

# FINANCIAL DISCLOSURE FORM

(\$25.00 application fee may be assessed—see notice on reverse side)

## I. PERSONAL INFORMATION

Applicant's Name		D.O.B.	Name of Person Being Represented (if juvenile)		D.O.B.
Mailing Address			City	State	Zip Code
Case No.			Phone ( )	Cell Phone ( )	
SSN Last 4	Gender	Race <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> Spanish or Latino <input type="checkbox"/> White <input type="checkbox"/> Other			

## II. OTHER PERSONS LIVING IN HOUSEHOLD

Name 1)	D.O.B.	Relationship	Name 3)	D.O.B.	Relationship
2)			4)		

## III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'

Ohio Works First / TANF: \_\_\_\_ SSI: \_\_\_\_ SSD: \_\_\_\_ Medicaid: \_\_\_\_ Poverty Related Veterans' Benefits: \_\_\_\_ Food Stamps: \_\_\_\_

Refugee Settlement Benefits: \_\_\_\_ Incarcerated in state penitentiary: \_\_\_\_ Committed to a Public Mental Health Facility: \_\_\_\_

Other (please describe): \_\_\_\_\_ Juvenile: \_\_\_\_ (if juvenile, please continue at Section VIII)

## IV. INCOME AND EMPLOYER

	Applicant	Spouse (Do not include spouse's income if spouse is alleged victim)	Total Income
Gross Monthly Employment Income			
Unemployment, Worker's Compensation, Child Support, Other Types of Income			
<b>TOTAL INCOME</b>			<b>\$</b>
Employer's Name: _____ Phone Number: _____			
Employer's Address: _____			

## V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
<b>Total Liquid Assets</b>	<b>\$</b>

## VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out		Telephone	
Child Care (if working only)		Transportation / Fuel	
Insurance (medical, dental, auto, etc.)		Taxes Withheld or Owed	
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member		Credit Card, Other Loans	
Rent / Mortgage		Utilities (Gas, Electric, Water / Sewer, Trash)	
Food		Other (Specify)	
<b>EXPENSES</b>	<b>\$</b>	<b>EXPENSES</b>	<b>\$</b>

## VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.

For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI.

If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets.

If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

### VIII. \$25.00 APPLICATION FEE NOTICE

By submitting this Financial Disclosure Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

### IX. APPLICANT CERTIFICATION

I, \_\_\_\_\_ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### X. JUDGE CERTIFICATION

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason: \_\_\_\_\_. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

\_\_\_\_\_  
Judge's Signature

\_\_\_\_\_  
Date

### XI. NOTICE OF RECOUPMENT

ORC. §120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for **part** of the cost of services rendered, if he or she can reasonably be expected to pay. See ORC §2941.51(D)

### XII. JUVENILE'S PARENTS' INCOME\* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (Gross)		
Unemployment, Workers Compensation, Child Support, Other Types of Income		
	<b>TOTAL INCOME</b>	<b>\$</b>

\*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.

## **Instructions for Completing Financial Disclosure Form OPD 206R**

*Revised September 2017*

### **Section I. Personal Information**

Complete this section with the applicant's name, contact information, and case number. If the person who will be represented by court-appointed counsel is a juvenile, also include the juvenile's name in the box marked "Person Represented's Name *(if juvenile)*."

### **Section II. Other Persons Living in Household**

Complete this section with the names of those with whom the applicant lives, who either have a duty to support the applicant or for whom the applicant has a duty to support, such as a spouse or dependent children. Do not include information about persons who share a household with the applicant but with whom the applicant shares no duty to support, such as roommates.

### **Section III. Presumptive Eligibility**

If the applicant is currently receiving assistance from any of the governmental assistance programs listed in this section, check the line(s) next to the name of the program(s). Since that applicant has already been screened and deemed eligible for assistance by another government agency, you may presume the applicant's eligibility for court-appointed counsel. An applicant who is committed to a public mental health facility or who is incarcerated in a state penitentiary at the time of application may be presumed to be indigent and eligible for court-appointed counsel. All juveniles are presumed indigent and eligible for court-appointed counsel. Information in Sections IV – VI does not need to be collected for a juvenile who is requesting court-appointed counsel. (However, an adult requesting court-appointed counsel in a juvenile proceeding, such as a parent in an A/D/N case, must complete Sections IV – VI.) See *Ohio Administrative Code section 120-1-03 (C)*.

