



The Office of the State Appellate Defender

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GENERAL INFORMATION - DO I QUALIFY?

GUIDE TO EXPUNGE OR SEAL YOUR ILLINOIS JUVENILE RECORD

Section 5-915 of the Juvenile Court Act (705 ILCS 405/5-915)

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The Office of the State Appellate Defender
 cannot provide legal services for your expungement or sealing.

WHAT I NEED TO KNOW ABOUT THE LAW TO EXPUNGE A JUVENILE RECORD

Juvenile expungement only applies to cases brought under the Juvenile Court Act. Otherwise, your record is an adult record. Review the [Frequently Asked Questions](#) and [Definitions](#) of this guide to help you better answer the below questions. Also see the [flow chart](#) that is attached to this packet.

A. Do I Qualify?

Your Juvenile Record may be considered for expungement if you fall into one of two categories:

CATEGORY NO. 1: You are at least 18 years old and you can answer "Yes" to **ANY** of the following questions:

1. Were you arrested and not charged?
2. Were you charged but found not delinquent (not guilty)?
3. Were you placed under supervision and, if so, did you follow all the rules of your supervision so that it was successfully terminated?
4. Were you adjudicated delinquent (found guilty) for an offense that if committed by an adult would be a Class B misdemeanor, Class C misdemeanor or a petty or business offense?

If you answered "Yes" to **ANY** of these questions you can have your record expunged. You will need to fill out [Juvenile Expungement Option 1](#).

CATEGORY NO. 2: For any juvenile incidents that do not fall into Category No. 1 above, you may still have your juvenile record expunged except those proceedings based upon (1) first degree murder or (2) sex offenses which would be felonies if committed by an adult, **SO LONG AS** you can answer "Yes" to **ALL** of the following questions:

1. Have you had **NO** convictions for any crime since your 18th birthday?
2. Are you at least 21 years old?
3. Has it been at least five years since your last juvenile court proceeding was terminated?
4. Has it been at least five years since your commitment to the Department of Juvenile Justice ended?

If you answered "Yes" to **ALL** of these questions and your case was not based on first degree murder or a sex offense that would be a felony if committed by an adult, you can have your record expunged. You will need to fill out [Juvenile Expungement Option 2](#).

B. What Type of Juvenile Cases Can and Cannot Be Expunged?

Juvenile Cases that May Be Expunged

You were arrested but no petition for delinquency was filed or you were found not delinquent.

You received supervision pursuant to 705 ILCS 405/5-615 for crimes committed and supervision has been successfully terminated.

Adjudications for offenses which would be Class B misdemeanors, Class C misdemeanors, or a petty or business offenses if committed by an adult.

Any incident occurring before your 18th, EXCEPT for any circumstance listed below.

Juvenile Cases that Cannot Be Expunged

Any proceeding which started in juvenile court, but the case did not proceed in juvenile court. It may be eligible to be expunged or sealed. Please review our adult information.

Driving Under the Influence

First degree murder

Sex offenses which would be felonies if committed by an adult.

C. My Case was in Cook County. What Do I Need To Know?

For juveniles arrested in Cook County and/or whose cases were heard in Cook County, the Clerk of the Circuit Court of Cook County provides instructions and forms to expunge juvenile records. These forms are located on the Cook County Clerk's website at www.cookcountyclerkofcourt.org, under "**Court Forms\Juvenile Justice Division.**"

There is a **Juvenile Expungement Help Desk** that will help you fill out these forms. The help desk is operated by **LAF and Cabrini Green Legal Aid**, and is located on the ground floor in the Cook County Juvenile Center, 1100 South Hamilton Avenue, Chicago, IL 60612. Walk-ins are welcome Mondays and Tuesdays: 9:00am - 4:00pm and Thursdays: 9:00 am - 12:00pm. Questions can be answered by calling the Juvenile Expungement Help Desk at **(312) 229-6359**, and updated hours and information are available at **Facebook.com/JuvenileExpungementHelpDesk**.

Before coming to the help desk, individuals arrested by the Chicago Police Department should get their juvenile arrest record ("rap sheet") from the Chicago Police Department Access and Review Division at 3510 S Michigan, Chicago, IL 60653 Monday through Friday from 8:30am-3:00pm. Juvenile rap sheets are free of charge and available the same day. Individuals arrested by other law enforcement agencies should get the date of the arrest and the charge listed from each law enforcement agency that arrested them.

