

on record. Juveniles cannot immediately seal records even when they are found not guilty of a crime—the standard three year waiting period still applies.

Should I seal my juvenile record?

Sealing a juvenile record that lists minor offenses is not recommended. People who inquire about your juvenile criminal record may assume that you committed a very serious crime that you need to hide if they are told that you have a sealed record. Sealing your record could be more damaging to you in the eyes of the police than just allowing the police to see the actual offenses on your record, particularly if those offenses are not major or violent crimes.

How do I respond to employment or college applications that ask about my criminal record?

A person with a juvenile record may answer “no record” regarding any juvenile court cases or CHINS proceedings that are tried in juvenile court, regardless of whether or not the juvenile record is sealed. For adult criminal records, a person with a sealed record may respond that he or she has no record.

For more information call:

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**UNITED WAY
of Massachusetts Bay**

SEALING JUVENILE RECORDS



**CHILDREN’S LAW CENTER
OF MASSACHUSETTS**

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of Massachusetts Bay

Who is considered a juvenile?

In Massachusetts, a juvenile is anyone between the ages of 7 and 17.

Who has a juvenile record?

Anyone between the ages of 7 and 17 who has been *accused* of committing a crime in the State of Massachusetts, including crimes that violate the laws of the cities or towns of the State, **and** *who has appeared in court and been formally charged* with a crime will have a juvenile record.

Almost all children under the age of 17 who are charged with crimes are treated as juveniles, except when the crime is so serious that child is treated as an adult and tried in adult court.

The juvenile record states what crime the juvenile was charged with committing and what happened in the case.

Who has access to juvenile records?

Although juvenile records are not available to everyone, they can be read by police and other law enforcement agencies, social services agencies, probation departments, and courts.

A person's juvenile record can be taken into account by a judge in a later adult court case when a judge is setting the adult's bail or deciding on the length of his or her sentence.

Are juvenile records ever destroyed or erased?

No. Although many people think that juvenile records are destroyed after a person becomes an adult, juvenile records are **not** automatically "sealed" or "expunged" when a juvenile reaches the age of 17.

What does it mean to "seal" a juvenile record?

A record only can be "sealed" three years after a person has finished serving his or her sentence for a crime.

Sealing removes the record from the main record file and secures it in a separate file available only to a restricted group of readers. *Sealed juvenile records can still be used by judges in later criminal cases against the same person, even after the person becomes an adult.*

If the police or a court asks about the record of a person whose record has been sealed, they are told that the person has a "sealed delinquency record over 3 years old." All other people that ask about the record are told that the person has "no record."

What does it mean to "expunge" a record?

Expunging a record destroys the record entirely. Juvenile records *cannot* be expunged in Massachusetts, although several other states do allow some form of expung-

ing. A few states do not allow courts to seal or expunge records at all.

How can I seal a juvenile record?

A person with a juvenile record must wait three years after completely serving his or her sentence for the crime before applying to seal the record. In addition, the person cannot have been found guilty of any crime, except for minor traffic offenses, anywhere in the United States within the three years before making the application.

Are the rules for sealing a record the same for adult criminal records?

No. Generally, a person must wait for a longer period time before applying to have his or her adult criminal record sealed and some records never can be sealed.

A person can apply to seal an adult criminal record ten years after finishing his or her sentence for a minor or misdemeanor crime or fifteen years after serving a sentence for a major or "felony" crime. In addition, to be eligible for sealing, the person cannot have been found guilty of any crime in Massachusetts or anywhere else in the United States in the past ten years, except for minor traffic offenses. Adult records cannot be sealed for a person found guilty of gun or weapon licensing crimes.

Adult records can be sealed immediately when an adult is found not guilty of a crime of which he or she has been accused