

Sealing and Expunging Juvenile Court Records ORC §2151.35.5-2151.35.8

How to Seal and Expunge Juvenile Records in Ohio Counties

What is Sealing and Expunging?

Sealing: The juvenile file is removed from the court's main section of records and placed in a separate location that is only accessible by the juvenile court

Expunging: The juvenile file is destroyed or deleted, and is permanently gone from the court's records

What records cannot be sealed and expunged?

Adjudicated delinquent for:

- Aggravated murder
- Murder
- Rape
- Sexual battery
- Gross sexual imposition

What records are automatically sealed?

- When a youth is arrested, but a complaint is not filed against the youth
- When a youth is charged with underage drinking, but he/she successfully completes a diversion program
- When the court dismisses the complaint after a trial on the merits or finds the person not to be a delinquent child, an unruly child, or a juvenile traffic offender

How does a court decide to seal other records?

A court will consider sealing records, either through the court's own accord or through the youth's written application:

- If the youth has been

satisfactorily rehabilitated, as determined by an investigation (Based on age; nature of case; education and employment history; any other delinquent, unruly, or criminal behavior; and any other circumstances)

- If the prosecuting attorney has no objections or does not respond (If the prosecuting attorney does have objections, a hearing may be scheduled)

What is the effect of having a juvenile record sealed?

- The youth and the court can respond that no record exists, and it is as if the proceedings never occurred
- The record shall be sealed with every office that had contact with the case
- There are limited circumstances where the record can be accessed by the court

How does a court decide to expunge records?

The court shall expunge all records five years after they are sealed or when the youth turns 23, whichever happens first

However, the court may require a youth to apply to have records expunged, and in that case, a court will consider expunging records:

- If the youth has been satisfactorily rehabilitated, as determined by an investigation (Based on age; nature of case; education and employment history; any other delinquent, unruly, or criminal behavior; and any other circumstances)
- If the prosecuting attorney has

no objections or does not respond (If the prosecuting attorney does have objections, a hearing may be scheduled)

What is the effect of having a juvenile record expunged?

- The youth and the court can respond that no record exists, and it is as if the proceedings never occurred
- The record shall be expunged with every office that had contact with the case
- The record no longer exists

"Justice is the greatest interest of man on earth."

Daniel Webster