

EXPUNGEMENT OF YOUR JUVENILE DELINQUENCY RECORD

The records of most juvenile cases are sealed from view by the public. However, the public can view the records of offenses that would be a felony if committed by an adult where the child was at least 16 years old at the time of the offense. This packet contains forms and instructions to request that a juvenile record be sealed (expunged) from public view. Please read all instructions before filling out the paperwork. You will need to make additional copies if you are seeking to expunge more than one file.

- **A petition for expungement is a complicated legal procedure.**

If you have any questions or need help, you should contact an attorney or the Fourth Judicial District Court (Hennepin County) Self Help Center, located on the 2nd floor of the Hennepin County Government Center:

Fourth Judicial District Court Self Help Center
300 South Sixth Street
Public Service Level, 2nd floor
Minneapolis, MN 55487
(612)348-9399

- **The juvenile court administrator's office cannot give you legal advice.**
- **Lawyer locator resources are on the court's website at www.mncourts.gov/selfhelp/?page=252.**
- **NOTE: If you were a juvenile prosecuted as an adult, you will need to file for expungement in ADULT COURT, not juvenile court. Petitions for ADULT cases must be filed separately in ADULT court.**

Expungement

Expungement is a court order sealing your records from the public and prohibiting disclosure of their existence or their opening except under court order or statutory authority. In other words, your records will **not** be destroyed or returned to you, even if the judge grants your request to have your records expunged.

According to Minn. Stat. §260B.198, subd. 6, in deciding whether or not to grant your expungement petition, the Court must consider the following 8 factors:

- (1) the age, education, experience, and background, including mental and emotional development, of the subject of the record at the time of commission of the offense;
- (2) the circumstances and nature and severity of the offense, including any aggravating or mitigating factors in the commission of the offense;
- (3) victim and community impact, including age and vulnerability of the victim;
- (4) the level of participation of the subject of the record in the planning and carrying out of the offense, including familial or peer influence in the commission of the offense;
- (5) the juvenile delinquency and criminal history of the subject of the record;
- (6) the programming history of the subject of the record, including child welfare, school and community-based, and probation interventions, and the subject's willingness to participate meaningfully in programming, probation, or both;
- (7) any other aggravating or mitigating circumstance bearing on the culpability or potential for rehabilitation of the subject of the record; and
- (8) the benefit that expungement would yield to the subject of the record in pursuing education, employment, housing, or other necessities.

Expungement or Sealing of a Record – What Does It Mean?

Once sealed, a record will not be available to the general public. However, certain people can still view the record, even after it is sealed. Law enforcement agencies, prosecution, immigration and correctional authorities, among others, may seek an order signed by a judge to re-open a sealed case for the purpose of criminal investigation, prosecution, or sentencing. Sealed records may also be opened without a court order if you apply for a job in law enforcement.

Arrest Record

If there is no court file (the prosecution did not file formal charges) and you've had a clean record for the past 10 years, a petition to the court is not necessary to expunge your arrest record. You should contact the arresting agency and/or the Minnesota Bureau of Criminal Apprehension (BCA). There is a process to expunge arrest records under Minn. Stat. §299C.11. Visit the Self Help Center for more information.

Other Considerations

Juvenile Court staff, the County Attorney's Office, the Bureau of Criminal Apprehension, the Sheriff's Office, the Attorney General's Office, and the Department of Corrections **cannot** help you fill out these forms. If you are unable to fill out the forms, visit the Court's Self Help Center located in the Hennepin County Government Center.

- If you need legal advice, you will need to speak with an attorney. You may contact the Self Help Center for information about clinics where you can get free legal advice and about any available Criminal Expungement Clinics. If you'd like to hire an attorney to represent you, you may contact the Hennepin County Bar Association's Lawyer Referral Service at (612)752-6666.
- You **must** fill out all forms (including the petition, the Affidavit of Service, and a separate Order for each case you want expunged).
- Type your answers or print clearly in dark ink.
- If you plan to file an application to become a citizen of the United States, you should get **certified copies** of the following documents BEFORE you start the expungement process:
 - Police reports – from the police department where the offense or arrest occurred; and
 - "Register of Actions" from the court's records

The U.S. Department of Immigration and Customs Enforcement will require you to provide these documents and it will be difficult to get them if the case is expunged.

