
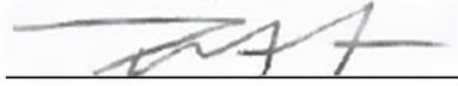


POLICY TITLE: NOTICE OF DISCHARGE FROM JUVENILE DISPOSITION AND SEALING OF JUVENILE RECORDS		PAGE <u>1</u> OF <u>5</u>
POLICY NUMBER: 20.5 (JF) and 9.7 (JCC)		
CHAPTER 20: RELEASE/DISCHARGE PREPARATION CHAPTER 9: SUPERVISION AND CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
EFFECTIVE DATE: June 6, 2022	LATEST REVISION: September 7, 2022	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403 and Title 15 M.R.S.A. [Section 3308-C\(10\)\(C\)](#).

II. APPLICABILITY

Juvenile Facilities and Juvenile Community Corrections

III. POLICY

It is the policy of the Department of Corrections to notify the juvenile court when juveniles are finally discharged from dispositions that require their records to be automatically sealed by the court. It is also the policy of the Department to ensure that juvenile records that have been sealed by the court, whether automatically because of a notice of discharge or as the result of a petition, are protected from disclosure except as provided by law.

IV. DEFINITIONS

None

V. CONTENTS

- Procedure A: Notice of Discharge, General
- Procedure B: Multiple Adjudications
- Procedure C: Notice of Discharge, Juvenile Facility
- Procedure D: Notice of Discharge, Juvenile Community Corrections
- Procedure E: Request for Notice of Discharge
- Procedure F: Sealing of Records

VI. ATTACHMENTS

[Attachment A: Notice of Discharge](#)

VII. PROCEDURES

Procedure A: Notice of Discharge, General

1. Title 15 M.R.S.A. § 3308-C(10)(C) requires the Maine Department of Corrections to provide to the juvenile court a Notice of Discharge (Attachment A) whenever a juvenile is finally discharged from a disposition that requires their records to be automatically sealed by the court.
2. This does not apply to a discharge from a disposition for a juvenile who:
 - a. has been bound over and convicted of an adult crime;
 - b. has been convicted of an adult hunting or fishing crime under Title 12 §§ 6004, 8004, and 10608;
 - c. has been convicted of an adult motor vehicle crime under Title 29-A § 115;
 - d. has been found in contempt under Title 15 § 3314(7) for failure to appear or failure to comply with a dispositional order; or
 - e. has not been adjudicated of a juvenile crime, including a juvenile on an informal adjustment or a deferred disposition.
3. This applies only to a discharge from a disposition for a juvenile crime that, if it had been committed by an adult, would constitute a Class D or E crime, except for operating under the influence (OUI).
4. This includes any juvenile crime originally petitioned as a higher class of juvenile crime as long as the adjudication itself is for only a Class D or Class E juvenile crime (except for OUI).
5. This applies only to a discharge occurring on or after January 1, 2022, regardless of the date of adjudication, except as otherwise provided in Procedure E below.
6. This applies to a discharge regardless of whether the juvenile is discharged from an indeterminate commitment to a juvenile facility or a period of confinement in a juvenile facility not to exceed thirty (30) days (“shock sentence”) or from a period of probation.
7. This applies only if all the dispositions for the juvenile crime have been completed. For example, if a juvenile still owes restitution when legal custody or probation ends, then the Department shall not send the notice until:
 - a. restitution is fully paid;
 - b. the juvenile completes court-ordered community service in lieu of paying the restitution; or
 - c. the court modifies the restitution order to eliminate the restitution.

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8. The notice shall be provided to the juvenile court that ordered the disposition within five (5) business days of the discharge from the disposition, except as otherwise provided in Procedure E below.

Procedure B: Multiple Adjudications

1. When an order of adjudication includes adjudications for multiple juvenile crimes and at least one of those adjudications is for an OUI or for a juvenile crime higher than a class D, the Department shall not send a notice of discharge for any of the adjudications.
2. When there is more than one order of adjudication but the orders resulted from the same petition and at least one of those adjudications is for an OUI or for a juvenile crime higher than a Class D, the Department shall not send a notice of discharge for any of the adjudications.
3. When there is more than one order of adjudication and the orders resulted from different petitions, even if one of those adjudications is for an OUI or for a juvenile crime higher than a class D, the Department shall send a notice of discharge, but only for an order of adjudication with just a Class D and/or Class E juvenile crime(s) (other than an OUI).
4. When, regardless of the number of orders, there are multiple adjudications all of which are for Class D and/or Class E juvenile crime(s) (other than an OUI), the Department shall send a notice of discharge for each adjudication.
5. When there is more than one order of adjudication, staff responsible for sending notices of discharge to the court shall, as necessary, obtain from the court a copy of the petition or petitions as filed by the prosecutor in order to determine whether a notice is to be sent.
6. The Department shall not delay the sending of a required notice of discharge for one adjudication because there exists another adjudication for which a notice is either not allowed or not yet timely.
7. A separate notice of discharge shall be completed for each adjudication for which a notice is required.

