



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-180

For business meeting on: September 25, 2020

Title

Juvenile Law: Access to Sealed Records

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599

Effective Date

January 1, 2021

Date of Report

September 3, 2020

Recommended by

Family and Juvenile Law Advisory
Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark Juhas, Cochair

Contact

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends adopting one new rule of court, revising two existing forms, and approving four new optional forms to assist courts with the implementation of recently enacted statutory provisions concerning the sealing of juvenile records and access to those records by prosecuting attorneys. The proposal would ensure that all forms accurately reflect the current state of the law on fees for sealing petitions, and would create procedures and forms for courts to consider requests for access to sealed records under recently enacted laws concerning prosecutorial duties to disclose exculpatory or favorable information to defendants.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Adopt California Rules of Court, rule 5.860 to set forth uniform procedures for prosecuting attorneys to seek access to sealed juvenile case records to fulfill their obligations to disclose information to a criminal defendant that may be exculpatory;
2. Approve four new optional forms: *Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-592), *Notice of Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-593), *Response to Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-594), and *Order on Prosecutor Request for Access to Sealed File* (form JV-599) to provide forms for the prosecuting attorney and the courts to use to implement the requirements of rule 5.860;
3. Revise *Request to Seal Juvenile Records* (form JV-595) to remove any reference to fees for the sealing of records; and
4. Revise *How to Ask the Court to Seal Your Records* (form JV-595-INFO) to remove any reference to fees for the sealing of records and include information about when a prosecuting attorney might access sealed records to provide information to a criminal defendant.

The text of the new rule and the new and revised forms is attached at pages 7–17.

Relevant Previous Council Action

In 2019, the Judicial Council revised an information form on sealing of juvenile court records to reflect recent changes in law to allow for prosecuting attorney access to a sealed juvenile case file when the attorney has reason to believe that the record may contain favorable or exculpatory information that must be disclosed to a defendant in a criminal case. At the time that proposal was circulated for comment, the committee sought comment on whether this change should result in new uniform procedures for courts to use to carry out the requirements under the new law. The commenters on that proposal were strongly in favor of the council taking such an action in a future rules cycle.

Forms JV-595 and JV 595-INFO were both originally approved by the council effective January 1, 2016, to implement statutory requirements and have been revised since then to reflect changes in the law.

Analysis/Rationale

Background

In 2014, the Legislature enacted Welfare and Institutions Code section 786¹ to require the sealing and dismissal of specified juvenile petitions when a child has satisfactorily completed probation. In that legislation and in several subsequent bills, the Legislature has sought to provide limited access to those sealed records for a variety of purposes.

¹ Hereinafter, all statutory references are to the Welfare and Institutions Code unless otherwise indicated.

One such limited purpose is when access is required by a prosecuting attorney to fulfill their constitutional and statutory obligation to disclose exculpatory or favorable information to a defendant in a criminal case. This disclosure obligation stems from the 1963 holding in *Brady v. Maryland* (1963) 373 U.S. 83 and its progeny which require the prosecuting attorney to turn over all exculpatory information that might aid a defendant in mounting a defense or impeaching a witness and is often referred to as “*Brady* disclosure.”

In 2018, Assembly Bill 2952 (Stone; Stats. 2018, ch. 1002) enacted an additional provision to section 786, authorizing a prosecuting attorney to access sealed records, which that attorney has reason to believe must be shared pursuant to the attorney’s *Brady* disclosure obligation. The provision requires that the court notify the person whose records have been sealed that the prosecutor’s request is being considered so that the person may have an opportunity to respond to the request. It further requires the court to review the records and make a specific order with regard to access that protects the confidentiality of the person whose records are being accessed.

In 2019, the Legislature amended Penal Code section 851.7 and Welfare and Institutions Code section 793 which also provide for the sealing of juvenile records to allow prosecuting attorneys to request access to sealed records to fulfill their duties to provide favorable or exculpatory information to a criminal defendant. These provisions are modeled on a recent change to section 781 enacted by Senate Bill 312 (Skinner; Stats. 2017, ch. 679) and, like that provision, do not require any notice to the person whose records are being requested. However, the provision in section 781 is notably narrower than the others in that it only applies to files concerning 707(b) offenses adjudicated for those 14 years of age or older despite the fact that the underlying obligation is based on the defendant’s constitutional rights.²

In 2015, the Legislature enacted legislation providing that fees for the investigation relating to sealing or a fee to file the petition could only be charged to nonindigent petitioners who were 26 years of age or older. Legislation³ enacted last year eliminates the authority to charge fees for sealing to any petitioners.

Rule 5.860 sets forth notice and timing requirements for making a request and issuing a court order

Rule 5.860 would set forth the requirements for the filing of a request by a prosecuting attorney, as well as filing timelines for providing notice of the request to the person whose records are being sought and the opportunity for the subject of the request to provide to the court a written and/or in-person response. When the records are requested from those files, the rule would require the requester to file a notice and response form along with the request so that the court can provide the required notice, and it would provide the person receiving notice with 10 days to submit a response to the court. It would require the court to set a hearing if an appearance is requested and notify the person whose records were sealed of the hearing date. In all cases,

² See *Brady v. Maryland* (1963) 373 U.S. 83.