### **Section IV. Income and Employer**

Complete this section with the gross monthly income and other financial support received by the applicant, including the name and contact information of their employer. If the applicant indicated in Section III that the applicant receives assistance from any of the listed programs, include the amount of monthly assistance received through that program in the second box of this section, which includes "other types of income."

- Compare the dollar amount in the box labeled Total Income in this section to OPD's *Indigent Client Eligibility Guidelines*. If the applicant's total income falls at or below

187.5% of the federal poverty guidelines on this chart, the applicant must be given court-appointed counsel. *See OAC 120-1-03 (B)*. See Section V instructions below for potential ineligibility.

### **Section V. Liquid Assets**

Complete this section with information about the applicant's liquid assets. An applicant's liquid assets can make an applicant ineligible for court-appointed counsel, even if his or her income falls below the guidelines. *See OAC 120-1-03 (D)(2)-(3)*.

### **Section VI. Monthly Expenses**

*OAC 120-1-03* states that the "pivotal issue in determining indigency is not whether the applicant ought to be able to employ counsel but whether the applicant is, in fact, able to do so." Therefore, an applicant whose gross monthly income falls above 187.5% of the federal poverty guidelines may still qualify for court-appointed counsel. If an applicant whose income exceeds 187.5% believes he or she is financially unable to employ counsel, complete this section with information about the applicant's basic monthly expenses.

### **Section VII. Determination of Indigency**

If the applicant's total income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.

Applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines can be subject to recoupment.

If the applicant's Liquid Assets in Section V exceed figures provided in *OAC 120-1-03*, appointment of counsel may be denied *if the applicant can employ counsel using those liquid assets*.

If the applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but is financially unable to employ counsel after paying the monthly expenses in Section VI, counsel must be appointed.

### **VIII. \$25.00 Application Fee Notice**

This section provides notice to the applicant that he or she will be assessed a non-refundable \$25 application fee when submitting this form, unless that fee is waived or reduced by the court. No applicant may be denied counsel based upon failure or inability to pay this fee. *See ORC 120.36 (B)*.

## **IX. Applicant Certification**

This section must be signed by the applicant, certifying that the information is correct, and true to the best of his or her knowledge.

## **X. Judge Certification**

If the applicant is unable to complete this form (e.g. minor, incarcerated person, etc.), in this section, the judge may determine the applicant is eligible for court-appointed counsel and should provide a brief description of why the applicant is unable to complete the form.

## **XI. Notice of Recoupment**

This section provides notice to the applicant that if his or her gross monthly income falls at or above 125% of the federal poverty guidelines, he or she may be subject to recoupment. *See ORC 120.03 (B)(6)–(8), OAC 120-1-05, and ORC 2941.51 (D).*

Attorneys' fees and expenses cannot be taxed as part of the costs charged in a case. However, through recoupment, if the indigent client or juvenile's parent(s) has, or reasonably may be expected to have the means to pay *some* part of the costs of services rendered, the indigent client or juvenile's parent(s) can be required to pay the county an amount that person reasonably can be expected to pay. *See ORC 2941.51 (D).*

## **XII. Juvenile's Parents' Income**

If the respondent/defendant is a juvenile, complete this section with the income information of that juvenile's custodial parent(s). Because financial information was not collected about the parent(s) in Sections IV and V, information collected in this section is used to determine whether the parent(s) of the juvenile will be subject to recoupment.

- Compare the dollar amount in the box labeled Total Income in this section to OPD's *Indigent Client Eligibility Guidelines*. If the parents' total income falls below 125% of the federal poverty guidelines on this chart, they cannot be subject to recoupment. *See OAC 120-1-03 (C)(1)*. If the parents' total income falls at or above 125%, they can be subject to recoupment. *See OAC 120-1-03 (B)*.
- Because recoupment is limited to "an amount that the person reasonably can be expected to pay," you may choose to also collect information about the parents' monthly expenses in Section VI of this form. *See ORC 2941.51 (D)*.

**INFORMATION PACKET**  
**Application to Seal Criminal Record**  
**(R.C. 2953.31, et seq.)**

**LEGAL BASIS:**

Section 2953.31 of the Ohio Revised Code permits the sealing of criminal records for certain “eligible offenders” after a period of time has elapsed from his or her final discharge.

