

# INSTRUCTIONS TO FILE AN EXPUNGEMENT JUVENILE “JD” CASE, CRIMINAL “CR” CASE OR MUNICIPAL CASE

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

## GENERAL INFORMATION

- ◆ Under the Colorado Children’s Code, a person may request their juvenile record to be expunged (sealed from public access) by filing a Petition for Expungement of Records in each case in the District Court (or Denver Juvenile Court, if appropriate). In addition to the juvenile, a respondent parent or guardian, or a court-appointed guardian ad litem may also initiate expungement proceedings.
- ◆ A Petition may be filed to expunge a record only once during any 12-month period.
- ◆ The Juvenile should file the paperwork to seal your records with the District Court or Juvenile Court in the county where you had contact with law enforcement or where your juvenile case was heard.
- ◆ If a Juvenile was charged by a direct filing in the District Court as an Adult, but he/she was sentenced as a Juvenile, a Petition for Expungement of Records can be filed in the District Court criminal (CR) case.
- ◆ If the Juvenile’s case was transferred from one county to another, the expungement paperwork must be filed with the court in each county where a case exists to ensure that all of the records are expunged.
- ◆ You are **eligible** to petition for an expungement order:
  1. **Immediately** upon the following circumstances: a finding of not guilty at an adjudicatory trial; dismissal of the petition in its entirety as a result of non-prosecution of the offense; or successful completion of a juvenile diversion program, a deferred adjudication, or an informal adjustment.
  2. **One year from** the date of the following occurrences: a law enforcement contact that did not result in a referral to another agency; or the termination of the Court’s jurisdiction over you after successful completion of probation.
  3. **Three years from** the date of the following occurrences: your unconditional release from commitment to the Department of Human Services; or your unconditional release from parole supervision.
  4. **Five years from** the date of the termination of the Court’s jurisdiction over you or your unconditional release from probation or parole supervision, whichever date is later, if you have been adjudicated a repeat or mandatory juvenile offender and if you have not further violated any criminal statute.
  5. **At any time** if you were convicted of prostitution, as described in §18-7-201, C.R.S.; soliciting for prostitution, as described in §18-7-202, C.R.S.; keeping a place of prostitution, as described in §18-7-204, C.R.S.; public indecency, as described in §18-7-301, C.R.S.; soliciting for child prostitution, as described in §18-7-402, C.R.S.; or any corresponding municipal code or ordinance if at the time you committed the offense you were trafficked by another person, as described in §§18-3-503 or 18-3-504, C.R.S., for the purpose of performing the offense, or you were coerced by another person, as described in §18-3-503, C.R.S., to perform the offense.
- ◆ You are **not eligible** to petition for an expungement order if:
  1. You were adjudicated for an offense involving unlawful sexual behavior as defined in §16-22-102(9), C.R.S.; or

2. You were adjudicated an aggravated juvenile offender pursuant to §19-2-516(4), C.R.S.; **or**
3. You were adjudicated a violent juvenile offender pursuant to §19-2-516(3), C.R.S.; **or**
4. You were charged by the direct filing of an indictment or information in District Court as a juvenile pursuant to §19-2-517, C.R.S., and you received an adult sentence; **or**
5. You have failed to pay court-ordered restitution to a victim of the offense that is the basis for the juvenile record.

- ◆ Juvenile records remain accessible even if the case is closed, or dismissed, unless the Court has signed an Order of Expungement of Records. This Order directs the Court to expunge your record, which means that you, the agency and the Court may properly indicate that no record exists.
- ◆ If you were convicted in a municipal (city) court and that municipality handles its own expungement cases, you must file with the municipal court in which you were convicted, using the court's procedures. If the municipality does NOT have its own provision for the expungement of juvenile records through the municipal court, you may file in the District Court where the municipality is located. If you were arrested for, or convicted of a municipal offense, the attorney who prosecuted your case would be referred to as a "City Attorney".
- ◆ If your case is ordered expunged, basic information identifying you and a list of any state and local agencies and officials having contact with you, will be available to a district attorney, local law enforcement agency, the department of human services, the state judicial department and the victim as defined in §24-4.1-302(5), C.R.S. In addition, your record will be available to any judge or probation department for use in any future juvenile or adult sentencing hearing. The information shall not be available to an agency of the military forces of the United States.
- ◆ For additional information, please review Colorado Revised Statute §19-1-306, C.R.S.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:

