



# Judicial Council of California

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January 19, 2024

## Subject Text

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File #: 20-180, Version: 1

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### Title

### Rules and Forms | Juvenile Law: Access to Sealed Records (Action Required)

#### 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.