

# INSTRUCTIONS TO FILE AN EXPUNGEMENT JUVENILE “JD”, OR MUNICIPAL CASE PURSUANT TO 19-1-306, C.R.S.

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

- ◆ Pursuant to §19-1-306, C.R.S., you may ask the court to “expunge” your juvenile record. “Expungement” means your records will be considered to have never existed, and the public will not be able to see the records. You may lawfully deny that you have ever been arrested, charged, adjudicated, convicted, or sentenced in regards to the expunged matter. A respondent parent or guardian (parent or guardian named in a case), or a court-appointed guardian ad litem may also ask the court to expunge the records.
- ◆ A Petition to Expunge Juvenile Records must be filed in the court that has jurisdiction of the case. If the Juvenile’s case was transferred from one county to another, the petition would be filed in the county that currently has the 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 **not eligible** to petition for an expungement order if:
  1. You were adjudicated for a felony 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 adjudicated of homicide and related offense pursuant to part 1 of article 3 of title 18; **or**
  5. You were adjudicated, or convicted of any offense or infraction pursuant to title 42.
- ◆ You are **eligible** to petition for an expungement order:
  1. **Immediately** under one of the following circumstances:
    - A) You may petition the court to expunge a **closed case** that has not already been expunged immediately after:
      - You are found not guilty at an adjudicatory trial; **or**
      - The petition was dismissed in its entirety; **or**
      - You successfully complete a sentence for a petty offense, drug petty offense, class 2 or 3 misdemeanors, level 1 or 2 drug misdemeanor if the offense does not involve unlawful sexual behavior as defined in §16-22-102(9), C.R.S., is not an act of domestic violence as defined in § 18-6-800.3, C.R.S., or is not a crime under §24-4.1-302(1), C.R.S., and you were under 18 years old at the time the offense was committed; **and**
      - You do not have a felony, misdemeanor, or delinquency action pending against you.
    - B) You may petition the court to expunge a **closed case** that has not already been expunged immediately after you have completed one of the following:
      - A juvenile diversion program, a deferred adjudication, or an informal adjustment; **or**
      - A juvenile sentence for an adjudication for a class 1 misdemeanor or a petty or a misdemeanor offense that is not eligible for expungement under Section A above, if the offense did not involve unlawful sexual behavior as defined in §16-22-102 (9), C.R.S.; **or**
      - A juvenile sentence for an adjudication for a misdemeanor offense involving unlawful sexual contact as described in § 18-3-404, C.R.S.; **or**

- A juvenile sentence for an adjudication for a felony offense or felony drug offense if: (i) the felony offense was not unlawful sexual behavior as defined in §16-22-102 (9), C.R.S.; (ii) the felony offense was not a crime of violence as described in §18-1.3-406, C.R.S.; (iii) the felony offense was not a class 1 or class 2 felony; and (iiii) you had no prior felony adjudications; and
- You do not have a felony, misdemeanor, or delinquency action pending against you.

**2. One year from** the date of the following occurrences:

- A law enforcement contact, (you were given a ticket or arrested) but no further action was taken against you and you do not have a felony, misdemeanor, or delinquency action pending against you; or
- From the date the court issued an order denying the expungement records order in a closed case that falls under Section B above; and you provide new information to the court that the prior court had not considered; and you do not have a felony, misdemeanor, or delinquency action pending against you.

**3. Three years from** your unconditional release from your juvenile sentence, if you were adjudicated as a mandatory sentence offender under 19-2-516(1), C.R.S. or a repeat offender under 19-2-516(2) and a proceeding concerning a felony, misdemeanor or delinquency action is not pending against you.

◆ **A Petition may be filed only once during a twelve-month period, unless otherwise stated in § 19-1-306, C.R.S.**

◆ **After your juvenile records are expunged, they are not open to the public, however:**

1. Basic identification information 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. However, they will not be available to an agency of the military forces of the United States.
2. Any expunged record will be available to a judge and the probation department for use in any future juvenile or adult sentencing hearing pertaining to you.

◆ For repeat or mandatory juvenile offenders, any expunged record will be available for use by a court, a district attorney, any law enforcement agency, or any agency of the state judicial department in a subsequent criminal investigation, prosecution or adjudication. They may also be available during probation or parole supervision.

◆ 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

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| ☒ Petition:    | Document officially commences the Expungement process.   |
| ☒ Petitioner:  | The person or persons filing a Petition for Expungement of Records.  |
| ☒ Expungement: | The designation of a juvenile's record whereby such records are deemed never to have existed except for the limited purposes noted above.  |
| ☒ Adjudicated: | 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. |
| ☒ Arrest:      | To take into custody by legal authority.   |

- Juvenile/Criminal Case: A case brought by the government against an individual accused of committing a crime.
- May: In legal terms, "may" is defined as "optional" or "can".
- Shall: In legal terms, "shall" is defined as "required".

**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**. You may complete a form online in WORD and print or you may print it in PDF and type or print legibly in black ink.

- JDF 302 Petition for Expungement of Records
- JDF 304 Order of Expungement of Records
- JDF 324 Petition for Expungement of Records for a Law Enforcement Contact Not Resulting in a Referral to Another Agency
- 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 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.

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

- Petition for Expungement of Records (JDF 302) — JD**
- Enter the Juvenile's name in the case caption.

- All applicable sections must be completed before the Petition is filed.
- 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.
- 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. (If the case was transferred from another court or from multiple courts, include a case number from any court that previously had jurisdiction of the case on the order)
  - 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 your petition meets the eligibility requirements of **Section A** (under the “General Information” section) the court may enter an order to expunge the records and provide copies to you, parties in the case, and other agencies who have records of the case.
- ◆ If your petition meets the eligibility requirements of **Section B** (under the “General Information” section) the court will provide notice to the prosecuting attorney. If neither the prosecuting attorney nor victim files an objection within 84 days after the court issues the notice, the court will order the records expunged. If an objection is filed, the court must set a hearing on whether the records will be expunged

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

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:

- ◆ 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. You may present evidence to the court in writing prior to the hearing and in person at the hearing. 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 case.

**Step 4: Once an order for expungement is entered**

The court will send a copy of the order to parties in the case and other agencies who have records of the case.