



Important Definitions

Adjudication: a formal court judgement in a juvenile delinquency case. It is like being guilty in an adult case.

Arrest: when the police take a person into custody.

Conviction: a final judgement of guilt by the court; used in adult court. **Charges:**

these are the crimes that the police are saying a person did. **Denial/Denied:** this means that the Court has rejected or is not allowing something.

Dismissal: when the charges against a person have been thrown out; there is no finding of guilt or innocence.

Disposition: the final order of the court on your case; the outcome of the case and a disposition include when a case is dismissed.

Disqualified Offense: any class 2 or higher felony, any sex offense, unlawful restraint, aggravated unlawful restraint, child abduction, aggravated assault, aggravated battery, abuse of elderly or long term care patient, hate crime, cyberstalking, inducement to commit suicide, reckless discharge, resiting a peace officer, stalking, aggravated stalking, aggravated unlawful use of a weapon when engaged in the commission or attempted commission of a misdemeanor involving use or threat of force under 720 ILCS 5/24-1.6(a)(3)(H), mob action when 2 or more persons act together to use force or the threat of force to disturb the public peace under 720 ILCS 5/25-1(a)(1).

Diversion: when you are arrested for a crime but you do not have to go to court to take care of the case.

Expunge: to physically destroy/erase records or to return the records to the petitioner, and to 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. It is more serious than a misdemeanor.

Indigent: poor; a poor person

Misdemeanor: a crime that may be punished by less than one year in jail.

Objection: related to expungements, this is a protest made by the State against your petition. It means that the State does not want your record expunged or sealed. The State has 45 days to object to a Petition to Expunge. An objection is not the same as denial.

Petition: a written request to the court.

Petitioner: a person who makes a written request to the court.

Station Adjustment: when a person has been arrested but the police decide not to refer the charges to court. This is one type of diversion. Even though the person does not go to court, the police do keep a record of the arrest.

Supervision: when a person agrees in court to the crime or the court finds the person committed the crime but there is no conviction or adjudication on his/her criminal history. The police and Circuit Clerk do still keep records of the case.



HOW DO I BEGIN THE EXPUNGEMENT PROCESS?

The person whose juvenile record(s) are to be expunged must petition the court using the appropriate forms containing his/her current address and **shall promptly** notify the Clerk of the Circuit Court of any change of address.

- An Individual will need to obtain a copy of his arrest report or delinquency history report (commonly known as a “**rap sheet**”)
 - **An arrest report for each offense is needed for each petition being filed.**
 - **A sheet to take with you to each agency is included in this packet.**

- Obtain the titles and addresses of all legal entities involved in your case:
 - The law enforcement agency that arrested the individual

 - The State’s Attorney/prosecutor that prosecuted your case
**37W777 IL Route 38
Suite 300
Saint Charles, IL 60175**

 - The Illinois State Police
**Bureau of Identification
260 N Chicago Stg.,
Joliet, IL 60431**

 - Juvenile Justice Center
**37W655 Route 38
St. Charles, IL 60175**

 - Kane County Sheriff
**37W755 Route 38
St. Charles, IL 60175**

Once you have completed your forms, mail or bring them to the Clerk’s Office for processing and assignment of a court date. Now, you move on to the different categories to see which petition you need to file.



STEP BY STEP INSTRUCTIONS FOR THE JUVENILE EXPUNGEMENT PROCESS

1. Get an arrest history report from any agency that arrested you, such as the police department, Sheriff's Department, or state police.

- You may have to pay a fee
- You may have to bring two or more IDs (picture IDs are best).
- If you are under 18, you must go with your parent or legal guardian. Parent or legal guardian must provide proof
- Police Departments will likely not release your entire record to you; instead, give the form/template at the back of this packet to the officer to complete



2. Fill out court forms called a "Petition," and a "Notice," to ask that your records be expunged and file the petition with the Circuit Clerk in the county you were arrested. Get the petition by going to or calling the Circuit Clerk's office in the county where you were arrested or going online.

Forms are included in this packet. Also available through the State Appellate Defender and online at jjcouncil.countyofkane.org/expungements.

Illinois Legal Aid has an online resource that will assist in completing the appropriate forms as well: illinoislegalaid.org



3. Decide which of the three petition forms to use. Generally, if your case was a misdemeanor and it was your first offense, you should use the "Category 3" petition. For all other eligible offenses, you would use the "Category 1 & 2" petition.



