

CLEARING YOUR CRIMINAL RECORD

A GUIDE TO OBTAINING AN EXPUNGEMENT IN ALLEGHENY COUNTY



Neighborhood Legal Services Association

CLEARING YOUR CRIMINAL RECORD

A Guide on How to Obtain an Expungement in Allegheny County

WORD OF CAUTION:

The laws mentioned here were correct at the time of printing (December 2011), but laws do change and some may be different by the time you read this. You should always check to be sure that any law or principle mentioned is current before relying on it. This manual contains general information about the law and does not provide specific advice about a particular legal problem you may have. This should not act as a substitute for seeing a lawyer, and if you are in doubt as to whether you need one, please talk to one.

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A. What is an expungement?

In Pennsylvania, you may have your criminal record cleared or “expunged” if you satisfy certain requirements under Pennsylvania law (18 Pa. C. S. § 9122). If you are granted an expungement, your criminal record will be removed from the Department of Court Records’ files as well as the files of other criminal justice agencies. In essence, there will be no record that you were ever charged with a crime.

B. Why should I seek an expungement?

Under Pennsylvania law, employers are permitted to conduct background checks on job applicants during the hiring process. If you were arrested, charged, or convicted of a crime, it may appear on your criminal record.

The law states that employers should only consider *misdemeanor and felony convictions* and only to the extent that those convictions relate to the duties and responsibilities of the specific job you are applying to. Additionally, if an employer decides to deny employment based on your criminal record, the employer **MUST** inform you that the reason for the denial is because of your criminal record.

Although employers should not consider arrests or charges that were ultimately dropped, it can be difficult to review a criminal record properly and there is a risk that an employer will consider information on your record that they shouldn’t. As a result, if you can clear or

minimize your record through the expungement process, you should.

If an arrest or criminal charge is appearing on your criminal record, it may also affect your ability to obtain housing. You can use the expungement process to clear your record for that purpose as well.

C. What charges are eligible for expungement?

To determine which charges on your record can be removed through the expungement process, you must look at the *disposition* or outcome of the case. If you were convicted, typically the disposition will be listed as *pled guilty or found guilty*. If the charges against you were dropped, the disposition may say *dismissed*.

Charges with the following dispositions *may* be eligible for expungement:

- Withdrawn
- Dismissed
- Nolle Prossed
- Not Guilty
- Disposition Unreported/No Further Action Taken

Additionally, if you pled guilty or were found guilty of a *summary* offense, the conviction for that summary offense may be eligible for expungement if you have remained free from arrest or prosecution for 5 years following the conviction.

To obtain an expungement, you must file a Petition for Expungement with the court and request that a judge issue an order directing the reporting agencies to destroy your record.

****Please note that before you can file for an expungement in a particular case, you must pay off any outstanding fines, costs, or restitution for that case. If you still owe fines and costs, the Department of Court Records will not allow you to file your petition.**

In Allegheny County, the following programs offer expungement as part of their plea bargain package: Accelerated Rehabilitative Disposition (ARD), Probation Without Verdict (PWOV), and Allegheny Service Institute (ASI).

When all fines are paid and the program is completed successfully, an expungement should occur automatically for a first time offender in the PWOV or ARD programs. If your expungement has not been processed automatically, you may need to file an expungement petition and include documentation to show that you have successfully completed the program.

If you participated in ASI, expungement is not automatic and you must file a motion with the court and pay a fee to obtain your expungement

NOTE: If you participated in ARD prior to 1990, expungement was not automatic and you must file an expungement petition.

D. What is the difference between a full and partial expungement?

A *full petition for expungement* is used when none of the charges in a particular case on your criminal record resulted in a conviction.

A *partial petition for expungement* is used when you have both conviction and non-conviction dispositions in the same case. Samples of both of the petitions are attached to this document. When you go to the courthouse, the Department of Court Records - Criminal Division should give you the appropriate petition based on what your criminal record contains.

- Examples:
1. Ms. Smith was charged with both child endangerment and disorderly conduct in the same case. Ms. Smith was convicted of disorderly conduct and the child endangerment charge was dismissed. Ms. Smith would be able to obtain a *partial expungement* to have the child endangerment charge expunged, but the disorderly conduct conviction would remain on her record.
 2. Mr. Jones was charged with retail theft and fraud. Both charges were withdrawn. Mr. Jones would be able to obtain a *full expungement* to have both charges removed from his record.

E. What is the difference between Petition for Expungement (Rule 790) and Petition for Expungement (Rule 490)?

In December 2010, new rules were issued to govern the expungement process in Pennsylvania. Under these rules, two separate petitions were drafted. The first is a Petition for Expungement Pursuant to Pennsylvania Rule of Criminal Procedure 790 and the second is a Petition for Expungement Pursuant to Pennsylvania Rule of Criminal Procedure 490.

If the only charges in a particular case were *summary* offenses, you can use the Petition for Expungement Pursuant to **Rule 490**.

If you have *any other* charges in a case, you must use the Petition for Expungement Pursuant to **Rule 790**. You must use the 790 petition even if your case contains some summary charges along with the more serious charges.

Whether a charge was a summary (S), misdemeanor (M), or felony (F) can be found under the grade section of your docket sheet or state police report.

