

NEWS RELEASE

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LEGAL SERVICES OF NEW JERSEY GEARING FOR WAVES OF INQUIRIES OVER MAJOR EXPUNGEMENT LAW CHANGES THAT TAKE EFFECT TOMORROW

EDISON – Legal Services of New Jersey (LSNJ) is bracing for what is expected to be a flood of inquiries from people with prior arrests or criminal convictions as a new law takes effect tomorrow (April 18) — opening the door for thousands of more New Jerseyans to get their criminal records expunged.

LSNJ has readied a special online help program, “Clearing Your Record Online” at www.LSNJLAW.org/pages/expunge.aspx that incorporates the brand new expansive changes in the state law. The program provides a step-by-step toolkit making it easier and faster for poor people to navigate the tedious and often confusing process of getting their past troubles with the law in most cases wiped clean.

“Every year Legal Services gets well over a thousand requests for help with expunging records,” says Akil Roper, LSNJ Chief Counsel for Reentry, noting there likely are countless others who had given up or simply were unaware there is a way of getting their records cleared. “Now, with the new far-reaching changes in the law, we anticipate a lot more from poor people turning to our interactive website.

For many people expungement can mean a fresh start, a true second chance. This truly offers an opportunity for people to put their criminal record in the rear-view mirror and move on.”

The most expansive change in the expungement law allows for most offenders who have completed a drug court or court-ordered rehabilitation program to immediately expunge their entire record of arrests or convictions. That alone has the potential for affecting thousands of individuals with blemishes on their records that could have inhibited their employment opportunities, including getting professional licenses.

In the last 15 years nearly 20,000 people have been enrolled in the state’s Drug Court program.

The impact of the newly-relaxed expungement law goes well beyond Drug Court graduates. Beginning tomorrow, Superior Court judges can immediately expunge records of dismissals, acquittals and arrests that did not lead to convictions. While such expungements will not happen automatically for Municipal Court matters, applications can be requested at that level and forwarded to the Superior Court.

Yet another major change in the law affects people with disorderly persons offenses. Until now they could not get those offenses expunged if they also had an indictable offense on their records. Beginning tomorrow people with one indictable conviction and up to two disorderly persons convictions will be eligible to have their entire records cleared. Further, a pathway has been cleared for those with disorderly persons offenses to have a much shorter waiting period before becoming eligible.

Javier and Elizabeth (they prefer anonymity), who in the past were helped by LSNJ in gaining expungements, recently recounted how important ridding the blemishes on their records has been in moving their lives forward.

Javier sees the LSNJ website, launched to help poor people navigate the tedious and often expensive process of getting their criminal records expunged as a potential life-changer for many New Jerseyans emotionally and physically hindered by public records of their past offenses.

Elizabeth, too, sees the LSNJ expungement project as a much-needed helping hand for people wanting to get their records cleaned and not continually bear the Scarlet Letter-like scar of having a rap sheet.

Operating much like a computerized income tax program for expungement, the website takes people step by step through the rigorous application process. It cannot guarantee whether a judge ultimately will approve a requested expungement, but eases the path to complete and get all the necessary paperwork and forms before the court.

Those using the LSNJ online application toolkit are able to know by answering a series of simple questions very quickly whether they may be eligible for expungement. Either way, the judgment on whether to complete a formal application — also made possible through the website — is superfast. Again, assisted by a secure online interview, the website creates all forms needed for the application, including the expungement petition, verification, order forms, proof of service and even cover letters. Written instructions on the filing and service process also are provided when the forms are complete. It is up to the applicants themselves to gather all the documents and official records the website suggests they will need before filing.

The website includes avenues for applicants to get answers to questions they have about the process, and the interviews also are fully audible. The site features a variety of instructional videos focusing on various aspects of the application process. The accompanying videos also contain links to the New Jersey courts website, links to laws and a variety of other resources, and to online intake forms for LSNJ's statewide Legal Hotline, LSNJLAW, if a person has additional questions.

Those who register with the website can save their progress and return to the application at a later time. Throughout the process easy-to-understand definitions of legal and related terms are provided.

As Javier learned firsthand, proper completion of forms without outside assistance can be difficult. In fact, it is not unusual for initial applications to be kicked back for minor reasons.

Javier had tried to apply for expungement on his own and believed he had studiously met every requirement, until a judge said otherwise and Javier turned to LSNJ for help with the revised application.

It worked. When the papers arrived officially expunging his past record for illegally having a gun after he had completed a stint in the military, Javier recalls how emotional he became.

"I cried. I'm not ashamed to say I cried. It's something I no longer have to worry about. Now I can go about my life. I feel normal again, a regular person."

Today, with the help of a clear record, he works as an outreach counselor for homeless veterans.

Elizabeth, too, had struggled to find work after she lost her nursing license following being charged with child endangerment. She still laments the circumstances that occurred after she returned home after a 12-hour shift as a nurse and says she was led to believe by her estranged husband that he had taken all their children out with him. As it turned out, her autistic boy was still there and while she slept, he left the house and later was found walking on a busy road.

Still, she said, she was determined to put the situation behind her. First she sought to attack the expungement process with a private attorney who, she says, wanted far more than she could afford. So, she turned to Legal Services and was successful in getting the expungement.

How important was that? It cleared the way for getting her nursing license reinstated.

Says Javier about the new changes in the law and the availability of the LSNJ website, “I think this simplified version for getting expungements will greatly increase the numbers of people who want to clean their records and move forward with their lives. It empowers people to take the initiative on their own.”

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Legal Services of New Jersey (LSNJ) heads the state's Legal Services system, a network of six independent non-profit corporations beginning its 50th year of providing free essential legal aid in civil matters to low-income people through offices in all 21 counties.

Having provided representation in 2.36 million cases since its inception in 1966, Legal Services has accumulated extensive information and broad perspective on the causes, extent, and responses to poverty. LSNJ constantly searches for insights concerning actions that reduce and ameliorate poverty, and thereby reduce the legal and other problems of those who live within poverty's grasp.