

Some words you should know

Best interests — A reason that helps both you and the community.

Contact — When police or the court get involved with something you did that might break the law.

Adjudication — Adjudication is the word used in juvenile court when a judge decides that a young person did break the law. It’s similar to a conviction in adult court, but it’s not the same.

Jurisdiction — When a judge decides you did something that would be a crime if you were an adult, you are found to be “within the jurisdiction of the court.” That means the court has the authority to make decisions about you — like placing you on probation or committing you to a facility.

Never within the jurisdiction — You had contact with police or juvenile department, but a judge did not find you guilty. This could happen if you did a diversion program, had informal probation, or your charges were not filed or were dropped.

Termination — When your case is closed. This usually happens when you finish probation or parole. You can ask the juvenile department to help you figure out your termination date.

Important Reminders

- This brochure does not give legal advice.
- It explains how expunction works and how to apply.
- If you want legal advice, ask the court for a free attorney, or hire your own.

This handout was created by:

- Marion County Juvenile Department
- Oregon Youth Authority
- Oregon Judicial Department
- Oregon Juvenile Department Directors Association
- Youth, Rights & Justice

View **Details on Juvenile Expunction** at:



***I’m still confused!
Who can help me?***

**Benton County Juvenile
Department
541.766.6810**



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What is an expunction?

Expunction, also known as clearing your record, is the process of erasing or sealing your juvenile record. Your record has information about times you have been arrested, gone to juvenile court, or been adjudicated of a crime. Expunction means your past contact with police, juvenile court, or the county juvenile department is removed or hidden. It also means people like landlords or employers can’t see your arrest or juvenile record when you apply for an apartment or a job.

Once your record is expunged:

- Any agency with your record must erase or seal it.
- If someone asks the agency or court about your record, they must say you don’t have one.
- You will get a copy of the expunction order and a list of agencies who followed it.
- You are allowed to say that your juvenile record never existed and that the contact (act or behavior) never happened.

Does expunction happen automatically?

Yes, for some youth. It depends on your age and what happened in your case. You get automatic expunction if:

- You turn 18 after Jan. 2, 2022, and were never found within the jurisdiction of the court.
- You turn 18 after Jan. 1, 2024, and were in jurisdiction for a violation or misdemeanor.
- You turn 18 after Jan. 1, 2026 and it has been four years since jurisdiction was terminated, and were in jurisdiction for some felonies or a misdemeanor involving violence.

The juvenile department will take care of the process after you turn 18 and your case is closed. If you turned 18 before the dates listed above, you can ask the juvenile department to file for expunction on your behalf.

Do I qualify for expunction?

There are specific criteria based on potential different factors like your age, type of crime you were adjudicated for, and if you still owe restitution (court order to pay someone you hurt or harmed by your actions). See the **Details on Juvenile Expunction** document to see if you qualify.

How do I apply for expunction?

If you were found within jurisdiction and want to apply for expunction yourself:

- Get an application from your county juvenile department or online at: **bit.ly/3Ct2Q72**
- There is no cost to apply
- Turn in the form to the juvenile department or court that handled your case.

Can I get legal help with my application?

Yes! You have two choices:

1. Ask the court for a free attorney. Contact the court clerk to do this.
2. Hire your own attorney. The Oregon State Bar can help you find one.

Call: **1-800-452-7636** or visit:

osbar.org/public/ris



What happens after I apply?

- The District Attorney (DA) will look at your application and may notify any victims.
- The DA can agree or object to your request.
- If the DA agrees, the court will probably approve your expunction without a hearing.
- If the DA objects, the court will schedule a hearing to decide. You'll be told how to request a lawyer.

What happens at an expunction hearing?

1. A judge will listen to the reason the DA objects to your expunction. When the DA objects, the DA must prove why the court shouldn't grant the expunction.
2. You (and your attorney) can explain why you do qualify.
3. The judge makes the final decision.

If the judge approves your expunction:

- You can legally say you never had a juvenile record.

If the judge denies your expunction:

- You can apply again later with the same or different reasons.
- You can also ask for an attorney to help.



What does expunction mean when you apply for a job?

If your juvenile record is expunged, you can move forward like it never happened — even when filling out job applications.

- You can legally answer “No” if an application asks if you have a juvenile record.
- Your expunged record won't show up on most background checks.
- Wait until you receive the final expunction notice before assuming your record is erased or sealed.

Are all records able to be expunged?

There are certain parts of your juvenile record that are not allowed to be expunged depending on the crime you were adjudicated for and the agency that keeps them (for example, physical evidence kept by the Oregon State Police.) See the **Details on Juvenile Expunction** document for the full list of what cannot be expunged.

Expunction does not clear records that you may need access to, such as school records or records related to medical treatment. For school records, contact the school district or education service district where you received your diploma or where you most recently attended. For other records, contact the county or Oregon Youth Authority at **www.oregon.gov/oya/records/**