



Juvenile Delinquency Expunction

An overview of expunction &
HB 2677 updates effective on January 1, 2026

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Expunction Overview Agenda



GENERAL
EXPUNCTION
INFO



REQUIREMENTS
AND PROCESSES



VENUE



COUNSEL
APPOINTMENT



RECORD
RETENTION



NOTICE TO
VICTIMS

What Does Juvenile Expunction Do?

Expunction means the removal by destruction, sealing, or redaction of a record. Juvenile expunction means an individual's past contact with police, juvenile court, county juvenile department, and other agencies listed in ORS 419A.260 is removed or hidden. It also means people like landlords or employers can't see that individual's record when they apply for an apartment or a job. The individual is allowed to say that their juvenile record never existed and that the contact (act or behavior) never happened.

Definitions

- **Contact:** An occurrence when an individual under 18 does something—or is accused of doing something—that could lead to juvenile court involvement or a referral to the juvenile department and the behavior is known to law enforcement, the juvenile department, DHS, OYA, or another state agency. The legal definition is found in ORS 419A.260(1)(a).
- **Record:** Any type of file, report, exhibit, or other material relating to an individual under 18's contact with law enforcement, the juvenile department, juvenile court, DHS, OYA and other state agencies. The legal definition is found in ORS 419A.260(1)(e). *Records do not include items listed in ORS 419A.260(1)(e)(A)-(M).*
- **Termination:** When the individual's involvement with a juvenile court or juvenile department ends. 419A.260(1)(f).
- **Venue:** the specific county/ jurisdiction where the expunction will be processed.
- **Notice:** a formal instruction to expunge an individual's record
- **Application:** a formal written request submitted by a juvenile department or the individual subject of the record, to initiate the legal process of expunging eligible juvenile records. It must include a declaration by the juvenile department that lists all the agencies the juvenile department's search of files indicateds to have records relating to the individual, and if application is filed by the individual, must include a declaration by the individual, too.
- **Misdemeanors involving Violence:** the following misdemeanors: Assault IV, Menacing, Strangulation, Reckless endangering and Bias II. ORS 419A.260(1)(d)
- **System-Initiated Expunction:** When the juvenile department takes action to initiate expunction based on 1. the report of eligibility or 2. an individual requests their record to be expunged.

What are the main changes from HB 2677?



Expands System-Initiated
Expunction



Clarifies Venue



Requires Appointment of Counsel
upon request without fees

How is Expunction Initiated?



- When a Juvenile Department sends notice to agencies (system-initiated)
- When a juvenile department submits an application for a qualifying individual (system-initiated)
- When an individual submits an application to the court or the juvenile department
- When a court makes its own motion to expunge an individual's records

System-Initiated Expunctions

- ❖ The process/ requirements depend on the type of record an individual has. The individual's most serious adjudication will determine which process is followed. If there is a notice or judgment for expunction, all records should be expunged.
- ❖ (EX. If an individual has felony adjudication and an FAA on a different case, they will both be expunged when the felony is expunged)

1. Contacts that were never referred to the court (ORS 419A.267)
2. Contacts that were petitioned but never adjudicated (ORS 419A.261(2))
3. Adjudicated misdemeanors and violations (ORS 419A. 261 (3))
4. Adjudicated misdemeanors involving violence and felonies (ORS 419A. 261 (4))

1. System Initiated Expunction: 419A.267

Referrals and Contacts with Juvenile Department with No Petition to the Court

Criteria—The individual:

- Has had contact with the juvenile department;
- **Has never been the subject of a delinquency petition;**
- Has never been adjudicated on a delinquency petition;
- Does not have an open referral for a case by informal means; and
- Has not had contact with the juvenile department resulting in a conviction under ORS 137.707 unless the conviction has been set aside.

Process:

- The juvenile department shall issue a notice of expunction within 90 days from when the individual becomes eligible or requests expunction
- There are 90 days to complete the process once it is started
 - Agencies must return indorsement of compliance within 60 days (They can ask for a 30-day extension & ICJ can get a longer extension for audits).
- Juvenile department sends final notice to the individual with a list of complying and non-complying agencies and a notice of rights and effects
- No Court Process

2. System Initiated Expunction: 419A.261(2) Referrals that were Petitioned but Not Adjudicated

Criteria—The individual:

- Is 18 years or older;
- Had contact with the juvenile department;
- **Has never been adjudicated on a delinquency petition;**
- Does not have a delinquency petition pending with the juvenile court;
- Has not been waived to criminal court unless the waiver did not result in a conviction or resulted in a conviction that has been set aside;
- Does not have an open referral for a case by informal means; and
- Has not had contact with the juvenile department resulting in a conviction under ORS 137.707 unless the conviction has been set aside.

