



# KATIE REED, CLERK OF COURTS

---

## BARBERTON MUNICIPAL COURT

### The Expungement/Sealing Process

The laws governing expungements/sealing of records are set by the Ohio Revised Code (RC) in Sections 2953.31 through 2953.34. Employees of the Clerk's office cannot give you legal advice. If you are in need of legal advice regarding your expungement or sealing application, please contact an attorney.

- **Filing an application and paying the filing fee does not guarantee the Court will order your matter be sealed or expunged.**
- **There will be a mandatory hearing date, and your absence could result in the denial your sealing or expungement motion**

**1. Who can file?** As it concerns types of cases handled in the Barberton Municipal Court, RC 2953.32 to 2953.34 does not apply to any of the following:

- Traffic convictions under RC Chapters 4506, 4507, 4510, 4511, or 4549, or a substantially similar municipal ordinance
- Sexually oriented offenses when the applicant is subject to RC 2950 (registry)
- Offenses in which victim of offense less than 13 years of age
- Domestic Violence convictions (4<sup>th</sup> degree misdemeanor DV sealings permitted)
- Violating Protection Order convictions

**2. When can the application be filed?**

- If applying to seal a minor misdemeanor – six months after final discharge
- If applying to seal a misdemeanor – one year after final discharge
- If applying to seal conviction under RC2921.43 – seven years after final discharge
- If applying to expunge a minor misdemeanor – six months after final discharge
- If applying to expunge a misdemeanor – one year after discharge
- Final discharge (FD) means completing of probation, and any sentenced programming. All fines must be paid in full prior to filing.

If you were found not guilty or your case was dismissed you may file at any time.

You cannot have any pending charges or unpaid tickets in any court.

**3. What is the filing fee?** There is a \$100.00 **non-refundable** filing fee for applications to seal or expunge records of conviction. There is no filing fee applications to seal or expunge dismissal/not-guilty findings.

**4. Are there any convictions that can never be sealed?** Yes. You are not eligible to have your criminal record sealed if the conviction is for any of the following offenses:

- An offense that is a felony of the first or second degree
- Three or more third degree felonies
- Any felony offenses of violence that are not sexually oriented offenses.
- Sexually oriented offenses when the applicant is subject to RC 2950 (registry)
- Any case in which the victim of the offense was under 13 years of age.
- All driver's license violations
- All motor vehicle violations unless offense is in connection with the same act as the criminal offenses.
- Domestic Violence convictions (fourth degree misdemeanor DV cases are permitted).
- Violating a Protection Order convictions.

**5. What if my case was a felony?** If the case was completely dismissed by this court, and/or reduced to a misdemeanor, you can file to have the case sealed. If the case was a felony and transferred to the Summit County Common Pleas Court, an eligible offender may apply to the Court of Common Pleas. You may contact the Court of Common Pleas at 330-643-2282.

**6. What happens after the application is filed?**

- You will need to go to the Probation Department to answer a brief set of questions. The Probation Department is located on the 2nd floor of the Municipal Building in Room 208.
- If you live out of state and file your application by mail you must provide your social security number, maiden name and/or name at the time of conviction, current address and telephone number with your application. The Probation Department completes a thorough background report for all applicants.
- The Court will notify you of the mandatory hearing date on your motion. Your absence could result in the denial your sealing or expungement motion

**7. It is up to the municipal court judge to either grant or deny your application.** If the applicant meets the requirements to have a case sealed, it is for the court to determine whether interests of the applicant in having the records pertaining to the applicant's conviction sealed or expunged outweighs the legitimate needs, if any, of the government to maintain those records. In some circumstances the prosecutor and or victim may file an objection to the application.

After the background check is completed, and if your application is approved, a copy of the judge's entry granting the sealing and/or expungement will be sent to you and any agencies connected to the case.

Please note the sealing order applies only to governmental agencies, not private databases – it is still possible for your record to appear on private background company records for a period of time. In addition, governmental agencies do have the right to inspect sealed records for various purposes including licensing and employment. Sealed records may be released to potential employers if you apply for a job working with children (Senate Bill 38) or the elderly (House Bill 160).

**PLEASE CONTACT THE BARBERTON CLERK OF COURTS OFFICE BETWEEN THE HOURS OF 8:00 TO 4:00 PM MONDAY – FRIDAY AT (330) 753-2261 WITH QUESTIONS.**

[www.cityofbarberton.com/clerkofcourts](http://www.cityofbarberton.com/clerkofcourts)