You can obtain the appropriate petition form from the Department of Court Records or online at the Administrative Office of Pennsylvania Courts website:
<http://www.aopc.org/Forms/Default.htm>

F. What charges CANNOT be expunged?

If you pled guilty or were found guilty of a misdemeanor or felony offense, you must apply for a Governor's Pardon. Misdemeanor and felony convictions are NOT eligible for expungement.

The first step in the pardon process is to write to the Board of Pardons and request an application. You must include an \$8.00 money order, cashier's check or certified check payable to the Commonwealth of Pennsylvania, and a self-addressed, business size envelope with \$0.63 postage on it. The application, \$8.00 fee, and self-addressed envelope should be mailed to:

Board of Pardons
333 Market Street, 15th Floor
Harrisburg, PA 17126

After you send the letter, the Board of Pardons will send you an application along with instructions on how to proceed. Please be aware that the pardon process can take a long time, and there is no guarantee that the Board of Pardons will grant you a pardon.

For more information call (717) 787-2596 or review NLSA's pardon brochure.

BEGINNING

THE

EXPUNGEMENT

PROCESS

1. **You must first obtain an “Access and Review” copy of your criminal record history from the Pennsylvania State Police.** To get your record, fill out form SP 4-164 (available at www.psp.state.pa.us) and be sure to check the “Access & Review” box located at the bottom of the form. DO NOT check any other boxes! Mail the form to the Pennsylvania State Police Central Repository at the address listed on the form. Be sure to include a \$10 certified check or money order payable to the Commonwealth of Pennsylvania.

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hqt'gzwpi'go'gpv'r'wtr'qugu'hqt'82'f'c'ud* This means that you must look at the date of dissemination of the record (listed on the first page) and file your expungement petition with the court within 60 days of the date listed.

Please Note: You can only obtain an Access and Review copy of your record by submitting the paper request form by mail. DO NOT try to request your Access and Review record through the online request service!

2. **Obtain an expungement petition package and instructions from the Department of Court Records - Criminal Division.** The Department of Court Records - Criminal Division is located in the Allegheny County Courthouse, 436 Grant Street, Rm. 114, Pittsburgh, PA 15219. You can reach the Department of Court records by phone at (412) 350-5322.
3. By law, your Access and Review criminal record history and the expungement petition are the only documents that you are required to file. However, the District Attorney prefers that you also include:
 - A certified copy of your criminal record. Copies of summary cases can be obtained from the office of the Magisterial District Judge who disposed of your case. You can get copies of cases disposed of by the Court of Common Pleas from the Department of Court Records, located in the County Courthouse in Rm. 220. You will be charged a \$10 fee for these records.
 - A certified record showing that you have paid all fines and costs associated with your case. You can obtain this document from the Cashier located in the Courthouse, Rm. 114.

The Department of Court Records' hours are Monday - Friday, 8:30 AM to 4:30 PM.

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case in which charges were dropped and a 2005 case in which charges were dropped, you
need to file two separate petitions.

3. Once you complete the Petition for Expungement, you must file it with the Department of Court Records. You need 3 copies of the petition and a \$100 filing fee. Make an extra copy of the petition for yourself.

a. What to do if you do not have the \$100 filing fee

i. If you cannot pay the \$100 filing fee, you can ask the court to waive the fee by filing what is called an In Forma Pauperis Petition (IFP). This petition tells the court why you cannot afford to pay the fee.

1. In the IFP you must list the reasons you are unable to pay the fee and provide proof of your limited income and your expenses. You need to attach pay stubs or copies of award letters for benefits such as public assistance or social security.

2. Take the IFP and your completed Petition for Expungement to Harry Lorenzi, Motions Clerk for the Criminal Division. His office is located at the Allegheny County Courthouse, 436 Grant Street, Fifth floor, Room 534, Pittsburgh, PA 15219.

3. Schedule a time with the Motions Clerk Office to present your IFP request to a judge.

4. If the judge agrees to remove the filing fee, he or she will sign an order stating that you can file your Petition for Expungement without paying the fee. You must then file the order and the completed Petition for Expungement with the Department of Court Records- Criminal Division.

4. After you have filed the Petition for Expungement plus two copies with the Department of Court Record, the Department of Court Records will send a copy to the District Attorney's Office.

If the only charges on your record were *summary* charges, the District Attorney's Office will have 30 days to review your petition and decide whether to object.

If you were charged with more serious offenses (*misdemeanors or felonies*), the District Attorney's Office has 60 days to decide whether to object.

a. What happens if the D.A. disagrees or opposes the petition for expungement?

- i. If the District Attorney's Office disagrees with your Petition for Expungement, you will be notified and will need to schedule a hearing to present your petition to a judge.

To schedule a hearing, you need to contact Harry Lorenzi, who is the Motions Clerk for the Criminal Division. The Motions Clerk- Criminal Division is located at the Allegheny County Courthouse, 436 Grant Street, Fifth floor, Room 534, Pittsburgh, PA 15219.

b. What happens if the D.A. does not object to the petition for expungement?

- i. If the District Attorney's Office does not oppose your Petition for Expungement, once the appropriate review period has passed (either 30 or 60 days) the judge has 14 days to grant or deny the petition. Typically, if the D.A. does not object, the judge will grant the petition.

