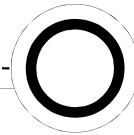


# Juvenile Expungement 2019



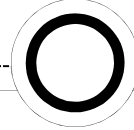
**LINDA S. PIECZYNSKI  
ATTORNEY AT LAW P.C.**

**630-655-8783**

**LPIEC@SBCGLOBAL.NET  
WWW.CODEATTORNEY.COM**

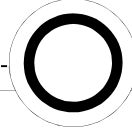
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PROCEEDING FURTHER. THE INFORMATION  
CONTAINED HEREIN SHOULD NOT BE CONSIDERED A  
SUBSTITUTE FOR LEGAL OR PROFESSIONAL ADVICE.**

# Definitions 705 ILCS 405/1-3



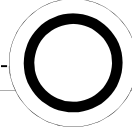
- × (6.5) "Dissemination" or "disseminate" means to publish, produce, print, manufacture, distribute, sell, lease, exhibit, broadcast, display, transmit, or otherwise share information in any format so as to make the information accessible to others.
- × (7.03) "Expunge" means to physically destroy the records and to obliterate the minor's name from any official index, public record, or electronic database.

# Definitions 705 ILCS 405/1-3



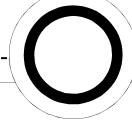
- × (8.1) "Juvenile court record" includes, but is not limited to:
- × (a) all documents filed in or maintained by the juvenile court pertaining to a specific incident, proceeding, or individual;
- × (b) all documents relating to a specific incident, proceeding, or individual made available to or maintained by probation officers;
- × (c) all documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings; or
- × (d) all documents, transcripts, records, reports, or other evidence prepared by, maintained by, or released by any municipal, county, or State agency or department, in any format, if indicating involvement with the juvenile court relating to a specific incident, proceeding, or individual.

# Definitions 705 ILCS 405/1-3



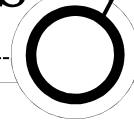
- × (8.2) "Juvenile law enforcement record" includes records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense, and records maintained by a law enforcement agency that identifies a juvenile as a suspect in committing an offense, but does not include records identifying a juvenile as a victim, witness, or missing juvenile and any records created, maintained, or used for purposes of referral to programs relating to diversion as defined in subsection (6) of Section 5-105.

## Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7



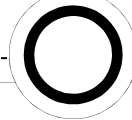
- × (A) All juvenile law enforcement records which have not been expunged are confidential sealed and may never be disclosed to the general public or otherwise made widely available. Juvenile law enforcement Sealed records may be obtained only under this Section and Sections 1-8 and Part 9 of Article V 5-915 of this Act, when their use is needed for good cause and with an order from the juvenile court, as required by those not authorized to retain them. Inspection, and copying and disclosure of juvenile law enforcement records maintained by law enforcement agencies or records of municipal ordinance violations maintained by any State, local, or municipal agency that relate to a minor who has been investigated, arrested, or taken into custody before his or her 18th birthday shall be restricted to the following:

## Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7



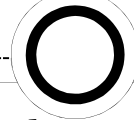
- × (0.05) The minor who is the subject of the juvenile law enforcement record, his or her parents, guardian, and counsel.
- × (0.10) Judges of the circuit court and members of the staff of the court designated by the judge.
- × (0.15) An administrative adjudication hearing officer or members of the staff designated to assist in the administrative adjudication process.

## Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7



1. Any local, State or federal law enforcement officers or designated law enforcement staff of any jurisdiction or agency when necessary for the discharge of their official duties during the investigation or prosecution of a crime or relating to a minor who has been adjudicated delinquent and there has been a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang, or, when necessary for the discharge of its official duties in connection with a particular investigation of the conduct of a law enforcement officer, an independent agency or its staff created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers. For purposes of this Section, “criminal street gang” has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.<sup>1</sup>

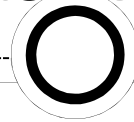
# Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7



