

NOTICE TO THE BAR

PROCESSES TO OBTAIN A CERTIFICATION OF EXPUNGEMENT FOR CERTAIN MARIJUANA AND HASHISH CASES IN ACCORDANCE WITH THE MARIJUANA DECRIMINALIZATION LAW

The Supreme Court by [Order dated July 1, 2021](#) provided for the dismissal, vacating, and expungement of certain marijuana and hashish cases involving offenses enumerated in the Marijuana Decriminalization Law, L. 2021, c. 19 (codified in relevant part at N.J.S.A. 2C:35-23.1 and N.J.S.A. 2C:52-6.1). Approximately 360,000 cases in the Superior Court (Criminal and Family) and in the Municipal Courts have been expunged from court case management systems.

The Court in that Order required the Administrative Director of the Courts to develop and announce a process that will allow individuals to inquire as to whether their particular case has been expunged pursuant to the provisions of that order and to receive a certification confirming the expungement of their court record. Directive #24-21, issued today and published with this notice, sets out that process in detail.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: August 27, 2021


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Directive #24-21

**TO: Assignment Judges
Trial Court Administrators**

FROM: Glenn A. Grant, J.A.D. 

**SUBJ: Criminal/Family/Municipal – Expungements – Requests for Copies of
Expunged or Sealed Records; Certification of Automatic Expungement**

DATE: August 27, 2021

The purpose of this directive is to promulgate procedures to be used when individuals or their attorneys are seeking to obtain copies of the individual's own expunged or sealed records or seeking a certification that their case has been automatically expunged pursuant to statute and/or Supreme Court Order. Individuals who are granted expungements or have had their records sealed in criminal, municipal, quasi-criminal, or juvenile delinquency matters are entitled to confirmation of those court-ordered or automated actions. Therefore, upon request and presentation of government issued photo identification, copies of an expungement order, a record indicating the case has been sealed, or a certification that the case was automatically expunged are to be provided to the individuals who are the subject of these records or their attorneys without the assessment of a fee.

In accordance with any Supreme Court Order granting automatic expungements pursuant to N.J.S.A. 2C:52-6 and N.J.S.A. 2C:52-6.1, an expungement order granted pursuant to N.J.S.A. 2C:52-15(a), or when a case is ordered sealed from public access at the time of sentencing/adjudication, the records that are the subject of the order must be removed and/or isolated. In response to third-party requests for information or records on an expunged or sealed case, the court is required to indicate that there is no record. The restricted access to expunged or sealed records mandated by N.J.S.A. 2C:52-19 applies to third-party requestors, but not to individuals seeking copies of their own expunged records or their attorneys. To ensure adherence to confidentiality requirements surrounding expunged records, the Judiciary is able to audit staff access to the case management systems and applications that house the records and that produce the certification.

The attached procedures, request form, and order are to be used to provide expunged and sealed records to the individual who is the subject of the expunged records. The request form must be completed and presented in person along with a government-issued photo identification. It should be noted that a juvenile (under age 18) must have their parent or attorney make the request for the expunged or sealed record. Requests for a Certification of Expungement submitted by an attorney on behalf of their client will be processed centrally by the Superior Court Clerk's Office. All other requests for expunged records submitted by an attorney on behalf of their client must be processed by the court where the expungement was granted, or where the conviction or juvenile adjudication was ordered sealed from public access. As noted on the Request Form, any individual who submits a request for expunged records and who makes a false statement under affirmation may be guilty of a crime of the fourth degree pursuant to N.J.S.A. 2C:28-2(a).

Matters expunged or sealed upon the order of a Superior Court or Municipal Court judge will require an Order Permitting Release of Expunged or Sealed Records prior to providing the requested record. For automated expungements pursuant to a Supreme Court Order,¹ a Certification of Expungement signed by the Superior Court Clerk of New Jersey will be provided in accordance with the attached procedures.

These procedures pertain to Superior Court and Municipal Court. Please contact Criminal Practice at (609) 815-2900 ext. 55300; Family Practice at (609) 815-2900 ext. 55350; or Municipal Court Services at (609) 815-2900 ext. 54850 with any questions concerning these procedures.

Attachments:

- (1) Requestor Instructions for Obtaining Expunged or Sealed Records Ordered by Superior Court or Municipal Court
- (2) Court Staff Procedures for Providing Copies of Expunged or Sealed Records Ordered by Superior Court or Municipal Court
- (3) Requestor Instructions for Obtaining a Certification of Expungement by Supreme Court Order
- (4) Court Staff Procedures for Providing a Certification on Matters Expunged by Supreme Court Order
- (5) Record Request Form for an Individual to Obtain Copies of Their Own Expunged and/or Sealed Records (CN 12830)
- (6) Order Permitting the Release of Expunged or Sealed Records (CN 12831)

cc: Chief Justice Stuart Rabner
Criminal Presiding Judges

¹ For example, see the [Order of the Supreme Court](#) dated July 1, 2021 pursuant to the Marijuana Decriminalization Law.

