

JUVENILE LAW GUIDE - CHART

Chart A Juvenile Records Subject to Public Access When Case is Transferred to Criminal Jurisdiction				
Age of Juvenile	Reason to Transfer	Requirement of Prior Adjudication	Time at which Juvenile File is Subject to Public Access	Legal Authority <i>All statutory citations refer to the West Virginia code</i>
At least 14	Request by Juvenile	N/A	Upon entry of order of transfer to criminal jurisdiction	§ 49-5-103(d)(1) § 49-4-710(c)
At least 14	Juvenile charged with treason, murder, robbery with a deadly weapon, kidnapping, first degree arson, or first degree sexual assault	N/A	Upon entry of order of transfer to criminal jurisdiction	§ 49-5-103(d)(1) § 49-4-710(d)(1)
At least 14	Juvenile charged with a felony offense of violence against a person	Juvenile previously adjudicated for a felony offense of violence against a person	Upon entry of order of transfer to criminal jurisdiction	§ 49-5-103(d)(1) § 49-4-710(d)(2)
At least 14	Juvenile charged with a felony offense	Juvenile has two prior adjudications for felony offenses	Upon entry of order of transfer to criminal jurisdiction	§ 49-5-103(d)(1) § 49-4-710(d)(3)
Under 14	Juvenile charged with treason, murder, robbery with a deadly weapon, kidnapping, first degree arson, or first degree sexual assault	N/A	a. Time period for filing an appeal of the transfer order expires; or b. Appeal denied.	§ 49-5-103(d)(2) § 49-4-710(d)(1) and (e)
Under 14	Juvenile charged with a felony offense of violence against a person	Juvenile previously adjudicated for a felony offense of violence against a person	a. Time period for filing an appeal of the transfer order expires; or b. Appeal denied.	§ 49-5-103(d)(2) § 49-4-710(d)(2) and (f)

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Age of Juvenile	Reason to Transfer	Requirement of Prior Adjudication	Time at which Juvenile File is Subject to Public Access	Legal Authority <i>All statutory citations refer to the West Virginia code</i>
Under 14	Juvenile charged with a felony offense	Juvenile has two prior adjudications for felony offense	a. Time period for filing an appeal of the transfer order expires; or b. Appeal denied.	§ 49-5-103(d)(2) § 49-4-710(d)(3) and (f)
Under 14	Juvenile charged with a felony offense of violence against a person	N/A	a. Time period for filing an appeal of the transfer order expires; or b. Appeal denied.	§ 49-5-103(d)(2) § 49-4-710(g)(1)
At least 14	Juvenile charged with a felony offense	Juvenile previously adjudicated for a felony offense	a. Time period for filing an appeal of the transfer order expires; or b. Appeal denied.	§ 49-5-103(d)(2) § 49-4-710(g)(2)
At least 14	Juvenile used a firearm or other deadly weapon while committing a felony	N/A	a. Time period for filing an appeal of the transfer order expires; or b. Appeal denied.	§ 49-5-103(d)(2) § 49-4-710(g)(3)
N/A	Juvenile charged with a felony offense of manufacturing, delivering or possessing with intent to deliver a narcotic drug	N/A	a. Time period for filing an appeal of the transfer order expires; or b. Appeal denied.	§ 49-5-103(d)(2) § 49-4-710(g)(4)
N/A	Juvenile charged with second degree arson involving setting fire to a church or public building	N/A	a. Time period for filing an appeal of the transfer order expires; or b. Appeal denied.	§ 49-5-103(d)(2) § 49-4-710(g)(5)

Chart B Juvenile Records Subject to Public Inspection

Even When Case is Not Transferred to Criminal Jurisdiction

Age of Juvenile	Charged Offense	Requirement of Prior Adjudication	Time at which public access is allowed	Legal Authority <i>All statutory citations refer to the West Virginia code</i>
At least 14	Felony offense of violence against a person	N/A	<ul style="list-style-type: none"> a. Pending trial if juvenile is released on bond; or b. Upon adjudication for charged offense 	§ 49-5-103(d)(3) § 49-4-710(g)(1)
At least 14	Felony offense	Previously adjudicated delinquent for a felony offense	<ul style="list-style-type: none"> a. Pending trial if juvenile is released on bond; or b. Upon adjudication for charged offense 	§ 49-5-103(d)(3) § 49-4-710(g)(2)
At least 14	Juvenile used or presented a firearm while committing a felony	N/A	<ul style="list-style-type: none"> a. Pending trial if juvenile is released on bond; or b. Upon adjudication for charged offense 	§ 49-5-103(d)(3) § 49-4-710(g)(3)
At least 14	Manufacturing, delivering or possession with the intent to deliver a narcotic drug	N/A	<ul style="list-style-type: none"> a. Pending trial if juvenile is released on bond; or b. Upon adjudication for charged offense 	§ 49-5-103(d)(3) § 49-4-710(g)(4)
At least 14	Second degree arson of a church or public building	N/A	<ul style="list-style-type: none"> a. Pending trial if juvenile is released on bond; or b. Upon adjudication for charged offense 	§ 49-5-103(d)(3) § 49-4-710(g)(5)
Under 14	Murder or Sexual Assault in the First Degree	N/A	<ul style="list-style-type: none"> a. Pending trial if juvenile is released on bond; or b. Upon adjudication for charged offense 	§ 49-5-103(d)(4)