



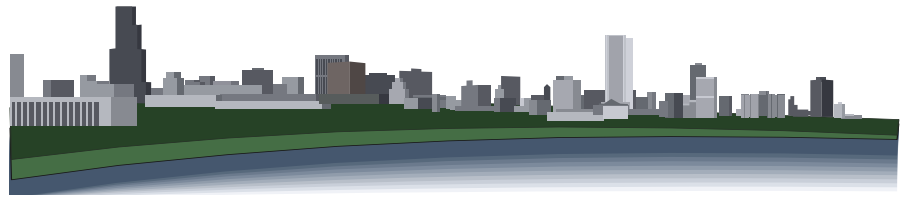
# CRIMINAL & TRAFFIC EXPUNGEMENT & SEALING PROCEDURAL GUIDE



This packet also contains information on Executive Pardons;  
Criminal Identity Theft; and on Certificates of Innocence, Good Conduct, and Relief from Disabilities

	PAGE
SECTION ONE – GETTING STARTED .....	2
SECTION TWO – DOES MY RECORD QUALIFY FOR EXPUNGEMENT OR SEALING? .....	4
PART ONE – DOES MY ENTIRE RECORD QUALIFY FOR EXPUNGEMENT? .....	4
PART TWO – DO CASES ON MY RECORD QUALIFY FOR SEALING? .....	7
SECTION THREE – DEFINITIONS .....	12
SECTION FOUR – FREQUENTLY ASKED QUESTIONS .....	14
1. How much does it cost to file my petition?	
2. What if I can't afford the filing fee?	
3. Do I have to attach a copy of my rap sheet and certified copies of my dispositions to my petition?	
4. Do I have to attach the results of a drug test to my petition?	
5. Where do I file my petition?	
6. What information do I need to bring with me to the courthouse to file my petition?	
7. Can I expunge or seal an Order of Protection?	
8. Can the Clerk's Office help me fill out my petition?	
9. What is a conviction?	
10. What is NOT a conviction?	
11. Someone else was arrested using my identity. How can I clear my record?	
12. What if I was charged as a juvenile?	
13. If I wait long enough, isn't my record automatically expunged?	
14. If I was found not guilty, do I still need to file a petition?	
15. I was pressured into pleading guilty even though I was innocent. Does that qualify me for expungement?	
16. My case could be expunged but the time period has not passed yet. If it is also eligible for sealing, can I seal it now and expunge it later?	
17. I live out of town. Can I do this by mail?	
18. How do the police agency that arrested me, the prosecutor who prosecuted me, and any other required parties find out that I filed my petition?	
19. What happens if an objection to my petition is filed with the court?	
20. Do I have to appear in court?	
21. How long does it take?	
22. What is the difference between expungement and sealing?	
23. How do I find out if the judge has granted or denied my petition?	
24. If the court orders my record expunged or sealed, do I have to take any action?	
25. Once my petition is granted, should I get a certified copy of the court's order?	
26. Once my record is expunged or sealed, do I have to tell employers about it?	
27. Once my petition is granted, do I have to disclose my expunged or sealed record when I get an occupational license or certificate?	
28. What if my petition is denied?	
29. What is a pardon?	
30. What is a Certificate of Innocence?	
31. What is a Certificate of Good Conduct?	
32. What is a Certificate of Relief from Disabilities?	
SECTION FIVE – COURT FORMS .....	27

This section contains the adult expungement and sealing forms. All court forms are also available online at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org) or at the Clerk's Office.



## SECTION ONE – Getting Started

### How Do I Start this Process?

**Rap Sheet:** If you are filing in Chicago (District 1) you will need a copy of your “rap sheet.” If you are filing in one of our 5 suburban locations, it is still helpful to obtain a copy of your arrest information to ensure you are listing all cases on your petition.

Contact the Chicago Police Department to request your “Criminal History Record Information” (CHRI), commonly known as a “rap sheet.” The Chicago Police Department Access and Review Division is located at 3510 S. Michigan Ave., 1st Floor, Chicago, IL 60653, (312) 745-5570. Fingerprints are taken from 8:00 a.m. to 12:00 p.m. Monday through Friday. You can pick up your rap sheet Monday through Friday from 2:00 p.m. to 3:30 p.m. The fee is \$16.00.

You may also obtain a rap sheet from the Illinois State Police (ISP), but it will only contain information on convictions: ISP Division of Administration, Bureau of Identification, 260 N. Chicago St., Joliet, IL, (815) 740-5160, [www.isp.state.il.us](http://www.isp.state.il.us). The fee for non-fingerprint conviction information is \$16.00 and the fee for fingerprint conviction information is \$20.00.

expensive, incomplete, or inaccurate. It is recommended that you instead go directly to the source of the records: the police agencies and the Clerk’s Office.

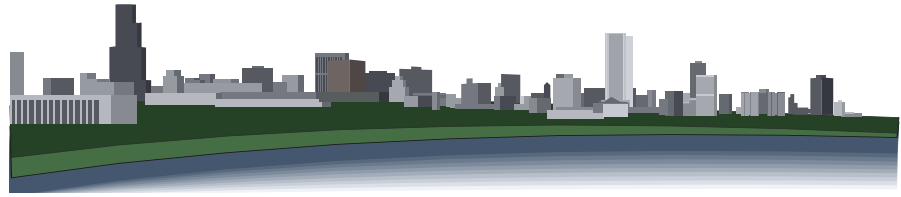
**Certified Copies of Dispositions:** If you are filing in Chicago (District 1), Maywood (District 4), or Markham (District 6), you will need to purchase certified copies of your criminal dispositions from the Clerk’s Office to attach to your petition. The fee is \$9.00 per case. If you are filing in the other suburban locations, you may still want to view copies of your dispositions to ensure you are listing all cases on your petition.

### Do I need a lawyer?

The law was designed to let people clear their criminal records without having to hire an attorney. But, if you want to talk to a lawyer, you can go to the Criminal Department in Room 1006 of the Daley Center, 50 W. Washington St., Chicago, IL beginning at 9:00 a.m. Monday through Friday (walk-ins only – the first 25 people are served), and *Cabrini Green Legal Aid Clinic* will help you fill out your petition for a small fee or for free.

**You will only qualify for expungement of your whole criminal record if you have never been convicted of a criminal offense. But, even if you have been convicted of a criminal offense, some offenses on your record may qualify to be sealed, while the ones that do not qualify to be sealed will remain on your record. Only the judge can ultimately decide whether your record qualifies for expungement or sealing.**





## SECTION TWO

### Does my Entire Record Qualify for Expungement? Or do Cases on My Record Qualify for Sealing?

*Expungement (PART ONE of this Section) is an “all or nothing” remedy. Your entire criminal record must qualify for expungement; If one case on your record does not qualify for expungement, then no cases on your record can be expunged.*

*BUT, sealing (PART TWO of this Section) can be done on a case by case basis. So, you can ask for certain cases on your record to be sealed even if there are other case(s) on your record that do not qualify for expungement or sealing.*

#### PART ONE

#### Does My Entire Record Qualify for Expungement?

1. Check the disposition (the result of the case) on every case in the chart that you completed (see previous page). Does anything say:
  - a. Probation (other than first-offender drug probation, known as 710, 1410, Section 10, Section 410, or 40-10 probation)?
  - b. Conditional discharge?
  - c. Fine (without the word “supervision”)?
  - d. Time considered served?
  - e. Jail or DOC time?
  - f. Finding of guilty by a judge or jury (without the word “supervision”)?

If YES, then you have a conviction and none of your records can be expunged. But, some or all of your records might qualify to be sealed. Skip the remainder of this section and go to *Part Two – Do Cases on My Record Qualify for Sealing?*

If NO, then continue to the next question to see if your entire record qualifies for expungement.

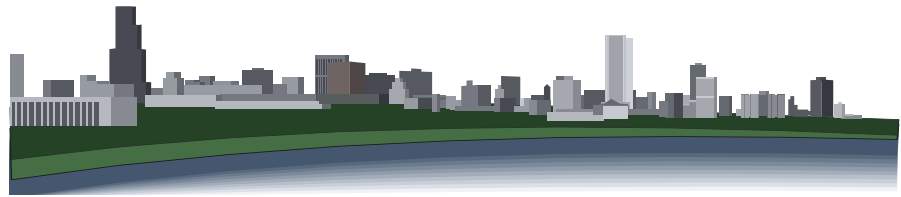
2. **NO FINDING OF GUILT → NO WAITING PERIOD**

You can apply for expungement of your entire criminal record right away if:

- a. You were never convicted of any crime; and you were released without charging (including for a minor traffic offense), you were acquitted, and/or your case(s) were dismissed. Here are examples of what these disposition types look like: FNG (Finding of Not Guilty), SOL

EXPUNGEMENT





(Stricken with Leave to Reinstate), FNPC (Finding of No Probable Cause), NP (Nolle Prosequi), and/or

- b. Your conviction(s) were vacated or reversed, or
- c. You were granted an Executive Pardon from the Governor which specifically authorizes expungement.

If your entire criminal record meets these criteria, you can skip the rest of this section and go straight to Section Five to fill out a PETITION TO EXPUNGE AND IMPOUND form (CCCR 0011), a NOTICE OF FILING form, and an ORDER TO EXPUNGE AND IMPOUND form (CCCR 0013).

