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PROBATION CENTER

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### APPLICATION FOR SEALING RECORDS

Dear Applicant,

This letter provides you with detailed information on how to apply to have your juvenile record sealed. Your juvenile record may include any case in which you were cited to appear or did appear before a Police Officer, Probation Officer, Traffic Hearing Officer, or the Juvenile Court of Santa Cruz County for any violation of the law that occurred prior to your eighteenth birthday.

Please note, if at any time you were a Ward of the Court, you must petition to have your record sealed in the County in which Wardship was last dismissed. Furthermore, the Santa Cruz County Court cannot seal the records of the Juvenile Court in any other State. Record sealing outside of California, must be petitioned to that State directly. To initiate the record sealing you should:

- Read **ALL** this information carefully before you complete the attached application.
- If you meet the eligibility requirements listed below, fill out, sign and date the application and petition.
- Note: You must complete all sections of the application. If a question is not applicable to you, write "not applicable." On the petition, please be sure to list the address where you would like your results to be sent and phone number where you can be reached.

Submit the application to: County of Santa Cruz Probation Department  
Juvenile Record Sealing  
PO Box 1812  
Santa Cruz, CA 95061-1812

After submitting your application and Petition, you will be notified if you need to appear in Court. Depending on the nature of the case, the process is done in one of two ways:

1. Completed by a Probation Officer and submitted to the Judge of the Juvenile Court on an ex-parte basis (not on the record), who then grants or denies the Petition.
2. Completed by a Probation Officer and set for a hearing, at which the Judge of the Juvenile Court will decide whether to grant or deny the Petition.

If your records are ordered sealed, the Court will send copies of the Order to the agencies you have listed. When all of those agencies have informed the Court that their records have been sealed, you will be notified by mail of the completion of the sealing. This process can be quite lengthy; it generally takes several months from the filing of the petition to the complete sealing of your records.

The Juvenile Court has the authority to seal its own records and those of other governmental agencies. It cannot seal records held by private individuals or companies. If you list the Department of Motor Vehicles on your petition, please be informed that they do not seal their records.

## Eligibility Requirements

Before submitting your application for juvenile record sealing you must meet the following eligibility requirements pursuant to Section 781 of the Welfare and Institutions Code.

### **Please read the eligibility requirements carefully.**

- You must not be on Juvenile Probation.
- Your case has been closed by the Probation Department or dismissed by the Juvenile Court.
- Pursuant to Welfare and Institutions Code Section 781, you have reached 18 years of age, or five years have passed since termination of juvenile court jurisdiction.

**Note:** If you were found to have committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code after you had attained 14 years of age or older, you must be:

- At least 18 years old and have completed your period of probation supervision as ordered by the court; OR
- If you were committed to the Division of Juvenile Justice (“DJJ”), at least 21 years old and have completed your period of probation supervision related to that offense ordered by the court; AND
- Not currently registered for a sex offense under Penal Code Section 290.008. If you are in doubt as to whether your offense was a violation of Section 707(b) of the Welfare and Institutions Code, feel free to call (831) 454-3800 for assistance prior to submitting your application.

### **Fee Information**

There is no fee associated with this process.

### **Record Sealing Process**

The investigation process will begin shortly after we receive the completed application. The process can generally take between three to six months. You will be contacted if any additional information is needed or if your appearance in Court is required. Depending on the outcome of the case, you will either receive a signed Sealing Order or an Order for Denial.

If the Court grants the Petition for record sealing, a record sealing order will be sent to those agencies you have listed on your application. **It is important that all of your contacts with law enforcement agencies be reported, including traffic and delinquent violations. If you should fail to report a contact, it is possible that part of your record may not be sealed.** The record sealing order will direct the agency to seal your record and respond to any request for information that they have no record. Note: Traffic records may be sealed, however, 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 per Welfare and Institutions Code Section 781.

If you have any question regarding an application or this process, call (831)454-3800, Monday through Friday and leave a message. Your call will be returned as soon as possible.

### **DESTRUCTION OR RELEASE OF JUVENILE COURT RECORDS (Welfare and Institutions Code, Section 826.6)**

- If your juvenile court record has not been ordered sealed, it will be destroyed after you reach the age of 38.
- You have the right to request your juvenile court record be released to your custody rather than have it destroyed. You must send a written request to the juvenile court giving your full name, date of birth, and juvenile court case number. Your request for release of the record must be made before you reach the age of 38.
- If your juvenile court record has been released or destroyed and you discover that other agencies still retain records of incidents, which occurred when you were a minor, you may petition the juvenile

court to order the destruction of records retained by any other agency. Your petition must include the name of the agency that has the record and the type of record to be destroyed.



SECTION THREE

List all contacts the subject has had with law enforcement, and/or the judicial system, including all arrests, cites, and convictions/adjudications. (List both juvenile and adult history).

| DATE  | AGENCY | CHARGE |
|-------|--------|--------|
| _____ | _____  | _____  |
| _____ | _____  | _____  |
| _____ | _____  | _____  |
| _____ | _____  | _____  |
| _____ | _____  | _____  |
| _____ | _____  | _____  |

SECTION FOUR

Petitioner is informed and believes that the following agencies have custody of juvenile records relating to the subject:

- \_\_\_\_\_ Clerk, Juvenile Court County of Santa Cruz
- \_\_\_\_\_ Probation Department, County of Santa Cruz
- \_\_\_\_\_ Sheriff, County of Santa Cruz
- \_\_\_\_\_ Chief of Police, City of \_\_\_\_\_
- \_\_\_\_\_ District Attorney, County of Santa Cruz
- \_\_\_\_\_ Bureau of Criminal Identification, Sacramento
- \_\_\_\_\_ Other \_\_\_\_\_

SECTION FIVE

Explain why the subject is making this request, and why he/she should be found by the Court to be "Rehabilitated."

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SECTION FIVE (cont'd)

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WHEREFORE, Petitioner prays that the Court determine rehabilitation of the Subject has been attained and that the Court enters its order pursuant to §781 W&I that all juvenile records pertaining to the subject, possessed by the agencies listed above be sealed, and that thereafter the proceedings in this case shall be deemed never to have occurred, and that the Subject may properly reply according to any inquiry about the events, records of which are ordered sealed.

I, the undersigned say:

I am the Petitioner in the above-entitled matter. I have read the foregoing petition and know the contents thereof, and the same is true of my own knowledge, except as to the matters which are therein stated on my information and belief, and as to those matters, I believe them to be true.

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on \_\_\_\_\_ at \_\_\_\_\_, California.

SIGNED: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_