

**SEALING/RELEASE/DESTRUCTION OF JUVENILE COURT RECORDS
PURSUANT TO WELFARE AND INSTITUTIONS CODE 781**

- AUTHORITY:** Welfare and Institutions Code (WIC) Sections 389 (c), 626, 707(b), 730.5, 730.6, 781, 781.1, 786, 787, 790, 793(c), 826, 827, 828, 831, and 903.3
Penal Code 987.8 (2) (g), 667
California Rule of Court Rules 5.504 (Judicial Council Forms), 5.552 (Confidentiality of Records), and 5.830 (Sealing of Records)
Juvenile Court Administrative Order 11/004-Petitions and Motions for Sealing Records (Welfare and Institutions Code 781)
Victim's Bill of Rights Act 2008 (Marsy's Law)
California Constitution, Article 1, Section 28
- RESCINDS:** Procedure Manual Item 2-5-009, dated 05/16/18
- FORMS:**
- | | |
|--|----------------------------------|
| Automated Record Check Request – Adult | (CJI/FBI/DMV) |
| Automated Record Check Request – Juvenile | (CJI/FBI/DMV) |
| Juvenile Record Sealing (WIC 781) | (Juvenile Investigations Packet) |
| Application Packet- English and Spanish | |
| Petition for Sealing of Records | (F057-4173 AF/4173b.7) |
| Financial Record Check Request | (Juvenile Investigations Form) |
| Memo | |
| Sealing of Records Outcome Sheet | (ICMS Generated Form) |
| Distribution of Sealing of Records Order | |
| Information for Court Officer | (F057-9099.4) |
| Compliance Re: Sealing of Records | (CT209) |
| How to Ask the Court to Seal Your Records- English | (JV-595-INFO) |
| How to Ask the Court to Seal Your Records- Spanish | (JV-595-INFO S) |
| Request to Seal Juvenile Records-English | (JV-595) |
| Acknowledgement of Juvenile Record Sealed | (JV-591) |
| Sealing of Records for Satisfactory Completion of Probation | (JV-596-INFO) |
| Order to Seal Juvenile Records-Welfare and Institutions Code Section 781 | (JV-590) |
| Order to Seal Juvenile Records-Welfare and Institutions Code Section 781 (Spanish) | (JV-590S) |
| Notice of Court Sealing of Record | (Court Document) |
| Clerk's Certificate of Service by Mail | (Court Document) |
- PURPOSE:** To provide guidelines for processing applications for sealing of records pursuant to WIC 781, as well as subsequent court orders for release, sealing, and destruction of Juvenile Court records associated with this process.

I. GENERAL INFORMATION

- A. The legislature has taken repeated action to ensure that all people with juvenile records who are eligible to have them sealed can have the opportunity to do so

with as few barriers as possible. **Currently**, the majority of **juvenile** cases will be dismissed and sealed, and a date will be set for destruction if a youth **satisfactorily completed informal or formal** probation pursuant to WIC 786. Information pertaining to this process can be found in Procedure Manual Item (PMI) 2-5-010 (Sealing/Release/Destruction of Juvenile Records Pursuant to Welfare and Institutions Code 786).

- B. For those youth whose cases were not dismissed, sealed, and ordered destroyed pursuant to WIC 786, WIC 781 outlines the process for them to request to have their records sealed. Under WIC 781, applicants can petition the juvenile court to have their juvenile records sealed under certain circumstances specified within the code.
1. The records eligible for sealing include contacts with the juvenile justice system, law enforcement, probation, the Department of Motor Vehicles, and other agencies. These contacts include juvenile court records resulting from formal adjudications under WIC 602 and informal contacts with probation and law enforcement under WIC 601 and WIC 626.
 2. To qualify for sealing, among other requirements, the record must not fall within WIC 707(b), **with a few exceptions listed in below section II.A.5.**, if committed by an applicant fourteen (14) years of age or older at the time of the offense. Additionally, the offense must have not led to a conviction in adult court under WIC 707.1 and the applicant must not have been convicted of a felony or misdemeanor involving moral turpitude as an adult. The court must also find that the applicant has been satisfactorily rehabilitated.
 3. In considering a petition to seal certain juvenile records, an unfulfilled order of restitution shall not be considered by the court to be a bar to sealing. Further, outstanding restitution fines and court ordered fees shall not be considered when assessing the applicant's rehabilitation, nor be a bar to sealing a record. **If restitution is still owed, the Court can convert it to a civil judgment. When this occurs, the victim or a local collection program may continue to enforce restitution orders and fines after the youth's record is sealed.**
 4. WIC 781 ensures that all youth who come before the court or a deputy probation officer (DPO) receive information about the process required to request sealing of records. Information pertaining to locating this information and forms to present to youth can be found in subsequent Section VI. B. 1.
 5. WIC 781 also requires that when the department receives an order to seal records from the court, the department must advise the court of compliance with this order. This is done via the *Acknowledgement of Records Sealed* Form (JV-591). The court will also provide the applicant with a *Notice of Court Sealing of Record* and a copy of the court order to seal the applicant's records.
- C. Pursuant to WIC 781.5, in cases where an applicant was cited to appear before the DPO or was taken before a DPO pursuant to WIC 626, or was taken before any officer of a law enforcement agency, and no accusatory pleading or petition to

adjudge the applicant a ward of the court had been filed; the applicant may request in writing that the law enforcement agency and DPO having jurisdiction over the offense destroy those records.

1. A copy of the request is sent to the District Attorney for consideration.
2. If the law enforcement agency, the DPO, and the District Attorney agree that the applicant is factually innocent, the record is to be sealed three (3) years from the date of the citation/arrest and then destroyed.
3. If an applicant was arrested and a petition was filed to adjudge the applicant a ward of the court, but the petition was not sustained, the applicant may request from that court that they be found factually innocent. If the applicant is found by the court to be factually innocent, the applicant may request the records be sealed as above.
4. The law enforcement agency and the DPO shall issue a written declaration to the applicant stating that the applicant is factually innocent and thereby exonerated. Thereafter, the arrest or the citation is deemed not to have occurred.
5. The Probation Department will notify the Department of Justice, and any other law enforcement agency or DPO that arrested or cited the applicant or participated in the arrest of citing to the applicant of the sealing of the record, as well as the reason for the sealing.
6. This does not apply to infractions.

