

Juvenile Record Expungement Information for Victims and Family Members

少年记录删除受害者及家庭成员须知信息

What is Juvenile Record Expungement?

什么是少年记录删除?

Maryland law permits a juvenile delinquency record to be expunged under certain circumstances.

马里兰州法律允许在某些情况下删除少年犯罪记录。

What are the grounds for juvenile record expungement?

少年记录删除的依据是什么?

There are several factors that a judge must consider before granting an expungement petition (a request to the court to expunge a juvenile record).

法官在批准删除请愿书(向法院提出删除少年记录的请求)之前,必须考虑几个因素。

These factors include that:

这些因素包括:

- The person requesting expungement must be at least 18 years old, and
请求记录删除的人员必须年满 18 岁, 并且
- At least two (2) years must have passed since the last official action in the person's juvenile case.
自该人员少年案件中的最后一次正式诉讼以来, 已经过去至少两 (2) 年。

The grounds for juvenile record expungement are on the next page.

少年记录删除的依据见下一页。

What are my rights as a victim or a family member?

作为受害者或家庭成员, 我有哪些权利?

Service of the petition. The court is required to have the expungement petition served on (given to) each victim and family member.

请愿书的送达。法院必须将删除请愿书送达(交付)至每位受害者及家庭成员。

If a record is expunged, it will be:

如果记录被删除, 则该记录将被:

- Obliterated; or
抹除; 或者
- Moved to a separate and secured area from which those without a legitimate reason for access are denied access; or
转移到一个单独的安全区域, 没有正当访问理由的人员将被拒绝访问该区域; 或者
- If access to the record can be obtained only by reference to another court record or police record, by the expungement of it or the part of it that provides access.
如果只能通过查阅另一个法院记录或犯罪记录来访问该记录, 则删除可提供访问权限的记录或记录的一部分。

The juvenile record expungement **statute** is Maryland Code, Courts and Judicial Proceedings, § 3-8A-27.1.

少年记录删除适用的法令是《马里兰州法典》的法院及司法程序第 3-8A-27.1 条。

The juvenile record expungement **Rule** is Maryland Rule 11-506.

少年记录删除适用的法规是《马里兰州规则》第 11-506 条。

Objection. Any victim or family member who objects to the granting of an expungement petition may file an objection to the petition with the court.

反对。任何反对批准删除请愿书的受害者或家庭成员均可向法院提交针对该请愿的反对书。

Hearing. The court must hold a hearing on the expungement petition if a victim or family member files the objection within 30 days after the petition is served.

听证会。如果受害者或家庭成员在请愿书送达后 30 天内提交反对书, 法院须就该删除请愿举行听证会。

A “**victim**” is a person against whom a delinquent act has been committed or attempted.

“**受害者**”是指对其已实施或试图实施少年犯罪行为的人。

A “**family member**” is an individual who is: (1) a family member of a victim, and (2) listed in the court file as having attended the adjudication for the juvenile case.

“**家庭成员**”是指以下个人: (1) 受害者的家庭成员, 以及 (2) 作为已出席少年案件裁决的人员被列入法院档案的个人。

How will I be notified if an expungement petition is filed in this case?

如果在本案件中提交了删除请愿书, 我将如何收到通知?

If a juvenile record expungement petition is filed, the court will notify each victim and family member.

如果提交了少年记录删除请愿书, 法院将通知每位受害者及其家庭成员。

If you want to be notified that an expungement petition is filed, please make sure that the State’s Attorney has your full name, address and contact information.

如果您希望收到已提交删除请愿书的通知, 请确保州检察官知悉您的全名、地址和联系信息。

Please notify the court and the State’s Attorney of any changes to your information.

