

Can I Get my Record Erased?

Police Records and Court Records

You may be able to go to court and get your police and court records erased.

Do I have a record?

You have a record if *one of these is true*:

- a juvenile court found you “delinquent” or part of a “family with service needs” (or you signed a statement admitting to this)
- you were convicted of any crime in adult court, including community court.

What does “delinquent” mean?

“Delinquent” means that a juvenile court decided that you broke a law or a court order, including a condition of probation.

What does “family with service needs” mean?

“Family with service needs” means that the juvenile court got involved in your family because you did *one of these things*:

- ran away from home
- missed a lot of school without good reason
- repeatedly broke school rules
- could not be controlled by your parent or guardian
- did some types of indecent, immoral or sexual acts

How do I get my record erased?

If you have a juvenile record, either you or your parent/guardian can file a petition to ask the court to erase it.

To file a petition, call the clerk of the court that you went to or call the lawyer who represented you. If you still need help, call us.

Who can file the petition to erase my records?

You can file the petition yourself, or your parent/guardian can file.

How does the juvenile court decide if my record should be erased?

To erase your record, the court must find that *all of these are true*:

- you completed court supervision or were released from state custody more than two years ago (or four years if you were convicted of a “serious juvenile offense”)
- during that time, you have no new convictions for delinquent acts or crimes or serious juvenile offense
- you have no current charges against you in juvenile court or adult criminal court
- you are 18 or older

What is a serious juvenile offense (SJO)?

A serious juvenile offense (SJO) is a more serious delinquency charge. Your lawyer will tell you if you are charged with an SJO. If you are not sure, you can ask your lawyer or the court clerk.

What if I was convicted in adult court?

It depends whether you were convicted as a “youthful offender”. A youthful offender is someone under 18 years old who:

- is charged in adult court for a crime that is not the most serious felonies or a sexual offense, *and*
- has never been convicted of a crime in adult court or an SJO

If you are not sure if you are a youthful offender, ask your lawyer or the court clerk.

If you are a youthful offender, your case is in adult court but the records are kept confidential. If you are convicted as a youthful offender, your police and court records will be automatically erased when you turn 21 as long as you are not convicted of a felony before then.

If you were convicted in adult court, but not as a youthful offender, you usually will not be able to get your record erased without a pardon from the governor. You should talk to the court clerk or your lawyer to find out if you can get your record erased.

Why should I file to have my police and court records erased?

If the court orders your records erased, all information about your arrest and court proceedings will be removed from court and police files. Depending on what kind of record you have, this may make it easier for you to get a job, get financial aid as a student, enter the military, or get a driver’s license.

After my records are erased, can the court tell anyone about those records?

No. The person in charge of court records may not tell anyone any information about your erased records.

If the court decides that it is in your best interest, the court may report the fact that your records were erased (but not anything else).



(continued)

Can I Get my Record Erased? School Discipline Records

If I get suspended from school, will the suspension always be part of my school record?

After you graduate from high school, the Board of Education must remove suspensions from your school record.

The Board can decide to remove the suspension from your record before graduation if you did not have to serve the full suspension.

If I get expelled from school, will the expulsion always be part of my school record?

After you graduate from high school, the Board of Education must remove most expulsions from your school record. But if you were expelled for possessing a firearm or other deadly weapon, the expulsion will stay on your record.

If you did not have to serve the full expulsion, and if it was not because of a firearm or deadly weapon, the Board of Education may decide to remove the expulsion from your school record before you graduate.

To ask the Board to remove the expulsion from your record before graduation, write a letter to the Board. The Board will decide whether to clear your record.

Need Help?

Information about your legal rights
speakupteens.org and kidscounsel.org
860-570-5327 or 203-335-0719

This brochure is intended as reference only and should not be interpreted as legal advice. If you need specific information about the law, please call 860-570-5327 or 203-335-0719.



Center for Children's Advocacy
speakupteens.org
kidscounsel.org

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What are my rights?