

# Tioga County Self Help Kit



## HOW TO FILE A PETITION TO EXPUNGE JUVENILE OFFENSES

### Disclaimer

Neither the staff in Court Administration nor the staff in any Court office will be able to give you legal advice or help you fill out/complete these forms. The information in the packets is not to be a substitute for legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, you may call North Penn Legal Services at 1-877-953-4250.

## EXPUNGEMENT INFORMATION:

18 Pa. C.S. §9123 set forth requirements for the expungement of juvenile records. Juvenile delinquency records are required to be expunged following a 30 day notice to the district attorney, whenever the court, upon its motion or upon the motion of a child or the parents or guardians finds:

1. A complaint is filed which is not substantiated or the petition which is filed as a result of a complaint is dismissed by the court;
2. Six months have elapsed since the final discharge of the person from supervision under a consent decree and no proceeding is pending seeking such conviction or adjudication; or
3. Five years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral and since such final discharge, the person has not been convicted of a felony, misdemeanor or adjudicated delinquent and no proceeding is pending seeking such conviction or adjudication; or
4. The individual is 18 years of age or older, the attorney for the Commonwealth consents to the expungement and court orders the expungement after giving consideration to the following factors:
  - The type of offense;
  - The individual's age, history of employment, criminal activity and drug or alcohol problems;
  - Adverse consequences that the individual may suffer if the records are not expunged; and
  - Whether retention of the record is required for purposes of protection of the public safety.

When an individual or an agency filed a motion to expunge a record, a request should be made to the Pennsylvania State Police (PSP) for the juvenile's criminal history record information or rap sheet. This is not required but it may help. This information can then be compared with the information contained in the juvenile court file.

## EXPUNGEMENT INSTRUCTIONS:

1. Prepare your Petition for Expungement. You will need to complete the attached form with the following information in order to complete your Petition for Expungement. You can obtain the required information from your juvenile probation officer or from Randi Way in Court Administration.

Please fill in the following information.

- In the Interest of \_\_\_\_\_ (insert juvenile's name)
  - Petitioner is the person asking the court for expungement
  - No. \_\_\_\_JV\_\_\_\_ (insert juvenile's docket number)
1. Juvenile's name and current address.
  2. Juvenile's date of birth.
  3. Juvenile's case docket number (obtained from probation or Court Administration).
  4. Juvenile's social security number.
  5. The date the juvenile was arrested or charged with the offenses.
  6. The law enforcement agency that made the allegation
  7. The reference number of the police report.
  8. Fill in the date that the juvenile completed all terms of his/her consent decree or probation.
  9. Check the appropriate box.
  10. Describe the type of offense that was committed.
  11. Describe employment history.
  12. Describe the adverse consequences the juvenile may suffer if his/her record is not expunged.

2. Sign the Petition for Expungement where it says "Pro Se" meaning "for yourself". If the petitioner is still a juvenile (under the age of eighteen) then a parent or guardian must sign the Petition for Expungement as well.

3. Complete the Verification/Affidavit form. This document needs to be notarized prior to filing the Expungement. **(Do not sign this page until you get to the Notary's Office.)** If the petitioner is under the age of eighteen then a parent or guardian must also sign this form in the presence of the notary.

4. Take the certificate of completion of all terms of probation or consent decree to the juvenile probation office and see that your juvenile probation officer receives it. Failure to have this form filled out may delay the processing of your Petition for Expungement.

- If the Probation Office fills out the Certificate of Completion Form right away and returns that to you, you **must** file that form in the Prothonotary's Office. Otherwise, please leave your contact information with them so you can pick up the completed form at a later time.

**DO NOT PROCEED UNTIL YOU HAVE THE  
CERTIFICATE OF COMPLETION FILLED OUT BY  
PROBATION**

5. File the original Petition, the Certificate of Completion of Probation and two copies of each with the Clerk of Courts. The Clerk of Courts office is located on the 1<sup>st</sup> Floor of the Tioga County Courthouse. Also, a twenty (\$20) dollar (only certified check, money order, or cash will be accepted) **NON-REFUNDABLE** filing fee is required at the time of submission.

6. Once you have filed the petition and the certificate of completion, take one completed, time stamped copy of your Petition, the enclosed District Attorney's Statement, and the Certificate of Completion to the District Attorney's Office which is located on the 2<sup>nd</sup> Floor of the Tioga County Courthouse. Retain one copy for your records. Failure to attach the District Attorney's Statement to your petition may delay the processing of your expungement request.

- Please leave the form with the District Attorney's Office for consideration.

7. Take one completed, time stamped copy of your Petition and Certificate of Completion to the Court Administrator's Office which is located on the 2<sup>nd</sup> Floor of the Tioga County Courthouse.

8. Sign the Affidavit of Service stating that you have served a copy of your Petition for Expungement on the Commonwealth of Pennsylvania at the District Attorney's Office and file it in the Prothonotary's Office.

9. **HEARING: The court may hold a hearing. Or, if there are no objections to the Petition, the court may make a decision based on written documentation.** You will receive notice of a date and time for the hearing from the Court Administrator's office. Failure to appear for this hearing may result in the dismissal of your petition.

If the Court finds that you are eligible for expungement and no objections have been received, it will grant the expungement and issue an Order of Expungement. Your Order will also be mailed to you and all the appropriate parties to ensure your record will be expunged. If your Petition is denied, you will receive notice via certified mail of the reasons why your Petition was denied.