**ELIGIBLE APPLICANT:**

Only those individuals who are considered “eligible offenders” under Section 2953.31 of the Ohio Revised Code are permitted to have their record sealed. An “eligible offender” is anyone who has been convicted of one or more offenses, but not more than five (5) felonies, in Ohio or any other jurisdiction, if all of the offenses in Ohio are felonies of the fourth or fifth degree or misdemeanors and none of those offenses are an offense of violence or a felony sex offense, and all of the offenses in another jurisdiction, if committed in Ohio, would be felonies of the fourth or fifth degree or misdemeanors, and none of those offenses would have been an offense of violence or a felony sex offense.

An “eligible offender” also includes anyone who has been convicted of an offense in this state or any other jurisdiction that is a felony of the third degree and who has not (1) not more than one felony conviction, (2) not more than two misdemeanor convictions, or (3) not more than one felony conviction and one misdemeanor conviction in Ohio or any other jurisdiction. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, the Court shall determine whether it is in the public interest to treat these two or three convictions as one conviction.

An “eligible offender” for purposes of record sealing does not include (1) offenders convicted of felonies of the first or second degree; (2) offenders who were subject to a mandatory prison term; (3) offenders convicted of an offense of violence when the offense was a misdemeanor of the first degree or a felony; (4) convictions on or after October 10, 2007 under section 2907.07 of the Ohio Revised Code; (5) convictions on or after October 10, 2007 under sections 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 of the Ohio Revised Code when the victim of the offense was under eighteen (18) years of age; (5) convictions of an offense in circumstances in which the victim of the offense was less than sixteen (16) years of age when the offense is a misdemeanor of the first degree or a felony, except convictions under section 2919.21 of the Ohio Revised Code; and (6) offenders convicted under the following sections of the Ohio Revised Code: 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 2907.12, or Chapter 4507, 4510, 4511, or 4549.

Convictions for most minor misdemeanor are not convictions for the purposes of sealing one’s record.

Convictions for any section in Chapters 4507, 4510, 4511, 4513, or 4549 of the Revised Code, or a substantially similar municipal ordinance, are not convictions for purposes of sealing one’s record. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Ohio Revised Code, for a violation of section 4510.11 or 4510.14 of the Revised Code that is based upon the offender’s operation of a vehicle during a suspension imposed under section 4511.191 or 4511.196 of the Ohio Revised Code, for a violation of a substantially equivalent municipal ordinance, for a felony violation of Title XLV of the Ohio Revised Code, or for a violation of a substantially equivalent former law of this state or former municipal ordinance shall be considered a conviction.

Please note, the applicant must have paid or had waived any and all court costs, fines, fees, and/or restitution before the applicant is considered eligible to have his or her record sealed.

**Neither the Clerk of Court nor Court Services can tell you if you are eligible to have your convictions sealed. If you are unsure, please contact an attorney.**

**COST OF APPLICATION:**

An applicant shall pay to the Warren County Clerk of Court the nonrefundable sum of \$50, regardless of the number of records the applicant requests to be sealed.

**TIMING OF APPLICATION:**

*If convicted of a misdemeanor:* An eligible offender may apply to have his or her record(s) sealed after the expiration of one year after the applicant's final discharge.

*If convicted of one felony:* An eligible offender may apply to have his or her record(s) sealed after the expiration of three (3) years after the offender's final discharge.

*If convicted of two lower-level felonies:* An eligible offender may apply to have his or her record(s) sealed after the expiration of four (4) years after the applicant's final discharge.

*If convicted of three to five lower-level felonies:* An eligible offender may apply to have his or her record(s) sealed after the expiration of five (5) years after the applicant's final discharge.

**MORE THAN ONE RECORD:**

An applicant may request the sealing of the records of more than one case in a single application under this section.

**HOW TO APPLY:**

To apply for your record(s) to be sealed under Section 2953.31, et seq. of the Revised Code, fill out to the best of your ability the application below and bring the original to the Warren County Court of Common Pleas at 500 Justice Drive, Lebanon, OH 45036. Be sure to make a copy for your records.

Take the "Application to Seal a Criminal Record" section of this packet to the Clerk of Court and pay the nonrefundable \$50 application fee. The Clerk will time-stamp and keep your application, and then direct you to the Court Services Division.

Take the "Request for Information" section of this packet to the Court Services department. The employee at the front desk will confirm you filled out the application correctly and will direct you to the appropriate Assignment Commissioner for your case.

Go to the Assignment Commissioner for your case and get a hearing date. She or he will provide you a yellow notice containing your hearing date.

Appear in Court at the time of your hearing for a determination on your application. Dress appropriately and arrive on time. If your application is granted, a member of the judge's staff will assist you in completing the final steps of sealing your record.