II. ELIGIBILITY, SUITABILITY, AND BASIC REQUIREMENTS

A. ELIGIBILITY

1. For Applications for Petition **rejected by the DA**, the applicant must have attained the age of eighteen (18) or have waited five (5) years from the date of the offense, as well as have no matters pending with any court or law enforcement agency for at least one (1) year.
2. For Applications for Petition handled by the Non-Custody Intake Screener, Non-Custody Intake/Diversion, or Non-Ward Supervision DPO, the applicant may apply for record seal:
 - a. Five (5) years from the date of the offense or
 - b. After the applicant has reached the age of eighteen (18) and one (1) year from the conclusion of the outcome of the matter.
3. For prior WIC 602 wardship or 654.2 court ordered non-wardship, the applicant may apply for record seal:
 - a. Five (5) years from the date WIC 654.2 court ordered probation or WIC 602 wardship was terminated or
 - b. After the applicant has reached the age of (eighteen) 18 and one

(1) year from the conclusion of the outcome of the matter.

4. The applicant has not been convicted of a felony or any misdemeanor involving moral turpitude as an adult.
5. Typically, the court prohibits the sealing of records of any person who was found to have committed a WIC 707(b) offense when that person was fourteen (14) years of age or older at the time of the offense. However, a petition to seal the record or records relating to an offense listed in WIC 707(b) that was committed by the applicant after attaining fourteen (14) years of age and resulted in the adjudication of wardship by the juvenile court may only be filed or considered by the court pursuant to this section under the following circumstances:
 - a. The applicant was committed to the Department of Corrections and Rehabilitation-Division of Juvenile Justice Youth Facilities, has attained twenty-one (21) years of age, and has completed **their** period of probation supervision after release from the division.
 - b. The applicant was not committed to the Department of Corrections and Rehabilitation-Division of Juvenile Justice Youth Facilities, has attained eighteen (18) years of age, and has completed any period of probation supervision related to that offense imposed by the court.

This section does not apply in cases in which the offense listed in WIC 707(b) that was committed after attaining fourteen (14) years of age was dismissed or reduced to a misdemeanor by the court. In those cases, the person may petition the court to have the record sealed. The court may order the sealing of the record in the same manner and with the same effect as otherwise provided in this section for records that do not relate to an offense listed in WIC 707(b) that was committed after the person had attained fourteen (14) years of age.

A record relating to an offense listed in WIC 707(b) that was committed after attaining fourteen (14) years of age for which the person is required to register pursuant to PC 290.008 shall not be sealed.

6. The applicant cannot have been convicted in criminal court following remand pursuant to WIC 707.1.
7. The applicant must have no pending civil litigation directly relating to or arising from the criminal act that caused the record to be created. This information is asked for on the *Juvenile Records Sealing (WIC 781)* and is provided to the applicant to complete. If the department is unable to proceed with the matter due to pending civil litigation, the Juvenile Investigations Unit Sealing of Records (SOR) DPO will notify the applicant. If the applicant wants the Probation Department to proceed regardless, the applicant will be required to write a letter indicating such and provide a copy to the **WIC 781** SOR DPO. If the applicant chooses not to proceed, the **WIC 781** SOR DPO sends the applicant a letter advising them to wait one (1)

year after the date of completion to apply, as well as all of their documents that they provided.

B. SUITABILITY

1. Department policy requires that one (1) year has elapsed following the termination of juvenile court proceedings to assess rehabilitation.
2. The applicant cannot have any pending charges of any sort including outstanding warrants, failures to appear (FTAs), serious multiple vehicle code violations, or traffic court matters. Additionally, the applicant cannot be on any form of probation.
3. Cost to Seal
 - a. Pursuant to WIC 903.3, only applicants twenty-six (26) years of age or older, unless indigent, who petition for an order to seal their records are to be held liable for the investigative costs and to reimburse the costs of services rendered.
 - b. In the event a petition is filed for an order sealing a record, an applicant who is twenty-six (26) years of age or older may be required to reimburse the County and court for the actual cost of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the county board of supervisors for the county and by the court for the court, not to exceed one hundred fifty dollars (\$150). At this time, the collection of these has not been established for Orange County and the billing process is currently on hold.
 - c. Ability to make this reimbursement shall be determined by the court using the standards set forth in Penal Code (PC) 987.8 (2) (g) and shall not be a prerequisite to a person's eligibility under this section. The court may order reimbursement in any case in which the applicant appears to have the ability to pay, without undue hardship, all or any portion of the cost for services.

C. SEALING RECORDS-FORMER WARDS

All records sealed must be destroyed according to WIC 781(d). The basic requirements for a request to seal juvenile court records for former wards pursuant to WIC 826 are as follows:

1. The applicant had a WIC 602 petition filed on their behalf.
2. Five (5) years have elapsed since the termination of the court's jurisdiction or the applicant has reached the age of eighteen (18) and one (1) year from the conclusion of the outcome of the matter.
3. The applicant submits a written request to the juvenile court judge asking that the juvenile court records be released to the applicant's custody.
4. Pursuant to California Rules of Court **Rule 5.830**, an investigation shall be

completed by Probation within ninety (90) days from receipt of the application if only the records of the investigating county are to be reviewed, or within one hundred eighty (180) days from receipt of the application if records of other counties are to be reviewed. **The investigation shall include a list of cases and contact addresses of every agency or person that the probation department knows has a record of the former ward's case, including the date of each offense, case number(s), and date when the case was closed. This list and the court report with a recommendation supporting or opposing the requested seal shall be attached to the sealing petition.**

5. Once the investigation has been completed, the **WIC 781** SOR DPO will prepare a *Sealing of Records-WIC 781 Report* with a recommendation supporting or opposing the requested sealing of record.
 - a. The petition will be filed and the matter will be set for a Non-Appearance Hearing.
 - b. The prosecuting attorney will be notified of the hearing.
 - c. If there are victim(s) associated with the matter being petitioned for sealing, the **WIC 781** SOR DPO will verify in [REDACTED] or with the Victim Services Coordinator to see if the victim(s) has requested to be notified of or heard at any proceeding in which a right of the victim is at issue. If the victim has requested to be notified, the **WIC 781** SOR DPO will:
 - (1) Contact the victim(s) and advise them that the applicant has made such a request.
 - (2) Provide them with the Victim/Witness Assistance Program contact information (714-935-7074) for additional assistance.
 - (3) Ask them if they would like to make a verbal or written statement to be included in the *Sealing of Records-WIC 781 Report*.
 - (4) Document the communication in [REDACTED] entry.
6. The court will review the petition and the **WIC 781** SOR DPO's report and either grant or deny the petition.
 - a. If the petition is granted, the court orders the sealing of all records described in WIC 781 on the *Compliance Re: Sealing of Records* form. The form, along with the court order to seal records, is sent via pony to the Records Unit Senior Office Supervisor. These notifications serve as a trigger to process the court ordered sealing.
 - b. The order applies in the county of the court hearing the petition and in all other counties in which there are juvenile records concerning the applicant. If the court determines that sealing the records of

another court for a petition that has not been transferred is inappropriate, it will inform the applicant that a petition to seal those records can be filed in the county where the other court is located. Should the court order the release and/or destruction of records, the proceedings are deemed never to have occurred.

