

# INSTRUCTIONS TO FILE A PETITION TO SEAL RECORDS RELATED TO ILLEGAL POSSESSION OR CONSUMPTION OF ETHYL ALCOHOL OR MARIJUANA BY AN UNDERAGE PERSON (MIP) OR POSSESSION OF MARIJUANA PARAPHERNALIA (OFFENSES COMMITTED ON OR AFTER 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

- ◆ If any of the following circumstances occurs in your case, the court shall immediately order that the records be sealed and provide you with a copy of the order. You do not need to file anything with the court.
  - If your case is dismissed;
  - If your case is dismissed after successful completion of a deferred judgment and sentence or diversion; OR
  - For a first-time conviction, after you successfully complete the court-ordered substance abuse education and pay any court-ordered fine.
  
- ◆ If you have been convicted more than once, you will need to file a Petition with the court asking for your conviction to be sealed. The Petition to Seal should be filed in the court where the conviction occurred. After you file your Petition, the court shall order your conviction record sealed if you meet the following requirements:
  - At least one year has passed since the date of your conviction; **AND**
  - You have not been arrested for, charged with, or convicted of any felony, misdemeanor, or petty offense during the one year period following the date of your conviction.
  
- ◆ It is your responsibility to mail a copy of the order to the Colorado Bureau of Investigation and any other law enforcement agencies that may be involved with your criminal record. If you fail to notify other law enforcement agencies, your record may not be completely sealed.
- ◆ Even if 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.
- ◆ 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

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Petition:   | Document that officially commences the Sealing process   |
| <input checked="" type="checkbox"/> Petitioner: | The person or persons filing a Petition to Seal.         |
| <input checked="" type="checkbox"/> Arrest:     | To take into custody by legal authority.                 |
| <input checked="" type="checkbox"/> May:        | In legal terms, "may" is defined as "optional" or "can". |
| <input checked="" type="checkbox"/> 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:

- |  |   |
|--|---|
| <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 |

- Copies of Documents (Documents not on File) \$ .25 per page or \$.50 if double-sided
- 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(b)** - Petition to Seal Records Related to Illegal Possession or Consumption of Ethyl Alcohol or Marijuana by an Underage Person (MIP) Pursuant to §18-13-122(13), C.R.S.
- JDF 314(b)** - Order Regarding the Sealing of Records Related to Illegal Possession or Consumption of Ethyl Alcohol or Marijuana by an Underage Person (MIP) Pursuant to §18-13-122(13), C.R.S.

## STEPS TO FILING YOUR CASE

Follow these steps only if you need to file a petition with the court to ask for your records to be sealed. Under certain circumstances mentioned above, the court will seal your records automatically and you don't need to file anything with the court. See the “General Information” section above for more details.

### Step 1: Obtain information about the records you want to seal

Before you file your Petition with the court, you must obtain certain information about the records you are trying to seal. You will need to know the date of the offense, name of the law enforcement agency that was involved in the case, and the arrest or summons number. Enter this information on your Petition form. 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's 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: Obtain a verified copy of your criminal history

Before you file your Petition with the court, you must obtain a verified copy of your criminal history from the Colorado Bureau of Investigation (CBI). The criminal history records check must be conducted no more than 20 days before you file your Petition with the court. You will need to provide the criminal history to the court at the time you file your Petition, or **NO LATER THAN 10 days** after you file your Petition with the court.

### Step 3: Complete forms.

- Petition to Seal Records Related to Illegal Possession or Consumption of Ethyl Alcohol or Marijuana by an Underage Person (MIP) or Possession of Marijuana Paraphernalia Pursuant to §18-13-122(13), C.R.S. (JDF 313b).**
  - 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, the arrest number/summons number, and the court case 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 or Marijuana by an Underage Person (MIP) or Possession of Marijuana Pursuant to §18-13-122(13), C.R.S. (JDF 314(b)).**

- 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 4: File documents with the Court.**

Provide the Court with the documents completed as described in Step 3. If you are requesting to seal multiple cases, you must file a separate Petition to Seal for each case

**Step 5: 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 the requirements listed above in the "General Information" section.

- Following a review of your petition, the Court shall grant or deny your petition.
- 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.
- Approximately 30 days after you send a copy of the Court's order to the agencies listed, your record will be sealed by the agencies.