

LOUISIANA

A juvenile adjudication is not the same as an adult conviction. *State v. Brown*, 879 So.2d 1276, 1288 (La. 2004).

Juvenile Record Contents

Juvenile records include the records and reports created by all officials, agencies, institutions, law enforcement offices, including pleadings, exhibits, reports, minute entries, correspondence, and all other documents. LA. CHILD. CODE art. 920; LA. CHILD. CODE art. 921.

Confidentiality of Law Enforcement Records

There is no distinction between law enforcement and court records.

Confidentiality of Court Records

Juvenile records are generally confidential. LA. CHILD. CODE art. 412.

Exceptions: Court records can be released when relevant and necessary to the performance of duties and enhancing services to the child and family to (LA. CHILD. CODE art. 412):

- Court personnel
- Department of Education or the child's local school
- Child-serving agencies and programs
- Department of Children and Families
- Department of Health and Hospitals
- Department of Public Safety and Corrections
- Attorney General's office

Court records can also be released to (LA. CHILD. CODE art. 412):

- Victim of a crime of violence
- Juvenile and the parties involved

Exceptions to Confidentiality

Nature of offense: Records will not be confidential if the child was adjudicated delinquent for a crime of violence or felony offense and the child was at least 14 years of age. LA. CHILD. CODE art. 412.

Whether emergency circumstances exist: Whenever a child escapes from a juvenile detention center, law enforcement agencies are hereby authorized to release to the public the child's name, age, physical description, and photograph. LA. CHILD. CODE art. 412.

Availability upon court order: By court order, an individual may be authorized to review confidential records and reports, including case file samples, for the purpose of collecting non-identifying general information, including statistics. The court order shall specify the type of information authorized for review and bind the reviewer to preserving the confidentiality of any identifying information reviewed. LA. CHILD. CODE art. 412.

Availability of Records Online or in Commercial Background Reports

Most parishes do not allow juvenile records to be searched through their online databases.

Consequences for Unlawfully Sharing Confidential Information

Any violation of the confidentiality provisions of this Article shall be punishable as a constructive contempt of court. LA. CHILD. CODE art. 412.

Sealing or Expungement

Expungement: LA. CHILD. CODE arts. 917-22

Excluded Offenses

Murder, manslaughter, kidnapping, armed robbery or sex crimes cannot be expunged. LA. CHILD. CODE art. 918.

Automatic (without application)

None.

Eligibility

A person 17 or older can petition the juvenile court to have records permanently removed, or expunged. LA. CHILD. CODE art. 917. Under LA. CHILD. CODE arts. 918, 919, case records may be expunged:

- Where conduct or conditions did not result in an adjudication

- Where conduct or conditions resulted in a misdemeanor adjudication, if two or more years have elapsed since the youth satisfied the conditions of the most recent judgment against him or her
- Where conduct or conditions resulted in a felony adjudication, the record may be expunged only if:
 - the adjudication was not for murder, manslaughter, kidnapping, armed robbery or a sex crime;
 - more than five years have elapsed since the most recent judgment was satisfied;
 - there are no adult felony convictions or adult misdemeanor convictions involving a weapon; and
 - the person has no outstanding indictment or bill of information charging him or her.

Additionally, records of misdemeanor or felony adjudications for prostitution and related crimes may be expunged upon petition to the court and upon a showing that, during the time of the commission of the offense, the person seeking the expungement was a victim of trafficking of children for sexual purposes, provided that the person has no outstanding charges. LA. CHILD. CODE art. 923.

Notification

No information found.

Petition/Application

A petition can be found at: JEFFERSON PARISH JUVENILE COURT, *Expungement Information Sheet*, available at <http://www.jpjc.org/WebContent/Forms/Expungement.pdf>.

Hearing

No information found.

Court Process

The motion for expungement must be in writing and must state facts that constitute grounds for expungement. It must be filed with the court possessing the records the person seeks to expunge, or with the court having jurisdiction over the arresting agency. It must be served on the district attorney, the clerk of the court whose records are sought to be expunged, and the head of any agency whose reports and records are sought to be expunged.

Unless waived by the consent of the parties, a hearing must be conducted with the district attorney and any agency whose records are sought to be expunged. If the court finds that the grounds have been established, and that the person is entitled to expungement, the court may order expungement. LA. CHILD. CODE art. 919.

An order for the expungement of juvenile court records must be in writing and must specify the time within which the destruction of the records is to take place. LA. CHILD. CODE arts. 920, 921. The order must be served on both the district attorney and the head of the agency whose reports or records are to be destroyed. A copy of the order may be maintained by the custodian of reports and records of the agency or office (but the fact that the order is maintained or that the destroyed reports or records previously existed may not be disclosed to anyone except upon written order of the court).

The order must also require that the clerk of the court destroy all records relating to the conduct or conditions referred to in the motion for expungement, including but not limited to pleadings, exhibits, reports, minute entries, correspondence, and all other documents. References, documents, recordings, or other materials that cannot be destroyed may be maintained. Under no circumstances may any undestroyed information be released.

Effect

Once an order for expungement is issued, law enforcement offices, and their employees, agents, and consultants must destroy all reports and records whether on microfilm, computer memory devices, or tapes, or any other photographic, fingerprint, or any other information of any kind and all kinds or descriptions relating to the conduct or conditions referred to in the motion for expungement. Additionally, any and all such agencies and law enforcement offices must file an affidavit with the court attesting to the fact that such records have been destroyed and that no notations or references have been retained in any central depository which will or might lead to the inference that any record ever was on file with that agency or law enforcement office. LA. CHILD. CODE art. 922.

Except for certain (statutorily enumerated) limited purposes, upon an order of expungement, the conduct and conditions expunged are considered nonexistent and are to be treated as such upon inquiry. LA. CHILD. CODE art. 922. However, the court may maintain a confidential record, such as a minute entry, of the fact of an adjudication. LA. CHILD. CODE art. 920. This information may be released only upon written motion of a court exercising criminal jurisdiction over the person whose record is sought and then only for the purposes authorized by the Code of Criminal Procedure. LA. CHILD. CODE art. 922.

Fee

None found.

Consequences for Sharing Sealed/Expunged Information

No information found.