



COUNTY OF SACRAMENTO

Probation Department

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LEE SEALE
CHIEF PROBATION OFFICER

Juvenile Record Seals Instructions (Welfare & Institutions Code § 781)

A. Who is eligible?

To meet the minimum eligibility requirements to obtain a record seal, you must:

- Be at least 18 years of age, or
- If under 18 years of age, be off of probation for five years;
- Have no Adult Court felony convictions;
- Have no Adult Court misdemeanor conviction involving moral turpitude¹; and
- Have no unresolved civil actions filed against the peace officers, law enforcement agency, or probation officer that made the arrest, issued the citation, or commenced the proceedings.

B. Who may petition for a record seal?

- You may personally petition the court to seal your records; or
- You may request that the Probation Department petition the court for you.

C. Who is NOT likely to have records sealed?

Meeting the minimum requirements does not guarantee the court will grant a petition to seal records. A judge will not seal juvenile records unless he/she is satisfied you have attained rehabilitation. Though many petitions to seal juvenile records are granted, some reasons a judge will deny a petition include:

- You were committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (formerly CYA) and have not reached the age of 21;
- You were committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (formerly CYA) and have not completed your period of probation supervision after release from the division.

¹ "Moral turpitude" is a legal term that means "readiness to do evil or corruption of others." It commonly includes crimes of violence, theft related offenses, crimes related to drug sales, and sex offenses. For details, see California Code, Welfare and Institutions Code - 707 (b): <https://codes.findlaw.com/ca/welfare-and-institutions-code/wic-sect-707.html>.

D. What other factors will the court consider?

The judge will consider the following circumstances in deciding whether you have sufficiently attained rehabilitation to justify sealing your records:

- Is there any civil lawsuit pending against you related to the facts that were involved in your juvenile case?
- Do you have any recent arrests or citations including traffic matters?
- Are you currently on formal or informal probation or parole?

E. Is there a filing fee?

No.

F. What is the application and petition filing process?

- Obtain an *Application to Seal Juvenile Records* at the Juvenile Courthouse reception window at 9605 Kiefer Boulevard, Sacramento CA 95827 or on the Sacramento County Probation Department's internet website.²
- Submit the completed application to Juvenile Courthouse in person or by mail to: 9605 Kiefer Boulevard, Sacramento CA 95827. (Fax and email are not permitted.)
 - **With your application**, please provide a list of all law enforcement agencies holding any records you want to have sealed.
- Once your application is received:
 - Your application will be forwarded to the Sacramento County Probation Department's Juvenile Record Seal Officer. The officer will conduct a background investigation.
 - You, or the probation officer filing on your behalf, may file a *Petition to Seal Juvenile Court Records* listing all law enforcement agencies holding records you want to have sealed.
 - If your application is denied, you do retain the right to petition the Court yourself or retain the services of an attorney to petition the Court for you.

G. What does the Juvenile Record Seal Officer do?

- The Juvenile Record Seal Officer will research your background to determine eligibility to have your record sealed in compliance with the law.
- If the Juvenile Record Seal Officer finds you are **not eligible**, a rejection letter will be mailed to you informing you why your application was denied and when and if you are eligible to reapply.
- If the Juvenile Record Seal Officer finds you are **eligible**, he/she will:
 - Prepare the petition to seal records;
 - Mail you a copy of the petition for review: and
 - Forward the petition to the court for consideration.

² Website: <http://www.probation.saccounty.net/Pages/default.aspx>. Select search, enter Record Seal, click Juvenile Record Seals.

H. What happens when your record is sealed?

- If the Court orders your juvenile record sealed, the juvenile proceedings are deemed, by law, to have never occurred, and you can lawfully tell anyone you have no juvenile record.
- The Court will send a copy of the order to each agency and official who has any of your records, directing them to seal and destroy your records.
- Vehicle Code charges, however, cannot be sealed from access by the Department of Motor Vehicles. The DMV must grant insurance companies access to your sealed driving records for the purpose of:
 - Determining your eligibility for automobile insurance; and
 - Determining the rates the insurance company will charge you if they issue an insurance policy.
- Generally, once your records are sealed, they cannot be unsealed unless you request it. Unsealing records for any purpose requires a court hearing and order.
 - However, if you ever sue someone for defamation of character, the judge, the jury, and all parties named in the suit may be allowed to view your sealed records.
- **Records in the purview of the court are destroyed:**
 - Five years after the record was ordered sealed, or
 - When you turn 38 years old