

2024

Legal Wellness Pocket Guide

Quick resources, tips,
and definitions to help
you understand
your rights



NEIGHBORHOOD
LEGAL SERVICES
www.nlsa.us



Neighborhood Legal Services provides **FREE** civil legal aid.

You can request for services by telephone using a toll free number or by completing an online application.



www.nlsa.us/request-legal-help
1-866-761-6572

These cards provide general practical information and is **not** legal advice. Please consult a lawyer for specific legal advice. Remember-- the laws can change, which could change the information provided here. Make sure that you check for updates before relying solely on this information.

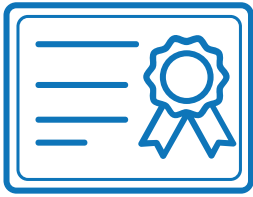
The legal information in these cards may have changed since time of publishing. This information is centric to Pennsylvania.



Pennsylvania Interest on
Lawyers' Trust Accounts Board

Funding for Project Heals provided by the
PA IOLTA Board

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How to Get Your Birth Certificate*

A certified birth certificate is an official legal document that confirms your birth record.

It is often used to **prove your identity** when you apply for a passport, a job, driver's license, social security card or enroll in school.

When you request a birth certificate, you will have to provide valid identification. Valid ID includes **any government-issued photo ID** (driver's license, state identification card, military ID, passport etc.).

If you don't have a photo ID, you can use any of the following as long as it includes your name and mailing address:

- Lease/rental agreement
- Utility bill
- Vehicle registration or insurance
- Tax return
- Pay stub
- Social Security statement
- Bank statement.

In Pennsylvania, birth certificates cost **\$20*** each.

If you are experiencing homelessness, you may be eligible for a free birth certificate. You can fill out the application online or in person at a Pennsylvania Vital Records office.

Ways to Order a Birth Certificate

In Person

You can request a birth certificate in person at the local **PA Vital Records Office**. You will have to fill out an Application for Birth Certificate and **bring valid identification** with you. You will need a photocopy of a driver's license or government-issued photo ID. Even if the ID is expired, it is much better to have one than nothing for the process. The \$20 fee* can be paid by credit/debit card, check or money order. This is the fastest option if you need a birth certificate quickly.

Online

There is an **extra processing fee of \$10** for online orders. The system only accepts credit or debit card payments. You will have to upload a photo of your valid identification. The birth certificate will be delivered to the address you provide by first-class mail or can be picked up at your local Vital Records Office.

mycertificates.heath.pa.gov

By Mail

Complete an Application for Birth Certificate and mail it to: **PA Vital Records, Birth Certificate Processing Unit, PO Box 1528, New Castle, PA 16103**.

Include a copy of a valid, government-issued **photo ID** that includes your mailing address or include two current documents that verify your name and current address (pay stub, bank statement, lease/rental agreement, utility bill). You will also have to include **payment** by check or money order payable to the PA Division of Vital Records.

Your birth certificate will be sent by first-class mail to the address that you provide on the application.

Processing time for online and mail requests is typically **two weeks**.
Call toll-free at 844-228-3516 to get more information.

Free PA Birth Certificate for Homeless Individuals

If you are experiencing homelessness, you may be eligible for a free birth certificate. You can fill out the application online or in person at a Pennsylvania Vital Records office.

You can fill the form to request a birth certificate for yourself, or a child under your care who is under the age of 16.

You will need a photocopy of a driver's license or government-issued photo ID. Even if the ID is expired, it is much better to have one than nothing for the process.

You will need an **advocate** for the application. This can be a director of the facility or shelter you are staying at, a social worker, or an attorney representing you.

If you are staying at a homeless shelter, the shelter must include a statement on their organization letterhead affirming that you are homeless, and or receiving services through the agency. The letterhead should also confirm their address.



How to get a free Photo Identification Card

Where do I go to get a homeless ID Card?