PROCEDURES FOR JUVENILE EXPUNGEMENTS

STEP 1

COMPLETE THE PETITION AND

COMPLETE A SEPARATE ORDER FOR EACH CASE YOU WANT EXPUNGED

- Notice of Hearing and Petition for Expungement (pages 7-9 of this packet)

Your Petition for Expungement is your formal written request to the Court for an Order. You must fill out this document completely. The Petition must list **each juvenile case** that you are asking to expunge. **YOU ARE REQUIRED** to list all prior and pending criminal or juvenile charges in Minnesota or any other state on the petition, including any stays of adjudication, continuances for dismissal, or pretrial diversions in ANY jurisdiction. If you are unsure about your court records, please contact the Records Center at (612)348-5089. The Minnesota Bureau of Criminal Apprehension will provide a printed record for a fee. You may contact them at (651)642-0670 for more information.
- Proposed Order to Expunge Juvenile Records (pages 13-16 of this packet)

After your expungement court hearing, the Court will issue a written order either granting or denying your request. This expungement packet contains a form order that you will fill out and that the judge will review prior to your hearing. The judge may or may not use your form order when issuing the Court's order. **You must**

complete a separate order for each case you want expunged.

- Request for Waiver of Filing Fee – In Forma Pauperis (IFP) (separate packet)

If you cannot afford to pay the \$299 filing fee needed to file your expungement petition, you may request a fee waiver by filling out an In Forma Pauperis (IFP) Affidavit. You must complete your expungement petition before you can ask for a waiver of the filing fees. Once you have received the IFP Affidavit, you will need to complete it with all information requested. If your IFP is granted based on your financial information, you will not have to pay a filing fee.

STEP 2

GET A COURT DATE, & FILE PAPERWORK

- After the paperwork has been completed, you may get a court date for your hearing.
- The court clerk at the juvenile court filing desk can schedule your court date. If you are unable to come in, you may call the record center to get a court date at (612)596-7119.
- A filing fee is required when filing documents (in Hennepin County Juvenile Court the fee is \$299), unless you are unable to pay and have obtained an order from the court waiving the fee (see Step 1 above for how to obtain a waiver).
- If you are unable to file the paperwork in person, you may mail it (along with a check for \$299.00 payable to District Court OR completed IFP paperwork) to:

Juvenile Justice Center
Attn: Juvenile Court Expungement Clerk
590 Park Avenue
Minneapolis, MN 55415

STEP 3

MAKE COPIES OF FORMS

The petition must be served on ALL state and local agencies whose records would be affected by the proposed order. Examples of these agencies include: the Minnesota Bureau of Criminal Apprehension, the Attorney General's Office, the local police department, the prosecuting attorney, the sheriff's department, the Department of Corrections (probation) and the Department of Human Services. **Remember to keep a copy of your papers for yourself.**

Make sure the following are included in the copies:

- Notice of Hearing and Petition (with the scheduled hearing date).
- The unsigned proposed Order(s) you want the judge to sign.

STEP 4

SERVICE ON EACH AGENCY AND THEIR ATTORNEYS

- Service means that you are required to make sure each agency receives a copy of your paperwork. The completed paperwork must include the upcoming court hearing date.
- You are responsible to make sure that service is done properly. Court staff cannot serve the documents for you.
- Service of expungement papers is done by mail. They must be mailed by a third party – **not you** – who is at least 18 years old.
- That person must first mail a copy of all required documents to all required parties. After mailing, that person completes an Affidavit of Service by filling in the information on the form and then signing the Affidavit of Service (this document is page 12 of this packet). Your server then gives you the completed Affidavit of Service for filing. Service must be completed at least 63 days (approximately 9 weeks) before the scheduled hearing date.
- When the Affidavit of Service form is complete, you must file it by mail (to the address listed under Step 2) or in person at the Juvenile Justice Center before the court date to prove that your paperwork has been served on all of the parties. If it is not received two weeks after service has been completed, your hearing may be cancelled.

STEP 5

THE COURT HEARING

You must appear at the hearing. Bring your copies of the documents along with you to court for your own reference. The original documents will already be in the court file.