2. Prosecutors, probation officers, social workers, or other individuals assigned by the court to conduct a pre-adjudication or pre-disposition investigation, .....
3. Federal, State or local prosecutors, public defenders, probation officers and designated staff::
  - (a) in the course of a trial when institution of criminal proceedings has been permitted or required under Section 5-805;
  - (b) when institution of criminal proceedings has been permitted or required under Section 5-805 and such minor is the subject of a proceeding to determine the amount of bail;
  - (c) when criminal proceedings have been permitted or required under Section 5-805 and such minor is the subject of a pre-trial investigation, pre-sentence investigation, fitness hearing, or proceedings on an application for probation or

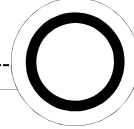


## Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7



- × (3) (d) in the course of prosecution or administrative
- × adjudication of a violation of a traffic, boating, or fish and game law, or a county or municipal ordinance.
- × (4) Adult and Juvenile Prisoner Review Boards;  
**(5) Authorized military personnel;**
- × (5.5) Employees of the federal government authorized
- × by law.  
**(6) Persons engaged in bona fide research, .....**

## Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7



× (7) Department of Children and Family Services child protection investigators .....

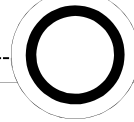
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# **Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7**

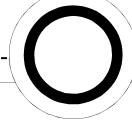
**(8) The appropriate school official .....**

## Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7



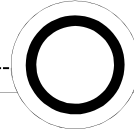
(9) Mental health professionals on behalf of the Illinois Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act relating to a person who is the subject of juvenile law enforcement records or the respondent to a petition brought under the Sexually Violent Persons Commitment Act who is the subject of the juvenile law enforcement records sought. Any juvenile law enforcement records and any information obtained from those juvenile law enforcement records under this paragraph (9) may be used only in sexually violent persons commitment proceedings.

## **Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7**



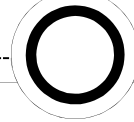
(10) The president of a park district. Inspection and copying shall be limited to juvenile law enforcement records transmitted to the president of the park district by the Department of State Police under Section 8-23 of the Park District Code or Section 16a-5 of the Chicago Park District Act concerning a person who is seeking employment with that park district and who has been adjudicated a juvenile delinquent for any of the offenses listed in subsection (c) of Section 8-23 of the Park District Code or subsection (c) of Section 16a-5 of the Chicago Park District Act.

## Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7



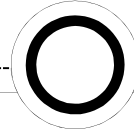
- × (11) Persons managing and designated to participate in a court diversion program as designated in subsection (6) of Section 5-105.
- × (12) The Public Access Counselor of the Office of the Attorney General, when reviewing juvenile law enforcement records under its powers and duties under the Freedom of Information Act.
- × (13) Collection agencies, contracted or otherwise engaged by a governmental entity, to collect any debts due and owing to the governmental entity.

## Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7



G) Nothing in this Section shall prohibit the right of a Civil Service Commission or appointing authority of any federal government, state, county or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department from obtaining and examining the records of any law enforcement agency relating to any record of the applicant having been arrested or taken into custody before the applicant's 18th birthday. *(But what if the records no longer exist?)*

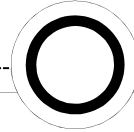
## **Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7**



× (G-5) Information identifying victims and alleged victims of sex offenses shall not be disclosed or open to the public under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing his or her own identity.

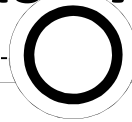


## **Law enforcement and municipal ordinance violation records - 705 ILCS 405/1-7**



× (H-5) Nothing in this Section shall require any court or adjudicative proceeding for traffic, boating, fish and game law, or municipal and county ordinance violations to be closed to the public.

**Law enforcement and municipal ordinance  
violation records - 705 ILCS 405/1-7**

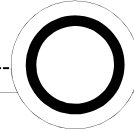


**(I) Willful violation of this Section is a Class C misdemeanor and each violation is subject to a fine of \$1,000. This subsection (I) shall not apply to the person who is the subject of the record.**

-

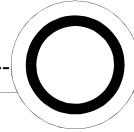
**(J) A person convicted of violating this Section is liable for damages in the amount of \$1,000 or actual damages, whichever is greater.**

## Law enforcement records – 705 ILCS 405/5-905



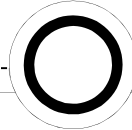
- Amendments did not deal with 5-905
- Based on Attorney General opinion re FOIA request, newest statute controls, see **PAC 52957**

