

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 989

Introduced by Assembly Member Cooper

February 26, 2015

An act to amend Section 786 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 989, as amended, Cooper. Juveniles: sealing of records.

Existing law subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court, except as specified. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the court to seal all records in the custody of the juvenile court pertaining to that dismissed petition, except that the prosecuting attorney and the probation department of any county may have access to the records for the limited purpose of determining whether the minor is eligible for deferred entry of judgment.

This bill would additionally authorize the prosecuting attorney and the probation department to have access to the records for the limited purpose of determining a minor’s eligibility for informal supervision and would authorize the probation department of any county to have access to the records for the limited purpose of ~~determining a minor’s prior program referrals and risk-needs assessments~~ and of meeting federal Title IV-E compliance. *The bill would also authorize the probation department to access the records for the limited purpose of identifying the minor’s previous court-ordered programs or placements, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 786 of the Welfare and Institutions Code
2 is amended to read:
3 786. (a) If the minor satisfactorily completes (1) an informal
4 program of supervision pursuant to Section 654.2, (2) probation
5 under Section 725, or (3) a term of probation served after a finding
6 that the minor was a ward pursuant to Section 602 for any offense
7 not listed in subdivision (b) of Section 707, the court shall order
8 the petition dismissed, and the arrest upon which the judgment
9 was deferred shall be deemed not to have occurred.

10 (b) (1) The court shall order sealed all records pertaining to
11 that dismissed petition in the custody of the juvenile court.

12 (2) The prosecuting attorney and the probation department of
13 any county shall have access to the records after they are sealed
14 for the limited purpose of determining whether the minor is eligible
15 for deferred entry of judgment pursuant to Section 790 or ineligible
16 for informal supervision pursuant to Section 654.3.

17 ~~(3) The probation department of any county shall have access~~
18 ~~to the records after they are sealed for the limited purposes of~~
19 ~~determining a minor’s prior program referrals and risk-needs~~
20 ~~assessments.~~*If a new petition has been filed against the minor for*
21 *a felony offense, the probation department of any county shall*
22 *have access to the records for the limited purpose of identifying*
23 *the minor’s previous court-ordered programs or placements, and*
24 *in that event solely to determine the individual’s eligibility or*
25 *suitability for remedial programs or services. The information*

1 *obtained pursuant to this paragraph shall not be disseminated to*
2 *other agencies or individuals, except as necessary to implement*
3 *a referral to a remedial program or service, and shall not be used*
4 *to support the imposition of penalties, detention, or other sanctions*
5 *upon the minor.*

6 (4) The court may access a file that has been sealed pursuant to
7 this section for the limited purpose of verifying the prior
8 jurisdictional status of a ward who is petitioning the court to resume
9 its jurisdiction pursuant to subdivision (e) of Section 388.

10 (5) The probation department of any county may access the
11 records for the limited purpose of meeting federal Title IV-E
12 compliance.

13 (c) The access authorizations described in subdivision (b) shall
14 not be deemed an unsealing of the record and shall not require
15 notice to any other entity.