

**JUVENILE COURT OF GEAUGA COUNTY, OHIO
JUDGE TIMOTHY J. GRENDALL**

**NOTICE TO APPLY TO HAVE
JUVENILE COURT RECORDS SEALED AND EXPUNGED**
[R.C. §2151.356(D)(2)]

TO: _____
Name of Child

Case No: _____

Date: _____

ID No: _____

Juvenile Court Record Sealing¹

What does it mean to “Seal” a juvenile court record?

When a juvenile court “seals” a juvenile court record, that court orders the removal of the juvenile court record from the court’s main records and secures those files at a secure location, in a separate file that contains only sealed records. When a youth’s juvenile court record is sealed, that youth can honestly say that no record exists with respect to any inquiry in the matter. Only the court and a few other government agencies are able to see the juvenile court record. To all other people and agencies, it will be as if the record never existed.

Does the Court automatically seal any Youth Juvenile Court records?

The Court will automatically seal certain youth juvenile court records and thus a youth need not apply to the Court for the sealing. Those records are:

- When a youth was brought before the Court for committing a delinquent or unruly act, but the case was resolved without the filing of a complaint (e.g. the matter was referred to diversion).
- When a youth is charged with underage drinking and successfully completes a diversion program with respect to that charge.
- When the Court dismisses the complaint after a trial or finds the youth not to be delinquent, unruly, or a juvenile trafficoffender.
- When a youth has been adjudicated an **unruly** child, the youth turns 18, and there are no pending delinquency charges.

¹ R.C. §§ 2151.356 and 2151.357 govern the sealing of youth juvenile records.

How does a youth get his or her Juvenile Court Record sealed?

Assuming that (i) the youth's juvenile court record is not automatically sealed and (ii) that record is eligible for sealing, and (ii) the youth is eligible, the youth can get that eligible record sealed by preparing and filing an application using the GC Form "GC JF 9.1 - Application to Seal Record," which is located on the Court's website or may be obtained from the Clerk.

Certain youth juvenile court records may not be sealed under any circumstances. Those records are juvenile court records pertaining to:

- Aggravated murder²
- Murder³
- Rape⁴

Additionally, the youth must be eligible, which depends upon whether the youth is under the age of 18 or has attained the age of 18.

- If the youth is under the age of 18, then that youth cannot file the application until at least six months have passed since the final conclusion of the case. The final conclusion of the case means release from detention or DYS and that all court orders have been terminated.
- If the youth has attained the age of 18, then he can file the application at any time so long as there is a final conclusion of the case.
- In either event, if the youth has any pending cases in juvenile court, he or she must wait until all cases are closed to apply for the sealing of a youth juvenile court record.

The Juvenile Clerk can assist the youth with the preparation and filing of GC Form "GC JF 9.1 - Application to Seal Record." There is no filing fee.

In addition to the preparation and filing of that application, the youth should assemble and include as much supporting documentation as possible. The Court will be looking for school performance, work experience and performance, as well as any volunteer or other activities. The Court will also be concerned with any other juvenile or criminal cases. The Court will also consider the youth's age at the time of the offense and the nature of the offense itself. The Court may order an investigation.

After the application is filed, the Court will notify the prosecutor's office. If the prosecutor's office does not object to the record sealing, then the Court may grant the sealing without a hearing. If the prosecutor's office objects to the record sealing, then the Court will set a hearing to decide if the records should be sealed. Even if the prosecutor's office does not object, the Court may still set a hearing. It is ultimately the judge's decision whether to seal a juvenile court record. The judge has wide discretion in making that decision.

Who can see Juvenile Court Records that have been sealed?

- The school board of the youth's school district, but only if he or she was expelled from school AND the sealed record is the reason he or she was expelled.
- The Court, for any reason.

² R.C. §2903.01

³ R.C. §2903.02

⁴ R.C. §2907.02

- If the sealed case was a charge that would have been considered a violent felony if the youth had been an adult, then any prosecutor or law enforcement officer for any law enforcement reason can see the sealed record.
- The youth can see his or her sealed record. At any time, the youth can ask the court for permission to view the sealed record.
- If there is a civil case because of the sealed record, then the people involved in the civil case can see the sealed record, but it is still kept confidential.
- The attorney general’s office can see a sealed record, but only if it was a sex offense. This is because the attorney general’s office is in charge of the juvenile sex offender registry.

Juvenile Court Record Expungement⁵

What does it mean when a youth’s Juvenile Court Record is expunged?

Expungement of juvenile court records is like a permanent sealing. The juvenile court record is completely removed from the court’s records and destroyed. No one will be able to see the record. If a youth’s juvenile court record is expunged, then that youth can honestly state that he or she has no juvenile court record.

Are any Juvenile Court Records expunged automatically?

All sealed juvenile court records are automatically expunged after five years or when the youth turns 23, whichever occurs first. Please note that a record must be sealed before it can be expunged. If a youth does not want to wait until he or she is 23 or the expiration of the five-year time period, then he or she can apply to have a sealed record expunged.

How does a youth get his or her Juvenile Court Record expunged?

Assuming that the youth’s juvenile court record is sealed, the youth can get a sealed juvenile court record expunged by preparing and filing an application using the GC Form “GC JF 9.2 - Application to Expunge Record,” which is located on the Court’s website or may be obtained from the Clerk.

ACKNOWLEDGMENT

I acknowledge that I have received this **Notice To Apply To Have Juvenile Court Records Sealed and Expunged** on this ____ day of _____, 20__.

Child’s Signature

Witness

Parent’s Signature

⁵ R.C. § 2151.358 governs the expungement of youth juvenile court records.