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| cid:image001.png@01D5C572.D56C8420 | Alameda County Probation Department |
| **JUVENILE RECORD SEALING** WENDY STILL Chief Probation Officer  **(510) 618-1918** | |

Dear Applicant:

This packet provides you with detailed information on how to apply to have your juvenile record sealed in Alameda County. Your juvenile record may include any case in which you were cited to appear or did appear before a police officer, Probation officer or the Juvenile Court in the State of California for any violation of the law that occurred prior to your eighteenth birthday. It is important that you report all contacts with arresting agencies or police departments because, if your application is approved, all agencies known to have your record will receive an order to seal. If you fail to report a contact, however minor the offense, it is possible that a portion of your juvenile record may not be sealed.

Please note: If, at any time, you were a ward of the Court, you must petition to have your record sealed in the county in which wardship was dismissed. The Alameda County Probation department cannot petition to seal the records of the Juvenile Court in any other state; therefore, record sealing outside of California must be petitioned to that state directly.

**Eligibility Requirements**:

Under the provisions of Section 781 and 389 of the California Welfare and Institutions Code, you may petition the Juvenile Court to seal your juvenile record after either of the following conditions has been met:

You have reached the age of 18

It has been five years or more after the jurisdiction of the juvenile court was terminated

In a case in which no petition is filed, it has been five years or more since you were cited to appear before a probation officer, or officer of a law enforcement agency

**AND** none of the following conditions apply:

**This section shall not be a requirement for applicants seeking the sealing remedy for findings made in Juvenile Court for Penal Code sections 647(b) and 653.22. Please refer to section 1203.47 in the Record Sealing Information Sheet for additional information.**

You have had any Felony convictions since reaching the age of 18

You have had any Misdemeanor convictions involving Moral Turpitude as an adult

You have been found by the juvenile court to have committed an offense listed in Welfare and Institutions Code Section 707 (b) at 14 years of age or older

Rehabilitation has not been attained to the satisfaction of the Court

The Probation department generally looks for an arrest- free period of time after your case was dismissed or closed. As such, you may still apply to have your juvenile record sealed. However, the Alameda County Probation Department will oppose the sealing of your juvenile record if any of the following conditions apply:

It has been less than one year since wardship was terminated, Probation case was closed, or last arrest

You have pending adult or juvenile matters

You are currently on Juvenile or Adult Probation or Parole

You have outstanding warrants as an adult or juvenile

You are currently involved in any civil litigation, or pending any civil litigation involving the juvenile record being sealed.

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**Application of such provisions to specific situations requires consultation with an expert in law.**

***Penal Code 1203.47:***

(a) A person who was found to be a person described in Section 602 of the Welfare and Institutions Code by reason of the commission of an offense described in subdivision (b) of Section 647 or in Section 653.22 may, upon reaching 18 years of age, petition the court to have his or her record sealed, as provided in Section 781 of the Welfare and Institutions Code, except that, as pertaining to any records regarding the commission of an offense described in subdivision (b) of Section 647 or in Section 653.22, it shall not be a requirement in granting the petition for the person to show that he or she has not been convicted of a felony or of any misdemeanor involving moral turpitude, or that rehabilitation has been attained to the satisfaction of the court. Upon granting the petition, all records relating to the violation or violations of subdivision (b) of Section 647 or of Section 653.22, or both, shall be sealed pursuant to Section 781 of the Welfare and Institutions Code.

(b) The relief provided by this section does not apply to a person adjudicated pursuant to subdivision (b) of Section 647 or of Section 653.22 who paid money or any other valuable thing, or attempted to pay money or any other valuable thing, to any person for the purpose of prostitution as defined in subdivision (b) of Section 647.

(c) This section applies to adjudications that occurred before, as well as those that occur after, the effective date of this section.

(d) A petition granted pursuant to this section does not authorize the sealing of any part of a person’s record that is unrelated to a violation of subdivision (b) of Section 647, Section 653.22, or both.

***Where can I get a record sealing application?***

**In person:** Alameda County Juvenile Justice Center, 2500 Fairmont Drive, First Floor, Room C1055, San Leandro, CA 94578.

**Mail:** Send a self-addressed stamped envelope to: Alameda County Probation Department, **Attention:** **Record Sealing Clerk**, 2500 Fairmont Drive, First Floor- Room C1055, San Leandro, CA 94578.

