



COUNTY OF TULARE

Probation Department

COUNTY CIVIC CENTER
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CHRISTIE MYER
CHIEF PROBATION OFFICER

JUVENILE RECORD SEALING

(WELFARE & INSTITUTION CODE § 781)

PLEASE READ THIS INFORMATION PACKET BEFORE SUBMITTING YOUR APPLICATION

A. Who is Eligible?

There are minimum eligibility requirements for having a juvenile record sealed. The minimum requirements are that you:

- Be at least 18 years of age **or** be off probation for a period of five (5) years;
- Not have sustained a juvenile offense at age 14 or older for any serious felony listed in Welfare and Institution Code Section 707(b);
- Not have been convicted of any offense while a juvenile in an Adult Criminal Court;
- Not have a felony conviction as an adult and;
- Not have a misdemeanor conviction as an adult involving moral turpitude. ¹

B. Who May Petition the Court for a Record Sealing?

- You may request that the Probation Department or the Public Defender's Office petition the Court to have your record sealed.

C. Who is Not Likely to Have a Record Sealed?

- Even if the minimum eligibility requirements are met, the possibility exists that the Court will deny your request. By law, the Court cannot seal a juvenile record unless he/she are satisfied that **rehabilitation** has been attained. While many petitions to seal a juvenile record are granted, the Court has the ability to deny your request if he/she is not satisfied that you have been rehabilitated.

D. What Other Factors Will the Court Consider?

The Court may take into consideration any of the following circumstances in deciding whether you have sufficiently attained the degree of rehabilitation necessary to justify the sealing of your record:

- Is there a civil law suit pending against you related to the facts that were involved in your juvenile case?
- Have you had any recent arrests or citations, including traffic matters?
- Are you currently on any kind of informal or formal probation or parole?
- Do you owe any victim restitution as a result of a juvenile or adult Court matter?
- Do you have any Court ordered fines that have not been paid in full?

¹

"Moral turpitude" is a legal term that means "readiness to do evil or corruption of others." It commonly included crimes of violence, theft related offenses, crime related to drug sales and sex offenses.

E. Is There a Filing Fee?

A fee of \$120.00 is due at the time you submit the application to petition to seal your juvenile record. ***If for any reason your petition is not granted, the fees are not refundable.***

F. What is the Application and Petition Filing Process?

- Obtain an application for petition to seal your juvenile record. You may obtain an application in person, or by sending a self-addressed, stamped envelope requesting an application to:

Tulare County Probation Department
Juvenile Justice Complex
11200 Avenue 368
Visalia, CA 93291

- Pay the above fee, by cash, check or money order, and submit your ***completed*** and ***signed*** application, either in person or by mail, to:

Tulare County Probation Department
Probation Accounting Services
221 S. Mooney Boulevard, Room 204
Visalia, CA 93291

G. Supporting Documentation

- To support your request, you may wish to submit one or more of the following with your application:
 - A copy of your high school diploma and/or college transcripts
 - Verification of present or most recent employment in the form of a letter addressed “To Whom It May Concern” on company letterhead.
 - Verification of military service, if any (DD214 or Military ID).

H. What Does the Investigations/Records Unit Do?

- After you pay the filing fee, your application will be forwarded to the Juvenile Investigations/Records Unit for a background investigation.
- Research your records to see if you are eligible to have your record sealed in compliance with the law.
- Determine if you are a suitable or unsuitable candidate for record sealing based on Welfare and Institutions Code 781.
- If you are determined to be **not eligible**, a rejection letter will be mailed to you informing you why your application was denied and if and when you are eligible to reapply.
- If you are determined **eligible**, the Probation Officer will file a petition with the Court listing all law enforcement agencies that have records that can be sealed. The only juvenile records that will be sealed are those that occurred in Tulare County, or any out-of-county matters that were transferred to the Tulare County Superior Court for disposition.
- The Probation Officer will prepare a report and recommendation for the Court as to whether the petition should be granted or denied based upon whether or not you have satisfactorily attained rehabilitation.
- A Court appearance is not required.

