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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re C.H., a Person Coming
Under the Juvenile Court Law.

2d Juv. No. B278126
(Super. Ct. No. MJ21573)
(Los Angeles County)

THE PEOPLE,

Plaintiff and Respondent,

v.

C.H.,

Defendant and Appellant.

C.H. appeals the juvenile court's postjudgment order denying his request to seal his record. (Welf. & Inst. Code, § 786.)¹ We vacate the order and remand the matter to the court below.

BACKGROUND

In September 2015, C.H. admitted an allegation that he committed first degree burglary. (Pen. Code, § 459.) The

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise specified.

juvenile court ordered him suitably placed in an out-of-state group home. It terminated C.H.'s home-on-probation placement, but the terms and conditions of probation remained in effect.

At the 12-month permanency hearing, the probation officer reported that C.H. made acceptable progress toward his goals and should be returned to the community. The juvenile court agreed. It found that C.H. had no outstanding warrants, terminated the order of suitable placement, ordered C.H. released, and terminated jurisdiction. It stated that C.H. would "no longer have to report to [his] probation officer" or return to court. The court denied C.H.'s request to have his record automatically sealed because it was unsure if a suitable placement order falls under the provisions of section 786. The minute order from the hearing states that C.H. did not successfully complete probation.

DISCUSSION

C.H. contends, and the People concede, that the successful completion of a suitable placement order is eligible for automatic sealing under section 786. We agree.

If a minor "satisfactorily completes (1) an informal program of supervision pursuant to [s]ection 654.2, (2) probation under [s]ection 725, or (3) a term of probation for any offense, the court shall order the petition dismissed." (§ 786, subd. (a).) The court shall then order sealing of "all records pertaining to the dismissed petition" (*Ibid.*) Section 786's sealing provisions apply to suitable placement orders. (*In re Y.A.* (2016) 246 Cal.App.4th 523, 525-527.) "[S]atisfactory completion" occurs if the minor "has no new findings of wardship or conviction" and has "substantially compl[ied]" with the terms of probation. (§ 786, subd. (c)(1).)

The juvenile court ordered C.H. suitably placed in 2015. One year later, the court terminated the suitable placement order. C.H. did not earn any new findings of wardship or conviction during that time. He is eligible for automatic sealing under section 786 if he substantially complied with the terms of probation. (*In re A.V.* (2017) 11 Cal.App.5th 697, 712-715.)

The record is unclear whether C.H. substantially complied with his probation terms. At the 2015 hearing, the juvenile court ordered that the terms of C.H.'s probation remain in effect. At the 2016 hearing, the court terminated jurisdiction, ordered C.H. released, and said that he would no longer have to report to his probation officer or return to court. But the court said nothing about the probation terms that remained in effect from 2015. And the minute order from the hearing states that C.H. did not successfully complete probation. The record is ambiguous and requires harmonization by the juvenile court. (*People v. Smith* (1983) 33 Cal.3d 596, 599.)

DISPOSITION

The order dated September 28, 2016, is vacated, and the matter is remanded to the juvenile court. The court is directed to enter a new order that clarifies whether C.H. substantially complied with the terms of his probation. If he complied with these terms, the court shall order all records pertaining to the petition dated September 10, 2015, sealed pursuant to Welfare and Institutions Code section 786.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Denise M. McLaughlin-Bennett, Judge

Superior Court County of Los Angeles

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Appeal, for Defendant and Appellant.

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