



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: May 18–19, 2017

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Title	Agenda Item Type
Juvenile Law: Sealing of Records	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms JV-060, JV-595-INFO, JV-596, JV-596-INFO, and JV-794	September 1, 2017
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	March 29, 2017
Hon. Jerilyn Borack, Cochair	Contact
Hon. Mark A. Juhas, Cochair	Tracy Kenny, 916-263-2838 <a href="mailto:tracy.kenny@jud.ca.gov">tracy.kenny@jud.ca.gov</a>

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends revising forms to conform to recently enacted statutory provisions concerning the sealing of juvenile records. The revisions would update recently adopted forms to implement sealing of records for cases sealed under Welfare and Institutions Code section 786 to include changes to that section that went into effect on January 1, 2017. In addition, two other forms with information on the sealing of juvenile records would be revised to be consistent with the current state of the law.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2017:

1. Revise *Juvenile Court—Information for Parents* (form JV-060) to accurately reflect recent changes in the law concerning sealing of juvenile records, transfer to criminal court jurisdiction, and commitment to the Division of Juvenile Justice (DJJ);

2. Revise *How to Ask the Court to Seal Your Records* (form JV-595-INFO) to add information about recently enacted restrictions on employers inquiring about or considering juvenile criminal history information;
3. Revise *Dismissal and Sealing of Records—Welfare and Institutions Code Section 786* (form JV-596) to reflect recent statutory changes allowing child welfare agencies to access sealed records in specified circumstances;
4. Revise *Sealing of Records for Satisfactory Completion of Probation* (form JV-596-INFO) to alert those whose records are sealed that child welfare agencies may access these records when selecting a placement or services, and to add information about recently enacted restrictions on employers inquiring about or considering juvenile criminal history information; and
5. Revise *Petition to Terminate Wardship and Order* (form JV-794) to delete an outdated notice concerning record sealing, update the findings on the form to reflect the new standard for sealing and dismissal, and add a finding that the ward has been provided mandatory information forms concerning sealing.

The revised forms are attached at pages 7–18.

## **Previous Council Action**

The Judicial Council approved *Juvenile Court—Information for Parents* (form JV-060) effective January 1, 2000. It was revised effective January 1, 2006, to update references to the California Youth Authority. *How to Ask the Court to Seal Your Records* (form JV-595-INFO) was adopted effective July 1, 2016, to implement a legislative requirement that the council develop informational materials on how to petition the court to seal juvenile records. *Dismissal and Sealing of Records—Welfare and Institutions Code Section 786* (form JV-596) was approved, and *Sealing of Records for Satisfactory Completion of Probation* (form JV-596-INFO) was adopted effective July 1, 2016, to implement recently enacted Welfare and Institutions Code section 786.<sup>1</sup> *Petition to Terminate Wardship and Order* (form JV-794) was approved effective January 1, 2006, and was most recently revised effective January 1, 2012, to clarify provisions pertaining to wards in foster care placements and termination at the age of majority.

## **Rationale for Recommendation**

### **Recently enacted legislation changes juvenile record sealing provisions**

In 2013, the Legislature took action to ensure that all juveniles who come before the court or a probation officer receive information about the process required to request sealing of records, and to require the adoption of a Judicial Council form that can be used to petition the court for

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<sup>1</sup> Hereinafter, all statutory references are to the Welfare and Institutions Code unless otherwise specified.

sealing under section 781.<sup>2</sup> In 2014, the Legislature went a step further by enacting section 786, requiring courts to seal records without requiring a petition for any child 14 or older who was not a serious or violent 707(b) offender and who satisfactorily completed probation.<sup>3</sup> That legislation, however, spurred many questions and concerns within the juvenile justice system, and as a result, legislation was enacted in 2015 to clarify the scope and impacts of section 786. Assembly Bills 666<sup>4</sup> and 989<sup>5</sup> both sought to clarify section 786 and remedy the ambiguities and concerns raised by stakeholders about the original legislation. In 2016, Assembly Bill 1945<sup>6</sup> further amended section 786 to clarify some of its provisions and to expressly authorize the child welfare agency to access records sealed under section 786 for the purpose of identifying appropriate placements and services for children and nonminor dependents under their supervision.

### **Existing forms require revision to maintain legal accuracy and implement the law**

The committee is recommending revisions to four forms in order to ensure that those forms are up to date and reflect the current state of the law.

***Revised form JV-060. Juvenile Court—Information for Parents*** (form JV-060), is an optional informational pamphlet designed to provide parents with information about juvenile delinquency court. The information is presented in a question-and-answer format and includes a question about the sealing of juvenile court records. The answer to that question needs to be revised and updated to reflect the new provisions of law that allow for the sealing of records as a matter of law under section 786 when probation is satisfactorily completed. The proposed revised answer provides information on sealing under section 786 as well as information about petitioning the court to seal records for those cases not sealed under section 786. In addition, it references the two sealing information forms adopted effective July 1, 2016, as sources of further information.

In addition to sealing, other sections of form JV-060 are no longer accurate. The advisory committee proposes that these sections be updated along with the sealing section. Specifically, item 12, which discusses juvenile fitness hearings, was revised to reflect the changes in the law enacted by Proposition 57, the Public Safety and Rehabilitation Act of 2016, which changed the terminology concerning the transfer of jurisdiction from juvenile to criminal court.<sup>7</sup> Items 21 and 22, which discuss the Division of Juvenile Justice (DJJ), were revised to reflect statutory changes that affect the availability of DJJ as a dispositional option. A minor revision was made to item 23

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<sup>2</sup> Assem. Bill 1006 (Yamada); Stats. 2013, ch. 269

<sup>3</sup> Sen. Bill 1038 (Leno); Stats. 2014, ch. 249

<sup>4</sup> Stone; Stats. 2015, ch. 368

<sup>5</sup> Cooper; Stats. 2015, ch. 375

<sup>6</sup> Stone; Stats. 2016, ch. 858

<sup>7</sup> Other changes to rules and forms to implement Proposition 57 will be circulated separately in a proposal for that specific purpose, but because form JV-060 was part of this proposal, changes to this information form are included here to allow review of all the proposed changes to the form in one invitation.

to clarify that a restitution order will become a civil judgment. Similarly, the discussion of the child's right to a lawyer in item 5 was revised to reference the recently approved rule related to delinquency attorney standards, California Rules of Court, rule 5.664. Minor grammatical modifications were also made.

**Revised form JV-596.** To assist courts in implementing the new requirements of section 786, the council adopted an optional sealing order form, *Dismissal and Sealing of Records—Welfare and Institutions Code Section 786* (form JV-596), effective July 1, 2016. Because AB 1945 allows child welfare agencies to access sealed records under specified circumstances, form JV-596 must be revised to reflect that authority in the court's order. Thus, the proposed change to the form would simply add "child welfare agency" to those who can access the sealed records for the specific purposes stated in section 786.

**Revised forms JV-595-INFO & JV-596-INFO.** The council adopted two information forms on sealing, effective July 1, 2016. One form is to be given at the termination of the case to people whose records are sealed under section 786, and the other is for those wards whose cases are not dismissed under section 786 and who need information about petitioning the court for the sealing of records under section 781. Both forms were revised to include information about Labor Code section 432.7, which prohibits most employers from inquiring about or considering any juvenile court criminal history information in making hiring or other employment-related decisions. In addition, *Sealing of Records for Satisfactory Completion of Probation* (form JV-596-INFO), includes information about who can access records after they are sealed under section 786. That information is proposed to be updated to include the new authority given to child welfare agencies to access sealed records when selecting placements or services.

**Revised form JV-794.** The proposal would revise the optional *Petition to Terminate Wardship and Order* (form JV-794), to eliminate a notice (currently at the bottom of the form) to the child regarding the sealing of records. That notice is not needed because rules 5.830 and 5.840 of the California Rules of Court require the court or the probation department to provide all wards with mandatory information forms concerning sealing at the time jurisdiction is terminated. As a result, the notice is duplicative of these forms and is proposed to be deleted, but a reference to the forms is proposed to be added to the current finding on providing information about sealing of records. In addition, form JV-794 would be revised to (1) remove a finding concerning successful completion of court-ordered programs, which is potentially confusing given that it is not tied to any statutory requirement; and (2) add a finding that probation has been successfully completed for purposes of section 786.

## **Comments, Alternatives Considered, and Policy Implications**

### **External comments**

This proposal circulated for comment as part of the winter 2017 invitation-to-comment cycle, from December 16, 2016 to February 14, 2017, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court

administrators and clerks, attorneys, social workers, probation officers, and other juvenile law professionals. Nine organizations and individuals, and the Joint Rules Subcommittee of the Trial Court Presiding Judges and Court Executives Advisory Committees provided comments: one agreed with the proposal as drafted, six agreed with the proposal if modified, and three did not indicate a position but provided comments. In addition to the comments discussed below, the committee adopted numerous technical and clarifying changes suggested by various commentators. A chart with the full text of the comments received and the committee's responses is attached at pages 19–46.

***Information regarding restrictions on employers inquiring about juvenile records added to information forms.*** The committee sought specific comment from the public about whether the two existing mandatory information forms concerning sealing of juvenile records should be revised to include information about recent changes in the law enacted by AB 1843.<sup>8</sup> This legislation amended Labor Code section 432.7 to substantially limit the ability of employers to inquire about or consider any juvenile court criminal history information, even when those records are not sealed. The proposal as circulated did not include that additional information, but while a number of commentators opined that the forms should not be expanded to cover this change, others felt it was critical information for those with juvenile court involvement to have. The committee considered those comments and ultimately opted to add the information to both *How to Ask the Court to Seal Your Records* (form JV-595-INFO) and *Sealing of Records for Satisfactory Completion of Probation* (form JV-596 INFO) with caveats and a suggestion to seek legal advice regarding certain types of employers.

