

## CHAPTER 10

### RECORDS RETENTION, DESTRUCTION AND EXPUNGEMENTS

#### Authorities

To assist the District Court Clerks in records management, it is suggested that a careful review be made of the following statutory provisions and policy statement to ensure that all court records are retained and destroyed in accordance with the required procedures:

#### § 16.1-69.53. Definitions; construction of references to period of years.

As used in this article, the following terms shall have the following meanings:

- **Court records** shall include case records, financial records and administrative records as defined in this section.
- **Case records** shall mean all documents, dockets and indices.
- **Documents** shall mean all motions for judgment, bills of complaint, answers, bills of particulars, other pleadings, interrogatories, motions in writing, warrants, summonses, petitions, proof of service, witness summonses and subpoenas, documents received in evidence, transcripts, orders, judgments, writs, and any other similar case-related records and papers in the possession of the district courts and filed with the pleadings in the case.
- **Financial records** shall mean all papers and records related to the receipt and disbursement of money by the district court.
- **Administrative records** shall mean all other court papers and records not otherwise defined.

Whenever a reference to a period of years for the retention of documents is made in this section, it shall be construed to commence on January 2 of the first year following (i) the final adjudication of a civil case or (ii) the final disposition in all other cases, unless otherwise specified herein. In foster care cases, the final disposition date is the date of transfer of custody to a local board of social services or a child welfare agency.

#### § 16.1-69.54. General provisions.

Each district court shall retain and store its court records as provided in this article. The Committee on District Courts, after consultation with the Executive Secretary of the Supreme Court of Virginia, shall determine the methods of processing, retention,

reproduction and disposal of records and information in district courts, including records required to be retained in district courts by statute.

Whenever a court record has been reproduced for the purpose of record retention under this article, such original may be disposed of upon completion of the Commonwealth's audit of the court records unless approval is given by the Auditor of Public Accounts for earlier disposition. In the event of such reproduction, the reproduction of the court record shall be retained in accordance with the retention periods specified in this section. The reproduction shall have the same force and effect as the original court record and shall be given the same faith and credit to which the original itself would have been entitled in any judicial or administrative proceeding.

Electronic case papers, whether originating in electronic form or converted to electronic form, shall constitute the official record of the case. Such electronic case papers shall also fulfill any statutory requirement that requires an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript if such electronic case papers are in an electronic form approved by the Executive Secretary of the Supreme Court. When case papers are transmitted between the district and circuit courts and there is an agreement between the chief judge of the applicable district court and the clerk of the circuit court for the electronic transmission of case papers, the case papers shall be transmitted between the courts by an electronic method approved by the Executive Secretary of the Supreme Court, with the exception of any exhibit that cannot be electronically transmitted. The clerk in the appellate court may also request that any paper trial records be forwarded to such clerk.

#### **§ 16.1-69.57. Destruction of court records.**

The clerk of each district court shall destroy the court records upon expiration of the appropriate retention period as set forth in §§ 16.1-69.55 and 16.1-69.56 and consistent with the requirements of confidentiality for juvenile records. All court records should be destroyed by a method which renders the court records illegible, such as, shredding or burning. Likewise, magistrates shall destroy records retained in the office of the magistrate upon the expiration of the appropriate retention period as set forth in § 16.1-69.56.

To assist the courts in their record-keeping functions these requirements are grouped by type of document and separated into the following classifications:

- Administrative Records
- Financial Records
- Case Records
- Civil Records
- Criminal and Traffic Records
- Expungement/Destruction

## Retention Provisions

### A. Administrative Records

1. Retention Period--three (3) years. Includes:
  - Correspondence
  - Substitute judges
  - General
  - Job Applications
  - Invoices, Purchase Orders and Statements
2. Destruction Provisions--destroy in fourth year

Example: 1994 Leave reports--retain through 1997, destroy in 1998

### B. Financial Records

1. Manual financial records

The following manual financial records may be destroyed after they are three years old, provided the [Auditor of Public Accounts](#) has submitted an Audit Report for the time frame to be destroyed and there were no shortages or misappropriation of funds still under review.