**FOR MORE INFORMATION ON WHAT THE COURT WILL CONSIDER WHEN REVIEWING YOUR REQUEST, AND WHO WILL BE ABLE TO SEE YOUR RECORD AFTER IT HAS BEEN SEALED, PLEASE SEE THE "ADDITIONAL INFORMATION" SECTION IN THE BACK OF THIS PACKET.**

**IN THE COURT OF COMMON PLEAS  
STATE OF OHIO, COUNTY OF WARREN  
CRIMINAL DIVISION**

<b>STATE OF OHIO,</b>	:	CASE NO. _____
<b>Plaintiff,</b>	:	<b>JUDGE</b> _____
<b>v.</b>	:	
_____	:	<b><u>APPLICATION TO SEAL</u></b>
	:	<b><u>A CRIMINAL RECORD</u></b>
<b>Defendant.</b>	:	<b><u>PURSUANT TO R.C. 2953.32</u></b>
	:	_____

Comes now the defendant, \_\_\_\_\_, *pro se*, and moves the Court for an order sealing the record of the defendant's conviction(s), including the sealing of all criminal records pursuant to Section 2953.32 of the Ohio Revised Code. The defendant requests a hearing on this application.

The defendant seeks expungement of the following convictions:

Case Number(s): \_\_\_\_\_.

Charge(s): \_\_\_\_\_.

Date of Conviction(s): \_\_\_\_\_.

Date of Community Control / Probation Termination: \_\_\_\_\_.

The defendant qualifies as an eligible offender under section 2953.31(A) of the Ohio Revised Code for the following reason (check the one that applies to your situation):

- ☐ The defendant has been convicted of not more than five fourth or fifth-degree, non-violent, non-sexual felonies and/or misdemeanors in this or any other state;
- ☐ The defendant has been convicted of not more than one third-degree felony conviction;
- ☐ The defendant has been convicted of not more than two misdemeanor convictions;
- ☐ The defendant has not more than one third-degree felony conviction and one misdemeanor conviction.



The defendant states that no criminal or traffic charges are currently pending against him or her. The defendant states that he or she has paid or had waived all court costs, fines, fees, and/or restitution and does not currently owe any monetary amount in the above-captioned case. The defendant further states that his or her conviction(s) should be expunged and all records should be sealed because the defendant has been rehabilitated.

Finally, the defendant provides the following additional information to the Court as to why his or her record should be sealed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Respectfully submitted,

**SIGNATURE OF DEFENDANT:** \_\_\_\_\_

**PRINTED NAME OF DEFENDANT:** \_\_\_\_\_

**ADDRESS OF DEFENDANT:** \_\_\_\_\_

\_\_\_\_\_

**PHONE NUMBER OF DEFENDANT:** \_\_\_\_\_

Dist: Assigned Judge's Assignment Commissioner  
Warren County Prosecutor  
Warren County Court Services Division  
Applicant

**WARREN COUNTY COMMON PLEAS COURT  
COURT SERVICES DIVISION  
500 JUSTICE DRIVE  
LEBANON, OH 45036  
513-695-1244  
513-695-1757 (fax)**



## REQUEST FOR INFORMATION

*Dear Sir or Madam, the person identified below is under investigation by this office. The information requested is needed to complete this investigation. Your cooperation will greatly be appreciated. Please return this form within three (3) days. Thank you.*

*Jan Egner,  
Director of Court Services*

*LEFT BLANK INTENTIONALLY*

Date of Application:

**APPLICANT:** *Print or Type required information in the WHITE sections only*

CASE NUMBER(S)		JUDGE	
FULL NAME OF APPLICANT LAST FIRST MIDDLE		ALIASES/MAIDEN NAME	
DATE OF BIRTH	DRIVER LICENSE/STATE ID NUMBER	SOCIAL SECURITY NUMBER	TELEPHONE NUMBER (w/ area code)
STREET NUMBER		STREET NAME	
CITY		COUNTY	
STATE		ZIP CODE	
CITIZENSHIP		FBI NUMBER	
SEX		RACE	
HAIR COLOR		EYE COLOR	
HEIGHT		WEIGHT	
DATE OF CONVICTION		DATE OF FINAL DISCHARGE	

**I authorize release to the Warren County Court of Common Pleas, Court Services Division all confidential records and information concerning me. I give my consent for release of information relating to my physical, psychological, psychiatric, vocational, educational, military, or any other requested information to the Warren County Court of Common Pleas, Court Services Division. A copy of this authorization made by a duplicating process shall be considered the same as the original signed by me.**

