

How to ask the Court to Expunge (Seal) your Criminal Court Record



This is a **Step-by-Step Guide** for filling out expungement forms for a criminal case that was handled in a State of Minnesota District Court. For more information about the expungement process, go to www.mncourts.gov/selfhelp and click on Criminal Expungement.

Let's get started...



Follow these **STEPS**

STEP 1. Get your complete criminal case history.

Even though you can only ask for an expungement in the county in which the incident occurred, you must list all of your cases – from everywhere – in your petition. Before you start filling out the forms, you need printouts of your criminal case histories for all cases where you were charged with a crime, **even** those where you were not convicted. A crime means a **misdemeanor**, **gross misdemeanor**, or **felony**. Make sure you get printouts for all cases in state and federal court anywhere in the U.S., **plus** any criminal cases in other countries.

- ➔ **Get a copy of your criminal case history from a Minnesota District Court.** You can get a paper printout of your Minnesota criminal case history from a court clerk in the county in which the case occurred. If you want to expunge a criminal case in another state, you must contact that state court directly and follow their expungement process.
- ➔ **Get a copy of your criminal case history from another Minnesota county.** If you know you have criminal cases in more than one Minnesota

county, contact the Minnesota Bureau of Criminal Apprehension (**BCA**) to get a printout of your criminal record information for the entire state. You can do this in person at the BCA offices in St. Paul, or by mail. The BCA address is:

Minnesota Bureau of Criminal Apprehension
1430 Maryland Avenue East
St. Paul, MN 55106
(651)793-2400

You can find more information about criminal case histories at www.dps.state.mn.us/bca.

➔ **Get a copy of your criminal history from another state.**

If you had criminal cases in other states, contact those courts directly about your criminal record information. You may also want to contact the Federal Bureau of Investigation (**FBI**) if you are not sure of your complete record in other states. Their website is www.fbi.gov/hq/cjisd. Their address is:

FBI-CJIS Division – Record Request
1000 Custer Hollow Road
Clarksburg, VA 26306
(no contact via phone)

▣ **STEP 2. Get the expungement forms.**

Get a complete set of expungement forms for **each** Minnesota case that you want to expunge. The forms are available from the Court Clerk at the courthouse where the case was handled. There may be a small fee for the forms. You can also download and print copies of the forms from the Minnesota State Court website at www.mncourts.gov/forms.

You will need a set of forms for **each** of your criminal cases, and they are called:

1. *Notice of Hearing and **Petition** for Expungement* (3 pages)
2. **Order Concerning Sealing of Records** (Conviction or No Conviction)(2 pages)
3. **Affidavit of Service** (1 page)

❑ **STEP 3. Get your personal items.**

➔ **Gather these things together before you start filling out the forms.**

- a list of all of your home addresses, starting with the date of your first criminal arrest or charge, up to and including your current address;
- a blue ink pen (blue makes it easy to tell the completed **original** forms from the copies, but black is OK, too);
- white-out fluid to fix mistakes.

❑ **STEP 4. Fill out the first part of the Petition.**

Petition for Expungement

1. I state under oath that I am petitioning the court for expungement (sealing) of a criminal record.

2. My full name, and all other legal names or aliases I have been known as, are:
1 _____
_____.

3. My date of birth is: **2** _____ [Month, Day, Year] _____.

Figure 1. First part of the Petition.

1 Write all of the names that you have been known by. Start with your current legal name, and then list any other names like a maiden name or other married names. If you were a Senior (Sr.) or Junior (Jr.), write your name with the correct abbreviation. Now look at your criminal history printouts. All of your names on those printouts should be listed in **Item #2**.

2 Write your birth date in this order: Month, Day, Year.

STEP 5. Start to fill out Page 2 of the Petition.

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,

Figure 2. All home addresses.

3 At the top of Page 2 in **Item #4**, write all of the addresses where you have lived, starting with your home address at the time you were first arrested or charged. If you have more than one case you want to expunge, look for which case happened first. Then add **every** home address you have had since then and finish with the address where you live now.

Include the full address with the house or building number, street name, city and state. If you do not remember an address, look through your papers and records to try to find the address. If you cannot find the information, write down what you do remember, like the name of the street, city & state.

STEP 6. Explain why you want an expungement .

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 why expungement should be granted): _____

Figure 3. Why you want an expungement.

