

EXPUNCTION OF MENTAL HEALTH INPATIENT RECORDS

In North Carolina, the court record of a minor's admission or commitment to a secure mental health facility may be expunged once the minor reaches the age of eighteen. When a record is expunged, the clerk destroys all court records and court indexing identification of a minor's admission or commitment. The clerk maintains no record of the expunction. I would advise all minors and/or their guardians to request expunction of the record when the minor reaches the age of eighteen.

The Mecklenburg County Special Proceedings clerk's office maintains all mental health commitment files, and has developed procedures for expunction. At present, the Special Proceedings Clerk's office is located in the Civil Courts Building at the corner of McDowell and Third Streets in downtown Charlotte.

The record may be expunged in one of several ways:

By the former minor patient

Once a minor reaches eighteen years of age, s/he can request to have their record expunged. The request must be made to the Special Proceedings Clerk's office, and the former patient must bring proof of identity and proof of adulthood, such as a driver's license or valid picture ID and birth certificate.

By the parent or guardian

A parent or guardian of a former minor patient who has reached eighteen years of age may have the record expunged. The parent or guardian must make the request to the Special Proceedings Clerk's office, and present the following:

- Proof of the guardian's identity, such as a driver's license or valid picture ID,
- Proof that the minor has reached adulthood by presenting the former minor's driver's license, birth certificate or other valid picture identification, and
- Proof that the former minor has been released. This may be proved by presenting a copy of the discharge summary from the minor's inpatient treatment or by having the former minor make the expunction request in person as outlined above.

By an Attorney

An attorney may represent a minor and file an affidavit signed by the former minor or his/her parent or guardian, stating the following

- Identity of the affiant and the relationship to the minor patient,
- Minor's full name and birth date,
- Minor has been released, and
- Minor has reached eighteen years of age.

The affidavit should request that all court records be destroyed. Specific time frames of hospitalization need to be provided to the Special Proceedings Clerk.

Keep this in a safe place and remember to exercise this right when the minor reaches eighteen years of age.

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