

**SEALING JUVENILE DELINQUENCY RECORDS:
Welfare and Institutions Code sections 781, 782, 786, and 787**

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I. Background

Historically, Welfare and Institutions Code² [section 781](#) guided when the juvenile court could seal certain records on past juvenile delinquency proceedings. That statute imposes a 5-year waiting period or, alternatively, requires the person to attain 18 years of age. While that section still exists, the Legislature enacted broader sealing procedures in [section 786](#), which directs when the juvenile court must dismiss a petition and seal the juvenile court records relating to that dismissed petition and what agency still maintains access to these now-sealed records. This sealing procedure is not constrained by the 5-year waiting period or by age, as was the section 781 procedure. The Judicial Branch of California website includes a helpful discussion of [Sealing Juvenile Records](#).

This article highlights the circumstances when the court must seal juvenile records, the scope of relief available to sealing past juvenile records, and when entities may access records sealed by the juvenile court.

¹ Updated October 2024; original article written in November 2015 by ADI staff attorneys Michelle Pena, Cindi Mishkin, and Anna M. Jauregui-Law.

²All statutory references are to the Welfare and Institutions Code unless otherwise specified.

II. Circumstances Requiring Sealing of Juvenile Records and Scope of Relief

Section 786 mandates that the juvenile court dismiss a juvenile petition and seal all juvenile records in the custody of the juvenile court pertaining to that dismissed petition when the minor satisfactorily completes: (1) an informal supervision program under section 654.2, or (2) probation under section 725, or (3) probation for any offense. In addition, the statute provides that the arrest upon which the judgment was deferred must be deemed to have not occurred. (§ 786, subd. (a).)

The court cannot seal or dismiss a petition where a minor over 14 years old committed a section 707, subdivision (b) offense, unless the finding on that offense was dismissed or was reduced to a misdemeanor or to a lesser offense that is not listed in section 707, subdivision (b). (§ 786, subd. (d).)

Records to be sealed: The records to be sealed include those in the custody of law enforcement agencies, the probation department, and the Department of Justice. (§ 786, subd. (a).)

Notice of right to nondisclosure: Both the minor and minor's counsel must receive notice of the right to nondisclosure of the arrest and proceedings. (§ 786, subd. (a).)

Right to state that arrest and proceedings never occurred: Because the arrest and proceedings in the case are deemed to have not occurred, the person who was the subject of the petition can respond to any inquiry by employers, educational institutions, and anyone else that the arrest and proceedings never occurred. (§ 786, subd. (b).)

Limitations on arrests that can be deemed not to have occurred: Section 786 applies to all petitions that are dismissed under subdivision (a), regardless of the disposition. (§ 786, subd. (b).)

What constitutes satisfactory completion of program: A minor satisfactorily completes the program or supervision when he has no new finding of wardship, felony conviction, or misdemeanor involving moral turpitude and the minor has substantially complied with the reasonable orders of such supervision or probation that are in his capacity to perform. (§ 786, subd. (c)(1).) The minor's failure to complete restitution does not constitute unsatisfactory completion. (§ 786, subd. (c)(2).)

Scope of cases in which relief is possible: Section 786 is broadly written; if a person who has been alleged to be a ward of the juvenile court has their petition dismissed by the court, or if the petition is not sustained by the court after an adjudication hearing, the court shall order sealed all records pertaining to the dismissed petition. (§ 786, subd. (e); *In re A.V.* (2017) 11 Cal.App.5th 697, 709 [section 786 is a "broadly written statute"].) The sealing of records is mandated if the juvenile satisfactorily completes: (1) an informal supervision program under section 654.2, or (2) probation under section 725, or (3) probation for any offense. (§ 786, subd. (a).)

Note, however, that while section 782 generally provides authority to the court to dismiss a wardship petition, or to set aside the findings and dismiss the petition, dismissal pursuant to this section after the juvenile was declared a ward does not alone constitute a sealing of records as defined in section 781 or 786. (§ 782, subds. (a), (e); see § 781, subd. (a)(1)(D)(i) [limitations on sealing records relating to an offense listed in subdivision (b) of section 707 that was committed after attaining 14 years of age].)

Under section 786, the court may also order sealed prior petitions that have been sustained against the minor, if they are eligible for sealing and the minor has satisfactorily completed the ordered program. (§ 786, subd. (f)(1).)

The court further has the power to seal relevant public agency records, not in the custody of a law enforcement-related agency. (§ 786, subd. (f)(2).)

Access to sealed records: Section 786, subdivision (g), and section 787 identify which entities may access, inspect, and utilize data from the sealed records. For example, sealed records may be viewed by the prosecuting agency or probation department to determine section 654.3 eligibility (§ 786, subd. (g)(1)(A)); by the court to evaluate jurisdiction under section 388, subdivision (e) (§ 786, subd. (g)(1)(B)); by the probation department to address proper future disposition (§ 786, subd. (g)(1)(C)); by the prosecuting attorney to assess proper disposition (§ 786, subd. (g)(1)(D)) or to decide whether to initiate section 707 proceedings (§ 786, subd. (g)(1)(E)). The person whose record has been sealed may also petition the court to view the sealed records. (§ 786, subd. (g)(1)(F).) Sealed records can also be viewed for specific data collecting. (§ 786, subds. (g)(1)(G) and (h); § 787.) Finally, sealed records cannot bar victim restitution enforcement. (§ 786, subd. (h).)

III. Forms and Information Related to § 786 Relief

Section 786 tasks the Judicial Council with adopting rules of court and making appropriate forms so both minors and the courts can pursue the new sealing procedures. (§ 786, subd. (j).) In response, California Rules of Court, rules 8.530, et seq., govern the sealing of records in juvenile case files and access to those records. The Judicial Council has produced an information sheet on how to ask the court to seal juvenile records ([JV-595-INFO](#)) and a form petition ([JV-595](#)). Other forms regarding sealing of juvenile records may be found at <https://www.courts.ca.gov/forms.htm>.