**SIGNATURE OF APPLICANT**

**DATE**

**INFORMATION DESIRED** from your office (please elaborate and give additional comments)

- ☐ Prior Arrest Record – dates, charges, dispositions, offenses involving weapons or violence, and arrest reports
- ☐ Education Data – grade completed, mental or intelligence examination results, attendance, reason left
- ☐ Employment Data – confirmation of employments, dates, position(s) held, wages, reason for termination
- ☐ Substance Abuse / Medical History – chemical or alcohol addiction, ailments, disabilities, current drug prescriptions, etc.
- ☐ Military Service – dates of service, branch, discharge type, rank attained, court martial (type, nature of offense, date, sentence)
- ☐ Other (please specify)

**Please stamp NO RECORD FOUND here or attach information to the back of this form.**

**SIGNATURE OF OFFICIAL**

**TITLE**

**DATE**

**PREVIOUS ADDRESSES** (Provide the County and State for each location you have listed in since you were 18, starting with the most recent address)

COUNTY	STATE	DATES (FROM - TO)	COUNTY	STATE	DATES (FROM - TO)

**CRIMINAL HISTORY** (list all arrests and/or convictions including juvenile prior record)

DATE	OFFENSE	FELONY/MISDEMEANOR?	CITY/COUNTY/STATE	SENTENCE

I authorize the Warren County Court of Common Pleas, Court Services Division, to conduct a record check to determine my eligibility for the sealing of my criminal record in Case Number(s) \_\_\_\_\_.

SIGNATURE OF APPLICANT

DATE

## **ADDITIONAL INFORMATION**

### **COURT DETERMINATIONS BEFORE RECORD MAY BE SEALED:**

In compliance with section 2953.32 of the Ohio Revised Code, upon application of the offender, the Court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing.<sup>1</sup> The Court shall also direct its Court Services staff to make inquiries and written reports as the Court requires concerning the application.

The Court shall then do each of the following:

- (1) Determine whether the applicant is an “eligible offender” under section 2953.31 of the Ohio Revised Code;
- (2) Determine whether criminal proceedings are pending against the applicant;
- (3) If the applicant is an eligible offender who applies to have a felony conviction sealed, determine whether the applicant has been rehabilitated to the satisfaction of the Court;
- (4) Consider the reasons (if any) presented by the prosecution against granting the application to seal the record as specified by the prosecutor in their objection;
- (5) Weigh the interests of the applicant in having the records pertaining to the applicant’s conviction sealed against the legitimate needs, if any, of the government to maintain those records.

### **WHO CAN STILL SEE A SEALED RECORD?**

Pursuant to section 2953.32(D), inspection of a sealed record may be made only by the following persons or for the following purposes:

- (1) By a law enforcement officer or prosecutor, or the assistants of either, to determine whether the nature and character of the offense with which a person is to be charged would be affected by virtue of the person's previously having been convicted of a crime;
- (2) By the parole or probation officer of the person who is the subject of the records, for the exclusive use of the officer in supervising the person while on parole or under a community control sanction or a post-release control sanction, and in making inquiries and written reports as requested by the court or adult parole authority;
- (3) Upon application by the person who is the subject of the records, by the persons named in the application;
- (4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;
- (5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;

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<sup>1</sup> The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing.

- (6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer;
- (7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;
- (8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;
- (9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;
- (10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B)(1) of that section;
- (11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code;
- (12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code;
- (13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points against a person under section 4510.036 of the Revised Code or for taking action with regard to points assessed.

For more information, please see section 2953.32(D) through (I) of the Ohio Revised Code.

*The above list is not all inclusive.* Other entities or individuals may be entitled to inspection of a seal record.

**INFORMATION PACKET**  
**Application to Seal Record of Dismissal, Not Guilty Verdict, or No Bill (R.C. 2953.52)**  
**Application to Seal Record Upon Successful Completion of ILC (R.C. 2951.041)**

**LEGAL BASIS:**

Section 2953.52 of the Ohio Revised Code permits the sealing of records by an applicant (1) who is found not guilty of an offense by a jury or a court, (2) who is the defendant named in a dismissed complaint, indictment, or information, or (3) against whom a no bill is entered by a grand jury.

Section 2951.041(E) of the Ohio Revised Code provides that, upon successful completion of the intervention plan for an offender, the Court “shall dismiss the proceedings against the offender” and “may order the sealing of records related to the offense in question.”

