

EXPUNGEMENT AND SEALING OF JUVENILE RECORDS
LA.CH.C. Art. 901 and 903 INFORMATION SHEET

WHAT IS EXPUNGEMENT?

Under Louisiana law today, it is possible to have most juvenile records expunged and sealed. If your record is expunged and sealed, no record of ever having been involved with the juvenile court system will exist. This includes arresting agencies, such as sheriff's offices, and other departments that will also be ordered to expunge and seal their records. If a particular charge is expunged and sealed, you do not have to disclose it, such as on job applications, and you won't be guilty of perjury if you deny it under oath.

WHAT KIND OF CASES/CHARGES/ARRESTS CAN BE EXPUNGED?

A charge is expungable AT ANY TIME if it did not result in an adjudication. An adjudication is when the judge makes a decision that a juvenile committed an act they are charged with, or when the judge accepts a plea- or admission- from a juvenile that they committed an act. There are also some charges that are expungable at any time even if there was an adjudication, and those are charges concerning the following Louisiana Laws: L.A. R.S. 14:82, 14:83.3, 14:83.4, 14:89, 14:89.2.

Charges that led to a finding of Families in Need of Services, or an adjudication for any charge other than murder, manslaughter, an offense requiring registration as a sex offender, kidnapping, or armed robbery, may also be able to be sealed and expunged once the case is closed or dismissed for that charge. ALSO the juvenile must be free of any pending indictments or bills of information in adult court, adult court felony convictions, or adult court misdemeanor criminal convictions involving a firearm for an expungement to be granted.

Finally, if the juvenile does have an adjudication for murder, manslaughter, a sex offense requiring registration as an offender, kidnapping, or armed robbery, they may still be able to expunge and seal their record if at least five years have passed since their last juvenile case was closed or dismissed, and they have no pending indictments or bills of information in adult court, adult court felony convictions, or adult court misdemeanor criminal convictions involving a firearm.

HOW DO I GET MY RECORD EXPUNGED?

You can begin the process by filling out and filing the attached form, the Motion for Expungement and Sealing. After it is filed, notice is sent to different agencies or departments that are related to the charge in order to determine if they have any objection to the expungement.

The person moving for expungement is responsible for obtaining all necessary information. NO COURT PERSONNEL WILL OBTAIN THE INFORMATION FOR YOU. If the person moving for expungement does not know the item number, offense(s) charges, date of arrest(s), or the arresting agency, they should file a Motion for Disclosure to obtain their juvenile arrest record. The juvenile arrest record should provide all of the necessary information. Please find the Motion for Disclosure of Juvenile Arrest Record on page 11.

This form must be completed and accurately filled out by the applicant before filing with the Clerk of Court. SEE THE ATTACHED LIST OF AGENCIES FOR ASSISTANCE IN DETERMINING WHO TO ADD TO THE "PLEASE SERVE" AT THE END OF THE MOTION.

This form must be either typed or clearly printed. If the motion to expunge includes several different charges, one motion may be filed; HOWEVER, A SEPARATE PAGE 4 MUST BE COMPLETED FOR EACH CHARGE LISTED.

WHAT HAPPENS AFTER I FILE?

For some charges, you may receive an order granting the expungement without ever having to go to a court hearing. If a party objects to the expungement, a hearing will be held in order for the judge to determine whether or not an expungement may be granted. If an

expungement is granted, notice is sent to all the departments and agencies involved, ordering them to expunge their records concerning that charge and/or arrest.

LIST OF AGENCIES

FOR INFORMATION ONLY – Copy the information on those agencies whose records you seek to expunge after the “PLEASE SERVE” on the Motion and Order. **DO NOT ATTACH THIS LIST TO THE MOTION AND ORDER.**

BUREAU OF IDENTIFICATION AND INFORMATION

Attn: Expungements
7919 Independence Blvd.
Baton Rouge, Louisiana 70806

MATTHEW VILLIO
DIRECTOR OF JUVENILE SERVICES
1546-B Gretna Blvd.