[http://www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## COMMON TERMS

<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Petition:</li> <li><input checked="" type="checkbox"/> Petitioner:</li> <li><input checked="" type="checkbox"/> Expungement:</li> <li><input checked="" type="checkbox"/> Adjudicated:</li> <li><input checked="" type="checkbox"/> Arrest:</li> <li><input checked="" type="checkbox"/> Juvenile/Criminal Case:</li> <li><input checked="" type="checkbox"/> May:</li> <li><input checked="" type="checkbox"/> Shall:</li> </ul>	<p>Document officially commences the Expungement process.</p> <p>The person or persons filing a Petition for Expungement of Records.</p> <p>The designation of a juvenile's record whereby such records are deemed never to have existed except for the limited purposes noted above.</p> <p>A determination by the Court that it has been proven beyond a reasonable doubt that a juvenile has committed a delinquent act or that a juvenile has pled guilty to committing a delinquent act.</p> <p>To take into custody by legal authority.</p> <p>A case brought by the government against an individual accused of committing a crime.</p> <p>In legal terms, "may" is defined as "optional" or "can".</p> <p>In legal terms, "shall" is defined as "required".</p>
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**If you do not understand this information, please contact an attorney.**

## FEES

No filing fee is required. Other fees that a party to the case may encounter are as follows:

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| <input type="checkbox"/> Records Search Fees                         | Varies and is payable to the agency      |
| <input type="checkbox"/> Copies of Documents (Documents on File)     | \$.75 per page or \$1.50 if double-sided |
| <input type="checkbox"/> Copies of Documents (Documents not on File) | \$.25 per page or \$.50 if double-sided  |
| <input type="checkbox"/> Certification Fee                           | \$20.00 per document                     |

## FORMS

To access forms online, go to the website at [www.courts.state.co.us](http://www.courts.state.co.us) and then click the “Self Help/Forms” tab. The forms are available in PDF by selecting **All Court Forms and Instructions** → **Seal my case** → **Expungement of Juvenile Records**. Please click the Download PDF link under the title of the form. You may complete a form online and print or you may print it and type or print legibly in black ink.

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|----------------------------------|--|
| <input type="checkbox"/> JDF 302 | Petition for Expungement of Records  |
| <input type="checkbox"/> JDF 303 | Notice of Hearing on Petition for Expungement  |
| <input type="checkbox"/> JDF 304 | Order of Expungement of Records  |
| <input type="checkbox"/> JDF 324 | Petition for Expungement of Records for a Law Enforcement Contact Not Resulting in a Referral to Another Agency                      |
| <input type="checkbox"/> JDF 325 | Notice of Hearing on Petition for Expungement of Records for a Law Enforcement Contact Not Resulting in a Referral to Another Agency |
| <input type="checkbox"/> JDF 326 | Order of Expungement of Records for a Law Enforcement Contact Not Resulting in Referral To Another Agency                            |

