

HOW TO EXPUNGE JUVENILE RECORDS

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FREQUENTLY ASKED QUESTIONS

This section is an overview of the process. For more details on the process, read the rest of the packet.

What are juvenile records?

- When you are arrested before your 18th birthday, a juvenile record is created.
 - However, before 2010, 17-year-olds were always given adult records.
 - Between 2010 and 2013, 17-year-olds arrested for misdemeanors were given juvenile records, while 17-year-olds arrested for felonies were given adult records.
 - The police department that arrested you should be able to tell you if your arrest record is a juvenile or adult record.
- If you were charged with a crime in juvenile court, a juvenile court record exists. If you were under 18 but charged in adult criminal court, you have an adult criminal record. Juvenile expungement will not work to expunge records from adult criminal courts. For information about expunging or sealing an adult criminal record, see Adult Expungement, [How to Expunge and/or Seal a Criminal Record](#).
- A juvenile record of the arrest exists even if you never saw a judge, never went to court, or were never adjudicated delinquent (found guilty). An arrest usually involves being fingerprinted.
- If you are unsure if you were arrested, contact the law enforcement agency that you believe arrested you.

What are NOT juvenile records?

These forms cannot help you expunge the following types of records because they are not juvenile records:

- Adult Criminal Records: If you were arrested at age 18 or older or were charged with an offense in adult criminal court, you have an adult criminal record.
- Municipal or Local Ordinance Arrests: If you were arrested and charged with an ordinance violation, do not use these forms. Ordinance violations are considered adult offenses.
- Civil Cases: A civil case, such as an order of protection, will not appear on your criminal record and cannot be expunged.
- Traffic Cases: If you were arrested and charged with a traffic violation, do not use these forms. Traffic violations are considered adult offenses.

Are juvenile records automatically expunged?

- Some are. Arrest and court records will be automatically expunged in the following cases:
 - Arrests that did not result in charges being filed will be expunged 1 year after the arrest date, **but only if** six months have passed since any subsequent arrest was made or charges were filed.
 - When all court proceedings are over in the following situations:
 - cases that were dismissed,
 - cases that resulted in a finding of not delinquent (finding of not guilty),
 - cases that resulted in an order of supervision that is terminated successfully; OR
 - cases that resulted in an adjudication of delinquent (finding of guilt) for a Class B or C misdemeanor or petty or business offense.

The court will order the automatic expungement of these records when all court proceedings are over. **Contact your Public Defender, or private lawyer if you had one, to confirm this has happened.**
 - Arrest and court records of cases that resulted in an adjudication of delinquent (finding of guilt) for a Class A misdemeanor or felony without a threat or element of violence. These will be automatically expunged as long as these conditions are met:
 - 2 years have passed since the cases were closed, AND
 - you have no cases pending, AND
 - you have no subsequent adjudications of delinquency (findings of guilty) in juvenile court, or findings of guilty in adult court.
- If you are not eligible for automatic expungement, you can still ask the court to expunge your record. Read the rest of this packet for information on that process.

Are juvenile records automatically sealed?

- Juvenile arrest and court records are automatically sealed. Juvenile records in Illinois are confidential and CANNOT be seen by the public without a court order. (This is different than adult records, which anyone can see.)
- However, certain government agencies and employers have access to confidential juvenile records.
- When a juvenile expungement is granted, these groups will no longer have access to your record.

What is juvenile expungement?

Juvenile expungement is the process of going to court and asking a judge to erase your juvenile arrest and court records. After you complete the juvenile expungement process, it is as if the records never existed (with a few exceptions). Only a judge has the power to order a record expunged.

Why should I expunge my juvenile records?

You should expunge your juvenile records to prevent other people from seeing them. The public cannot see juvenile records. However, juvenile records may be seen by law enforcement agencies, some employers, and some government agencies (usually through use of fingerprint-based background checks in applications for subsidized housing or jobs in schools, healthcare, childcare, the military, or security).

When can I begin the juvenile expungement process?

- In order to expunge juvenile records, all the juvenile court proceedings related to the arrests and cases you are seeking to expunge must be closed.
- If a judge adjudicated you delinquent (found you guilty) of a Class A misdemeanor or a felony, you must wait at least 2 years after your court case ended (including the end of any sentence such as probation).

How long will it take to expunge my juvenile record?

It will take about 120 days from the date you file the *Request* to the time when the record is expunged.

- When you file a request to expunge your record, you must wait at least 45 days before a hearing is scheduled. It is very important that you attend your hearing. If you do not go to the hearing, a judge cannot ask you about the issues in the expungement and your *Request* could be denied or continued to another date.
- After the hearing, law enforcement agencies have 60 days to clear your juvenile record after they receive the order to expunge your record.

How much does it cost to expunge my juvenile records?