- c. Only the juvenile court record (the "court file") can be released. All other records (probation, police, etc.) can be ordered sealed and destroyed.
 - d. The court can deny the request for release and destruction of records for "good cause".
 - e. Specific questions should be directed to the Juvenile Investigations Unit supervising probation officer (SPO) who is responsible for **oversight** of this function.
7. Typically, the court prohibits the sealing of records of any person who was found to have committed a WIC 707(b) offense when that person was fourteen (14) years of age or older at the time of the offense. However, a petition to seal the record or records relating to an offense listed in WIC 707(b) that was committed by the applicant after attaining fourteen (14) years of age and resulted in the adjudication of wardship by the juvenile court may only be filed or considered by the court pursuant to this section under the circumstances listed in above section II.A.5.

D. SEALING OF RECORDS FOR NON-WARDS

All non-wards who had matters pending with probation, even though they were not declared wards of the court, and their records were not sealed pursuant to WIC 786.5, may submit an application to have their record sealed and destroyed to the probation department in any county in which there is a juvenile record concerning them. They must be eighteen (18) years of age or older or have waited five (5) years from the date of the offense, as well as have no matters pending with any court or law enforcement agency for at least one (1) year.

E. SEALING OF RECORDS FOR OTHER JURISDICTIONS

The Orange County Juvenile Court seals the records for Orange County matters, as well as records from other jurisdictions.

1. If the applicant was last on probation in another county, the applicant must apply for record sealing in that county.
2. If the applicant was last on probation in Orange County, but had prior arrests/adjudications outside of Orange County, the applicant must provide specific information concerning the date(s) of the offense(s), arresting agency(ies) and incident number(s), and the disposition of the matter(s). On occasion, it will be necessary for the applicant to provide court documents referencing those matters.
3. The Orange County record seal investigation covers all matters which occurred both in and out of the County in order to evaluate the applicant's

rehabilitation, as well as eligibility. If the **WIC 781** SOR DPO is unable to obtain the information, the applicant will be required to get the information and provide it to the **WIC 781** SOR DPO.

- F. An investigation will be conducted and a recommendation will be submitted to the court via the District Attorney's Office. The District Attorney will note on the petition if the sealing is opposed/not opposed before forwarding to the court for ruling.
- G. Sealing of records is normally handled as a non-appearance matter. The applicant and/or the applicant's attorney usually do not request to be present in court, unless recommendations are made to deny the application for sealing or to recommend a continuance by the Probation Department and/or the district attorney. In this case the court clerk will calendar a hearing and all parties will be ordered to appear for the Sealing of Records Hearing.

III. DESTRUCTION GUIDELINES

- A. On cases that have been ordered sealed, destruction of juvenile court and probation records and papers regarding the proceedings, including Minute Orders, Disposition Sheets, probation records, data sheets, [REDACTED] records, and youth-related documents, is to take place on the following timelines pursuant to WIC 781(d) and WIC 826(a):

1. If the court orders a specific date for destruction, all records pertaining to that case shall be destroyed on that date. Per **California Rules of Court Rule 5.840 (Dismissal of petition and sealing of records)**, the court must specify in its order the date by which all sealed records must be destroyed. For court records, this date may be no earlier than the date the subject of the order attains the age of twenty-one (21) and no later than the end of the timeframe set forth in WIC 781(d). For all other records, the date may be no earlier than the timeframe set forth in WIC 781(d) unless that time frame expires prior to the date the applicant attained the age of eighteen (18).
2. Cases ordered sealed pursuant to WIC 781.5 and WIC 786.5 shall be destroyed three (3) years after the date of the arrest or citation. This includes non-court ordered **WIC 654** and non-custody intake diversion cases where a youth satisfactorily completed **informal sanctions or** diversion in which the youth was referred by a DPO or prosecutor in lieu of the filing of a petition to declare the applicant a ward of the juvenile court.
3. WIC 601 cases shall be destroyed five (5) years after the order to seal or once the applicant reaches the age of twenty-one (21) and has no new law violations.

FOR WIC 601 cases with new law violations, all records pertaining to the applicant may be sealed and destroyed five (5) years from the date on which the court terminates jurisdiction over the applicant for the new law violation and/or any additional subsequent criminal matters.

4. Department of Education (DOE) Community School Program paperwork and files pertaining to a youth shall be maintained **for five (5) years from the date of the signed agreement** and **then** sealed pursuant to WIC 781.

5. Court ordered WICs 654.2, 725, and 790 cases shall be destroyed five (5) years after the order to seal and after the applicant reached the age of twenty-one (21).
 6. WIC 602 cases that are not sustained as WIC 707(b) offenses shall be destroyed when the applicant reaches the age of thirty-eight (38) for court records and the age of **thirty (30)** for non-court records, unless for good cause the court determines that the juvenile record shall be retained.
 7. Juvenile court records which are not permitted to be sealed pursuant to WIC 781(f) shall not be destroyed pursuant to WIC 826.
- B. On cases that have not been sealed, destruction is to take place according to the following timelines:
1. WIC 601 cases shall be destroyed once the youth reaches the age of twenty-one (21).
 2. Department of Education (DOE) packets shall be destroyed five (5) years from the date of the signed agreement.
 3. Diversion cases in which no petition was filed in juvenile court shall be destroyed five (5) years after jurisdiction over that case was terminated and after reaching the age of twenty-one (21).
 4. WIC 602 cases that are not WIC 707(b) offenses shall be destroyed by the time the youth reaches the age of thirty-eight (38) for court records and the age of **thirty (30)** for non-court records.
 5. Cases wherein a WIC 707(b) offense is sustained shall not be destroyed, unless ordered by the court.
 6. Cases that were previously direct filed as a result of California Proposition 21 between March 7, 2000 and November 7, 2016 or remanded to a court of criminal jurisdiction as a result of California Proposition 57 on or after November 8, 2016 shall not be destroyed.