(This is a regular state ID that you get **for free** if you are homeless)

Go to your **local Driver License Center** in person to complete the required application. Inform the Driver License Center that you are applying for a PA State ID and are requesting a free ID due to your homeless status.

What do I have to bring with me?

One proof of identification. It can be:

- A social security card
- A social security denial letter/ineligibility letter
- Letter from a shelter indicating that you are staying there or are using it as an address to pick up mail



Replacing Your Photo Identification Card

If I lost my previously issued homeless ID Card can I get a free replacement?

No, you **cannot** get a free replacement if you **lost** your homeless ID card and it has not yet expired. You can go to your local Driver License Center or **apply online** and pay a replacement fee.

If my ID card has expired, do I get a free renewal?

Yes! You can apply online:

www.dmva.pa.gov





What is Supplemental Security Income?

SSI is directed by the Social Security Administration (SSA).

SSI provides monthly income for people who are:

- 65 years or older, or are disabled or blind, and
- and have limited income and resources.

What is the definition of income for SSI eligibility purposes?

Income includes:

- money you earn from work
- worker's compensation
- unemployment benefits
- Veterans Benefits
- friend or relatives
- and **any free shelter you receive from family or friends**



What is the definition of resources for SSI eligibility purposes?

A resource is **cash** or anything you can turn into cash such as: *bank accounts, some life insurance, stocks, bonds, and property. The house you live in and one car are not counted.*

What is the income and resource limit to be eligible for SSI?

To qualify for SSI as an individual, you must not have more than \$2,000 in resources.

If you are part of a couple, you must not have more than \$3,000 in countable resources.

What does “Disabled” mean for an adult?

The inability to engage in any “substantial gainful activity”

- Because of a **medically determinable** physical or mental impairment
- That has lasted or is expected to last for a continuous period of at least 12 months or more OR is expected to result in death.

You must show through your medical or mental health records and testimony that your impairment(s) make it impossible for you to do your prior work, or any other type of work (i.e. something not very physical, requiring very little standing, walking, or lifting).

What is substantial gainful activity?

Substantial gainful activity is any work you do for **pay or profit**.

You are engaging in substantial gainful activity if you earn **\$1,550** a month GROSS (before taxes) in 2024.

If you earn that much, you will **not** be considered disabled.

What is a medical impairment?

A **medically determinable** impairment has to be **diagnosed**.

A diagnosis can be a result of examinations, testing, lab results or psychological evaluations.



How do I apply for SSI?

You can start the application process online by requesting an appointment:

www.ssa.gov/ssi/start.html

After completion, SSA will schedule the appointment for you to finish the application **at your local social security office**.

You can also **call** SSA's Nationwide Number. They will connect you with someone to start the application process over the phone.



SSA: 1-800-772-1213

Be warned, it takes a long time to get through to a live person by phone.

You can also stop by **your local social security office** to start your application.



What documents or information will I need to complete an SSI application?

- Your name, date of birth, and Social Security Number
- Your birth certificate
- Your spouses' name, date of birth, place of birth and Social Security number (if you are or were married)
- Dates and locations of your marriage or marriages and dates of divorce or death of any previous spouses
- Personal information of your children or step-children
- Your bank account information (if you want your benefits electronically deposited into your account)
- Detailed information about your medical condition(s)
- Names and addresses of treating doctors and hospitals and dates you received treatment
- List of medications you are taking
- Information on all jobs you've held in the past 5 years, if any
- Information about your income for the last and current year
- Any assets (including life insurance) you own and their value



What if I get denied?

If your application gets denied, you can file a “**Request for Reconsideration.**” This asks Social Security to review the decision.

This is the first appeal step.

You can file a Request for Reconsideration online or at your local Social Security Office. If you mail the Request for Reconsideration, be sure to keep proof of mailing in case it gets lost.



You must file this document **within 60 days** of the date of your denial.

What are reasons I might be denied?