### 3. SUPERVISION → FIVE YEAR WAITING PERIOD

You can apply for expungement of your entire criminal record 5 years after successful completion of your supervision if:

- a. You were never convicted of any crime; and there are no supervisions on your record for a sexual offense against a child, Driving Under the Influence (DUI) or reckless driving; and
- b. Your record consists of:
  - a. Domestic Battery supervision;
  - b. Criminal Sexual Abuse supervision;
  - c. Retail Theft supervision;
  - d. Operation of Uninsured Motor Vehicle supervision;
  - e. Operation of Motor Vehicle when Registration Suspended for Non-Insurance supervision;
  - f. Display of False Insurance Card supervision; and/or
  - g. Scrap Processors to Keep Records supervision.

If your entire criminal record meets these criteria, and it has been five years since the successful termination of your supervision, you can skip the rest of this section and go straight to Section Five to fill out a PETITION TO EXPUNGE AND IMPOUND form (CCCR 0011), a NOTICE OF FILING form, and an ORDER TO EXPUNGE AND IMPOUND form (CCCR 0013). If your criminal record has other dispositions on it we have not yet discussed, continue to the next Question.

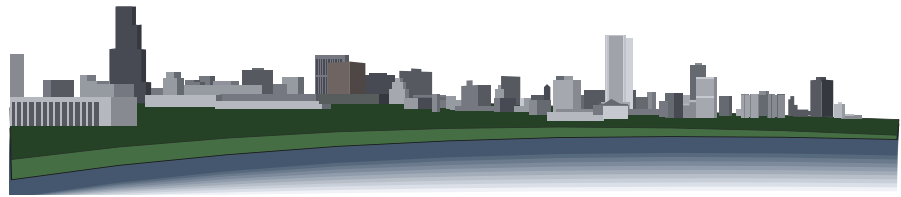
### 4. SUPERVISION → TWO YEAR WAITING PERIOD

You can apply for expungement of your entire criminal record 2 years after successful completion of your supervision if:

- a. You were never convicted of any crime; and there are no supervisions on your record for a sexual offense against a child, driving under the influence (DUI) or reckless driving; and
- b. Your record consists of order(s) of supervision for offenses that are not listed in Question #3, above.

EXPUNGEMENT





If your entire criminal record meets these criteria, and it has been two years since the successful termination of your supervision, you can skip the rest of this section and go straight to Section Five to fill out a PETITION TO EXPUNGE AND IMPOUND form (CCCR 0011), a NOTICE OF FILING form, and an ORDER TO EXPUNGE AND IMPOUND form (CCCR 0013). If your criminal record has other dispositions on it we have not yet discussed, continue to the next Question.

5. **PROBATION → FIVE YEAR WAITING PERIOD**

You can apply for expungement of your entire criminal record 5 years after successful completion of your probation if:

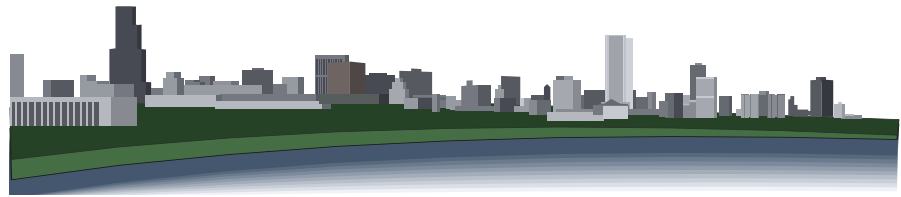
- a. You were never convicted of any crime; and there are no supervisions on your record for a sexual offense against a child, driving under the influence (DUI) or reckless driving; and
- b. Your record consists of:
  - a. Section 10, Cannabis Control Act probation;
  - b. Section 410, Illinois Controlled Substances Act probation;
  - c. Section 70, Methamphetamine Control and Community Protection Act probation;
  - d. Section 40-10, Alcoholism and Other Drug Use Dependency Act probation; and/or
  - e. Section 10 Steroid Control Act probation

If your entire criminal record meets these criteria, and it has been five years since the successful termination of your probation, you can skip the rest of this section and go straight to Section Five to fill out a PETITION TO EXPUNGE AND IMPOUND form (CCCR 0011), a NOTICE OF FILING form, and an ORDER TO EXPUNGE AND IMPOUND form (CCCR 0013). You must attach proof to your Petition that you have passed a drug test taken with 30 days before the filing of your Petition showing the absence within your body of all illegal substances. If your criminal record has other dispositions on it we have not yet discussed, continue to the next Question.

6. If you have gone through all 5 Questions, above, in this Part One, and if you still have questions about whether your entire record qualifies for expungement, you can talk with a volunteer lawyer from *Cabrini Green Legal Aid Clinic* (for a small fee or for free, depending on your financial circumstances) in the Criminal Department in Room 1006 of the Daley Center, 50 W. Washington St., Chicago, IL, 9:00 a.m. Monday through Friday (walk-ins only).

EXPUNGEMENT





## PART TWO

### Do Any of the Cases on My Record Qualify for Sealing?

*If your entire record does not qualify for expungement, you may still be able to seal some or all of the cases on your record. Sealing, unlike expungement, can be done on a case by case basis. So, you can ask for certain cases on your record to be sealed even if there are other case(s) on your record that do not qualify for expungement or sealing.*

#### 7. NO FINDING OF GUILT → NO WAITING PERIOD

You can immediately apply for sealing of the cases on your record that meet the following criteria:

- a. The offense was not a felony offense (Please note: it is not a felony offense if the charge started out as a felony but was amended to a misdemeanor); and
- b. You were released without charging (including for a minor traffic offense), you were acquitted, and/or your case(s) were dismissed. Here are examples of what these disposition types look like: FNG (Finding of Not Guilty), SOL (Stricken with Leave to Reinstate), FNPC (Finding of No Probable Cause), NP (Nolle Prosequi), and/or
- c. Your conviction(s) were vacated or reversed.

For each case that meets the above criteria, you can apply for sealing right away. Go to Section Five to fill out a PETITION TO SEAL form (CCCR 0322), a NOTICE OF FILING form, and an ORDER TO SEAL form (CCCR 0320). If the above criteria does not apply to any of your cases, or if one or more of your cases meet this criteria but you have more cases on your record, continue to the next Question to see if any of them qualify for sealing.

#### 8. SUPERVISION → THREE or FOUR YEAR WAITING PERIOD

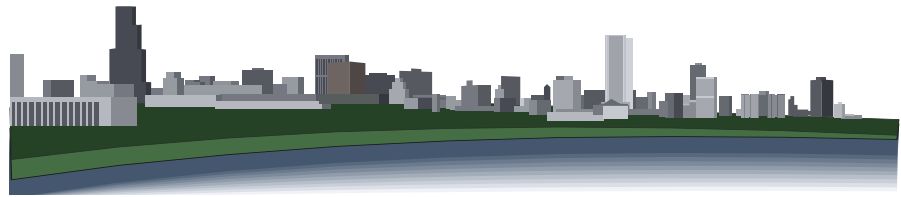
Did any of the cases on your record result in supervision for the following offenses:

- a. a sexual offense committed against a minor, or
- b. an offense under Section 11-501 of the Illinois Vehicle Code (*driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof*) or a similar provision of a local ordinance, or
- c. an offense under Section 11-503 of the Illinois Vehicle Code (*reckless driving; aggravated reckless driving*) or a similar provision of a local ordinance, or
- d. an offense included in Article 11 of the Criminal Code of 1961 (*indecent solicitation of a child; indecent solicitation of an adult; solicitation to meet a child; adultery; fornication; public indecency; sexual exploitation of a child; custodial sexual misconduct; presence within school zone by child sex offenders prohibited; approaching, contacting, residing, or communicating with a child within certain places; sexual misconduct with a person with a disability; sexual relations within families; bigamy; marrying a bigamist; solicitation of a sexual act; soliciting for a prostitute; soliciting for a juvenile prostitute; pandering; keeping a place of prostitution; keeping a place of juvenile prostitution; patronizing a prostitute; patronizing a juvenile prostitute; pimping; juvenile*

SEALING







*pimping and aggravated juvenile pimping; exploitation of a child; obscenity; child pornography; duty to report child pornography; aggravated child pornography; harmful material; tie-in sales of obscene publications to distributors; posting of identifying or graphic information on a pornographic Internet site; child photography by a sex offender; grooming; traveling to meet a minor*) or a similar provision of a local ordinance, except Section 11-14 (*prostitution*) of the Criminal Code of 1961, or a similar provision of a local ordinance, or

- e. an offense under Section 12-15 (*criminal sexual abuse*), 12-30 (*violation of an order of protection*), or 26-5 (*dog fighting*) of the Criminal Code of 1961 or a similar provision of a local ordinance, or
- f. an offense defined as a “crime of violence” in Section 2 of the Crime Victims Compensation Act (*first degree murder; second degree murder; involuntary manslaughter and reckless homicide; kidnapping; aggravated kidnapping; sexual relations within families; exploitation of a child; child pornography; assault; aggravated assault; battery; domestic battery; aggravated domestic battery; aggravated battery; heinous battery; aggravated battery with a firearm; aggravated battery of a child; reckless conduct; hate crime; stalking; aggravated stalking; criminal sexual assault; aggravated criminal sexual assault; predatory criminal sexual assault of a child; criminal sexual abuse; aggravated criminal sexual abuse; violation of an order of protection; arson; aggravated arson; driving under the influence of intoxicating liquor or narcotic drugs; motor vehicle accidents involving death or personal injuries, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact*) or a similar provision of a local ordinance, or
- g. an offense which is a Class A misdemeanor under the Humane Care for Animals Act (*first offense owner’s duties; first offense cruel treatment; first offense depiction of animal cruelty; first offense prohibited acts; first offense teasing, striking or tampering with police animals, service animals, or search and rescue dogs prohibited; first offense lame or disabled horses; first offense horse poling or tripping; first offense poisoning prohibited; first offense confinement or detention during transportation; confinement in motor vehicle; first offense downed animals; first offense guide, hearing, and support dogs*); or
- h. any offense or attempted offense that would subject the person to registration under the Sex Offender Registration Act (*see list at 730 ILCS 150/2(B)*).

