



County of Yolo

PROBATION DEPARTMENT

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JUVENILE DETENTION
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Community Corrections

Brent Cardall
Chief Probation
Officer

JUVENILE RECORD SEAL – INSTRUCTIONS TO APPLICANT

(California Welfare & Institutions Code Section 781)

Read this instructional sheet carefully BEFORE submitting your application to the Probation Officer

A. Who is eligible to have his/her juvenile record sealed?

There are minimum eligibility requirements for having a record sealed. These include **all** of the following. You must

- i. Be at least 18 years of age, or be off probation for five years;
- ii. Not have a sustained juvenile offense at age 14 or older for a serious felony listed in Welfare and Institutions Code 707(b);
- iii. Not have an adult Court felony conviction; and
- iv. Not have an adult Court misdemeanor conviction involving moral turpitude.

B. Who may petition the court requesting that your juvenile record be sealed?

- i. You, personally, may file a petition with the court asking to have your record sealed, or
- ii. you may retain an attorney to do the same on your behalf, or
- iii. **you may ask the Probation Officer to petition the Court on your behalf.**

C. In which county do I file a petition to seal (whether by me, an attorney or a Probation Officer)?

The county that last had jurisdiction over your juvenile matter. That is, if you went to court, the county in which you last went to court. If you did not go to court, it is the county in which you were cited/arrested, or saw a probation officer.

D. Who is not likely to be able to have his/her record sealed?

Even if you meet the minimum requirements listed above, the Judge cannot grant your petition unless he/she is satisfied that you have “attained rehabilitation.” Factors that may be considered include what you have done with your life since your probation term ended. The Court will be interested in hearing this. If you have the Probation Officer file the petition, he/she can convey your information to the Judge for you.

The judge also will want to know how you performed on probation/wardship. Are all of your fines, fees or restitution now paid in full? If not, you should do so now, before filing a request to seal your record.

Possible reasons the Court may deny a petition, beyond those listed above, include:

- i. As a juvenile, you were committed to the California Youth Authority (now called the California Department of Corrections and Rehabilitation/Division of Juvenile Justice) and, if so, you have been off parole less than five years, or
- ii. Now, as an adult, are currently on any type of probation in any jurisdiction, or
- iii. Now, as an adult, have any charges pending in any jurisdiction.

E. What other factors might the Court consider in deciding whether to grant my request/petition?

- i. Is there a civil law suit pending against you related to the any part of your juvenile record?
- ii. Have you had any recent arrests or situations, including traffic matters?
- iii. Are you currently on any kind of probation or parole?
- iv. Do you owe any court ordered fines or fees? (If so, you should pay these *before* requesting a record seal.)

F. What if, as a juvenile, I was cited or arrested but I never had to go to court?

No charges or petition was ever filed in juvenile court. My citation/arrest was handled informally by either the police department or the probation department. Can I get that record sealed?

Yes. Basically, the same requirements apply that are outline above. The only difference is that you must wait at least five years from the date that you were cited or arrested instead of waiting five years from the date that probation or court wardship ended.

G. Is there a fee I must pay?

Yes. The fee is usually \$120, but it can be less if an “ability to pay” assessment is done by the Yolo County Collection Services office *and* if that results in a lesser amount.

H. Now I understand all of this. I am ready to ask the Probation Officer to file a petition to seal my record. What are the steps?

- i. Obtain an “**Application for Petition to Seal Juvenile Record.**” You can do so either in person at the Probation Department office (2780 E. Gibson Rd., Woodland, CA 95776), or at the department’s website: <http://www.yolocounty.org/Index.aspx?page=522>
- ii. Complete the application. Use extra paper if needed. Be sure to list *every* police agency, probation department and court that was involved in your past record. And, write what you have been doing since probation ended. Answer all the questions. Providing too much information is better than not providing enough.
- iii. Take or mail the completed application to the Yolo County Probation Department. Keep a copy.
- iv. You will next be contacted by the Probation Officer. Receipt of your application will be acknowledged. Additional information or clarification might be needed from you. You will be advised that he/she will or will not be filing the petition.

If not, you will be given the reason both verbally and in writing.

If yes, as soon as possible but at least within five days, **go to the Yolo County Collection Services (YCCS) office** (625 Court St., Room 103, Woodland, CA 95695 (530) 666-8668). Tell them that you have submitted to the Probation Department an application to seal your juvenile record. Show them your copy. Tell them that you now wish to pay the \$120 fee. Or, if you want to check if your fee might be less, tell them you desire an “ability to pay” assessment. Afterwards, pay the amount. You will receive a receipt. Take that receipt to the Probation Officer.