³ AB 1394 (Daly; Stats. 2019, ch. 582)

except those in which an appearance has been requested, the rule would require the court to make an initial order on the request within 21 court days of the filing of the request. If a hearing is requested, an order would be required within five court days of the hearing. The rule specifies that the court may make orders of protection, including an order that the requesting attorney submit the records to be disclosed to the court for review and redaction prior to their release to the defendant.

Four new optional forms would streamline the process for requests

The committee is recommending that the council approve four optional forms to implement the statutory requirements for prosecuting attorneys to make these requests, and provide notice and an opportunity to respond, as well as make an order on the request. *Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-592) would provide a form petition for the prosecuting attorney to request access from the juvenile court to sealed juvenile case files. It allows the prosecutor to set forth the reasons why access is needed, including the relationship between the subject of the records and the defendant in the criminal case. *Notice of Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-593) could be used to notify a person whose records have been sealed and their attorney of record that access is being sought, and that there is a right to provide a response to the request to the court in writing and/or in person. *Response to Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-594) would allow a person who has received notice of the request for access to file a written response for the court's consideration and/or to request an appearance before the court. *Order on Prosecutor Request for Access to Sealed File* (form JV-599) could be used by the court to make its order and specify any protective orders required to protect confidential information from the sealed records. This last form did not circulate for comment, but the committee concluded that it was a critical tool for the court to carry out its obligations under rule 5.860.

Revisions for existing forms to reflect recent statutory changes

The elimination of any authority for courts or probation departments to charge fees for record sealing requests or investigations requires changes to two forms that previously referenced those fees. Form JV-595 (*Request to Seal Juvenile Records*), item 4, and form JV-595-INFO (*How to Ask the Court to Seal Your Records*), item 5, in the instructions on page 2, would be revised to eliminate any reference to fees. In addition, form JV-595-INFO would be revised to reflect that a prosecuting attorney may access sealed records if they contain information favorable to a criminal defendant in another case.

Policy implications

Each of the three statutory provisions allowing for requests by prosecuting attorneys to disclose *Brady* material to criminal defendants is drafted somewhat differently, but the committee ultimately concluded that a uniform procedure for the prosecuting attorney to seek access to sealed records would reduce confusion, and ensure that the confidentiality intended for juvenile records overall would remain protected. Rule 5.860 requires notice to the person whose sealed records are being accessed in all cases, even though this requirement is only included in section 786. The committee determined that if such notice was not required in all cases, that the rule

would be inconsistent with the requirements of section 827, which does require notice to those seeking to disclose unsealed juvenile records, and thus would not provide adequate protection for the confidentiality of the subjects of these records. In addition, the rule does not limit its application to records sealed pursuant to section 781 to those for offenses listed in section 707(b) committed by a youth who is 14 or over because while this limit is included in the statute, the committee concluded that the prosecuting attorney might still conclude that *Brady* requirements require disclosure of information in sealed records not meeting this restriction, and the rule should not specifically preclude the attorney from making that request using these procedures. Instead, that issue should be evaluated on a case-by-case basis balancing the statutory provisions and the constitutional obligations.

Comments

This proposal, with the exception of *Order on Prosecutor Request for Access to Sealed File* (form JV-599), circulated for public comment from April 10 to June 9, 2020, as part of the regular spring comment cycle. The committee received comments from six entities, including the Joint Rules Subcommittee of the Trial Court Presiding Judges and Court Executives Advisory Committees (JRS) and four superior courts. Three commenters agreed with the proposal, and three agreed with the proposal if modified. The committee did revise the proposal to incorporate clarifying changes to the rule and forms based on the comments, and to align the notice timelines in rule 5.860 with those that apply to requests to access unsealed juvenile records under rule 5.552. A chart with the full text of the comments received and the committee's responses is attached at pages 18–31.

Alternatives considered

The committee considered amending rule 5.860 to make it a two-step process so that a prosecuting attorney would first request access to a sealed record, and then be required to file a separate petition for disclosure of the record under section 827 and rule 5.552. The committee concluded that such an approach would unduly delay access to these records for defendants, and thus the committee instead amended rule 5.860 to incorporate protections from rule 5.552, including the ability of the court to require that any specific sealed records to be disclosed be first provided to the court for review and redaction.

The committee considered limiting the notice and opportunity to be heard to requests for records sealed under section 786, as that is the only statute that requires such notice to the person whose records are being requested. This narrow statutory reading was rejected because the committee concluded that it was inconsistent with the requirements in section 827 for notice and an opportunity to be heard before disclosure of any juvenile record. Because rule 5.860 applies only to sealed juvenile records, the committee deemed it inconsistent to afford some of those records less procedural protection than unsealed records simply because of an apparent statutory oversight.

The committee also considered not adding the optional order form, as it had not circulated for public comment, but the committee determined that it was very consistent with the content of the forms that did circulate for comment which received significant approval, and would be of value

to the courts and as an optional form would only be used by those courts who found it beneficial and time saving.

