

SEALING JUVENILE RECORDS

What Will Be Covered

- When Can/ Can't A Record Be Sealed
- How To Seal A Record
- Everything Else

WHEN CAN YOU SEAL A RECORD

- Two Years
- One Year
- Not Guilty

TWO YEARS

- The Court Shall Order the Sealing Of The Records If The Court Finds That:
 - Two years have passed since final discharge; and
 - There is no adjudication; or
 - The juvenile was adjudicated for a non-felony (Misdemeanor or CINS)
 - Felony offenses until 19 yo.

ONE YEAR OR LESS

- Sealing Is Permitted (the court may) Anytime After The Last Official Contact With The Juvenile Department When:
 - The juvenile Court waives the two year waiting period; and
 - The person has a non-adjudicated disposition; or
 - The person was adjudicated for a non-felony offense.
 - (DISCRETIONARY)

NOT GUILTY

- Sec. 58.003(d)
- If The Child Is Found Not Guilty Of Each Offense Alleged At Adjudication Hearing (Trial), The Court Shall **IMMEDIATELY And WITHOUT** Any Additional Hearing Order The Sealing Of All Files Relating To The Case.

FELONY

- Sealing Is Permitted For Felony Adjudications When;
 - The person has turned 19 years of age (use to be 21)

WHAT CANNOT BE SEALED

- Sealing Is NEVER Permitted In Cases Where:
 - Determinate Sentence (Sec. 53.045) Or Habitual Felony Conduct (Sec. 51.031)
 - Certified As Adult
 - Record Used As Evidence In The Sentence Phase of Adult Court
 - Convicted Of A Felony After 17 yo.
 - Sex Offender Registration While Under Duty To Register

HOW TO SEAL A RECORD

WHAT WILL BE COVERED

- Getting Started
- File A Motion
- The Order
- The Hearing
- FOLLOW UP

GETTING STARTED

- Qualify
- Letter Of Representation
- Checklist
- File Petition
- Order
- FOLLOW UP

QUALIFY

- Felony – 19 yo
- Convicted Of Felony After 17
- Used As Punishment
- Is It A Determinate Sentence
- Habitual

LETTER OF REPRESENTATION

Case No. 17-115
PELPE O. CALZADA
1010 Bldg., 26th St., San Francisco, CA 94103-1150
January 27, 2017

San Francisco Juvenile Services
2501 Market St.
San Francisco, CA 94114

Re: JAMES MONTES
Case No. [REDACTED]
KIDN

Dear Clerk:

Please be advised that I have been retained by Mr. Jose Garcia as counsel for the above-captioned matter.
Please advise any date or venue of trial in this case and advise me of the case file.

Very truly,
FC
PELPE O. CALZADA
Attorney at Law

PC/ty

CHECKLIST

CHECKLIST OF REQUIRED PENDING DOCUMENTATION	
STATE OF CALIF.	
DOB	
SEX	
EDUCATION	
RECORDS	
APPELLATE COURT	
DEPARTMENT	
RECORDS OF OFFENSES	
PROSECUTION	
CRIMINAL RECORDS	
ENCLOSURE	
FILE #	
STATUS #	
DATE OF BIRTH	
APPELLATE COURT	
RECORDS OF OFFENSES	

FILE PETITION

- Without School
- With School
- Identifying Data
- Set Court Date
- Certified Letter For Court Date

WITHOUT SCHOOL

- Don't Notify The School District

WITH SCHOOL

- Notify The School District
- For Purposes Of School Records The Sealing Of Records Goes Only To The Offense Listed Above.

IDENTIFYING DATA

- Name and AKA
- D.O.B.
- M/F
- SS#
- ID#

SET COURT DATE

- Month to Month And A Half
- SchoolYear/TASP/TASK/Finals

CERTIFIED LETTER FOR COURT DATE



THE ORDER

- Mirrors The Petition
- School Notification
- School Paragraph

HEARING

- Copies Of Notice And Certified Returns
- Prove Up
- Mail Out Orders

FOLLOW UP

- 61 Days

EVERYTHING ELSE

- DWI
- CPS ?
- INS
- Military Service

NUMBER: 323-XXXXX-J

NUMBER: _____

IN THE MATTER

§ IN THE 323RD DISTRICT

OF

§ COURT OF

JANE DOE

§ TARRANT COUNTY, TEXAS

AKA: JANE SMITH DOE

APPLICATION TO SEAL FILE AND RECORDS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JANE DOE, AKA: JANE SMITH DOE, date of birth, January 1, 1900 who makes this Application to Seal Files and Records in accordance with Section 58.003 of the Texas Family Code.

