

County of Santa Clara
Probation Department



Juvenile Division
840 Guadalupe Parkway
San Jose, California 95110

Administrative Offices
840 Guadalupe Parkway
San Jose, California 95110

Sheila E. Mitchell
Chief Probation Officer

Dear Applicant,

This letter provides you with detailed information on how to apply to have your juvenile record sealed. Your juvenile record may include any case in which you were cited to appear or did appear before a Police Officer, Probation Officer, Traffic Hearing Officer, or the Juvenile Court of Santa Clara County for any violation of the law that occurred prior to your eighteenth birthday.

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 last dismissed. Furthermore, the Santa Clara County Court cannot seal the records of the Juvenile Court in any other State. Record sealing outside of California, must be petitioned to that State directly.

To initiate the record sealing you should:

- Read **ALL** this information carefully before you complete the attached application.
- If you meet the eligibility requirements listed below, fill out, sign and date the application and petition.

Note: You must complete all sections of the application. If a question is not applicable to you, write “not applicable.” On the petition, please be sure to list the address where you would like your results to be sent and a phone number where you can be reached.

For further assistance, including legal questions, you may contact Fresh Lifelines for Youth (FLY) at 408-263-2630 or email susie@flyprogram.org

- Return (by mail or in person) the application, the petition, and the **\$150** fee to:
County of Santa Clara
Probation Department, Fiscal Unit
2314 N. First Street
San Jose, CA 95131

Eligibility Requirements

Before submitting your application for juvenile record sealing you must meet the following eligibility requirements pursuant to Section 781 of the Welfare and Institutions Code.

Please read the eligibility requirements carefully as there will be NO refunds once the application has been submitted.

- 1) You must be at least 18 years old and not on Adult or Juvenile Probation
or

Your case has been closed by the Probation Department or dismissed from Juvenile Court for a minimum of five (5) years

NOTE: If you were found to have committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code after you had attained 14 years of age or older, **you are not eligible to have your record sealed and your petition will be denied.** If you are in doubt as to whether your offense was a violation of Section 707(b) of the Welfare and Institutions Code, feel free to call (408) 278-6121 for assistance prior to submitting your application, as you will not be given a refund.

- 2) You have not had any felony convictions since reaching the age of 18.
- 3) You have not had any misdemeanor convictions involving moral turpitude (generally theft, fraud, false information to a police officer, or sexual offenses) since reaching the age of 18.

In addition to the above requirements, rehabilitation must be obtained to the satisfaction of the Court. As such, the Probation Department **will not recommend the sealing** of your records if any of the following apply:

- You have outstanding law violations or warrants as an adult or juvenile.
Note: If you are currently awaiting Court as an adult or you are currently on Adult or Court Probation, you are not eligible for juvenile record sealing until you complete your Probation term.
- You are currently involved in any civil litigation or pending any civil litigation arising from any of the offenses, which you are attempting to have sealed.
- You have any **UNPAID** fines, fees and restitution, including traffic fines. (You may contact the Department of Revenue at (408) 282-3200 for additional assistance).

The Court generally looks for an arrest free period of time after your case was dismissed or closed. **It is strongly recommended you not apply for record sealing for approximately nine months after your case has been dismissed by the Court or closed by the Probation Department, even if you have already turned 18. Please do not apply too soon as the Judge may deny your request for record sealing.**

Fee Information

The Santa Clara County Probation Department charges a fee of **\$150** for the cost of these services. In order for your request to be processed, you must submit a money order (payable to the County of Santa Clara- Probation Department) or by cash. **Personal checks are NOT accepted.** Please do not send cash in the mail. Cash payments may be made in person at the Probation Department, Fiscal Unit located at 2314 N. First Street, San Jose, CA 95131. **Refunds are not available.**

Record Sealing Process

The investigation process will begin shortly after we receive the fee and completed application. The process will generally take between three to six months. You will be contacted if any additional information is needed or if your appearance in Court is required. Depending on the outcome of the case, you will either receive a signed Sealing Order or an Order for Denial. If your petition is denied, the application fee **WILL NOT** be refunded.

If the Court grants the Petition for record sealing, a record sealing order will be sent to those agencies you have listed on your application. It is important that all of your contacts with law enforcement agencies be reported, including traffic and delinquent violations. If you should fail to report a contact, it is possible that part of your record may not be sealed. The record sealing order will direct the agency to seal your record and respond to any request for information that they have no record. Note: Traffic records may be sealed, however, insurance companies, by law, are given access to traffic (DMV) records for the purpose of determining eligibility for auto insurance, and/or setting insurance rates per Welfare and Institutions Code Section 781.