Harvey, Louisiana 70058

OFFICE OF YOUTH DEVELOPMENT

Attention: James Bueche, PhD
Deputy Secretary for Youth Services
State Police Building
7919 Independence Blvd.
Baton Rouge, La. 70806

PAUL CONNICK, JR.
District Attorney, Parish of Jefferson
1546 Gretna Blvd
Harvey, LA 70058

JON A. GEGENHEIMER
Clerk of Court
24th Judicial District Court
New Gretna, Courthouse
Gretna, Louisiana 70053

SHERIFF JOSEPH P. LOPINTO, III
Parish of Jefferson
Through Lt. Joe Ortego
1546 B Gretna Blvd.
Harvey, Louisiana 70058

KEITH CONLEY
Chief of Police, City of Kenner
500 Veterans Memorial Blvd.
Kenner, LA 70062

EDWARD “ED” LEPRE
Chief of Police, City of Harahan
City Hall
6437 Jefferson Highway
Harahan, Louisiana 70123

ARTHUR S. LAWSON JR.
Chief of Police, City of Gretna
200 5TH Street
Gretna, Louisiana 70053

DWAYNE MUNCH
Chief of Police, City of Westwego
417 Avenue A
Westwego, Louisiana 70094

MARCELL RODRIGUEZ
Chief of Police, City of Jean Lafitte
Route 1, Box 1
Lafitte, Louisiana 70067

SCOOTER RESWEBER
Chief of Police, City of Grand Isle
City Hall
P.O. Box 880
Grand Isle, Louisiana 70358

IN THE INTEREST OF

JUVENILE COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA
SECTION: _____

DOB: ____/____/_____

FILED: _____

LOUISIANA CHILDREN’S CODE ARTICLE 925
MOTION FOR EXPUNGEMENT AND SEALING

NOW INTO COURT COMES _____, in proper person or
through undersigned counsel, and herein moves this Honorable Court:

(1) To order the expungement and sealing of all records and reports,
including but not limited to the record of arrest and order of disposition concerning
the below-described conduct or condition, and directing all officials, agencies,
institutions, boards, and systems, including their employees, agents, consultants, and
special committees, to expunge and seal any record, in any form, concerning the
arrest of mover, and any other photographic, fingerprint, DNA, or any other
information of any and all kinds or descriptions; and

(2) To direct each agency and law enforcement office having any such
records, including but not limited to the above named entities, to file a sworn
affidavit with the clerk of court to the effect that such records have been expunged
and sealed and that no notation or reference has been retained in any central
depository which could or might lead to the inference that the expunged and sealed
record was ever on file with that agency or law enforcement office, except as
otherwise specifically provided by law.

I.

INFORMATION CONCERNING RECORD TO BE EXPUNGED:

Full Name of Person:

SEX: { } Male { } Female

Social Security Number: _____

Race/Ethnicity: _____

Date of Birth: ____/____/_____

Address: Street: _____ Apt. #: _____

City/State: _____ Zip: _____

NOTE: A separate page shall be completed for EACH of the charges for which expungement and sealing is sought. Failure to provide ALL of the requested information may result in dismissal of the motion for insufficiency.

II.

Offense Report #: _____ Offense charged: _____

Date of Arrest: ____ / ____ / _____

Arresting Agency: _____

City/ Parish of Arrest: _____

III.

Action taken: (Check appropriate action and insert date)

} Charges not filed

} Charges refused on ____ / ____ / _____

} Informal Adjustment Agreement completed on ____ / ____ / _____

} Adjudicated on ____ / ____ / _____

} Dismissed on ____ / ____ / _____

} Continued without date on ____ / ____ / _____

IV.

Court Docket and Complaint #: _____, # _____

V.

Authority for motion (Check one only)

} This matter did not result in adjudication.

} This matter resulted in a Families in Need of Services or delinquency adjudication.

AND the court which had exercised juvenile jurisdiction has ceased to exercise such in accordance with Children's Code Article 313.

AND

} the adjudication was **NOT** for murder, manslaughter, an offense requiring registration as a sex offender under R.S. 15:542, kidnapping, or armed robbery.

} OR the adjudication was for murder, manslaughter, an offense requiring registration as a sex offender under R.S. 15:542, kidnapping, or armed robbery but at least five years has passed since the most recent judgment against the mover

AND mover has no adult felony conviction and no adult conviction for a misdemeanor against a person involving a firearm.

AND mover has no pending indictment or bill of information against him.

WHEREFORE, mover prays that after due proceedings are had, there be an order herein in favor of mover, ordering the clerk of court and all other agencies, offices or organizations to expunge and seal their records or reports concerning the conduct or condition of mover as a child as more fully described herein.

Respectfully submitted,

Name of Mover or Attorney

Phone

Address

City/State/Zip

IN THE INTEREST OF

**JUVENILE COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA
SECTION: _____**

DOB: ___ / ___ / _____

FILED: _____

ORDER

CONSIDERING the above and foregoing Motion for Expungement:

IT IS ORDERED that a contradictory hearing be and is hereby set for the _____ day of _____, 20__ at _____ in Section _____.

_____, Louisiana this _____ day of _____ 20__.

JUDGE

Note: Please add any additional necessary agencies below.