- Your medical conditions were not severe enough
- Your medical condition is not one that would last at least a year
- You have too much income or assets (remember that if you are living in someone’s home free of charge, SSA counts that as income)
- You were not treated by a doctor or mental health professional recently enough for SSA to determine if your medical conditions are currently severe enough to stop you from working

What if I get denied after I file a Request for Reconsideration?

If you are denied benefits after you file a Request for Reconsideration, **you can appeal** that decision by filing a **Request for Hearing** by an Administrative Law Judge.

This is a simple, one page form. You can file this form online:

<https://secure.ssa.gov/iApplsRe/start>

Or go to the local Social Security Office and fill out a form. You can also call **1-800-772-1213**.



You must file this document **within 60 days** of the date of your most recent denial.

Tips for Success

- Be as thorough as possible on the application
- List all sources of medical treatment on your application
- Have current medical/psychological treatment and be consistent
- Follow all treatment recommendations by your doctor
- Take medications as prescribed
- Include all medical/psychological issues that may be affecting your ability to work

Medicaid Eligibility

Medicaid or Medical Assistance (MA) is for people with limited incomes who fit into certain groups.

To **qualify** for Medical Assistance (MA), you must:

- Be a US citizen or meet required immigration status
- Be a resident of Pennsylvania
- Fit into a covered group / category
- Meet income and resource guidelines

There is **no monthly premium** for most enrolled in Medical Assistance (MA).

Homeless individuals **do not** need to have a permanent address or a fixed residence to qualify for Medical Assistance (MA), but they do need a **mailing address**. It can be:

- the address of a friend or relative
- a post office box
- a social service agency
- the County Assistance Office (CAO)

Medicaid Application Process

To apply for Medical Assistance (MA) benefits you can ask for an application by contacting a **County Assistance Office (CAO)**. You can also apply for benefits online by visiting:

www.compass.state.pa.us

The County Assistance Office must never tell anyone that they are ineligible and cannot apply.

You must fill out the application and turn it in to the County Assistance Office. If you need help completing the form, the County Assistance Office must help you.

Homeless individuals do not need to have a permanent address or a fixed residence to qualify for Medical Assistance (MA), but they do need a mailing address.

The County Assistance Office must accept your application if it contains:

- your name
- address
- signature

The County Assistance Office must make a determination of eligibility within **30 calendar days** of the date the completed paper application is filed.

If the application is submitted **online**, the County Assistance Office must make their determination within **30 days** of when the online application is submitted.

Medicaid Appeal Rights

You have the right to ask for a hearing to **appeal** a decision or failure to act which affects your Medical Assistance (MA) benefits.

Your right to appeal means that you have the right to ask the County Assistance Office to review their decision about your Medical Assistance case. You can ask a judge to review the County Assistance Office's decision at a hearing.



You must file for the hearing **within 30 days** from the date of the written notice of the County Assistance Office's decision.

The County Assistance Office is responsible for helping you with the hearing request. They cannot limit or interfere with your right to appeal.

Medicaid Defenses / Arguments On Appeal

A new Medical Assistance application is not needed when your application is denied and you:

- request the application to be reconsidered
- ask for a new application
- submit required verifications within 60 days of the denial date.

If you are having problems getting required information / verifications to your County Assistance Office, the caseworker must work with you in an effort to get that information.

If you file a timely appeal of a negative action, you may submit new or extra proof of eligibility at any time up to and including the fair hearing. If proof shows that you are eligible for Medical Assistance, you **can get retroactive benefits**.

What Happens At a Fair Hearing?

You may choose to have your Fair Hearing by **telephone** or **in-person**.

If you choose the **telephone** option, you can provide them with a telephone number or go to your local County Assistance Office to use their telephone. If you choose **in-person**, you will need to travel to the regional Bureau of Hearings and Appeals (BHA) location.

You will have time to tell the judge your side of the case. Someone can speak for you (if you want them to), and your witnesses can speak. You may show documents (evidence) to the judge.