Fee waivers are available, and the Juvenile Expungement Help Desk will help you fill them out! Without a fee waiver, there is a \$64 filing fee per petition (one petition per arrest) and a one-time \$60 expungement fee. Call the Juvenile Expungement Help Desk at **312-229-6359** with questions or for assistance.

FREQUENTLY ASKED QUESTIONS

Question

Answer

Where do I file my petition?

The Petition must be filed in the county where you were arrested or where the charge was brought

Do I need a lawyer?

No, but you can get one if you want to. However, it may be helpful to work with an attorney to obtain a court order expunging your records.

Should you want or need to hire an attorney you may hire one. If you are unable to hire an attorney due to financial hardship, but feel you need legal assistance, you can contact an attorney on the "Attorney List" included in this packet.

DISCLAIMER: The attorney list is made up of attorneys who have agreed to handle cases at a low or reduced fee. The Office of the State Appellate Defender does not endorse or recommend any attorney on the "Attorney List".

What is a "record"?

Whenever a juvenile is arrested, records are made and kept by Illinois courts and law enforcement agencies. You will have a juvenile record even if your case was dismissed, if you were acquitted, found "not delinquent," "not guilty," your conviction was reversed or you were sentenced to supervision or probation.

The state of Illinois has a process for making those records "off-limits" to most people. This process is called "expungement".

What does it mean to have your Illinois juvenile criminal records "expunged"?

If you have your records expunged, in many cases, the records will be "off-limits" to employers and the rest of the general public and treated like they never existed. For example, when you fill out a job application, you do not have to tell a potential employer about the case you have had expunged.

However, if you pursue certain types of careers (such as becoming an attorney) you will still have to disclose the existence of expunged records.

How can expungement help me?

Having a juvenile record can make it hard to get a job, a place to live, credit, licenses needed to do some types of jobs and student loans. Getting the record expunged may help remove these barriers. Once your record is expunged, it is as though it never existed.

Once I get an expungement, are my juvenile records "off-limits" to everyone?

No. Law enforcement agencies, the Department of Corrections, State's Attorneys and other prosecutors can still consider your juvenile records with regards to employment, even if they have been expunged. The military can too. Also, private companies that do background checks may be able to get your juvenile records, even after they have been expunged.

Still, expungement is an important step towards making sure you are not shut off from future opportunities.

DEFINITIONS

The following terms are important for you to understand as you go through this process.

Word	Definition
Adjudication:	formal court judgment.
Conviction:	a final judgment of guilt by the court. A conviction includes terms such as: Probation (except “710,” “1410,” “Section 10,” “Section 410,” “40-10,” or “TASC” probation), Conditional Discharge, Fine (without the term “supervision”), Time Served, Jail Time, Finding of Guilty by a judge or jury (without the term “supervision”), PG/FG (pleaded guilty/found guilty).
Juvenile Court Act:	Section 5-915 of the Juvenile Court Act (705 ILCS 405/5-915) addresses expungement for juvenile cases.
Denial/Denied:	this means that the Court has rejected or not allowed something.
Disposition:	the final order of the court on your criminal case.
Expunge	to physically destroy records or to return the records to the petitioner, and to obliterate (remove) the petitioner’s name from any official index or public record.
Felony	a crime that may be punished by imprisonment for more than one year in a state prison. More serious than a misdemeanor.
Illinois Compiled Statutes	the written law of Illinois. It is abbreviated as “ILCS.”
Indigent	poor; a poor person.
Misdemeanor	a crime that may be punished by confinement in a county jail for a term of up to one year.
Municipal Ordinance	a law or regulation of a city or local government.
Objection	this is a protest made by the State against your Petition. It means that the State doesn’t want your record expunged or sealed. The State has 60 days to object to a Petition to Expunge or a Petition to Seal. An objection is not the same as a denial.
Petition	a written request to the court.
Petitioner	a person who makes a written request to the court
Seal	to physically and electronically maintain records, but to make the records unavailable to the public without a court order and to obliterate (remove) the petitioner’s name from any official index or public record. However, law enforcement agencies and the courts will still have access to the records, as will a few employers and other entities as allowed by law.
Supervision	a court order holding the case open for a specific period of time, usually between six months and two years. During that time, no judgment of guilt is entered. If all the conditions of supervision are followed, the case is dismissed and no conviction is ever entered against the defendant.