

Juvenile Delinquency Records

Applicable Iowa Code Sections

- 232.147 Confidentiality of Juvenile Court Records
- 232.149 Records of Criminal or Juvenile Justice Agencies
- 232.149A Confidentiality Orders
- 232.150 Sealing of Records

Overview

In the majority of states, information about ongoing juvenile delinquency proceedings is generally protected from public view, but is available to court staff, law enforcement officials, and others directly involved in the proceedings, including attorneys, the juvenile, and the juvenile's parent or guardian. Once juveniles are adjudicated delinquent, many states allow that information to be more widely disseminated.

Iowa is one of seven states that categorically make all juvenile delinquency records public¹, with some exception². In Iowa, all law enforcement and juvenile delinquency records are public records *unless* a confidentiality or sealed order is issued, see Iowa Code section 232.149(2) "Records and files of a criminal or juvenile justice agency concerning a child involved in a delinquent act are public records ..."³

Confidentiality: Section 232.149A affords protection to those juveniles who were taken into custody for a delinquent act or were the subject of a complaint alleging delinquency, *only if* the case had been dismissed and the person was no longer subject to the jurisdiction of the juvenile court, see Iowa Code section 232.149A(1)(a), (b). The "Confidential Orders" provision of Chapter 232 provides no protection to those juveniles who are adjudicated delinquent or those that juveniles that enter into informal adjustments through Juvenile Court Services.

Sealing: Prior to 2014, Section 232.150 provided an opportunity for the sealing of official juvenile court records post-adjudication, though the juvenile was required to submit an application to the court commencing a formal action to determine if the juvenile qualified to have their records sealed. This provided only some protection to those juveniles who were adjudicated delinquent, post-adjudication; and provided no protection to those juveniles who entered into an informal adjustment with Juvenile Court Services.⁴

¹ Arizona (Ariz. Rev. Stat. § 8-208(G), Ariz. Const. Article IV, §22); Idaho (Idaho Code § 20-525A); Iowa (Iowa Code § 232.147); Michigan (Mich. Comp. Laws §§ 712A.28); Montana (Mont. Code §§ 41-5-216); Oregon (Or. Rev. Stat. § 419A.255); Washington (Wash. Rev. Code §§ 13.50.050(14)-(16)).

² Juvenile court social records, as defined in 232.2(31), are always kept confidential, per IA Code § 232.147(1), § 232.48, and § 232.97. Additional exceptions during pendency of proceedings, see IA Code § 232.147(1)(c) The official records shall not be available to the public or any governmental agency through the internet or in an electronic customized data report unless the child has been adjudicated delinquent. However, the following shall have access to official juvenile court records through the internet or in an electronic customized data report prior to the child being adjudicated delinquent: (1) The judge and professional court staff, including juvenile court officers. (2) The child's counsel or guardian ad litem. (3) The county attorney and the county attorney's assistants. (4) A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding. (5) A state or local law enforcement agency. (6) The state public defender. (7) The division of criminal and juvenile justice planning of the department of human rights.

³ IA Code § 232.149(2); see also IA Code § 232.147 (b) Official juvenile court records containing a petition or complaint alleging delinquency filed prior to January 1, 2007, shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150. (c) Official juvenile court records containing a petition or complaint alleging delinquency filed on or after January 1, 2007, shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150.

⁴ If informal adjustment is selected by the juvenile court officer as the appropriate disposition, the child and the child's parents must agree to the terms required in an informal adjustment agreement. The agreement always requires that the child admit the charges. In addition, the typical agreement requires

Recent Legislative Changes

2014—SF 383

In 2014, the 85th General Assembly passed SF383, relating to the sealing of juvenile delinquency records. The legislation provides that court, on its own motion, will schedule a hearing two years after the date of the last official action in the juvenile delinquency case, or on the date the child becomes 18, whichever is later, to determine whether the records should be sealed pursuant to section 232.150(1)(a).⁵

This eliminates the requirement that the juvenile adjudicated delinquent must file an application with the court to initiate a formal action in order to seal juvenile records. In essence, the sealing of juvenile records is automatic post-adjudication, provided the juvenile has not committed subsequent criminal violations greater than a simple misdemeanor and they have completed any youthful offender placement.