Process:

- Juvenile Department submits an application to court within 90 days from when the individual becomes eligible or requests expunction
- Service is not required to the district attorney's office and there is no wait period.
- If all requirements are met, court enters judgment of expungement without a hearing
- The Juvenile court or juvenile department (*determine local practice*) sends judgment and compliance form to each agency who has records
 - Agencies must return indorsement of compliance within 60 days (They can ask for a 30-day extension & ICJ can get a longer extension for audits).
 - Court must be notified of any granted extensions using OJD form
- The Juvenile Court sends final notice to the individual with a list of complying and non-complying agencies and a notice of rights and effects

3. System-Initiated Expunction: ORS 419A. 261 (3) Misdemeanors and Violations

Criteria—The individual:

- Is 18 or older;
- Is not currently within the jurisdiction of the juvenile court on a delinquency petition;
- **Was adjudicated on a delinquency petition for one or more violations or misdemeanors other than misdemeanors involving violence;**
- Was never adjudicated for a felony unless the court has given it misdemeanor treatment;
- Does not have a pending delinquency petition
- Does not owe restitution;
- Has not had contact with the juvenile department resulting in a conviction under ORS 137.707 unless the conviction has been set aside; and
- Has not been waived to criminal court unless the waiver did not result in a conviction or resulted in a conviction that has been set aside.

Process

- Juvenile Department submits an application to court within 90 days from when the individual becomes eligible or requests expunction
- Service is not required to the district attorney's office and there is no wait period
- If all requirements are met, court enters judgment of expungement without a hearing
- The Juvenile court or juvenile department (*determine local practice*) sends judgment and compliance form to each agency who has records
 - Agencies must return indorsement of compliance within 60 days (They can ask for a 30-day extension & ICJ can get a longer extension for audits).
 - Court must be notified of any granted extensions using OJD form
- The Juvenile Court sends final notice to the individual with a list of complying and non-complying agencies and a notice of rights and effects

4. System-Initiated Expunction: ORS 419A. 261 (4) Adjudicated Felonies and Misdemeanors Involving Violence

Criteria—The individual:

- Is at least 18 and four years have passed since the date of the individual's most recent termination;
- **Was adjudicated for misdemeanors involving violence* or one or more felonies (excluding certain offenses) **;**
- Has not been convicted of a felony or a Class A misdemeanor that has not been set aside since the date of the last termination;
- Has no pending proceedings seeking criminal conviction;
- Is not currently under the jurisdiction of the court for a delinquency petition or dependency petition under ORS 419B.100 (1)(a) to (c) or (f);
- The juvenile department is not aware of any pending investigation of the conduct of the individual by any law enforcement agency;
- Does not owe restitution;
- Has not had contact with the juvenile department resulting in a conviction under ORS 137.707 unless the conviction has been set aside; and
- Has not been waived to criminal court unless the waiver did not result in a conviction or resulted in a conviction that has been set aside.

Process:

- Juvenile Department submits an application to court within 90 days from when the individual becomes eligible or requests expunction
- Service is required on the District Attorney. They have 30 days to submit an objection, if no objection is submitted, court staff should route for judgment
- If all requirements are met, court enters judgment of expungement without a hearing
- The Juvenile court or juvenile department (*determine local practice*) sends judgment and compliance form to each agency who has records
 - Agencies must return indorsement of compliance within 60 days (They can ask for a 30-day extension & ICJ can get a longer extension for audits).
 - Court must be notified of any granted extensions using OJD form
- The Juvenile Court sends final notice to the individual with a list of complying and non-complying agencies and a notice of rights and effects

***MISDEMEANORS INVOLVING VIOLENCE AND **EXCLUDED FELONIES**



***Misdemeanors involving violence**

- Assault IV
- Menacing
- Strangulation
- Reckless endangering
- Bias II

****Offenses excluded from system-initiated expunction:**

- Arson I
- Robbery I
- Robbery II
- Assault II
- Kidnapping II
- Using a child in display of sexually explicit conduct

NOTE: All non-expungable offenses are listed in 419A. 260(1)(e)(J)

Individual Application Expunction: ORS 419A.262

Criteria

- At least four years have elapsed since the date of the individual's most recent termination (unless they qualify under ORS 419A.261(2) or (3) ORS 419A.267) and the individual has attained 18 years of age;
- Since the date of the most recent termination, the individual has not been convicted of a felony or a Class A misdemeanor unless the conviction has been set aside;
- No proceedings seeking a criminal conviction;
- Is not currently under the jurisdiction of the court for a delinquency petition or dependency petition under ORS 419B.100 (1)(a) to (c) or (f);
- The juvenile department is not aware of any pending investigation of the conduct of the individual by any law enforcement agency; and
- The individual does not owe restitution.

