

SEALING YOUR JUVENILE COURT RECORDS IN ALAMEDA COUNTY

If you were ever arrested when you were under 18 years old, public agencies like police departments or juvenile courts may have records about you and what may have happened to you during your youth. In order to prevent anyone from seeing these records, you should make sure that your juvenile court records are **sealed** as soon as possible. Once your records are ordered sealed, public agencies must destroy them. In addition, once your records are sealed, you are also allowed to legally and truthfully say that you do **not** have any juvenile criminal record -- it's as if your juvenile arrest and/or case never happened in the first place (although there may be exceptions if you want to join the military or become a peace officer).

In some cases, the court will automatically order your records sealed once your juvenile court case is over. In other cases, you must file a request with the court to seal your records. There are currently two different ways to request juvenile record sealing: (1) "automatic" record sealing under Welfare and Institutions Code section 786 and (2) "discretionary" record sealing under Welfare and Institutions Code section 781. In order to determine whether you should request "automatic" or "discretionary" record sealing, answer the following questions about your juvenile court case.

IT IS FREE TO HAVE YOUR RECORD SEALED IN ALAMEDA COUNTY

QUESTION 1: *Did your case result in any finding(s) for a "707(b) offense?"*

- A "707(b) offense" is an offense listed in Welfare and Institutions Code section 707(b). If you had a finding for a 707(b) offense (*i.e.*, you either admitted to such an offense or a judge found you guilty of such an offense at trial), sealing your record will likely be more complicated (although not impossible).
 - Common "707(b) offenses" include, but are not limited to: murder/attempted murder/ voluntary manslaughter; robbery; arson causing injury or of an inhabited building; rape/sodomy/oral copulation by force, violence or threat; lewd/lascivious act on minor; many kidnapping offenses; assault with a firearm or by force likely to produce great bodily injury; elder abuse; and armed carjacking.
- If you did **not** have a "707(b) offense," see **QUESTION 2**, below.
- If **did** have a "707(b) offense," skip to **QUESTION 3**, below.

QUESTION 2: *Were charges never filed against you, were your charges dismissed and/or did you successfully complete some form of diversion or probation?*

- *If so*, and your case occurred *on or after* January 1, 2015, it's very likely that your record was already *automatically sealed*.
 - If your record was already automatically sealed, you should have received paperwork from the court in the mail from the court informing you of that.
 - If you're not sure if your record was sealed, you can ask your defense attorney. (If you can't remember who your attorney was, you can call the Juvenile Unit at the Public Defender's Office at (510) 667-4496.)
 - Alternatively, you can also ask at the court clerk's office, which is located on the third floor of the Juvenile Justice Center (JJC) in San Leandro. You must go in person and have a valid picture ID. If you have questions, you can call the clerk's office at (510) 618-1106.
- If your case occurred *prior to* January 1, 2015 and/or your record was not already automatically sealed, you will need to submit a request to seal your juvenile court record. Skip to "Sealing Your Juvenile Court Record," below.
- Even if you did *not* successfully complete diversion or probation, you may still be eligible for "discretionary" record sealing. See QUESTION 3, below.

QUESTION 3: *If your juvenile record was not already automatically sealed, did you have a finding for a "707(b) offense" and/or was your probation terminated unsuccessfully?*

- *If so*, you must apply for "*discretionary*" sealing instead of "*automatic*" sealing. In order to qualify for discretionary sealing, you must meet *all* of the following criteria.¹
 - You are currently over age 18 (or over age 21 if you were sent to DJJ/CYA for a "707(b) offense") OR at least 5 years have passed since your juvenile case ended;
 - You are no longer on any form of juvenile probation;
 - You have no convictions for any adult felony OR any adult misdemeanor "involving moral turpitude"²; AND
 - The judge finds that you have been successfully *rehabilitated*.

¹ Note that your application for sealing may still be denied, even if you meet all of these criteria; if your application is denied, however, you should seek legal assistance ASAP.

² If you have *both* an adult record and a juvenile record, you should try to clear your adult record *before* trying to seal your juvenile record.

