

HOW TO FILE A MOTION TO HIDE YOUR EVICTION CASE FROM YOUR ONLINE RECORD



**Metropolitan St. Louis
Equal Housing & Opportunity Council**

➔ What is a motion to raise the security level?

Whenever a landlord files an eviction action, the record of that case becomes viewable by the general public on the Missouri Case.net website. This means future landlords and property management companies can view the record. This matters when you are applying for an apartment and the landlord or property management company checks your rental history when deciding whether they want to rent to you.

You cannot have your eviction case expunged from your record, but you can ask the court to have the record of your eviction hidden by filing a “motion” with the court. This motion is called a Motion to Raise the Security Level.

The process of raising the security level of your case is not immediate and takes time. Someone who files this motion must appear in court to argue why their case should be sealed, and the Judge will decide whether or not the motion is granted. You should wait to file this motion until your case has been dismissed or come to its conclusion. When an eviction case is dismissed, it does not immediately disappear. The only way to get the eviction case hidden from your record is to file a Motion to Raise the Security Level.

➔ Who can file this motion?

Anyone can file a motion to raise the security level, but some cases are more likely to succeed than others. When deciding whether to grant this motion, the Judge will look at a Missouri case from 2001 called *Pulitzer* (*Transit Cas. Co. ex. Rel Pulitzer Publ'g Co. v. Transit Cas. Co. ex rel Intervening Emps.* 43 S.W.3d 293, 301-02 (Mo. 2001), as modified (Apr. 24, 2001)) to guide their decision making. The *Pulitzer* case tells the Judge that the record of a case can be sealed from the public if the person asking for the

record to be sealed can prove that the harm of keeping the eviction record public outweighs the importance of the public's right to access the court records. In an eviction case, the “public's right to access court records” refers primarily to a landlord or property management company's ability to access prior eviction information to assess the risk of renting to a new tenant.

Taking all of this into account, an argument that successfully uses the Pulitzer case will include an explanation of both 1) how the eviction record's publicity negatively affects you, and 2) that having the record sealed would not negatively impact the public.

Vague or uncertain threats to your livelihood or housing stability will not normally encourage the Judge to seal the case. You must be specific when you present your argument to the Judge. Some examples of what to include to support your argument are:

- If this was your first and only eviction.
- If the eviction case was dismissed.
- If the eviction case was one where there was a mistake or error in filing it.
- If the eviction being on your record has already made it difficult for you to find new housing.
- If the eviction action includes any issue related to domestic violence.
- If the eviction case was for “rent and possession”, but nonpayment of rent was a result of uncommon financial circumstances and the judgment was paid in full.
- If the eviction case was for “unlawful detainer,” and the case was not related at all to the payment of rent, and the case was dismissed.
- If you have earned, saved, or received funds to move, but you need to be accepted by a new landlord.
- That, because of the facts, the eviction record inaccurately or unfairly portrays you as a risky renter.

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→ How can I file this motion?

St. Louis City

- After the eviction case has been concluded or dismissed, type or write out your motion with the argument included and file the motion with the Judge in the same court the eviction case was handled in.
- To file your motion, go to the Clerk's office in the City Courthouse located at 10 North Tucker Blvd St. Louis, MO 63101. The Clerk's office is on the first floor.
- Be prepared to tell the clerk your case number and let them know you are there to file a Motion to Raise the Security Level on your eviction case.
- Give your motion to the Clerk to file on your case.
- Monitor your motion on Casenet (<https://www.courts.mo.gov/cnet/welcome.do>).
- The Judge will either grant the Motion or ask you to come in for a hearing on the motion.
- Call the Court Clerk at (314) 622-4433 if you need to schedule a hearing.

The Fair Housing Act protects people from housing discrimination based on their race, color, sex, religion, national origin, disability, or family status. Most forms of housing, as well as other activities like buying homeowners or renters insurance, are covered under the Act. While people with criminal records are not a protected group like the others previously mentioned, this guide is an introduction to how the Fair Housing Act can help housing provides and people with criminal records ensure they are treated fairly during their journey towards permanent, stable, housing.

St. Louis County

- After the eviction case has been concluded or dismissed, type or write out your motion and argument and file the motion with the Judge in the same court the eviction case was handled in.
- To file your motion, go to the civil clerks desk on the 2nd floor of the courthouse located at 105 South Central Avenue, St. Louis, MO 631105. Go up the escalator right past security and then take a right and another immediate right and find the civil clerks desk.
- Be prepared to tell the clerk your case number and let them know you would like to file a Motion to Raise the Security Level on your eviction case.
- Hand your motion to the Clerks to file.
- Your motion will then be filed on your case electronically and sent up to Judge Ott, the Presiding Judge.
- Monitor your motion by searching your case on Casenet (<https://www.courts.mo.gov/cnet/welcome.do>).
- Once the Motion is sent to Judge Ott you will need to schedule a time with her to have the Motion heard.
- Navigate to stlcountycourts.com > Our Judges > Honorable Mary Elizabeth Ott. Judge Ott usually hears these motions on Monday afternoons at 2pm.
- You will have the option to schedule your motion online.
- Call the Court Clerk at (314) 615-8029 to confirm you are on the calendar. Clerks are quite busy. Do not be alarmed if you have to attempt to call the Clerks office multiple times if you do not get a response.