## Juvenile court records - 705 ILCS 405/5-901



- × Records of the minor are confidential and access is limited to specific groups of persons.
- × Court file consists of the petitions, pleadings, victim impact statements, process, service of process, orders, writs and docket entries reflecting hearings held and judgments and decrees entered by the court.
- × It must be kept separate from other records of the court.
- × No amendments – newest statute controls

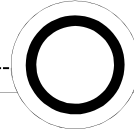
# Juvenile court records 705 ILCS 405/1-8



A juvenile adjudication shall never be considered a conviction nor shall an adjudicated individual be considered a criminal. Unless expressly allowed by law, a juvenile adjudication shall not operate to impose upon the individual any of the civil disabilities ordinarily imposed by or resulting from conviction. Unless expressly allowed by law, adjudications shall not prejudice or disqualify the individual in any civil service application or appointment, from holding public office, or from receiving any license granted by public authority. All juvenile court records which have not been expunged are sealed and may never be disclosed to the general public or otherwise made widely available. Sealed juvenile court records may be obtained only under this Section and Section 1-7 and Part 9 of Article V Section 5-915 of this Act, when their use is needed for good cause and with an order from the juvenile court, as required by those not authorized to retain them. Inspection and copying of juvenile court records relating to a minor who is the subject of a proceeding under this Act shall be restricted to the following:

× (*Impeachment?*)

## Juvenile court records 705 ILCS 405/1-8

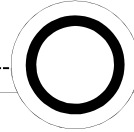


(A)(1) The minor who is the subject of record, his parents, guardian and counsel.

(2) Law enforcement officers and law enforcement agencies.....

(3) Judges, hearing officers, prosecutors, probation officers, social workers or other individuals assigned by the court to conduct a pre-adjudication or pre-disposition investigation, .....

# Juvenile court records 705 ILCS 405/1-8



(4) Judges, federal, State and local prosecutors, probation officers and designated staff:

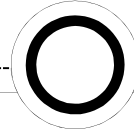
(a) in the course of a trial when institution of criminal proceedings has been permitted or required under Section 5-805;

(b) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a proceeding to determine the amount of bail;

(c) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a pre-trial investigation, pre-sentence investigation or fitness hearing, or proceedings on an application for probation; or

(d) when a minor becomes 18 years of age or older, and is the subject of criminal proceedings, including a hearing to determine the amount of bail, a pre-trial investigation, a pre-sentence investigation, a fitness hearing, or proceedings on an application for probation.

# Juvenile court records 705 ILCS 405/1-8



(5) Adult and Juvenile Prisoner Review Boards.

(6) Authorized military personnel.

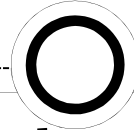
(6.5) Employees of the federal government authorized by law.

(7) Victims, their subrogees and legal representatives.....

(8) Persons engaged in bona fide research, .....



# Juvenile court records 705 ILCS 405/1-8



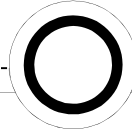
(9) The Secretary of State to whom the Clerk of the Court shall report the disposition of all cases, .....

(10) The administrator of a bonafide substance abuse student assistance program with the permission of the presiding judge of the juvenile court.

(11) Mental health professionals on behalf of the Illinois Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act<sup>3</sup> .....

(12) Collection agencies, contracted or otherwise engaged by a governmental entity, to collect any debts due and owing to the governmental entity.

# Juvenile court records 705 ILCS 405/1-8

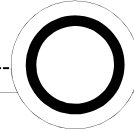


(A-1) Findings and exclusions of paternity entered in proceedings occurring under Article II of this Act shall be disclosed, in a manner and form approved by the Presiding Judge of the Juvenile Court, to the Department of Healthcare and Family Services when necessary to discharge the duties of the Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code.

(B) A minor who is the victim in a juvenile proceeding shall be provided the same confidentiality regarding disclosure of identity as the minor who is the subject of record.

~~(C) Juvenile court records shall not be made available to the general public. For purposes of inspecting documents under this Section, a civil subpoena is not an order of the court.~~

# Juvenile court records 705 ILCS 405/1-8

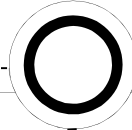


(0.1) In cases where the records concern a pending juvenile court case, the requesting party seeking to inspect the juvenile court records shall provide actual notice to the attorney or guardian ad litem of the minor whose records are sought.