Process

- Individual submits application
- Service is required on the District Attorney. They have 30 days to submit an objection, if no objection is submitted, court staff should route for judgment
- If all requirements are met, court enters judgment of expungement without a hearing. The court may not deny an individual's application without a hearing.
- The Juvenile court or juvenile department (*determine local practice*) sends judgment and compliance form to each agency who has records
 - Agencies must send in indorsement of compliance within 60 days (They can ask for a 30-day extension & ICJ can get a longer extension for audits).
 - Court must be notified of any granted extensions using OJD form
- The Juvenile Court sends final notice to the individual with a list of complying and non-complying agencies and a notice of rights and effects

Individual Application Expunction: Other Pathways

ORS 419A.262 & ORS 419A.265

Criteria

Best Interest Application- ORS 419A.262(8) “****may order expunction of all or any part of the person’s record if it finds that to do so would be in the best interests of the person and the public.”

Expunction of limited sex offense adjudications: ORS 419A.262(9)

Prostitution adjudications: ORS 419A.262(3)

Marijuana offense adjudications: ORS 419A.265

Process

- Individual submits application
- Service is required on the District Attorney. They have 30 days to submit an objection, if no objection is submitted, court staff should route for judgment
- If all requirements are met, court enters judgment of expungement without a hearing. The court may not deny an individual’s application without a hearing.
- The Juvenile court or juvenile department (*determine local practice*) sends judgment and compliance form to each agency who has records
 - Agencies must send in indorsement of compliance within 60 days (They can ask for a 30-day extension & ICJ can get a longer extension for audits).
 - Court must be notified of any granted extensions using OJD form
- The Juvenile Court sends final notice to the individual with a list of complying and non-complying agencies and a notice of rights and effects

Counsel Appointment



- All individuals seeking expunction have the right to request court appointed counsel at state expense to help complete their expunction application and/or for representation during their expunction hearing
- Indigency is not required
- Court staff should follow/ develop local practice to appoint counsel when requested

Notice To Victims



- The district attorney or the juvenile department (as determined by local practice) shall notify the victim of the expunction process under ORS 419A.261 at or before the time of adjudication.
- If the expunction is for an adjudication that occurred before Jan. 1, 2026 (for felonies) or Jan. 1, 2024 (for violations and misdemeanors), the juvenile department shall make reasonable efforts to notify the victim when an application for expunction is filed.
- Under ORS 419A.262(10), in individually filed applications, victim notification is required at the time an expunction application is filed.

OJD Forms

The following forms will be available on the [OJD Juvenile Forms Site](#) by 1/1/26:

- Youth/ Subject Person Application and Judgment
- Juvenile Department- Violations or Misdemeanors Application and Judgment
- Juvenile Department- Felonies or Misdemeanors Involving Violence Application and Judgment
- Indorsement of Compliance or Request for Extension

Reminder: Court Communication After Compliance

DATE	
NAME	
ADDRESS	
Notice That Your Juvenile Records Were Expunged	
This letter is to inform you that your juvenile records related to your contact with INSERT county have been expunged (sealed, destroyed, or name and information redacted).	
We have included a copy of the Judgment of Expunction. The original Judgment is at the court, and no one else can access it.	
What This Means	
<ul style="list-style-type: none">• No one can access your juvenile records anymore.• We asked the agencies listed below to expunge their records relating to you. Their responses are included below.◦ "No" means they did not confirm that they expunged your record. You can contact them directly to ask them to expunge your record.	
Agency	Record Expunged
	Yes No
Your Rights Under State Law (ORS 419A.260)	
From now on, you may legally say that:	
<ul style="list-style-type: none">• You do not have a juvenile record.• Your juvenile record never existed.• The contact you had with any of the agencies listed above never happened.	
You will not get a fine or get in other trouble under state law if you say these things. For example, when you apply for a job or turn in a rental application, you may say "no" to questions about a juvenile record.	
If any person or agency requests information about you, the juvenile court and all agencies listed above must say that no record exists for you.	
Sincerely,	

Once agencies comply or the time to comply lapses (90 days), law requires **the court** to send the individual the following:

1. A copy of the expunction judgment;
2. List of complying agencies; and
3. Notice of rights and effects.

[Court Letter - Individual-Initiated Expunction](#)
[Court Letter - System-Initiated Expunction](#)

