

## JUDICIAL ETHICS – JUVENILE RECORDS AND WAIVER: IMPLEMENTATION GUIDE

In juvenile court judicial leadership is crucial in the areas of juvenile records and waiver. The following are the core principles of record retention:

- Youths' law enforcement and court records should not widely available and never available online.
- Sealed records should be completely closed to the general public.
- Expungement means that records should be electronically deleted and physically destroyed, however a record stripped of all personal information should be retained for research purposes.
- Records of any offense may be eligible for expungement.
- Youth should be eligible for expungement at the time their cases are closed.
- There should be no costs or fees associated with the expungement process.
- The sealing and expunging of records should be automatic – i.e., youth need not do anything to initiate the process, and youth are notified when the process is completed.
- If sealing or expungement is not automatic, the process for obtaining expungement should include youth-friendly forms and is simple enough for youth to complete without the assistance of an attorney and there should be at least one designated entity or individual is responsible for informing youth about the availability of sealing or expungement; eligibility criteria; and how the process works.

- Sanctions should be imposed on individuals and agencies that unlawfully share confidential or expunged juvenile record information or fail to comply with expungement orders.

In regard to waivers, judges should consider the following:

- The determination as to whether a juvenile charged with a serious crime should be handled in juvenile justice court or transferred to criminal court is best made by a juvenile justice court judge in a judicial hearing with the youth represented by qualified counsel.
- Prosecutorial selection of adult jurisdiction, mandatory transfers, and automatic exclusions are not recommended. Such practices can place juvenile justice court judges in positions where they are statutorily required to take actions that they do not believe will be most effective in changing the youth's behavior or in the best interest of the community.

### [Recommended Resources](#)

The Enhanced Juvenile Justice Guidelines provide extensive advice to judges and court administrators regarding the issues of expungement and waiver. You can review this information at <https://www.ncjfcj.org/publications/enhanced-juvenile-justice-guidelines/>

Ethical Challenges for the Juvenile Court written by Judge Leonard Edwards explores the ethical challenges and leadership role of the juvenile court judge.

You can download a copy here --

<http://www.judgeleonardedwards.com/docs/12-j-1755-6988.pdf>

### Questions for Discussion

What is our process for expungement in Nevada?

Is there a need to work together with other juvenile court judges and court administrators to change this process?

What is our process for juvenile waiver in Nevada?

Is there a need to work together with other juvenile court judges and court administrators to change this process?