

# INSTRUCTIONS TO FILE A PETITION TO SEAL RECORDS RELATED TO ILLEGAL POSSESSION OR CONSUMPTION OF ETHYL ALCOHOL BY AN UNDERAGE PERSON (MIP) (FOR OFFENSES COMMITTED PRIOR TO JULY 1, 2014)

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

- ◆ You (the Defendant) **may only** petition the court to seal records related to illegal possession or consumption of ethyl alcohol by an underage person if you meet **both requirements** listed below:
  - ☒ At least one year has passed from the date of your conviction, dismissal of your case, completion of your deferred judgment, or the conclusion of your deferred prosecution; **AND**
  - ☒ You have not been arrested for, charged with, or convicted of any felony, misdemeanor, or petty offense during the period of one year following the date of your conviction, dismissal of your case, completion of your deferred judgment, or the conclusion of your deferred prosecution.
- ◆ The Petition to Seal is filed in the court where the conviction was assigned, or where the case was dismissed or deferred.
- ◆ Even if your Petition to Seal is granted and your records are sealed, the Court, law enforcement and criminal justice agencies may have access to the file. The files are not destroyed. However, if inquiries are made by anyone other than a criminal justice agency, all agencies must respond that “*no such record exists with respect to such person*”.
- ◆ For additional information, please review Colorado Revised Statute §18-13-122 (as it existed prior to July 1, 2014).
- ◆ 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

- |               |  |
|---------------|--|
| ☒ Petition:   | Document officially commences the Sealing process.       |
| ☒ Petitioner: | The person or persons filing a Petition to Seal.         |
| ☒ Arrest:     | To take into custody by legal authority.                 |
| ☒ 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

There is no filing fee for this type of action.

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** → **Sealing a Case - Underage Alcohol (For offenses committed prior to July 1, 2014)**. 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.

- JDF 313(a)** - Petition to Seal Records Related to Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person (MIP) Pursuant to §18-13-122(10), C.R.S. (as it existed prior to July 1, 2014).
- JDF 314(a)** - Order Regarding the Sealing of Records Related to Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person (MIP) Pursuant to §18-13-122(10), C.R.S. (as it existed prior to July 1, 2014).

## STEPS TO FILING YOUR CASE

### Step 1: Obtain arrest and criminal records.

In order to file a Petition to Seal Records Related to Illegal Possession or Consumption of Ethyl Alcohol by and Underage Person Pursuant to §18-13-122(10), C.R.S. (as it existed prior to July 1, 2014), you must obtain the proper case report numbers, court case numbers, and arrest numbers from the original arrest or criminal records. This information is necessary to ensure that your case is sealed properly, if ordered by the Court. A fee may be required to obtain this information. The records may be found in the following locations:

- Court Records. County and District Court files are available from the Clerk of Court Office for each respective court.
- Municipal Court Records. These can be found at each Municipal Court. Contact the specific court for assistance.
- Arrest or Police Records. Contact the arresting agency. Their files have the arresting agency and arrest numbers.

### Step 2: Complete forms.

- Petition to Seal Records Related to Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person (MIP) Pursuant to §18-13-122(10), C.R.S. (as it existed prior to July 1, 2014). (JDF 313(a)).**
  - Complete all sections on the form.
  - You will be filing your petition in the same court case that you are requesting to seal. Please fill in the caption with your name, the case number, and information about the court where the original case was held, including the county, address, and division/courtroom number.
  - Specify the date of offense, the law enforcement agency and the arrest number/summons number for the records to be sealed. This information can be obtained from the arresting agency and/or the court clerk's office.
- Order Regarding the Sealing of Records Related to Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person (MIP) Pursuant to §18-13-122(10), C.R.S. (as it existed prior to July 1, 2014). (JDF 314(a)).**
  - Complete only the caption of this form with your case information and file it with the Petition. This form is for the Court's use only.
  - If the Petition is approved, the Judge or Magistrate will complete and sign the Order.

### Step 3: File documents with the Court.

Provide the Court with the documents completed as described in Step 2. If you are requesting to seal multiple cases, you must file a separate Petition to Seal for each case.

### Step 4: The Court will Review the Petition

- The Judge or Magistrate will review your petition and will order your record sealed only if you have met both of the requirements listed above in the General Information section.
- If the Court grants your petition and orders your records sealed, 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 your records not being sealed.