

# CONNECTICUT

The determination that a child is a youthful offender is not considered to be a criminal conviction. CON. GEN. STAT. § 54-76k.

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## Juvenile Record Contents

For the purposes of this section, “records of cases of juvenile matters” includes, but is not limited to, court records, records regarding juveniles maintained by the Court Support Services Division, records regarding juveniles maintained by an organization or agency that has contracted with the Judicial Branch to provide services to juveniles, records of law enforcement agencies including fingerprints, photographs and physical descriptions, and medical, psychological, psychiatric and social welfare studies and reports by juvenile probation officers, public or private institutions, social agencies and clinics. Public Act 14-173, available at <http://www.cga.ct.gov/2014/act/Pa/pdf/2014PA-00173-RooSB-00152-PA.PDF>; CONN. GEN. STAT. § 46b-124(a).

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## Confidentiality of Law Enforcement Records

No distinction is made between law enforcement records and court records.

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## Confidentiality of Court Records

All records of cases of juvenile matters involving delinquency proceedings, or any part thereof, shall be confidential and for the use of the court in juvenile matters and shall not be disclosed. All records of cases of juvenile matters, as provided in section 46b-121, except delinquency proceedings, or any part thereof, and all records of appeals from probate brought to the superior court for juvenile matters pursuant to section 45a-186, shall be confidential and for the use of the court in juvenile matters, and open to inspection or disclosure to any third party, including bona fide researchers commissioned by a state agency, only upon order of the Superior Court, with a few exceptions. Public Law 14-174, available at: <http://www.cga.ct.gov/2014/act/Pa/pdf/2014PA-00173-RooSB-00152-PA.PDF>.

**Exceptions:** The following parties may inspect juvenile records (CON. GEN. STAT. § 54-761):

- Member and employees of the Board of Pardons and Parole and the Department of Corrections, provided the child has been adjudged a youthful offender and sentenced to a term of imprisonment or been convicted of a crime
- Judicial branch employees
- Social service providers working with or providing services to the child

- Employees and authorized agents of state or federal agencies involved in the delinquency proceedings
- The child’s parents or guardian (until the child reaches the age of majority or is emancipated)

Additionally, under Act No. 14-173, the following individuals also have access to juvenile records:

- The Court Support Services Division of the Judicial Branch, to allow the division to determine the supervision and treatment needs of a child or youth, and provide appropriate supervision and treatment services to such child or youth, provided such disclosure shall be limited to information that identifies the child or youth, or a member of such child’s or youth’s immediate family, as being or having been (A) committed to the custody of the Commissioner of Children and Families as delinquent, (B) under the supervision of the Commissioner of Children and Families, or (C) enrolled in the voluntary services program operated by the Department of Children and Families. Public Act 14-173, available at: <http://www.cga.ct.gov/2014/act/Pa/pdf/2014PA-00173-RooSB-00152-PA.PDF>.

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## Exceptions to Confidentiality

**Nature of Offense:** Records are not kept confidential when a child is arrested for or charged with committing a Class A felony. CON. GEN. STAT. § 54-761.

**Emergency Circumstances:** If a child has escaped from a detention facility and a warrant has been issued for his or her re-arrest, law enforcement officials may disclose information from the juvenile’s record. CON. GEN. STAT. § 54-761.

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## Availability of Records Online or in Commercial Background Reports

Juvenile records are not available online.

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## Consequences for Unlawfully Sharing Confidential Information

No information found.

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## Sealing or Expungement

**Erasure:** CON. GEN. STAT. § 46b-146

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## Excluded Offenses

No information found.

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## Automatic (without application)

No information found.

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## Eligibility

A youth (or parent/ guardian thereof) who has been released from juvenile court supervision and has turned 18 years old may petition the court for expungement if:

- 2 years have passed since release from placement
- No subsequent juvenile or adult criminal proceeding is pending against him or her
- He or she was not convicted of a delinquent act that constitutes a felony or misdemeanor if committed by an adult during the intervening 2 year period
- He or she was not convicted as an adult of a felony or misdemeanor during the 2 year period

If the juvenile was convicted as delinquent of a serious offense, he or she must wait 4 years before petitioning for expungement, but all other criteria are the same.

If a nolle prosequi is entered, the records are erased 13 months after it was entered. If a prosecutor continues the case for 13 months (and no prosecution or other disposition of the matter occurs), the case is treated as though it was nolle prossed. CON. GEN. STAT. § 46b-133a(b).

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## Notification

No information found.

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## Petition/Application

The petition must contain the following information (CONN. GEN. STAT. § 46b-146):

- Child has reached 18 years of age.
- At least 2 years have elapsed from the date of discharge from any agency or institute the youth has been committed to, or 4 years in the case of a child convicted as delinquent for the commission of a serious juvenile offense
- No subsequent juvenile proceeding or adult criminal proceeding is pending against child
- Child has not been convicted of a delinquent act that would constitute a felony or misdemeanor if committed by an adult during the 2 year or 4 year period
- Child has not been convicted as an adult of a felony or misdemeanor during the 2 year or 4 year period

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## Hearing

CON. GEN. STAT. § 46B-146 states that upon a petition for expungement, the court will hold a hearing and determine whether the applicant has met all of the required criteria. If these conditions are met, the court will enter an erasure order, which removes all references including arrest, complaint, referrals, petitions, reports and orders, from all agency, official and institutional files, and a finding of delinquency shall be deemed never to have occurred.

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## Court Process

If the requirements laid out in CON. GEN. STAT. § 46b-146 are met, or, on a showing of good cause, the court grants the erasure petition, the court will enter an erasure order, which removes all references including arrest, complaint, referrals, petitions, reports and orders, from all agency, official and institutional files, and a finding of delinquency shall be deemed never to have occurred. CON. GEN. STAT. § 46b-146. The persons in charge of such records shall not disclose to any person information pertaining to the record so erased, unless disclosing the fact of such erasure is, in the opinion of the court, in the best interests of the child. No child who has been the subject of such an erasure order shall be deemed to have been arrested *ab initio*, within the meaning of the general statutes, with respect to proceedings so erased. Copies of the erasure order shall be sent to all persons, agencies, officials or institutions known to have information pertaining to the delinquency or family with service needs proceedings affecting such child. CON. GEN. STAT. § 46b-146.

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## Effect

If the required conditions are met the court will enter an erasure order, which removes all references including arrest, complaint, referrals, petitions, reports and orders, from all agency, official and institutional files, and a finding of delinquency shall be deemed never to have occurred. CON. GEN. STAT. § 46b-146.

The persons in charge of such records shall not disclose to any person information pertaining to the record so erased, except that the fact of such erasure may be substantiated where, in the opinion of the court, it is in the best interests of such child to do so. No child who has been the subject of such an erasure order shall be deemed to have been arrested *ab initio*, within the meaning of the general statutes, with respect to proceedings so erased. Copies of the erasure order shall be sent to all persons, agencies, officials or institutions known to have information pertaining to the delinquency or family with service needs proceedings affecting such child. CON. GEN. STAT. § 46b-146.

The Department of Corrections and the Bureau of Pardons and Parole can still access erased juvenile records. ATT'Y GEN. OF CONN., Formal Op. 2009-012 (Nov. 20, 2009), available at <http://www.ct.gov/AG/cwp/view.asp?A=1770&Q=451112>.

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## Consequences for Sharing Sealed/Expunged Information

None found.

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None found.