I.

Applicant was taken into custody by the **FORT WORTH POLICE DEPARTMENT**, to determine whether she engaged in delinquent conduct or conduct indicating a need for supervision, for alleged conduct occurring on or about September 01, 1900 on a charge of _____ and on a charge of _____. The case was Supervisory Cautioned by the Tarrant County Juvenile Probation Department. The last official action occurred on (DATE)_____.

II.

Since, July 2, 2008, applicant has not been convicted of a felony or misdemeanor involving moral turpitude nor has he been, found to have engaged in delinquent conduct or conduct indicating a need for supervision. No proceeding is pending seeking conviction or adjudication of Applicant.

III.

It is unlikely that Applicant will engage in further delinquent conduct indicating a need for supervision or that he will commit a felony or misdemeanor involving moral turpitude.

IV.

Applicant has reason to believe that the following agencies have files and records concerning Applicant and should be served with notice:

- a) Tarrant County District Attorney- Juvenile Division
2701 Kimbo Road
Fort Worth, Texas 76111
- b) Tarrant County Juvenile Services Probation Department
Attn: Vickie Bowers
2701 Kimbo Road
Fort Worth, Texas 76111

- c) Texas Department of Public Safety
Crime Records Division
P. O. Box 4143
Austin, Texas 78765
Attention Legal Services

- d) Fort Worth Police Department
350 W. Belknap
Fort Worth, Tx 76102

VI.

For purposes of Identification, Jane Doe, AKA: Jane Smith Doe, is;
Gender: Female
DOB: November 7, 1990.

VII.

For purposes of assisting Fort Worth Police Department, the relevant records are:

Referral Date: January 1, 1900
Primary Charge: Family Violence Assault Bodily Injury
TRN: xxx-xxx-xxx
Service Number: xxxx-xx
Social Security Number: ***-**-****
Texas Drivers License: *****

Applicant prays that after hearing, pursuant to Texas Family Code Section 58.003(d), this Court issue an order requiring that all files of the above law-enforcement, Tarrant County District Attorney-Juvenile Division, Tarrant County Juvenile Services Probation Department-Attn: Vickie Bowers, Texas Department of Public Safety, Fort Worth Police Department, prosecuting attorney, juvenile department and clerk of court be sealed and sent to this Court.

Applicant prays that this Court issue an order requiring Texas Department of Public Safety to request that any records sent to the Federal Bureau of Investigations be returned to the Department of Public Safety, and returned to this Court for sealing.

Applicant prays that after hearing this Court issue an order requiring that all files and records of any public or private agency concerning applicant be sent to the court.

Applicant prays that persons and agencies formerly having custody of Applicant's records and files be ordered to delete all index references to these files and upon inquiry to reply that no record exists with respect to Applicant.

Applicant prays that the files and records be sealed, any adjudication vacated and all proceedings dismissed and treated for all purposes, including the purposes of showing a prior finding of delinquency, as if they never occurred.

Applicant prays for general relief.

Respectfully submitted,

JOHN DOE, Attorney at Law
State Bar No. XXXXXXXXXX
Attorney for Movant

ORDER

IT IS HEREBY ORDERED that a hearing on the foregoing motion is hereby set for _____ day of _____, 2011, at _____ .m. in this Court.

JUDGE PRESIDING

CERTIFICATION

I hereby certify that a file marked copy of the above Application to Seal Files was mailed by U. S. Mail, return receipt requested on _____, 2011 to the following:

- a) Tarrant County District Attorney- Juvenile Division
2701 Kimbo Road
Fort Worth, Texas 76111
- b) Tarrant County Juvenile Services Probation Department
Attn: Vickie Bowers
2701 Kimbo Road
Fort Worth, Texas 76111
- c) Texas Department of Public Safety
Crime Records Division
P. O. Box 4143
Austin, Texas 78765
Attention Legal Services
- d) Fort Worth Police Department
350 W. Belknap
Fort Worth, Texas 76102

NUMBER: 323-XXXXX-J

NUMBER: _____

IN THE MATTER

§ IN THE 323RD DISTRICT

OF

§ COURT OF

JANE DOE

§ TARRANT COUNTY, TEXAS

AKA: JANE SMITH DOE

APPLICATION TO SEAL FILE AND RECORDS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JANE DOE, AKA: JANE SMITH DOE, date of birth, January 1, 1900 who makes this Application to Seal Files and Records in accordance with Section 58.003 of the Texas Family Code.