(0.2) In cases where the juvenile court records concern a juvenile court case that is no longer pending, the requesting party seeking to inspect the juvenile court records shall provide actual notice to the minor or the minor's parent or legal guardian, and the matter shall be referred to the chief judge presiding over matters pursuant to this Act.

(0.3) In determining whether juvenile court records should be made available for inspection and whether inspection should be limited to certain parts of the file, the court shall consider the minor's interest in confidentiality and rehabilitation over the requesting party's interest in obtaining the information. The State's Attorney, the minor, and the minor's parents, guardian, and counsel shall at all times have the right to examine court files and records.

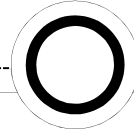
## Juvenile court records 705 ILCS 405/1-8



(E) Nothing in this Section shall affect the right of a Civil Service Commission or appointing authority of the federal government, or any state, county or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department to ascertain whether that applicant was ever adjudicated to be a delinquent minor and, if so, to examine the records of disposition or evidence which were made in proceedings under this Act.

(F) Following any adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the Criminal Code of 2012,<sup>6</sup> the State's Attorney shall ascertain whether the minor respondent is enrolled in school and, if so, shall provide a copy of the dispositional order to the principal or chief administrative officer of the school. Access to the dispositional order ~~such juvenile records~~ shall be limited to the principal or chief administrative officer of the school and any guidance counselor designated by him or her.

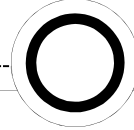
## Juvenile court record 705 ILCS 405/1-8



(K) Willful violation of this Section is a Class C misdemeanor and each violation is subject to a fine of \$1,000. This subsection (K) shall not apply to the person who is the subject of the record.

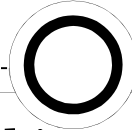
-  
(L) A person convicted of violating this Section is liable for damages in the amount of \$1,000 or actual damages, whichever is greater.

# Expungement 705 ILCS 405/1-9



- × Sec. 1-9. Expungement of law enforcement and juvenile court records.
- × (1) Expungement of law enforcement and juvenile court delinquency records shall be governed by Part 9 of Article V of this Act ~~Section 5-915.~~

# Juvenile expungement 705 ILCS 405/5-915



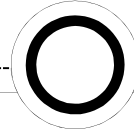
(0.1)(a) Except as otherwise provided in subsection (0.15) of this Section, the Department of State Police and all law enforcement agencies within the State shall automatically expunge, on or before January 1 of each year, all juvenile law enforcement records relating to events occurring before an individual's 18th birthday if:

-  
(1) one year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records;

-  
(2) no petition for delinquency or criminal charges were filed with the clerk of the circuit court relating to the arrest or law enforcement interaction documented in the records; and

-  
(3) 6 months have elapsed since the date of the arrest without an additional subsequent arrest or filing of a petition for delinquency or criminal charges whether related or not to the arrest or law enforcement interaction documented in the records.

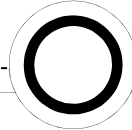
## Juvenile expungement 705 ILCS 405/5-915



(o.1)(b) If the law enforcement agency is unable to verify satisfaction of conditions (2) and (3) of this subsection (o.1), records that satisfy condition (1) of this subsection (o.1) shall be automatically expunged if the records relate to an offense that if committed by an adult would not be an offense classified as Class 2 felony or higher, an offense under Article 11 of the Criminal Code of 1961 or Criminal Code of 2012, or an offense under 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.



# Juvenile expungement 705 ILCS 405/5-915



× (0.15) If a juvenile law enforcement record meets paragraph (a) of subsection (0.1) of this Section, a juvenile law enforcement record created:

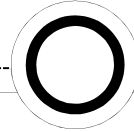
(1) prior to January 1, 2018, but on or after January 1, 2013 shall be automatically expunged prior to January 1, 2020;

(2) prior to January 1, 2013, but on or after January 1, 2000, shall be automatically expunged prior to January 1, 2023;  
and

(3) prior to January 1, 2000 shall not be subject to the automatic expungement provisions of this Act.

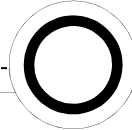
× Nothing in this subsection (0.15) shall be construed to restrict or modify an individual's right to have his or her juvenile law enforcement records expunged except as otherwise may be provided in this Act.

