

Oakland County Clerk's Office

Instructions for Set Aside Conviction/Expungement

(Instructions for filers)

Follow the below instructions to request a set aside a conviction (also known as Expungement or Clean Slate Law). You must file the application in the court where the conviction occurred. This process is utilized to make a conviction non-public, which means it will NOT be available to the general public. However, it may still be available to law enforcement and governmental agencies. **Note:** please utilize these instructions which are specific to Oakland County, along with the instructions on the back of the Application to Set Aside Conviction form(s).

1. **DETERMINE YOUR ELIGIBILITY** – visit the following resources to determine your eligibility. Note, the Clerk's Office cannot make this determination or offer any legal advice.
 - www.michiganlegalhelp.org – this is an online interactive process that can help determine if you qualify and will print out the necessary documents which also provides a live chat service
 - www.oakgov.com/cleanslate or 248-858-5520 – Oakland County Clean Slate Program offered through Oakland County Michigan Works
 - www.oakgov.com/government/clerk-register-of-deeds/court-records/set-aside-convictions – Oakland County Clerk's Office procedures for filing
 - <https://www.oakgov.com/business/business-development/workforce-development/programs/clean-slate-program> – Oakland County Circuit Court Clean Slate information
 - www.legislature.mi.gov – view Michigan statutes (search on MCL 780.621 through MCL 780.621d)
2. **You will need to obtain a certified copy of your conviction (known as Judgment of Sentence)** for each case from the Clerk's Office. Certified copy charges are \$10.00 (per case number) plus \$1.00 per each page. Attach copies to each application. Visit www.oakgov.com/courtexplorer to order and obtain copies. If your case is not available to order online, email us at clerklegal@oakgov.com to obtain copies by mail.
3. **Select the appropriate Application to Set Aside Conviction form(s)** – the form is dependent upon which offense(s) you are trying to set aside. Make sure you are using the correct form(s).
 - a. You may obtain the application form(s) through www.michiganlegalhelp.org, www.oaklandcountymiworks.com, or www.oakgov.com/government/clerk-register-of-deeds/court-records/set-aside-convictions.
 - b. **If you have more than one case number that you are asking to set aside, you will need to eFile an application form in EACH case number.**
 - c. **Fill out the application form(s) completely.** You must list all convictions and all case numbers you want set aside on EACH application. (The charge and conviction information can be found on each Judgment of Sentence). **Be sure to include your phone number and address in the event your hearing date needs to be adjourned.**
 - d. **Notice of Hearing** – you must fill out the Notice of Hearing section with a Wednesday hearing date and a hearing time of 8:30am. Hearing date should be set approximately 120 days after the date of filing the application. *(See below for instructions to set a new hearing date, if needed.)*
 - i. You must also fill in the Prosecutor name, court address and the Judge's name.
 - e. The application **MUST** be signed in front of a notary public prior to filing it. (Notary services can be provided at your banking institution or found online.)
4. **eFile your application and a copy of each Judgment using MiFILE** (Oakland County's eFiling portal). Instructions and FAQs on how to eFile through Oakland County can be found at www.oakgov.com/efiling. You will need to create an account in MiFILE.

- a. eFile the application (along with a copy of each judgment that you have listed on the application) into each case number you are seeking to set aside. (Your application and any judgments should be combined and submitted as one document.)
 - b. If you are not able to find your case number in MiFILE, please email efiling@oakgov.com and request your case be made available for eFiling. Include your full name and case number if you have it (and year of conviction).
 - **It is important that you visit your judge's protocol online for further information** regarding your hearing at <https://www.oakgov.com/government/courts/circuit-court/judges>.
 - **If you have multiple cases and hearings scheduled at the same date/time**, in front of different judges, you will need to contact each judge's chambers to obtain your hearing time(s).
5. **Schedule your hearing date** by filing a Praecipe online at <https://epraecipe.oakgov.com/OaklandCounty>. You will use the same Wednesday date you selected on your Notice of Hearing.
6. **You must get fingerprinted** on an applicant card, RI-008. The Oakland County Sheriff's Office can process fingerprints and is open by appointment only – call 248-858-5011. You may also check with your local police department. Fill out the RI-008 card completely. One fingerprint card can be used for multiple set aside conviction applications. (This step can be completed now or after you have filed your application with the Clerk's Office.)
7. **Once your application has been eFiled and accepted by the Clerk's Office**, you will need to retrieve (from your MiFILE history) and print out four of the time-stamped copies, and then you must send copies **by first-class mail** to:
- **Prosecutor's Office** – (send a copy of Application to Set Aside Conviction and each Judgment)
Oakland County Prosecutor's Office
1200 N. Telegraph
Pontiac, MI 48341
 - **Attorney General** – (send a copy of Application to Set Aside Conviction and Judgment of Sentence)
Office of the Attorney General
Assistance with Convictions and Expungements Division
P.O. Box 30212
Lansing, MI 48909
 - **Michigan State Police** – (send a copy of the Application to Set Aside Conviction, \$50.00 application fee (by check or money order)– made payable to the STATE OF MICHIGAN, a copy of the Judgment of Sentence, and fingerprint card)
Michigan State Police
Criminal Justice Information Center-Criminal History
P.O. Box 30266
Lansing, MI 48909
 - **Keep one packet for your records**
8. **Once you have mailed the appropriate copies to the above three agencies**, fill out the Proof of Service section on page 3 of the Application to Set Aside Conviction form and eFile it into your case(s) using MiFILE.
9. **On the day of the hearing**, follow your judge's protocol regarding your hearing as requirements differ between judges. You may be required to attend an in-person hearing or a zoom hearing. After the hearing, the judge's chambers will eFile the order. If your Set Aside Conviction is granted, your case(s) will become non-public. The Clerk's Office will send copies to the arresting agency and Michigan State Police.

How to reschedule your hearing date:

1. Select a new date on a Wednesday. Contact your assigned judge's chambers for hearing time.
2. eFile a Notice of Hearing.
3. Submit a Praecipe online at <https://epraecipe.oakgov.com/OaklandCounty>.
4. Serve the original agencies with a copy of the Notice of Hearing and eFile a Proof of Service.