4 **Item #5** is a **VERY IMPORTANT** answer. The Judge will read your answer carefully. When you ask for an expungement, the Judge must weigh the disadvantages for the community if your case is expunged against the benefits you

would get from the expungement. You are the one who must tell the Judge how you will benefit from the expungement.

TIP: Ask yourself... “How does my criminal record cause problems in my life today?” Think of what you would say.

For most people, their criminal record caused them to lose a job or a promotion, or they were denied housing or a job license. You might have other reasons. If more than one problem happened because of your criminal record, briefly explain what happened each time.

If you were denied work or housing, describe the details of those situations. For jobs, include the type of job you applied for, your experience with that kind of work, the name of the employer and the reason they gave you for not hiring you. For housing, describe where you were turned down and the reason the landlord gave for turning you down.

5

Next, in **Item #5** explain how your life will be better if you get an expungement. If you have minor children or other family whom you have to support, how will an expungement benefit your family?

Most people need more space to write their complete answer, so if you need more space, use a separate sheet of white paper the same size as the expungement forms. At the top of that sheet, write “**Attachment to Petition, #5**”. Finish your answer on that separate sheet of paper. Then go back to **Item #5** on the Petition and write “**See Attachment.**”

If you have letters from people who can support or prove what you are saying about your situation, attach those letters to your Petition. Again, at **Item #5** write down that you have attached letters or other papers. **EXAMPLE:** “**See attached letter from Mr. Jones.**”

TIP: Because **Item #5** is so important, you might want to ask someone else to read your answer and tell you if your reasons sound clear and convincing.

STEP 7. List your entire criminal history.

6. My criminal record including all charges, 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#	County-State	Type of Charge	Date of Offense	Conviction (Y/N)	Date (If Yes)
6	7	8	9	10	11

Figure 4. Complete criminal history.

It is very important to list **ALL** of your criminal **charges** in **Item #6**. When you sign and file your expungement forms, you are swearing under oath that everything you wrote down is the truth and that your answers are complete.

The prosecutor’s office might run a criminal history check when they find out you are asking for an expungement. If you don’t list everything, the prosecutor is likely to tell that to the judge. If you realize later that you left out a charge, be honest about it at your court hearing. Your honesty is a big factor for the Judge in deciding whether to grant an expungement.

List all charges for **misdemeanors**, **gross misdemeanors**, or **felonies** that have ever been filed against you at any time in any county, state, or foreign country. Petty misdemeanors are not crimes, and you do not need to list pettys **UNLESS** you were first charged with a misdemeanor or a gross misdemeanor and that charge was later reduced to a petty misdemeanor. **REMEMBER** to include traffic offenses, but only if the traffic offense was a misdemeanor or gross misdemeanor. You must also include “pending” cases. A pending case is one where there is a charge, but no final outcome yet. List all charges, no matter what the outcome was.

TIP: Look at your criminal history printouts to get information you need for **Item #6**. The printouts can be confusing. You can ask a Court Clerk for help to understand the printout or take it to a Self-Help Center if your Court has one. If you have a BCA printout or a printout from another state, you may need to call them for help.

- 6 Look at your criminal history printout for the first charge. Find the Case number or File number and write that on the form.
- 7 Next, write the County and State where you were **charged**. (**ex.**, Dakota / MN)
- 8 Write down the Type of Charge (**ex.**, theft, assault, driving after revocation, etc.).
- 9 Write the date of the alleged offense, which was when you were arrested or given a ticket (Month / Day / Year.)
- 10 If you were convicted, write “**YES**” or “**Y**” under the heading “Conviction Y/N.” If you pled guilty, write “**YES**”. Sometimes people plead guilty and the final outcome of the case is not a conviction; it could be a **dismissal, discharge, stay of adjudication, or stay of imposition**. For this expungement form, if you pled guilty you **must** write “**YES**”, no matter what the final outcome was. Write “**NO**” if you did not plead guilty **and** you were not convicted.
- 11 If you were convicted, write that date in the last column. If you pled guilty and the final outcome resulted in no conviction, put in the date you entered your guilty plea. If you **never** pled guilty and you were **not** convicted, then leave that space blank. For traffic offenses you can leave the last 2 columns blank.

