

Clean Slate

CLEARINGHOUSE

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Justice Center

THE COUNCIL OF STATE GOVERNMENTS

Juvenile Record Clearance 2017 Legislative Reforms

February 28, 2018

Speakers

Serena Holthe, National Juvenile Defender Center

Meghan Garvey, Orleans Public Defenders

Lisa Minutola, Delaware Office of Defense Services

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Clearinghouse

- Online clearinghouse of each state's adult and juvenile record clearance policies, resources, guides, and legal service providers

Audience

- Legal service providers, people with criminal records, policymakers, and reentry and workforce service providers

Goals

- Provide accessible, up to date information for record clearance policies across the country
- Increase capacity of legal service providers and create a community of practice around record clearance

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Juvenile Record Clearance: 2017 Legislative Reforms

Serena Holthe, National Juvenile Defender Center
Meghan Garvey, Orleans Public Defenders
Lisa Minutola, Delaware Office of Defense Services

Overview: Juvenile Record Clearance Laws

- Eligible records
- Eligible offenses
- Exclusions
- Automatic or petition required



ARRESTED AS A
JUVENILE?

Legal Aid Foundation (Chicago)

Overview: Juvenile Record Clearance Laws

- Procedure
- Discretionary or mandatory
- Waiting period
- Fee



2017 Legislative Reforms

- Expand access for human trafficking-related offenses
- Decrease waiting time
- Increase eligible offenses
- Increase of automatic record clearance
- Simplify record clearance process

State-Specific Legislative Reforms

Louisiana: How They Achieved Reforms

- *ABA - Model Act Governing the Confidentiality and Expungement of Juvenile Delinquency Records*
- State bar support
- Law Institute collaboration
- Lobbyist assistance

Louisiana: Changes to the Law

- Increased eligible offenses
- Decreased waiting time
- Simplified process
- Tightened confidentiality rules



Delaware: How They Achieved Reforms

Coalition building

- Worked with non-profit organizations
- Key allies/Unlikely allies
- Bipartisan support



Delaware: How They Achieved Reforms

Strategy

- Personal stories
- Packaged as part of juvenile justice reform bills

Persistence

- Multiple drafts over several years
- Educating legislators

Delaware: Changes to the Law

- Expanded eligible offenses
- Streamlined process
- Shortened time frames



Illinois: Changes to the Law

- Expanded automatic expungement
- Hearing only required if prosecutor objects
- Decreased waiting period
- Strengthened confidentiality laws

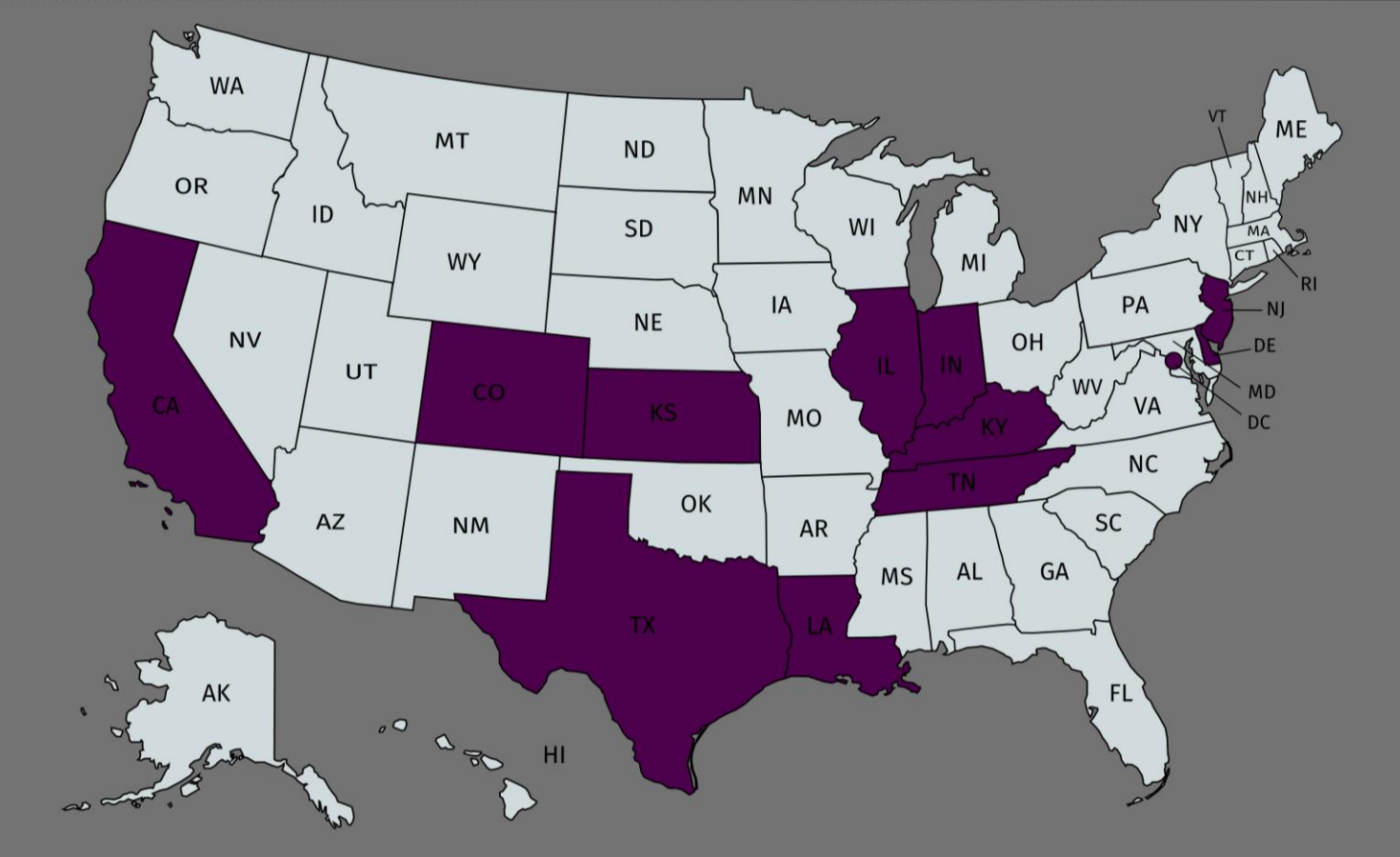


California: Changes to the Law

- Increased eligible offenses
- Increased matters eligible for automatic sealing



States with 2017 Legislative Reforms



Why Expand Juvenile Record Clearance?

Record Clearance



2018 Reforms

Which states are poised to
change their juvenile record clearance laws
or court rules in 2018?

Presenters

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