4. Fill out the forms.

If you are unsure which form you need to use, you can call the State Appellate Defender's toll free number (866.431.4907)

You need to file a separate petition for EACH ARREST listed on your arrest history report from EACH AGENCY.



5. Fill out the following portions of the "notice:"

Your name, case number, the address of the arresting agency, the address of the State's Attorney and your own address.

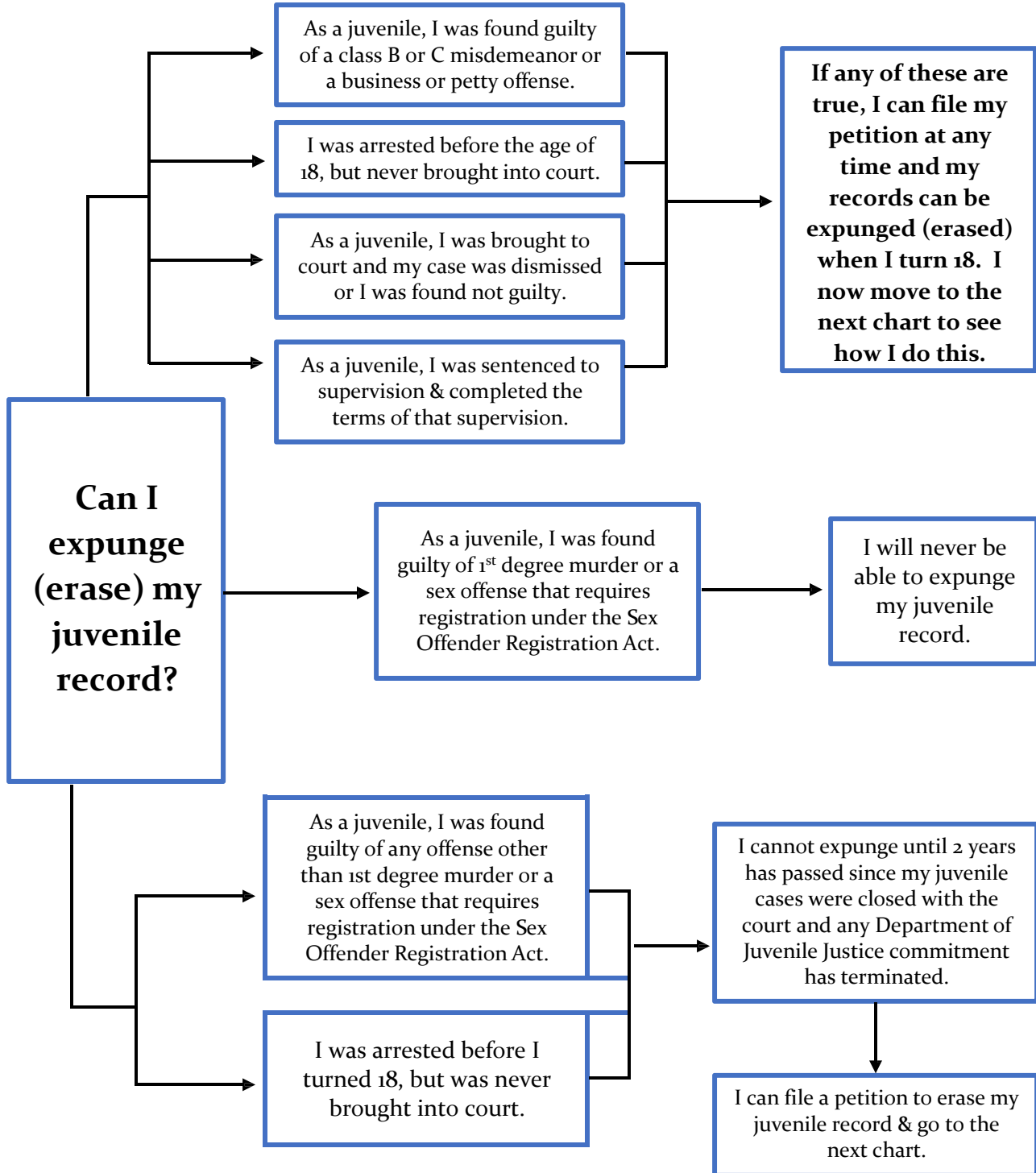
LEAVE THE REST OF THE NOTICE BLANK.