2. Automated financial records

Destruction of **automated** financial records is to be in accordance with the guidelines established in the *District Financial Management System User's Guide*.

It is the responsibility of the court to ensure financial reports are printed and maintained in accordance with the established retention schedule below.

**Important!** *The term 'after audit' means keep the report until the audit report is received from the [Auditor of Public Accounts](#) and all audit points have been satisfied.* The term 'monthly closing' includes reconciling the bank statement and resolving all accounting problems.

3. Retention Table

- a. Receipts

- PCR Receipt Copies- Retain until monthly closing then destroy.
- PCR Reports - Retain until monthly closing then destroy.

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- Voided Receipt Copies -Retain until 6 months after APA audit then destroy.
- Corrected Receipt Copies - Retain until 6 months after APA audit then destroy.
- Credit Card Receipts -Retain until 6 months after APA audit then destroy.
- Credit Card Report Copy - Retain until 6 months after APA audit then destroy.
- Manual Receipt Copies

b. Daily FAS Reports

- Refer to the FMS User's Guide for additional information
- Daily Receipt Register (BR02) - Retain until 6 months after APA audit then destroy.
- All Reports from Month End - Retain until 6 months after APA audit then destroy.
- All Other Daily Reports - Retain until monthly closing then destroy.
- DC-225 Report (BU53) - Retain 10 years after printing then destroy.
- CD-R, flash drives, zip drive discs, or shared network drive - Retain 2 copies until 6 months after APA audit then destroy; unless you do not keep a hard copy of the DC225's on file, and in that situation keep for 10 years.

c. All Yearly FAS Reports

- BR07 Statement of Financial Condition- Retain 6 month after APA audit.
- BR16 Unclaimed Property and Unclaimed Restitution- Retain 5 years if monies were remitted. Retain 10 years if monies were not remitted [Va. Code§ 55.1-2524](#).

**NOTE:** Exception – TSO Letter Report (BR54) must be retained 3 years after printing.

d. Supporting Documentation

- Bank statements, cancelled checks - Retain 3 years after APA audit then destroy
- Bank Deposit Slips - Retain 3 years after APA audit then destroy
- Treasury Form 270 (BU11) and printed E-Pay Payment Receipt - Retain 3 years after APA audit then destroy.
- List of Allowances (DC-40, DC-41) - Retain 3 years after APA audit then destroy.

e. Cover Sheet

Retain until 6 months after APA audit then destroy.

Clerk of the Court and bookkeeper must sign and date the cover sheet each day to certify all daily FAS report content and transactions are authorized and reviewed. The court must attach all required documentation to the cover sheet.

### C. Full GDIS (General District Imaging System) Courts

At the direction of the chief judge of a general district court, the clerk of that court may cause any or all papers or documents pertaining to civil and criminal cases that have been ended to be destroyed if such records, papers, or documents will no longer have administrative, fiscal, historical, or legal value to warrant continued retention, provided such records, papers, or documents have been microfilmed or converted to an electronic format. Such documents shall be placed in conveniently accessible files and provisions made for examining and using the same. The provisions of this subsection shall not apply to the documents for misdemeanor cases under [§§ 16.1-253.2](#), [18.2-57.2](#), [18.2-60.4](#), [18.2-67.4](#), [18.2-67.4:1](#), [18.2-67.4:2](#), [18.2-346](#), [18.2-347](#), [18.2-348](#), [18.2-349](#), [18.2-370](#), [18.2-370.01](#), [18.2-374](#), [18.2-386.1](#), [18.2-387](#), and [18.2-387.1](#), which shall be retained as provided in subsection A. [Va. Code § 16.1-69.55](#).

