



The FindLaw Guide to Expungement

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Expungement is a legal process through which an arrest or conviction may be erased from a criminal record. In this guide, we provide information on how you can use the expungement process to clear your criminal record.

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Introduction

Expungement can remove a criminal charge from your record, which can have profound effects on your life like the ability to get certain jobs or receive a loan for a home. But even if you are eligible for expungement, it isn't necessarily guaranteed that you can clean your record. This is where FindLaw and its directory of attorney can help.

Expungement Basics

Expungement is a court-ordered process in which the legal record of an arrest or a criminal conviction is sealed or erased in the eyes of the law. Generally, after the expungement process is complete, an arrest or a criminal conviction does not need to be disclosed by the person who was arrested or convicted. For example, when filling out an application for a job or apartment, an applicant does not need to disclose an expunged arrest or conviction.

Additionally, when an employer or other company does a background check, your expunged criminal record should not appear. Still, you should know that an expunged record is not necessarily completely erased. Law enforcement officials and courts may still see your expunged records and use them against you.

Expungement Eligibility

Expungement of criminal records is not available in every jurisdiction. Different states and counties have different rules. For example, some jurisdictions do not allow expungement in any circumstance. In other jurisdictions, expungement may be available for arrests, but not convictions.

Even in jurisdictions that allow expungement, a person's criminal record must meet certain standards in order to [qualify for the expungement process](#). Generally, whether or not you qualify for expungement depends upon a number of factors that can include:

- amount of time that has passed since the arrest or conviction
- severity and nature of the event for which expungement is sought
- applicant's criminal record

To learn more about whether expungement is available for your situation, you will want to talk to a criminal attorney in your area.




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Procedure to Expunge

Even if a person is eligible to have a charge expunged from his or her record, it doesn't happen automatically and it is never guaranteed. There are still rules and procedures that must be followed before a charge is removed. Failure to meet the requirements of the expungement process can result in the charge remaining on an individual's record, so it's important to follow the rules carefully.

Generally, a person seeking to have an arrest or criminal conviction expunged must fill out an application or petition, and submit the paperwork to the proper criminal court for a judge's review. In most jurisdictions, a fee must be paid in conjunction with the filing.

The expungement process can be complicated. For example, some jurisdictions require an applicant to deliver (or serve) papers on district attorneys, while others require the applicant to prepare the legal document (or "Order of Expungement") which will be signed by the judge. In some cases, a court hearing is required, after which a judge will decide whether to grant the expungement, or not. To learn about state-specific rules for expungement, [click here](#).

STOP

Should I Talk to an Attorney?

Expungement of an arrest or conviction can be a valuable tool for anyone who wants to clear up their criminal record. But determining eligibility for expungement and completing the required steps in the process can be complicated and may require the assistance of an attorney.

If you are interested in learning more about expungement of an arrest or criminal conviction, you should contact an attorney to discuss expungement eligibility and procedural guidelines in your area. An experienced attorney will be able to explain what (if any) expungement options are available in your state or county for your particular circumstances, and will guide you through each step in the expungement application process.

You can find an experienced criminal defense attorney in your area by visiting [FindLaw's directory of attorneys](#).

For More Information

Regarding expungement of criminal records, please visit our website at <http://www.findlaw.com> or <http://criminal.findlaw.com/expungement/>

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