Union County Court of Common Pleas, Juvenile Division
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Sealing and Expungement of Juvenile Records

R.C. 2151.355, 2151.356, 2151.357, 2151.358 and Ohio Juvenile Rule 34(J)

If you were adjudicated by the Union County Juvenile Court as a delinquent or unruly child, or a juvenile traffic offender, Ohio law allows you to apply to this Court to seal or to expunge your juvenile record(s).

Application to Seal (R.C. 2151.356)

"Seal a record" means to remove a record from the Juvenile Court's main files and secure it in a separate file that contains only sealed records, and which are accessible only to the Juvenile Court and a certain government agencies. R.C. 2151.355(B).

After your record(s) are ordered sealed by the Court, if someone asks if you have a juvenile record, *you may properly reply that "no record exists."* If asked, the Court will also reply that no record exists.

If you are currently **less than 18 years old**, you may apply for an order to seal your record(s) at any one of these times:

1. Six months after termination of any order made by the Court that related to your adjudication (for example, six months after you are successfully terminated from community control/probation);

2. Six months after you were unconditionally discharged from a department of youth services or other facility; or

3. The Court enters an order that you are no longer a juvenile offender registrant. R.C. 2152.84 or R.C. 2152.85.

If you are **18 years old or older**, you can apply to seal your record <u>at any time</u> one of the events listed above has occurred; you do not have to wait six months.

If you have any juvenile court cases pending or are currently on community control/juvenile probation in any case, you must wait until <u>all</u> cases are closed to apply to seal <u>any</u> of your records.

If you were unsuccessfully terminated from community control and juvenile probation, it is unlikely the Court will grant an application to seal – *unless* you can prove that you subsequently completed the terms of probation or specific terms (if any) set forth in the Court's entry of termination.

Ineligible Crimes

The record of any juvenile adjudication is eligible to be sealed **EXCEPT** adjudications for aggravated murder, murder, and rape, which can never be sealed. R.C. 2151.356(A).

Application to Expunge Sealed Records, R.C. 2151.358

"**Expunge a record**" means "to destroy, delete, and erase a record, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable." R.C. 2151.355(A).

After your records are expunged, if someone asks if you have a juvenile record, you may properly reply that *you do not have a juvenile record*.

A record must first be sealed before it will be expunged. After a record is sealed, it will be *automatically expunged* either five (5) years after it is sealed or when you reach twenty-three (23) years of age, whichever occurs sooner. If you are already twenty-three (23) years of age when the Court orders your record to be sealed, the record will automatically be expunged.

You may apply to have your sealed record expunged sooner than as set forth above.

You may file your applications to seal and expunge the record at the same time.

How to File

Applications to seal or expunge your record are available from the Union County Juvenile Court Clerk's Office or online on the Union County Juvenile Court's forms web page.

Your application(s) must reference each case you wish to seal or expunge. If you are uncertain of the case numbers of your records, please contact the Juvenile Court by calling (937) 645-3029 Ext. 3411.

To file your completed application(s), send by U.S. Mail, personally deliver or email the applications (and any supporting documentation) to the Juvenile Court Clerk's Office.

There is no application fee.

Process After Filing Application

The Court will review your application(s) and any supporting documentation. If Ohio law requires, sealing or expungement will be granted automatically without a Court hearing.

The Court has discretion to hold a hearing upon the application(s), which will be set at least 30 days after you file, but likely less than 45 days after you file. Please report any dates and times you will be unavailable on your application. If the Court issues a notice of the hearing, you must attend. If you are unable to attend, call the Clerk's Office immediately. You may either file a motion to continue the hearing or a motion to appear for the hearing remotely by Zoom.

The Union County Prosecuting Attorney will be notified of your application(s) and has the right to respond, object in writing, and to attend a hearing (if any).

You are entitled to bring any witnesses or evidence to the hearing that may assist the Court in making its determination. The Court will consider your application, supporting documentation and any evidence (properly admitted) and arguments you present, and in particular: your age; the nature of the original case; whether you stopped or continued delinquent, unruly, or adult criminal behavior; your education and employment history; and other circumstances that may relate to your rehabilitation.

The Court will grant your application if it complies with Ohio law and the Court finds that you have been rehabilitated to a satisfactory degree. R.C. 2151.356 (C)(2)(e) and R.C. 2151.358(B)(5)(a).