

COUNTY OF SAN BENITO
Office of
PROBATION DEPARTMENT

400 Monterey Street
Hollister, CA 95023
831-636-4070
FAX 831-636-5682

PETITION TO SEAL AND DESTROY JUVENILE ARREST RECORDS
PURSUANT TO WELFARE & INSTITUTIONS CODE SECTION 781.5

(Apply to the County in which Wardship was last terminated)

The fee for sealing your Juvenile Record is **\$ 120.00** to be paid at the time of request. This fee is non-refundable. **PERSONAL CHECKS WILL NOT BE ACCEPTED.**

At the time of your request, any outstanding financial obligations you may have to the San Benito County Probation Department could prohibit the sealing of your record.

The Sealing of Juvenile Records Process will take approximately six months to one year to completely seal your record with all appropriate agencies.

Once your record has been sealed, a letter will be mailed to the address you have given below.

If you have new charges as an adult, your record will **not** be sealed and the fee will **not** be refunded.

Please allow for a one (1) year waiting period for completion from date of last offense.

Last		First		Middle	
Name					
Last		First		Middle	
Maiden or Alias Name					
Street Address				Phone No. ()	
City, State, Zip Code				Date of Birth / /	
Driver's License No.			Social Security No. (voluntary for ID only)		
Date of Arrest	Arresting Agency	Charge(s)	Disposition		

Petitioner
Signature _____

Date _____

PETITION TO SEAL AND DESTROY ARREST RECORDS
PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 781.5

WELFARE AND INSTITUTIONS CODE SECTION 781.5(A) PROVIDES IN PART:

“In any case where a minor has been cited to appear before a probation officer, has been taken before a probation officer or any officer of a law enforcement agency, and no accusatory pleading or petition to adjudge the minor a ward of the court has been filed, the minor may request in writing that the law enforcement agency and probation officer having jurisdiction over the offense destroy their records of the arrest or citation. A copy of the request shall be served upon the district attorney of the county having jurisdiction over the offense.”

781.5(b) PROVIDES IN PART:

“If after receipt by the law enforcement agency, probation officer, and the district attorney of a request for relief under subdivision (a), the law enforcement agency, probation officer and district attorney do not respond to the request by accepting or denying the request within 60 days after the statute of limitations for the offense for which the minor was cited or arrested or within 60 days after receipt of the petition in cases where the statute of limitations has previously lapsed, then the request shall be deemed to be denied. In any case where the request of a minor to the law enforcement agency and probation officer to have a record destroyed is denied, petition may be made to the juvenile court that would have jurisdiction over the matter. A copy of the petition shall be served on the district attorney of the county having jurisdiction over the offense at least 10days prior to the hearing thereon.”

781.5(c) PROVIDES IN PART:

“If the court finds the minor to be factually innocent of the charges for which the arrest was made or the citation was issued, then the court shall order the law enforcement agency and probation officer having jurisdiction over the offense, the DOJ, and any other law enforcement agency or probation officer that arrested or cited the minor or participated in the arrest or citation of the minor for an offense for which the minor has been found factually innocent under this section, to seal their records relating to the minor and the court order to seal and destroy those records, for three years from the date of the arrest or citation and thereafter to destroy those records and the court order to seal and destroy those records.”

781.5(d) PROVIDES IN PART:

“Notwithstanding Section 781, in any case where a minor has been arrested or a citation has been issued and an accusatory pleading or petition to adjudge the minor a ward of the court has been filed, but not sustained, the minor may, at any time after dismissal of the proceeding, request in writing from the court that dismissed the proceeding a finding that the minor is factually innocent of the charges for which the arrest was made or the citation issued.”

781.5(e) PROVIDES IN PART:

“Notwithstanding Section 781, in any case where a minor has been arrested or cited and an accusatory pleading or petition to adjudge the minor a ward of the court has been filed, but not sustained, and it appears to the judge presiding at the proceeding that the minor was factually innocent of the offense, the court, upon the written or oral motion of any party in the case or on the court’s own motion, may grant the relief provided in subdivision(c).”

781.5(f) PROVIDES IN PART:

“In any case where a minor who has been arrested or cited is granted relief pursuant to this section, the law enforcement agency and probation officer having jurisdiction over the offense or the court shall issue a written declaration to the minor stating that it is the determination of the law enforcement agency and probation officer having jurisdiction over the offense or the court that the minor is factually innocent of the charges for which the minor was arrested or cited and that the minor is thereby exonerated. Thereafter, the arrest or citation shall be deemed not to have occurred and the minor may answer accordingly any question relating to its occurrence.”