A copy of the order entered by the Chief Judge should be provided to the Department of Judicial Services. Additional information concerning necessary batch reports is found in the CMS User's Guide.

### D. Case Records

1. Civil Cases, including civil commitments and other proceedings under Title 37.2; decided on or after January 1, 1985

○ General Rule

- Retain documents, indices and manual dockets for ten (10) years from final disposition.
- Destroy documents, indices and dockets in eleventh year.
- Examples:
  - 1985 Documents - retain through 1995, destroy in 1996.
  - 1986 Indices - retain through 1996, destroy in 1997.

○ Exceptions (documents only)

All documents in civil proceedings in district court which are dismissed, including dismissal under [Va. Code § 8.01-335](#), or in which no service of process is had

within twenty-four months of the last return date - retain until the completion of the Commonwealth's audit of the court records, then destroy.

- Extension of statute of limitations
  - Transfer of documents to Circuit Court - note transfer and transfer date to Circuit Court in CMS. Treat the record as provided in the General Rule, above.
  - Mental commitments - if the subject of the petition or his attorney requests that the documents be kept confidential, the documents are to be placed in an envelope that is marked with the case number and the word "CONFIDENTIAL" on both sides, then closed and filed in numerical order with other case papers - destroy in eleventh year.

## 2. Criminal and Traffic Cases

- General Rule
  - Retain documents, indices, and manual dockets for ten (10) years from final disposition. (Also applies to indices and dockets of cases decided prior to 1984 where documents were transferred to Circuit Court).
  - Destroy manual documents, indices and documents in eleventh year.
  - Example:
    - 1986 documents - retain until 1996, destroy in 1997.
    - 1980 documents - retain until 1990, destroy in 1991.
- Exception - Procedures for expungement of criminal records in accordance with [Va. Code § 19.2-392.2](#) *et seq.* when defendant was not found guilty. See "Expungement Procedures" below.
- Exception - Pursuant to [Va. Code §§ 16.1-69.55](#) and [17.1-213](#), criminal cases in which the defendant is convicted of [Va. Code §§ 16.1-253.2](#), [18.2-57.2](#), or [18.2-60.4](#) must be retained for twenty (20) years from the final hearing date.
- Exception – Pursuant to [Va. Code § 16.1-69.55](#), misdemeanor cases under §§ [18.2-67.4](#), [18.2-67.4:1](#), [18.2-67.4:2](#), [18.2-346](#), [18.2-347](#), [18.2-348](#), [18.2-349](#), [18.2-370](#), [18.2-370.01](#), [18.2-374](#), [18.2-386.1](#), [18.2-387](#), and [18.2-387.1](#), all documents shall be retained for 50 years.

### E. Civil Commitment – Audio Recording Tape

These recordings shall be retained for at least three years from the date of the commitment hearing. [Va. Code § 37.2-818](#).

F. [§ 19.2-392.2](#) Expungement of Police and Court Records -Adults

An action to delete all police and court reports, including electronic records, pertaining to a **criminal or traffic case** when any of the following has occurred: acquittal, *nolle prosequi*, dismissal, absolute pardon, an individual's name is used WITHOUT consent and authorization, or case is dismissed because the person arrested is not the person named on the summons, warrant, or indictment.

Expungement is not available for those persons whose criminal case resulted in deferred dismissal following a finding of evidence sufficient to convict the defendant. Dismissals pursuant to [Va. Code § 19.2-151](#) are eligible for expungement. **NOTE:** When a record is expunged the record is not destroyed but removed from public access and sealed.

1. Petition filed in Circuit Court even if the case was disposed of in District Court.

Order of expungement entered by Circuit Court, forwarded to [Division of State Police](#) who ultimately notifies District Court of expungement requirement. Do not proceed with expungement procedures until notified by State Police to do so.

**SPECIAL NOTE:** The clerk should maintain a separate reference index to identify all cases expunged and sealed. A list with the envelope #, defendant name, expungement date and destruction date. This reference index should be kept in a separate area for reference if needed.