IV. PROCEDURE

A. INTAKE PROCESS

1. The applicant may initiate the juvenile SOR process either 1) through an attorney who can file the request directly through the court, at which point probation will be ordered to do the report or 2) on their own initiative by obtaining a Record Seal Packet from the Probation Department's Receptionist located at the Manchester Office Building (MOB), Fifth Floor, from staff via Probnets, or from the Orange County Probation Department's public internet site.

The Record Seal Packet consists of:

- a. How to Ask the Court to Seal Your Records (JV-595-INFO)

- b. Request to Seal Juvenile Records (JV-595)
 - c. Juvenile Record Sealing Application
2. **Pursuant to WIC 781.1, a superior court or probation department shall not charge an applicant shall not charge an applicant a fee for filing a petition to seal records under WIC 781.**
3. The mailroom will stamp the applications and supporting documents with the date and time received and forward, with any existing file, to the Juvenile Investigations Unit assignment clerk.
4. The Juvenile Investigations Unit assignment clerk duties include:
- a. Initiating and maintaining the SOR checklist and log.
 - b. Inputting an [REDACTED] entry of case assigned for SOR investigation with assigned **WIC 781** SOR DPO noted.
 - c. **File the WIC 781 packet for processing according to the date received.**
5. **WIC 781** SOR DPO duties include:
- a. Processing these requests in the order in which they were received and date stamped by the mailroom.
 - b. Forward a *Financial Record Check Request* memo to the supervising collection officer of the Parental Financial Unit to verify that there are no outstanding financial matters.

Financial information cannot be taken into consideration when assessing the applicant's rehabilitation, nor be a bar to sealing their record. It is provided in the *Sealing of Records-WIC 781 Report* for the court's consideration as to whether or not to convert the unfulfilled order of restitution to a civil judgment.
 - c. Initiating the required criminal and financial record checks, including CJI, CII, FBI, and DMV, as well as probation records [REDACTED], juvenile hall, and other facility unit records). The DPO shall make any other inquiries which appear appropriate. For example, if the person has resided in another state after juvenile proceedings were terminated, a record check for that state will be completed.
 - d. Filing correspondence/record checks in appropriate files.
 - e. Maintaining a personal log of all assigned SOR cases.
6. Parental Financial Unit duties include:

If the Parental Financial Unit determines that there is an outstanding **restitution**, the collection officer (**CO**) and/or the supervising collection officer (SCO) will notify the **WIC 781** SOR DPO via the *Financial Record*

Check Request memo. The **WIC 781** SOR DPO will advise the applicant in writing about the nature of the outstanding matter (amount owed and for what) and provide the appropriate financial officer's name/phone number.

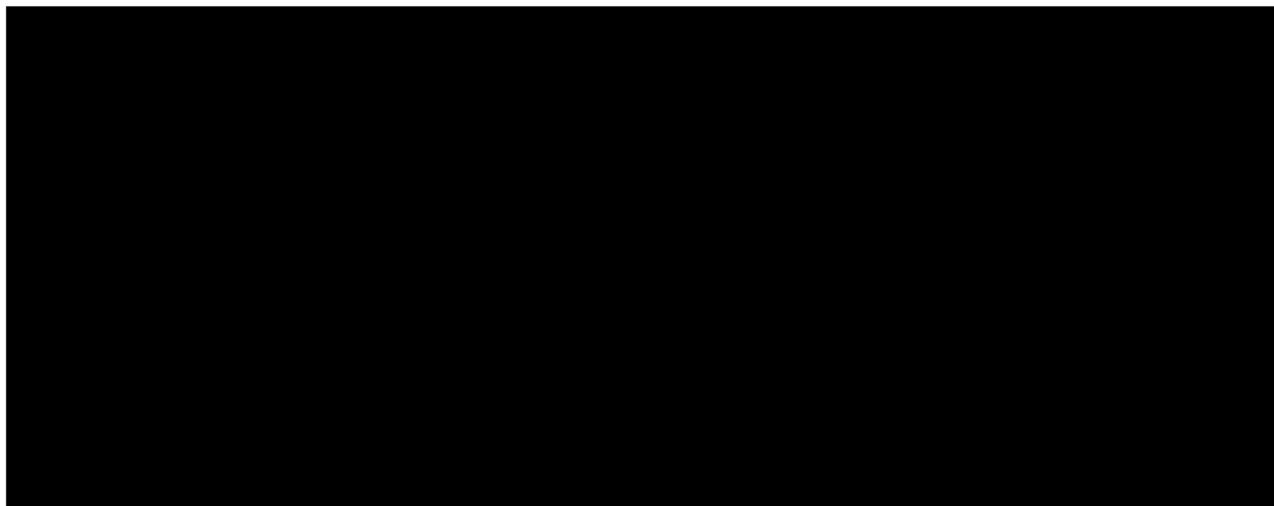
- a. If a full payment is obtained, the supervisor of the Parental Financial Unit, the collection officer and/or the supervising collection officer will notify the **WIC 781** SOR DPO and the sealing of the record process will proceed in the usual manner.
- b. If the Parental Financial Unit is unable to obtain the full amount of the **restitution** balance due, the collection officer and/or the supervising collection officer will notify the **WIC 781** SOR DPO, who will proceed with the sealing of record process in the usual manner. This information will not be taken into consideration when assessing the applicant's rehabilitation or in the **WIC 781** SOR DPO's recommendation. Instead, it will be provided in the *Sealing of Records-WIC 781 Report* for the court's consideration as to whether or not to convert the unfulfilled order of restitution to a civil judgment. This information will read as such in the report.

B. INVESTIGATION PROCESS

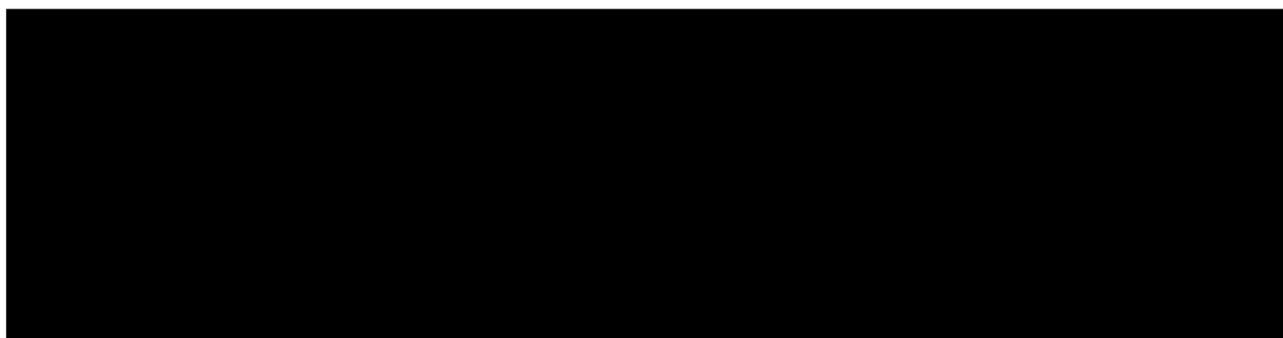
1. Upon being assigned a case, the **WIC 781** SOR DPO will review and log the case and initiate any correspondence which is indicated.
2. Initiate the WIC 781 sealing of record process via [REDACTED].