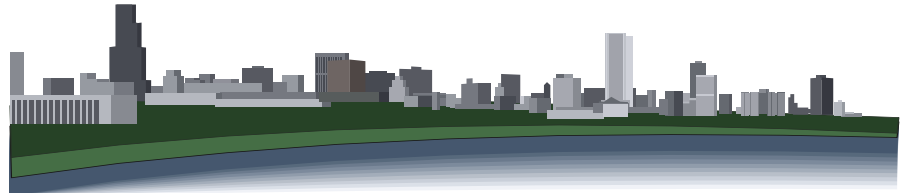
If YES, then those case(s) do not qualify for sealing.

If you have misdemeanor supervisions for case(s) that are not on the above list, then those case(s) may qualify for sealing if the waiting period has been met. If you have never been convicted of a criminal offense, the waiting period is **3 years** after the termination of the last sentence on your record. If you were convicted of any offense, then the waiting period is **4 years** after the termination of the last sentence on your record. Go to Section Five to fill out a PETITION TO

SEALING







SEAL form (CCCR 0322), a NOTICE OF FILING form, and an ORDER TO SEAL form (CCCR 0320).

If you have other cases on your record, continue to the next Question to see if any of your other cases qualify for sealing.

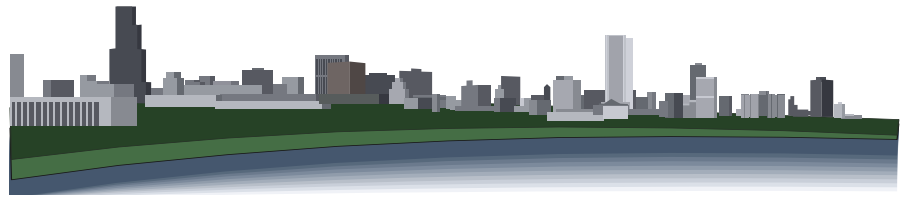
## 9. MISDEMEANOR CONVICTION → FOUR YEAR WAITING PERIOD

Did you receive a misdemeanor conviction for any of the following offenses:

- a. a sexual offense committed against a minor, or
- b. an offense under Section 11-501 of the Illinois Vehicle Code (*driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof*) or a similar provision of a local ordinance, or
- c. an offense under Section 11-503 of the Illinois Vehicle Code (*reckless driving; aggravated reckless driving*) or a similar provision of a local ordinance, or
- d. an offense included in Article 11 of the Criminal Code of 1961 (*indecent solicitation of a child; indecent solicitation of an adult; solicitation to meet a child; adultery; fornication; public indecency; sexual exploitation of a child; custodial sexual misconduct; presence within school zone by child sex offenders prohibited; approaching, contacting, residing, or communicating with a child within certain places; sexual misconduct with a person with a disability; sexual relations within families; bigamy; marrying a bigamist; solicitation of a sexual act; soliciting for a prostitute; soliciting for a juvenile prostitute; pandering; keeping a place of prostitution; keeping a place of juvenile prostitution; patronizing a prostitute; patronizing a juvenile prostitute; pimping; juvenile pimping and aggravated juvenile pimping; exploitation of a child; obscenity; child pornography; duty to report child pornography; aggravated child pornography; harmful material; tie-in sales of obscene publications to distributors; posting of identifying or graphic information on a pornographic Internet site; child photography by a sex offender; grooming; traveling to meet a minor*) or a similar provision of a local ordinance, except Section 11-14 (*prostitution*) of the Criminal Code of 1961, or a similar provision of a local ordinance, or
- e. an offense under Section 12-15 (*criminal sexual abuse*), 12-30 (*violation of an order of protection*), or 26-5 (*dog fighting*) of the Criminal Code of 1961 or a similar provision of a local ordinance, or
- f. an offense defined as a “crime of violence” in Section 2 of the Crime Victims Compensation Act (*first degree murder; second degree murder; involuntary manslaughter and reckless homicide; kidnapping; aggravated kidnapping; sexual relations within families; exploitation of a child; child pornography; assault; aggravated assault; battery; domestic battery; aggravated domestic battery; aggravated battery; heinous battery; aggravated battery with a firearm; aggravated battery of a child; reckless conduct; hate crime; stalking; aggravated stalking; criminal sexual assault; aggravated criminal sexual assault; predatory criminal sexual assault of a child; criminal sexual abuse; aggravated criminal sexual abuse; violation of an order of protection; arson; aggravated arson; driving*

SEALING





*under the influence of intoxicating liquor or narcotic drugs; motor vehicle accidents involving death or personal injuries, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact) or a similar provision of a local ordinance, or*

- g. *an offense which is a Class A misdemeanor under the Humane Care for Animals Act (first offense owner's duties; first offense cruel treatment; first offense depiction of animal cruelty; first offense prohibited acts; first offense teasing, striking or tampering with police animals, service animals, or search and rescue dogs prohibited; first offense lame or disabled horses; first offense horse poling or tripping; first offense poisoning prohibited; first offense confinement or detention during transportation; confinement in motor vehicle; first offense downed animals; first offense guide, hearing, and support dogs); or*
- h. *any offense or attempted offense that would subject the person to registration under the Sex Offender Registration Act (see list at 730 ILCS 150/2(B)).*

If YES, then those case(s) do not qualify for sealing.

If you have misdemeanor convictions for case(s) that are not on the above list, then those case(s) qualify for sealing when 4 years have elapsed since the termination of the last sentence on your record. Go to Section Five to fill out a PETITION TO SEAL form (CCCR 0322), a NOTICE OF FILING form, and an ORDER TO SEAL form (CCCR 0320).

If you have other cases on your record, continue to the next Question to see if any of your other cases qualify for sealing.

## 10. PROBATION → FOUR YEAR WAITING PERIOD

Did you receive probation on any of your case(s) for the following:

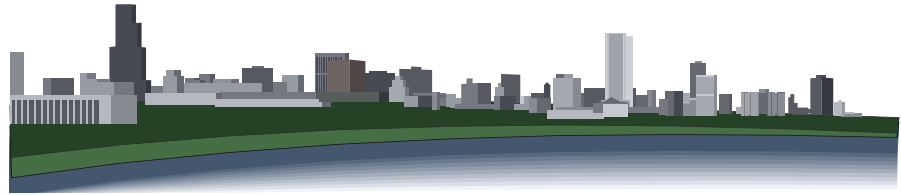
- a. Section 10, Cannabis Control Act probation;
- b. Section 410, Illinois Controlled Substances Act probation;
- c. Section 70, Methamphetamine Control and Community Protection Act probation;
- d. Section 40-10, Alcoholism and Other Drug Use Dependency Act probation; and/or
- e. Section 10 Steroid Control Act probation.

If YES, your case(s) qualify for sealing when 4 years have elapsed since the termination of the last sentence on your record. Go to Section Five to fill out a PETITION TO SEAL form (CCCR 0322), a NOTICE OF FILING form, and an ORDER TO SEAL form (CCCR 0320). You must attach proof to your Petition that you have passed a drug test taken with 30 days before the filing of your Petition showing the absence within your body of all illegal substances.

If you have other cases on your record, continue to the next Question to see if any of your other cases qualify for sealing.

SEALING





## 11. CLASS FOUR FELONY CONVICTION → FOUR YEAR WAITING PERIOD

Are any of the cases on your record Class 4 felony convictions of the following offenses:

- Section 11-14 of the Criminal Code of 1961 (*prostitution*);
- Section 4 of the Cannabis Control Act (*possession prohibited*);
- Section 402 of the Illinois Controlled Substances Act (*possession of controlled or counterfeit substance*);
- Section 1 of the Methamphetamine Precursor Control Act;
- The Steroid Control Act.

If YES, your case(s) qualify for sealing when **4 years** have elapsed since the termination of the last sentence on your record. Go to Section Five to fill out a PETITION TO SEAL form (CCCR 0322), a NOTICE OF FILING form, and an ORDER TO SEAL form (CCCR 0320). For all the charges listed above except for Class 4 felony prostitution, you must attach proof to your Petition that you have passed a drug test taken with 30 days before the filing of your Petition showing the absence within your body of all illegal substances.

If your criminal record has other dispositions on it we have not yet discussed, continue to the next Question.

12. If you have gone through all 5 Questions, above, in this Part Two, and if you still have questions about whether one or more cases on your record qualify for sealing, you can talk with a volunteer lawyer from *Cabrini Green Legal Aid Clinic* (for a small fee or for free, depending on your financial circumstances) in the Criminal Department in Room 1006 of the Daley Center, 50 W. Washington St., Chicago, IL, 9:00 a.m. Monday through Friday (walk-ins only).