Once the Probation Officer has received proof of fee payment, he/she will obtain a court date/time and then file with the court a document titled, “Notice of Petition, Petition for Order Sealing Juvenile Record ad recommendation of the Probation Officer and Order.” You will receive a copy. You also will be notified of the court hearing date, time and location.

I. What does the Probation Officer do?

- i.** After receiving your application, he/she will contact you, as noted above.
- ii.** He/she will conduct an investigation into your background and current situation to determine if you are eligible and suitable to have your record sealed.
- iii.** If you are deemed ineligible, you will be notified verbally and in writing with an explanation regarding why your application was denied, as well as if and when you might be eligible to re-apply in the future. The Probation Officer will not be filing a petition on your behalf. If you feel the Probation Officer was wrong in his/her analysis, you can contact an attorney or file a petition yourself.
- iv.** If the officer finds that you are eligible, you will be notified of this and, as noted above, will receive a copy of the officer's "Notice of Petition and Petition for Order Sealing Juvenile Record and Recommendation of the Probation Officer and Order."

After you receive this document, contact the officer to confirm the date, time and location of your court hearing. The court sometimes changes dates/times/locations. You should attend that hearing.

- v.** At the court hearing, the Probation Officer will make a recommendation to the Judge as to whether you are suitable to have your record sealed as a person who has satisfactorily attained rehabilitation. The Judge will either rule for or against the petition. The judge usually, but not always, follows the officer's recommendation. You also will have opportunity to speak to the judge, if desired. The judge might ask you questions.

J. What happens if the judge orders my record to be sealed?

- i.** The proceedings in the case shall be deemed never to have occurred, and you may properly reply accordingly to any inquiry about the events. It should be noted that this does not apply to inquiries you might receive from a Federal agency such as military service, employment screens, etc.
- ii.** The court clerk will send a copy of the court order to each agency and official named in the petition, directing them to seal whatever record they may have in their possession, and directing them to advise the court of compliance with the order. (This is why it is important for you to list *every agency* in your application.)
- iii.** Special consideration: Laws related to records kept by the California Department of Motor Vehicle have special considerations and limitations. If your juvenile record includes adjudication for a crime that might affect your DMV record, it is recommended that you review Welfare and Institutions Code section 781(c).
- iv.** Generally, once your record is sealed, it cannot be unsealed unless you request it. Unsealing a record for any purpose requires a court hearing and a special order.

(Form: j781 instructions 7.22.08)

I, the undersigned, hereby request to have the Probation Officer of Yolo County petition the juvenile court to request that my juvenile record be sealed in accordance with California Welfare and Institutions Code Section 781. Further, I attest that I have read said section and that I qualify for the sealing of my record. I understand that a \$120 fee exists.

Instructions: Complete this form. Mail or take it to 2780 E. Gibson Rd., Woodland, CA 95776. Use additional pages if needed. Then, go to the Yolo County Collection Services office, 625 Court St., Rm. 103, Woodland, to pay the fee, or to request an ability to pay assessment, in which case the fee amount might be lowered. Bring your receipt to the Probation Department.

Name: _____ Current age: _____
 First Middle Last

Any other names ever used: _____

Date of birth: _____ Birthplace: _____ Height: _____ Weight: _____ Eyes: _____ Hair: _____

California driver's license or ID number: _____

Current phone number(s): _____

Current street address: _____

Current mailing address, if different: _____

Counties I have lived in since age 12: _____

Education – highest grade completed, location, plans-if any, etc: _____

Military history – branch, rank, dates, or plans, if any: _____

Employment history: _____

From	To	Employer/location	Position/type of work
From	To	Employer/location	Position/type of work
From	To	Employer/location	Position/type of work

From	To	Employer/location	Position/type of work
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Arrest record (list all juvenile and adult arrests or citations – use extra paper if needed):

Date:	Police agency:	Offense:	Case disposition:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____	_____	_____	_____
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I am/am not (circle one) currently on probation or parole. I am/am not (circle one) currently pending court action. (If yes to either, give details: _____)

I wish to have my record sealed because: _____

Declaration: I hereby declare the above information to be true and correct.

Signature

Date signed

(form: j781 application 7.22.08)