

Expungement and Sealed Records

Getting a "Certificate of Actual Innocence" for Expungement

A Certificate of Actual Innocence is perhaps the most powerful form of expungement. This certificate does more than seal a prior record, it proves that a record should never have existed at all. Let's say that Joe is arrested for vandalism for spraying buildings with graffiti, but the charges are later dropped. Or perhaps Joe is charged with vandalism, and he goes to trial and is found not guilty. In either situation, Joe might seek to obtain a certificate establishing that he was factually innocent of the offense.

Record sealing

Generally, record sealing can be defined as the process of removing from general review the records pertaining to a [court case](#). However, the records may not completely disappear and may still be reviewed under limited circumstances; in most instances it requires a court order to unseal records once they are sealed. In the United States some states order records to be destroyed after they are sealed. Once a record is sealed, in some states, the contents are legally considered never to have occurred and are not acknowledged by the state.

The public policy of record sealing balances the desire to free named citizens from the burdens caused by the information contained in state records while maintaining the state's interest in the preservation of records that may be beneficial to the state or other citizens.

In many cases, if you seal your record, you gain the legal right to deny or fail to acknowledge anything to do with the arrest and the legal proceedings from the case itself.

Records are commonly sealed in a number of situations:

- [Sealed birth records](#) (usually for so-called [closed adoption](#), in which the birthparents' identity is usually anonymous)
- Juvenile criminal records may be sealed
- Other types of cases involving juveniles may be sealed, anonymized, or pseudonymized ("impounded"); e.g., child sex offense or custody cases
- Cases using [witness protection](#) information may be partly sealed
- Cases involving [trade secrets](#)
- Cases involving [state secrets](#)