

# Minnesota Supreme Court Decisions - Highlights from 2013

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**Please note: Case summaries provided by Professor Peter Knapp, William Mitchell College of Law; reprinted with permission.**

## **Expungement: Juvenile Records**

**In re J.J.P.**, 831 N.W.2d 260

**Case #A11-1146**

Justice Dietzen

Justice Paul Anderson concurring, joined by Justice Page and by Justice Wright with statement  
Filed May 22, 2013

In 2002, when he was 17, J.J.P. broke into a golf course clubhouse and stole snacks and soft drinks. He later shoplifted a pair of shoes. Charged with felony second-degree burglary and misdemeanor theft, he admitted to the charges, and the district court adjudicated him delinquent. In 2008, the district court granted J.J.P.'s pro se petition to expunge records documenting his delinquency. In 2010, while working as a fire fighter and EMT, J.J.P. enrolled in a paramedic program and began clinical coursework. A DHS background check uncovered BCS delinquency records and J.J.P. was barred from positions permitting direct contact with persons receiving DHS services. As a result, J.J.P. was disqualified from becoming a paramedic. J.J.P. petitioned the district court to expunge his executive branch records. The district court denied the petition because he had failed to show he would suffer undue hardship, since he could seek a set aside from DHS. The court of appeals reversed.

**HELD:** Under Minn. Stat. § 260B.198, subd. 6, the district court has the authority to expunge an “adjudication of delinquency,” and the meaning of this phrase is limited to the order adjudicating the juvenile delinquent. “[A]dditional documents in executive branch files, such as arrest and investigation records or the petition for delinquency, do not logically fall within the ‘adjudication of delinquency.’” The district court is, however, authorized to expunge the order from executive branch files. The authority to expunge the delinquency order from executive branch files “does not usurp or diminish the power of DHS to conduct background checks of individuals adjudicated delinquent, and therefore does not violate the separation of powers.” In determining whether expungement was appropriate, the district court applied the standards governing expungement of adult criminal records. “We conclude that under § 260B.198, subd. 6, the district court’s discretion should be guided by a balancing test that examines whether expungement of the order adjudicating the juvenile delinquent would yield a benefit to the petitioner that outweighs the detriment to the public in sealing the record and the burden on the court in issuing, enforcing, and monitoring the expungement order.”

The court **affirmed in part, reversed in part, and remanded** the appellate decision **affirming** the district court