If you have more than one charge, continue to fill in the same information for each charge. If you have a lot of charges, you may need more paper to write in all the information. You can attach a piece of white paper the same size as the expungement form and write “**Attachment to Petition, #6**” at the top. Then, finish listing all the information about all of your charges like you did on the form. **REMEMBER** to write “**See Attachment**” at **Item #6** on your form.

□ STEP 8. List prior expungement or pardon information.

9. 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: __

Figure 5. Prior expungement and pardon information.

- 12 You must tell the court about other times when you asked for an expungement or a pardon. If you have never asked for one before, write “**NONE**” on the form. If you have filed a Petition for Expungement before, or if you asked a governor for a Pardon, write the details of those cases. Put down the County and State where you asked for the expungement or pardon, the date you filed your papers, which case(s)

you tried to expunge or pardon, and whether the expungement or pardon was granted or denied

You have now completed Page 2 of the Petition for Expungement. You will need to complete Petition forms for **each** case you want to expunge.

TIP: If you have more than one case that you want to expunge, you can save yourself a lot of work by making photocopies of the Petition form that you have filled out up to this point. Your answers to **Items #1- 8** will be the same for each of your cases. **EXAMPLE:** If you want to expunge 4 cases, make 3 copies of the 3-page Petition with **Items #1- 8** already filled in. You will then have a Petition form for each case with many answers already filled in.

■ STEP 9. Fill out the Case Caption.

State of Minnesota	District Court
County of [name of county] 13	Judicial District: 14 [district number] 15 Court File Number: [criminal case number] Case Type: Criminal
State of Minnesota, Plaintiff vs. [your name] 16 Defendant/Petitioner	Notice of Hearing and Petition for Expungement (Sealed Records) MS 609A.03

Figure 6. Case Caption.

If you want to expunge only one case, continue with the form you started filling out. If you have more than one case you want to expunge, pick one of your Petition forms with **Items #1- 8** filled in, and continue here with information specific to that one case. **Go back to Page 1** of the Petition. The area at the top of the Petition is called the Case Caption.

13 After “County of ____” write the name of the Minnesota county where your case was charged and filed in court.

14 After “Judicial District ____” spell the number of your district. There are 10 Judicial Districts in Minnesota. For example, if your case was charged in Hennepin County, that is the “**FOURTH**” Judicial. If the County is Ramsey, that is the “**SECOND**” Judicial District. If you do not know the number of the judicial district, call the court or visit the court website at www.mncourts.gov.

15

In the space after “Court File Number____,” write the number of the criminal court file you want to expunge. You will find that number on your Minnesota District Court criminal history printout.

16

Next, write your name in the blank above “Defendant/Petitioner” exactly as it appears on your criminal history for this case, **even** if you have a different legal name today. If your name is different now, write down “**nka**” (which stands for “now known as”) and your full current name.

You have finished with this Case Caption. If you have other cases you are trying to expunge, fill out the Case Caption information on those Petitions for those cases.

NEXT ➔ go to Page 3 of the Petition.

STEP 10. Check the legal reason why you should qualify for an expungement.

9. I qualify for an expungement because:

- A criminal case against me for a controlled substance violation has been dismissed and the proceedings have been discharged (use Order Sealing Record/Conviction);
- I was certified or referenced for prosecution as an adult for a crime I committed when I was a juvenile (use Order Sealing Record/Conviction);
- A criminal matter was resolved in my favor (use Order Concerning Sealing of Records/No Conviction);
- I was convicted 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/Conviction).

17

Figure 7. Legal reason to qualify for expungement.

17

On the Petition, **check the box** that applies to the specific case you want expunged. **Check only one box** on each Petition. You are telling the Judge the legal reason why you think you should get an expungement for this case.

EXAMPLES:

- If your case involved a drug possession charge where you entered a Guilty plea **and** the case was later dismissed and discharged, check the **first box**.

- If you committed a crime when you were under age 18, but you were prosecuted as an adult **and** you pled guilty or were found guilty at trial, check the **second box**.
- If you were charged with a crime, you **never** pled guilty, **and** later the case was **dismissed**, check the **third box**.
- If you were charged with a crime, you had a trial and were found **not** guilty, check the **third box**.
- If your case does not exactly fit boxes 1, 2, or 3, **and** you pled guilty or were found guilty at trial, check the **fourth box**.

STEP 11. Add more case details.

