

State Of North Dakota

In Juvenile Court

County Of _____

Juvenile Case No. _____

In the Interest of _____, DOB _____, a Child

The State of North Dakota,)

Petitioner,)

)

vs)

)

_____,)

Respondent.)

**Brief In Support Of
Motion For Early
Destruction Of
Juvenile Records**

Facts

1. The Respondent in this matter was charged on _____ with _____.

(Choose and complete all that apply)

On _____, the charges against the Respondent were dismissed.

On _____, the Respondent successfully completed the terms as ordered by the court.

On _____, the Respondent paid the required restitution in full.

2. The reasons for this request are listed in the Declaration in Support of Motion for Early Destruction of Juvenile Records, which is filed with this motion and incorporated by reference.

3. The Respondent in this matter is **(or)** is not requesting the early destruction of records of prior informal adjustments and diversions that are in the Juvenile Court office file related to this matter.

4. The Respondent in this matter does not have any juvenile or criminal charges pending before any other court.

Law And Argument

5. Under Rule 19(e) of the North Dakota Rules of Juvenile Procedure:

A party who is the subject of a delinquency or unruly proceeding may petition the court for early destruction of records. The state’s attorney of the county in which the records are held must be notified of the request. The judge may order the early destruction upon a showing of good cause to destroy the records by the party. The records may not be destroyed if it is known that the subject of the motion has criminal charges pending before any other court.”

6. Unless exceptions apply to an agency in North Dakota Century Code § 27-20.2-25(2), under North Dakota Century Code § 27-20.2-25, upon notice of the final destruction of a Juvenile Court file or record, each agency named in the destroyed Juvenile Court file or record is required to delete all index references, “destroy all files, records, and references to the child's apprehension, detention, and referral to the juvenile court and any record of disposition made by the juvenile court”, and must state “that no record exists with respect to the child” upon inquiry in any matter related to the destroyed Juvenile Court file or record.

7. As stated in the Declaration Support of Motion for Early Destruction of Juvenile Records, there is good cause for the early destruction of the records in this Juvenile Court matter.

(This space left intentionally blank.)

Conclusion

8. For the reasons stated in this Brief and in the attached Declaration, Respondent respectfully requests that this Court grant the early destruction of the records in this Juvenile Court matter.

Dated _____.

Respondent's Signature

Respondent's Printed Name

Address

City, State, Zip Code

Phone No.: _____

Email Address: _____