***Additional sealing notice not required on termination order.*** The committee revised *Petition to Terminate Wardship and Order* (form JV-794) to delete a notice informing wards of their rights to petition for sealing of records because it was out of date, and because recent legislation and rules of court require that all wards get one of the sealing information forms at the end of their case. To reflect that change, the committee added a finding to the petition/order to reflect that the ward had received the required form, but also sought comment on whether another advisement was needed. Comments on this were split with some preferring the redundancy in case courts fail to comply with the rules of court, while others preferred the modified form circulated for comment that takes into account the new forms. The committee concluded that it was preferable to avoid unnecessary redundancy and to rely on the information forms to provide the information needed, and thus opted not to add a new sealing notice.

## **Alternatives**

As discussed above, the committee considered not adding information about recently amended Labor Code section 432.7 to the two sealing information forms for fear of being unable to capture an accurate and comprehensive description of that section and its exceptions, but opted to add the information with caveats to help publicize this significant change in the law. In addition, the committee considered adding back a notice concerning the process for sealing

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<sup>8</sup> Assem. Bill 1843 (Stone); Stats. 2016, ch. 686

records to the juvenile delinquency termination petition and order but concluded that this would be unnecessary because of the recent adoption by the council of the two sealing information forms that are required to be provided at the end of the case.

### **Implementation Requirements, Costs, and Operational Impacts**

Printing costs may be incurred by courts to provide form JV-596-INFO as required by law. Those courts that print form JV-060 will also need to replace their existing stock with new versions. Some courts may incur programming charges if electronic systems are used for the court orders. All of these impacts are a result of legislative changes and are necessary to make the forms legally accurate. In addition, because the informational forms are available in other languages, there will be costs to translate the revised forms.

### **Attachments and Links**

1. Judicial Council forms JV-060, JV-595-INFO, JV-596, JV-596-INFO, and JV-794, at pages 7–18
2. Chart of comments, at pages 19–46
3. Link A: Assembly Bill 1945,  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1945](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1945)
4. Link B: Assembly Bill 1843,  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1843](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1843)

## 26. Can my child's juvenile court record be used against him or her as an adult?

Under the three-strikes law, certain serious or violent felonies committed as a juvenile **at ages 16 and 17** can be counted as strikes and used against your child in the future.

## 27. What should I do as a parent?

All your parental responsibilities continue when your child receives a citation. You may want to contact a lawyer for assistance.

If your child is placed in a group home or committed to a probation camp or the Division of Juvenile Justice, do your best to maintain contact with your child and support the positive activities he or she does there. **Encourage your child to follow the court's orders and remain in his or her placement.** Understand what is happening in your child's life so that you can prepare for his or her return. Explore ways of creating a protective and supportive environment for your child's return to school or work. Develop strategies to hold your child accountable for his or her behavior.

Contact your child's parole agent or probation officer to ask for referrals to community organizations that can assist you, such as parent groups or counseling. Your school district and local hospital or mental health department may also offer programs.

## County

# JUVENILE COURT INFORMATION FOR PARENTS

The purposes of the delinquency court are to protect, **give guidance to, and rehabilitate** children who commit delinquent acts, and to protect the community.

If your child becomes a ward of the court as a juvenile delinquent, the court will make orders for you and your child so that your child and the community will be protected.

As a ward of the delinquency court:

1. Your child may be allowed to live in your home under court supervision; or
2. Your child may be placed outside of your home in an unlocked or locked facility, depending upon your child's age, the seriousness of the offense, and your child's history of delinquency.

The petition and other papers you may have received say your child is accused of having done certain delinquent acts. The petition does not prove anything, but it is important for you to know what your child is accused of having done. You have the right to receive a copy of the petition.

## PLEASE READ THE PETITION CAREFULLY.

### 1. My child came home after being arrested. What will happen now?

Your county's probation department will probably **contact** you and ask you and your child to come in for a meeting with a probation officer.

You **may** receive a Notice to Appear (a specific date and time you **and your child** must show up at the probation department).

In **some** cases, your child may receive a Notice to Appear directly in juvenile court.

## **2. My child was arrested and taken into custody. What can the arresting officer do?**

The officer may:

- a. Let your child go home to you or **bring your child** home or back to the place of arrest, and maintain a record of the contact.
- b. **Bring or** refer your child to a community agency providing shelter, care, diversion, or counseling.
- c. In some counties, require your child to return to the police station rather than to the probation department (this is sometimes **called being "cited back"**).
- d. Give you and your child a Notice to Appear, telling you what you and your child must do and when you must do it.
- e. Shortly after the arrest, lock up your child in the juvenile hall (this is called "detention"). **A child who** is locked up or held by an officer has the right to make at least two phone calls **within** one hour after arrest. One of the phone calls must be a completed call to a parent, guardian, responsible relative, or employer. The other call must be a completed call to an attorney. If the officer is going to question your child about what happened, the officer must also tell your child that he or she has the right to remain silent, that anything your child says will be used against him or her, that he or she has a right to be represented by a lawyer, and that the court will appoint a lawyer if your child cannot afford one. These are called *Miranda* rights. If the officer is not going to question your child, the officer will not **have to** explain these rights.

## **24. Will I be required to pay my child's fees?**

Yes. Unless you **are** the victim of your child's crime, you may receive a bill from the county for all or a portion of your child's attorney's fees. You will be billed for probation department services fees (such as food and laundry while your child was in juvenile hall) and placement costs for keeping your child in a state placement such as the Division of Juvenile Justice, a probation camp, or an out-of-home placement. These costs can be **high**. You will have a chance to show how much, if any, of these costs you are able to pay. **(The Juvenile Court does not make this decision.)**

## **25. Can my child's juvenile records be sealed?**

If your child's records are sealed, it is as if the offense that brought your child to court never happened. That means your child can truthfully say he or she does not have a criminal record (unless your child wants to join the military or get federal security clearance).

If your child's case is dismissed by the juvenile court after January 1, 2015, because your child satisfactorily completed probation (formal or informal), in many cases the court will have sealed your child's records. If the court seals your child's records for this reason, he or she should receive a copy of the sealing order and form **JV-596-INFO. *Sealing of Records for Satisfactory Completion of Probation.***

If the court finds your child has not satisfactorily completed probation, it will not dismiss the case and will not seal the records at termination. To have the records sealed in this situation, your child will need to ask the court to seal the records at a later date. (See form **JV-595-INFO. *How to Ask the Court to Seal Your Records***, for more information about asking the court to seal records.)

The court will not seal your child's records if your child is found to have committed an offense listed in Welfare and Institutions Code section 707(b) (violent offenses such as murder, rape, or kidnapping, and some offenses involving drugs or weapons) when he or she was 14 or older, and the charge was not dismissed or reduced to a lesser offense not listed in 707(b).



You may visit your child during visiting hours, which are on Saturdays or Sundays for 2 to 3 hours at a time, depending on the reception center. The Ventura reception center for girls allows visits for up to 6½ hours at a time. You may not call your child at the reception center, but you may write to your child. Your child may make collect calls to you from a pay phone.

## **22. When would my child go to the Division of Adult Operations instead of the Division of Juvenile Justice (DJJ)?**

Your child can be sentenced to adult prison (California Department of Corrections and Rehabilitation, Division of Adult Operations) if he or she is tried as an adult (see questions 19 and 20). If your child will be tried as an adult, it is extremely important to talk to your child's attorney about the very serious consequences of your child's situation.

Between the ages of 14 and 18, your child must stay at DJJ even if he or she is sentenced to adult prison.

Your child may serve the entire term at DJJ if the term will end before he or she reaches age 21. If your child's term will last past the age of 21, your child could be at DJJ until age 18 and then be transferred to the Division of Adult Operations on his or her 18th birthday.

## **23. Do I have to pay money for my child's acts?**

Yes. You may also have to pay restitution to the victim if your child is ordered to pay. Restitution is money to pay for the victim's losses caused by your child's illegal conduct. Examples of restitution might include the value of stolen or damaged property, medical expenses, and lost wages. Restitution that remains to be paid when your child's case is closed becomes a civil judgment, which can affect your credit score.

If your child is locked up or held somewhere, the officer must take immediate steps to notify you that your child is in custody and where your child is being held. When you are notified, the officer must also tell you about each of the *Miranda* rights that your child has.

## **3. If we get a Notice to Appear, what will happen at the meeting with the probation officer? What should I do?**

If your child doesn't already have a lawyer, you may wish to contact the public defender or a private attorney for advice.

One of three things may happen at the meeting:

- a. The probation officer can reprimand your child and then let your child go home without getting the juvenile court involved.
- b. The probation officer may offer your child a voluntary program instead of going to court. Each county is different and programs vary, but generally if your son or daughter successfully completes the program (for example, attending special classes or substance abuse counseling, performing community service, cleaning graffiti, or going to a youth or peer court if your county has one), the juvenile court does not need to become involved. If you and your child agree to a voluntary program, the probation department may ask you to sign an informal contract describing what you and your child must do. It can last up to six months.
- c. The probation officer can refer your child's case to the district attorney, who will decide whether or not to file a petition.

## **4. Do I need a lawyer for myself?**

No, not usually. If your child has a lawyer, the lawyer represents your child and not you.

## **5. Does my child need a lawyer?**

Yes, and your child has a right to a lawyer who is both effective and prepared. If you cannot afford to hire a lawyer for your child, the court will appoint a lawyer to represent your child. California Rules of Court, rule 5.664, requires any attorney the court appoints to represent your child to have education and training specific to representing children in delinquency cases.

