

## Juvenile Record Erasure

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### Issue

Explain the process by which an individual adjudicated as delinquent or as a member from a family with service needs (FWSN) can have the related police and court records erased.

### Summary

A child who has been convicted as delinquent, signed a statement of responsibility admitting to a delinquent act, or been adjudicated as a member of a FWSN may be eligible to have the related police and court records erased after being discharged from court-ordered supervision or custody. (A child may be adjudicated as a member of a FWSN if he or she commits certain status offenses (e.g., running away) or is out of control of his or her parents.) The child or his or her parent must petition the court for the erasure and the court must grant the petition under conditions specified by law ([CGS § 46b-146](#)). When the court grants such a petition, the records are erased and the conviction or adjudication is deemed to have never occurred.

#### *Related OLR Reports*

OLR Report [2016-R-0284](#) describes the processes by which children are convicted of criminal charges in juvenile and adult criminal court.

OLR Report [2016-R-0283](#) describes serious juvenile offenses and how the court handles cases in which a child is charged with such an offense.

There is no need for a petition if the child was dismissed as not delinquent or not being a member of a FWSN. In such cases, the court must order the police and court records related to the charge be erased immediately. The law also requires automatic erasure of police and juvenile court records 13 months after a prosecutor declines to prosecute a case (*nolle prosequi*) or a delinquency count is dismissed without prejudice ([CGS § 46b-133a](#)).

Additionally, the Connecticut Practice Book requires records to be erased without a petition if (1) the child allegedly committed a delinquent act and, after the case was referred by probation for nonjudicial handling (outside of the courtroom), the child successfully completed the associated supervision period (up to six months) or (2) the child was alleged to be from a FWSN and successfully completed community-based or other services to which he or she was referred by probation or the judicial authority. (Only certain cases are eligible for nonjudicial handling.) In both instances, the records are automatically erased, but the allegations may still be considered by probation when determining if the child may have a subsequent delinquency charge handled nonjudicially ([Conn. Prac. Bk. §§ 27-8A, -9](#)).

## Petition

To have the records erased, the child or his or her parent or guardian must file a [petition](#) with the court after the child has been discharged from court supervision or court-ordered custody.

The court must order the police and court records pertaining to the child to be erased under the following conditions:

1. the child is at least age 18 and at least two years have elapsed since he or she was discharged (or four years if the child was convicted of a crime designated as a serious juvenile offense);
2. there is no juvenile proceeding or adult criminal proceeding pending against the child;
3. the child has not been convicted of another delinquent act in that two- or four-year period that would constitute a felony or misdemeanor if committed by an adult; and
4. the child has not been convicted as an adult of a felony or misdemeanor during that period ([CGS § 46b-146](#)).

The law allows the court to grant a petition to erase a child's record before the requisite two- to four-year period following a hearing and a showing of good cause.

Legislation passed in 2015 expanded the conditions under which a court, upon request, has to order erasure of a child's police or court records to include if the child has a criminal record as a result of being a victim of human trafficking or related federal crimes. In such circumstances, none of the other conditions for erasure apply ([PA 15-195](#)).

## **Record Erasure**

By law, when the court enters an erasure order, all references to the court involvement must be removed from agency, official, and institutional files including arrest, complaint, referrals, petitions, reports and orders. Copies of the erasure order must be sent to all persons, agencies, officials, and institutions known to have information pertaining to the delinquency or FWSN proceedings. Individuals in charge of such records are generally prohibited from disclosing any information about the erased records, but they may substantiate the erasure if, in the court's opinion, it is in the child's best interest to do so ([CGS § 46b-146](#)).

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