

Juvenile Record Sealing and Expungement



Sealing and Expungement...are they the same?

- No they are two different things. It's easiest to think of them as two steps to getting your record totally clear.
- The most important thing to know is that after a judge seals your record, you can honestly say you don't have a record!
 - The same is true for expungement, but you don't have to wait for the expungement to honestly say you don't have a record.

Sealing and Expungement...are they the same?

- Sealing is the first step and means that the court moves your record to a separate location and it can only be seen by a few government agencies.
- Expungement is the second step and means that the court permanently destroys your record and it cannot be seen by anyone.

How do I get my record sealed?

- Some records are sealed automatically:
 - If you were arrested, but charges were never filed
 - If you were charged with underage drinking, but took a class and the case was dismissed
 - If the court dismissed the case after a trial or found that you were not delinquent, unruly, or a juvenile traffic offender
 - If the court found you were unruly (not delinquent) and you have since turned 18

My record won't be sealed automatically...now what?

- Make sure you're able to apply to have your record sealed:
 - Only aggravated murder, murder, and rape are not able to be sealed
 - 6 month waiting period after the end of your case:
 - Only if you are under 18 at the time your apply
 - Over 18 = no waiting period
 - End of your case = after your release from detention or DYS and all court orders have ended

I'm eligible. What do I do next?

- Contact the Clerk of Courts for the juvenile court where your case was originally handled to get the application to seal your record
- Complete the application
 - Include supporting documents!
 - Letter from your boss
 - School report card
 - Extracurricular activities or volunteer work
- File the application at the Clerk's office
 - FREE! No filing fee

What happens after I file the application?

- The prosecutor will either agree or disagree with your record being sealed
 - If the prosecutor agrees, the judge will likely seal your record without making you come to court
 - If the prosecutor disagrees, the judge will likely set a hearing to decide if your record should be sealed
 - You will need to be at the hearing if the judge sets one

Judge's Decision

- The judge may decide to set a hearing even if the prosecutor agrees to seal your record, but that's pretty unlikely
- The judge will make the final decision about whether or not to seal your record
 - The more documentation you give the judge about the great things you've been doing since your case, the more likely it is that your record will be sealed.
 - The judge will also consider how old you were when the case took place and the nature of the offense.

My record is sealed! Now what?

- Most importantly, you can honestly say you do not have a record!
- But, there are some government agencies that can still see your sealed record.
- If you do nothing else, your sealed record will be expunged in 5 years or when you turn 23, whichever happens first.

Who can see my sealed record?

- The school board of your school district, but only if you were expelled from school AND your sealed record is the reason you were expelled.
- The court, for any reason.
- If your sealed case was a charge that would have been considered a violent felony if you had been an adult, then any prosecutor or law enforcement officer for any law enforcement reason.

Who can see my sealed record?

- You! If you ever want to see your sealed record, you can ask the court for permission.
- If there is a civil case because of your sealed record, then the people involved in the civil case can see your sealed record, but it is still kept confidential.
- The attorney general's office can see your sealed record, but only if it was a sex offense. This is because the attorney general's office is in charge of the juvenile sex offender registry.

Expungement Review

- Expungement is the step AFTER sealing and means that the court permanently destroys your record and no one can see it.
- If you do nothing after your record is sealed, your record will automatically be expunged in 5 years or when you turn 23, whichever happens first.

What if I don't want to wait 5 years?

- Remember, it's 5 years OR when you turn 23, whatever comes first.
- But, if you don't want to wait, you can apply to have your record expunged as soon as it is sealed.
 - The judge may deny your expungement application if you apply early, but your record will still be expunged after 5 years or when you turn 23.

Applying for an Expungement

- The process is the exact same as applying to have your record sealed
- Expungement process:
 - Contact Clerk of Courts for the application
 - Complete the application and include supporting documents
 - Find out if the judge will schedule a hearing
 - Almost always based on whether or not the prosecutor agrees to the expungement
 - Go to the hearing if one is scheduled

My record is expunged!

- Just like when your record was sealed, you can honestly say that you do not have a record.
- Your record is permanently destroyed and no one will ever be able to see it again.