The legislation also accelerates the removal of juvenile records stored within the computer data storage system of the Department of Public Safety (DPS). DPS is now required to remove the records from the computer data storage system of the department that relate to a juvenile arrest or the taking of a juvenile into custody *if no disposition data has been recorded within two years of the arrest or taking into custody*, unless there is an outstanding arrest warrant or detainer for the juvenile.⁶ Current

2015—SF 292

In 2015, the 86th General Assembly passed SF292, relating to confidentiality of juvenile records. A new section was added to 232.147, which establishes that records containing a dismissal of juvenile delinquency complaint or an informal adjustment of a juvenile delinquency complaint—when no petition is filed relating to the complaint—should not be available to the public and may only be inspected by certain parties, i.e. judge and court staff, child's counsel or guardian ad litem, county attorney, superintendent or designee, member of armed forces conducting investigation, the state public defender. This legislation extends the protections of 232.147A regarding dismissed complaints and affords confidentiality to those juveniles who have entered into an informal adjustment with Juvenile Court Services.

The legislation also specifies that the records of a defendant transferred to juvenile court from adult court under Code section 803.6 may be sealed under Code section 232.150.

(1) non-judicial probation in which the child is to abide by conditions of behavior imposed under the probation or (2) treatment services. Typically, if a child obeys the conditions of the informal adjustment a petition is not filed and the child is released from the oversight of the juvenile court.

⁵ Prior to SF 383, the law allowed for the court to order the official juvenile court records in the case sealed after a hearing upon the court's own motion. SF 383 added language to section 232.150 that the court shall schedule a hearing upon its own motion.

⁶ Prior to 383, the law required law required that the arrest or taking into custody information for a juvenile information be removed from the computer data storage system of the department of public safety *if no disposition data has been recorded within four years of the arrest or taking into custody*.

CHAPTER 58

JUVENILE COURT RECORDS — CONFIDENTIALITY

S.F. 292

AN ACT relating to the confidentiality of certain juvenile court records.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.147, subsections 1, 2, 3, and 8, Code 2015, are amended to read as follows:

1. Juvenile court social records shall be confidential. They shall not be inspected and their contents shall not be disclosed except as provided in this section or as authorized by other provisions in this chapter.

2. Official juvenile court records in cases alleging delinquency, including complaints under section 232.28, shall be public records, subject to the following restrictions:

a. Records containing a dismissal of a complaint or an informal adjustment of a complaint when no petition is filed relating to the complaint, shall not be available to the public and may only be inspected by or disclosed to the following:

- (1) The judge and professional court staff, including juvenile court officers.
- (2) The child's counsel or guardian ad litem.
- (3) The county attorney and county attorney's assistants.
- (4) The superintendent or the superintendent's designee of the school district for the school attended by the child or the authorities in charge of an accredited nonpublic school attended by the child.

(5) A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.

(6) The statistical analysis center for the purposes stated in section 216A.136.

(7) The state public defender.

~~a.~~ b. Official juvenile court records containing a petition or complaint alleging delinquency filed prior to January 1, 2007, shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150.

~~b.~~ c. Official juvenile court records containing a petition or complaint alleging delinquency filed on or after January 1, 2007, shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150. The official records shall not be available to the public or any governmental agency through the internet or in an electronic customized data report unless the child has been adjudicated delinquent. However, the following shall have access to official juvenile court records through the internet or in an electronic customized data report prior to the child being adjudicated delinquent:

- (1) The judge and professional court staff, including juvenile court officers.
- (2) The child's counsel or guardian ad litem.
- (3) The county attorney and the county attorney's assistants.
- (4) A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.
- (5) A state or local law enforcement agency.
- (6) The state public defender.
- (7) The division of criminal and juvenile justice planning of the department of human rights.

~~e.~~ d. If the court has excluded the public from a hearing under division II of this chapter, the transcript of the proceedings shall not be deemed a public record and inspection and disclosure of the contents of the transcript shall not be permitted except pursuant to court order or unless otherwise provided in this chapter.

~~d.~~ e. Complaints under section 232.28 shall be released in accordance with section 915.25. Other official juvenile court records may be released under this section by a juvenile court officer.

3. Official juvenile court records in all cases except those alleging delinquency shall be confidential and are not public records but may be inspected and their contents shall be disclosed to the following without court order:

- a. The judge and professional court staff, including juvenile court officers.
- b. The child and the child's counsel.
- c. The child's parent, guardian or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.
- d. The county attorney and the county attorney's assistants.
- e. An agency, association, facility or institution which has custody of the child, or is legally responsible for the care, treatment or supervision of the child.
- f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.
- g. The child's foster parent or an individual providing preadoptive care to the child.
- h. The state public defender.

