

FAILED POLICIES, FORFEITED FUTURES

A Nationwide Scorecard
on Juvenile Records



Juvenile
Law advancing the rights and
well-being of children in jeopardy
Center

Overview of Research and Results

Children, especially teenagers, make mistakes. They engage in reckless and unwise behavior that, as adults, they would never even consider. Sometimes, their actions violate the law and lead to contact with the justice system, creating juvenile court and law enforcement records. These records can erect lifelong barriers to success for youth and young adults who have outgrown their behaviors or have been rehabilitated and are working to better themselves. Juvenile records can limit opportunities long after youth have exited the juvenile justice system while maintaining records does very little to further public safety.

Notably, 95% of youth in the juvenile justice system have committed non-violent offenses, and because adolescence is a transient and volatile stage of life, the vast majority of young people naturally mature into adulthood without any additional contact with the law. Despite this reality, juvenile records will follow them into adulthood. **Juvenile records can have devastating effects.** They can limit youths' ability to secure housing, obtain jobs, join the military, pursue higher education, or receive public benefits.

Juvenile Law Center published this Scorecard to address the negative consequences that flow from the retention and dissemination of juvenile records, and to illustrate how states differ in their treatment of those records. Laws pertaining to the retention of records should reflect the recognized differences between youth and adults. Psychological and neurological research confirms what every parent already knows – teenage brains are not mature. Youth can be impulsive, make poor decisions

95% of youth in the juvenile justice system have committed non-violent offenses.

and fail to see long-term consequences. Teenagers are not adults; they lack the capacity to consistently think like adults and should not be treated like adults. But the period of adolescence is also an opportunity because youth have a distinct capacity for change and rehabilitation. Policies inconsistent with this research should be reassessed in favor of policies that promote more, not fewer, positive opportunities for youth.

States must do more to ensure protection of juvenile records. When records block a person's ability to become a productive member of society, those records reduce community protection, undermine important societal goals, and ultimately reduce the tax base by limiting employment and educational opportunities.

Laws that limit accessibility of juvenile record information during and after court proceedings ensure that neither court involvement nor an adjudication of delinquency permanently stigmatizes youth. Moreover, laws that seal (close records to public view) or expunge (physically destroy records so they are no longer accessible) juvenile records after a case has been closed allow teens to truly put their pasts behind them.

States must do more to protect juvenile records in a manner that does not negatively affect a young person's future.



This Scorecard is the first comprehensive evaluation of how juvenile records¹ are handled across the 50 states and the District of Columbia. To see how individual states fared and to better understand how each policy area was scored, visit www.jlc.org/juvenilerecords. In measuring each state's overall treatment of records, we rated performance in two key policy areas:

- **Confidentiality of records** during and after juvenile court proceedings, and;
- The availability of and process **for sealing or expungement**.

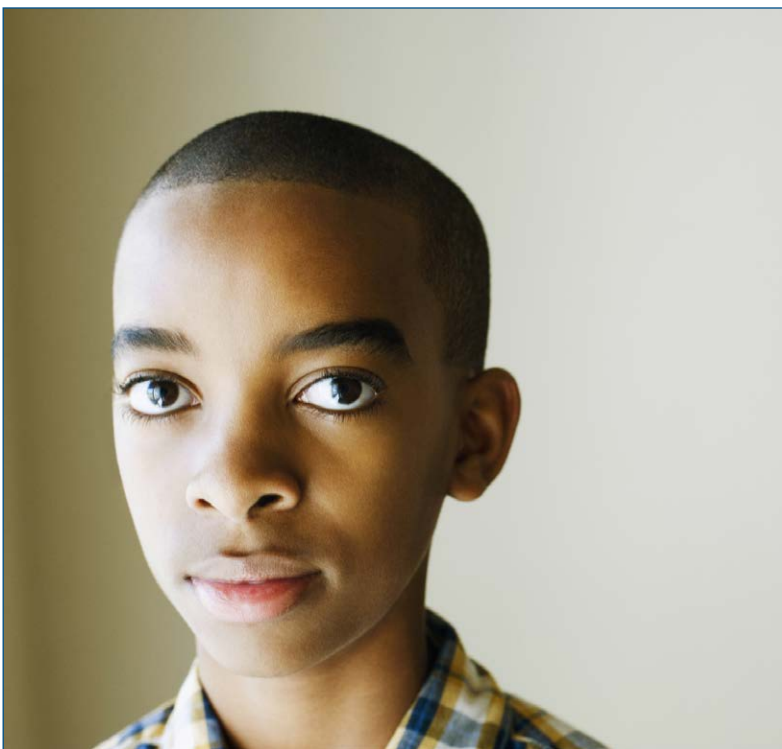
For each of the two policy areas, we identified core principles to ensure the protection of juvenile records. We then compared each state's performance with our core principles for juvenile record protection to obtain the state's overall score.²

THE RESULTS

- **No state earned an overall rating of 5 stars**
- Fewer than 16% of the states received 4 stars
- 55% of the states received 3 stars
- 25% of the states received only 2 stars

States scored lowest in responses to questions about the protection of the confidentiality of juvenile records, but slightly better in response to questions regarding their sealing and expungement policies.

Protection of juvenile records and information must be given a higher priority. Policymakers should strengthen their states' juvenile record protections to eliminate barriers and improve success.



Children are different from adults.
Laws should reflect these differences.

LEARN MORE

To see how individual states fared and better understand how each policy area was scored, visit www.jlc.org/juvenilerecords.

¹ This Scorecard measures treatment of records for youth adjudicated delinquent in juvenile court. It does not measure the treatment of juvenile arrest records when no adjudication of delinquency occurred. Moreover, it does not evaluate records of youth who are charged in the adult criminal system.

² For more information on how states were rated refer to the Appendix.

Overall Scores

By measuring both the **degree to which records are kept confidential** prior to expungement eligibility and the **availability of sealing or expungement** in each state, we established a list of core principles. These principles ensure protections for youth both while they are in the juvenile justice system and also after the court's supervision has ended.

For youth, a juvenile record can have devastating effects: it can impede the ability to secure housing, obtain employment, join the military, pursue higher education, or receive public benefits.



