

# GEORGIA

An order of disposition or other adjudication is not a conviction of a crime and does not impose any civil disability ordinarily resulting from a conviction nor operate to disqualify the juvenile from any civil service application or appointment. GA. CODE § 15-11-606.

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## Juvenile Record Contents

The record includes complaints, petitions, court orders, summonses, rights forms, notices of appeal, publications, applications for publication, data sheets, histories, investigative reports, supervision summaries, police reports, detention reports, correspondence and transcripts. See COUNCIL OF JUVENILE COURT JUDGES OF GEORGIA, *Benchbook*, Section XXV (Records Management).

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## Confidentiality of Law Enforcement Records

Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults. GA. CODE. § 15-11-708.

Exceptions: Inspection of the records and files shall be permitted by:

- A juvenile court;
- The attorney for a party to the proceedings, with the consent of the court;
- The officers of public institutions or agencies to whom a child is committed;
- Law enforcement officers and prosecuting attorneys of this state, the United States, or any other jurisdiction when necessary for the discharge of their official duties;
- A court in which a child is convicted of a criminal offense, for the purpose of a presentence report or other disposition proceeding;
- Officials of penal institutions and other penal facilities to which a child is committed; or
- A parole board in considering a child's parole or discharge or in exercising supervision over such child.

(d) The court shall allow authorized representatives of DJJ, the Governor's Office for Children and Families, and the Council of Juvenile Court Judges to inspect and copy law enforcement records for the purpose of obtaining statistics on children.

(e) Access to fingerprint records submitted to the Georgia Bureau of Investigation shall be limited to the administration of criminal justice purposes.

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## Confidentiality of Court Records

Juvenile court hearings are generally closed to the public, as are records and files. GA. CODE §15-11-705.

**Exceptions:** The following parties are able to view a juvenile's records and files (GA. CODE §15-11-705):

- People entrusted with the supervision of the child
- Law enforcement officers n Officials of penal institutions to which the child is committed
- Juvenile probation and parole officers.
- Court personnel of a court in which the child is convicted of a criminal event, for the limited purpose of a presentence report or other dispositional proceedings.
- Child's attorney
- Child's parent/guardian
- Child

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## Exceptions to Confidentiality

**Nature of offenses:** The public may access records when a juvenile is alleged to have committed a designated felony. GA. CODE § 15-11-700.

**Number of offenses:** The public may access records when a juvenile facing an allegation of delinquency has also previously been adjudicated delinquent. GA. CODE § 15-11-700.

**Emergency Circumstances:** Juvenile records can be made public when the interest of national security requires, the case is one where the general public has access to proceedings, or the court otherwise orders in the best interests of the child. GA. CODE § 15-11-708.

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## Availability of Records Online or in Commercial Background Reports

No information found.

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## Consequences for Unlawfully Sharing Confidential Information

It is unlawful to disclose court record information to individuals not entitled to the information without a court order. Those in violation shall be in contempt of court. GA. CODE § 15-11-705.

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## Sealing or Expungement

**Sealing:** GA. CODE § 15-11-701

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## Excluded Offenses

None.

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## Automatic (without application)

Juvenile delinquency files shall be sealed by the court upon dismissal of the petition or upon completion of informal adjustment. The individual may apply for sealing, or the court may do it on its own motion. GA. CODE § 15-11-701.

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## Eligibility

Juvenile delinquency files shall be sealed by the court upon dismissal of the petition or upon completion of informal adjustment. The court shall also seal files upon application if two years have elapsed since final discharge, and the individual has not since been convicted of a felony or misdemeanor involving moral turpitude or adjudicated delinquent or unruly, and no proceedings are currently pending against the person. The person must also have been rehabilitated. GA. CODE § 15-11-701.

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## Notification

No information found.

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## Petition/Application

The petitioner files a petition with the court after fulfilling certain conditions. GA. CODE § 15-11-701.

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## Court Process

After a hearing, the court shall order the files and the records in the proceeding sealed if the court finds that (GA. CODE § 15-11-701):

- Two years have elapsed since the final discharge of the child
- The child has not since been convicted of a felony or misdemeanor involving moral turpitude or adjudicated a delinquent or unruly child
- No proceeding is pending against the person seeking conviction or adjudication; and
- The child person has been rehabilitated.

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## Effect

Once the records are sealed, the proceeding shall be treated as if it never occurred. All index references must be deleted and the person, the court, the law enforcement officers, and the departments “shall properly respond that no record exists” with respect to that person. Copies of the sealing order must be sent to the Georgia Crime Information Center (GCIC) and any other agencies named in that order. GA. CODE § 15-11-701.

Once records are sealed, they can only be inspected by those persons named in a court order upon petition by the person who is subject of the record or criminal justice officials upon petition for official judicial or criminal justice purposes. GA. CODE § 15-11-701. Additionally, the court may seal any record containing information identifying a victim of an act which, if done by an adult, would constitute a sexual offense under Chapter 6 of Title 16 of Georgia Code. GA. CODE § 15-11-701.

The records shall be sealed in an envelope identified only by the juvenile’s social security number and date of birth. All references to the case outside of the envelope should be removed completely. SUPREME COURT OF GA., *Uniform Rules for the Juvenile Courts of Ga.*, Rule 3.6 (1985).

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## Fee

There is no fee mentioned in the relevant statutes nor in the Uniform Rules for the Juvenile Courts of Georgia, set forth by the Supreme Court of Georgia. However, the Georgia Bureau of Investigation’s website mentions a \$25.00 fee. GEORGIA BUREAU OF INVESTIGATION, *Georgia Crime Information Center Fees*, available at [https://gbi.georgia.gov/sites/gbi.georgia.gov/files/related\\_files/document/GCICFees.pdf](https://gbi.georgia.gov/sites/gbi.georgia.gov/files/related_files/document/GCICFees.pdf).

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## Hearing

If a child has been adjudicated delinquent or unruly, they may apply to have their record sealed, upon which application a hearing will be held. Reasonable notice before the hearing must be given to the district attorney, the authority granting the discharge if the final discharge was from an institution or from parole, and the law enforcement officers or department having custody of the files and records if the files and records are included in the application or motion. GA. CODE § 15-11-701.

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## Consequences for Sharing Sealed/Expunged Information

No information found.

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## Resources

GA. DEP’T OF JUVENILE JUSTICE, *Sealing Your Juvenile Court Record: Frequently Asked Questions*, available at <http://www.djj.state.ga.us/Policies/DJJPolicies/Chapter20/Attachments/DJJ20.40AttachmentC.pdf>.