## STEPS TO FILING YOUR CASE:

### Step 1: Complete all applicable forms listed below.

The caption below needs to be completed on all forms. If you are filing the Petition in a Juvenile Delinquency “JD” case, check the box entitled “People of the State of Colorado in the Interest of:” If you are filing the Petition in a Criminal “CR” case, check the box entitled “People of the State of Colorado v.” You will also need to identify the appropriate JD or CR case number. If you are filing the Petition to expunge a municipal conviction you obtained as a juvenile, check the box entitled “People of the City of \_\_\_\_\_ v.” and indicate the city where you obtained your conviction.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____		<b>▲ COURT USE ONLY ▲</b>
<input type="checkbox"/> People of the State of Colorado in the Interest of: <input type="checkbox"/> People of the State of Colorado v. <input type="checkbox"/> People of the City of _____ v.		
Petitioner: _____ Attorney or Party Without Attorney (Name and Address): _____		Case Number: _____
Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg.#: _____	Division _____      Courtroom _____	
<b>PETITION FOR EXPUNGEMENT OF RECORDS</b> <input type="checkbox"/> JUVENILE “JD” CASE <input type="checkbox"/> CRIMINAL “CR” CASE OR <input type="checkbox"/> MUNICIPAL CASE		

- Petition for Expungement of Records (JDF 302) — JD, CR or Municipal Case**
  - Enter the Juvenile’s name in the case caption.
  - All applicable sections must be completed before the Petition is filed.
  - This Petition must be signed in the presence of a Court Clerk or Notary Public.
  
- Petition for Expungement of Records for a Law Enforcement Contact Not Resulting in Referral to Another Agency (JDF 324)**
  - Enter the Juvenile’s name in the case caption.
  - All applicable sections must be completed before the Petition is filed.

- This Petition must be signed in the presence of a Court Clerk or Notary Public.
- Notice of Hearing on Petition for Expungement (JDF 303) OR Notice of Hearing on Petition for Expungement of Records for a Law Enforcement Contact Not Resulting in Referral to Another Agency (JDF 325)**
  - Complete all portions of the form.
  - The Court will send this notice and a copy of the Petition to you, the prosecuting agency, and anyone else the court has reason to believe may have relevant information related to the expungement of the record. The Court may require you to provide self-addressed stamped envelopes for all the required agencies. Check with the Court regarding its requirements.
- Order of Expungement of Records (JDF 304) OR Order of Expungement of Records – Law Enforcement Contact Not Resulting in Referral to Another Agency (JDF 326)**
  - Complete all portions of the form.
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  - The Judge or Magistrate will sign the Order at the time of the hearing if your Petition is approved.

**Step 2: You are ready to file the case with the Court.**

Provide the Court with the documents completed as described in Steps 1 above. If you are requesting to expunge multiple cases, you must file a separate Petition for each case. If the Petition has not been signed in the presence of a Notary Public, you will sign the Petition before the Clerk at this time.

- The Court may require self-addressed stamped envelopes for every agency you identified on the Notice of Hearing. Please check with the Court.
- In addition, provide a self-addressed stamped envelope to receive a copy of the Order.

**Step 3: Be prepared for the hearing.**

In cases where the Court has received a Petition for Expungement of Juvenile Records, the Court may order your case expunged and any records of any other agency or official, if at the time of the hearing on the Petition, the Court finds that:

- ◆ The Juvenile has not been convicted of, or adjudicated a juvenile delinquent for, any felony offense or misdemeanor offense involving domestic violence, unlawful sexual behavior, or possession of a weapon since the termination of the Court's jurisdiction or your unconditional release from parole supervision; **and**
- ◆ There are no criminal or delinquency actions pending or being instituted against you; **and**
- ◆ The Juvenile has rehabilitated to the satisfaction of the Court; **and**
- ◆ The expungement is in your best interest and the best interest of the community.

During the hearing, you may be asked questions about the request to have your record expunged. On the hearing date the Court will either grant or deny the Petition for Expungement of Records.

- If the Court grants the Petition, the Court will automatically "expunge/seal" the juvenile or criminal case.

**Step 4: Following the hearing.**

After the Order is entered, it is your responsibility to notify the Colorado Bureau of Investigation and those agencies listed on the Order, by mailing each agency a copy of the signed order. Your failure to notify the agencies may result in the Juvenile's arrest and criminal or municipal record not being sealed.