0 STATES received 5 stars

8 STATES received 4 stars

28 STATES received 3 stars

14 STATES received 2 stars

1 STATE received 1 star

CORE PRINCIPLES FOR RECORD PROTECTION

Ideal systems will ensure that:

- Youths' law enforcement and court records are not widely available and are never available online
- Sealed records are completely closed to the general public
- Expungement means that records are electronically deleted and physically destroyed
- At least one designated entity or individual is responsible for informing youth about the availability of sealing or expungement, eligibility criteria, and how the process works
- Records of any offense may be eligible for expungement
- Youth are eligible for expungement at the time their cases are closed
- There are no costs or fees associated with the expungement process
- The sealing and expunging of records are automatic—i.e., youth need not do anything to initiate the process and youth are notified when the process is completed
- If sealing or expungement is not automatic, the process for obtaining expungement includes youth-friendly forms and is simple enough for youth to complete without the assistance of an attorney
- Sanctions are imposed on individuals and agencies that unlawfully share confidential or expunged juvenile record information or fail to comply with expungement orders

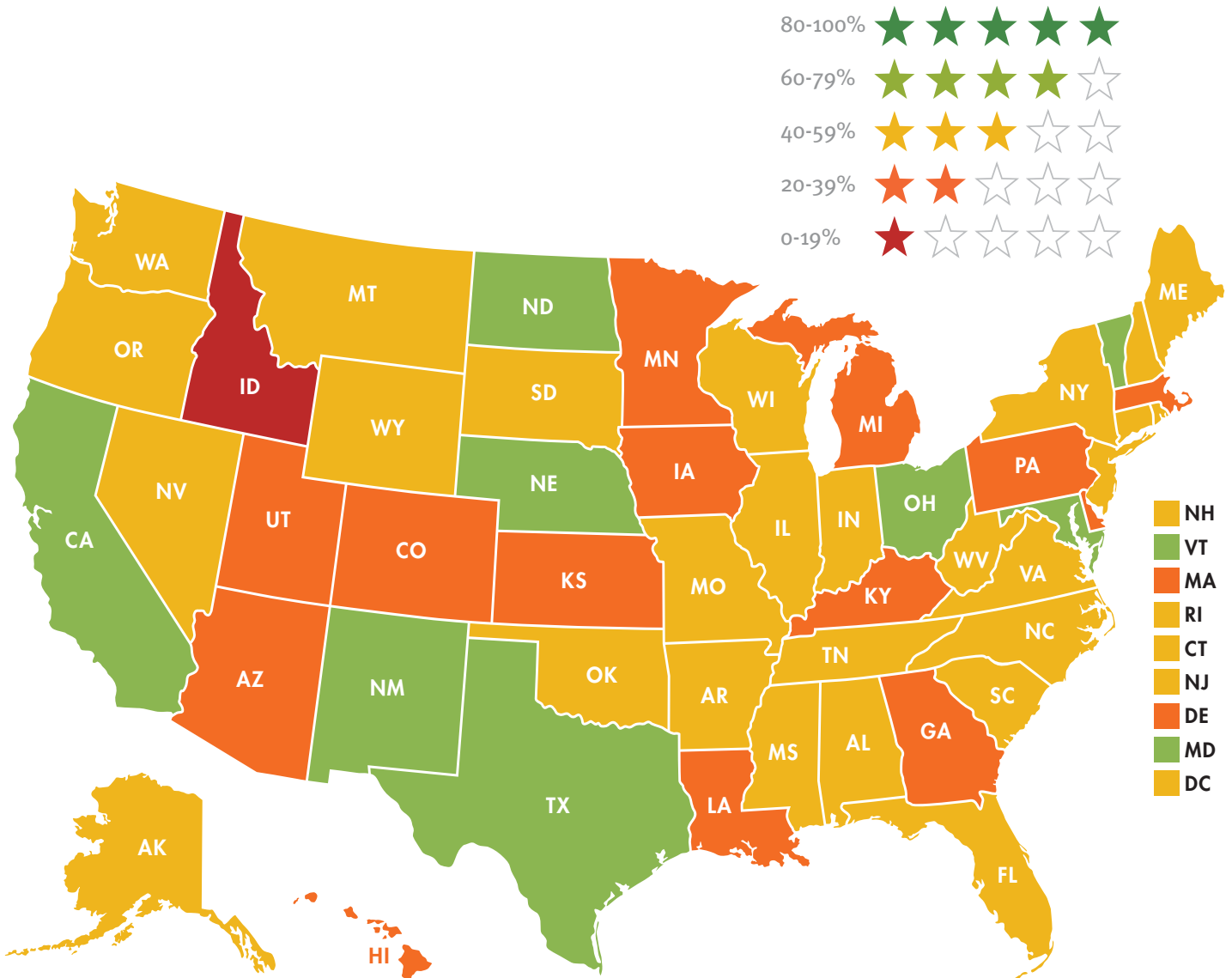
Few states come close to meeting these standards. **The average rating across all 50 states and the District of Columbia was only 3 stars. ★★ ★**

No state received 5 stars overall. Only eight states received 4 stars. 28 states received 3 stars; 14 states received 2 stars; and Idaho was the only state to receive 1 star.

Overall Scores

STATES BY RANK

New Mexico	Missouri	Illinois	Kentucky
Ohio	Rhode Island	Wisconsin	Massachusetts
North Dakota	West Virginia	New Jersey	Louisiana
Texas	North Carolina	Oregon	Colorado
Vermont	New Hampshire	Florida	Hawaii
California	Montana	Connecticut	Kansas
Maryland	Washington	Maine	Michigan
Nebraska	South Dakota	Nevada	Delaware
Wyoming	Alaska	South Carolina	Utah
New York	Arkansas	Tennessee	Minnesota
Oklahoma	Mississippi	Pennsylvania	Arizona
Indiana	District of Columbia	Georgia	Idaho
Alabama	Virginia	Iowa	



Confidentiality of Juvenile Records

A paper or electronic trail forms as soon as a youth is arrested. Arrest records; school records; medical or behavioral health records; prior juvenile court history and involvement, including prior placements; and family and social history may all become part of a youth's juvenile record. In this section, we explore the protections afforded to these juvenile records and how their availability and disclosure affect young people's ability to successfully enter adulthood. Widespread access to this information, either during the course of court proceedings or thereafter, can permanently stigmatize youth and interfere with their ability to obtain employment, housing, education, or public benefits, among other opportunities.