**ELIGIBLE APPLICANT:**

Any person, who is found not guilty of an offense by a jury or a Court or who is the defendant named in a dismissed complaint, indictment, or information, or against whom a no bill is entered by a grand jury, may apply to the Court for an order to seal the person’s official records in the case.

In addition, any person under an intervention in lieu of conviction plan, and who *successfully complete* their intervention plan, may apply to the Court for their record to be sealed under section 2951.041(E) of the Ohio Revised Code.<sup>1</sup> Such an individual is called an “applicant” for the purpose of this application.

Please note, the applicant must have paid or had waived any and all court costs, fines, fees, and/or restitution before the applicant is considered eligible to have his or her record sealed.

**COST OF APPLICATION:**

An applicant who has successfully completed an intervention in lieu of conviction plan (ILC) or whose case was dismissed shall pay to the Warren County Clerk of Court the nonrefundable sum of \$50, regardless of the number of records the application requests to be sealed.

An applicant who was found not guilty, whose complaint, indictment, or information was dismissed, or against whom a no bill was entered by the grand jury, shall not be required to pay a filing fee. \*An applicant eligible to not pay a filing fee must have been found not guilty of *all* charges, must have had his/her *entire* complaint, indictment, or information dismissed or no billed. Partial not guilty verdicts, dismissal, or no bills do not qualify for the waiver of the filing fee.\*

**TIMING OF APPLICATION:**

*Dismissal or Not Guilty Verdict:* Any person, who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, or information, may apply to the Court to seal their record at any time after the finding of not guilty or the dismissal of the complaint, indictment, or information is entered upon the minutes of the court or the journal, whichever entry occurs first. HOWEVER, pursuant to section 2953.61 of the Ohio Revised Code, a person charged with two or more offenses as a result of or in connection with the same act may not apply to the Court pursuant to section 2953.32 of the Ohio Revised Code for the sealing of the person’s record in relation to any of the charges when at least one of the charges has a final disposition that is different from the final disposition of the other charges until such time as the person would be able to apply to the Court and have all of the record pertaining to all of those charges sealed.<sup>2</sup>

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<sup>1</sup> If you are not an eligible applicant by this definition, you may still petition to have your record sealed under Section 2953.31, et seq. of the Ohio Revised Code.

<sup>2</sup> Convictions for any section in Chapter 4507, 4510, 4511, 4513, or 4549 of the Revised Code, or a substantially similar municipal ordinance, do not prevent an application from immediately filing to seal his or her criminal record. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Ohio

*No Bill:* Any person, against whom a no bill is entered by a grand jury, may apply to the Court for an order to seal his or her official records in the case at any time after the expiration of two years after the date on which the foreperson or deputy foreperson of the grand jury reports to the Court that the grand jury has reported a no bill. HOWEVER, pursuant to section 2953.61 of the Ohio Revised Code, a person charged with two or more offenses as a result of or in connection with the same act may not apply to the Court pursuant to section 2953.32 of the Ohio Revised Code for the sealing of the person's record in relation to any of the charges when at least one of the charges has a final disposition that is different from the final disposition of the other charges until such time as the person would be able to apply to the Court and have all of the record pertaining to all of those charges sealed.<sup>3</sup>

*Intervention in Lieu of Conviction (ILC):* Pursuant to *State v. Niesen-Pennycuff*, 132 Ohio St.3d 416, 2012-Ohio-2730, an applicant may file an application to seal his or her criminal record under section 2951.041 of the Ohio Revised Code immediately upon completion of his or her intervention in lieu of conviction plan.

### **HOW TO APPLY:**

To apply for your record(s) to be sealed under Section 2953.31, et seq. of the Revised Code, fill out to the best of your ability the application below and bring the original to the Warren County Court of Common Pleas at 500 Justice Drive, Lebanon, OH 45036. Be sure to make a copy for your records.

Take the "Application to Seal a Record" section of this packet to the Clerk of Court and pay the nonrefundable \$50 application fee, if applicable. The Clerk will time-stamp and keep your application, then direct you to the Court Services Division.

Take the "Request for Information" section of this packet to the Court Services department. The employee at the front desk will confirm you filled out the application correctly and will direct you to the appropriate Assignment Commissioner for your case.

Go to the Assignment Commissioner for your case and get a hearing date. She or he will provide you a yellow notice containing your hearing date.

Appear in Court at the time of your hearing for a determination on your application. Dress appropriately and arrive on time. If your application is granted, a member of the judge's staff will assist you in completing the final steps of sealing your record.

