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## PURPOSE

The ability to set aside an adjudication provides youth with equal opportunities afforded to those without a criminal record. Adjudication can have significant long-term consequences for a youth. Consequences include, but are not limited to, being a barrier to employment, secondary education, military service, public housing, and student loans.

## DEFINITIONS

See [JJG Glossary](#).

## ELIGIBILITY TO APPLY TO SET ASIDE ADJUDICATION(S)

The case manager must assist the youth with completing the process to set aside an adjudication (also referred to as expungement) if the youth meets the eligibility to apply and wishes to do so.

Beginning July 3, 2021, a youth became eligible to apply to set aside an adjudication per MCL 712A.18e if a year had passed since termination of court jurisdiction. The youth must not have:

- An adult felony conviction.
- A conviction following a designated case.
- More than three adjudications, of which only one can be for an offense that would be a felony for an adult. For example, one felony and two misdemeanors or three misdemeanor offenses.

**Note:** Multiple adjudications due to delinquent acts occurring within 12 continuous hours or less count as one offense, if none of the adjudications are:

- An assaultive crime as defined in 1927 PA 175, MCL 770.9a.
- An offense involving the use or possession of a weapon.
- An offense with a maximum penalty of 10 or more years imprisonment.

A youth cannot apply for the following to be set aside:

- Adjudication for an offense, if committed by an adult, that would be a felony punishable by life imprisonment.
- Conviction as a juvenile tried as an adult under MCL 712A.2d.

For additional information see [Michigan Legal Help](#) website.

### **Automatic Expungement Begins in 2023**

With the passage of 2020 PA 361, an automatic expungement process will take effect beginning December 30, 2023 for offenses other than:

- Assault; infliction of serious or aggravated injury.
- Felonious Assault with dangerous weapon.
- Sexual Intercourse under pretext of medical treatment.
- Child Abuse.
- Manslaughter.
- Manslaughter; willful killing of an unborn quick child by injury to mother.
- Mayhem.
- Stalking.
- Aggravated Stalking.
- Third Degree Criminal Sexual Conduct.
- Assault with intent to commit Criminal Sexual Conduct.
- Providing or soliciting material support for terrorist acts or terrorism.

See [SRM 131, Confidentiality](#) for penalties of persons who release or disclose a youth's redacted/expunged adjudication. MCL 712A.18t(9).

**LEGAL****State****2020 PA 361.**

Act that amends the Probate Code of 1939 to allow for automatic expungement beginning in July 2023.

**Note:** Implementation of automatic expungement has been delayed and is now effective December 20, 2023, pursuant to State Court Administrative Office (SCAO) memo.

**Probate Code of 1939, 1939 PA 288, as amended, MCL 712A.18t.**

Provides requirements for automatic expungement of a youth adjudication.

**Probate Code of 1939, 1939 PA 288, as amended, MCL 712A.18e.**

Provides requirements for setting aside an adjudication for youth.

**POLICY CONTACT**

Juvenile justice supervisors and management may submit policy clarification questions to [juvenile-justice-policy@michigan.gov](mailto:juvenile-justice-policy@michigan.gov).