

## Juvenile Record Expungement Information for Victims and Family Members

### What is Juvenile Record Expungement?

Maryland law permits a juvenile delinquency record to be expunged under certain circumstances.

### What are the grounds for juvenile record expungement?

There are several factors that a judge must consider before granting an expungement petition (a request to the court to expunge a juvenile record).

These factors include that:

- The person requesting expungement must be at least 18 years old, and
- At least two (2) years must have passed since the last official action in the person's juvenile case.

*The grounds for juvenile record expungement are on the other side.*

### What are my rights as a victim or a family member?

*Service of the petition.* The Court is required to have the expungement petition served on (given to) each victim and family member.

*Objection.* Any victim or family member who objects to the granting of an expungement petition may file an objection to the petition with the Court.

*Hearing.* The Court must hold a hearing on the expungement petition if a victim or family member files the objection within 30 days after the petition is served.

**If a record is expunged, it will be:**

- Obliterated; or
- Moved to a separate and secured area from which those without a legitimate reason for access are denied access; or
- If access to the record can be obtained only by reference to another court record or police record, by the expungement of it or the part of it that provides access.

The juvenile record expungement **statute** is Maryland Code, Courts and Judicial Proceedings, § 3-8A-27.1.

The juvenile record expungement **Rule** is Maryland Rule 11-601.

A "**victim**" is a person against whom a delinquent act has been committed or attempted.

A "**family member**" is an individual who is: (1) a family member of a victim, and (2) listed in the court file as having attended the adjudication for the juvenile case.

### How will I be notified if an expungement petition is filed in this case?

If a juvenile record expungement petition is filed, the Court will notify each victim and family member.

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If you want to be notified that an expungement petition is filed, please make sure that the State's Attorney has your full name, address and contact information.

Please notify the Court and the State's Attorney of any changes to your information.

Contact the clerk at: .....

Contact the State's Attorney at: .....

## **Grounds for Juvenile Record Expungement**

### **Before a Court can order a juvenile record expungement, the judge must:**

- Find that **ANY ONE (1)** of the factors listed below in **(A)** has occurred; and
- Find that **EACH** of the factors listed below in **(B)** has occurred; and
- Consider each of the factors listed below in **(C)**.

#### **A. Did ANY one (1) of the following occur in the juvenile case?**

1. The State's Attorney entered a nolle prosequi;
2. The delinquency or child in need of supervision (CINS) petition was dismissed;
3. The court held an adjudicatory hearing and in that hearing, did not find that the allegations in the delinquency petition, CINS petition or citation were true;
4. An adjudicatory hearing was not held within two (2) years after the delinquency petition, CINS petition or citation was filed;
5. The Court held a disposition hearing and in that hearing, found that the juvenile did not require guidance, treatment or rehabilitation; or
6. The Court held a disposition hearing and in that hearing, found that the juvenile did require guidance, treatment or rehabilitation.

#### **B. Is EACH of the following true about the person who filed the juvenile record expungement petition (petitioner)?**

1. The petitioner is at least 18 years old;
2. At least two (2) years have passed since the last official action in the petitioner's juvenile record;
3. The petitioner has never been adjudicated delinquent or was only adjudicated delinquent one (1) time;
4. The petitioner has not subsequently been convicted of any offense;
5. No delinquency petition or criminal charge is pending against the petitioner;
6. The petitioner has not been adjudicated delinquent for an offense that, if committed by an adult, would constitute:
  - a. A crime of violence;
  - b. A fourth degree sexual offense; or
  - c. A felony;
7. The petitioner has not been required to register as a sex offender under Maryland;
8. The petitioner has not been adjudicated delinquent for an offense involving the use of a firearm in the commission of a crime of violence; and
9. The petitioner has fully paid any monetary restitution ordered by the Court in the delinquency proceeding.

#### **C. The Court must consider EACH of the following:**

1. The petitioner's best interests;
2. The petitioner's stability in the community; and
3. The safety of the public.

There is more information about juvenile record expungement on-line at the People's Law Library  
[peoples-law.org/introduction-juvenile-record-expungement](http://peoples-law.org/introduction-juvenile-record-expungement)