

MASSACHUSETTS

In Massachusetts, juveniles are to be treated as “children in need of aid, encouragement, and guidance,” rather than as criminals. Proceedings against juveniles are not to be considered criminal proceedings. MASS. GEN. LAWS ch. 119, § 53.

Juvenile Record Contents

Juvenile records include records maintained by the court as well as probation records. *Commonwealth v. Gavin G.*, 772 N.E.2d 1067, 1069 (Mass. 2002).

Confidentiality of Law Enforcement Records

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

Confidentiality of Court Records

Records of the court in cases of delinquency shall be withheld from public inspection except with the consent of a justice of the court. MASS. GEN. LAWS ch. 119, § 60.

Exceptions: The following individuals are able to view juvenile records (MASS. GEN. LAWS ch. 119, § 60):

- Juvenile’s attorney
- Juvenile’s parent or guardian
- Juvenile

Exceptions to Confidentiality

Nature of offense, age of juvenile, & number of offenses:

The name of a child shall be made available to the public by the probation officer if: 1) the child is alleged to have committed an offense between his fourteenth and eighteenth birthdays, and 2) has previously been adjudicated delinquent on at least two occasions for acts which would have been punishable by imprisonment in the state prison if the child had been age 18 or older, and 3) is charged with an act that would be punishable by imprisonment in state prison if the child were age 18 or older. MASS. GEN. LAWS ch. 119, § 60.

Court Order: Records of the court in cases of delinquency will be withheld from public inspection unless there is a court order. MASS. GEN. LAWS ch. 119, § 60.

Availability of Records Online or in Commercial Background Reports

Juvenile delinquency records are not available through the Criminal Offender Record Information (CORI) System’s database.

Consequences for Unlawfully Sharing Confidential Information

No information found.

Sealing or Expungement

Sealing: MASS. GEN. LAWS ch. 276, § 100B

Excluded Offenses

None.

Automatic (without application)

None.

Eligibility

Under MASS. GEN. LAWS ch. 276, § 100B, any person with a juvenile record may submit a notarized request to have that record sealed, as long as: 1) it has been three years since the termination of any court disposition including court supervision, probation, commitment, or parole, and 2) it has been three years since the person has been adjudicated delinquent or found guilty of any criminal offense within or outside the Commonwealth (or in federal court) (except motor vehicle offenses for which the penalty does not exceed a fine of \$50) or been sentenced to prison or committed as a delinquent within the Commonwealth.

Notification

No information found.

Petition/Application

A petition to have records sealed can be found here: MASSACHUSETTS COURT SYSTEM, *Petition to Seal*, available at <http://www.mass.gov/courts/docs/probation/sealingpetition.pdf>.

Hearing

No information found.

Court Process

To get a record sealed, the individual first must get a copy of his or her current record from the clerk-magistrate's office at the local court where he or she was arraigned. Alternatively, an individual can ask the Commissioner of Probation. A Petition to Seal must be submitted to the Commissioner of Probation. If the request to seal records is granted, the Commissioner will notify all other relevant agencies to seal the record. The Petition to Seal should be mailed to: Commissioner of Probation, One Ashburton Place, Room 405, Boston, MA 02108. MASS. GEN. LAWS ch. 276, § 100B.

Effect

Sealing removes the record from the main record file and secures it in a separate file available only to a restricted group of readers. When juvenile records are sealed, the commissioner shall notify other agencies with access to the records (including the clerk of courts, the Department of Youth Services and probation) that they must also seal their records. Sealed records cannot disqualify a person in any future examination, appointment or application for public service in the Commonwealth. The sealed records also will not be admissible as evidence or to be used in any way in any court proceedings or hearings, except in sentencing if the individual is adjudicated delinquent or found guilty after the record has been sealed. MASS. GEN. LAWS ch. 276, § 100B.

If the police or a court asks about the record of a person whose record has been sealed, they are told that the person has a "sealed delinquency record over 3 years old." In other words, law enforcement officers may be informed of the existence of sealed records but cannot view the files.

Fee

None found.

Consequences for Sharing Sealed/Expunged Information

No information found.

Resources

CHILDREN'S LAW CENTER, *Sealing Juvenile Records*, <http://www.clcm.org/edsealingrecords.html>.

MASS LEGAL SERVICES, *Know Your Legal Rights* (Aug. 28, 2014), available at http://www.masslegalservices.org/system/files/know%20your%20cori%20rights%20may%2014%202012_1.pdf.