



## PROBATION DEPARTMENT



Scott M. Ball  
Chief Probation Officer

### Juvenile Records Sealing Instructions to Applicant

#### **ELIGIBILITY:**

You must meet all of the following requirements to be eligible to seal your juvenile record.

- You must be 18 years of age or older OR it must have been five years since you were on probation or in trouble, whichever comes first.
- You must be off probation and parole and not under the jurisdiction of the Court in any form.
- You must not now be pending any criminal proceedings.
- You must not have had any adult convictions for any felony, or any misdemeanor involving moral turpitude and rehabilitation has been attained in that there are no pending matters (Sex offenses, or crimes involving theft or fraud).
- There must be no pending civil litigation directly relating to, or arising from, the criminal act that caused the records to be created.
- If you were on juvenile probation for any crimes, listed in 707b, 707(d)(2), or 707(e) of the California Welfare and Institutions Code after attaining the age of fourteen (14) you are not eligible to seal your juvenile record, regardless of your meeting the other requirements. These offenses include: Murder, Robbery, Arson, Rape, Felony Assault and other serious felonies.
- If you were found unfit for Juvenile Court as a juvenile, and were convicted in an adult criminal court, you are not eligible to have that offense sealed.
- Sealing of records does not apply to Department of Motor Vehicle records for any conviction of offenses contained in the Vehicle Code, for insurance purposes.
- You must not be subject to registration requirements set forth in Section 290 of the California Penal Code.

#### **PROCESSING:**

Your completed application will be processed in the order received. It is important that you provide your correct mailing address so that we can send you notice of any hearings in your matter. You need not be present when your case is heard.

The Merced County Juvenile Court can only order records sealed in Merced County. If you were arrested outside of Merced County, you must go to that county and request record sealing.

## NOTICE OF YOUR STATUTORY RIGHTS

### SEALING JUVENILE RECORDS (Welfare and Institutions Code, Section 389 and 781)

You have the right to petition the juvenile court to seal your juvenile record, and records in the custody of other agencies, including law enforcement agencies and police officials, after one of the following occurs:

- At any time after you reach age of 18 and are no longer under the Court's jurisdiction.
- Five years or more after the jurisdiction of the juvenile court has terminated.
- Five years or more after you were cited to appear or were taken before a probation officer or any officer of a law enforcement agency where no petition was filed in the juvenile court.

### DESTRUCTION OR RELEASE OF JUVENILE COURT RECORDS (Welfare and Institutions Code, Section 826)

If your juvenile court record has not been ordered sealed, it will be destroyed after you reach the age of 38 if alleged or adjudged to be a person described by Section 602, or age 21 if alleged or adjudged to be a person described by section 601.

You have the right to request that your court record be released to your custody rather than have it destroyed. You must send a written request to the juvenile court giving your full name, date of birth and the juvenile court case number. Your request for release of the record must be made before you reach the age of 38, but you must wait until 5 years has elapsed since the termination of the Court's jurisdiction.

Once your juvenile court records have been released or destroyed, you discover that other agencies still retain records that occurred when you were a minor, you may petition the juvenile court to order the destruction of records retained by any other agency. Your petition must include the name of the agency which has the record and the type of record to be destroyed.

# APPLICATION FOR JUVENILE RECORD SEALING

Name \_\_\_\_\_

Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

License# \_\_\_\_\_

☐ Yes ☐ No I have read and understand the "Instructions to Applicants" and believe I am eligible to have my juvenile record sealed.

☐ Yes ☐ No I have previously been found unfit to be tried as a juvenile.

☐ Yes ☐ No I have been convicted of a felony and/or misdemeanor involving moral turpitude.

☐ Yes ☐ No I have pending civil litigation directly related to or arising from the criminal act that caused the records to be created.

☐ Yes ☐ No I am on probation or parole.

Juvenile Court/Probation jurisdiction ended on \_\_\_\_\_  
Date

I believe a juvenile record exists with the following agencies.

YES

NO

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☐

Merced County Clerk

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Merced County DA

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Merced County Public Defender

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Merced County Probation

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California Department of Justice

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☐

California Department of Motor Vehicles

I believe a juvenile record exists with the following Law Enforcement agencies:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

I declare under penalty or perjury under the laws of the State of California that the foregoing is true and correct and executed on the date below at Merced, California.

Date: \_\_\_\_\_ Applicant: \_\_\_\_\_