

Rule 5.830. Sealing records (§ 781)

(a) Sealing records-former wards

- (1) A former ward of the court may apply to petition the court to order juvenile records sealed. Determinations under section 781 may be made by the court in any county in which wardship was terminated. A court may seal the records of another court when it determines that it is appropriate to do so, and must make a determination on sealing those records if the case has been transferred to its jurisdiction under rules 5.610 and 5.612.
- (2) At the time jurisdiction is terminated or the case is dismissed, the court must provide or instruct the probation department to provide form JV-595-INFO, *How to Ask the Court to Seal Your Records*, and form JV-595, *Request to Seal Juvenile Records*, to the ward if the court does not seal the ward's records under section 786. If the court does seal the ward's records under section 786, the court must provide or instruct the probation department to provide form JV-596-INFO, *Sealing of Records for Satisfactory Completion of Probation*, and a copy of the sealing order as provided in rule 5.840.
- (3) *Application-submission*
 - (A) The application for a petition to seal records must be submitted to the probation department in the county in which wardship was terminated.
 - (B) The application for a petition to seal juvenile records may be submitted on form JV-595, *Request to Seal Juvenile Records*, or on another form that includes all required information.

(4) *Investigation*

If the applicant is at least 18 years of age, or if it has been at least five years since the applicant's probation was last terminated or since the applicant was cited to appear before a probation officer or was taken before a probation officer under section 626 or before any officer of a law enforcement agency, the probation officer must do all of the following:

- (A) Prepare the petition;
 - (B) Conduct an investigation under section 781 and compile a list of cases and contact addresses of every agency or person that the probation department knows has a record of the ward's case-including the date of each offense, case number(s), and date when the case was closed-to be attached to the sealing petition;
 - (C) Prepare a report to the court with a recommendation supporting or opposing the requested sealing; and
 - (D) Within 90 days from receipt of the application if only the records of the investigating county are to be reviewed, or within 180 days from receipt of the application if records of other counties are to be reviewed:
 - (i) File the petition;
 - (ii) Set the matter for a hearing, which may be nonappearance; and
 - (iii) Notify the prosecuting attorney of the hearing.
- (5) The court must review the petition and the report of the probation officer, and the court must grant or deny the petition.
- (6) If the petition is granted, the court must order the sealing of all records described in section 781 using form JV-590, *Order to Seal Juvenile Records-Welfare and Institutions Code Section 781*, or a similar form. The order must apply in the county of the court hearing the petition and in all other counties in which there are juvenile records concerning the petitioner. If the court determines that sealing the records of another court for a petition that has not been transferred is inappropriate, it must inform the petitioner that a petition to seal those records can be filed in the county where the other court is located.

(Subd (a) amended effective July 1, 2016; previously amended t;[ffective January 1, 2007.)

(b) Sealing-nonwards

- (1) For all other persons described in section 781, application may be submitted to the probation department in any county in which there is a juvenile record concerning the petitioner, and the procedures of (a) must be followed.
- (2) When jurisdiction is terminated or the case is closed, the probation department must provide the following forms to individuals described under section 781(h)(1)(A) and (B):
 - (A) If the individual's records have not been sealed under section 786, form JV-595-INFO, *How to Ask the Court to Seal Your Records*, and form JV-595, *Request to Seal Juvenile Records*; or
 - (B) If the individual's records have been sealed under section 78,6, form JV-596-INFO, *Sealing of Records for Satisfactory Completion of Probation*, and a copy of the sealing order.

(Subd (b) amended effective July 1, 2016; previously amended effective January 1, 2007.)

(c) Destruction of records

All records sealed must be destroyed according to section 781(d).

(Subd (c) amended effective January 1, 2007.)

(d) Distribution of order

The clerk of the issuing court must:

- (1) Send a copy of the order to each agency and official listed in the order; and
- (2) Send a certified copy of the order to the clerk in each county in which a record is ordered sealed.

(Subd (d) amended effective January 1, 2007.)

(e) Deadline for sealing

Each agency and official notified must immediately seal all records as ordered.

(Subd (e) amended effective January 1, 2007.)

