

## Post-Expungement Steps

Below are approximate timelines for the expungement process, based on our experience.

### **[ ] You filled out “*stipulated motions*” that were signed by the State’s Attorney/ Attorney General at the clinic.**

- If you filled out “stipulated” motions and the AAG signed them today—and VLA is not waiting on payment from you— Vermont Legal Aid will send these to the court within **1 week**.
  - **Note: if you agreed to pay for the filing fee, VLA cannot send your motions to the court until they receive that money.**
- The court will review within **2 weeks** from the date filed.
- **Between 2-4 weeks** from the date filed, you will receive a decision, either an expungement order or denial. (If you get a denial, call VLA.)

### **[ ] You filled out “*stipulated motions*” that were not signed by the State’s Attorney/ Attorney General.**

- If you filled out “stipulated” motions, but the AAG did not sign them today, Vermont Legal Aid will send these to the State’s Attorney within **1 week**.
- Within **1-2 weeks**, the State’s Attorneys will review all the motions and determine whether they will agree.
- **Within approximately 3 weeks from today’s date, Vermont Legal Aid will file these stipulated motions to the court for review.**
- **Within 6-8 weeks** from today’s date, you should receive a decision from the court—either an expungement order or denial.
  - *NOTE: some of the smaller courts have longer processing times because they have fewer staff members. Filing in a smaller county could result in significantly longer wait times.*

### **[ ] You filled out “*unstipulated motions*” for expungement or sealing.**

- If you filled out “unstipulated” motions, Vermont Legal Aid will get them to the court where you were charged/convicted within **1-2 weeks** from today’s date.
- The State’s Attorney will have 2 weeks to respond to your motion.
- Within approximately 3 weeks from the date the motion was filed, it will be given to the court for review.
- **Between 2-4 weeks** from the date filed, you will receive a decision, either a certificate of expungement or a denial.

## The Court's Decision

### **If your expungement is GRANTED:**

- You will receive a **Certificate of Expungement** at the mailing address you wrote on your Notice of Appearance.
- Once this happens, you can say that you have never been arrested, charged or convicted of the expunged offense. You may omit listing any expunged record on an application for housing, employment or other opportunity.
- The court will send this expungement to all agencies that have a copy of this record—including Vermont Crime Information Center and the Federal Bureau of Investigations—and require those agencies to destroy and delete the expunged charge. It may take up to 60 days from when you receive your decision until your record is cleared.

### **If your expungement is DENIED:**

- Please **call Vermont Legal Aid** as soon as you receive your denial, at 1-800-889-2047 to discuss your denial and the indicated reasons for denial. We may be able to help you.
- You may have to wait **2 years** to apply again, unless the court allows for a shorter wait time.