I.

Applicant was taken into custody by the **FORT WORTH POLICE DEPARTMENT**, to determine whether she engaged in delinquent conduct or conduct indicating a need for supervision, for alleged conduct occurring on or about September 01, 1900 on a charge of _____ and on a charge of _____. The case was Supervisory Cautioned by the Tarrant County Juvenile Probation Department. The last official action occurred on (DATE)_____.

II.

Since, July 2, 2008, applicant has not been convicted of a felony or misdemeanor involving moral turpitude nor has he been, found to have engaged in delinquent conduct or conduct indicating a need for supervision. No proceeding is pending seeking conviction or adjudication of Applicant.

III.

It is unlikely that Applicant will engage in further delinquent conduct indicating a need for supervision or that he will commit a felony or misdemeanor involving moral turpitude.

IV.

Applicant has reason to believe that the following agencies have files and records concerning Applicant and should be served with notice:

- a) Tarrant County District Attorney- Juvenile Division
2701 Kimbo Road
Fort Worth, Texas 76111
- b) Tarrant County Juvenile Services Probation Department
Attn: Vickie Bowers
2701 Kimbo Road
Fort Worth, Texas 76111

- c) Texas Department of Public Safety
Crime Records Division
P. O. Box 4143
Austin, Texas 78765
Attention Legal Services
- d) Fort Worth Police Department
350 W. Belknap
Fort Worth, Tx 76102
- e) Fort Worth Independent School District
100 N. University Dr.
Fort Worth, Texas 76107

VI.

For purposes of Identification, Jane Doe, AKA: Jane Smith Doe, is;
Gender: Female
DOB: November 7, 1990.

VII.

For purposes of assisting Fort Worth Police Department, the relevant records are:

Referral Date: January 1, 1900
Primary Charge: Family Violence Assault Bodily Injury
TRN: xxx-xxx-xxx
Service Number: xxxx-xx
Social Security Number: ***.**-****
Texas Drivers License: *****

Please note for Fort Worth Independent School District the sealing of records applies only to the records relating to the criminal offense indicated above.

Applicant prays that after hearing, pursuant to Texas Family Code Section 58.003(d), this Court issue an order requiring that all files of the above law-enforcement, Tarrant County District Attorney-Juvenile Division, Tarrant County Juvenile Services Probation Department-Attn: Vickie Bowers, Texas Department of Public Safety, Fort Worth Police Department, Fort Worth Independent School District, prosecuting attorney, juvenile department and clerk of court be sealed and sent to this Court.

Applicant prays that this Court issue an order requiring Texas Department of Public Safety to request that any records sent to the Federal Bureau of Investigations be returned to the Department of Public Safety, and returned to this Court for sealing.

Applicant prays that after hearing this Court issue an order requiring that all files and records of any public or private agency concerning applicant be sent to the court.

Applicant prays that persons and agencies formerly having custody of Applicant's records and files be ordered to delete all index references to these files and upon inquiry to reply that no record exists with respect to Applicant.

Applicant prays that the files and records be sealed, any adjudication vacated and all proceedings dismissed and treated for all purposes, including the purposes of showing a prior finding of delinquency, as if they never occurred.

Applicant prays for general relief.

Respectfully submitted,

JUAN DOE, Attorney at Law
State Bar No. XXXXXXXXX
Attorney for Movant

ORDER

IT IS HEREBY ORDERED that a hearing on the foregoing motion is hereby set for ____ day of _____, 2011, at _____ .m. in this Court.

