Sealing/Expungement/Destruction of Juvenile Court Records:
Sealed Records that Can be Unsealed or Inspected

Linda A. Szymanski, Esq., Director of Legal Research, NCJJ

Sealed Records that Can be Unsealed or Inspected

As of the end of the 2006 legislative session, all states but Rhode Island have procedures that provide for the sealing/expungement/destruction of juvenile court records.

Typically, sealing means placing court records in a separate file or other repository not accessible to the general public. Expungement means the designation of court records whereby such records are deemed never to have existed or the actual destruction of court records. However, destruction does not always mean the actual destruction of the records, but only putting them in a separate file where specified parties can access them, usually with a court order.

Over the years, the privacy of sealed records has eroded. In most states, specified Juvenile Court records cannot ever be sealed. These records concern juveniles adjudicated for more serious and/or violent offenses, or repeat offenders.

However, even when a juvenile record is sealed/expunged/destroyed, the process may not be permanent. A minority of jurisdictions nullify the sealing order if the juvenile has any adjudication of delinquency or conviction of a crime subsequent to sealing: Alabama, the District of Columbia, New Jersey, New Mexico, New York, and Washington.

Most jurisdictions have procedures that permit juvenile court records to be unsealed and/or inspected by specified parties. Generally, the person who is the subject of the records files a petition with the court to unseal the records, but access to such records is restricted to the parties named in the petition to unseal. The court then reviews the petition and either grants or denies the required court order.

Jurisdictions that permit access by specified parties named in a court order are: Alabama, Alaska, California, Colorado, the District of Columbia, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Maine, Massachusetts, Minnesota, Mississippi, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, South Dakota, Texas, Utah, Vermont, and Washington.

The statutorily specified parties can include: any agency which has the person named in the record under its care; an officer of the court for use in a pre-sentencing report to the court; criminal justice agencies; a prosecuting attorney; the Department of Corrections.

In a minority of jurisdictions the court can order records unsealed on its own motion after a showing of good cause: Alabama, Alaska, Colorado, the District of Columbia, Idaho, Iowa, Louisiana, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, Oklahoma, South Dakota, and West Virginia.

In addition to procedures permitting the inspection of sealed records by various parties or procedures by which previously sealed records can be unsealed, most states have procedures specifying juvenile court records that cannot ever be sealed.

Procedures specifying juvenile court records that cannot be sealed is the topic of the October 2006 Snapshot.