**6. My child's probation officer told me that the district attorney will be filing a petition. What does that mean?**

A petition asks the **juvenile** court to become involved in your child's life. The petition says what the state believes your child did **that violated the law**. Later, a judge will decide if what the petition says is true.

There are two types of petitions. They are named after numbered sections of California law:

- a. **A 601 Petition** is filed by the probation department **to say** a child has run away, skipped school, violated curfew, or regularly disobeyed his or her parents. If the court finds the petition is true, the **child** may become a "ward" of the court and is known as a "status offender."
- b. **A 602 Petition** is filed by the district attorney's office **to say** a child has committed an act that would be considered a crime if an adult had done it. If the court finds the petition is true, the child becomes a "ward" of the court as a delinquent.

Section 602 **of the Welfare and Institutions Code** covers any act that is against the law when an adult does it. This includes felonies such as auto theft, burglary, selling a controlled substance (drugs), rape, and murder, and misdemeanors such as simple assault and drunk driving.

The penalty for the offense depends on the type of offense.

**7. What will happen if my child is taken to juvenile hall after the arrest?**

The probation officer can decide whether to keep your child in custody or let your child go home without asking the district attorney to **file a petition**. The probation officer can also let your child go home and still refer the case to the district attorney, who will decide whether to file a petition. **Restrictions** may be placed on your child as a condition of being allowed to go home.

**18. May the victim attend and speak at the disposition hearing?**

Yes. A crime victim **has a right** to come to the hearing. The victim, and his or her parents if the victim is a child, will get notice of the hearing.

**19. When can my child be tried as an adult?**

For some felonies, your child can be tried and sentenced as an adult if your child is at least 14 years old. The case would be moved to adult court. There are major differences between juvenile and adult criminal court **in how cases are handled**. If the district attorney **asks** that your child be tried as an adult, it is extremely important to talk to your child's attorney about the very serious consequences of your child's situation.

**20. What felonies are likely to be tried in adult court?**

A child can be tried in adult court **for violent and serious offenses**, including murder and attempted murder, arson of an inhabited building, robbery with a dangerous or deadly weapon, some forms of rape, some forms of kidnapping and carjacking, some felonies involving firearms, certain controlled substance offenses, and certain violent escapes from a juvenile detention facility.

**21. Where will my child go if he or she is sent to the Division of Juvenile Justice (DJJ)?**

Your child will first go to a reception center for 30 to 90 days. After that, your child will be sent to one of **three correctional facilities or the Pine Grove Youth Conservation Camp**. The correctional facilities are:

- a. **N.A. Chaderjian Youth Correctional Facility in Stockton (209-944-6400)**
- b. **O.H. Close Youth Correctional Facility in Stockton (209-944-6391)**
- c. **Ventura Youth Correctional Facility (for girls) (805-485-7951)**

- c. Your child **is** placed on probation and ordered to live in a relative's home, a private residential group home, or an institutional program.
- d. Your child **is** placed on probation and sent to a probation camp or ranch.
- e. Your child **is** committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ). (But if your child is tried as an adult, the adult criminal court could sentence your child to the California Department of Corrections and Rehabilitation, Division of Adult Operations (see questions 19, 20, **and 22**).
- f. As a parent, you may be ordered to **take part in** counseling, parent training, **or other activities**.

#### 15. May I be present at the hearings?

Yes. In fact, state law requires you to be present. **The judge must** decide what will be best for your child. Depending on the offense, if you can show that your child will listen to you and follow your rules, and that you will hold your child accountable and be supportive at home, the judge may order **your child released to your custody**.

#### 16. May I speak at the hearings?

Yes, **if the judge asks you questions or if you are called as a witness**. You also may ask to speak to the judge. Generally, your child's lawyer will speak for your child. The district attorney will speak for the state. The probation **officer** may be called as a witness.

#### 17. Do we have the right to an interpreter?

Your child has a constitutional right to an interpreter. You may also have a right to an interpreter and should ask for one if you need one.

If the probation officer keeps your child locked up, a petition **must be** filed very quickly, usually within 48 hours **from the time** the police arrested the child. A detention hearing **must be held** the next day the court is in session. The courts are closed on Saturdays, Sundays, and holidays.

#### 8. How long could my child have to stay in juvenile hall?

At the detention hearing, the judge could decide your child must be kept in juvenile hall until the next hearing. The different hearings are described in question 12. The judge may continue to order your child to remain in juvenile hall until the case is finished.

#### 9. Can I visit my child in juvenile hall?

Usually, but you should contact the probation officer to find out when you can see your child.

#### 10. What is the role of the probation officer?

The probation officer **must write** a report to the juvenile court judge about your child. The report **says** what the probation department thinks would be best for your child if the judge finds your child committed the crime **listed in the petition**. The report **may** include your child's prior arrest record; a description of the current offense; statements from your child, his or her family, and other people who know your child well; a school report; and a statement by the victim. The probation officer presents this report at the disposition hearing.

If your child is placed on probation, the probation officer will enforce the court's orders. This means monitoring your child to make sure he or she obeys the law and follows the **terms of probation**. The probation officer will also encourage your child **to do well in school and participate** in job training, counseling, and community programs. Depending on the situation, the probation officer could meet with your child as often as twice a week or as little as once a month.

If your child is in custody and the judge decides your child should not go home right after the case is finished the probation officer **must find** an appropriate placement for your child. This could be with a relative, in a foster or group home, or in a private institution.

## 11. How will my child and I find out about the court hearings?

If your child is locked up, you should get the petition and notice of the hearing, personally or by mail, as soon as possible after the petition is filed and at least 5 days before the hearing. If the hearing **will be held** less than 5 days after the petition is filed, you will get notice at least 24 hours before the hearing. Your child has the right to get notice if he or she is 8 years **or older**.

If your child is not in custody, you should get the petition **and notice of the hearing**, personally or by first-class mail, at least 10 calendar days before the hearing.

## 12. What hearings will my child go to in juvenile court?

There are several types of hearings:

- a. **The Detention Hearing.** If your child is **kept** in juvenile hall for more than 48 hours, a detention hearing **will be held** within 72 hours, counting only court days (no Saturdays, Sundays, or holidays). At the detention hearing, the judge will decide whether to let your child go home before the next hearing.
- b. **The Pretrial or Settlement Conference.** In many counties, a court appearance is scheduled to try to resolve the matter without a trial.
- c. **Hearings on Motions.** There may be court appearances for the court to hear additional matters that come up before the matter is resolved.
- d. **The Hearing on Transfer to Criminal Court Jurisdiction.** If your child is 14 years or older, the district attorney may ask that your child's case be tried in adult court for some serious and violent offenses. At this hearing, the judge will decide whether your child's case will be transferred to adult court or heard in juvenile court. If your child is younger than 14, he or she cannot be transferred to adult court.
- e. **The Jurisdiction Hearing.** At the jurisdiction hearing, the judge will decide whether your child committed the offense(s) **described in the petition**.

- f. **The Disposition Hearing.** If the judge rules that your child committed the offense, then at the disposition hearing the judge will decide what orders should be made about your child. If the judge rules that your child did not commit the offense, there is no disposition hearing. Sometimes the disposition hearing is held right after the jurisdiction hearing, on the same day.
- g. **Review Hearings.** In some cases, the court may set hearings to review your child's progress and performance under probation supervision.

## 13. What will happen at the jurisdiction hearing?

In many cases, the child will admit all or part of the petition.

Your child's attorney will advise your child as to whether to make an admission.

If there is a contested hearing, or "trial," the district attorney will present the case against your child. Then your child's attorney will present your child's defense. Based on this evidence, the judge will decide whether your child committed the act(s) he or she is accused of. If the judge makes a "true finding," this means there is enough evidence for the judge to find beyond a reasonable doubt that your child did commit **those** acts.

After a "true finding," the judge schedules a disposition hearing to decide what the consequences will be.

If there is not enough evidence for a **"true finding,"** the case will be dismissed. If your child is in custody, he or she will be released.

## 14. What will happen at the disposition hearing?

The judge will **order** one of the following:

- a. Your child **stays** at home on probation supervision for up to 6 months.
- b. Your child **stays** home under the formal supervision of a probation officer **which** is set up by the judge.

**JV-595-INFO****How to Ask the Court to Seal Your Records**

If you were arrested or subject to a court proceeding or had contact with the juvenile justice system when you were under 18, there may be records kept by courts, police, schools, or other public agencies about what you did. If you make those records **private** (sealed), it could be easier for you to:

- Find a job.
- Get a driver's license.
- Get a loan.
- Rent an apartment.
- Go to college.

### **If the court sealed your records when probation was terminated, you do not need to ask for them to be sealed.**

There are now two ways that records may be sealed in California. As of January 1, 2015, courts are required to seal records in certain cases when the court finds that probation (formal or informal) is satisfactorily completed. If the court sealed all of your records at the end of your case, you should have received a copy of the sealing order, and you do not need to ask the court to seal the records in that sealing order.

For more information about when the court seals your records at termination of probation, see form **JV-596-INFO**.

If you have more than one juvenile case or contact and/or are unsure if your records were sealed by the court, ask your attorney or probation officer.

### **Who qualifies to ask the court to seal their juvenile records?**

If the court has not already sealed your records, you can ask the court to make that order. You qualify if:

- You are at least **18** or it has been at least five years since your case was closed; and
- You have been rehabilitated to the satisfaction of the court.

### **What if you owe restitution or fines?**

The court may seal your records even if you have not paid your full restitution order to the victim.

The court will not consider outstanding fines and court ordered fees when deciding whether to seal your records, but you are still required to pay the restitution, fines, and fees, and your records can be looked at to enforce those orders.