At the hearing, the judge will review your petition and any attachments you have submitted. The judge will also consider any information presented by the prosecutor, any of the various law enforcement agencies to which you sent your paperwork, and the victim. These parties may support your petition, may take no position on your petition, or may oppose your petition. The victim has the right to submit an oral or written statement to the court. The judge may or may not grant the expungement. The judge may sign the proposed order that you have provided (granting or denying your request), or may prepare his or her own order.

The judge may deny the expungement if your request does not meet the requirements, even if no one objects.

When the order is signed, the juvenile court administrator's office will send a copy of the order to all agencies named in the order to receive notice. Note that these agencies have 60 days to appeal the order.

State of Minnesota

District Court

County of Hennepin

Judicial District:	Fourth
Court File Number:	27-J
Case Type:	Juvenile Delinquency

In the Matter of the Welfare of:

**Notice of Hearing and
Petition for Expungement**

Respondent/Petitioner

**(Sealed Records)
Minn. Stat. §§260B.198**

Notice of Hearing

Notice to Law Enforcement/Prosecutor: Any objection to expungement in this case shall be filed with the court as soon as possible, and within 60 days. This matter is scheduled for hearing on _____(date) at _____(time); at Hennepin County Juvenile Justice Center, 590 Park Ave, Minneapolis, MN 55415. The day of the hearing, go to the Court Information Desk on the first floor to find out which courtroom the hearing will be in. You must be in the courtroom by the scheduled time.

Petition for Expungement

1. I state under oath that I am petitioning the court for expungement (sealing) of a juvenile record.
2. My full name, and all other legal names or aliases I have been known as, are:

3. My date of birth is: _____

7. I have no criminal records, other than listed at #6, in this state or elsewhere.
8. All prior requests for expungement, pardon or sealing of a criminal record, whether for this offense or for any other offense, whether granted or not, that I have made include: _____

9. The details of the offense(s) I want to expunge are listed on the "Case Detail Attachment".
10. The names of the victims, if any, are listed on the "Case Detail Attachment".
11. There is is not a current or prior order for protection, restraining order or other no-contact order prohibiting me from contacting the victims (attach copies of any orders to petition).
12. Since disposition, I have taken the following steps toward personal rehabilitation, including treatment, work, or other personal history (Attach additional pages if necessary.): _____

I declare under penalty of perjury that everything I have stated in this document is true and correct.
 Minn. Stat. § 358.116

Dated	Signature
	Name: _____
	Address: _____
	City/State: _____
	Zip Code: _____
	Telephone: _____

State of Minnesota

District Court

County of Hennepin

In the Matter of the Welfare of:

Judicial District: Fourth
 Court File Number: 27-J

Case Type: Juvenile Delinquency

PROOF OF SERVICE

STATE OF MINNESOTA)
 COUNTY OF _____)
 (County where Affidavit Signed)

I, _____ (name of person who mailed the documents),
 state that on _____ (date), I served the attached documents, *Notice of Hearing and Petition for Expungement* and proposed *Order*, by mailing true and correct copies to the parties checked below at the addresses listed by putting envelopes with sufficient postage in the U.S. Mail in the City of _____.

