I.J.R. 28. Expungement.

Idaho Juvenile Rule 28. Expungement.

(a) A petition to expunge filed pursuant to I.C. ß 20-525A shall apply only to actions pursuant to the Juvenile Corrections Act. It shall contain the name of the juvenile seeking expungement, name all agencies and their addresses with records the petitioner seeks to have expunged, and make evident the petitioner is in compliance with the provisions of I.C 20-525A. The petition shall be filed in the county where a disposition was entered under oath and verified by the petitioner. A petition shall be filed in each case in which the petitioner seeks to have records expunged. If the petition is being filed pursuant to I.C. 20-525A(3) and no file exists, a new juvenile proceeding shall be opened upon the filing of the petition to expunge.

(b) Upon the filing of a petition to expunge the clerk shall set a hearing date and give notice to the petitioner, the prosecutor, any entity or person as requested by the petitioner, the prosecutor or as directed by the court. The prosecutor shall comply with the provisions of I.C. 19-5306. The hearing shall be set not less than 14 days from the filing of the notice of hearing. Cases involving the same petitioner may be joined for hearing.

(c) At the hearing or pursuant to stipulation the court shall consider any relevant evidence and make findings. Written findings of fact are not necessary. Upon a determination that the requirements of I.C. 20-525A have been met the court shall enter an order expunging the appropriate records.

(d) The clerk shall attach to the order a certificate of service to the agencies noted in the petition including the Department of Juvenile Corrections. The case will then be sealed and filed in a separate expunged record file and the case entered in the expungement index.

(e) There shall be no disclosure of any record in an expunged case file except as provided in Idaho Court Administrative Rule 32.

(ADOPTED April 26, 2007, effective July 1, 2007.)

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