Most states allow courts, youth serving agencies and law enforcement personnel to access juvenile records. Generally, the records are used for planning purposes to ensure that youth are provided the treatment and rehabilitative services necessary to successfully exit the system. However, many states also give broad access to juvenile record information to the media, employers, schools,³ government agencies, victims, or others. Some states include safeguards, such as requiring the court to hold a hearing to determine whether a record may be accessed. But many states circumvent their own protections by exempting categories of records from confidentiality based upon the age of the child, the type or seriousness of the offense, or some other criteria. Laws that comprehensively limit the accessibility of records provide the greatest protection to youth from stigma and barriers to success after they exit the juvenile justice system.

Juvenile Law Center measured the strength of states' juvenile record confidentiality laws by considering four questions:

1. ARE LAW ENFORCEMENT RECORDS CONFIDENTIAL?

Law enforcement records typically contain information regarding arrests, victim and witness statements, photographs, fingerprints and DNA samples. Even when law enforcement records are confidential, they may lose protection based on the nature of the offense, the number of offenses for which the youth has been adjudicated, and the age of the youth at the time the offense was committed. States that restrict availability of law enforcement records to law enforcement or court personnel and do not impose exceptions to their general rules of confidentiality received the highest score.

2. ARE COURT RECORDS CONFIDENTIAL?

Juvenile court records contain a youth's social, psychological, educational and family information, the results of assessments or evaluations, and other offense-

related information to assist the court in planning for the child's supervision, treatment, and rehabilitation upon adjudication. Like law enforcement records, court records may lose protections based on the number of offenses for which the youth has been adjudicated or the age of the youth at the time the offense was committed. States that restrict availability of court records to law enforcement or court personnel and do not impose exceptions to their general rules of confidentiality received the highest score.

3. ARE RECORDS MADE AVAILABLE TO THE PUBLIC?

Publicly available records can be placed on a searchable online database, or simply made available if an individual requests the record through the state police or the juvenile court. Even when records are technically "available" to the public, some states make them hard to see or obtain. States that make it more difficult for the public to gain access to records received the highest score.

4. ARE THERE SANCTIONS FOR UNLAWFULLY SHARING CONFIDENTIAL INFORMATION?

To be effective, state policies providing for confidentiality of juvenile records must be enforced. Sanctions in the form of a fine should be available where individuals or agencies improperly share confidential juvenile record information. States that provide for sanctions received the highest score.

THE SCORES

In these four confidentiality policy areas, states on average were only 40% compliant with our key considerations noted above. Slightly more than 11% received a 5-star rating and nearly 16% received 4 stars. A staggering 73% of states received 3 stars or below. The bottom two states, Arizona and Idaho, provide no protections to juvenile records and therefore received 0 points in the four combined confidentiality policy areas.

Arizona received 1 star because all juvenile records are available to the public. New York and Rhode Island, 4-star rated states, are the only two states that protect law enforcement records with no exceptions to confidentiality based on the age of the youth or the offense committed. Although no state completely protects juvenile court records from dissemination to certain entities outside the court and law enforcement, nine states prohibit the release of juvenile court record information unless there is a court order.

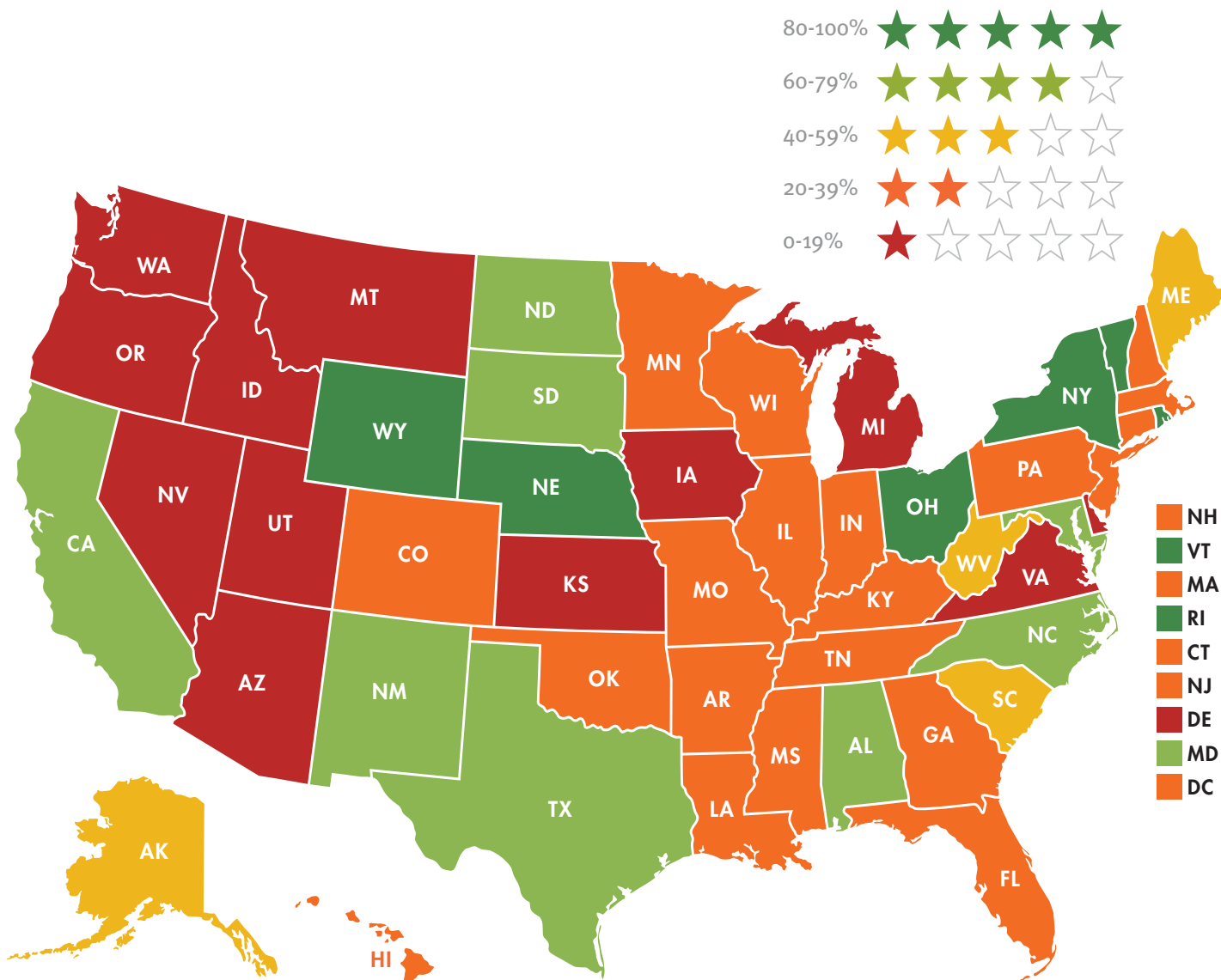
Finally, many states score low because juvenile records are available to the public. Only 18 states ensure that juvenile record information is not available to the public or accessible on any online database.

