

IOWA

Under IOWA ADMIN. CODE r. 491-6.5(c) a “conviction” includes delinquent adjudications.

Juvenile Record Contents

Official juvenile court records include complaints. IOWA CODE § 232.147. Any arrest, disposition data, custody data, or adjudication data is also considered part of the juvenile record. IOWA CODE § 692.17.

Confidentiality of Law Enforcement Records

No distinction is made between law enforcement and court records.

Confidentiality of Court Records

Official juvenile court records in cases alleging delinquency are generally confidential unless or until the child is adjudicated delinquent. IOWA CODE § 232.147.

Exceptions: The following parties also may have access to records prior to a delinquency adjudication (IOWA CODE § 232.147):

- Probation officers and state and local law enforcement agencies
- Judges and professional court staff, including juvenile court officers
- Superintendents, the superintendent’s designee of a school district, or authorities in charge of an accredited nonpublic school may view a child’s social records prior to adjudication solely for the purpose of determining the programs and services appropriate for the needs of the child or the family of the child
- Any other state or local agency that is part of the juvenile justice system may view a child’s social records solely for the purpose of determining the programs and services appropriate for the needs of the child or the family of the child
- Division of criminal and juvenile justice planning of the Department of Human Rights
- Victim
- Child’s attorney
- A person conducting bona fide research for research purposes under whatever conditions the court may deem proper, upon a court order, provided that no personal identifying data shall be disclosed to such a person
- Persons who have a direct interest in a proceeding or in the work of the court, upon a court order

Exceptions to (non) Confidentiality

In response to a petition submitted by the person seeking expungement of his or her juvenile records, or upon the court’s own motion, the court may, after a hearing, order that the records be kept confidential if: (a) the case has been dismissed and the person is no longer subject to the jurisdiction of the juvenile court; and (b) making the records confidential is in the best interests of the person and the public. IOWA CODE § 232.149(A).

Availability of Records Online or in Commercial Background Reports

Juvenile records may be available to the public or any governmental agency through the internet or in an electronic customized data report if the child has been adjudicated delinquent. IOWA CODE § 232.147.

Consequences for Unlawfully Sharing Confidential Information

Any person who knowingly discloses, receives, makes use of, or permits the use of information derived directly or indirectly from confidential juvenile records except as provided for by statute shall be guilty of a serious misdemeanor. IOWA CODE § 232.151.

Sealing or Expungement

Expungement: IOWA CODE §§ 232.150, 692.17. The statute refers to “sealing” but it functions as expungement.

Excluded Offenses

None found.

Automatic (without application)

Most juvenile records will automatically be expunged when a juvenile reaches the age of 22, unless the juvenile was convicted of a serious or aggravated felony or misdemeanor between the ages of 18 and 22. For these offenses, a juvenile’s records are stored in the same manner as adult records. IOWA CODE § 692.17(1). However, in practice, people usually apply to have their records expunged once they turn 18. Under newly enacted IA S 383, the court, on its own motion, shall schedule a for hearing two years after the date of the last official action in a juvenile delinquency case, or on the date the child becomes 18 years of age, whichever is later, to determine whether the delinquency records should be sealed pursuant to, in order for juvenile records to be sealed, current provisions and require that the juvenile has not committed any subsequent criminal violations.

Eligibility

In Iowa, a child's juvenile records are sealed (expunged) when the child turns 21, unless the child committed an aggravated felony or misdemeanor between the ages of 18 and 21. IOWA CODE § 692.17(1).

Alternatively, as generally happens in practice, after a child turns 18, he can apply to have his record sealed by filing a petition with the court. IOWA CODE § 232.150. Under IOWA CODE § 232.150, an individual who has a juvenile delinquency record can file an application for sealing, or the court itself can file a motion. The record will be sealed if, after a hearing, the court finds that:

- The applicant is at least 18 years of age;
- At least two years have passed since the last official action on the person's case;
- The person has not subsequently been convicted of a felony or an aggravated misdemeanor;
- The person was not granted youthful offender status, transferred back to district court after his or her 18th birthday, and subsequently sentenced for the offense which precipitated the youthful offender placement; and
- The applicant has not been adjudicated delinquent for an offense which, if committed by an adult, would be an aggravated misdemeanor or felony.

If the applicant has been adjudicated delinquent for an offense which, if committed by an adult, would be an aggravated misdemeanor or a felony, the court shall not order the record sealed unless, upon application of the person or upon the court's own motion and after a hearing, the court finds that the sealing is in the best interests of the person and the public. IOWA CODE § 232.150(1)(3)(b).

If the young person is required to pay monetary restitution to a victim due to a delinquent act and the restitution is unpaid, the records in the case may be sealed, but the name of the court, the title of the action, and the court's file number shall remain unsealed and the restitution amount shall be a judgment and lien until the restitution is paid in full. IOWA CODE § 232.150(1)(3)(c).

Notification

Notification is not required by statute. However, in 9 counties, including Council Bluff, the public defender's office and the court provide juveniles with an informational packet on sealing, which includes the applicable law and blank copies of forms required to apply for sealing.

Petition/Application

As described above, the public defender's office has created forms for 9 of the 99 counties in Iowa. In those counties, the public defender offices and the courts have a packet that includes the necessary forms and draft order.

Hearing

Under newly enacted IA S 383, the court, on its own motion, shall schedule a for hearing two years after the date of the last official action in a juvenile delinquency case, or on the date the child becomes 18 years of age, whichever is later, to determine whether the delinquency records should be sealed pursuant to, in order for juvenile records to be sealed, current provisions and require that the juvenile has not committed any subsequent criminal violations.

Court Process

If the court grants the petition for the sealing of the applicant's juvenile records, which it routinely does, the court will send notice and copies of a sealing order to each agency or person having custody of the records named therein, who are then to send the records to the court issuing the order. IOWA CODE § 232.150. At that point, the sealed records shall no longer be deemed to exist as a matter of law, and the juvenile court and any other agency or person who received notice and a copy of the sealing order shall reply to an inquiry that no such records exist, except when such reply is made to an inquiry pursuant to subsection 6. IOWA CODE § 232.150(5).

Inspection of sealed records and disclosure of their contents thereafter may be permitted only pursuant to an order of the court upon application of the person who is the subject of such records except that the court in its discretion may permit reports to be inspected by or their contents to be disclosed for research purposes to a person conducting bona fide research under whatever conditions the court deems proper. IOWA CODE § 232.150(6). Note that even if a person's petition for sealing of his or her juvenile records is granted, all automated fingerprints will remain in the identification system. IOWA CODE § 692.17.

Effect

Law enforcement is supposed to destroy the records upon receiving a sealing notice from a court. The clerk of court retains a copy of the sealed records for limited purposes. However, a person can only inspect the sealed records if he or she has a court order authorizing them to do so. Sealed juvenile records cannot be consulted in order to inform sentencing enhancements for subsequent crimes. County attorneys do not have access to sealed juvenile records.

Fee

There does not appear to be a filing fee.

Consequences for Sharing Sealed/Expunged Information

None found.