



## **Expunction Information Sheet**

The record of your arrest and charges in Juvenile Court are kept by the court, the juvenile department, the police, DHS or the Oregon Youth Authority, and any other agency to which your records have been given (group homes, counselors, etc.).

You must complete the Expunction Application. This process is free. You must bring a photo ID with you and the documents will be notarized in the building. Most expunctions are processed without a court hearing. However, if the judge does not grant your application or if the District Attorney objects to your record being expunged, a hearing will be held. **You will be notified of this hearing by mail and you can request that an attorney be appointed to represent you at the expunction hearing. The Court may still expunge your record even if the District Attorney objects.**

Under Oregon Law (ORS 419A.260 – 419A.262), juvenile court records can be expunged. Expunction means the removal and destruction of all records and references; the removal and destruction of a judgment or order related to a contact; and, where a record is kept by the Oregon Department of Human Services (DHS) or the Oregon Youth Authority (OYA), either the sealing of such record by the DHS or OYA, or, in a multi person file, the affixing to the front of the file by the DHS or the OYA, a stamp or statement identifying the name of the individual, the date of expunction and the instruction that no further reference shall be made to the material that is subject to the expunction order except upon an order of a court of competent jurisdiction.

How soon your record can be expunged depends on whether or not you have been found to be within the jurisdiction of the Court. Jurisdiction means the Court has found you have committed a law violation and charges have been filed with the court by the District Attorney's Office. Informal cases are handled differently. This means you entered into a Formal Accountability Agreement with the Juvenile Department and did NOT go through the court process. If your case was handled informally, the referral itself is what you are requesting be expunged.

### **You can ask to have your record expunged:**

1. **If you have never been found to be within the jurisdiction of the Court**, you may request your record be expunged at age 18.
2. **If you have been found to be within Court jurisdiction**, you may request your record be expunged if:
  - A. Five years have passed since your last juvenile court termination;
  - B. You have not been convicted of a Felony or Class A Misdemeanor since your termination from the juvenile court;
  - C. No proceedings seeking a criminal conviction in adult court or an adjudication in a juvenile court are pending against you;
  - D. You are not presently within the jurisdiction of any juvenile court for delinquent behavior, being beyond control, behavior such as to endanger your own welfare or the welfare of others, or running away ORS 419C.005 or ORS 419B.100 (1)(a) to (c) and (f);

- E. The Juvenile Department is not aware of any pending investigation of the conduct of the person by any law enforcement agency.

If you meet the above conditions, you can apply to the Multnomah County Juvenile Court for expunction of your records. If you do not meet conditions A to E, the Court may expunge your record if it finds it would be in your best interest and in the best interest of the public to do so.

Some juvenile records cannot be expunged. If you were found guilty in juvenile court of one of the following crimes, you cannot get that record expunged: Criminal Mistreatment I; Rape I or II; Sodomy I or II, Unlawful Sexual Penetration I or II; Sex Abuse I or II; Promoting Prostitution; Compelling Prostitution; Aggravated Murder; Attempted Murder; Solicitation or Conspiracy to Commit Murder or Aggravated Murder; Assault I; Kidnapping I; Manslaughter I or II; Criminally Negligent Homicide or any attempt to commit one of the crimes listed (other than Manslaughter II and Criminally Negligent Homicide). Rape III, Sodomy III and Sex Abuse III can be expunged under certain circumstances per ORS 137.225.

You can apply for an expunction after your probation or other supervision by the court has ended for a certain period of time, usually 5 years. You may not request an expunction if there is a delinquency or criminal proceeding pending against you or if you are still in the jurisdiction of the juvenile court. However, you may apply to have your record expunged at any time if you have a specific reason for needing it expunged, i.e., in order to get a job, to get into the military service, to get into college or get financial aid for college, even if the 5 years has not elapsed.

Once the court orders your record expunged, all the charges against you are treated as though they never occurred. You may say that the record never existed and that the contact never occurred. Any agency you list on your application is ordered to destroy any information about your records. This means that you may answer questions or talk about your past as though you never had any contact with the police, juvenile court or other agency. However, your expunction is not valid if you are applying for the military or a federal job, you will have to acknowledge that you did have a juvenile court record.

You may request your expunction order, as well as a list of all agencies who have complied with the order.

**Metropolitan Public Defender's Office holds an expunction clinic on Mondays at 1:00 p.m., for assistance with forms and questions. Address 630 SW 5<sup>th</sup> Avenue, Portland, OR Phone: (503) 225-9100.**