8. All Subject to restrictions imposed by sections 232.48, subsection 4, and 232.97, subsection 3, all juvenile court records shall be made available for inspection and their contents shall be disclosed to any party to the case and the party's counsel and to any trial or appellate court in connection with an appeal pursuant to division VI of this chapter.

Sec. 2. Section 232.149, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. Records and files of a criminal or juvenile justice agency concerning a defendant transferred under section 803.6 to the juvenile court for the alleged commission of a public offense are public records, except that release of criminal history data, intelligence data, and law enforcement investigatory files is subject to the provisions of section 22.7 and chapter 692, and juvenile court social records shall be deemed confidential criminal identification files under section 22.7, subsection 9. The records are subject to sealing under section 232.150.

Approved April 24, 2015

CHAPTER 1105
JUVENILE DELINQUENCY RECORDS
S.F. 383

AN ACT relating to the sealing of juvenile delinquency records.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.150, subsection 1, paragraph a, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Upon In the case of an adjudication of delinquency, the court, upon its own motion, shall schedule a hearing to be held two years after the date of the last official action, or the date the child becomes eighteen years of age, whichever is later, or upon application of a person who was taken into custody for a delinquent act or was the subject of a complaint alleging delinquency or was the subject of a delinquency petition, or upon the court's own motion, the court, after hearing, shall order the official juvenile court records in the case including those specified in sections 232.147 and 232.149 sealed if the court finds all of the following:

Sec. 2. Section 692.16, Code 2014, is amended to read as follows:

692.16 Review and removal.

At least every year the division shall review and determine the current status of all Iowa arrests or takings into custody reported, which are at least four years old with no disposition data.

1. Any Iowa arrest or taking of a juvenile into custody of a person eighteen years of age or older recorded within a computer data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

2. Any arrest or taking of a juvenile into custody recorded within a computer data storage system which has no disposition data after two years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

Approved May 23, 2014

232.147 Confidentiality of juvenile court records.

1. Juvenile court records shall be confidential. They shall not be inspected and their contents shall not be disclosed except as provided in this section.

2. Official juvenile court records in cases alleging delinquency, including complaints under section 232.28, shall be public records, subject to the following restrictions:

a. Official juvenile court records containing a petition or complaint alleging delinquency filed prior to January 1, 2007, shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150.

b. Official juvenile court records containing a petition or complaint alleging delinquency filed on or after January 1, 2007, shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150. The official records shall not be available to the public or any governmental agency through the internet or in an electronic customized data report unless the child has been adjudicated delinquent. However, the following shall have access to official juvenile court records through the internet or in an electronic customized data report prior to the child being adjudicated delinquent:

- (1) The judge and professional court staff, including juvenile court officers.
- (2) The child's counsel or guardian ad litem.
- (3) The county attorney and the county attorney's assistants.
- (4) A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.
- (5) A state or local law enforcement agency.
- (6) The state public defender.
- (7) The division of criminal and juvenile justice planning of the department of human rights.

c. If the court has excluded the public from a hearing under division II of this chapter, the transcript of the proceedings shall not be deemed a public record and inspection and disclosure of the contents of the transcript shall not be permitted except pursuant to court order or unless otherwise provided in this chapter.

d. Complaints under section 232.28 shall be released in accordance with section 915.25. Other official juvenile court records may be released under this section by a juvenile court officer.

3. Official juvenile court records in all cases except those alleging delinquency may be inspected and their contents shall be disclosed to the following without court order:

- a. The judge and professional court staff, including juvenile court officers.
- b. The child and the child's counsel.
- c. The child's parent, guardian or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.
- d. The county attorney and the county attorney's assistants.
- e. An agency, association, facility or institution which has custody of the child, or is legally responsible for the care, treatment or supervision of the child.
- f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.
- g. The child's foster parent or an individual providing preadoptive care to the child.
- h. The state public defender.

4. Official juvenile court records enumerated in section 232.2, subsection 38, paragraph "e", relating to paternity, support, or the termination of parental rights, shall be disclosed, upon request, to the child support recovery unit without court order.

5. Pursuant to court order official records may be inspected by and their contents may be disclosed to:

- a. A person conducting bona fide research for research purposes under whatever conditions the court may deem proper, provided that no personal identifying data shall be disclosed to such a person.

b. Persons who have a direct interest in a proceeding or in the work of the court.

