



KANE COUNTY JUVENILE EXPUNGEMENT INFORMATION PACKET

I, _____, of the _____

_____ (Police Department), have notified the minor,

_____, and/or the minor's parent or guardian
_____, of the following information as required by The
Illinois Juvenile Court Act, 705 ILCS 405/5-915 (2.5):

- 1. The minor has a right to petition to have the arrest record expunged when all juvenile court proceedings relating to that minor are terminated and certain conditions are met AND***
- 2. That unless the minor files a petition to expunge, he/she shall have an arrest record.***

This notice has been given to me verbally and I have been provided with an expungement information packet.

(Signature of person receiving packet)

(Date)

(Signature of officer providing packet)

(Date)

Case Report Number: _____

***NOTE:** Please give family copy of signed form and keep original for file.

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



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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, resisting 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.

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 Request to Expunge Juvenile Records 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 if you are eligible to file a Request to Expunge Juvenile Records.



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 "Request to Expunge Juvenile Records," and a "Notice," to ask that your records be expunged and file the papers with the Circuit Clerk in the county you were arrested. Get the forms 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. You can use fillable forms at illinoiscourts.gov/forms/approved-forms/forms-approved-forms-circuit-court/expungement-sealing

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



3. 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 (866-787-1776)

If you have more than 6 arrests, there is an Additional Juvenile Records form. If you have more than 2 arresting agencies, there is an Additional Arresting Agencies form.



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

Your name, case number, your date of birth then sections 1-4 and finally your signature.

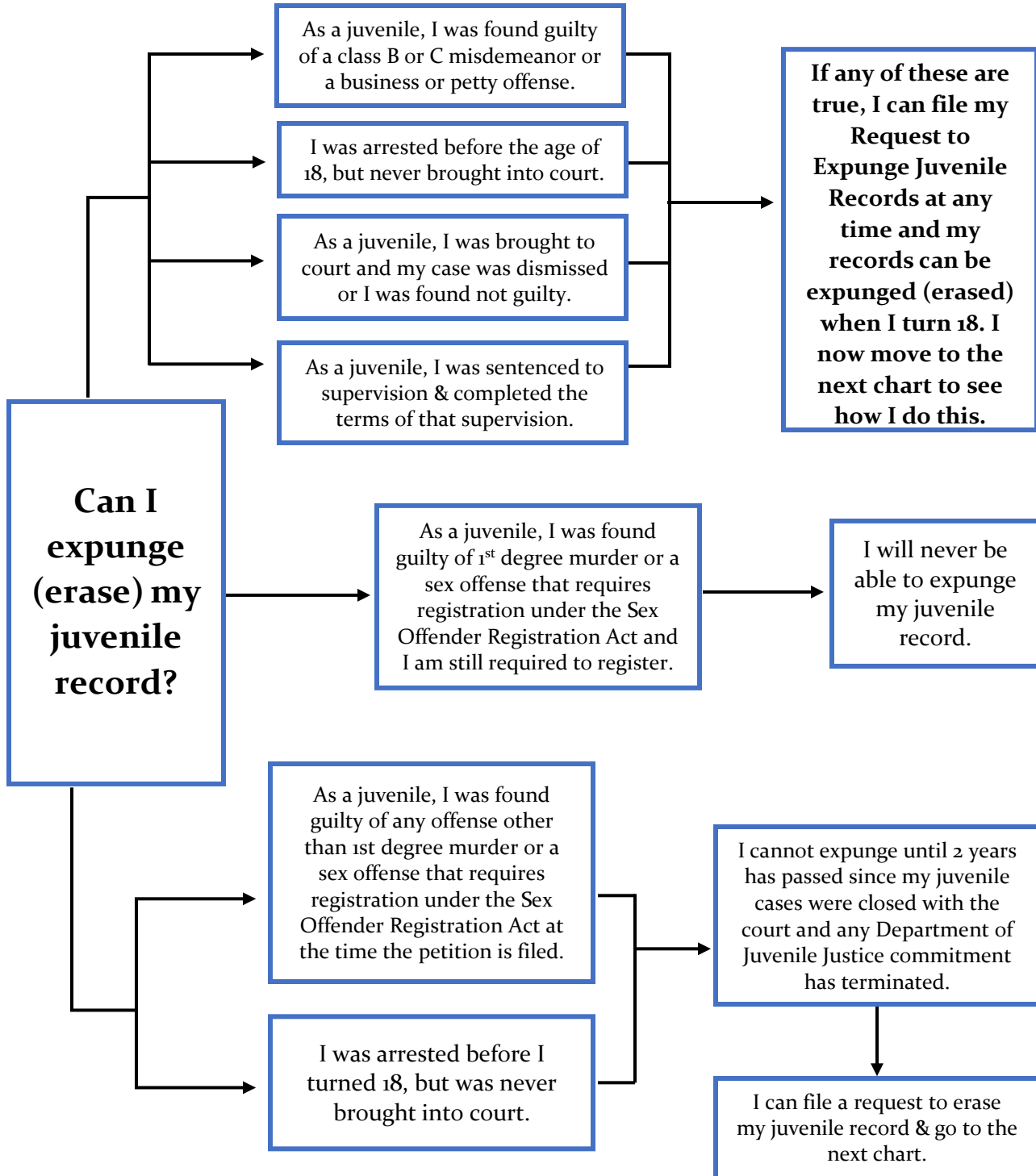
LEAVE THE REST OF THE NOTICE BLANK.



