

# INSTRUCTIONS

## How to Serve Criminal Expungement Papers & Complete the “Affidavit of Service” Form



- ✓ Did you complete the forms called “Notice of Hearing and Petition for Criminal Expungement” and the proposed “Order Concerning Sealing of Records” (Conviction or No Conviction)?
- ✓ Did you write your hearing date, time and location on the *Petition*?
- ✓ Is your signature notarized on the last page of the *Petition*?
- ✓ Did you attach any additional pages you might have needed for some paragraphs in the *Petition*?

If you answered “**yes**” to all of these questions, you are ready to serve your *Petition* and proposed *Order*.

### Who must be served with copies of your expungement papers.

The law at *MN Stat. § 609A.03* requires you to notify **ALL state and local government offices** that might have a record of the offense you want to expunge. You do this by having a copy of your expungement papers served on each of those offices. Most people need to serve **at least 7 offices**. The *Affidavit of Service* form already lists 3 state government offices with their addresses. **YOU** must get addresses for 4 or more local government offices related to your case, including:

- County Attorney’s Office
- County Department of Community Corrections (called Probation in some counties)
- County Sheriff’s Office
- City Police Department (city/municipality where the offense took place)
- City Attorney / Prosecutor’s Office (arresting police department can tell you who prosecutes their cases).

**IMPORTANT!** Get legal advice about serving **OTHER** agencies such as the MN Dept. of Human Services (regulates employment in health care, education, day care, foster care, etc.) or licensing agencies (for teaching, nursing, real estate, etc.) Depending on your situation, serving those agencies may or may not be in your best interest.

### Fill out your part of the *Affidavit of Service* form.

Get a **separate** *Affidavit of Service* form for **each case** you want to expunge. **Example:** If you want to expunge 3 different cases, you must prepare a separate *Affidavit of Service* form for each case, for a total of 3 service forms.

**YOU** must fill in the blanks of the **government office addresses** on the *Affidavit of Service* form. Write the County name and the City name where the offense happened (or where you were arrested), and write the address for each local government office related to that case. If you decide to serve the MN Dept. of Human Services and/or Dept. of Health, check the box next to their address listed on the form. If you are serving other agencies, write their names and addresses in the extra spaces on the form.

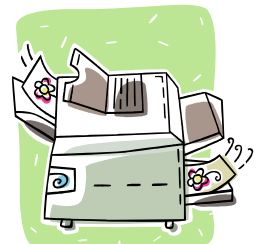
Using the **same court information** from your criminal case, **YOU** must fill in the blanks at the top of the *Affidavit of Service* form for the County, Judicial District and Court File Number. **STOP!** Your **server** fills out the other blanks on the form. See the section below called “**How your ‘server’ must complete the *Affidavit of Service* form.**”

### Get copies of your expungement papers ready to be served.

Your expungement papers can be **served by mail**, but **YOU cannot** be the one who puts the envelopes in a mailbox. Ask a friend or relative who is **over age 18 and has a valid photo I.D.** to be your “server.” Copies of the *Affidavit of Service* do **not** have to be mailed to the government offices.

#### **STEP 1** Make copies of your completed *Petition* and proposed *Order*.

Make one copy of your completed *Petition* (and any attachments) and proposed *Order* for **each government office**, and make one copy for yourself. Copies can be double-sided to save on cost. **Example:** If you are serving 8 offices as listed in your *Affidavit of Service*, you need to make 9 copies of your papers (1 for each office + 1 for you).



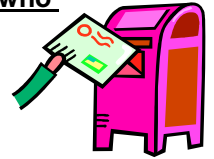
Do not count your ORIGINALS as a “copy” in the total. **Keep the ORIGINAL *Petition* and proposed *Order*** to file with the court as soon as possible after service of your papers is complete.

**STEP 2** **Address an envelope for each government office listed on your *Affidavit of Service* form.** If you want to expunge only one case, a set of copies should fit into a regular business-size envelope. You need larger envelopes to hold expungement papers for two or more cases. Most people need at least **7 envelopes**, or more if they serve a City Attorney and regulatory/licensing agencies. You should write **your return address** on the envelopes.