³ There may be instances where juvenile record information is appropriately shared with schools. However, the sharing of juvenile court involvement without restrictions or safeguards does not comport with our Core Principles. Schools too often receive juvenile record information that is unrelated to school safety. States should limit what schools receive and schools should implement policies that limit access to information that they appropriately receive to school staff on a need-to-know basis.

Confidentiality of Juvenile Records

STATES BY RANK

Rhode Island	South Dakota	Tennessee	Delaware
New York	South Carolina	Georgia	Utah
Vermont	Alaska	Connecticut	Washington
Wyoming	Maine	Louisiana	Iowa
Nebraska	West Virginia	Missouri	Montana
Ohio	Kentucky	Pennsylvania	Kansas
New Mexico	Massachusetts	Arkansas	Virginia
California	Colorado	Florida	Michigan
Maryland	District of Columbia	Hawaii	Nevada
North Carolina	Indiana	Minnesota	Oregon
North Dakota	New Hampshire	Mississippi	Arizona
Texas	New Jersey	Wisconsin	Idaho
Alabama	Oklahoma	Illinois	



Expungement and Sealing of Juvenile Records

Once youth have had contact with the justice system, they are anxious to put the experience behind them. Unfortunately, most youth don't realize the negative consequences of their juvenile justice involvement until it interferes with their ability to obtain housing, employment, education or to pursue other interests. Most individuals who seek expungement or sealing do so after they have passed the age of majority, primarily because the law does not permit them to do so earlier. But often they do not realize the negative effect their record is having until they encounter a barrier to success.

To rate states' sealing and expungement policies, we asked eight questions:

1. IS SEALING OR EXPUNGEMENT AVAILABLE?

Sealing records alone can be ineffective because even if a record is technically sealed to everyone, it is physically still accessible and therefore can interfere with the youth's future plans. States that provide for complete sealing and expungement of juvenile records received the highest score, ensuring that kids can put their past behind them and focus on their futures.

2. WHAT RECORDS ARE SUBJECT TO SEALING OR EXPUNGEMENT?

Even where juvenile records are eligible for sealing or expungement, many jurisdictions limit the mechanisms to certain records. States where all court and law enforcement records can be sealed or expunged, without exception, are most effective and received the highest score.

3. WHAT OFFENSES ARE EXCLUDED FROM SEALING OR EXPUNGEMENT?

Many states limit sealing or expungement to records of certain offenses. States where records of all juvenile adjudications, regardless of the nature or grading of the offense, are eligible for either sealing or expungement received the highest score. (In states where both sealing and expungement are available we only reviewed which records would be eligible for expungement, because expungement ensures physical destruction with no further access.)

4. IS SEALING OR EXPUNGEMENT AUTOMATIC OR MUST THE YOUTH OR SOME OTHER INDIVIDUAL OR ENTITY FILE A PETITION TO INITIATE THE PROCESS?

In many states, young people must enlist the services of an attorney to seal or expunge a record, file a petition, appear at a hearing, and wait for a ruling from the court. This can be a lengthy, costly, and arduous process. To facilitate a more streamlined process to destroy juvenile records, many states have implemented automatic expungement procedures. States that provide for automatic sealing or expungement received the highest score. Still other states provide for a third party or agency to initiate the process. These states scored higher than states that require youth themselves to initiate the sealing or expungement process.

5. HOW AND WHEN IS THE YOUTH NOTIFIED OF THE AVAILABILITY OF SEALING OR EXPUNGEMENT, THE PROCESS FOR SEALING OR EXPUNGEMENT, AND ELIGIBILITY?

Many youth are not advised that juvenile records carry long-term consequences, or that expungement or sealing of their records is not automatic but requires the youth to initiate the process (if available at all). In order for notification to be most effective, it must be timely and repeated throughout the youth's court involvement. States that provide notice about availability, eligibility and process throughout the proceeding and thereafter received the highest score.

6. WHEN MAY A YOUTH'S RECORD BE SEALED OR EXPUNGED?

In the majority of states, an individual has to demonstrate eligibility for sealing or expungement. This can be tied to the individual's age at the time of the offense or discharge from court; the nature of the offense for which the youth was adjudicated; or the amount of time that has passed since the case was closed. States that provide for expungement eligibility earlier, at discharge or case closing, regardless of the youth's age, received the highest score.

7. MUST THE YOUTH PAY A FEE FOR SEALING OR EXPUNGEMENT?

Fees can deter young people from seeking to have their records sealed or expunged. Even when a fee can be waived based upon an individual's financial status, youth may be intimidated by the waiver process or may not know that it exists, or how to apply for it. While in many states fees are assessed locally at the county or municipality level, some states impose high fees for expungement or sealing statewide. States that assess no fee received the highest score.

8. ARE SANCTIONS IMPOSED FOR FAILURE TO COMPLY WITH SEALING OR EXPUNGEMENT LAWS?

To be effective, state sealing and expungement policies must be enforced. Sanctions in the form of a fine should be available when expungement or sealing policies are violated or records are unlawfully disclosed. States that impose sanctions received the highest score.