a. [REDACTED]

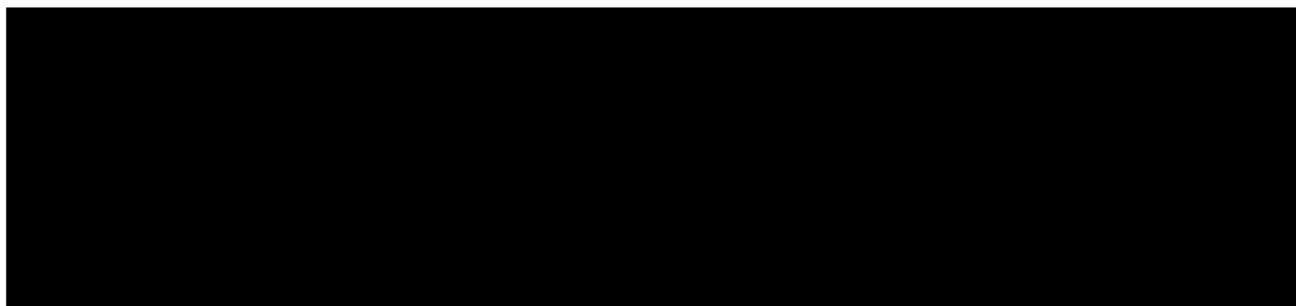
b. [REDACTED]



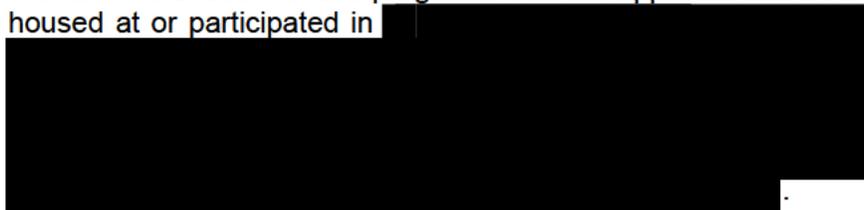
c. [Redacted]



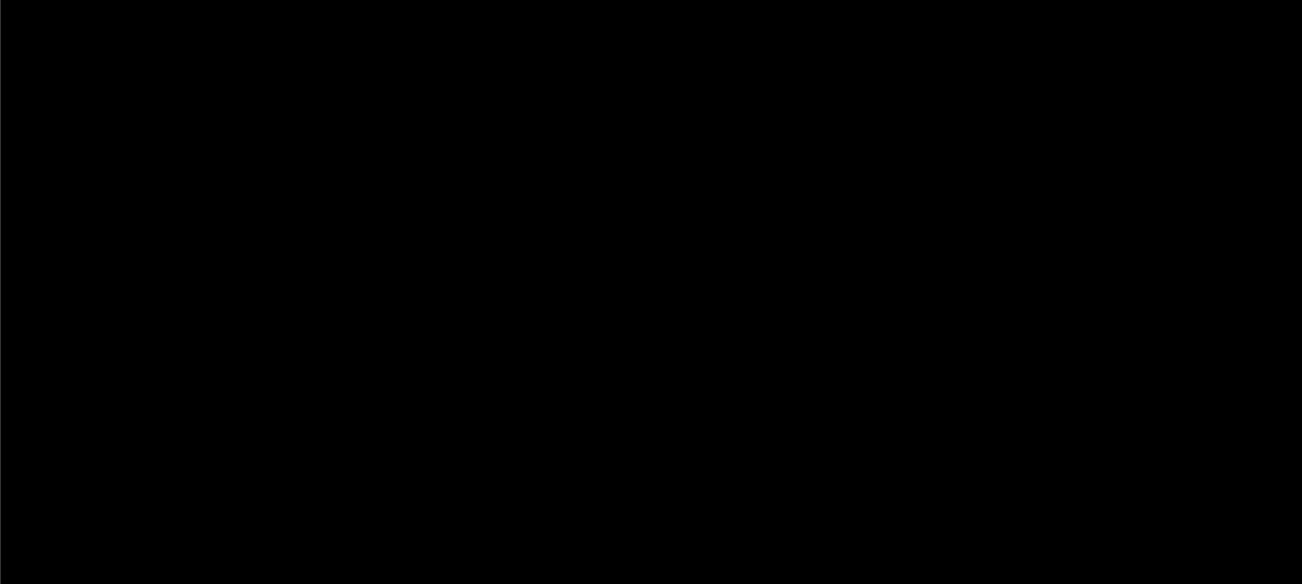
d. [Redacted]



e. Verify that the correct applicant has been selected and that the applicant's information is correct. Under Sealing of Records Detail, click on "Full" for Seal Type. This will prompt the system to update with all of the facilities and programs that the applicant has been housed at or participated in [Redacted]



[Redacted]

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- f. This will generate the *Sealing of Records Outcome Sheet/Distribution of Sealing of Records*. Print a copy and put in the front of the applicant's file.

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3. If it is determined that the applicant is pending action before any criminal court, is on probation (formal or informal), has DMV records reflecting that the applicant has a suspended or revoked operator's license or FTA, or is involved in civil litigation which would be included in the sealing of the record, the **WIC 781** SOR DPO will advise the applicant in writing that they are presently ineligible to have their records sealed and the application may be dismissed or held pending resolution of the **matter**. **If the matter is not appropriate for processing, held, denied, closed, or pending a**



This will assist with tracking and locating the original packet to utilize the information should the applicant pursue the **WIC 781 process at a future date.**

4. If it is determined that the applicant has been convicted (adult matters) of a felony or a misdemeanor involving moral turpitude, the **WIC 781** SOR DPO will advise the applicant in writing that they are ineligible for sealing of record and the application will be processed with a recommendation for denial of record seal submitted to court.
 - a. If a question arises regarding whether an applicant would be ineligible for sealing of record on the basis on an offense involving moral turpitude the assigned **WIC 781** SOR DPO, after discussing

the matter with the Juvenile Investigations **Unit** SPO, may consult with the District Attorney's Office for an opinion.