STEP	DESCRIPTION
1	Clerk receives a letter from State Police requesting notification of compliance with expungement procedures. See <a href="#">Va. Code § 9.1-134</a> .
2	Clerk deletes original case from GCMS. See <i>General District Case Management System User's Guide</i>
3	Docket sheet information must be redacted. Docket sheets for cases contained in the automated systems should not be retained and are required to be destroyed; however, if docket sheets, indices or any other hearing disposition report are retained, the entries of the case identifying the individual, charge and disposition must be eliminated with heavy black ink.
4	Clerk places original case documents, including expungement letter from Virginia State Police and Circuit Court order, in an envelope which is physically sealed and writes on the outside of the envelope the case number, and date enclosed materials are to be destroyed based on the retention schedule specified in <a href="#">Va. Code § 16.1-69.55</a>  Stamp or print the following on the envelope: Expunged pursuant to § 19.2-392.2 (A) by order of the Circuit Court on (date) by (Signature of Clerk/Deputy Clerk). This record to be unsealed only on court order.

STEP	DESCRIPTION
5	Clerk places sealed envelope in secure storage area that is not accessible to public. Clerk places number on the envelope for reference index. (See special note)
6	Clerk sends written notification of compliance within 60 days of receipt of State Police request for expungement to Virginia State Police. Manager, Central Criminal Records Exchange Virginia State Police P. O. Box 27472 Richmond, Virginia 23261-7472

2. Petition filed in applicable District Court

- a. ID used without consent or authorization by another person charged or arrested using such name or identification. Petition may be filed in the court which disposed of the charge.

**SPECIAL NOTE:** The clerk should maintain a separate reference index to identify all cases expunged and sealed. A list with the envelope #, defendant name, expungement date and destruction date. This reference index should be kept in a separate area for reference if needed.

STEP	DESCRIPTION
1	Clerk receives DC-363, PETITION OR MOTION FOR EXPUNGEMENT. The petition/motion shall include one complete set of fingerprints obtained from a law enforcement agency. No person shall be required to pay any fees for the filing of a petition. Petitioner provides a copy of petition to a law enforcement agency to obtain fingerprint card. <a href="#">Va. Code § 19.2-392.2 (E)</a>  <b>Comments:</b> Petition/motion should be accompanied by certified or attested copy of warrant or summons, if available, and contain: case number, date of arrest, name of arresting agency specific charge to be expunged, date of final disposition, petitioner's name and date of birth and full name of person, if known, who used petitioner's name when charge was made.  Petitioner may list multiple charges to be expunged on one petition.
2	Clerk sets date for hearing on petition for no less than sixty days and provides petitioner with two copies of petition listing case number and court date. <b>NOTE:</b> Commonwealth Attorney has twenty-one days from



STEP	DESCRIPTION
2 <i>cont'd</i>	service in which to object to expungement or may give written notice to the court that he does not object to the petition.
3	<p>Enter the hearing date and time for the petition on the original case as an administrative hearing.</p> <p>Key the administrative hearing date on the next hearing line directly below the final hearing date. Place <b>AH</b> in the type field next to the administrative hearing date and time.</p>
4	<p>Clerk issues DC-512, NOTICE OF HEARING, to the sheriff for service on the Commonwealth's Attorney along with a copy of the petition.</p> <p><b>Comments:</b> Based on local policy, complainant may be notified by court upon filing of petition or Commonwealth Attorney may subpoena complainant. Commonwealth Attorney may file answer or objection within twenty-one days of service or simply endorse petitioner's order of expungement.</p>
5	Original conviction information should not be changed until expungement order processing.
6	<p>If expungement is ordered, issue DC-365, EXPUNGEMENT ORDER. Clerk is required to send a certified copy of the order, along with a certified copy of the DC-363, PETITION OR MOTION FOR EXPUNGEMENT to VSP. <a href="#">Va. Code § 19.2-392.2 (l)</a></p> <p>Upon completion of the hearing, the court shall return the fingerprint card to the petitioner. However, if the petition has not been previously sent to Virginia State Police by law enforcement, the fingerprint card must be retained and forwarded by the court with a copy of the petition and order.</p> <p>If no hearing is conducted, upon the entry of an order of expungement or an order denying the petition for expungement, the court shall cause the fingerprint card to be destroyed unless, within 30 days of the date of the entry of the order, the petitioner requests the return of the fingerprint card in person from the clerk of the court or provides the clerk of the court a self-addressed, stamped envelope for the return of the fingerprint card.</p> <p>In order to track the 30-day time period, enter an administrative hearing as a reminder to review the file and destroy the fingerprints if they have not been returned to the petitioner.</p>

