

**GREATER BOSTON LEGAL SERVICES
JUVENILE RECORD SERIES
BOOKLET TWO**

HOW TO SEAL JUVENILE DELINQUENCY AND YOUTHFUL OFFENDER RECORDS

WHO CAN SEE JUVENILE DELINQUENCY RECORDS?

Juvenile delinquency cases 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.

If an employer gets your Criminal Offender Record Information (CORI) report, the CORI report that most employers get will not show juvenile delinquency cases. However, there are exceptions. Children's summer camps are told about juvenile records UNLESS the records have been sealed.

Police, 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 daycare 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).

WHO CAN SEE YOUTHFUL OFFENDER RECORDS?

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

A youthful offender case will not show up on a CORI report requested by employers (except summer camps and the Department of Early Education and Care) unless:

- ▶ You went to state prison or a House of Corrections, or
- ▶ You were on probation after age 21 for the case.

Important. We think it is mistake for the Department of Criminal Justice Information Services to list Youthful Offender cases on CORI reports given to most employers so call our office if you would like help in getting these cases off your CORI report.

After you seal a youthful offender case, CORI reports that summer camp employers receive no longer include the case. As with delinquency records, however, police, law enforcement agencies, DCF, DHS, and the Department of Early Education and Care can get CORI reports that include juvenile records even after the records are sealed.

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 cases pending (going on) in the Juvenile Court or in an adult court, AND
- ▶ you have no new delinquency adjudications or convictions (except motor vehicle convictions with a fine not greater than \$50) during the last 3 years, AND
- ▶ you were not committed to DYS (or another juvenile facility) and also were not imprisoned during the last 3 years in or outside Massachusetts, AND
- ▶ you are not presently required to register as a sex offender. (G.L. c. 276, § 100B; G.L. c. 6, § 178G).

IMPORTANT. If you are not a U.S. citizen, you should consult with an immigration attorney before sealing your records. It also is a good idea to get certified copies of docket sheets at the courthouse before sealing any records. You will likely need these copies, especially if you were adjudicated to be a youthful offender, for immigration purposes or if you are applying 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 you file a motion and a judge makes an order to "unseal" the record. You also could ask 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. A blank form you can use is attached to this booklet.

FOR MORE INFORMATION OR LEGAL HELP

- If you live in the Boston area, call 617-603-1700 or 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
- For legal help or referral with ongoing juvenile court cases in the Boston area:
 - Youth Advocacy Project, Roxbury, MA: 617-989-8100 ext. 8144
 - Children's Law Project, Lynn, MA: 781-581-1977
- 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 November 23, 2015.

**SAMPLE PETITION TO SEAL RECORDS
AND
FORM YOU CAN USE
TO SEAL RECORDS BY MAIL**

PETITION TO SEAL

To: Commissioner of Probation, One Ashburton Place, Rm. 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.
Section 100A - Chapter 276. Misdemeanor cases, all sentence elements of which, and any subsequent court appearances, were completed 5 years prior to this request (or, which was a felony when committed, and is presently a misdemeanor).
Section 100A - Chapter 276. Felony cases, all sentence elements of which, and of any subsequent court appearances, were completed 10 years prior to this request. For eligible sex offenses 15 years prior to this request.
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.

Print
Last name First name Middle name Date of Birth:
Alias/Maiden/Previous name
Mailing Address City State Zip
Occupation Social Security # Place of Birth
Father's Name Mother's Maiden Name Husband/ Wife's Name
Petitioner's Signature

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 preceeding 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 commonwealth within the preceeding 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 other state or county within the preceeding three years.

Signed under penalties of perjury,

Signature of Petitioner

To the best of my knowledge:

- 2. a) All of my court appearance and court disposition records, including any period of incarceration or custody for any misdemeanor occurred not less than five 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 ten 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, five years before such request, and in the case of a felony, ten 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 other state or county in the case of a misdemeanor within the preceeding five years and in the case of a felony the preceeding ten 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 131 H, inclusive, of chapter 140 or for violations of chapter 268 or chapter 268 A.

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)