

GARFIELD HEIGHTS MUNICIPAL COURT

MOTION TO SEAL EVICTION RECORD INSTRUCTIONS

**BEFORE YOU FILE A MOTION TO SEAL EVICTION RECORD,
READ THE INSTRUCTIONS CAREFULLY.**

Garfield Heights Municipal Court Local Rule 33.1 and Superintendence Rule 45(E) explains fully the process for filing a Motion to Seal Eviction Record(s), the factors the Court considers when ruling on a Motion to Seal, and the circumstances under which a motion may be granted.

If you have questions regarding your eligibility, how to fill out this form, and/or the sealing process, consult with an Attorney BEFORE you file the motion.

Steps to Reviewing and Filing Your Motion to Seal:

Attached is a blank "Motion to Seal Eviction Record" form. This form is provided as a courtesy, however you are not required to use this form. Neither the Court nor the Clerk's Office can provide you with legal advice regarding this form. You are responsible for anything contained in the Motion to Seal so make sure you understand it fully before filling it out, signing and filing.

Fill out the Motion to Seal form **truthfully, accurately and completely**; filling in all of the applicable blanks.

Attach to the motion all evidence you would like the Court to consider. Do not assume that you will have a hearing or another chance to submit additional evidence. The Court may review the motion and rule on it without a hearing.

Before you file your motion, make two copies of the completed motion with all attachments. The original is for the Clerk of Court, one copy is for your records, the additional copy can be used for you to serve the Plaintiff/Landlord (see below).

You are required to **serve a copy of your motion** with all attachments **to the Plaintiff/Landlord(s)** in your case. You will also need to certify that you provided the Plaintiff/Landlord(s) a copy using the **Certificate of Service page** on the blank form. Make sure this is filled out properly and that a copy is properly served to the Landlord(s) as the Court cannot consider any filings that are not properly served to all parties.

Within 3 days of serving the Landlord, you must **file the original**, completed motion with the Clerk of Court. There is a \$50.00 charge for filing a Motion to Seal Eviction Record, which must be paid at the time of filing.

After your motion is filed:

- The Court is not required to but may schedule a hearing on your motion. If a hearing is scheduled, be sure to arrive on time for the hearing, and bring all your paperwork, evidence and witnesses with you.
- The Court will notify you in writing of its decision on your motion. Make sure we have your current address in your motion, so we can notify you of the results. If you change residences while the motion is pending, file a Notice of Change of Address with the Court.

The effect, if your motion is granted:

- The Court will redact (take off) your name from all public records (electronic and physical) it maintains pertaining to the eviction case. Sealing the record restricts access of the public to the case record; it does not remove the record from the Court's electronic or paper docket.
- The Court may provide access to the record as required by law to law enforcement officials, or others conducting official government business.
- Sealing the record of an eviction does not authorize you to make a false statement regarding the filing or granting of the eviction.
- The Court on its own motion or a party to the original action may file a motion seeking to unseal the eviction record, if there is good cause shown that the record should be unsealed (for example, that the sealing was procured through fraud).

Also keep in mind:

- The Court typically will consider only ONE MOTION TO SEAL EVICTION RECORD on any given case. You have ONLY ONE OPPORTUNITY to convince the Court to seal your eviction record. Include ALL documentation with your motion.
- In general, the Court will consider a Motion to Seal Eviction Record only under specific, limited circumstances.