STEP	DESCRIPTION
6 <i>cont'd</i>	<p>The clerk should not expunge any documents or records until State Police instructs the clerk to do so in writing.</p> <p><b>Comments:</b> Following the termination of appeal period send certified copy of DC-365, EXPUNGEMENT ORDER, along with certified copy of DC-363, PETITION OR MOTION FOR EXPUNGEMENT to:            Manager, Central Criminal Records Exchange            Virginia State Police            P. O. Box 27472            Richmond, Virginia 23261-7472</p>
7	<p>Clerk receives a letter from State Police requesting notification of compliance with expungement procedures. <a href="#">Va. Code § 9.1-134</a></p> <p><b>NOTE:</b> Once Virginia State Police has processed the expungement, they will forward the letter/order along with the fingerprints to you to perform the expungement. After you complete the expungement, return the fingerprint card to the petitioner and notify State Police that the expungement has been completed.</p>
8	<p>Clerk deletes expunged case(s) from GCMS. <i>See General District Court Case Management System User's Guide</i></p>
9	<p>If docket sheet has been retained, information must be redacted.</p> <p><b>Comments:</b> Docket sheets for cases contained in the automated systems should not be retained and are required to be destroyed. However, if docket sheets, indices or any other hearing disposition report are retained, the entries of the case identifying the individual, charge and disposition must be eliminated with heavy black ink.</p>
10	<p>Financial and other records.</p> <p><b>Comments:</b> Zero out fines and costs in the individual account that were assessed on the original case to be expunged if an order of expungement is issued. If the original charge transmitted to DMV, an amended abstract noting "ID fraud – case reopened and dismissed" must be prepared and forwarded to DMV to remove the charge from the record. Seal or redact any printed financial report where the expunged case appears.</p>
11	<p>Clerk places original case documents including DC-363, PETITION OR MOTION FOR EXPUNGEMENT and DC-365, EXPUNGEMENT ORDER in an envelope which is physically sealed and writes on the outside of the envelope the case number, and date enclosed materials are to be destroyed based on the retention schedule specified in <a href="#">Va. Code § 16.1-69.55</a></p>

STEP	DESCRIPTION
<b>11</b> <i>cont'd</i>	<p>Stamp or print the following on the envelope:  <i>Expunged pursuant to § 19.2-392.2 (A) by order of the Circuit Court on (date) by (Signature of Clerk/Deputy Clerk). This record to be unsealed only on court order.</i></p> <p>Maintain sealed envelopes in secure storage area, which is not accessible to public. Destroy following expiration of retention period for the original case specified in <a href="#">Va. Code §§ 16.1-69.55</a> or <a href="#">16.1-306</a>. Adult traffic or criminal records are kept ten years from disposition. An order of expungement can be voided for up to three years from the date of entry. Therefore, the expunged record must be kept until the three-year period expires even if the ten-year destruction date occurs first. <a href="#">Va. Code § 19.2-392.2</a>.</p>
<b>12</b>	<p>Clerk sends written notification of compliance within 60 days of receipt of State Police request for expungement to VSP.</p> <p style="padding-left: 40px;">Manager, Central Criminal Records Exchange            Virginia State Police            P. O. Box 27472            Richmond, Virginia 23261-7472</p>

- b. Wrong Person Arrested on Warrant or Summons/Charge Dismissed due to wrong arrest pursuant to [Va. Code § 19.2-392.2 \(H\)](#)

**SPECIAL NOTE:** The clerk should maintain a separate reference index to identify all cases expunged and sealed. A list with the envelope #, defendant name, expungement date and destruction date. This reference index should be kept in a separate area for reference if needed.