### **When do you *not* qualify to seal your records?**

- If you were convicted as an adult of an offense involving moral turpitude, such as:
  - A sex or serious drug crime;
  - Murder or other violent crime; or
  - Forgery, welfare fraud, or other crime of dishonesty.
- If, when you were 14 or older and the court found that you committed a serious offense listed in Welfare and Institutions Code section 707(b), such as murder, arson, rape, or other violent crime, as well as some offenses involving drugs or weapons, unless the court has dismissed that petition.

If you are unsure if you are eligible, ask your attorney.

### **Who can see your sealed records?**

- DMV can see your vehicle and traffic records and share them with insurance companies.
- The court may see your records if you are a witness or involved in a defamation case.
- If you apply for benefits as a nonminor dependent, the court may see your records.
- You can request the court to unseal your records if you want to have access to them or allow someone else to inspect them.

### **Can employers see your records if they are not sealed?**

Juvenile records are not allowed to be disclosed to most employers, and employers are not allowed to ask about or consider your juvenile history in most cases. There are exceptions to this rule if you are applying to be a peace officer or to work in health settings. Also, federal employers may still have access to your juvenile history. You should seek legal advice if you have questions of what an employer can ask of you.

### **How do you ask to have your records sealed?**

- ① You must fill out a court form. Form JV-595, *Request to Seal Juvenile Records*, at [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm), can be used, or your court may have a local form.





- ② When you file your petition, the probation department will compile a list of every law enforcement agency, entity, or person the probation department knows has a record of your case, as well as a list of any prior contacts with law enforcement, or probation and attach it to your petition.
- ③ If you think there are agencies that might have records on you that were never sent to probation, you need to include them, or the court will not know to seal them.

If you are not sure what contacts you might have had with law enforcement, you can get your criminal history record from the Department of Justice. See <http://oag.ca.gov/fingerprints/security> for more information.

- ④ Take your completed form to the probation department where you were on probation. (If you were not on probation, take your form to any county probation office where you have a juvenile record.) Note: A small number of counties require you to take your form to the court. More information on each county's specific requirements is available at [www.courts.ca.gov/28120.htm](http://www.courts.ca.gov/28120.htm).
- ⑤ If you are currently 26 years of age or older, you may have to pay a fee. If you cannot afford the fee, ask the probation department or the court about a fee waiver.
- ⑥ Probation will review your form and submit it to the court within 90 days, or 180 days if you have records in two or more counties.
- ⑦ The court will review your application. The court may decide right away to seal your juvenile records. Or the court may order a hearing. If there is a hearing, you will receive a notice in the mail with the date and time of the hearing. If the notice says your hearing is "unopposed" (meaning there is no disagreement with your request), you may choose not to go.

- ⑧ If you qualify to have your juvenile records sealed, the court will make an order to seal the eligible records listed on your application.  
**Important! The court can seal only records it knows about. Make sure you list *all* records from *all* counties where you have any records. The court will tell you if it does not seal records from another court that were listed on your petition, and you will need to file a petition in that county to seal those records.**
- ⑨ If the court grants your request, it will order each agency, entity, or person on your list to seal your records. The court will also order the records destroyed by a certain date.
- ⑩ The court will provide you with a copy of its order. Be sure to keep it in a safe place.

### **What about sex offender registration? (Penal Code, § 290)**

If the court seals a record that required you to register as a sex offender, the order will say you do **not** have to continue to register.

### **If your records are sealed, do you have to report the offenses in the sealed records on job, school, or other applications?**

**No.** Once your records are sealed, the law treats those offenses as if they did not occur and you do not need to report them. **However**, the military and some federal agencies may not recognize sealing of records and may be aware of your juvenile justice history, even if your records are sealed. If you are seeking to enlist in the military or apply for a job requiring you to provide information about your juvenile records, seek legal advice about this issue.

### **Questions?**

If you are not sure if you qualify to seal your records or if you have other questions, talk to a lawyer. The court is not allowed to give you legal advice. More information about sealing your records can be found at [www.courts.ca.gov/28120.htm](http://www.courts.ca.gov/28120.htm).

4. The child has satisfactorily completed a program of informal supervision, probation under section 725, or a term of probation.
5. The petition(s) filed on (date(s)): \_\_\_\_\_ is/are dismissed.
6. The child's juvenile records related to the arrest(s) on (date(s)):  
regarding an alleged violation of (specify offense(s)):  
in the custody of this court and of the courts, agencies, and officials listed below are ordered sealed:
- ☐ Probation Dept. (specify county):
- ☐ California Dept. of Justice
- ☐ Law enforcement agency (specify all):
- ☐ Law enforcement case number(s):
7. ☐ The court finds that sealing the following additional public agency records will promote the successful reentry and rehabilitation of the subject child and orders the records in their custody relating to petitions and arrests listed in items 5 and 6 sealed:
- ☐ District Attorney (specify county):
- ☐ School:
- ☐ Department of Motor Vehicles:
- ☐ Other (specify):
- ☐ Attachment. Number of pages attached:

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

8. All records pertaining to the dismissed petition are to be destroyed on the dates **stated** in this item, and the arrest is deemed never to have occurred except that the prosecuting attorney, probation officer, **child welfare agency**, and court may access these records for the specific purposes stated in Welfare and Institutions Code section 786.

- a. Date court records must be destroyed:
- b. Date all other records must be destroyed:

9. The clerk shall send a certified copy **of this order** to the clerk in each county in which a record is ordered sealed and **one** copy **each** to the child, the child's attorney, and **the agencies** and **officials** listed **in items 6 and 7.**

Date:



JUDICIAL OFFICER OF THE SUPERIOR COURT

[SEAL]

### CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date:

Clerk, by \_\_\_\_\_, Deputy



**JV-596-INFO****Sealing of Records for Satisfactory Completion of Probation****In many cases, the court will seal your juvenile records if you satisfactorily complete probation (formal or informal supervision).**

If your case is **terminated** by the juvenile court after January 1, 2015, because you satisfactorily completed your probation (formal or informal), in many cases the court will have dismissed the petition(s) and sealed your records. If the court sealed your records for this reason, you should have received a copy of the sealing order with this form.

If the court finds you have not satisfactorily completed your probation, it will not dismiss your case and will not seal your records at termination. If you want to have your records sealed in this situation, you will need to ask the court to seal your records at a later date (see **form JV-595-INFO** for information about asking the court to seal your records).

The court will not seal your records if you were found to have committed an offense listed in Welfare and Institutions Code section 707 (b) (these are violent offenses such as **murder, rape, or kidnapping**, and also some offenses involving drugs or weapons) when you were 14 or older and it was not dismissed or reduced to a lesser offense not listed in 707 (b).

**How will the court **decide** if probation is satisfactorily completed?**

If you have done what you were ordered to do while on probation, and have not been found to have committed any further crimes (felonies or any misdemeanors for crimes involving moral turpitude, such as a sex crime or a crime involving dishonesty), the court will find that your probation was satisfactorily completed even if you still owe restitution, court ordered fees, and fines, **BUT...**

**Restitution and court fines and fees must still be paid.**

Even if your records are sealed, you **must still** pay your restitution and court-ordered fees and fines. Your sealed records can be looked at to enforce those orders.

**Which records will be sealed?**

The court will order your court, probation, Department of Justice, and law enforcement agency records sealed for the case the court is closing and if the court determines you are eligible **for earlier cases**. If you or your attorney ask the court, it can also seal records of other agencies (such as the District Attorney) if it finds that doing so would help you to be rehabilitated.

If you have more than one juvenile case and are unsure which records were sealed, ask your attorney or probation officer.

**Who can see your sealed records?**

- If your records were sealed by the court at **termination**, the prosecutor and others can look at your record to determine if you are eligible to participate in a deferred entry of judgment or informal supervision program.
- If you apply for benefits as a nonminor dependent, the court may see your records.
- If a new petition is filed against you for a felony offense, probation can look at what programs you were in but cannot use that information to keep you in juvenile hall or to punish you.
- If the juvenile court finds you have committed a felony, your sealed records can be viewed to **decide** what disposition (sentence) the court should order.
- If you are arrested for a new offense and the prosecuting attorney asks the court to transfer you to adult court, your record can be reviewed to **decide** if transfer is appropriate.
- If you are in foster care, child welfare can look at your records to determine where you should live and what services you need.
- If you want to see your records or allow someone else to see them, you can ask the court to unseal them.

NOTE: Even if someone looks at your records in one of these situations, your records will stay sealed and you do not need to ask the court to seal them **again**.

**Do you have to report the offenses in the sealed records on job, school, or other applications?**

**No.** Once your records are sealed, the law treats those offenses as if they did not occur and you do not need to report them. **However**, the military and some federal agencies may not recognize sealing of records and may be aware of your juvenile justice history, even if your records are sealed. If you **want** to enlist in the military or apply for a job **that asks** you to provide information about your juvenile records, seek legal advice about this issue.

**Can employers see your records if they are not sealed?**

Juvenile records are not allowed to be disclosed to most employers, and employers are not allowed to ask about or consider your juvenile history in most cases. There are exceptions to this rule if you are applying to be a peace officer or to work in health settings. Also, federal employers may still have access to your juvenile history. You should seek legal advice if you have questions of what an employer can ask of you.

