



ASHLAND COUNTY COURT OF COMMON PLEAS

Probate and Juvenile Division

Karen DeSanto Kellogg, Judge

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Sealing and Expunging Juvenile Court Records

R.C. §2151.355 - 2151.358

Common Questions and Answers

What is Sealing and Expunging?

Sealing: The juvenile file is removed from the Court's main section of records and placed in a separate location that is only accessible by the juvenile court.

Expungement: The juvenile file is destroyed or deleted, and is permanently gone from the Court's records.

What records cannot be sealed?

Aggravated Murder
Murder
Rape

What records is the Court required to seal?

- (1) Sealing ordered by another Court
- (2) No complaint ever filed
- (3) Successful diversion on R.C. 4301.69 charge
- (4) Delinquency complaint dismissed without adjudication or child adjudicated unruly turns 18 AND Court finds that harm pertaining to disclosure of record IS NOT outweighed by potential benefits of public access to the records.

How does the Court decide whether to seal records?

The Court will consider sealing records, either through the Court's own motion, or through the youth's written application, if:

- (1) the youth has been satisfactorily rehabilitated, as determined by an investigation (based on age; nature of case; education and employment history; any other delinquent, unruly or criminal behavior; and any other relevant circumstances.
- (2) the Prosecuting Attorney has no objections or does not respond. (If the Prosecuting Attorney does object, the Court may set a hearing before deciding the sealing request).

What is the effect of having a juvenile record sealed?

The youth and the Court can respond that no record exists, and it is as if the proceedings never occurred.

The record shall be sealed with every office that had contact with the case.

Generally, the record is not accessible, but there are very limited exceptions under the law for accessing the record.

How does the Court decide to expunge records?

The Court is required to expunge all records five (5) years after they are sealed, or when the youth turns 23, whichever happens first.

However, the Court may require a youth to apply to have records expunged, and in that case, a court will consider expunging records.

The Court will consider if the youth has been satisfactorily rehabilitated, as determined by an investigation (based on age; nature of case; education and employment history; any other delinquent, unruly or criminal behavior; and any other relevant circumstances.

The Court will also consider any objection of the Prosecuting Attorney.

What is the effect of having a juvenile record expunged?

The youth and the Court can respond that no record exists, and it as if the proceeding never occurred.

The record shall be expunged by every office that had contact with the youth regarding the case.

The record no longer exists and it is not accessible to anyone for that reason.

When is the soonest point that I can ask the Court to seal records?

A person can ask to have a juvenile record sealed six (6) months after:

- (1) Termination of any order made by a court in relation to an adjudication OR
- (2) Unconditional discharge from DYS/other facility in relation to a dispositional order
- (3) Court enters a sex offender declassification order.

How do I go about getting a Court Order to seal or expunge my juvenile case?

Complete the Court form application to seal or an application to expunge

- (1) File your application with the Court - you must mail it to the Court or bring it to the Courthouse - there is no filing fee
- (2) The Court will forward your application to the County Prosecutor for review
- (3) The Court may schedule a hearing on your application, and if so, you must appear
- (4) The Court will then issue a decision

IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO JUVENILE
COURT DIVISION

SEALING APPLICATION (R.C. 2151.356)
and
EXPUNGEMENT APPLICATION (R.C. 2151.358)

JUVENILE'S NAME: _____ COURT I.D. No. _____
Last First Middle Initial
(Please list name when juvenile record was made, even if your name is different now)

DATE OF BIRTH: _____ CURRENT AGE: _____ SSN: _____

CURRENT ADDRESS: _____

PHONE NUMBER: _____ EMAIL ADDRESS: _____

What are the case number(s) of the cases you are seeking to have sealed/expunged:

Has the record already been sealed? YES NO
(A record that has been sealed by the Court will automatically be expunged 5 years after it is sealed or at age 23, whichever is earlier)

The undersigned applicant hereby requests that the applicant's record be:
(Record must already be sealed prior to asking for expungement, or both can be requested at the same time)

SEALED EXPUNGED

Have you been adjudicated delinquent for aggravated murder, murder, or any sexual offense? (If "Yes", please list details about the case, including the Court, case number, exact offense, and date of the adjudication)

YES NO

Are you currently under the jurisdiction of the Court in relation to a delinquency complaint? (If "Yes", please list details about the case, including the Court, case number, exact offense, and date of the adjudication)

YES NO

Have at least 6 months passed since the termination of any order made by the Court in relation to the case?

YES NO

When were you released from any institution or facility, if you were committed to an institution or facility in relation to the case?

Date released: _____

I WAS NOT COMMITTED

Do you authorize the release of any school and/or police report that may aid the Court in making a finding in this matter? YES NO

Have you had other prior or subsequent offenses in any Court? NO

I have had prior or subsequent offense(s) in this Court or another Court, as follows:

The Juvenile Court is required to expunge all sealed records five (5) years after the Court issues a sealing order or upon the 23rd birthday of the person whose record is sealed. Are you further requesting that the record be expunged earlier than that time period? If so, why?

I am not requesting the record be expunged earlier.

I am requesting the record be expunged earlier for the following reason(s):

List any information demonstrating that you have been rehabilitated since your adjudication in this Court, including but not limited to information about education you have obtained, jobs you have held, stable residence, etc. (Attach a separate sheet if this is insufficient space)

Applicant's Signature: _____ **Date:** _____

NOTARIZATION

County of _____ :
:SS.

State of _____ :

Sworn to and subscribed in my presence by _____ on _____.

Notary Public