

## **PETITION TO SEAL AND DESTROY JUVENILE ARREST RECORDS -781.5 W & I**

### **PETITIONER:**

Welfare and Institutions Code section 781.5(a) provides in part: "In any case where a minor has been cited to appear before a probation officer, has been taken before a probation officer or any officer of a law enforcement agency and no accusatory pleading or petition to adjudge the minor a ward of the court has been filed, the minor may request in writing that the law enforcement agency and probation officer having jurisdiction over the offense destroy their records of the arrest or citation. A copy of the request shall be served upon the district attorney of the county having jurisdiction over the offense."

### **PETITION DENIED OR NO RESPONSE TO PETITION (781.5(b)) W&I**

Welfare and Institutions Code section 781.5(b) provides in part: "If after receipt by the law enforcement agency, probation officer, and the district attorney of a request for relief under subdivision(a), the law enforcement agency, probation officer and district attorney do not respond to the request by accepting or denying the request within 60 days after receipt of the petition in cases where the statute of limitations has previously lapsed, then the request shall be deemed denied. In any case where the request of a minor to the law enforcement agency and probation officer to have a record destroyed is denied, petition may be made to the juvenile court that would have jurisdiction over the matter. A copy of the petition shall be served on the district attorney of the county having jurisdiction at least 10 days prior to the hearing date."

### **PETITION TO COURT (781.5(C)) W & I**

Welfare and Institutions Code section 781.5 (c) provides in part: "If the court finds the minor to be factually innocent of the charges for which the arrest was made or the citation was issued, then the court shall order the law enforcement agency and probation officer having jurisdiction over the offense, the DOJ, and any other law enforcement agency or probation officer that arrested or cited the minor or participated in the arrest or citation of the minor for an offense for which the minor has been found factually innocent under this section, to seal their records relating to the minor and the court order to seal and destroy these records, for three years from the date of the arrest or citation and thereafter to destroy those records and the court order to seal and destroy those records."

### **PETITION TO COURT-DISMISSAL OF PROCEEDINGS (781.5(d))**

Welfare and Institutions Code section 781.5(d) provides in part: "Notwithstanding Section 781, in any case where a minor has been arrested or a citation has been issued and an accusatory pleading or petition to adjudge the minor a ward of the court has been filed, but not sustained, the minor may at any time after dismissal of the proceeding, request in writing from the court that dismissed the proceeding a finding that the minor is factually innocent of the charges for which the arrest was made or the citation issued."

### **PETITION TO COURT- COURT DEEMS FACTUALLY INNOCENT (781.5(e))**

"Welfare and Institutions Code 781.5(e) provides in part: In any case where a minor has been arrested and an accusatory pleading or petition to adjudge the minor a ward of the court has been filed, but not sustained, and it appears to the judge presiding at the proceeding that the minor was found factually innocent of the offense, the court, upon the written or oral motion of any party in the case or on the court's own motion, may grant relief provided in subdivision (d)."

Welfare and Institutions Code section 781.5(f) provides in part: "In any case where a minor who has been arrested or cited is granted relief pursuant to this section, the law enforcement agency and probation officer having jurisdiction over the offense or the court shall issue a written declaration to the minor stating that is the determination of the law enforcement agency and probation officer having jurisdiction over the offense or the court that the minor is factually innocent of the charges for which the minor was arrested or cited and that the minor is thereby exonerated. Thereafter, the arrest or citation shall be deemed not to have occurred and the minor may answer accordingly any question relating to its occurrence."