## Juvenile expungement 705 ILCS 405/5-915



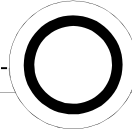
× (o.2)(a) Upon dismissal of a petition alleging delinquency or upon a finding of not delinquent, the successful termination of an order of supervision, or an adjudication for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult, the court shall automatically order the expungement of the juvenile court records and juvenile law enforcement records within 60 business days.

# Juvenile expungement 705 ILCS 405/5-915



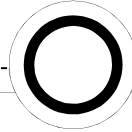
- × (o.2)(b) If the chief law enforcement officer of the agency, or his or her designee, certifies in writing that certain information is needed for a pending investigation involving the commission of a felony, that information, and information identifying the juvenile, may be retained in an intelligence file until the statute of limitations for the felony has run. If the chief law enforcement officer of the agency, or his or her designee, certifies in writing that certain information is needed with respect to an internal investigation of any law enforcement office, that information and information identifying the juvenile may be retained within an intelligence file until the investigation is terminated or the disciplinary action, including appeals, has been completed, whichever is later ~~the investigation is terminated or for one additional year, whichever is sooner.~~ Retention of a portion of a juvenile's law enforcement record does not disqualify the remainder of his or her record from immediate automatic expungement.

## Juvenile expungement 705 ILCS 405/5-915



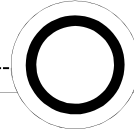
(0.3)(a) Upon an adjudication of delinquency based on any offense except a disqualified offense, the juvenile court shall automatically order the expungement of the juvenile records 2 years after the juvenile's case was closed if no delinquency or criminal proceeding is pending and the person has had no subsequent delinquency adjudication or criminal conviction. The court shall automatically order the expungement of the juvenile court and law enforcement records within 60 business days. For the purposes of In this subsection (0.3), "disqualified offense" means any of the following offenses:

## Juvenile expungement 705 ILCS 405/5-915



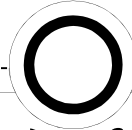
× (o.3)(b) If the chief law enforcement officer of the agency, or his or her designee, certifies in writing that certain information is needed for a pending investigation involving the commission of a felony, that information, and information identifying the juvenile, may be retained in an intelligence file until the investigation is terminated or for one additional year, whichever is sooner. Retention of a portion of a juvenile's juvenile law enforcement record does not disqualify the remainder of his or her record from immediate automatic expungement.

## Juvenile expungement 705 ILCS 405/5-915



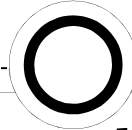
× (0.4) Automatic expungement for the purposes of this Section shall not require law enforcement agencies to obliterate or otherwise destroy juvenile law enforcement records that would otherwise need to be automatically expunged under this Act, except after 2 years following the subject arrest for purposes of use in civil litigation against a governmental entity or its law enforcement agency or personnel which created, maintained, or used the records. However these juvenile law enforcement records shall be considered expunged for all other purposes during this period and the offense, which the records or files concern, shall be treated as if it never occurred as required under Section 5-923.

# Juvenile expungement 705 ILCS 405/5-915



- × (0.5) Subsection (0.1) or (0.2) of this Section does not apply to violations of traffic, boating, fish and game laws, or county or municipal ordinances.
- × (0.6) Juvenile law enforcement records of a plaintiff who has filed civil litigation against the governmental entity or its law enforcement agency or personnel that created, maintained, or used the records or juvenile law enforcement records that contain information related to the allegations set forth in the civil litigation may not be expunged until after 2 years have elapsed after the conclusion of the lawsuit, including any appeal.
- × (0.7) Officer-worn body camera recordings shall not be automatically expunged except as otherwise authorized by the Law Enforcement Officer-Worn Body Camera Act.

# Juvenile expungement 705 ILCS 405/5-915

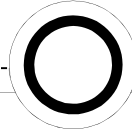


(1) Nothing in this subsection (1) precludes an eligible minor from obtaining expungement under subsections (0.1), (0.2), or (0.3).