18	10. The details of the offense I want to expunge are: Case # _____ Jurisdiction/City where the offense occurred: _____ Type of Offense: _____ Date of Offense: _____
19	This was a <input type="checkbox"/> conviction or a <input type="checkbox"/> dismissal. Date of conviction or dismissal: _____

Figure 8. Specific case details.

Item #10 asks for details that are specific to the case you want to expunge in this Petition.

18 For the case you are working on, write:

- the Case number (also known as Court File #);
- the City where the alleged offense happened;
- the Type of Offense, such as “theft” or “assault”; and
- the Date of the Offense.

19 Check the box in front of the word “conviction” if you were convicted or if you pled guilty, **even** if the charge was later dismissed. If you were not convicted and did not plead guilty, check the box in front of “dismissal.” Finally, write the date of the conviction or dismissal. If you pled guilty, write the date you entered the guilty plea.

❑ STEP 12. List the names of the victim(s) of your crime.

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

Figure 9. Victims in the case.

20 Write the name of the victim(s) of your crime. You should identify the victim even if you were not convicted or the case was dismissed. Some crimes do not have a specific victim you can name, such as in cases like “drug possession,” or “disorderly conduct.” If your case has no victim, check the box in front of “there were no identifiable victims.”

EXAMPLE: if you stole from a store, the store is the victim and you should write the store name at **Item #11**. If you were charged with assaulting someone, write that person’s name, if you know it. If you don’t know or don’t recall the person’s name, write “**don’t know**” or “**don’t recall**.”

❑ STEP 13. Check if there is or was a No Contact Order .

21 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.)

Figure 10. Court Order for no contact was or was not issued in the case.

21 You must check one box to say that either there “**is**” or “**is not**” a current or prior court order telling you not to contact the victim. If there was no victim in this case, check the box in front of “is not.” If there is now, or was in the past, a court order telling you not to contact the victim, check the box in front of “is.” You **MUST** get copies of all such orders, and attach them to your Petition. If you don’t have copies of your no-contact orders, you may get copies by contacting the court administrator in the county where the case was charged. The Orders might be called: Restraining Order, Order for Protection, or No-Contact Order.

22 It is also possible that the Judge ordered you not to contact the victim as a “condition of release” or as a “condition for a stay of imposition.” If that happened, your case history printout probably says you had a No-Contact Order, and you must check the box in front of “is” on the form. At **Item #12**, you should also write: “**per conditions ordered by the court on [date]**” (the date the No-Contact Order was made.)

Example: 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.), per conditions ordered by the court on [date].

STEP 14. Tell how you have changed your behavior.

13. Since conviction of this offense, I have taken the following steps toward personal rehabilitation, including treatment, work or other personal history: _____

_____ **23** [write SEE ATTACHMENT]

_____ **24**

Or, there was no conviction for this offense.

Figure 11. Things done to change past behavior.

23 **Item #13** asks you to explain what you have done to rehabilitate yourself since your conviction. Before you start writing your answer, look back at your answer for **Item #9**. Which box did you check? If you checked the third box in **Item #9**, then check the box in **Item #13** in front of "there was no conviction for this offense."

24 If you checked the first, second or fourth box in **Item #9**, you must write a complete answer in **Item #13**. Your answer is **EXTREMELY IMPORTANT**. You need to tell the Judge how you have changed your life and how this change will keep you from committing crimes in the future.

TIP: You will probably write and re-write your answer to make it better. Use a separate sheet of white paper, the same size as your form, and at the top write "**Attachment to Petition, #13.**" Type or write your complete final answer on that sheet of paper.

This is where you get the chance to tell the Judge what was happening in your life at the time of the alleged crime and explain what you have done since then to improve your life.

- If your crime happened when you were involved in an **abusive or difficult relationship** or when you were making bad choices because of your peer group, tell the Judge how you got yourself out of those situations and what you do differently now.

- If **drugs or alcohol** were a part of your criminal past and you don't use drugs or alcohol now, tell the judge about your treatment. Also explain what you do now to stay sober.
- If you were ordered by the Court to complete anger management classes, describe what you have learned and how that has impacted your behavior and your relationships.
- If you have **learned a trade**, attended vocational training, attended school or received certificates or degrees, tell the judge the details about those things. You may also attach copies of certificates or degrees to your Petition. Make sure to write "**Attachment to Petition, #13**" at the top of the page.
- If you are a **volunteer** in your community or place of worship, write that down too.