After the judge signs the order granting the expungement, the District Attorney will have an additional 30 day appeal period. Once that has passed, the Department of Court Records will mail you a copy of the signed order.

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The Department of Court Records will also mail the order to various reporting agencies such as the Pennsylvania State Police, the arresting agency and the magisterial district judge that handled the case. The reporting agencies will destroy their copies of your record and send a signed affidavit back to the Department of Court Records confirming that they have complied with the expungement order.

** It can take up to one year to have your record expunged from all of the different criminal justice agencies. The best way to ensure that your criminal record is clear is to contact the

Pennsylvania State Police and ask for your criminal record. To do this, you must complete another Criminal History Request Form - SP - 164. This form is attached to this manual. You can also get the form from the Pennsylvania State Police website:

<http://www.portal.state.pa.us/portal/server.pt?open=512&objID=4451&PageID=458621&mode=>

[2](http://www.portal.state.pa.us/portal/server.pt?open=512&objID=4451&PageID=458621&mode=). You will need to submit a \$10 fee along with this request.

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If the District Attorney's Office opposes your Petition for Expungement, you will be notified by mail. If you wish to continue pursuing the expungement, you must contact Harry Lorenzi, the Motions Clerk for the Criminal Division, so you can get a hearing before a judge. You should tell the Motions Clerk that you need to schedule an expungement hearing.

Typically, you will be scheduled for a hearing date within two weeks. The hearings are held at the County Courthouse and once you are scheduled for a hearing, it is very important for you to attend. At the hearing, you will have the opportunity to tell the judge why you believe your record should be cleared. The District Attorney will also have an opportunity to tell the judge why he or she feels the charges should remain on your record.

The judge will consider:

1. The strength of the District Attorney's original criminal case against you
2. The reasons the District Attorney gives for wanting to keep the charges on your record
3. Your age, criminal record, and employment history
4. How much time has passed between the arrest and your Petition for Expungement
5. The reasons why you need your record cleared. (Examples: not getting employment, housing, damage to your reputation, etc.)
 - If you have specific examples of jobs you have applied for and have been denied, you should make a list so that you can provide it to the judge.

The judge will then decide whether your right to be free from the harm caused by keeping the charges on your record outweighs the District Attorney's interest in keeping the charges on your record.

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If you were arrested when you were under the age of 18, your charges may have been handled in juvenile court. If your case was handled in the juvenile division, you were charged with delinquent acts, instead of crimes.* Additionally, instead of being found guilty or not guilty, you were either adjudicated delinquent or not adjudicated delinquent.

The expungement of juvenile records is governed by 18 Pa. C. S. § 9123, which is included in this manual. This law outlines several sections under which you may be entitled to an expungement of your juvenile record. The bases for juvenile expungement include:

- 1) A complaint is filed against the juvenile, but is not substantiated or is dismissed by the court; OR
- 2) Six months have elapsed since the final discharge of the person from supervision under a consent decree and no proceeding seeking adjudication or conviction is pending;
- 3) Five years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral and since such final discharge, the person has not been convicted of a felony, misdemeanor or adjudicated delinquent and no proceeding is pending seeking such conviction or adjudication; or
- 4) The individual is 18 years of age or older, the attorney for the Commonwealth consents to the expungement and a court orders the expungement after giving consideration to the following factors:
 - i. the type of offense;
 - ii. the individual's age, history of employment, criminal activity and drug or alcohol problems;
 - iii. adverse consequences that the individual may suffer if the records are not expunged; and
 - iv. whether retention of the record is required for purposes of protection of the public safety.

*Under certain circumstances, you may have been charged with a crime, rather than a delinquent act, if the offense was serious.

The first step in the juvenile expungement process is to go to the Juvenile Court Prothonotary's Office in the City County Building (414 Grant Street, Room 229) to get a certified copy of your record. You will be charged \$0.50 per page for copies.

If you review your record and qualify for an expungement under one of the provisions listed above, you must prepare an expungement petition and file it with the court. In Allegheny County, the petition is filed with the Juvenile Prothonotary. You will also need to take a copy of the Petition for Expungement to the Juvenile District Attorney's office, located in the Allegheny County Family Courthouse Building, 440 Ross Street, Pittsburgh, PA 15219.

In Allegheny County, it is the practice of Juvenile Court judges to hold hearings on all expungement petitions. It is the responsibility of the Petitioner to schedule the hearing. This is accomplished by speaking with Judicial Services, which is located on the 2nd floor of the Family Court building (440 Ross Street). Schedule the hearing at least 30 days from the date of filing.

A judge will take into consideration your age, education, work experience, what offenses you have committed as an adult, and the reasons why you are asking for the expungement, i.e. you cannot get employment or housing, or your reputation is being damaged.

If the District Attorney does not object, the judge will sign your petition at the hearing.

This manual was prepared by Neighborhood Legal Services Association through a 2007 grant from the Allegheny County Bar Foundation, the Pennsylvania Legal Aid Network Employment Law Project, and Pennsylvania IOLTA. It has been updated under a 2011 grant from the Allegheny County Bar Foundation.

Neighborhood Legal Services Association is a private, non-profit corporation created in 1966 to meet the civil legal needs of the poor and vulnerable in our community through effective legal representation and education. Visit us at www.nlsa.us.