Fiscal and Operational Impacts

Printing costs may be incurred by courts to provide the revised mandatory information form. In addition, because the informational form are available in other languages, there will be costs to translate the revised form. During the comment period, courts also noted that there would be training impacts on their court staff and judicial officers, and requirements to update system codes and procedures. All of these impacts are a result of legislative changes and are necessary to make the forms legally accurate and to implement the uniform process that numerous commenters requested when the prior proposal was circulated for comment. The approval of optional forms should make it easier for courts to comply with their existing statutory duties.

Attachments and Links

1. Cal. Rules of Court, rule 5.860, at pages 7–8
2. Forms JV-592, JV-593, JV-594, JV-595, JV-595-INFO, and JV-599 at pages 9–17
3. Chart of comments, at pages 18–31
4. Link A: AB 2952,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2952
5. Link B: AB 1537,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1537
6. Link C: SB 312,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB312
7. Link D: AB 1394,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1394

Rule 5.860. Prosecuting attorney request to access sealed juvenile case files

(a) Applicability

This rule applies when a prosecuting attorney is seeking to access, inspect, utilize, or disclose a record that has been sealed by the court under sections 781, 786, or 793, or Penal Code section 851.7, and the attorney has reason to believe that access to the record is necessary to meet the attorney's statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case.

(b) Contents of the request

Any request filed with the juvenile court under this rule must include the prosecuting attorney's rationale for believing that access to the information in the record may be necessary to meet the disclosure obligation and the date by which the records are needed. The date must allow for sufficient time to meet the notice and hearing requirements of this rule. Form JV-592, *Prosecutor Request for Access to Sealed Juvenile Case File*, may be used for this purpose.

(c) Notice and opportunity to respond

(1) Notice requirements

(A) The request must include a form for the court to notify the person whose records are to be accessed as well as that person's attorney of record, and a form for those individuals to respond in writing and to request an appearance before the juvenile court. Forms JV-593, *Notice of Prosecutor Request for Access to Sealed Juvenile Case File*, and JV-594, *Response to Prosecutor Request for Access to Sealed Juvenile Case File*, may be used for this purpose.

(B) The juvenile court must notify the person with the sealed record and that person's attorney of record using the documents prepared by the prosecuting attorney within two court days of the request being filed.

(2) Requirements if a response is filed

(A) If a written response is filed no more than 10 days after the date the notice was issued and no appearance has been requested, the clerk of the court must provide that response to the juvenile court for its consideration as it reviews the prosecuting attorney's request.

1 (B) If a response is filed no more than 10 days after the date the notice was
2 issued and an appearance is requested, the clerk of the court must set a
3 hearing and provide notice of the hearing to the person with the sealed
4 record, the attorney of record for that person, and the prosecuting
5 attorney who filed the request.
6

7 **(d) Juvenile court review and order**
8

9 The court must review the case file and records that have been referenced by the
10 prosecuting attorney's request as well as any response provided as set forth in
11 subdivision (c)(2). The court must approve the request, in whole or in part, if it
12 determines that access to a specific sealed record or portion of a sealed record is
13 necessary to enable the prosecuting attorney to comply with the disclosure
14 obligation. If the court approves the request, the order must include appropriate
15 limits on the access, inspection, utilization, and disclosure of the sealed record
16 information in order to protect the confidentiality of the person whose sealed record
17 is at issue. Such limits may include protective orders to accompany authorized
18 disclosure, discovery, or access, including an order that the prosecuting attorney
19 first submit the records to be disclosed to the court for its review and possible
20 redaction to protect confidentiality. The court must make its initial order within 21
21 court days of when the request is filed, unless an appearance has been requested
22 under subdivision (c)(2), in which case the court must act within five court days of
23 the date set for the appearance.
24

Prosecutor Request for Access to Sealed Juvenile Case File

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
JV-502.v6.080320.cz.AEM

Fill in court name and street address:

Superior Court of California, County of

Juvenile Case Number:

1 Petitioner (*name*):

is a prosecuting attorney requesting access to information in the sealed juvenile court file of:

Child's Name: _____

Case Name: _____

2 Petitioner has reason to believe that access is necessary to meet the constitutional obligation to disclose favorable or exculpatory evidence to a:

defendant (*name*): _____

in a criminal case (*case number*): _____

3 The file was sealed by the court pursuant to:

- a. ☐ Penal Code section 851.7;
- b. ☐ Welfare and Institutions Code section 781;
- c. ☐ Welfare and Institutions Code section 793; or
- d. ☐ Welfare and Institutions Code section 786

I am filing a *Notice of Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-593) with this petition to be served on the subject of the file and their attorney of record.

4 The records I need access to are:

☐ Continued on Attachment 4

5 The reasons that I need access to those records are (include the relationship of the subject of the records to the defendant in the criminal case):

☐ Continued on Attachment 5

Date Needed By: _____

Date: _____



Signature

**Notice of Prosecutor Request for
Access to Sealed Juvenile Case File**

Clerk stamps date here when form is filed.