Procedure C: Notice of Discharge, Juvenile Facility

1. The juvenile facility Director of Classification, or designee, shall be responsible for determining when a notice of discharge is required to be sent for a juvenile discharged from an indeterminate commitment or period of confinement and may consult with the Department's legal representative in the Attorney General's Office.
2. The Director of Classification, or designee, shall file a copy of any notice sent to the juvenile court in the juvenile's Master Administrative Record and make an entry in CORIS indicating the date the notice is sent and the court and docket number. The Director of Classification, or designee, shall also note in CORIS that the record is sealed.

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Procedure D: Notice of Discharge, Juvenile Community Corrections

1. The juvenile community correction officer, or other designated staff, shall be responsible for determining when a notice of discharge is required to be sent for a juvenile discharged from a period of probation and may consult with the Department's legal representative in the Attorney General's Office.
2. The juvenile community correction officer, or other designated staff, shall file a copy of any notice sent to the juvenile court in the juvenile's community corrections record and make an entry in CORIS indicating the date the notice is sent and the court and docket number. The juvenile community correction officer, or other designated staff, shall also note in CORIS that the record is sealed.

Procedure E: Request for Notice of Discharge

1. In addition to notices of discharge required to be sent to the court by the Department, per the statute, Title 15, § 3308-C(10)(C), it might be a prosecutor or the juvenile or their attorney who is providing the notice to the court.
2. If a prosecutor or the juvenile or their attorney requests the Department to complete such a notice, the responsible staff shall confirm that the juvenile was adjudicated for a juvenile crime for which a notice may be provided, in other words, a Class D or E juvenile crime (other than OUI); that there are no multiple adjudications preventing the sending of the notice, as set out in Procedure B above; that all dispositions, including any restitution ordered, have been completed; and that the time frame is appropriate.
3. In the case of a request from a prosecutor, the discharge must have occurred on or after January 1, 2022, regardless of the date of adjudication. In the case of a request from a juvenile or their attorney, the adjudication must have occurred subsequent to January 1, 2000.
4. If all of the above requirements are met, and regardless of who requested the notice of discharge, the responsible staff shall complete the notice, send the original to the prosecutor, with a copy to the juvenile or their attorney, and file a copy and make the appropriate CORIS entries as required above. The staff shall not forward the notice directly to the court.

Procedure F: Sealing of Records

1. Once the notice of discharge is received by the court, the juvenile case records relating to that juvenile crime will be sealed by the court automatically.
2. Once the records are sealed, the Department may disclose information about the juvenile as it relates to that juvenile crime only to a court or a criminal justice agency or the juvenile, and even then only if the records may be disclosed under the applicable Department confidentiality policy.
3. This means that if a military recruiter, for example, asks about the juvenile, even if the juvenile has signed a release, the Department is not permitted to disclose that the juvenile was arrested for, adjudicated for, was confined or committed for, or placed on

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probation for, as applicable, or was otherwise involved in the juvenile crime in question. Instead, a copy of the Judgment & Commitment may be provided to the juvenile directly and they can choose whether to forward it to the military recruiter, or whoever else the juvenile chooses.

4. Also, the requirement not to disclose information in sealed juvenile case records applies to records that have been sealed because of a notice of discharge provided to the court by the prosecutor or the juvenile or their attorney. If so, again, even a release from the juvenile will not permit the Department to disclose any information about that juvenile crime.
5. Finally, the requirement not to disclose information in sealed juvenile case records applies to records that have been sealed because of a petition filed with the court by the juvenile (or former juvenile) or their attorney per the statute, Title 15, § 3308-C(10)(A) & (B). This would apply to an adjudication for a juvenile crime that, if committed by an adult, would be murder, a Class A, B, or C crime, or OUI, regardless of the date of adjudication. If so, again, even a release from the juvenile will not permit the Department to disclose any information about that juvenile crime.
6. Once juvenile case records are sealed, the person may respond to inquiries other than from a court or a criminal justice agency as if the juvenile crime had never occurred. However, the person is still subject to any legal prohibition on possessing a firearm resulting from juvenile adjudication, if applicable.
7. Because court orders sealing juvenile case records are provided to the State Bureau of Identification (SBI), before the Department discloses information about a juvenile other than to a court or a criminal justice agency, the designated staff shall check CORIS and/or contact SBI to see if the record has been sealed. If SBI indicates that a record has been sealed, it shall be so noted in CORIS, if it has not been already.

VIII. PROFESSIONAL STANDARDS

None

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