CHILD'S NAME:

CASE NUMBER:

## PETITION TO TERMINATE WARDSHIP AND ORDER

1. ☐ Wardship was declared on \_\_\_\_\_ based on a finding that the child violated the following sections:
- |    |              |       |
|----|--------------|-------|
| a. | of the _____ | Code. |
| b. | of the _____ | Code. |
| c. | of the _____ | Code. |
| d. | of the _____ | Code. |
| e. | of the _____ | Code. |
2. ☐ The child has adhered to the terms and conditions of probation.
3. ☐ The child has satisfactorily met the goals of rehabilitation.
4. ☐ The child has satisfactorily completed probation for purposes of Welfare and Institutions Code section 786.
5. ☐ The child has reached the age of majority. ☐ The child has been in a foster placement. A completed *Termination of Juvenile Court Jurisdiction—Child Attaining Age of Majority* (form JV-365), has been filed with this court.
6. ☐ The whereabouts of the child have been unknown since (date): \_\_\_\_\_.
7. ☐ Continued wardship is not required for the rehabilitation or protection of the child.
8. ☐ Continued wardship is not required for the protection of the public.
9. ☐ The warrant issued on (date) \_\_\_\_\_ is recalled.
10. ☐ A summary of the child's contacts with the probation department and law enforcement agencies is included as Attachment 10.
11. ☐ A summary of the child's school performance and other activities is included as Attachment 11.
12. ☐ The child is now a dependent of the juvenile court.
13. ☐ The sealing process has been explained to the child, and the child has received either form JV-595-INFO or form JV-596-INFO as appropriate and the name of his or her attorney, who can assist with the sealing process.

Petitioner requests that the court terminate the child's wardship and release him or her from all orders of the juvenile delinquency court.

Date:

TYPE OR PRINT PETITIONER'S NAME

(SIGNATURE OF PETITIONER)

## ORDER

- ☐ Wardship and delinquency court jurisdiction are terminated. All other orders of the juvenile court that are not in conflict remain in full force and effect.
- ☐ The matter is set for hearing on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ ☐ a.m. ☐ p.m.
- ☐ The petition is denied.

Date:

JUDICIAL OFFICER

## W17-04

### Juvenile Law: Sealing of Records (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
	David Broady Senior Deputy District Attorney Placer County District Attorney's Office	N/I	I write to comment and ask the advisory committee to consider the very recent appellate decision of In re Joshua R., G052965, filed 1/19/16 (copy attached). This appellate decision concerns a troubling conflict between the sealing statutes and DOJ's ability to retain records related firearms prohibitions and the ability to prove violations of the firearms prohibitions statute (Penal Code Section 29820). I'd ask that the Rules and Forms address this issue.	The committee recognizes that there is some confusion and uncertainty about what records in a sealed file may still be available to prove other violations of the law, but making a change of this nature to the rules and forms would require circulation for comment in a future cycle. Moreover, as the legislature has taken action on sealing repeatedly in recent years, the committee wishes to defer taking action to determine if there will be legislative clarification.
	California Judges Association Lexi Howard Legislative Director	N/I	We offer brief comments that the proposal appropriately addresses the stated purpose. With regard to the question of including provisions regarding AB 1843 (Stone), we recommend that a provision be added to JV-596-INFO that provides that prospective employers, with some exceptions and in accordance with AB 1843 (Chapter 686, Statutes of 2016), are prohibited from asking an applicant for employment to disclose information concerning or related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of juvenile court law, or seek or utilize any such information as a factor in determining any condition of employment.	The committee has added a question and answer to both the JV-595-INFO and JV-596-INFO concerning the ban on employer use of juvenile criminal history information in making employment decisions, as well as a caveat noting that there are some limited exceptions to this rule.
	Orange County Bar Association	AM	<b>Does the proposal appropriately address the stated purpose?</b> Yes, but with some exceptions. The proposed revision to item 5 of JV-060 is confusing. In both the current and proposed	No response required.

**W17-04****Juvenile Law: Sealing of Records** (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>version the question is the same: “Does my child need a lawyer?” In the current version the answer reads as follows:</p> <p>“Yes, and your child has a right to a lawyer who is both effective and prepared. If you cannot afford to hire a lawyer for your child, the court will appoint a lawyer to represent your child.”</p> <p>The proposed revision reads as follows:</p> <p>“Yes, and your child has a right to a lawyer who is both effective and prepared. California Rules of Court, rule 5.664 talks about the training and education that juvenile delinquency attorneys must have.”</p> <p>The proposed revision seeks to inform parents that under rule 5.664, which implemented AB 703, attorneys who practice in delinquency court must meet certain training and educational mandates to practice in the delinquency courts. However, the proposed revision does not make clear that the court can only require appointed counsel to provide evidence they have met the competency standards. (Cal. Rules of Court, rule 5.664(d).) As a result, the proposed revision may give the mistaken impression that privately retained counsel must meet these requirements to represent clients in delinquency proceedings. To correct this, we recommend the following revision to the answer to item 5:</p> <p>“Yes, and your child has a right to a lawyer who is both effective and prepared. If you cannot afford to hire a lawyer for your child, the court will appoint a lawyer to represent your child. California Rule of Court, rule 5.664, requires any attorney the court appoints to represent your</p>	<p>The committee has adopted the suggested revision to clarify the form.</p>

## W17-04

### Juvenile Law: Sealing of Records (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>child to have education and training specific to representing children in delinquency cases.”</p> <p><b>Is it preferable to delete the notice on form JV-794 in light of the new informational forms, or should it be revised?</b></p> <p>Yes, it is preferable to delete the notice. The notice contained in the current version of JV-794 at the very bottom of the form provides general information on sealing under Welfare and Institutions Code section 781. Because rules 5.830 and 5.840 of the California Rules of Court now require the court or probation to provide minors with forms (either JV-595-INFO or JV-595-INFO) explaining the sealing processes as it applies to them, the deleted language is duplicative, and some cases confusing. The proposed revision to item 13, specifically referencing these forms is helpful in emphasizing the content and importance of these forms.</p> <p><b>Should information be added to form JV-596-INFO or form JV-595-INFO regarding the changes in what employers may ask people with juvenile records to disclose, enacted by Assembly Bill 1843 (Stone; Stats. 2016, ch. 686), or should those forms remain focused on the impact of sealing of records?</b></p> <p>The purpose of forms JV-596-INFO or form JV-595-INFO is to inform the minor or former minor of the legal effect of sealing a juvenile court records. Both documents also address how sealing mitigates the collateral consequences of juvenile court involvement. For example, both forms have a section</p>	<p>The committee agrees and has opted to retain the form as it was circulated for comment with a specific reference to the required information forms.</p> <p>The committee has added a question and answer to both the JV-595-INFO and JV-596-INFO concerning the ban on employer use of juvenile criminal history information in making employment decisions, as well as a caveat noting that there are some limited exceptions to this rule.</p>

**W17-04****Juvenile Law: Sealing of Records** (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>explaining that once records are sealed, the offenses are treated as if they never occurred and, with some limited exceptions, do need not to be reported to prospective employers or schools. While this is a correct statement of law, some readers may mistakenly infer this relief may only be obtained if they petition to seal their records.</p> <p>AB 1843 (Stone; Stats. 2016, ch. 686), amended Labor Code section 432.7 to prohibit employers from asking an applicant for employment to disclose information concerning or related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of juvenile court law.</p> <p>Adding a brief discussion of how the amendments to Labor Code section 432.7 (brought about by AB 1843) prohibit employers from asking about juvenile court involvement generally would help clarify that obtaining a sealing order is not the sole basis protecting former system-involved youth from disclosing their juvenile justice history.</p>	
	<p>State Bar of California, Standing Committee on the Delivery of Legal Services</p> <p>Sharon Ngim, Program and Development &amp; Staff Liaison</p>	A	<p><u>Does the proposal appropriately address the stated purpose?</u></p> <p>Yes, overall, the proposed amendments will allow low and moderate-income litigants to have a better understanding of the changes in the law since the passage of Proposition 57 and are necessary to help prevent confusion.</p>	No response required.

## W17-04

### Juvenile Law: Sealing of Records (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

All comments are verbatim unless indicated by an asterisk (\*).

Commentator	Position	Comment	Committee Response
		<p><u>Is it preferable to delete the notice on form JV-794 in light of the new informational forms, or should it be revised?</u></p> <p>The Notice listed on the bottom of form JV-794 regarding sealing should remain as is. Some probation and judicial officers are not giving out the mandatory information forms as required under rules 5.830 and 5.840. If the notice is removed from the bottom of JV-794 and officers are not giving out the mandatory information, then clients are NOT receiving the sealing information at all.</p> <p><u>Should information be added to form JV-596-INFO or form JV-595-INFO regarding the changes in what employers may ask people with juvenile records to disclose, enacted by Assembly Bill 1843 (Stone; Stats. 2016, ch. 686), or should those forms remain focused on the impact of sealing of records?</u></p> <p>JV-596 INFO and form JV-595-INFO should not add any information regarding what employers may ask people with juvenile records. To include what question an employer can ask could open up numerous issues regarding employment related legal issues. The sealing information should remain the focus of JV-596-INFO and JV-595 INFO.</p>	<p>The committee has opted to retain the form as it was circulated for comment with a specific reference to the required information forms on the petition and order and not to add a duplicative notice.</p> <p>The committee has added a question and answer to both the JV-595-INFO and JV-596-INFO concerning the ban on employer use of juvenile criminal history information in making employment decisions, as well as a caveat noting that there are some limited exceptions to this rule. That guidance also suggests seeking legal advice as a signal that this area of the law is not black and white.</p>