DATE: _____

TO: _____

Child's name: _____

Address: _____

Attorney of record: _____

Address: _____

DRAFT
Not approved by
the Judicial Council
JV-593.v6.080320.cz.AEM

Fill in court name and street address:

Superior Court of California, County of

Courts fills in case number when form is filed

Criminal Case Number:

Courts fills in case number when form is filed

Juvenile Case Number:

- 1 A prosecuting attorney (*name*): _____
 is requesting access to the sealed juvenile file in case
 number: _____ concerning
 (*child's name*): _____
 because the attorney has reason to believe that there is information in
 the case file that may be necessary to disclose to a criminal defendant
 (*name*): _____ because it is
 evidence that may be favorable or exculpatory to that person.
- 2 The information that the prosecuting attorney wants to access and the
 reasons why the attorney believes access may be necessary are described
 in the attached *Prosecutor Request for Access to Sealed Juvenile Case
 File* (form JV-592).
- 3 You have the right (but are not required) to respond to the court before the judge decides if the prosecutor should
 get access to your file. You can respond in writing by completing the *Response to Prosecutor Request for Access to
 Sealed Juvenile Case File* (form JV-594) that came with this notice, and mailing it back to the court.
- 4 You also have a right to ask the juvenile court for a hearing where you can appear to provide information to the
 court before it makes its decision. Check the box on item 4 on form JV-594 if you want the court to set a hearing. **If
 you do not file a response within 10 days after the date on this notice, the court will review the request
 without a hearing.**
- 5 **Important:** You must return form JV-594 to the court listed at the address above within **10** days of the date at the top
 of this form. **If you do not return it by that deadline, the court will make its determination on the request
 without your input.**

This form can be used to give the juvenile court your response when you receive notice that a prosecuting attorney wants to access your sealed records because they may contain information that would be helpful to the criminal defense of another person who was charged with a crime. You do not have to respond but if you want to respond or have a hearing on the request, you must return this form to the court within 10 days of the date stamped on the *Notice of Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-593) that came with this form.

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the Judicial Council
JV-594.v5.080320.cz.AEM

① My name: _____

② Case Number (from form JV-593): _____

③ I understand that a prosecuting attorney is requesting access to my sealed juvenile court records in the action connected to the case number above, and I want the court to consider the following when it determines if the request should be approved:

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Criminal Case Number:

Court fills in case number when form is filed.

Juvenile Case Number:

④ ☐ I want to come to court to respond to the prosecuting attorney's request. The court can notify me of the date and time for my appearance at:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

⑤ ☐ I have no written response to the request, and I do not wish to appear in court.

Date: _____

Type or print your name



Sign your name

This form can be used to petition the juvenile court to seal your juvenile records. More information about sealing is available on form JV-595-INFO, *How to Ask the Court to Seal Your Records*.

Submit this form to the probation department in the last county where you were on juvenile probation or, if you were not on probation, in any county where you had contact with law enforcement or probation that did not result in a court case. Once the probation department receives the completed form, it will have 90 days to file a record-sealing petition with the court for you, or 180 days if you include agencies outside of this county.

DRAFT
Not approved by
the Judicial Council
JV-595.v4.080320.cz.AEM

Fill in court name and street address:

Superior Court of California, County of

Fill in your name:

Name:

Fill in case number, if known:

Case Number:

1 My information:

- a. Name: _____
- b. AKA (nickname or other family name): _____
- c. Address: _____
- d. City, state, zip: _____
- e. Area code and telephone number: _____
- f. Date of birth: _____
- g. Email address: _____

2 ☐ I had a case(s) that went to court.

Case file number(s) (if known): _____

The date probation was terminated (if known): _____

- ☐ I don't remember my case number and/or date.
- ☐ See attached. (If you need more space, you may attach a separate page.)

3 ☐ I had contact with law enforcement but did not go to court.

- ☐ Date(s) I had contact with law enforcement: _____
- ☐ Name(s) of law enforcement or other agency(ies): _____
- ☐ See attached. (If you need more space, you may attach a separate page.)

4 I understand that the probation department is responsible for requesting the juvenile court to seal the records of only those agencies in its records and those listed on page 2 of this form. I understand that after I file this document the probation department will have 90 days to conduct an investigation and file a record-sealing petition for me with the juvenile court. I also understand that some records may not be eligible for sealing. I am aware that form JV-595-INFO, *How to Ask the Court to Seal Your Records*, provides more information on this process.

Your name: _____

Case Number: _____

Note: When you file this form with the probation department, it will research your case history and attach a list of contacts and addresses of all agencies that it knows have records of the case(s) and contacts(s) you listed on page 1. If you have had contacts with law enforcement or another agency with a record of your offense and that entity may not have been reported to the probation department, please list it below, or that record may not be sealed. If your case was transferred from one county to another, your records in both counties will be sealed. If you have a probation record in more than one county and that record was not transferred, you may ask the court to seal that record as well. If the court does not seal that record, it will inform you that you need to file this form in that county. Contacts not included on this form may not be sealed. The court may seal only those records listed on the petition.

