

**Idaho Department of
Juvenile Corrections
Administrative
Policy/Procedure**

NUMBER
906

REVISED
07/17/23
EFFECTIVE
12/08/08

REVIEWED
07/17/23
PAGES
3

**SUBJECT: COURT ORDERED EXPUNGEMENT OR
SEALING OF JUVENILE RECORDS**

ORIGIN: LEGAL SERVICES

Policy

Pursuant to section 20-525A, Idaho Code, a court may order the expungement of a juvenile offender's record after finding that specific qualifications have been met. Since cases can have many different facts and circumstances, the judge's Order of Expungement (Expungement Order) should be the guiding factor in each individual order.

It is therefore the policy of the Idaho Department of Juvenile Corrections (IDJC) that when an Expungement Order is received, the IDJC takes all necessary steps to expunge the juvenile's record in a prompt and proper manner.

Operating Procedure

- I. Executing expungement order
 - A. The expungement order is received by the department through the Legal mailbox (legal@idjc.idaho.gov) or by mail for processing. IDJC will expunge all juvenile records pursuant to this policy, unless otherwise directed by the Expungement Order.
 - B. Designated Director's Office staff, along with the juvenile records custodian, is responsible for monitoring the expungement process to ensure physical and electronic records are sealed in a timely fashion.
 - C. The juvenile records custodian seals physical records and labels them with a destruction date.
 - D. The designated staff or juvenile records custodian sends the expungement order to IJOS Support requesting the expungement of records in IJOS.
 - E. Once the records have been removed from view, IJOS Support notifies the designated staff and juvenile records custodian that the expungement(s) have been completed.

II. Record retention and disclosure

A. Expunged juvenile records

1. The IDJC does not maintain a list or record of expunged cases.
2. Inspection or disclosure of the expunged records, either in hard copy or electronic form, is permitted only upon an order from the corresponding court.
3. Expunged juvenile records are destroyed when the juvenile turns 28 years old as set forth in retention schedule RS0006 and the Control and Maintenance of Case Management Files (663) policy/procedure.

B. Medical Records

1. While these records may be associated with an expunged case, these records cannot be sealed in the same manner as the juvenile's case management file.
2. Inspection or disclosure of medical records associated with an expunged case will be in accordance with the [Health Insurance Portability and Accountability Act of 1996 \(HIPAA\)](#) and pursuant to Disclosure of Juvenile Health Information (840) policy/procedure.
3. Redaction of these records prior to inspection or disclosure may be necessary to remove any reference to the expunged case(s).
4. Medical records are retained per approved medical records retention schedule.

C. Education records

1. While these records may be associated with an expunged case, these records cannot be sealed in the same manner as the juvenile's case management file.
2. Inspection, disclosure and retention of education records associated with an expunged case will be pursuant to the Management of Educational Records (505) policy/procedure.
3. Redaction of these records prior to inspection or disclosure may be necessary to remove any reference to the expunged case(s).

III. Any questions regarding an expunged record should be directed to Legal Services.

Reference: [Glossary of Terms and Acronyms](#)

[Expungement or Sealed Record, section 20-525A, Idaho Code](#)
[Idaho Juvenile Rules – Rule 28](#)
[Health Insurance Portability and Accountability Act of 1996 \(HIPAA\)](#)
[Family Educational Rights and Privacy Act \(FERPA\)](#)
[Records Retention Schedule RS0006](#)

Desk Manuals: *Expungements Desk Manual (020.06)*

Related Policies: [Management of Educational Records \(505\)](#)
[Control and Maintenance of Case Management Files \(663\)](#)
[Disclosure of Juvenile Health Information \(840\)](#)
[Health Information/Privacy \(843\)](#)

Related Forms: *N/A*