

# Automated Expunction Process for Misdemeanors and Violations - Application by Juvenile Department

Use this process for individuals found within the jurisdiction of the Juvenile Court for acts that, if committed by an adult, would constitute violations or misdemeanors

See SB 519 (2023)

Penalties for non-compliance include:

- Actual and punitive damages and attorneys' fees awarded against person who intentionally violates confidentiality provisions
- Dismissal for public employee who intentionally violates confidentiality provisions
- Class A violation for person who releases all or part of expunged record

- All** of the following conditions met:
1. Individual had contact with Juvenile Department;
  2. Individual found within the Court's delinquency jurisdiction for acts that, if committed by an adult, would constitute one or more violations or misdemeanors;
  3. Individual has not been found in the Court's delinquency jurisdiction for an act that, if committed by an adult, would constitute a felony;
  4. Individual does not have a pending delinquency petition;
  5. Individual does not owe restitution;
  6. Individual has not been waived to criminal court under ORS 419C.349 or 419C.352, and
  7. Individual has not had contact with the Juvenile Department resulting in an ORS 137.707 conviction.

Juvenile Department (in the county where the individual resided at the time of the most recent contact) files application within 90 days of (1) the individual's 18th birthday if 18 on/after 1/1/24; or (2) the date of the individual's termination if they were within the Court's jurisdiction and over 18 on/after 1/1/24; or (3) for individuals over 18 years and off probation on 1/1/24, the date the individual requests expunction.

Court grants expunction without a hearing?

**YES**

**NO**

Court must specify the denial reason in the Expunction Judgment. If the Juvenile Department submitted the denied application, it must make reasonable efforts to send the individual a copy of the Expunction Judgment along with a Notice of the individual's right to file another application, request expunction, and be appointed an attorney to help with the expunction process.

**The District Attorney or Juvenile Department shall notify the victim of the automated expunction process at or before the individual's adjudication.**

Juvenile Department or Juvenile Court sends Expunction Judgment to agencies that may have records.

Agency complies with the Expunction Judgment by:

1. Destroying records and
2. Returning Indorsement of Compliance to the Juvenile Court or juvenile Department within **60** days

**OR**

Agency requests a 30-day extension. Agency then complies with Expunction Judgment by:

1. Destroying records and
2. Returning the Indorsement of Compliance within **90** days

Juvenile Department or Juvenile Court receives Indorsements of Compliance and compiles list of complying/noncomplying agencies.

Juvenile Court sends the individual a list of complying/noncomplying agencies and a notice of the rights and effects of expunction.

Juvenile Department and Juvenile Court expunge all records related to the Expunction Judgment, but Court keeps the Expunction Judgment and list of complying/noncomplying agencies under seal.