5 Include all contacts (with addresses) you had, before your 18th birthday, with the agencies below that might not be part of your probation records:

- ☐ Court: _____
- ☐ Probation Department: _____
- ☐ Sheriff's Department: _____
- ☐ Police Department: _____
- ☐ California Highway Patrol: _____
- ☐ Department of Motor Vehicles: _____
- ☐ Law Enforcement: _____
- ☐ School(s): _____
- ☐ Homeland Security: _____
- ☐ Other: _____
- ☐ See attached. *(If you need more space, you may attach a separate page or pages listing the contacts.)*

I declare that the information on this form is true and correct to the best of my knowledge.

Date: _____

Type or print your name



Sign your name

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 the court makes 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 three 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 or if your case was otherwise dismissed after the petition was filed. 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 the completion of probation, see form **JV-596-INFO**.

If probation sealed your diversion records for satisfactory completion, you may wish to ask the court to seal any remaining records of your behavior.

As of January 1, 2018, if you participate in a diversion program or other supervision program instead of going to court, and the probation department determines that you satisfactorily completed that program, the probation department will seal your probation department records and the records for any program you were required to complete. If the probation department determines that you did not satisfactorily complete the program, it will not seal those records, but will give you a form to tell you why and a form that you can use to tell the court why you think you did satisfactorily complete the program. If the court agrees with you, it will order your probation and program records sealed. Because probation did not seal any arrest records at this time, you may want to ask the court to seal any other records relating to this conduct when you are eligible to ask for record sealing as explained on this form.

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 or the juvenile court clerk in the county where you had a case or contact.

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, 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, the court found that you committed a sex offense listed in Welfare and Institutions Code section 707(b) for which you must register under Penal Code section 290.008 because you were paroled from the Department of Juvenile facilities.

If you are unsure if you qualify, 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.
- A prosecuting attorney may see your records that were sealed for an offense listed under Welfare and Institutions Code section 707(b) in a later proceeding for the reasons listed in section 781(d).



- If your sealed record was for a 707(b) offense when you were 14 or older, the prosecutor, probation, and the court may unseal your records if you are charged with a later felony.
- You can request the court to unseal your records if you want to have access to them or allow someone else to see them.
- If a prosecutor thinks something in your record would be helpful to the defense of someone who is charged with a crime in another case, the prosecutor can ask the court to provide that information.
- If you want to see your records or allow someone else to see them, you can ask the court to unseal 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 about 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, 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 name those agencies, or the court will not know to seal those records.
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.
- ⑤ 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.
- ⑥ The court will review your petition. 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, time, and location 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.
- ⑦ If you qualify to have your juvenile records sealed, the court will make an order to seal the eligible records listed on your petition.
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.
- ⑧ 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. If the sealed records are for a 707(b) offense committed when you were 14 or older, the court will not order those records destroyed.
- ⑨ 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 want 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.

DRAFT
Not approved by
the Judicial Council
JV-599.v3.080320.CZ.AEM

- 1 Petitioner (name): _____
is a prosecuting attorney requesting access to information in the sealed
juvenile court file of:

Child's Name: _____

Case Name: _____

- 2 Petitioner has reason to believe that access is necessary to meet the
constitutional obligation to disclose favorable or exculpatory evidence
to a:

defendant (name): _____

in a criminal case (case number): _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Juvenile Case Number:

Court fills in case number when form is filed.

Criminal Case Number:

The court finds and orders:

- 3 ☐ After review of the sealed juvenile case file and review of any
filed objections ☐ and a noticed hearing, the court denies the
request. Disclosure is not required to enable the prosecuting
attorney to comply with the disclosure obligation.
- 4 ☐ After review of the juvenile case file and review of any filed
objections ☐ and a noticed hearing, the court grants the
request. The court has determined that access to this sealed
record or portion of this sealed record is necessary to enable the
prosecuting attorney to comply with the disclosure obligation.

- a.) ☐ The following records may be disclosed to the defendant listed in item 2:

- b.) ☐ See attached

Additional orders:

- 5 ☐ Disclosure subject to protective order (list orders):

- 6 ☐ Release of records listed in item 4a only.

- 7 ☐ Release of records only after prosecutor has reviewed the sealed file and submitted the records to be
disclosed to the court for review and redaction.

- 8 ☐ Other: _____

- 9 ☐ See attached.