[This page intentionally left blank]

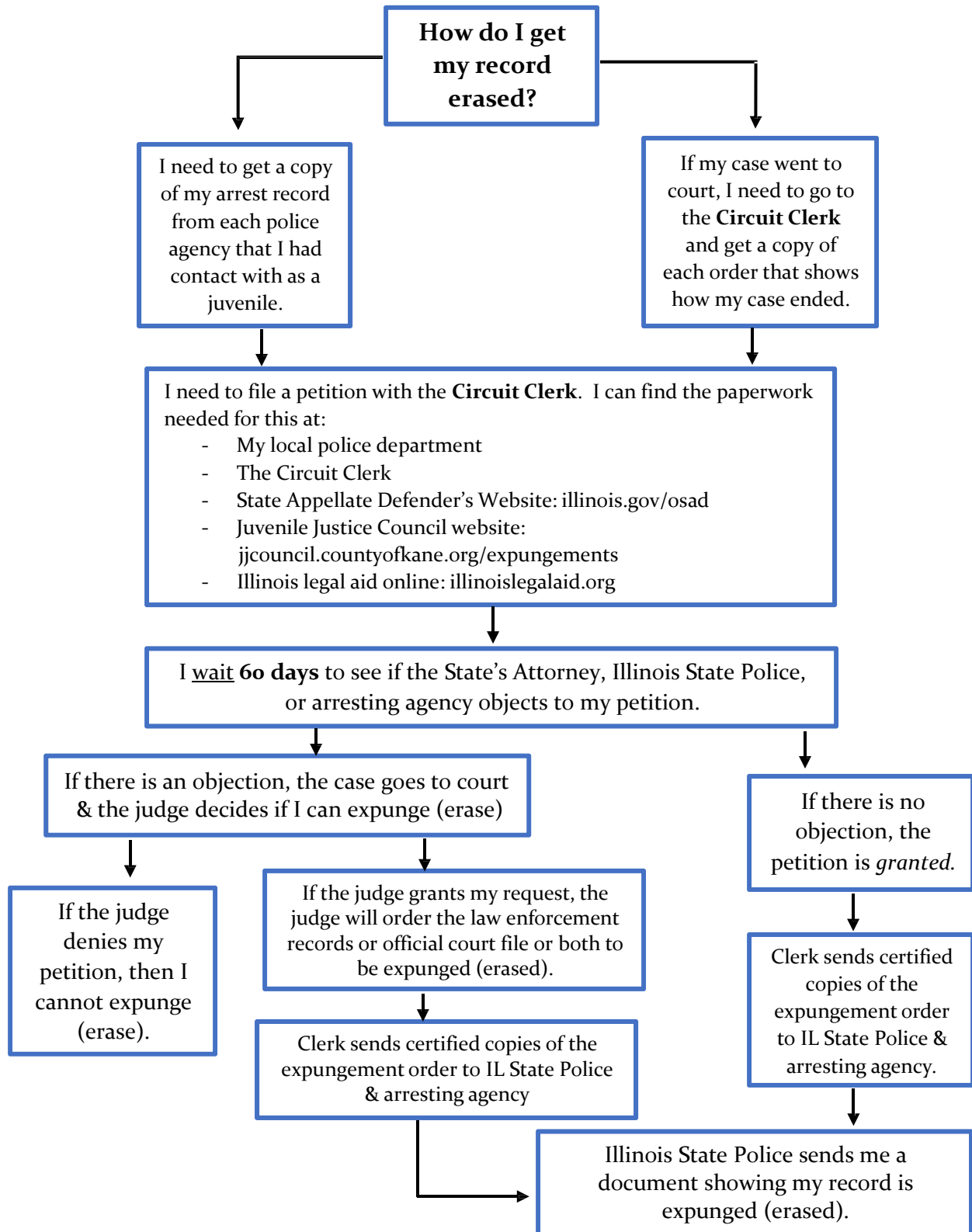


JUVENILE EXPUNGEMENT ELIGIBILITY





JUVENILE EXPUNGEMENT PROCESS





KANE COUNTY EXPUNGEMENT INFORMATION REQUEST

*Please bring a photo ID with you when requesting this form be completed.

NAME OF JUVENILE: _____ DOB: _____

The following information is requested to assist with the juvenile expungement process in Kane County.

Please provide the following:

Agency: _____

Agency	Report	Number:	
Date	of	Arrest:	
Charge	(Title	and	Statute):

Disposition: _____

Date of Completion: _____

NAME OF JUVENILE: _____ DOB: _____

The following information is requested to assist with the juvenile expungement process in Kane County.

