

EXPUNGEMENT INFORMATION SHEET

Effective 12/21/10 Rules of Criminal Procedure No. 490 and No. 790 are adopted and Rule of Criminal Procedure No. 722 has been rescinded. Non-ARD Expungements will now be controlled by Rules 490 & 790. The Rules can be reviewed at the following web addresses:

<http://www.pacode.com/secure/data/234/chapter4/s490.html> and
<http://www.pacode.com/secure/data/234/chapter7/s790.html>.

1. Accelerated Rehabilitative Disposition (ARD) and Section 17 (Disposition without Verdict) have not changed with the exception of the Order must now be in compliance with new Rule 790(c). Although these files are typically automatically expunged upon completion of the program, it is in your best interest to confirm that the expungement did occur. Please verify with each agency that they have destroyed the file. Agencies include the district justice office, Pennsylvania State Police, the Arresting Agency, etc.

2. Accelerated Rehabilitative Disposition (ARD) Expungement Information will still be available on the Self Help Website.

3. Juvenile Expungements must follow contents of Order for Expungement under the Rules of Juvenile Court Procedures (Rules 170 & 172). Any questions regarding a Juvenile Expungement should be directed to the Juvenile Probation Office or seek legal advice. The Rules can be reviewed at the following web addresses:

<http://www.pacode.com/secure/data/237/chapter1/s170.html> and
<http://www.pacode.com/secure/data/237/chapter1/s172.html>.

4. Summary Expungements are filed under new Rule 490. Contents of the Expungement Order must follow Rule 490 (c).

5. All other expungements that do not fall under ARD, Juvenile, Section 17 or Rule 490 will be governed by Rule 790.

- a. Please note that the petition pursuant to Pa.R.Crim.P. 490 relates to SUMMARY offenses ONLY and the petition pursuant to Pa.R.Crim.P. 790 relates to CRIMINAL (misdemeanors, felonies, AND summary offenses if included with other offenses). The petition pursuant to Pa.R.Crim.P. 790 is to be used for partial expungements as well."

6. When filing an Expungement that is governed by Rule 490 or 790 the Administrative Office of the Pennsylvania Court (AOPC) encourages the use of the Expungement Petition that is provided on the Pennsylvania Unified Judicial System web portal. The web address for the Petition is as follows: <http://www.pacourts.us/Forms/Default.html>. The Clerk of Courts Office must accept whatever Petition is presented; however, all Petitioners are encouraged to use the new Petition. Failure to utilize the proper Petition, and a form order of expungement that does not contain the requisite information required by the Rules noted above may result in a Petition which is denied either by the Court of Common Pleas or the Administrative Office of the Pennsylvania Courts. If a Petition is denied or rejected, you may be required to pay additional filing fees for resubmitted Petitions.

7. The Rules of Criminal Procedure Nos. 490 and 790 require a Pennsylvania State Police background search be included with the Petition. Failure to submit the background search may result in a denial or rejection of your Petition by the Court of Common Pleas or by the Administrative Office of the Pennsylvania Court. If a Petition is denied or rejected, you may be required to pay additional filing fees for resubmitted Petitions. Disregard the last box on the form petition(s) that inaccurately makes it appear that such a petition can be successfully filed without the required background check. See the PSP website – <http://www.portal.state.pa.us/portal/server.pt?open=512&objID=4451&&PageID=491401&mode=2>

8. All Expungement Petitions other than Juvenile Expungements require the submission of an Order that **MUST** comply with the requirements of Rule of Criminal Procedure No. 490 (c) or No. 790 (c). A copy of a blank Expungement Order can be printed from this web address: <http://www.pacourts.us/Forms/Default.html> . Please note if a Juvenile Expungement the Order must be in compliance with Rules of Juvenile Court Procedure Rule No.170 or No. 172. It is the responsibility of the Petitioner to make certain that all of the required information is provided on the Order. Failure to include all required information on the Order will result in a rejection of the Order by the Administrative Office of the Pennsylvania Court. If a Petition is denied or rejected, you may be required to pay additional filing fees for resubmitted Petitions.

9. The Clerk of Courts Office may only reject Petitions if there are insufficient copies (an original plus 3 copies are required) or if the Petition is not accompanied by the proper filing fee (Please consult fee schedule).

10. Further information regarding your case(s) and offenses to include the Offense Tracking Number (OTN) can be found on the case docket sheets available at the PA Unified Judicial System's website at the following link - <http://ujportal.pacourts.us/> . See "Reference Guides" on the menu bar located on the left side of the screen for information on how to navigate to both the Magisterial District and Common Pleas Court case docket sheets

***NOTE** - By law, expungements of criminal offenses (misdemeanors/felonies) may only be considered for expungement if the charges were either dismissed, withdrawn, nolle prossed, found not guilty. The ONLY exception a guilty disposition may be considered, by law, is if the defendant is 70 years of age or older and has not committed any new offenses in the past ten years following any period of incarceration.

***NOTE** -By law, expungements of summary offenses with a guilty disposition may only be considered if the defendant remains free of arrest or prosecution for five (5) years following the conviction.

The directions and links above provide information about the law and expungement process designed to help filers address their own legal needs. But legal information is not the same as legal advice – the application of the law to an individual's specific circumstances. Although we go to great lengths to ensure our information is accurate and useful, we recommend you consult a lawyer if you want professional assurance that our information, and your interpretation of it, is appropriate to your particular situation. We cannot provide legal advice and to do so would be considered the unauthorized practice of law."

THE OFFICE OF THE CLERK OF COURTS CANNOT AND DOES NOT PROVIDE LEGAL ADVICE TO ANYONE. ANY QUESTIONS REGARDING EXPUNGEMENTS MUST BE DIRECTED TO AN ATTORNEY.

How to File an Expungement

1. Complete the entire petition or form for expungement. The Clerk of Courts office cannot assist you in the drafting or completing this form. Failure to include all required information may result in the petition being rejected by the Court. In such an event, you will need to re-file your petition. There is a filing fee each time you file this petition. As such, you are encouraged to consult an attorney or review Rules 490, 575, 576 and 790 of the Rules of Criminal Procedure for further guidance.
2. Make 3 copies of your petition/form.
3. Bring all three (3) copies of your petition/form plus the original to the District attorney's Office which is located on the second floor of the Dauphin County Courthouse. The District Attorney's Office will stamp your forms and keep one copy.
4. Take the two (2) remaining copies of your petition/form plus the original to the Dauphin County Clerk of Courts Office, which is also located on the second floor of the dauphin County Courthouse.
5. You **MUST** attach a copy of your Pennsylvania State Police Criminal Record (PSPCR) to your petition/form. Failure to attach the PSPCR will result in your petition being returned and require you to re-file your petition again. If you re-file, you will be charged another filing fee.
6. The filing fee of _____ (Please consult fee schedule) dollars payable by cash, certified check, or money order and made payable to the Dauphin County Clerk of Court. If you do not think that you can afford the filing fee, you may file a Petition to Proceed in Forma Pauperus (IFP).
7. The Clerk of Court's Office will date stamp your forms. The Clerk of Court's Office will keep the original and one (1) copy and give you one copy for your records.
8. Be sure to keep a copy of the petition for your personal files.
9. Should the Expungement be granted, please retain a copy of the Order as the original order, as well as, the entire file will be destroyed.
10. Please confirm with the various agencies such as, State Police, Arresting Agency, etc., that these offices has in fact destroyed the file.