

Step 6:

File in the Appropriate Circuit Court

You will file your documents with with the **Circuit Clerk in the Missouri County** where you were found guilty or convicted of the offense(s) you seek to have expunged.

If you are expunging offenses from multiple counties, you will have to separately file for expungement in each county.

Make sure you bring the following:

1. Redacted Petition
2. Service Instructions
3. Application for a Fee Waiver (aka “Motion and Affidavit in Support of a Request to Proceed As a Poor Person”) (if applicable)
4. Confidential Case Information Filing Sheets
5. Payment (if applicable)

Ask the clerk for copies of your file-stamped petition and summonses for each of the agencies you list as Respondents/Defendants in your case. You may to come back to pick these up.

Step 7:

Complete Service of Process

Depending on what service method you elected in step 2, different steps may be required.

- **If you elected to have Service by Certified Mail to be Sent by the Court, but you were not granted a fee waiver**, you will be required to pay the court a fee for service. Many counties do not offer this option. It's a good idea to call the Circuit Clerk in the circuit you will be filing in to ask if they do service by certified mail for a fee and if so how much do they charge and how payment is made.

In Jackson County, it costs \$10 per Defendant and payment can be made by check made out to the Jackson County Circuit Court. For example, if you were filing to have one single felony drug possession conviction expunged from your criminal record in Jackson County and you were arrested by KCPD, your Defendants would be Missouri State Highway Patrol, Missouri Department of Corrections, the Kansas City Board of Police Commissioners (KCPD has a special rule that all service goes to their Commissioners), Jackson County Circuit Court, and the Jackson County Prosecutor's Office. So you would have five total Defendants. At \$10 each, service by certified mail would cost you \$50 total. This \$50 is in addition to the required filing fee of \$112.50, making the grand total around be \$162.50.

- **If you elected to have Service by Certified Mail to be Sent by the Court and were granted a fee-waiver**, you don't owe any fees for service, the Court will cover those for you.

- **If you elected to do Service by First-Class mail to be Sent by yourself**, you will need to pick up copies of your STAMPED petition and summons for each Defendant. The clerk will provide these to you. Next, make copies of the file-stamped petition for each of your Defendants. For each Defendant, place the appropriate summons and a copy of the petition in an envelope and address the envelope to the address listed on the summons.

Next, take these to USPS and mail each envelope to the appropriate Defendant by First Class Mail. This will cost about \$0.60 per envelope/Defendant. You will be given a tracking number, which will allow you to determine when your mail is delivered.

Once you are able to verify that your mail has arrived at its destination, print the verification for each Defendant and deliver them to the court. This is an important step, as it allows the Court to verify that your Defendants were properly served. That means even if a Defendant doesn't appear in your case, if an Order of Expungement is granted, it will be effective against them all the same.

- **If you elected to do Service by Certified Mail yourself**, you will need to pick up copies of your STAMPED petition and summons for each Defendant. The clerk will provide these to you. Next, make copies of the file-stamped petition for *each* of your Respondents. For each Defendant, place the appropriate summons and a copy of the petition in an envelope and then address the envelope to the address listed on the summons.

Next, take these to USPS. Fill out Certified Tracking Mail Receipts and a Green Card for each of your Defendants. Make sure to put your address on the back of the green card

so you will get it back and be able to prove delivery. Peel the 20-digit number sticker on the left side of the Certified Mail Receipt and stick it on the corresponding Green Card in the box that reads "2. Article Number (transfer from service label)". Attach the Certified Mail Receipt to the front of the envelope just to the right of the return address. On the back of the envelope attach the Green Card. Do this for each of your Defendants' envelopes. Once you are done, take your envelopes to the counter. The post office clerk will then scan the Certified Mail Receipt and enter in the addresses for each envelope. When they are done, they will return to you the stamped portions of the Certified Mail Receipts. The 20-digit codes on the receipts can be used to track the envelopes. We recommend making copies of these receipts and then taking the originals to the court for the clerk to file as proof you sent service.

This will cost about \$10.00 per envelope/Defendant.

After 1-2 weeks, you should receive the Green Cards in the mail. Be sure to file these with the clerk as they prove service was properly completed and to ensure even if a Defendant doesn't appear in your case, if an Order of Expungement is granted, it will be effective against them all the same.

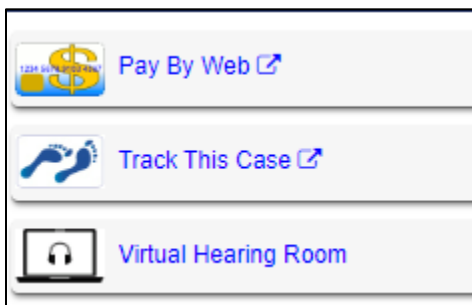
Sometimes it takes longer to get your Green Cards back and sometimes they get lost in the mail. If you don't ever receive a Green Card, use the appropriate 20-digit code to verify whether your envelope have been delivered. Print this verification out and deliver it to the court – it will typically suffice as proof that service was properly completed.

Step 8:

Track Your Case

Step 8.1: Sign up for Case Updates

- Your file stamped petition will be stamped with a new Case Number
 - Note: Typically will start with the two digits of the current year. For example, if you filed in the year 2023, your case number might look like this 2316-CV00124
- Look up the case number at <https://www.courts.mo.gov/cnet/>
- Click on the Case.
- On the case header page, you should see three boxes that look like this:



- Click Track This Case
- Enter in your email and/or phone number and again click Track This Case
- Now you will get an email or a text any time something happens in your case.
 - This could be something like the Court setting a hearing date or one of your Defendant's entering the case and responding to your petition.

