

# Frequently Asked Questions

Didn't get your question answered in the other materials? We cover questions we get frequently in this slideshow.

If you did not see your question included in this presentation, let us know and we will do our best to find you an answer.

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# FAQ #1 – How Long Will This Take?

The only definite answer is that it will take no less than 15 calendar days. It will very likely take longer.

The California Penal Code states: “ Relief shall not be granted under this section unless the prosecuting attorney has been given 15 days’ notice of the petition for relief. The probation officer shall notify the prosecuting attorney when a petition is filed, pursuant to this section, (Cal. Pen. Code § 1203.4 (e).)

So, at a minimum, this process can go no faster than 15 calendar days. Realistically, it may take longer. If fifteen calendar days from when you start falls on a day where motions are not heard, the process of getting before the court to petition for dismissal will definitely take longer.

# FAQ #2 – Does This Cost Anything?

**NO.**

There used to be a research fee assessed by the Probation Department.

As of January 1, 2022, this is no longer the case.

In other words: if you knew people who took advantage of this process in the past, they may have mentioned they owed a fee to Probation at the end of it.

This is no longer the case. It is free to file, and there should be no fee assessed.

# FAQ #3 – I Have Different Cases, How Does That Work?

Cases are identified in the Kern County Superior Court with an individual case number.



When you look up your case information on the Kern County Superior Court site, your results will be organized into cases with a unique case number. You can submit one petition per case number.

For example, if you have 5 counts on case BM1234567, you can petition to have them all expunged at once, using one petition.

If you have only 1 count on case BM1234567 and only 1 count on case BM2345678, you will need two separate petitions.

# FAQ #4 – Do I Have to Go to Court?

Yes.

If you are looking at this presentation, it is a safe bet you are representing yourself. That is OK! You are entitled to represent yourself.

Part of representing yourself in this matter means you will need to attend your hearing. The Kern County Superior Court does not accommodate remote appearances for self-represented parties in these types of cases.

Unless you are represented by an attorney who explicitly tells you not to go to your hearing, set aside the time in your schedule and be ready to show up to court on the day you selected for your hearing.

# FAQ #5 – Will it Still Show Up On My Background Checks?

If you petition for dismissal, and your petition is granted, you will no longer have a conviction on your record for the dismissed count(s).

If you look up your case on the Kern County Superior Court website, your case will still appear, and now it will show up as Dismissed instead of Pled Guilty, Pled Nolo Contendere, or Found Guilty.

If you want to further seal the record of the case, you may wish to look into the Petition to Seal Arrest And Related Records. This further conceals the details of your case from public view, and on background checks having to do with employment.

# FAQ #6 – What is the difference between the Petition for Dismissal and the Petition to Seal Arrest and Related Records?

These petitions request different things. The Petition for Dismissal allows you to request that the Court dismiss a conviction. The Petition to Seal Arrest and Related Records allows you to request that The court seal the record of the underlying arrest.

The Petition for Dismissal is appropriate if you have *convictions* on your record you want to address – the Petition for Dismissal allows you to change your criminal history, if successful. The Petition to Seal Arrest and Related Records is appropriate if you want to make the history of the case less visible to the general public.

Nothing can “destroy” your record entirely, but if you want to reduce its visibility, Petitions to Seal Arrest And Related Records may make sense in your case.