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* Pa.C.S. documents are current through 2011 Regular Session Act 107, Enacted December 15, 2011. *

* P.S. documents are current through 2011 Regular Session Act 81, Enacted October 25, 2011. *
* December 12, 2011 Annotation Service. *

PENNSYLVANIA CONSOLIDATED STATUTES
TITLE 18. CRIMES AND OFFENSES
PART III. MISCELLANEOUS PROVISIONS
CHAPTER 91. CRIMINAL HISTORY RECORD INFORMATION
SUBCHAPTER C. DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION

18 Pa.C.S. § 9122 (2011)

§ 9122. Expungement.

(a) *Specific proceedings.* --Criminal history record information shall be expunged in a specific criminal proceeding when:

(1) no disposition has been received or, upon request for criminal history record information, no disposition has been recorded in the repository within 18 months after the date of arrest and the court of proper jurisdiction certifies to the director of the repository that no disposition is available and no action is pending. Expungement shall not occur until the certification from the court is received and the director of the repository authorizes such expungement;

(2) a court order requires that such nonconviction data be expunged; or

(3) a person 21 years of age or older who has been convicted of a violation of section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) petitions the court of common pleas in the county where the conviction occurred seeking expungement and the person has satisfied all terms and conditions of the sentence imposed for the violation, including any suspension of operating privileges imposed pursuant to section 6310.4 (relating to restriction of operating privileges). Upon review of the petition, the court shall order the expungement of all criminal history record information and all administrative records of the Department of Transportation relating to said conviction.

(b) *Generally.* --Criminal history record information may be expunged when:

(1) An individual who is the subject of the information reaches 70 years of age and has been free of arrest or prosecution for ten years following final release from confinement or supervision.

(2) An individual who is the subject of the information has been dead for three years.

(i) An individual who is the subject of the information petitions the court for the expungement of a summary offense and has been free of arrest or prosecution for five years following the conviction for that offense.

(ii) Expungement under this paragraph shall only be permitted for a conviction of a summary offense.

(b.1) *Prohibition.* --A court shall not have the authority to order expungement of the defendant's arrest record where the defendant was placed on Accelerated Rehabilitative Disposition for a violation of any offense set forth in any of the following where the victim is under 18 years of age:

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 5902(b) (relating to prostitution and related offenses).

Section 5903 (relating to obscene and other sexual materials and performances).

(c) *Maintenance of certain information required or authorized.* --Notwithstanding any other provision of this chapter, the prosecuting attorney and the central repository shall, and the court may, maintain a list of the names and other criminal history record information of persons whose records are required by law or court rule to be expunged where the individual has successfully completed the conditions of any pretrial or post-trial diversion or probation program or where the court has ordered expungement under this section. Such information shall be used solely for the purposes of determining subsequent eligibility for such programs, identifying persons in criminal investigations or determining the grading of subsequent offenses. Such information shall be made available to any court or law enforcement agency upon request.

(d) *Notice of expungement.* --Notice of expungement shall promptly be submitted to the central repository which shall notify all criminal justice agencies which have received the criminal history record information to be expunged.

(e) *Public records.* --Public records listed in section 9104(a) (relating to scope) shall not be expunged.

(f) *District attorney's notice.* --The court shall give ten days prior notice to the district attorney of the county where the original charge was filed of any applications for expungement under the provisions of subsection (a)(2).

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18 Pa.C.S. § 9123 (2011)

§ 9123. Juvenile records.

(a) *Expungement of juvenile records.* --Notwithstanding the provisions of section 9105 (relating to other criminal justice information) and except upon cause shown, expungement of records of juvenile delinquency cases wherever kept or retained shall occur after 30 days' notice to the district attorney, whenever the court upon its motion or upon the motion of a child or the parents or guardian finds:

(1) a complaint is filed which is not substantiated or the petition which is filed as a result of a complaint is dismissed by the court;

(2) six months have elapsed since the final discharge of the person from supervision under a consent decree and no proceeding seeking adjudication or conviction is pending;

(3) five years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral and since such final discharge, the person has not been convicted of a felony, misdemeanor or adjudicated delinquent and no proceeding is pending seeking such conviction or adjudication; or

(4) the individual is 18 years of age or older, the attorney for the Commonwealth consents to the expungement and a court orders the expungement after giving consideration to the following factors:

(i) the type of offense;

(ii) the individual's age, history of employment, criminal activity and drug or alcohol problems;

(iii) adverse consequences that the individual may suffer if the records are not expunged; and

(iv) whether retention of the record is required for purposes of protection of the public safety.

(b) *Notice to prosecuting attorney.* --The court shall give notice of the applications for the expungement of juvenile records to the prosecuting attorney.

(c) *Dependent children.* --All records of children alleged to be or adjudicated dependent may be expunged upon court order after the child is 21 years of age or older.

