

	<b>CLERK OF THE COURT INTERNAL POLICY</b>	
	<b>Area: ODIR</b> <b>Document Number: POL-ODIR-1016</b> <b>Subject: Processing A.R.S. § 36-2862</b> <b>Expungement Orders (Prop 207)</b>  <b>Page: 1 of 4</b>	<b>Effective Date: 07/12/2021</b>  <b>Revision Level:</b> <b>Last Revised Date:</b>

**PURPOSE:**

It is the purpose of this policy to establish guidelines and protocol for the process of expunging court records, in accordance with A.R.S. § 36-2862, when ordered to do so by the Court. The protocol in this policy is designed to ensure compliance with Court's orders and A.R.S. § 36-2862. Further, this policy is intended to maintain overall consistency and integrity of the court record.

**POLICY:**

When the Court grants a petition for expungement of court records in accordance with A.R.S. § 36-2862(C), the Clerk of the Superior Court (COSC) shall perform the below actions. Responsible areas of the COSC will be notified via endorsement so that full compliance is met.

1. Sealing of Record:

- a. In cases where the Court grants a petition for expungement of all charges and issues a minute entry or order in accordance with A.R.S. § 32-2862(C), the COSC's Discovery and Confidential department (D&C) shall:
  - i. Seal all case documents and images in the ECR and any of its integrated applications.
  - ii. Seal the docket and case related information in iCIS.
  - iii. Seal all transcripts, including trial transcripts within the possession of the COSC as well as grand jury transcripts.
  - iv. Notify the Exhibits Department to seal all exhibits.
  - v. Notify MEEDS Administrator to remove all case related Minute Entries from the COSC's MEEDS Public Website.
  
- b. In cases where less than all charges have been granted expungement, D&C shall:
  - i. Seal access to all case documents and images in the ECR and any of its integrated applications.
  - ii. Apply a "Redaction Required" security keyword to all case documents and images in OnBase.
  - iii. Seal all transcripts, including trial transcripts within the possession of the COSC as well as grand jury transcripts.
  - iv. Notify the Exhibits Department to seal all exhibits.
  - v. Notify MEEDS Administrator to remove all case related Minute Entries from the COSC's MEEDS Public Website.

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2. Record Accessibility:

- a. The COSC shall allow records restricted as result of an expungement minute entry or order to be accessed only by the individual whose records were expunged or that individual's attorney.
- b. In cases where less than all charges have been granted expungement, redacted versions of restricted records shall be made available for public inspection or production upon request in accordance with the provisions of Rule 123 of the Rules of the Supreme Court. All references to the expunged charge(s) shall be redacted on the requested records (s) prior to release for inspection or production.

3. Notice of Expungement Order:

- a. The COSC shall notify the following entities of the expungement minute entry or order via an endorsement:
  - i. Arizona Department of Public Safety (DPS).
    - 1. COSC Disposition/Abstract staff shall also prepare and submit a supplemental disposition to DPS for those charges expunged.
  - ii. Prosecuting agency as provided on the petition.
  - iii. Arresting law enforcement agency as provided on the petition.
  - iv. Court of origin if the case originated in a Court other than the Maricopa County Superior Court.

4. Vacate Outstanding Financial Balances

- a. COSC's Criminal Financial Obligations department (CFO) shall vacate all outstanding financial balances in RFR related to the case's expunged conviction, adjudication and sentence(s).
- b. If the outstanding balances are in collections, the COSC's Collections Unit (CCU) shall perform the following actions on any outstanding financial balances related to the case's expunged charge(s):
  - i. Vacate outstanding balances in the COSC's collection management software.
  - ii. Suspend all related collection notices.
  - iii. Recall accounts from Outside Collections Agencies.
  - iv. Recall accounts from Arizona's Tax Intercept Program.

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- v. Prepare and record a Satisfaction of Judgement with the Maricopa County Recorder's Office.
- vi. Release restitution liens and holds filed with Arizona's Motor Vehicle Department and the Arizona Secretary of State.

**APPLICABILITY:**

This policy applies to all COSC staff.

**DEFINITIONS:**

ECR: The electronic court record, containing the electronic documents and images which constitute the original and official Superior Court case record as received and filed by the COSC.

EDM-QC: The COSC's Electronic Document Management-Quality Control department.

iCIS: Integrated Court Information System – the Superior Court's case management application.

MEEDS: Minute Entry Electronic Distribution System.

OnBase: The application in the Clerk's Office that stores the images of documents that have been filed for all case types.

RFR: Restitution, Fines, Fees and Reimbursement – the COSC's financial obligations management application.



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**Revision Level:**  
**Last Revised Date:**

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**REVISION HISTORY:**

Revision Number	Issuing Authority	Summary of Changes	Approval Date
-	N/A	Document Origination	

**AUTHORIZED SIGNATURES:**

**Issuing Authority:**

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Date: 2021.06.17 11:47:27 -0700

**Approving Authority:**

Clerk of the Superior Court

**Date Signed:** \_\_\_\_\_

6/18/2021