

FAQ's

Where do I file my petition? In the county where the criminal charge was brought.

Do I need a lawyer? It is generally easier to expunge your record with the help of a lawyer. However, if you can't hire one, you can go through the process yourself.

How can expungement help me?

By making the expunged records "off limits," an expungement may help you get a job, a place to live, credit, or student loans.

Are expunged records off limits to everyone? No, law enforcement agencies, the Idaho Dept. of Corrections, prosecutors, and the military can still access expunged records.

Aren't my offenses as a minor automatically destroyed when I turn 18?

No, juvenile offenses are not automatically destroyed or sealed when you turn 18. To make a juvenile record no longer public, you must petition the court for its expungement.

Do I have a record even if my case was dropped or didn't go to court? You likely still have arrest records that you may want to have expunged.

Getting Help With Your Expungement

If you are ready to file a petition for expungement, visit idaholegalaid.org and click on "Self-Help Forms."

Info will you need to complete the petition:

1) The date that you were no longer under the oversight of the Juvenile Corrections Act (the date your sentence and conditions were all fully completed); 2) the names and addresses for the prosecutor, court, sheriff, and police department involved in your case; 3) the date you were found guilty or the date your case was dismissed; 4) a list of life skills you have developed since the juvenile charge; 5) the signature of the County Prosecutor (helpful, but not required).

Idaho Legal Aid Offices

Boise 208-345-0106

Caldwell 208-454-2591

Coeur d'Alene 208-667-9559

Idaho Falls 208-524-3660

Lewiston 208-743-1556

Pocatello 208-233-0079

Twin Falls 208-734-7024

www.idaholegalaid.org

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Idaho Legal Aid Services

JUVENILE EXPUNGEMENT

HOW TO EXPUNGE
(ERASE) A JUVENILE
RECORD IN IDAHO



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Expungement in Idaho

The term **expungement** is generally used to mean the sealing, removal, or destruction of records related to a criminal case.

- **Why expunge my juvenile record?**

If an Idaho court expunges your juvenile record it will mean that your record is treated as having been erased, as if it never happened. You will not have to list the expunged record when you apply for a job, to college, for a loan, or for housing. If your petition for expungement is granted, all records from the criminal case will be sealed and removed from public record.

- **When Can I Expunge My Juvenile Record?**

Only convictions, charges or arrests from when you were under 18 can qualify for expungement. The Idaho law that governs youth expungement is Idaho Code 20-525A, which outlines the specific requirements based on the type of criminal charge (*i.e.* misdemeanor, status offense, or felony).

- **Misdemeanor or status offenses** (status offenses include truancy, alcohol age violations, etc.) can be expunged as long as you were not committed to the Dept. of Juvenile Corrections or subject to diversion or informal adjustment. You can file for expungement either after you turn 18 or one year after your court supervision ends, whichever occurs last.
- If the charge was a **felony**, or if you were **committed to the Dept. of Juvenile Corrections**, then the offense can be expunged 5 years after: 1) release from the Dept. of Juvenile Corrections, or 2) termination of the criminal case, or 3) reaching the age of 18; whichever occurs last or latest in time.
- A court can expunge a juvenile crime if it 1) finds that the expungement will not compromise public safety, 2) you have not been convicted of a serious crime since the juvenile charge, 3) you do not have pending criminal charges, and 4) it finds you have become a contributing member of society.
- **What Records Cannot be Expunged?** The majority of juvenile convictions can be expunged. However, certain serious crimes such as voluntary manslaughter, rape, arson, aggravated battery, and drug trafficking violations cannot be expunged. Cases where the juvenile was charged as an adult also cannot be expunged.
- **What Steps do I Take?** You must file a petition for expungement in the county court where you were convicted (or charged if there was no conviction). You can download a free petition form at idaholegalaid.org. Once you complete the petition, you will print it and it will include further instructions for you to follow.
- You must file the petition in the county where the criminal case was handled. You will need to file a separate petition for each criminal record you seek to have expunged. After the petition is filed, a hearing will be held within 14 days.
- If you can afford a lawyer, you may choose to have a lawyer draft and file the expungement paperwork.