STEP	DESCRIPTION
<b>1</b>	<p>Clerk receives <a href="#">DC-363, PETITION OR MOTION FOR EXPUNGEMENT</a>. The petition/motion shall include <u>one complete set of fingerprints</u> obtained from a law enforcement agency.</p> <p>No person shall be required to pay any fees for the filing of a petition. <a href="#">Va. Code § 19.2-392.2 (H)</a> <a href="#">Va. Code § 19.2-392.2 (E)</a></p> <p><b>Comments:</b> <a href="#">DC-363, PETITION OR MOTION FOR EXPUNGEMENT</a>, may be used or the person filing the motion may write letter of request.</p>
<b>2</b>	<p>Clerk sets date for hearing on petition. Provide a copy of the Petition to the Commonwealth's Attorney.</p>

STEP	DESCRIPTION
2 <i>cont'd</i>	<b>Comments:</b> Clerk should provide petitioner with a copy of petition listing case number and court date.
3	Enter the hearing date and time for the petition on the original case as an administrative hearing.  Key the administrative hearing date on the next hearing line directly below the final hearing date. Place <b>AH</b> in the type field next to the administrative hearing date and time.
4	If expungement is ordered, issue DC-365, EXPUNGEMENT ORDER. Clerk is required to send a certified copy of the order and petition to VSP. <a href="#">Va. Code § 19.2-392.2 (l)</a> <b>Comments:</b> Following the termination of appeal period send a certified copy of DC-365, EXPUNGEMENT ORDER, along with a certified copy of the DC-363, PETITION OR MOTION FOR EXPUNGEMENT to: Manager, Central Criminal Records Exchange Virginia State Police P. O. Box 27472 Richmond, VA 23261-7472
5	<u>The clerk should not expunge any documents or records until State Police instructs the clerk to do so in writing.</u>
6	Clerk receives a letter from State Police requesting notification of compliance with expungement procedures. <a href="#">Va. Code § 9.1-134</a> .  <b>NOTE:</b> Once Virginia State Police has processed the expungement, they will forward the letter/order along with the fingerprints to you to perform the expungement. After you complete the expungement, return the fingerprint card to the petitioner and notify State Police that the expungement has been completed.
7	Clerk deletes the expunged case(s) from GCMS. <i>See General District Case Management System User's Guide</i>
8	If docket sheet has been retained, information must be redacted. <b>Comments:</b> Docket sheets for cases contained the automated systems should not be retained and are required to be destroyed; however, if docket sheets, indices or any other hearing disposition report are retained, the entries of the case identifying the individual, charge and disposition must be eliminated with heavy black ink.

STEP	DESCRIPTION
9	<p>Clerk places original case documents including DC-363, PETITION OR MOTION FOR EXPUNGEMENT and DC-365, EXPUNGEMENT ORDER in an envelope which is physically sealed and writes on the outside of the envelope the case number, and date enclosed materials are to be destroyed based on the retention schedule specified in <a href="#">VA. Code § 16.1-69.55</a>.</p> <p><b>Comments:</b> Stamp or print the following on the envelope: Expunged pursuant to § 19.2-392.2 (A) by order of the Circuit Court on (date) by (Signature of Clerk/Deputy Clerk). This record to be unsealed only on court order.</p> <p>Maintain sealed envelopes in secure storage area, which is not accessible to the public.</p> <p>Destroy following expiration of retention period for the original case specified in <a href="#">Va. Code §§ 16.1-69.55</a> or <a href="#">16.1-306</a>. Adult traffic or criminal records are kept ten years from disposition. An order of expungement can be voided for up to three years from the date of entry. Therefore, the expunged record must be kept until the three-year period expires even if the ten-year destruction date occurs first. <a href="#">Va. Code § 19.2-392.2</a>.</p>
10	<p>Clerk sends written notification of compliance within 60 days of receipt of State Police request for expungement to VSP.</p> <p style="padding-left: 40px;">Manager, Central Criminal Records Exchange Virginia State Police P. O. Box 27472 Richmond, Virginia 23261-7472</p>

