ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL

Effective Date: September 1, 1995 **Number: E-0109**
Revised: June 2, 2010

Case Sealing

Purpose

To provide guidelines for the sealing of dependency court cases pursuant to a court order.

Approved

This policy was approved by Mike Ryan, Director of CFS, on June 2, 2010. *Signature on file*.

Background

This policy is a revision of Children and Family Services (CFS) Policy and Procedure (P&P) Case Sealing—Administrative Tasks (E-0109) and incorporates pertinent information from and renders obsolete CFS P&P Case Sealing—Clerical Tasks (E-0108).

Dependency records are normally closed and stored in accordance with guidelines set forth in CFS P&P Case Closure (E-0106). An exception to this procedure occurs when Juvenile Court orders the case sealed. Juvenile Court can make the order on its own accord or in response to a petition filed by the subject of the juvenile record when the subject is at least 18 years old and/or five years have passed since the termination of probation, last arrest, or closure of the dependency case.

Dependency records are normally sealed as an adjunct to the sealing of probation records. Once a juvenile dependency record is sealed, legally the case is treated as if it had never existed.

Legal Mandates

Welfare and Institutions Code Section 389 describes the process of sealing records.

Definitions

Case Files: Legal File(s) and Service Folder(s) associated with a dependency case, the contents of which are detailed in CFS P&P Case Filing (E-0102). Also included is the referral that led to the creation of the case and the electronic versions of all case related documents.

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General Guidelines

A case will be sealed upon receipt of either *Order to Seal Juvenile Records (JV-590)* or a certified court minute order directing the sealing of a dependent child's juvenile case record.

The order to seal case records will include the hard copy records and the electronic records in CWS/CMS and the assigned Senior Social Worker's (SSW's) work computer. Sealing a case will result in a blank record as if the dependency episode never happened.

Upon receipt of an order to seal a case record, the assigned SSW will submit *CFS CWS/CMS Sensitive Case Privilege/Case Request (F063-28-390)* through their direct chain of command to the Deputy Director of Continuing Family Services to initiate the sealing of the electronic case. A copy of *Order to Seal Juvenile Records (JV-590)* or the certified court minute order will be attached to the *CFS CWS/CMS Sensitive Case Privilege/Case Request (F063-28-390).*

Exceptions to Case Sealing

Once sealed, access to the juvenile case record is not permitted by anyone without a court order, except the person who is the subject of the case. The person who is the subject of the case must petition the Court within the five year period of initial sealing in order to inspect the record.

A second exception to reopening a sealed case is an action or a proceeding in Court based on defamation. In this instance, upon a showing of good cause, the Court may order the records to be opened and admitted into evidence. The Court will then authorize inspection of the records by designated individuals, and upon a final judgment in the action or the proceeding, order the records to be resealed.

Note: Due to the need for ongoing case access, adoption cases are not subject to case sealing.

Case Expungement

After a period of five years from the date of sealing or resealing, the CFS Custodian of Records will expunge the sealed case in its entirety.

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

• CWS/CMS Data Entry Standards—Case Sealing (available in hardcopy only from Administrative Manager—CWS/CMS Management and Reports)

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P Case Closure (E-0106)
- CFS P&P Case Filing (E-0102)

Other Sources

Other printed references include the following:

None.

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REQUIRED FORMS

Online Forms

Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Order to Seal Juvenile Records	JV-590
CFS CWS/CMS Sensitive Case Privilege/Case Request	F063-28-390

Hard Copy Forms

Forms listed below must be completed in hard copy (including multi-copy NCR forms). ***For reference purposes only,*** links are provided to view these hard copy forms, where available.

Form Name	Form Number
None.	

CWS/CMS Forms

The following required forms may **only** be obtained in CWS/CMS. ***For reference purposes only,*** links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

Brochures

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

PROCEDURE

Required Actions—Sealing of Open Case	The following actions will be completed in sealing an open case pursuant to an *Order to Seal Juvenile Records (JV-590)* or a certified minute order.	
Staff Responsible	**Step**	**Required Action**
Assigned SSW	**1.**	Upon receipt of *Order to Seal Juvenile Records (JV-590)* or a certified minute order, close case per CFS P&P Case Closure (E-0106). **Do not forward case to closed file index**.
	2.	Complete *CFS CWS/CMS Sensitive Case Privilege/Case Request (F063-28-390),* sign and attach copy of *Order to Seal Juvenile Records (JV-590)* or certified court minute order. Forward to Senior Social Services Supervisor (SSSS) for approval.
SSSS	**3.**	Review and approve case closure, per standard procedure. Review and sign *CFS CWS/CMS Sensitive Case Privilege/Case Request (F063-28-390).* Forward to Program Manager (PM).

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PM	**4.**	Review and sign *CFS CWS/CMS Sensitive Case Privilege/Case Request (F063-28-390).* Forward to Deputy Director of Continuing Family Services.
Deputy Director, Continuing Family Services	**5.**	Review and sign *CFS CWS/CMS Sensitive Case Privilege/Case Request (F063-28-390).* Forward hard copy of *CFS CWS/CMS Sensitive Case Privilege/Case Request (F063-28-390)* to CWS/CMS Security Administrator.
CWS/CMS Security Administrator	**6.**	Seal CWS/CMS case per CWS/CMS Data Entry Standards—Case Sealing.
Assigned SSW	**7.**	File minute order or *Order to Seal Juvenile Records (JV-590)* on the right side of the legal file.
	8.	Mark on the cover of each legal file and service folder the following: "Sealed by court order as to [name of the petitioner] as of [date of court order]. Destroy case on [five years from date of court order]."
	9.	Hand deliver all case files to the CFS Custodian of Records.
Custodian of Records	**10.**	Hand deliver case files to Deputy Director of Intervention and Prevention Services for storage in a locked file cabinet.
	11.	Expunge case per date indicated on case files.

Required Actions—Sealing of Closed Referral/Case	The following actions will be completed when sealing a closed referral/case pursuant to a *Order to Seal Juvenile Records (JV-590)* or a certified minute order.	
Staff Responsible	**Step**	**Required Action**
Custodian of Records	**1**	Upon receipt of *Order to Seal Juvenile Records (JV-590)* or a certified minute order, recall referral/case from closed file storage.
	2.	Complete *CFS CWS/CMS Sensitive Case Privilege/Case Request (F063-28-390),* sign and attach copy of *Order to Seal Juvenile Records (JV-590)* or certified court minute order. Forward to Deputy Director of Continuing Services.
Deputy Director, Continuing Family Services	**3.**	Review and sign *CFS CWS/CMS Sensitive Case Privilege/Case Request (F063-28-390).* Forward *CFS CWS/CMS Sensitive Case Privilege/Case Request (F063-28-390)* to CWS/CMS Security Administrator.
CWS/CMS Security Administrator	**4.**	Seal CWS/CMS referral/case per CWS/CMS Data Entry Standards—Case Sealing.
Custodian of Records	**5.**	File minute order or *Order to Seal Juvenile Records (JV-590)* on the right side of the legal file.

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6. Mark on the cover of each legal file and service folder the following: “Sealed by court order as to [name of the petitioner] as of [date of court order]. Destroy case on [five years from date of court order].”

7. Hand deliver case file to Deputy Director of Intervention and Prevention Services.

8. Expunge per date indicated on case files.

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