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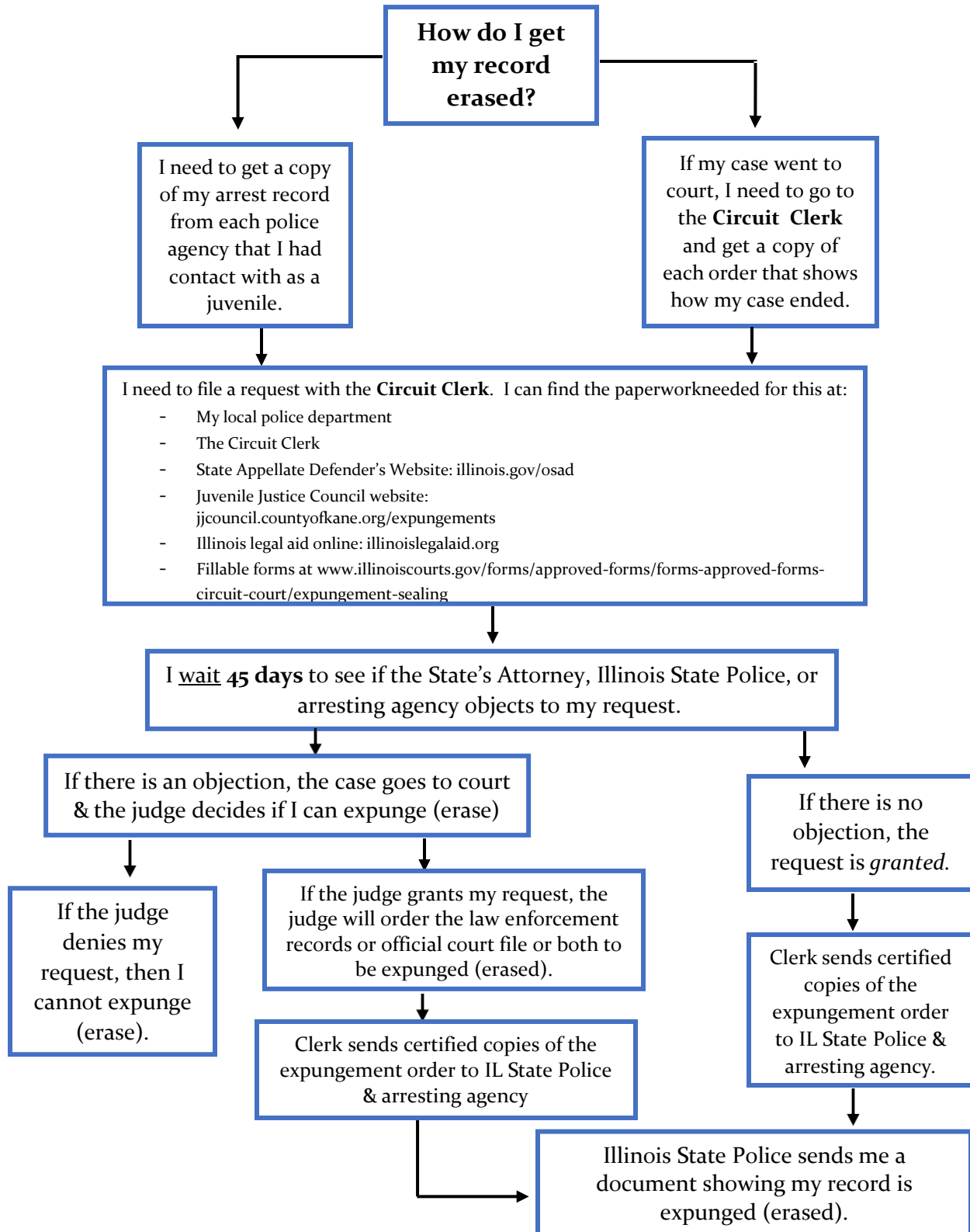


