



# Judicial Council of California

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## Subject Text

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### Title

### Juvenile Law: Sealing of and Access to Records (Action Required)

#### Summary

The Family and Juvenile Law Advisory Committee recommends new and amended rules and new and revised forms to conform to recently enacted statutory provisions concerning the sealing of juvenile records. The proposal would update recently adopted rules and forms to implement sealing of records under Welfare and Institutions Code section 786 to include recent changes to that section, modify forms to reflect the authority of the court to seal records for section 707(b) offenses, and adopt a new rule and optional form for use by probation to seal records under newly enacted section 786.5.

#### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2018:

1. Adopt rule 5.850 of the California Rules of Court to implement new statutory provisions providing for the sealing of juvenile records for probation diversion programs;
2. Approve *Probation Department Notice on Sealing of Records After Diversion Program (Welf. & Inst. Code, § 786.5)* (form JV-597) and *Petition to Review Denial of Sealing of Records After Diversion Program* (form JV-598) as optional forms for use in implementation of new provisions on the sealing of juvenile records for probation diversion programs;
3. Amend rule 5.552 of the California Rules of Court to include new statutory and procedural requirements for accessing juvenile case file information for research purposes;
4. Amend rule 5.840 of the California Rules of Court to incorporate recent statutory changes on the sealing of juvenile delinquency records for serious and violent offenses;
5. Revise *Order to Seal Juvenile Records-Welfare and Institutions Code Section 781* (form JV-590) to clarify that some sealed records should not be destroyed to implement recent changes to Welfare and Institutions Code section 781;
6. Revise *Dismissal and Sealing of Records-Welfare and Institutions Code Section 786* (form JV-596) to allow the court to find that the petition was dismissed before wardship as an alternative to finding that probation was satisfactorily completed consistent with recent changes in section 786.
7. Revise *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) to include information about the expansion of section 786 and the possibility of record sealing by probation under new section 786.5, and to clarify the much narrower constraints on record sealing by request under section 781 for 707(b) offenses.