Alleged delinquent

Objection

No objection

Limitations of Expunction (dismissal):

* AOC keeps list of names of persons granted expunction
* Disclosed only to judges to see if any person has previously been granted an expunction

Limitations of Expunction (adjudication):

* Still some access to records
  + AOC list
  + DACJJ records
  + Fingerprints and photographs
* Required disclosure
  + If expunction is for delinquency adjudication, and if you testify in a delinquency proceeding, may be required by judge to disclose the expunged adjudication

Effect of Expunction:

For the matter in which record was expunged, juvenile and parent “may not be held thereafter under any provision of any laws to be guilty of perjury or otherwise giving a false statement by reason of the person’s failure to recite or acknowledge such record or response to any inquiry made of the person for any purpose.”

**Case Disposition**

[**Adjudicated Undisciplined**](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-3200.html)

[**Adjudicated Delinquent**](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-3200.html)

[**Dismissal**](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-3200.html)

Eligible for expunction if 18+

Eligible for expunction if:

1. 18+
2. offense ≠ Class A-E felony
3. released from juvenile jurisdiction for 18+ mos.
4. No subsequent delinquency adjudication/adult conviction

Alleged undisciplined

Eligible if:

1. allegation dismissed w/out adjudication
2. 16+

Eligible if:

1. allegation dismissed w/out adjudication
2. 18+
3. File petition w/ Clerk of Court
   * Use Form [AOC-J-903M](http://www.nccourts.org/Forms/Documents/548.pdf)
   * Attach 2 affidavits of good character (Form [AOC-J-904M](http://www.nccourts.org/Forms/Documents/549.pdf))
4. Serve copy on D.A.
   * Clerk will give notice of date of hearing to D.A.
   * D.A. has 10 days to file objection
5. Hearing (on the petition)

If the court, after hearing, finds Petitioner satisfies conditions of eligibility (stated above):

1. Court orders clerk and all law enforcement agencies to expunge records of the adjudication, including all references to arrests, complaints, referrals, petitions, and orders
2. Clerk sends copies of order to sheriff, police, & other law enforcement agencies, who must immediately destroy all records relating to the adjudication
3. File petition w/ Clerk of Court
   * Use Form [AOC-J-909M](http://www.nccourts.org/Forms/Documents/553.pdf)
4. Serve copy on chief court counselor

* Chief court counselor has 10 days to file objection

Petition granted w/out a hearing (unless court directs)

Hearing scheduled

If petition is granted:

1. Court orders clerk and law enforcement agencies to expunge records of allegations, including all references to arrests, complaints, referrals, juvenile petitions, and orders
2. Clerk sends order to sheriff, police, & chief court counselor, who must immediately destroy all records relating to allegations