A Fair Hearing / Appeal:

- is a chance for an impartial, objective review
- helps settle issues in dispute
- helps the Department of Human Services (DHS) apply regulations consistently
- helps identify regulations that are unfair, wrong, or not in agreement with the law

The judge will send you their decision within **90 days** (60 days for SNAP) of the date you asked for the hearing.

If the judge decides that the County Assistance Office made the correct decision, your benefits will change or stop.

If you disagree with the judge's decision, **you can appeal again**. The judge's decision letter will tell you how to appeal.



SNAP Eligibility

The Supplemental Nutrition Assistance Program

SNAP is the new name for the **Food Stamp Program**. SNAP benefits are accessed through an Electronic Benefits Transfer (EBT) card.

These benefits are used like cash to buy **most kinds** of food items.

You **do not need** a mailing address or a fixed residence to be eligible for SNAP benefits. You only need an address where the County Assistance Office (CAO) can **mail benefits**.

It can be:

- the address of a friend or relative
- a post office box
- a social service agency
- a County Assistance Office (CAO)

SNAP Application Process

Anyone who wants to apply for SNAP benefits can ask for an application by contacting a CAO. You can also apply for benefits online by visiting:

www.compass.state.pa.us

The normal time frame for processing a SNAP application is **30 days** from application's submission. In some cases, it is possible to receive **Expedited** SNAP benefits within 5 days.

If you qualify for **Expedited** SNAP benefits, you **only need to give identification** to your CAO to get your first month's benefits. The identification does not need to have a photo.

The County Assistance Office (CAO) must never tell anyone that they are ineligible to apply. The CAO must **accept** your application as long it contains: **your name, address, and signature.**

SNAP Appeal Rights

You have the **right to ask** for a hearing to appeal a decision or failure to act which affects your SNAP benefits.

You have the right to ask the County Assistance Office to **review their decision** about your SNAP case. You can ask a judge to review the CAO's decision at a hearing.



You must file for the hearing within **90 days** from the date of the written notice of the CAO's decision

The CAO is responsible for **helping you** with the hearing request. They may not limit or interfere with your right to appeal.

SNAP Defenses / Arguments on Appeal

The County Assistance Office must not require a new application when your application is denied and you reapply **within 30 days** of the denial.

You may **reapply** by:

- requesting the application be reopened
- asking for a new application
- submitting verification or documents



If you struggle getting required information to your County Assistance Office, the caseworker must work with you in an effort to get that information.

If you file a timely appeal of a negative action, you may submit **new or extra proof of eligibility at any time up to** and including the fair hearing.



KNOW YOUR RIGHTS

Landlord / Tenant

What is the eviction process?

The eviction process begins when your landlord posts an **eviction notice** on your door or hands you such a notice.

This is called a **Notice to Quit**. The landlord **cannot** send it to you by mail.

You **do not** have to move out by that date.



Your landlord **must** take you to court in order to evict you.

The **Notice to Quit** must include:

- the landlord's name
- your name
- the address of the rental property
- reason for the notice
- the date by which the landlord wants you to move out of the rental property



Eviction Notice Time Table

What starts the eviction process?

Your landlord must give you notice in a **certain time frame** before the landlord can file an eviction complaint in Magisterial District Court. The time frame depends on the **reason** why the landlord is trying to evict you.

Reason for Eviction	Days of Prior Notice Required
Non-payment of rent	10 Days
Acts relating to illegal drugs	10 Days
Expiration/General breach of a month to month lease or indefinite term lease	15 Days
Expiration/General Breach of a year or less lease	15 Days
Expiration/General Breach of a Lease longer than one year	30 Days

What if the landlord has not given me proper notice?

You can bring this up in court **after** the landlord files an eviction complaint against you.

If you can show that the notice was not given in time or did not list the reason for the notice, the judge may dismiss the case. However, the landlord can then file proper notice.

What if my rental unit is in terrible shape?

Every tenant has the right to a home that is safe, sanitary and healthy. The landlord is **required** to fix things that affect the safety of your apartment or your ability to live in it.