Please provide the following:

Agency: _____

Agency	Report	Number:	
Date	of	Arrest:	
Charge	(Title	and	Statute):

Disposition: _____

Date of Completion: _____



NAME OF JUVENILE: _____ DOB: _____

The following information is requested to assist with the juvenile expungement process in Kane County.

Please provide the following:

Agency: _____

Agency **Report** **Number:**
Date **of** **Arrest:**
Charge **(Title** **and** **Statute):**

Disposition: _____

Date of Completion: _____

NAME OF JUVENILE: _____ DOB: _____

The following information is requested to assist with the juvenile expungement process in Kane County.

Please provide the following:

Agency: _____

Agency **Report** **Number:**
Date **of** **Arrest:**
Charge **(Title** **and** **Statute):**

Disposition: _____

Date of Completion: _____



JUVENILE AUTOMATIC EXPUNGEMENT

Will my case be automatically expunged without the need for me to file a petition?

- 1. On or before January 1 of each year, the Illinois State Police will automatically expunge all law enforcement records occurring before my 18th birthday if:**
 - It has been 1 year or more since the date of the arrest or law enforcement interaction;
 - No petition for delinquency or criminal charges was filed with the court; and
 - It has been 6 months without an additional arrest or filing of a petition for delinquency or criminal charges

If the second and third requirements cannot be verified, records that satisfy the first requirement above will be expunged if the offense in question is not a class 2 felony or higher or a sex offense.

725 ILCS 405/5-915(.1)

- 2. The court shall automatically order the expungement of the juvenile court and law enforcement records if:**
 - The court dismissed the juvenile petition;
 - I was found not guilty;
 - I successfully completed a term of supervision; or
 - I was adjudicated of a Class B or C misdemeanor or a petty or business offense

725 ILCS 405/5-915(.2)

- 3. The court shall automatically order the expungement of the juvenile court and law enforcement records if:**
 - Two years have passed since my juvenile adjudication case was closed;
 - No delinquency or criminal case is pending against me;
 - I have had no other adjudication or criminal conviction since the case I am trying to expunge; AND
 - My adjudication was not for a disqualified offense

725 ILCS 405/5-915(.3)



EXPUNGEMENT OF JUVENILE RECORDS UNDER 705 ILCS 405/5-915(1) and (2)

Category No. 1: If you can answer “Yes” to any of the following questions:

1. Were you arrested and not charged?

This means that your case resulted in a station adjustment or an informal agreement through probation and your case was never brought to court

2. Were you charged and your case was dismissed?

3. Were you charged but found not guilty?

4. Were you placed under supervision and if so, did you follow all of the rules of your supervision so that you were successfully terminated?

5. Were you found guilty for an offense that if committed by an adult would be a Class B misdemeanor, a Class C misdemeanor, or a petty or business offense?

You can now move on to the Category 1 petition.

NOTE: You will need to complete the petition AND the blank notice form.

**IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

IN THE INTEREST OF

)
)
)
)
)
)
)
)
)
)
)

GENERAL NO.

NAME OF PETITIONER

A MINOR

PETITION TO EXPUNGE JUVENILE RECORDS

Now comes _____, the petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile records and law enforcement records pursuant to 705 ILCS 405/5-915 (1) and (2). In support thereof, Petitioner states:

1. Petitioner was arrested on _____ by _____ Police Department for the offense of _____ and _____

(DATE OF ARREST) (ARRESTING AGENCY) (OFFENSE COMMITTED)

(Check all that apply):

- No petition or petitions were filed with the Clerk of the Circuit Court
- I was found not guilty
- My case was dismissed on _____
- I was placed under supervision and my case was successfully terminated on _____
- I was found guilty of a Class B or C misdemeanor or a petty or business offense
- I was adjudicated for a Class A misdemeanor or felony, except first degree murder or an offense under Article 11 of the Criminal Code of 2012 if the person is required to register under the Sex Offender Registration Act, and 2 years have passed since the case was closed

2. Petitioner has not been arrested on charges in this or any other county other than the charges listed above. If Petitioner has been arrested on additional charges, please list the charges below:

Charge(s) _____

Arresting _____ Agency(ies): _____

Disposition/Result (choose from a through f above): _____

3. I have listed any additional eligible juvenile arrests, charges, or findings of guilt on the Additional Juvenile Arrest Records Form.

WHEREFORE, the Petitioner requests this Honorable Court expunge his juvenile record in this matter and further order the arresting agency, Illinois State Police, Juvenile Justice Center, Kane County Sheriff, and the Kane County Circuit Clerk to expunge any records pertaining to this matter.