Whenever a person has been arrested, charged, or adjudicated delinquent for an incident occurring before his or her 18th birthday that if committed by an adult would be an offense, and that person's juvenile law enforcement and juvenile court records are not eligible for automatic expungement under subsections (0.1), (0.2), or (0.3), the person may petition the court at any time for expungement of juvenile law enforcement records and juvenile court records relating to the incident and upon termination of all juvenile court proceedings relating to that incident, the court shall order the expungement of all records in the possession of the Department of State Police, the clerk of the circuit court, and law enforcement agencies relating to the incident, but only in any of the following circumstances:



# Juvenile expungement 705 ILCS 405/5-915



(a) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court;

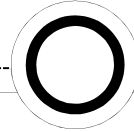
-  
(a-5) the minor was charged with an offense and the petition or petitions were dismissed without a finding of delinquency;

-  
(b) the minor was charged with an offense and was found not delinquent of that offense;

-  
(c) the minor was placed under supervision under ~~pursuant to~~ Section 5-615, and the order of supervision has since been successfully terminated; or

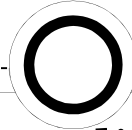
-  
(d) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult.

## Juvenile expungement 705 ILCS 405/5-915



×(1.5) The Department of State Police shall allow a person to use the Access and Review process, established in the Department of State Police, for verifying that his or her juvenile law enforcement records relating to incidents occurring before his or her 18th birthday eligible under this Act have been expunged

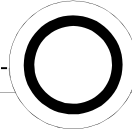
## Juvenile expungement 705 ILCS 405/5-915



(2) Any person whose delinquency adjudications are not eligible for automatic expungement under subsection (0.3) of this Section may petition the court to expunge all juvenile law enforcement records relating to any incidents occurring before his or her 18th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree murder or an offense under Article 11 of the Criminal Code of 2012 if the person is required to register under the Sex Offender Registration Act at the time he or she petitions the court ofr expungement; provided that:

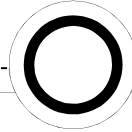
(b) 2 years have elapsed since all juvenile court proceedings relating to him or her have been terminated and his or her commitment to the Department of Juvenile Justice under this Act has been terminated.  
*(Changed from 5 years)*

## Juvenile expungement 705 ILCS 405/5-915



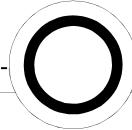
(2.5) If a minor is arrested and no petition for delinquency is filed with the clerk of the circuit court at the time the minor is released from custody, the youth officer, if applicable, or other designated person from the arresting agency, shall notify verbally and in writing to the minor or the minor's parents or guardians that the minor shall have an arrest record and shall provide the minor and the minor's parents or guardians with an expungement information packet, **information regarding this State's expungement laws** including a petition to expunge juvenile law enforcement and juvenile records obtained from the clerk of the circuit court.

## Juvenile expungement 705 ILCS 405/5-915



(2.6) If a minor is referred to court then at the time of sentencing or dismissal of the case, or successful completion of supervision, the judge shall inform the delinquent minor of his or her rights regarding expungement and the clerk of the circuit court shall provide an expungement information packet to the minor, written in plain language, including information regarding this State's expungement laws and a petition for expungement, a sample of a completed petition, expungement instructions that shall include information informing the minor that (i) once the case is expunged, it shall be treated as if it never occurred, (ii) he or she may apply to have petition fees waived, (iii) once he or she obtains an expungement, he or she may not be required to disclose that he or she had a juvenile law enforcement or juvenile court record, and (iv) if petitioning he or she may file the petition on his or her own or with the assistance of an attorney. The failure of the judge to inform the delinquent minor of his or her right to petition for expungement as provided by law does not create a substantive right, nor is that failure grounds for: (i) a reversal of an adjudication of delinquency, (ii) a new trial; or (iii) an appeal.

# Petition to Expunge Juvenile Records



## PETITION TO EXPUNGE JUVENILE RECORDS

-  
-

(705 ILCS 405/5-915 (SUBSECTION 1 AND 2))

-  
Now comes ....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner was arrested on ..... by the ..... Police Department for the offense or offenses of ....., and:

-  
(Check All That Apply:)

-  
 a. no petition or petitions were filed with the Clerk of the Circuit Court.

-  
 b. was charged with ..... and was found not delinquent of the offense or offenses.