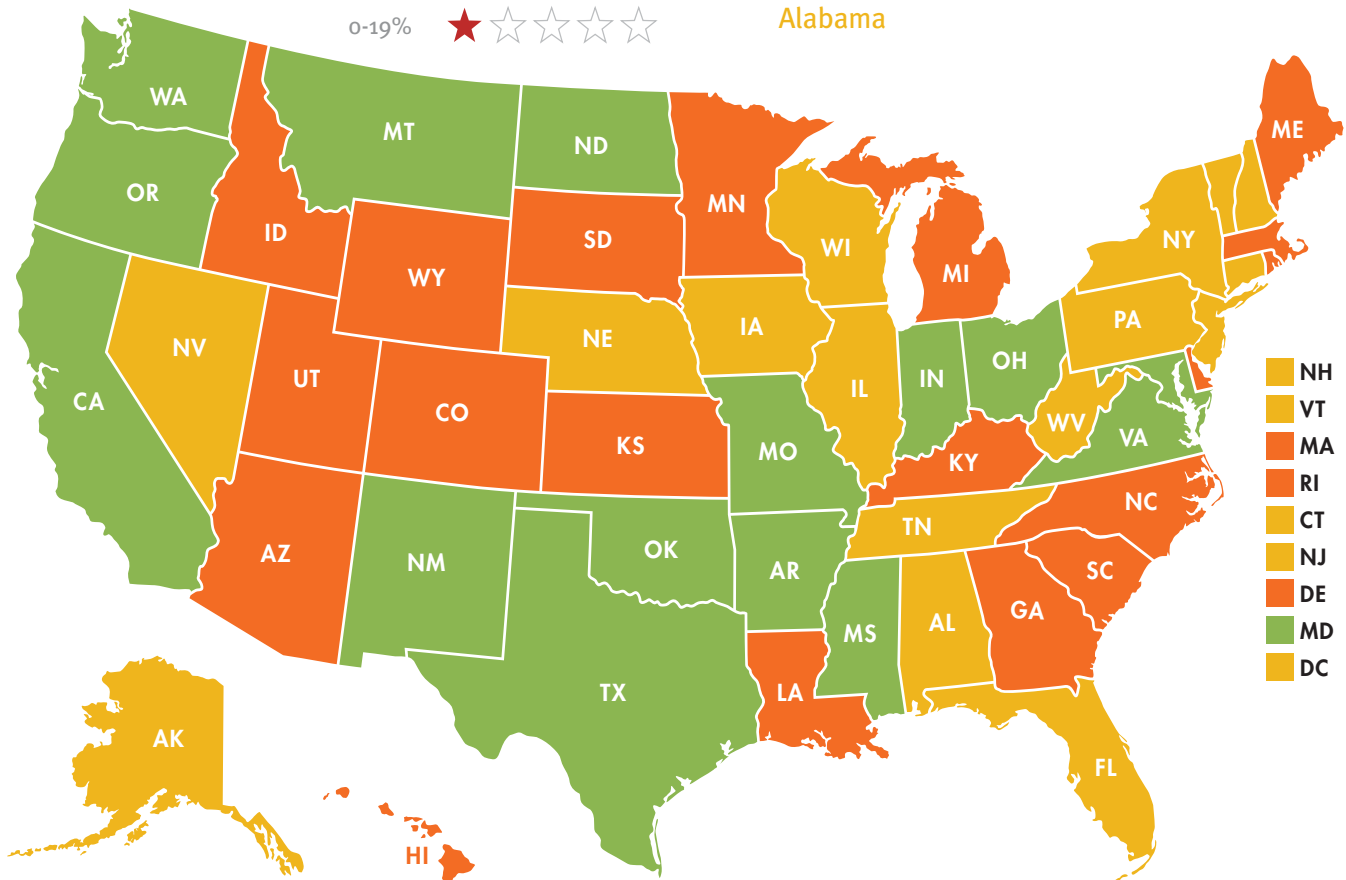
Expungement and Sealing of Juvenile Records

THE SCORES

The national average for all states' expungement and sealing laws was 3 stars. No state received 5 stars, and less than 30% of states received 4 stars – leaving 70% of states with a 3 star or less rating.

Only five states—Indiana, Maryland, Missouri, Oregon, and Wisconsin—have both complete sealing and expungement available for juvenile records. In 20 states sealing or expungement is available for any type of offense, with no exceptions. Many states received lower scores because they require youth to initiate the sealing or expungement process by filing a petition. Only five states automatically expunge juvenile records, while 24 states require the youth to file a petition. An additional 15 states provide that either the youth or another party (the prosecutor or court) can file on the youth's behalf.

States measured poorly in almost every policy area, but the majority of states scored lowest in response to the question about how youth are notified of their expungement rights and eligibility, with 34 states receiving no points at all.



STATES BY RANK

- New Mexico
- North Dakota
- Indiana
- Montana
- Oklahoma
- Washington
- Missouri
- Ohio
- Texas
- Oregon
- Virginia
- California
- Arkansas
- Maryland
- Mississippi
- New Hampshire
- Nevada
- West Virginia
- Illinois
- Wisconsin
- District of Columbia
- Nebraska
- Iowa
- Florida
- Vermont
- Alabama
- New Jersey
- Connecticut
- Alaska
- Pennsylvania
- Tennessee
- New York
- Georgia
- Wyoming
- North Carolina
- South Dakota
- Arizona
- Louisiana
- Maine
- Kentucky
- Massachusetts
- Kansas
- Michigan
- Hawaii
- Rhode Island
- South Carolina
- Idaho
- Utah
- Delaware
- Colorado
- Minnesota

Conclusions and Recommendations

This Scorecard shows that the vast majority of states fail to adequately protect youth from the harmful effects of their juvenile records.

Ohio was the only state to score in the top 20% for both confidentiality and sealing or expungement. The worst states—Kansas, Michigan, Delaware, Utah, Minnesota, Arizona, and Idaho—scored in the bottom 20% for both confidentiality and sealing or expungement. More than half the states (28 out of 51) received only 3 stars. New Mexico was the top-ranked state, scoring 4 stars for expungement and 3 stars for confidentiality, with an overall score of 4 stars.

A recent study conducted by the National Academy of Sciences, with the support of the federal Office of Juvenile Justice and Delinquency Prevention, sets forth a framework for juvenile justice reform that aligns with developmental science. The study posits that reform measures must account for four factors:

- 1) Adolescents are less culpable than their adult counterparts;
- 2) Most youth are likely to mature out of the behaviors leading to their adjudications;
- 3) Adolescence is a time during which teens make progress toward acquiring the skills and capacities necessary to be successful as adults; and
- 4) The justice system should treat youth appropriately and fairly.⁴

The confidentiality, sealing and expungement Core Principles advocated in this Scorecard align with this framework. These principles should guide stakeholders who reform their laws in this area. The substantial differences between recommended practice and actual practice in most states demonstrate how much work remains to be done before youth are adequately protected from improper disclosure and release of their juvenile records.⁵

Guaranteeing greater protection of juvenile record information ensures that youth can pursue educational opportunities, enter the workforce and become contributing members of their communities. States must take steps to maintain the confidentiality of records during and after juvenile proceedings and provide mechanisms for the expungement of these records after cases have been closed.