PLEASE SERVE:

PAUL CONNICK, JR.
District Attorney, Parish of Jefferson
1546 Gretna Blvd
Harvey, LA 70058

MATTHEW VILLIO
DIRECTOR OF JUVENILE SERVICES
1546-B Gretna Blvd.
Harvey, Louisiana 70058

JON A. GEGENHEIMER
Clerk of Court
24th Judicial District Court
New Gretna, Courthouse
Gretna, Louisiana 70053

OFFICE OF YOUTH SERVICES
Attention: Simon Gonsoulin
Deputy Secretary for Youth Services
State Police Building
7919 Independence Blvd.
Baton Rouge, La. 70806

BUREAU OF IDENTIFICATION AND
INFORMATION
Attn: Expungements
7919 Independence Blvd.
Baton Rouge, Louisiana 70806

SHERIFF JOSEPH P. LOPINTO, III
Parish of Jefferson
Through Lt. Joe Ortego
1546 B Gretna Blvd.
Harvey, Louisiana 70058

AND (See list of agencies attached to instructions and input any additional addressed on the next page)

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

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Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

IN THE INTEREST OF

DOB: ___/___/_____

FILED: _____

JUVENILE COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA
SECTION: _____

DEPUTY CLERK

ORDER OF EXPUNGEMENT

CONSIDERING the Motion for Expungement and Sealing and the evidence adduced as to the following described matter, and as to the following described conduct or conditions:

<u>Item #s</u>	<u>Offense(s) charged</u>	<u>Date of Arrest(s)</u>	<u>Arresting Agencies</u>

IT IS ORDERED that the Clerk of Court expunge and seal all records and reports, in any medium, including but not limited to pleadings, exhibits, reports, minute entries, correspondence, and all other documents. The Court may maintain a confidential record of the fact of an adjudication, which may be released only upon written motion of a court exercising criminal jurisdiction over the mover herein and then only for purposes authorized by the Code of Criminal Procedure.

IT IS FURTHER ORDERED that all officials, agencies, institutions, boards, systems, and law enforcement officers and their employees, agents, and consultants expunge and seal all records and reports, in any form, concerning the above-described matter, and any other photographic, fingerprint, DNA, or any other information of any and all kinds and descriptions. The custodian of records and reports of the agency or office may maintain a copy of this order. However, the custodian shall not disclose to anyone the fact that an order is maintained or that the expunged and sealed records or reports previously existed except upon written order of the Court.

IT IS FURTHER ORDERED that any and all costs or fees assessed by any department, agency, or office for compliance with this Order be and hereby are **WAIVED**.

IT IS FURTHER ORDERED that any remaining credit in regards to fees and fines be refunded to the payor.

IT IS FURTHER ORDERED that all outstanding warrants/attachments issued by Jefferson Parish Juvenile Court be and are hereby **RECALLED**.

IT IS FURTHER ORDERED that each agency and law enforcement office herein served and having any records or reports of the conduct or condition file a sworn affidavit with the clerk of court to the effect that the records and reports have been expunged and sealed and that no notation or references have been retained in any central depository which could or might lead to the inference that any report or record was on file with the agency or law enforcement office served, which affidavit shall be filed with the clerk of court within _____ days after service of this order.

Signed at _____, Louisiana this ___ day of _____ 20__.

JUDGE

PLEASE SERVE:

PAUL CONNICK, JR.
District Attorney, Parish of Jefferson
1546 Gretna Blvd
Harvey, LA 70058

JON A. GEGENHEIMER
Clerk of Court
24th Judicial District Court
New Gretna, Courthouse
Gretna, Louisiana 70053

BUREAU OF IDENTIFICATION AND
INFORMATION
Attn: Expungements
7919 Independence Blvd.
Baton Rouge, Louisiana 70806

MATTHEW VILLIO
DIRECTOR OF JUVENILE SERVICES
1546-B Gretna Blvd.
Harvey, Louisiana 70058

OFFICE OF YOUTH SERVICES
Attention: Simon Gonsoulin
Deputy Secretary for Youth Services
State Police Building
7919 Independence Blvd.
Baton Rouge, La. 70806

SHERIFF JOSEPH P. LOPINTO, III
Parish of Jefferson
Through Lt. Joe Ortego
1546 B Gretna Blvd.
Harvey, Louisiana 70058

MINOR/SUBJECT OF PETITION
Last address of record

**AND (See list of agencies attached to
instructions and input any additional
addresses below)**

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

LOUISIANA CHILDREN'S CODE ARTICLE 925
AFFIDAVIT OF RESPONSE

Pursuant to Children's Code Article 919, the Respondent agency or office,
_____, acknowledges the following:

{ } No Opposition. Respondent has no opposition to the motion and respectfully consents to waiver of the contradictory hearing.

