

## Juvenile Record Sealing and Expungement in Ohio

### Juvenile Record Sealing (ORC §§ 2151.356, 2151.357)

- **What does it mean when a youth's juvenile court record is sealed?**
  - The juvenile record is removed from the court's main records and moved to a separate, secure location. The youth can honestly say he or she does not have a record. Only the court and a few other government agencies are able to see the juvenile record. To all other people and agencies, it will be as if the record never existed.
- **Are any records sealed automatically?**
  - Yes, the following records are sealed automatically and a youth need not apply for the sealing:
    - When a youth is arrested, but a formal complaint is not filed
    - When a youth is charged with underage drinking, but completes a diversion program.
    - When the court dismisses the complaint after a trial or finds the youth not to be delinquent, unruly, or a juvenile traffic offender.
    - When a youth has been adjudicated an **unruly** child, the youth turns 18, and has no pending delinquency charges.
- **How does a youth get his or her juvenile court record sealed?**
  - First, determine that the youth is eligible to have his or her record sealed. There are a few basic requirements:
    - All juvenile records are eligible to be sealed, EXCEPT aggravated murder, murder, and rape. If a youth was adjudicated delinquent on any of those three charges, then that record can never be sealed.
    - If the youth is under 18 years old, then he or she must wait 6 months from the final conclusion of the case. The final conclusion of the case means release from detention or DYS and that all court orders have been terminated.
    - If the youth is over 18 years old, then he or she can apply at any time after the final conclusion of the case.
    - If the youth has any pending cases in juvenile court, he or she must wait until all cases are closed to apply for record sealing.
  - When the youth is eligible, he or she should contact the Clerk of Courts at the juvenile court where the records are located to obtain a records sealing application.
  - The youth should complete the application form and provide as much supporting documentation as possible. The court will be looking for school performance, work experience and performance, as well as any volunteer or other activities. The court will also be concerned with any other juvenile or criminal cases.

- The court will also take into account the youth's age at the time of the offense and the nature of the offense itself
  - After the application is complete, it needs to be filed at the Clerk of Courts for the juvenile court where the records are located. There is no filing fee.
  - After the application is filed, the prosecutor's office will be notified. If the prosecutor's office does not object to the record sealing, the court may grant the sealing without a hearing. If the prosecutor's office objects to the record sealing, then the judge will set a hearing to decide if the records should be sealed. Even if the prosecutor's office does not object, the court may still set a hearing.
  - It is ultimately the judge's decision to seal a juvenile record or not. The judge has wide discretion in making this decision.
- **Who can see juvenile records that have been sealed?**
  - The school board of the youth's school district, but only if he or she was expelled from school AND the sealed record is the reason he or she was expelled.
  - The court, for any reason.
  - If the sealed case was a charge that would have been considered a violent felony if the youth had been an adult, then any prosecutor or law enforcement officer for any law enforcement reason can see the sealed record.
  - The youth can see his or her sealed record. At any time, the youth can ask the court for permission to view the sealed record.
  - If there is a civil case because of the sealed record, then the people involved in the civil case can see the sealed record, but it is still kept confidential.
  - The attorney general's office can see a 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.

### Juvenile Record Expungement (ORC § 2151.358)

- **What does it mean when a youth's juvenile court record is expunged?**
  - Expungement of juvenile records is like a permanent sealing. The juvenile record is completely removed from the court's records and destroyed. No one will be able to see the record. The youth can honestly say that he or she does not have a juvenile record.
- **Are any records expunged automatically?**
  - All sealed juvenile records are automatically expunged after 5 years or when the youth turns 23, whichever happens first. A record must be sealed before it can be expunged. If a youth does not want to wait until he or she is 23 or the 5 year time period, he or she can apply to have a sealed record expunged.
- **How does a youth get his or her juvenile court record expunged?**
  - The process is identical to the application process for sealing a juvenile record, but make sure the record has been sealed first.