Date: _____

Judge or Judicial Officer

SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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

	Commenter	Position	Comment	Committee Response
1.	Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	A	<p>JRS Position: Agree with proposed changes. The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations:</p> <ul style="list-style-type: none"> • Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.). • Results in additional training, which requires the commitment of staff time and court resources. • Increases court staff workload. <p>Request for Specific Comments: Does the proposal appropriately address the stated purpose? Yes. Are the optional forms useful for complying with the notice and response provisions in section 786? Yes. Will the approach in this proposal of having a standalone rule and process for Brady access to sealed records improve the administration of these requests, or should this process be incorporated into the procedures for seeking access to juvenile records under section 827 and rule 5.552?</p>	<p>No response required.</p> <p>The committee recognizes this impact, but as noted in the comment JRS deems this proposal to be an effective way to implement Brady access to sealed juvenile records.</p> <p>No response required.</p> <p>The committee concurs and will move the forms forward.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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

			The standalone process works well and focuses the parties on the Brady issue. We can see merit in all Brady requests being processed the same and on the same timeline.	The committee agrees and will maintain the rule to apply to all petitions to access sealed records to comply with Brady obligations.
2.	Orange County Bar Association By Scott Garner, President	AM	<p>SPR20-23 adds new CRC 5.860, adds three new optional forms (JV-592, JV-593, and JV-594), and revises an existing form (JV-595 as well as JV-595-INFO).</p> <p>New CRC 5.860 sets forth the requirements for a prosecutor who is seeking to access records sealed pursuant to PC 851.7, or WIC 781, 786, or 793, when the prosecutor believes accessing such records is necessary to comply with disclosure requirements in a criminal case. It details what must be included in the form of the request, the special requirements of WIC 786 in terms of notice, and the juvenile court's obligation in terms of its record review and subsequent order. I do not believe this should be implemented into CRC 5.552/WIC 827; I believe it should stand alone as proposed.</p> <p>Optional forms JV-592, JV-593, and JV-594 all track with proposed CRC 5.860. These forms do appear useful in providing guidance as to these requests.</p> <p>The changes to JV-595 (and JV-595 INFO) reflect recent legislation under AB-1537, which eliminated the authority to charge fees to any person petitioning to seal his or her records.</p>	<p>No response required.</p> <p>The committee has retained this standalone approach because this comment and the comments received have largely supported it.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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

			<p>I would suggest two modifications for clarity's sake:</p> <ol style="list-style-type: none">1) CRC 5.860(b): "The date must allow for sufficient time to meet reasonable given the notice and hearing requirements of this rule." – I would recommend they clarify the language here. I am not sure if there is a word missing or what is meant here.2) CRC 5.860(a): "... under Penal Code section 851.7 or sections 781, 786, or 793..." – I would recommend that they add "Welfare and Institutions Code" before sections 781, 786, or 793 to be clear.	<p>This sentence has been clarified to read: "The date must allow for sufficient time to meet the notice and hearing requirements of this rule."</p> <p>Rule 5.502(36) provides that the use of the term Section in Title 5, Division 3 of the California Rules of Court means a section of the Welfare and Institutions Code unless otherwise specified. Consistent with this rule, the committee has specified the Penal Code but not the other sections.</p>
3.	Superior Court of California, County of Los Angeles By Bryan Borys Director of Research and Data Management	A	<ul style="list-style-type: none">• Does the proposal appropriately address the stated purpose? Answer: Yes• Are the optional forms useful for complying with the notice and response provisions in section 786? Answer: Yes• Will the approach in this proposal of having a standalone rule and process for Brady access to sealed records improve the administration of these requests, or should this process be incorporated into the procedures for seeking access to juvenile records under section 827 and rule 5.552? Answer: Having a	<p>No response required.</p> <p>The committee agrees and is proposing adoption of these forms.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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

		<p>standalone rule and process for Brady access to sealed records would improve the administration of these requests because notice is not required in this instance. It should not be incorporated into the procedures for seeking access to juvenile records under section 827 and rule 5.552 as these requests do require notice and wait time for objections.</p> <ul style="list-style-type: none">• Should the rule and or form address the narrow application of the statutory provision in section 781 to 707(b) offenses adjudicated for those 14 or over, or should it apply in any case in which a prosecutor might seek access to comply with Brady obligations? Answer: The rule should apply in any case in which a prosecutor might seek access to comply with Brady obligations.• Would the proposal provide cost savings? If so, please quantify. Answer: No. There would be slight cost increases of noticing and paper.• What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Answer: Training for judicial officers and staff.	<p>The committee has retained this approach because the comments received have largely supported it.</p> <p>The committee concurs that since there is a constitutional obligation that the rule should apply to the specific requirements of the statute and more broadly to any request.</p> <p>The committee notes these costs, but also is aware that notice is required per the statutory change and the forms will assist in carrying that out.</p> <p>The committee will note this in its report to the council.</p>
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Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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