**FOR MORE INFORMATION ON WHAT THE COURT WILL CONSIDER WHEN REVIEWING YOUR REQUEST, AND WHO WILL BE ABLE TO SEE YOUR RECORD AFTER IT HAS BEEN SEALED, PLEASE SEE THE "ADDITIONAL INFORMATION" SECTION IN THE BACK OF THIS PACKET.**

Current April 2020

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Revised Code, for a violation of section 4510.11 or 4510.14 of the Revised Code that is based upon the offender's operation of a vehicle during a suspension imposed under section 4511.191 or 4511.196 of the Ohio Revised Code, for a violation of a substantially equivalent municipal ordinance, for a felony violation of Title XLV of the Ohio Revised Code, or for a violation of a substantially equivalent former law of this state or former municipal ordinance shall be considered a conviction. **\*Neither the Clerk of Court nor Court Services can tell you if you are eligible to have your convictions under these sections sealed. If you are unsure, please contact an attorney.**

<sup>3</sup> See footnote 2.

**IN THE COURT OF COMMON PLEAS  
STATE OF OHIO, COUNTY OF WARREN  
CRIMINAL DIVISION**

STATE OF OHIO,	:	CASE NO. _____
Plaintiff,	:	JUDGE _____
v.	:	<u>APPLICATION TO SEAL</u>
_____,	:	<u>A RECORD PURSUANT TO</u>
Defendant.	:	<u>R.C. 2953.52 OR R.C. 2951.041</u>
_____	:	

Comes now the defendant, \_\_\_\_\_, *pro se*, and moves the Court, pursuant to section 2953.52 or 2951.041 of the Ohio Revised Code, for an order sealing the record of the defendant's case, wherein the defendant was found not guilty, the complaint, indictment, or information was dismissed, a no bill was entered by the grand jury, or the defendant successfully completed his or her intervention in lieu of conviction plan.

The defendant requests a hearing on this application.

The defendant seeks expungement of the following records:

Case Number(s): \_\_\_\_\_.

Charge(s): \_\_\_\_\_.

My case was: dismissed / not guilty verdict / no billed / successfully completed through ILC  
(circle one)

Date of Dismissal/Not Guilty Verdict/No Bill/Successful Completion of ILC: \_\_\_\_\_.



The defendant states that no criminal or traffic charges are currently pending against him or her.

The defendant states that he/she has paid or had waived all court costs, fines, fees, and/or restitution and does not currently owe any monetary amount in the above-captioned case.

The defendant provides the following additional information to the Court as to why his or her record should be sealed: \_\_\_\_\_

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Respectfully submitted,

**SIGNATURE OF DEFENDANT:**

\_\_\_\_\_

**PRINTED NAME OF DEFENDANT:**

\_\_\_\_\_

**ADDRESS OF DEFENDANT:**

\_\_\_\_\_

\_\_\_\_\_

**PHONE NUMBER OF DEFENDANT:**

\_\_\_\_\_

Dist:  
Assignment Commissioner  
Warren County Prosecutor  
Warren County Court Services Division  
Applicant

**WARREN COUNTY COMMON PLEAS COURT**  
**COURT SERVICES DIVISION**  
**500 JUSTICE DRIVE**  
**LEBANON, OH 45036**  
**513-695-1244**  
**513-695-1757 (fax)**



## REQUEST FOR INFORMATION

*Dear Sir or Madam, the person identified below is under investigation by this office. The information requested is needed to complete this investigation. Your cooperation will greatly be appreciated. Please return this form within three (3) days. Thank you.*

*Jan Egner,  
 Director of Court Services*

*LEFT BLANK INTENTIONALLY*

Date of Application:

**APPLICANT:** *Print or Type required information in the WHITE sections only*

FULL NAME OF APPLICANT		LAST	FIRST	MIDDLE	CASE NUMBER(S)	JUDGE
ALIASES/MAIDEN NAME						
DATE OF BIRTH	DRIVER LICENSE/STATE ID NUMBER		SOCIAL SECURITY NUMBER		TELEPHONE NUMBER (w/ area code)	
STREET NUMBER		STREET NAME			APARTMENT OR UNIT NUMBER	
CITY	COUNTY		STATE		ZIP CODE	
CITIZENSHIP		FBI NUMBER			BCI NUMBER	
SEX	RACE	HAIR COLOR		EYE COLOR	HEIGHT	WEIGHT
HOW WAS YOUR CASE DISPOSED?				DATE OF DISMISSAL / NOT GUILTY VERDICT / NO BILL / COMPLETION OF ILC:		