- b. If an applicant has had a subsequent conviction as an adult for offenses similar to those as a juvenile, five (5) years must have passed since the conviction before the Probation Department will recommend the record be sealed.
 - c. In all cases held pending resolution of any case issue, the **WIC 781** SOR DPO should process the application, making the appropriate recommendation and let the court make the final decision.
5. The assigned **WIC 781** SOR DPO will, whenever possible, interview the applicant in person. A telephone interview is appropriate if the applicant resides out of county.
- a. An appointment for the interview shall be initiated by sending out an appointment letter.

If the applicant fails to appear for the interview, a second appointment letter will be sent. If the applicant again fails to appear and no contact is made, a report will be completed with the information provided. Efforts to contact the applicant, as well as to obtain additional information will be documented and cited by the **WIC 781** SOR DPO in [REDACTED] and in the report.
 - b. This interview will include a discussion of all offenses, agencies, and officials to be included in the sealing of record petitions.
 - (1) The purpose of this discussion will be to ensure that all public officials and public agencies or any programs, which should be included in the petition, are identified.
 - (2) If there are items which the applicant maintains are not a part of their record, the applicant is given an opportunity to clarify these questionable items before the petition is presented to the court.
 - (3) In order to evaluate the applicant's efforts at rehabilitation, explore their plans for the future, as well as current employment, educational, and vocational status.
6. Pursuant to **California Rules of Court Rule 5.830**, the **WIC 781** SOR DPO will then complete the checklist of agencies which are to be included in the order for sealing, including all officials and agencies to be named in the petition.
7. The **WIC 781** SOR DPO shall "log off" the case on the caseload log and "log on" the case for typing.
8. After typing is complete, the **WIC 781** SOR DPO will proofread the petition and report and then include it with the file/packet, which should also include a print-out of the ECR notes to be sealed. The **WIC 781** SOR DPO will give

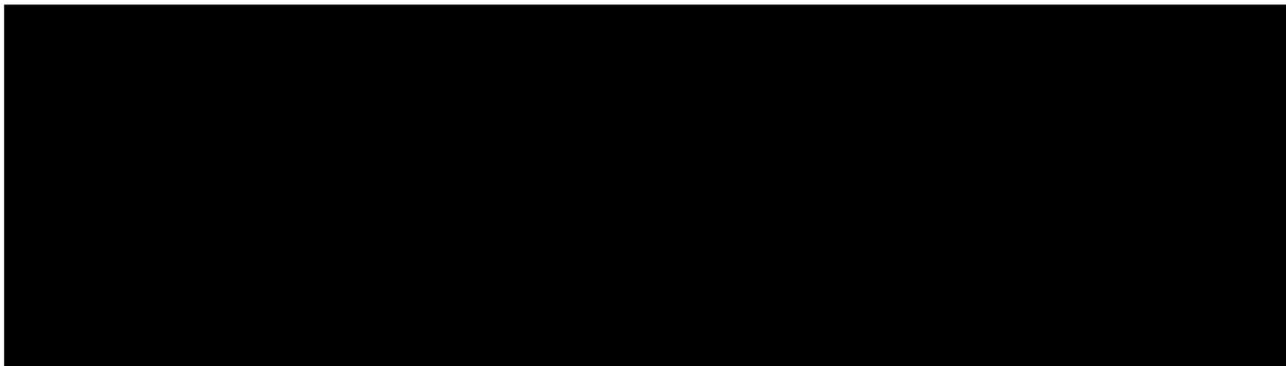
the report and file to the Juvenile Investigations SPO for review and approval.

9. The SPO will review the report and all documents and initial on *Sealing of Records Outcome Sheet/Distribution of Sealing of Records* form.
10. Once approved, the Juvenile Investigations SPO gives the original petition, face sheet, the **WIC 781** SOR DPO's report, and the file to the **Juvenile Investigations Unit** clerk.
11. The **Juvenile Investigations Unit** clerk takes the originals to the District Attorney's Office. The District Attorney's Office will review, sign for receipt of the documentation, indicate oppose/no oppose, and forward to the Court Clerk's Office.
12. Upon receiving the Minute Order from the Court, the **Juvenile Investigations Unit** clerk makes a [REDACTED] [REDACTED] completes the Outcome Sheet indicating date of record seal or denial, processes and routes the file to the **Juvenile Investigations Unit SPO** for signature, and route the file to the [REDACTED] for final sealing.

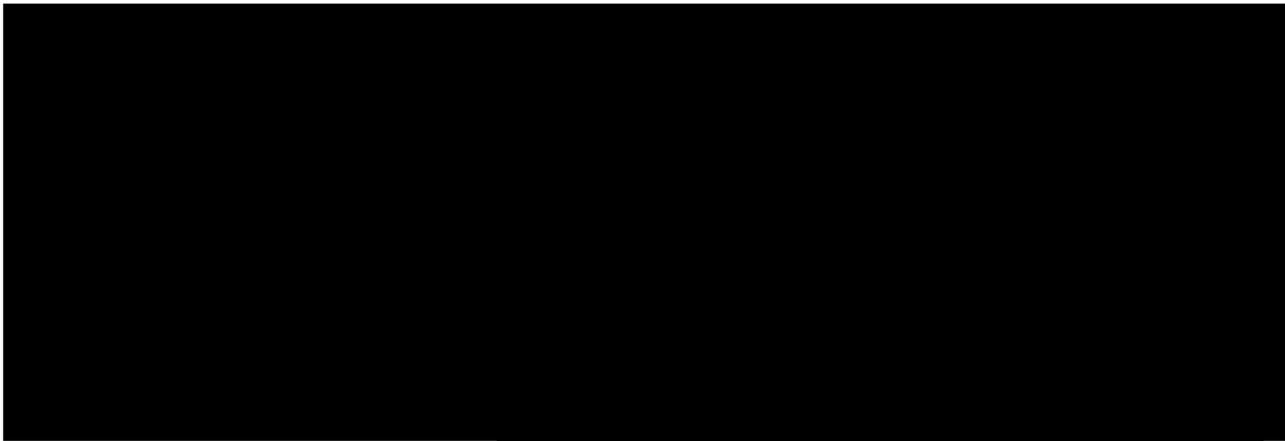
C. PROCEDURE FOLLOWING COURT ORDER TO SEAL

1. The Records Unit senior office supervisor receives the *Compliance Re: Sealing of Record* form from court via pony mail. This notification lets them know to begin the process of sealing the record before forwarding the *Compliance Re: Sealing of Record* form to the Juvenile Court Services Division Director for final signature once the record is sealed. Once signed and returned to the SOR Clerk, copies are made for the probation files and are ponied to court within fifteen (15) days of sealing.
2. The Juvenile Investigations **Unit** assignment clerk will input an ICMS chrono entry regarding the sealing and notify the **WIC 781** SOR DPO.
 - a. Finalize the WIC 781 sealing of record process via [REDACTED].

