

## Expungement of Records

*A Second Chance for First-Time Offenders*



### Legal Overview

“Expungement” is a process that removes any trace of a young person’s contact with the legal system from his or her juvenile record, restoring him or her in the eyes of the law to the status they occupied before coming into contact with law enforcement and/or the Court.

When the Family Court grants an Order for Expungement, any records related to the offense (electronic and/or paper) will be destroyed by any law enforcement agency or governmental agency or department involved in the person’s case.

The granting of an Order for Expungement is a privilege, not an individual’s right, and it is up to the Court to decide if it will be granted. The only exception is that an expungement for one, single status offense must be granted by the Court. An individual desiring to have his or her juvenile record expunged must initiate the process as expungement is not automatic.

Section 63-19-2050 of the South Carolina Code of Laws allows for the expungement (destruction) of a juvenile record by a *Court Order for Expungement* when:

- The youth was charged with, but not adjudicated for, a delinquent act, or;
- The youth was adjudicated delinquent for a status (runaway, truancy, or incorrigible) or a non-violent offense.

In order to be eligible to have a juvenile record expunged, the following must apply:

- The individual must be 17 years of age or older at the time the request is made, and;
- If adjudicated, the individual must have successfully completed any sentence imposed by the Court, and;
- The individual must not have been subsequently adjudicated or convicted of any criminal offense.

### Expungement Exclusions

A youth’s juvenile record cannot be expunged if he or she has a prior adjudication for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult. In addition, a person is not eligible for expungement if he or she has any criminal charges pending in Family Court or General Sessions Court.

Note that an adjudication for a violent crime, as defined in Section 16-1-60 of the Code of Laws of South Carolina, cannot be expunged.

### The Expungement Process

An individual who wants to request that the Court expunge his or her juvenile record can use the services of an attorney or represent themselves. The process begins by contacting the Solicitor’s Office in the county where the charge originated. The Solicitor’s Office will assist the individual in completing the form Order for Expungement and will route the Order for the proper verifications and signatures.

Once the order is signed by a Family Court judge, the Solicitor’s Office will distribute it to any law enforcement agency or government agency involved in the person’s case so that the records will be destroyed.

When the Order for Expungement has been granted, an individual can say that he or she has no juvenile record and cannot be found guilty of giving a false statement for failing to acknowledge the charge or adjudication.

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**For more information, please contact your local  
DJJ County Office (full listing on page 2)**

**For additional DJJ resources please visit our website:**  
<http://www.state.sc.us/djj/>

## DJJ County Office Directory

Abbeville  
864-366-5312

Darlington  
843-393-5641

Lee  
803-484-4550

Aiken  
803-641-7735

Dillon  
843-774-4147

Lexington  
803-359-5526

Allendale  
803-584-4751

Dorchester  
843-832-4265

Marion  
843-431-1110

Anderson  
864-260-4041

Fairfield  
803-712-6533

Marlboro  
843-479-2961

Barnwell  
803-259-7114

Florence  
843-665-3080

Newberry  
803-276-8243

Bamberg  
803-245-5184

Greenville  
864-467-5875

Oconee  
864-638-9537

Beaufort  
843-525-1351

Greenwood  
864-229-6648

Orangeburg/Calhoun  
803-533-6270

Berkeley  
843-761-8194

Georgetown  
843-546-8723

Pickens  
864-878-7560

Charleston  
843-740-1649

Hampton  
803-943-4296

Richland  
803-253-4050

Cherokee  
864-487-2564

Horry  
843-915-8969

Spartanburg  
864-562-4200

Chester  
803-377-8104

Jasper  
843-726-5666

Sumter  
803-778-2368

Chesterfield  
843-623-2378

Kershaw  
803-432-9171

Union  
864-429-1640

Clarendon  
803-435-8587

Lancaster  
803-285-9447

Williamsburg  
843-355-2772

Colleton  
843-549-1509

Laurens  
864-984-2518

York  
803-909-7500

Tri-Counties  
(Edgefield, McCormick, Saluda)  
864-445-8138

*The South Carolina Department of Juvenile Justice (DJJ) is the state cabinet agency responsible for providing custodial care and rehabilitation for the state's children who are incarcerated, on probation or parole, or in community placement for a criminal or status offense. Our mission is to protect the public and reclaim juveniles through prevention, community services, education, and rehabilitative services in the least restrictive environment.*