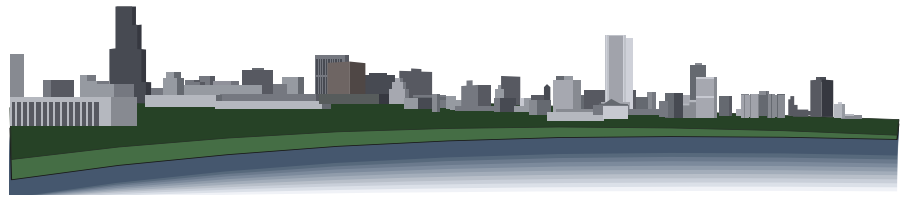
SEALING

### ***ARE YOU PLANNING ON MOVING?***

**The law requires you to  
promptly notify the Clerk's Office  
of any change in your address  
if you move before your case is over.**

If you do not change your address with the Clerk's Office, your copy of the court's order, any notice of a hearing date, if set, or your original criminal records, if returned to you,  
*will be mailed to your old, incorrect address!*





## SECTION TWO -- DEFINITIONS

*CONVICTION* – a final judgment of guilt by the court. A conviction includes terms such as PROBATION (except first-offender drug probation that was terminated satisfactorily, known as 710, 1410, Section 10, Section 410, 40-10, or TASC probation), CONDITIONAL DISCHARGE, FINE (without the term “supervision”), TIME CONSIDERED SERVED, JAIL TIME, and FINDING OF GUILTY by a judge or jury (without the term “supervision”). SUPERVISION or first-offender drug PROBATION that was terminated unsatisfactorily is also considered a conviction.

*CRIMINAL OFFENSE* – a petty offense, business offense, misdemeanor, felony, or municipal ordinance violation. A minor traffic offense is not a criminal offense, but a Class A or B misdemeanor traffic offense is a criminal offense.

*DISPOSITION* – the result of your criminal case.

*EXPUNGE* – when the arresting agency and/or the Illinois State Police physically destroys your criminal records or returns the records to you. It also means that the Clerk’s Office will erase your name from the Clerk’s Office’s electronic docket system from that day forward. However, the Clerk’s Office always impounds the court file (removes it from public view and access) and is not permitted to destroy it.

*FELONY* – a crime that may be punished by imprisonment for more than one year in a state prison. A felony is more serious than a misdemeanor.

*HEARING* – If an objection is filed, you will receive a notice in the mail from the Clerk’s Office containing your court hearing date. At this hearing, the parties are in the courtroom with the judge, who hears evidence from you and the other present parties about whether your petition should be granted or denied.

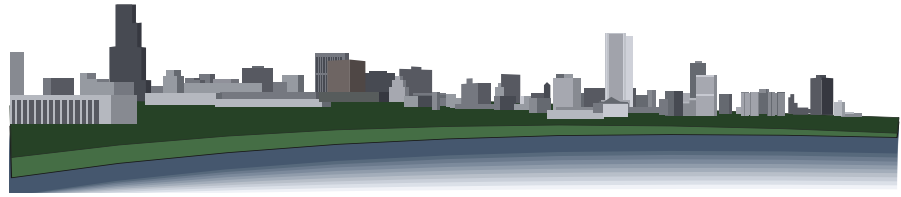
*LAST SENTENCE* – If you are petitioning to seal your criminal record, “last sentence” means the sentence, order of supervision, or order of qualified probation for a criminal offense that terminates last in time, regardless of whether you have listed that offense on your petition.

*MINOR TRAFFIC OFFENSE* – a petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance. A minor traffic offense is not a criminal offense and cannot be expunged or sealed unless you were released without charging.

*MISDEMEANOR* – a crime that may be punished by confinement in a county jail for a term of up to one year.



# DEFINITIONS



*MOTION TO VACATE, MODIFY OR RECONSIDER* – a written motion filed with the Clerk’s Office by you or by the prosecutor, arresting agency, chief legal officer of the unit of local government that arrested you, or Illinois State Police if you or one of these agencies disagrees with the judge’s decision to grant or deny your petition. You must file a motion to vacate, modify, or reconsider within 60 days after you receive your copy of the order granting or denying your petition. The motion to vacate, modify or reconsider will be ruled on by the same judge who granted or denied your petition.

*MUNICIPAL ORDINANCE VIOLATION* – an offense defined by a city, village, or other local ordinance that is criminal in nature.

*NOTICE OF APPEAL* – a document you or the prosecutor, arresting agency, chief legal officer of the unit of local government that arrested you, or Illinois State Police files with the Clerk’s Office to begin an appeal of the judge’s decision granting or denying your petition. The order granting or denying your petition does not become a final and appealable order until 30 days after service of the order by the Clerk’s Office on you and the prosecutor, arresting agency, chief legal officer of the unit of local government that arrested you, or Illinois State Police.

*OBJECTION* – a written protest against your petition made by the prosecutor, arresting agency, chief legal officer of the unit of local government that arrested you, or Illinois State Police. It means that the objector does not want your record to be expunged or sealed. Objections must be filed by the above-listed entities within 60 days after they receive a copy of your petition. Objections must be in writing and must state with specificity the nature of the objection. An objection is not the same as a denial. Only the judge can deny your petition.

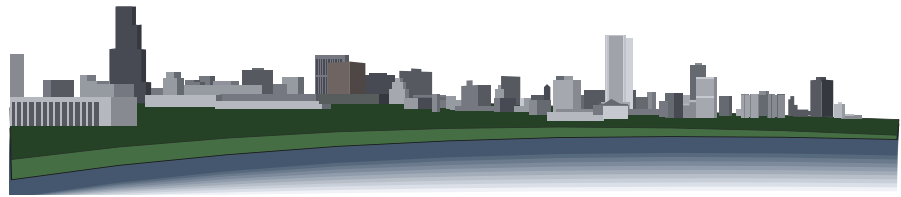
*PARDON* - a type of executive clemency granted by the Governor. It is considered to be an extraordinary remedy and is rarely granted. It only applies to cases that have resulted in a conviction. The clemency process is administered by the Prisoner Review Board (even if you never went to prison).

*SEAL* – to physically and electronically maintain the records, unless the records would be otherwise destroyed due to age, but to make the records unavailable without a court order, except that the law allows police agencies and prosecutors certain access to your sealed records. See 20 ILCS 2630/12 and 13. If your record is sealed, your name will also be erased from the Clerk’s Office’s electronic docket system from that day forward.

*SUPERVISION* – a court order holding the case open for a specific period of time, usually between 6 months and 2 years. During that time, no judgment of guilt is entered. If all of the conditions of the supervision are followed, the case is dismissed and no conviction is ever entered against you.



## DEFINITIONS



## SECTION THREE – Frequently Asked Questions

### 1. How much does it cost to file my petition?

The non-refundable filing fee of \$120.00 per District is payable to the Clerk of the Circuit Court by cash, money order, certified check, cashier's check, or personal check. (705 ILCS 105/27.2a) Your Driver's License, State I.D., or Matricular Consular number, telephone number, and case number should be written on the face of the check.

The Clerk's Office has six Districts: Chicago, Skokie, Rolling Meadows, Maywood, Bridgeview, and Markham (see answer to Question #5). If you file all of your petitions in one District at the same time, there is only one \$120.00 filing fee. If your cases originate from more than one District, you will pay a separate \$120 filing fee in each District.

\$60.00 of the \$120.00 filing fee must be forwarded by the Clerk of the Circuit Court to the Illinois State Police (ISP). When the Illinois State Police receives your payment from us, it will evaluate whether to object to your petition for expungement and, if your petition is granted, it will process the court order and send you a letter notifying you that your Illinois State Police records have been expunged/sealed.

If required in the District in which you are filing (see answer to Question #3), you will also be charged \$9.00 per certified copy for each disposition (copy of the Clerk's Office's docket for each criminal case on your record). This is also payable to the Clerk of the Circuit Court.

### 2. What if I can't afford the filing fee?

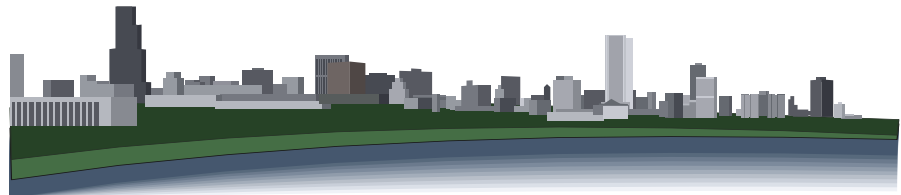
If you qualify based on your personal financial circumstances, you may ask the court for an indigent person fee waiver (735 ILCS 5/5-105). If your indigent fee waiver petition is granted by a judge, you will not have to pay the \$120.00 filing fee and several other fees in the case (you are still required to pay for photocopying). An indigent fee waiver petition form is available from the Clerk's Office or online at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org). Please be advised that an indigent fee waiver petition must be filed in person (not by mail, fax, etc.). Indigent fee waivers are not available in District One Traffic Division cases.

### 3. Do I have to attach a copy of my rap sheet and certified copies of my dispositions to my petition?

If you are filing your petition in District One, Chicago, the Presiding Judge requires that a copy of your rap sheet be attached to your petition, as well as the certified copies of your dispositions you obtain from the Clerk's Office. Districts Two through Six do not require that you attach a copy of your rap sheet to your petition. However, if you are filing your petition in District 4, Maywood,







or District 6, Markham, the Presiding Judges require that you attach the certified copies of your dispositions to your petition.

**4. Do I have to attach the results of a drug test to my petition?**

Yes, but for certain drug offenses only. If you are filing (1) a petition to expunge an order of qualified probation for an offense under the Cannabis Control Act Section 10, Illinois Controlled Substances Act Section 410, Methamphetamine Control and Community Protection Act Section 70, Alcoholism and Other Drug Abuse and Dependency Act Section 40-10, or Steroid Control Act Section 10; or (2) a petition to seal first offender probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act; or (3) a petition to seal Class 4 felony convictions under Section 4 of the Cannabis Control Act (*possession prohibited*), Section 402 of the Illinois Controlled Substances Act (*possession of controlled or counterfeit substance*), the Methamphetamine Precursor Control Act, or the Steroid Control Act; then you are required to attach proof to the petition that you have passed a drug test taken within 30 days before the filing of the petition showing the absence within your body of all illegal substances.

**5. Where do I file my petition?**

The Clerk's Office has 6 Districts. You must file a separate petition in each District where you have a criminal record and pay a separate filing fee for each petition. If all of your cases originated in a single District, such as District Two Skokie, then you will only have to file one petition and pay one filing fee, and the petition should be filed in District Two Skokie.

- a. If your Criminal case arose in the City of Chicago, your Petition and Order should be filed in the Criminal Department or in the Criminal Division of the Clerk's Office:

DISTRICT 1 -- CRIMINAL DEPARTMENT – CHICAGO, Richard J. Daley Center, 50 W. Washington Street, Room 1006, Chicago, IL 60602, General Information 312-603-4641 or -7777, Criminal Manager 312-603-5048, Traffic Manager 312-603-2920.

DISTRICT 1 -- CRIMINAL DIVISION – CHICAGO, 2650 S. California Avenue, Chicago, IL 60608, General Information 773-869-3147, Division Manager 773-869-2991.

- b. If your Traffic case arose in the City of Chicago, your Petition and Order should be filed in the Traffic Division:

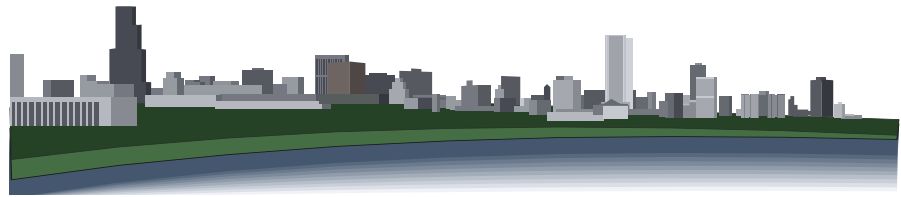
DISTRICT 1 – TRAFFIC DIVISION – CHICAGO, Richard J. Daley Center, 50 W. Washington Street, Room LL-20, Lower Level, Chicago, Illinois 60602,



FREQUENTLY ASKED QUESTIONS



**CRIMINAL & TRAFFIC  
EXPUNGEMENT & SEALING  
PROCEDURAL GUIDE**



General Information 312-603-2945, Motion Counter 312-603-2937, Criminal Manager 312-603-2959, Traffic Manager 312-603-2924.

- c. If your Criminal or Traffic case arose in any of the five Suburban Districts, the Petition and Order should be filed in the District where your case was heard:

DISTRICT 2 – SKOKIE, 5600 Old Orchard Road, Skokie, IL 60077, General Information 847-470-7250, Criminal Manager 847-470-7269, Traffic Manager 847-470-5088, Assistant Traffic Manager 847-470-5064.

Cities and Villages within District 2: Deerfield, Des Plaines, Evanston, Glencoe, Glenview, Golf, Kenilworth, Lincolnwood, Morton Grove, Niles, Northbrook, Northfield, Park Ridge, Skokie, Wilmette, Winnetka, Cook County Sheriff, Cook County Forest Preserve, Illinois State Police Districts 3 and 15.

DISTRICT 3 – ROLLING MEADOWS, 2121 Euclid Avenue, Rolling Meadows, IL 60008, General Information 847-818-3000, Criminal Manager 847-818-2701, Traffic Manager 847-818-2193, Assistant Traffic Manager 847-818-2578.

Cities and Villages within District 3: Arlington Heights, Barrington, Barrington Hills, Bartlett, Bensenville, Buffalo Grove, Elgin, Elk Grove Village, Hanover Park, Harwood Heights, Hoffman Estates, Inverness, Mount Prospect, Norridge, Prospect Heights, Palatine, Prospect Heights, Rolling Meadows, Roselle, Rosemont, Schaumburg, Schiller Park, South Barrington, Streamwood, Wheeling, Cook County Sheriff, Cook County Forest Preserve, Illinois State Police Districts 2, 3, and 15.

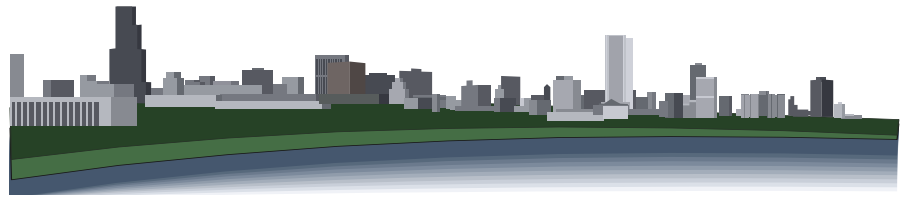
DISTRICT 4 – MAYWOOD, 1500 Maybrook Avenue, Maywood, IL 60153, General Information 708-865-6040, Criminal Manager 708-865-4978, Traffic Manager 708-865-5195, Assistant Traffic Manager 708-786-2481.

Cities and Villages within District 4: Animal Control, Bellwood, Berkeley, Berwyn, Broadview, Brookfield, Burlington North/Sante Fe Railroad, Cicero, Cook County Sheriff, Elgin/Joliet, Elmhurst, Elmwood Park, Forest Park, Forest Preserve, Franklin Park, Hillside, Hines Hospital, Illinois Commerce Commission, LaGrange Park, Maywood, Maywood Park District, Melrose Park, Memorial Park, Metra Police Department, Northlake, North Riverside, Public Safety, Oak Park, River Forest, River Grove, Riverside, Secretary of State Police, Stone Park, Triton College, Union Pacific Railroad, Water Reclamation, Westchester.

**FREQUENTLY ASKED QUESTIONS**



**CRIMINAL & TRAFFIC  
EXPUNGEMENT & SEALING  
PROCEDURAL GUIDE**



**FREQUENTLY ASKED QUESTIONS**

DISTRICT 5 – BRIDGEVIEW, 10220 South 76<sup>th</sup> Avenue, Bridgeview, IL 60455, General Information 708-974-6500, Criminal Manager 708-974-6387, Traffic Manager 708-974-6906, Assistant Traffic Manager 708-974-6827.

Cities and Villages within District 5: Alsip, Bedford Park, Bridgeview, Burbank, Burr Ridge, Chicago Ridge, Countryside, Crestwood, Evergreen Park, Forest View, Hickory Hills, Hinsdale, Hodgkins, Hometown, Indian Head Park, Justice, LaGrange, Lemont, Lyons, Merrionette Park, McCook, Oak Lawn, Orland Hills, Orland Park, Palos Hills, Palos Park, Stickney, Summit, Tinley Park, Western Springs, West Haven, Willow Springs, Worth, Cook County Sheriff, Cook County Forest Preserve, and Illinois State Police Districts 3 and 15.

DISTRICT 6 – MARKHAM, 16501 S. Kedzie Parkway, Markham, IL 60426, General Information 708-210-4551, Criminal Manager 708-210-4217, Asst. (Traveling) Criminal Manager 708-210-4604, Traffic Manager 708-210-4838.

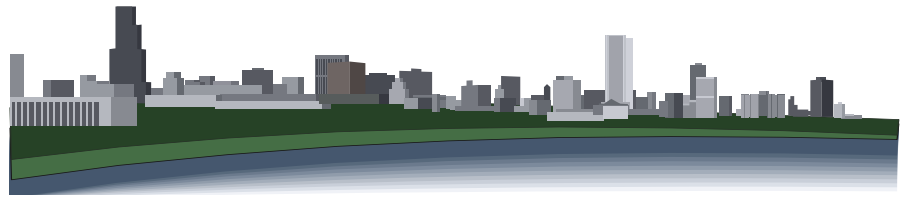
Cities and Villages within District 6: Blue Island, Burnham, Calumet City, Calumet Park, Chicago Heights, Country Club Hills, Crete, Dixmoor, Dolton, East Hazelcrest, Flossmoor, Ford Heights, Glenwood, Harvey, Hazelcrest, Homewood, Lansing, Lynwood, Markham, Matteson, Midlothian, Oak Forest, Olympia Fields, Park Forest, Phoenix, Posen, Richton Park, Riverdale, Robbins, Sauk Village, South-Chicago Heights, South Holland, Steger, Thornton.

**6. What information do I need to bring with me to the courthouse to file my petition?**

In addition to a copy of your rap sheet (if you are filing in District 1, Chicago, see answer to Question #3), you will need the titles and addresses of all legal entities involved in your case, even if you were never prosecuted. These entities include:

- *The arresting authority:* The law enforcement agency that arrested you. This is usually a police department or sheriff's department. If you were never arrested and were instead only given a notice to appear in court, there will not be an arresting authority. *If you were arrested by the City of Chicago Police Department*, you do not need to locate their address because it is pre-printed on the Notice of Filing form available from the Clerk's Office.
- *The "chief legal officer of the unit of local government that affected the arrest:"* This is usually the attorney who represents the municipality or county that arrested you. (It is NOT the Chief of Police.) This attorney usually is called the "Corporation Counsel," "Village Attorney," or "City Attorney." For example, if you were arrested by the Skokie Police Department, you will need the name and address of the Corporation Counsel for the Village of Skokie. *If you were arrested*





in the City of Chicago, you do not need to locate the Corporation Counsel’s address because it is pre-printed on the Notice of Filing form available from the Clerk’s Office.