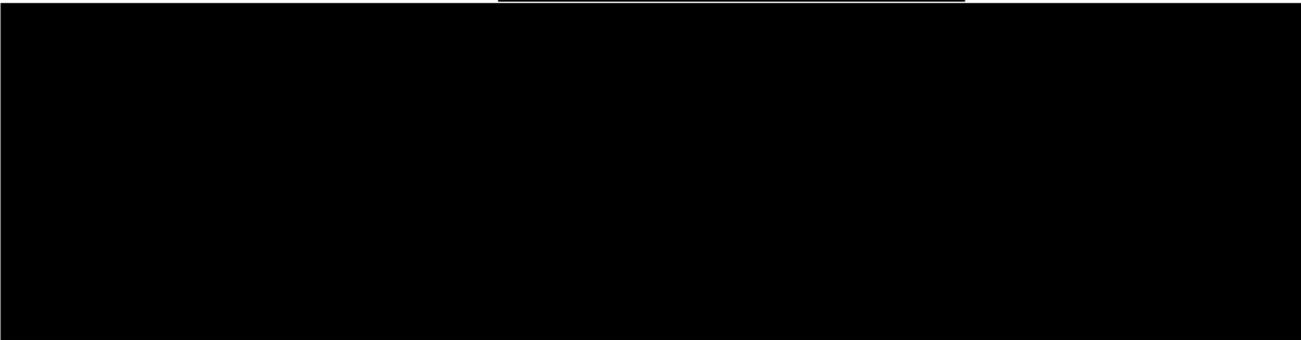
(1) [REDACTED].



(2) [REDACTED]



(3)

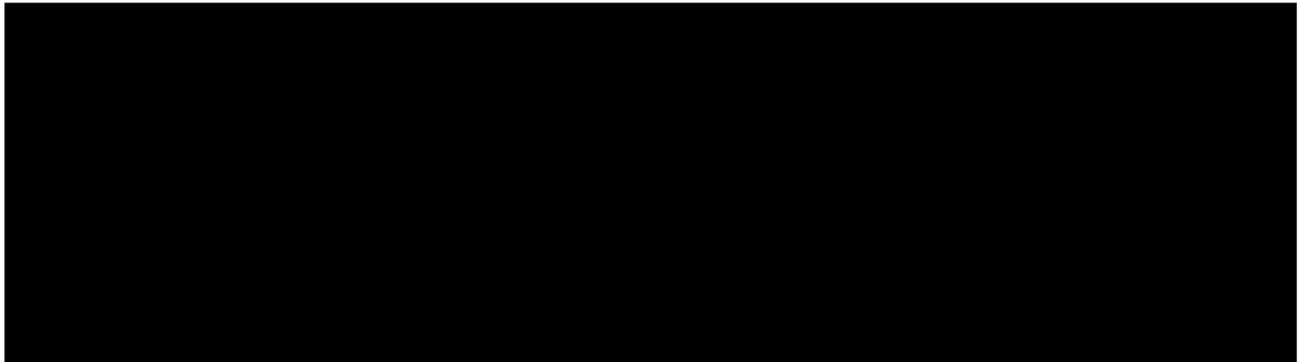


(4)

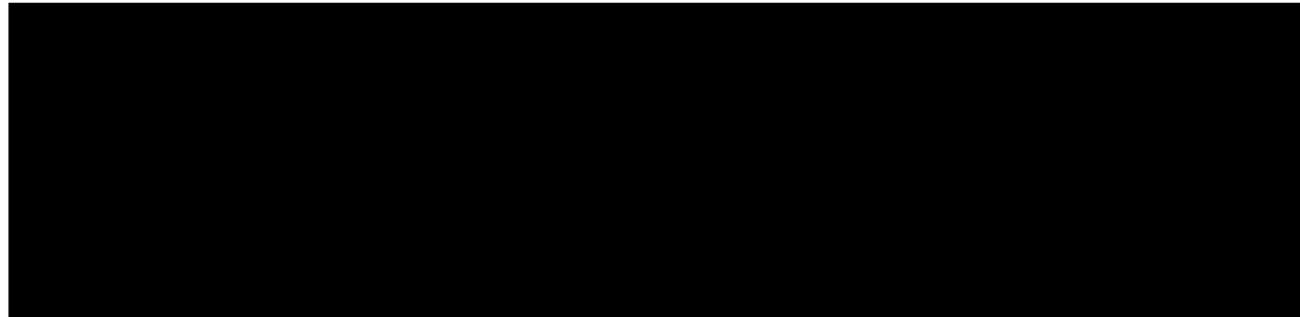




(5)



(6)



3. The Juvenile Investigations **Unit Office/Clerical Services Unit office specialist (OS)** will log out and route the file to the WIC 654 Record/Dismissal clerk desk.
4. The WIC 654 Record/Dismissal clerk will set up files, if needed, and route them to the **Juvenile Investigations Unit Office/Clerical Services Unit office specialist (OS)**.
 - a. The **Juvenile Investigations Unit Office/Clerical Services Unit office specialist (OS)** receives all SOR files, along with the completed *Sealing of Records Outcome Sheet/Distribution of Sealing of Records* form, which identifies those functions in the department that have records to seal.
 - b. This same form is completed by the **WIC 781** SOR DPO when the Probation Department is ordered by another out of county jurisdiction to seal records.

5. The **Juvenile Investigations Unit Office/Clerical Services Unit office specialist (OS)** is responsible for the sealing of the probation file and for notifying all other functions within the department of the Court's order for sealing of records.
6. In addition to sealing traditional department files, the **Juvenile Investigations Unit Office/Clerical Services Unit office specialist (OS)** will seal all information associated with the client or court case number in [REDACTED].
7. Once sealed, all sealed information associated with the applicant or court case number will no longer be visible in the ICMS screens and reports. [REDACTED]
[REDACTED] Sealed records can only be accessed for screening for Deferred Entry of Judgment (DEJ), diversion, programming eligibilities, as well as for research purposes. As such, staff associated with these functions will be provided access on a need to know, right to know basis.
8. The **WIC 781** SOR DPO will verify compliance with the court's order by signing and returning the Order to Seal the Record to the Court Clerk's Office.
9. The file will be retained for five (5) years from the date of the order to seal, at which point it will then be destroyed by the **Juvenile Investigations Unit Office/Clerical Services Unit office specialist (OS)**.