-  
 c. a petition or petitions were filed and the petition or petitions were dismissed without a finding of delinquency on .....

-  
 d. on ..... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on .....

—

# Petition to Expunge



~~( ) e. was adjudicated for the offense or offenses, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.~~

~~( ) f. was adjudicated for a Class A misdemeanor or felony, except first degree murder or an offense under Article 11 of the Criminal Code of 2012 if the person is required to register under the Sex Offender Registration Act, and 2 years have passed since the case was closed.~~

~~Petitioner ..... has ..... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below:~~

~~Charge(s): .....~~

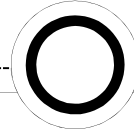
~~Arresting Agency or Agencies:~~

~~Disposition/Result: (choose from a. through f., above): .....~~

~~WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident or incidents, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident or incidents.~~

~~.....~~  
Petitioner (Signature)

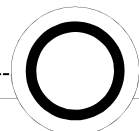
# Juvenile expungment 705 ILCS 405/5-915



× (5.5) Whether or not expunged, records eligible for automatic expungement under subdivision (0.1)(a), (0.2)(a), or (0.3)(a) may be treated as expunged by the person who is the individual subject of to the records.



# Juvenile expungement 705 ILCS 405/5-915



IN THE CIRCUIT COURT OF ....., ILLINOIS  
..... JUDICIAL CIRCUIT

IN THE INTEREST OF ) NO.

)

.....)

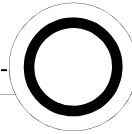
(Name of Petitioner)

## PETITION TO EXPUNGE JUVENILE RECORDS

(Section 5-915 of the Juvenile Court Act of 1987 (Subsections 1 and 2))

Now comes ....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner was arrested on .... by the ..... Police Department for the offense or offenses of

# Juvenile expungement 705 ILCS 405/5-915



....., and:

(Check All That Apply:)

a. no petition or petitions were filed with the Clerk of the Circuit Court.

b. was charged with ..... and was found not delinquent of the offense or offenses.

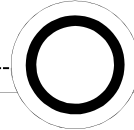
c. a petition or petitions were filed and the petition or petitions were dismissed without a finding of delinquency on....

d. on ..... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on .....

e. was adjudicated for the offense or offenses, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.

f. was adjudicated for a Class A misdemeanor or felony,

# Juvenile expungement 705 ILCS 405/5-915



except first degree murder or an offense under Article 11 of the Criminal Code of 2012 if the person is required to register under the Sex Offender Registration Act, and 2 years have passed since the case was closed.

Petitioner .... has .... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list

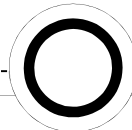
the charges below:

Charge(s): .....

Arresting Agency or Agencies: .....

Disposition/Result: (choose from a. through f., above): .....

# Juvenile expungement 705 ILCS 405/5-915



WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident or incidents, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident or incidents.

.....

Petitioner (Signature)

.....

Petitioner's Street Address

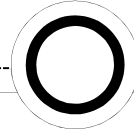
.....

City, State, Zip Code

.....

Petitioner's Telephone Number

# Juvenile expungement 705 ILCS 405/5-915



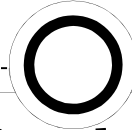
Pursuant to the penalties of perjury under the Code of Civil

Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

.....

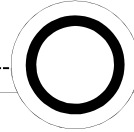
Petitioner (Signature)

# Juvenile expungement 705 ILCS 405/5-915



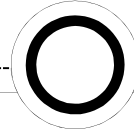
(b) The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of Section 5-915, order the juvenile law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose juvenile law enforcement record, juvenile court record, or both, are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice of the petition shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 45 days of the notice of the petition, the clerk of the circuit court shall set a date for hearing after the 45-day objection period.

# Juvenile expungement 705 ILCS 405/5-915



× At the hearing, the court shall hear evidence on whether the expungement should or should not be granted. Unless the State's Attorney or prosecutor, the Department of State Police, or an arresting agency objects to the expungement within 45 days of the notice, the court may enter an order granting expungement. The clerk shall forward a certified copy of the order to the Department of State Police and deliver a certified copy of the order to the arresting agency.