			<ul style="list-style-type: none"> Would 4 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Answer: Yes 	No response required.
4.	Superior Court of California, County of Orange, Juvenile Division	AM	<p>Rule 5.860 –</p> <ul style="list-style-type: none"> In the first paragraph under Applicability, it refers to Penal Code section 851.7 or section 781, 786, 793. Recommend to add “<u>Welfare and Institutions Code</u>” before “section 781, 786, 793.” Every time section 786 is mentioned, it fails to reference the case law which should be <u>Welfare and Institutions Code</u>. <p>JV-592 – Prosecutor Request for Access to Sealed Juvenile Case File</p> <ul style="list-style-type: none"> On number 2, is the “a:” needed since there is nothing else following it? <p><i>Does the proposal appropriately address the stated purpose?</i></p> <p>Yes.</p> <p><i>Are the optional forms useful for complying with the notice and</i></p>	<p>Rule 5.502(36) provides that the use of the term Section in Title 5, Division 3 of the California Rules of Court means a section of the Welfare and Institutions Code unless otherwise specified. Consistent with this rule only specifies the Code when it is not the Welfare and Institutions Code.</p> <p>The a: is an article in that item rather than a subdivider so the committee has retained it.</p> <p>No response required.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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		<p><i>response provisions in section 786?</i></p> <p>Yes, they are very well thought out and provide all the right information.</p> <p><i>Will the approach in this proposal of having a standalone rule and process for Brady access to sealed records improve the administration of these requests, or should this process be incorporated into the procedures for seeking access to juvenile records under section 827 and rule 5.552?</i></p> <p>It can go either way. There's not a lot of mention of sealed records in WIC 827 until the end of the code. As far as the court's in-house procedures it might make sense to place in the 827 procedures since it might be processed the same person that processes the 827 requests.</p> <p><i>Should the rule and or form address the narrow application of the statutory provision in section 781 to 707(b) offenses adjudicated for those 14 or over, or should it apply in any case in which a prosecutor might seek access to</i></p>	<p>The committee has opted to move these forms forward with the proposal based on feedback from commenters.</p> <p>Based on the feedback in these comments the committee is maintaining the standalone rule, but has added some language from rule 5.552 concerning protective orders to ensure that information being disclosed or accessed is sufficiently protected and developed an optional order form (proposed form JV-599) for the court to specify its restrictions.</p>
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Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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

			<p><i>comply with Brady obligations?</i></p> <p>It should apply in any case in which a prosecutor might seek access to comply with Brady obligations.</p> <p><i>Would the proposal provide cost savings? If so, please quantify.</i></p> <p>No.</p> <p><i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i></p> <p>Update all requests for documents procedures to add this new process. Event Codes for Case Manager would be created and submitted to IT for creation in the system and testing done. Once procedures and event codes are completed then training would be conducted. Training would be around 1 to 2 hours.</p>	<p>The committee concurs that since there is a constitutional obligation that the rule should apply to the statute and more broadly to any request.</p> <p>No response required.</p> <p>The committee will note these impacts in its report to the council.</p>
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Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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

			<p><i>Would 4 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i></p> <p>4 months will be sufficient time for implementation.</p> <p><i>How well would this proposal work in courts of different sizes?</i></p> <p>This proposal would be able to work in any size court.</p>	<p>No response required.</p> <p>No response required.</p>
5.	Superior Court of California, County of Riverside By Susan Ryan, Managing Attorney	A	<p>COMMENT: Agree, however these requests can also be handled under WIC § 827 and rule 5.552. Requiring juvenile courts to rule on these requests within 21 court days of filing or hearing may not be enough time.</p> <p>Does the proposal appropriately address the stated purpose? The proposal does address the purposes as laid out in AB 2952 and SB 312. Are the optional forms useful for complying with the notice and response provisions in section 786?? The three optional forms, JV-592, JV-593 and JV-594 will be useful to comply with the notice and response requirements. The fact that the</p>	<p>Given that the access is being sought for Brady purposes the committee concluded that 21 court days is appropriate in order not to delay the underlying criminal matter more than necessary.</p> <p>No response required.</p> <p>The committee agrees and is including these forms with the proposal moving forward.</p>

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SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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

		<p>JV-593, Notice of Prosecutor Request for Access to Sealed Juvenile Case File and the JV-594, Response to Prosecutor Request for Access to Sealed Juvenile Case File, must be provided by the prosecutor making the request will be beneficial to court staff in that staff will not need to determine when notice is necessary and it will save the courts time in not needing to prepare these notices.</p> <p>Will the approach in this proposal of having a standalone rule and process for Brady access to sealed records improve the administration of these requests, or should this process be incorporated into the procedures for seeking access to juvenile records under section 827 and Rule 5.552?</p> <p>A standalone rule is useful. WIC Section 827 and Rule 5.552 are sometimes difficult for staff and the public to understand.</p> <p>Should the rule and or form address the narrow application of the statutory provision in section 781 to 707(b) offenses adjudicated for those 14 or over, or should it apply in any case in which a prosecutor might seek access to comply with Brady obligations?</p> <p>The rule should address the WIC Section 781 statutory provision that notice need not be given if the request only applies to files concerning WIC 707(b) offenses adjudication for minors 14</p>	<p>The committee concurs that a standalone rule is useful in this context and has maintained it.</p> <p>While notice is only expressly required if the file was sealed pursuant to section 786, the committee has concluded that any Brady request concerning sealed files should be governed by the same</p>
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Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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		<p>years and older. Since the prosecutor is required to include the JV-593 and JV-594 when notice is required, forms really do not need to go into detail about this narrow statutory provision of WIC Section 781.</p> <p>Would the proposal provide cost savings? If so, please quantify. There would be not cost savings to the courts.</p> <p>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), change docket codes in case management systems, or modify case management systems. The court would need to create new procedures for clerk's office and courtroom staff for the filing and processing of these types of requests. New filing codes for the forms and new minute codes in the case management system for hearings and orders would be needed. Hearing codes to set hearings when an appearance is requested would also need to be created as well as JBSIS stats for these types of petitions and hearings would need to be accounted for. Staff training on the new forms and procedures would need to be completed for all juvenile courtroom and clerk's office staff. Perhaps one to two</p>	<p>notice provisions to be consistent with the notice requirements in section 827.</p> <p>No response required.</p> <p>The committee will note these impacts in its report to the council.</p>
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Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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