- *The State’s Attorney or prosecutor that prosecuted your case:* If charges were brought against you, you will need to know the address for the State’s Attorney or prosecutor that prosecuted the case. You only need the office and the address – you do not need the name of the particular individual who prosecuted your case. If you are unclear about which office prosecuted your case, check your paperwork from the Clerk’s Office. *If you were prosecuted in Cook County,* you do not need to locate the Cook County State’s Attorney’s address because it is available to you on the Notice of Filing form available from the Clerk’s Office.

**7. Can I expunge or seal an Order of Protection?**

No. The expungement statute only applies to certain criminal and traffic records. It does not apply to orders of protection, non-criminal minor traffic tickets (unless you were released without charging), divorces, or other civil matters.

**8. Can the Clerk’s Office help me fill out my petition?**

No. Employees of the Clerk’s Office are absolutely prohibited by law from giving legal advice or assisting customers to fill out court forms. (705 ILCS 110/1; 705 ILCS 205/10; Illinois Supreme Court Rule 756). Only Illinois licensed attorneys are permitted by law to give you legal advice. As the official keeper of the record for the Circuit Court, the Clerk’s Office can, however, provide you with copies of your dispositions and provide the expungement forms for you to fill out.

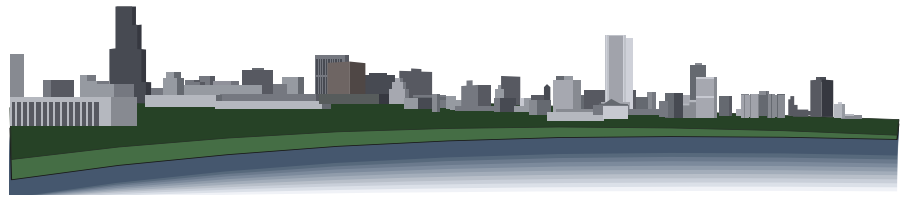
**9. What is a conviction?**

A conviction is a final judgment of guilt by the court. A conviction includes terms such as PROBATION (except first-offender drug probation that was terminated satisfactorily, known as 710, 1410, Section 10, Section 410, 40-10, or TASC probation), CONDITIONAL DISCHARGE, FINE (without the term “supervision”), TIME CONSIDERED SERVED, JAIL TIME, and FINDING OF GUILTY by a judge or jury (without the term “supervision”). SUPERVISION or first-offender drug PROBATION that was terminated unsatisfactorily is also considered a conviction.

**10. What is NOT a conviction?**

The following are not considered to be convictions: SUPERVISION completed satisfactorily, NOLLE PROSEQUI (NP), STRICKEN OFF WITH LEAVE TO REINSTATE (SOL), FINDING OF NO PROBABLE CAUSE (FNPC), NON-SUIT, DISMISSED, NOT GUILTY, or successful completion of FIRST-OFFENDER DRUG probation.





**11. Someone else was arrested using my identity. How can I clear my record?**

If the person that was arrested was not you, and that person stole your identity or otherwise used your identity when s/he was arrested or convicted, causing you to have a criminal record, instead of filing a petition to expunge or seal your record, you should file a PETITION FOR CORRECTION AND SEALING OF AN ARREST AND CONVICTION RECORD DUE TO IDENTITY THEFT form (CCCR 0019), along with a NOTICE OF FILING form and an IDENTITY THEFT ORDER form (CCCR 0021). Court forms are available to the Clerk's Office or at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org). The filing fees (See Question #1) and procedure for expungement or sealing petitions described in this packet apply to Identity Theft petitions, as well. If your identity theft petition is granted, the law provides that the judge may order the arresting agency, the Illinois State Police, the prosecutor, the trial court, and any other criminal justice agency(ies) ordered by the court, to correct your arrest or conviction record by removing your name from the record and inserting the name of the real offender, if known. If your petition is granted, the Clerk's Office will also seal the court file and erase your name from the electronic docket from that day forward. (20 ILCS 2630/5.2(b)(4).)

**12. What if I was charged as a juvenile?**

See the Guidelines for Juvenile Expungement available at the Clerk's Office. There is a separate process for expungement of juvenile records.

**13. If I wait long enough, isn't my record automatically expunged?**

No. There is no such thing as an "automatic" expungement. Once you get arrested, you will have an arrest record even if you were never charged, the case was dismissed, you were found not guilty, or you successfully completed court supervision. The only way to remove the arrest from your record is to file a petition to expunge or seal your record.

**14. If I was found not guilty, do I still need to file a petition?**

Yes. Your criminal record contains all your arrests, whether you were found guilty or not.

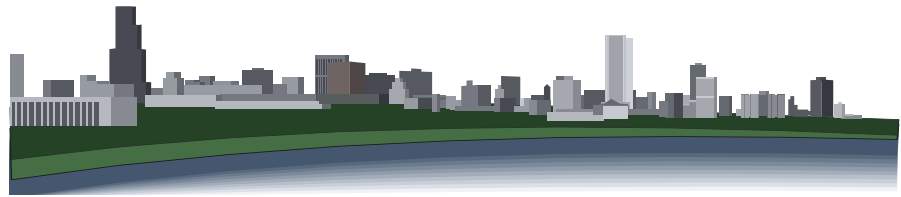
**15. I was pressured into pleading guilty even though I was innocent. Does that qualify me for expungement?**

No. Once you plead guilty, any presumption of innocence is waived. Please see Section One to determine whether your record qualifies for expungement or sealing.

**16. My case could be expunged but the time period has not passed yet. If it is also eligible for sealing, can I seal it now and expunge it later?**

Yes.





**17. I live out of town. Can I do this by mail?**

Yes, you can mail in your completed court forms and other paperwork. Depending on the requirements of the Presiding Judge in the District in which you are filing (see answer to Question #3), the paperwork may include a rap sheet, certified disposition(s), and the filing fee. However, if you are filing an indigent fee waiver petition, this must be filed in person.

**18. How do the police agency that arrested me, the prosecutor who prosecuted me, and any other required parties find out that I filed my petition?**

The Clerk's Office is responsible for serving copies of the Petition on the State's Attorney or Prosecutor(s) charged with the duty of prosecuting each offense; the Department of Illinois State Police; the arresting agency or agencies; and the chief legal officer(s) of the unit(s) of local government where you were arrested, but you must provide the correct addresses for these agencies to the Clerk's Office. The Clerk's Office has provided a "Notice of Filing" form for you to list all the agencies that must be served. The Clerk will send the Petition to all of the agencies you list on the Notice.

**19. What happens if an objection to my petition is filed with the court?**

If an objection is filed, the law requires that a court hearing be scheduled and that you, the arresting agency, the prosecutor, the Chief legal officer of the unit of local government that arrested you, and the Illinois State Police receive notice of the hearing at least 30 days prior to the hearing date. If you have moved since the filing of your petition, you are required to promptly notify the Clerk's Office of your new address. If you do not change your address with the Clerk's Office, the Clerk's Office will mail the notice of your hearing date to your old address and you may not receive it in time or at all. (20 ILCS 2630/5.2(d)(2), (d)(7) and (a)(1)(D).)

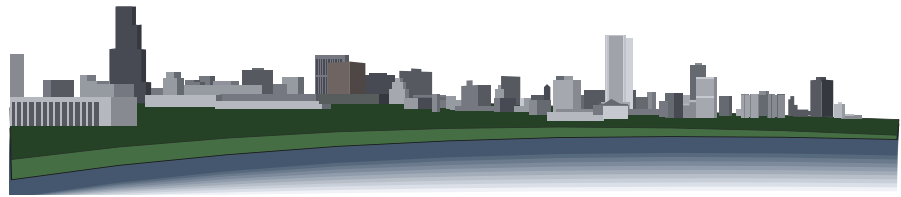
**20. Do I have to appear in court?**

Possibly. If an objection is filed and a hearing date is set, the judge will hear evidence from you and any other party who received notice and is in attendance on whether your petition should or should not be granted. You should expect that you need to appear in court or risk having your petition dismissed. Sometimes, a judge will allow an attorney to appear on your behalf.

**21. How long does it take?**

At least a few months. The State's Attorney or Prosecutor(s) charged with the duty of prosecuting each offense; the Department of Illinois State Police; the arresting agency or agencies; and the chief legal officer(s) of the unit(s) of local government where you were arrested have 60 days to object to your petition. If they object, a hearing date will be scheduled at least 30 days from then. If the judge grants your petition, it could take the law enforcement agencies up to 60 days after that to expunge, seal or impound your records.





**22. What is the difference between expungement and sealing?**

Expunged records are destroyed or returned to you. Please see the wording on the Order to Expunge and Impound Criminal Records form (CCCR 0013). If the judge grants your expungement petition and orders the Illinois State Police to “expunge” your records, both the Illinois State Police and the arresting agency will destroy your records or return them to you. If the judge grants your expungement petition and orders the Illinois State Police to “impound” your records, only the arresting agency will destroy your records or return them to you, while the Illinois State Police will impound, or seal, your records. The Department of Corrections can access your impounded records if you are convicted of a subsequent offense.

