

GREATER BOSTON LEGAL SERVICES
JUVENILE RECORD SERIES
BOOKLET TWO

HOW TO SEAL MASSACHUSETTS
JUVENILE DELINQUENCY AND YOUTHFUL OFFENDER RECORDS

WHO CAN SEE JUVENILE COURT RECORDS AT THE COURTHOUSE?

Juvenile delinquency case files are NOT open to the public at the courthouse. Your privacy rights in juvenile delinquency cases also are much more protected than rights of adults in criminal cases. The law allows a person with a juvenile case to say he or she has "no record" when interviewing for jobs as long as the cases were not transferred to Superior Court.

Youthful offender case files at the courthouse are treated differently than juvenile delinquency case files. Youthful offender court files are open to anyone who asks to see the file at the courthouse until the case is sealed. This is why it is important to seal youthful offender records once you are eligible to seal your records.

WHO CAN SEE JUVENILE CASES ON A CORI REPORT?

If an employer gets your Criminal Offender Record Information (CORI) report, the CORI report that most employers get will not show any juvenile court cases unless the cases were transferred to the superior court. However, there are some exceptions.

- Children's summer camps are told about any juvenile records UNLESS the records are sealed.
- Police and law enforcement agencies, the Department of Children & Families (DCF), the Department of Youth Services (DYS) and the Department of Early Education and Care (which licenses childcare providers) also can get CORI reports that include juvenile records whether or not the records are sealed. (G.L. c. 276, §§ 100A, 100B, 100D; G.L. c. 6, §§ 172B, 172F, 172G).

WHEN CAN YOU SEAL DELINQUENCY AND YOUTHFUL OFFENDER RECORDS?

Delinquency and youthful offender cases can be sealed 3 years after the cases close if:

- ▶ you no longer have any criminal charges pending (going on) in the juvenile court or in any other court, AND
- ▶ you have no new delinquency adjudications or convictions (except motor vehicle convictions with a fine not greater than \$50) from any court in during the last 3 years, AND
- ▶ you were not committed to DYS (or another facility) and also were not incarcerated during the last 3 years in or outside Massachusetts.

(G.L. c. 276, § 100B).

BEFORE YOU SEAL RECORDS

IMPORTANT. If you are not a U.S. citizen, you should consult with an immigration attorney before sealing your records. For example, if you seal the case, you might not be able to get papers you need from the sealed court file in time for an immigration hearing.

It also is a good idea to get certified copies of docket sheets at the courthouse before sealing any records. For example, you will likely need these copies for immigration purposes if you are not a citizen, or if you apply for a job with a high security clearance.

Once your record is sealed, you cannot look at your file at the courthouse or get copies of the file unless: (1) you file a motion and a judge makes an order to "unseal" the record; or (2) you ask for and get help from the Commissioner of Probation at One Ashburton Place, Boston, MA 02118 to help you unseal your file.

HOW DO YOU SEAL JUVENILE RECORDS IN MASSACHUSETTS?

After your juvenile record is 3 years old as described above, you can seal it by filling out and mailing in the same form used to seal adult convictions. The form has a box to check off to seal juvenile records at the top, two signature lines, and a section to fill out asking for your address and other information. A model completed form and a blank form you can use are included in this booklet.

CAN I EXPUNGE MY RECORD?

In 2018, the Legislature enacted new laws to permit "expungement" of some records. The new law, however, is narrow and only applies to a small number of cases. G.L. c. 276, §§ 100E-K. Sealing of a case only limits who has access to the record of the criminal case. Expungement means records of the case in Massachusetts are destroyed and are no longer available. The expungement process, however, is more complicated, often involves a court hearing, and the District Attorney can object to the expungement. Juvenile sealing is different. After the waiting period has passed, the Commissioner of Probation must allow the petition for sealing of records, and others are not permitted to object to the sealing of the records. (G.L. c. 276, § 100B).

For more information about expungement, read our other booklet: **Know Your CORI Rights: Sealing and Expungement of Criminal Offender Record Information (CORI) 2018 Update after Criminal Justice Reform** available online our website at <https://www.gbbs.org/self-help/cori>

MORE INFORMATION AND LEGAL HELP FOR LOW INCOME PEOPLE

- If you live in the Boston area, call 617-371-1234 and you'll be screened for eligibility for an intake for Greater Boston Legal Services (GBLS). GBLS is not able to take every case, but may be able to refer you to other programs for help.
- To find a legal aid program near you, go to website on the internet: www.masslegalhelp.org
- To find out more about CORI, go to the Mass Legal Help website: www.masslegalhelp.org

This information is provided as a public service by Greater Boston Legal Services and does not constitute legal advice which can only be given to you by your own attorney. This booklet relates only to Massachusetts juvenile records and laws in effect as of July 31, 2019.

