

Expunging Juvenile Adjudications

MCL 712A.18e is the relevant statute that sets forth expungement criteria for juvenile adjudications:

- a. No amendments have been made to the juvenile statute in recent years.

A person is eligible for expungement if all of the following are true:

- a. A person has only 1 juvenile adjudicated offense and has no felony convictions. MCL 712A.18e.
- b. The adjudication is *not* for an offense that if committed by an adult would be subject to a sentence of life imprisonment. MCL 712A.18e(2)(a).
- c. The adjudication is *not* for a traffic offense that involves the operation of a vehicle and at the time of the violation is a felony or misdemeanor. MCL 712A.18e(2)(b).
- d. The juvenile was *not* tried and convicted as an adult under MCL 712A.2d. MCL 712A.18e(2)(c). (If the juvenile was tried and convicted as an adult, then MCL 780.62, for expunging adult convictions, would apply).
- e. The juvenile is 24 years old at the time of filing the application, or at least 5 years have passed since the imposition of the disposition or from the completion of any term of detention for that adjudication, whichever occurs later. MCL 712A.18e(3).

A person can file for expungement by:

- a. Filing an Application to Set Aside Adjudication and Order with the court clerk. Application found here: <http://courts.michigan.gov/scao/courtforms/juvenile/jc66.pdf>
 - The following must be included with your application: (a) a certified copy of the adjudication that is to be set aside, (b) a statement that the applicant meets the eligibility criteria, (c) a statement as to whether the applicant has previously filed an application to set aside any other adjudication, and if so, the outcome of that application, (d) a statement as to whether the applicant has any other criminal charge pending against him or her. MCL 712A.18e(4)(b-f).

A copy of the application must also be sent to:

- a. The Michigan State Police. Along with two complete sets of fingerprints and a \$25 processing fee (payable to the State of Michigan). Mailed to: Michigan State Police, CRD, Identification Section, PO Box 30634, Lansing, MI 48909.
- b. The Attorney General. Mailed to: Office of the Attorney General, Corrections Division, PO Box 30217, Lansing, Michigan 48909
- c. The office of the county prosecuting attorney who prosecuted the crime.

A couple of things to note:

- a. The Attorney General and county prosecutor will be given an opportunity to contest the application.
- b. If the conviction was for an offense that if committed by an adult would be an assaultive crime or serious misdemeanor, the prosecuting attorney is obligated to notify the victim of the application. The victim has the right to appear at the expungement proceeding and to make an oral or written statement. MCL 712A.18e(7).
- c. Multiple convictions or counts stemming from one incident or one court case count as multiple convictions.
- d. Even if one meets all of the criteria for expungement, the court still has discretion on whether to grant an expungement. MCL 712A.18e(9).