

### **610.330 Expungement of juvenile court records.**

- (1) Any child who has been adjudicated as coming within the purview of KRS Chapters 630, 635 (with regard to status offenses, misdemeanors, or violations only), or 645, but not KRS Chapters 620 or 640, may petition the court for the expungement of his or her juvenile court record, except for adjudications involving guilt of an offense which would have been a felony if the offense was committed by an adult. He or she shall be informed of such right at the time of adjudication. The court on its own motion, or on the motion of a probation officer of the court, a representative of the Department of Juvenile Justice or the cabinet, or any other interested person may initiate expungement proceedings concerning the record of any child who has been under the jurisdiction of the court. The petition shall be filed or the court order entered no sooner than two (2) years after the date of termination of the court's jurisdiction over the person, or two (2) years after his or her unconditional release from commitment to the Department of Juvenile Justice or the Cabinet for Health and Family Services or a public or private agency, except that the two (2) year period may be waived if the court finds that such extraordinary circumstances exist with regard to the petitioner as to make the waiver advisable.
- (2) Upon the filing of a petition or entering of a court order, the court shall set a date for a hearing and shall notify the county attorney and anyone else whom the court or the child, his or her parents, relatives, guardian, or custodian has reason to believe may have relevant information related to the expungement of the record.
- (3) The court shall order sealed all records in the petitioner's case in the custody of the court and any of these records in the custody of any other agency or official, including law enforcement and public or private elementary and secondary school records, if at the hearing the court finds that:
  - (a) Since the termination of the court's jurisdiction or his unconditional release from commitment to the Department of Juvenile Justice, the cabinet, or a public or private agency, the person whose record is in question has not been convicted of a felony, and has not been adjudicated under KRS 610.010(1); and
  - (b) No proceeding concerning a felony and no petition under KRS 610.010(1) is pending or being instituted against him.
- (4) Upon the entry of an order to seal the records, the proceedings in the case shall be deemed never to have occurred and all index references shall be deleted and the person and court may properly reply that no record exists with respect to such person upon any inquiry in the matter.
- (5) Copies of the order shall be sent to each agency or official named therein.
- (6) Inspection of the records included in the order may thereafter be permitted by the court only upon petition by the person who is the subject of such records, and only to those persons named in such petition.

**Effective:** July 15, 2008

**History:** Amended 2008 Ky. Acts ch. 87, sec. 20, effective July 15, 2008. -- Amended 2005 Ky. Acts ch. 99, sec. 663, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 615, effective July 15, 1998; and ch. 443, sec. 20, effective July 15,

1998. -- Amended 1996 Ky. Acts ch. 358, sec. 37, effective July 15, 1997. -- Amended 1988 Ky. Acts ch. 350, sec. 38, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 52, effective July 1, 1987.