TIP: It may be helpful to attach letters of reference from teachers, counselors, employers, co-workers, or religious leaders who can describe you and the positive steps you are taking in your life.

WAIT! *DON'T* sign the Petition on the bottom of Page 3 now. You will sign later.

NEXT ➔ When you have finished **Item #13** of this Petition, you can begin filling out answers for other Petitions for your other cases. Get one of the copies you made of the Petition with **Items #1- 8** completed, and begin filling out the rest of that form. Look at this **Step-by-Step Guide** again if you need help. Do this for each case you want to expunge. If you only have one case to expunge or have finished all of your Petitions, then go to **Step 15**.

STEP 15. Choose the right Order and fill out the Case Caption.

State of Minnesota County _____	District Court Judicial District: _____ Court File Number: _____ Case Type: Criminal
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25

State of Minnesota, Plaintiff

vs.

Order Sealing Record Conviction

_____ Defendant/Petitioner

Date of Birth _____

Figure 12. Order – Case Caption

There are two different Order forms to choose from. Look at the Case Caption on the Orders. One is called “**Order Sealing Record—No Conviction**” and the other is called “**Order Sealing Record—Conviction.**” You *must* fill out **only one** Order for each of your Petitions.

Look at **Item #9** on your Petition. Which box did you check? It tells you which Order to use for that case.

WAIT! If you have more than one case you want to expunge, review **Item #9** for each Petition to see how many copies of each type of Order you will need. **EXAMPLE:** If you have three **conviction** cases to expunge, make two copies of the “**Order Sealing Record—Conviction**” so you have a total of three Order forms to fill out.

- 25 Fill out the Case Caption on the Order, just like you did on the Petition. Write the Case #, the County, the Judicial District number, your name and your birth date. Do **NOT** fill out anything else on Page 1 of the Order.

■ STEP 16. Fill in Page 2 of the Order.

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:

<p>26 <input type="checkbox"/> District Court</p> <p><input type="checkbox"/> County Sheriff</p> <p><input type="checkbox"/> Bureau of Criminal Apprehension</p> <p><input type="checkbox"/> _____</p> <p style="text-align: center;">28</p>	<p>27 <input type="checkbox"/> County Attorney</p> <p><input type="checkbox"/> _____ City Police Department</p> <p><input type="checkbox"/> Probation/Court Services Department</p> <p><input type="checkbox"/> _____</p> <p style="text-align: center;">29</p>
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Figure 13. Order – Page 2.

- 26** Look at the check boxes on Page 2 of the Order. Check the boxes next to District Court, County Sheriff, Bureau of Criminal Apprehension, County Attorney, City Police Department, and Probation/Court Services Department.
- 27** Next, write the name of the city where your charged crime happened in the blank before “City Police Department.”
- 28** Check this box, write in the name of the City where the offense happened, and then write “**City Attorney**” on the blank line. **EXAMPLE:** “ Rochester City Attorney.”
- 29** If you were arrested or given a citation by the Minnesota State Highway Patrol, Park Police, University of Minnesota Police, City Inspection Division or another law enforcement agency other than the city police or county sheriff, write the name of that law enforcement agency on the blank lines and check that box.
- 30** If you work or plan to work in a health care or counseling field, write “Commissioner of MN Department of Human Services” on a blank line and check the box.

Do not write anything else on this page of the Order. If you have more than one case to expunge, repeat these steps on a separate Order form for each Petition. **REMEMBER** to choose the right Order (Conviction **or** No Conviction) for each case.

STEP 17. Fill out an Affidavit of Service.

State of Minnesota County _____	District Court Judicial District: _____ Court File Number: _____ Case Type: Criminal
<p>Affidavit of Service</p> <p>STATE OF MINNESOTA) COUNTY OF _____) <i>(County where Affidavit Signed)</i></p>	

Figure 14. Affidavit of Service—Case Caption.

31 The Affidavit of Service is basically your mailing list. It gives the name and address for each agency that was involved in your criminal case or that has records of your case. This includes the police department, the prosecutor, the BCA, and attorneys for the City, County, and State. All of these people and agencies have a legal right to know that you are asking for an expungement, and they also have a right to object to your Petition. You need one Affidavit of Service form for each case that you want to expunge.