**On-Line:** Alameda County Probation Department website: <http://acgov.org/probation/index.htm>

Or you can also visit: <https://www.courts.ca.gov/documents/jv595.pdf>

***Where can I submit my record sealing application?***

Your record sealing application can be mailed to: Alameda County Probation Department, **Attention:** **Record Sealing Clerk**, 2500 Fairmont Drive, First Floor- Room C1055, San Leandro, CA 94578. Applications may also be submitted in person at the first floor reception window at this location.

***Will record sealing help with immigration?***

Criminal violations may have severe consequences for immigrants, even if the crime is expunged, vacated, or sealed. Even minor offenses such as petty theft can make someone deportable or inadmissible, while more serious offenses such as burglary may not have the same consequences. Each case is unique. To find out if your juvenile record will impact your immigration case, it is imperative that you contact a qualified immigration attorney for an analysis of your specific case.

You may contact the *Starting Over Strong Project* of the East Bay Community Law Center at (510) 548-4040 x 396 or [youthdefense@ebclc.org](mailto:youthdefense@ebclc.org).

***What gets sealed?***

Your record-sealing application is a request to the court to seal any juvenile records of arrest that are in the custody of the Juvenile Court, Probation Department, and any other agencies, including law enforcement and public officials that you (the petitioner) allege in your petition to have custody of the records.

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***What happens after my record sealing packet has been submitted?***

Upon receipt of the complete record sealing packet, the Probation Department will begin the investigative process of your case, which will include the following steps:

1. Run record check and examine your juvenile and adult case records. If you do not meet eligibility requirements, a letter will be sent explaining the reason(s) your request will be opposed.
2. If all eligibility requirements are met, the Probation department will proceed with the following steps:

* Contact all law enforcement agencies, Courts, Probation Departments, Central Collections agencies with whom you had contact as a juvenile
* Contact the local law enforcement agency in your current city of residence

These agencies will be notified of your record-sealing request, projected hearing date and given 30 calendar days to respond. The agencies will have the option to oppose the sealing of your juvenile record. Any agency that opposed the sealing request must provide a written reason for doing so to the Probation Department. The agencies are also given the option of appearing at the hearing or requesting District Attorney representation at the hearing.

1. Ten days prior to your hearing date, you will be sent a Hearing Notification Letter which includes the court date, time, department, sealing recommendation or opposition, and will indicate if your presence at the hearing is recommended.

**PLEASE NOTE:** It is the Court and not Probation that makes the final determination as to whether your record is ordered sealed, or whether your sealing request is denied.

***How long does the record sealing process take?***

Probation begins the Investigative process upon receipt of your record- sealing application. The Investigation process takes approximately six (6) weeks. Upon completion of our investigation process, Probation will add the matter on the next available record sealing calendar. Once the sealing request is granted, the Court must notify all agencies listed on the petition. The length of time required for the Courts to receive their compliance orders from the differing agencies varies. Status requests and questions regarding your case should be directed to the Juvenile Court Clerk’s office, (510) 618-1100.

***Who do I contact with questions prior to my record sealing hearing?***

The Alameda County Probation Department is available to answer questions or provide assistance prior to the Record Sealing hearing. However, once the record is ordered sealed the Juvenile Court Clerk’s office should be contacted for any questions, status updates, or concerns, (510) 618-1100.

***What happens at the Record Sealing Hearing?***

At the hearing, the judge reviews your petition and any evidence presented by the petitioner, the Probation Department, the District Attorney, any agencies listed on your petition, or anyone else who has relevant information.

After the court reviews all of the information, the judge will decide whether to:

* Grant the petition, in which case the Court will seal your records and send a copy of the order to all agencies listed on the petition that have possession or access to your records instructing them to seal and ultimately destroy the records.

OR

* Deny the petition, in which case you may reapply at a later date, depending on the reason for denial.

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***How am I notified of the hearing outcome?***

You will receive a copy of the Order signed by the Judge after the hearing. The order will include details such as whether your Petition was granted or a copy of the Order for Denial if your Petition was denied.

