Why records exist

- Community protection
- Track criminal behavior patterns
- Provide for appropriate levels of supervision
Why records need confidentiality

- Utility diminishes over time
- Incorrect information in records
- Fails to appreciate adolescence is transient
- Collateral Consequences
Juvenile records need better protection. A study of each state’s policies on keeping juvenile records confidential and allowing for those records to be expunged shows that the nation limits opportunities for youth by failing to protect them from the harmful effects of their juvenile records.
Confidentiality of records prior to sealing and/or expungement eligibility, and;

The availability and process for obtaining Sealing and/or Expungement.
The Results

0 states ★★ ★★ ★★ ★★
16% of states ★★ ★★ ★★ ★★ ★★ ★★ ★★ ★★
55% of states ★★ ★★ ★★ ★★ ★★ ★★ ★★ ★★
25% of the states ★★ ★★ ★★ ★★ ★★ ★★ ★★ ★★

State Fact Sheets describing records laws in every state and the District of Columbia (2014)
Core Principles

- Confidentiality of Juvenile Record Information
- Access to Juvenile Record Information
- Sanctions for sharing confidential information
- Effect of Sealing and Expungement
- Notification of Sealing and Expungement rights
- Expungement eligibility and process
- Sanctions for sharing expunged record information
- Fee for sealing and expungement
Limited Accessibility

- Sealing
- Setting aside

No Accessibility

- Expungement
- Destruction
Sealing and Expungement
Obstacles to Expungement and Deregistration
Effect of Sealing and Expungement

<table>
<thead>
<tr>
<th>After sealing:</th>
<th>After expungement:</th>
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<tbody>
<tr>
<td>• physically or electronically segregated so that only persons or agencies</td>
<td>• deleted from the files of the court; and</td>
</tr>
<tr>
<td>with statutory authority can gain access</td>
<td>• respond that no record exists</td>
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</tbody>
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Physical destruction of expunged records

Alabama
Arizona
Florida
Hawaii
Idaho
Illinois
Indiana
Michigan
Mississippi
Missouri
Montana
North Dakota
Oregon
South Carolina
Tennessee
Texas
Washington
Wisconsin
Eligibility

- Age
- Offense
- Duration of time since case closure
- Payment of restitution
- Automatic sealing at discharge
- Automatic expungement of diverted and dismissed cases
- Automatic expungement if the person has no subsequent or pending adjudications or convictions for the following five years; or
- Expungement at any time after hearing
Difficult for pro se client to navigate process

- Expungement process in Colorado
  - Locate documents and case information
  - File petition and appropriate paperwork
  - Court sets a hearing
  - Petitioner presents argument at the hearing
  - Court Rules
  - Petitioner must mail expungement order to law enforcement