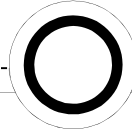
# Juvenile expungement 705 ILCS 405/5-915



- × New notice and order forms for expungement
- × 915(c) and (d)

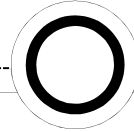


# Juvenile expungement 705 ILCS 405/5-923



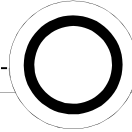
(a) Upon entry of an order expunging the juvenile law enforcement record or juvenile court record, or both, the records or files for that offense shall be treated as if it never occurred. Law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the person. A person whose juvenile records have been expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of expungement.

# Juvenile expungement 705 ILCS 405/5-923



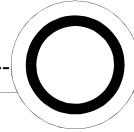
(b) Local law enforcement agencies shall send written notice to the minor of the expungement of any juvenile law enforcement records within 60 days of automatic expungement or the date of service of an expungement order, whichever applies. If a minor's court file has been expunged, the clerk of the circuit court shall send written notice to the minor of the expungement of any juvenile court records within 60 days of automatic expungement or the date of service of an expungement order, whichever applies. Notice to minors of the expungement of any juvenile law enforcement records created prior to 2016 may be satisfied by public notice. The names of persons whose records are being expunged shall not be published in this public notice.

# Juvenile expungement 705 ILCS 405/5-923



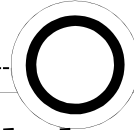
(c) Except with respect to authorized military personnel, an expunged juvenile law enforcement record or expunged juvenile court record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment within the State must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest. Employers may not ask, in any format or context, if an applicant has had a juvenile record expunged. Information about an expunged record obtained by a potential employer, even inadvertently, from an employment application that does not contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest, shall be treated as dissemination of an expunged record by the employer. The Department of Labor shall develop a link on the Department's website to inform employers that employers may not ask if an applicant had a juvenile law enforcement or juvenile court record expunged and that application for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication, arrest, or conviction.

## Juvenile expungement 705 ILCS 405/5-923



(d) Nothing in this Section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the individual. This information may only be used for anonymous statistical and bona fide research purposes.

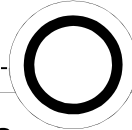
# Juvenile expungement 705 ILCS 405/5-923



(d-5) The expungement of juvenile law enforcement or juvenile court records shall not be subject to the record retention provisions of the Local Records Act.

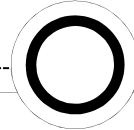
(d-10) No evidence of the juvenile law enforcement or juvenile court records may be retained by any law enforcement agency, the juvenile court, or by any municipal, county, or State agency or department unless specifically authorized by this Act. However, non-personal identifying data of a statistical, crime, or trend analysis nature such as the date, time, location of incident, offense type, general demographic information, including gender, race, and ethnicity information, and all other similar information that does not identify a specific individual may be retained. Nothing in this Act shall require the physical destruction of the internal office records, files, or databases maintained by a State's Attorney's Office or other prosecutor, a public defender, a probation officer, or the Office of the Secretary of State.

# Juvenile expungement 705 ILCS 405/5-923



**(e) Willful dissemination of any information contained in an expunged record shall be treated as a Class C misdemeanor and punishable by a fine of \$1,000 per violation. Willful dissemination for financial gain of any information contained in an expunged record shall be treated as a Class 4 felony. Dissemination for financial gain by an employee of any municipal, county, or State agency, including law enforcement, shall result in immediate termination. The person whose record was expunged has a right of action against any person who intentionally disseminates an expunged record. In the proceeding, punitive damages up to an amount of \$1,000 may be sought in addition to any actual damages. The prevailing party shall be entitled to costs and reasonable attorney fees. The punishments for dissemination of an expunged record shall never apply to the person whose record was expunged.**

## **Summary of contradictions and/or vagueness in new Juvenile Court Act amendments**



Contradictions between 705 ILCS 405/1-7, 1-8 and 5-901 and 5-905 re who has access to records (e.g. victims and insurance companies)

- × DNA samples from juveniles in state database?
- × State database re juvenile dispositions?
- × Proving notice of expungement sent if all records must be destroyed? What do you do with expungement order?
- × Inability to remove things from CAD?
- × What is the responsibility of police departments who assist on a call but don't handle the case in terms of making sure the records are properly expunged