IN THE INTEREST OF \_\_\_\_\_ : IN THE COURT OF COMMON PLEAS  
:   
: OF TIOGA COUNTY, PENNSYLVANIA  
:   
A MINOR : NO. \_\_\_\_\_ JV \_\_\_\_\_  
:

**PETITION TO EXPUNGE JUVENILE CRIMINAL RECORD**

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

Petitioner, \_\_\_\_\_, pro se, respectfully represents the following:

1. The juvenile is \_\_\_\_\_, residing at

\_\_\_\_\_.

2. The juvenile's date of birth is \_\_\_\_\_.

3. The juvenile's social security number is \_\_\_\_\_.

4. The juvenile's case docket number is \_\_\_\_\_.

5. The date the juvenile was arrested and charged via a juvenile petition is

\_\_\_\_\_.

6. The law enforcement agency that initiated the allegation is

\_\_\_\_\_.

7. The reference number of the police report or written allegation is

\_\_\_\_\_.

8. On \_\_\_\_\_, the juvenile has completed all terms of the consent decree or all terms of his/her probation.

9. With regard to the crime(s) and or charge(s), the following has occurred (check a, b, or c).

- ( ) a. Six months have elapsed since the final discharge of the juvenile from supervision under a consent decree and no proceeding is pending seeking such conviction or adjudication; or
- ( ) b. Five years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral and since such final discharge, the juvenile has not been convicted of a felony, a misdemeanor, or adjudicated delinquent and no proceeding is pending seeking such conviction or adjudication; or
- ( ) c. The juvenile is now eighteen (18) years of age or older and wishes to have his/her record expunged. The court will take into consideration several factors.

10. The specific offense(s) were \_\_\_\_\_  
\_\_\_\_\_.

11. The juvenile's history of employment is \_\_\_\_\_.

12. Adverse consequences that the juvenile may suffer if the records are not expunged are: \_\_\_\_\_.

13. The juvenile has no pending criminal charges or drug or alcohol problems.

14. Retention of the juvenile's record is NOT required for purposes of protection of the public safety.

15. The Commonwealth of Pennsylvania will not be harmed in granting this petition.

16. A copy of this Petition will be served upon the District Attorney's Office of Tioga County, Pennsylvania.

WHEREFORE, Petitioner respectfully requests this Honorable Court to order the expungement of all records pertaining to the aforementioned juvenile.

Respectfully submitted,

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Pro Se

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Signature of Parent or Legal Guardian if  
Petitioner is under eighteen (18)

IN THE INTEREST OF \_\_\_\_\_ : IN THE COURT OF COMMON PLEAS  
: OF TIOGA COUNTY, PENNSYLVANIA  
A MINOR : NO. \_\_\_\_\_ JV \_\_\_\_\_  
:

**VERIFICATION/AFFIDAVIT**

I, \_\_\_\_\_, being duly affirmed according to law, does hereby depose and say that the facts contained herein are true and correct; that your affiant is the above named Juvenile and makes this application requesting the Court to enter and Order dismissing the aforesaid charges against him/her.

Petitioner also verifies that statements made in this Petition to Expunge Juvenile Criminal Record are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner (Pro Se)

\_\_\_\_\_  
Signature of Parent or Legal Guardian if  
Petitioner is under eighteen (18)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_



IN THE INTEREST OF \_\_\_\_\_ : IN THE COURT OF COMMON PLEAS  
: OF TIOGA COUNTY, PENNSYLVANIA  
A MINOR : NO. \_\_\_\_\_ JV \_\_\_\_\_  
:

**AFFIDAVIT OF SERVICE**

I, \_\_\_\_\_, do hereby certify that I served upon the Commonwealth of Pennsylvania, through the Office of the District Attorney of Tioga County, Pennsylvania, a copy of the Petition to Expunge Juvenile Criminal Record in the above captioned matter, by leaving a copy with the secretary in charge of the office, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner (Pro Se)

\_\_\_\_\_  
Signature of Parent or Legal Guardian if  
Petitioner is under eighteen (18)

IN THE INTEREST OF \_\_\_\_\_ : IN THE COURT OF COMMON PLEAS  
:   
: OF TIOGA COUNTY, PENNSYLVANIA  
:   
A MINOR : NO. \_\_\_\_\_ JV \_\_\_\_\_  
:

**CERTIFICATE OF COMPLETION OF ALL TERMS OF PROBATION  
OR CONSENT DECREE**

I hereby certify that the above-named defendant has successfully completed all of the terms and conditions of his/her supervision program at this number and term, including payment of all costs, fines and restitution as of the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tioga County Juvenile Probation Office

Cc: District Attorney  
Court Administration  
Probation

IN THE INTEREST OF \_\_\_\_\_ : IN THE COURT OF COMMON PLEAS  
: OF TIOGA COUNTY, PENNSYLVANIA  
A MINOR : NO. \_\_\_\_\_ JV \_\_\_\_\_  
:

**DISTRICT ATTORNEY'S STATEMENT**

In accordance with Rules 170 and 171 of the Pennsylvania Rules of Juvenile Court, with regard to the Dismissal/Expungement of charges in the above-entitled matter, the Commonwealth, by and through the Office of the District Attorney, hereby:

- ( ) DOES NOT OBJECT
- ( ) OBJECTS, AND REQUESTS A HEARING
- ( ) REQUIRES FURTHER INFORMATION

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for the Commonwealth

Cc: District Attorney  
Probation  
Court Administration