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| Area of Law | Protective Provisions for the Child Victims |
| The Policy Point | Expungement or sealing of juvenile delinquency records resulting from arrests or adjudications for prostitution-related offenses committed as a result of, or in the course of, the commercial sexual exploitation of a minor is available within a reasonable time after turning 18. |
| The Legislative Solution | A juvenile delinquency record is a barrier to a survivor of child sex trafficking seeking to move forward with life. While juvenile records are generally not publicly available in the same manner as adult convictions, juvenile records can still prevent survivors from staying in school, obtaining academic scholarships, obtaining professional licenses, securing certain employment, or working with children. For commercially sexually exploited children, the collateral consequences of a juvenile record result in further victimization, including possible release of information about delinquency adjudications to survivors' schools which are often authorized to take further punitive actions, in some cases, expulsion. These academic consequences will follow a survivor from school to school, potentially barring access to higher education. A juvenile record may also prevent survivors from joining the military, obtaining or retaining a driver's license, or accessing public housing benefits. Each of these collateral consequences hinders survivors' ability to rebuild their lives. Laws are needed that expressly protect victims of commercial sexual exploitation of children (CSEC) and sex trafficking by expunging or sealing juvenile delinquency records and keeping such records out of public view or access. Burdening prostituted children with a criminal record is contrary to their status as a trafficking victim. |

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| Select Statute Highlights | <p>the age of the person during the person's contact with the juvenile court or law enforcement agency; (3) the nature of any allegations; (4) whether there was an informal adjustment or an adjudication; (5) the disposition of the case; (6) the manner in which the person participated in any court ordered or supervised services; (7) the time during which the person has been without contact with the juvenile court or with any law enforcement agency; (8) whether the person acquired a criminal record; and (9) the person's current status."</p> |
| Alaska | |
| <p>Alaska Stat. § 47.12.300(d) (Court records) provides that the court shall order a minor's records sealed "within 30 days of the date of a minor's 18th birthday or, if the court retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on which the court releases jurisdiction over the minor." This extends to all "records pertaining to that minor in a proceeding under this chapter [Delinquent minors] sealed, as well as records of all . . . criminal proceedings against the minor, and punishments assessed against the minor."</p> | |
| Ohio | <p>Ohio Rev. Code Ann. § 2151.358(E) (Expungement of records) states, "a person who has been adjudicated a delinquent child for having committed an act that would be a violation of section 2907.24 [Soliciting], 2907.241 [Loitering to engage in solicitation], or 2907.25 [Prostitution] of the Revised Code if the child were an adult may apply to the adjudicating court for the expungement of the record of adjudication if the person's participation in the act was a result of the person having been a victim of human trafficking. The application shall be made in the same manner as an application for expungement under section 2953.38 of the Revised Code, and all of the provisions of that section shall apply to the expungement procedure." The court must find</p> |
| Indiana | |
| <p>Under Ind. Code Ann. § 31-39-8-2 (Petition to juvenile court for removal of records), "Any person may petition a juvenile court at any time to remove from: (1) the court's files; (2) the files of law enforcement agencies; and (3) the files of any other person who has provided services to a child under a court order; those records pertaining to the person's involvement in juvenile court proceedings." In determining whether to grant such a petition, Ind. Code Ann. § 31-39-8-3 states the court may consider "(1) the best interests of the child; (2)</p> | |

“that the applicant has demonstrated by a preponderance of the evidence that the applicant’s participation in the offense that is the subject of the application was the result of the applicant having been a victim of human trafficking” Ohio Rev. Code Ann. § 2953.38.

Where the court holds a complaint of delinquency in abeyance because “the act charged would be a violation of section 2907.24 [Soliciting], 2907.241 [Loitering to engage in solicitation], or 2907.25 [Prostitution] . . . [or] . . . [t]he court has reason to believe that the child is a victim of a violation of section 2905.32 [Trafficking in persons] of the Revised Code, regardless of whether any person has been convicted of a violation of that section or of any other section for victimizing the child, and the act charged is related to the child’s victimization . . . and the child complies with the conditions of abeyance and completes the diversion actions to the court’s satisfaction, the court shall dismiss the complaint and order that the records pertaining to the case be expunged immediately.” Ohio Rev. Code Ann. § 2152.021(F)(1), (5).

(1) the participant has been convicted of a subsequent felony or misdemeanor during the two-year period, or proceedings are pending seeking such conviction; or (2) rehabilitation of the participant has not been attained to the satisfaction of the court. (f) Upon the entry of an order sealing such files and records under this section, the proceedings in the matter under this section shall be considered never to have occurred, all index references thereto shall be deleted, and the participant, the court, and law enforcement officers and departments shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the order shall be sent to each agency or official named therein.”

Utah

Utah Code Ann. § 78A-6-1105(1)(a) (Expungement of juvenile court record—Petition—Procedure) allows a person adjudicated under the Juvenile Court Act of 1996 to “petition the court for the expungement of the person’s juvenile court record and any related records in the custody of a state agency, if: (i) the person has reached the age of 18 years of age; and (ii) one year has elapsed from the date of termination of the continuing jurisdiction of the juvenile court, or if the person was committed to a secure youth corrections facility, one year from the date of the person’s unconditional release from the custody of the Division of Juvenile Justice Services.” Once the court orders the person’s records sealed, the person’s case will “be considered never to have occurred and the petitioner may properly reply accordingly upon any inquiry in the matter. Inspection of the records may thereafter only be permitted by the court upon petition by the person who is the subject of the records, and only to persons named in the petition.” Utah Code Ann. § 78A-6-1105(4).

Vermont

Vt. Stat. Ann. tit. 3, § 163(e), (f) (Juvenile court diversion project) allows for juvenile records to be sealed after the successful completion of a diversion program. Vt. Stat. Ann. tit. 3, § 163(e), (f) provides, “(e) Within 30 days of the two-year anniversary of a successful completion of juvenile diversion, the court shall order the sealing of all court files and records, law enforcement records other than entries in the juvenile court diversion project’s centralized filing system, fingerprints, and photographs applicable to a juvenile court diversion proceeding unless, upon motion, the court finds: