

QUALIFYING FOR EXPUNGEMENT OF YOUR JUVENILE RECORD

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

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

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

Then you can have your juvenile record expunged. Use the "Category 1" Petition.

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

- () Have you **NO** convictions for any crime since your 18th birthday?
- () Are you at least 21 years old?
- () Has it been at least five years since your last juvenile court proceeding was terminated?
- () Has it been at least five years since your commitment to the Department of Corrections, Juvenile Division ended?

If you answered "Yes" to **ALL** of these questions and your case was not based on first degree murder or a sex offense that would be a felony if committed by an adult, you can have your juvenile record expunged. Use the "Category 2" Petition.

REMEMBER: JUVENILE OFFENSES THAT ARE BASED ON FIRST DEGREE MURDER OR SEX CRIMES THAT WOULD BE FELONIES IF COMMITTED BY AN ADULT CAN NOT BE EXPUNGED.

ALL PETITION FORMS CAN BE FOUND AT [HTTP://WWW.WAUKEGANIL.GOV/DOCUMENTCENTER/VIEW/1163](http://www.waukeganil.gov/documentcenter/view/1163)

JUVENILE EXPUNGEMENT PROCESS AND PROCEDURES

1. Obtain an arrest history report from any agency that arrested you, such as the police department, sheriff's department, or State Police.
2. Decide which of the two petition forms to use (Category 1 or Category 2). Generally, if your case only involved an arrest or supervision and you were never on probation, you should use the Category 1 petition. If your case involved probation, you should use the Category 2 petition. Samples of the 2 petitions are included in this packet.
3. If you are unsure of which form to use, call the Lake County Circuit Clerk's Office at (847) 377-7888. You need to file a separate petition for each arrest listed on your arrest history report.
4. Obtain the Petition, Notice and Order to expunge from the Lake County Circuit Clerk's Office.

Fill out the following portions of the Notice:

Your name, case number, address of the arresting agency, address of the State's Attorney, and your own address. **LEAVE THE REST OF THE NOTICE BLANK.**

Fill out the following portions of the Order:

Your name, date of birth (DOB), case number, name of the arresting agency/agencies. **LEAVE THE REST OF THE ORDER BLANK.**

5. File the original Petition, Notice and Order with the Circuit Clerk's Office. If filing a Petition to Expunge under Category 1, there is a \$260.00 filing fee if Box A is checked. If Box B, C, D or E is checked, the filing fee is \$60.00. If you are filing a Petition to Expunge under Category 2, the filing fee is \$60.00. Both Category 1 and 2 petitions require \$6.00 for each certified copy (you will need at least 3 copies). Additionally, there is a separate \$60.00 fee to be made payable to the Department of the Illinois State Police. This must be either money order or cashier's check. **NO PERSONAL CHECKS ACCEPTED.** The State Police will not expunge your record without this fee. If you are under 18 years of age, you must have your parent or legal guardian with you. Your parent or legal guardian must provide proof that he or she is your parent or guardian.
6. The Circuit Clerk's Office will send notice of your petition to the Illinois State Police, the State's Attorney or prosecutor assigned to your case, and the agency that arrested you. They have 45 days to object to your petition. After you file your petition, you need to notify the Circuit Clerk if you move or change your mailing address by filling out a change of address form. You can get the form from the Circuit Clerk's Office.
7. After 45 days, contact the Circuit Clerk's Office to determine the status of your petition. Unless the State's Attorney or prosecutor, the Illinois State Police, or the arresting agency object to your petition within 45 days, the Court may grant the petition and expunge your record.

If there is an objection to your petition, the Circuit Clerk will schedule a hearing. If a hearing is scheduled, you are required to attend. If there is no objection, there will not be a hearing and the Court may grant your petition.

8. Should your petition be granted, your money order or cashier's check to the Illinois State Police will be forwarded to the State Police by the Circuit Clerk's Office along with a certified copy of the order. Several weeks later, the State Police will send you and the Circuit Clerk a letter confirming the expungement. Should the petition be denied, the order and the money order or cashier's check for the State Police will be returned to you by mail.

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

In the Interest of _____)
_____,) No. _____)
Petitioner.)

PETITION TO EXPUNGE JUVENILE RECORD
(Category 1)

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

Petitioner has attained the age of 18; his/her birth date being, _____, or all juvenile court proceedings relating to the Petitioner have been terminated as of _____, whichever occurred later.

Petitioner was arrested on _____ by the _____ Police Department for the offense of _____, and:

(Check one:)

- A. no Petition for delinquency was filed with the Clerk of the Circuit Court; **OR**
- B. was charged with an offense, but was found not delinquent of that offense; **OR**
- C. a petition was filed and the petition was dismissed without a finding of delinquency on _____; **OR**
- D. on _____ was placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision has been successfully terminated on _____; **OR**
- E. was adjudicated for the offense, which would be a class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.

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

Charge(s): _____

Arresting Agency/Agencies: _____

Disposition/Result: (choose from A through E, above) _____

WHEREFORE, the Petitioner respectfully requests this Honorable Court (1) to order all law enforcement agencies to expunge all records of Petitioner to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the Petitioner regarding this incident.

Petitioner's Signature

Petitioner's Street Address

City, State, Zip Code

Petitioner's Telephone Number

VERIFICATION BY CERTIFICATION

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

Dated: _____

Petitioner's Signature

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

In the Interest of _____)
_____,) No. _____
Petitioner.)

PETITION TO EXPUNGE JUVENILE RECORD
(Category 2)

Now comes _____, Petitioner, pursuant to 705 ILCS 405/5-915(2), and respectfully requests that this Honorable Court to expunge all Juvenile Law Enforcement and Court records of Petitioner and in support thereof states that:

The incident for which the Petitioner seeks expungement occurred before the Petitioner's 18th birthday and did not result in proceedings in criminal court and the Petitioner has not had any convictions for any crime since his/her 18th birthday; and

The incident for which the Petitioner seeks expungement occurred before the Petitioner's 18th birthday and the adjudication was not based upon first-degree murder or sex offenses which would be felonies if committed by an adult, and the Petitioner has not had any convictions for any crime since his/her 18th birthday.

Petitioner was arrested on _____ by the _____
_____ Police Department for the offense of _____,
_____ and:

(Check whichever one occurred the latest:)

- A. The Petitioner has attained the age of 21 years, his/her birthday being _____; **OR**
- B. 5 years have elapsed since all juvenile court proceedings relating to the Petitioner have been terminated; or the Petitioner's commitment to the Department of Corrections, Juvenile Division pursuant to the expungement of juvenile law enforcement and court records provision of the Juvenile Court Act of 1987 has been terminated.

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

Charge(s): _____

Arresting Agency/Agencies: _____

Disposition/Result: (choose from A or B, above) _____

WHEREFORE, the Petitioner respectfully requests this Honorable Court (1) to order all law enforcement agencies to expunge all records of Petitioner to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the Petitioner regarding this incident.

Petitioner's Signature

Petitioner's Street Address

City, State, Zip Code

Petitioner's Telephone Number

VERIFICATION BY CERTIFICATION

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

Dated: _____

Petitioner's Signature