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DAN ONORATO
CHIEF EXECUTIVE

COUNTY OF ALLEGHENY

DEPARTMENT OF COURT RECORDS CRIMINAL DIVISION

114 COURTHOUSE • 436 GRANT STREET
PITTSBURGH, PA 15219
PHONE (412) 350-5322 • FAX (412) 350-7111
WWW.ALLEGHENYCOUNTY.US

KATE BARKMAN
DIRECTOR

ERIC FEDER
DEPUTY DIRECTOR

DARLENE SKOSNIK
DIVISION MANAGER

EXPUNGEMENT OF CRIMINAL CHARGE(S)

Please read all instructions carefully before completing the petition packet. The Department of Court Records is not responsible for incomplete information, incorrect information, or any other information that may result in the petition for expungement being rejected by the Judge or objected to by the Office of District Attorney.

You may petition the Court for an expungement of any charge that is disposed of as “not guilty,” nolle prossed, withdrawn, or dismissed. You may also petition for expungement of a conviction for a summary offense for which you may have pled guilty or found guilty.

- FULLY COMPLETE:**
- (1) the Cover Sheet;
 - (2) the Petition for Expungement Pursuant to Pa.R.Crim.P. 790;
 - (3) the top portion of the draft Expungement Order of Court.

Please note: You must attach to the Petition a copy of your Pennsylvania State Police Criminal History which you obtain no sooner than 60 days before filing the Petition for Expungement.

Bring the original documents and one (1) copy for filing in the Department of Court Records, Criminal Division. It is recommended that you bring an extra copy of any certified documents you file with the Petition for Expungement.

To expedite processing of the Petition by the Office of District Attorney, it is recommended that you attach the following to the Petition:

- (1) A certified copy of your case disposition. You can obtain a certified copy of your case at the Department of Court Records, Criminal Division, Room 220, Courthouse, for a fee of \$10.00 per case;
- (2) A certified record demonstrating that you have fully paid all fines and costs for all summary convictions;
- (3) A completed Charge Sheet listing each charge and the disposition of each charge.

If you are petition for a summary charge of Underage Drinking, it is recommended that you attach proof that driver’s license suspension has been served.

THERE IS A FILING FEE OF \$100 FOR A PETITION FOR EXPUNGEMENT.



COUNTY OF ALLEGHENY



DAN ONORATO
CHIEF EXECUTIVE

DEPARTMENT OF COURT RECORDS CRIMINAL DIVISION

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- (1) the Cover Sheet;
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 - (3) the top portion of the draft Partial Expungement Order of Court.

Please note: You must attach to the Petition a copy of your Pennsylvania State Police Criminal History which you obtain no sooner than 60 days before filing the Petition for Expungement.

Bring the original documents and one (1) copy for filing in the Department of Court Records, Criminal Division. It is recommended that you bring an extra copy of any certified documents you file with the Petition for Expungement.

To expedite processing of the Petition by the Office of District Attorney, it is recommended that you attach the following to the Petition:

- (4) A certified copy of your case disposition and Docket Transcript from the Magisterial District Judge’s Office if your case was settled at a Magisterial District Judge’s office.

or

If the case was held for disposition at Common Pleas Court, you can obtain a certified copy of your case at the Department of Court Records, Criminal Division, Room 220, Courthouse, for a fee of \$10.00 per case;

- (5) A certified record demonstrating that you have fully paid all fines and costs for all convictions;
- (6) A completed Charge Sheet listing each charge and the disposition of each charge. Be sure to list all charges including both guilty and not guilty charges. Be sure to include all original charges, including those that were dismissed at the Magisterial District Judge number, CR number and disposition- this information will be found on the docket transcript from the Magisterial District Judge.

If you are petition for a summary charge of Underage Drinking, it is recommended that you attach proof that driver’s license suspension has been served.

THERE IS A FILING FEE OF \$100 FOR A PETITION FOR EXPUNGEMENT.



DAN ONORATO
CHIEF EXECUTIVE

COUNTY OF ALLEGHENY

DEPARTMENT OF COURT RECORDS CRIMINAL DIVISION

114 COURTHOUSE • 436 GRANT STREET
PITTSBURGH, PA 15219
PHONE (412) 350-5322 • FAX (412) 350-7111
WWW.ALLEGHENYCOUNTY.US

KATE BARKMAN
DIRECTOR

ERIC FEDER
DEPUTY DIRECTOR

DARLENE SKOSNIK
DIVISION MANAGER

EXPUNGEMENT OF SUMMARY CHARGE(S)

THESE INSTRUCTIONS ARE FOR CASES IN WHICH THE ONLY CHARGE/S ARE SUMMARY CHARGES.

Please read all instructions carefully before completing the petition packet. The Department of Court Records is not responsible for incomplete information, incorrect information, or any other information that may result in the petition for expungement being rejected by the Judge or objected to by the Office of District Attorney.

You may petition the Court for an expungement of a summary charge/s to which you pled guilty or were found guilty by a Magisterial District Judge or Judge, pursuant to Pa. R. Crim. P. 490. To be eligible for expungement of a summary charge, you must not have had any arrests, charges or convictions for a minimum of five (5) years since the conviction of the summary offense for which expungement is requested.

- FULLY COMPLETE:** (1) the Cover Sheet;
(2) the Petition for Expungement Pursuant to Pa.R.Crim.P. 490;
(3) the top portion of the draft Expungement Order of Court.

Please note: You must attach to the Petition a copy of your Pennsylvania State Police Criminal History which you obtain no sooner than 60 days before filing the Petition for Expungement.