Family Presiding Judges
Municipal Court Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Special Assistants to the Administrative Director
Michelle M. Smith, Clerk, Superior Court
AOC Criminal, Family, Municipal Chiefs
Criminal Division Managers and Assistants
Family Division Managers and Assistants
Municipal Division Managers and Assistants
Municipal Court Directors and Administrators
Wachter-Smith, Chief, Family Practice
Family Division Managers
Criminal Division Managers
Municipal Division Managers

Attachment 1

Requestor Instructions for Obtaining Expunged or Sealed
Records Ordered by Superior Court or Municipal Court

Requestor Instructions for Obtaining Expunged or Sealed Records Ordered by Superior Court or Municipal Court

- (1) Complete Parts A and B of the Record Request Form for an Individual to Obtain Copies of Their Own Expunged and/or Sealed Records (CN 12830) and deliver it in person during regular business hours to the Court where your expungement was granted, or where the conviction or juvenile adjudication was ordered sealed from public access. Court contact information can be found at www.njcourts.gov.
- (2) When submitting your request, you must present photo identification to verify that you are the subject of the records requested. A government issued photo identification, including but not limited to a driver's license with photo, county identification with photo, passport, is required.
- (3) Requests submitted by an attorney on behalf of their client do not require a photo identification but must include the attorney's ID number. Complete parts A and B of the Record Request Form for an Individual to Obtain Copies of Their Own Expunged and/or Sealed Records (CN 12830). Your request will be reviewed by a judge who will determine if the documents should be released. If the judge approves the request, then an order will be entered authorizing release of the documents requested. Only a judge can order release of the documents.
- (4) In most instances a court hearing is not necessary. However, if there are any concerns about your request or the identification that was presented, you may be asked to appear before a judge to determine if your request should be granted.

Attachment 2

Court Staff Procedures for Providing Copies of Expunged or Sealed Records Ordered by Superior Court or Municipal Court

Court Staff Procedures for Providing Copies of Expunged or Sealed Records Ordered by Superior Court or Municipal Court

The following procedures are to be followed when individuals (or their attorneys), seek copies of their **own** expunged or sealed records. A juvenile (under age 18) must have their parent or attorney make the request for the expunged or sealed record.

Third-party requestors are not entitled to these records under this procedure.

Procedure

Individuals seeking copies of their own expunged or sealed records shall:

- Complete the attached Record Request Form and return it in person to the court that granted the expungement or ordered the case sealed. A directory of court addresses is available at: www.njcourts.gov.
- Present photo identification to verify they are the subject of the records requested: A government issued photo identification, including but not limited to a driver's license with photo, county identification with photo, passport, is required.
- Requests submitted by an attorney on behalf of their client do not require photo ID, but the Record Request Form is required and must include the attorneys' ID number.
- There is no application fee, although copy fees may apply (see [Directive #03-11](#) and [Supplement to Directive #03-11](#) dated March 7, 2017).

Court staff shall:

- View and record the type of photo identification document presented by the individual on the Record Request Form.
- Verify that the individual requesting the records is the subject of the expunged or sealed records. If there is any question about the identification presented, staff should seek guidance from their Division Manager or their Criminal, Family or Municipal Court Judge.
- If approved and the Judge has completed an Order Permitting Release of Expunged or Sealed Records (CN 12831), provide copies of the requested documents to the individual or attorney.

Attachment 3

Requestor Instructions for Obtaining a Certification of Expungement by Supreme Court Order

Requestor Instructions for Obtaining a Certification of Expungement when Ordered by the Supreme Court

1. Complete Parts A and B of the Record Request Form for an Individual to Obtain Copies of Their Own Expunged and/or Sealed Records (CN 12830) and deliver it in person during regular business hours to the court where your matter was heard or where the charges originated. Court contact information can be found at www.njcourts.gov.
 - You may also submit your request, in person, directly to the Superior Court Clerk's Office. For more information, please contact 609-421-6100 or SCCOOmbudsman.Mbx@njcourts.gov. If you are unsure about which court handled your case, you can go to your local municipal court, the criminal or family division in any Superior Court courthouse, or the Superior Court Clerk's Office in Trenton.
2. When submitting your request, you must present photo identification to verify that you are the subject of the records requested. A government issued photo identification, including but not limited to a driver's license with photo, county identification with photo, passport, is required.
3. Requests submitted by an attorney on behalf of their client do not require photo ID and will be processed centrally by the Superior Court Clerk's Office. Complete parts A and B of the Record Request Form for an Individual to Obtain Copies of Their Own Expunged and/or Sealed Records (CN 12830) and submit it by email to SCCOOmbudsman.Mbx@njcourts.gov.
4. In most instances a court hearing is not necessary. However, if there are any concerns about your request or the identification that was presented, you may be asked to appear before a judge to determine if your request should be granted.
5. Additional information concerning certain Supreme Court Ordered Expungements can be found at www.njcourts.gov.

