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SEALING JUVENILE COURT RECORDS
Welfare and Institutions Code § 781

WHO IS ELIGIBLE?

If you have reached the age of 18 or if it has been 5 years since the jurisdiction of the juvenile court has terminated, you may petition the court for an order sealing your juvenile court records, including records of arrest relating to your case, in the custody of the juvenile court and probation officer and any other agencies, including law enforcement agencies, and public officials. The law requires that since the termination of jurisdiction you have not been convicted of a felony or misdemeanor involving moral turpitude and that you have been rehabilitated to the satisfaction of the court.

WHO IS INELIGIBLE?

The law states that the “court shall not order the person’s record sealed in any case in which the person has been found by the juvenile court to have committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code when he or she had attained 14 years of age or older.”

Those offenses are:

- (1) Murder.
- (2) Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.
- (3) Robbery.
- (4) Rape with force or violence or threat of great bodily harm.
- (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- (6) Lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.
- (7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- (8) Any offense specified in subdivision (a) of Section 289 of the Penal Code.
- (9) Kidnapping for ransom.
- (10) Kidnapping for purpose of robbery.
- (11) Kidnapping with bodily harm.
- (12) Attempted murder.

- (13) Assault with a firearm or destructive device.
- (14) Assault by any means of force likely to produce great bodily injury.
- (15) Discharge of a firearm into an inhabited or occupied building.
- (16) Any offense described in Section 1203.09 of the Penal Code.
- (17) Any offense described in Section 12022.5 or 12022.3 of the Penal Code.
- (18) Any felony offense in which the minor personally used a weapon listed in subdivision a) of Section 12020 of the Penal Code.
- (19) Any felony offense described in Section 136.1 or 137 of the Penal Code.
- (20) Manufacturing, compounding, or selling one-half ounce or more of any salt or solution of a controlled substance specified
 - in subdivision (e) of Section 11055 of the Health and Safety Code.
- (21) Any violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which would also constitute a felony
 - violation of subdivision (b) of Section 186.22 of the Penal Code.
- (22) Escape, by the use of force or violence, from any county juvenile hall, home, ranch, camp, or forestry camp in violation of
 - subdivision (b) of Section 871 where great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
- (23) Torture as described in Sections 206 and 206.1 of the Penal Code.
- (24) Aggravated mayhem, as described in Section 205 of the Penal Code.
- (25) Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon
- (26) Kidnapping, as punishable in subdivision (d) of Section 208 of the Penal Code.
- (27) Kidnapping, as punishable in Section 209.5 of the Penal Code.
- (28) The offense described in subdivision (c) of Section 12034 of the Penal Code.
- (29) The offense described in Section 12308 of the Penal Code.
- (30) Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.

WHAT ABOUT THE DEPARTMENT OF MOTOR VEHICLES?

The sealing of records does not apply to Department of Motor Vehicle records of any convictions for offenses under the Vehicle Code or any local ordinance relating to the operation, stopping and standing, or parking of a vehicle where the record of any such conviction would be a public record under §1808 the Vehicle Code.

WHAT ARE THE EFFECTS OF JUVENILE RECORDS BEING SEALED?

Once the court has ordered the records to be sealed, the proceedings in the case shall be deemed to never have occurred, and you may legally indicate that you were never adjudicated nor even arrested for the matters that were sealed.

In a subsequent prosecution, a court cannot take into consideration information contained in records which have been sealed for the purpose of determining whether adjudications of commissions of crimes as a juvenile warrant a finding that there are factors in aggravation pursuant to Penal Code section 1170 of the Penal Code to do deny probation in connection with the new offense.

If you are required to register for certain sex offenses listed in Penal Code § 290, the court must also provide in the order that the person is relieved from the registration requirement and for the destruction of all registration information in the custody of the department of Justice and other agencies and officials.

WHAT HAPPENS TO THE RECORDS?

Once the records are ordered sealed, each agency in possession of such information must seal their information. The records are maintained “sealed” until the person who is the subject of the proceedings reaches the age of thirty-eight (38) at that time, they must be destroyed, unless the court determined at the time of the Order for sealing determines that the records must be retained.

HOW DO I BEGIN?

Complete the attached questionnaire, information sheets and return them to:

**ORANGE COUNTY
PUBLIC DEFENDER
JUVENILE OFFICE
341 City Dr. S., Ste. 307
Orange, CA 92868
(714) 935-7578**

CENTRAL OFFICE
600 W. Santa Ana Blvd.
Santa Ana, CA 92701
(714) 568-4860

NORTH OFFICE
1440 Harbor Blvd.
Fullerton, CA 92835
(714) 626-3700

WEST OFFICE
14120 Beach Blvd.
Westminster, CA 92683
(714) 896-7281

SOUTH OFFICE
5000 Birch St. Ste. 5700
Newport Bch., CA 92660
(949) 757-7660

HARBOR OFFICE
4601 Jamboree Blvd.
Newport Bch., CA 92660
(949) 476-4888

JUVENILE OFFICE
341 City Dr. S., Ste. 307
Orange, CA 92868
(714) 935-7578

**ORANGE COUNTY PUBLIC DEFENDER
 “NEW LEAF” APPLICATION**

SEALING JUVENILE COURT RECORDS

PERSONAL INFORMATION (PETITIONER)				
TITLE:	FIRST NAME:	MIDDLE	LAST NAME:	AKA:
ADDRESS:				e-Mail:
CITY:				Phone No:
STATE:				
DATE OF BIRTH:	PLACE OF BIRTH:	SOCIAL SECURITY NO:		TODAY'S DATE:
DRIVERS LICENSE #:	HEIGHT:	HAIR:	SEX:	MARITAL STATUS:
	WEIGHT:	EYES		

