



SAN MATEO COUNTY LAW LIBRARY

RESEARCH GUIDE #10

APPLICATION FOR THE SEALING OF JUVENILE RECORDS

This resource guide only provides guidance, and does not constitute legal advice. If you need legal advice you need to speak with an attorney. To find an attorney to assist you, you may contact the San Mateo County Lawyer Referral Service at (650) 369-4149.

WHY SHOULD YOU HAVE YOUR RECORD SEALED?

To ensure the person that acts committed while a minor will not affect future obligations, aspirations, or opportunities of adulthood.

WHEN CAN I APPLY TO HAVE MY JUVENILE RECORD SEALED?

You can apply to have your records sealed after you turn 18 years of age, and it has been at least five years since the date of your arrest and you have met all the following criteria:

- You have not been convicted of a felony after the age of 18.
- You are not currently undergoing any type of adult criminal court action or investigation (including traffic matters), and are not on any form of adult probation.
- You have not been convicted as an adult of any misdemeanor offenses involving a crime of moral turpitude.
- You have not been found to have committed an offense under Welfare and Institutions Code 707(b) when you were 14 years of age or older.
- You do not have any civil cases pending based on any juvenile offense.

DOES THE COURT HAVE TO SEAL MY RECORD?

No. The court may not grant your request if you had a petition sustained after the age of 16, which is a "strike" under the three strikes law in California. Sections 667.5 and 1192.7 of the California Penal Code lists the offenses that are considered a "strike".

WHERE CAN I FILE AN APPLICATION FOR MY RECORD TO BE SEALED?

Applications to seal a juvenile record must be made to the Probation Department in the county in which wardship was terminated. The basic requirements must be met prior to filing an application. You can obtain an application for the sealing of your record at 222 Paul Scannell Drive in San Mateo, or 2415 University Avenue, East Palo Alto. You may also request that an application be mailed to you by calling (650) 312-8816.

HOW MUCH DOES IT COST TO FILE AN APPLICATION?

A non-refundable fee for sealing of juvenile/traffic records is \$150.00. Once the sealing investigation has begun, there will not be a refund of the fee. A waiver for the fee can be requested by completing the proper fee waiver form.

HOW LONG DOES THE PROCESS TAKE?

Depending on the particular complexity of the case(s); the nature and number of prior offenses; the number of law enforcement agencies involved; the court calendar schedule; and other facts, it may take from four to six months to complete the process and obtain an order from the court. The Probation Department will notify all state and local agencies listed in the sealing order to seal your record. These agencies, in turn, will send probation a confirmation that the sealing process has been completed.

For the sealing of records at the Federal level for the Department of Justice (DOJ) and the Federal Bureau of Investigation, requires an additional 90 day time period. It is advised that you contact the DOJ Record Sealing Unit to confirm the completion of the sealing of the record at the Federal level. Their telephone number is: (916) 227-3839.

HOW WILL I KNOW WHEN MY RECORD HAS BEEN SEALED?

The Juvenile Court Clerk’s office will send you a signed copy of the juvenile court sealing order. If your mailing address changes during this time, it is essential that you contact probation and notify them of an updated address. Their phone number is (650) 213-8816. When you call, ask for the Legal Office Services Supervisor in charge of Record Sealing.

IF MY APPLICATION IS DENIED, WILL I BE REFUNDED THE FEE?

No. Please read carefully the information on the application prior to sending your check or money order in to the San Mateo County Probation Department.

WHAT IS THE EFFECT OF A SEALED RECORD?

Following an order for sealing, all records, exhibits, documents, and other related material in the possession of any agency are directed sealed. This means that any agency having information must physically seal the record, and report to any request for information about a record that they do not have a record. The applicant may respond to any inquiry regarding the holding of a

juvenile record is that he/she does not have one. Further, you need not indicate that your record was sealed.

NOTE: If the offense(s) in question were a violation of Welfare and Institutions Code 602 – the actual destruction of your record will not occur until the individual turns 38 years of age; and if the offense was a violation of Welfare and Institutions Code 601 the actual destruction will be when the individual turns 23 years of age.

CAN THE RECORD BE UNSEALED?

Sealed records can be unsealed for three reasons:

- 1) Upon a petition to the court by the individual whose record has been sealed.
- 2) The Court may order a record opened in an action or proceeding based upon defamation. The information may be entered into evidence, following which the Court orders the record sealed.
- 3) Insurance companies can obtain copies of the Department of Motor Vehicles (DMV) records in order to set premium rates.

HOW DOES THE SEALING OF MY RECORD AFFECT MY AUTO INSURANCE RATES?

It does not. Insurance companies are authorized by law to obtain copies of DMV records in order to set your automobile insurance premium rate. Sealing your records in San Mateo County does not prevent insurance companies from access to your driving record through the Department of Motor Vehicles in Sacramento, California.