{ } Opposition to the Motion of Expungement and Sealing of Complaint/Petition Number/Letter _____ with Reasons. Respondent respectfully requests a contradictory hearing.

As grounds for its objection, the Respondent asserts as follows:

{ } The court is still exercising jurisdiction as to Complaint/Petition Number/Letter _____

{ } The adjudicated offense was for murder, manslaughter, an offense requiring registration as a sex offender under R.S. 15:542, kidnapping, or armed robbery and therefore a hearing is required by law.

{ } The adjudication was for a felony offense, and the applicant has an adult felony conviction.

{ } The adjudication was for a felony offense, and the applicant has an adult conviction for a misdemeanor against a person involving a firearm.

{ } The charge was adjudicated and the applicant has a pending indictment or bill of information filed against him.

Respectfully submitted,

Name of Respondent/Signature of Attorney

Address

City/State/Zip

Phone

PLEASE SEE SERVICE INSTRUCTIONS NEXT PAGE

PLEASE SERVE:

PETITIONER (Juvenile)

PAUL CONNICK, JR.
District Attorney, Parish of Jefferson
1546 Gretna Blvd
Harvey, LA 70058

JON A. GEGENHEIMER
Clerk of Court
24th Judicial District Court
New Gretna, Courthouse
Gretna, Louisiana 70053

BUREAU OF IDENTIFICATION AND
INFORMATION
Attn: Expungements
7919 Independence Blvd.
Baton Rouge, Louisiana 70806

MATTHEW VILLIO
DIRECTOR OF JUVENILE SERVICES
1546-B Gretna Blvd.
Harvey, Louisiana 70058

OFFICE OF YOUTH SERVICES
Attention: Simon Gonsoulin
Deputy Secretary for Youth Services
State Police Building
7919 Independence Blvd.
Baton Rouge, La. 70806

SHERIFF JOSEPH P. LOPINTO, III
Parish of Jefferson
Through Lt. Joe Ortego
1546 B Gretna Blvd.
Harvey, Louisiana 70058

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

Name of Agency

Attn:

Address

City/State/Zip

STATE OF LOUISIANA

DOCKET #: _____

IN THE INTEREST OF

JUVENILE COURT

PARISH OF JEFFERSON

SECTION: _____

FILED: _____
DEPUTY CLERK

MOTION FOR DISCLOSURE OF JUVENILE ARREST RECORD(S)

Now into Court comes _____, who moves this Court for disclosure of information pursuant to Louisiana Children’s Code Article 412 and respectively represents:

I.

That your mover is

- { } a parent or legal custodian of the juvenile in the above captioned case
- { } the attorney for the juvenile in the above captioned case
- { } the juvenile in the above captioned case

II.

That your mover is herein requesting disclosure of records and/or reports of:

- { } Law Enforcement Agencies, namely _____
_____ who is believed to be the custodian of such records and/or reports.

III.

That your mover requests disclosure of _____’s juvenile arrest record(s).

IV.

That the mover requires the juvenile’s arrest record(s) in order gather the information necessary to file a Motion for Expungement. The information contained in the juvenile arrest record will be used to prepare the Motion for Expungement.

V.

That the mover intends to disclose or give access to this information to the following persons (must specify by name):

That the minor’s date of birth is _____.

That the minor’s social security number is _____.

WHEREFORE, your mover respectfully requests that this Court order the disclosure of the above requested information.

Respectfully submitted,

Mover

Address

City/State/Zip

Phone

ORDER

Considering the above and foregoing Motion and the provisions of Louisiana Children's Code Article 412, and finding good cause has been shown and that the requested information is relevant to a specific investigation or proceeding:

IT IS ORDERED that the above requested information be disclosed to Mover by the above indicated custodian of said records and/or reports without undue delay.

IT IS FURTHER ORDERED that Mover maintain the confidentiality of all disclosed information to the greatest extent possible under the circumstances of this disclosure.

Harvey, Louisiana, this ____ day of _____ 20____

JUDGE

Please Serve:

Jefferson Parish Sheriff Office Records
Attn: Sergeant Smith
1233 Westbank Expressway
Harvey, Louisiana 70058

ALTERNATIVE ORDER

Considering the above and foregoing Motion:

IT IS ORDERED that a contradictory hearing be set for the _____ day of _____ 20____, at _____ o'clock a.m. in Section _____ and that the above indicated custodian be sited to appear on that date and time.

Harvey, Louisiana this _____ day of _____ 20_____

JUDGE

PLEASE SERVE:

Mover

Address

City/State/Zip

Jefferson Parish Sheriff Office Records
Attn: Sergeant Smith
1233 Westbank Expressway
Harvey, Louisiana 70058