These things include:

- Lack of hot and/or cold running water
- Defunct sewage system
- Broken locks on doors or windows
- Leaking roof
- Insect or rodent infestation
- Lack of adequate heat in the winter
- Inadequate electrical wiring/lack of electricity
- Unsafe floors, stairs, porches and handrails

If your unit has these or other serious issues....

- Take pictures of the damage.
- Notify the landlord. If your lease tells you how to notify the landlord, follow those directions. It is best to do this in writing and keep a copy for yourself.
- You have to allow the landlord time to **repair** the condition.

If your landlord does not fix the problem within a reasonable time, you can do the following:

- Terminate your lease and move out
- Withhold all or part of your rent
- Get the issue repaired and deduct the cost from your rent (Save the receipts so you can prove how much you spent)
- Use the condition of the apartment (the things that impact your ability to live in the unit) as a defense in an eviction proceeding



Be aware that your landlord may take you to court for failing to pay your rent so you must be ready to **provide evidence** of the defect that made the property uninhabitable.

District Court Hearings



You **always** have the right to file an appeal after your district court hearing.

You can file an appeal if:

- You **disagree** with what the judge decided
- You are **not able to pay** the full amount of the judgement
- you are **waiting** for rental assistance
- need more **time** to move

If the judge decides that your landlord should get possession the judgement will either be curable or non-curable. A curable judgment is also called a "pay-and-stay" judgment.

If the judgement is curable

If the judgment is curable and you are able to pay the entire judgment, including the court costs, before your appeal deadline, you do not need to file an appeal and you will not be evicted.

If the judgement is non-curable

If the judgment is not curable, you need to file an appeal to stay on the property. If the judgment is not curable, paying any due money will **not** prevent the constable from evicting you.

If you're unsure whether you can pay the entire judgment, **it is always safer to file an appeal!**



You must file your appeal from the district court judgment **within 10 calendar days**.

You will need to pay 1/3 of your monthly rent to the Court on the day you file your appeal. This is what initially prevents your eviction. After you appeal the case and pay 1/3 of your monthly rent, you will need to pay the remaining 2/3 of your monthly rent 20 days later. Thereafter, it is very important that you make your **monthly rental payments** at the Department of Court Records according to the schedule they give you.

Making these payments is what **allows you to stay** in your apartment during the appeal.

Arbitration Hearings

You also have the right to file an appeal after an arbitration hearing. You have **30 calendar days** to file an appeal after an arbitration hearing. You must continue to pay your monthly rent to the Court even after your arbitration hearing. An arbitration hearing is conducted by a panel of three lawyers, not a judge.



You have **10 calendar days** from the date of the district court judgement to file your appeal

This **DOES NOT** mean that you have 10 days from when you receive the judgment in the mail.

Usually, the judge enters the judgment on the **same day** that you have your hearing.

Example: If your hearing takes place on August 5th and the judge enters the judgment that same day, you must file your appeal by August 15th, unless August 15th falls on a weekend or a Court holiday.



You will file your appeal at the Department of Court Records.



You need to **bring a copy** of the **three-page district court judgment** with you when you file your appeal.

You will receive the district court judgment in the mail after your hearing. Make sure that you **bring all three pages** of the judgment with you when you file.

If the district court judge decided that you owe rent, you will also need to bring **1/3 of a month's rent** when you file your appeal.

When your case is on appeal, you pay your rent into the **Court** instead of to your landlord. The 1/3 payment you bring when you file the appeal is the **first rent payment** that you will make.



If you are not able to make a 1/3 rent payment, **you should STILL FILE YOUR APPEAL.**

The cashier will still allow you to file the appeal paperwork as long as you also ask for a **Motion to Extend Time to Obtain Supersedeas.**

It's much better to file your appeal on time with this Motion than it is to miss your appeal deadline!

Department of Court Records

At the Department of Court Records, tell the cashier that you need to file **landlord/tenant appeal.**

Ask the cashier for an **IFP form** (to not pay filing fees) and a Tenant Supersedeas Affidavit.