Bring the original documents and one (1) copy for filing in the Department of Court Records, Criminal Division. It is recommended that you bring an extra copy of any certified documents you file with the Petition for Expungement.

To expedite processing of the Petition by the Office of District Attorney, it is recommended that you attach the following to the Petition:

- (7) A certified copy of your case disposition and Docket Transcript from the Magisterial District Judge's Office if your case was settled at a Magisterial District Judge's office.

or

If the case was held for disposition at Common Pleas Court, you can obtain a certified copy of your case at the Department of Court Records, Criminal Division, Room 220, Courthouse, for a fee of \$10.00 per case;

- (8) A certified record demonstrating that you have fully paid all fines and costs for all convictions;
(9) A completed Charge Sheet listing each charge and the disposition of each charge.

If the summary charge for expungement is Underage Drinking, it is recommended that you attach proof that driver's license suspension has been served.

THERE IS A FILING FEE OF \$100 FOR A PETITION FOR EXPUNGEMENT.

''

''

UCO RNG

EQXGT'UJ GGV

CPF'QTFGT

HQT'HWNN

GZRWPI GO GP V

RGVKVQP''

IN THE FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA, COURT OF COMMON
PLEAS OF ALLEGHENY COUNTY

COMMONWEALTH OF PENNSYLVANIA

DOCKET #CP-02-_____

v.

**PETITION FOR
EXPUNGEMENT**

If Petition is filed by an attorney:

Name: _____

Attorney ID#: _____

Address: _____

Telephone number: _____

Aliases (other names you may be known as):

Address:

Phone:

OTN#:

CR#:

SSN:

Do not write below this line:

Date Petition Filed: _____; Date to DA: _____

Date to Judge: _____; Date of Order: _____

APPEAL DATE: _____

FULL EXPUNGEMENT

IT IS RECOMMENDED THAT ALL CHARGES AND DISPOSITIONS BE ENTERED BELOW AND THAT THIS LIST BE ATTACHED TO THE PETITION FOR EXPUNGEMENT.

Charge _____ Disposition _____

IN THE FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA, COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, CRIMINAL DIVISION.

COMMONWEALTH OF PENNSYLVANIA

V.

DOB: _____ Docket # CP-02- _____

SSN: _____ Date of complaint or arrest: _____

SEX: _____ Agency that made arrest: _____

OTN: ___ - _____ Lower Court #: _____

Aliases of Defendant:

Address of Defendant (as appears on Petition): _____

Name and Address of the issuing authority who accepted guilty plea or heard case: _____

Name and Address of Affiant as shown on Complaint or citation: _____

MDJ # _____

Name and Address of MDJ: _____

Reason for Expungement: _____

Charges: See Attached page(s) which is hereby incorporated into this Order by reference.

EXPUNGEMENT ORDER OF COURT

AND NOW, to wit this _____ day of _____, of 20____, the within petition having been presented in open Court and, upon consideration thereof, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Department of Court Records shall serve a certified copy of this Order upon the following persons, keepers of records, pertaining to the above-captioned Criminal proceedings:

- 1. Allegheny County District Attorney
2. Allegheny County Pre-Trial Services
3. Magisterial District Judge: _____
4. Arresting Agency: _____
5. Pennsylvania State Police Central Repository
6. Administrative Offices of Pennsylvania Courts
7. Allegheny County Department of Adult Probation
8. Allegheny County Jail

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the aforementioned keepers of criminal records shall expunge and destroy the official and unofficial arrest, expungement, and other documents pertaining to the arrest or prosecution or both of the above-named defendants in the above-captioned criminal proceedings, and that each shall request the return of such records, which its agency made available to State or Federal agencies and immediately upon receipt thereof shall destroy such records, with the exception of District Attorney's records, concerning ARD and PWF, which shall be used solely for the purpose of determining subsequent eligibility for ARD or PWV, and that said keepers of such criminal records shall file with this court an Affidavit stating that the mandates of this Order have been fulfilled.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Department of Court Records shall expunge the indices of the official and unofficial arrest and other documents pertaining to the arrest or prosecution or both of the above named defendant in the above-captioned criminal proceedings.

BY THE COURT:

Balance: _____ J.

AFFIDAVIT OF EXPUNGEMENT

Address

This is to certify that the official arrest and criminal records and other documents filed pertaining to the particular arrest or prosecution or both of the above-named defendants in the above-captioned criminal proceedings, which are in the custody of and in control of this Office, have been expunged and destroyed.

Date: _____

Certifying Officer: _____

SAMPLE

EQXGT'UJ GGV

CPF'QTFGT

HQT'RCTVKN

GZRWPI GO GP V

RGVKVQP''

PARTIAL EXPUNGEMENT

IN THE FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA, COURT OF COMMON
PLEAS OF ALLEGHENY COUNTY

COMMONWEALTH OF PENNSYLVANIA

DOCKET #CP-02-_____

v.

**PETITION FOR
PARTIAL EXPUNGEMENT**

If Petition is filed by attorney:

Attorney Name: _____

Attorney ID: _____

Address: _____

Telephone Number: _____

Aliases (other names you may be known as):

Address:

Phone:

OTN#:

CR#:

SSN:

Do not write below this line:

Date Petition Filed: _____; Date to DA: _____

Date to Judge: _____; Date of Order: _____

APPEAL DATE: _____

PARTIAL EXPUNGEMENT

IT IS RECOMMENDED THAT ALL CHARGES AND DISPOSITIONS BE ENTERED BELOW AND THAT THIS LIST BE ATTACHED TO THE PETITION FOR EXPUNGEMENT.

