



November 18, 2025

Judicial Council of California
Attention: Chief Counsel
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: Proposal to Adopt Statewide Forms and Rules for Adult Survivors Seeking Vacatur Relief under Penal Code §§236.14 and 236.15

Dear Chief Counsel:

On behalf of the Sunita Jain Anti-Trafficking Initiative (SJI), I respectfully submit this proposal pursuant to California Rules of Court, rule 10.21, requesting that the Judicial Council adopt statewide forms and rules to implement Penal Code §§236.14 and 236.15 for adult survivors of human trafficking, intimate partner violence, and sexual violence.

Proposal Elements (Rule 10.21(b))

(1) Text of Proposed Rule, Standard, Form, or Amendment

Adopt statewide adult forms equivalent to JV-748 and JV-749, titled:

- *Request to Expunge Arrest or Vacate Conviction (Adult Survivor – Human Trafficking / Domestic Violence / Sexual Violence)*
- *Order After Request to Expunge Arrest or Vacate Conviction (Adult Survivor – Human Trafficking / Domestic Violence / Sexual Violence)*

Amend Standard 4.15 to mandate consolidation of petitions across jurisdictions and require confidentiality at filing. Issue a Rule of Court recognizing survivor statements alone as sufficient proof under §§236.14(m), 236.15(m).

(2) Description of the Problem

Research and survivor surveys consistently demonstrate that criminalization, arrest and conviction itself compounds the harms experienced by trafficking and domestic violence

survivors. Survivors are disproportionately arrested and prosecuted for conduct directly tied to their victimization. Studies reveal that survivors often acquire multiple convictions—sometimes dozens—while under the control of traffickers or abusive partners, creating lifelong barriers to housing, employment, education, and immigration relief.¹ Criminalization of survival behaviors, such as engaging in commercial sex or committing offenses under coercion, retraumatizes survivors and entrenches systemic inequities.²

Survivor surveys confirm that criminal records are among the most significant obstacles to rebuilding lives. Polaris’s National Survivor Study found that criminal records prevent survivors from accessing housing, employment, and public benefits, even when the offenses were directly linked to trafficking victimization. Survivors report that the process of seeking vacatur relief even in states with standards for relief is time consuming, forces them to repeatedly relive trauma, navigate inconsistent court procedures, and face stigma from clerks and judges unfamiliar with the law.³

Legal scholarship underscores that treating survivors as offenders perpetuates cycles of violence. Arresting and prosecuting survivors for crimes related to their abuse is itself a form of trauma, exposing them to further physical and sexual violence within the criminal legal system.⁴ The collateral consequences of convictions—including loss of public assistance, driver’s licenses, and financial aid—compound survivors’ vulnerability and hinder long-term recovery.⁵

Against this backdrop, the Judicial Council’s unequal treatment of juvenile and adult survivors under Penal Code §236.14 is especially troubling. Juvenile survivors benefit from standardized statewide forms and consolidation procedures over five years ago, which streamlined relief and reduced retraumatization. Adult survivors, however, face inconsistent practices, duplicative filings, and confidentiality risks. The absence of adult forms undermines legislative intent, perpetuates inequity, and forces adult survivors to shoulder burdens that juveniles are spared—despite nearly identical statutory language.

Further the state lacks updated juvenile forms for **Penal Code §236.15** filers for victims of domestic violence and sexual assault and any forms for these adult filers.