Laws that permit juvenile court and law enforcement records to be sealed as well as expunged and destroyed will ensure that youth can move past their delinquent conduct and make positive contributions to their communities. When our youth succeed, our society benefits.

KEY RECOMMENDATIONS

Policymakers in all states should undertake immediate review of their juvenile records laws and policies to identify changes that must be made to close gaps in protection.

States and municipalities should enact provisions to remove or limit the barriers a juvenile record creates to obtaining education, employment, housing, and other benefits.

Youth should be advised about the consequences of juvenile records and informed in a timely and effective manner about the availability of sealing or expungement provisions in their states and jurisdictions.

Attorneys, court personnel, and other stakeholders should work together to create youth-friendly informational materials, forms, and help desks to help youth navigate the expungement or sealing processes in their jurisdictions.

Laws that permit juvenile court and law enforcement records to be sealed as well as expunged and destroyed will ensure that youth can move past their delinquent conduct and make positive contributions to their communities.

⁴ National Academy of Sciences, *Reforming Juvenile Justice: A Developmental Approach* (2013).

⁵ For more detailed recommendations regarding legislative and policy changes, view our companion guide, *Juvenile Records: A National Review of State Laws on Confidentiality, Sealing and Expungement*, at www.jlc.org/juvenilerecords.

Appendix A

How We Scored The States

Juvenile Law Center extensively researched state laws governing juvenile court and law enforcement records. We identified key factors relevant to confidentiality and sealing or expungement to protect youth as they move in and out of the juvenile justice system. State research and legislative developments on these issues are current through June 30, 2014.

Juvenile Law Center has also published a companion document, *Juvenile Records: A National Review of State Laws on Confidentiality, Sealing, and Expungement*, available at www.jlc.org/juvenilerecords. The National Review provides an in-depth analysis of state laws relating to the confidentiality, sealing and expungement of juvenile records. It sets forth best practices and Core Principles⁶ for effective record protection. The National Review is designed to provide legislators, practitioners, stakeholders and youth with a summary of their state laws and practices concerning juvenile records, and to assist them in assessing gaps and implementing suggested model policies. This Scorecard evaluates the state laws according to Core Principles developed by Juvenile Law Center.

This set of principles takes account of research on adolescent development, the harmful consequences of disclosure and dissemination of juvenile records information for adjudicated youth, and the limited benefits to public safety in retaining records. The Core Principles are designed to ensure that juvenile arrest and court histories will be appropriately expunged and that the records will remain confidential.

The final composite score for each state is based on a maximum of 100 points that could be earned based upon the state’s performance in response to 14 questions. The

most comprehensive confidentiality and expungement schemes with the fewest exceptions were scored highest, ranging from six to ten points. Higher maximum values reflected greater importance of the factor being scored. Some criteria scored individually either zero or a specific number; the state either complied with the criteria or it didn’t. In other categories, states could receive a cumulative score based on having a combination of the criteria.

States obtained the highest score if the state policy or practice matched the core principle for record protection. Policies that fell short received less than the maximum score. The absence of any expungement practices and confidentiality safeguards resulted in a score of zero for each category. At least two attorneys reviewed each state’s law.

Some states were not rated on questions for which we had insufficient information. In those circumstances, we did not rate the state for that particular question and the unrated question was not factored into the total composite score, (i.e., the total possible point value was less than 100 for that state). For example, in some states the costs or fees associated with expungement are set by local jurisdictions; the state statute is silent. In these circumstances, the state was not rated on the question related to fees for sealing or expungement; we deducted the fee point value from the total possible points.

In reporting the confidentiality scores, we combined the questions related to confidentiality of records and exceptions to confidentiality to reflect a broader understanding of the law as it related to the accessibility of records.

The scoring criteria for each question is as follows:

1. ARE LAW ENFORCEMENT RECORDS CONFIDENTIAL?

Maximum of seven (7) points (mutually exclusive)

POLICY CRITERIA	POSSIBLE POINTS
Completely confidential (no access except by law enforcement or court personnel)	7
Available to others only by court order	4
Available to school or other government agencies	2
Available to any others (media, employers, etc.)	0

⁶ The National Review addresses the same policy areas as the Scorecard. However, the Core Principles as set forth in the National Review provide a more detailed set of criteria and considerations that states should consider in amending or adopting legislation concerning the protection or release of juvenile record information. In the Scorecard, these Core Principles were integrated into our questions to account for the variances among states.

Appendix A

How We Scored The States

2. ARE THERE OFFENSE OR AGE-BASED EXCEPTIONS TO THE CONFIDENTIALITY OF LAW ENFORCEMENT RECORDS?

Maximum of six (6) points (mutually exclusive)

POLICY CRITERIA	POSSIBLE POINTS
No exceptions	6
Any exceptions	0

3. ARE COURT RECORDS CONFIDENTIAL?

Maximum of seven (7) points (mutually exclusive)

POLICY CRITERIA	POSSIBLE POINTS
Completely confidential (other than to court or law enforcement personnel)	7
Available to others only by court order	4
Available to school or other government agencies	2
Available to any others (media, employers, etc.)	0

4. ARE THERE OFFENSE OR AGE-BASED EXCEPTIONS TO THE CONFIDENTIALITY OF COURT RECORDS?

Maximum of six (6) points (mutually exclusive)

POLICY CRITERIA	POSSIBLE POINTS
No exceptions	6
Any exceptions	0

5. ARE RECORDS MADE AVAILABLE TO THE PUBLIC?

Maximum of six (6) points (mutually exclusive)

POLICY CRITERIA	POSSIBLE POINTS
Not Available to the public in any form	6
Law enforcement or court records available to the public, but are not available online	3
Law enforcement or court records available to the public and are available online	0

6. ARE THERE SANCTIONS FOR UNLAWFULLY SHARING CONFIDENTIAL INFORMATION?

Maximum of six (6) points (mutually exclusive)

POLICY CRITERIA	POSSIBLE POINTS
A sanction is imposed	6
No sanction imposed	0

Appendix A

How We Scored The States

7. IS SEALING OR EXPUNGEMENT AVAILABLE?

Maximum of fourteen (14) points (cumulative)

POLICY CRITERIA	POSSIBLE POINTS
No expungement or sealing of records	0
Limited sealing; available to certain individuals or entities OR	3
Completely sealed but not physically destroyed	5
Expungement (records destroyed)	9