**W17-04****Juvenile Law: Sealing of Records** (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p><b>Additional Comments</b></p> <p>Regarding JV-596, add a box to the sealing order that indicates that the client received sealing information from the court or from probation</p> <p>Regarding JV-794, SCDLS suggests that the words “successfully completed” should not be added to the JV-794. The wording should be “satisfactorily completed” as worded on JV-596. Satisfactorily completed is the terminology used in court by judges, district attorneys and some probation officers. Based on experience by SCDLS members, it is easier to come to an agreement whether or not a minor has “satisfactorily completed” probation than “successful completion”, which implies a higher standard and is more subjective when it comes to determining if a minor’s case should be dismissed and sealed.</p>	<p>At the time the court is preparing and issuing the order it cannot also find that a copy has been provided to the child. But the rule of court is clear that a copy must be provided.</p> <p>The proposal circulated for comment has revised JV-794 to eliminate the use of successfully completed, and substituted a finding of satisfactory completion based on section 786.</p>
	Superior Court of Los Angeles County Los Angeles County Superior Court	AM	<p>Suggested modifications: Form JV-060, Informational Pamphlet Item 26 (page 12) - Add “at ages 16 and 17” to read “...felonies committed as a juvenile at ages 16 and 17 can be counted ...”</p> <p>Form JV-596-INFO First column, paragraph 1 - change “If your case is dismissed...” to “If your case is terminated...” and “the court will have sealed your records.” to “the court will have dismissed the petition(s) and sealed your records.”</p>	<p>The committee has adopted this suggested revision.</p> <p>The committee has changed dismissed to terminated.</p>



## W17-04

### Juvenile Law: Sealing of Records (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>First column, paragraph 2 - change “your case” to “the petition(s)” to read “it will not dismiss the petition(s) and will not seal your records at termination.”</p> <p>Second column, paragraph 2 - change “dismissal” to “termination” to read “If your records were sealed by the court at dismissal...” to “If your records were sealed by the court at termination...”</p> <p>Request for Specific Comments: Does the proposal appropriately address the stated purpose? Yes.</p> <p>Should information be added to form JV-596-INFO or form JV-595-INFO regarding the changes in what employers may ask people with juvenile records to disclose, enacted by Assembly Bill 1843 (Stone; Stats. 2016, ch. 686), or should those forms remain focused on the impact of sealing of records? Yes. It is important to include this information since most people with juvenile records are most concerned on the impact of juvenile records on employment.</p>	<p>To maintain the simplest possible language on this form the committee has retained “case” over the legal term petition.</p> <p>The committee has adopted this suggested revision.</p> <p>No response required.</p> <p>The committee has added a question and answer to both the JV-595-INFO and JV-596-INFO concerning the ban on employer use of juvenile criminal history information in making employment decisions, as well as a caveat noting that there are some limited exceptions to this rule.</p>
	Superior Court of Orange County, Family and Juvenile Orange County Court Managers	N/I	<p><b><i>Juvenile Court-Information for Parents (JV-060)</i></b></p> <p>On page 10, the information form mentions that, <i>between the ages of 14 and 18, your child must stay at DJJ even if he or she is sentenced to</i></p>	<p>There are certain cases in which a child may remain at DJJ past age 18 but that is beyond the scope of this response.</p>

## W17-04

### Juvenile Law: Sealing of Records (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p><i>adult prison.</i> However, the DJJ website reflects they are authorized to house youths until the age of 25, depending on the offense. We recommend revising the sentence mentioned above to read, <i>your child may stay at DJJ up to the age of 25 depending on the offense.</i></p> <p><b><i>Petition to Terminate Wardship and Order (JV-794)</i></b></p> <p>Proposed rule 5.830 indicates the court must provide or instruct the probation department to provide all wards with mandatory information forms concerning sealing at the time jurisdiction is terminated. We recommend adding a checkbox to section 13 to specify if it was the court or the probation department that explained the sealing process to the youth and provided them with all the mandatory forms.</p>	
	Superior Court of Riverside County Susan Ryan Chief Deputy of Legal Services	AM	<p><i>Comment:</i> Leave the notice on the JV-794. This will notify the court that the minor was notified of the sealing process as required by law.</p> <p><i>Comment:</i> JV-596 and JV-595 should remain focused on sealings' and not include disclosure information.</p>	<p>The current check box accommodates either situation and the committee does not think it is necessary to specifically identify who provided the information.</p> <p>The committee has opted to retain the form as it was circulated for comment with a specific reference to the required information forms on the petition and order and not to add a duplicative notice.</p> <p>The committee has added a question and answer to both the JV-595-INFO and JV-596-INFO concerning the ban on employer use of juvenile criminal history information in making employment decisions, as well as a caveat noting that there are some limited exceptions to this rule. That guidance also suggests seeking legal advice</p>

## W17-04

### Juvenile Law: Sealing of Records (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
				as a signal that this area of the law is not black and white.
	Superior Court of San Diego County Michael M. Roddy Executive Office	AM	<p>Does the proposal appropriately address the stated purpose? <i>Yes.</i></p> <ul style="list-style-type: none"><li>• Is it preferable to delete the notice on form JV-794 in light of the new informational forms, or should it be revised? <i>It is preferable to delete the notice, as the information will now be delivered via the informational forms.</i></li><li>• Should information be added to form JV-596-INFO or form JV-595-INFO regarding the changes in what employers may ask people with juvenile records to disclose, enacted by Assembly Bill 1843 (Stone; Stats. 2016, ch. 686), or should those forms remain focused on the impact of sealing of records? <i>Information about the changes resulting from AB 1843 should <u>not</u> be added to either form. It is sufficient that both forms already state, “If you are seeking to enlist in the military or apply for a job requiring you to provide information about our juvenile records, seek legal advice about this issue.”</i></li><li>• Would the proposal provide cost savings? If so, please quantify. <i>Unknown.</i></li><li>• What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures</li></ul>	<p>No response required.</p> <p>The committee agrees and has opted to retain the form as it was circulated for comment with a specific reference to the required information forms.</p> <p>The committee has added a question and answer to both the JV-595-INFO and JV-596-INFO concerning the ban on employer use of juvenile criminal history information in making employment decisions, as well as a caveat noting that there are some limited exceptions to this rule. That guidance also suggests seeking legal advice as a signal that this area of the law is not black and white.</p> <p>No response required.</p> <p>No response required.</p>

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		<p>(please describe), changing docket codes in case management systems, or modifying case management systems? <i>Implementation requirements would depend on whether courts decide to use the optional forms. The revisions to JV-596-INFO will simply require replacing the old forms with the revised versions.</i></p> <ul style="list-style-type: none"> <li>• Would four months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <i>Unknown, but probably.</i></li> <li>• How well would this proposal work in courts of different sizes? <i>Unknown.</i></li> </ul> <p><b><u>FORM JV-060</u></b></p> <ul style="list-style-type: none"> <li>• Pages 1-2, item 1: Your county's probation department will probably <del>get in touch with contact</del> you and ask <del>you and</del> your child to come in for a meeting with a probation officer.</li> </ul> <p>You may receive a Notice to Appear <del>(which states</del> a specific date and time you <del>and your child</del> must show up at the probation department) <del>or in juvenile court.</del></p> <p><del>In some cases, your child may receive a Notice to Appear directly in juvenile court.</del></p> <ul style="list-style-type: none"> <li>• Page 2, item 2: The officer may <del>do one of five things:</del></li> </ul>	<p>No response required.</p> <p>No response required.</p> <p>The committee has adopted this revision.</p> <p>The committee has clarified this item but kept the two notice provisions distinct to make it simpler.</p> <p>The committee has adopted all of these stylistic</p>

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		<p>a. Let your child go home to you or <del>accompany him or her</del> bring your child home or back to the place of arrest, and maintain a record of the contact.</p> <p>b. <del>R-Bring or</del> refer your child to a community agency providing shelter, care, diversion, or counseling.</p> <p>c. In some counties, require your child to return to the police station rather than to the probation department (this is sometimes referred to as called being "cited back").</p> <p>d. Give you and your child a Notice to Appear, telling you which states what you and your child must do and when you must do it.</p> <p>e. Shortly after the arrest, lock up your child in the <del>probation</del> juvenile hall (this is called "detention"). If your A child who is locked up or held by the an officer, your child has the right to make at least two phone calls no later than within one hour after arrest. One of the phone calls must be a completed call to a parent, guardian, responsible relative, or employer. The other call must be a completed call to an attorney. If the officer is going to question your child about what happened, the officer must also tell your child that he or she has the right to remain silent, that anything your child says will be used against him or her, that he or she has a right to be represented by a lawyer, and that the court will appoint a lawyer if your child cannot</p>	<p>changes to item 2 except for comment d. which appeared to be less plain language than the existing text.</p>

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		<p>afford one. These are called <i>Miranda</i> rights. If the officer is not going to question your child, the officer will not necessarily have to explain these rights.</p> <ul style="list-style-type: none"> <li>• Page 3, item 5: Yes, and your child has a right to a lawyer who is both effective and prepared. Rule 5.664 of the California Rules of Court, rule 5.664 talks about describes the training and education that juvenile delinquency attorneys must have.</li> <li>• Page 4, item 6: A petition asks the juvenile court to become involved in your child's life. The petition says what the state believes your child did that violated the law. Later, a judge will decide if what the petition says is true.</li> </ul> <p>There are two types of petitions. They are named after numbered sections of California law:</p> <p>a. <del>601 Petition.</del> A <b>601 Petition</b> is filed by the probation department and says to say that a child has run away, skipped school, violated curfew, or regularly disobeyed his or her parents. If the court finds that the petition is true, the youth child may become a "ward" of the court and is known as a "status offender."</p> <p>b. <del>602 Petition.</del> A <b>602 Petition</b> is filed by the district attorney's office and says to say that a child has committed an act that would be considered against the law a crime if an adult</p>	<p>The committee clarified this item as suggested by another commentator to distinguish between court appointed and privately retained counsel (see response to commentator 3 above).</p> <p>The committee has adopted all of these stylistic changes to item 6.</p>

