

Automatic Expunction Process - Notice (Sent by Juvenile Department)

See [SB 575 \(2021\)](#)

Use this process for:

- 1. Individuals with law enforcement contacts only**
- 2. Individuals with law enforcement contacts and disposition by informal means**

Penalties for non-compliance include:

- Actual and punitive damages and attorneys fees awarded against person who intentionally violates confidentiality provisions
- Dismissal for public employee who intentionally violates confidentiality provisions
- Class A violation for person who releases all or part of expunged record
- Liability for Juvenile Department employee if employee sends the notice with actual knowledge of ineligibility or fails to send notice with actual knowledge of eligibility (intentional misrepresentation and action in conformance)

All of the following conditions met:

1. Individual had contact with Juvenile Department
2. Individual has never had a delinquency petition filed in court
3. Individual has never been found in the court's delinquency jurisdiction
4. Individual does not have an open referral for a case by informal means (diversion)
5. Individual has no adult court (waived from juvenile court) conviction
6. Individual is age 18 after 1/1/2022

Within 90 days of the individual's 18th birthday or the individual's request for expunction, the Juvenile Department sends Notice of Expunction to all agencies that may have records relating to the individual's contact with the Juvenile Department

Agency complies with Notice of Expunction by:

1. Destroying records and
 2. Returning Indorsement of Compliance within 60 days
- OR

Agency requests and Juvenile Department grants a 30-day extension. Agency then complies with Notice of Expunction by:

1. Destroying records and
2. Returning the Indorsement of Compliance within 90 days

No

Juvenile Dept. files Petition to Compel Compliance with the Court

Court enters Order to Compel Agency Compliance

Juvenile Department sends Order to Compel to agencies

Agency complies with Notice of Expunction by

1. Destroying records and
2. Returning Indorsement of Compliance within 60 days

Yes

Juvenile Department receives Indorsement of Compliance

Juvenile Department sends Notice of Expunction to the individual with list of complying and noncomplying agencies and statement of rights and effects of expunction

Juvenile Department expunges all records related to the Notice, but keeps a confidential record of the expunction process

This guide should only be used as a reference tool. It is not a substitute for reading the applicable statutes.
Created by: Youth, Rights & Justice, Attorneys at Law - Revised 10/2021

Automatic Expunction Process- Application by Juvenile Department

See [SB 575 \(2021\)](#)

Use this process for individuals where a petition was filed in juvenile court but was ultimately dismissed

All of the following conditions met:

1. Individual had contact with Juvenile Department
2. Individual has never been found in the Court's delinquency jurisdiction
3. Individual does not have a pending delinquency petition
4. Individual does not have an open referral for a case by informal means (diversion)
5. Individual has not been waived to adult court and has no adult conviction from a waived case
6. Individual is age 18 after 1/1/2022

Juvenile Department files application with Court within 90 days of the individual's 18th birthday or 90 days from the date the individual requests expunction

Court grants application?

No

Court must specify the denial reason in the Expunction Judgment

Juvenile Department makes reasonable efforts to send individual the a copy of the Expunction Judgment along with a Notice of the individual's right to file another application and to be appointed an attorney to help with the expunction process.

Penalties for non-compliance include:

- Actual and punitive damages and attorneys fees awarded against person who intentionally violates confidentiality provisions
- Dismissal for public employee who intentionally violates confidentiality provisions
- Class A violation for person who releases all of part of expunged record

Juvenile Department or Juvenile Court sends Expunction Judgment to agencies that may have records

Agency complies with Expunction Judgment by:
1. Destroying records and
2. Returning Indorsement of Compliance within 60 days
OR
Agency requests and Juvenile Department grants a 30-day extension. Agency then complies with Expunction Judgment by:
1. Destroying records and
2. Returning the Indorsement of Compliance within 90 days

Juvenile Department (or Juvenile Court) receives Indorsement of Compliance and complies list of complying/noncomplying agencies

Juvenile Court sends the individual a list of complying/noncomplying agencies along with a notice of the rights and effects of expunction

Juvenile Department and Juvenile Court expunge all records related to the Expunction Judgment, but Court keeps Expunction Judgment and list of complying/noncomplying agencies under seal