After you file your paperwork, the cashier will give you a copy of the **Notice of Appeal form and a payment schedule** for the rent payments you will make into the court.

The cashier will also notify your landlord and the district court that an appeal was filed.



If you are a tenant, your landlord **MUST** get a court order to lock you out of the apartment.

This will be called an **Order for Possession** if it comes from the district court and called a **Writ of Possession** if it comes from the Court of Common Pleas.

If your landlord changes the locks

If your landlord changes the locks **without** going to court and getting an order from the judge, it is an **illegal** self-help eviction.

If you are illegally locked out

If you are illegally locked out of your apartment and your landlord **refuses** to let you back in, you should file a **Petition for Re-Entry** at the Department of Court Records.

You should also ask for an **IFP form** so that you do not need to pay a filing fee.



Utility Assistance - LIHEAP

Low-Income Home Energy Assistance Program (LIHEAP)

LIHEAP helps **low-income** families pay their **heating bills**. This is a grant, it **does not** need to be repaid. The program is open to homeowners and renters. You **don't** need to have any unpaid bills to qualify.

Emergency Heating System Repair

This can be emergency furnace repair or replacement, and other weatherization measures. These can help reduce energy usage and improve home safety and comfort.

Cash Grants

A one-time payment sent directly to the utility company, credited to your bill. You do not need an unpaid bill or to be in crisis situation to receive a cash grant.

Crisis Grants

The crisis grant is for those who have an emergency situation and are in jeopardy of losing their heat. It is separate from the cash grant and may provide you with additional financial assistance needed to end the emergency.

LIHEAP Crisis Grants are available for **emergency situations** where you are in jeopardy of losing your heat.

Grant amount depends on the emergency situation.

Common scenarios include:

- Lack of heating fuel
- Broken heating equipment
- Termination of utility service
- Danger of being without heat



Utility Assistance - LIHWAP **Low-Income Household Water Assistance Program (LIHWAP)**

LIHWAP is a temporary emergency program to help pay **overdue water bills**. This is a grant that **does not** need to be repaid. The program offers crisis grants for both Drinking Water and Wastewater (Sewage).

You can apply for and receive a **crisis grant** for your drinking water and wastewater services. The program is open to homeowners and renters. **You do need unpaid water bills to qualify.**

Crisis Situation include:

- Past-due water bills
- Termination of utility service
- Danger of having your utility service terminated

Utility Assistance - Other Programs



If you are having problems paying your utility bill, first, contact your utility company. You may be eligible for some or all of the following programs:

Customer Assistance Program (CAP)

- Provides a monthly discount on your bill
- Pauses your debt
- Offers debt forgiveness with consistent payments

Hardship Fund

- Up to \$500 once per year to resolve a temporary hardship

Low Income Usage Reduction Program (LIURP)

- LIURP may be able to help find ways to lower your usage bills at no cost

Request a Payment Arrangement

- Your utility company can give you as many payment arrangements as they want, but they are not required to give more than one for the same debt



If you have an **active** Protection from Abuse Order (PFA)...

You **cannot** have your service shut off for debt under the name of the abuser (or someone else) even if you were living in the residence when the debt accrued.

You should be able to receive a longer payment arrangement.

If you have a medical condition

If you have a medical condition that requires utility services to treat or have a serious illness, **contact your utility provider.**

They should give you **3 days** to contact your doctor and get a medical certificate. The medical certificate may prevent termination of services.

Security Deposit

During the first year of a lease, the security deposit **cannot** be more than **two months rent**. At the beginning of the second year of a lease, the amount of the security deposit cannot be more than one month's rent.



The landlord must give you your security deposit back **30 days** after the termination of your lease.

If the security deposit is **less** than what you gave to the landlord, the landlord must give you a list of damages which they claim you are responsible for.

If the landlord does not do this within 30 days, the landlord **cannot** withhold any of the security deposit or interest.