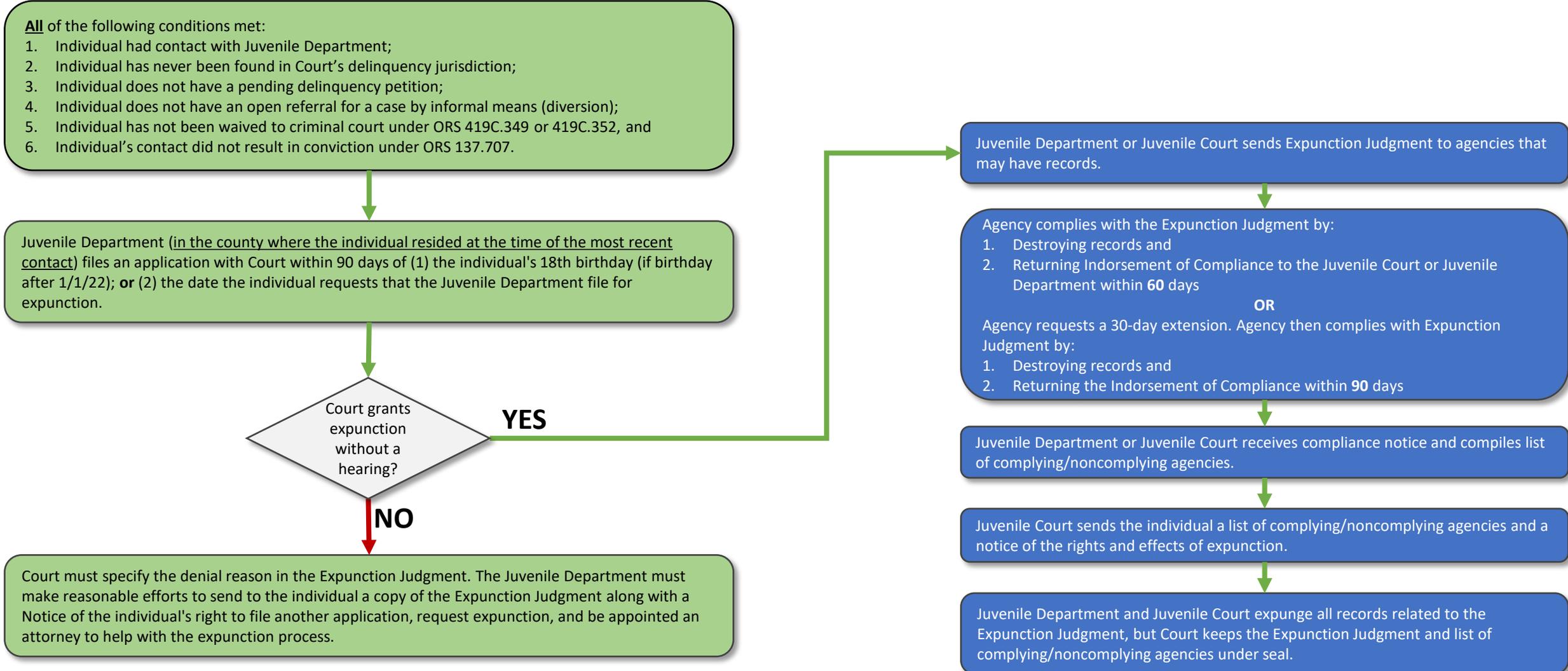
# Automated Expunction Process – Application by Juvenile Department

Use this process for individuals where a petition was filed in Juvenile Court, but no adjudication occurred.

See [SB 575 \(2021\)](#)

## Penalties for non-compliance include:

- Actual and punitive damages and attorneys' fees awarded against person who intentionally violates confidentiality provisions
- Dismissal for public employee who intentionally violates confidentiality provisions
- Class A violation for person who releases all or part of expunged record



# Automated Expunction Process – Notice (Sent by Juvenile Department)

Use this process for: 1) Individuals with law enforcement contacts only; 2) Individuals with law enforcement contacts and disposition by informal means

See [SB 575 \(2021\)](#)

## Penalties for non-compliance include:

- Actual and punitive damages and attorneys' fees awarded against person who intentionally violates confidentiality provisions
- Dismissal for public employee who intentionally violates confidentiality provisions
- Class A violation for person who releases all or part of expunged record

All of the following conditions met:

1. Individual had contact with Juvenile Department;
2. Individual has never been the subject of a delinquency petition;
3. Individual has never been found in Court's delinquency jurisdiction;
4. Individual does not have an open referral for a case by informal means (diversion), and
5. Individual has not had contact with the Juvenile Department resulting in ORS 137.707 conviction

Juvenile Department (in the county where the individual resided at the time of the most recent contact) sends Notice of Expunction to all agencies that may have records relating to the individual's contact with any Juvenile Department within 90 days of (1) the individual's 18<sup>th</sup> birthday (if birthday after 1/1/22); or (2) the date of the individual requests expunction.

Agency complies with the expunction judgment by:

1. Destroying records and
2. Returning Indorsement of Compliance to the Juvenile Department within **60** days

OR

Agency requests a 30-day extension. Agency then complies with Expunction Judgment by:

1. Destroying records and
2. Returning the Indorsement of Compliance within **90** days

Agency complies?

YES

Juvenile Department receives Indorsement of Compliance

Juvenile Court sends Notice of Expunction to the individual and a list of complying and noncomplying agencies and a notice of the rights and effects of expunction.

Juvenile Department and Juvenile Court expunge all records related to the Expunction Judgment, but Court keeps the Expunction Judgment and list of complying/noncomplying agencies under seal.

NO

Juvenile Department files Petition to Compel Compliance with the Court

Court enters Order to Compel Agency Compliance

Juvenile Department sends Court order to agencies

Agency complies with Notice of Expunction by:

1. Destroying records and
2. Returning Indorsement of Compliance within **60** days