It is free to file your forms with the Circuit Clerk, but you may be charged a fee for a copy of your "RAP" (Record of Arrests and Prosecutions) sheet:

- Getting Your Records: You are entitled to view your juvenile arrest records for free; however, law enforcement agencies may charge you to make copies.
 - Take a pen and paper with you to write down any information you need.
 - Many cities do not provide juvenile RAP sheets and instead will give you another document that has your juvenile arrest information.

What steps do I need to take to have my juvenile record expunged (erased)?

- Step 1: Get copies of your juvenile RAP sheet, or another document that has your juvenile arrest record.
- Step 2: Review your juvenile RAP sheet and figure out if you can ask for expungement.
- Step 3: Fill out the expungement forms.
- Step 4: File the forms with the Circuit Clerk and get a court date.

What if I have been arrested or charged with a juvenile offense in more than one county in Illinois or outside of Illinois?

If you have been arrested or charged with a juvenile offense in more than one county in Illinois, you will have a juvenile record in each county. You will have to:

- Identify each county where you have a record;
- Get your juvenile arrest records from each county;
- Fill out separate expungement forms in each county; AND
- File separately in each county.

If you have been arrested or charged with a juvenile offense outside of Illinois, you should contact a lawyer in that state.

Out-of-State Records: Do not use these forms for juvenile records from a state other than Illinois. The information in this packet only applies to Illinois juvenile arrests or court cases. If you have juvenile records from another state, check with the state where your records are to see if juvenile expungement is an option.

STEP 1: GET COPIES OF YOUR JUVENILE RECORDS

Why do I need copies of my juvenile records?

Juvenile records list the offenses and the dates you were arrested, the charges you were arrested for, the offenses you were charged with, and the outcome of the cases including any sentences you received. You need this information for Step 2 to figure out if your juvenile records can be expunged.

What are the different types of juvenile records?

Juvenile records have 2 parts. These records include:

- Arrest records: List of all juvenile arrests, including the date and charge for each law enforcement agency. In general, you need to get arrest records from each law enforcement agency that arrested you. For example, the Chicago Police Department ("CPD") provides a free Juvenile RAP Sheet.
- Court File: All of the records from when your case went to court, including the outcome of the case ("Disposition"). If your arrest did not lead to a court

case, there will not be any court record for that arrest. Ask the Circuit Clerk for the county your case was filed in how to get your court file, or how to get information from your court file.

How do I get copies of my juvenile arrest records?

○ For Chicago and Suburban Cook County juvenile arrests only:

There are 2 ways to get your juvenile records for arrests that occurred in Cook County.

- Juvenile arrest records are available at the Juvenile Courthouse located at 1100 South Hamilton in Chicago. You can get assistance from the Clerk's Office and sign a Release of Information. Once you sign a release, the Juvenile Probation Department can access and print juvenile arrest records in Chicago and the Cook County suburbs.
 - Chicago arrest information is usually available the same day it is ordered. You will get a paper record.
- To get suburban arrest information, you must be fingerprinted. The results will be available in approximately 7 days. If you were arrested by the Chicago Police Department, you can also order a juvenile RAP sheet from the police department instead of at the Juvenile Courthouse. You can get your juvenile RAP sheet immediately and for free.
- You can go to the CPD Headquarters to get your Chicago RAP sheet Tuesday through Thursday, 8:00am to 1:30pm:

Chicago Police Headquarters
3510 S. Michigan Ave.
Chicago, IL 60653
(312) 745-5508

○ For all other counties in Illinois:

If you have juvenile arrests that occurred outside of Cook County, you can take these steps to get your juvenile records.

- If you have only been arrested by one agency, contact the agency that arrested you to get information. Although juvenile records are confidential, the arresting agency **must** release information to you regarding your juvenile arrests, no matter what your age is ([705 ILCS 405/1-8\(C\)\(0.3\)](#)). For juvenile expungement, the arresting agency must provide you with the date of arrest, the charge, and the outcome of the arrest.
- If you were arrested in more than one county, get your criminal history information from the Illinois State Police (ISP) through the Access and Review Process. If you make a request to access and review your criminal history, the ISP will provide a list of your arrests and court cases in Illinois. This list will include both juvenile and

adult arrests. Find conviction information request forms at:

<https://isp.illinois.gov/BureauOfIdentification>

- If your ISP report does not include all your arrests, contact the agency that arrested you and the Circuit Clerk's Office to access those records.

STEP 2: REVIEW YOUR JUVENILE RECORDS

What do I look for on my juvenile record?

To figure out if the offenses on your juvenile record can be expunged (erased), you need to look at each arrest in your juvenile record separately and determine the following:

- What were the charges? The type of offense you were arrested for, such as a petty offense, Class A, B or C misdemeanor, or felony.
- What was the disposition? The outcome of the case (taken to the police station/station adjustment or arrest only, SOL (Stricken Off with Leave to Reinstate), NP (Nolle Prosequi), adjudicated delinquent (guilty), supervision, adjudicated not delinquent (not guilty)), including what charge you were adjudicated delinquent for (found guilty of), if different from the arresting charge.
- What was the sentence? This is the time you spent on supervision, on probation, or in the Illinois Department of Juvenile Justice (for example, in a juvenile prison).