If you have any questions regarding an application, call (408) 278-6121, Monday through Friday and leave a message on the recorder. Your call will be returned as soon as possible.

Juvenile Record Sealing Application
Santa Clara County Probation Department
840 Guadalupe Parkway
San Jose, California 95110

Date _____

Please print full name and aliases clearly and accurately as this will be use in processing and completing your Record Sealing.

Name _____
Last First Middle Maiden or Aliases

Current Address _____

Birth Date _____ Age _____ Birthplace _____
City and State

Telephone # _____
Home (area code + number) Work (area code + number)

Sex _____ Race _____ Height _____ Eyes _____ Hair _____

Social Security # _____ Driver's License # _____ Marks/Scars/Tattoos (describe) _____

Juvenile Record:

- A. Were you on Probation with this Department or did you have to meet with a Probation Officer? Yes No
(Date your case was dismissed) _____
- B. Were you ever booked into a County Jail when you were a juvenile? Yes No
If yes, where, why and date? _____
- C. List below all Santa Clara County police agencies that cited or arrested you as a juvenile (before your 18th birthday), and include all traffic citations. If you cannot remember specific dates, approximate the dates and offenses, but please list the police department in the city/town where offense took place accurately. (We cannot seal police records if we do not know where they exist).

Delinquent (Criminal) Violations:

| Police Dept. | Juvenile Hall/Citation | Offense/Charge | Month/Yr | Final Action Taken |
|--------------|------------------------|----------------|----------|--------------------|
| 1. | _____ | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

Traffic Violations:

| Police Dept. | Offense/Charge | Month/Yr | Final Action Taken |
|--------------|----------------|----------|--------------------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ |

(Attach additional sheet if necessary)

Adult Record:

Have you been arrested or cited since your 18th birthday? If yes, complete the following and include all criminal and traffic arrests and citations received in the State of California and/or elsewhere in the United States.

| Police Dept. | Offense/Charge | Month/Yr | Final Sentence |
|--------------|----------------|----------|----------------|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |

Education, Military Service, and Employment History may help demonstrate that rehabilitation has been attained. Therefore, please complete the following sections as they apply to you.

Education:

Circle highest grade completed: 1 2 3 4 5 6 7 8 9 10 11 12

GED: Yes No; Name of School _____

H.S Diploma: Yes No; Name of School _____

College(s): Name(s) _____

Form: _____ To: _____ ; Degree _____

Form: _____ To: _____ ; Degree _____

Special Training School(s): Name(s) _____

Military Service: Yes No; Branch of Service _____

Type of Discharge _____ ; Date of Discharge _____

Employment: Begin with Current or most Recent Employment;

1) Name of Employer _____

Address: _____ Phone # _____

Dates of Employment: Form: _____ To: _____

Job Title & Description: _____

2) Name of Employer _____

Address: _____ Phone # _____

Dates of Employment: Form: _____ To: _____

Job Title & Description: _____

3) Name of Employer _____

Address: _____ Phone # _____

Dates of Employment: Form: _____ To: _____

Job Title & Description: _____

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA
SITTING AS A
JUVENILE COURT**

Name:) Petition No:
)
) Driver's License No:
)
Birthdate:) Social Security No:

I

The undersigned prays that his/her record of being

- a) brought before the Santa Clara Juvenile Court on _____ and
the jurisdiction of that Court being terminated on _____.
- b) before the Juvenile Court, but a Petition was not sustained.
- c) supervised by a Probation Officer under a program of informal supervision.
- d) cited to appear before or being taken before a Probation Officer or a law enforcement agency without further action.
- e) brought before the Santa Clara Juvenile Court Traffic Referee be sealed.
- f) I do not recall.

II

I am eighteen years of age or older;

III

Since the last official agency contact, I have not been convicted of a felony or a misdemeanor involving moral turpitude;

IV

Therefore, I hereby request that the Clerk notify the District Attorney and the Probation Officer of this pending action and a time be set for the hearing on this Petition and that the Court order the sealing of all the records in my case as related to juvenile offenses.

I declare under the penalty of perjury that the above is true and correct.

| | | |
|---------|-------------|----------|
| Signed | Date | Phone |
| Address | City, State | Zip Code |

Hearing date and time _____