JUDGE PRESIDING

CERTIFICATION

I hereby certify that a file marked copy of the above Application to Seal Files was mailed by U. S. Mail, return receipt requested on _____, 2011 to the following:

- | | | | |
|----|--|----|---|
| a) | Tarrant County District Attorney- Juvenile Division
2701 Kimbo Road
Fort Worth, Texas 76111 | d) | Fort Worth Police Department
350 W. Belknap
Fort Worth, Texas 76102 |
| b) | Tarrant County Juvenile Services Probation Department
Attn: Vickie Bowers
2701 Kimbo Road
Fort Worth, Texas 76111 | e) | Fort Worth Independent School District
100 University Dr.
Fort Worth, Texas 76107 |
| c) | Texas Department of Public Safety
Crime Records Division
P. O. Box 4143
Austin, Texas 78765
Attention Legal Services | | |

NUMBER: 323-XXXXX-J

NUMBER: _____

IN THE MATTER § **IN THE 323RD DISTRICT**
OF § **COURT OF**
JANE DOE § **TARRANT COUNTY, TEXAS**
AKA: JANE SMITH DOE

ORDER SEALING FILES AND RECORDS

On the ____th day of _____, 2011, the Court heard the Application to Seal Files and Records relating to the Applicant, JANE DOE AKA: JANE SMITH DOE, date of birth January 1, 1900.

Reasonable notice of the hearing was first given to the person making the application, the person who is the subject of the records, **Tarrant County District Attorney-Juvenile Division Office, Tarrant County Juvenile Probation Department-Attn: Vickie Bowers, Texas Department of Public Safety, Fort Worth Police Department and Fort Worth Independent School District**, to appear before me on the ____day of _____ 2011.

The Court, having considered the pleadings, the evidence and arguments of counsel, finds that since his discharge, Applicant has not been convicted of a felony or a misdemeanor involving moral turpitude or been found to have engaged in delinquent conduct or conduct indicating a need for supervision or adjudication of Applicant. The Court further finds that it is unlikely that Applicant will engage in further delinquent conduct or conduct indicating a need for supervision or will commit a felony or a misdemeanor involving moral turpitude.

The following officials and agencies are found to be in possession of files and records relating to the Applicant:

1. Tarrant County District Attorney- Juvenile Division
2. Tarrant County Juvenile Services Probation Department
Attn: Vickie Bowers
3. Texas Department of Public Safety
Crime Records Division.
4. Fort Worth Police Department
5. Fort Worth Independent School District

For purposes of assisting White Settlement Police Department, the relevant records are:

Referral Date: January 1, 1900
Primary Charge: Family Violence Assault Bodily Injury
TRN: xxx-xxx-xxx
Service Number: xxxx-xx

Please note for Fort Worth Independent School District the sealing of records applies only to the records relating to the criminal offense indicated above.

IT IS THEREFORE ORDERED that all law enforcement files and records relating to JANE DOE AKA: JANE SMITH DOE, the Applicant, including any fingerprints of photographs, all prosecuting files and records relating to the Applicant, all files and records in the possession of the Clerk of this Court relating to this Applicant, and all files and any records of any public or private agency or institution relating to the Applicant be sent to this Court within 61 (sixty one) days of this order for sealing.

IT IS FURTHER ORDERED that all index references to the above files and records be deleted by the persons and agencies in control of them and that the Juvenile Court, Clerk of the Juvenile Court, Tarrant County District Attorney-Juvenile Division, Tarrant County Juvenile Services Probation Department-Attn: Vickie Bowers, Texas Department of Public Safety, Fort Worth Police Department, Fort Worth Independent School District, prosecuting attorney, public and private agency or institution and law enforcement officers and agencies reply that no record exists with respect to the Applicant.

IT IS FURTHER ORDERED that the Texas Department of Public Safety to request that any records sent to the Federal Bureau of Investigations be returned to the Department of Public Safety, and returned to this Court for sealing.

IT IS FURTHER ORDERED that all of those files and records be sealed.

IT IS FURTHER ORDERED that the record of arrest be vacated and the proceeding be dismissed and treated for all purposes, including for the purpose of showing a prior finding of arrest, as if it had never occurred.

IT IS FURTHER ORDERED that a copy of this order be sent by Respondents Attorney to the Tarrant County District Attorney-Juvenile Division Office, Tarrant County Juvenile Probation Department-Attn: Vickie Bowers, Texas Department of Public Safety, Fort Worth Police Department, Fort Worth Independent School District.

SIGNED AND ENTERED this ____ day of _____, 2011.