Petitioner's Signature

Petitioner's Mailing Address

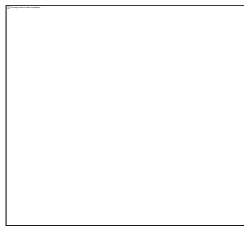
VERIFICATION BY CERTIFICATE

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief, I believe the same to be true.

Dated: _____

Petitioner's Signature

Category 1



**EXPUNGEMENT OF JUVENILE RECORDS
UNDER 705 ILCS 405/5-622**

Category No. 3: If you were charged in court with a misdemeanor and this was your first offense, you may file a petition to expunge within 30 days of the judge sentencing you. You will use Category No. 3 petition if this applies to you.

NOTE: The court will not hold a hearing on your petition until a month before your 18th birthday and your sentence has ended.

You can now move on to the Category 2 petition.

NOTE: You will need to complete the petition AND the blank notice form.

For more information, resources, and links to the most up-to-date forms, please visit:
jjcouncil.countyofkane.org/expungements

**IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

IN THE INTEREST OF _____)
)
NAME OF PETITIONER _____) **GENERAL NO. JD**
)
)
A MINOR _____)

PETITION TO EXPUNGE JUVENILE RECORD

Now comes _____, petitioner, and respectfully requests
(NAME OF YOUTH)
this Honorable Court enter an order expunging all juvenile records and law enforcement records
in this matter pursuant to 705 ILCS 405/5-622. In support thereof, Petitioner states as follows:

1. On _____, Petitioner was adjudicated delinquent/placed on
(DATE OF SENTENCING)
supervision for the offense of _____;
(OFFENSE CHARGED)
2. Petitioner was sentenced to _____;
(DISPOSITION)
3. This was Petitioner's first offense;
4. Petitioner's date of birth is _____ and Minor will turn 18 on
(YOUTH'S BIRTHDAY)

(YOUTH'S 18TH BIRTHDAY);
5. Petitioner has successfully completed all terms of his sentence and all court proceedings
are completed;

WHEREFORE, the Petitioner requests this Honorable Court expunge his juvenile record
in this matter and further order the arresting agency, Illinois State Police, Juvenile Justice
Center, Kane County Sheriff, and the Kane County Circuit Clerk to expunge any records
pertaining to this matter.

Petitioner's Signature

Petitioner's Mailing Address

VERIFICATION BY CERTIFICATE

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I
hereby certify that the statements in this petition are true and correct, or on information and
belief, I believe the same to be true.

Dated: _____

Petitioner's Signature

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS

IN THE INTEREST OF)

NAME OF PETITIONER)

A MINOR)

)
)
) GENERAL NO. JD
)
)
)

NOTICE

TO: Kane County State's Attorney: 37W777 Rt. 38, Suite 300, St. Charles, IL 60175

TO: Arresting Agency: _____

TO: Illinois State Police: Bureau of Identification, 260 N. Chicago St., Joliet IL 60431-1342

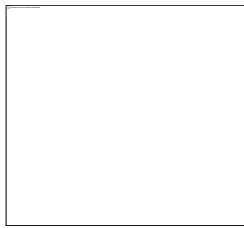
Attention: Expungement

You are hereby notified that on _____, at _____, in Courtroom 001,
(EXPUNGEMENT HEARING DATE) (TIME OF HEARING)
located at Juvenile Justice Center, St. Charles, IL, before the
Honorable _____, or any judge sitting in his/her stead, I shall
(DELINQUENCY COURT JUDGE)
present a Petition to Expunge Juvenile Records at which time and place you may
appear.

Petitioner's Signature

Petitioner's Address

NOTE: Notice is the SAME for ALL petitions



[This page intentionally left blank]

**IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

IN THE INTEREST OF

NAME OF PETITIONER

A MINOR

)
)
)
)
)
)
)

GENERAL NO. JD

APPLICATION FOR COURT WAIVER FEES

Pursuant to Illinois Supreme Court Rule 298 and 735 ILCS 5/5-105, I state:

1. I am providing the following information about myself:

- a. Name: _____
(FIRST) (MIDDLE) (LAST)
- b. Year of birth: _____
- c. Street Address: _____
- d. I believe I cannot afford to pay the court fees in this case.

2. I am providing the following information about people who live with me:

- a. I support _____ adults (*not counting myself*) who live with me.
- b. I support _____ children under 18 who live with me.

