

Seal and Destroy Arrest Record Instructions – Bakersfield, CA

There are two sets of forms you may use to petition the court to seal and destroy your arrest and related records. In Kern County, you may either use the Judicial Council-issued CR-409-Petition to Seal Arrest and Related Records and CR-410-Order to Seal Arrest and Related Records, or you may use the equivalent Kern County local forms. Both sets of documents will accomplish the same thing, and you do not need to fill out both. You should review both sets and determine which you want to use. Whichever forms you choose, you should be careful to fill them out as clearly and accurately as possible.

To retrieve information about your arrest that you will need to complete your petition, you may visit kern.courts.ca.gov and click the dark blue button titled Criminal Case Information. You may then search for your record using your name and birth date. If a case was never filed with the Superior Court, you may reach out to the arresting agency for information regarding the arrest – if it is just the arrest itself you are looking to seal, the court can assign you a miscellaneous case number so your petition can still be heard.

Completing your petition to seal and destroy your arrest record requires you to select a hearing date. To select your hearing date, you must follow several rules. The most important is that you give adequate notice to all parties of your hearing date. A Petition to Seal Arrest and Related Record hearing must be scheduled at least 15 calendar days from the date you serve and file your paperwork.

You may select a date more than 15 days from the date you file, but no fewer. So, for example, if you served and filed your paperwork on the 1st of the month, the hearing date you select must be set for the 16th, or later.

Misdemeanor hearings are only heard Tuesday through Thursday, so you may not schedule your hearing for a Monday or Friday. Misdemeanor hearings are always held in Department L/M, and always at 8:30 AM. Fill in your hearing information accordingly. You can contact the Misdemeanor division at (661) 868-5393 to confirm your preferred hearing date is available, but this is not required.

Once your paperwork has been filled out completely, you must have someone else over the age of 18 serve copies on the District Attorney and the arresting agency in your case.

The District Attorney is accepting service by fax at (661) 868-2700, by email at bakersfieldmotions@kernDA.org, by mail at 1215 Truxtun Ave., 4th Floor Bakersfield, CA 93301, or in for “Counter Service,” where you hand them

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photocopies of the paperwork and they stamp your originals – the stamp informs the clerk of the court they received their copies, and no formal Proof of Service paperwork is required if you choose this option.

The two most common arresting agencies are the Kern County Sheriff's Department and Bakersfield Police Department. If you were arrested by the Kern County Sheriff's Department, they accept service at 1350 Norris Road, Bakersfield, CA 93308.

If you were arrested by the Bakersfield Police Department, they accept service in person, by email at records@bakersfieldpd.us, or by US mail at:

Bakersfield Police Department - Records
PO Box 59
Bakersfield, CA, 93302

If you were arrested by another agency, you must contact them in order to confirm the details of how they accept service. Once your server has completed service of your Petition and your Order to the District Attorney and the arresting agency, they must complete two Proofs of Service – one for the District Attorney, and one for the arresting agency.

You must then file your Petition and Order with the Misdemeanor Department. You may file your pleadings with the Misdemeanor department by mail, or you may file them in the drop box at 1415 Truxtun Ave., Bakersfield, CA 93301.

If you used Counter Service and got your forms stamped, you don't need to file anything in addition to the Petition and Order. If you used another method of service, be sure to file your Proofs of Service at the same time as your Petition and Order.

The Misdemeanor department also accepts motions by fax at (661) 868-4882 or by email at wmcriminal@kern.courts.ca.gov. Please note that these electronic methods of filing are made available in light of the Covid-19 pandemic, and these instructions are being published in early 2021. We will make all efforts to update instructions as policies change in light of developments in court procedure, but you should certainly call the misdemeanor department at the number listed

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above if you have any questions about the current procedure for filing your documents with the Superior Court.

Finally, you will need to attend your hearing. It is important you arrive well in advance of your hearing to find parking and go through security. This process requires you to participate from start to finish, and missing your hearing will likely result in you having to restart the entire process.