However, if you did not provide a **forwarding address** or **return the keys**, the landlord cannot be held to the 30-day deadline.

How to get my Security Deposit back?

- Give the landlord proper **notice** that you will be moving.

The lease may state how and when to give notice.

- Give your landlord your **new address** in writing at or before the time you move.
- Take **pictures** of the empty unit.
- **Return** your keys to the landlord.



What do I do if the landlord fails to pay the utility bills?

If your landlord is responsible for utilities...

If your landlord is responsible for the gas, electric or water bill but stopped paying the utility company, the utility company is required to give you a call to stop the service from being turned off.

If you pay the bill to stop the utility from being shut off, you can **deduct the amount** from your rent.

If your landlord continues to fail to pay the utilities, you may continue to pay the monthly bill and deduct it from your rental payments.

You are **not required** to pay the past due balance.

When renting an apartment make sure the lease contains:

	Your name and the name of any other person who will occupy the unit.
	Landlord's name.
	Landlord's address and phone number.
	Full mailing address and unit number·Length of lease-is it for a fixed period of time or does it run month-to month?
	Amount of security deposit?
	Who pays for utilities?
	What is the monthly rent?
	What is the due date for rent?
	Where/how should the rent be paid?
	Are there late fees?
	Is there a grace period?
	Can the rent be increased during the lease period?
	How the lease can or will be renewed and will the renewal have a rent increase?
	Whether the lease waives (gives up) the legal requirement that the landlord provide you with notice before filing an eviction complaint in court.
	Whether you can terminate the lease early including any fee you must pay
	Whether you can sublease the rental unit.
	Who to contact for maintenance and repairs and how to contact them.
	Any other rules and regulations the landlord expects you to follow.

Criminal Record Clearing

There are **four** kinds of record clearing in Pennsylvania

- Expungement
- Automatic Sealing
- Petition Based Sealing
- Pardon by the Governor

What is the difference between expungement and sealing?

When a record is **expunged it is erased** from your record as if it never happened. When a record is **sealed**, the general **public cannot view it**. However, sealed records can be seen by law enforcement, employers who are required to consider criminal records by statute, DHS, by other courts/judges or the FBI.

What records are eligible for expungement?

- **Non convictions.** These are charges that are withdrawn, dismissed, nolle prossed, or you were found not guilty.
- **Summary convictions (S).** Summary convictions can be expunged as long as you have been **arrest free for five years** following the conviction and **have paid all fines, fees, costs, and any court ordered restitution.**
- You completed an Accelerated Rehabilitative Disposition Program (ARD).
- Convictions for those who are 70- years or older and have been arrest free for 10 years and satisfied all payment obligations ordered by the court.

What records are eligible for sealing?

Summary convictions will automatically seal five years after conviction (fines and fees do not have to be paid).

- **Most misdemeanor convictions** are eligible for sealing once 7 years have passed since your last conviction. However, the time required to wait depends on the number and severity of the misdemeanor convictions. There are some misdemeanor convictions that are **never** eligible for sealing.
- **Certain qualifying felony convictions** (including most drug related and property related offenses) are eligible for sealing once 10 years have passed since your last conviction. However, the time required to wait depends on the number, nature, and severity of the convictions on your record. First Degree Felonies, Murder, or any conviction resulting in a sentence of twenty or more years will disqualify you from any sealing activity.

What about records ineligible for sealing?

Felony convictions and misdemeanor convictions that are ineligible for sealing or expungement can only be cleared by **governmental pardon**. In deciding whether you will be granted a pardon, the Governor and Board of Pardons look at:

- Whether you have made positive changes to your life
- Whether you are remorseful for the crime.
- Whether you have complied with all court requirements and paid off all costs, fines and restitution.
- Why you need a pardon

Do I need an attorney to get my record cleared?

While there are forms available for you to file for expungement, sealing or a pardon on your own, it is **recommended** that you consult with an attorney to determine whether you are eligible.



NEIGHBORHOOD LEGAL SERVICES

Because Justice is for All

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