WAIT! If you have more than one case you want to expunge, you should make enough copies of the blank Affidavit of Service form for each of your cases.

Start with one Affidavit. In the Case Caption on the Affidavit, write the County, Judicial District number, and Court File number so they match the Case Caption in your Petition.

STEP 18. Write the correct addresses on the Affidavit of Service.

<input type="checkbox"/> Minnesota Attorney General Public Safety/Gambling Division 1800 NCL Tower, 445 Minnesota St St Paul, MN 55101-2134	<input type="checkbox"/> Bureau of Criminal Apprehension Attn: Records Department 1430 Maryland Ave E St Paul, MN 55106
<p>32 _____</p> <p>_____</p> <p>_____</p>	<p>33 _____</p> <p>_____</p> <p>_____</p>
<p>34 _____</p> <p>_____</p> <p>_____</p>	<p>35 _____</p> <p>_____</p> <p>_____</p>
<p>36 _____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p>

Figure 15. Agencies and Addresses on Affidavit of Service.

- 32 Skip down on the Affidavit to the area for addresses. The address for the Minnesota Attorney General and the Bureau of Criminal Apprehension are already filled in. On the first set of three blank lines, write **“Sheriff’s Office, [county] County.”** The county you write should be the same as the county you wrote in the Case Caption. **EXAMPLE:** If your case was in Dakota County, write **“Sheriff’s Office, Dakota County.”**
- 33 Write **“County Attorney’s Office for [county] County”**. Fill in the same county.
- 34 Write the **“___ City Police”** for the city where you were arrested or ticketed. **EXAMPLE:** If you were arrested in Apple Valley, write **“Apple Valley City Police.”**
- 35 Write **“City Attorney for [city].”** Write the name of the city where you were arrested or charged. **EXAMPLE:** City Attorney for Apple Valley.
- 36 Write **“Department of Corrections for [county] County,”** filling in the same county as the Sheriff’s Office. To get the complete name and address of that Department, call that County’s general information number listed in the phonebook.

You now should have listed the names of the law enforcement agencies and people involved in your case, unless you were stopped, arrested or cited by someone other than the city police or sheriff. If you were stopped by the Minnesota State Highway Patrol, Park Police, or University of Minnesota Police, you must add that agency involved in your case on the other blanks for addresses on the form.

You must write the complete mailing addresses for all of the people and agencies in your list. The Court Clerk might have a list of agencies and addresses, or you can look in the telephone book, on the Internet, or call the agency directly.

❑ **STEP 19. Get a hearing date.**

Each court has a different way to schedule hearing dates for expungements. Ask a Court Clerk to help you get a date. You can do this in person at the courthouse, or you may be able to call on the telephone. Be sure you contact the correct court for the county where your crime took place. The date you get for your hearing **must** be far enough into the future to give you time to make copies and have them mailed to the agencies **at least 63 days** before the hearing.

TIP: We recommend that you get a hearing date **70 days or more** from now. Look at a calendar and start counting “one” with tomorrow’s date. When you get to 70, you can have the hearing on that date or later. This extra time is important because you have to make copies and you have to ask another adult to mail your papers to the agencies. All of this takes time. If your court hearing is less than 63 days from when your papers are mailed to the agencies, your expungement case will be dismissed and you will have to start all over. **Give yourself the extra time!**

❑ **STEP 20. Fill in the hearing date on the Petition.**

Notice of Hearing
<p>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</p> <p>on _____(date) at _____ (time); at _____(location).</p>

Figure 16. Notice of Hearing.

37 Once you have your court date for each of the cases you want to expunge, go to Page 1 on your Petitions and write in the date, time, and courthouse address under the heading “**Notice of Hearing.**” The address should include the name of the court, street address, and the city, state and zip code.

Some County Courts will schedule all of your cases in that county for a hearing at the same time and on the same date. In that situation, all of your Petitions for cases in that county will have the same hearing date written on the form. Other Courts may schedule a separate hearing for each case. If you have more than one Petition, make sure you put the correct hearing date and courthouse information on each Petition.

❑ STEP 21. Sign your Petition(s) in front of a Notary.

Dated _____		38 Signature <i>(Sign only in front of notary public or court administrator.)</i>	
Sworn/affirmed before me this _____ day of _____, _____. _____ Notary Public \ Deputy Court Administrator	Name: _____ Address: _____ City/State: _____ Zip Code: _____ Telephone: _____		

Figure 17. Petition signature block.

38 Page 3 of your Petition has a place for you to sign. Before signing your Petition, fill in your name (printed), address and telephone number so the court knows how to contact you. You must complete each of your Petitions this way. Your signature **MUST** be notarized. You can find a notary at the courthouse or at most banks. A Court Clerk at the courthouse can notarize your signature at no charge. You will need to show the Notary or Court Clerk your photo I.D. **Sign your Petition while the Notary or Court Clerk is watching you.** After you sign, the Notary or Court Clerk will stamp or seal the paper next to your signature.

■ **STEP 22. Make copies of the completed forms.**

When your **original** forms are completely filled out (**including** the hearing date), **and** you have signed the Petitions in front of a Notary or a Court Clerk, you're ready to make copies. You will need to send the copies to the agencies listed on your Affidavit of Service.

If you have more than one case to expunge, pick one to handle first. Look at your Affidavit of Service and count the number of agencies. Make a copy of the Petition, Attachments and Order papers for **each** agency, **plus** make one extra copy for yourself. **EXAMPLE:** If you listed 7 agencies in your Affidavit, make 8 copies of that Petition, Attachments and Order papers. For each expungement case, you must copy the entire Petition (3 pages) and all Attachments, and the Order (2 pages). However, **do not** make a copy of the Affidavit of Service at this time.

TIP: It is easiest to make copies on a copy machine that can automatically sort and staple your papers. Put one whole set of papers (Petition, Attachments, and Order, in that order) into the copy machine feeder and enter "8" copies (or more), then select "Sort & Staple." If your copy machine does not have an automatic "sort" function, then handwrite page numbers on your pages in one of the corners so you can keep the papers in the correct order. You can also give your **original** papers to a copy shop employee and ask them to do the copying, sorting and stapling, but know that there may be an additional fee for that.

When you are done copying, you will have one set of **original** documents plus at least **8 sets** of copied documents. If you have more than one Petition, do the same copying steps for each Petition. **REMEMBER** to keep the papers for each case separate. **Do not** mix them up.

WAIT! **After making the copies, set aside the originals and 1 set of the copied forms.** The **originals** are the forms you wrote in blue ink that contain your original signature and the Notary's original stamp or seal. These must be filed later with the Court and the Court will not accept photocopies, so put these aside for now. One set of copied documents is for you to keep with your records. It's always important that you keep a copy of any document you file with the Court.

❑ **STEP 23. Address envelopes for each agency.**

If you have more than one case you want to expunge, choose one to start with. Get your Affidavit of Service for that case. The names and addresses on the Affidavit are basically your mailing list for that case. There should be at least 7 agencies on your Affidavit. Get 7 envelopes (or more, if you have more than 7 agencies.) Large (10" x 13") envelopes work best. Address an envelope to each one of the agencies. **REMEMBER** to write **your return address** on the envelopes.

❑ **STEP 24. Put your papers in the envelopes.**

Before putting the Petition, Attachments and Order in the envelope, check three things:

- 1) Do the Captions on all the papers have matching Case numbers and File numbers? The Case numbers must be the same on the Petition, Order, and the Affidavit you are using for your mailing list. **Do not** put the Affidavit of Service in the envelope.
- 2) Now look at the **hearing date** on the Petition. Is the date **at least 63 days** from when the papers will be mailed? Count the days on a calendar, including weekend days, starting with the day **after** you plan to have the envelopes mailed by another adult.

If it is **less** than 63 days, you have a problem. Call the court and get a new hearing date. You can use white-out to cover the old hearing date and time. Write in the new date and time instead. You must change the hearing date and time on your **original** Petition and every copy of your Petition.

- 3) Make sure you are **not** putting your **original** set of papers or the Affidavit of Service in an envelope to be mailed (the ones you wrote in ink.) The **original** set of papers and **Affidavit of Service** have to be filed at the courthouse.

WAIT! Do **NOT** seal your envelopes yet!

If you have more than one case, repeat these envelope steps for each case. If the agencies and addresses are **the same** for all of your cases, you can put one set of copies for every case in the same envelope addressed to each agency.

If the list of agencies and addresses is different from one case to another, you will have to get more envelopes so you can mail a set of copies of each expungement case to the agencies listed on that case's Affidavit of Service.

After you fill the envelopes, you should still have the **Original** set, the Affidavit of Service and one copy of each set for your records.

Do not seal the envelopes yet!

WAIT! Do **NOT** put the envelopes in the mailbox yourself!

Take the filled envelopes to the Post Office to be weighed, but **tell the mail clerk you do not want to mail them yet**. Just ask the mail clerk to sell you the correct amount of postage to put on each envelope. If you do not put enough postage on the envelope and it gets sent back to you, you may have to reschedule your hearing date and start all over.

□ STEP 25. Get another adult to mail your envelopes.

Notifying the agencies by mail of your expungement case is called “**Service of Process**.” The Court Rules say that the person asking for expungement **cannot** be the person who does the “Service of Process.” Some **other adult** must do it.

The other adult must be at least 18 years old and have a photo I.D. This person must also be willing to sign the Affidavit of Service in front of a Notary **after** putting the envelopes in the mailbox. ***This is critical!***

Before mailing the envelopes, show this adult what kind of papers are in the envelopes. The other adult only needs to see that they are expungement papers, and does not need to read them word for word. **Seal the envelopes at this point**, and have the other adult put them in the mailbox.

■ STEP 26. Adult who mailed papers must sign Affidavit of Service.

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:

Figure x. Sign Affidavit of Service.

Collect all of your Affidavit(s) of Service. If you have only one case to expunge, you will have only one Affidavit.

- 39 Write the name of the County where the other adult will sign the Affidavit.
- 40 Write the full name of the other adult who mailed your envelopes.
- 41 Write the date the other adult mailed the envelopes.
- 42 Write the name of the city where the other adult put the envelopes in the mailbox.

The adult who mailed the papers must sign and date the Affidavit of Service in front of a Notary who will then notarize the Affidavit.

■ STEP 27. File your original papers with the Court.

Within 1-2 days after your envelopes are mailed, take your **original** Petition, Attachments, Order and Affidavit of Service to the courthouse to “file” them with the court. Tell the court clerk that you need to file expungement papers and he or she will tell you if you need to pay a fee. The fee depends on whether you were convicted or not. The fee is more than \$200, and varies with each county.

If you are told you must pay a fee for your case and you cannot afford it, ask the court clerk how to request a **waiver of the fee**. You will have to fill out other court forms and a judge will decide if your fee can be waived. If the fee is waived, filing your expungement papers will cost you nothing.

TIP: You should still have one set of copies for each case you want to expunge. **Bring these copies with you to your court hearing.** Keep them with your other important papers, even after the judge has granted or denied your request.

■ **STEP 28. What to do if an agency objects?**

During the time between the date the other adult mailed the envelopes to the agencies and the hearing date, the agencies can file objections to your request for expungement. If an agency objects to your expungement, they will file a letter with the Court describing their objection. They must also mail a copy of their letter to you.

TIP: If you get such a letter, read it carefully and think of what you can say to the Judge as a response. At the court hearing, you can ask the Judge to give you a few minutes to say something about the objection.

■ **STEP 29. What to do on your hearing day?**

- ➡ You must go to the court hearing, **unless** you get a notice from the court that tells you that you do not need to attend.
- ➡ Arrive early at the correct courtroom and listen for your case to be called by the clerk. There may be more than one person's case scheduled for a hearing at the same time.
- ➡ When your case is called, follow the directions of the Judge or the clerk about where to stand and when to speak. It is also possible that you will not be asked to speak at all (which is why what you write in your Petition for Expungement is so important).

The Judge may tell you the decision at the hearing and give you a written Order at that time. Or, the Judge may tell you that you will receive the decision and written Order in the mail.

If the Judge grants your expungement Petition, the Court will seal your Court records **60 days after the date** on the judge's Order. If the Order tells other agencies to seal their records, they will also wait 60 days before sealing your record.

TIP: Once a criminal court record is sealed and expunged, it is invisible to the **general public**. You can test this by getting another copy of your District Court criminal history printout **after** the 60 calendar days have passed.

You should understand that if the Order only tells the **Court** to seal its records, employers and others could still find out about your crime(s) by looking at the records of the other agencies, like the Bureau of Criminal Apprehension. **Read your Order carefully so you know exactly which records are involved.**

If the Judge denies your Petition, you may want to talk to a lawyer about whether or not you should apply for expungement again at a later time.