610.330   Expungement of offenses and proceedings from juvenile court records.

(1)   (a)   Any child who has been adjudicated as coming within the purview of KRS Chapter 630, 635, or 645, but not KRS Chapter 620 or 640, may petition the court for the expungement of offenses from his or her juvenile court record. He or she shall be informed of such right at the time of adjudication.

(b)   The court on its own motion, or on the motion of a probation officer of the court, a representative of the Department of Juvenile Justice or the cabinet, or any other interested person, may initiate expungement proceedings concerning the record of any child who has been under the jurisdiction of the court.

(c)   Expungement shall not be granted if:

1.   There are any proceedings pending or being instituted against the child;

2.   The offense is a sex crime, as defined in KRS 17.500; or

3.   The offense would classify a person as a violent offender under KRS 439.3401.

(2)   A petition may seek the expungement from the juvenile court record of:

(a)   Misdemeanors, violations, or status offenses;

(b)   A single felony; or

(c)   A series of felonies arising from a single incident.

(3)   The petition shall be filed or the court order entered no sooner than two (2) years after the date of termination of the court's jurisdiction over the person, or two (2) years after his or her unconditional release from commitment to the Department of Juvenile Justice or the Cabinet for Health and Family Services or a public or private agency, except that the two (2) year period may be waived if the court finds that such extraordinary circumstances exist with regard to the petitioner as to make the waiver advisable.

(4)   Upon the filing of a petition or entering of a court order, the court shall set a date for a hearing and shall notify the county attorney and anyone else whom the court or the child, his or her parents, relatives, guardian, or custodian has reason to believe may have relevant information related to the expungement of the record.

(5)   The court may order the adjudication vacated and all records expunged in the petitioner's case in the custody of the court and any of these records in the custody of any other agency or official, including law enforcement and public or private elementary and secondary school records, unless at the hearing the county attorney establishes that the child or offense is ineligible for expungement under subsections (1) to (4) of this section.

(6)   Upon the entry of an order to expunge the records, the proceedings in the case shall be deemed never to have occurred and all index references shall be deleted and the person and court may properly reply that no record exists with respect to such person upon any inquiry in the matter. The person whose record is expunged shall not have to disclose the fact of the record or any

matter relating thereto on an application for employment, credit, or other type of application.

(7)   If a court dismisses a petition against a child or finds a child not delinquent in a juvenile proceeding, the court shall concurrently order the record of the proceeding expunged. The order expunging the proceedings shall not require any action by the child.

(8)   Copies of the order shall be sent to each agency or official named therein.

(9)   Inspection of the records included in the order may thereafter be permitted by the court only upon petition by the person who is the subject of such records, and only to those persons named in such petition.