



PROBATION DEPARTMENT

RECORD SEALING



Kalisa Rochester
Chief Probation Officer

If you were arrested or involved in a court case or had contact with the juvenile justice system when you were under 18, the courts, police, schools, or other public agencies may have records about what you did. If you are able to get those records sealed, it could be easier for you to find a job, get a driver's license, get a loan, rent an apartment, or go to college.

When the court seals your records, it means that your court case no longer exists. This means that you can legally and truthfully say you do not have a criminal record when someone asks about your criminal history (there may be an exception to this if you want to join the military or get a federal security clearance).

This guide provides you with information on how to apply to have your juvenile record sealed in Merced 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.

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 Merced 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.

Merced Office
(Administration and
Juvenile Services)
1880 Wardrobe Ave.
Merced, CA 95341
(209) 385-7494
(209) 725-3999 Fax

Merced Office
(Adult Services)
3191 "M" Street
Merced, CA 95348
(209) 381-1380
(209) 725-3737 Fax

Pre-Trial Services
700 W. 22nd Street
Merced, CA 95340
(209) 385- 4906

Trident Building
Adult Services – AB109
777 W. 22nd Street
Merced, CA 95340
(209) 726-2737
(209) 725-3524 Fax

Los Banos Office
445 "I" Street
Los Banos, CA 93635
(209) 710-6050
(209) 826-2811 Fax

Iris Garrett Juvenile Justice
Correctional Complex
2840 W. Sandy Mush Rd.
Merced, CA 95341
(209) 381-1400
(209) 725-3505 Fax

Equal Employment Employer

Where can I get a record sealing application?

Merced County Juvenile Office, 1880 Wardrobe Avenue, Merced, California 95341.

Where can I submit my record sealing application?

Your record sealing application can be mailed to: Merced County Juvenile Probation Department, 1880 Wardrobe Avenue, Merced, California 95341. Applications may also be submitted in person at the Merced County Juvenile Probation Department.

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. 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 Merced 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.

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 a record check and examine your juvenile record. 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 submit the Petition to Seal Records to the Juvenile Court Clerk to 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.

PLEASE NOTE: The Juvenile Court and not Probation 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) to eight (8) weeks. Upon completion of our investigation process, Probation sends the petition to the court. The court holds the petition for 10 days to see if the District Attorney's Office opposes the request and then the petition is given to the Judge for review. 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, (209) 725-4119.

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

The Juvenile Court Clerk's office should be contacted for any questions, status updates, or concerns, (209) 725-4119.

What happens at the Record Sealing?

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.

How am I notified of the outcome?

You will receive a copy of the Order signed by the Judge. 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 2840 Sandy Mush Road, Merced, CA 95341, after the record sealing request is granted. When a record is ordered sealed, the Probation Department; along with all other listed agencies, 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 (209) 725-4119

Can my record be unsealed?

There are circumstances in which your sealed juvenile record may be reopened.

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 statutes and circumstances that allow for records to be disclosed after the juvenile record sealing is granted are beyond the scope of this guide; which, is intended as an information tool only and is NOT intended as legal advice.

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.

Additional Resources:

- California Courts – The Judicial Branch of California
<http://www.courts.ca.gov/28120.htm>