**I authorize release to the Warren County Court of Common Pleas, Court Services Division all confidential records and information concerning me. I give my consent for release of information relating to my physical, psychological, psychiatric, vocational, educational, military, or any other requested information to the Warren County Court of Common Pleas, Court Services Division. A copy of this authorization made by a duplicating process shall be considered the same as the original signed by me.**

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

\_\_\_\_\_  
**DATE**

**INFORMATION DESIRED** from your office (please elaborate and give additional comments)

- ☐ Prior Arrest Record – dates, charges, dispositions, offenses involving weapons or violence, and arrest reports
- ☐ Education Data – grade completed, mental or intelligence examination results, attendance, reason left
- ☐ Employment Data – confirmation of employments, dates, position(s) held, wages, reason for termination
- ☐ Substance Abuse / Medical History – chemical or alcohol addiction, ailments, disabilities, current drug prescriptions, etc.
- ☐ Military Service – dates of service, branch, discharge type, rank attained, court martial (type, nature of offense, date, sentence)
- ☐ Other (please specify)

**Please stamp NO RECORD FOUND here or attach information to the back of this form.**

\_\_\_\_\_  
**SIGNATURE OF OFFICIAL**

\_\_\_\_\_  
**TITLE**

\_\_\_\_\_  
**DATE**

**PREVIOUS ADDRESSES** (Provide the County and State for each location you have listed in since you were 18, starting with the most recent address)

COUNTY	STATE	DATES (FROM - TO)	COUNTY	STATE	DATES (FROM - TO)

**CRIMINAL HISTORY** (list all arrests and/or convictions including juvenile prior record)

DATE	OFFENSE	FELONY/MISDEMEANOR?	CITY/COUNTY/STATE	SENTENCE

I authorize the Warren County Court of Common Pleas, Court Services Division, to conduct a record check to determine my eligibility for the sealing of my criminal record in Case Number(s) \_\_\_\_\_.

SIGNATURE OF APPLICANT

DATE

## **ADDITIONAL INFORMATION**

### **COURT DETERMINATIONS BEFORE RECORD MAY BE SEALED:**

In compliance with sections 2953.52 of the Ohio Revised Code, upon application of the offender, the Court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing.<sup>4</sup>

The Court shall then do each of the following:

- (1) Determine whether the applicant (1) was found not guilty in the case, (2) the complaint, indictment, or information in the case was dismissed, (3) a no bill was returned in the case and a period of two years or a longer period has expired from the date of the report to the Court of that no bill by the foreperson or deputy foreperson of the grand jury, or (4) successfully completed his or her intervention in lieu of conviction plan;
- (2) If the complaint, indictment, or information in the case was dismissed, determine whether it was dismissed with prejudice or without prejudice and, if it was dismissed without prejudice, determine whether the relevant statute of limitations has expired;
- (3) Determine whether criminal proceedings are pending against the person;
- (4) Consider the reasons (if any) presented by the prosecution against granting the application to seal the record as specified by the prosecutor in their objection;
- (5) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction sealed against the legitimate needs, if any, of the government to maintain those records;
- (6) Make all other relevant determinations as provided in sections 2953.31, 2953.32, 2953.52, and 2951.041 of the Ohio Revised Code.

### **WHO CAN STILL SEE A SEALED RECORD?**

Pursuant to section 2953.32(D), inspection of a sealed record may be made only by the following persons or for the following purposes:

- (1) By a law enforcement officer or prosecutor, or the assistants of either, to determine whether the nature and character of the offense with which a person is to be charged would be affected by virtue of the person's previously having been convicted of a crime;
- (2) By the parole or probation officer of the person who is the subject of the records, for the exclusive use of the officer in supervising the person while on parole or under a community control sanction or a post-release control sanction, and in making inquiries and written reports as requested by the court or adult parole authority;
- (3) Upon application by the person who is the subject of the records, by the persons named in the application;
- (4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;

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<sup>4</sup> The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing.

- (5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;
- (6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer;
- (7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;
- (8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;
- (9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;
- (10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B)(1) of that section;
- (11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code;
- (12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code;
- (13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points against a person under section 4510.036 of the Revised Code or for taking action with regard to points assessed.

For more information, please see section 2953.32(D) through (I) of the Ohio Revised Code. *The above list is not all inclusive.* Other entities or individuals may be entitled to inspection of a seal record.