

Ottawa County Common Pleas Court

Juvenile Division

Kathleen L. Giesler, Judge

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SEALING AND EXPUNGEMENT OF JUVENILE RECORDS

If you were charged with a delinquency, unruly or traffic offense in this court, you may have the option of requesting that your record be sealed or expunged. A sealed record is set aside and can be reviewed only under certain limited circumstances. An expunged record is permanently deleted and cannot be retrieved. If your record is expunged or sealed, persons requesting information about your record will be told that no record exists. This document explains whether your record is eligible to be sealed or expunged and what steps you should take in that process.

SEALED CASES

AUTOMATIC

Certain records must be sealed by the court. Those records include:

- a. Records from cases where juveniles were held in custody but were never charged with an offense.
- b. Records from cases that were resolved prior to the case being filed, such as cases that are referred to diversion.
- c. Records from cases that were filed but were then later dismissed.
- d. Records from cases that were referred to an alcohol mediation or diversion program.
- e. Records from unruly cases where the juvenile has turned eighteen and has no pending delinquency matters.

DISCRETIONARY

In other cases, the court is permitted to seal records but is not required. These are cases where a person was adjudicated as being delinquent, unruly or a juvenile traffic offender. You must follow these steps to have your record sealed in such cases:

- a. Wait 6 months from the termination of the cases and then file an application with the court. You may pick up an application at the court or ask that one be sent to you.
- b. Provide any information that the court requests.
- c. Appear in court or request a waiver of your appearance if the court sets a hearing on your application to have your record sealed.

EXPUNGED CASES

AUTOMATIC

A court must expunge the record in any case that has previously been sealed. This must occur either five years after the date on which the records are sealed or on the person's twenty-third birthday, whichever is earlier.

DISCRETIONARY

The court may expunge a case at an earlier time upon application of the person whose record it is. You may contact the court to obtain a copy of the application to expunge your juvenile court record.

PROHIBITED

The juvenile court is not permitted to seal or expunge a record if there is a civil lawsuit pending involving the case. The juvenile court is also prohibited from sealing records in cases where a juvenile is adjudicated delinquent for committing an act that would be an aggravated murder, murder, or rape if the act had been committed by an adult.

STANDARD

In making a determination about whether to seal or expunge a record, the court may consider any information that it believes is relevant including:

- a. The person's age,
- b. The person's education and employment history,
- c. The nature of the case,
- d. The person's subsequent delinquent, unruly and criminal behavior, and
- e. Any other circumstance that may relate to the rehabilitation of the person.