6. a. Inspection of social records and disclosure of their contents shall not be permitted except pursuant to court order or unless otherwise provided in **this subsection** or chapter.

b. If an informal adjustment of a complaint is made pursuant to **section 232.29**, the intake officer shall disclose to the victim of the delinquent act, upon the request of the victim, the name and address of the child who committed the delinquent act.

7. Social records prior to adjudication may be disclosed without court order to the superintendent or superintendent's designee of a school district, authorities in charge of an accredited nonpublic school, or any other state or local agency that is part of the juvenile justice system, in accordance with an interagency agreement established under **section 280.25**. The disclosure shall only include identifying information that is necessary to fulfill the purpose of the disclosure. The social records disclosed shall be used solely for the purpose of determining the programs and services appropriate to the needs of the child or the family of the child and shall not be disclosed for any other purpose unless otherwise provided by law.

8. All juvenile court records shall be made available for inspection and their contents shall be disclosed to any party to the case and the party's counsel and to any trial or appellate court in connection with an appeal pursuant to **division VI of this chapter**.

9. The clerk of the district court shall enter information from the juvenile record on the judgment docket and lien index, but only as necessary to record support judgments.

10. The state agency designated to enforce support obligations may release information as necessary in order to meet statutory responsibilities.

11. Release of official juvenile court records to a victim of a delinquent act is subject to the provisions of **section 915.24**, notwithstanding contrary provisions of **this chapter**.

[C66, 71, 73, 75, 77, §232.54, 232.57; C79, 81, §232.147; 82 Acts, ch 1209, §16]

83 Acts, ch 186, §10057, 10201; 84 Acts, ch 1208, §2; 90 Acts, ch 1271, §1508; 92 Acts, ch 1195, §301; 93 Acts, ch 172, §35, 56; 95 Acts, ch 191, §15; 96 Acts, ch 1110, §3; 97 Acts, ch 164, §4; 98 Acts, ch 1090, §63, 83, 84; 2000 Acts, ch 1123, §2; 2001 Acts, ch 79, §1; 2005 Acts, ch 55, §2; 2006 Acts, ch 1164, §1; 2006 Acts, ch 1185, §76; 2009 Acts, ch 41, §263; 2013 Acts, ch 116, §3

Referred to in §13B.4B, §135L.3, §216A.136, §228.6, §232.19, §232.91, §232.101A, §232.104, §232.149A, §232.150, §232.151, §232C.4, §235A.17, §280.25, §692A.121, §915.10A, §915.25

232.149 Records of criminal or juvenile justice agencies.

1. The taking of a child into custody under the provisions of section 232.19 shall not be considered an arrest.

2. Records and files of a criminal or juvenile justice agency concerning a child involved in a delinquent act are public records, except that release of criminal history data, intelligence data, and law enforcement investigatory files is subject to the provisions of section 22.7 and chapter 692, and juvenile court social records, as defined in section 232.2, subsection 31, shall be deemed confidential criminal identification files under section 22.7, subsection 9. The records are subject to sealing under section 232.150 unless the juvenile court waives its jurisdiction over the child so that the child may be prosecuted as an adult for a public offense.

3. Notwithstanding subsection 2, if a juvenile who has been placed in detention under section 232.22 escapes from the facility, the criminal or juvenile justice agency may release the name of the juvenile, the facts surrounding the escape, and the offense or alleged offense which resulted in the placement of the juvenile in the facility.

[C66, 71, 73, 75, 77, §232.15; C79, 81, §232.149]

83 Acts, ch 186, §10057, 10201; 85 Acts, ch 173, §15; 94 Acts, ch 1172, §26; 95 Acts, ch 191, §18, 19; 97 Acts, ch 126, §34, 35

Referred to in §13B.4B, §216A.136, §232.91, §232.149A, §232.150, §232.151, §232C.4, §692A.121

232.149A Confidentiality orders.

1. Notwithstanding any other provision of the Code to the contrary, upon application of a person who was taken into custody for a delinquent act or was the subject of a complaint alleging delinquency or was the subject of a delinquency petition, or upon the court's own motion, the court after hearing, shall order official juvenile court records in the case to be kept confidential and no longer public records under sections 232.147 and 232.149, if the court finds both of the following apply:

a. The case has been dismissed and the person is no longer subject to the jurisdiction of the juvenile court.

b. Making the records confidential is in the best interests of the person and the public.

