

## EXPUNGEMENT CRITERIA

You have officially concluded your period of supervision with this department as directed by the Juvenile Court of Lehigh County.

This notice is to inform you of the law as it relates to the expungement of your Lehigh County juvenile records. Generally, expungement means to do away with, to erase and to delete. You may petition the court for an expungement of your Juvenile Court record through an attorney or on your own. The motion, approved by the District Attorney followed by an expungement order signed by a Lehigh County Judge, is the only means by which all of your records can be ordered destroyed. This expungement will not include summary offenses that were filed through the Magisterial District Judges office. The only PennDOT driving record that can be expunged is 'Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages (18 Pa. C.S. §6308)'.

### **The following avenues are available for you to pursue in an effort to obtain an expungement of your juvenile records.**

1. In a case where a juvenile is diverted from the Juvenile Justice System by a referral to a **diversionary program** such as Community Justice Panels or School Justice Panels, and after successful completion, the juvenile and family will be provided with the necessary paperwork outlining the procedure for expungement.
2. In a case where a juvenile pays their **Non-payment** (Failure to obey process-fines/costs in full), a motion for expungement may be filed after 6 months.
3. Upon successful completion of a **Consent Decree** a motion for expungement may be filed per the following condition:
  1. Six months have elapsed since the final discharge of the consent decree; and no action is pending in either Juvenile Court or Criminal Court that could result in an adjudication or conviction;
4. Upon successful completion of **Official Probation**, a motion for expungement may be filed per the following conditions:
  1. Five years have elapsed since discharge from commitment, placement or Official Probation and during that period of time the juvenile has not been convicted of a felony, misdemeanor, or adjudicated delinquent **and** no proceeding is pending seeking such conviction or adjudication;

**OR**

  2. The juvenile is 18 years or older. If less than 5 years have elapsed, approval from the District Attorney's Office is needed.

### **The Juvenile Probation Department will start the expungement process, regardless of the age of the juvenile in the following instances:**

1. The Juvenile Court, during a hearing, determines that the juvenile did not commit the alleged offense and the charge is dismissed.
2. The District Attorney, upon receipt of the complaint, decides that the allegation cannot be substantiated and the charge is withdrawn.
3. The case is disposed of with Counsel & Release.
4. Once six months have expired after the final discharge of the Informal Adjustment, and no action is pending in either Juvenile Court or Criminal Court.
5. The charge(s) was sustained and the youth was NOT Adjudicated Delinquent and no further action was taken on the case.
6. The juvenile is placed upon summary A.R.D. for Underage Drinking Offenses: C.S. §6308 (Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages) the case will be expunged after successful completion of the requirements of the program and all fees and fines have been paid.
7. The individual pays the costs/fines in full at the intake for a Non-Payment referral.

### **Things to keep in mind:**

1. The District Attorney has a 30-day period in which to approve or not approve the motion to expunge.
2. The filing fee for the expungement is determined by the Clerk of Judicial Records.
3. DNA is not expunged unless the adjudication was reversed and charges dismissed or it was included in the database by mistake.
4. Fingerprints and photographs will be expunged by the State Police Central Repository when the order is received.
5. Proof of zero balance from the Lehigh County Collections Department is required.