Venue & Multiple Jurisdictions



- Applications should be filed and accepted in the county where the most recent adjudication occurred. If an adjudication did not occur, applications should be filed in the county where the most recent contact occurred.
- Only **one** county issues a notice of expunction that covers *all records in all* jurisdictions and agencies.
- Only **one** court issues order of expunction – which covers *all* records in *all* jurisdictions and agencies.
- If a juvenile dept or court gets a notice or judgment of expunction from a juvenile department or court in another county, they should expunge their records like any agency (but not the final JJIS piece!)
- The juvenile department and court issuing the expunction are the final agencies to expunge their records (including the JJIS record)

Venue Examples

1. If the individual has an adjudication in County A for a qualifying violation, misdemeanor, or felony, the application should be filed in County A
2. If the individual has an adjudication in County A and then later an adjudication in County B, the application should be filed in County B.
3. If the individual was adjudicated in County A, but recently had a contact with County B, the application should be filed and accepted in County A.
4. If a petition was filed in County A but no adjudication occurred, then there was a later contact in County B, the application should be filed in County B.
5. If an individual was adjudicated in County A, then adjudicated in County B, then had a referral in County C, the expunction application should be filed in County B.

Post Expunction Responsibilities 419A.269

- (1) Upon issuance of a notice of expunction under ORS 419A.267 or entry of an expunction judgment under ORS 419A.261 or 419A.262, the contact that is the subject of the expunged record may not be disclosed by any agency. An agency that is subject to a notice of expunction or an expunction judgment shall respond to any inquiry about the contact by indicating that no record or reference concerning the contact exists.
- (6) A person who, in the person's official capacity with a juvenile department, sends a notice of expunction for an ineligible individual or fails to send a notice of expunction for an eligible individual under ORS 419A.267 has immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclosure or failing to make the disclosure, except when the person who sends the notice has knowledge that the individual is ineligible or when the person who fails to send the notice has knowledge that the individual is eligible.
- (8) Intentional violation of the confidentiality provisions of this section by a public employee is cause for dismissal.
- (9) A person who releases all or part of an expunged record commits a Class A violation.

Records



- The juvenile department is **not required to maintain** and may destroy any records in the juvenile department's possession relating to the individual's record of a motor vehicle, boating or game violation waived to the criminal or municipal court pursuant to ORS 419C.370.
- The juvenile department may destroy any records in the juvenile department's possession relating to the individual's contact under ORS 419B.100 **if the records are duplicate copies of records maintained by the Department of Human Services.** The destruction of records related to the individual's contact under ORS 419B.100 pursuant to this paragraph does not constitute expunction

Records



- Oregon Department of Human Services (ODHS)
 - When sending expunction notices to ODHS, please be specific as to what record (e.g. Salem Police Report #12345, Criminal Mischief). A JJIS face sheet is also an option and very helpful.
 - Send notices/orders to the DHS Legal Affairs Unit –
dhs.expunctions@odhs.Oregon.gov
- Police agencies
 - Communicate with your local police records unit
 - Be specific as expunction only applies to cases where the youth is a subject/suspect, not a victim or witness
 - Send notices/orders to OSP:
OSP_Set.Asides@osp.oregon.gov

JJIS Report

- JJIS will send a report on the date the youth becomes eligible to the contact person each county provided.
- The report indicates the youth ***may be*** eligible – but further checking is always needed.
- The report will have a new sixth and seventh tab – adjudicated youth with felonies and adjudicated youth with a misdemeanor involving violence.
- There is a restitution flag – but **always** double check with the courts for any outstanding restitution.
- Report should assign first based on county of adjudication (if one); or second on county of last contact (including non-adjudicated petitions)

JJIS Report and Billing

- The JJIS report will provide a list of Youth ID#s, which remain in the JJIS database after expunction, the list is the back-up documentation to be sent in with billing.
- It will calculate the rate based on the type of case
 - There is no reimbursement for destruction of cases (dependency only; motor vehicle, boating, and gaming only)
- The invoice will go to (oyacountyigainvoicing@oya.oregon.gov) Laura Ward, just like JCP basic and diversion.
- Please invoice no less than quarterly, if possible.

Remove non-qualifying youth from JJIS Report

- If after the juvenile department researches the case, it's determined the youth **does not** qualify for system-initiated expunction:
 - Process is stopped, no need to submit application (and no need to continue checking)
 - Email JJIS help desk (jjis.servicedesk@oya.Oregon.gov) to request youth be removed from report

Questions? Comments?



Contacts

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