Once you have determined these details from your juvenile records, review the information below to see if your offenses can be expunged.

What types of juvenile records CAN be expunged (erased)?

- All juvenile arrests where you did not go to court. This includes station adjustments, probation adjustments, pre-petition diversion programs, and arrests where the State's Attorney decided not to prosecute or charge you.
- All juvenile court cases that did not result in an adjudication of delinquency (finding of guilt), for example: dismissed ("thrown out"), or adjudicated not delinquent (found not guilty). You can also expunge a record if the case was dismissed by Nolle Prosequi (NP) or Stricken Off with Leave to Reinstate (SOL).
- All juvenile court cases where you were sentenced to supervision and completed it successfully.
- All juvenile court cases where you were adjudicated delinquent (found guilty) of a Class B or C misdemeanor or petty offense.
- All felony and misdemeanor Class A offenses where you were adjudicated delinquent (found guilty) (except for first degree murder and any sex offense that you still must register for on the Juvenile Sex

Offender Registry) if it has been at least 2 years since your case ended (including the end of any sentence, such as probation or aftercare).

What juvenile records CANNOT be expunged?

If you were adjudicated delinquent (found guilty) of first-degree murder OR any sex offense that you still must register for on the Juvenile Sex Offender Registry.

NOTE: If you were arrested for one of these offenses but were not adjudicated delinquent (not found guilty) or were adjudicated delinquent (found guilty) of a different kind of offense, you may still be able to expunge that record.

NOTE: If you went to court for a case, the charges listed in the final outcome or disposition are what you should use to determine whether a record can be expunged. These charges may be different than the charge you were arrested for.

What if I have some records that can be expunged and some that cannot?

You can expunge all eligible offenses on your record, even if some parts do not qualify. The Juvenile Court Act makes all juvenile records confidential and sealed. This means the general public cannot see your record. Even if your juvenile record has not been expunged, it is illegal for MOST employers, housing providers and schools to deny you employment, housing, or education based solely on your juvenile record.

To see if you can expunge your juvenile records, use your RAP sheet and court disposition to complete the Case Worksheet on page 11 of this booklet. Once you have completed your worksheet, you do not need to look at your court dispositions and RAP sheets to complete the expungement forms.

STEP 3: FILL OUT THE JUVENILE EXPUNGEMENT FORMS

What forms do I need to expunge (erase) my juvenile records?

- *Request to Expunge Juvenile Records:* Use this form to ask the judge to expunge your records. The email address (if you have one) and mailing address you put on the *Request* is where important legal documents will be sent to you. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.
- *Additional Juvenile Records:* Use this form if you have more than 6 arrests or cases.

- *Notice of Filing for Juvenile Expungement:* Use this form to tell the arresting agency that you are asking the court to expunge your juvenile records.
- *Additional Notice of Filing for Juvenile Expungement:* Use this form if you want to expunge more than 20 juvenile records.
- *Additional Arresting Agencies:* Use this form if you have more than 2 arresting agencies or if you were arrested in more than 2 different cities, towns, or villages.
- *Order to Expunge Juvenile Records:* This form is used by the judge to say your *Request to Expunge Juvenile Records* is approved. You may have to use more than one *Order* if you want to expunge more than 20 juvenile records.
- *Order Denying Request to Expunge Juvenile Records:* This form is used by the judge to say your *Request to Expunge Juvenile Records* is denied. You may have to use more than one *Order* if you want to expunge more than 20 juvenile records.

Where can I find the expungement forms I need?

You can find the forms at: ilcourts.info/forms or visit the Office of the State Appellate Defender's website: osad.illinois.gov/expungement/juvenileexpungement.html

If I need help completing my forms, where can I go?

- Check with your local courthouse or law library, or search ilao.info/lshc-directory for free or reduced cost help.
- Some counties may have free self-help desks where you can get help filling out your forms from volunteer attorneys and law students.

How do I fill out the *Request to Expunge Juvenile Records* form?

The form has instructions in the column on the left side to help you.

Page 1 Caption/Header:

For each of your cases, you may have a case number and/or a law enforcement record number. If you have both numbers, enter the case number in the left column and the connected law enforcement record number in the right column.

If you only have a case number, leave the connected law enforcement record number line blank.

If you only have a law enforcement record number:

- **Outside of Cook County:** Leave the connected case number line blank.
- **In Cook County:** Leave the connected case number line blank for now. The Circuit Clerk may assign a new case number for each law enforcement record number when you file your forms. Enter in that new case number if the Circuit Clerk assigns it.

See page 14 for more information on how to fill out this section.

If all of your case numbers do not fit, use the *Additional Juvenile Records* form.

Page 1: Use the information you entered on your Case Worksheet to fill out the first page of the form. The Case Worksheet is on page 11 of this instruction booklet and should be completed using your court disposition or RAP sheet.

- Case Number: Enter each case number or leave blank if there is none. The circuit clerk may assign a case number to that arrest date when you file the *Request to Expunge*.
- Law Enforcement Number: Enter each law enforcement number or leave blank if there isn't one.
- Arresting Agency: Enter the name of the police or sheriff's department that arrested you.
- Arrest Charge: Enter the name of the offense you were charged with, such as "retail theft" or "cannabis possession". If you were adjudicated delinquent for (found guilty of) a different charge, list that charge instead.
- Date of Arrest: Enter the date you were arrested listed on your court disposition or arrest record information sheet.
- Outcome: Enter the outcome of your case.

If you have more than 6 arrests or cases:

- Mark the checkbox below the table that says "I have listed additional arrests or cases on the attached *Additional Juvenile Records* form."
- Enter the extra arrests or cases on the *Additional Juvenile Records* form. You can use more than 1 *Additional Juvenile Records* form if needed.

Page 2: Section 2

- Fill in your mailing address. If you move or change your email address you must notify the court of your change of address.

Depending on the types of records you have, you may be requesting expungement under subsection 1, subsection 2, or both.

Page 3: Subsection 1

Check subsection 1 for:

- All juvenile arrests where you did not go to court (also known as informal or formal adjustments);
- All juvenile court cases that did not result in an adjudication of delinquency (finding of guilt), for example: dismissed ("thrown out"), or adjudicated not delinquent (found not guilty). You can also expunge the records if the case was dismissed by Nolle Prosequi (NP) or Stricken Off with Leave to Reinstate (SOL);
- All juvenile court cases where you were sentenced to supervision and completed it successfully; AND

- All juvenile court cases in which you were adjudicated delinquent (found guilty) of a Class B or C Misdemeanor or petty offense.

Page 3: Subsection 2

Check subsection 2 for:

- All cases in which you were adjudicated delinquent (found guilty) of a Class A misdemeanor or felony offense, except first degree murder or any sex offense that you are still required to register for on the Juvenile Sex Offender Registry, which cannot be expunged.

Additionally:

- It must be at least 2 years since your case closed (including the end of any sentence, such as probation or aftercare). List the date your juvenile case closed.

Signature: You must sign and date your *Request to Expunge Juvenile Records*. Your signature means that everything you filled out on the form is true and correct to the best of your knowledge. Making a false statement on this form could be perjury.

How do I fill out the *Notice of Filing for Juvenile Expungement* form?

- Enter your information on this form where instructed.
- Find the name and address for the County State's Attorney by asking the Circuit Clerk.
- Find the address for the arresting agencies (police departments) that arrested you by contacting them.
- If you have more than 2 arresting agencies or if you were arrested in more than 2 different cities, towns, or villages, use an *Additional Notice of Filing for Juvenile Expungement* form. You may use more than 1 *Additional Notice of Filing for Juvenile Expungement* form.
- The Circuit Clerk will mail a copy of the *Notice of Filing for Juvenile Expungement*, any *Additional Notice of Filing for Juvenile Expungement*, and your *Request* form to all of the agencies that are required to get notice of your *Request*.
- You can only file a *Request* to expunge records in the county where the arrests, charges, and convictions happened. If you have arrests, charges, or convictions in more than one county, you will have to file a separate *Request* in each county.

How do I fill out the *Order to Expunge Juvenile Records* and the *Order Denying Request to Expunge Juvenile Records* forms?

- Enter your information on both the forms where instructed.
- Enter any case numbers and law enforcement numbers that you listed on your *Request*. If you have an arrest with a no case number, the Circuit Clerk's office may assign it a new case number. If they do, they will add it to your *Request* and *Order*.

- Do not check any boxes on the *Order* forms. The judge will check the correct boxes once a decision has been made about your *Request*.
- You will get one or both forms back from the court telling you if the judge approved or denied your *Request*.

STEP 4: NEXT STEPS FOR EXPUNGEMENT

What do I do after I fill out the form?

Step 1: File your *Request to Expunge Juvenile Records* with the Circuit Clerk.

- File your forms with the Circuit Clerk in the county where you were arrested or charged with the offense. In some counties, you may have to attach copies of your court dispositions.
- If your *Request to Expunge Juvenile Records* includes criminal cases, then you may be able to file in person, by mail, or by e-filing (filing electronically). Check with your Circuit Clerk to see how to file in your county.

How to File in Person

- Go to the courthouse in the county where you were arrested or charged with the offense.
- Give the Circuit Clerk your original form and the required number of copies to stamp.
- The Circuit Clerk will keep the original form and give back your copies.

How to File By Mail

- If you do not need to appear in person, mail your original form and one copy to the Circuit Clerk to stamp.
- Include a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy to you.

How to File Electronically (e-file)

- If you e-file your forms, most people use Odyssey eFileL at ilcourts.info/efile.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at ilcourts.info/efile-info.
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerks' office. These places offer public computers where you can e-file your forms.
 - You can bring your forms on paper or saved on a flash drive. The public computer will have a scanner where you can turn your paper forms into electronic files.

- Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.
- If your Court requires you to e-file, some people are still not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
 - Inmates in prison or jail who do not have a lawyer.
 - People with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if:
 - Do not have Internet or computer access in your home, and it is hard for you to travel.
 - Have trouble reading, writing, or speaking English.
 - Are filing documents in a sensitive case, such as an order of protection.
 - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at ilcourts.info/exempt. If you cannot print this form, then ask for it at your local courthouse.
 - File your *Certification for Exemption from E-Filing* form with your other court forms at the Circuit Clerk's office or by mail.
 - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk's office. Ask them to stamp your copies and return them to you.
- If you need to make copies of your forms, you can do that at the Circuit Clerk's office. They may charge you to make copies.
- If you mail your court forms to the Circuit Clerk's office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms then send your copies back to you in the envelope.
- After you file, the Circuit Clerk will mail your *Request* with the *Notice of Filing for Juvenile Expungement* to each of the following:
 - County State's Attorney
 - Arresting Agencies (police departments)
 - Illinois State Police
- Keep 1 copy of the form that was stamped by the Circuit Clerk for your own records.

Step 2. Ask for a court date.

- You may need to go to court for a court date in front of a judge. Some counties schedule a court date right away, but others will only schedule a court date if one of the agencies you listed on the *Notice of Filing for Juvenile Expungement* form objects to your *Request*.

- If you need to schedule the court date, ask the Circuit Clerk how to do so. The Circuit Clerk may schedule the court date or you may have to speak with other court staff.
- When you get your court date, the Circuit Clerk will send notice of the court date to the State's Attorney.

Step 3: Get ready for your court date.

Make sure you know how to attend your court date.

Your court date could be in person, by phone, or by video. If it is by phone or video it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit ilcourts.info/clerks.

- Decide and write down:
 - What you want to ask the judge to do for you;
 - What you will say to the judge if asked to tell your side of the case; AND
 - Questions you have for witnesses, if there are any.
- Gather and make copies of pictures and documents you want the judge to see. Bring the original for the judge and one copy for you and each of the people in the case. If your court date is by phone or video, contact the Circuit Clerk and ask how you can get a copy of these items to the judge. You might have to e-file them like your other documents. You will also have to get a copy of these items to the other parties.
- If you want the judge to hear from other people, those people will have to attend court and be witnesses (in most cases, you cannot bring in written statements of witnesses). If your court date is by phone or video, you will have to arrange for your witnesses to attend by phone or video.

Attend your court date.

- You must attend the court date if one is scheduled. If you do not, the judge could enter an order or judgment against you. If you do not go to the hearing, a judge cannot ask you about the issues in the expungement and your *Request* could be denied or continued to another date.
 - If your court date is by phone or video:
 - Make sure to have the call-in or login information for your court date and make sure your technology is working.
 - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court or visit their websites for specific technology instructions.

- Follow these recommendations to appear by phone or video:
 - ilcourts.info/remote-resources

- Have these items with you on your court date:
 - Photo I.D.;
 - Copies of all the documents you filed with the Circuit Clerk;
 - Copy of your *Orders*; and
 - Other papers or proof related to your *Motion*.
- Arrive for your court date at least 15 minutes early. If you are going in person to court, add more time for going through security.
- If your hearing is in person, find the courtroom number listed on your court form. If your forms do not have a courtroom number look for a list of cases at the courthouse or ask the Circuit Clerk.
- You may need to check in with the courtroom staff. Then, wait for your name and case number to be called.
- When your case is called, introduce yourself to the judge. If you are attending by phone or video, remember to unmute yourself.
- Representatives from the agencies that you listed on your *Notice of Filing for Juvenile Expungement* form may be at your hearing and could ask you questions about your case.
- You will have a chance to respond to any objections to your request for expungement.
- If there are objections, you may ask for a continuance and seek legal advice. For more information, contact the Office of the State Appellate Defender: osad.illinois.gov/expungement/juvenileexpungement.html.
- The judge makes the final decision. The judge is allowed under the law to use their discretion when deciding whether or not to expunge your juvenile records.

What if I move or change my email address before my juvenile expungement request is heard by a judge?

Use the *Change of Address* form immediately to tell the Circuit Clerk of your new mailing or email addresses. If you do not tell the court your new addresses, you may not receive necessary paperwork.

Who can keep me from getting my juvenile records expunged (erased)?

The police departments and prosecutors that you listed on the *Notice of Filing for Juvenile Expungement* form get a chance to object to your request to expunge your juvenile records.

They have 45 days to file a written objection with the court. If they object, it means they have a legal reason that they do not want your records to be expunged. Even

if they object, the judge may still grant your expungement.

How will I know if someone objects to my *Request to Expunge Juvenile Records*?