***Who do I contact after the hearing for status request or questions?***

Petitioners should contact the Juvenile Superior Court Clerk in person at the Juvenile Justice Center located at 2500 Fairmont Drive, Third floor- Room C-3013, San Leandro, CA 94578, after the record sealing request is granted. When a record is ordered sealed, the Probation Department also receives an order to seal all juvenile records related to your case. Therefore, Probation will have no information on your case once we have complied with the sealing order. Our response to any inquiries regarding your juvenile case record will be, “The department has no record”. All further inquiries received will be referred to the Juvenile Court Clerk’s office at (510) 618-1100.

***How do the agencies listed on my petition know the sealing request was granted?***

The court will send the granted order to the California Department of Justice and all other agencies listed on the petition. This is why it is imperative that you list **all** agencies with which you’ve had contact as a juvenile on your record sealing application. Otherwise, it is possible that a portion of your record might not be sealed.

***How do I know the agencies complied with the sealing order?***

Once the Juvenile Court orders a juvenile record sealed, a copy of the order is sent to each agency and official named by the applicant on the record sealing application directing them to seal their records. You will receive a notice from the Alameda County Superior Court Clerk’s Office after all named agencies have complied with the Court’s order to seal your records.

***Can my record be unsealed?***

There are circumstances in which your sealed juvenile record may be reopened. Some examples include but are not limited to:

* If you are a party to a defamation civil lawsuit, your juvenile record may be opened and admissible as evidence during the proceedings. Once the lawsuit is resolved, the records will be re-sealed.
* The California Department of Motor Vehicles (DMV) may allow automobile insurance adjustors to inspect your driving record in order to evaluate your insurance eligibility and risk.

**Please Note:** The examples above are not a comprehensive list of all circumstances under which your juvenile record may be unsealed.

***Do I have to disclose my record to employers after the sealing request is granted?***

**We cannot advise you on your rights and responsibilities regarding the disclosure of your records. The statues and circumstances that allow for records to be disclosed after the juvenile record sealing is granted are beyond the scope of this fact sheet.** **This guide is intended as an information tool only and is NOT intended as legal advice.**

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**Federal and state laws** require that background checks be conducted for certain jobs. For example, California requires criminal background checks for anyone who works with children, the elderly, or disabled. The Federal National Child Protection Act authorizes state officials to access the FBI's National Crime Information Center (NCIC) database for some positions.

Once your record is sealed, you are entitled to respond on an application for employment that the events in the sealed record never occurred. However, law enforcement agencies, all branches of the military, the federal government, and some private agencies working with the federal government may still have access to sealed records. The fact that a record is sealed may not necessarily mean that you will never have to disclose the information. Applications for a state license or a specific kind of job may demand disclosures of information that covers your lifetime. Refer to the appropriate code sections for additional information.

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If you have questions or concerns about whether to disclose your juvenile record to your employer, you should consult an attorney to discuss the specifics about your case.

***Recommended Websites:***

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* Alameda County Probation Department website: [http://acgov.org/probation](http://acgov.org/probation/)
* California’s Judicial Website: <http://www.courts.ca.gov>
* California’s Judicial Website Record Sealing information page: <http://www.courts.ca.gov/28120.htm>
* California Employment Development Department, [http://www.labormarketinfo.edd.ca.gov](http://www.labormarketinfo.edd.ca.gov/). Find information about California jobs that require a license and link to the appropriate licensing agency.
* California Department of Fair Housing and Employment, <http://www.dfeh.ca.gov/>
* The EEOC’s guidelines, Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,  can be found at: <http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm>The 1993 National Child Protection Act (42 USC §5119) authorizes states to establish procedures for national criminal history checks using the NCIC for employees and volunteers who work with children, the elderly, and persons with disabilities. For more on the NCIC, visit the joint web site of the FBI and the Federation of American Scientists, [http://www.fas.org/irp/agency/doj/fbi/is/ncic.htm.](http://www.fas.org/irp/agency/doj/fbi/is/ncic.htm)
* The California Attorney General maintains a program to check fingerprints electronically called Live Scan. For more information on Live Scan see: <http://oag.ca.gov/fingerprints/>
* Official site for California legislative information: <http://www.leginfo.ca.gov>. (Pursuant to California law, this site is maintained by the [Legislative Counsel](http://www.legislativecounsel.ca.gov) of California)