(3) Proposed Solution and Alternatives

¹ Deborah M. Weissman et al., *From the Cradle to the Grave: The Lifelong Criminalization of Survivors of Gender-Based Violence* (Univ. of N.C. Sch. of Law, 2025), <https://law.unc.edu/wp-content/uploads/2025/04/Consolidated-Report-From-the-Cradle-to-the-Grave-Criminalization-of-Survivors.pdf>; Coaliton to Abolish Slavery & Trafficking, Impact Report: Demanding an End to the Criminalization of Survivors (May 2023), <https://nationalsurvivornetwork.org/wp-content/uploads/2023/05/IMPACT-REPORT-Demanding-an-End-to-the-Criminalization-of-Survivors.pdf> ² Alaina Richert, *Failed Interventions: Domestic Violence, Human Trafficking, and the Criminalization of Survival*, 120 Mich. Rev. 1289 (2021), <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=7843&context=mlr> ³ Polaris Project, *Criminalization Challenges for Survivors of Human Trafficking* (2022), <https://polarisproject.org/wp-content/uploads/2022/09/Criminalization-Challenges-for-Survivors-by-Polaris.pdf>

⁴ Richert, *supra* note 2, at 1292–93

⁵ *Id.* at 1294–95

- Primary Solution: Adopt statewide adult forms and rule for *Human Trafficking , Domestic Violence, and Sexual Violence* mirroring juvenile practice.
- Alternatives: Expand Standard 4.15 into a binding Rule of Court; issue interim guidance directing courts to accept consolidated petitions across counties.

(4) Likely Implementation Problems

Courts may resist consolidation absent explicit directive; case management systems may need updates; clerks and judges may need training on this remedy and its complex dynamics.

(5) Need for Urgent Consideration

Adult survivors continue to face barriers nearly 10 years after §236.14's enactment. Legislative updates (AB 2169, §236.15) broaden the affected population. Delay perpetuates inequity and undermines survivor rehabilitation.

(6) Known Proponents and Opponents

Proponents: CAST, Bet Tzedek, National Survivor Network, HEAL Trafficking, public defenders, survivor-led organizations.

Opponents: Some courts and law enforcement agencies citing jurisdictional complexity.

(7) Fiscal Impact

Minimal: forms can be adapted from existing juvenile templates. Potential savings: consolidated petitions reduce duplicative hearings and staff time. Long-term savings from fewer repeated filings.

(8) Previous Council and Legislative Action

- 2017: SB 829 Enacted providing similar standards for juvenile and adult criminal vacatur relief for human trafficking survivors.
 - 2018: Criminal Law Advisory Committee circulated optional adult forms; declined adoption.
 - 2018: Family & Juvenile Law Committee adopted JV-748 and JV-749 for minors.
 - 2019: Criminal Law Advisory Committee recommended Standard 4.15 (nonbinding guidance).
 - 2022: Legislature via AB 2169 enacted §236.15 for domestic/sexual violence survivors.
 - 2022: Legislature amended §236.14 via AB 2169, clarifying eligibility.
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About Our Organization

The **Sunita Jain Anti-Trafficking Initiative (SJI)** is an evidence-based, community-informed think tank that intentionally fills gaps in human trafficking response through an intersectional framework fostering systemic change and progressive policy innovations.

- **Experience:** Each of our team members has at least 15 years of direct service experience working with survivors of trafficking through legal representation, advocacy, and support services.

- **Trauma-Informed Practice:** We prioritize dignity, respect, and empowerment in every aspect of our work, ensuring survivors' needs are met with compassion and care.
- **Survivor Leadership:** Our efforts are guided by centering survivor voices. SJI contracts with lived-experience subject matter experts as consultants, ensuring strategies and initiatives reflect the real needs of those most impacted.
- **Intersectional Lens:** We implement anti-trafficking strategies through a comprehensive lens that incorporates environmental, immigrant, economic, and racial justice—recognizing how these interconnected issues contribute to trafficking.
- **Policy Innovation:** Our approach focuses on creating policies that protect the environment, support immigrant rights, reduce poverty, and confront systemic racism, with the goal of preventing trafficking and supporting those most at risk.

This expertise and survivor-centered framework uniquely position SJI to recommend practical, equitable reforms to the Judicial Council.

Closing

This proposal harmonizes relief for all survivors under Penal Code §§236.14 and 236.15. Adoption of statewide adult forms and rules will ensure equal treatment regardless of age or type of victimization, reduce procedural burdens, and align Judicial Council practice with legislative intent and survivor-centered justice.

