Clearing a juvenile record: expungement basics for justice-impacted youth

A juvenile record is not automatically erased when someone turns eighteen — that is one of the most common and most costly misunderstandings families carry. This guide explains what clearing a record does, how the process generally works, and where to get free help.

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IMPORTANT NOTE

This is general information, not legal advice. Expungement law is set state by state and changes often. Talk with a legal aid attorney, public defender, or your state's self-help court center about your specific case.

WHO THIS GUIDE CAN HELP

- **For youth**
  Records do not automatically disappear at 18. Start by getting a copy from the juvenile court clerk in the county where the case was heard.
- **For professionals**
  Use this guide to encourage youth to attend a free expungement clinic and bring their court paperwork, school records, and proof of completed requirements.
- **For supporters**
  A cleared record opens housing, jobs, and licensing. This guide explains where to get free legal help and how to avoid paid scams.

EXPUNGEMENT, SEALING, AND WHAT EACH ONE DOES

- **Expungement**
  Generally means the record is destroyed or treated as if it never existed. In many states you may then legally answer 'no' when asked about it on most job and housing applications.

- **Sealing**
  The record still exists but is hidden from public view. Certain agencies — courts, law enforcement, some licensing boards, some military recruiters — may still see it.
- **Automatic vs. petition**
  Some states clear qualifying juvenile records automatically after a waiting period. Many still require the young person to file a petition. Never assume it happened on its own — request a copy of the record and check.
- **What it does not cover**
  Expungement typically does not erase news coverage, internet search results, or private background-check databases that already bought the data. Those may need separate requests.

+ WHO USUALLY QUALIFIES

Eligibility rules vary widely, but most states weigh the same factors.

- The type of offense — lower-level and non-violent offenses are most commonly eligible, and serious violent or sex offenses are often excluded.
- Age at the time of the offense and age now; some states require you to reach a certain age first.
- A waiting period since the case closed, commonly measured in years with no new offenses.
- Completion of everything the court ordered — probation, community service, classes, and restitution.
- Whether restitution or fines are fully paid; unpaid balances stall petitions more often than anything else.
- Whether the case was dismissed, diverted, or never charged, which is frequently the easiest category to clear.

+ THE GENERAL STEPS

- **1. Get a copy of the record**
  Request the juvenile court record from the clerk in the county where the case was heard. You cannot plan around a record you have not read, and errors on records are common.
- **2. Check your state's rules**
  Search '[your state] juvenile record expungement' and look for the state court system, state bar, or legal aid site — not a paid service promising to clear anything.
- **3. Confirm everything is completed and paid**
  Verify probation is closed and restitution and fees are satisfied. If money is owed, ask the court about a payment plan, waiver, or community-service conversion before filing.
- **4. Get free legal help**
  Start with legal aid, the public defender who handled the case, a law school clinic, or a court self-help center. Many areas hold free expungement clinics that do the filing with you in one day.
- **5. File the petition**
  File in the same court that handled the case. Expect a filing packet, possibly a fee — often waivable — and notice to the prosecutor, who may respond.

- **6. Attend the hearing if one is set**
  Not every case requires one. If it does, bring proof of what you have done since: school records, employment, training, letters. Judges respond to evidence of the present, not just the past.
- **7. Verify afterward**
  Once granted, request confirmation and run a background check on yourself a few months later to be sure private databases have updated.

+ WHILE YOU WAIT

- **Know your rights on applications**
  Many states and employers have 'ban the box' rules limiting when criminal history can be asked about, and juvenile adjudications are often not 'convictions.' Ask a legal aid attorney how to answer honestly and correctly.
- **Build the paper trail now**
  Certificates, transcripts, work history, and letters from mentors all strengthen a petition and a job application.
- **Watch out for paid 'record clearing' offers**
  Legitimate help is usually free or low-cost through legal aid and court self-help centers. Never pay a company that guarantees an outcome.
- **You are not the case file**
  MFGP works with justice-impacted youth on storytelling, mentorship, and pathways — support that keeps moving while the legal process takes its time.

+ QUESTIONS FAMILIES ASK

- **Does a juvenile record disappear at 18?**
  Usually not. Many people assume juvenile records vanish at adulthood, but in most states they persist until they are sealed or expunged, either automatically after a waiting period or through a petition you file. Request a copy of the record from the juvenile court clerk to find out where your case stands.
- **What is the difference between sealing and expungement?**
  Sealing hides a record from public view while certain agencies can still access it. Expungement generally destroys the record or treats it as if it never happened, and often lets you legally say it does not exist on most applications. Which is available depends on your state and your case.
- **How much does expungement cost?**
  Costs vary. Courts may charge a filing fee, which is frequently waivable for people who cannot afford it, and legal help through legal aid, public defenders, law school clinics, and free expungement clinics is often free. Be cautious of paid services that guarantee results.
- **Where can I get free help with expungement?**
  Start with your local legal aid organization, the public defender's office that handled the case, a nearby law school clinic, or your court's self-help center. Many communities also hold free expungement clinics that help you file on the spot.

KEEP GOING

- **Empower Justice workshops & mentorship**
  https://www.myfairygodparents.org/programs/empower-justice
- **The #FKLM Family Blueprint**
  https://www.myfairygodparents.org/resources/family-blueprint
- **Featured organizations serving families**
  https://www.myfairygodparents.org/featured-organizations

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