

Sealing Juvenile Court Records: Are Our Children Receiving Unequal Treatment by the State Department of Justice?

On October 1st, the California Department of Justice (DOJ) Information Services Division issued an Information Bulletin from Veronica Gilliard, Chief/CIO of the Record Sealing Unit. It read in part:

DOJ is implementing streamlined reporting to improve the timely processing of sealing orders and accuracy of criminal history records. In addition, the changes are intended to reduce the submitting agency's administrative burden when responding to questions from DOJ regarding incomplete or missing information and from individuals awaiting notice of the completion of a sealing order.

In a recent telephone call with the DOJ, the staff indicated that this “streamlined reporting” applies to juvenile court records as well as criminal records. This is inconsistent with what is occurring in many counties where juvenile court sealings are not sealed quickly. Juvenile Court Judges around the state are reporting large backlogs of record-sealing orders for juvenile offenders. In many cases the court orders to seal the juvenile record have been pending at the DOJ for years.

The problem may be that incorrect forms are being submitted by juvenile court clerks. Ongoing discussions may discover this is a problem. Our investigations will continue.



JCJC has been working with representatives from the DOJ who told us that they have a system that will prevent these delays from negatively impacting the applicant. This promise has not been working either. One adult reported that his juvenile record had not been sealed by the DOJ, and that he was denied a job when the employer learned of the record.

Record sealing is an important part of our juvenile court judge's work. We

want to rehabilitate offenders so that they can become productive citizens. Judges and attorneys spend a good deal of time discussing record sealing at the conclusion of every case when the youth has successfully completed the terms of probation. We point out to them that the record sealing means that he or she can start their adult life free of the record created in the juvenile court.

At a recent annual conference of the National Council of Juvenile and Family Court Judges (NCJFCJ), the Director of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) complimented our legislature by stating that we have the best record sealing statutes in the country. Unfortunately, the failure of the DOJ to complete the record sealing process in a timely fashion means that the law is not being properly implemented. The DOJ is simply not conforming with the law.

Now that we have learned that the DOJ seals adult records quickly and efficiently for adults with criminal records, isn't it time for the same system be adopted on behalf of our juveniles? Failure to seal records in a timely fashion may have an impact on the opportunities for many of the young adults who have had contact with the juvenile justice system. Juvenile court judges should talk with their juvenile court clerk who handles record sealing. Find out how many cases have not been returned from the DOJ. Write to the DOJ and ask them to follow your court orders and seal these records immediately. The future of these young adults is in jeopardy. Hopefully your intervention can make a difference. 🌱



Judge Leonard Edwards is retired from the Santa Clara Superior Court. His e-mail is judgeleonardedwards@gmail.com.