2. The records subject to a confidentiality order may be sealed at a later date if section 232.150 applies.

3. Official juvenile court records subject to a confidentiality order may be inspected and their contents shall be disclosed to the following without court order:

a. The judge and professional court staff, including juvenile court officers.

b. The child and the child's counsel.

c. The child's parent, guardian or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

d. The county attorney and the county attorney's assistants.

e. An agency, association, facility, or institution which has custody of the child, or is legally responsible for the care, treatment, or supervision of the child, including but not limited to the department of human services.

f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who had been the subject of a juvenile court proceeding.

g. The child's foster parent or an individual providing preadoptive care to the child.

h. A state or local law enforcement agency.

i. The state public defender.

4. If the child has been discharged from the jurisdiction of the juvenile court due to reaching the age of eighteen and restitution remains unpaid, the name of the court, the title of the action, and the court's file number shall not be kept confidential, and the restitution amount shall be a judgment and lien as provided in sections 910.7A, 910.8, 910.10, and 915.28 until the restitution is paid.

5. Pursuant to court order, official juvenile court records subject to a confidentiality order may be inspected by and their contents may be disclosed to:

a. A person conducting bona fide research for research purposes under whatever conditions the court may deem proper, provided that no personal identifying data shall be disclosed to such a person.

b. Persons who have a direct interest in a proceeding or in the work of the court.

2006 Acts, ch 1164, §2; 2006 Acts, ch 1185, §77

Referred to in §13B.4B, §216A.136, §232.91, §232.147, §232.151, §232C.4, §692A.121

232.150 Sealing of records.

1. a. In the case of an adjudication of delinquency, the court, upon its own motion, shall schedule a hearing to be held two years after the date of the last official action, or the date the child becomes eighteen years of age, whichever is later, or upon application of a person who was taken into custody for a delinquent act or was the subject of a complaint alleging delinquency or was the subject of a delinquency petition, or upon the court's own motion, the court, after hearing, shall order the official juvenile court records in the case including those specified in sections 232.147 and 232.149 sealed if the court finds all of the following:

(1) The person is eighteen years of age or older and two years have elapsed since the last official action in the person's case.

(2) The person has not been subsequently convicted of a felony or an aggravated or serious misdemeanor or adjudicated a delinquent child for an act which if committed by an adult would be a felony, an aggravated misdemeanor, or a serious misdemeanor and no proceeding is pending seeking such conviction or adjudication.

(3) The person was not placed on youthful offender status, transferred back to district court after the youthful offender's eighteenth birthday, and sentenced for the offense which precipitated the youthful offender placement.

b. If the person was adjudicated delinquent for an offense which if committed by an adult would be an aggravated misdemeanor or a felony, the court shall not order the records in the case sealed unless, upon application of the person or upon the court's own motion and after hearing, the court finds that paragraph "a", subparagraphs (1) and (2), apply and that the sealing is in the best interests of the person and the public.

c. If the person is required to pay monetary restitution to a victim due to a delinquent act and the restitution is unpaid, the records in the case may be sealed, but the name of the court, the title of the action, and the court's file number shall remain unsealed as provided in section 910.10 and the restitution amount shall be a judgment and lien as provided in sections 910.7A, 910.8, 910.10, and 915.28 until the restitution is paid in full.

2. Reasonable notice of the hearing shall be given to the person who is the subject of the records named in the motion, the county attorney, and the agencies having custody of the records named in the application or motion.

3. Notice and copies of a sealing order shall be sent to each agency or person having custody of the records named therein.

4. On entry of a sealing order:

a. All agencies and persons having custody of records which are named therein, shall send such records to the court issuing the order.

b. All index references to sealed records shall be deleted.

5. The sealed records shall no longer be deemed to exist as a matter of law, and the juvenile court and any other agency or person who received notice and a copy of the sealing order shall reply to an inquiry that no such records exist, except when such reply is made to an inquiry pursuant to subsection 6.

6. Inspection of sealed records and disclosure of their contents thereafter may be permitted only pursuant to an order of the court upon application of the person who is the subject of such records except that the court in its discretion may permit reports to be inspected by or their contents to be disclosed for research purposes to a person conducting bona fide research under whatever conditions the court deems proper.

[C79, 81, §232.150; 82 Acts, ch 1209, §18]

97 Acts, ch 126, §36; 2006 Acts, ch 1164, §3; 2014 Acts, ch 1105, §1

Referred to in §13B.4B, §216A.136, §229A.2, §232.55, §232.91, §232.147, §232.149, §232.149A, §232.151, §232C.4, §692A.101, §692A.121
Subsection 1, paragraph a, unnumbered paragraph 1 amended