Charge _____ Disposition _____

Charge _____ Disposition _____

Charge to remain: _____

IN THE FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA, COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

v.

DOB: _____
SSN: _____
SEX: _____
OTN: _____
MDJ#: _____

Docket # CP-02- _____
Arrest Date: _____
Arresting Agency: _____
Lower Court #: _____
Count #: _____
Disposition:

Address of Defendant (as appears on Petition): _____

Charges: See Attached page(s)

THIS DOCUMENT TO WHICH CERTIFICATION IS ATTACHED IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORD IN MY OFFICE.

ATTEST:

BY:

Director, Department of Court Records

Expungement Clerk

PARTIAL EXPUNGEMENT ORDER OF COURT

AND NOW, to-wit this _____ day of _____, 20____, the within petition having been presented in open Court and, upon consideration thereof, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Department of Court Records shall serve a certified copy of this Order upon the following persons, keepers of records, pertaining to the above-captioned Criminal proceedings:

- | | |
|---|---|
| 1. Allegheny County District Attorney | 6. Administrative Offices of Pennsylvania Courts |
| 2. Allegheny County Pre-Trial Services | 7. Allegheny County Department of Adult Probation |
| 3. Magisterial District Judge: _____ | 8. Allegheny County Jail |
| 4. Arresting Agency: _____ | |
| 5. Pennsylvania State Police Central Repository | |

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the aforementioned keepers of criminal records shall expunge all references in the official and unofficial arrest and other documents pertaining to the arrest or prosecution or both of the above-named defendant in the above-captioned criminal proceedings to the charge/s of _____

_____, count(s) _____, and that said keepers of such criminal records shall file with this court an Affidavit stating that the mandates of this Order have been fulfilled.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Department of Court Records shall expunge references in the official and unofficial arrest and other documents pertaining to the arrest or prosecution or both of the above-named defendant in the above-captioned criminal proceedings to the charges of _____

_____, count(s) _____.

BY THE COURT:

J.

AFFIDAVIT OF EXPUNGEMENT

This is to certify that the official arrest and criminal records and other documents filed pertaining to the particular arrest or prosecution or both of the above-named defendant in the above-captioned criminal proceedings, which are in the custody of and in control of this Office, have been expunged and destroyed.

Date: _____

Certifying Officer _____

SAMPLE PETITION

FOR

EXPUNGEMENT

PURSUANT TO PA.

R.CRIM.P. 790



Petition for Expungement Pursuant to Pa.R.Crim.P. 790

AND NOW, the petitioner avers the following and requests that this petition for expungement pursuant to Pa.R.Crim.P. 790 be granted for the reasons set forth below.

PETITIONER INFORMATION						
Full Name:		DOB:		Social Security Number:		
Address:		Alias(es):				
CASE INFORMATION						
List name, address of the Judge of the Court of Common Pleas or Philadelphia Municipal Court who accepted the guilty plea or heard the case:						
Judge:			Address:			
Philadelphia Municipal Court or Court of Common Pleas Docket Number:			Offense Tracking Number (OTN):			
Name of Arresting Agency:			Date of Arrest:		Date on Complaint:	
List name and mailing address of the affiant as shown on the complaint, if available:						
Name of Affiant:			Address:			
List specific charges, as they appear on the charging document, to be expunged and the disposition of each charge (please attach additional sheet(s) of paper if necessary):						
PA Statute (Title)	Section	Subsection	Statute Description	Counts	Grade	Disposition
If the sentence imposed included a fine, costs or restitution, has the amount due been paid?						<input type="checkbox"/> Yes <input type="checkbox"/> No
List the reason(s) for the expungement (please attach additional sheet(s) of paper if necessary):						
<input type="checkbox"/> I have attached a copy of my Pennsylvania State Police Criminal History which I have obtained within 60 days before filing this petition.						
<input type="checkbox"/> I have not attached a copy of my Pennsylvania State Police Criminal History. State reason(s) below:						

I, the undersigned petitioner, avers that the facts set forth in this petition are true and correct to the best of my personal knowledge or information and belief, and are made subject to the penalties of unsworn falsification to authorities under 18 Pa.C.S § 4904.

Signature of Petitioner

Date

SAMPLE PETITION

FOR

EXPUNGEMENT

PURSUANT TO PA.

R.CRIM.P. 490



Petition for Expungement Pursuant to Pa.R.Crim.P. 490

AND NOW, the petitioner avers the following and requests that this petition for expungement pursuant to Pa.R.Crim.P. 490 be granted for the reasons set forth below.