			<p>hours to review training materials would be needed.</p> <p>Would four months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.</p> <p>How well would this proposal work in courts of different sizes? The same creation of new filing and minute codes as well as procedures would likely need to occur in any size court. The proposals should work well for courts of any size.</p>	<p>No response required.</p> <p>No response required.</p>
6.	Superior Court of California, County of San Diego by Mike Roddy Executive Officer	AM	<p>GENERAL COMMENTS: Rule 5.552 only requires 10 days notice. There is no need for this new rule to require 15.</p> <p>There is a typo in the second sentence of rule 5.860(b). As written, it does not make sense.</p> <p>JV-592: The case name would be essentially the same as the child's name.</p> <p>JV-593, item 4 should refer to the box on item 4 on the JV-594.</p>	<p>The committee concurs and has modified the rule to require 10 days notice.</p> <p>This sentence has been clarified to read: "The date must allow for sufficient time to meet the notice and hearing requirements of this rule."</p> <p>The committee is using a standard convention for juvenile forms to ensure clarity.</p> <p>The committee has corrected this reference.</p>

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SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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			<p>JV-593, item 5 should make it clear the court needs to receive the response by the deadline.</p> <p>JV-594: It is not clear which case number (juvenile or criminal) is to be used.</p> <p>Does the proposal appropriately address the stated purpose? Yes.</p> <p>Are the optional forms useful for complying with the notice and response provisions in section 786? Yes.</p> <p>Will the approach in this proposal of having a standalone rule and process for <i>Brady</i> access to sealed records improve the administration of these requests, or should this process be incorporated into the procedures for seeking access to juvenile records under section 827 and rule 5.552? This is a separate process, so a separate rule and forms are helpful. However, I recommend that rule 5.552 and rule 5.860 both include a subdivision that explains how the two rules work together. In San Diego, the prosecutor first seeks access to review the sealed records and then files a separate request under rule 5.552 to use the documents that are found to be covered by Brady. The documents the</p>	<p>The committee has reworded the sentence to warn that it needs to be returned by the deadline.</p> <p>The committee concluded that it would be useful to have both case numbers and has added them to the caption.</p> <p>No response required.</p> <p>The committee concurs and is including them with the proposal.</p> <p>The committee agrees that there should be a standalone rule and has incorporated the ability to include protective orders and redactions into rule 5.860 so that appropriate protections can be obtained as part of that process, rather than requiring a wholly separate procedure.</p>
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SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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		<p>prosecutor seeks to release are submitted with the second request so that the judge can review them, order any necessary redactions, and issue a protective order. This would be an unnecessarily long process if the prosecutor has to give 15 days notice under rule 5.860 and then 10 days notice under rule 5.552. I believe the intention is that this would be a one-step process and the prosecutor only has to comply with rule 5.860. This means the court would not have an opportunity to review and redact the documents the prosecutor intends to release. There is also nothing in rule 5.860 about a protective order.</p> <p>Should the rule and or form address the narrow application of the statutory provision in section 781 to 707(b) offenses adjudicated for those 14 or over, or should it apply in any case in which a prosecutor might seek access to comply with <i>Brady</i> obligations?</p> <p>Although the wording in each statute is different, it does not make sense to treat access to sealed records differently depending upon the sealing statute that was used. The same procedures should apply to every case in which a prosecutor seeks access to sealed records to comply with <i>Brady</i> obligations.</p> <p>Would the proposal provide cost savings? If so, please quantify.</p>	<p>The committee agrees with this input and has concluded that any <i>Brady</i> request concerning sealed files should be governed by the same rule, including the notice requirements.</p>
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Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR20-23

Juvenile Law: Access to Sealed Records (Adopt Cal. Rules of Court, rule 5.860; revise forms JV-595 and JV-595-INFO; approve forms JV-592, JV-593, JV-594, and JV-599)

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		<p>No. If anything, it adds costs by requiring a new process and hearing. In San Diego, we already have a process in place. We will have to update our process to comply with the new rule.</p> <p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>Training the disclosure clerk, updating local procedure, and creating new minute order codes.</p> <p>Would 4 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes, provided the final version of the forms are provided to the courts at least 30 days prior to the effective date. This will give courts sufficient time to update procedures.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>It appears that the proposal will work for courts of various sizes.</p>	<p>The committee will note these impacts, but also notes that the court agreed with the proposal with minor modification.</p> <p>The committee will note these impacts in its report to the council.</p> <p>The council is expected to act on the forms in September for a January 1, 2021 effective date, thus the forms will be available more than 30 days in advance.</p> <p>No response required.</p>
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Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated