

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 this kind of juvenile record be sealed (expunged) from public view. Please read all instructions before filling out 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.**
- **Learn more about criminal expungement on the court's website at www.mncourts.gov/selfhelp/?page=276.**
- **A Step-by-Step Expungement Forms Tutorial and short expungement video are available on the court's website at www.mncourts.gov/selfhelp/?page=1913.**
- **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.

You may qualify for expungement if:

- the charges against you were dismissed,
- you were found not guilty, or
- you did not enter a plea of guilty.

If your situation does not meet one of these criteria, you may still be able to request that the court consider expunging your record.

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.

It is also important to understand that an expungement order may only expunge the record(s) held by state courts and may not necessarily expunge records held by state or local agencies. This is important because both the court's records and the Bureau of Criminal Apprehension's records are usually viewed as part of a criminal background check.

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, 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 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 Criminal Records (pages 12-15 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 form orders 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. There are two types of orders: Order Sealing Record/Stay of Adjudication OR Adjudication (if you entered a guilty plea or there was a finding of guilt) and Order Concerning Sealing of Records/No Adjudication (if you did not enter a guilty plea and there was no finding of guilt). Use the order appropriate to your situation.

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

If you do not have the money to pay the \$322 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.

NOTE: There is no filing fee if your case was dismissed.

STEP 2

**SIGN YOUR NAME IN FRONT OF A NOTARY PUBLIC OR A DEPUTY COURT ADMINISTRATOR,
GET A COURT DATE, & FILE PAPERWORK**

- Once you have filled out your Petition and Order(s), sign the Petition in the presence of a notary public or deputy court administrator (this can be done by a court clerk when you come in to file your paperwork as long as you have a state-issued photo ID). After the paperwork has been notarized, and 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 civil filing fee is required when filing documents (in Hennepin County Juvenile Court the fee is \$322), 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). You do not have to pay a filing fee if the case you are requesting to have expunged was dismissed.
- **Make sure you are filing the original paperwork (the paperwork with the actual signature in ink). If the paper work is not original, the court may cancel your hearing.** If you are unable to file the paperwork in person, you may mail it (along with a check for \$322.00 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). **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 in front of a notary or a deputy court administrator (this document is page 11 of this packet). Your server then gives you the completed Affidavit of Service for filing. Do not forget to have the person fill in the city attorney and police department on the form. 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 will 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. If your request is granted, these agencies have 60 days to appeal the order. Your record remains public during this period and while any appeal is pending. If no appeal is filed, the record will be sealed 60 days after the filing of the order. It is a good idea to get a **certified copy of the order** for your own records. Unless you have an in forma pauperis (IFP) Order on file, the fee is \$14.00 per certified copy.

State of Minnesota

District Court

County of Hennepin

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

State of Minnesota,

Plaintiff

vs.

Respondent/Petitioner

**Notice of Hearing and
Petition for Expungement**

**(Sealed Records)
Minn. Stat. §§ 609A.03,
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: _____

4. The following are all of the addresses I have lived at since the date of the offense for which I am seeking expungement: (street address, city, state) _____

5. I am seeking expungement because (include whether expungement is sought for employment or licensure purposes, the statutory or other legal authority under which expungement is sought, and state in detail and with specifics why expungement should be granted. Attach additional pages if necessary.): _____

6. My criminal record including all charges, adjudications, convictions, stays of adjudication or imposition of sentence and pending actions for misdemeanors, gross misdemeanors or felonies in this state, another state, federal court, or a foreign country, whether the conviction occurred before or after the offense for which expungement is sought, consists of:

| Case Number | County-State | Type of Charge | Date of Offense | Adjudication (Y/N) | Date (if Yes) |
|-------------|--------------|----------------|-----------------|--------------------|---------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

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. I qualify for an expungement because:

- A delinquency matter was resolved in my favor (use Order Concerning Sealing of Records/No Adjudication).
- I entered a guilty plea or a finding of guilt was made, but I have rehabilitated myself. The benefit to me outweighs the disadvantage to the public and the burden on the court (use Order Sealing Record/Stay of Adjudication OR Adjudication) (this also includes if your first time controlled substance violation was dismissed and the proceedings against you were discharged pursuant to a diversion program).

10. The details of the offense I want to expunge are:

Case Number: _____
 Jurisdiction/City where the offense occurred: _____
 Type of Offense: _____
 Date of Offense: _____
 Date of disposition: _____

11. The names of the victims in this case are: _____
 _____ Or, there were no identifiable victims.

12. 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).

13. Since disposition, I have taken the following steps toward personal rehabilitation, including treatment, work, or other personal history (Attach additional pages if necessary): _____

Dated

Signature (*Sign only in front of notary public or court administrator.*)

Subscribed and sworn to before me
 this _____ day of
 _____, _____.

Notary Public \ Deputy Court Administrator

Name: _____

Address: _____

City/State: _____

Zip Code: _____

Telephone: _____

Addresses of Departments that need to be served:

MN Bureau of Criminal Apprehension
CJIS-CCH-Court Orders/Petitions
1430 Maryland Avenue East
St. Paul, MN 55106

Hennepin County Sheriff’s Office
PSF – Records Manager
401 South 4th Avenue, #100
Minneapolis, MN 55415

Public Safety
Office of the MN Attorney General
445 Minnesota Street, Suite 1800
St. Paul, MN 55101

Hennepin County Attorney’s Office*
Juvenile Prosecution Division
525 Portland Avenue South
Minneapolis, MN 55415

Hennepin County Department of Corrections
Attn: Intake Records Unit
590 Park Avenue, MC 872
Minneapolis, MN 55415

MN Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108-5219

For Minneapolis cases, these two departments need to be served:

Attn: Criminal Division – Juvenile Expungement
Minneapolis City Attorney
City Hall, Room 210
350 South 5th Street
Minneapolis, MN 55415

Attn: Records
Minneapolis Police Department
350 South 5th Street, Room 31
Minneapolis, MN 55415

***In some cases Hennepin County is not the prosecuting agency. It is your responsibility to be aware of this and serve the right parties. The Self Help Center may be able to help you.**

For St. Anthony cases, these two departments need to be served:

Steven P. Carlson
Foster, Ojile, Wentzell & Brever, LLC
2855 Anthony Lane
St. Anthony, MN 55418

Attn: Records
St. Anthony Police Department
3301 Silver Lake Road NE
St. Anthony, MN 55418

If your case is **NOT A MINNEAPOLIS OR ST. ANTHONY CASE** you will need to use the appropriate address for the City Attorney and the Police Department who handled your case. You can contact the following Division for the appropriate addresses:

| | | |
|----------------------------|--|----------------------------|
| <u>Division II</u> | <u>Brookdale District Court</u> | <u>612.543.2150</u> |
| <u>Division III</u> | <u>Ridgedale District Court</u> | <u>612.543.1400</u> |
| <u>Division IV</u> | <u>Southdale District Court</u> | <u>612.543.0400</u> |

State of Minnesota

County of Hennepin

District Court

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

Affidavit of Service

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

I, _____ (Name of person who mailed the documents), being duly sworn upon oath, state that I am at least 18 years of age; that on _____, I served the attached documents (Notice of Hearing and Petition for Expungement and Proposed Order) by mailing a true and correct copy to the following parties at the following addresses by placing the documents in the U.S. mail in the city of _____ with sufficient postage:

Table with 5 columns: ID, Recipient Name/Address, ID, Recipient Name/Address, ID. Rows include MN Bureau Of Criminal Apprehension, Hennepin County Sheriff's Office, Public Safety, and Hennepin County Attorney's Office.

Dated: _____

Signature (Sign only in presence of notary/Court Deputy)

Subscribed and sworn to before me this (Date):

Print Name: _____

Notary Public/Deputy Court Administrator

Address: _____

City/State/Zip: _____

Telephone: ____ / _____

State of Minnesota

Hennepin County

District Court

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

State of Minnesota,
Plaintiff

**Order Concerning Sealing of Records
No Adjudication**

vs.

Respondent/Petitioner

Date of Birth _____

On _____ (date), the Court considered the Petition for Expungement in the above matter.

Appearances were:

- Petitioner
- County Attorney
- Other _____
- Waived

The Court finds:

1. The respondent was charged with the crime(s) of: _____
2. The above-entitled delinquency action was determined in favor of the petitioner.
3. The respondent has petitioned for the sealing of all records relating to an arrest, indictment or information, trial or verdict.
4. The petitioner has established that he/she has not been convicted/adjudicated of a felony, either within or without the state, within ten years, before the verdict or finding of not guilty or the dismissal.
5. Proper notice has has not been given including notice to any victim if required.
6. The law enforcement agency or jurisdiction whose records would be affected has has not established by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record, as required in Minn. Stat. § 609A.03, subd. 5(b).

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, including all records relating to the arrest, indictment or complaint, trial and dismissal, shall be sealed and the existence not disclosed without court order, except as authorized by law.
- 3. That for this offense only, all finger and thumb prints, photographs and other identification data except for DNA samples, and all copies of duplicates thereof, shall be sealed by the following departments:
 - County Attorney
 - _____ City Police
 - Attorney General
 - County Probation/Court Services
 - Other _____
 - County Sheriff
 - _____ City Prosecutor
 - Bureau of Criminal Apprehension
 - MN Dept. of Corrections
- 4. The court administrator shall send a copy of this expungement order to each agency and jurisdiction whose records are affected.

NOTE: This order is stayed for 60 days, and during any appeal. Records will not be sealed until after this time.

Dated: _____

Judge of District Court

State of Minnesota

Hennepin County

District Court

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

State of Minnesota,
Plaintiff

vs.

**Order Concerning Sealing of Record
Stay of Adjudication OR Adjudication**

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 of _____ 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 discharged by the commissioner of corrections, or 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. There is is not clear and convincing evidence that sealing the record pursuant to the Court’s inherent 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:
 - County Attorney
 - _____ City Police
 - Attorney General
 - County Probation/Court Services
 - Other _____
 - County Sheriff
 - _____ City Prosecutor
 - Bureau of Criminal Apprehension
 - MN Dept. of Corrections
- 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: _____

NOTE: This order is stayed for 60 days, and during any appeal. The records will not be sealed until after this time.

Dated: _____

Judge of District Court