Rule 5.830 amended effective July 1, 2016; adopted as rule 1499 effective January 1, 1991; previously renumbered as rule 1497 effective January 1, 1999; previously amended and renumbered as rule 5.830 effective January 1, 2007.

Advisory Committee Comment

This rule is intended to describe the legal process by which a person may apply to petition the juvenile court to order the sealing--that is, the prohibition of access and inspection--of the records related to specified cases in the custody of the juvenile court, the probation department, and other agencies and public officials. This rule establishes minimum legal standards but does not prescribe procedures for managing physical or electronic records or methods for preventing public inspection of the records at issue. These procedures remain subject to local discretion. Procedures may, but are not required to, include the actual sealing of physical records or files. Other permissible methods of sealing physical records pending their destruction under section 781(d) include, but are not limited to, storing sealed records separately from publicly accessible records, placing sealed records in a folder or sleeve of a color different from that in which publicly accessible records are kept, assigning a distinctive file number extension to sealed records, or designating them with a special stamp. Procedures for sealing electronic records must accomplish the same objectives as the procedures used to seal physical records, and appropriate access controls must be established to ensure that only authorized persons may access the sealed records.

Rule 5.840. Dismissal of petition and sealing of records (§ 786)

(a) Applicability

This rule states the procedures to dismiss and seal the records of minors who are subject to section 786.

(b) Dismissal of petition

If the court finds that a minor subject to this rule has satisfactorily completed his or her informal or formal probation supervision, the court must order the petition dismissed. The court must not dismiss a petition if it was sustained based on the commission of an offense listed in subdivision (b) of section 707 when the minor was 14 or older unless the finding on that offense has been dismissed or was reduced to an offense not listed in subdivision (b) of section 707. The court may also dismiss prior petitions filed or sustained against the minor if they appear to the satisfaction of the court to meet the sealing and dismissal criteria in section 786. An unfulfilled order, condition, or restitution or an unpaid restitution fee must not be deemed to constitute unsatisfactory completion of probation supervision. The court may not extend the period of supervision or probation solely for the purpose of deferring or delaying eligibility for dismissal and sealing under section 786.

(c) Sealing of records

For any petition dismissed by the court under section 786, the court must also order sealed all records in the custody of the court, law enforcement agencies, the probation department, and the Department of Justice pertaining to those dismissed petition(s) using form JV-596, *Dismissal and Sealing of Records-Welfare and Institutions Code Section 786*, or a similar form. The court may also seal records pertaining to these cases in the custody of other public agencies upon a request by

an individual who is eligible to have records sealed under section 786, if the court determines that sealing the additional record(s) will promote the successful reentry and rehabilitation of the individual. The prosecuting attorney, probation officer, and court must have access to these records as specifically provided in section 786. Access to the records for research purposes must be provided as required in section 787.

(d) Destruction 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 age 21 and no later than the end of the time frame set forth in section 781(d). For all other records, the date may be no earlier than the date the subject of the order attains age 18, and no later than the time frame set forth in section 781(d) unless that time frame expires prior to the date the subject attains 18 years of age.

(e) Distribution of order

The clerk of the issuing court must send a copy of the order to each agency and official listed in the order and provide a copy of the order to the individual whose records have been sealed and his or her attorney. The court shall also provide or instruct the probation department to provide the individual with form JV-596-INFO, *Sealing of Records for Satisfactory Completion of Probation*.

(f) Deadline for sealing

Each agency, individual, and official notified must immediately seal all records as ordered and advise the court that its sealing order has been completed using form JV-591, *Acknowledgment of Juvenile Record Sealed*, or another means.

Rule 5.840 adopted effective July 1, 2016.

Chapter 14. Nonminor Dependent

Title 5, Family and Juvenile Code, Section 3, Juvenile rules—Chapter 14, Nonminor Dependent; adopted effective January 1, 2012.

~~**Rule 5.900. Nonminor dependent—preliminary provisions (§§ 224.1(b), 295, 303, 366, 366.3, 388, 391, 607)**~~

~~**Rule 5.903. Nonminor dependent status review hearing (§§ 224.1(b), 295, 366.1, 366.3, 366.31)**~~

~~**Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction (§§ 224.1(b), 295, 303, 388(e), 388.1)**~~