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CALIFORNIA COURTS


THE JUDICIAL BRANCH OF CALIFORNIA


Sealing Juvenile Records

If you were arrested or involved in a court case or had contact with the juvenile justice system when you were under 18, the courts, police, schools, or other public agencies may have records about what you did. If you are able to get those records sealed, it could be easier for you to find a job, get a driver's license, get a loan, rent an apartment, or go to college. In some cases, the court will automatically order your records sealed. In others, you must file a petition asking the court to seal your records.

When the court seals your records, it means that your court case no longer exists. This means that you can legally and truthfully say you do not have a criminal record when someone asks about your criminal history (there may be an exception to this if you want to join the military or get a federal security clearance).

Situations where the court automatically seals your records

Less serious cases dismissed after January 1, 2015 (For more information, read *Sealing of Records for Satisfactory Completion of Probation (Form JV-596-INFO)* )

If your case is dismissed by the juvenile court after January 1, 2015 and you were NOT found to have committed an offense listed in Welfare and Institutions Code section 707(b)  when you were 14 years of age or older (these are violent offenses like killing, raping, or kidnapping, and also some offenses involving drugs or weapons), you may not need to ask the court to seal your records. The court will do it automatically if you satisfactorily complete your probation. If the court finds that you satisfactorily completed your probation, it must dismiss your case.

If the court does not find that you have satisfactorily completed your probation, it may not dismiss your case and will not seal your records automatically. In that case, if you want to have your records sealed, you will need to ask the court to seal your records (click to find out [how to ask to seal your records](#)). This is another reason why it is important for you to pay attention to the terms and conditions of your probation and work to get your case successfully dismissed.

If the court seals your records for satisfactory completion of probation, some agencies may be able to still look at them in some situations:

- If your records were sealed by the court when the case was dismissed, the prosecutor and others can look at your record to determine if you are eligible to participate in a [deferred entry of judgment](#) or informal supervision program.
- If you apply for benefits as a non-minor dependent (when you are in extended foster care), the court may see your records.
- If a new petition is filed against you for a felony offense, probation can look at what programs you have participated in, but cannot use that information to keep you in juvenile hall or to punish you.
- If the juvenile court finds that you have committed a felony, the court can view your sealed records to determine what disposition (sentence) the court should order.
- If you are arrested for a new offense and the prosecutor asks the court to transfer you to adult court, the court can review your record to determine if transferring you to adult court is appropriate.
- If you are in foster care, child welfare can look at your records to determine where you should live and what services you need.

- If you are not allowed to have a gun because of your offense, the Department of Justice can look at your records to make sure you do not buy or own a gun.
- If a prosecutor thinks there is something in your record that would be helpful to someone who has been charged with a crime in another case, they can ask the court to provide that information. If they ask the court for that information, the court will tell you and your lawyer and you can object.

NOTE: Even if someone looks at your records in one of these situations, your records will stay sealed in the future and you do not need to ask the court to seal them again.

Deferred Entry of Judgment

If your probation supervision was under “[deferred entry of judgment](#)” under [Welfare and Institutions Code sections 790 to 795](#) and you did what you were supposed to do during the time of that agreement, the court had to order your records sealed when it dismissed your case. If you did not complete the agreement adequately and the court entered judgment against you, you will need to ask the court to seal your records by filing a petition.

Pre-Petition Diversion Programs

As of January 1, 2018, If you participated in a diversion program instead of going to court under [Welfare and Institutions Code section 654](#) (or any other pre-petition diversion program) and you satisfactorily complete the program, probation will seal your probation records and notify any agency operating a diversion program to seal its records. Probation must tell you if it has sealed your records, and if it does not seal your records, probation must tell you why in writing. If your records are not sealed because probation found that you did not complete the program satisfactorily, you can ask the court to review that decision and if the court finds that you did complete the program satisfactorily it will order probation to seal your records.

Note: If you do not know or are not sure if your records were automatically sealed, talk to your lawyer or probation officer.

Asking the court to seal your records

If your records were not sealed automatically by the court, you will need to ask the court to seal your records. If your case was dismissed before January 1, 2015, it is very likely you will need to do this. In most counties, you will need to contact the probation department to have your records sealed, and that department will help you to file a petition. You can find step-by-step instructions for asking the court to seal your records on the form [How to Ask the Court to Seal Your Records \(Form JV-595-INFO\)](#). Go online to find [who to contact to seal your records in your county](#). If you have records in more than one county, contact the county with the most recent records. If you have records in more than one county, you should contact the county with the most recent records.