JUDGE JEAN BOYD

IT IS THEREFORE ORDERED that all law enforcement files and records relating to JANE DOE AKA: JANE SMITH DOE, the Applicant, including any fingerprints of photographs, all prosecuting files and records relating to the Applicant, all files and records in the possession of the Clerk of this Court relating to this Applicant, and all files and any records of any public or private agency or institution relating to the Applicant be sent to this Court within 61 (sixty one) days of this order for sealing.

IT IS FURTHER ORDERED that all index references to the above files and records be deleted by the persons and agencies in control of them and that the Juvenile Court, Clerk of the Juvenile Court, Tarrant County District Attorney-Juvenile Division, Tarrant County Juvenile Services Probation Department-Attn: Vickie Bowers, Texas Department of Public Safety, Fort Worth Police Department, prosecuting attorney, public and private agency or institution and law enforcement officers and agencies reply that no record exists with respect to the Applicant.

IT IS FURTHER ORDERED that the Texas Department of Public Safety to request that any records sent to the Federal Bureau of Investigations be returned to the Department of Public Safety, and returned to this Court for sealing.

IT IS FURTHER ORDERED that all of those files and records be sealed.

IT IS FURTHER ORDERED that the record of arrest be vacated and the proceeding be dismissed and treated for all purposes, including for the purpose of showing a prior finding of arrest, as if it had never occurred.

IT IS FURTHER ORDERED that a copy of this order be sent by Respondents Attorney to the Tarrant County District Attorney-Juvenile Division Office, Tarrant County Juvenile Probation Department-Attn: Vickie Bowers, Texas Department of Public Safety, Fort Worth Police Department.

SIGNED AND ENTERED this ____ day of _____, 2011.

JUDGE JEAN BOYD

LAW OFFICE OF
FELIPE O. CALZADA

2724 KIMBO RD., FORT WORTH, TEXAS 76111, PHONE: 817-332-7880 FAX: 817-332-1309

January 27, 2012

Tarrant County Juvenile Services
2701 Kimbo Rd.
Fort Worth, Texas 76111

Re: JANE SMITH
Cause No. _____
DOB: _____

Dear Clerk:

Please be advised that I have been retained by Ms. Jane Smith to represent him/her in the above referenced matter.

Please enter my name as attorney of record in this cause and inform me of the court date.

Yours truly,

FC

FELIPE O. CALZADA
Attorney at Law

FC/bj

SEALING OF RECORD OFFENSE INFORMATION

JUVENILE / AKA	
DOB:	
SOCIAL SECURITY #	
DRIVER'S LICENSE #	
REFERRAL DATE	
REFERRING AGENCY:	
REFERRING OFFENSE (S)	
DISPOSITION /OFFENSE	
DISPOSITION DATE:	
CAUSE #	
TRN #	
SERVICE #	
DATE OF OFFENSE	
SUPERVISION END DATE	
SCHOOL	
RESTITUTION/FEES	
PRIOR/ ADULT OFFENSE	

LAW OFFICE OF
FELIPE O. CALZADA

2724 KIMBO RD, FORT WORTH, TEXAS 76107, PHONE: 817-332-7880 FAX: 817-332-1309

CERTIFIED MAIL:

January 19, 2012

Arlington Independent School District
1203 W. Pioneer Pkwy
Arlington, Texas 76004

Re: JANE SMITH DOE
CN: 323-XXXXX-J

To Whom it May Concern:

Enclosed please find a copy of the Application to Seal File and Records. A hearing has been scheduled for February 21, 2012 at 1:45pm in the 323rd Juvenile District Court, 2701 Kimbo Rd., Fort Worth, Texas 76111. If you have any questions please call my office.

Yours truly,

FC

FELIPE O. CALZADA
Attorney at Law

FC/bj

LAW OFFICE OF
FELIPE O. CALZADA

2724 KIMBO RD, FORT WORTH, TEXAS 76107, PHONE: 817-332-7880 FAX: 817-332-1309

CERTIFIED MAIL:

January 19, 2012

Arlington Independent School District
1203 W. Pioneer Pkwy
Arlington, Texas 76004

Re: JANE SMITH DOE
CN: 323-XXXXX-J

To Whom it May Concern:

Enclosed please find a certified copy of the Order to Seal File and Records signed by the Judge regarding the above mention client. If you have any questions please call my office.

Yours truly,

FC

FELIPE O. CALZADA
Attorney at Law

FC/bj