

## Obtaining a Certificate of Discharge

This packet will assist you if you are a person convicted of a felony offense, and you want to obtain a Certificate of Discharge to restore your civil rights.

1. A Certificate of Discharge restores civil rights, only, such as the right to serve on a jury, and it permanently restores the right to vote. It is not a certificate of rehabilitation. **It does not restore your right to possess firearms or ammunition under state and federal law.** A Certificate of Discharge does **not**: remove a conviction from your record; remove any domestic violence restrictions such as no-contact provisions in the sentence; relieve any obligations you have to register as a sex offender.
2. The Superior Court is required to issue a Certificate of Discharge when you have completed your sentencing obligations. This does not always happen automatically. Go to the court clerk's office to see if it has been filed in your case.
3. If the Certificate of Discharge has not been filed in your case, you may file a motion to ask the court to issue a certificate of discharge. You can only file the motion for discharge for **adult** cases in this county if you were sentenced in this county's superior court.
4. You must file a separate motion for a certificate of discharge in **each** criminal case in which there was a conviction. You must fill in the case number for that specific conviction at the top of the motion. You may use the *Motion for Certificate and Order of Discharge [ ] and Petition for Issuance of a Separate No-Contact Order* form CR 08.0600. You must file the original motion with the County Clerk/Department of Judicial Administration.
5. If your sentencing conditions included a no-contact order, check the applicable boxes to petition the court to issue a separate no-contact order (this requirement does not apply if your no-contact order was filed separately from the judgment and sentence). Also complete the *No-Contact order (Reissued Pursuant to a Certificate and Order of Discharge)* form CR 08.0660. You will be required to go to the clerk's office to obtain a civil case number and pay a filing fee, unless you file a *Motion and Declaration for Waiver of Civil Fees and Surcharges*, form WPF GR 34.0100, and the court grants your motion.
6. You will need to verify with the court that you completed all conditions of your sentence, including any and all legal financial obligations. Use the "Confirmation of Court-Ordered Requirements" that begins on page three of the motion for certificate of order of discharge.
7. To verify that you completed all of the nonfinancial conditions of sentence, you will need to ask your Community Corrections Officer (CCO) or the Corrections Office to sign a verification that you completed your conditions of sentence, such as community service hours, substance abuse treatment, etc., including dates completed. Also ask your CCO to write down the date you completed community custody or, if no community

custody was ordered, when you completed full and partial confinement. If the CCO will not sign the declaration, you can provide proof that you completed all conditions of your sentence (example: certificate of completion of substance abuse treatment program), including the dates completed. Include in your statement the date you completed community custody or, if no community custody was ordered, when you completed full and partial confinement. Make sure you list the materials that prove you completed the conditions and attach them to the motion.

8. If you cannot verify that you completed all the nonfinancial conditions of sentence, you can ask the court to waive the verification requirement. In the motion for certificate of discharge, in paragraph 2, in the second check box, write the reasons the court should waive the verification requirements. You can add more pages if needed.

9. To verify that you paid any and all legal financial obligations, go to the county clerk's office and ask the clerk to sign the Confirmation of Legal Financial Obligations. Also, ask the clerk for a copy of any satisfaction of judgment filed in your case.

10. If you have completed all of the conditions of sentence, including all legal financial obligations, the court must issue a Certificate of Discharge effective the date you completed all of the requirements.

11. The court may issue a Certificate of Discharge if you verify you have completed all of the nonfinancial conditions of sentence or if the court has good cause to waive the verification requirement. In either case the discharge is effective on the **later** of the following dates:

- 5 years after you complete community custody; or
- 5 years after you complete full and partial confinement, if you were not ordered to serve community custody; or
- the date all legal financial obligations are satisfied.

12. You must ask the County Prosecuting Attorney to sign the proposed Certificate of Discharge. You may use the [ ] *Certificate and Order of Discharge* [ ] *Certificate and Order of Discharge and Order for Issuance of Separate No-Contact Order* form CR 08.0650. If the prosecutor refuses to sign the order(s) you prepared, you must note a hearing with the County Superior Court Department in the sentencing court. You must serve the Prosecutor with a Notice of Hearing used in your county.

13. After the superior court judge has signed your Certificate and Order of Discharge, the original will be filed with the County Clerk/Department of Judicial Administration of the sentencing court. You may want to notify the county auditor that your right to vote has been permanently restored by giving that office a copy of the Certificate and Order of Discharge. If the court signed a No-Contact Order, and you paid the filing fee, or it was waived, the County Clerk/Department of Judicial Administration will file the original.

14. You may wish to obtain a copy of all orders for your personal records. The County Clerk/Department of Judicial Administration will collect from you any allowable copying fees.