1	<input checked="" type="checkbox"/> MN Bureau of Criminal Apprehension CJIS-CCH-Court Orders / Petitions 1430 Maryland Avenue East St. Paul, MN 55106 (Required)	5	<input checked="" type="checkbox"/> Hennepin County Dept. of Corrections (Probation) Attn: Intake Records Unit 590 Park Avenue, MC 872 Minneapolis, MN 55415 (Required)	9	<input checked="" type="checkbox"/> MN Dept. of Human Services Attn: Licensing, Legal Division P.O. Box 64242 St. Paul, MN 55164-0242 (check box & use if related to your case)
2	<input checked="" type="checkbox"/> Public Safety Office of the MN Attorney General Suite 1800 NCL Towers 445 Minnesota Street St. Paul, MN 55101 (Required)	6	<input checked="" type="checkbox"/> Hennepin County Sheriff's Office Attn: Records PSF-Record's Manager 401 South 4 th Avenue, #100 Minneapolis, MN 55415 (Required)	10	<input type="checkbox"/> MN Dept. of Health 85 E. 7 th Place, #220 P.O. Box 64970 St. Paul, MN 55164-0970 (check box & use if related to your case)
3	<input checked="" type="checkbox"/> MN Dept. of Corrections Attn: Records 1450 Energy Park Drive, Ste. 200 St. Paul, MN 55108-5219 (Required)	7	<input checked="" type="checkbox"/> _____ Police Dept. Attn: Records _____ _____ _____ (check box & use if related to your case)	11	<input type="checkbox"/> MN Dept. of Natural Resources 500 Lafayette Road St. Paul, MN 55155-4040 (check box & use if related to your case)
4	<input checked="" type="checkbox"/> Hennepin County Attorney's Office Juvenile Prosecution Division 525 Portland Avenue South Minneapolis, MN 55415 (Required)	8	<input type="checkbox"/> _____ City Attorney's Office (Prosecutor) Attn: Criminal Division _____ _____ _____ (check box & use if related to your case)	12	<input type="checkbox"/> _____ _____ _____ (check box & use if related to your case)

<p>13</p> <p><input type="checkbox"/></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><i>(check box & use if related to your case)</i></p>	<p>14</p> <p><input type="checkbox"/></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><i>(check box & use if related to your case)</i></p>	<p>15</p> <p><input type="checkbox"/></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><i>(check box & use if related to your case)</i></p>
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I declare under penalty of perjury that everything I have stated in this document is true and correct.
Minn. Stat. § 358.116

Date _____

Signature (person who mailed the papers) _____

Printed Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

State of Minnesota

Hennepin County

District Court

Judicial District:	Fourth
Court File Number:	27-J
Case Type:	Juvenile Delinquency

In the Matter of the Welfare of:

Order Concerning Sealing of Record

_____,
Respondent/Petitioner

Date of Birth _____

The above-entitled matter came before the Court upon a Petition for Expungement in the above matter.

Appearances were:

- Petitioner
- County Attorney _____
- Other _____
- Waived

Upon the files and records, the court finds:

1. On _____ (date) in the District Court, Juvenile Division of Hennepin County, the petitioner:
 - Entered a guilty plea to the crime of _____ and received a stay of adjudication; –or–
 - Entered a plea or was found guilty of _____ and was adjudicated for that offense.
2. Petitioner was not adjudicated of an offense that requires registration under Minn. Stat. § 243.166.
3. The petitioner was placed on probation and an order discharging the petitioner from probation has been filed and/or the proceedings dismissed.
4. Proper service has has not been given including notice to any victim(s) if required.
5. Based on review of the eight factors required by Minn. Stat. § 260B.198, subd. 6 to be considered by this Court, this Court finds that there is is not clear and convincing evidence that sealing the record pursuant to the Court’s authority would yield a benefit to petitioner commensurate with the disadvantages to the public and public safety of: (1) sealing the record; and (2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.

Upon the Findings of the Court and the files and records herein, IT IS ORDERED:

- 1. Petitioner's request for sealing of records is denied.
- 2. Petitioner's request for sealing of records is granted. All official records held by the following agencies, other than the non-public record retained by the Bureau of Criminal Apprehension, including all records relating to arrest, indictment or complaint, trial, dismissal and discharge shall be sealed and their existence shall be disclosed only by court order, except as authorized by law:
 - Hennepin County Attorney
 - _____ City Police
 - Attorney General
 - County Probation/Court Services
 - Hennepin County Sheriff
 - Bureau of Criminal Apprehension
 - MN Dept. of Corrections
 - Other _____
- 3. This order restores the petitioner to the status occupied before the arrest. The petitioner will not be guilty of perjury for failure to acknowledge the arrest or proceeding in response to any inquiry made for any purpose.
- 4. The court administrator shall send a copy of this expungement order to each agency and jurisdiction whose records are affected.
- 5. The petitioner shall continue to be prohibited from shipping, transporting, possessing, or receiving a firearm for the remainder of the petitioner's lifetime since the conviction was for a crime of violence and a relief of disability order was not issued under Minn. Stat. § 609.165, subd. 1d.
- 6. Other: _____

Dated: _____

Judge of District Court