Attachment 4

Court Staff Procedures for Providing a Certification on Matters
Expunged by Supreme Court Order

Court Staff Procedures for Providing a Certification on Matters Expunged by Supreme Court Order

The following procedures are to be followed when individuals (or their attorneys) seek copies of their own expunged records or a certification of expungement, and the expungement was ordered by the Supreme Court. A juvenile (under age 18) must have their parent or attorney make the request for the expunged or sealed record.

Third party requestors are not entitled to these records under this procedure.

Procedure

Individuals seeking a certification of expungement shall:

- Complete the attached Record Request Form and return it in person to the court where the charges originated, where the matter was heard or submit the request to the Superior Court Clerk's Office.
 - If an individual does not remember which court handled their case, the individual can go to their local municipal court, the criminal or family division in any Superior Court courthouse, or the Superior Court Clerk's Office in Trenton to receive a Certification of Expungement only. If the individual is requesting any other expunged or sealed record on the case, they must go to the court where the case was disposed.
- Present photo identification to verify they are the subject of the records requested. A government issued photo identification, including but not limited to a driver's license with photo, county identification with photo, passport, is required.

Court staff shall:

- View and record the type of photo identification document presented by the individual on the Record Request Form.
- Verify that the individual requesting the records is the subject of the expunged records. If there is any question about the identification presented, staff should seek guidance from their Division Manager or their Criminal, Family or Municipal Court Judge.
- If the matter was expunged and the requestor's documentation is verified, designated Superior Court staff or the Municipal Court Administrator or Deputy Court Administrator shall provide the Certification of Expungement generated by the automated system to the individual (or their attorney).
- Where not verified, staff should cite the reasons for the denial on the request form.

Attachment 5

Record Request Form for an Individual to Obtain Copies of Their
Own Expunged and/or Sealed Records (CN 12830)



New Jersey Judiciary – Municipal Court
Request by Defendant/Juvenile for Copies of Their Own Expunged and/or Sealed Records

Superior Court of _____ County

Division: _____

Municipal Court of _____

Part A: Requestor Identification – Defendant/Juvenile

| | | |
|------------|----------------|-----------|
| First Name | Middle Initial | Last Name |
|------------|----------------|-----------|

| | | |
|---------------|--------------------------------------|--------------------------------------------------------------------|
| Date of Birth | Last 4 digits Social Security Number | Complaint Number/Docket Number/Accusation Number/Indictment Number |
|---------------|--------------------------------------|--------------------------------------------------------------------|

| | |
|---------|-----------------------------------------------------|
| Address | Home/Cellphone (Include area code) _____ ext. _____ |
|---------|-----------------------------------------------------|

| | | | |
|------|-------|----------|---------------|
| City | State | Zip Code | Email Address |
|------|-------|----------|---------------|

- I certify that I am the subject of the documents requested. (photo ID required)
- I _____ am the parent for the juvenile indicated above. (photo ID required)
- I _____, Attorney ID # _____, certify that I am the attorney for the defendant/juvenile indicated above and have been authorized by my client to request these records. (photo ID not required)

By signing below, I represent that I am a person entitled to a copy of this expunged record. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. N.J.S.A. 2C:28-2(a) provides that a person who makes a false statement under affirmation when they do not believe it to be true may be guilty of a crime of the fourth degree.

Signature: _____ **Date:** _____

Part B: Information Requested

- Copy of Expungement Order
- Copy of Expungement Petition
- Certification of Expungement by Supreme Court Order
- Copy of Sealed Record
- Other (Describe) _____

Certified or Exemplified Copies (extra charge if applicable)

Judiciary Use Only

Form of identification presented

Type of ID: _____ ID #: _____

- Court staff is unable to provide the requested record.
- Reason:
- Proper identification not provided.
 - Requestor is not the individual who is the subject of the documents, or their attorney.
 - The court has no record.
 - The record is not expunged or sealed.

| | |
|----------------------------------------------|---------------|
| _____ Signature of Judiciary staff person | _____ Date |
|----------------------------------------------|---------------|

Attachment 6

Order Permitting the Release of Expunged
or Sealed Records (CN 12831)

State of New Jersey

v.

Defendant/Juvenile,

Superior Court of New Jersey

County of Select County

Municipal Court of _____

Complaint Number/ _____

Docket Number/ _____

Accusation Number/ _____

Indictment Number _____

Expungement Number _____

**Order Permitting Release of Expunged
or Sealed Records**

This Matter having come before the Court upon request of _____

seeking release of:

Expungement Order

Copy of Expungement Petition

Sealed Record

Other (list document type) _____

The Court being satisfied that the individual seeking the expunged or sealed records is the petitioner,

It Is on This ___ Day of _____, 20___, Ordered that a copy of the above documents shall be released to: _____.

Date

s/

, Judge's Signature.