JUVENILE EXPUNGEMENT ELIGIBILITY





JUVENILE EXPUNGEMENT PROCESS



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



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 Request to Expunge Juvenile Records?

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 since the date of arrest 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)

Category No. 1: If you are not eligible for automatic expungement and can answer “Yes” to any of the following questions and you:

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 & 2 Request for Expungement of Juvenile Record.

NOTE: You will need to complete the Request to Expunge Juvenile Records AND the blank notice form.



EXPUNGEMENT OF JUVENILE RECORDS

UNDER 705 ILCS 405/5-915(2)

Category No. 2: For any juvenile incidents that do not fall into Category No. 1 and cannot be automatically expunged under 705 ILCS 405/5-915(.3), you may still have your juvenile record expunged so long as you can answer “YES” to **ALL** of the following questions:

1. Has it been at least 2 years since your last juvenile case ended?
2. Has it been at least 2 years since your commitment to the Department of Juvenile Justice ended including aftercare?

If you answered “Yes” to ALL of these questions and your case was not based on first degree murder or a sex offense for which you have to register under the Sex Offender Registration Act at the time the Request for Expungement of Juvenile Records would be filed, you can ask to have your record expunged.

You can now move on to the Category 1 & 2 Request for Expungement of Juvenile Record.

| | | |
|---|---|---------------------------|
| STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY | REQUEST TO EXPUNGE JUVENILE RECORDS | <i>For Court Use Only</i> |
| Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name and date of birth. Enter the number for court cases in your juvenile record that you are asking to expunge. If an arrest did not result in a court case, the Circuit Clerk will assign it a case number. When the Circuit Clerk assigns the number enter it here. | Request of: _____ Your name (<i>First, middle, last name</i>) _____ Date of birth | |
| Case numbers for all of your juvenile court records in this County: _____ _____ _____ _____ | | |

In **1**, for each eligible offense on your juvenile record, enter:

- the case number,
- the police or sheriff's department that arrested you,
- the charge you were arrested for or the charge you were found guilty of,
- the date of arrest, and
- check the box that matches the outcome of your case.

If your arrest did not result in a court case, the Circuit Clerk will assign it a case number. When the Circuit Clerk assigns the number enter it here.

1. I ask the court to expunge all my eligible juvenile law enforcement and court records from the agency that arrested me, the Circuit Clerk, and the Illinois State Police. I was arrested on the dates and for the offenses listed below:

a. _____

| | | | |
|--------------------|-------------------------|--|-----------------------|
| <i>Case Number</i> | <i>Arresting Agency</i> | <i>Arrest Charges (if you were found guilty of a different charge, list that charge)</i> | <i>Date of Arrest</i> |
|--------------------|-------------------------|--|-----------------------|

Outcome for this case (*check only one*):

- | |
|--|
| <input type="checkbox"/> Arrest without court case filed/station or probation adjustment/ pre-petition diversion |
| <input type="checkbox"/> Given supervision and successfully completed it |
| <input type="checkbox"/> Guilty of felony or class A misdemeanor <input type="checkbox"/> Case dismissed (<i>thrown out</i>) |
| <input type="checkbox"/> Guilty of class B or C misdemeanor <input type="checkbox"/> Found not guilty or not delinquent |

b. _____

| | | | |
|--------------------|-------------------------|--|-----------------------|
| <i>Case Number</i> | <i>Arresting Agency</i> | <i>Arrest Charges (if you were found guilty of a different charge, list that charge)</i> | <i>Date of Arrest</i> |
|--------------------|-------------------------|--|-----------------------|