PETITION TO SEAL

Model Juvenile Sealing Petition

TO: Commissioner of Probation, One Ashburton Place, Room 405, Boston, MA 02108

SELECT appropriate box(es). If 1, 2, or 3 are selected you must sign the corresponding numbered Affidavit below.

- PART A**
- 1-4 **Section 100B - Chapter 276.** Delinquency (juvenile) cases, all sentence elements of which, and of any subsequent court appearances, were completed 3 years prior to this request.
 - 2 **Section 100A - Chapter 276.** Misdemeanor cases, all sentence elements of which, and of any subsequent court appearances, were completed 3 years prior to this request (or, which was a felony when committed, and is presently a misdemeanor).
 - 3 **Section 100A - Chapter 276.** Felony cases, all sentence elements of which, and of any subsequent court appearances, were completed 7 years prior to this request. For eligible sex offenses 15 years prior to this request.
 - 4 **Section 100A - Chapter 276.** Recorded offense which is no longer a crime, except where the elements of the offense continue to be a crime under a different designation. Decriminalized case

Print DOE JOHN JON Date of Birth 1-1-2000
 Last Name First Name Middle Name

Alias/Maiden/Previous Name _____
 Mailing address 4 JUMP ST. # 7 City BOSTON State MA Zip 02114
 Occupation student Social Security # 012-34-5678 Place of Birth BOSTON MA
 Father's Name JON DOE Mother's Maiden Name ROE Husband/Wife's Name _____
 Petitioner's Signature John Doe ← Required sign here

In accord with the provision of Chapter 276, Sections 100A, and 100B, as established by Chapter 686 of the Acts of 1971, Chapter 404 of the Acts of 1972, Chapter 322 of the Acts of 1973 and Chapter 256 of the Acts of 2010, respectively, I hereby request that my record of adult criminal and/or juvenile Massachusetts court appearances and dispositions be sealed forthwith.

To the best of my knowledge:

1. a) My delinquency court appearances or dispositions including court supervision, probation, commitment or parole, the records for which are to be sealed, terminated not less than three years prior to said request, b) I have not been adjudicated delinquent or found guilty of any criminal offense within the commonwealth in the three years preceding such request, except motor vehicle offenses in which the penalty does not exceed a fine of fifty dollars nor been imprisoned under sentence or committed as a delinquent within the preceding three years, and c) I have not been adjudicated delinquent or found guilty of any criminal offenses in any other state, United States possession or in a court of federal jurisdiction, except such motor vehicle offenses as aforesaid, and have not been imprisoned under sentence or committed as a delinquent in any state or county within the preceding three years.

Sign here to seal juvenile cases

Signed under penalties of perjury,

John Doe
 Signature of Petitioner

2. To the best of my knowledge:

3. a) All of my court appearance and court disposition records, including any period of incarceration or custody for any misdemeanor occurred not less than three years prior to this request, b) that my court appearance and court disposition records, including any period of incarceration or custody for any felony occurred not less than seven years prior to this request, c) that I have not been found guilty of any criminal offense within the commonwealth in the case of a misdemeanor, three years before such request, and in the case of a felony, seven years before such request, except motor vehicle offenses in which the penalty does not exceed a fine of fifty dollars, d) I have not been convicted of any criminal offense in any other state, United States possession or in a court of federal jurisdiction, except such motor vehicle offenses as aforesaid, and have not been imprisoned in any state or county in the case of a misdemeanor within the preceding three years and in the case of a felony the preceding seven years, and e) my record does not include convictions of offenses other than those to which the section applies, or convictions for violations of sections 121 to 131H, inclusive, of chapter 140 or for violations of chapter 268 or chapter 268A, except for convictions for resisting arrest.

Sign here to seal adult cases

Signed under penalties of perjury,

 Signature of Petitioner

PETITIONER NOT TO WRITE BELOW THIS LINE

Petition Allowed/Disallowed	01	02	03	04
Allowed (Copy to Clerk and Probation Office)				
Reason for Disallowance (Copy to petitioner only)				

