

Community Legal Aid

A non-profit law firm serving the legal needs of low-income individuals and families in central northeast Ohio

www.communitylegalaid.org

What is the court process

What is the court process for record sealing?

If you are eligible to seal your record, you can fill out your application and file it with the court.

You will have to pay a fee to file your application, typically between \$50- \$100. If you can't afford this fee, you can file paperwork to ask the court to waive it. This is called a "poverty affidavit," and [you can download a sample here](#). You can also visit [this website](#) to fill out the form online. Sometimes, the court will set a separate hearing to decide if you need to pay it or not. If they do, make sure you attend that hearing and bring proof of why you can't afford to pay it.

The type of application you file will depend on what you are trying to seal:

- If you want to seal a conviction, there is a specific application for that.
- If you want to seal a case that was dismissed or where you were found not guilty, there is a separate application for that.

If you would like to see an example of any of the various applications mentioned above, or the forms for any of the counties that Community Legal Aid serves, click [here](#).

While filing out your application, you will need to share your full criminal record, including any charges brought against you anywhere in the United States. It's important to be honest and include your full criminal history. To make sure you aren't missing anything, you can request a [background check for yourself through the Ohio Attorney General's Office](#).

You will need to submit your application with the court where your conviction took place. This means that if you have convictions in multiple different courts, you will have to file individually with each court. Even if you want to seal multiple convictions that took place in the same court, you will need to submit separate applications to the court for each record.

After you file your application with the court, they will let the prosecutor know about your application. The prosecutor is allowed to file an objection, if they believe you aren't eligible or if

you haven't met the correct waiting period.

The court will conduct a record search and then order a written report, which will include fingerprints, if they were taken at your arrest, and the status of your child support, if you were convicted of failure to pay your child support.

Your case will then be scheduled for a court hearing.

If the court grants your application, a court order will be sent to the clerk of court, prosecutors, local law departments, probation officers, the police and sheriff, as well as record keepers, like BCCI and the FBI. This will let them know that your records are sealed. Your records will not be destroyed, but most people (excluding court and police personnel) will not have access to them.

Printed: October 24, 2020

<http://www.communitylegalaid.org/node/1383/what-court-process-record-sealing>

©Community Legal Aid