

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 A JUVENILE)
 _____)

IN THE FAMILY COURT
 _____ JUDICIAL CIRCUIT

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

A Child under Seventeen (17) Years of Age) Docket No. _____

Plaintiff Attorney: _____ Hearing Date: _____
 Defendant Attorney: _____ Judge: _____
 Guardian ad Litem: _____ Court Reporter: _____

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:

Petition Number	Offense Charged/Adjudicated

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 charged with, but not adjudicated for, a delinquent act, and
- (2) Juvenile offenders adjudicated delinquent for a status or non-violent offense.

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 five years imprisonment if committed by an adult; and
- 3. If adjudicated, the person has successfully completed any dispositional sentence imposed by the Court; and
- 4. If adjudicated, the person has not been subsequently charged with committing any other delinquent or criminal acts.

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 or non-violent criminal offenses as a juvenile be expunged and immediately destroyed. No law enforcement, municipal, county or state agency or department shall retain evidence of any records of the above-referenced offenses which pertain to taking this person into custody, to the charges filed against him, or to any adjudication or disposition which occurred as a result thereof.

AND IT IS SO ORDERED.

Date: _____, 20____
 _____, S.C.

 FAMILY COURT JUDGE

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 Determined to be ineligible for expungement

Circuit Solicitor

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.

EXPUNGEMENT ORDERS SHOULD NOT BE FORWARDED TO S.C. COURT ADMINISTRATION (SCCA): (1) for magistrate or municipal court convictions/dispositions, because SCCA does not retain information which identifies defendants by name or SSN for these charges; or (2) for general sessions convictions/dispositions because disposition data (including expungements) is sent to SCCA electronically, and expungements are automatically entered into SCCA records; or (3) for family court convictions/dispositions disposition data (including expungements) is sent to SCCA electronically, and expungements are automatically entered into SCCA records.