STARK COUNTY FAMILY COURT
SEALING & EXPUNGING PROCEDURE

Juvenile Records in Juvenile Court:

NOTICE TO APPLICANT:

Ohio Law allows you to have your juvenile record sealed and/or expunged. As a practical matter, however, the younger you are the less likely you are to have your case sealed and/or expunged at the same time. Additionally, the court has discretion to seal a case, without expunging a case, based upon the circumstances of the case and applicant.

There is no filing fee to seal or expunge juvenile records. You may wish to read portions of the Ohio Revised Code, sections 2151.355, 2151.356, 2151.357, and 2151.358 for further details, available at most libraries or online here: codes.ohio.gov.

Aggravated murder, murder and rape are charges that are not eligible to be sealed.

The following is an explanation of the process you must follow in order to seal and/or expunge your record(s). This applies to charges involving delinquency, unruly, or traffic offenses you have had in this Court. It is a two-step process: first a record may be sealed, then, second, it may be expunged.

SEALING A RECORD

"Sealing" a record means the record still exists, but the file is hidden from public view. If someone asks you if you have a record, you may properly reply that no record exists. That's what we will say if someone asks us. It is as if it never occurred. A sealed record can be inspected in extremely limited circumstances (i.e. the Court, you, law enforcement and prosecutor, party in a civil action that is based on the case, and the attorney general).

The Court is permitted to seal records but is not required to. These are cases where a person was adjudicated as being delinquent, unruly or a juvenile traffic offender. You must follow these steps to have your record sealed in such cases:

1. Wait at least six (6) months from: the termination of the case (all court costs, fines and restitution paid, and community service completed); unconditional discharge from DYS/other facility in relation to a dispositional order (not on probation or parole); or the Court enters sex offender declassification order. Then you may file an application with the Court. (Note: a person over 18 does not need to wait 6 months and may file after their case is concluded.) An application is found on the Court's website and is available for printing from the court's kiosk located in the Clerk's office.

2. Provide any information that the Court requests.

3. Appear in Court upon request from the Court.

The Court is not permitted to seal a record if there is a civil lawsuit pending involving the case. Also, we are prohibited from sealing records in cases where a juvenile is adjudicated delinquent for committing an act that would be an aggravated murder, murder, or rape offenses if the act had been committed by an adult.

THE PROCESS INVOLVED FOR SEALING A RECORD

1. An application to seal must be submitted to the assignment office.
   To find this process and application forms online, please visit:
   https://www.starkcountyohio.gov/government/legal_judicial/family_court/how_to_seal_and_expunge_records.php
2. Any documentation requested must be submitted along with the application.
3. The Court will conduct a background investigation to determine if the person has been rehabilitated to a satisfactory degree.
4. If the person satisfactorily completes the background investigation their application will be returned to them and they will be directed to file the application in the clerk's office.
5. The prosecutor's office shall be promptly notified of the application to seal has been filed.
6. After 30 days, the Court will conduct a hearing on the application.

THE STANDARD TO DECIDE THE APPLICATION

In making a determination about whether to seal a record, the Court may consider any information that it believes is relevant, including:

- The person's age;
- The person's education or employment history;
- The nature of the case;
- The person's subsequent delinquent, unruly or criminal behavior;
- New juvenile offender classifications; and
- Any other circumstance that may relate to the rehabilitation of the person.

Records that are "sealed" are eligible for "expungement".

EXPUNGING A RECORD

"Expunging" a record means the record is completely destroyed, and it is if it never existed.

Automatic Expungement: we shall promptly order the immediate expungement of any case that has been previously sealed. This must occur either five years after the date on which the records are sealed or on the person's twenty-third birthday, whichever is earlier.

Discretionary Expungement: in these cases, the Court may expunge a case at an earlier time upon application of the person whose record it is. An application is found on the Court's website and is available for printing from the court's kiosk located in the Clerk's office.

The Court is not permitted to seal a record if there is a civil lawsuit pending involving the case. Also, since the Court is prohibited from sealing records in cases where a juvenile is adjudicated delinquent for committing an act that would be an aggravated murder, murder, or rape offenses if the act had been committed by an adult, then it is also true that juvenile court is not permitted to expunge these offenses as well.

The Court will employ the same procedure explained above to determine if you have been rehabilitated to the extent your record should be expunged.

Sealing of Adult Records in Juvenile Court:

You may request the Stark County Juvenile Court issue an order to seal and expunge your record whether you are found guilty or not guilty, or your case is dismissed. This will erase your record in the eyes of the law and will make it not publicly available.

There is no filing fee for the sealing of adult records in the Stark County Juvenile Court.

There are several exceptions to this law, which are outlined in detail in Ohio Revised Code Chapter 2953; namely any misdemeanor of the first degree or higher when the victim is a child under the age of 16.

If this application is being made to expunge a conviction, the Defendant states that they have fulfilled all sentencing provisions and that more than one year has passed since the Defendant was released from the Court's jurisdiction (all fines and costs have been paid and community service has been served). Further, by submitting the application, Defendant contends that he/she is entitled to the relief requested because he/she meets all of the prerequisites provided in the Ohio Revised Code; to wit, (1) Defendant is an eligible offender; (2) that there are no criminal proceedings pending against the Defendant; (3) that the Defendant's rehabilitation has been attained; and (4) that the expungement of this record is consistent with the public interest.

If there is a finding of not guilty or the complaint is dismissed, the application to seal may be filed at any time after the finding or dismissal is entered upon the court journal.

Upon the filing of an application for the sealing of a record, the Court shall set a date for a hearing and notify the prosecutor for the case of the hearing on the application. The prosecutor may then object to the granting of the application and shall specify in the objection the reasons for believing a denial of the application is justified.