3. Expungement of Original Charge *only* (Partial Expungement); Dressner v. Commonwealth, 285 Va. 1 (2013).

Order of expungement entered by Circuit Court, forwarded to Division of State Police who ultimately notifies District Court of expungement requirement. Do not proceed with expungement procedures until notified by State Police to do so.

**SPECIAL NOTE:** The clerk should maintain a separate reference index to identify all cases expunged and sealed. A list with the envelope #, defendant name, expungement date and destruction date. This reference index should be kept in a separate area for reference if needed.

STEP	DESCRIPTION
1	Clerk receives a letter from State Police requesting notification of compliance with expungement procedures. See <a href="#">Va. Code § 9.1-134</a> .

STEP	DESCRIPTION
2	Clerk amends original charge in GCMS to reflect amended charge. <i>See General District Case Management System User's Guide.</i>
3	Copy the original charging documents. Redact the original charging information from the copied documentation, including code section violated and verbiage. Care should be taken to ensure that original charge is redacted from all copied case documents.  <b>Comments:</b> If you are an imaging court, rescan the case papers once all required information has been redacted.
4	Clerk places the original case documents, including expungement letter from Virginia State Police and Circuit Court order, in an envelope which is physically sealed and writes on the outside of the envelope the case number, and date enclosed materials are to be destroyed based on the retention schedule specified in <a href="#">Va. Code § 16.1-69.55</a> .  Stamp or print the following on the envelope: Expunged pursuant to § 19.2-392.2 (A) by order of the Circuit Court on (date) by (Signature of Clerk/Deputy Clerk). This record to be unsealed only on court order.
5	Clerk places sealed envelope in secure storage area that is not accessible to public. Clerk places number on the envelope for reference index. (See special note.)  <b>Comments:</b> Docket sheets for cases contained the automated systems should not be retained and are required to be destroyed; however, if docket sheets, indices or any other hearing disposition report are retained, the entries of the case identifying the individual, charge and disposition must be eliminated with heavy black ink.
6	Clerk sends written notification of compliance within 60 days of receipt of State Police request for expungement to VSP. Manager, Central Criminal Records Exchange Virginia State Police P. O. Box 27472 Richmond, Virginia 23261-7472

#### 4. Voided Expungement

Any order entered where the court or parties failed to strictly comply with the procedures set forth or the court enters an order of expungement contrary to law, shall be voidable upon motion and notice made within three years of the entry of such order.

STEP	DESCRIPTION
1	Clerk will receive a letter from Virginia State Police directing that the expungement order has been voided.  <b>Comments:</b> <u>The clerk should not unseal any documents or records until State Police instructs the clerk to do so in writing.</u>
2	Go to secure storage area and pull the correct expungement. Enter the information back in GCMS. It will be necessary to change the file date.
3	File case papers back in their original location.
4	Clerk sends written notification of compliance within 60 days of receipt of State Police request for reinstatement of expungement to VSP.

#### 5. Forms

DC-363	<a href="#">PETITION OR MOTION FOR EXPUNGEMENT</a>
DC-365	EXPUNGEMENT ORDER
DC-512	NOTICE OF HEARING

#### 6. References

[Va. Code § 19.2-392.2](#) et seq.