D. PROCEDURE FOLLOWING COURT DENIAL TO SEAL

1. The Juvenile Investigations Unit assignment clerk receives the Minute Order regarding the sealing of record from court. This notification lets them know that the request was denied.
2. The Juvenile Investigations assignment clerk will make an ICMS chrono entry of the denial, route the file to the Juvenile Investigations SPO for SPO initial on the *Sealing of Records Outcome Sheet/Distribution of Sealing of Records Order* form and route the file to 654 Records/Dismissal Desk for file setups, if needed, and then route to the **Juvenile Investigations Unit Office/Clerical Services Unit office specialist (OS)** for further processing.

V. ACCESSING SEALED RECORDS

- A. Pursuant to WIC 781, there are a limited number of exceptions in which sealed records may be accessed.
 1. The person who is the subject of records sealed pursuant to this section may petition the superior court to permit inspection of the records by persons named in the petition, and the superior court may order the inspection of the records.
 2. In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under WIC 781 to

be opened and admitted into evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for parties, and any other person who is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed.

3. The Department of Motor Vehicles may access and release records to the subject of the record and to specified insurers of any convictions for offenses under the Vehicle Code or any local ordinance related to vehicle use where the record of any such conviction would be public record.
4. The court may access a file that has been sealed for the limited purpose of verifying the prior jurisdictional status of a ward who is petitioning the court to resume its jurisdiction (placement youth requiring continued services).
5. A record relating to an offense listed in WIC 707(b) that was committed after attaining fourteen (14) years of age that has been sealed pursuant to WIC 781 may be accessed, inspected, or utilized in a subsequent proceeding against the subject of the sealed record under any of the following circumstances:
 - a. **By a judge or prosecutor for the limited purpose of processing a request of a victim or victim's family member to certify victim helpfulness on specified United States Homeland Security certification and declaration forms (e.g. U-Visa or T-Visa applications). The information obtained for this purpose may not be disseminated to other agencies or individuals, except as necessary to certify victim helpfulness, and under no circumstances shall it be used to support the imposition of penalties, detention, or other sanctions upon an individual.**
 - b. By the prosecuting attorney, as necessary, to make appropriate charging decisions or to initiate prosecution in a court of criminal jurisdiction for a subsequent felony offense, or by the prosecuting attorney or the court to determine the appropriate sentencing for a subsequent felony offense.
 - c. By the prosecuting attorney, as necessary, to initiate a juvenile court proceeding to determine whether a youth shall be transferred from the juvenile court to a court of criminal jurisdiction pursuant to WIC 707 and by the juvenile court to make that determination.
 - d. By the prosecuting attorney, the probation department, or the juvenile court upon a subsequent finding by the juvenile court that the youth has committed a felony offense, for the purpose of determining an appropriate disposition of the case.
 - e. By the prosecuting attorney or a court of criminal jurisdiction for the purpose of proving a prior serious or violent felony conviction and for determining the appropriate sentence pursuant to PC 667.
 - f. By the prosecuting attorney in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory

evidence to a defendant in a criminal case in which the prosecuting attorney has reason to believe that access to the record is necessary to meet the disclosure obligation.

- B. Once sealed, records (including electronic records) cannot be accessed, with a few exceptions which are listed in above section IV.A. Sealed records will be completely destroyed five (5) years from the court ordered date of the sealing, but after the youth reaches eighteen (18) years of age for non-court records and when they reach thirty-eight (38) years of age for court records.
- C. Once a record is sealed, the matter is considered to have never occurred. As such, Probation Department staff are not permitted to release information to other agencies regarding a youth's prior history that they may have knowledge of.

VI. NOTIFICATION OF RIGHTS REGARDING SEALING OF RECORDS

- A. WIC 781 (h)(1)(A) and (B) mandates that the Probation Department shall ensure that information regarding the eligibility for and the procedures to request the sealing and destruction of records pursuant to this section shall be provided to each person who is either of the following:

- 1. A person for whom a petition has been filed on or after January 1, 2015 to adjudge the person a ward of the juvenile court.
- 2. A person who is brought before a DPO pursuant to WIC 626.

- B. The intake DPO and/or assigned DPO shall provide youth listed in above numbers 1) and 2) with the following forms pertaining to sealing of records under WIC 781 and 786 upon at the time of intake/indoctrination:

- 1. WIC 781

- a. How to Ask the Court to Seal Your Records (JV-595-INFO)

English: <http://www.courts.ca.gov/documents/jv595info.pdf>

Spanish: <http://www.courts.ca.gov/documents/jv595infos.pdf>

AND

- b. *Request to Seal Juvenile Records* (JV-595)
<http://www.courts.ca.gov/documents/jv595.pdf>

- 2. WIC 786

Sealing of Records for Satisfactory Completion of Probation (JV-596-INFO)

English: <http://www.courts.ca.gov/documents/jv596info.pdf>

Spanish: <http://www.courts.ca.gov/documents/jv596infos.pdf>

The information described in V.B. above is also available on Probnets or the Orange County Probation Department's public internet site.

REFERENCES:

| | | |
|-------------|---------|--|
| Procedures: | 1-1-101 | Access to and Release of Criminal Offender Record Information (CORI) |
| | 1-1-117 | Juvenile Victim Services |
| | 1-1-118 | Federal Agency Request for Juvenile Record Information and Character References (e.g. Military Recruiter, Department of Defense and Job Corps) |
| | 1-5-305 | Retention and Destruction of Case Files |
| | 2-5-010 | Sealing/Release/Destruction of Juvenile Records Pursuant to Welfare and Institutions Code 786 and 786.5 |
| | 2-5-012 | Deferred Entry of Judgment |
| | 2-6-008 | Destruction or Redaction of Juvenile Records Pursuant to Health and Safety Code 11361.5 |
| Policies: | A-9 | Request for Information and Assistance |
| | B-1 | Case Confidentiality-Client's Right to Privacy |
| | B-2 | Inter- and Intra-Agency Confidentiality |
| | B-3 | Case File Management and Security |
| | B-4 | Sensitive Cases |
| | F-11 | Sealing of Juvenile Court Records |

C. Ronald

APPROVED BY: