

## FREQUENTLY ASKED QUESTIONS

### DO I NEED A LAWYER TO FILE FOR JUVENILE EXPUNGEMENT?

No, you can file your juvenile expungement petition on your own without an attorney; however, you can hire one if you wish to do so. You may also wish to consult with a lawyer if you are not a United States citizen.

### WHAT IS A "RECORD"?

When a juvenile is arrested, records are made and kept by the Illinois courts and law enforcement agencies. You will have a juvenile record even if no case was ever filed in court or, if a case was filed and:

- your case was dismissed OR
- you were acquitted (found "not delinquent" or "not guilty") OR
- your conviction was reversed OR
- you were sentenced to supervision or probation.

### WHAT JUVENILE RECORDS CANNOT BE EXPUNGED?

- If you entered into a plea agreement or were found guilty in a case involving first degree murder or sexual offenses.
- Traffic offenses, including DUI

Insurance related driving offenses (no insurance, suspended registration for no insurance, false insurance card) may be expunged upon petition 5 years after completion of supervision.

Reckless driving can be expunged **ONLY** if you were younger than 25 when you were charged and received supervision. You must petition to expunge before your 25<sup>th</sup> birthday.

### CAN THE CLERK'S OFFICE HELP ME FILL OUT THE EXPUNGEMENT FORMS?

No, the employees of the Clerk's Offices are not allowed to give legal advice or assist customers with filling out court forms.

### WHERE CAN I GET EXPUNGEMENT FORMS?

The Clerk's Office can provide the expungement forms for you to fill out.

### HOW MUCH WILL IT COST?

The filing fee of \$60.00 per petition is payable to the Clerk of the Circuit Court.

- Payable by money order, certified check, cashier's check, or credit card
- Include driver's license number, state ID, or Matricular Consular number, telephone number, and case number on face of the check

If your petition for expungement is granted, the Illinois State Police will charge \$60 per court order. This can be paid to the Rock Island County Circuit Clerk at the time your petition is granted.

### WHAT IF I CANNOT AFFORD THE FILING FEE?

There is a **fee waiver** that some individuals may qualify for based on their financial situation.

If you believe you may qualify, **complete and file:**

- The "*Application for Waiver of Court Fees*"

**If your fee waiver petition is granted by a judge, you will not have to pay the \$60.00 filing fee OR the \$60 Illinois State Police fee.**

**NOTE:** This fee waiver petition must be filed *in person*.

### **DO I HAVE TO GIVE NOTICE TO ANYONE THAT I HAVE FILED MY PETITION FOR EXPUNGEMENT**

No. You fill out the "Notice of Filing" form, which lists everyone who needs to have notice. The Clerk will send the notice to everyone you have listed on the notice.

The following parties should be included on your Notice of Filing:

- The State's Attorney
- The Department of Illinois State Police
- The arresting agency or agencies
- Mary Davis Detention Center if you were ever held in custody there
- Rock Island County Sheriff's Department if you were ever held in the adult jail on your juvenile case

### **DO I HAVE TO BE IN COURT ON MY COURT DATE?**

Yes. Even if you do not hear from the Clerk's Office or the law enforcement agencies involved, you are to appear on the court date given for your expungement hearing.

### **WHAT DO I DO AFTER MY EXPUNGEMENT PETITION IS GRANTED?**

Go to the Circuit Clerk's Office to obtain certified copies of your Expungement Order.

- You will need a cashier's check, cash, personal check, or credit card to pay for any additional certified copies.
- The Clerk's Office will send the certified copies to the following agencies where applicable:
  - The Police Dept that has the records relating to your case
  - The Illinois State Police

### **DO I NEED A "CERTIFIED" COPY OF MY EXPUNGMENT ORDER?**

A "certified" copy is a copy containing the Clerk's Office seal, which shows that it is an authentic court document. Since your record will be *unavailable* to you after it is expunged, it is a good idea to keep a certified copy of your expungement order for your records. Should you not get an extra copy and find yourself needing one, a court order is necessary to temporarily unseal records.

**NOTE:** You may need a certified copy of your expungement order to provide to the Immigration and Naturalization Services (INS) for naturalization purposes.

### **IF MY JUVENILE RECORD IS EXPUNGED, DO I HAVE TO REVEAL IT ON MY JOB APPLICATIONS?**

No. Once a court file has been expunged, for the purpose of prospective employers and the general public, the record is treated as though it never existed.

**THIS MEANS:**

- You are not required to disclose to anyone that a juvenile record existed, employers are not allowed to ask you, and you do not have to reveal that a juvenile record existed on any job application.
- An expunged juvenile record may not be considered by a private or public entity (except for law enforcement, the Department of Corrections, or by Prosecutors) in employment matters, certifications, licensures, revocation of certification of licensure, or registration.

#### **WHERE CAN I FIND ADDITIONAL LOCAL RESOURCES ABOUT EXPUNGEMENT?**

- **Illinois Office of the State Appellate Defender:** [illinois.gov/osad](http://illinois.gov/osad)
- **Illinois Legal Aid:** <http://illinoislegalaid.org>
- **Administer Justice:** <http://administerjustice.org>

This packet is brought to you in part by the members of the Rock Island County Juvenile Court.  
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