Sealed records are maintained by the agencies. Most of the general public will not have access to sealed records. However, law enforcement and prosecutors will still have access to your sealed records to carry out the duties of their offices. Also, the following entities have access to sealed convictions: Department of Children and Family Services if it determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, or the Children and Family Services Act (20 ILCS 2605/2605-315); school boards/regional school superintendents (20 ILCS 2605/2605-325); fire departments (20 ILCS 2605/2605-330); private child services organizations that devote a major portion of their time to the provision of recreational, social, educational, or child safety services to children (20 ILCS 2605/2605-335); private carrier companies that provide public transportation to ascertain whether a job applicant for a driving position has been convicted of a criminal or drug offense listed in the Metropolitan Transit Authority Act (20 ILCS 2605/2605-340); the Department of Corrections upon conviction for any offense; healthcare organizations/hospitals.

For both expungement and sealing, the Clerk’s Office impounds the court file and does not destroy it or return it to you. But, your name is erased from the Clerk’s Office’s electronic docket system from that day forward and your case is not accessible to the public.

**23. How do I find out if the judge has granted or denied my petition?**

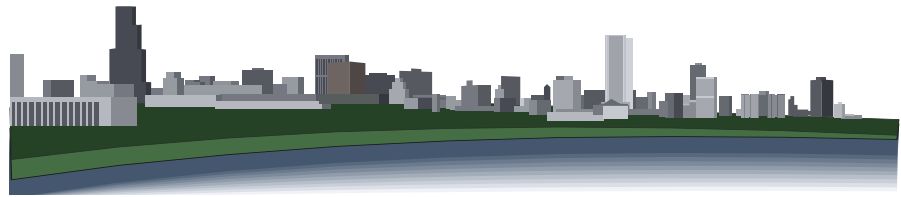
After the judge has granted or denied your petition, the Clerk’s Office will mail a copy of the court’s order to you at the address you provided to the Clerk’s Office. If, however, you are in court at a court hearing on your petition when the order is entered, you may be handed a copy of the order at the conclusion of the hearing. The Clerk’s Office will also mail a copy of the order to the State’s Attorney or Prosecutor(s) charged with the duty of prosecuting each offense; the Department of Illinois State Police; the arresting agency or agencies; the chief legal officer(s) of the unit(s) of local government where you were arrested, and to any other criminal justice agencies if ordered by the court.

**24. If the court orders my record expunged or sealed, do I have to take any action?**

The Clerk’s Office will mail a copy of the court’s order to you and to the four law enforcement agencies served with the Petition(s). The agencies have 60 days to file a motion to vacate or modify the court’s order.







The Illinois State Police (ISP) will process the court order and send you a letter notifying you that your ISP records have been expunged or sealed. The ISP will also forward a copy of the court's order to the Federal Bureau of Investigations (FBI), so that the FBI may process the order, if it chooses to do so. You will not receive anything from the FBI directly. You may call the ISP to check on the status of your records at (815) 740-5160.

If at any time you want to know what is contained in your FBI criminal history record, you may contact the FBI at U.S. Department of Justice, 1000 Custer Hollow Road, Clarksburg, WV 26306, (304) 625-3878. Requests to the FBI must be made in writing and must specifically mention that you are entitled to a copy of your arrest record under the *Freedom of Information Act*. Be certain to include your name, address, date and place of birth, and rap sheet (fingerprints).

Your records will also be expunged or sealed by the local police agency that arrested you. Depending on the local agency and local unit of government involved, you may have to pay them an additional fee to have your records expunged. It is important to follow the instructions of these police agencies. If the local law enforcement agency does not expunge your records, your records will still be accessible to prospective employers and other members of the public.

**25. Once my petition is granted, should I get a certified copy of the court's order?**

Since your record will be unavailable to you after it is expunged, it is a good idea to keep a certified copy of your expungement order for your records. A "certified" copy is a copy containing a Clerk's Office seal verifying it to be an authentic court document. For some unforeseen reason, a person may need a certified copy of their expungement order. It will save time and money if the person already has a certified copy in a secure place. If you do not retain a certified copy of your expungement order, and you need one at a later date, you will have to file a petition with the court to temporarily unseal your case to obtain a certified copy, then re-seal the case. For example, people sometimes need certified copies of their order and disposition to provide to the Immigration and Naturalization Service (INS) for naturalization purposes.

There is a \$4.00 fee for a certified copy of your expungement order. (705 ILCS 105/27.2a) You may contact the Clerk's Office in person, by mail, or by phone for a certified copy of your Order.

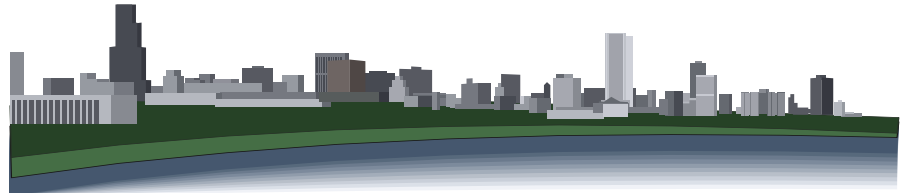
**26. Once my record is expunged or sealed, do I have to tell employers about it?**

No, and it is against the law for employers or potential employers (except law enforcement, state's attorneys and other prosecutors, the State Police, and the Department of Corrections) to ask you whether you ever had any records expunged or sealed. Once your record has been expunged, it "may not be considered by any private or public entity [other than by law enforcement agencies, the Department of Correction, State's Attorneys, or other prosecutors] in employment matters, certification, licensing, revocation of certification or licensure, or registration" (20 ILCS 2630/12).

Also, it is a civil rights violation if the potential employer uses the fact that you had a criminal record expunged or sealed as the reason to refuse to hire you, as a reason to fire you, or as a reason







to affect the terms, conditions or privileges of your employment, among other things. (775 ILCS 5/2-103.)

*Employers are not allowed to ask you if you have had records expunged or sealed, and you are not required to disclose this information on employment applications. (20 ILCS 2630/12.)*

See answer to Question #22 for a description of which employers may have access to your expunged or sealed records.

**27. Once my petition is granted, do I have to disclose my expunged or sealed record when I get an occupational license or certificate?**

No, unless the law requires it. A list of regulated licenses in the State of Illinois can be found at the Illinois Department of Financial and Professional Regulation’s website: [www.idfpr.com](http://www.idfpr.com) (This is not a list of licenses which will require disclosure of an expunged or sealed record).

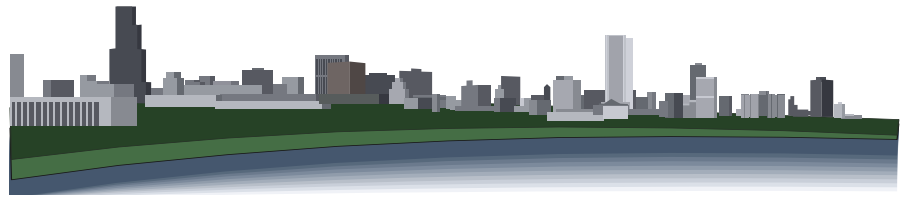
**28. What if my petition is denied?**

If your Petition(s) is denied, you may ask the Presiding Judge of the Division(s), Department(s), or District(s) in which your case was heard to reconsider your Petition(s). To do this, you can file a *Motion to Reconsider* and a *Notice of Motion* and serve (mail) a copy of these on the four required agencies (State’s Attorney/Prosecutor, the Illinois State Police, the arresting agency, and the chief legal officer of the unit of local government where you were arrested). You must do this within 60 days of service of the order.

Or, you may file a Notice of Appeal with the Clerk’s Office. This form is available in the Criminal Department, Criminal Division, Suburban Districts, or online at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org). The order denying your petition will not become final for the purposes of appeal until 30 days after service of the order on you and all parties entitled to notice. After filing your Notice of Appeal, you must ask the Clerk’s Office to prepare a Record on Appeal, which will contain the documents from your criminal case file. Unless a State Appellate Defender is appointed by the judge to represent you on the appeal, there is a fee for preparation of the Record on Appeal (ROA): Under 100 pages = \$110, Over 100 pages = \$185, Over 200 pages = an additional fee of \$.30 per page. (705 ILCS 105/27.2a(k).) Your case will then be heard before the Illinois Appellate Court.

If you are filing a Notice of Appeal regarding a misdemeanor case in the Criminal Department, your case will be added to the “Appeals Call” and the judge will determine if you qualify as “indigent” to have your ROA fees waived.





### 29. What is a pardon?

If you are unable to have your criminal record expunged or sealed, you should see if you qualify for a pardon from the Governor.

A pardon is different from petitioning the court for expungement of your records. It is a type of executive clemency granted by the Governor. There are no statutory requirements describing who qualifies for a pardon – it is left to the judgment of the Governor. It is considered to be an extraordinary remedy and is rarely granted. For more information, contact the Prisoner Review Board (even if you never went to prison) at (217) 782-7273 or visit [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org).

If a pardon from the Governor states that your criminal record may also be expunged, you would file an expungement petition after obtaining the pardon. If you receive a pardon based on actual innocence, you may petition the Illinois Court of Claims for monetary restitution if you were improperly imprisoned.

### 30. What is a Certificate of Innocence?

A Certificate of Innocence is available to a person convicted and subsequently imprisoned by the State of Illinois for one or more felonies which he/she did not commit. Certificates of Innocence are issued by the Circuit Court.