SEALING YOUR JUVENILE COURT RECORD

- **STEP ONE:** Fill out and submit a request to seal your juvenile court record.
 - You can apply for *either* “*automatic*” or “*discretionary*” sealing by using a JV-595 form, available online at <http://www.courts.ca.gov/documents/jv595.pdf>. (Detailed instructions for filling out the form are available online for download at <http://www.courts.ca.gov/documents/jv595info.pdf>.) You should include as much information as you can, even if you don’t have everything requested, especially regarding any and all law enforcement agencies you’ve had contact with.
 - If you can’t access the form online, you can also request a “sealing packet” from the [Alameda County Probation Department](#). Mail or deliver the completed packet to the Probation Record Sealing Clerk at 2500 Fairmont Drive, Room C-1055, San Leandro, CA 94578. (If you have questions, you can call the juvenile probation department at (510) 667-4970.)

- **STEP TWO:** Prepare for your court date.
 - Probation will send you letter with a court date and will let you know if there are any problems with your request. (Note that it may take several months to process your application.)
 - *If probation indicates that there is a problem or an objection to your sealing request, you should seek legal help ASAP.*
 - If possible, you may want to prepare a short letter or statement to present to the judge on your court date about why you want your record sealed and why the court should find that you have been rehabilitated. Examples of things to address:
 - What you learned from being in the court system;
 - What you are doing now (work, school, etc.); and/or
 - Your hopes and goals for the future.
 - If possible, you may also want to gather any certificates, diplomas and/or any other evidence of rehabilitation to bring to your court date as well.
 - If you cannot appear in person for the court date, you can usually appear by phone instead. If you want to appear by phone, call the clerk’s office at (510) 618-1106 and ask to speak to the courtroom clerk in Department 401.

- **STEP THREE:** Appear in court at the Juvenile Justice Center (JJC) in San Leandro.
 - You will wait in hallway until someone calls you into the courtroom. If you will be appearing by phone, be prepared to answer as soon as the court calls you.
 - The hearing should be short. The judge may ask about what you are doing now and why you want your record sealed. (See **STEP TWO**, above.)
 - If there is a problem or objection, *ask the court for another date and seek legal help ASAP.*

IMPORTANT NOTES ABOUT RECORD SEALING AND “707(b) OFFENSES”

- If your juvenile court case involved a finding for a “707(b) offense,” your sealed records **may** still be used against you if you are subsequently arrested again, either as an adult or as a juvenile. If you are, the judge, prosecutor and/or probation department may use your juvenile record to:
 - Charge you with a “*strike*” under the California Three Strikes Law;
 - Decide whether or not to charge you with an adult felony case;
 - Determine the appropriate sentence for an adult felony or appropriate disposition for any subsequent juvenile case; and/or
 - Decide whether to transfer your case from juvenile to adult court.
- In order to prevent your 707(b) records from being used against you, the judge must either **dismiss** your “707(b) offense” and/or to **reduce** your “707(b) offense” to a misdemeanor first. (This generally requires an attorney to file an additional motion on your behalf.) If this request is granted, your juvenile court records may **not** be used in the above ways.

ADDITIONAL NOTES ABOUT JUVENILE RECORD SEALING

- Juvenile cases do **not** result in convictions. If an application asks if you’ve ever been **convicted** of a crime, you can legally answer “no,” whether or not your record has been sealed, because **only** adult criminal cases can result in convictions.
- Your juvenile court record **can** be sealed now, even if you still owe money to the court and/or victim restitution, as full payment is **not** required before your records can be sealed, as long as you have otherwise successfully completed all the other conditions of juvenile probation.
- Note that some government agencies (such as police departments and/or the military) **may** still be able to access your juvenile court records, even after they’ve been sealed. If you want to apply for a job with a government agency, you may want to consult with a lawyer first.
- **Regardless** of what your juvenile court charges were, your sealed records always **may** still be used against you if you are subsequently arrested again as a juvenile. If you are, the judge, prosecutor and/or probation officer may use your juvenile record to:
 - Decide whether or not to grant you informal probation/deferred entry of judgment;
 - Determine the appropriate disposition for a juvenile case involving a felony charge;
 - Decide whether to request transfer from juvenile to adult court; and/or
 - Prohibit you from owning, carrying or possessing a firearm until age 30, if your charges initially prohibited you from doing so.

FOR FREE LEGAL ASSISTANCE WITH JUVENILE RECORD SEALING
CALL THE EBCLC YOUTH DEFENDER CLINIC AT (510) 548-4040

(Last updated November 1, 2019)