

## **Columbia County Juvenile Probation Department**

### **Expungement of Juvenile Records Notice**

You have officially completed your period of supervision with this office as directed by the Juvenile Court of Columbia County. This notice is to inform you of the law as it relates to the expungement of juvenile records. Generally, expungement means to do away with, erase or to delete. Since you have been placed on informal probation, consent decree or adjudicated delinquent the following information is provided to you in this notice.

Your involvement with the juvenile justice system may have included having your fingerprints and photograph taken along with records pertaining to your arrest and disposition. There are usually police department records on your case along with the probation department records. For the most part, juveniles are protected by confidentiality rules as they pertain to juvenile records of information retained by police departments, probation departments and other law enforcement agencies related to juvenile cases.

**An expungement order signed by a Columbia County Court Judge, is the only means by which all of your records can be destroyed.**

Depending on the manner in which your case is handled and if you do not again become arrested or under the juvenile court jurisdiction, you may qualify to have your record expunged. If you are re-arrested and become adjudicated delinquent, the expungement benefits provided to you within this letter may no longer apply.

The responsibility to pursue an expungement is on you, not the juvenile probation department. If you wish to pursue expungement you need to contact juvenile probation to begin the process of filing a petition to the court to expunge your record(s). You will need to pay a fee of \$45.00 to juvenile probation to prepare the petition and you will need to avail yourself in person to sign the petition prior to filing of such. The filing of the petition does not guarantee expungement as it must be approved by the Chief Juvenile Probation Officer, District Attorney and then forwarded to the Judge. If at any time during the process it is disapproved, a court hearing on the petition will be scheduled. Please keep in mind that you must satisfy in full any and all court costs and fees and restitution balances involved in the case prior to requesting an expungement. An outstanding balance will disqualify you for expungement.

Generally, there are three instances in which you may be able to pursue to obtain an expungement of your juvenile records. They are listed below for your reference.

1. If you have been placed on Informal Adjustment or on Consent Decree you must wait six (6) months after you have been released from juvenile probation supervision, provided that during that time you have not been convicted of a felony, misdemeanor, or adjudicated delinquent and no such proceeding is pending seeking such conviction or adjudication.
2. If you have been Adjudicated Delinquent you must wait until five (5) years after you have been released from juvenile probation supervision provided that during that time you have not been convicted of a felony, misdemeanor or adjudicated delinquent and no such proceeding is pending seeking such conviction or adjudication.
3. If you do not qualify under #1 or #2, but are 18 years of age or older, the attorney for the Commonwealth may consent to the expungement and the court orders the expungement after giving consideration to the following factors:
  - a. The type of offense
  - b. The individual's age, history of employment, criminal activity, and drug/alcohol problems.
  - c. Adverse consequences that the individual may suffer if the records are not expunged.
  - d. Whether retention of the record is required for the purposes of protecting the community.