**NOTE:** If you want to expunge more than one case in the **same County**, you can put copies for each case into the same envelope addressed to a government office. **Example:** If you are asking to expunge 5 cases, you can put a set of copies for each case into one large envelope addressed to the BCA; then do the same for you're the other government offices. **STOP!** If any of the 5 offenses happened in **different cities** within the County, be sure to serve the correct copy of expungement papers on the correct **local** government offices (police & prosecutor) where each offense happened.

**STEP 3** **Add enough postage to each envelope to send by 1<sup>st</sup> class U.S. Mail.** The amount of postage you need depends on the number pages in each envelope. It's a good idea to weigh your envelopes at a Post Office, and buy the correct postage. You **do not** need to use “certified” or “return receipt” mail. **STOP! Do not** let a Post Office employee put the envelopes in the mailbox!

**STEP 4** **Ask a friend or family member to be your “server” who puts the envelopes in a mailbox.** **YOU cannot** be the one who puts the envelopes in a mailbox. Ask someone **over age 18 who has a valid photo I.D.** to be your server. Give your server the filled, stamped envelopes, along with the *Affidavit of Service* form. The server puts your envelopes in a U.S. mailbox and must follow the instructions below to complete the *Affidavit of Service* form.



**STEP 5** **After mailing, your server must complete the *Affidavit of Service* form.** When the form is completed and notarized, your server gives it back to you to file with the court.

## How your “server” must complete the *Affidavit of Service* form.

**AFTER** your server places your envelopes in a U.S. mailbox, he or she must fill out the blanks on the *Affidavit of Service* form as follows:

- write in the name of the **County** where the *Affidavit* is **signed** (can be different from where case is filed);
- write **their name** in the blank for the person who mailed the envelopes;
- write the **date** they mailed the envelopes. This date must be **at least 63 days BEFORE** the hearing date;
- write in the name of the **City** where they mailed the envelopes; and
- **sign** the *Affidavit of Service* **in front of a notary** (court administration can notarize court documents, and most banks have a notary on staff).

After completing these steps, your server gives the signed notarized *Affidavit of Service* form **back to YOU**.

## File your ORIGINAL expungement papers with the Court.

**YOU must file** the following documents with the court:

- ORIGINAL(S) of the *Notice of Hearing and Petition for Expungement* (and any attachments);
- ORIGINAL(S) of the proposed *Order Concerning Sealing of Records*; **AND**
- ORIGINAL(S) of the completed *Affidavit of Service* (for each case to be expunged).



File the papers with the court **as soon as possible** after service is complete. If you don't, the judge may not hear your case and you will have to start over with a new hearing date. There is **no filing fee** if your case was **not a conviction**. If your case was a **conviction**, then you **must pay a filing fee**, or ask for a fee waiver (IFP) based on low income.



Write the **court date and time** on your calendar! The court may not send you a reminder. If you don't go to your hearing, you might have to start over from the beginning.

State of Minnesota

District Court

County

Judicial District:
Court File Number:
Case Type: Criminal

STATE OF MINNESOTA )
) ss.
COUNTY OF (County where Affidavit is signed)

Affidavit of Service

I, (name of person who mailed the documents), being duly sworn upon oath, state that on (date), I served the attached documents "Notice of Hearing and Petition for Expungement" and proposed "Order Concerning Sealing of Records" by mailing true and correct copies to the parties at addresses listed below by putting envelopes with sufficient postage in the U.S. Mail in the City of

Table with 3 columns and 4 rows of government offices to be served, including MN Bureau of Criminal Apprehension, Dept. Public Safety, MN Dept. of Corrections, County Attorney's Office, County Dept. of Corrections, Sheriff's Office, Police Dept., City Attorney's Office, MN Dept. of Human Services, and MN Dept. of Health.

Signature (person who mailed the papers) Date

Subscribed and sworn to before me this
day of, 20

Printed Name:
Address:
City/State/Zip:
Telephone:

Notary Public / Deputy Court Administrator