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		<p>had done it. If the court finds <del>the facts stated in</del> the petition <del>to be</del> is true, the child becomes a "ward" of the court as a delinquent.</p> <p>Section 602 <del>of the Welfare and Institutions Code</del> covers any act that is against the law when an adult does it. This includes felonies such as auto theft, burglary, selling a controlled substance (drugs), rape, and murder, and misdemeanors such as simple assault and drunk driving.</p> <p>The penalty for the offense depends on the type of offense.</p> <ul style="list-style-type: none"><li>• Page 4, item 7: <del>It is up to the</del> The probation officer <del>can decide</del> whether <del>or not</del> to keep your child in custody. <del>The probation officer may or</del> let your child go home without asking the district attorney to file a petition. The probation officer <del>may</del> can also <del>allow let</del> your child <del>to</del> go home and still refer the case to the district attorney, who will decide whether <del>or not</del> to file a petition. <del>There</del> <del>Restrictions</del> may be <del>restrictions</del> placed on your child as a condition of being allowed to go home.</li><li>• Page 5, item 7: If the probation officer keeps your child locked up, <del>the law requires that</del> a petition <del>must</del> be filed very quickly, usually within 48 hours from the</li></ul>	<p>The committee has adopted all of these stylistic changes to item 7.</p>

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		<p>time the police arrested the child is taken into custody by the police. Then there must be aA detention hearing must be held the next day that the court is in session. The courts are closed on Saturdays, Sundays, and holidays.</p> <p>• Page 5, item 10:</p> <p>The probation officer is responsible for writing must write a report to the juvenile court judge about your child. The report tells the judge says what the probation department thinks would be best for your child if the judge finds that your child committed the crime listed in the petition. The report also may includes your child's prior arrest record; a description of the current offense; statements from your child, his or her family, and others people who know your child well; a school report; and a statement by the victim.</p> <p>The probation officer presents this report at the disposition hearing.</p> <p>If your child is placed on probation, the probation officer will enforce the court's orders. This means monitoring your child to make sure he or she obeys the law and follows the terms of probation. The probation officer will also encourage your child's positive involvement to do well in school and participationone in job training, counseling, and community programs. Depending on the situation, the probation officer could meet with your child as often as twice a week or as little as once a month.</p>	<p>The committee has adopted all but one of these stylistic changes to item 10.</p>



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		<p>If your child is in custody, and the judge decides your child should not go home right after the case is finished, the probation officer's job is to <b>must</b> find an appropriate placement for your child. This could be with a relative, in a <b>county-based</b> foster or group home, or in a private institution.</p> <p>• Page 6, item 11: If your child is locked up, you should get the petition and notice of the hearing, personally or by mail, as soon as possible after the petition is filed and at least 5 days before the hearing. If the hearing <b>is will be held</b> less than 5 days after the petition is filed, you will get notice at least 24 hours before the hearing. Your child has the right to get notice if he or she is <b>at least</b> 8 years or older.</p> <p>If your child is not in custody, you should get <b>notice of</b> the petition and <b>notice of the</b> hearing, personally or by first-class mail, at least 10 calendar days before the hearing.</p> <p>• Page 6, item 12: a. <b>The Detention Hearing.</b> If your child is <b>locked-up kept</b> in juvenile hall for more than 48 hours, <b>there will be</b> a detention hearing <b>after no more than</b> <b>will be held within</b> 72 hours, counting only court <b>business</b> days (no Saturdays, Sundays, or holidays). At the detention hearing, the judge will decide whether <b>or not</b> to let your child go home before the next</p>	<p>The committee has adopted all of these stylistic changes to item 11.</p> <p>The committee has adopted most of the stylistic changes suggested here to item 12, but left 12f. as it was to maintain present tense.</p>

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		<p>hearing.</p> <p>d. <b>The Hearing on Transfer to Criminal Court Jurisdiction Hearing.</b> If your child is at least 14 years or older, the district attorney may ask that your child's case be <del>tried</del> heard in adult court. At this hearing <del>on transfer of jurisdiction to criminal court</del>, the judge will decide whether your child's case will be <del>tried in</del> transferred to adult court or heard in juvenile court. <del>If the judge decides that your child's case should be transferred, he or she will be tried in adult court.</del> If your child is younger than 14, he or she cannot be transferred to adult court.</p> <p>e. <b>The Jurisdiction Hearing.</b> At the jurisdictional hearing, the judge will decide whether <del>or not</del> your child committed the offense(s) described in the petition. <i>Or:</i> At <del>the jurisdictional</del> this hearing, ....</p> <p>• Page 7, item 12:</p> <p>f. <b>The Disposition Hearing.</b> If the judge ruled that your child committed the offense(s) described in the petition, <del>then</del> at the disposition this hearing the judge will decide what orders should be made about your child. If the judge ruled that your child did not commit the offense(s), there is no disposition hearing. Sometimes the disposition hearing is held right after the jurisdiction hearing, on the same day.</p> <p>g. <b>Review Hearings.</b> In some cases, <del>the law or</del> the court may set hearings to review your child's</p>	

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		<p>progress and performance under probation supervision.</p> <p>• Page 7, item 13: Your child's attorney will advise your child as to whether <del>or not</del> to make an admission.</p> <p>If there is a contested hearing, or "trial," the district attorney will present the case against your child. Then your child's attorney will present your child's defense. Based on this evidence, the judge will decide whether <del>or not</del> your child <del>has</del> committed the act(s) he or she is accused of. If the judge makes a "true finding," this means <del>that</del> there is enough evidence for the judge to find beyond a reasonable doubt that your child <del>did</del> committed those act(s).</p> <p>After a "true finding," the judge <del>schedules</del> holds a disposition hearing to decide what the consequences will be.</p> <p>If there is not enough evidence for <del>the judge to find that your child committed the act he or she is accused of a "true finding,"</del> the case will be dismissed, and if your child is in custody, he or she will be released.</p> <p>• Page 7, item 14: The judge will <del>decide</del> order one of <del>six things</del> the following:</p> <p>Your child <del>may remain</del> stays at home on probation supervision for up to 6 months.</p>	<p>The committee has adopted many of the stylistic changes suggested here to item 13.</p> <p>The committee has adopted many of the stylistic changes suggested here to item 14.</p>

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		<p>Your child <del>may be ordered</del> stays home under the formal supervision of a probation officer. <del>Formal supervision which</del> is set up by the judge.</p> <p>• Page 8, item 14: Your child <del>may be is</del> placed on probation and ordered to live in a relative's home, a private residential group home, or an institutional program.</p> <p>Your child <del>may be is</del> placed on probation and sent to a probation camp or ranch.</p> <p>Your child <del>may be is</del> committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ).</p> <p>(But if your child's case is <del>tried as an adult</del>, transferred to the adult criminal court, your child could be sentenced <del>your child</del> to a facility run by the California Department of Corrections and Rehabilitation, Division of Adult Operations (see questions 19, <del>and</del> 20, and 22).</p> <p>As a parent, you may be ordered to <del>comply with conditions such as</del> take part in counseling, or parent training, or other activities.</p> <p>• Page 8, item 15:</p> <p>Yes. In fact, state law requires you to be</p>	<p>The committee has adopted all of these stylistic</p>

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		<p>present. <del>One thing is</del> The judge <del>will</del> <b>must</b> decide what will be best for your child. Depending on the offense, if you can show that your child will listen to you and follow your rules, and that you will hold your child accountable and be supportive at home, the judge may order <del>that</del> your child <del>be</del> released to your custody.</p> <ul style="list-style-type: none"><li>• Page 8, item 16:</li></ul> <p><del>Yes, you may speak</del> if the judge asks you questions <del>directly</del>, or if you are called as a witness. You <del>also</del> may ask to speak to the judge. Generally, your child's lawyer will speak for your child. The district attorney will speak for the state. The probation <del>department</del> <b>officer</b> may be called as a witness.</p> <ul style="list-style-type: none"><li>• Page 9, item 18:</li></ul> <p>Yes. A crime victim's <del>bill of rights</del> <b>allows the victim has a right</b> to come to the hearing. The victim, and his or her parents if the victim is a child, will get notice of the hearing.</p> <ul style="list-style-type: none"><li>• Page 9, item 19:</li></ul> <p>... There are major differences between juvenile and adult criminal court <del>procedures and philosophies</del> <b>in how cases are handled</b>. If the district attorney <del>requests</del> <b>asks</b> that your child be tried as an adult, it is extremely important to</p>	<p>changes to item 15.</p> <p>The committee has adopted all of these stylistic changes to item 16.</p> <p>The committee has adopted all of these stylistic changes to item 18.</p> <p>The committee has adopted all of these stylistic changes to item 19.</p>

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		<p>talk to your child's attorney about <del>all of</del> the very serious consequences of your child's situation.</p> <p>• Page 9, item 20:</p> <p>A child can be tried in adult court for <del>a wide range of offenses. These are</del> violent and serious offenses, including murder and attempted murder, arson of an inhabited building, robbery with a dangerous or deadly weapon, some forms of rape, some forms of kidnapping and carjacking, some felonies involving firearms, <del>or</del> certain controlled substances <del>offenses</del>, and certain violent escapes from a juvenile detention facility.</p> <p>• Page 10, item 22:</p> <p>... If your child will be tried as an adult, it is extremely important to talk to your child's attorney about <del>all of</del> the very serious consequences of your child's situation.</p> <p>...</p> <p>Your child may serve the entire term at DJJ if the term will end before he or she reaches age 21. If your child's term will last past <del>the age of</del> 21, <del>then</del> your child could be at DJJ until age 18; and then <del>would</del> <del>automatically</del> be transferred to the Division of Adult Operations on his or her 18th birthday.</p> <p>• Page 10, item 23:</p>	<p>The committee has adopted most of these stylistic changes to item 20.</p> <p>The committee has adopted all of these stylistic changes to item 22.</p>

