualify to have your record sealed, the following criteria must be met:

1. You must be at least 18 years old and not currently on probation (adult or juvenile) or your case must have been closed by the Probation Department or dismissed from Juvenile Court for five (5) years.
2. You must not have any outstanding law violations or warrants as an adult or juvenile. If you are currently awaiting court as an adult or you are currently on adult probation, you are not eligible for juvenile record sealing until you complete your probation term.
3. You must pay in full all previous fines or restitution owed to the Court as an adult or juvenile, including any traffic fines.
4. You must not be currently involved in any civil litigation or pending any civil litigation arising from any of the offenses, which you are attempting to have sealed.
5. Convictions as an adult, for any felony or for a misdemeanor involving moral turpitude (theft, false information to a police officer, etc.), will result in your Petition for Record Sealing to be denied by the Juvenile Court.
6. The Santa Clara County Juvenile Court cannot seal the records of a minor in any other state. If you have a juvenile record in another state, you must apply to that state for sealing.

Other Considerations:

- While traffic records may be sealed, insurance companies, by law, are given access to traffic (DMV) records for the purpose of determining eligibility for auto insurance, and/or setting insurance rates (Welfare and Institutions Code 781).

- If the Court found that you committed an offense listed in Section 707(b) of the Welfare and Institutions Code after you turned 14 years of age, you may not apply to have your record sealed. If you are in doubt as to whether your offense was a 707(b) offense, you may contact the Probation Department at 408-278-6045 for assistance.

The Court generally looks for an arrest free record for a period of time after your case was dismissed or closed to satisfy this requirement. It is strongly recommended you not apply for record sealing for approximately nine months after your case has been dismissed by the Court or closed by the Probation Department, even if you have already turned 18. Also, do not apply too soon as the Judge may deny your request for record sealing.

HOW TO FILE YOUR PAPERS:

Follow these easy steps in order from 1 to 5.

1. Attached to this information packet is the Juvenile Record Sealing Application. Follow the attached sample.
2. You must complete the top portion of the form. Complete the rest of the form to the best of your knowledge. The Court is mainly concerned with the name of the law enforcement agencies that arrested or cited you. Sign the bottom of the second sheet and include your address.

3. There is a required \$70.00 application fee. You may either submit a check or money order made payable to the “Probation Department”.
4. You can either mail or deliver in person the check or money order and completed forms to:

Probation Department
Attention: Accounting Department
2610 North First Street
San Jose, CA 95134

5. Generally the process takes five to six months because of the investigation process that must be done on your request for record sealing.

What’s Next?

- After submitting your Juvenile Record Sealing Application, you do not need to appear in Court. The process is done by a Probation Officer and submitted to a Judge of the Juvenile Court who then grants or denies the petition.
- You will receive a copy of the Order from the Court either granting or denying the Petition for Record Sealing by mail. If your petition is denied, you will not receive a refund of your application fee.
- Pursuant to Welfare and Institutions Code 781, once the Court has ordered the person’s records sealed, the proceedings in their case shall be deemed never to have occurred, and the person may properly reply accordingly to any inquiry about the events, the records of which are ordered sealed.