The Illinois State Police, the arresting agency, or State's Attorney (Prosecutor) may file a written objection with the court in advance (and you will receive a copy) or they may object in person at the hearing. You have a legal right to understand and respond to their objection. An objection does not always mean the judge will deny your *Request*. The judge will consider the objection and your response when deciding if your juvenile records will be expunged. You must go to the court hearing in order to respond to any objections.

How does the court decide to approve or deny my request for juvenile expungement?

A judge may not automatically approve your request for juvenile expungement just because you are eligible under the law. To decide, the judge will:

- Review any objections raised by the agencies you listed on your *Notice of Filing for Juvenile Expungement* form;
- Determine if you are eligible under the law; AND
- Review the other factors they are allowed to consider, including:
 - The reasons why the State, the Arresting Agencies, or Chief Legal Officers want to keep your records from being expunged;
 - Your age and your juvenile and criminal records;
 - The period of time between your arrest or court case and the filing of the request to expunge your records; AND
 - The specific negative results you may suffer if the *Request* is denied. Be prepared to tell the judge about these.

How will I find out if my *Request to Expunge Juvenile Records* is approved or denied?

At your court date, the judge will tell you if your *Request* is approved or denied. Ask the Circuit Clerk and/or State's Attorney for a copy of the expungement order whether it is granted or denied. Do not leave without a copy of the expungement order.

If my *Request* is approved, how long will I have to wait before my juvenile records are expunged?

If the judge approves your *Request to Expunge Juvenile Records*, a copy of the *Order* will be sent by the Circuit Clerk to the Illinois State Police and the police departments and prosecutors that you listed on the *Notice of Filing for Juvenile Expungement*. These agencies have 60 days from the time they receive a copy of the *Order* to expunge your records.

What do I do with the *Orders* approving or denying my *Request to Expunge Juvenile Records* after I get it?

If your request was approved, it is very important that you keep a copy of the *Order* that you received from the Circuit Clerk in a safe place. Once your arrests or cases are expunged, the court no longer has a court record for you and it may be very difficult or impossible to get another copy of the *Order*.

If my records are expunged, do I have to tell employers or potential employers about it?

No, you do not have to tell employers about expunged juvenile records.

- On job applications, any question about criminal records is not asking you about your juvenile record. You may answer "no" to the question, "have you ever been convicted" if you only have a juvenile record. This is true even if you do not file for juvenile expungement.
- Even though juvenile records are confidential, they may be disclosed legally or illegally. If you are denied a job or a promotion based on your juvenile record, request a copy of the background check from the employer and contact an attorney for help.
- In Illinois it is against the law for employers to ask if you have expunged or sealed any juvenile records.
- If an employer finds out that you expunged any juvenile records, they cannot use that against you or they will violate the Juvenile Expungement Act [705 ILCS 405/5-915](#).

How will I know when my juvenile records have been expunged?

- The ISP will send you a letter stating that they have expunged your juvenile records. Until you receive this letter from the ISP, your records have not yet been expunged.
- If you have not heard back in 55 days, call them and ask if they have expunged your records yet.
- Also call your arresting agency because they may not send you a letter.

Can anyone find out about my juvenile records once they have been expunged?

These agencies may be able to see expunged juvenile records:

- Immigration officials, law enforcement, and national security agencies, like the military, if you apply for a job with them.

What if my juvenile record does not qualify for expungement?

Always double-check your eligibility with a lawyer if you think you are not eligible to expunge your juvenile record. Even if you cannot expunge your juvenile record, your entire juvenile record is still automatically sealed and cannot be seen by the general public.

What can I do if my *Request to Expunge Juvenile Records* is denied even though I'm eligible for expungement?

- You have several options. Some of these options are time sensitive so you should act right away. If you are able to speak to a lawyer you should do so as soon as possible. Your options are:
 - **Ask for Reconsideration:** You can ask the judge to look at your *Request* again by filing a Motion for Reconsideration with the Circuit Clerk within 60 days from the day you received a copy of the *Order* denying your *Request*.
 - **Appeal:** You can ask the appellate court to review the judge's decision to deny your expungement. **NOTE:** the Appellate Court decision may become part of the public record, so even if you are ultimately successful in your expungement of your criminal records, the appellate case (including information on your expunged juvenile record) will not be expunged.
 - File a *Notice of Appeal* with the Circuit Clerk within 30 days from the day the *Order* was entered denying your *Request*; OR
 - If you file a Motion for Reconsideration and it is denied, file a *Notice of Appeal* within 30 days from the day the *Order* was entered denying your Motion for Reconsideration.
 - You will have to pay a filing fee to the appellate court unless you have a fee waiver from the appellate court. You will have to pay a fee for the Circuit Clerk to prepare the *Request for Preparation of Record on Appeal*. Give the Circuit Clerk a copy of your *Order for Waiver of Court Fees* (if you have one) and pay your portion of the fees. You can find more information about *Request for Preparation of Record on Appeal* at ilcourts.info/forms.
 - **File a Petition for Executive Clemency:** You can file a petition with the Prisoner Review Board requesting the Governor grant a pardon authorizing expungement. For more information, go to state.il.us/prb.

Appendix: Case Worksheet

Use this worksheet to organize information about your juvenile records in one place. Organizing your information can help you complete the forms. Do not file this worksheet with the court.

- You can find all the information you need to fill in the worksheet on your court dispositions, RAP sheets, and information from the Illinois State Police. Below are some samples to help you locate the information you need.
- There are three tables on pages 12 and 13 of this instruction booklet to help you determine if a sentence or disposition qualifies for juvenile expungement.

How do I complete the Case Worksheet?

Using the information on your court dispositions and arrest record, fill in your Case Worksheet with the following information for each case:

- **Case Number:** enter the case number listed or leave blank if you were arrested but it never resulted in a court case. The Circuit Clerk must provide your case numbers to you for free.
- **Law Enforcement Record Number:** enter the law enforcement record number if you have one. See instructions below for more information on finding your law enforcement record number.
- **Arresting Agency:** enter the name of the police or sheriff's department that arrested you.

- **Charges:** enter all offenses you were charged with for each arrest or case number, for example "drug possession" and "possession of paraphernalia".
- **Date of Arrest:** enter the date you were arrested that is listed on your court disposition or RAP sheet.
- **Outcome:** check how your case ended:
 - no petition for delinquency filed (arrest only),
 - adjudicated delinquent (guilty) of felony or class A misdemeanor,
 - adjudicated delinquent (guilty) of class B or C misdemeanor,
 - adjudicated not delinquent (found not guilty),
 - case dismissed (thrown out),
 - arrest only/adjustment, or
 - I was given supervision and successfully completed it.
 - I was given supervision and did not successfully complete it.
- **Completion of Sentence:** enter the date your sentence ended successfully. If you were only arrested, your Completion of Sentence Date is the date of arrest.

Do not file this worksheet with the court. It is only to help you fill out the actual juvenile expungement forms.

	Case Number	Law Enforcement Record Number	Arresting Agency (Police Dep't)	Arrest Charges (as listed by arresting agency)	Date of Arrest	Final Charge	Outcome ("Disposition")	Completion of Sentence Date
1								
2								
3								
4								
5								
6								
7								
8								

Sample Cook County Court Disposition:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 05JD244

JOHN DOE

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show:

The State's Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

Charging the above named defendant with:

750-5/12-3-A-1 M A **BATTERY**

The following disposition(s) was/were rendered before the Honorable Judge(s):

11/05/2005 BOND SET BY RULE OF COURT 11/17/2005 3154
Smith, Gerald T.

11/17/2005 BOND FORFEITURE B001
Smith, Gerald T.

12/13/2005 MOTION TO VACATE BOND FORF.
Smith, Gerald T.

12/13/2005 BOND FORFEITURE VACATED
Smith, Gerald T.

12/13/2005 **Found Not Guilty** C001
Smith, Gerald T.

Sample Chicago Police RAP Sheet:

CHICAGO POLICE DEPARTMENT
3510 S. Michigan Avenue/Chicago, IL 60653
Identification Section

Criminal History Report

DOE, JOHN
IR # 978380 MALE
SID # WHITE
FBI # 5'10"
IDOC # EYES: BRO
Current Arrest Information: HAIR: BLK

Date of Birth: 2-OCT-1974
Age: 39 years
Place of Birth: CHICAGO, IL
SSN:
Driver's License #: Q4838171920282782
Driver's Lic. State: ILLINOIS
Scars, Marks & Tattoos:

Criminal Justice Summary: Total arrests: 1 (1 Misdemeanor)

ARREST

Arrest Name: DOE, JOHN **Date: 11/4/2005** Holding Facility: NORRIDGE
Date of Birth: 2-OCT-1974 Arrest Address: 145 W. State St., Chicago, IL
DCN or CB: 05456347 Residence: 230 E. Green St., Chicago, IL
Officer: JONES Officer Badge #: 53 Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description
[1]	A	M	720 ILCS 5/12-3	Battery

COURT CHARGES/ DISPOSITION

Statute	Charge	Class	Case#
720 ILCS 5/12-3	BATTERY	M	05121978901
Disposition:	SOL	Disposition	13-DEC-2005
Sentence:		Date:	
		Sentence Date:	

Sample Case Worksheet:

	Case Number	Law Enforcement Record Number	Arresting Agency (Police Dep't)	Arrest Charges (as listed by arresting agency)	Date of Arrest	Final Charge	Outcome ("Disposition")	Completion of Sentence Date
1	05JD244	05456347	CPD	Battery	11/4/2005	n/a	Found Not Guilty	n/a

Sample County Court Disposition (Not Cook County):

IN THE JUVENILE COURT OF THE ELEVENTH JUDICIAL CIRCUIT
 FORD COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
 Plaintiff,)

vs) No. **09-JD-117**

Jane Doe)
 Defendant)

