

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
)
 A JUVENILE)
)
 _____)
)
)
 A Child under Eighteen (18) Years of Age)
 Date of Birth of Child: _____)

IN THE FAMILY COURT
 _____ JUDICIAL CIRCUIT

**MOTION AND ORDER FOR
 EXPUNGEMENT OF JUVENILE RECORDS**

Docket No. _____

Plaintiff Attorney: _____ Hearing Date: _____

Defendant Attorney: _____ Judge: _____

Guardian ad Litem: _____ Court Reporter: _____

MOTION

On Motion of:
 _____ (Juvenile/Attorney for Juvenile)

I attest that all of the requirements set forth in § 63-19-2050 Code of Laws of South Carolina (1976) have been met.

Consents Declines to Consent Objects Determined to be ineligible for expungement

 Circuit Solicitor

ORDER

This matter comes before the Court pursuant to a request made by the above captioned individual for the expungement and destruction of the following juvenile records:

<u>Petition Number</u>	<u>Offense Charged/Adjudicated</u>
_____	_____
_____	_____
_____	_____

Section 63-19-2050, Code of Laws of South Carolina (1976) allows the destruction of a person's juvenile records in the following cases:

- (1) Juveniles taken into custody and/or charged with, but not adjudicated for, a delinquent act, and
- (2) Juvenile offenders adjudicated delinquent for a status offense or non-violent crime.

In order to destroy a person's juvenile records, the Court must find that:

- 1. The person is 18 years of age or older, and
- 2. The person does not have a prior adjudication for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult; and
- 3. If adjudicated, the person has successfully completed any dispositional sentence imposed by the Court; and
- 4. The person has not been subsequently adjudicated for or convicted of any criminal offense; and
- 5. The person does not have any criminal charges pending in family court or general sessions court.

DJJ verifies the offense listed above is eligible for expungement: Yes No DJJ _____ Date _____

SLED verifies the offense listed above is eligible for expungement: Yes No SLED _____ Date _____

IT APPEARING pursuant to the signature of the Circuit Solicitor that the above-named person meets these conditions;

IT IS HEREBY ORDERED that all records relating to this person being taken into custody for or charged with, the above-referenced status or criminal offenses as a juvenile, and all records relating to this person being adjudicated delinquent for having committed such status offenses or non-violent crimes as a juvenile be expunged and destroyed or retained by any law enforcement, municipal, county or state agency or department pursuant to the provisions of Section 17-1-40.

AND IT IS SO ORDERED.

Date: _____, 20____

FAMILY COURT JUDGE

_____, S.C.

Expunged by SLED by: _____ Date: _____ (For SLED internal use only)

Expungement Application Process

- (1) The applicant will apply to the solicitor in the circuit in which the offense(s) was committed.
- (2) The applicant must pay the following amounts to the solicitor in the form of separate certified checks or money orders:
 - (a) a non-refundable administrative fee of \$250.00 made payable to the solicitor,
 - (b) a non-refundable SLED verification fee of \$25.00 made payable to SLED, when applicable,
 - (c) a filing fee of \$35.00 made payable to the county clerk of court, when applicable.
- (3) The solicitor will send the application to the Department of Juvenile Justice (DJJ) and DJJ will return the application to the solicitor, either granting or denying approval.
- (4) If the application is approved by DJJ, the solicitor will send the application to SLED in order to verify that the offense is eligible for expungement, as provided by the South Carolina Code of Laws.
- (5) SLED will return the application to the solicitor and indicate if the offense(s) is eligible for expungement.
- (6) If the offense is deemed eligible by SLED, the solicitor will obtain all necessary signatures, including the signature of the family court judge.
- (7) Once the order is signed by the family court judge, the solicitor will file the order with the clerk of court.
- (8) The solicitor will provide copies of the expungement order to all pertinent governmental agencies as well as the applicant or the applicant's attorney.
- (9) A prosecution or law enforcement agency may file an objection to the expungement. If an objection is filed, the expungement must be heard by the court. The prosecution or law enforcement agency's reason for objecting must be that the person has other charges pending or the charges are not eligible for expungement. The prosecution or law enforcement agency shall notify the person of the objection. The notice must be given in writing at the most current address on file with the court, or through the person's counsel of record.

EXPUNGEMENT ORDERS SHOULD NOT BE FORWARDED TO S.C. COURT ADMINISTRATION (SCCA). For family court convictions/dispositions disposition data (including expungements) is sent to SCCA electronically, and expungements are automatically entered into SCCA records.