如果您的信息有任何变更, 请通知法院及州检察官。

Contact the clerk at: _____
书记官联系方式: _____

Contact the State’s Attorney at: _____
州检察官联系方式: _____

Grounds for Juvenile Record Expungement 少年记录删除的依据

Before a court can order a juvenile record expungement, the judge must:
在法院可以下达少年记录删除令之前, 法官必须:

- Find that **ANY ONE (1)** of the factors listed below in **(A)** has occurred; and
查明**任何一 (1) 个**下述 **(A)** 中所列的因素已发生; 以及
- Find that **EACH** of the factors listed below in **(B)** has occurred; and
查明**每一个**下述 **(B)** 中所列的因素已发生; 以及
- Consider each of the factors listed below in **(C)**.
考量下述 **(C)** 中所列的各项因素。

A. Did **ANY one (1)** of the following occur in the juvenile case? 少年案件中是否发生了以下**任何一 (1) 项**?

1. The State's Attorney entered a nolle prosequi;
州检察长提出终止诉讼;
2. The delinquency or child in need of supervision (CINS) petition was dismissed;
少年犯罪或儿童需要监管 (CINS) 请愿被驳回;
3. The court held an adjudicatory hearing and in that hearing, did not find that the allegations in the delinquency petition, CINS petition, or citation were true;
法院举行了裁决听证会, 并在该听证会上, 法院查明关于少年犯罪请愿、CINS 请愿或传唤的指控不属实;
4. An adjudicatory hearing was not held within two (2) years after the delinquency petition, CINS petition, or citation was filed;
在少年犯罪请愿、CINS 请愿或传唤提出后两 (2) 年内未举行裁决听证;
5. The court held a disposition hearing and in that hearing, found that the juvenile did not require guidance, treatment or rehabilitation; or
法院举行了处置听证会, 并在该听证会上, 法院查明该少年不需要指导、治疗或康复; 或者
6. The court held a disposition hearing and in that hearing, found that the juvenile did require guidance, treatment or rehabilitation.
法院举行了处置听证会, 并在该听证会上, 法院查明该少年需要指导、治疗或康复。

B. Is **EACH** of the following true about the person who filed the juvenile record expungement petition (petitioner)? 关于提交少年记录删除请愿书的人员 (请愿人), 以下各项表述是否正确?

1. The petitioner is at least 18 years old;
请愿人年满 18 岁;
2. At least two (2) years have passed since the last official action in the petitioner's juvenile record;
自该请愿人的少年记录中的最后一次正式诉讼以来, 已经过去至少两 (2) 年;
3. The petitioner has never been adjudicated delinquent or was only adjudicated delinquent one (1) time;
请愿人从未被裁定为少年犯罪, 或者曾只有一 (1) 次被裁定为少年犯罪;
4. The petitioner has not subsequently been convicted of any offense;
请愿人后来没有被判犯有任何罪行;
5. No delinquency petition or criminal charge is pending against the petitioner;
没有任何待决的针对请愿人而提出的少年犯罪请愿或刑事指控;
6. The petitioner has not been adjudicated delinquent for an offense that, if committed by an adult, would constitute:
请愿人未曾被因以下罪行被裁定为少年犯罪, 如果该罪行由成年人实施, 将会构成:
 - a. A crime of violence;
暴力犯罪;
 - b. A fourth degree sexual offense; or
四级性侵犯; 或者
 - c. A felony;
重罪;

7. The petitioner has not been required to register as a sex offender under Maryland;
请愿人未被要求在马里兰州登记为性犯罪者;
8. The petitioner has not been adjudicated delinquent for an offense involving the use of a firearm in the commission of a crime of violence; and
请愿人未曾因涉及在实施暴力犯罪时使用枪支而被裁定为少年犯罪; 以及
9. The petitioner has fully paid any monetary restitution ordered by the court in the delinquency proceeding.
请愿人已全额支付少年犯罪诉讼中法院下令支付的任何金钱赔偿。

C. The court must consider EACH of the following:

法院必须考虑以下各项因素:

1. The petitioner's best interests;
请愿人的最佳利益;
2. The petitioner's stability in the community; and
请愿人在社区中的稳定性; 以及
3. The safety of the public.
公众的安全。

There is more information about juvenile record expungement on-line at the People's Law Library
peoples-law.org/introduction-juvenile-record-expungement
访问人民法图书馆网站, 可在线获取有关少年记录删除的更多信息, 网址为: [peoples-law.org/
introduction-juvenile-record-expungement](http://peoples-law.org/introduction-juvenile-record-expungement)