

**MONTEREY COUNTY PROBATION DEPARTMENT  
NOTICE OF YOUR STATUTORY RIGHTS**

**SEALING JUVENILE RECORDS:**

(Welfare and Institutions Code, Sections 389 and 781)

You have the right to petition the Juvenile Court to seal your juvenile probation record and records in the custody of other agencies, including law enforcement agencies and public officials, after ONE of the following occurs:

**\*\*PLEASE PAY SPECIAL ATTENTION TO THE FOLLOWING THREE (3) CONDITIONS\*\***

1. Five years or more after the jurisdiction of the Juvenile Court has terminated.
2. 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.
3. **At any time you reach the age of 18.**

**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.
- 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). This will be determined by the court.

## **DESTRUCTION OR RELEASE OF JUVENILE COURT RECORDS:**

(Welfare and Institution Code, Section 826)

- Your Juvenile Court record will be destroyed after you reach the age of 38, unless the court has found you to have committed any of 707 (b) W&I offense at the age of 14 or older.
- You may request that your Juvenile 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 Juvenile Court Case number. Your request for the release of the record must be made before you reach the age of 38.
- Once your Juvenile Court record has been released or destroyed and 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 retain by any other agency. Your petition must include the name of the agency that has the record, and the type of record to be destroyed.

## **NOTE: ACCESS TO INFORMATION**

1. **Traffic Violations:** Under the law even if a Juvenile Court record is sealed, the Department of Motor Vehicles is required to allow insurance companies access to such records for the purpose of determining eligibility to insurance and insurance rates.
2. The Federal Government, including all branches of the military service, is not to recognize the state law relating to the sealing of Juvenile Court records. You may be required to report your Juvenile Court record, even though sealed, when applying for a job or position requiring a security clearance, or employment with a private company doing business with the Federal Government wherein a security clearance is required.

## **POSSIBLE GROUNDS FOR DENIAL OF SEALING PETITIONS:**

Petitions for Sealing of Juvenile records may not be processed at any point during the sealing process if one or more grounds listed exist:

1. The applicant is under 18 years of age at the time of application.
2. The applicant is currently serving sentence for a crime he/she committed.
3. The applicant is on active probation, whether adult or juvenile.
4. There is a pending case filed against the applicant.
5. 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.
6. Your record is for an adult conviction in a criminal court.
7. No record is found under the name provided by the applicant.
8. The Court denies the petition.

## Appendix: 707(b) WIC OFFENSES

- 1) Murder.
- 2) Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.
- 3) Robbery.
- 4) Rape with force, violence, or threat of great bodily harm.
- 5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- 6) A lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.
- 7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- 8) An offense specified in subdivision (a) of Section 289 of the Penal Code.
- 9) Kidnapping for ransom.
- 10) Kidnapping for purposes of robbery.
- 11) Kidnapping with bodily harm.
- 12) Attempted murder.
- 13) Assault with a firearm or destructive device.
- 14) Assault by any means of force likely to produce great bodily injury.
- 15) Discharge of a firearm into an inhabited or occupied building.
- 16) An offense described in Section 1203.09 of the Penal Code.
- 17) An offense described in Section 12022.5 or 12022.53 of the Penal Code.
- 18) A felony offense in which the minor personally used a weapon described in any provision listed in Section 16590 of the Penal Code.
- 19) A felony offense described in Section 136.1 or 137 of the Penal Code.
- 20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.
- 21) A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which also would constitute a felony violation of subdivision (b) of Section 186.22 of the Penal Code.
- 22) Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
- 23) Torture as described in Sections 206 and 206.1 of the Penal Code.
- 24) Aggravated mayhem, as described in Section 205 of the Penal Code.
- 25) Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon.
- 26) Kidnapping for purposes of sexual assault, as punishable in subdivision (b) of Section 209 of the Penal Code.
- 27) Kidnapping as punishable in Section 209.5 of the Penal Code.
- 28) The offense described in subdivision (c) of Section 26100 of the Penal Code.
- 29) The offense described in Section 18745 of the Penal Code.
- 30) Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.

# MONTEREY COUNTY PROBATION DEPARTMENT

Juvenile Division - Field Services Unit

## APPLICATION FOR SEALING OF JUVENILE RECORD

NAME: \_\_\_\_\_ ALIAS: \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_ AGE: \_\_\_\_\_ PLACE OF BIRTH: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_  
COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
CONTACT PHONE /MOBILE # \_\_\_\_\_ WORK: \_\_\_\_\_  
HT: \_\_\_\_\_ WT: \_\_\_\_\_ HAIR COLOR: \_\_\_\_\_ EYES: \_\_\_\_\_  
RACE: \_\_\_\_\_ SEX:  MALE  FEMALE SOCIAL SECURITY #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
DRIVER'S LICENSE/ID #: \_\_\_\_\_

## MILITARY RECORD

BRANCH OF SERVICE: \_\_\_\_\_ ENLISTED: \_\_\_\_\_  
DISCHARGED: \_\_\_\_\_ TYPE OF DISCHARGED: \_\_\_\_\_  
MILITARY ID #: \_\_\_\_\_

## JUVENILE RECORD - Including Juvenile Traffic Violations

DATE	OFFENSES	AGENCY	DISPOSITION
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

## DO YOU HAVE AN ADULT RECORD? YES NO If yes, please fill out the following:

DATE	OFFENSES	AGENCY	DISPOSITION
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**\*PLEASE BE SURE ALL QUESTIONS ARE ANSWERED\***

SIGNATURE OF APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_

## FOR OFFICE USE ONLY

DATE RECEIVED: \_\_\_\_\_  
PENDING FINES: \_\_\_\_\_ RESTITUTION: \_\_\_\_\_ TOTAL: \_\_\_\_\_  
SEALING APPLICATION:  ACCEPTED  DENIED REASON(S): \_\_\_\_\_