I. What Happens When Your Record is Sealed?

- If the Court orders your juvenile record sealed, by law the juvenile proceedings are deemed to have never occurred and you ***can lawfully state that you have no juvenile record.***
- The Court will send a copy of the order to each agency and official who has any of your records directing them to seal and destroy their records.
- Vehicle Code charges ***cannot be sealed*** from access by the Department of Motor Vehicles. The DMV must grant access to insurance companies to look at your sealed driving records for the purpose of determining your eligibility for automobile insurance and the rates they will charge you if they issue an insurance policy.
- Generally, once your records are sealed, they cannot be unsealed unless you request it. Unsealing records for any purpose requires a court hearing and subsequent order of the Court.
- An exception may occur if you ever sue someone for defamation of character. The person you sue, the judge and the jury in that case, may be allowed to look at your sealed records.

To: Probation Officer
County of Tulare

I, hereby request and authorize the Tulare County Probation Department to conduct the necessary investigations and affirm that the requirement of the Tulare County Superior Court, Juvenile Division has been satisfied in the matter of sealing of my juvenile records. I, further request that the Tulare County Superior Court, Juvenile Division issue an order directing that the Probation Officer, other officials and agencies which have juvenile records relative to the undersigned, pursuant to § 781 of the Welfare and Institutions Code of the State of California.

I believe the following officials and agencies to have such records: (Circle all that apply)

1. Clerk of the County Of Tulare
2. Probation Officer, County of Tulare
3. Tulare County Sheriff's Office
4. District Attorney, County of Tulare
5. Public Defender, County of Tulare
6. Conflict or Private Attorney (1) _____
7. Police Department (1) _____ (2) _____
(3) _____ (4) _____

I understand that I will be responsible for advising the Tulare County Probation Department of any changes of my address during the sealing of records investigation process.

I understand that the Probation Officer will only responsible for requesting the Tulare County Superior Court, Juvenile Division to seal the records of officials and agencies listed above. I understand that the Probation Officer will request the Tulare County Superior Court , Juvenile Division to seal only records of those officials and agencies located within the County of Tulare, with the exception of stated agencies listed above, and I have been advised that I should apply for sealing of my juvenile records in all counties within the State of California where I may have such records. I further understand that the Tulare County Probation Officer will not be responsible for the compliance of any other official or agency with the Court's order for sealing.

I understand the Federal government has indicated they will not recognize sealing of records pursuant to § 781 of the Welfare and Institutions Code and juvenile records must be reported, even though sealed, when applying for enlistment in the armed services, Federal employment requiring a security clearance, or employment with a private company doing business with the Federal government wherein a security clearance is required.

Signature of Applicant

Date

APPLICATION TO PETITION TO SEAL JUVENILE RECORDS

I, the undersigned hereby request the Probation Officer of Tulare County to Petition the Juvenile Court to seal my juvenile record in accordance with the provisions of § 781 of the Welfare and Institutions Code, State of California.

APPLICATION:

First Name		Middle Name		Last Name	
Maiden Name			Other Name(s) Used		
Address/Street		City	State		Zip
Marital Status			Spouse Name and Age		
Other Counties Lived in			Dates		
Home Phone			Work Phone		

PERSONAL DATA:

Ethnic Background		Sex	DOB		Place of Birth
Height	Weight	Eyes	Hair	SSN	Driver's License Number
Marks or Scars					

EDUCATION (Submit a copy of high school diploma and/or college transcripts):

High School		Date
College		Date
Vocational or Trade School		Date

EMPLOYMENT HISTORY (Use additional paper if necessary):

Date (from/to)	Type of Work	Employer	Reason for Leaving

MILITARY RECORD (Submit verification of military services, if any (DD214 or Military ID):

Branch	Date (from/to)	Type of Discharge
If other than Honorable, state reason for:		

ARREST RECORD (List all juvenile and adult arrest or citations, use extra paper if necessary):

Date	Arresting Agency	Offense(s)	Disposition (Result)

Are you currently on probation or parole? Yes No
 Are you currently pending Court action for any offenses? Yes No

If you answered yes to either question, please explain on a separate piece of paper. Reason for request or other comments:

THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature	Date
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