

ALABAMA

The Alabama code defines “delinquent child” and “delinquent acts” but does not contrast them with the civil liabilities caused by an adult criminal conviction. ALA. CODE § 12-15-102.

Juvenile Record Contents

Juvenile legal files include formal documents, such as petitions, notices, motions, legal memoranda, orders, and decrees. Records include, but are not limited to: probation records, child welfare records; medical, psychiatric and/or psychological records; birth certificates; education records; detention records; and demographic information that identifies a child or the family of a child. ALA. CODE § 12-15-133.

Confidentiality of Law Enforcement Records

A juvenile’s law enforcement records and files are generally not available to the public. Law enforcement agencies must ensure that juvenile records are treated with “safeguards that will protect against disclosure to any unauthorized person, department agency, or entity.” ALA. CODE § 12-15-134.

Exceptions: The following people may see and make a copy of a child’s law enforcement records and files (ALA. CODE § 12-15-134):

- Child’s parent or legal guardian
- Child’s attorney
- Juvenile court personnel, including probation staff
- Principal of the child’s school and his or her representatives
- Law enforcement officers in other jurisdictions
- Public or private agency or department representatives supervising the child or having legal custody of the child
- Department of Human Resources and Department of Youth Services staff
- Victim(s) of the crime(s)

Confidentiality of Court Records

Records, reports, and information acquired or generated in juvenile courts are confidential and cannot be released to any unauthorized person, department, agency, or entity. ALA. CODE § 12-15-133.

Exceptions: The following people may see and make a copy of a child’s court records (ALA. CODE § 12-15-133):

- Child
- Child’s parent or legal guardian
- Child’s attorney in juvenile court or criminal court
- Juvenile court personnel
- Criminal court personnel, including prosecutors
- Principal of the child’s school and his or her representatives
- Public or private agency or department representatives supervising the child or having legal custody of the child

Exceptions to Confidentiality

Nature of Offense: Law enforcement agencies must report to the Alabama Criminal Justice Information Center that a child has been charged with a felony or a misdemeanor escalating to a felony. ALA. CODE § 12-15-134.

Court Order: The juvenile court may also grant other people or entities access to specific records, reports or information on a case-by-case basis if the court determines that the party has a legitimate need for access.

Emergency Circumstances: The juvenile court can release confidential information if it is necessary for the interests of the child or national security. ALA. CODE § 12-15-134.

Availability of Records Online or in Commercial Background Reports

When law enforcement agencies must report information to the Alabama Criminal Justice Information Center, it becomes part of that database. Only the subject of the information may request it from the database. However, certain registered employers can also access the information if the prospective employee gives consent. ALABAMA CRIMINAL JUSTICE INFORMATION CENTER, *Criminal History Questions & Challenges*, <http://www.acjic.alabama.gov/page-CriminalHistories>.

Consequences for Unlawfully Sharing Confidential Information

Except as permitted under law, anyone who is found to have used or shared confidential information is guilty of a Class A misdemeanor. ALA. CODE § 12-15-134.

Sealing or Expungement

Sealing: Sealing includes the “legal and social files and records of the juvenile court pertaining to the person.” ALA. CODE 1975 § 12-15-136.

Destruction of Records: Destruction of records includes all records pertaining to a juvenile’s case (arrest, complaints, referrals, petitions, reports, and orders). ALA. CODE § 12-15-137(a).

Excluded Offenses

Any adjudication involving sexual offenses, drugs, weapons, violence or threats of violence. ALA. CODE § 12-15-137(a)(2).

Automatic (without application)

None.

Eligibility

Sealing: A petitioner must wait two years after discharge from custody or supervision, or from the entry of a court order that did not call for detention, and must not have had any subsequent convictions or adjudications (or pending charges). ALA. CODE § 12-15-136(e).

Destruction: At age 24, five years after juvenile court jurisdiction ends, a petitioner who has met all of the requirements for sealing may file a motion for the destruction of all court and arrest records relating to his or her case. ALA. CODE § 12-15-137.

Notification

At final discharge from placement or probation, youth must be notified of their sealing and destruction rights. ALA. CODE § 12-15-137 (citing ALA. CODE § 12-15-136). The statute does not specify who must make this notification.

Petition/Application

There is no formal petition or application for sealing or expungement; a petitioner must create and file his or her own motion. ALA. CODE § 12-15-136.

Hearing

Hearings are not routinely held in sealing cases. ALA. CODE § 12-15-136.

Court Process

A petitioner must file a motion and notice of the motion shall be provided to the prosecutor, the authority granting the discharge if the final discharge was from an institution, parole, or probation, and the law enforcement officers, department, agency, and central depository having custody of the files and records. ALA. CODE § 12-15-136.

Effect

Sealing: Upon the entry of the order, the proceedings in the case shall be sealed. The juvenile court, by order in an individual case, may permit inspection by, or release of information in the records to any clinic, hospital, or agency, which has the person under care. ALA. CODE § 12-15-136(d). If the youth is subsequently adjudicated or convicted of a felony or misdemeanor involving sexual offenses, drugs, weapons, or violence, or threats of violence, it will nullify the sealing order. ALA. CODE § 12-15-136(e).

Destruction: If the juvenile court grants the motion, copies of the order shall be sent to all offices, departments, or agencies that are repositories of the records, and all the offices, departments, and agencies shall comply with the order. Upon the entry of a destruction order, all references including arrest, complaints, referrals, petitions, reports, and orders shall be removed from all department or agency official and institutional files and destroyed. ALA. CODE §§ 12-15-137(a)-(b).

Fee

None found.

Consequences for Sharing Sealed/Expunged Information

Anyone who directly or indirectly discloses or makes use of or knowingly permits the use of juvenile court records that identify a child, or the family of a child, who is or was under the jurisdiction of the juvenile court can be convicted of a Class A misdemeanor under the jurisdiction of the juvenile court. ALA. CODE § 12-15-134(f).