Thank you for your consideration of this important matter.

Respectfully submitted,



A handwritten signature in black ink, appearing to read 'Stephanie Richard'.

Stephanie Richard, Esq., Visting Associate Clinical
Professor Director, **Sunita Jain Anti-Trafficking Policy
Initiative** , LMU Loyola Law School

Appendix A – Draft Adult Vacatur Petition and Order Forms

(Proposed Statewide Form Sections)

Request Form

Request to Expunge Arrest or Vacate Conviction (Adult Survivor – Human Trafficking / Domestic Violence / Sexual Violence)

Sections:

1. Petitioner Information (confidential Doe designation if requested)
 2. Basis for Petition (check box: §236.14 trafficking / §236.15 domestic/sexual violence)
 3. Offenses to Be Vacated (date, agency, case number, charge, disposition)
 4. Survivor Statement (direct result of victimization; best interest of justice; optional documentation)
 5. Relief Requested (vacatur, sealing/destruction, consolidation, confidentiality, return of fines, probation termination, additional relief under §§236.14(r), 236.15)
 6. Service Certification (prosecutorial agencies served)
 7. Declaration under penalty of perjury
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Order Form

Order After Request to Expunge Arrest or Vacate Conviction (Adult Survivor – Human Trafficking / Domestic Violence / Sexual Violence)

Court Findings:

- Petitioner was a victim of ☐ Human Trafficking ☐ Domestic Violence ☐ Sexual Violence
- Offenses were a direct result of victimization
- Vacatur is in the best interest of justice

Court Orders:

- Arrests/convictions vacated and deemed not to have occurred
- Records sealed and destroyed (court, probation, law enforcement, DOJ, FBI)
- Consolidation of petitions across jurisdictions approved
- Confidential designation maintained
- Return of fines/fees ordered
- Probation terminated and records sealed
- Additional relief granted under §§236.14(r), 236.15

Appendix B – Legislation

- [SB 823 \(2016\)](#): Original enactment of §236.14 (human trafficking vacatur).
 - [AB 2169 \(2022\)](#): Amendments clarifying eligibility, Extension of vacatur relief to survivors of intimate partner and sexual violence.
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Appendix C – Comparison: Juvenile vs. Proposed Adult Vacatur Forms

Feature	Juvenile Forms (JV-748 / JV-749)	Proposed Adult Form (Request + Order)
Statutory Basis	Penal Code §236.14 (juvenile adjudications)	Penal Code §236.14 (human trafficking) + §236.15 (domestic/sexual violence)
Form Title	<i>Request to Expunge Arrest or Vacate Adjudication (Human Trafficking Victim)</i>	<i>Request to Expunge Arrest or Vacate Conviction (Adult Survivor – Human Trafficking / Domestic Violence / Sexual Violence)</i>
Order Form	<i>Order After Request to Expunge Arrest or Vacate Adjudication</i>	<i>Order After Request to Expunge Arrest or Vacate Conviction</i>
Eligibility Presumption	Juveniles benefit from rebuttable presumption (§236.14(j))	Adults must establish eligibility; AB 2169 (2022) clarified standards but no presumption
Scope of Relief	Expunge arrests + vacate adjudications	Expunge arrests + vacate convictions; seal/destroy records; return fines/fees; terminate probation; additional relief under §§236.14(r), 236.15
Multi-Jurisdiction Consolidation	Explicitly allowed; forms facilitate consolidation across counties	Proposed adult form would allow consolidation across counties, shifting burden to courts rather than survivors
Confidentiality	Petitioner may be designated “Jane Doe/John Doe”	Same confidentiality protections; mandatory rule to prevent clerical errors
Supporting Evidence	Juvenile declaration + optional documentation	Adult declaration under penalty of perjury; optional corroborating documentation; recognition that survivor statement alone is sufficient (§236.14(m))