Outcome for this case (*check only one*):

- | |
|--|
| <input type="checkbox"/> Arrest without court case filed/station or probation adjustment/ pre-petition diversion |
| <input type="checkbox"/> I was given supervision and successfully completed it |
| <input type="checkbox"/> Guilty of felony or class A misdemeanor <input type="checkbox"/> Case dismissed (<i>thrown out</i>) |
| <input type="checkbox"/> Guilty of class B or C misdemeanor <input type="checkbox"/> Found not guilty or not delinquent |

c. _____

| | | | |
|--------------------|-------------------------|--|-----------------------|
| <i>Case Number</i> | <i>Arresting Agency</i> | <i>Arrest Charges (if you were found guilty of a different charge, list that charge)</i> | <i>Date of Arrest</i> |
|--------------------|-------------------------|--|-----------------------|

See *How to Expunge Juvenile Records* to make sure all of your cases can be erased by expunging your record.

Outcome for this case (check only one):

- Arrest without court case filed/station or probation adjustment/ pre-petition diversion
- I was given supervision and successfully completed it
- Guilty of felony or class A misdemeanor Case dismissed (thrown out)
- Guilty of class B or C misdemeanor Found not guilty or not delinquent

d.

| Case Number | Arresting Agency | Arrest Charges (if you were found guilty of a different charge, list that charge) | Date of Arrest |
|-------------|------------------|---|----------------|
|-------------|------------------|---|----------------|

Outcome for this case (check only one):

- Arrest without court case filed/station or probation adjustment/ pre-petition diversion
- I was given supervision and successfully completed it
- Guilty of felony or class A misdemeanor Case dismissed (thrown out)
- Guilty of class B or C misdemeanor Found not guilty or not delinquent

e.

| Case Number | Arresting Agency | Arrest Charges (if you were found guilty of a different charge, list that charge) | Date of Arrest |
|-------------|------------------|---|----------------|
|-------------|------------------|---|----------------|

Outcome for this case (check only one):

- Arrest without court case filed/station or probation adjustment/ pre-petition diversion
- I was given supervision and successfully completed it
- Guilty of felony or class A misdemeanor Case dismissed (thrown out)
- Guilty of class B or C misdemeanor Found not guilty or not delinquent

f.

| Case Number | Arresting Agency | Arrest Charges (if you were found guilty of a different charge, list that charge) | Date of Arrest |
|-------------|------------------|---|----------------|
|-------------|------------------|---|----------------|

Outcome for this case (check only one):

- Arrest without court case filed/station or probation adjustment/ pre-petition diversion
- I was given supervision and successfully completed it
- Guilty of felony or class A misdemeanor Case dismissed (thrown out)
- Guilty of class B or C misdemeanor Found not guilty or not delinquent

I have listed additional eligible juvenile arrests, charges, or guilty findings on the *Additional Juvenile Records* form which I will file with this *Request*.

If all of your eligible offenses will not fit on this page, list the rest on one or more *Additional Juvenile Records* forms and file it with this *Request*.

In 2, enter your current address. This is the address where the court or law enforcement agency will send you documents.

2. My mailing address is: _____
Street, Apt #

City *State* *ZIP*

If I move or change my email address I will file a *Change of Address* form.

In order to fill out **Subsection 1** and **2**, see the *How to Expunge Juvenile Records*.

In **3**, check Subsection 1 if the statement applies to you.

In **4**, check Subsection 2 if **a** and **b** apply to you.

In **4a**, enter the date your last juvenile case ended.

*****Fill out subsection 1 or subsection 2 or both depending on your juvenile record*****

3. SUBSECTION 1

All juvenile court proceedings related to the arrests and cases I am seeking to expunge are closed.

4. SUBSECTION 2

a. At least 2 years have passed since all my juvenile cases ended. This includes juvenile probation, serving time in the Department of Juvenile Justice, and parole (IDJJ Aftercare).