A Certificate of Innocence allows you to petition the Illinois Court of Claims for monetary restitution for your improper conviction without obtaining a pardon from the Governor.

To receive a Certificate of Innocence, you must prove by a preponderance of the evidence that the judgment of conviction was reversed or vacated and that the indictment or information was dismissed -- or if a new trial had been ordered, that you were found not guilty at the new trial. Also, you must prove that you did not, by your own conduct, voluntarily cause or bring about your conviction.

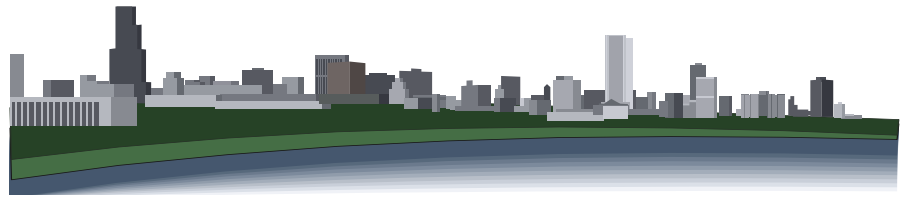
Certificate of Innocence court forms are available at the Clerk's Office or on the Clerk's website at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org).

### 31. What is a Certificate of Good Conduct?

If you are unable to have your criminal record expunged or sealed, you should see if you qualify for a Certificate of Good Conduct. Certificates of Good Conduct are issued by the Circuit Court.

An employer cannot be held civilly or criminally liable for an act or omission by an employee who has been issued a Certificate of Good Conduct. So, even if you have a criminal record, an employer may be more likely to hire you if you have a Certificate of Good Conduct. See 730 ILCS 5/5-5.5-30.





Certificates of Good Conduct are not considered to be expungements, sealings or pardons.

A person is eligible for a Certificate of Good Conduct if s/he has demonstrated that s/he is a fully rehabilitated, law-abiding citizen and:

- a. Has not been convicted more than twice of a felony;
- b. Was not convicted of the following offenses:
  1. Sex Offender Registration Act
  2. Arsonist Registration Act
  3. Child Murderer and Violent Offender Against Youth Registration Act
  4. Class X Felony
  5. Aggravated DUI
  6. Aggravated Domestic Battery
  7. Forcible Felony

Certificates of Good Conduct are issued by the Circuit Court (and can be revoked by the Circuit Court upon any subsequent conviction). The Court must make a specific finding of rehabilitation with the force and effect of a final judgment on the merits when the court is satisfied that:

- a. You have conducted yourself in a manner warranting issuance
- b. Relief is consistent with your rehabilitation
- c. Relief is consistent with the public interest.

In order to be issued a Certificate of Good Conduct, applicants must conduct themselves in a manner warranting the issuance of the Certificate for the following minimum time periods:

- i. One year if your most serious crime was a misdemeanor; or
- ii. Three years if your most serious crime was a felony.

Certificate of Good Conduct court forms are available at the Clerk's Office or on the Clerk's website at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org).

### 32. What is a Certificate of Relief from Disabilities?

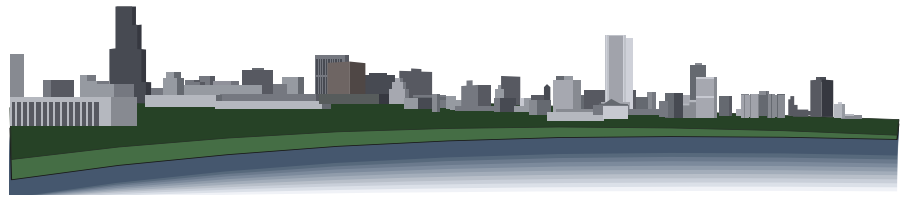
If you are unable to have your criminal record expunged or sealed, and you want to obtain a professional license listed below, you should see if you qualify for a Certificate of Relief from Disabilities. Certificates of Relief from Disabilities are issued by the Circuit Court.

An employer cannot be held civilly or criminally liable for an act or omission by an employee who has been issued a Certificate of Good Conduct. So, even if you have a criminal record, you can still obtain or renew your professional license, and an employer may be more likely to hire you, if you have a Certificate of Relief from Disabilities. See 730 ILCS 5/5-5.5-5 *et. seq.*



You are eligible for a Certificate of Relief from Disabilities if you:

- a. Have not been convicted more than twice of a felony;

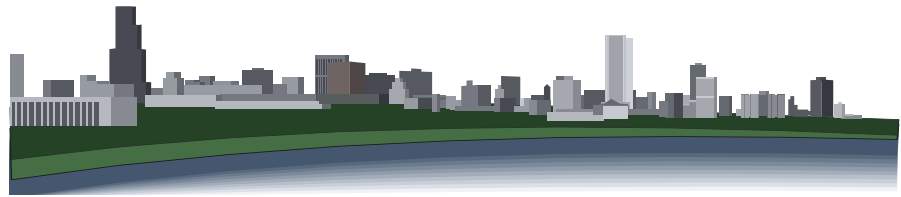


- b. Were not convicted of the following offenses:
1. Sex Offender Registration Act
  2. Arsonist Registration Act
  3. Child Murderer and Violent Offender Against Youth Registration Act
  4. Class X Felony
  5. Aggravated DUI
  6. Aggravated Domestic Battery
  7. Forcible Felony

The 27 licenses and certifications covered by the Certificate are as follows:

1. The Animal Welfare Act – Animal Welfare Inspector (except for violations of Section 3 Owner’s Duties, 3.01 Cruel Treatment, 3.02 Aggravated Cruelty, 3.03 Animal Torture, 3.03-1 Depiction of Animal Cruelty, or 4.01 Animals in Entertainment of the Humane Care for Animals Act (510 ILCS 70/3, 510 ILCS 70/3.01, 510 ILCS 70/3.02, 510 ILCS 70/3.03, 510 ILCS 70/3.03-1, or 510 ILCS 70/4.01); or Section 26-5 of the Criminal Code of 1961 Dog Fighting (720 ILCS 5/26-5));
2. The Illinois Athletic Trainers Practice Act – Athletic Trainer (225 ILCS 5/1 *et seq.*);
3. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (225 ILCS 410/1-1 *et seq.*);
4. The Boiler and Pressure Vessel Repairer Regulation Act – Boiler & Pressure Vessel Repairperson (225 ILCS 203/1 *et seq.*);
5. The Professional Boxing Act -- Boxer (225 ILCS 105/1 *et seq.*);
6. The Illinois Certified Shorthand Reporters Act of 1984 – Certified Shorthand Reporter (225 ILCS 415/1 *et seq.*);
7. The Illinois Farm Labor Contractor Certification Act – Farm Laborer Contractor (225 ILCS 505/1 *et seq.*);
8. The Interior Design Title Act – Interior Designer (225 ILCS 310/1 *et seq.*);
9. The Illinois Professional Land Surveyor Act of 1989 – Land Surveyor (225 ILCS 330/1 *et seq.*);
10. The Illinois Landscape Architecture Act of 1989 – Landscape Architect (225 ILCS 315/1 *et seq.*);
11. The Marriage and Family Therapy Licensing Act – Marriage & Family Therapist (225 ILCS 55/1 *et seq.*);
12. The Private Employment Agency Act – Counselor for an Employment Agency (225 ILCS 515/0.01 *et seq.*);
13. The Professional Counselor and Clinical Professional Counselor Licensing Act -- Counselor (225 ILCS 107/1 *et seq.*);
14. The Real Estate License Act of 2000 – Real Estate Agent (225 ILCS 454/1-1 *et seq.*);
15. The Illinois Roofing Industry Licensing Act -- Roofer (225 ILCS 335/1 *et seq.*);
16. Professional Engineering Practice Act – Engineer (225 ILCS 325/1 *et seq.*);
17. Water Well and Pump Installation Contractors License Act (225 ILCS 345/1 *et seq.*);
18. Electrologist Licensing Act (225 ILCS 412/1 *et seq.*);
19. The Auction License Act (225 ILCS 407/5-1 *et seq.*);
20. Illinois Architecture Practice Act of 1989 (225 ILCS 305/1 *et seq.*);
21. The Dietetic and Nutrition Services Practice Act (225 ILCS 30/1 *et seq.*);
22. The Environmental Health Practitioner Licensing Act (225 ILCS 37/1 *et seq.*);





23. The Funeral Directors and Embalmers Licensing Code (225 ILCS 4/1-1 *et. seq.*);
24. The Land Sales Registration Act of 1999 (765 ILCS 86/1-1 *et. seq.*);
25. The Professional Geologist Licensing Act (225 ILCS 745/1 *et. seq.*);
26. The Illinois Public Accounting Act (225 ILCS 450/0.01 *et. seq.*); and
27. The Structural Engineering Practice Act of 1989 (225 ILCS 340/1 *et. seq.*).

The Court must find that the relief is consistent with your rehabilitation and consistent with the public interest.

The Court may issue a Certificate of Relief from Disabilities at the time the sentence is pronounced or upon verified application to the court.

Once issued, no application for one of the above qualified licenses shall be denied because the person with the Certificate of Relief from Disabilities was previously convicted of one or more criminal offenses, or has a “lack of good moral character” because of those convictions, unless:

- a. There is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or
- b. The issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

Certificate of Relief from Disabilities court forms are available at the Clerk’s Office or on the Clerk’s website at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org).

## **SECTION FOUR**

### **Expungement and Sealing Court Forms**

