

Juvenile Record Sealing

Family and Juvenile Law
Advisory Committee

Item 16-065



JUDICIAL COUNCIL OF CALIFORNIA



Legislative mandates

- AB 1006 – Information & sealing petition
- SB 1038 – New sealing statute WIC 786
- AB 666 & AB 989 – 786 Clarification



The proposal

- Revised rule, two mandatory information forms, & optional 781 petition (AB 1006)
- New 786 rule, optional order & acknowledgment forms
- Revised initial 602 petition





Records destruction

- 786 requires court to set records destruction date in sealing order
- Does not specify any date
- Committee struggled over bright line v. discretion



Bright line rule (781(d))

Pros

- Provides for consistency across the state

Easier to administer

Makes it more likely that files will be available for:

- NMD eligibility/Audit
- Juris over DJJ to 25
- Brady or mitigation
- Restitution enforcement

Cons

- Eliminates judicial discretion
- Increases risk of disclosure of sealed records
- Requires longer storage of files





Discretionary rule

Pros

- Allows judges to make individualized determinations
- Allows for speedier destruction when appropriate
- Increases likelihood of a fresh start for rehabilitated youth

Cons

- May result in significantly disparate destruction dates across counties for similar cases
- Records may be unavailable when needed
- Administratively more complex





Questions/Comments



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