



## Subject Text

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### Title

### Juvenile Law: Sealing of Records (Action Required)

#### Summary

The Family and Juvenile Law Advisory Committee recommended adopting new and amended rules and forms to implement the provisions of five recently enacted statutes concerning juvenile record sealing. Assembly Bill 1006 directed the Judicial Council to develop informational materials and a form to enable a person with a juvenile record to seal that record. After the council circulated a proposal for comment to implement these requirements, new legislation (Sen. Bill 1038) was enacted that requires the court to automatically dismiss and seal the records for many juvenile wards. While a proposal was being developed and circulated to incorporate that legislation, three additional sealing bills were introduced and enacted to clarify the changes made by SB 1038, including a requirement that the council adopt rules and forms to implement its provisions and to eliminate fees for sealing for petitioners under 26 years of age. The recommended new and amended rules and forms fulfill the council's statutory obligations.

#### Recommendation

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council, effective July 1, 2016:

1. Amend rule 5.830 on sealing of juvenile court records under Welfare and Institutions Code section 781 to incorporate the requirements to provide information to minors on the process for sealing their records and to clarify the process for petitioning the court;
2. Adopt rule 5.840 to state the procedures to be followed by the court when sealing records under Welfare and Institutions Code section 786 when the court determines that probation has been satisfactorily completed;
3. Revise *Order to Seal Juvenile Records* (form JV-590) to make it an optional form so that courts are free to create their own order forms, add a statutory reference to section 781 to the title, and add space for the court to specify the time frame for sealed records to be destroyed;
4. Approve *Acknowledgment of Juvenile Record Sealed* (form JV-591) to provide a mechanism for agencies ordered to seal juvenile records to notify the court that they have complied with the court's order;
5. Approve *Request to Seal Juvenile Records* (form JV-595) as an optional form to be used to petition the court to seal juvenile records under section 781;
6. Adopt *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) as mandatory information forms to be provided to wards at the end of a case in compliance with the requirements of section 781(h);
7. Approve *Dismissal and Sealing of Records-Welfare and Institutions Code Section 786* (form JV-596) for courts to use to order records sealed for satisfactory completion of probation under section 781; and
8. Revise *Juvenile Wardship Petition* (form JV-600) to add language alerting all those subject to a petition that they may have their records sealed in the future.

#### Speakers

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

Hon. Carolyn M. Caietti, Superior Court of San Diego County  
Ms. Tracy Kenny, Center for Families, Children & the Courts