The date my last juvenile case sentence ended was: _____
Date

b. None of the cases I am trying to expunge are cases where I was found guilty of first degree murder or an offense that requires me to register under the Sex Offender Registration Act.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

I certify that everything in the *Request to Expunge Juvenile Records* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

_____/s/_____
Your signature Date

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Prepared by: _____
Street Address: _____
City, State, ZIP: _____
Phone Number: _____

For official use only

State's Attorney/Prosecutor/ISP/Arresting Agency/Chief Local Legal Officer:

DO NOT fill in the box to the right.

Received on: | _____

GETTING COURT DOCUMENTS BY EMAIL: If you agree to receive court documents by email, check the box below and enter your email address. 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 or notice of court dates. Other parties may still send you court documents by mail.

I agree to receive court documents at this email address during my entire case.

Email

Print Form

Save Form

Reset Form

| | | |
|---|--|---------------------------|
| STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY | ADDITIONAL ARRESTING AGENCIES | <i>For Court Use Only</i> |
| Instructions ▼ Use this form only if you have been arrested by more than 2 police or sheriff's department. If you have been arrested by only 2 police or sheriff's departments, do not complete this form. Directly above, enter the name of county where you will file the case. Enter your name and birth date. Enter all case numbers listed in this area of the <i>Request</i> form. | Request of: _____ Your name (<i>First, middle, last name</i>) _____ Date of birth Case numbers for all of your juvenile court records in this County: _____ _____ _____ _____ _____ | |

In **1**, enter the names and addresses of the additional police or sheriff's department that arrested you.

1. To: Additional Police or Sheriff's Department that arrested you:

| | |
|-------------------------------------|-------------------------------------|
| <i>Name</i> | <i>Name</i> |
| <i>Street Address</i> | <i>Street Address</i> |
| <i>City</i> <i>State</i> <i>ZIP</i> | <i>City</i> <i>State</i> <i>ZIP</i> |

| | |
|-------------------------------------|-------------------------------------|
| <i>Name</i> | <i>Name</i> |
| <i>Street Address</i> | <i>Street Address</i> |
| <i>City</i> <i>State</i> <i>ZIP</i> | <i>City</i> <i>State</i> <i>ZIP</i> |

| | |
|-------------------------------------|-------------|
| <i>/s/</i> <i>Your Signature</i> | <i>Date</i> |
|-------------------------------------|-------------|

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name. Then file it with the *Notice of Filing for Juvenile Expungement*.

Enter your name, address, and phone number.

Prepared by: _____

Street Address: _____

City, State, ZIP: _____

Phone Number: _____

| | | |
|---|---|---------------------------|
| STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY | ADDITIONAL JUVENILE RECORDS | <i>For Court Use Only</i> |
| Instructions ▼ Only complete this form if you have been arrested more than 6 times and asking for all of those arrests to be expunged. If you have been arrested 6 times or less, then you do not need to complete this form. | Request of: _____ Your name (<i>First, middle, last name</i>) _____ Date of birth | |
| Directly above, enter the name of the county where you will file the case. | Case numbers for all of your juvenile court records in this County: _____ _____ _____ _____ | |
| Enter your name and date of birth. | | |
| Enter all case numbers listed in this area of the <i>Request</i> form. | | |

In 1, fill in the next letter in the space provided starting with g.

For each additional eligible offense on your juvenile record, enter:

- the case number,
- the police or sheriff's department that arrested you,
- the charge you were arrested for or the charge you were found guilty of,
- the date of arrest, and
- check the box that matches the outcome of your case.

If your arrest did not result in a court case, the Circuit Clerk will assign it a case number. When the Circuit Clerk assigns the number enter it here.