8. WHAT RECORDS ARE SUBJECT TO SEALING OR EXPUNGEMENT?

Maximum of six (6) points (cumulative)

POLICY CRITERIA	POSSIBLE POINTS
No records are sealed or expunged	0
Juvenile delinquency court records are sealed or expunged	3
Law enforcement records, including fingerprints and DNA samples, are sealed or expunged	3

9. WHAT OFFENSES ARE EXCLUDED FROM SEALING OR EXPUNGEMENT?

Maximum seven (7) points (mutually exclusive)

POLICY CRITERIA	POSSIBLE POINTS
Excludes all offenses	0
Excludes property offenses as well as offenses against persons and registerable offenses	1
Excludes offenses against persons or felony offenses as well as registerable offenses	2
Excludes only registerable offenses	3
No offenses are excluded	7

10. IS SEALING OR EXPUNGEMENT AUTOMATIC OR MUST THE YOUTH OR SOME OTHER ENTITY FILE A PETITION TO INITIATE THE PROCESS?

Maximum of seven (7) points (mutually exclusive)

POLICY CRITERIA	POSSIBLE POINTS
Youth must initiate the process	0
Court or justice system entity can initiate the process	2
Expungement or sealing is automatic; no action on the part of the youth required	7

Appendix A

How We Scored The States

11. HOW AND WHEN IS THE YOUTH NOTIFIED OF THE AVAILABILITY OF SEALING OR EXPUNGEMENT, THE PROCESS FOR SEALING OR EXPUNGEMENT, AND ELIGIBILITY?

Maximum of ten (10) points (cumulative)

POLICY CRITERIA	POSSIBLE POINTS
No notification requirement	0
Youth must be notified of the availability of sealing or expungement	1
Youth must be notified of his/her eligibility for sealing or expungement	2
Youth must be notified of the process for sealing or expungement	3
Notification takes place at the time that the sealing or expungement is completed	1
Notification takes place at the time of case closure	1
Notification takes place at the time the youth is eligible for sealing or expungement	2

12. WHEN MAY A YOUTH'S RECORDS BE SEALED OR EXPUNGED?

Maximum of six (6) points (average of the two hypothetical scores; mutually exclusive for each hypothetical)

POLICY CRITERIA	POSSIBLE POINTS
<i>13-year old adjudicated delinquent of felony aggravated assault. Case closed and discharged from court supervision at age 15.</i>	
Never eligible for sealing or expungement	0
Eligible for sealing at case closing/discharge	4
Eligible for expungement at case closing/discharge	6
Eligible for sealing or expungement within one year of case closing/discharge	4
Eligible for sealing or expungement within five years of case closing/discharge	2
Eligible for sealing or expungement after more than five years from case closing/discharge	1

POLICY CRITERIA	POSSIBLE POINTS
<i>17-year old adjudicated delinquent of felony aggravated assault. Case closed and discharged from court supervision at age 19.</i>	
Never eligible for sealing or expungement	0
Eligible for sealing at case closing/discharge	4
Eligible for expungement at case closing/discharge	6
Eligible for sealing or expungement within one year of case closing/discharge	4
Eligible for sealing or expungement within five years of case closing/discharge	2
Eligible for sealing or expungement after more than five years from case closing/discharge	1

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How We Scored The States

13. MUST THE YOUTH PAY A FEE FOR SEALING OR EXPUNGEMENT?

Maximum six (6) points (mutually exclusive)

POLICY CRITERIA	POSSIBLE POINTS
Fee of more than \$50	0
Fee of \$50 or less	3
No fee	6
Unrated	

14. ARE SANCTIONS IMPOSED FOR FAILURE TO COMPLY WITH SEALING AND/OR EXPUNGEMENT LAW?

Maximum of six (6) points (mutually exclusive)

POLICY CRITERIA	POSSIBLE POINTS
A sanction is imposed	6
No sanction imposed	0
Unrated	

Total scores for each state, reflecting their impact on sealing or expungement and confidentiality for 14 (or slightly fewer) questions were calculated according to the following formula:

$$\frac{(\text{Sum of scores for included questions}) - (\text{Sum of maximum scores for excluded questions})}{(\text{Sum of maximum scores for included questions})}$$

Because the total point values differed from state to state, the resulting total state score is expressed as a percentage of the maximum possible total score for the policies and practices included for the individual state. For example, if a state received a total score of 60 points out of a possible 90 because the state was not rated on a question that offered a maximum score of 10 points, the total score for that hypothetical state would be 67% (i.e., 60 divided by 90), not 60%. The percentage scores were rounded to the nearest whole number and then assigned stars using the following rating system:

80-100%	5 stars	
60-79%	4 stars	
40-59%	3 stars	
20-39%	2 stars	
0-19%	1 star	

Aggregate scores per state were calculated for each of the two major categories of policies and practices: expungement or sealing and confidentiality. As with the aggregate score calculations for all policies and practices, these calculations were based on a maximum aggregate score of 100 percentage points. If, for example, a state scored 45 points out of maximum score of 60 points for all expungement or sealing issues combined, then the state would receive a 75% performance score, or a 4-star rating for expungement or sealing.

An example of this scoring follows at Appendix B.

Appendix B

Sample State Scorecard

Additional state Scorecards can be found at www.jlc.org/juvenilerecords.

Virginia



Total score: ★★☆☆☆

Virginia only allows for the expungement of minor offenses, and by granting the public access to juvenile records prior to expungement, it limits the effectiveness of its automatic expungement provision.

