

In 2010 the Nebraska Legislature passed laws which require the records of juvenile offenders to be "sealed" if certain conditions are met. The following explanation of the sealing of a juvenile's record is provided the juvenile by the city or county attorney at the time the juvenile petition, or non-waiverable traffic or misdemeanor complaint is filed. The information is provided here as a public service. If you have any questions about how this, or any other law, applies to you and your case, you should contact an attorney for legal advice.

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Having a Juvenile Record Sealed

What does it mean to have a record sealed?

If your juvenile record is sealed, information about your juvenile record is not available to the *public*.

Who can have their Juvenile Record Sealed?

In order to be *eligible* to have your juvenile record sealed, you must be under the age of eighteen when the offense took place and you must satisfactorily complete the diversion, mediation, probation, supervision, treatment or rehabilitation program or sentence ordered by the Juvenile or County Court. Furthermore, you are only eligible to have your juvenile record sealed if:

- You were offered juvenile pretrial diversion or mediation;
- Charges were filed against you in Juvenile Court for a misdemeanor, felony, traffic, or status offense; or
- You were charged with a misdemeanor or infraction in County Court (except for waiverable traffic offenses—offenses for which you can waive your court appearance by paying a fine).

You are not eligible to have your juvenile record sealed if you were charged with a felony in District Court.

Once your record has been sealed, who can access it?

A sealed record is still accessible to law enforcement officers, county attorneys, city attorneys, and a sentencing judge in a separate case you may be involved with. Sealed records can also be inspected under certain circumstances by:

- The person whose record has been sealed, upon appropriate application to the court;
- By a court or by a person allowed by a court order to inspect the record for “good cause shown”;
- By request of a person in a civil law suit that is based on the circumstances contained in the sealed record;
- Persons engaged in bona fide research, but only if the research protects the confidentiality of the sealed record;
- The Nebraska Probation System; and
- The Department of Health and Human Services;

What is the Process of Sealing a Juvenile Record?

If you are eligible to have your juvenile record sealed, the process will begin automatically when you are seventeen years of age. The county or city attorney will be notified by the court that the process to seal your record has been initiated. This is meant to give the county or city attorney the opportunity to object to the sealing of your court record. The court may set the matter for hearing, or, if no objection is filed to the sealing of your juvenile record, the court may order the record sealed without a hearing and you will be notified by mail that your record has been sealed. If the county or city attorney objects to the sealing of your record, there will be a hearing in front of a judge to decide whether your juvenile record should be sealed. If there will be a hearing, you will be notified by mail of the hearing date, location and time. After conducting a hearing, the court may order your record to be sealed if it finds that you have been satisfactorily rehabilitated based on the factors listed below.

If you would like to ask the court to begin the process to seal your juvenile record before you reach the age of seventeen; or if you are older than the age of seventeen and would like to ask the court to seal your past juvenile record, you may do so as long as you have satisfactorily completed the diversion, mediation, probation, supervision, treatment or rehabilitation program or sentence ordered by the Juvenile or County Court.

How will the Judge Decide?

The court can consider a number of factors to determine whether or not to seal a juvenile record, including:

- The age of the juvenile;
- The nature of the offense and the role of the juvenile in the offense;
- The behavior of the juvenile after the adjudication and the juvenile’s response to treatment and rehabilitation programs;
- The education and employment history of the juvenile; and
- Any other circumstances that may relate to the rehabilitation of the juvenile who is the subject of the record under consideration.

What Happens if the Juvenile Record is NOT Ordered to be Sealed?

If the juvenile record is not ordered to be sealed, it will remain open to the public. After one year, you can reapply to have your record sealed.

What happens if the Juvenile Record is Sealed?

Once a judge orders your juvenile record to be sealed, every public office or agency must keep any facts related to the sealed record confidential. The court will give notice of the record being sealed to every agency or office it knows may be affected by the order. However, if you know of any public office or agency that may have information relating to the sealed record that may not have received notice from the court of the order to seal the record, you may make a written request to that agency, along with a copy of the court order to seal the record, that the office or agency act in accordance with the court order.

How Should You Answer Questions about Your Sealed Juvenile Record?

If your juvenile record has been sealed, you are not obligated to disclose any facts about the record, or that you have a sealed record at all. In fact, employers are not allowed to ask if you have had a juvenile record sealed. When applying for jobs, licenses, scholarships or other rights or privileges, you may respond to questions as if no record exists.

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If problems regarding your sealed record arise, you or your potential employer may contact the Nebraska Administrative Office of the Courts at 402-471-3730.