1. I ask the court to expunge all my eligible juvenile law enforcement and court records from the agency that arrested me, the Circuit Clerk, and the Illinois State Police. I was arrested on the dates and for the offenses listed below:

| | | | |
|--------------------|-------------------------|--|-----------------------|
| _____ | _____ | _____ | _____ |
| <i>Case Number</i> | <i>Arresting Agency</i> | <i>Arrest Charges (if you were found guilty of a different charge, list that charge)</i> | <i>Date of Arrest</i> |

Outcome for this case (*check only one*):

- | |
|--|
| <input type="checkbox"/> Arrest without court case filed/station or probation adjustment/ pre-petition diversion |
| <input type="checkbox"/> Given supervision and successfully completed it |
| <input type="checkbox"/> Guilty of felony or class A misdemeanor <input type="checkbox"/> Case dismissed (<i>thrown out</i>) |
| <input type="checkbox"/> Guilty of class B or C misdemeanor <input type="checkbox"/> Found not guilty |

| | | | |
|--------------------|-------------------------|--|-----------------------|
| _____ | _____ | _____ | _____ |
| <i>Case Number</i> | <i>Arresting Agency</i> | <i>Arrest Charges (if you were found guilty of a different charge, list that charge)</i> | <i>Date of Arrest</i> |

Outcome for this case (*check only one*):

- | |
|--|
| <input type="checkbox"/> Arrest without court case filed/station or probation adjustment/ pre-petition diversion |
| <input type="checkbox"/> I was given supervision and successfully completed it |
| <input type="checkbox"/> Guilty of felony or class A misdemeanor <input type="checkbox"/> Case dismissed (<i>thrown out</i>) |
| <input type="checkbox"/> Guilty of class B or C misdemeanor <input type="checkbox"/> Found not guilty |

See *How to Expunge Juvenile Records* to make sure all of your cases can be erased by expunging your record.

| <i>Case Number</i> | <i>Arresting Agency</i> | <i>Arrest Charges (if you were found guilty of a different charge, list that charge)</i> | <i>Date of Arrest</i> |
|--------------------|-------------------------|--|-----------------------|
|--------------------|-------------------------|--|-----------------------|

Outcome for this case (*check only one*):

- Arrest without court case filed/station or probation adjustment/ pre-petition diversion
- I was given supervision and successfully completed it
- Guilty of felony or class A misdemeanor
- Guilty of class B or C misdemeanor
- Case dismissed (*thrown out*)
- Found not guilty

| <i>Case Number</i> | <i>Arresting Agency</i> | <i>Arrest Charges (if you were found guilty of a different charge, list that charge)</i> | <i>Date of Arrest</i> |
|--------------------|-------------------------|--|-----------------------|
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Outcome for this case (*check only one*):

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|--------------------|-------------------------|--|-----------------------|
|--------------------|-------------------------|--|-----------------------|

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- Arrest without court case filed/station or probation adjustment/ pre-petition diversion
- I was given supervision and successfully completed it
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- Case dismissed (*thrown out*)
- Found not guilty

| <i>Case Number</i> | <i>Arresting Agency</i> | <i>Arrest Charges (if you were found guilty of a different charge, list that charge)</i> | <i>Date of Arrest</i> |
|--------------------|-------------------------|--|-----------------------|
|--------------------|-------------------------|--|-----------------------|

Outcome for this case (*check only one*):

- Arrest without court case filed/station or probation adjustment/ pre-petition diversion
- I was given supervision and successfully completed it
- Guilty of felony or class A misdemeanor
- Guilty of class B or C misdemeanor
- Case dismissed (*thrown out*)
- Found not guilty

If you do not have enough space to list your cases, you may use an additional page.

File this form with your *Request to Expunge Juvenile Records* form.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your name, address, and phone number.

/s/

Your Signature

Date

Prepared by: _____
Street Address: _____
City, State, ZIP: _____
Phone Number: _____

CERTIFICATE OF MAILING

The undersigned certifies that the above *Notice* and attached documents were placed in the U.S. Mail with first class postage prepaid to all parties listed above.

DO NOT fill out this section. The Circuit Clerk will sign and mail it.

Signature of Circuit Clerk

Name of Deputy Clerk



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



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 at the time the petition is filed.
- 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. Fillable forms can be found at www.illinoiscourts.gov/forms/approved-forms/forms-approved-forms-circuit-court/expungement-sealing

HOW MUCH WILL IT COST?

There is no fee to file your Request to Expunge. However, the Circuit Clerk and arresting agencies may charge copying fees when you go to obtain your arrest record. It may be a good idea to bring paper and pen to write down information if you do not want to pay the copy fees.



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 EXPUNGEMENT 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.

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