Step 8.2: Get a Hearing Date (if the Court didn't automatically set one for you)

Some counties will automatically set your hearing date for you. Other counties will require you to ask for one.

If your county did not automatically set your hearing date within a few days after you filed your petition, you will need to call the Circuit Clerk to inquire.

Wait to call until 30 days pass from the date your last defendant agency receives service. By law, your Defendant's are entitled to time to respond to your petition before a hearing can be set.

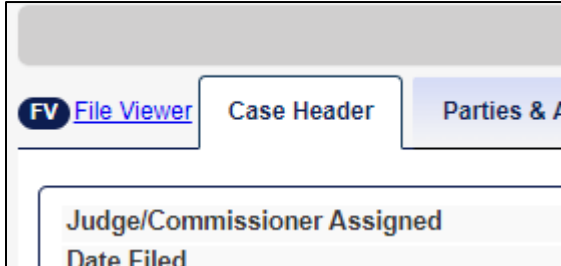
When you call, provide your case number to the clerk and ask when you can have a hearing on your expungement. The clerk should provide you with a date and time.

Note that many counties require you to appear in person for your hearing. However, many counties will also allow you to appear virtually. It's best to ask the clerk when you call about your hearing what your options are.

You may need to file a Notice of/Request for a Hearing, confirming that you want your case heard on that day. To do this, simply write a letter to the clerk with your case number, case style. You will need to know your case number, the judge or division your case is assigned to, and the date and time provide by the clerk.

To find your assigned judge or division, you can look up your expungement case at <https://www.courts.mo.gov/cnet>

Click on your case. Look directly below the Case Header tab where it says “Judge/Commissioner Assigned.” To the right of that should be your assigned judge’s name.



Below is an example of what a Notice of a Hearing letter might look like.

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

Wiley J Coyote vs. Missouri State Highway Patrol, et al.
Case No. 2316-CV00124

NOTICE OF HEARING

Please take notice that I, Wiley J. Coyote, will call up for hearing my Petition for Expungement on *[date provided by clerk]* at *[time provided by clerk]* before Judge Road Runner.

Thank you,

Wiley J. Coyote,
Pro Se Petitioner

Step 9:

Go to your Hearing

When you go to court for the hearing, get there early and dress nice (it conveys respect to the court, which can only help your chances of being granted an expungement). Be prepared to wait a while until your case is called.

If the court allows you to appear virtually by Webex, make sure you have a good internet connection and that your camera frame is steady and not distracting. We recommend turning off your camera until your case is called, but if the court instructs you to leave it on while you wait, do that.

When your case is called, the court may start by asking you or the other parties in the case questions.

Be prepared to testify and answer questions about whether you meet the requirements for expungement (Listed as items #1-7 on the Petition for Expungement form). This may include questions about changes you have made in your life since the offense, why you need an expungement, and what you plan to do if the expungement is granted.

The court also might expect you to plead your case. If the court does, start by introducing yourself and noting that you are a pro se petitioner. Tell the court you believe you meet the law's requirements to have your case expunged and ask the court to grant your expungement. Also, respond to any objections if any have been filed and explain to the court why you think your case nonetheless meets the legal requirements to be expunged. You may consider also telling the court about why you deserve the expungement – for example, how you have changed since the offense and how you are now an upstanding, law-abiding citizen.

Be prepared to specify any of the details you listed in your petition, including the original criminal case number for the offense you seek to have expunged.

The court will likely decide whether to grant your expungement in court. If the court grants it, ask the clerk's office outside the courtroom when you can pick up a copy of the signed expungement order. You will want this for your records.

If the court denies your expungement, you still may be able to get an expungement in the future. After court, review your case and assess why the judge denied it.

If the reason was related to a requirement that might change in the future (i.e. the waiting period requirement becoming met, paying off all case-related debt, resolving pending charges) you should consider filing again in the future when you become eligible. However, it is important to know by law you must wait at least **one year** before you can file again even if you become eligible before that time.

If the reason your expungement was denied was related to your offense's eligibility or the number of the offenses you sought to get expunged, filing another petition would likely be a waste of money, unless Missouri's expungement law itself changes to allow new offenses or more offenses to be expunged.

Step 10:

Verify all Defendants close your record within 30 days.

The court and your defendants by law have 30 days to seal your record. Remember in Missouri under its main expungement statute 610.140 RSMo, an expungement is not complete destruction, but rather a sealing.

Sometimes mistakes happen and things get overlooked. After 30 days, you should attempt to verify your record has indeed been closed by the court, and your defendants if possible.

You can check whether the court has sealed your case by searching for it at <https://www.courts.mo.gov/cnet>. The court should close both your original criminal case and your expungement case.

You can also call the court clerk to confirm.

You can check with Missouri State Highway Patrol by purchasing a name report. However, those cost \$15, but if it's important to you to confirm, it is an option.

You can also try calling or emailing your defendants. However, it might be difficult to find the exact person who is responsible for closing records, but Google might be able to help.

If you run into issues along the way or if you have any questions, you are welcome to call the UMKC Expungement Clinic at 816-235-1671!

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