Who qualifies to seal their juvenile records for offenses not listed in Welfare and Institutions Code section 707(b)?

You qualify if:

- You are at least 18; or
- It has been at least 5 years since:
 - your case was closed, or
 - your last contact with probation; and
 - a judge decides you have been rehabilitated.

What about records for offenses listed in Welfare and Institutions Code section 707(b)?

You can ask the court to seal juvenile records for the serious offenses listed in section 707(b) (these are the offenses that can be transferred to adult court) except if you were sent to a state facility for a serious sex offense that requires sex offender registration under Penal Code section 290.008. To qualify for this you must be either:

- 21 years of age and have completed supervision by the Division of Juvenile Justice, or
- 18 years of age and have completed your probation supervision.

If the court seals these records, it will not destroy them, and they may be accessed by the prosecution, probation or the court if you have a later felony case.

Who cannot seal their juvenile records?

The court is not allowed to seal your records if:

- The court found that you committed a serious sex offense listed in Welfare and Institutions Code section 707(b) when you were 14 or older for which you are required to register as sex offender under Penal Code section 290.008,
- Your record is for an adult conviction in a criminal court (if this is the case, read [cleaning an adult record](#)), or
- You were convicted as an adult of an offense involving "moral turpitude" (such as a sex or some drug crimes, murder or other violent crime, or forgery, welfare fraud, or other crime of dishonesty).

Can anyone see my sealed records?

- Car insurance companies can see your DMV records.
- The court may see your records:
 - If you are a witness or involved in a defamation case, or
 - To decide if you qualify for extended foster care benefits after turning 18 (only if you apply for the benefits).
- The prosecutor and others can look at your record to determine if you are eligible to participate in a deferred entry of judgment program.
- Your 707(b) records may be accessed if you are charged with a felony after they are sealed.

You can request the court to unseal your records if you want to have access to them.

How do I ask to have my records sealed?

The specific procedures for sealing your records are different from county to county. Many counties have forms that you will need to fill out listing all of your juvenile arrests and cases. In most counties, those forms must be given to the probation department which will research your case to determine if you are eligible. In many counties there is a fee for sealing your record if you are 26 years of age or older. If you cannot afford the fee, you can ask for a fee waiver. Click to find more [information on the specific requirements and contact people in each county](#).

How long will it take to seal my records?

If your records are only in one county, then the probation department will have 90 days to review your forms and let the court know if you are eligible to seal your record. If you have cases in more than one county, the probation department has 180 days to do that review. The court will review your application. The court may decide right away. Or the court may order a hearing. If there is a hearing, you will receive a notice in the mail with the date and time of the hearing. If the Notice says your hearing is "unopposed," it means no one is opposing your request and you can decide not to go to the hearing without penalty.

Which records will be sealed?

If you qualify, the court will make an order to seal all the eligible records listed on your application. The court can seal only records it knows about. Make sure you list all records from all counties where you have any records. The probation department should be able to help you identify your records, but you can also get a copy of your criminal history from the [California Department of Justice](#) if you provide your fingerprints and pay a fee. The court will order each agency on your list to seal your records. The court will also order the records destroyed by a certain date. The court will mail you a copy of its order. Be sure to keep it in a safe place.

Do I have to continue to register as a sex offender if my records are sealed?

No. If the court seals a record that required you to register as a sex offender, the order will say you do not have to continue to register.

If my records are sealed do I have to report the offenses in the sealed records on job, school or other applications?

No. Once your records are sealed, the law treats those offenses as if they did not occur and you do not need to report

them. However, the military and some federal agencies may not recognize sealing of records and may be aware of your juvenile justice history, even if your records are sealed. If you want to enlist in the military or apply for a job requiring you to provide information about your juvenile records, talk to a lawyer for advice.

Can employers see your records if they are not sealed?

Juvenile records cannot be disclosed to most employers, and employers are not allowed to ask about or consider your juvenile history in most cases. There are exceptions to this rule if you are applying to be a peace officer (like a police officer, sheriff's deputy, prison guard, or others) or to work in health settings. Also, federal employers may still have access to your juvenile history. Talk to a lawyer for legal advice if you have questions of what an employer can ask of you.

Questions?

If you are not sure if you qualify to seal your records or if you have other questions, talk to a lawyer.