3. I have received 1 or more of the benefits listed below in the past 4 weeks:

- YES NO
- Supplemental Security Income (SSI) (Not Social Security)
 - Aid to the Aged, Blind, and Disabled (AABD)
 - Temporary Assistance for Needy Families (TANF)
 - State Children & Family Assistance
 - Food Stamps (SNAP)
 - General Assistance (GA)
 - Transitional Assistance

****If you answered "YES" in section 3, skip section 4 and sign the form****

4. I checked "NO" in section 3, so I am providing the following financial information:

- a. I have applied for 1 or more of the benefits listed in section 3:
 YES NO
- b. I receive the following money each month. This includes money that I receive by people I support who live with me. (*check all that apply*)
- My employment: \$ _____ Other people's employment: \$ _____
- Child support: \$ _____ Social Security (not SSI): \$ _____
- Pension: \$ _____ Unemployment: \$ _____
- Other (*list type and amount*): _____ \$ _____
- No income
- Total of all money received: \$ _____

- c. I received the following total amount of money in the past 12 months. This includes money received by people I support who live with me. *(check all that apply)*.
- My employment: \$ _____ Other people's employment: \$ _____
- Child support: \$ _____ Social Security (not SSI): \$ _____
- Pension: \$ _____ Unemployment: \$ _____
- Other *(list type and amount)*: _____ \$ _____
- No income
- Total of all money received: \$ _____

- d. My current monthly expenses are listed below. This includes the monthly expenses of the people I support who live with me. *(check all that apply)*.
- Rent: \$ _____ per month
- Home mortgage: \$ _____ per month
- Other mortgage: \$ _____ per month
- Utilities: \$ _____ per month
- Food: \$ _____ per month
- Medicaid: \$ _____ per month
- Car loan: \$ _____ per month
- Other *(list type and amount)*: _____ \$ _____ per month
- I have no expenses
- Total of all expenses: \$ _____

- e. I have the belongings listed below. This includes the belongings of the people I support who live with me. *(check all that apply)*.
- Bank accounts and cash totaling: \$ _____
- Home real estate, worth: \$ _____
- The total I owe on my home mortgage is: \$ _____
- Other real estate, not including the house I live in, worth: \$ _____
- The total I owe on my other mortgage is: \$ _____
- 1st vehicle worth: \$ _____ The 1st vehicle is paid off: YES NO
- 2nd vehicle worth: \$ _____ The 2nd vehicle is paid off: YES NO
- Other *(list items and value)*: _____ \$ _____
- None of the above

**I certify that everything above is true and correct to the best of my knowledge.
I understand that making a false statement in this form could be perjury.**

Your signature

Street Address

Print Your Current Name

City, State, ZIP

Relationship to Minor or Incompetent Adult (if applicable)

Telephone



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 felony sexual offenses that require a person to register under the Sex Offender Registration Act.
- Traffic offenses, including DUI, and petty offenses.

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 25th 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 provides forms through the website at www.cic.co.kane.il.us. They are also available on the Juvenile Justice Council website at jjcouncil.countyofkane.org/expungements.

HOW MUCH WILL IT COST?

The filing fee of \$232.51 per petition is payable to the Clerk of the Circuit Court. For the the most up to date informaiton on fees, visit the Circuit Clerk's website: www.cic.co.kane.il.us.

For more information, resources, and links to the most up-to-date forms, please visit:
jjcouncil.countyofkane.org/expungements



- Payable by money order, certified check, cashier's check, credit card, or cash. Please note: credit card payments have a service provider fee that is subject to change.
- 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 is included in the filing fee noted above.

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*"

AND

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

If your fee waiver petition is granted by a judge, you will not have to pay the filing fee or 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
- Kane County Juvenile Justice Center if you were ever held in custody there
- Kane 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?

The Circuit Clerk's Office will mail copies to the required parties listed on the petition.



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?

- **Administer Justice:** <http://administerjustice.org/>
- **Kane County Law Library- “Lawyer in the Library” Service:** <http://www.kclawlibrary.org/Pages/lawyer-in-library.aspx>
- **Prairie State Legal Aid:** <http://pslegal.org>
- **Illinois Legal Aid:** <http://illinoislegalaid.org>
- **State Appellate Defender:** illinois.gov/osad

This packet is brought to you in part by the members of the Kane County juvenile justice Council.
For more information about the Council and its initiatives, please visit:

jjcouncil.countyofkane.org

Packet last updated on: **january 1, 2018**