

## **PROCEDURE FOR SEALING A RECORD**

“Seal a record” means to remove a record from the main file of similar records and to secure it in a separate file that contains only sealed records accessible only to the juvenile court.

### **APPLICATION TO SEAL A RECORD**

The juvenile court shall consider sealing records of juveniles who have been adjudicated as follows:

1. Delinquent for committing an act other than aggravated murder, murder or rape.
2. Unruly
3. Juvenile traffic offender

If a person has not yet attained the age of eighteen he or she may apply for an order to seal his or her record if six months have passed after all orders made by the court have ended. This includes but is not limited to orders to pay fines, court costs, and restitution as well as orders mandating the completion of probation, community service, stay-away orders and registration.

If a person is eighteen years of age or older, he or she may apply for an order to seal his or her record any time after the later of the following:

The person’s attainment of the age of eighteen years of age;

After all orders made by the court have ended. This includes but is not limited to orders to pay fines, court costs, and restitution as well as orders mandating the completion of probation, community service, stay-away orders and registration.

A person cannot be under the jurisdiction of the court in relation to any complaint alleging the person to be a delinquent child.

The applicant must file one of the following for each case number:

An Application to Seal a Record

A Sealing and Records Information Sheet

No filing fee will be assessed to apply to have a record sealed.

Applying to seal a record does not automatically mean that it will be sealed. The juvenile court must find that the applicant has been rehabilitated to a satisfactory degree. The court will consider the applicant's age, education and employment history, the nature of the offense, the cessation or continuation of delinquent, unruly, or criminal behavior, and any other circumstances that may relate to the applicant's rehabilitation. It is critical that this information be included on the Application to Seal and that any supporting documents be attached to the Application.

The prosecutor will be notified of the applicant's request to seal his or her record and may object to the request. The court may schedule a hearing on the application to seal a record. The applicant should bring any witnesses or evidence to the hearing that may assist the court in making its determination.

After a record is sealed, it will automatically be expunged five (5) years after is sealed or when the applicant reach twenty-three (23) years of age, whichever occurs sooner. If the applicant is already twenty-three (23) years of age when his or her record is sealed, the record will automatically be expunged.