



Ohio Administrative Code

Rule 109-5-02 Notification of expungement or sealing of records by qualified third party.

Effective: December 31, 2017

(A) When the applicant applies to have his or her record sealed or expunged, the clerk of courts must notify the applicant in writing that notice of the sealing or expungement will be sent to the qualified third party as described in division (C)(5) of section 2953.32, division (A)(2) of section 2953.53, division (D)(4) of section 2953.37, and division (I) of section 2953.38 of the Revised Code. The written notice must include:

- (1) Explanation of the services to be provided by the qualified third party;
- (2) The fee to be paid by the applicant for this service;
- (3) An explanation that, if the applicant's application for sealing or expungement is denied, the entire fee for providing notice of the sealing and expungement will be remitted to the applicant;
- (4) Notice that the applicant may opt out of the benefits of having the court send notice of the sealing or expungement to the qualified third party;
- (5) Explanation that the applicant's decision to opt-out must be confirmed in writing with a signature.

(B) In the event that the applicant fails to pay the fee for services provided by the qualified third party, they will be considered to have opted-out for the purposes of division (C)(5) of section 2953.32, division (A)(2) of section 2953.53, division (D)(4) of section 2953.37, and division (I) of section 2953.38 of the Revised Code.

(C) Upon the issuance of an order sealing or expunging the applicant's record, and unless the applicant opts out as described in division (C)(5) of section 2953.32, division (A)(2) of section 2953.53, division (D)(4) of section 2953.37, and division (I) of section 2953.38 of the Revised Code, the court shall send notice of the order to the qualified third party. The notice shall contain the following information:



- (1) The applicant's full name;
 - (2) If different, name on record being sealed or expunged;
 - (3) The applicant's date of birth;
 - (4) The county and court where case was originally filed;
 - (5) The original case number;
 - (6) The charges being expunged or sealed; and
 - (7) The effective date of expungement or sealing.
- (D) The notice required by division (A) of section 109.381 shall be sent electronically and shall contain the information listed in paragraph (C) of rule 109-5-02 of the Administrative Code.
- (E) The fee paid by the applicant for the services provided by the qualified third party shall be handled as following:
- (1) When the applicant files the application to have his or her records sealed or expunged, the applicant shall pay the fee detailed in division (D)(2)(b) of section 109.38 of the Revised Code to the clerk who will hold the funds until an order is issued regarding the sealing or expungement.
 - (2) If the application for sealing or expungement is granted, the clerk shall remit the entire fee to the qualified third party;
 - (3) If the application for sealing or expungement is denied, the clerk shall remit the entire fee back to the applicant.
 - (4) If the applicant opts out of receiving the services of the qualified third party, he or she does not need to pay the fee.



(5) If the applicant opts out of receiving the services of the qualified third party after paying the fee, but before the court has issued an order regarding the sealing or expungement, the entire fee shall be remitted to the applicant.

(F) Upon receipt of the fee from the clerk of courts, the qualified third party shall distribute it as determined by the attorney general

(G) The attorney general will select the qualified third party through an open bidding process. Once the qualified third party has been selected, the attorney general will notify Ohio's clerks of court of the selected third party.