45% (42 OF 94 PTS)



NATL AVG: 46% (41.1 OF 90 PTS)

[How scoring works](#)

Confidentiality: ★☆☆☆☆

Juvenile records are available to the public online. [All states »](#)

13% (4 OF 32 PTS)



NATL AVG: 40% (13.9 OF 34.4 PTS)

🔍 **Are law enforcement records confidential?**

Law enforcement records typically contain information regarding arrests, victim and witness statements, photographs, fingerprints and DNA samples. States that restrict availability of law enforcement records to law enforcement or court personnel only and do not provide exceptions to their general rules of confidentiality received the highest score. [All states »](#)

15% (2 OF 13 PTS)



NATL AVG: 34% (4.4 OF 13 PTS)

🔍 **Are court records confidential?**

Juvenile court records contain a youth's social, psychological, educational and family information, the results of assessments or evaluations, and other offense-related information to assist the court in planning for the child's supervision, treatment, and rehabilitation upon adjudication. States that restrict availability of court records to law enforcement or court personnel only and do not provide exceptions to their general rules of confidentiality received the highest score. [All states »](#)

15% (2 OF 13 PTS)



NATL AVG: 28% (3.6 OF 13 PTS)

🔍 **Are records made available to the public?**

Publicly available records can be placed on a searchable online database, or simply made available if an individual requests the record through the state police or the juvenile court. States that make it more difficult for the public to gain access to records received the highest score. [All states »](#)

0% (0 OF 6 PTS)



NATL AVG: 58% (3.5 OF 6 PTS)

🔍 **Are there sanctions for unlawfully sharing confidential information?**

To be effective, state policies providing for confidentiality of juvenile records must be enforced. States that provide for sanctions received the highest score. [All states »](#)

NOT RATED (EXPLAIN)



NATL AVG: 100% (6 OF 6 PTS)

Appendix B

Sample State Scorecard

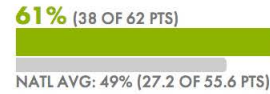
Additional state Scorecards can be found at www.jlc.org/juvenilerecords.

Virginia



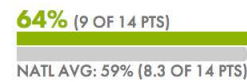
Expungement: ★★★★★

Virginia scores above the national average because state law grants an automatic expungement process, although only minor offenses qualify for expungement. [All states »](#)



🔍 **Is sealing or expungement available?**

Sealing records alone can be ineffective because even if a record is technically sealed to everyone, it is physically still accessible and therefore can interfere with the youth's future plans. States that provide for complete sealing and expungement of juvenile records received the highest score, ensuring that youth can put their past behind them and focus on their futures. [All states »](#)



🔍 **What records are subject to sealing and/or expungement?**

Even where juvenile records are eligible for sealing or expungement, many jurisdictions limit the mechanisms to certain records. States where all court and law enforcement records can be sealed or expunged, without exception, provide the most effective protection and received the highest score. [All states »](#)



🔍 **What offenses are excluded from sealing or expungement?**

Many states limit sealing or expungement to records of certain offenses. States where records of all juvenile adjudications, regardless of the nature or grading of the offense, are eligible for either sealing or expungement received the highest score. [All states »](#)



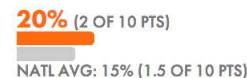
🔍 **Is sealing or expungement automatic or must the youth or some other individual or entity file a petition to initiate the process?**

To facilitate a more streamlined process to destroy juvenile records, many states have implemented automatic expungement procedures. States that provide for automatic sealing or expungement received the highest score. Still other states provide for a third party or agency to initiate the process. These states scored higher than states that require youth themselves to initiate the sealing or expungement process. [All states »](#)



🔍 **How and when is the youth notified of the availability of sealing or expungement, the process for sealing or expungement, and eligibility?**

Many youth are not advised that juvenile records carry long-term consequences, or that expungement or sealing of their records is not automatic but requires the juvenile to initiate the process (if available at all). States that provide notice about availability, eligibility and process throughout the proceeding and thereafter received the highest score. [All states »](#)



Appendix B

Sample State Scorecard

Additional state Scorecards can be found at www.jlc.org/juvenilerecords.

Virginia



➤ **When may a juvenile's records be sealed or expunged?**

Eligibility for expungement can be tied to the individual's age at the time of the offense or discharge from court; the nature of the offense for which the youth was adjudicated; or the amount of time that has passed since the case was closed. States that provide for expungement eligibility earlier, at discharge or case closing, regardless of the youth's age, received the highest score. [All states »](#)

17% (1 OF 6 PTS)

NATL AVG: 35% (2.1 OF 6 PTS)

➤ **Must the youth pay a fee for sealing or expungement?**

Fees can deter young people from seeking to have their records sealed or expunged. States that assess no fee received the highest score. [All states »](#)

100% (6 OF 6 PTS)

NATL AVG: 60% (3.6 OF 6 PTS)

➤ **Are sanctions imposed for failure to comply with sealing or expungement law?**

To be effective, state sealing and expungement policies must be enforced. States that impose sanctions received the highest score. [All states »](#)

100% (6 OF 6 PTS)

NATL AVG: 100% (6 OF 6 PTS)

Appendix C

Glossary of Terms

Confidentiality: Confidentiality of juvenile records refers to statutory protections preventing access to, dissemination or use of a juvenile record in any situation outside of juvenile court, unless it is intended to further the individual’s case planning and service provisions. We refer to confidentiality of records during the course of proceedings and prior to expungement or sealing eligibility; in other words, the sections on confidentiality provide an overview of laws that address how records are treated while court proceedings are pending and immediately thereafter.

Court Records: Court records include all documents or notations created by or stored by the juvenile court or the juvenile probation office. This may contain documents or information about a child’s family, his social history, behavioral health history, education, and prior involvement with the law.

Expungement: Expungement is the physical destruction and complete erasure of a juvenile record as if it never existed. Recognizing that language used to describe juvenile records and the mechanisms for limiting their exposure differs from state to state (and that, when describing the expungement of juvenile records, a state statute may refer to the practice as expunction, expungement, destruction, erasure, or something else), when appropriate, we used the state’s language. However, in many cases, we deduced the meaning of a term and used more broadly understood language of “expungement” to describe the concept of physical destruction.

Juvenile Record Information: Throughout the publication, we refer to “juvenile records” or “juvenile record information” which includes both court records as well as law enforcement records.

Law Enforcement Records: Law enforcement records include documents created by or stored by any law enforcement agency. Specifically, the records may contain files or documents designating an arrest, the taking into custody, detention, formal charges, fingerprints, DNA information, photographs and other police notes regarding a young person.

Sealing: Sealing is the most commonly used term to describe a mechanism for limiting access to juvenile court records. In most jurisdictions, sealing a juvenile record means that the record is unavailable to the public, but remains accessible to select individuals or agencies, such as law enforcement. State laws vary on who has access to sealed records and whether access is permitted with or without a court order. When sealed, records remain physically available and could be unsealed and open to discovery and dissemination.

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Juvenile Law Center is the oldest public interest law firm for children in the United States. Juvenile Law Center uses an array of legal strategies and policy advocacy to promote fairness, prevent harm, ensure access to appropriate services, and create opportunities for success for youth who come into contact with the child welfare and justice systems.

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