PERSONAL DATA	
<u>PRESENT EMPLOYER:</u>	
ADDRESS:	TYPE OF WORK:
CITY:	DATE BEGAN:
STATE:	SALARY:

<u>PREVIOUS EMPLOYERS:</u>		
	NAME/ADDRESS	DATES
1.		
2.		
3.		
4.		
<u>SCHOOLS ATTENDED AND/OR TRAINING:</u>		
1.		
2.		
3.		
4.		

MILITARY RECORD

BRANCH: _____ DATE ENTERED _____ SERIAL # _____

RANK _____ DISCHARGE DATE: _____ TYPE OF DISCHARGE: _____

JUVENILE AND ADULT RECORD

LIST JUVENILE FIRST

Date	Agency	Offense	Disposition

**NEW LEAF PROGRAM
INFORMATION/ WORKSHEET**

SEALING JUVENILE RECORDS

INSTRUCTIONS: This form will be used as a guideline to help prepare your personal statement to the judge. Please answer the questions on this form and incorporate your answers into a **typed** letter/statement to: The Honorable Judge of the Superior Court **Do not turn this form in. You must submit to the Public Defender a typewritten statement/letter which includes the information described below.**

1. Why do you want to have your juvenile records sealed?

7. If you have had family support since your juvenile adjudication or adult criminal convictions or do you provide support to your family, please describe how.

8. If you have been employed since your adjudication or adult criminal conviction, please describe the job and list the dates of employment.

9. If you have participated in any form of counseling since your juvenile adjudication or adult criminal conviction (court ordered or on your own), please describe how it has benefited you and get copies of any certificates of completion or letter(s) from your counselor.

10. If you went to school or a job training program since your conviction, please describe them and get copies of diplomas, certificates of completion, proof of attendance and/or grades.

11. What kind of social organization(s) do you belong to? (ie, Church, Boys & Girls Club, etc)

12. Have you done any volunteer work for any organizations? If yes, please describe for whom and the dates of your activities. Please obtain a copy of any awards or certificates.

REQUEST FOR SEALING OF RECORDS

TO: The Probation Officer for the County of Orange

I hereby request and authorize the Probation Officer to conduct the necessary investigation and affirm that the requirements of the Juvenile Court have been satisfied in the manner of the sealing of my juvenile records. I further request that the Juvenile Court issue an order directing the Probation Officer, and other officials and agencies which have juvenile records, seal all their juvenile records relative to the undersigned, pursuant to Section 781 of the Welfare and Institutions Code of the State of California.

I believe the following officials and agencies to have such records:

1. Clerk of the County of Orange
2. Probation Officer, County of Orange
3. Orange County Sheriff's Department
4. District Attorney, County of Orange
5. Public Defender, County of Orange
6. Police Departments:
 - (1) _____
 - (2) _____
 - (3) _____
7. Orange County Superintendent of Schools
8. Orange County Schools:
 - (1) _____
 - (2) _____
 - (3) _____
9. B.I.- State of California-
10. Department of Motor Vehicles- State of California
11. Others: _____

I understand that I will be responsible for advising the Probation Department of any change of address during the sealing of Records investigation process.

I understand that the Probation Officer will only be responsible for requesting the Orange County Juvenile Court to seal the records of those agencies listed above. I understand that the Probation Officer will request the Orange County Juvenile Court to seal only the records of those officials and agencies located within the County of Orange, with the exception of the state agencies listed above, and I have been advised that I should apply for the sealing of my juvenile records in all other counties within the State of California where I may have such records. I further understand that the Orange County Probation Officer will not be responsible for the compliance of any other official or agency with the Court's order for sealing.

I understand the federal government has indicated they will not recognize sealing of records pursuant to 781 of the Welfare and Institutions Code and juvenile records must be reported, even though sealed, when applying for enlistment in the armed services, federal employment requiring a security clearance, or employment with a private company doing business with the federal government wherein a security clearance is required.

Signature of Applicant

Date

ORANGE COUNTY PROBATION

DECLARATION UNDER PENALTY OF PERJURY

J/DL# _____

I, _____, declare under penalty of perjury,

Print full legal name

that there are **no civil matters pending or in progress** as a result of the offenses contained in

my Juvenile Court Records or in police reports which may be sealed as a result of this

application.

Signature of Minor

Date

Signature of Parent

Date