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		<p><b>23. Am Do I financially liable have to pay money for my child's acts?</b></p> <p>Yes. You may also have to pay restitution to the victim iIf your child is ordered to pay a fine or restitution to the victim, you will also be responsible for the payment(s). ... Restitution that remains to be paid when your child's case is closed becomes a civil judgement judgment, which can affect your credit score.</p> <p>• Page 11, item 24:</p> <p>Yes. Unless you have been are the victim of your child's crime, you may receive a bill from the county for all or a portion of your child's attorney's fees. You will be billed for probation department services fees (such as food and laundry while your child was in juvenile hall); and placement costs for keeping your child in a state placement such as the Division of Juvenile Justice, or a probation camp, or an out of home placement. These costs can be expensive high. You will have a chance to show how much, if any, of these costs you are able to pay. (The Juvenile Court does not make this determination decision.)</p> <p>• Page 11, item 25:</p> <p>This is very important for If your child's because when records are sealed, it is as if the offense that brought your child to court never happened. That means that your child can</p>	<p>The committee has adopted many of these stylistic changes to item 23.</p> <p>The committee has adopted many of these stylistic changes to item 24.</p> <p>The committee has adopted most of these stylistic changes to item 25.</p>

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		<p>truthfully say <del>that</del> he or she does not have a criminal record (<del>except possibly to this if</del> unless your child wants to join the military or get federal security clearance).</p> <p>If the juvenile court dismisses your child's case <del>is dismissed by the juvenile court</del> after January 1, 2015, because your child satisfactorily completed probation (formal or informal), <del>in many cases</del> the court <del>will have sealed</del> may seal your child's records. If the court seals your child's records for this reason, he or she should receive a copy of the sealing order and form <a href="#">JV-596-INFO</a>, <i>Sealing of Records for Satisfactory Completion of Probation</i>.</p> <p>If the court finds <del>that</del> your child has not satisfactorily completed probation, it will not dismiss the case and will not seal the records at termination. <del>If your child wants t</del>To have the records sealed in this situation, <del>he or she</del> your child will need to ask the court to seal the records at a later date (see form <a href="#">JV-595-INFO</a>, <i>How to Ask the Court to Seal Your Records</i>, for more information about asking the court to seal records).</p> <p>The court will not seal your child's records if your child is found to have committed an offense listed in Welfare and Institutions Code section 707(b) (<del>these are</del> violent offenses such as <del>killing, raping,</del> murder, rape, or kidnapping, and also some offenses involving drugs or weapons) when he or she was 14 or older and <del>it</del></p>	



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		<p><b>the charge</b> was not dismissed or reduced to a lesser offense not listed in 707(b).</p> <p><b>FORM JV-596</b></p> <ul style="list-style-type: none"><li>• Page 1, item 7: The court finds that sealing the following additional public agency records will promote the successful reentry and rehabilitation of the subject child and orders the records in their custody relating to petitions and arrests listed in <b>5. and 6. Items 5 and 6</b> sealed: ... Attachment. <b>Number of pages attached:</b> ...</li><li>• Page 2, item 9: The clerk shall send a certified copy <b>of this order</b> to the clerk in each county in which a record is ordered sealed and <b>a one</b> copy <b>each</b> to the child, the child's attorney, and <b>each</b> the agency<b>ies</b> and officials<b>s</b> listed <b>above</b> in items <b>6</b> and <b>7</b>.</li></ul> <p><b>FORM JV-596-INFO</b></p> <p><b><del>In many cases, the court will seal your juvenile records if you satisfactorily complete probation (formal or informal supervision).</del></b> <b>When can juvenile records be sealed?</b></p> <p>If <b>the juvenile court dismisses</b> your case <b>is dismissed by the juvenile court</b> after January 1, 2015, because you satisfactorily completed your probation (formal or informal), in many cases the court will <b>have</b> sealed<b>ed</b> your records. ...</p>	<p>The committee has adopted all of the suggested revisions to form JV-596.</p> <p>The committee has adopted many of these suggested style changes to the JV-596-INFO for clarity and simplicity.</p>

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		<p>If the court finds <b>that</b> you have not satisfactorily completed your probation, it will not dismiss your case and will not seal your records at termination. If you want to have your records sealed in this situation, you will need to ask the court to seal your records at a later date (<b>see Form JV-595-INFO</b> for <b>more</b> information about asking the court to seal your records).</p> <p>The court will not seal your records if <b>you were</b> <b>it</b> found <b>to have you</b> committed an offense listed in Welfare and Institutions Code section 707(b) (<b>these are</b> violent offenses such as killing, <b>raping</b>, crimes like murder, rape, or kidnapping, and <b>also</b> some offenses involving drugs or weapons) when you were 14 or older and <b>if the charge</b> was not dismissed or reduced to a lesser offense not listed in <b>section 707(b)</b>.</p> <p><b>How will the court <b>determine decide</b> if probation is satisfactorily completed?</b></p> <p>If you have done what you were ordered to do while on probation, and have not been found to have committed any further <b>crimes</b> (felonies or <b>any</b> misdemeanors <b>for crimes</b> involving moral turpitude, such as a sex crime or a crime involving dishonesty), the court will find <b>that</b> your probation was satisfactorily completed even if you still owe restitution, court ordered fees, and fines, BUT...</p>	

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		<p><b>Restitution and court fines and fees <del>must</del> still <del>must</del> be paid.</b></p> <p>Even if your records are sealed, you <del>are</del> still <del>required to must</del> pay your restitution and court-ordered fees and fines. Your <del>sealed</del> records can be <del>looked at</del> viewed to enforce those orders.</p> <p>...</p> <p>The court will order <del>your records kept by the</del> court, probation, Department of Justice, and law enforcement <del>agency records</del> sealed for the case the court is closing and <del>prior cases</del>, if the court <del>determines finds</del> you <del>are</del> eligible, for earlier <del>cases</del>. If you or your attorney ask the court, it can also seal records of other agencies (such as the District Attorney) if it finds that doing so would help you to be rehabilitated.</p> <p>...</p> <p>If your records were sealed by the court at dismissal, the prosecutor and others can look at your record to <del>determine see</del> if you are eligible <del>to participate in</del> for a deferred entry of judgment or informal supervision program.</p> <p>...</p> <p>If a new petition is filed against you for a felony offense, probation can look at <del>your record to see</del> what programs you <del>have participated were</del> in but cannot use that information to keep you in juvenile hall or to punish you.</p>	

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		<p>If the juvenile court finds you have been found to have committed a felony by the juvenile court, it can view your sealed records can be viewed to determine decide what disposition (sentence) the court should to order.</p> <p>If you are arrested for a new offense and the prosecuting attorney asks the court to transfer you to adult court, your record can be reviewed to determine decide if transfer is appropriate.</p> <p>If you are in foster care, child welfare can look at your records to determine decide where you should live and appropriate placement or what services for you should receive.</p> <p>If you want to have access to see your records or allow let someone else to inspect see them, you can request ask the court to unseal them.</p> <p>NOTE: Even if someone looks at your records in one of these situations, your records will stay sealed in the future and you do not need to ask the court to seal them again.</p> <p><del>If your records are sealed, do</del> Do you have to report the offenses in the sealed records on job, school, or other applications?</p> <p><b>No.</b> Once your records are sealed, the law treats those offenses as if they did not occur and you do not need to report them. <b>However</b>, the military and some federal agencies may not recognize sealing of records and may be aware</p>	

## W17-04

### Juvenile Law: Sealing of Records (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

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	Commentator	Position	Comment	Committee Response
			<p>of your juvenile justice history, even if your records are sealed. If you are seeking want to enlist in the military or apply for a job requiring that asks you to provide for information about your juvenile records, seek legal advice about this issue.</p> <p><b>FORM JV-794</b> Item 6: Insert <i>(date)</i> and blank line after “since.”</p> <p>The whereabouts of the child have been unknown since <i>(date)</i>: _____.</p> <p>Item 9: Insert <i>(date)</i> and blank line after “on.”</p> <p>The warrant issued on <i>(date)</i> _____ is recalled.</p> <p>Insert verification below “Petitioner requests that the court terminate...”</p> <p>I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.</p>	<p>The committee has adopted these suggested style changes to the JV-794 for clarity and simplicity.</p> <p>The committee is not certain that this is necessary to add to the form, and it is a substantive change that would require recirculation for comment.</p>
	Superior Court of Ventura County Keri Griffith Court Program Manager	AM	<p>On form JV-060, I suggest the following: Page 6, item 12(d) - add the words "for some serious and violent offenses" at the end of the first sentence. The current sentence could lead someone to believe the DA can request all</p>	<p>The committee has adopted this clarification.</p>

**W17-04****Juvenile Law: Sealing of Records** (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>children at least 14 years old be tried as an adult.</p> <p>Page 11, item 25 - Second sentence of first paragraph (in parenthesis) is incomplete. (except possibly.??to this if your child wants to join the military or get federal security clearance.)</p>	The committee has revised this item to make it clearer and complete.
	TCJPJAC/CEAC Joint Rules Subcommittee TCJPJAC/CEAC	AM	<p>The proposed changes to the forms are appropriate in light of current law.</p> <p>Suggested modifications: Regarding Form JV-060 – The JRS recommends adding the following language to the end of the second paragraph in the response to Question 27 “What should I do as a parent?”: “Do not encourage your child to leave placement or violate court orders.”</p> <p>Regarding Form JV-060 – The JRS recommends that the word “judgement” in the response to Question 23 “Am I financially liable for my child's acts?” be amended to “judgment” per common usage in the United States and the Judicial Council Style and Correspondence Guide. Please make this change throughout the document if “judgement” is used elsewhere in the form.</p>	<p>The committee has included the content of this suggestion in this item, but restated it in the positive.</p> <p>The committee has corrected this error.</p>