JUDGMENT AND SENTENCE
 OF PROBATION/COURT SUPERVISION/CONDITIONAL DISCHARGE
 The case coming on for sentencing, Defendant (having pled guilty of) ~~(having been found guilty of) (having had probation, supervision, or conditional discharge received for)~~ the offense(s) of:

Unlawful Possession of Drug Paraphernalia
 Class A Misdemeanor

and a Presentence Report having been ~~(prepared)~~ (waived) and hearing in aggravation and mitigation ~~(held)~~ (waived); The Court finds there is a factual basis for a finding of guilty. The Court further finds that imprisonment in the Illinois Department of Corrections is not necessary for the protection of the public, and the following sentence does not deprecate the seriousness of the Defendant's conduct and is consistent with the ends of justice.

ACCORDINGLY IT IS THE ORDER OF THIS COURT, that the Defendant is placed on (probation) ~~(court supervision) (conditional discharge)~~ for a period of 12 ~~(years)~~ (months) ~~(day)~~ subject to the following conditions:

THE DEFENDANT SHALL:

95 (X) 1. not violate any criminal statute of any jurisdiction;

...
95 (X) 8. pay a fine of \$ 750 ; court costs of ... and Probation ~~(Supervision)~~ fees in the amount of \$ 25 per month;

...
 This case is continued to 12/17/10 except for review or remission hearings.

ENTER: 12/17, 20 09 Gerald J. Smith
 JUDGE

TERMINATION DATE: 12/17, 20 10

Sample Illinois State Police RAP Sheet:

ILLINOIS STATE POLICE

Bureau of Identification
 260 North Chicago Street
 Joliet, IL 60432-4075

Criminal History Of: Doe, Jane State Identification #: IL 9876543
 (Last Known Name)

Conviction Status: MISDEMEANOR CONVICTION
Custodial Status:

Alias Name(s) DOE, JANE **Date of Birth** 01/13/1981

SUBJECT IDENTIFICATION DATA

Sex: FEMALE
Race: WHITE
Height: 5'4" **Date Reported:** 10/23/2009 **FBI#:**
Weight: 105 **Date Reported:** 10/23/2009 **Chicago IR#:**
Eyes: BLUE
Hair: BLACK
Skin: MEDIUM
Scars/Marks/Tattoos TAT L LEG **Place of Birth** ILLINOIS **DL #** K1234567899 **DL State** IL

CRIMINAL HISTORY DATA

Arrest

DCN: P129393 **Date of Arrest:** 10/23/2009

Name: DOE, JANE **Date of Birth:** 01/13/1981
Residence: 123 N. Main St. Melvin, IL

Arresting Agency: FORD COUNTY SHERIFF'S OFFICE
Agency Case Number: 1234567 **Officer Badge Number:** 008

Arrest Charges

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	M

State's Attorney Section
Filing Decision: FILED **Decision Date:** 10/23/2009

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	M

Agency Name: FORD COUNTY STATE'S ATTORNEY

Court Charges/Disposition

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	M

Disposition: SUPERVISION **Disposition Date:** 12/17/2010

Case Number: 09CM117
Agency Name: FORD COUNTY CIRCUIT COURT

Sample Case Worksheet:

	Case Number	Law Enforcement Record Number	Arresting Agency (Police Dept)	Arrest Charges (as listed by arresting agency)	Date of Arrest	Final Charge	Outcome ("Disposition")	Completion of Sentence Date
1	09-JD-117	P129393	Ford County Sheriff's Office	Unlawful possession of drug paraphernalia	10/23/2009	n/a	Supervision	12/17/10

Appendix: Caption

Example 1: If you were arrested but did not have a court case, you may only have a law enforcement record number on your record. If you have a law enforcement number and no case number, fill out the top of your form as follows.

If outside Cook County:

Case numbers for all your juvenile court records in this county:	Law enforcement record numbers connected with your case numbers: <i>To find the law enforcement record number, see page 12 of How to Expunge Juvenile Records.</i>	
1. _____	1.	CB 05456347
2. _____	2.	

If in Cook County: The Circuit Clerk may assign your first case a case number when you file.

Leave that spot blank and write in the new case number when you get it.

Case numbers for all your juvenile court records in this county:	Law enforcement record numbers connected with your case numbers: <i>To find the law enforcement record number, see page 12 of How to Expunge Juvenile Records.</i>	
1. Add new case number here (ex- 23-JD-111)	1.	CB 05456347
2. _____	2.	

Example 2: If you have both a case number and a law enforcement record number that goes with that case, put them side by side.

If you only have a case number and no law enforcement record number, leave the law enforcement record number line blank.

Case numbers for all your juvenile court records in this county:	Law enforcement record numbers connected with your case numbers: <i>To find the law enforcement record number, see page 12 of How to Expunge Juvenile Records.</i>	
1. 15-JD-123	1.	CB 05456347
2. 12-JD-987	2.	