PETITIONER INFORMATION						
Full Name:		DOB:		Social Security Number:		
Address:		Alias(es):				
CASE INFORMATION						
List name, address of Judge of the Magisterial District or Philadelphia Municipal Court who accepted the guilty plea or heard the case:						
Judge:			Address:			
Magisterial District Court Number:						
Philadelphia Municipal Court or Magisterial District Docket Number:						
Name of Arresting Agency:			Date of Arrest:		Date on Citation or Complaint:	
List name and mailing address of the affiant as shown on the complaint or citation, if available:						
Name of Affiant:			Address:			
List specific charges, as they appear on the charging document, to be expunged and the disposition of each charge (please attach additional sheet(s) of paper if necessary):						
PA Statute (Title)	Section	Subsection	Statute Description	Counts	Grade	Disposition
If the sentence imposed included a fine, costs or restitution, has the amount due been paid? <input type="checkbox"/> Yes <input type="checkbox"/> No						
List the reason(s) for the expungement (please attach additional sheet(s) of paper if necessary):						
<input type="checkbox"/> I have attached a copy of my Pennsylvania State Police Criminal History which I have obtained within 60 days before filing this petition.						
<input type="checkbox"/> I have not attached a copy of my Pennsylvania State Police Criminal History. State reason(s) below:						

I, the undersigned petitioner, avers that the facts set forth in this petition are true and correct to the best of my personal knowledge or information and belief, and are made subject to the penalties of unsworn falsification to authorities under 18 Pa.C.S § 4904.

Signature of Petitioner

Date

REQUEST TO

PENNSYLVANIA

STATE POLICE

FOR CRIMINAL

RECORD CHECK

**PENNSYLVANIA STATE POLICE
REQUEST FOR CRIMINAL RECORD CHECK**

This form is to be completed in ink by the requester – (information will be mailed to the requester only). If this form is not legible or not properly completed, it will be returned unprocessed to the requester. *A response may take four weeks or longer.*
Warning: A person commits a misdemeanor of the third degree if he/she makes a written false statement, which he/she does not believe to be true.

TRY OUR WEBSITE FOR A QUICKER RESPONSE
<https://epatch.state.pa.us>

NAME/ REQUESTER	
ADDRESS	
CITY/STATE/ ZIP CODE	

FOR CENTRAL REPOSITORY USE ONLY CONTROL NUMBER
AFTER COMPLETION MAIL TO: PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY – 164 1800 ELMERTON AVENUE HARRISBURG, PA 17110-9758 Local Number 717-425-5546 1-888-QUERYPA (1-888-783-7972) DO NOT SEND CASH OR PERSONAL CHECK
CHECK ONE BLOCK
<input type="checkbox"/> INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY – ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF \$10.00, PAYABLE TO: "COMMONWEALTH OF PENNSYLVANIA" THE FEE IS NONREFUNDABLE
<input type="checkbox"/> FEE EXEMPT-NONCRIMINAL JUSTICE AGENCY – NO FEE

CONTACT TELEPHONE NUMBER (INCLUDING AREA CODE)

			-				-				
--	--	--	---	--	--	--	---	--	--	--	--

NAME/SUBJECT OF RECORD CHECK (FIRST)	(MIDDLE)	(LAST)		
MAIDEN NAME AND/OR ALIASES	SOCIAL SECURITY NUMBER	DATE OF BIRTH (MM/DD/YYYY)	SEX	RACE

The Pennsylvania State Police response will be based on the comparison of the data provided by the requester against the information contained in the files of the Pennsylvania State Police Central Repository only

REASON FOR REQUEST: All requests \$10.00
*****MAKE ALL MONEY ORDERS PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA *****
 ◀◀◀◀◀CHECK BOX THAT MOST APPLIES TO THE PURPOSE OF THIS REQUEST▶▶▶▶▶

<input type="checkbox"/> INTERNATIONAL ADOPTION - INTERNATIONAL ADOPTION MUST BE NOTARIZED.		
<input type="checkbox"/> ADOPTION (DOMESTIC) <input type="checkbox"/> ATTORNEY <input type="checkbox"/> BANKING <input type="checkbox"/> BAR ASSOCIATION <input type="checkbox"/> CHURCH <input type="checkbox"/> CHILD CARE <input type="checkbox"/> EDUCATION <input type="checkbox"/> ELDER CARE <input type="checkbox"/> EMERGENCY MANAGEMENT	<input type="checkbox"/> EMPLOYMENT/SCREENING <input type="checkbox"/> FOSTER CARE <input type="checkbox"/> HEALTHCARE <input type="checkbox"/> HOUSING <input type="checkbox"/> INSURANCE LICENSE <input type="checkbox"/> MENTAL HEALTH <input type="checkbox"/> NURSE AID TRAINING <input type="checkbox"/> OTHER _____	<input type="checkbox"/> PASSPORT <input type="checkbox"/> PRIVATE INVESTIGATIONS <input type="checkbox"/> SOCIAL SERVICES <input type="checkbox"/> TENANT CHECK <input type="checkbox"/> VISA <input type="checkbox"/> VOLUNTEER AMBULANCE/FIREFIGHTER <input type="checkbox"/> VOLUNTEER

<input type="checkbox"/> ACCESS & REVIEW - (NOT FOR EMPLOYMENT PURPOSES. MUST BE MAILED INTO THE CENTRAL REPOSITORY.) AVAILABLE ONLY TO SUBJECT OF RECORD OR LEGAL REPRESENTATIVE WITH LEGAL AFFIDAVIT ATTACHED FOR THE PURPOSE OF REVIEWING YOUR CRIMINAL HISTORY.
